



CITY COUNCIL AGENDA REPORT

MEETING DATE: DECEMBER 7, 2010

ITEM NUMBER:

SUBJECT: 1) INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION
2) REZONE R-10-01 FOR 2699 AND 2701 HARBOR BLVD., 1545 ADAMS AVENUE, 1555 ADAMS AVENUE, AND 1500 MESA VERDE DR. E.
3) PLANNING APPLICATION PA-10-10 FOR A 224-UNIT SENIOR HOUSING DEVELOPMENT AT 1500 MESA VERDE DRIVE E.

DATE: NOVEMBER 19, 2010

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MINOO ASHABI, SENIOR PLANNER
KIMBERLY BRANDT, DIRECTOR

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, (714) 745-5610

RECOMMENDATION:

- Adopt resolution approving Initial Study/Mitigated Negative Declaration.
- Give first reading to Rezone Ordinance R-10-01 and waive further reading.
- Adopt resolution approving Planning Application PA-10-10 for development of the 224-unit senior housing project.

BACKGROUND:

On November 15, 2010, the Planning Commission recommended approval of the IS/MND, Rezone 10-01 and Planning Application PA-10-10 on a 5-0 vote. The reports and minutes of the Planning Commission meeting can be referred to at the following link:

<http://www.ci.costa-mesa.ca.us/CMCalendar.htm>

PROJECT LOCATION:

The "*overall project site*" refers to the 21.22-acre project area, which encompasses the existing Mesa Verde Center and the vacant property slated for new development (Attachment 3). The site includes several addresses: 2699 Harbor Boulevard, 2701 Harbor Boulevard, 1545 Adams Avenue, 1555 Adams Avenue, and 1500 Mesa Verde Drive East (Attachment 3).

The "*project development site*" refers to the 7.55 acres proposed to contain the senior housing complex, located at the northwest corner of Harbor Boulevard and Mesa Verde Drive East. This site was formerly developed with a bowling alley, ice rink and movie theatres which were demolished in 2003. The site currently contains surface parking as well as rough graded and asphalt covered areas.

PLANNING APPLICATION SUMMARY

Location: 2699 Harbor Blvd., 2701 Harbor Blvd., 1545 Adams Avenue, 1555 Adams Avenue, 1500 Mesa Verde Drive East Application Number: R-10-01, PA-10-10

Request: Rezone from C2 (General Business) and C1-S (Shopping Center) to PDC (Planned Development Commercial and a master plan of a 224-unit senior housing project

SUBJECT PROPERTY:

Zone: C1-S (shopping Center) and C2 (General business) – Proposed PDC
 General Plan: GC - General Commercial
 Lot Dimensions: Irregular shape
 Lot Area: 21.22-acre (rezone site)
 7.55 acres (senior housing site)

SURROUNDING PROPERTY:

North: C1-S (Shopping Center)
 South: C1 and R3
 East: C1 (Local Business)
 West: C1 (Local Business)

Existing Development: Vacant parcel adjacent to a commercial center with access from East Mesa Verde Drive

DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed in PDC zone	Proposed/Provided
Lot Area	One acre	21.22-acre (rezone site) 7.55 acres (senior housing site)
Maximum Density	20 du/acre	24 du/acre ¹
Maximum Site Coverage	30%	28%
Perimeter Open Space	20 feet abutting public rights-of-way	20 feet abutting public rights-of-way
Building Setbacks:		
Front (Harbor) Front (Mesa Verde)	20 ft.	Min. 20 feet. Building setback Balconies at minimum 20 feet from PL – Patio walls minimum 20 feet from Mesa Verde Drive E.
Side (left/right)	N/A	N/A
Rear	N/A	Ranges from 79 to 92 feet from westerly PL
Parking:		
	N/A	1.15 per unit ² 224 resident parking 34 guest parking
Total		258 stalls
¹ 24 du/acre maximum density for senior housing (224 units include a total of 186 units with an added 20 percent density bonus for senior housing allowed per State law). The future remaining unbuilt entitlement after construction of the 224-unit housing project is approximately 21,475 sf. ² The Zoning Code does not specify parking ratios for senior housing projects. This is based on industry standard that range from 0.5 to 0.75 spaces per unit.		
Final Action	City Council	
CEQA Review	Initial Study/ Mitigated Negative Declaration	

PROJECT DESCRIPTION:

Project implementation will require the following discretionary approvals:

- Approval of Initial Study/Mitigated Negative Declaration (IS/MND)
- Rezone of the 21.22-acre overall project site from C2 (General Business District) and C1-S (Shopping Center) to Planned Development Commercial (PDC)
- Master Plan for development of the 224-unit senior housing project on the 7.55-acre project development site, including a variance to identify private outdoor patios/balconies as exempt from the exterior noise requirements.

In addition, a Lot Line Adjustment will be required to reconfigure the parcels to fit the new development. This requirement is included as a condition of approval (Condition No. 7) that will need Planning Division approval prior to issuance of building permits.

Proposed Project Summary

Overall Project Site	Project Site (Net Site Area)	Proposed Project
21.22 ac	7.55 ac	No Change
Current Zoning: C1-S and C2	Current Zoning: C1-S and C2	Proposed Zoning: PDC
Existing General Plan: General Commercial (Maximum allowable 0.30 FAR)	Existing General Plan: General Commercial	No Change
Existing Development: 131,000 sf commercial uses	Existing Development: None, Vacant	Proposed Horizontal Mixed-Use Development to include: 1) Existing 131,000 sf commercial shopping center and future unbuilt entitlement of approx. 21,475 sf 2) New construction of 224 senior housing units ¹
Maximum Allowed Buildout (per General Plan): 277,276 sf	Future Remaining Allowable Buildout (per General Plan): 146,277 sf	Future Allowable Development ² (no construction proposed at this time/subject to future entitlement processing.) Approx. 21,475 sf (future commercial square footage at moderate traffic generation) ³

¹ 224 units include a total of 186 units with an added 20 percent density bonus for senior housing allowed per State law. (186 units x 1.2 = 224 units on a 9.55 ac parcel, based on 186 units at 20 du/acre)

² Development of the future remaining unbuilt portion of the site is subject to future environmental review pursuant to State Law. Expansion of the Mesa Verde Center is not currently proposed.

³ The future remaining unbuilt entitlement after construction of the 224-unit housing project is approx. **21,475 sf**. This is calculated as follows: 21.218 ac – 9.55 ac = 11.668 ac x 43,560 sf = 508,258 sf x 0.30 (Max Moderate FAR) = 152,477 sf and 152,477 sf – 131,000 sf = 21,475 sf (future commercial square footage).

Rezone Application R-10-01

The subject property is separated into two zones, the C2 (General Business) and C1-S (Shopping Center) Zones (Attachment 4), and is designated General Commercial by the Costa Mesa General Plan. The existing C2 and C1-S zoning districts do not allow residential development.

Rezone R-10-01 proposes to change the zoning of the overall 21.22-acre site from C2 and C1-S to Planned Development Commercial (PDC) to allow development of a four-story residential complex as complementary uses to an existing commercial center (Exhibit 1 of Ordinance- Attachment 1). No change to the General Commercial land use designation is required because the PDC zone is compatible with this land use designation. The rezone does not involve any increase in development density or intensity above what is allowed in the General Commercial land use designation as described in the Costa Mesa General Plan.

The overall project site includes six existing legal parcels, two of which are configured as the development project site. The master plan will be conditioned upon a future lot line adjustment to reconfigure these legal lots to reflect the development area for the senior housing project.

The proposed rezone of the overall project site to PDC would allow for a 224-unit senior housing project as a complementary residential use permitted in the PDC zone and future unbuilt entitlement of approximately 21,475 square feet of commercial uses. The maximum buildout of the overall project site is not contemplated at this time and it will be subject to CEQA and future entitlement processing.

The senior housing project is subject to provisions of Zoning Code, Chapter 5, Section 13-62 (e), which refers that complementary residential uses within the Planned Development Commercial District shall comply with the permitted uses, density or site coverage, and parking requirements for the Planned Development Residential zone (Refer to Planning Application Summary).

Planning Application PA-10-10

The 7.55-acre senior housing site was previously developed with 94,456 square feet of commercial uses, which included a movie theater, bowling alley, and ice rink. These facilities have since been demolished, and the site is a vacant lot consisting of graded areas and surface parking (Attachment 3).

On the north side, the site abuts an existing delivery access to the rear of the Vons that will be modified with a truck turnaround area as a result of the project. Three entrance driveways are located off Mesa Verde Drive East, and a secondary exit is provided through the shopping center off Harbor Boulevard. An approximately 8-foot high block wall exists along the west property line adjacent to the existing residential homes.

Recent revisions to the project proposal:

Since preparation of the IS/MND, and as a result of community outreach, the applicant made a few refinements to improve the project's architectural design, provide better circulation at the intersection and improve emergency access to the project that are included as Attachment 2 and listed as follows:

- Reduction in the total number of units from 230 units to 224 units.
- Increase in parking ratio from 1.12 per unit to 1.15 per unit.

- Architectural enhancement for the elevations and corner treatment on Harbor Blvd. and Mesa Verde Drive East by increasing setback on Harbor Blvd. from 25 feet to 43 feet.
- Create a fire truck lane on Mesa Verde Drive East.
- Add right turn pocket on Harbor going into Mesa Verde Drive East.
- Realign Emergency Vehicle Access gate to align with Royal Palm Drive

Access and Parking:

Primary access to the site will be provided via Mesa Verde Drive East. Three proposed entrance driveways are located off of Mesa Verde Drive East, one for the main entry (used mostly for deliveries, drop-off, and pick-up) and two providing access to each parking area. Both vehicle entrances to the parking lots will be gated resident entry. Three emergency or exit-only access gated driveways are also provided through the shopping center for both parking lots.

The Zoning Code does not specify parking rates for senior housing projects. The industry standard for senior parking varies from 0.5 parking to 0.75 parking spaces per unit. The proposed parking rate of 1.15 spaces per unit provided is consistent with previous approvals and is anticipated to provide an adequate number of resident and guest parking spaces. The following is a summary of the proposed parking:

Parking Summary	Stalls	Ratio
Resident Parking	224	1 covered stall/unit
Guest Parking	34	0.15 open stalls/unit
Total Parking	258	1.15 stalls/unit

Building A located on the west side of the property is nearest the existing residential uses and will be two stories high and with a setback between 79–92 ft from the existing 8 ft block wall, separated by landscaping and a parking area. Building B will be located further to the east and south. The pool and clubhouse are located between Buildings A and B. There is an approximately 47 ft setback from the existing Vons loading dock area to the nearest portion of Building B. In addition, an 8 ft high concrete block wall is proposed to shield the four-story Building B from activities at the existing retail loading dock.

Pedestrian walkways are planned throughout the site between the buildings, common amenities, and parking areas, and in connection with the adjacent shopping center. Two pedestrian gates will be located at the site's northern perimeter to allow residents convenient access to retail and food services.

Landscaping:

Common landscape areas will encompass approximately 3.27 acres (or 43 percent) of the on-site area. The majority of common area landscaping is located in the central portion of the project site. Canopy trees and dense landscaping will be provided at the western parking lot area, which will serve to provide additional buffer from the residences to the west. The applicant is planning to provide a 7-9 foot landscape buffer and maintain the existing specimen trees along the western edge of the site adjacent to the residences to preserve their privacy from the new development. A conceptual landscape plan is included in Attachment 6.

Variance Request:

The proposed project includes a variance request to exempt outdoor balconies/patios from being considered as noise sensitive areas with respect to the City's Noise Ordinance. A noise analysis was prepared for the project included as Appendix C of the IS/MND that required sound attenuation for balconies to mitigate traffic noise.

This exemption would exclude private balconies or patios as being identified as a noise sensitive area for purposes of noise attenuation.

Staff Justifications for Approval:

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

- The project provides senior housing in proximity to convenient shopping and transit stations consistent with the requirements of the objectives of the Housing Element and goal and policies of the General Plan for mixed-use development. The proposed project is located within a major shopping center to accommodate many retail and service needs to the adjacent community such as a grocery store and a drug store. In addition, the project site is adjacent to a bus station that provides an alternative mode of transportation to the future residents. The proposed mixed use promotes integration of compatible residential and commercial uses with adequate separation to accommodate each use.
- Senior housing projects are needed to address Costa Mesa's housing need for elderly. The proposed project is consistent with the City's Housing Element in providing housing to a special needs group such as seniors. The proposed project would improve the City's jobs-to-housing ratio. It is also important to note that the residential units proposed by these projects are in addition to the housing production projections in the Housing Element.
- The project provides adequate on-site parking. There are 258 parking spaces on-site at a rate of 1.15 per unit that includes a minimum of one parking space per unit and 34 open guest parking spaces. This number exceeds the parking ratio for other similar senior housing projects within the City of Costa Mesa and neighboring cities. The removal of existing surface parking areas (which primarily served the demolished uses) within the development project site would have no impact to the required parking spaces for Mesa Verde Center.
- The project includes on-site amenities for active living and private and common area open space. The project includes more than 43 percent of open space and ample areas for outdoor passive and active uses. This will result in minimal impact to neighboring city parks and public amenities. In addition to common area open spaces for recreation, most units include an outdoor patio or balcony to allow for private open space.

- The project architecture and site design are complementary to the Mesa Verde shopping center and the surrounding commercial and residential uses with excellent design, a generous landscape setback at Harbor Boulevard/Mesa Verde Drive East, and ample separation from adjacent residential uses. The buildings and the main entrance lobby are designed with Spanish Colonial elements complementary to the shopping center and the elevations are designed with articulation to enhance the appearance of the structures from the public rights-of-way and the neighboring properties. The buildings are designed with adequate setback from the public right-of-way and the neighboring residences to allow a senior living environmental in close proximity to commercial uses and with minimum aesthetic impact to existing residential uses. In addition, the project site modification based on public feedback will provide at least a 40-foot setback from Harbor Blvd. further enhancing the appearance of the project from Public rights-of-way.
- Variance to allow standard balcony design meets the intent of the General Plan/Zoning Code. The noise study prepared by Gordon Bricken Associates identified noise impacts along select balcony locations from traffic and the Vons loading dock because private outdoor areas are considered “noise sensitive use” areas.

Approval of the requested variance would allow the balcony railing to be consistent on all building elevations and complementary to the building design. There are no balconies facing Harbor Boulevard and balconies on the Mesa Verde Drive side are at least twenty feet from the street right-of-way. In addition, there have been problems identified with balcony sound glass:

- Sound glass may create a claustrophobic environment with limited airflow for some residents which may discourage the use of outdoor balconies on a regular basis.
- Sound glass may not be practical in achieving noise level reductions as these measures attenuate noise for seated persons of average height only.
- Sound glass may be difficult to maintain on a regular basis, requiring custom-fitted replacements if damaged and ongoing cleaning.

The Cities of Irvine and Huntington Beach have indicated that noise mitigation for exterior balconies are no longer required. Given the fact that the proposal is a mixed-use development, staff believes the unique type and location of the proposed mixed-use development justifies approval of the variance request.

Title 13, Section 13-280(d) and (e), Exterior Noise Standards, of the Costa Mesa Zoning Code indicates that exterior noise standards shall not apply to “private balconies or patios regardless of size” of multifamily residential development located within the Mixed-Use Overlay District and North Costa Mesa Specific Plan area.

The intent of this exemption is to promote mixed-use development and acknowledge the unique nature of these uses. This exemption would exclude private balconies or patios as being identified as a noise sensitive area for purposes of noise attenuation. Given that the proposed project is a mixed-use development, staff believes that the variance request meets the intent of the General Plan/Zoning Code.

Therefore, if the variance is approved, noise mitigation will not be required for private balconies or patios. If the variance is denied, 5-foot sound enclosures for the private balconies and patios, as identified in Section 4.12, Noise, shall be required to be implemented to mitigate noise impacts.

GENERAL PLAN CONFORMITY

In accordance with the General Commercial General Plan land use designation, the maximum potential development of a site is based on the trip budget or FAR for commercial development, and for residential development, a maximum density of up to 20 dwellings per acre for high-density residential projects.

In this case, the proposed senior housing is age restricted to persons of 55 years or older and therefore qualifies for a 20 percent density bonus per State Government Code Section 65915. State law indicates that cities shall grant a density to senior citizen housing developments, as defined in Sections 51.3 and 51.12 of the Civil Code that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

ENVIRONMENTAL DETERMINATION

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

Initial Study/Mitigated Negative Declaration (IS/MND)

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

A notice of availability of the Draft IS/MND was distributed to the property owners within 500-foot radius of the property, responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, home owners associations, as well as any other parties requesting a copy of the environmental document pursuant to Public Resources Code (PRC) Section 21092. The public comment period was from October 14, 2010 to November 12, 2010. A hard copy of the IS/MND was distributed to the City Council on October 14, 2010. The document is also available on the Planning Webpage at the following link: <http://www.ci.costa-mesa.ca.us/departments/CMPlanning.htm>

Public Comments

A separate "Responses to Comments" document is included as Attachment 5 that will be included as Appendix F of the IS/MND. The attachment includes all comments received during the public review period of the Draft IS/MND and staff's responses.

LEGAL REVIEW

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

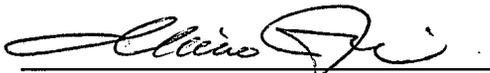
ALTERNATIVES

The City Council:

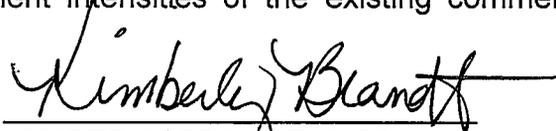
1. Approve the IS/MND, first reading of Rezone R-10-01, and approval of Planning Application PA-10-10. This would allow the applicant to proceed with construction of a horizontal mixed-use development, including a 224- unit senior housing project with the recommended conditions of approval as discussed in this report.
2. Deny all discretionary requests. The current C1 zoning would be in place for the development project site and residential uses would be prohibited. Future commercial development would be allowed as consistent with the Zoning Code and General Plan.

CONCLUSION

The proposed rezone will provide an opportunity for a horizontal mixed use development on a commercial corridor and development of a residential project in close proximity to transit opportunities and major arterials. The proposed project would meet the housing needs of the moderate- to high-income segments of the senior community at a level no greater than which can be supported by planned infrastructure improvements. In addition, this development is consistent with development intensities of the existing commercial zoning.



MINOO ASHABI, AIA
Senior Planner



KIMBERLY BRANDT, AICP
Development Services Director

cc: City Manager
Assistant City Manager
City Attorney
Public Services Director
City Engineer

Attachments:

1. City Council Resolutions and Draft Ordinance
2. Revisions to submitted plans
3. Location Map
4. Zoning Map
5. Response to Comments (Appendix F of IS/MND)
6. Submitted plans and revisions

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

Mr. Jeffrey Reese
M.V. Partners
3315 Fairview Road
Costa Mesa, CA 92626

File: 120710PA1010R1001	Date: 112210	Time: 10:30 a.m.
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RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR REZONE R-10-01 AND PLANNING APPLICATION PA-10-10 FOR PROPERTIES LOCATED AT 2699 AND 2701 HARBOR BLVD., 1545 AND 1555 ADAMS AVENUE, AND 1500 MESA VERDE DR. E.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Jeffrey Reese on behalf of, owner of real properties located at 2699 and 2701 Harbor Boulevard, 1545 and 1555 Adams Avenue and 1500 Mesa Verde Drive East, requesting approval of the following:

- Initial Study/Mitigated Negative Declaration (IS/MND)
- Rezone R-10-01 to rezone the properties located at 2699 Harbor Blvd., 2701 Harbor Blvd., 1545 Adams Avenue, 1555 Adams Avenue, and 1500 Mesa Verde Dr. E from C-1S and C2 Zone to PDC zone;
- Planning Application PA-10-10 for development of a 224- unit senior housing project on 7.55-acre parcel located at 1500 Mesa Verde Drive E., including a variance from the exterior noise requirements for balconies along Mesa Verde Drive East;

WHEREAS, on November 15, 2010, the Planning Commission held a public hearing with all persons provided an opportunity to speak for and against the proposed project and recommended that City Council adopt the IS/MND prepared for the project by Resolution No. PC-10-44;

WHEREAS, a duly noticed public hearing was held by the City Council on December 7, 2010, with all persons provided an opportunity to speak for and against the proposed project;

WHEREAS, the environmental review for the proposed project was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and the IS/MND was available for public review from October 14, 2010 to November 12, 2010;

WHEREAS, the Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and identified potentially significant impacts related to geology/soils, and noise.

The IS/MND identified appropriate measures that will mitigate the identified impacts to a level that is less than significant. A mitigation-monitoring program was prepared;

WHEREAS, written responses to the comments received on the Initial Study/Mitigated Negative Declaration were prepared, and the City Council considered the responses to comments;

WHEREAS, the responses to comments are hereby incorporated into the Initial Study/Mitigated Negative Declaration as **Appendix F**;

BE IT RESOLVED that the Costa Mesa City Council does hereby find the Initial Study/Mitigated Negative Declaration complies with City of Costa Mesa and state CEQA Guidelines and approves Initial Study/Mitigated Negative Declaration for the proposed project.

PASSED AND ADOPTED this 7th day of December, 2010.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

ORDINANCE NO. 10-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A 21.22-ACRE PARCEL FROM C1-S AND C2 TO PDC (PLANNED DEVELOPMENT COMMERCIAL) FOR PROPERTIES LOCATED AT 2699 AND 2701 HARBOR BOULEVARD, 1545 AND 1555 ADAMS AVENUE, AND 1500 MESA VERDE DRIVE EAST

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

WHEREAS, Rezone R-10-01 is consistent with the General Plan and the Zoning Code;

WHEREAS, Rezone R-10-01 involves a change in the zoning district of real properties located at 2699 and 2701 Harbor Boulevard, 1545 and 1555 Adams Avenue, and 1500 Mesa Verde Dr. E from C1-S and C2 to PDC (Planned Development Commercial);

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

a. There is hereby placed and included in the PDC (Planned Development Commercial) zoning district a 21.22-acre parcel, identified as Assessor Parcel Numbers 139-361-29, 139-361-33, 139-361-37, 139-361-40, 139-361-41 and as shown in attached Exhibit "A," situated in the City of Costa Mesa, County of Orange, State of California.

b. Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in subsection a hereof and as shown in **Exhibit 1** attached hereto. A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 2. ENVIRONMENTAL DETERMINATION. The proposed rezone was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and circulated from October 14, 2010 to November 12, 2010. The City Council found that Rezone R-10-01 will not have a significant negative impact on the

environment as documented in the mitigation measures identified in the IS/MND City Council approved on December 7, 2010.

SECTION 3. INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 4. SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

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

PASSED AND ADOPTED this _____ day of _____ 2010.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-10-10 FOR PROPERTIES LOCATED AT 2699 AND 2701 HARBOR BOULEVARD, 1545 AND 1555 ADAMS AVENUE, AND 1500 MESA VERDE DRIVE EAST

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Jeffrey Reese on behalf of, owner of real properties located at 2699 and 2701 Harbor Boulevard, 1545 and 1555 Adams Avenue and 1500 Mesa Verde Drive East, requesting approval of the following:

- Initial Study/Mitigated Negative Declaration (IS/MND)
- Rezone R-10-01 to rezone the properties located at 2699 and 2701 Harbor Boulevard, 1545 and 1555 Adams Avenue, and 1500 Mesa Verde Dr. E from C1-S and C2 Zone to PDC zone;
- Planning Application PA-10-10 for development of a 224- unit senior housing project on 7.55-acre parcel located at 1500 Mesa Verde Drive E., including a variance from the exterior noise requirements for balconies along Mesa Verde Drive East;

WHEREAS, on November 15, 2010, the Planning Commission held a public hearing with all persons provided an opportunity to speak for and against the proposed project and recommended that City Council adopt the IS/MND prepared for the project, approve R-10-01, and PA-10-10 by adoption of Resolutions PC-10-44 and PC-10-45;

WHEREAS, a duly noticed public hearing was held by the City Council on December 7, 2010, with all persons provided an opportunity to speak for and against the proposed project;

WHEREAS, the environmental review for the proposed project was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and the IS/MND was available for public review from October 14, 2010 to November 12, 2010;

WHEREAS, based upon the comments received, the studies conducted and that evidence received at the public hearing and with the exercise of independent judgment

the Costa Mesa City Council finds that the proposed project would not have a significant effect on the environment with the incorporation of the mitigation identified in the IS/MND;

WHEREAS, based upon the comments received, the studies conducted and the evidence received at the public hearing and with the exercise of independent judgment the Costa Mesa City Council finds that the project will not individually or cumulatively have an adverse effect on wildlife resources or habitat; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby **APPROVES** Planning Application PA-10-10 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for R-10-01 and PA-10-10 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" and mitigation measures contained in Exhibit "C" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 7th day of December, 2010.

ATTEST:

City Clerk of the City of Costa Mesa

Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

FINDINGS – APPROVAL (PA-10-10)

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project, as conditioned, is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(5) in that the proposed development of the 224-unit senior housing project meets the broader goals of the General Plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. The project also meets the maximum density standards allowed pursuant to General Plan and density bonus provisions of the Zoning Code Chapter IX, Section 13-152 to provide housing to seniors.
- This design review includes site planning, building design landscaping, appearance, mass and scale of structures, roof forms and any other applicable design features. The buildings are designed with a consistent design integrating elements of the Spanish Colonial design and articulation on all four sides of the buildings especially facing Harbor Blvd. and Mesa Verde Drive E. The project provides substantial landscaping and accent trees to enhance landscaping along public rights-of-way.
- C. The proposed variance to identify private outdoor patios/balconies as exempt from the City's Noise Ordinance from the exterior noise standards will not allow a use, density, or intensity which is not in accordance with the general plan designation and the zoning code. The requested deviation will be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is located. Specifically, the patio walls and balconies will be designed with solid stucco walls and wrought iron accents providing privacy and partial sound attenuation without the maintenance and aesthetic impacts of a glass railing. In addition, installation of five-foot glass balcony railings will take away from the openness and usability of the balconies.
- D. An Initial Study/Mitigated Negative Declaration was prepared and circulated for public review in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, the Council on Environmental Quality Regulations implementing the National Environmental Policy Act, and the City of Costa Mesa Environmental Guidelines.

E. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

indicating that project Driveways G and H have been offset to the minimum extent feasible from the existing driveways on the south side of Mesa Verde Drive East.

- Utility
47. Prior to the issuance of a connection permit, the applicant shall pay the applicable water connection fees.
 48. Prior to approval of the lot line adjustment, the property owner/developer shall submit a Solid Waste Management Plan with recycling capabilities to the Department of Public Services for review and approval. Refuse collection and disposal for the proposed project shall comply with Assembly Bill 939, the Orange County Integrated Waste Management Plan, and the City of Costa Mesa Source Reduction and Recycling Element.

EXHIBIT "B"

CONDITIONS OF APPROVAL (PA-10-10 for 1500 Mesa Verde Drive E.)

- Plng.
1. Applicant shall comply with all conditions of approval as provided herein and mitigation measures as contained in Exhibit "C" Mitigation Monitoring Program.
 2. Approval of Planning Application PA-10-10 shall not become final until the effective date of the ordinance adopting Rezone R-10-01.
 3. Landscaping on the westerly property line shall incorporate the existing trees screening the residential properties from the project to the greatest extent feasible.
 4. Design of the perimeter wall shall incorporate landscape elements to soften the appearance of the block wall and incorporate materials, color, and texture that will be compatible with the surrounding community. A wall treatment plan shall be prepared that includes wall locations, heights, landscape treatments, and materials and submitted for review and approval by the Development Services Director.
 5. Prior to the issuance of building permits, the applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Development Services Department. The Lighting Plan shall demonstrate compliance with the following:
 - The mounting height of lights on light standards shall not exceed 18 feet in any location on the project site unless approved by the Development Services Director;
 - The intensity and location of lights on buildings shall be limited to minimize nighttime light and glare to residents and shall be subject to the Development Services Director's approval;
 - All site lighting fixtures shall be provided with a flat glass lens. Photometric calculations shall indicate the effect of the flat glass lens fixture efficiency; and
 - 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 determined necessary for safety and security purposes on site.
 6. Prior to issuance of building permits, the building plans shall demonstrate that all residences are equipped with a mechanical ventilation system that will properly filter the indoor air. The ventilation system can be a component of the air conditioning system with the distinction being that clean, ventilated air flow does not necessarily need coolant. The ventilation system shall be effective with all doors and windows closed. It shall be required to have a filtration efficiency of at least 90 percent and the ability to remove particulate matter with diameters equal to or greater than 0.5 micron.

7. A lot line adjustment application to reconfigure the lot lines for the overall project site to reflect the property line boundaries of the proposed senior housing project shall be submitted and approved by the City of Costa Mesa Planning Division prior to issuance of building permits for the senior housing project. A conformed copy of the lot line adjustment filed with the County of Orange shall be required prior to issuance of a building permit.
8. A "Notice to Tenants" shall disclose the existing commercial uses at the Mesa Verde Center, including but not limited to, operational characteristics such as hours of operation, delivery schedules, outdoor activities, noise, and odor generation. This disclosure also includes the current loading dock operations for major tenants such as Vons and CVS Pharmacy. The Tenant Notice shall be reviewed/approved by the City Attorney's office and Development Services Director prior to issuance of building permits and shall be included as a reference document in the Tenants' Lease Agreement. The Tenant's Notice shall serve as written notice of the existing noise environment and any odor-generating uses within the mixed-use development.
9. A land use restriction executed by and between the applicant and the City of Costa Mesa shall be recorded prior to the issuance of building permits to ensure that the project remains an age restricted senior housing project. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.
10. The conditions of approval for PA-10-10 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
11. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.
12. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
13. Prior to commencement of construction activities, the applicant shall identify to the Development Services Director a construction relations officer to act as a community liaison concerning on-site activity, including

resolution of issues related to dust generation from grading/paving activities.

- Bldg. 14. All grading operations and construction on the project site shall be conducted in conformance with the recommendations included in the geotechnical report entitled Geotechnical Investigation (Southern California Geotechnical, March 2002). Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Building official prior to issuance of grading permits.
15. Prior to approval of building permits, the project applicant shall ensure that the plans minimize Reactive Organic Gas (ROG) emissions. Building permits for the project shall specify and require the use of precoated building materials, use of all high pressure-low volume (HPLV) paint applicators with 50 percent efficiency, and use of lower volatility paint not exceeding 100 grams of ROG per liter.
16. During construction, the contractor shall comply with the following rules for construction and operation to minimize the air quality impacts from the proposed project, as well as any applicable measures as set forth in the Storm Water Pollution Prevention Plan (SWPPP) to ensure that airborne dust is kept to a minimum. The following measures are required and shall reduce or minimize air pollutants generated by construction vehicles and equipment and fugitive dust emissions associated with earthmoving or excavation operations, or other soil disturbances, as identified in SCAQMD Rules 402 and 403. These Rules require that fugitive dust be controlled with the best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. This requirement shall be included as notes on the Contractor's specifications.

During earthmoving or excavation operations, fugitive dust emissions shall be controlled by regular watering or other dust-preventive measures using the following procedures:

- All material excavated shall be sufficiently watered to prevent excessive amounts of dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day.
- All earthmoving or excavation activities shall cease during periods of high winds (i.e., winds greater than 20 mph averaged over 1 hour).
- All material transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by earthmoving or excavation operations shall be minimized at all times.

After earthmoving or excavation operations, fugitive dust emissions shall be controlled using the following measures:

- Portions of the construction area to remain inactive longer than a period of 6 months shall be revegetated and watered until cover is grown.
- All active portions of the construction site shall be watered to prevent excessive amounts of dust.

At all times, fugitive dust emissions shall be controlled using the following procedures:

- On-site vehicle speed shall be limited to 15 mph.
- Road improvements shall be paved as soon as feasible, watered periodically, or chemically stabilized.

At all times during the construction phase, ozone precursor emissions from mobile equipment shall be controlled using the following procedures:

- Equipment engines shall be maintained in good condition and in proper tune according to manufacturer's specifications.
- On-site mobile equipment shall not be left idling for a period longer than 60 seconds
- Outdoor storage piles of construction materials shall occur away from the westerly property line consistent with construction phasing plan and be kept covered, watered, or otherwise chemically stabilized with a chemical wetting agent to minimize fugitive dust emissions and wind erosion.

17. Prior to the issuance of the first demolition and/or grading permit, the Applicant shall provide, for review and approval by the Development Services Director, final plans indicating that pile foundations or other appropriate designs as noted in the Geotechnical Report approved by City staff has been incorporated into the project design to mitigate potential settlement hazards and liquefaction beneath the proposed structures.
18. Prior to the issuance of preliminary or precise grading permits, the project applicant shall provide the City Engineer with evidence that an NOI has been filed with the Storm Water Resources Control Board (SWRCB). Such evidence shall consist of a copy of the NOI stamped by the SWRCB or Regional Water Quality Control Board (RWQCB), or a letter from either agency stating that the NOI has been filed.
19. Prior to the issuance of grading permits, the applicant shall prepare a SWPPP that complies with the Construction General Permit and that will:
 - F. Require implementation of BMPs designed with a goal of preventing a net increase in sediment load in storm water discharges relative to preconstruction levels;
 - G. Prohibit discharges of storm water or non-storm water at levels that would cause or contribute to an exceedance of applicable water quality standards contained in the Basin Plan during the construction period;

- H. Discuss in detail the BMPs planned for the project related to control of sediment and erosion, nonsediment pollutants, and potential pollutants in non-storm water discharges;
- I. Describe postconstruction BMPs for the project;
- J. Explain the maintenance program for the project's BMPs;
- K. Require reporting of violations to the RWQCB during construction; and

List the parties responsible for SWPPP implementation and BMP maintenance during and after grading. The project applicant shall implement the SWPPP and modify the SWPPP as directed by the Construction General Permit.

- 20. Prior to the issuance of grading permits, the applicant shall submit, and the City Engineer shall have approved, a WQMP. The WQMP shall identify the BMPs that will be used on site to control predictable pollutant runoff. More specifically, the WQMP shall, in accordance with the Drainage Area Management Plan (DAMP) and Local Implementation Plan (LIP), do the following:

- Describe the Site Design, Source Control, and Treatment BMPs to be used at the proposed development site (including both structural and nonstructural measures);
- Describe responsibility for the initial implementation and long-term maintenance of the BMPs;
- Provide narrative with the graphic materials as necessary to specify the locations of the structural BMPs; and

Certify that the project proponent will seek to have the WQMP carried out by all future successors to the property.

- 21. Prior to issuance of grading or building permits, the applicant shall obtain approval of a hydrology and drainage study showing the method of disposal of storm water.
- 22. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
- 23. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process.
- 24. Any amendment to the conditions of approval shall be subject to the City's standard public notice procedures and be reviewed and approved by the Planning Commission.
- 25. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted.

26. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened upon view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
- Trans. 27. The applicant shall prepare a truck route plan for review and approval by the Development Services Director and Transportation Manager. 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.
28. Prior to issuance of occupancy permit, the project applicant shall provide proof to the Development Services Director that a sign has been placed at Driveway H (the easternmost project driveway) indicating that left turns out are prohibited during the a.m. peak hours. The right-turn only restriction shall be applied to the a.m. time period as determined by the City's Traffic Engineer.
29. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-29(2)(b) of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
30. A Construction Access Permit and deposit of \$1730 will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
31. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.
32. Haul routes must be approved by the City of Costa Mesa, Transportation & Engineering Division.
33. Submit required cash deposit or surety bond to guarantee construction of off-site street improvements at time of permit per Section 15-32, C.C.M.M.C. and as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.
34. Submit subdivision application and comply with conditions of approval and code requirements.
35. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then reconstruct damaged P.C.C. Residential sidewalk per City of Costa Mesa Standards as shown on the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.

36. Applicant/Developer is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the City for the loss of trees from the public right-of-way. Conditions of the Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months, therefore, the applicant/developer is advised to identify all tree affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays.
37. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches.
38. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk.
39. Fulfill Drainage Ordinance Fee requirements prior to approval of Final Map and/or plans.
40. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Final Map and/or plans.
- Fire 41. The final Master Plan for development in the project area shall provide sufficient capacity for fire flows required by the City of Costa Mesa Fire Department.
42. Vehicular access must be provided and maintained serviceably throughout construction to all required fire hydrants.
43. Prior to issuance of building permits, the applicant shall submit project designs and specifications for review and approval by the Fire Department with respect to compliance with all standard conditions for building design regarding public safety, including but not limited to, fire flow capacity, fire hydrant location, vehicular access, and sprinkler systems. The City of Costa Mesa Fire Department shall review and approve the developer's project design features to assess compliance with the California Building Code and California Fire Code. Emergency vehicle parking areas shall be designated within proximity to buildings to the satisfaction of the Fire Marshal.
- Police 44. Prior to the issuance of a grading permit, the City of Costa Mesa Police Department shall review and approve the developer's project design features to ensure that adequate security measures are incorporated into the project design. Any requirements shall be implemented to the satisfaction of the Police Chief.
45. Prior to the issuance of a grading permit, the applicant shall contract with a 24-hour/7-day-a-week construction security service. At a minimum, the service shall ensure that no unauthorized entry is occurring during construction and after hours.
46. Prior to issuance of grading permits, the project applicant shall submit the final project plans for the Traffic Engineer's review and approval

EXHIBIT "C"

MITIGATION MEASURES FOR PA-10-10

Mitigation Measure - Noise

- 4.12-1** Prior to issuance of a grading permit, the applicant shall incorporate the following measures as a note on the grading and construction plans to ensure that the greatest distance between noise sources and sensitive receptors during construction activities has been achieved. This language shall be approved by the Development Services Director.
- A. During all project site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
 - B. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site as shown in the Construction Phasing and Staging Plan.
 - C. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- 4.12-2** Prior to the issuance of building permits, the applicant shall provide final project plans for approval by the Development Services Director, indicating that sound barriers have been incorporated into and noted on the project plans and are consistent with the recommendations contained in the Acoustical Analysis (Gordon Bricken & Associates, August 2010). The required sound barriers are identified in Figure 4.12.B. Noise mitigation includes a minimum 8-foot high wall along the north project boundary adjacent to the loading dock of Vons, and minimum 5-foot high patio wall and/or balcony enclosures (as applicable) along Mesa Verde Drive East. If the variance request is approved, no mitigation will be required for outdoor private patios and balconies.
- 4.12-3** Certification by the sound engineer shall be provided on the face of the plans as part of the plan check submittal package as well as on the approved plans. The certification shall indicate that the City's interior and exterior noise standards for residences are achievable pursuant to the plan specifications. This certification can be provided in a separate letter to the City or in the form of a stamp/notation on the construction drawings. The certification shall verify that the design, construction, and installation of the sound barrier(s) to attenuate traffic noise and loading dock noise do reduce noise levels to standards in compliance with the City's Noise Ordinance.
- 4.12-4** Prior to the issuance of building permits, the applicant shall show evidence, and the Development Services Director shall approve, that building facade upgrades (such as double-paned windows and entry doors), and all floor-to-ceiling assemblies, have minimum Sound Transmission Class (STC) ratings

consistent with the recommendations contained in the Acoustical Analysis (Gordon Bricken & Associates, August 2010). All upgraded requirements shall be included on the construction drawings and specifications. Preliminary calculations show that the standards will be achievable with mechanical ventilation to allow windows to remain closed. Any required mechanical ventilation systems shall be required to comply with California Building Code (CBC) Title 24.

Mitigation Measure – Geology and Soils

4.6-1 The grading permit shall be submitted for review and approval by the Department Services Director and shall include plans and specifications stipulating that the contractor shall comply with the following¹:

- Maintain proper moisture condition of potentially expansive building pad subgrade soils to a moisture content of at least 130 percent of the Modified Proctor optimum during site grading.
- Maintain the moisture content of imported fill soils at 2–4 percent above the Modified Proctor optimum. The contractor shall moisture condition these soils frequently throughout the grading process, unless grading occurs during a period of relatively wet weather.
- All imported fill soils should have low expansive characteristics.

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY OF COSTA MESA CITY COUNCIL DENYING REZONE R-10-01 FOR REZONING A 21.22-ACRE PARCEL FROM C-1S AND C2 TO PDC (PLANNED DEVELOPMENT COMMERCIAL) FOR PROPERTIES LOCATED AT 2699 AND 2701 HARBOR BOULEVARD, 1545 AND 1555 ADAMS AVENUE, AND 1500 MESA VERDE DRIVE EAST AND PLANNING APPLICATION PA-10-10 FOR 1500 MESA VERDE DRIVE EAST.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Jeffrey Reese on behalf of, owner of real properties located at 2699 and 2701 Harbor Boulevard, 1545 and 1555 Adams Avenue and 1500 Mesa Verde Drive East, requesting approval of the following:

- Initial Study/Mitigated Negative Declaration (IS/MND)
- Rezone R-10-01 to rezone the properties located at 2699 and 2701 Harbor Boulevard, 1545 and 1555 Adams Avenue, and 1500 Mesa Verde Drive East from C1-S and C2 Zone to PDC zone;
- Planning Application PA-10-10 for development of a 224- unit senior housing project on 7.55-acre parcel located at 1500 Mesa Verde Drive E. including a variance from the exterior noise requirements for balconies along Mesa Verde Drive East.;

WHEREAS, on November 15, 2010, the Planning Commission held a public hearing with all persons provided an opportunity to speak for and against the proposed project and recommended that City Council adopt the IS/MND prepared for the project;

WHEREAS, a duly noticed public hearing was held by the City Council on December 7, 2010, with all persons provided an opportunity to speak for and against the proposed project;

BE IT RESOLVED that, Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out;

BE IT FURTHER RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A, the City Council hereby **DENIES** Rezone R-10-01 and Planning Application PA-10-10 with respect to the property described above.

PASSED AND ADOPTED this 7th day of December, 2010.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney



November 2, 2010

Mr. Darnell Wyrick
 President
 Mesa Verde Community, Inc.
 c/o 1788 Hummingbird Drive
 Costa Mesa, CA 92626

**RE: Mesa Verde Senior Community Project
 Master Plan PA-10-10 & Rezone 10-01
 Responses to Community Input**

Dear Darnell:

Per your request, we have summarized below the changes that are proposed to be made to the Mesa Verde Senior Community project. It is located on the 7.5 acre vacant parcel which is a portion of the 21.2 acre Mesa Verde Center located on the southwest corner of Harbor Boulevard and Adams Avenue. This project is currently scheduled for public hearing in front of the Costa Mesa Planning Commission on November 15, 2010.

In that the Mesa Verde Community, Inc's October agenda didn't provide the time to allow us to make a project presentation to you, you suggested we forward to you in writing the ways in which the project has responded to the community feedback we have received in our community outreach. The project team has conducted a number of community meetings, including a meeting with Mesa Verde Community, Inc. on March 25th, 2010. Based on the feedback received to date, the following summarizes the changes that are being proposed to the plan:

- Reduction in the total number of units from 230 Units to 224 Units
- Increase in parking ratio from 1.12 per unit to 1.15 per unit
- Architectural Elevation Enhancement along Harbor Blvd. & Mesa Verde Drive East
- Enhanced corner treatment of Harbor Blvd. & Mesa Verde Drive East by:
 - Increased setback on Harbor Blvd. which will range from 25' to 43'
 - Decorative landscaped treatment & signage at corner
- Circulation Improvements on both Harbor Blvd. and Mesa Verde Drive East by:
 - New deceleration lane at the corner on Harbor Blvd. at Mesa Verde Drive East
 - New deceleration lane on Mesa Verde Drive East at project entrance

- Design of carport rooftops located adjacent to Mesa Verde Collection Ashwood Street resident's rear wall: we will not use metal seam, gravel, or composite shingle roofs
- Emergency Vehicle Access Gate shifted 60' east of Mesa Verde Collection Ashwood Street resident's rear wall

We are hopeful that Mesa Verde, Inc. will appreciate the effort that has been made to make this project responsive to the community and to bring much needed housing for our seniors. I've attached a copy of several graphics which we believe will give you a better understanding of the proposed changes to the plan.

Thank you for taking the time to review the project in the context of the changes that are being proposed and as always, we are available to provide a more in depth presentation to any of your board members.

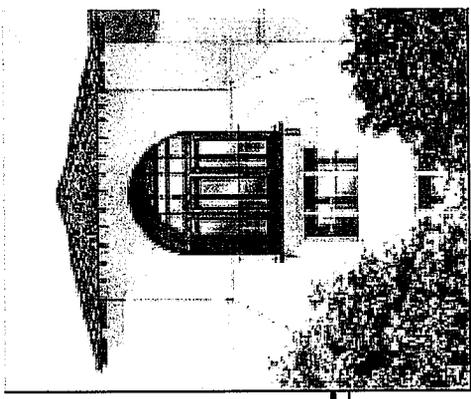
Sincerely,



Carol McDermott
Community Outreach Consultant to
M.V. Partners

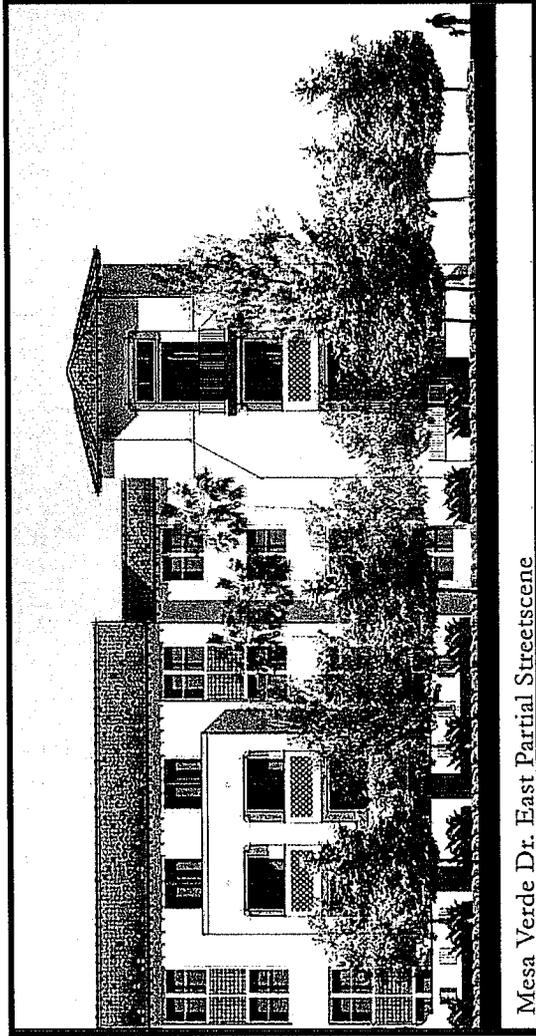
Attachment

Project Description

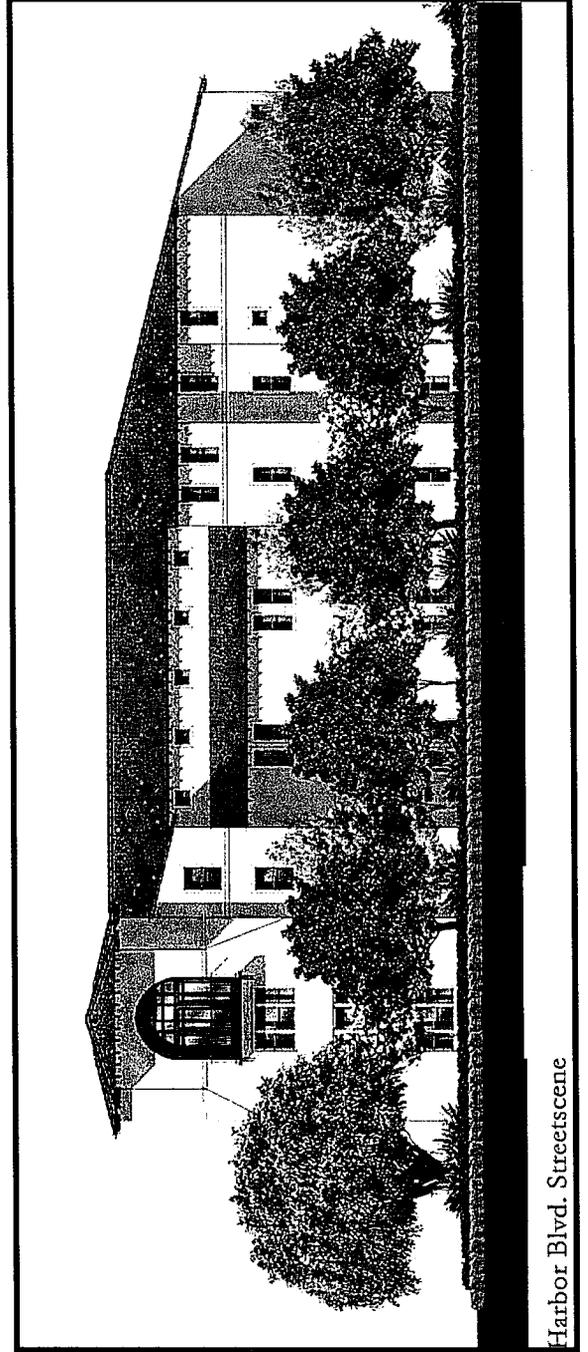


- 7.55 Acre Parcel
- 224 Total Units – 258 Parking Spaces
 - Building A
104 Total Units
 - Building B
120 Total Units

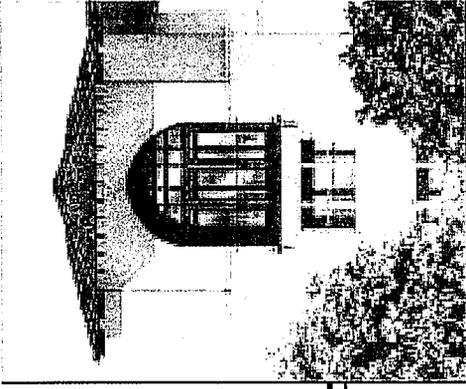
Architecture



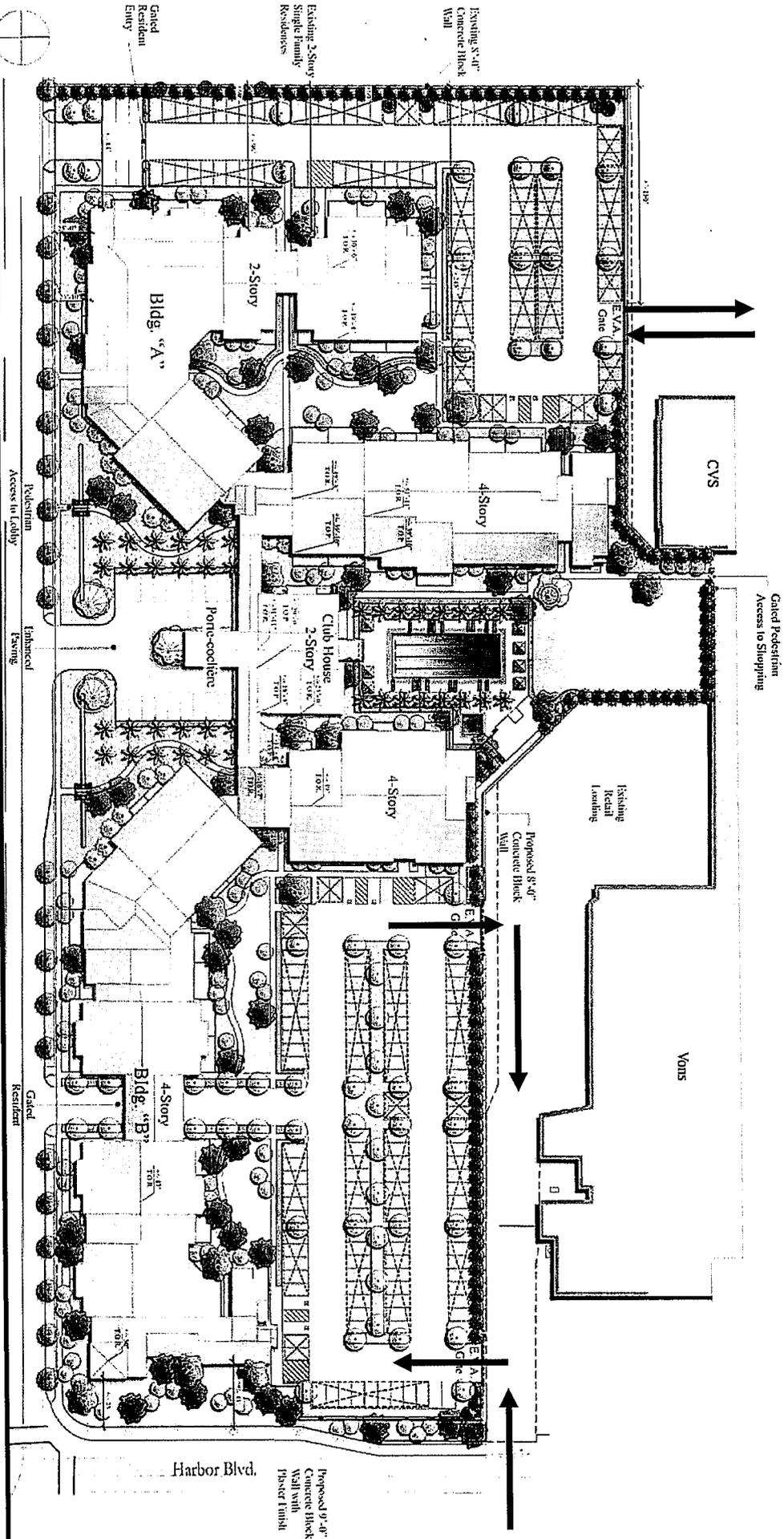
Mesa Verde Dr. East Partial Streetscene



Harbor Blvd. Streetscene



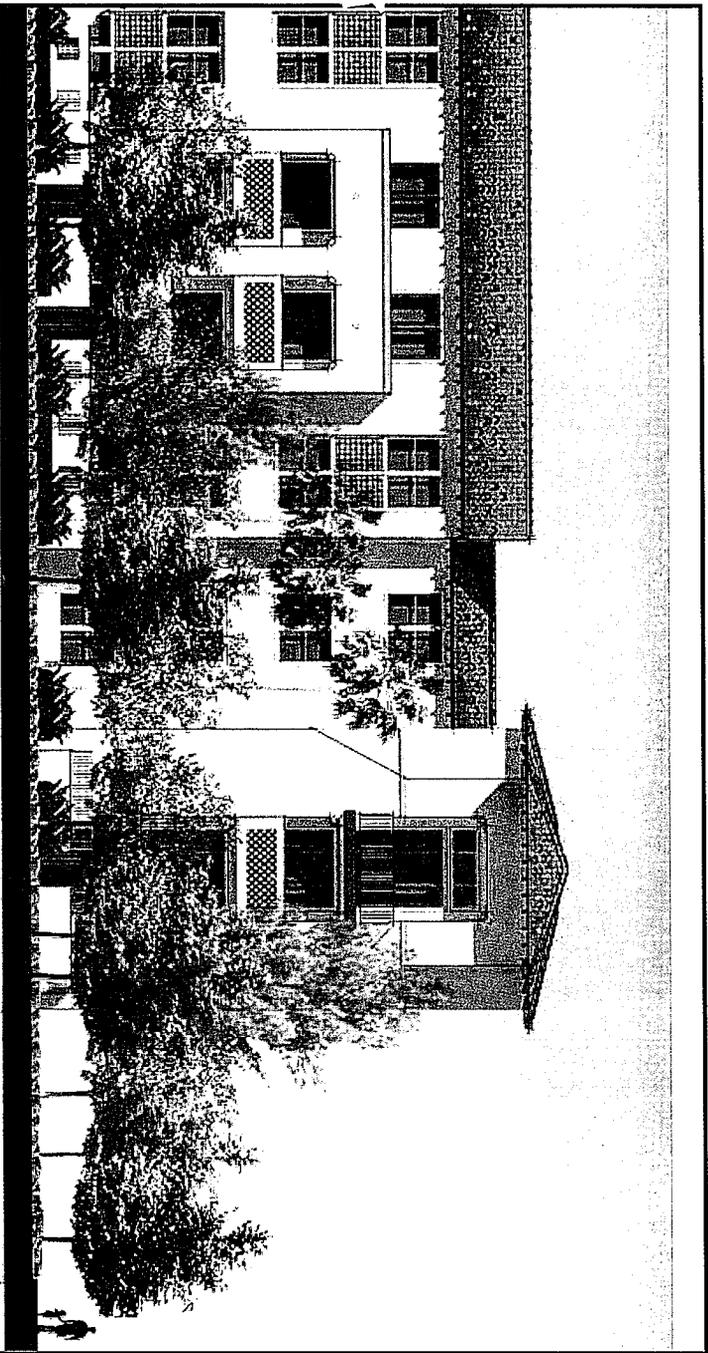
Revised Site Plan



Reduced from 230 to 224 Dwelling Units

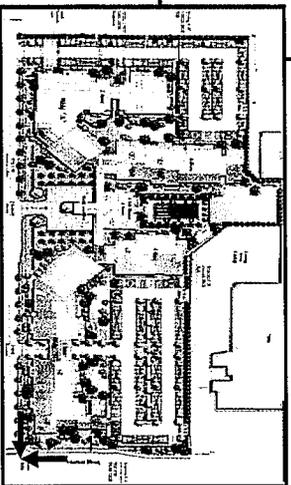
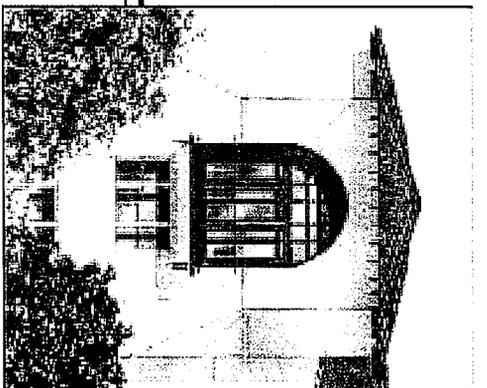
Increased Parking Ratio
1.15 Spaces per Unit

Harbor Blvd. & Mesa Verde Dr. East Corner Set-Back Enhancement



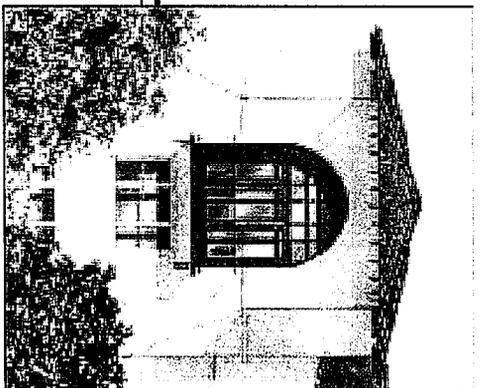
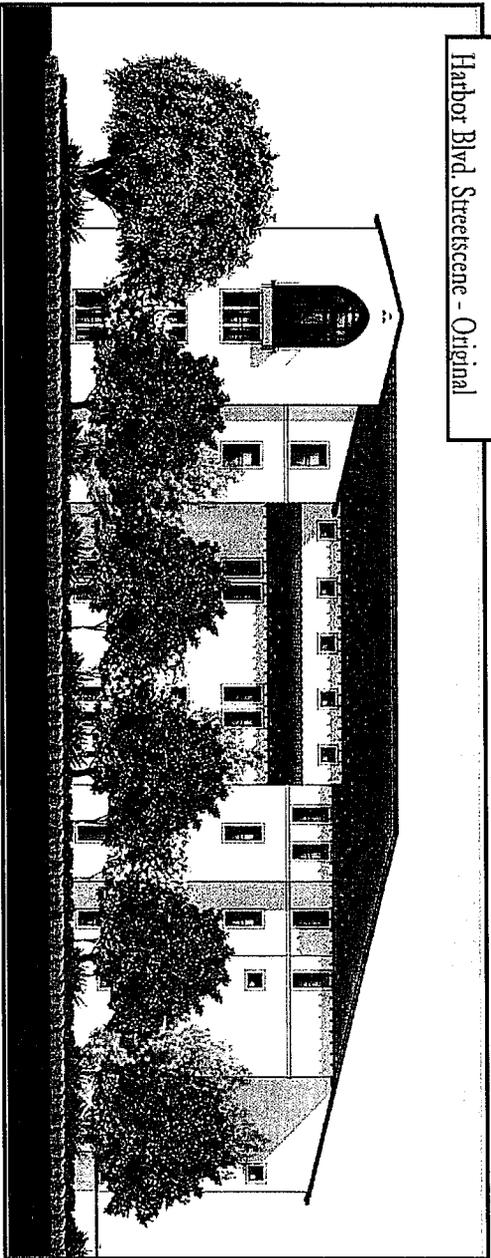
Mesa Verde Dr. East Partial Streetscene - Revised
NTS.

+/- 25'
EDGE OF BUILDING
TO BACK OF WALK

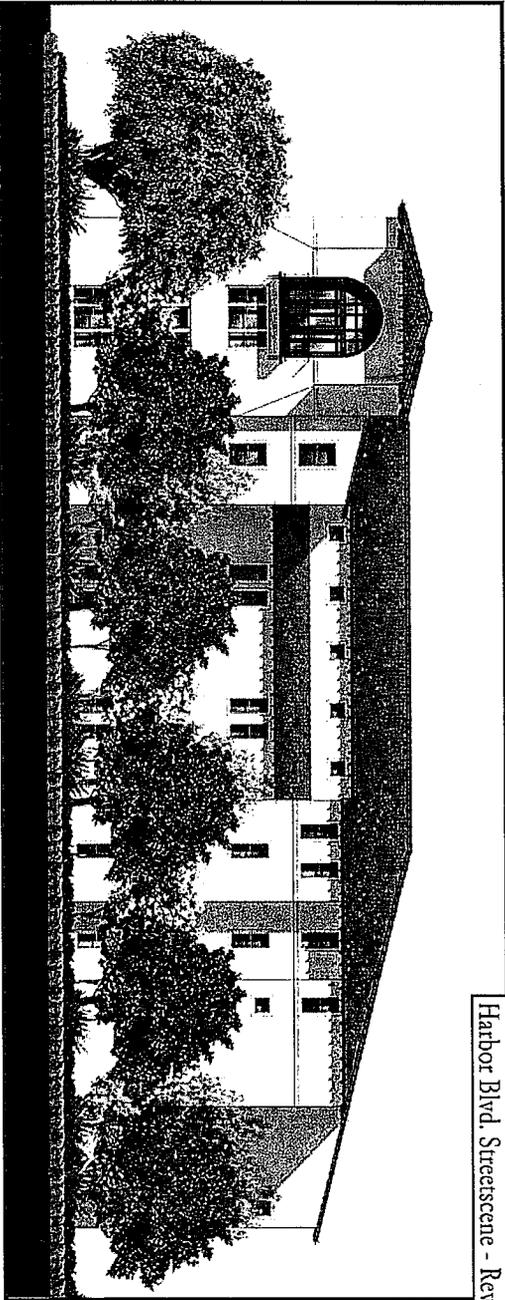


Project Design Features Harbor Blvd.

Harbor Blvd. Streetscene - Original

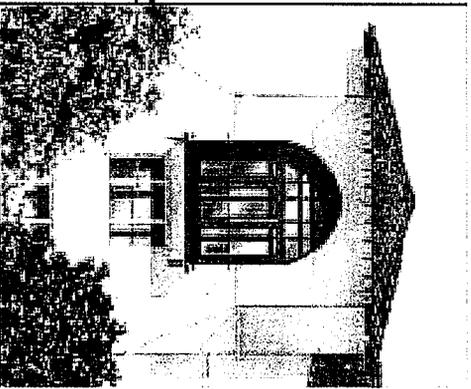


Harbor Blvd. Streetscene - Revised

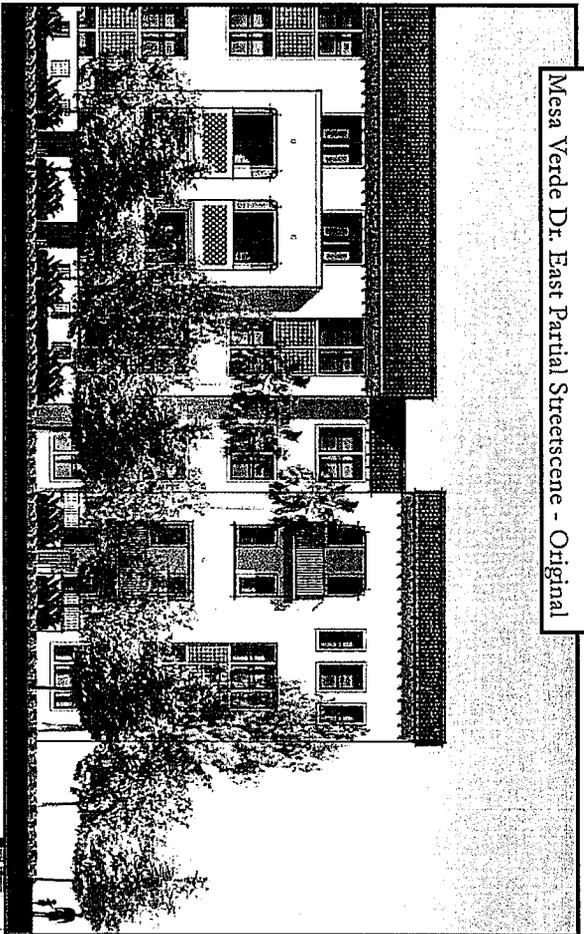


Project Design Features

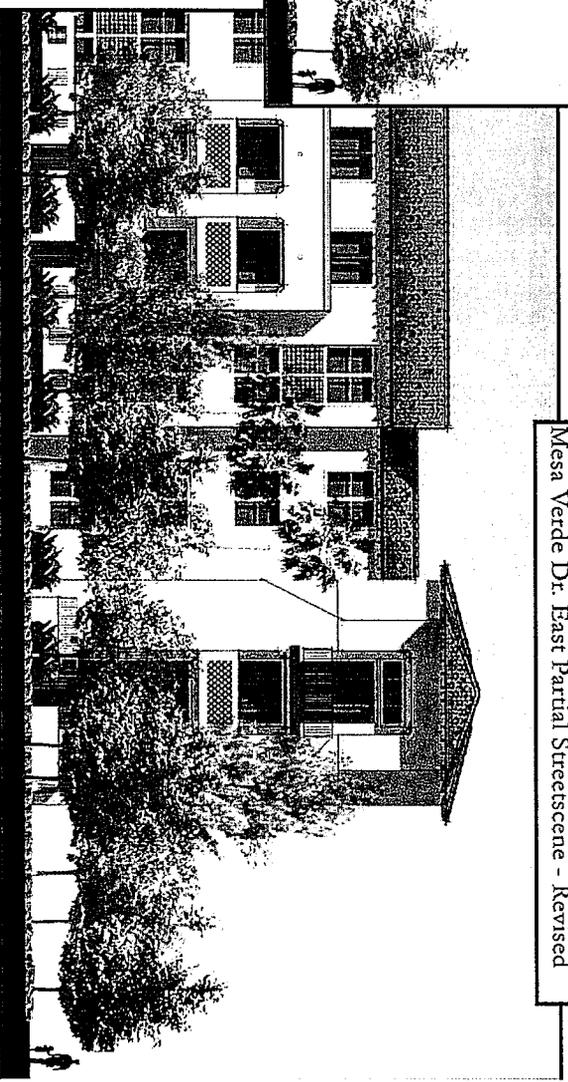
Mesa Verde Drive East



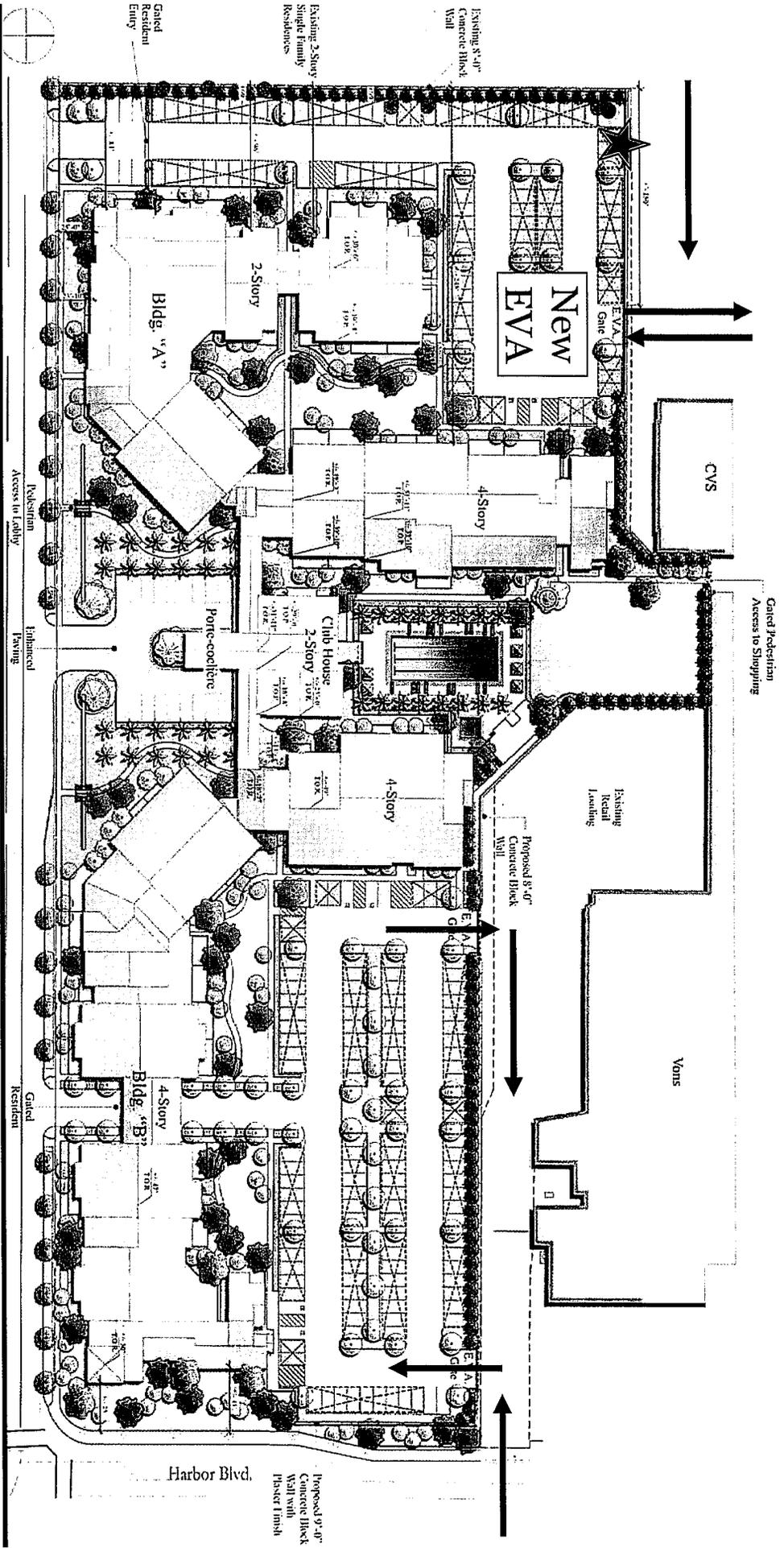
Mesa Verde Dr. East Partial Streetscene - Original



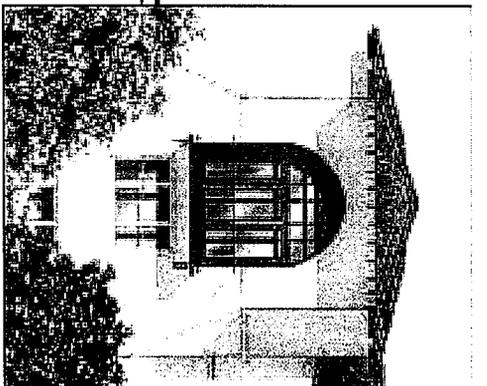
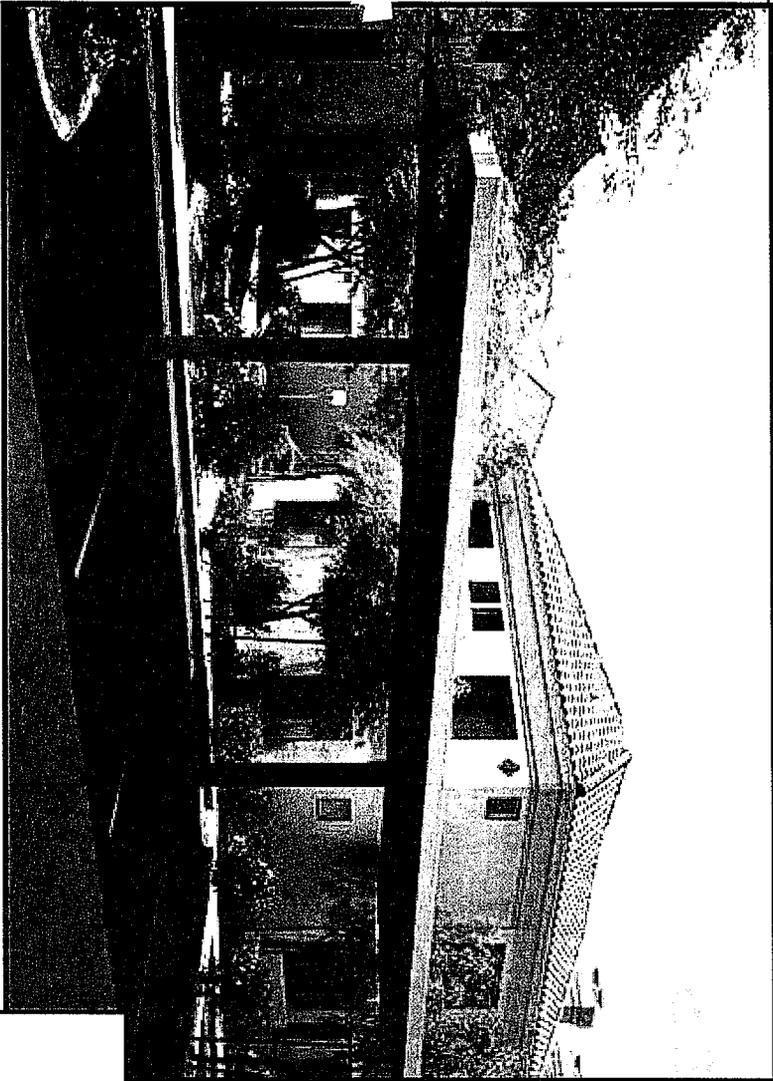
Mesa Verde Dr. East Partial Streetscene - Revised



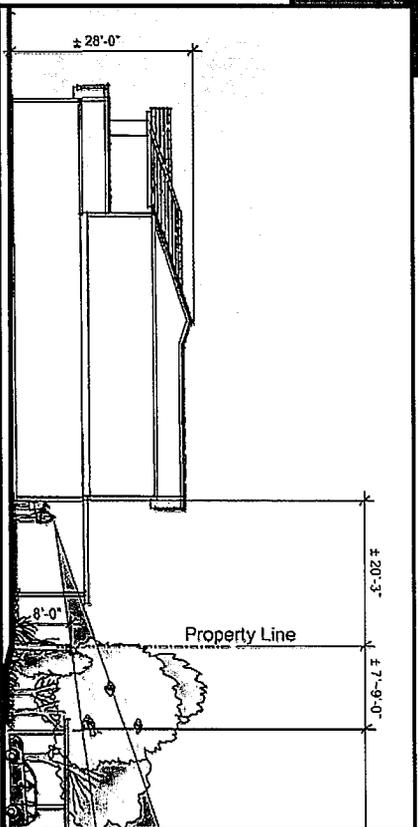
Revised Site Plan - Shift Emergency Vehicle Access Gate



Carpport



Carpport Rooftop Material will
Not include –
Metal Seam
Gravel
Composite Shingle



R-10-01
PA-10-10

2699 AND 2701 HARBOR BLVD.
1545 AND 1555 ADAMS AVE. AND
1500 MESA VERDE DRIVE E.



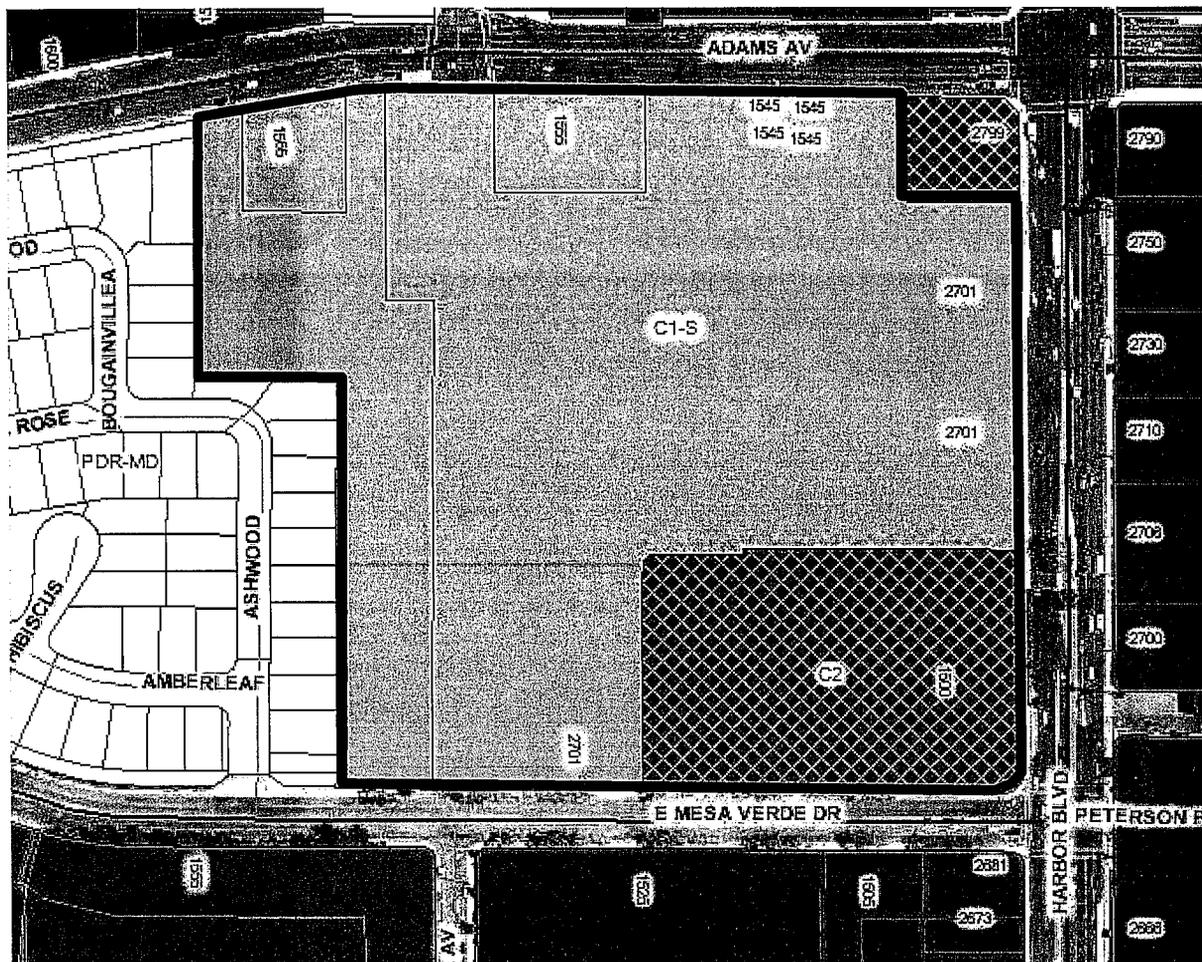
Location Map

R-10-01
PA-10-10

2699 AND 2701 HARBOR BLVD.
1545 AND 1555 ADAMS AVE. AND
1500 MESA VERDE DRIVE E.



Location Map



Existing Zoning – C1-S and C-2