

EXHIBIT "A"

FINDINGS

- A. Pursuant to Section 13-29(g)(5) of the Municipal Code, Final Master Plan PA-07-18 meets the broader goals of the 2000 General Plan and North Costa Mesa Specific Plan by exhibiting excellence in design, site planning, integration of uses and structures, and protection of the integrity of neighboring development. The proposed project would create a unique housing type and will be among the first of this kind of housing type in Costa Mesa. The new building will feature world-class architecture designed by a renowned architect, and the high-rise residential structure will complement the cultural and entertainment arts center uses at South Coast Plaza Town Center. The proposed project would meet the housing needs of the high-income segments of the community at a level no greater than which can be supported by planned infrastructure improvements.
- B. The creation of the subdivision and related improvements is consistent with the General Plan and North Costa Mesa Specific Plan.
- C. The proposed residential use of the subdivision is compatible with the General Plan. The approval of the subdivision will allow home ownership opportunities without impacting rental housing. This is consistent with the goals, objectives, and policies of the General Plan Land Use and Housing Element.
- D. Pursuant to Section 13-29(g)(13) of the Municipal Code, the subject property is physically suitable to accommodate Vesting Tentative Tract Map VT-17207 in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- E. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- F. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.
- G. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- H. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. Final Environmental Impact Report (EIR) No. 1052 was prepared for the final master plan, pursuant to the California Environmental Quality Act. Although the proposed project could have a significant effect on the environment, mitigation measures have been

included as conditions of approval that reduce impacts to the fullest extent reasonable and practicable.

- I. Mitigation Measures from Final EIR #1052 have been included as conditions of approval. If any of these conditions are removed, the City Council must make a finding that the project will not result in significant environmental impacts, that the condition(s) are within the responsibility and jurisdiction of another public agency, or that specific economic, social, or other considerations make the mitigation measures infeasible.
- J. The findings with respect to the environmental effects of the project are in the document, "CEQA Statements of Findings, Facts and Overriding Consideration for the North Costa Mesa High Rise Residential Projects", attached to the City Council resolution for the General Plan Amendment GP-06-03.
- K. The evidence presented in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on wildlife resources or habitat. The project site consists of ornamental, non-native vegetation and does not contain, nor is it in proximity to, any sensitive habitat areas.
- L. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management of Title 13 of the Municipal Code in that the project's traffic impacts will be mitigated at all affected intersections.
- M. The project has been reviewed for conformity with the Orange County Congestion Management Program (CMP) requirements and the additional traffic generated by the project does not cause the CMP highway system to exceed LOS "E".
- N. The site-specific residential density of 100 dwelling units per acre and site-specific nonresidential FAR of .03 FAR is a development option for this subarea of Area 6, South Coast Metro Center, in the North Costa Mesa Specific Plan. City Council approved this maximum allowable density/FAR pursuant to the adoption of General Plan Amendment GP-06-02 and North Costa Mesa Specific Plan Amendment SP-06-02 in January 2007. Subsequent to the approval of Final Master Plan PA-07-18, any future dedication of land for roadway purposes, including but not limited to, any required deceleration lanes and vehicle turnout lanes on Anton Boulevard and Avenue of the Arts within the project limits will not diminish the previously-approved maximum allowable development of 484 units and 6,000 sq.ft. of ancillary retail uses for the Symphony Towers site. The land dedications are critical roadway improvements required to enhance vehicle circulation and traffic safety for the high-rise residential development.
- O. The proposed high-rise residential buildings as conditioned shall include the City of Costa Mesa's building and fire safety standards for high-rise residential development.
- P. The proposed high-rise residential structures have been submitted for review by the Federal Aviation Administration (FAA). The project shall be constructed in accordance with the FAA Determination of No Hazard issued in October, 2006 or most current FAA

Determination of No Hazard. The FAA Determination of No Hazard issued established a maximum building height of 306 feet and 207 feet above mean sea level for the proposed high-rise residential buildings at 585/595 Anton Boulevard.

- Q. Pursuant to Section 13-29(g)(6) of the Municipal Code, the maximum 4-foot encroachment of main buildings and architectural design features into the 20-foot front setback at Avenue of the Arts and Anton Boulevard are considered improvements that will not be materially detrimental to the health, safety, and general welfare of persons residing or working with the immediate vicinity of the project or to the property and improvements within the neighborhood. These minor encroachments are compatible with surrounding properties and will enhance the architecture and design of proposed mixed-use development in the existing cultural arts center. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development Symphony Towers.
- R. The proposed buildings are an excessive distance from the street necessitating fire apparatus access and provisions of an on-site fire hydrant(s) as required by the Costa Mesa Fire Department.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. Final Master Plan PA-07-18/VT-17207 shall comply with the conditions of approval, code requirements, and mitigation measures of Final EIR No. 1052 for this project and as listed in the attached Mitigation Monitoring Program (Exhibit "C"). Additional conditions of approval are also included as part of the Mitigation Monitoring Program.
2. Mitigation Measures from Final EIR #1052 have been included as conditions of approval. If any of these conditions are removed, the City Council must make a finding that the project will not result in significant environmental impacts, that the condition(s) are within the responsibility and jurisdiction of another public agency, or that specific economic, social, or other considerations make the mitigation measures infeasible.
3. The conditions of approval and code requirements for PA-07-18/VT-17207 shall be blueprinted on the page following or containing the site plan.
4. Prior to issuance of building permits, the developer shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office. The CC&Rs shall contain provisions that effectively implement the following requirements: (1) require that the homeowner's association (HOA) effectively manage tenant and guest parking onsite and employ necessary measures (e.g. valet parking, mechanical lift parking, tandem parking, etc.) as needed. If onsite parking is not appropriately managed by the HOA, the Development Services Director shall require implementation of corrective measure(s) to address onsite parking problems in the future; (2) require that the HOA contract with a towing service to enforce the parking regulations; (3) require that the HOA prohibit any clothing, beach towels, banners, textiles, or any other items deemed as visual clutter to be hung from private balconies; (4) 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.
5. The parking management plan shall be approved by the Development Services Director and Transportation Manager prior to issuance of building permits. The Parking Management Plan shall denote the following: (1) Method of allocation of assigned parking; (2) Location of visitor parking including appropriate signage; (3) Location of security gates if any, and how gates will be operated; (4) Location of employee parking.
6. Dependent on the final mix of bedroom types for the dwelling units and total square footage of nonresidential areas, the number of parking stalls and parking

design configuration may be adjusted. If this mix is modified, a final parking study shall be reviewed/approved by the Development Services Director prior to issuance of a building permit. The shared parking study shall demonstrate the following:

- a) Tenant parking is within the range of 7.5 to 2.0 spaces per unit, and guest parking is provided at a minimum of 0.5 parking spaces per unit for the first 50 units and 0.25 parking spaces for each unit above 50, as stipulated in the North Costa Mesa Specific Plan.
- b) Nonresidential parking, including shared parking within the residential guest parking areas, complies parking rate for ancillary retail uses as deemed appropriate by the Development Services Director.

Final parking supply of any revised development scenario (i.e. revision in unit mix and square footage of nonresidential areas) shall conform to a shared parking study completed for the project and approved by the Development Services Director.

7. Off-site parking for the Lakes Pavilions Retail Center shall be provided on the South Coast Metro Center property pursuant to an existing parking agreement, so that the parking supply for the Symphony Towers project shall provide for the 32 required parking spaces within the proposed structures or elsewhere on the South Coast Metro Center property, (excluding the Experian property), unless the Lakes Pavilions Retail Center is demolished.
8. Prior to issuance of the final certificate of occupancy for Tower II, displaced parking shall be provided for the existing commercial uses at South Coast Metro (exclusive of Experian) in the form of surface lot(s) and/or parking structure(s) on the South Coast Metro property. The applicant shall seek and obtain approval of a final master plan for the replacement parking from the Planning Commission. It is understood that the Code required parking is 2,424 parking spaces for the remaining development in the South Coast Metro Center property (exclusive of Experian parcel). Such number may be increased by 32 spaces in accordance with Condition 7, until such time the Lakes Pavilions Retail Center is demolished or an application is made to and granted by the Planning Commission to delete the Lakes Pavilions Retail Center condition of approval for offsite parking at South Coast Metro Center. The Code required parking may be reduced by an additional 35 parking spaces, subject to review and approval by the Planning Division of a parking utilization, shared parking analysis, and/or other documentation that onsite parking is sufficient.
9. The FAA No Hazard Determination shall be current and valid at the time of issuance of a building permit. Any required modifications to the building, including but not limited to, the building height or appurtenances, required by the No Hazard Determination shall be reflected in the building plans prior to building permit issuance.

10. If approved, the final map submitted to City Council shall be revised to show a reduction of the landscape easement along the south side of Anton Boulevard within the project limits from 25 feet to 16 to 20 feet. The site plan submitted for building plan check shall show the reductions, if approved by City Council. Vacation and reversion of the existing bus turnout and modification of the landscape easement shall occur prior to issuance of building permits for the proposed project.
11. Prior to approval of the final map, developer shall submit a site plan showing the location of a 13-foot wide sidewalk/bike trail, where possible, along the east side of Avenue of the Arts and south side of Anton Boulevard for the approval of the Development Services Director and Transportation Services Manager. The 8-foot sidewalk on Anton Boulevard shall be constructed in accordance with Master Plan of Highways requirements. Minor encroachment of the main building structures and street furniture may be located within the landscape easement subject to the approval of the Transportation Services Manager and Development Services Director: Permissible encroachments may include concrete walkways and steps, water features, landscape/area lighting, 18" to 24" raised planters, site furnishings (tables and chairs), tree wells with metal grates, portions of the main buildings no greater than 4 feet into the 20-foot front setback, and any other similar minor structures.
12. The 6,000 square feet of walk-up retail shall consist of retail businesses with the primary purpose of supporting pedestrians and the on-site residential community rather than drive-by customers. Permitted walk-up retail uses include, but are not limited to, periodical stand/kiosk, cafe, sandwich shop, juice bar, wireless internet cafe, neighborhood drycleaner, or other similar uses as deemed appropriate by the Development Services Director. Prior to issuance of a certificate of occupancy, developer shall provide a matrix of permitted walk-up retail uses to be approved by the Development Services Director.
13. Prior to issuance of a building permit, on-site designated parking spaces for employees of the ancillary retail uses shall be provided to the satisfaction of the Development Services Director.
14. 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 residential communities through specified measures, such as construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes.
15. Developer shall submit a signed and completed Maintenance Agreement to the satisfaction of the Development Services Director and City Attorney's office requiring the developer or the homeowner's association to be 100% responsible for maintenance of the landscape easement and parkway area along Avenue of the Arts and Anton Boulevard within the project boundaries.

16. The final map shall show easements or other provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and the US Postal Service.
17. Prior to issuance of building permits, developer shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
18. The range of primary street addresses shall be displayed on a complex identification sign visible from the street. Street address numerals shall be a minimum 12 inches in height with not less than 3/4-inch stroke and shall contrast sharply with the background.
19. 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.
20. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official and City Engineer prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of the subject property shall preserve or improve the existing pattern of drainage on abutting properties.
21. Street trees in the landscape parkway shall be selected from Appendix D of the Streetscape and Median Development Standards and appropriately sized and spaced (e.g. 15-gallon size planted at 30' on centers), or as determined by the Development Services Director once the determination of parkway size is made. The final landscape concept plan shall indicate the design and material of these areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
22. Prior to submission of a final landscape plan, developer shall seek approval from the Parks and Recreation Commission for the removal of any trees within the public right-of-way. Commission will require that the City be compensated for the loss of street trees in the public right-of-way pursuant to a 3-to-1 tree replacement ratio. Any conditions imposed by the Parks and Recreation Commission shall be identified on the final landscape plan. The developer is advised that the approval process may take up to three months; therefore, it is advised to identify any

affected trees and make a timely application to the Parks and Recreation Commission to avoid possible delays.

23. There shall be no signage on the high-rise residential towers located above the second floor of the buildings. Building wall signage shall be limited to identification of the residential development or walk-up retail businesses.
24. The developer shall contact the current cable service provider prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
25. The developer shall contact the Planning Division to arrange for an inspection of the site prior to the final inspections. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
26. Nighttime lighting shall be minimized to provide adequate security and creative illumination of building, sculptures, fountains, and artwork to the satisfaction of the Development Services Director. Any lighting under the control of the developer shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of nearby residences.
27. High-rise residential structures shall use low reflective glass and building materials to minimize daytime glare to the fullest extent possible.
28. Developer shall submit any minor amendments to the Final Master Plan to the Development Services Director for review and approval prior to submission of working plans/drawings for plan check. In addition to the minor amendments described in Section 13-28 (g) (3) of the Municipal Code, architectural design revisions are considered minor amendments. Developer shall submit complete plans for different floor plan models.
29. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). With the exception of back-flow prevention devices, ground-mounted equipment shall not be located in any landscaped setback visible from the street and shall be screened from view, under the direction of Planning Staff.
- Eng. 30. Developer shall maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
31. Developer shall comply with any conditions of approval as indicated in the City Engineer's letter provided under separate cover.
- Trans. 32. Developer shall construct wide flare or radius curb drive approaches at locations identified on site plan. Developer shall comply with minimum clearance requirements from property lines and any vertical obstructions, subject to approved encroachments.

33. Developer shall relocate/remove affected utilities and parkway trees on Anton Boulevard and Avenue of the Arts to accommodate new driveway approaches and loading dock areas.
34. Prior to issuance of building permits for the parking structure, developer shall submit a final parking management plan denoting (1) method of allocation of assigned parking; (2) location of visitor parking including appropriate signage; (3) location of security gates and how these gates will be operated; (4) Location of employee parking.
35. Prior to issuance of building permits, developer shall seek and obtain City Council approval of the following: (1) any reduction in the 25-foot landscape easement along Anton; (2) vacation of the existing bus turnout on Anton Boulevard; (3) dedication of sufficient land for the construction of right turn lanes on Anton Boulevard and the loading dock turnout on Avenue of the Arts; (4) revise site plan to show existing 25-foot landscape easement to be modified to 16 to 20 feet, if necessary.
36. Construct median modifications on Anton Boulevard to accommodate left turn movements into the site and provision for dual left turn lanes eastbound on Anton Boulevard and Sakioka Drive.
37. Identify ramp slopes within the parking structure and comply with the City's ramp slope standards. Ramps with parking shall not exceed 5 percent slope.
- Fire 38. Developer shall comply with the City of Costa Mesa's Building and Fire Safety Standards for High-Rise Residential Development to the satisfaction of the Building Official and Fire Chief. These standards are contained in a publication issued by the City, previously provided to the developer. Additional fire hydrants may be required. Contact the Planning Division at (714-754-5278) for additional copies of this publication. Developer shall meet with the Fire Department for guidance with regard to meeting Costa Mesa Fire Department requirements.
39. Any required fire hydrant shall be installed and operable prior to the initiation of combustible construction.
40. The applicant shall participate in the upgrading of fire protection facilities according to Item PS-1 of the North Costa Mesa High-Rise Residential Projects Mitigation Monitoring and Reporting Program dated December 2006. Specifically, the contribution for a paramedic fire engine shall be made prior to issuance of building permits.
- Police 41. Developer shall work with the Police Department in implementing security recommendations to the maximum extent feasible. For example, developer shall provide 24-hour on-site private security for the proposed project, install an on-site video surveillance system that will be monitored by on-site security personnel, and install a controlled access system for all pedestrian and automobile access.

42. The Developer has requested and the City has approved the submittal of multiple final maps. Each final map shall be able to stand alone and shall provide all necessary public improvements to support the uses proposed on the parcels defined by the map.