ATTACHMENT 6
DRAFT RESOLUTION FOR MASTER PLAN

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA GRANTING APPROVAL TO ADOPT MASTER PLAN PA-13-11 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 THE FOLLOWING ZONING CODE DEVELOPMENT STANDARDS: FOR ON-SITE PARKING SPACES (538 PARKING SPACES REQUIRED; 461 PARKING SPACES PROPOSED) AT 125 EAST BAKER STREET.

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

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, A Master Plan application for the proposed development of a five-story 240-unit residential apartment building for the development of the project as described above.

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, 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 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 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, on a 5-0 vote, recommended that City Council certify the EIR; tentatively approve General Plan Amendment GP-13-02; approve 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 and the findings contained in Exhibit A and subject to the conditions of approval/mitigation measures indicated in the Mitigation Monitoring Program contained within Exhibit B and Exhibit C, respectively, **THE CITY COUNCIL APPROVES PA-13-11** with respect to the property 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

EXHIBIT A

FINDINGS

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

Required Finding: A compatible and harmonious relationship exists between the proposed use and existing buildings, site development, and uses that exist or have been approved for the general neighborhoods.

Response: With implementation of the mitigation measures identified in the EIR for the proposed project, all potentially significant environmental impacts have been reduced to less than significant levels. With the implementation of the recommended conditions of approval, the proposed project will be compatible and harmonious with uses that exist within the general neighborhood. The project features quality construction and materials. The proposal provides on-site amenities comparable with quality residential units. The parking study prepared for the project determined that the proposed parking spaces are adequate to meet the demand for this project. The Airport Land Use Commission for Orange County (ALUC) determined that the proposed project was consistent with the Commission's Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA).

Required Finding: 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.

Response: The parking study prepared for the project concludes that the parking will be sufficient to accommodate the proposed mix of units within this project. The mitigation measures in the EIR include provisions for a traffic signal at Baker/Pullman intersection, street improvements at the Red Hill/ Baker intersection, payment of traffic impact fees, and to provide adequate sight distance for vehicles at all project drive approaches. The project has been conditioned to comply with these mitigation measures; as a result, the safety and compatibility of the project has been insured.

Required Finding: The use is consistent with the General Plan.

Response: The project proposes a General Plan amendment from Industrial Park to High Density Residential and an associated General Plan Text Amendment to reflect a site-specific density of 58 dwelling units per acre and a site-specific height of six-stories. Subject to approval of the proposed General Plan Amendment and Text Amendment the project is consistent with the General Plan, as it pertains to overall project density and height limits.

Required Finding: The cumulative effect of all the planning applications have been considered.

Response: The cumulative effects of General Plan Amendment GP-13-02, Zoning Code Amendment CO-13-02, Rezone R-13-02, and Master Plan PA-13-11 have all been considered for this project and no significant impacts were identified.

B. **Required Finding:** The master plan meets the broader goals of the General Plan and the Zoning Code by exhibiting excellence in design, site planning, and integration of uses and structures and protection of the integrity of neighboring development.

Response: The Master Plan application is 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 parking structure and four outdoor on-grade parking spaces with a deviation from the following zoning code development standards: on-site parking spaces (538 parking spaces required; 461 parking spaces proposed). With regard to the master plan, the following is noted:

The project features quality construction and materials. The building design and roof elements are a modern style, i.e., characterized by simplified square and rectangular building forms with a variety of flat planes, projections, and recesses. The exterior consists of alternating stucco, smooth fiber cement panels with exposed attachments, and wood siding finishes. Additional accents include wood balcony rails and trellises, welded wire mesh grid systems that support the growth of landscape vines, and "caged rock" planters. The developer will also be required to contact the City's Transportation Services Division and the California Department of Transportation (Caltrans) to replace the chain link fence between the westerly property line and the drainage channel v-ditch with a combination wrought iron fence with pilaster supports or other fence/barrier acceptable to both the City and Caltrans, and to landscape the area between the westerly property line and the v-ditch consistent with the abutting on-site landscape.

The proposal provides on-site amenities comparable with quality residential developments. The proposed resident amenities include a 5,400 square foot clubhouse, business center, and state-of-the-art cardio gym. Beyond the clubhouse is over 12,223 square feet of landscaped courtyard with a pool, spa and related recreation areas. A separate more passive courtyard encompasses 5,385 square feet of additional common open space. Stretching along the western edge of the property is the 13,797 square foot "resident back yard", including a dog park, basketball courts, landscaped walkways and community gardens.

The parking study prepared for the project, rather than strict compliance with the parking requirements in the Zoning Code, has been determined to appropriately identify the parking demand for this project. A shared parking analysis prepared for this project is a tool to identify peak parking demand for this project. The parking study was prepared by Linscott, Law and Greenspan Engineers (LLG) and is included in the Transportation/Traffic Section of the EIR. The study concludes that the parking will be sufficient to accommodate the proposed mix of units within this project.

The project has been designed to be compatible with the surrounding uses in the area and future apartment tenants will be notified of the existing uses in

the vicinity of this project. The project has been designed as a self-contained residential community with on-site amenities as discussed above. The building reflects a modern architecture style that makes it visually compatible with the architecture of the surrounding industrial area. A condition of approval has been incorporated requiring future tenants to be notified that there are surrounding industrial uses in the area, including but not limited to, operational characteristics such as hours of operation, delivery schedules, outdoor activities, noise, and odor generation that could be disturbing to residents. Additionally, future tenants will be notified of their proximity to the airport and the units will be designed with sound attenuation measures to mitigate any noise impacts.

C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. The Final EIR was prepared for this project pursuant to Article 7 - EIR Process, of the CEQA Guidelines, although the proposed project could have a significant effect on the environment, mitigation measures and conditions of approval have been included, which avoid or substantially lessen the significant environmental effects, as identified in the final EIR.

D. Pursuant to CEQA Guidelines Section 15093(b), when a Lead Agency approves a project that would result in significant, unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing its reasons for supporting the approved action. This document, known as the Statement of Overriding Considerations, must be supported by substantial information in the record, which includes this Final EIR. However, as the proposed project does not result in project-specific significant and unavoidable impacts and/or cumulative significant and unavoidable impacts, a Statement of Overriding Considerations is not required.

E. Mitigation measures from the EIR have been included as Exhibit C. If any of these conditions are removed, the decision-making body must make a finding that the project will not result in significant environmental impacts, that the conditions are within the responsibility and jurisdiction of another public agency, or that specific economic, social or other considerations make the mitigation measures infeasible.

F. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated at all affected intersections and by the payment of traffic impact fees.

G. The rear building of this development is at an excessive distance from the street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of buildings on the property can be somewhat reduced by installation of a standpipe system and a residential sprinkler system.

EXHIBIT B

CONDITIONS OF APPROVAL FOR PA-13-11

Plng. 1. The approval of Master Plan PA-13-11 shall be contingent upon City Council's final approval of General Plan Amendment GP-13-02, Rezone R-13-02, and Zoning Code Amendment CO-13-02.

2. Final Master Plan PA-13-11 shall comply with the conditions of approval, code requirements, special district requirements, and mitigation measures of the EIR for this project and as listed in the attached Mitigation Monitoring Program (Exhibit C).

3. Mitigation measures from the EIR for this project have been included as Exhibit C. 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 conditions are within the responsibility of another public agency, or that specific economic, social, or other considerations make the mitigation measures infeasible.

4. The conditions of approval including Mitigation Measures incorporated by reference in these Conditions of Approval as Exhibit C, code requirements, and special district requirements of PA-13-11 shall be blueprinted on the face of the site plan as part of the plan check submittal package

5. A parking management plan shall be submitted to the Development Services Director and the Transportation Services Manager prior to final occupancy of the building. The parking management plan shall denote the following:
   a. Method of allocation of assigned parking.
   b. Location of visitor parking, including appropriate signage.
   c. Location of security gates, if any, and how gates will be operated.
   d. Location of employee parking.
   e. Provide proof of a contract with a towing service to enforce the parking regulations if parking problems arise.

6. 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 such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.

7. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property or as would result in an overall building height in excess of 111 feet above mean sea level as discussed in condition of approval number 8. If additional fill dirt is needed to provide acceptable on-site stormwater 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 stormwater 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.

8. Prior to issuance of Grading Permits the applicant shall demonstrate compliance with the Federal Aviation Administration (FAA) Determination of No Hazard To Air Navigation issues 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.
9. The developer shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.
10. 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.
11. 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.
12. The project shall incorporate green building design and construction techniques where feasible; CAL Green Code or higher as determined by applicant. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
13. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information. CAL Green Code or higher as determined by applicant.
14. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted. This condition relates to visually prominent features of scuppers or downspouts that not only detract from the architecture but may be spilling water from overhead <u>without</u> an integrated gutter system which would typically channel the rainwater from the scupper/downspout to the ground. An integrated downspout/gutter system which is painted to match the building would comply with the condition. This condition shall be completed under the direction of the Planning Division.
15. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance. Freestanding signs shall be subject to review and approval by the Planning Division/Development Services Director to ensure compatibility in terms of size, height, and location with the proposed/existing development, and existing freestanding signs in the vicinity.
16. There shall be no signage above the second floor of the building. Building wall signage shall be limited to identification of the residential development.
17. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Developer is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
18. Developer shall contact the City's Transportation Services Division and the California Department of Transportation (Caltrans) to replace the chain link fence between the westerly property line and the drainage channel v-ditch with

a combination wrought iron fence with pilaster supports or other fence/barrier acceptable to both the City and Caltrans, and landscape the area between the westerly property line and the v-ditch consistent with the abutting on-site landscape. The off-site fencing and landscape plan shall be submitted for review and approval by the Planning Division. Issuance of certificate of occupancy shall not be withheld pending the completion of this condition; however, the applicant shall provide documentation of the progress and estimated time of completion of the condition prior to the issuance of the certificate of occupancy.

19. Developer shall submit a detailed Landscape Plan for the public and private open spaces, for review and approval by the Development Services Department, prior to any construction landscape improvements. The plan shall include all decorative hardscape and landscape improvements as shown on the conceptual plans to provide visual relief for the project from the street. Final materials shall be subject to approval by the Planning Division.
20. Perimeter landscaping shall be planted with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain additional 24-inch box trees above the minimum Code requirements to the satisfaction of the Development Services Director. Compliance with this requirement may include upgrading smaller sized trees to 24-inch box trees or providing additional 24-inch box trees.
21. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed and may be required on a 1:1 basis, unless otherwise approved by the Planning Division. This requirement shall be completed under the direction of the Planning Division.
22. Prior to issuance of grading permits, developer 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.
23. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to businesses during construction. The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager.
24. Prior to issuance of building permits, the building plans shall demonstrate that all units 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.
25. Design, grading, and construction shall be performed in accordance with the

requirements of the California Building Code applicable at the time of grading as well as the 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.

26. Developer shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of (1) City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section.

27. 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 properties, consistent with the level of lighting that is determined necessary for safety and security purposes on site.
    - Light standards located at the top level of the parking structure shall be a maximum of 20 feet in height, located and oriented in such a way as to minimize light spillage onto surrounding properties.

28. A "Notice to Tenants" shall disclose the surrounding industrial uses in the area, including but not limited to, operational characteristics such as hours of operation, delivery schedules, outdoor activities, noise, and odor generation. 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 vicinity of the project.

29. If the project is constructed in phases, perimeter fences/walls, landscaping

along the frontages, and irrigation shall be installed prior to completion of the first phase.

30. The FAA No Hazard Determination shall be current and valid at the time of issuance of building permits. 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.

ALUC 31. Outdoor signage shall be provided informing the public of the presence of an operating airport for all designated outdoor common or recreational areas. If the proposed project should change significantly after the ALUC review, the proposed project must return to ALUC for another consistency determination.

Eng. 32. 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.

CODE REQUIREMENTS FOR PA-13-11

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

Plng. 1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.

2. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

3. Development shall comply with all requirements of Article 1, Chapter 5, and Article 9, Chapter 5 of Title 13 of the Costa Mesa Municipal Code relating to development standards for multi-family residential projects.

4. If a tract map is proposed/recorded for this project, the Developer shall pay a park impact fee or dedicate parkland to meet the demands of the proposed development. The current park impact fee is calculated at $13,829.00 per new multi-family dwelling unit.

5. Street address shall be visible from the public street and shall be displayed on the complex identification sign. If there is no complex identification sign, the street address may be displayed on the fascia adjacent to the main entrance or on another prominent location. Street address numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.

6. Parking stalls shall be double-striped in accordance with City standards.

7. Driveway ramp slope shall comply with the standards contained in the City's parking ordinance.
8. All new on-site utility services shall be installed underground.
9. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
10. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
11. The project shall be subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan.
12. All landscaped areas shall be separated from paved vehicular areas by 6-inch high continuous Portland Cement Concrete curbing.
13. The parking structure shall be landscaped per the provisions of Costa Mesa Municipal Code Section 13-105(4) - Parking Structure Landscape Requirements.
14. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
15. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
16. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
17. Trash enclosure(s) or other acceptable means of trash disposal shall be provided. Design of trash enclosure(s) shall conform to City standards. Standard drawings are available from the Planning Division.
18. If present and/or projected exterior noise exceeds 60 CNEL, California Noise Insulation Standards, Title 25, California Code of Regulations require a maximum interior noise level of 45 CNEL for residential structures. If required interior noise levels are achieved by requiring that windows be unopenable or closed, the design for the structure must also specify the means that will be employed to provide ventilation and cooling if necessary, to provide a habitable interior environment.
19. In compliance with the City's mitigation monitoring program, the applicant shall submit a compliance report to the Planning Division along with plans for plan check or prior to commencement of the project's activity if no construction is involved, that lists each mitigation measure and states when and how the mitigation measures are to be met.

Bldg. 20. Comply with the requirements of the 2013 California Building Code, 2013 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2013 California Energy Code (or the applicable

adopted California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.

21. This project shall comply with the in-Building Public Safety Radio System Coverage per Section 5-130 to 5-137 of the Costa Mesa Municipal Code. At plan check submittal 6 copies of an in-building Public Safety Radio System Coverage report (Radio System Report) shall be submitted to the Building and Safety Division. The Radio System Report shall be certified by an FCC licensed radio technician as provided by the property owner/applicant. The technician is required by Section 5-133 to conduct initial tests and shall be employed by the owner, the engineer or architect of record, or agent of the owner, but not by the contractor or any other person responsible for the work.
22. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than 5% for a minimum of 10 feet measured perpendicular to the face of the wall. CBC 1803.3., unless otherwise approved by the City Engineer and allowed by the soils engineer.
23. Projections, including eaves, shall be one-hour fire resistive construction, heavy timber or of noncombustible material if they project into a 5-foot setback area from the property line. They may project a maximum of 12 inches beyond the 3-foot setback. CRC Tables R302.1(1) and R302.1(2).
24. Submit a soils report for this project. Soils report recommendation shall be blueprinted on both the architectural and grading plans.
25. Show compliance with Chapter 11A and 11B of the 2013 California Building Code.
26. On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge device a minimum of 12 inches plus 2 percent. 2010 California Residential Code Section R403.1.7.3. 2013 California Building Code CBC 1808.7, unless otherwise approved by the City Engineer.
27. Submit grading plans, an erosion control plan, and a hydrology study.
28. Prior to or concurrent with the submittal of plans for plan check, the applicant shall prepare and submit documentation for compliance with the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ; National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002 for Storm Water Discharges Associated with Construction Activity (General Permit); the California Regional Water Quality Control Board (RWQCB) Santa Ana Region Order No. R8-2002-0010 and NPDES Permit No. CAS618030; and, the City of Costa Mesa Ordinance No. 97-20 for compliance with NPDES Permit for the City of Costa Mesa. Such documentation shall include a Water Quality Management Plan (WQMP) identifying and detailing the implementation of the applicable Best Management Practices (BMPs).

Eng. 29. For demolition, grading, or building permits involving projects with a valuation of $10,000 or more, the contractor shall use a City-permitted

hauler(s) to haul any debris or solid waste from the job site (refer to Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to an administrative penalty as follows: $1,000 or 3% of the total project value, whichever is greater.

30. 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 13-231 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.
31. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the Cit of Costa Mesa.
32. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. sidewalk per City of Costa Mesa Standards as shown on the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.
33. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approaches 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.
34. 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.
35. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct a wheelchair ramp on the corner of Baker Street and Pullman Street.
36. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of plans.
37. Applicant is informed that Baker and Pullman Streets will be under a "NO OPEN CUT" moratorium. Open cutting the street pavement during the moratorium period shall require special resurfacing requirements.
38. The storm runoff study shall show existing and proposed facilities draining directly to the flood control channel adjacent to the property.

Trans. 39. Fulfill mitigation of off-site traffic impacts at the time of issuance of certificate of occupancy by submitting to the Transportation Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated including credits for all existing uses. At the current rate per trip end, the traffic impact fee is estimated at $165,253.00. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of certificate of occupancy

based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

40. Fulfill San Joaquin Hills Transportation Corridor Fee Ordinance requirement at the time of issuance of building permit by submitting the required fee to the Transportation Division. For the proposed use, the corridor fee is estimated as $2,216.00 per dwelling unit. NOTE: This fee is subject to revision and possible increase effective July 1 of each year.
41. Submit detailed plans for parking structure providing dimensions for all parking spaces and aisle widths per City Standards.
42. Identify width of all drive aisles including the circle entryway approaching the gated entry to the parking structure.
43. Provide a minimum of 40 feet total overall width at entry/exit for turn around.
44. Close unused drive approaches with full height curb and gutter per City Standards.
45. Construct sidewalk on Baker Street and Pullman Street per the revised plans and per City Standards and relocate any conflicting utilities, subject to final approval by Public Services.
46. Construct commercial type drive approach for FIRE LANES on Baker Street and Pullman Street, construct as 3-inch high curb.
47. Construct Type II drive approach at locations submitted on site plan. Comply with minimum clearance requirements from any vertical obstructions.
48. For the traffic study, revise Figure 9-A (Stopping Sight Distance Analysis) for southbound Pullman Street to show a merging point closer to the main entrance.
49. Developer shall be fully responsible for the design and installation of a traffic signal at the intersection of Baker Street and Pullman Street.

Fire

50. Provide Class I Wet Standpipes in all stairs.
51. Provide 2-hour fire-rated stair enclosures.
52. Provide electronic supervision of all unit smoke detectors.
53. Provide Fire Alarm System per CFC, 2010.
54. Provide Automatic Fire Sprinkler System per NFPA 13.
55. Provide Fire Department Connection at direction of Fire Department.

Parks/ Pkwys

56. Designated street tree for Baker Street is jacaranda mimosifolia. Designated street tree for Pullman Avenue is pinus pinea.

SPECIAL DISTRICT REQUIREMENTS FOR PA-13-11

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

Sani

1. It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 to obtain Sanitary District requirements.

AQMD

2. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.

School

3. Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits.

State

4. Comply with the requirements of the California Department of Food and

Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation.

Water 5. Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.

JWA 6. Proposed construction penetrates the 100:1 imaginary surface extending a horizontal distance of 20,000 feet from the nearest point of the nearest runway of John Wayne Airport. Prior to issuance of building permits, applicant shall submit a Notice of Proposed Construction to the FAA. Written proof from the FAA of their approval of the proposed construction and applicant's compliance with all FAA requirements shall be provided to the Planning Division prior to the release of building permits.

Exhibit C
Mitigation Monitoring Program

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	*Action Required*	*Monitoring Phase*	*Responsible Agency/ Party*	*Compliance Verification*		
				Initial	*Date*	*Comments*
AIR QUALITY						
MM4.2-1 The Applicant shall require by contract specifications that construction equipment engines be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Costa Mesa prior to issuance of a grading permit.	Construction document specifications	Prior to issuance of building permit; during construction	City Planning; SCAQMD			
MM4.2-2 The Applicant shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Costa Mesa prior to issuance of a grading permit.	Construction document specifications	Prior to issuance of building permit; during construction	City Planning; SCAQMD			
MM4.2-3 As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following: ■ Application of soil stabilizers to inactive construction areas ■ Quick replacement of ground cover in disturbed areas. If disturbed graded areas remain inactive for greater than 4 days, nontoxic soil stabilizers shall be applied. ■ Watering of exposed surfaces two times daily ■ Watering of all unpaved haul roads two times daily ■ Covering all stock piles with tarp ■ Reduction of vehicle speed on unpaved roads ■ Post signs on site limiting traffic to 15 miles per hour or less ■ Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads ■ Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas ■ Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip	Construction document specifications	Prior to issuance of building permit; during construction	City Planning; SCAQMD			

-26-

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	*Action Required*	*Monitoring Phase*	*Responsible Agency/ Party*	*Compliance Verification*		
				Initial	*Date*	*Comments*
MM4.2-4 The Applicant shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds shall be turned off when not in use for more than 5 minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Costa Mesa.	Construction document specifications	Prior to issuance of building permit; during construction	City Planning; SCAQMD			
MM4.2-5 The Applicant shall require by contract specifications that the architectural coating (paint and primer) products used have a VOC rating of 190 grams per liter or less, for all exterior and interior nonresidential land use architectural coating. As per SCAQMD regulations, architectural coating for residential land-uses shall not exceed 50 g/liter interior or 100 g/liter exterior. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Costa Mesa.	Construction document specifications	Prior to issuance of building permit; during construction	City Planning; SCAQMD			
MM4.2-6 Install a sealed HVAC system in conjunction with MERVE 13 or higher rated filters for all residential development within the project site. The sealed air system will be designed so that all ambient air introduced into the interior living space would be filtered through MERVE 13 or higher rated filters to remove DPM and other particulate matter. The MERVE 13 or higher rated filter is designed to remove approximately 74 percent of particulates of 3 microns or larger in size from the ambient air that is introduced to the system (NAFA 1999). As a conservative estimate of reductions, it is assumed that the residents are indoors up to 78 percent of the time (USDOL 2010). Therefore, a reduction of 58.75 percent of particulate matter is anticipated with respect to this measure.	Installation of a sealed HVAC system in conjunction with MERVE 13 or higher rated filters for all residential development within the project site	Prior to issuance of building permit; during construction	City Planning; SCAQMD			
MM4.2-7 Install all HVAC system air intakes as far from SR 55 as possible. This will further reduce risk for all interior spaces to the risk where the HVAC air intake is placed.	Installation of HVAC systems as from SR 55 as possible	Prior to issuance of building permit; during construction	City Planning; SCAQMD			
HYDROLOGY/WATER QUALITY						
MM 4.4-1 The project applicant shall finalize the drainage plan and prepare a project Water Quality Management Plan (WQMP) conforming to Orange County DAMP requirements. The plans shall be prepared by a Licensed Civil Engineer or Environmental Engineer and shall be submitted to the City of Costa Mesa Department of Public Works for review and approval. The City shall not issue a grading permit for the project until it has reviewed and approved the final drainage plan and WQMP. Prior to issuance of building permits, the City shall ensure the components of the drainage plan and WQMP BMPs have been installed.	Finalize drainage plan, Prepare a project WQMP conforming to Orange County DAMP requirements	Prior to issuance of building permit; during construction	County of Orange, City of Costa Mesa Department of Public Works			

-93-

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	*Action Required*	*Monitoring Phase*	*Responsible Agency/ Party*	*Compliance Verification*		
				Initial	*Date*	*Comments*
LAND USE/PLANNING						
MM4.5-1 The applicant for the proposed project shall provide a written statement to each residential unit and resident, notifying them of potential annoyances associated with aircraft overflight and proximity to airport operations, including the following, with final form and content to be reviewed and approved by the Economic and Development Services Director and City Attorney: "NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example, noise, vibration, or odors). Individual sensitivities to those annoyances, if any, are associated with the property before your purchase and determine whether they are acceptable to you. POSTING OF NOTICE OF DISCLOSURE IN EACH RESIDENTIAL UNIT Prior to offering the first residential unit for purchase, lease, or rent, the property owner or developer shall post a copy of the Notice of Disclosure in every unit in a conspicuous location. Also, a copy of the Notice of Disclosure shall be included in all materials distributed for the project, including but not limited to: the prospectus, informational literature, and residential lease and rental agreements."	Post Notice of Airport in Vicinity within residential development area	Prior to issuance of occupancy permit	City of Costa Mesa Planning Department			
NOISE						
MM4.6-1 Prior to issuance of a certificate of occupancy, the applicant shall prepare an acoustical analysis ensuring that interior noise levels due to exterior noise sources will be at or below 45 dBA CNEL in all units. One or a combination of the following measures will be incorporated as necessary to ensure interior noise will be at or below 45 dBA CNEL: a. Limit opening and penetrations on portions of buildings impacted by noise. b. Apply noise insulation to walls, roofs, doors, windows, and other penetrations. c. Install dual-paned windows. For some units, it may be necessary for the windows to be able to remain closed to ensure that interior noise levels meet the interior standard of 45 dBA CNEL. Consequently, a ventilation or air conditioning system would be required for these units to provide a habitable interior environment with the windows closed.	Prepare acoustical analysis	Prior to issuance of building permit	City of Costa Mesa Planning Department			

-44-

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	*Action Required*	*Monitoring Phase*	*Responsible Agency/ Party*	*Compliance Verification*		
				Initial	*Date*	*Comments*
MM4.6-2 For construction activities within 200 feet of existing commercial or industrial businesses, the construction contractor shall implement the following measures during construction: a. The construction contractor shall provide written notification to all commercial and industrial tenants at least three weeks prior to the start of construction activities within 200 feet of the receptor informing them of the estimated start date and duration of daytime vibration-generating construction activities. b. Stationary sources, such as temporary generators, shall be located as far from off-site receptors as possible. c. Trucks shall be prohibited from idling along streets serving the construction site.	Construction document specifications	Prior to issuance of building permit	City of Costa Mesa Planning Department			
TRANSPORTATION/TRAFFIC						
MM4.9-1 Pullman Street/Baker Street Intersection. Prior to issuance of a certificate of occupancy for the proposed project, the project applicant shall install a traffic signal and associated signing modifications and pavement legends at the Pullman Street/Baker Street intersection. Intersection design will incorporate the existing driveway that provides access to the 150 Baker Street property per the City of Costa Mesa Design Guidelines and California Manual on Uniform Traffic Control Devices. The applicant will install signal interconnect between Pullman Street/Baker Street traffic signal and existing traffic signals at the Baker Street/Red Hill Avenue and Baker Street/SR 55 NB Ramps intersections. In conjunction with signalization, the project applicant will restripe Baker Street to provide a dedicated eastbound and westbound left-turn lane, and a dedicated eastbound right-turn lane. Crosswalks and ADA compliant ramps will be installed as required by the City.	Install traffic signal and associated signing modifications and pavement legends at the Pullman Street/Baker Street intersection	Prior to issuance of occupancy permit	City of Costa Mesa Public Works Department			
MM4.9-2 Red Hill Avenue/Baker Street Intersection. Prior to issuance of a certificate of occupancy for the proposed project, the project applicant will implement the planned improvements at this intersection as identified in the current City of Costa Mesa General Plan, except the project applicant will provide a dedicated southbound right-turn lane, with overlap phasing, in lieu of the planned third southbound shared through/right-turn lane. The applicant will modify the existing traffic signal accordingly to current City of Costa Mesa Standards and Design Guidelines.	Implement planned improvements at intersection as identified in the current City of Costa Mesa General Plan, except the project applicant will provide a dedicated southbound right-turn lane, with overlap phasing, in lieu of the planned third southbound shared through/right-turn lane	Prior to issuance of occupancy permit	City of Costa Mesa Public Works Department			

-95-

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	*Action Required*	*Monitoring Phase*	*Responsible Agency/ Party*	*Compliance Verification*		
				Initial	*Date*	*Comments*
MM4.9-3 Traffic Impact Fees. Prior to issuance of a certificate of occupancy for the proposed project, the project applicant will pay the City's required traffic impact fee, based on the project's net increase in trips. The precise fee required will be determined upon issuance of project building permits.	Project applicant will pay the City's required traffic impact fee, based on the project's net increase in trips	Prior to issuance of occupancy permit	City of Costa Mesa Planning Department			
MM4.9-4 To ensure adequate sight distance is provided at the project driveways, the project driveways and landscaping and/or hardscape on north side of these driveways will be designed such that a driver's clear line of sight is not obstructed and does not threaten vehicular or pedestrian safety, as determined by the City Traffic Engineer. The minimum stopping sight distance will be 300 feet. The following design recommendations will be implemented: ■ Install stop signs and stop bars at the proposed project driveways on Pullman Street. Install all appropriate striping, signage and/or pavement legends per City of Costa Mesa standards/requirements. ■ All plants and shrubs within the limited use area (see Figure 4.9-3 [Line of Sight Analysis]) will be of the type that will grow no higher than 30 inches above the curb or a have a canopy no lower than 72 inches above curb. ■ The maximum tree size and minimum tree spacing in the limited use area will be limited to 24-inch caliper tree trunks (maximum size at maturity) spaced at 40 feet on center. ■ Subject to review and approval by the City Traffic Engineer, prohibit on-street parking on Pullman Street between project driveways and on the north side of the primary project driveway, and restripe Pullman Street to include a dedicated southbound right-turn lane at the primary project driveway with minimum storage of 100 feet be provided. Curbside parking will be restricted for a minimum of 200 feet north of the primary driveway. Parking will be restricted via installation of red curb and appropriate parking restriction signs.	Project driveways and landscaping and/or hardscape on north side of these driveways will be designed such that a driver's clear line of sight is not obstructed and does not threaten vehicular or pedestrian safety, as determined by the City Traffic Engineer	Prior to issuance of occupancy permit	City of Costa Mesa Public Works Department			

-96-