ATTACHMENT 2
DRAFT RESOLUTION FOR FINAL EIR CERTIFICATION

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 125 EAST BAKER STREET APARTMENT PROJECT (STATE CLEARINGHOUSE NUMBER 2013081051)

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

WHEREAS, The Final Environmental Impact Report (State Clearinghouse Number 2013081051) has been prepared for the 125 East Baker Street Apartment Project.

WHEREAS, The proposed project is a five-story, 240-unit apartment complex (63-foot maximum height proposed) at a density of 58 dwelling units (du's) per acre with a six-story parking structure (62.5-foot maximum height proposed) with 457 parking spaces and four outdoor on-grade parking spaces, along with the following specific entitlements:

1. **Final Environmental Impact Report (State Clearinghouse #2013081051)**. Certification of the Final Environmental Impact Report (EIR) for the project.

2. **General Plan Amendment GP-13-02**. Change the land use designation of the 4.17-acre development site from Industrial Park to High Density Residential. In addition to the change in land use designation, the general plan amendment also involves text amendment(s) to the City's General Plan to reflect a site-specific density of 58 dwelling units per acre, and a site-specific height of six stories.

3. **Rezone R-13-02.** A rezone (or change) of the zoning classification of the 4.17-acre development site from Commercial Limited (CL) to Planned Development Residential – High Density (PDR-HD).

4. **Zoning Code Amendment CO-13-02**. A zoning ordinance to amend Costa Mesa Municipal Code Title 13 for a site-specific density of 58 dwelling units per acre. The site is proposed to be designated PDR-HD (Planned Development Residential-High Density) in the City's Zoning Code. The designation allows up to 20 dwelling units per acre, or 83 dwelling units maximum for the site. The proposed 240-unit project would require an amendment to Table 13-58 (Planned Development Standards) to allow a site-specific density of 58 dwelling units per acre for this project.

5. **Master Plan PA-13-11**. A Master Plan application for the proposed development of a five-story 240-unit residential apartment building (63 feet overall height) that wraps around a six-story parking structure (62.5 feet overall height) with 457 parking spaces in the structure and four outdoor on-grade parking spaces with a deviation from: on-site parking spaces (538 parking spaces required; 461 parking spaces proposed).
6. **Development Agreement DA-14-02.** A Development Agreement between the applicant and the City of Costa Mesa to fund future public infrastructure improvements in the area.

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the Draft EIR was circulated from November 6, 2013 to December 20, 2013 for public review and comment.

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

WHEREAS, written and verbal comments received from the general public, government entities, and other interested parties were responded to in the manner prescribed in California Code of Regulations Section 15088.

WHEREAS, a Responses to Comment document was prepared which includes responses to comment on environmental issues received during the public review period of the Draft EIR and errata pages showing redlined/strikeout revisions reflected in the Final EIR.

WHEREAS, no significant new information has been added to the Final EIR and no changes to the proposed project have occurred which would require recirculation under CEQA Guidelines Section 15088.5.

WHEREAS, the Draft EIR, Responses to Comments, errata pages identifying revisions to the Draft EIR, and any other information added by the City constitutes the Final EIR for this project.

WHEREAS, the Planning Commission has reviewed all environmental documents comprising the Final EIR and has found that the Final EIR considers all environmental impacts of the proposed project and a reasonable range of alternatives,

and the Final EIR is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines.

WHEREAS, the Final EIR for this project reflects the independent judgment of the City of Costa Mesa.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 24, 2014, and continued to March 24, 2014, with all persons having the opportunity to speak and be heard for and against the proposal.

WHEREAS, The Planning Commission, by a 5-0 vote, finds that the Final EIR is complete, adequate, and fully supported by substantial evidence in that it addresses all environmental effects on the project and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines.

WHEREAS, the Federal Aviation Administration (FAA) issued a Determination of No Hazard To Air Navigation on May 16, 2013, which established a maximum building height of 111 feet above mean sea level (approximately 65 feet above ground level) for the proposed project.

WHEREAS, the Airport Land Use Commission for Orange County (ALUC), at their meeting of January 16, 2014, determined, on a 6-1 vote, that the proposed project was consistent with the Commission's Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA) and the AELUP for Heliports.

WHEREAS, the Planning Commission, by a 5-0 vote, recommended that City Council tentatively approve General Plan Amendment GP-13-02, Zoning Code Amendment CO-13-02, Rezone R-13-02, and Master Plan PA-13-11, by separate resolutions.

WHEREAS, a duly noticed public hearing was held by the City Council on April 15, 2014, with all persons having the opportunity to speak and be heard for and against the proposal.

WHEREAS, with the exception of the Final EIR, Development Agreement DA-14-02, Zoning Code Amendment CO-13-02, and Rezone R-13-02, Master Plan PA-13-11, will be subject to the approval of the General Plan Amendment GP-13-02.

BE IT RESOLVED that, based on the evidence in the record, **THE CITY COUNCIL HEREBY CERTIFIES** the Final Environmental Impact Report (EIR) for the project as described above.

PASSED AND ADOPTED this 15TH day of April, 2014.

JIM RIGHEIMER
Mayor, City of Costa Mesa

ATTEST:

CITY CLERK OF THE
CITY OF COSTA MESA

APPROVED AS TO FORM:

CITY ATTORNEY

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution Number 14__ as considered at a regular meeting of said City Council held on the 15th day of April, 2014, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 15th day of April, 2014, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2014