

**ATTACHMENT 8
APRIL 15, 2014 CITY COUNCIL STAFF
REPORT AND ATTACHMENTS**



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 15, 2014

ITEM NUMBER:

**SUBJECT: 125 EAST BAKER STREET APARTMENT PROJECT:
FINAL EIR (STATE CLEARINGHOUSE # 2013081051); GENERAL PLAN AMENDMENT
GP-13-02; REZONE R-13-02; ZONING CODE AMENDMENT CO-13-02; MASTER PLAN
PA-13-11, AND DEVELOPMENT AGREEMENT DA-14-02
125 EAST BAKER STREET**

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

DATE: APRIL 3, 2014

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov**

RECOMMENDATIONS

The Planning Commission recommends that the City Council take the following action:

1. Certify the Final Environmental Impact Report for the project.

Additionally, staff is recommending that, based on the recommendation of the Planning Commission, that the City Council grant tentative approval of the General Plan Amendment pending final approval as part of a future General Plan Cycle and take the following actions:

2. Tentatively approve by adoption of resolution General Plan Amendment GP-13-02.
3. Give first reading to the ordinance approving Rezone R-13-02.
4. Give first reading to the ordinance approving Zoning Code Amendment CO-13-02.
5. Approve by adoption of resolution Master Plan PA-13-11, subject to conditions of approval and the EIR Mitigation Monitoring and Reporting Program for the project.
6. Approve Development Agreement DA-14-02 between the applicant and the City of Costa Mesa to fund public infrastructure improvements in the area.

This staff report provides a summary of the proposed project and entitlements, as well as the Planning Commission's action related to the project. Please refer to the Planning Commission staff report dated March 24, 2014 for detailed information and analysis related to the proposed project.

PLANNING APPLICATION SUMMARY

Location: 125 East Baker Street Applications: GP-13-02/R-13-02/ CO-13-02/PA-13-11/ DA-14-02/FEIR (SCH No. 2013081051)

Request: Approval of entitlements for 125 E. Baker Apartment Project

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>CL (Current); PDR-HD (Proposed)</u>	North: <u>(Across Baker) MP, church and industrial uses</u>
General Plan: <u>IP (Current); HDR (Proposed)</u>	South: <u>(Across Pullman) MP, industrial uses</u>
Lot Dimensions: <u>Irregular</u>	East: <u>(Across Pullman) MP, industrial uses</u>
Lot Area: <u>181,415 SF (4.17 AC)</u>	West: <u>CM (55) freeway off-ramp and drainage channel</u>
Existing Development: <u>Two-story office building (to be demolished)</u>	

DEVELOPMENT STANDARD COMPARISON (Based on Proposed PDR-HD Zoning)

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	N/A	340 FT
Lot Area	43,560 SF (1 AC)	181,415 SF (4.17 AC)
Density (High Density Residential):		
Zone	20 du's/AC (83 Units Max.)	58 du's/AC (240 Units Prop.) (1)
General Plan	20 du's/AC (83 Units Max.)	58 du's/AC (240 Units Prop.) (1)
Maximum Site Coverage (Overall Project):		
Buildings	NA	NA
Perimeter Open Space	20 FT Abutting Public ROW	20 FT Abutting Public ROW
Open Space (Total Site Area)	42%	46.5%
Min. Private Open Space (Patio/Balcony)	Min. 5 FT Dimension/100 SF	Min. 5 FT Dimension/100 SF (2)
Building Height:		
	NA	5 Stories/63 FT (Apartments) (3) 6 Stories/62.5 FT (Parking Structure) (3)
Setbacks (Overall Project):		
Front (Baker Street)	NA	20 FT
Side (left-Pullman Street/right-55 FWY)	NA	20 FT/20 FT
Rear	NA	NA
On-Site Parking:		
	538 Spaces	457 Spaces (In Parking Structure) 4 Spaces (At Grade Open Parking) 461 Spaces Total (4)
Driveway Width	16 FT Min.	25 FT
NA = Not Applicable or No Requirement.		
(1) Site specific density requires General Plan Amendment and Zoning Code Amendment (see staff report discussion).		
(2) 100 SF requirement may be met through a combination of private balcony area and other deck areas in the common area, as long as the overall dimension of the balcony/deck is not less than 5 FT.		
(3) Site specific building height requires General Plan Amendment (see staff report discussion).		
(4) Reduction in number of on-site spaces requested (see staff report discussion).		
CEQA Status	Environmental Impact Report (EIR)	
Final Action	City Council	

BACKGROUND

Project Site/Environs

The project site is located at the southwest corner of Baker Street and Pullman Street. The site is approximately 4.17-acres in size (181,415 square feet), is roughly triangular-shaped, and is currently occupied by a 66,000-square-foot two-story office building constructed in 1974, a surface parking lot, signage, and landscaped areas within the parking area and around the perimeter of the site. The property is currently zoned CL (Commercial Limited) and has a General Plan Land Use Designation of Industrial Park (MP). The site is bounded to the north (across Baker Street) by buildings containing a church and various industrial uses zoned MP (Industrial Park), with a General Plan Land Use designation of Industrial Park; to the south and east (across Pullman Street) by various industrial buildings zoned MP (Industrial Park) with a General Plan Land Use designation of Industrial Park; to the west is the off-ramp for the Costa Mesa Freeway (SR-55) and a drainage channel surrounded by chain link fencing. The site is also located approximately one-half mile to the west of John Wayne Airport (JWA).

Project Proposal

The proposed project involves replacing the existing office building and surface parking areas with an apartment building and parking structure as described above. The apartment units are comprised of studio, one-bedroom, two-bedroom, and three-bedroom units. A breakdown of the unit types are summarized in the table below:

Studio & Lofts	1 Bedroom & Lofts	2 Bedroom & Lofts	3 Bedroom	TOTAL
30 Units	107 Units	95 Units	8 Units	240 Units

The building design and roof elements are 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 vehicular entrance to the parking structure is proposed to be provided from a single drive approach on Pullman Street. The project will include four outdoor on-grade parking spaces to serve the leasing office and 457 parking spaces provided within a six-level parking structure, which will also serve as a sound barrier to the adjacent freeway noise. Access to each residential level will be provided directly from each level of the parking structure and additionally by stairs and elevators throughout the development.

The site plan includes private open space and courtyard areas that allow for circulation through the project while still maintaining a sense of privacy for the residents. The project also contains resident amenities that include a pool, a spa, a state-of-the-art cardio gym, a dog park, a roof top deck, a business center, community gardens, and a clubhouse.

A detailed description of the project is provided in the Environmental Impact Report (EIR) prepared for the project, under separate cover.

SUMMARY OF PLANNING COMMISSION ACTION

On March 24, 2014 the Planning Commission recommended City Council approval of the proposed project on a 5-0 vote.

SUMMARY OF PROPOSED ENTITLEMENTS

General Plan Amendment GP-13-02

As noted earlier, a change in the land use designation of the 4.17-acre development site from Industrial Park to High Density Residential is proposed to accommodate the development. The proposed General Plan Amendment GP-13-02 would amend the following sections of the Land Use Element as *underlined and italicized below*:

LAND USE DESIGNATIONS

High-Density Residential

In 2014, General Plan Amendment GP-13-02 was approved; it consisted of a site-specific residential density increase for a 4.17-acre site at 125 East Baker Street. The maximum density allowed is 58 units/acre, which allows a maximum of 240 dwelling units.

Building Height

The Zoning Code does not specify a maximum building height for the PDR-HD zone; however, a maximum building height of four stories for buildings south of the San Diego (I-405) Freeway is established as an objective and a policy in the General Plan Land Use Element (Objective LU-1C and Policy LU-1C.2). Because the subject property for the proposed development is south of the I-405 Freeway, the four-story maximum height would apply to the project.

The proposed revision to the General Plan objective/policy language is *underlined and italicized below*:

Objective LU-1C Promote land use patterns and development, which contribute to community and neighborhood identity.

Policy LU-1C.2 Limit building height to four stories above grade south of the I-405 Freeway, except for special purpose housing, such as elderly, affordable, or student housing. An exception is for the Newport Plaza property at 1901 Newport Boulevard where a six-level parking structure is allowed, *and the property at 125 East Baker Street where a five-story, 240-unit apartment building and six-story parking structure are allowed (GP-13-02).*

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). The proposed rezone to PDR-HD would be consistent with the proposed High Density Residential General Plan designation for the project site.

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 would be required. 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. The revised Table 13-58 is presented with changes as underlined and italicized below:

Revised Table 13-58 (Planned Development Standards)						
Development Standard	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Maximum Density per Section 13-59 MAXIMUM DENSITY CRITERIA. (dwelling units per acre)	8	12	20 Note: See North Costa Mesa Specific Plan for exceptions. <u>Note: The maximum density for 125 East Baker Street is 58 dwelling units per acre (CO-13-02).</u>	35	20	Note: The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre. See North Costa Mesa Specific Plan for exceptions.

Master Plan PA-13-11

As noted earlier, 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).

After the EIR was prepared, the following revision to the maximum height of the parking structure was made for the Baker Street Apartment Project:

Original Parking Structure Height as Evaluated in the Project EIR	Parking Structure Height Indicated On Submitted Plans	Parking Structure Revised Height
57 Feet	67 Feet	62 Feet, 6 Inches

According to the applicant, the revision was necessary due to changes in the shape and layout of the parking structure, which led to some parking stalls being relocated to the top of the structure and the lengthening of the ramps within the parking structure. However,

the project architect was able to reduce the height to 62'-6" to conform to the 65-foot maximum building height previously determined by the Federal Aviation Administration (FAA). The number of overall stories within the parking structure (6) remains unchanged.

The consultant that prepared the EIR for the project has reviewed the changes and determined that although the change results in a higher point visually for the parking structure, the Aesthetics Section in the EIR previously concluded that the project is improving the aesthetic value of the site and the overall height of the project is still under 63 feet. Thus, no revisions to the EIR analysis and conclusions are necessary.

Development Agreement DA-14-02

The applicant has agreed to enter into a Development Agreement with the City in the amount of \$250,000.00 to fund future public infrastructure improvements in the area (street paving, sidewalks, open space enhancements, etc.). If the project is converted into condominium in the future, the project would still be subject to the payment of Quimby Act park land impact fees. The Development Agreement is for a period of five years, during that time the \$250,000.00 payment would be credited toward the required Quimby Act Fee.

If approved by the City Council, staff recommends the following additional condition of approval for Master Plan PA-13-11:

- *Per Development Agreement DA-14-02, the applicant shall provide a payment to the City in the amount of \$250,000.00 to fund future public infrastructure improvements in the area.*

ENVIRONMENTAL DETERMINATION

An Environmental Impact Report (EIR) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). In accordance with CEQA Guidelines Section 15087, the Draft Environmental Impact Report was made available for a 45-day public review and comment period beginning on November 6, 2013, and remained available for comment until December 20, 2013. The Final EIR document can be found on the City's website at the below link:

<http://www.costamesaca.gov/index.aspx?page=151>

Electronic copies can also be obtained on CD's from the Planning Division at no charge. Hardcopies are also available for review at the following locations:

City of Costa Mesa
Planning Division/Development Services Department
77 Fair Drive
Costa Mesa, CA 92628

The Costa Mesa/Donald Dungan Library
1855 Park Avenue
Costa Mesa, CA 92627

Mesa Verde Library
 2969 Mesa Verde Drive East
 Costa Mesa, CA 92626

Response to Comments

In total, twelve comment letters regarding the Draft EIR were received during the public review and comment period from five public agencies, one organization, and six individuals. Additionally, the Draft EIR was presented to the Planning Commission during their regularly scheduled meeting on December 9, 2013, and five speakers provided comments on the proposed project during the Planning Commission Meeting. The comments have been incorporated, where appropriate, in the Final EIR document.

Brief Summary of Significant Environmental Impacts and Mitigation Measures

Under CEQA, a "significant impact" represents a substantial or potentially substantial adverse physical change to the environment. In evaluating specific effects of the project on the environment, the EIR identifies thresholds of significance for each effect, evaluates the potential environmental change associated with each effect, and then characterizes the effects as impacts. With the implementation of the mitigation measures identified in the EIR for the proposed project, all potentially significant impacts have been reduced to less than significant levels, as briefly summarized in the table below:

Summary of Significant Environmental Impacts		
Potentially Significant Environmental Effects	Mitigation Measure Summary (1)	Level of Significance After Mitigation
Air Quality	<ul style="list-style-type: none"> • Maintain equipment during construction • Minimize dust during construction • Paint and building coatings to comply with air quality standards • Provide a sealed HVAC system for all units 	Less than significant
Hydrology/Water Quality	<ul style="list-style-type: none"> • Provide a Water Quality Management Plan (WQMP) 	Less than significant
Land Use/Planning	<ul style="list-style-type: none"> • Notification to future residents of airport in the vicinity of the project 	Less than significant
Noise	<ul style="list-style-type: none"> • Comply with applicable noise attenuation standards • Minimize noise impacts during construction 	Less than significant
Transportation/Traffic	<ul style="list-style-type: none"> • Provide a traffic signal at Baker/Pullman intersection • Provide street improvements at Red Hill/Baker intersection • Payment of traffic impact fees • Provide adequate sight distance for vehicles at all project drive approaches 	Less than significant

(1) Refer to the Final EIR document for detailed descriptions of each mitigation measure.

RECOMMENDATION FOR TENTATIVE APPROVAL

As noted earlier, the proposed project involves a site specific amendment to the Land Use Element of the City's 2000 General Plan. Per Government Code Section 65358(b) a mandatory element of the General Plan cannot be amended more than four (4) times per calendar year. On January 21, 2014, City Council approved an update to the Housing Element of the City's General Plan, and several additional general plan amendments are in various stages of review by the City, including the 2012-2023 overall update to the General Plan. Therefore, staff is recommending that the City Council grant tentative approval of the General Plan Amendment GP-13-02, for this project, with final action to be later this year to allow this general plan amendment approval to be combined with other in a single general plan amendment cycle as allowed per the Government Code.

The Council can approve the Final EIR and Development Agreement DA-14-02, at this time. The Zoning Code Amendment CO-13-02 and Rezone R-13-02 can also be approved for first reading at this time. Master Plan PA-13-11 has been conditioned to required final approval of the associated General Plan Amendment to be valid and therefore can be approved subject to final approval of the General Plan Amendment GP-13-02.

LEGAL REVIEW

The Final EIR and draft resolutions/ordinances have been reviewed and approved as to form by the City Attorney's Office.

CONCLUSION

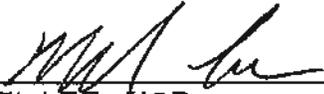
With implementation of the mitigation measures identified in the EIR for the proposed project, all potentially significant impacts have been reduced to less than significant levels. With the implementation of the recommended conditions of approval, the proposed project will be compatible and harmonious with uses that exist within the general neighborhood. The project features quality construction and materials. The proposal provides on-site amenities expected of quality residential developments of this type. The parking study prepared for the project identifies that the parking demand is adequate 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). Therefore, the Planning Commission recommended that the City Council Certify the Final EIR prepared for the project; grant Tentative Approval of the General Plan Amendment; and Approval of the DA (new item for City Council consideration) and Master Plan; and First reading to the Rezone and Zoning Code Amendment; subject to Conditions of Approval and the Mitigation Monitoring and Reporting Program.

ALTERNATIVES

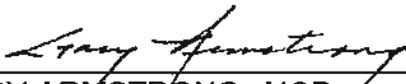
The City Council has the following alternatives:

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1. Continue the item to allow additional time for further analysis or revisions to the project.
2. Deny the project. If the City Council denies the project, the applicant could not submit substantially the same type of application for six months.



MEL LEE, AICP
Senior Planner



GARY ARMSTRONG, AICP
Director of Economic & Development /
Deputy CEO

Attachments:

1. Project Plans :
2. Draft Resolution for Final EIR Certification
3. Draft Resolution for General Plan Amendment
4. Draft Ordinance for Rezone
5. Draft Ordinance for Zoning Code Amendment
6. Draft Resolution for Master Plan
7. Minutes of the March 24, 2014 Planning Commission Meeting
8. March 24, 2014 Planning Commission Staff Report and Attachments
9. Planning Commission Resolutions
10. Final EIR
11. Development Agreement

cc:

Chief Executive Officer
Assistant Chief Executive Officer
Director of Economic & Development / Deputy CEO
City Attorney
Public Services Director
Transportation Svs. Mgr.
City Engineer
City Clerk (9)
Staff (7)
File (2)

Distribution List – Agencies and Persons Who Provided Comment
on the Project EIR

Red Oak Investments
Attn: Joe Flanagan
2101 Business Center Drive, #230
Irvine, CA 92612

Nader Properties
3 Harbor Light
Newport Beach, CA 92657

Atkins
Attn: Trina S. Abbott
3570 Carmel Mountain Road, Suite 300
San Diego, CA, 92130

InFocus Consultants
Attn: Peter Naghavi
418 Avenida Salvador
San Clemente, CA 92672

**ATTACHMENT 1
PROJECT PLANS**

Overview Map



Legend

- | | | | |
|--|-----------------------------|--|--------------------|
| | Address Points | | Street Names |
| | Freeway Roads | | Street Centerlines |
| | Collector Freeway Major | | Parcel Lines |
| | Newport Blvd Primary | | City Boundary |
| | Secondary Hydrology Channel | | Water Ways |

Map Display



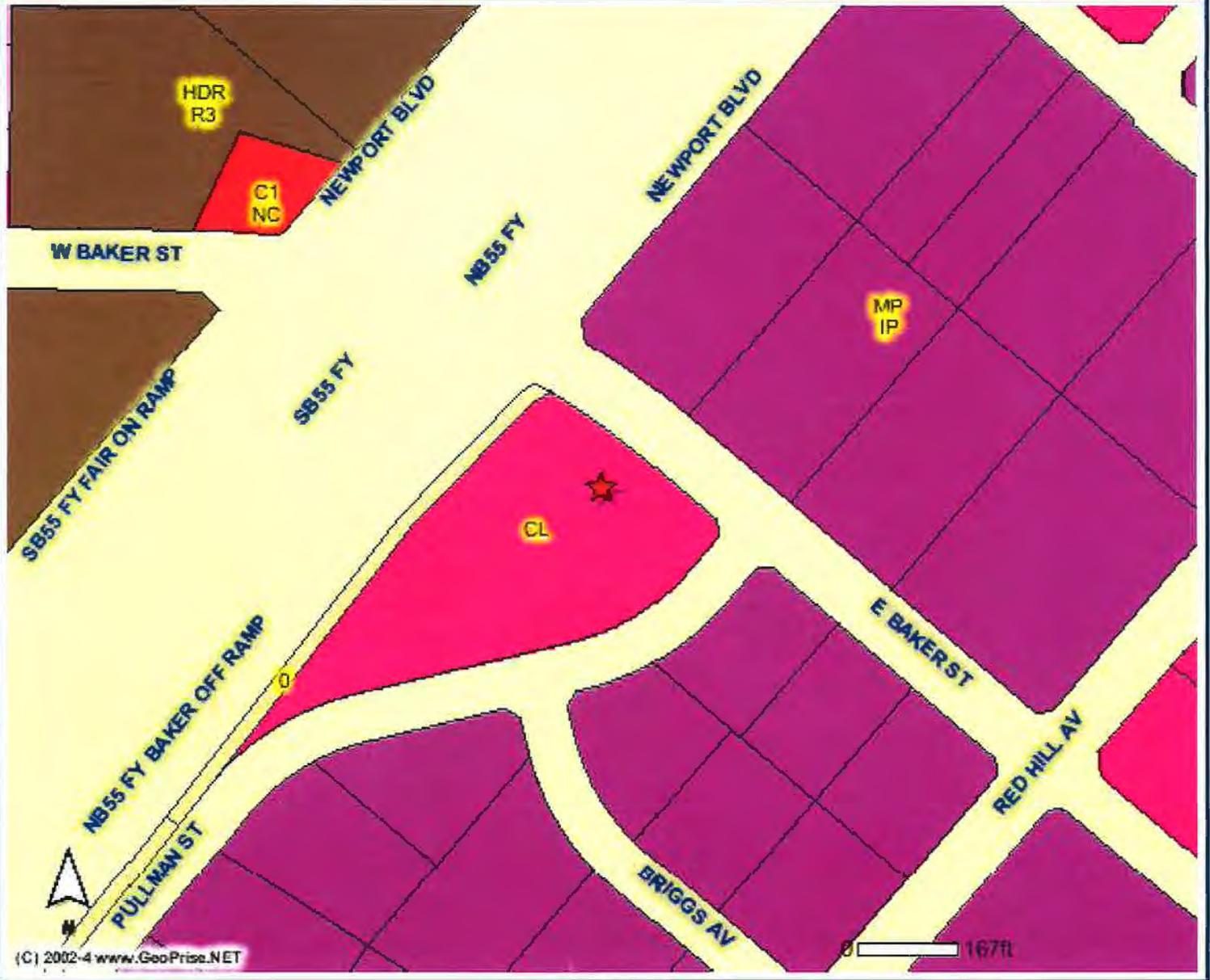
(C) 2002-4 www.GeoPrise.NET

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Overview Map



Map Display



Legend

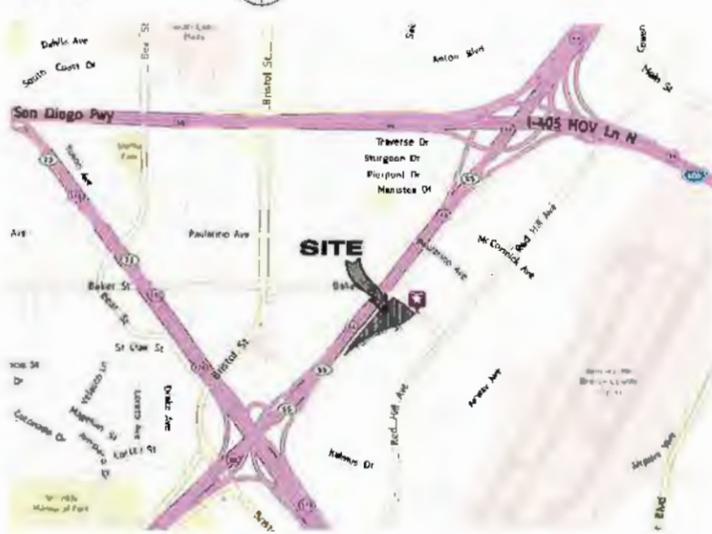
Address Points	Zoning
Hydrology	AP
Channels	C1
Street Names	C1-S
Parcel Lines	C2
Water Ways	CL
	I&R
	I&R-S
	MG
	MP
	P
	PDC
	PDI
	PDR-HD
	PDR-LD (cont)

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BAKER STREET APARTMENTS

125 BAKER STREET, COSTA MESA, CA
RED OAK INVESTMENTS

Vicinity Map



Artist's Rendering

Project Team

OWNER:
RED OAK INVESTMENTS
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Irvine, CA 92612
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144 N. Orange Street
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LANDSCAPE ARCHITECT:
MJS Design Group
507 30th St
Newport Beach, CA 92663
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CIVIL ENGINEER:
Fusco Engineering Inc.
16795 Von Karman Ave. Suite 100
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(949) 271-4301 Attn: Trevor Dodson

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PROJECT INFORMATION

SITE AREA	181,675 S.F.	4.18 AC
TOTAL UNITS	240 UNITS	
DENSITY (UNITS/AC)	57.59	
PLANNING DEVELOPMENT ZONE	PD-RD	
REQUIRED OPEN SPACE (OF LOT)	47%	
MAXIMUM SITE COVERAGE	NONE	
MAX OVERHANG AT SIDE SETBACK	2'-6"	
MAX OVERHANG AT FRONT REAR SETBACK	5'-0"	
MAX UNENCLOSED BARR OVERHANG	2'-6"	

UNIT SUMMARY

FLOOR	STUDIO	1 BEDROOMS	2 BEDROOMS	3 BEDROOMS	TOTAL
1	30	107	85	8	240
2	30	107	85	8	240
3	30	107	85	8	240
4	30	107	85	8	240
5	30	107	85	8	240
6	30	107	85	8	240
7	30	107	85	8	240
8	30	107	85	8	240
9	30	107	85	8	240
10	30	107	85	8	240
11	30	107	85	8	240
12	30	107	85	8	240
13	30	107	85	8	240
14	30	107	85	8	240
15	30	107	85	8	240
16	30	107	85	8	240
17	30	107	85	8	240
18	30	107	85	8	240
19	30	107	85	8	240
20	30	107	85	8	240
21	30	107	85	8	240
22	30	107	85	8	240
23	30	107	85	8	240
24	30	107	85	8	240
25	30	107	85	8	240
26	30	107	85	8	240
27	30	107	85	8	240
28	30	107	85	8	240
29	30	107	85	8	240
30	30	107	85	8	240
TOTAL	30	107	85	8	240

UNIT AREA SUMMARY

UNIT	BALC	LOFT	QUAN	TOTAL AREA	TOTAL DECK
ST	565	42	27	15,210	1,264
1B1	695	62	9	6,249	488
A1	718	62	42	30,036	2,604
A1L	853	82	14	11,942	668
A2	728	61	5	3,790	305
A3	727	61	27	19,829	2,214
A3L	612	61	11	6,732	602
A4	953	107	3	2,888	321
A4L	1,184	107	1	1,291	187
A5	981	71	3	2,913	213
A5L	1,371	71	1	1,442	71
B1	1,025	85	11	11,336	642
B1L	1,188	62	4	4,872	218
B2	1,081	62	30	32,430	1,850
B2L	1,224	62	12	14,888	744
B3A	1,001	120	22	23,782	2,106
B3AL	1,224	120	8	9,782	984
B3B	1,055	62	4	4,269	248
B3BL	1,224	62	2	2,448	124
B3	1,086	62	2	2,172	124
C1	1,352	80	6	8,112	348
C1L	1,527	80	2	3,054	182
TOTAL			240	217,817	17,995

BUILDING COVERAGE AND OPEN SPACE

OPEN SPACE REQUIRED	TOTAL AREA	RFCD	%
	181,675	76.10%	42%
BUILDING COVERAGE			
APARTMENT BUILDING	75,996		42%
PARKING STRUCTURE	29,810		16%
TOTAL BUILDING COVERAGE	105,806		58%
OTHER DECK COVERAGE			
PAVED AREA COVERAGE	2,573		1%
RAVED AREA COVERAGE	8,300		5%
TOTAL SITE COVERAGE	114,779		63%
OPEN SPACE			
COURTYARD 1	12,292		7%
COURTYARD 2	5,385		3%
PERIMETER	48,808		27%
PATIO/BALCONY	17,895		10%
TOTAL OPEN SPACE	84,380		47%

PARKING SUMMARY

UNIT TYPE	NO. UNITS	CITY REQUIREMENT		PROPOSED	
		STALLS PER UNIT	STALLS REQ'D	STALLS PER UNIT	STALLS REQ'D
STUDIO	30	1.25	38	1.00	30
1BR	107	1.25	134	1.50	161
2BR	85	2.25	191	2.50	214
3BR	8	2.25	18	2.50	20
SUBTOTAL RESIDENT	240		461		425
GUEST 1 TO 10 STALLS	50	0.50	25	0.25	13
GUEST 11 TO 50 STALLS	100	0.25	25	0.25	25
SUBTOTAL GUEST			50		38
TOTAL			511		463
PARKING RATIO			2.24		1.93
PARKING PROVIDED					
LEASING AND GUEST	8	5	1	4	
PARKING LEVEL 1	56	56	1	56	
PARKING LEVEL 2	57	56	1	56	
PARKING LEVEL 3	64	75	1	75	
PARKING LEVEL 4	64	75	1	75	
PARKING LEVEL 5	5	77	0	77	
PARKING LEVEL 6	0	77	0	77	
TOTAL	240	433	6	439	

BAKER STREET APARTMENTS

COSTA MESA, CA

TITLE SHEET

A-1

2013-044 03-13-2014

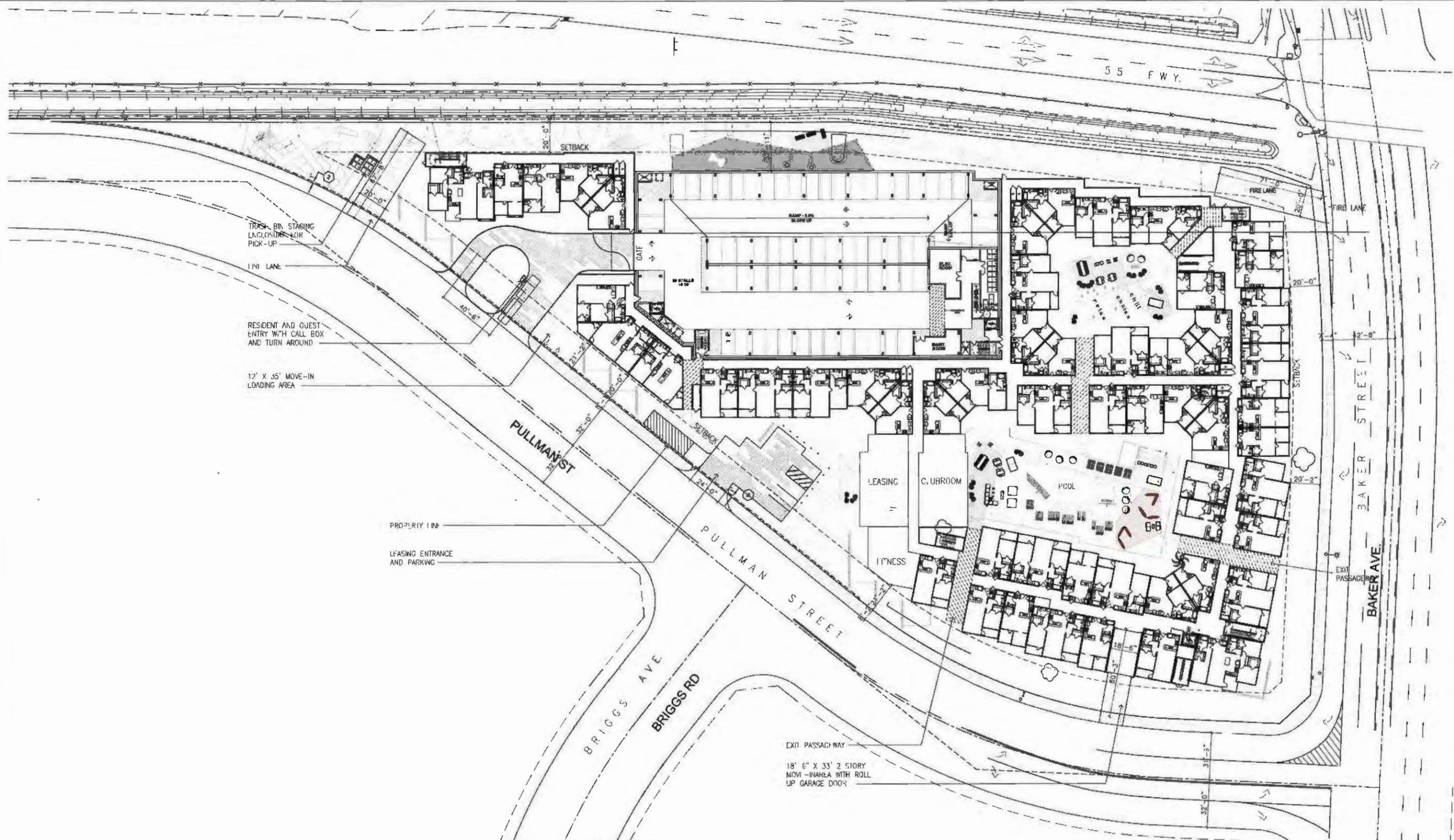


RED OAK INVESTMENTS

2101 BUSINESS CENTER DRIVE, SUITE 230 IRVINE, CA 92612 TEL: 949.733.2000

ARCHITECTS ORANGE

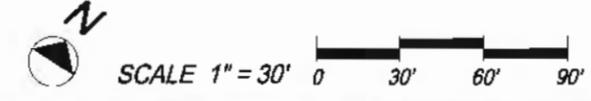
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860



ARCHITECTURAL SITE PLAN

A-2.1
2013-044 03-13-2014

BAKER STREET APARTMENTS COSTA MESA, CA

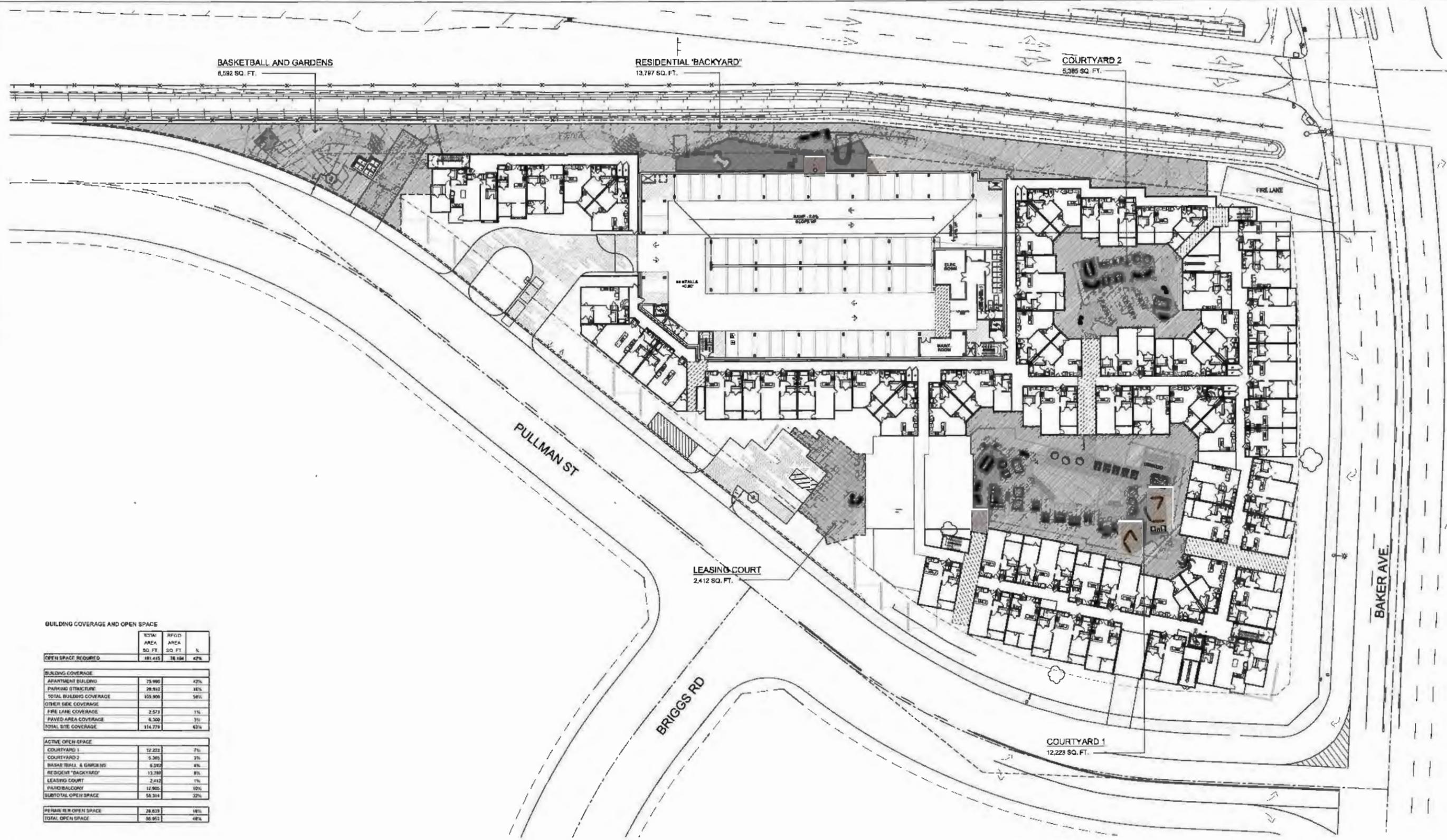


RED OAK INVESTMENTS
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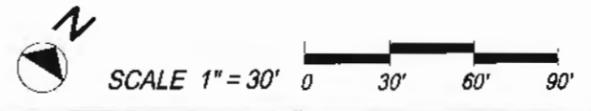


BUILDING COVERAGE AND OPEN SPACE

	TOTAL AREA SQ. FT.	RFOD AREA SQ. FT.	%
OPEN SPACE REQUIRED	181,415	18,141	10%
BUILDING COVERAGE			
APARTMENT BUILDING	75,999		42%
PARKING STRUCTURE	26,910		15%
TOTAL BUILDING COVERAGE	102,909		57%
OTHER SITE COVERAGE			
FIRE LANE COVERAGE	2,573		1%
PAVED AREA COVERAGE	4,300		2%
TOTAL SITE COVERAGE	114,779		63%
ACTIVE OPEN SPACE			
COURTYARD 1	12,223		7%
COURTYARD 2	5,385		3%
BASKETBALL & GARDENS	8,592		5%
RESIDENT 'BACKYARD'	13,787		8%
LEASING COURT	2,412		1%
PAVED/BALCONY	12,900		7%
SUBTOTAL OPEN SPACE	55,314		31%
PERMISSIBLE OPEN SPACE	28,633		16%
TOTAL OPEN SPACE	86,951		48%

OPEN SPACE PLAN

BAKER STREET APARTMENTS COSTA MESA, CA



A-2.2
2013-044 03-13-2014

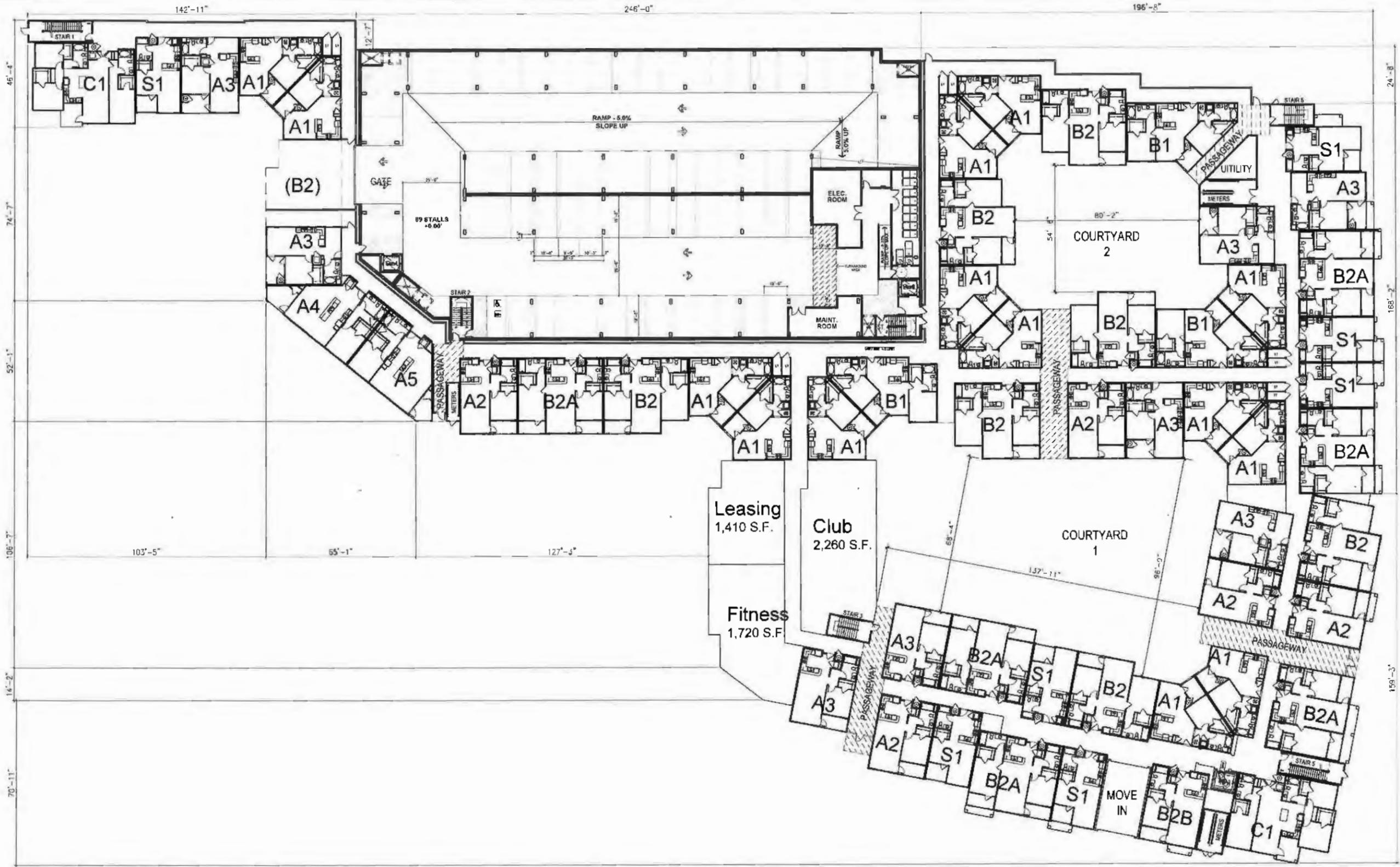


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-7A-

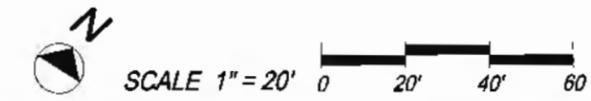
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FIRST FLOOR COMPOSITE PLAN

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A-3.1
2013-044 03-13-2014

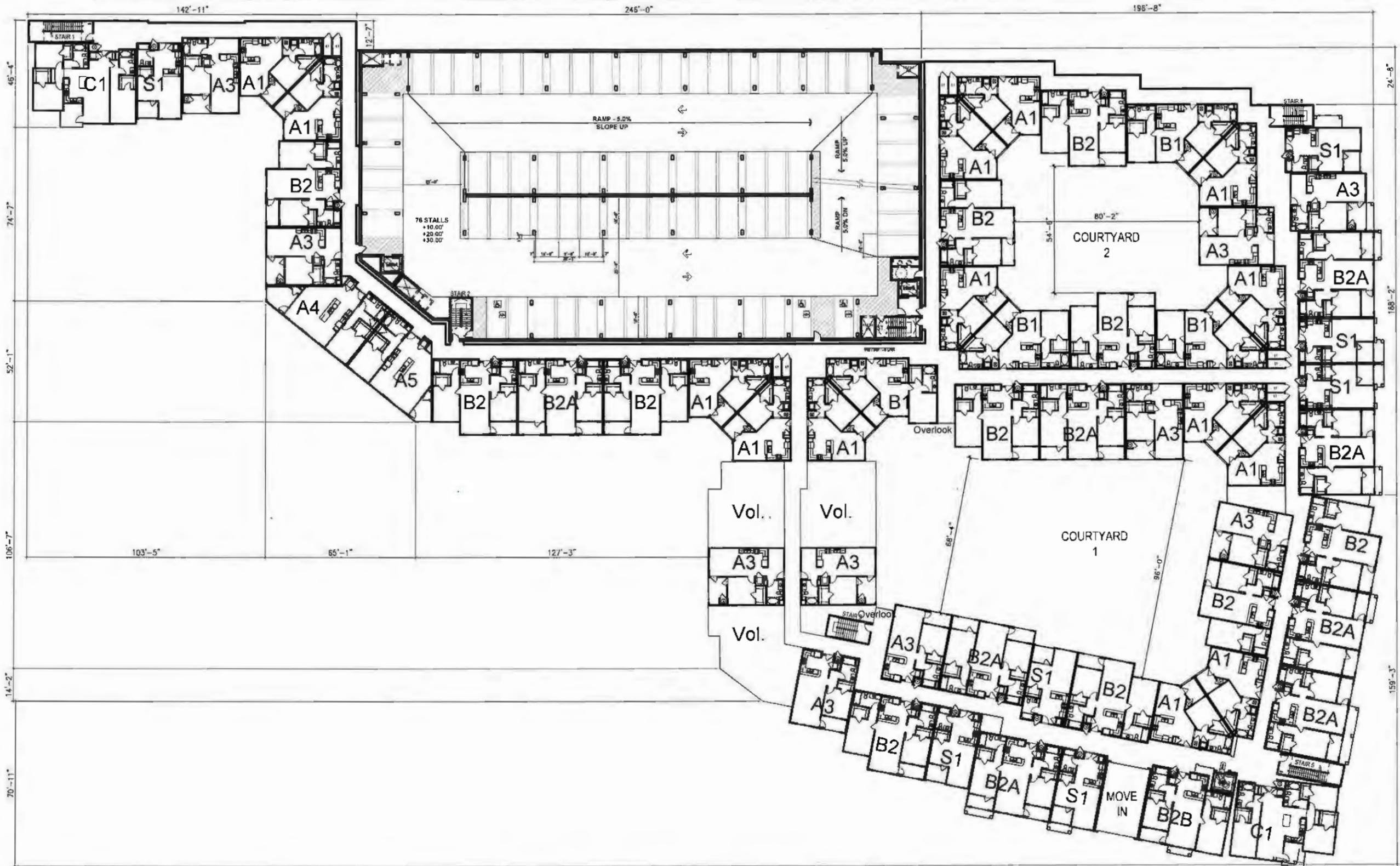


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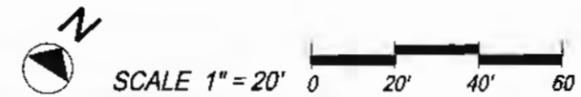


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SECOND FLOOR COMPOSITE PLAN

BAKER STREET APARTMENTS COSTA MESA, CA



A-3.2

2013-044 02-14-2014

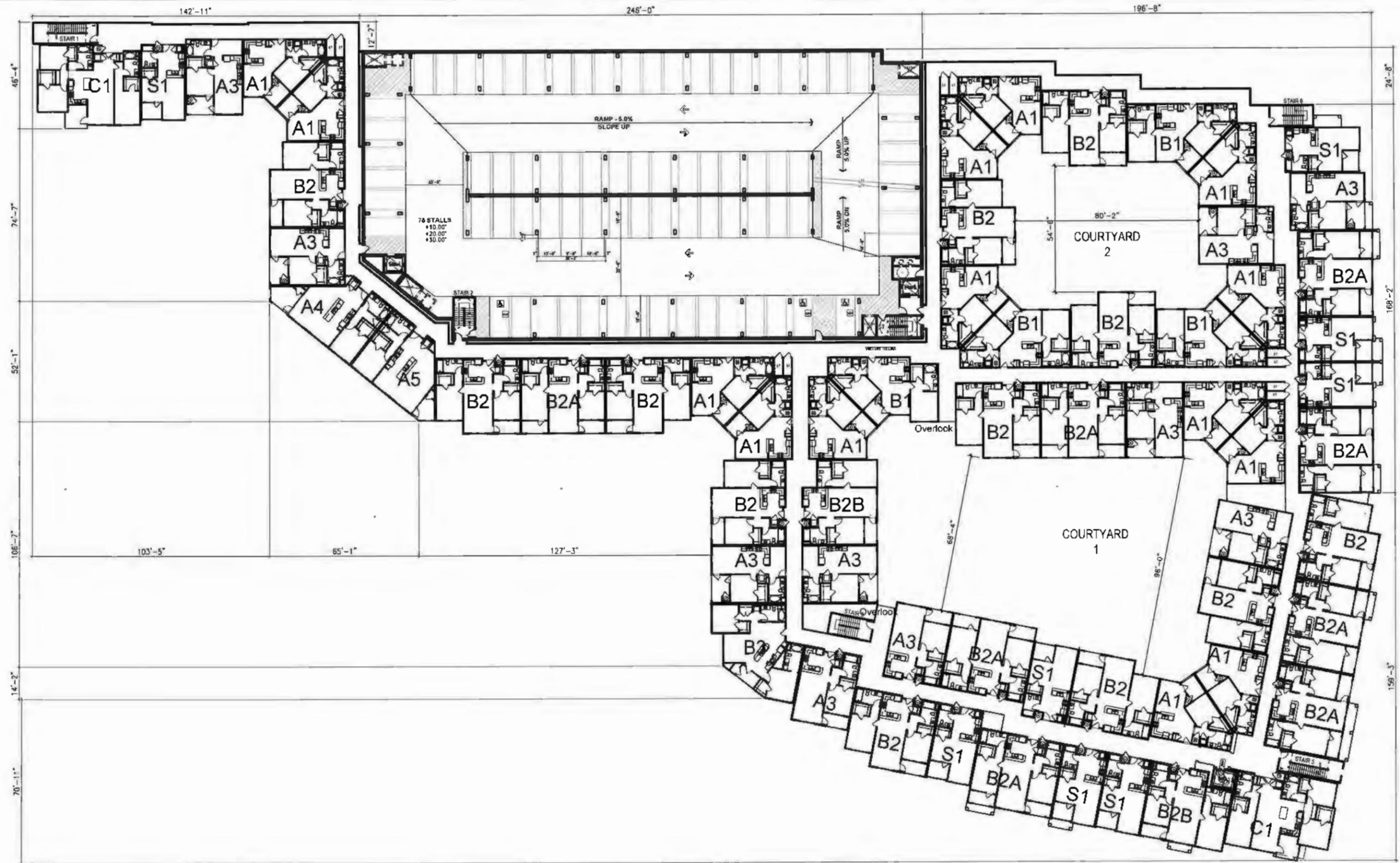


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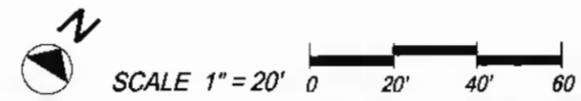
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THIRD FLOOR COMPOSITE PLAN

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A-3.3

2013-044 02-14-2014

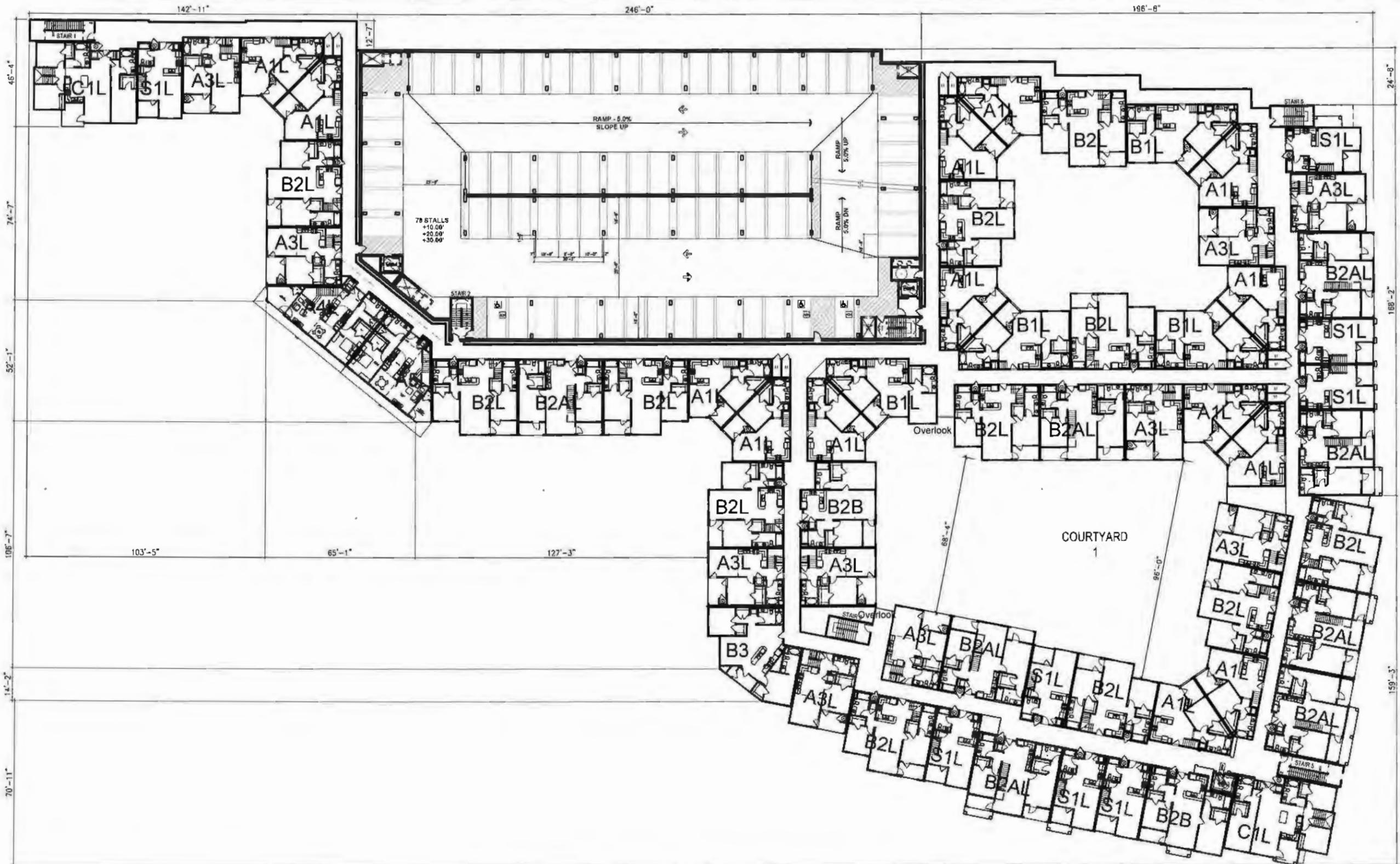


RED OAK INVESTMENTS
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-77-

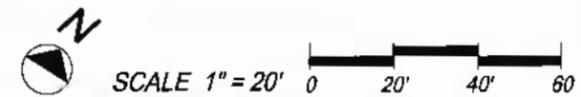
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FOURTH FLOOR COMPOSITE PLAN

BAKER STREET APARTMENTS COSTA MESA, CA



A-3.4

2013-044 02-14-2014



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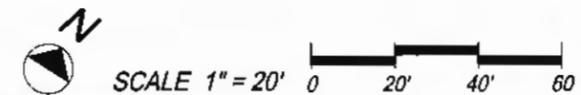


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LOFT FLOOR COMPOSITE PLAN

BAKER STREET APARTMENTS COSTA MESA, CA



A-3.5

2013-044 02-14-2014

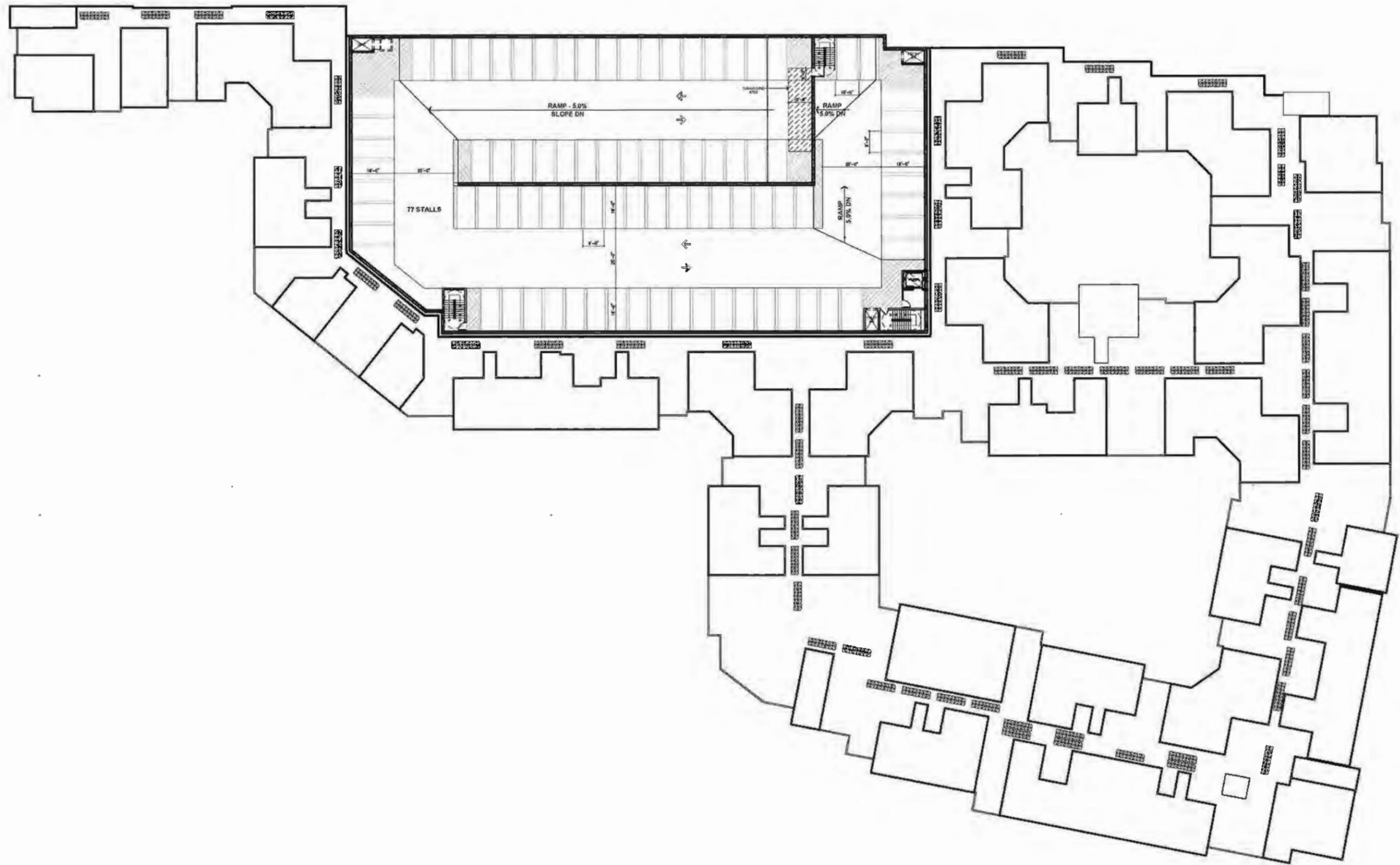


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-79-

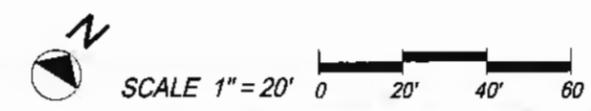
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ROOF PLAN

BAKER STREET APARTMENTS COSTA MESA, CA



A-3.6
2013-044 02-14-2014



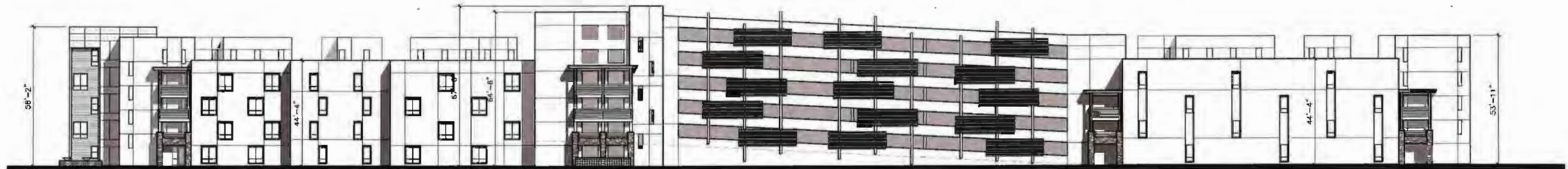
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NORTH ELEVATION - BAKER ST.



WEST ELEVATION - 55 FWY OFF RAMP

EXTERIOR ELEVATION

BAKER STREET APARTMENTS COSTA MESA, CA

SCALE 1" = 20' 0 20' 40' 60

A-4.1

2013-044 02-14-2014



RED OAK INVESTMENTS

2101 BUSINESS CENTER DRIVE, SUITE 230 IRVINE, CA 92612 TEL: 949.733.2000

-81-

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SOUTH ELEVATION



EAST ELEVATION - PULLMAN ST.

EXTERIOR ELEVATION

BAKER STREET APARTMENTS COSTA MESA, CA

SCALE 1" = 20' 0 20' 40' 60

A-4.2

2013-044 02-14-2014



RED OAK INVESTMENTS

2101 BUSINESS CENTER DRIVE, SUITE 230 IRVINE, CA 92612 TEL: 949.733.2000

-82-

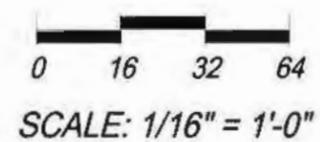
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NORTH ELEVATION - BAKER STREET



2013-044 FEBRUARY 14, 2014



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BAKER STREET APARTMENTS COSTA MESA, CA



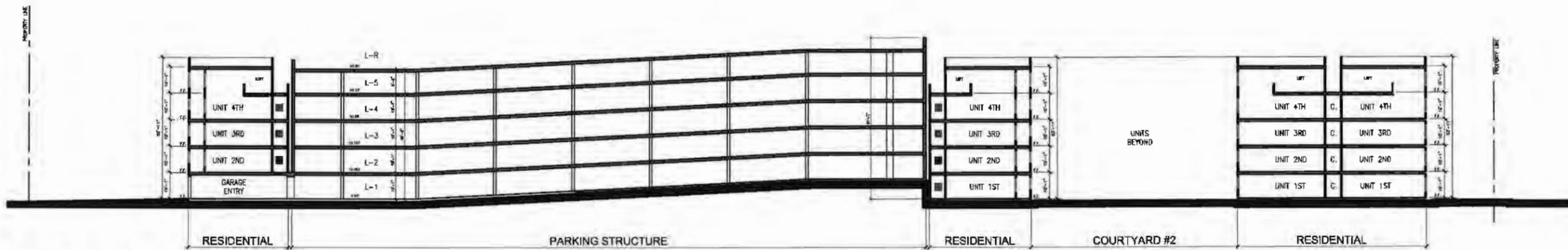
RED OAK INVESTMENTS

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- 83 -

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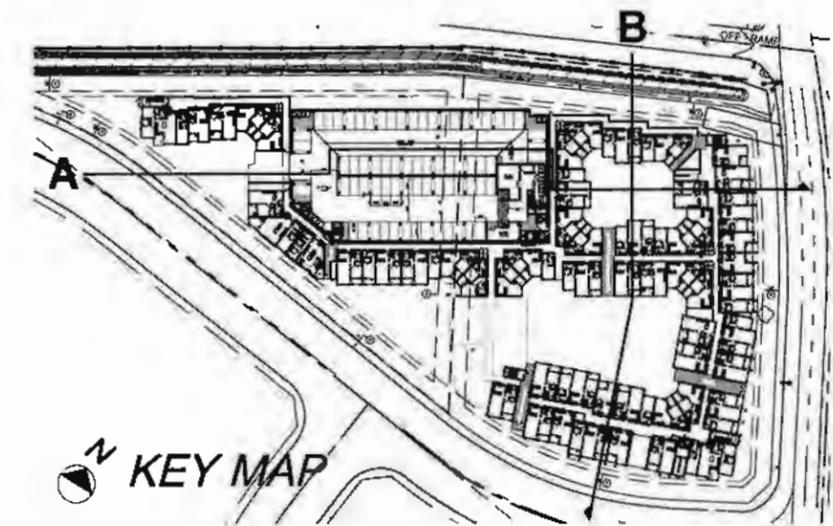
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SECTION - A



SECTION - B



BUILDING SECTIONS

BAKER STREET APARTMENTS COSTA MESA, CA

SCALE 1" = 20' 0 20' 40' 60

A-5.1
2013-044 02-14-2014

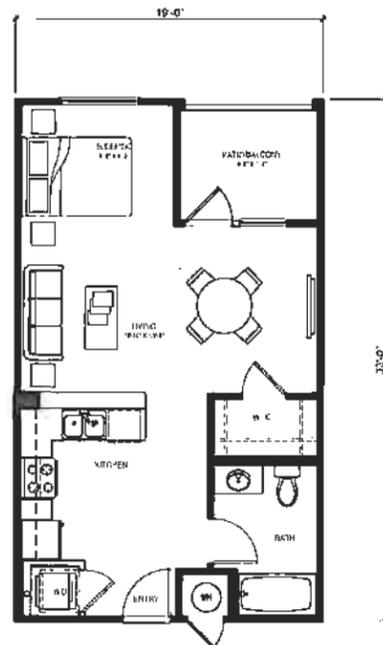
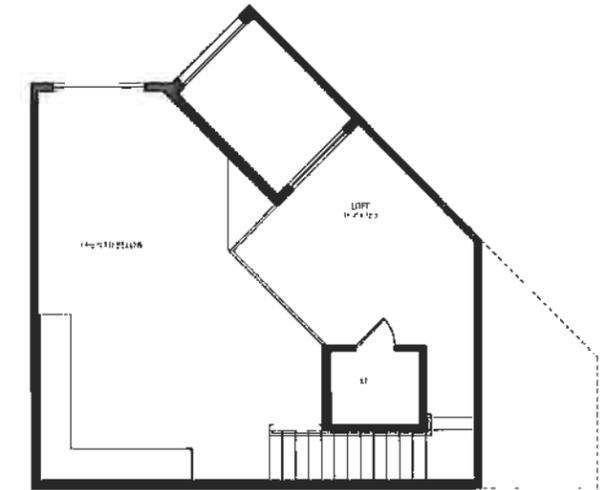
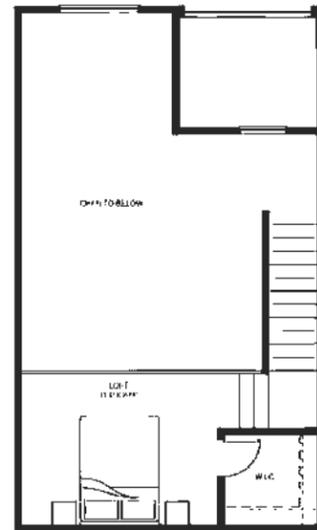


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-84-

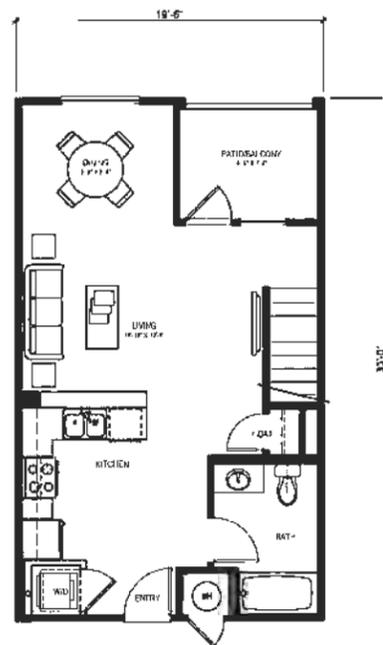
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UNIT S1: STUDIO

LIVABLE AREA: 565 SQ. FT.
PATIO/BALCONY: 62 SQ. FT.



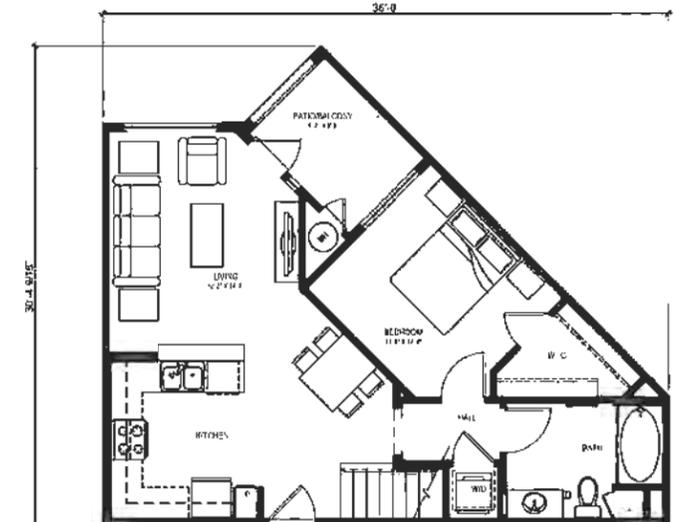
UNIT S1L: STUDIO + LOFT

1ST FLOOR AREA: 565 SQ. FT.
LOFT AREA: 130 SQ. FT.
TOTAL AREA: 695 SQ. FT.
PATIO/BALCONY: 62 SQ. FT.



UNIT A1: 1BR / 1BA

LIVABLE AREA: 715 SQ. FT.
PATIO/BALCONY: 62 SQ. FT.



UNIT A1L: 1BR / 1BA

1ST FLOOR AREA: 715 SQ. FT.
LOFT AREA: 138 SQ. FT.
TOTAL AREA: 853
BALCONY: 62 SQ. FT.

UNIT PLANS

BAKER STREET APARTMENTS

COSTA MESA, CA

3/16" = 1'-0" 0 4' 8' 16'

2013-044

A-6.1

02-14-2014



RED OAK INVESTMENTS

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UNIT A2: 1BR / 1BA

LIVABLE AREA: 758 SQ. FT.
PATIO/BALCONY: 61 SQ. FT.



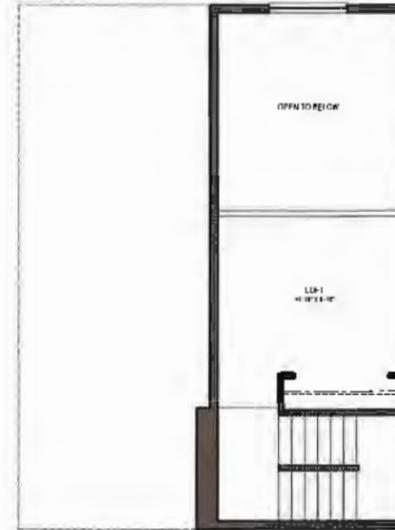
UNIT A3: 1BR / 1BA

1ST FLOOR AREA: 727 SQ. FT.
PATIO/BALCONY: 82 SQ. FT.



UNIT A3L: 1BR / 1BA

1ST FLOOR AREA: 727 SQ. FT.
LOFT AREA: 125 SQ. FT.
TOTAL AREA: 852
BALCONY: 82 SQ. FT.



UNIT A4: 1BR / 1BA

LIVABLE AREA: 963 SQ. FT.
PATIO/BALCONY: 107 SQ. FT.

UNIT PLANS

BAKER STREET APARTMENTS

COSTA MESA, CA

3/16" = 1'-0" 0 4' 8' 16'



RED OAK INVESTMENTS

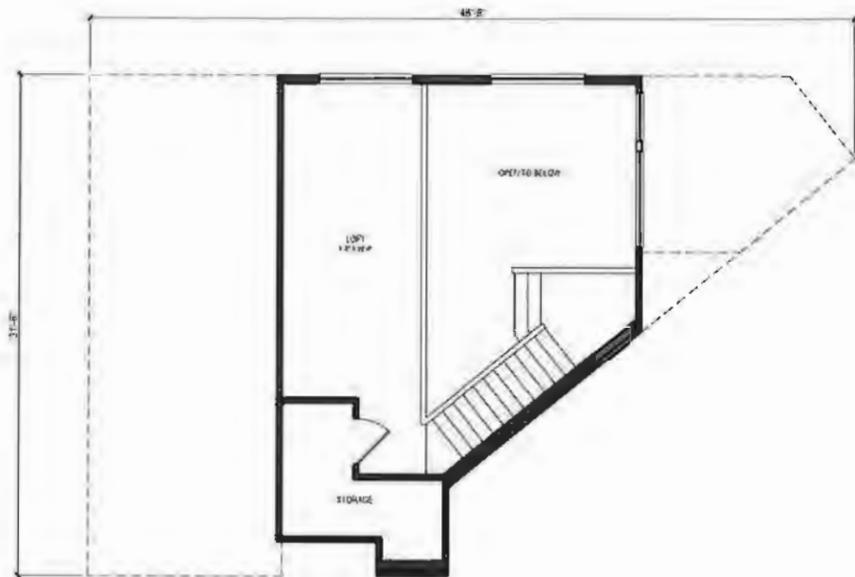
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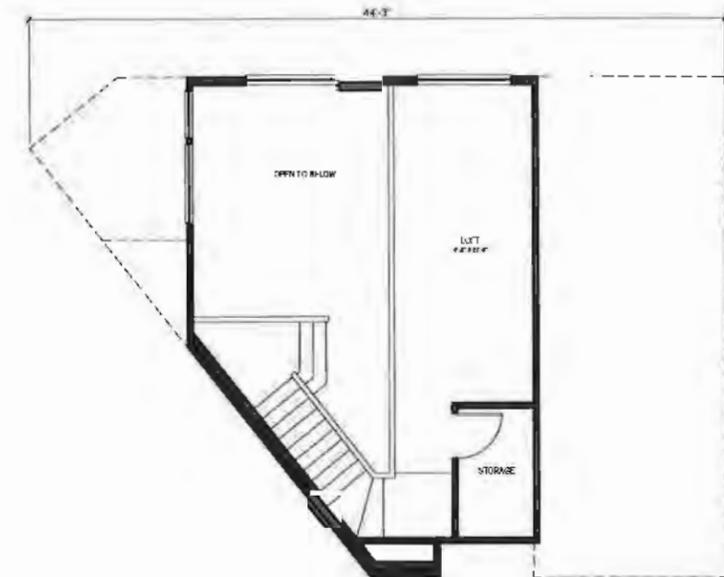
UNIT A4L: 1BR / 1BA + LOFT

1ST FLOOR AREA: 963 SQ. FT.
 LOFT AREA: 198 SQ. FT.
 TOTAL AREA: 1161 SQ. FT.
 BALCONY: 107 SQ. FT.



UNIT A5: 1BR / 1BA

LIVABLE AREA: 981 SQ. FT.
 PATIO/BALCONY: 71 SQ. FT.



UNIT A5L: 1BR / 1BA + LOFT

1ST FLOOR AREA: 981 SQ. FT.
 LOFT AREA: 193 SQ. FT.
 TOTAL AREA: 1174 SQ. FT.
 BALCONY: 71 SQ. FT.

UNIT PLANS

BAKER STREET APARTMENTS COSTA MESA, CA

3/16" = 1'-0" 0 4' 8' 16'

A-6.3
 2013-044 02-14-2014

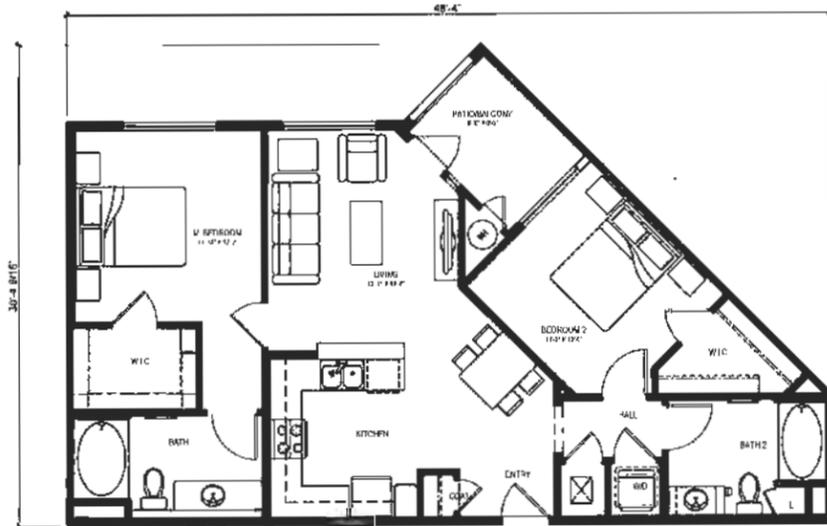
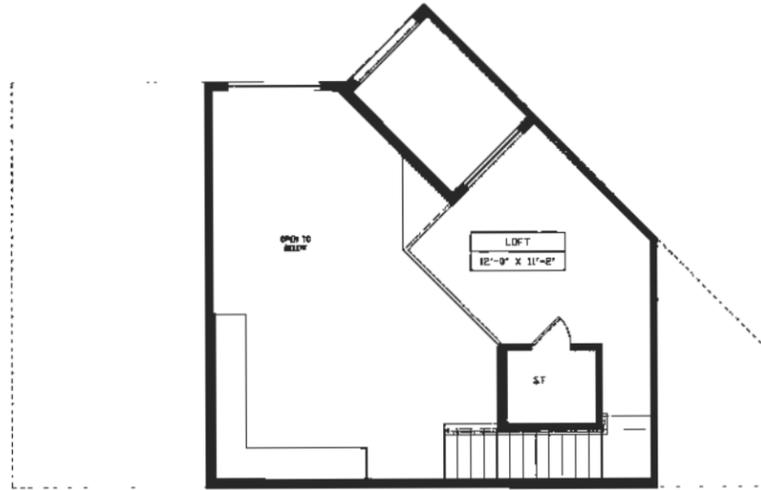


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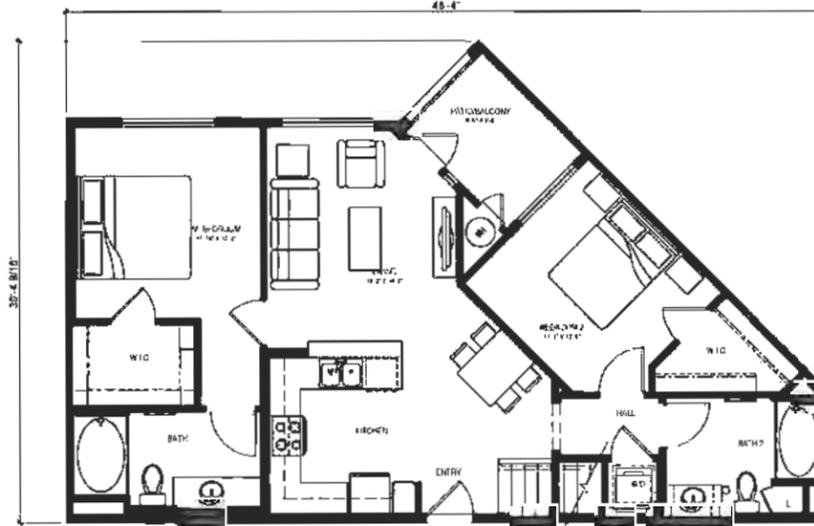
- 87 -

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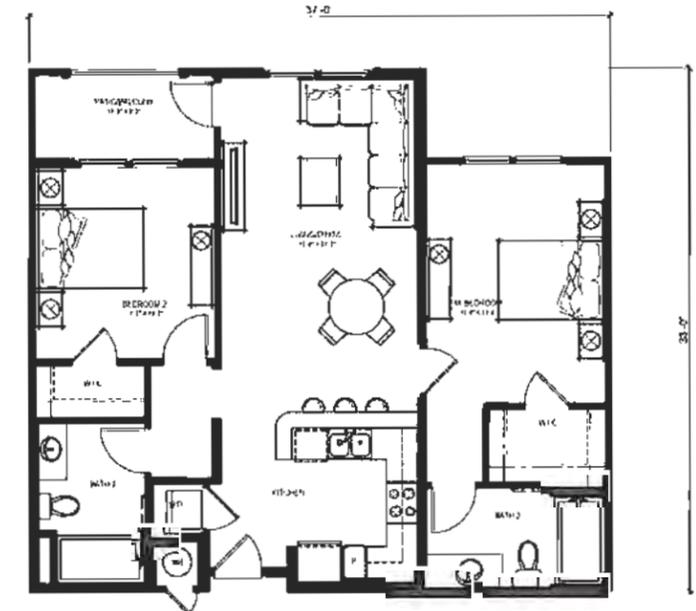
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UNIT B1: 2BR / 2BA
 LIVABLE AREA: 1030 SQ. FT.
 PATIO/BALCONY: 62 SQ. FT.



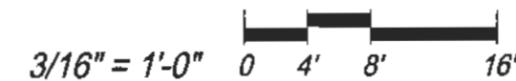
UNIT B1L: 2BR / 2BA
 1ST FLOOR AREA: 1030 SQ. FT.
 LOFT AREA: 138 SQ. FT.
 TOTAL LIVABLE: 1,168 SQ. FT.
 BALCONY: 62 SQ. FT.



UNIT B2: 2BR / 2BA
 LIVABLE AREA: 1,081 SQ. FT.
 PATIO/BALCONY: 62 SQ. FT.

UNIT PLANS

BAKER STREET APARTMENTS COSTA MESA, CA



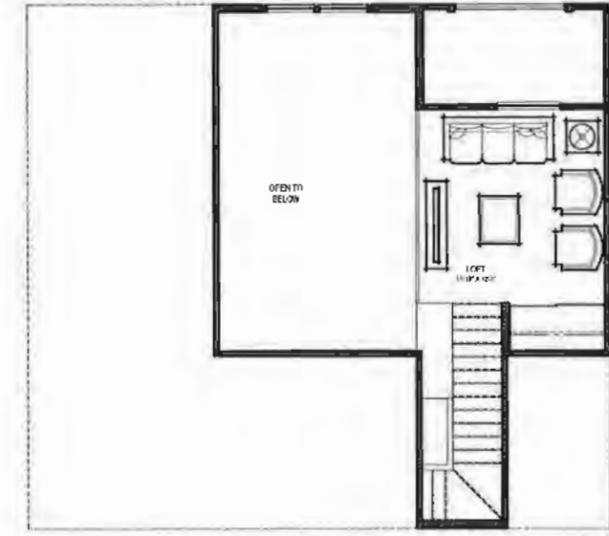
A-6.4
 2013-044 02-14-2014



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UNIT B2L: 2BR / 2BA
 1ST FLOOR AREA: 1065 SQ. FT.
 LOFT AREA: 143 SQ. FT.
 TOTAL AREA: 1208 SQ. FT.
 PATIO/BALCONY: 67 SQ. FT.



UNIT B2A: 2BR / 2BA
 LIVABLE AREA: 1,081 SQ. FT.
 PATIO/BALCONY: 123 SQ. FT.



UNIT B2AL: 2BR / 2BA
 1ST FLOOR AREA: 1,081 SQ. FT.
 LOFT AREA: 143 SQ. FT.
 TOTAL AREA: 1,224 SQ. FT.
 PATIO/BALCONY: 123 SQ. FT.

UNIT PLANS

BAKER STREET APARTMENTS COSTA MESA, CA

3/16" = 1'-0" 0 4' 8' 16'

A-6.5
 2013-044 02-14-2014

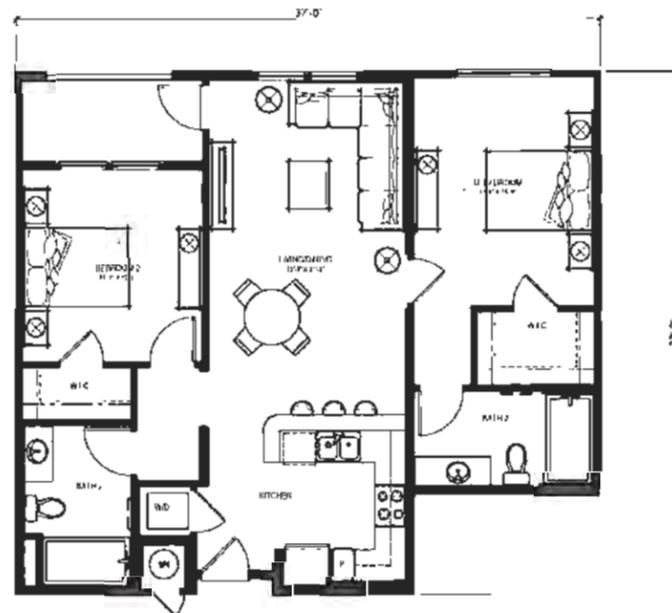


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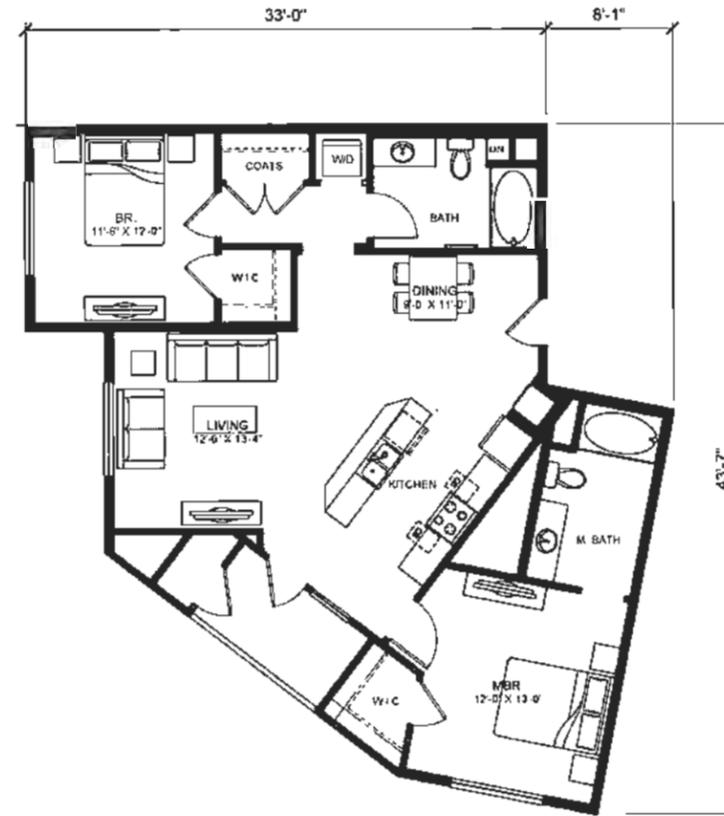
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UNIT B2B 2BR / 2BA

LIVABLE AREA: 1,065 SQ. FT.
PATIO/BALCONY: 62 SQ. FT.



UNIT B3: 2BR / 2BA

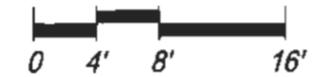
NET LEASABLE AREA: 1,186 SQ. FT.
BALCONY: 62 SQ. FT.

UNIT PLANS

BAKER STREET APARTMENTS

COSTA MESA, CA

3/16" = 1'-0"



A-6.6

2013-044 02-14-2014



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UNIT C1: 3BR / 2BA

LIVABLE AREA: 1,365 SQ. FT.
PATIO/BALCONY: 89 SQ. FT.

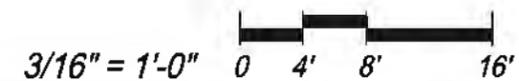


UNIT C1L: 2BR / 2BA + LOFT

1ST FLOOR AREA: 1,352 SQ. FT.
LOFT AREA: 175 SQ. FT.
TOTAL AREA: 1,527 SQ. FT.
BALCONY: 90 SQ. FT.

UNIT PLANS

BAKER STREET APARTMENTS COSTA MESA, CA



A-6.7
2013-044 02-14-2014



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NORTH ELEVATION - BAKER STREET



1
STUCCO
OMEGA PRODUCTS
20/30 SAND



2
FIBER CEMENT FLAT PANEL SIDING
JAMES HARDIE
PAINT GRADE



3
METAL CANOPIES



4
WOOD RAILING/ BALCONY FRAMES
PAINT GRADE



5
WALL MOUNTED WIRE MESH
WITH VINE GROWTH



6
STEEL TUBE METAL RAILING
PAINT GRADE



7
GABION WALL



8
FIBER CEMENT PLANK SIDING
JAMES HARDIE
PAINT GRADE

A
SHERWIN WILLIAMS
SW 7006
EXTRA WHITE



E
SHERWIN WILLIAMS
SW7650
ELLIE GRAY



9
VINYL WINDOWS
WHITE



B
SHERWIN WILLIAMS
SW7646
FIRST STAR



F
SHERWIN WILLIAMS
SW6146
UMBER



C
SHERWIN WILLIAMS
SW7567
NATURAL TAN



G
SHERWIN WILLIAMS
SW2823
ROOKWOOD CLAY



D
SHERWIN WILLIAMS
SW7548
PORTICO



H
DUNN EDWARDS
SW6048
TERRA BRUN



I
SHERWIN WILLIAMS
SW6257
GIBRALTAR



10
STONE VENEER
ELDORADO STONE
NANTUCKET

COLOR AND MATERIAL FINISHES





- LANDSCAPE AMENITIES KEY:**
- 1 ENTRY COURTYARD
-SEE SHEET L.4
 - 2 POOL COURTYARD
-SEE SHEET L.2
 - 3 RELAX' COURTYARD
-SEE SHEET L.3
 - 4 SECONDARY ENTRY
 - VISITOR CALL BOX
 - DECORATIVE PAVING
 - ACCESSIBLE PATH OF TRAVEL TO R.O.W.
 - 5 RESIDENT 'BACKYARD'
 - SEATING PLAZA with BENCHES
 - DOG PARK
 - PROTECT EXISTING 'SKYLINE'
 - EUCALYPTUS TREES AT PROPERTY LINE
 - EVERGREEN TREE SCREEN ALONG FWY
 - 6 COMMUNITY GARDEN
 - RAISED PLANTER BED (METAL AND WOOD)
 - GARDEN SHED
 - 7 BAKER STREETSCAPE
 - 5' WIDE CURB ADJACENT SIDEWALK
 - PALM GROVE with GABION WALL to ACCENTUATE CORNERS
 - FIRE LANE
 - 8 PULLMAN STREETSCAPE
 - 5' WIDE CURB ADJACENT SIDEWALK (PARTIAL)
 - STREET TREES @ 40' O.C.

PROPOSED PLANT PALETTE

LANDSCAPE CONCEPT STATEMENT

The objective of the overall landscaping concept is to provide a distinct visual impression and project identity, soften the urban experience, provide the highest level of aesthetic standards complemented by the quality of the building materials that will assure an attractive environment enhancing the quality of life among its residents. Basic material to selected for their water conservation qualities, low maintenance, adapted to the local climate and project objectives the planting scheme emphasizes form, leaf texture and foliage color in a contemporary arrangement of large, focal masses. Plant species with unique characteristics used sparingly will create focal points and points of interest.

Successful strategies are a partnership between the building design and the landscaped edge of the street, delineating each street through distinctive paving, street lighting and street furniture.

The landscape mitigation concept for the community will be designed to provide the most efficient means to distribute irrigation water and provide the property with the latest technology for water conservation.

All proposed irrigation and planting will be in compliance with the City of Costa Mesa and New Rivers Urban Ordinance for water efficient landscaping.

BOTANICAL NAME	COMMON NAME	SIZE
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TREES and PALMS

ACACIA STENOPHYLLA	SHOESHING ACACIA	24' B
ALOE BARNESI	TREE ALOE	15 G
ARBUSUS 'MARRINA'	HYBRID STRAWBERRY	30' B
BAMBUSA OLDHAMII	TIMBER BAMBOO	15 G
BRAHEA ARMATA	MEXICAN BLUE PALM	30' B
CERCIS 'FOREST PANIS'	REDBUD	15 G
CHITALPA X TASHI-KENTENSIS	CHITALPA	24' B
DRACENA DRAGO	DRAGON TREE	15 G
BEUERIA PARVIFLORA	AUSTRALIAN WILLOW	24' B
HYMENOSPORUM FLAVUM	SWEETSHADE	24' B
MAGNOLIA 'LITTLE GEM'	SOUTHERN MAGNOLIA	24' B
MAYTENUS 'GREEN SHOWERS'	MAYTEN	30' B
METROSIDEROS EXCELSUS	N Z CHRISTMAS TREE	30' B
OLEA EUROPAEA 'SWAN HILL'	SWAN HILL OLIVE	30' B
PARKINSONIA 'Desert Minuet'	HYBRID PINK VERDE	30' B
PINUS ELDORICA	AFGHAN PINE	24' B
PINUS TORREYANA	TORREY PINE	24' B
RHUS LANCEA	AFRICAN SUMAC	24' B
SYAGRUS ROMANOFFIANUM	QUEEN PALM	12-18' B TH
TIPUANU TIPU	TIPU TREE	24' B
TRISTANIA LAURINA	WATER GUM	24' B
TRISTANIA CONFERTA	BRISBANE BOX	24' B

SHRUBS:

BOTANICAL NAME	COMMON NAME	SIZE
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PERIMETER STREET EDGE and COURTYARDS

AGAVE ATTENUATA	FOXTAIL AGAVE	15 G
AGAVE VILMORINIANA	OCTOPUS AGAVE	18 G
ALOE MACULATA	YELLOW SOAP ALOE	3 G
BOUGAINVILLEA SP	BOUGAINVILLEA	3 G
CALLISTEMON 'LITTLE JOHN'	DWARF BOTTLE BRUSH	3 G
COPROBAMA REPENS	SHINY COPROBAMA	3 G
COTONEASTER 'LOWFAST'	COTONEASTER	3 G
DIETES BICOLOR	BUTTERFLY IRIS	3 G
FESTUCA MARIEI	ATLAS FESCUE	1 G
FESTUCA MOLATE	CREeping FESCUE	300
FURCHAEA MACDOUGALLII	MAURITIUS HEMP	15 G
GREVILLEA 'COASTAL GEM'	GREVILLEA	2 G
KALIANDEBE BEHARENSIS	VELVET PLANT	15 G
PHORMIUM 'YELLOW WAVE'	VARIEGATED FLAX	3 G
RHAPHIDOLEPIS CLARA	DWF INDIA HAWTHORN	3 G
RHAPHIDOLEPIS LIMBELLATA	DWF YERBA HAWTHORN	3 G
ROSMARINUS OFFICINALIS	DWARF ROSEMARY	1 G
SENECIO SERPENS	BLUE CHALK STICKS	1 G
WESTRINGIA FRUITICOSA	COAST ROSEMARY	2 G

TRANSITION TO COMMON AREA at REAR :

ALOE ARBORESCENS	TREE ALOE	3 G
ALOE STRIATA	CONAL ALOE	3 G
ARCTOSTAPHYLOS 'SUNSET'	MANZANITA	3 G
ARTEMISA CALIFORNICA	CALIFORNIA SAGEBRUSH	1 G
CELANOTHUS SPECIES	CALIFORNIA LILAC	3 G
ERIDOGONUM FASCICULATUM	CALIFORNIA BUCKWHEAT	1 G
HETEROMELES HYBRID	EVERGREEN DAFFODIL	1 G
HUECHERA SPECIES	CORAL BELLS	1 G
KNIPHOPHA 'LITTLE MAJ'	PORCH PLANT	3 G
LOMANORA 'BREEZE'	MAT RUSH	1 G
RIBES INTEGRIFOLIA	LEMONADE BERRY	3 G
RHUS OVATA	SUGAR BUSH	3 G
ROMNEYA COULTERII	SUGAR BUSH	3 G
SALVIA QUELAVANDII	CLEVELAND SAGE	3 G

WATER QUALITY BASINS

ACHILLEA MILLEFOLIUM	YARROW	1 G
CAREX PANCA	SAND DUNE SEDGE	1 G
CLARIDA AMIDENA	FAREWELL TO SPRING	1 G
DIANELEA TASMANICA	DIANELEA	3 G
IRIS PACIFIC COAST HYBRID	IRIS	1 G
JUNCUS PATENS	CALIFORNIA RUSH	1 G
LOMANORA 'BREEZE'	MAT RUSH	1 G
LYGELUM SPARTANUM	ESPARTO GRASS	1 G
LYMUS CONDENSATUS	WILD RYE	1 G
MUMBERGIA 'PINK FLAM'	DEER GRASS	1 G
SEISLERIA AUTUMNALIS	AUTUMN MOOR GRASS	1 G
STACHYS BYZANTINA	LAMBS EAR	1 G

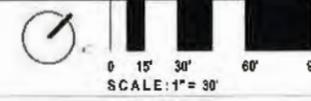
BAKER STREET APARTMENTS COSTA MESA, CA

CONCEPTUAL LANDSCAPE PLAN

RED OAK INVESTMENTS
 2101 BUSINESS CENTER DRIVE, SUITE 230 IRVINE, CA 92612 TEL: 949.733.2000

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MARCH 11, 2014



Landscape Architects:
MJS Design Group
 Cannery Lofts
 507 30th Street
 Newport Beach, CA 92663
 (949) 675-8964

L. 1



- LANDSCAPE AMENITIES KEY:**
- 1 CLUBROOM LOUNGE**
 - BBQ COUNTER
 - COMMUNAL TABLE
 - PING PONG TABLE
 - WOOD DECK
 - FIRE TABLE
 - LOUNGE FURNITURE
 - 2 POOL DECK**
 - GEOMETRIC SHAPED POOL AND SPA
 - RANDOM PAVING 'BARS'
 - CHASE LOUNGES
 - DAYBEDS
 - SUNNING LAWN with ACCENT WALL
 - 3 "HANG-OUT" DECK**
 - RECYCLE TREE STOMP SUPPORT POLES for MOVABLE HAMMOCKS
 - LOUNGE FURNITURE
 - 4 SPORTS BAR**
 - SIT-UP BAR COUNTER
 - WALL MOUNTED TV'S
 - POOL TABLE
 - SHADE SAIL

BAKER STREET APARTMENTS COSTA MESA, CA

POOL COURTYARD

L.2



RED OAK INVESTMENTS

2101 BUSINESS CENTER DRIVE, SUITE 230 IRVINE, CA 92612 TEL: 949.733.2000

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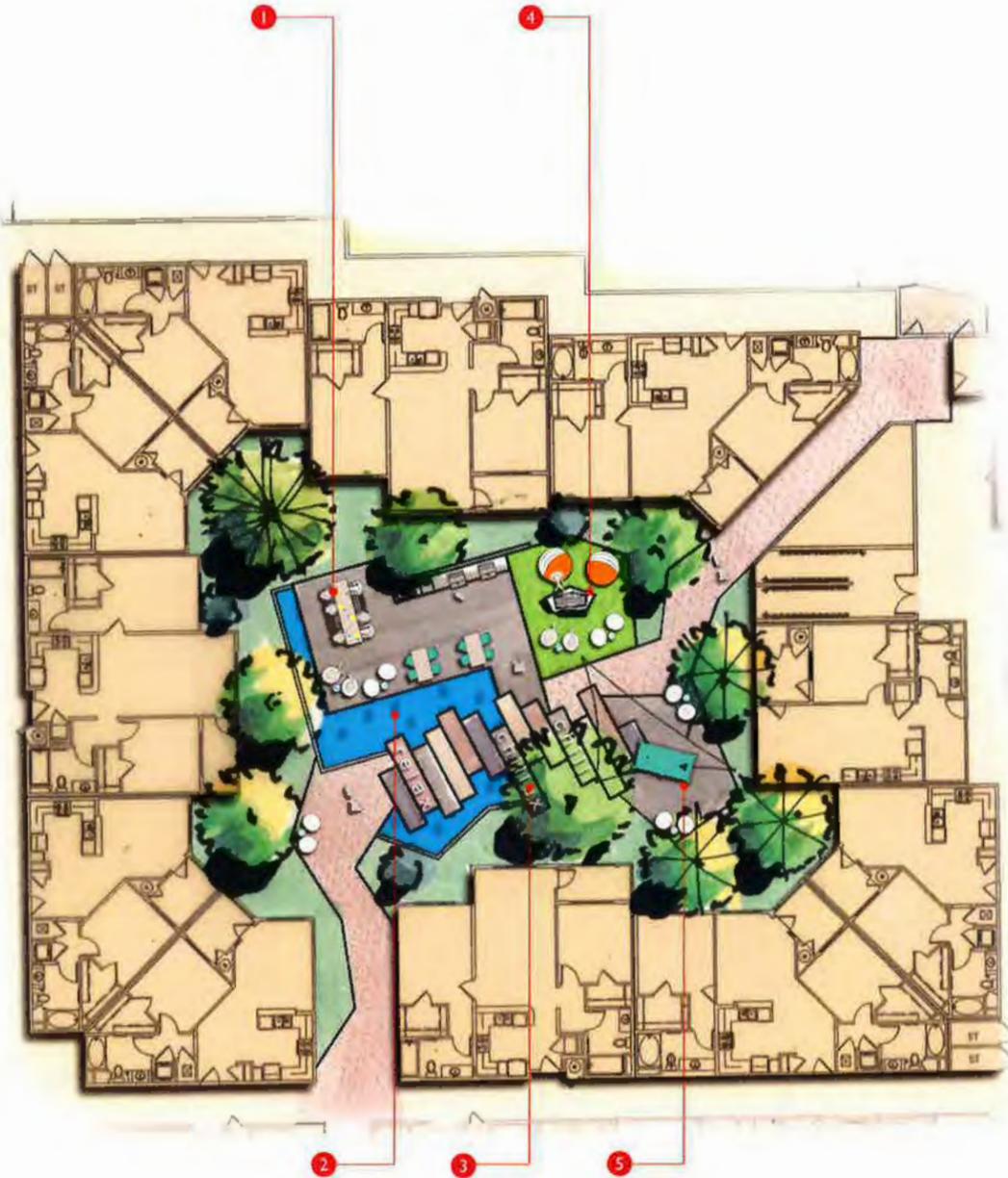
JANUARY 10, 2014



SCALE: 1" = 10'

Landscape Architects:
MJS Design Group
Cannery Lofts
507 30th Street
Newport Beach, CA 92663
(949) 675-9904





- LANDSCAPE AMENITIES KEY:**
- 1** ENTERTAINMENT 'DOCK'
 - FLOATING WOOD DOCK
 - COMMUNAL TABLE
 - OUTDOOR KITCHEN
 - LOUNGE FURNITURE
 - 2** REFLECTION POOL with WATER EFFECT
 - 3** RANDOM CONCRETE 'BARS' BRIDGE with FLOOR GRAPHICS
 - 4** 'RELAX' LAWN
 - GEOMETRIC SHAPED FIREPIT
 - DAYBEDS
 - LOUNGE FURNITURE
 - 5** GAME DECK
 - POOL TABLE
 - LOUNGE FURNITURE
 - SHADE SAIL

BAKER STREET APARTMENTS COSTA MESA, CA

'RELAX' COURTYARD

L. 3

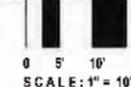


RED OAK INVESTMENTS

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JANUARY 10, 2014



Landscape Architects:
MJS Design Group
 Cannery Lofts
 507 30th Street
 Newport Beach, CA 92663
 (949) 675-9964





- LANDSCAPE AMENITIES KEY:**
- 1 ACCENT GABION WALLS
 - 2 POSSIBLE PROJECT SIGNAGE on MOUNTED LANDSCAPE
 - 3 RANDOM PAVING 'BARS'
 - 4 PERMEABLE PAVERS for FUTURE TENANT PARKING
 - 5 LEASING PLAZA
 - 6 TENANT MOVE-IN STALL with SIGNAGE

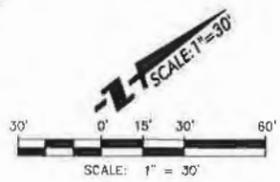
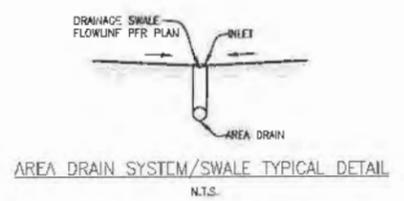
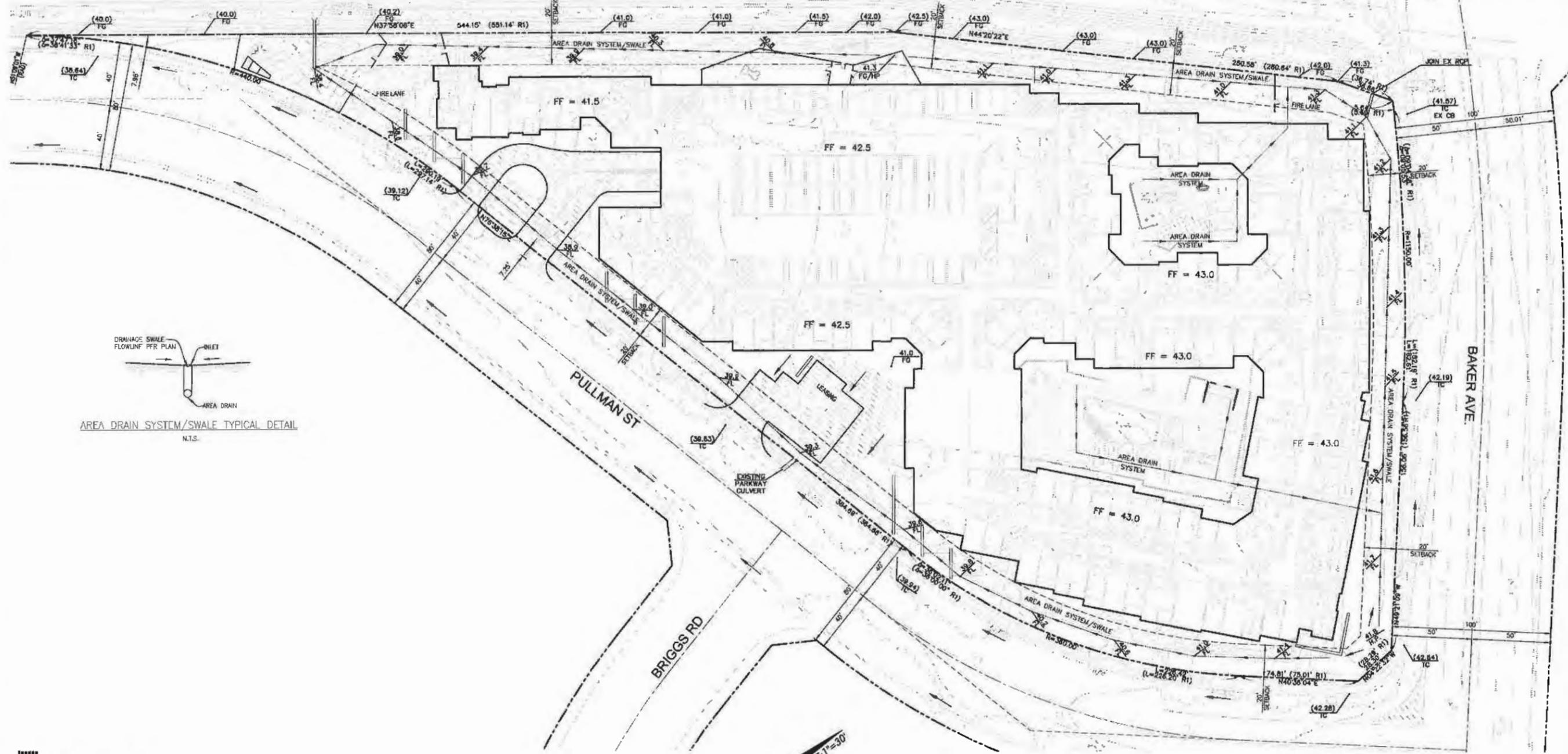
BAKER STREET APARTMENTS COSTA MESA, CA

ENTRY COURTYARD

L. 4

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ENGINEERING
16795 Von Karman, Suite 100
Irvine, California 92606
tel 949.474.1960 • fax 949.474.5315
www.fuscoe.com

BAKER STREET APARTMENTS 120 E. BAKER ST. COSTA MESA, CA

PRELIMINARY
GRADING C-2

2013-044 03-12-2014

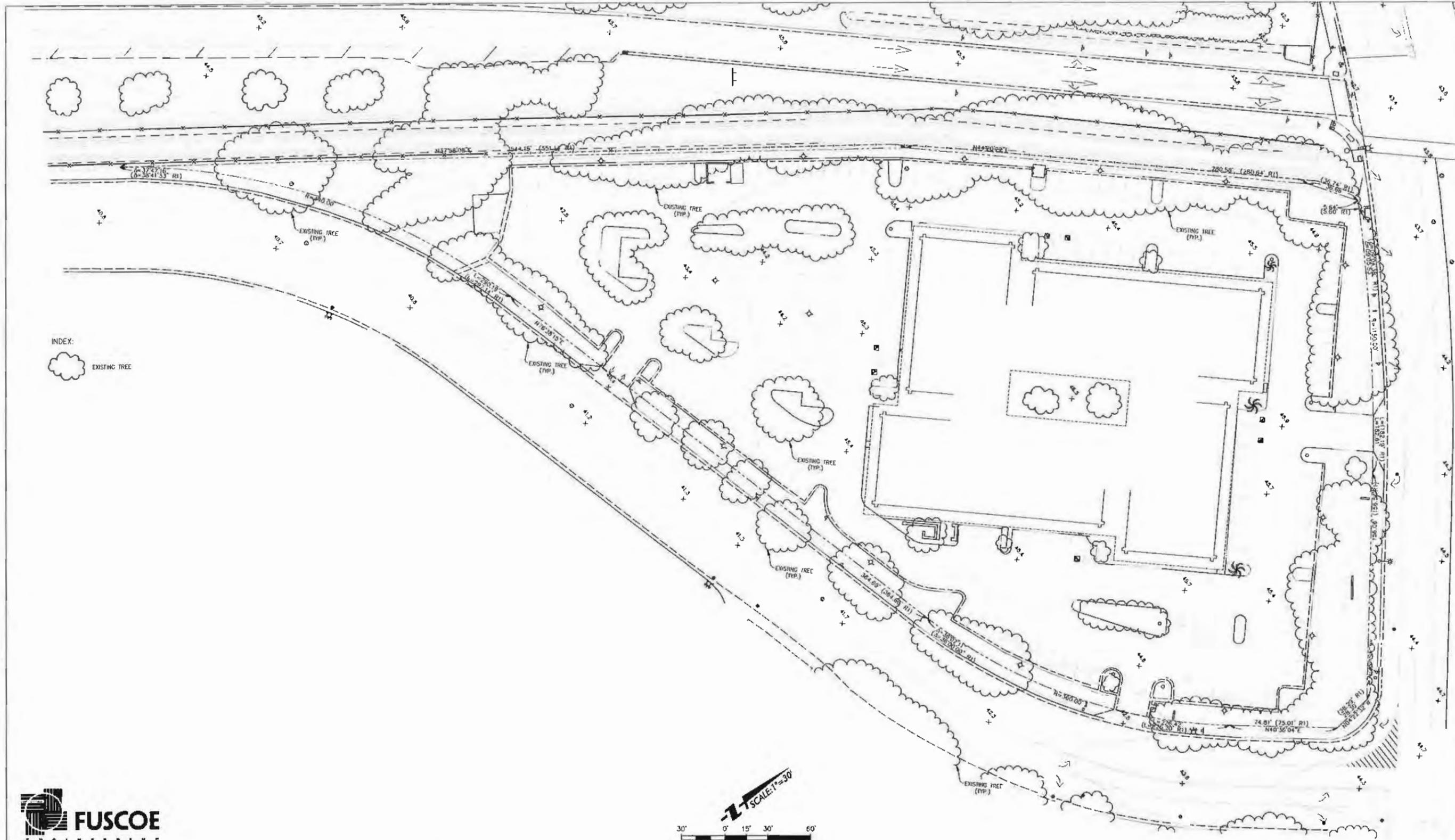


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ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

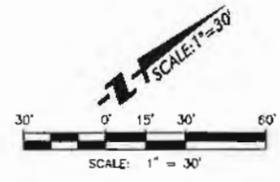
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INDEX:
 EXISTING TREE

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 tel 949.474.1960 • fax 949.474.5315
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BAKER STREET APARTMENTS 120 E. BAKER ST. COSTA MESA, CA

EXISTING TREES
 EXHIBIT C-3



RED OAK INVESTMENTS
 22101 BUSINESS CENTER DRIVE, SUITE 230 IRVINE, CA 92612 TEL: 949.733.2000

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ARCHITECTS ORANGE
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**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:

APPROVED AS TO FORM:

**CITY CLERK OF THE
CITY OF COSTA MESA**

CITY ATTORNEY

**ATTACHMENT 3
DRAFT RESOLUTION FOR GENERAL
PLAN AMENDMENT**

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA GRANTING TENTATIVE APPROVAL TO ADOPT GENERAL PLAN AMENDMENT GP-13-02 CHANGING THE LAND USE DESIGNATION OF THE 4.17-ACRE 125 EAST BAKER APARTMENT PROJECT SITE FROM INDUSTRIAL PARK TO HIGH DENSITY RESIDENTIAL AND 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 AT 125 EAST BAKER STREET.

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

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2002;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of the City of Costa Mesa.

WHEREAS, by its very nature, the General Plan is subject to update and revision to account for current and future community needs.

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 site specific amendment to the General Plan Land Use Element is proposed to change the land use designation of the 4.17-acre development site from Industrial Park to High Density Residential for the development of the project as described above.

WHEREAS, 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 is proposed for the project site.

WHEREAS, the General Plan Amendment involves an amendment to the Land Use Map of the City of Costa Mesa (Exhibit A) and a text amendment to the Land Use Element of the City's General Plan (Exhibit B);

WHEREAS, approval of the project is pending adoption of Ordinance No. 14-__ for Rezone R-13-02;

WHEREAS, approval of the project is pending adoption of Ordinance No. 14-__ for Code Amendment CO-13-02;

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, approve Zoning Code Amendment CO-13-02, Rezone R-13-02, and Master Plan PA-11-13 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 GRANTS TENTATIVE APPROVAL TO ADOPT** GP-13-02 which amends the Land Use Map of the City of Costa Mesa (Exhibit A) and a text amendment to the Land Use Element of the City's General Plan (Exhibit B) with respect to the property described above.

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

JIM RIGHEIMER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

EXHIBIT A

Amendment to the Land Use Map

Change the land use designation of the 4.17-acre development site at 125 East Baker Street from Industrial Park (IP) to High Density Residential (HDR)

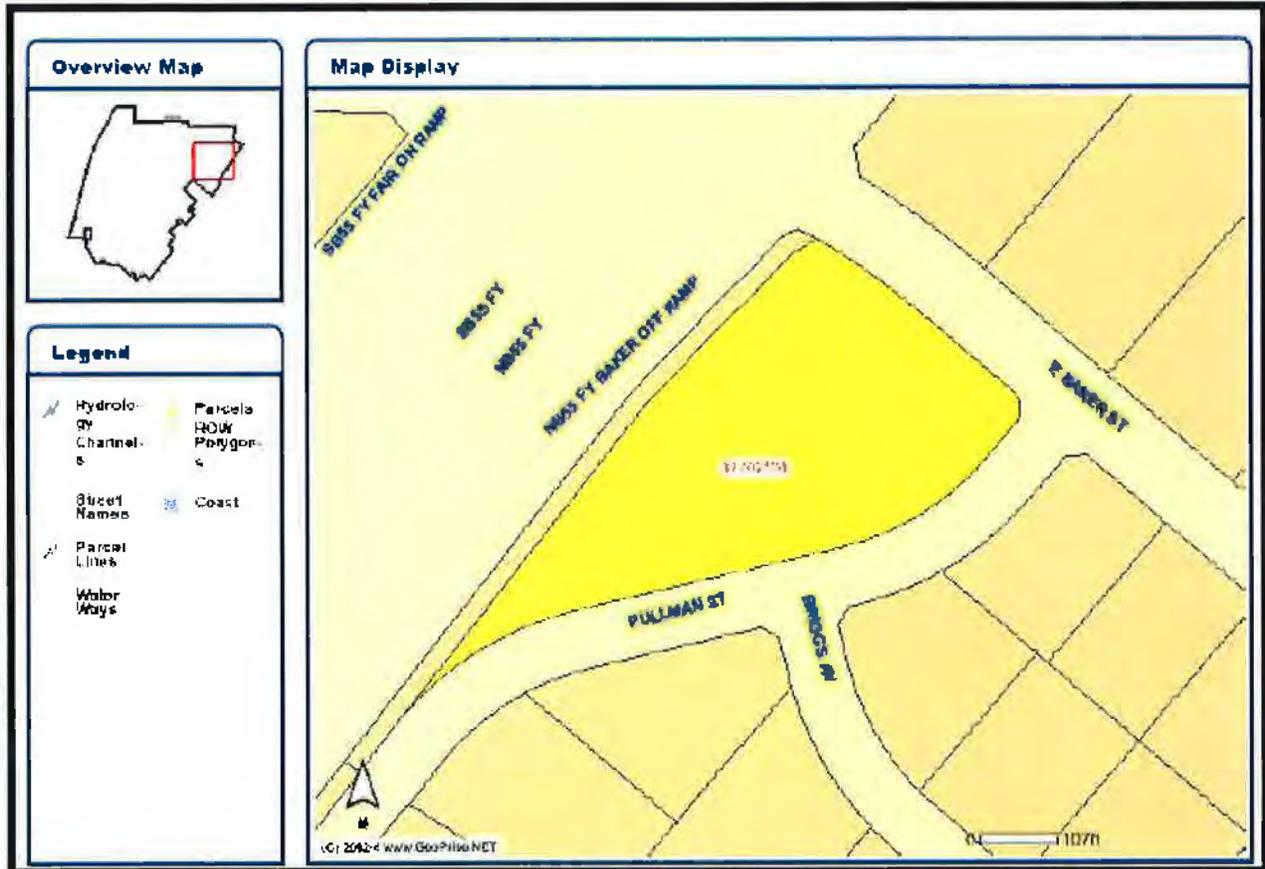


EXHIBIT B

The proposed General Plan Amendment GP-13-02 would amend the following sections of the Land Use Element as underlined and italicized below:

LAND USE DESIGNATIONS

High-Density Residential

In 2014, General Plan Amendment GP-13-02 was approved, and it consisted of a site-specific residential density increase for a 4.17-acre site at 125 East Baker Street. The maximum density allowed is 58 units/acre. This allows a maximum of 240 dwelling units.

Building Height

The proposed revision to the General Plan objective/policy language is underlined and italicized below:

Objective LU-1C Promote land use patterns and development, which contribute to community and neighborhood identity.

Policy LU-1C.2 Limit building height to four stories above grade south of the I-405 Freeway, except for special purpose housing, such as elderly, affordable, or student housing. An exception is for the Newport Plaza property at 1901 Newport Boulevard where a six-level parking structure is allowed, *and the 240-unit apartment project at 125 East Baker Street where a five-story apartment building and six-story parking structure are allowed (GP-13-02).*

**ATTACHMENT 4
DRAFT ORDINANCE FOR REZONE**

ORDINANCE NO. 14-

AN ORDINANCE RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA GRANTING APPROVAL TO ADOPT REZONE R-13-02 FOR A REZONE (OR CHANGE) OF THE ZONING CLASSIFICATION OF THE 4.17-ACRE DEVELOPMENT SITE FOR THE 125 EAST BAKER APARTMENT PROJECT FROM COMMERCIAL LIMITED (CL) TO PLANNED DEVELOPMENT RESIDENTIAL – HIGH DENSITY (PDR-HD) AT 125 EAST BAKER STREET.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN 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 improvements in the area.

WHEREAS, a Rezone (or change) of the zoning classification of the 4.17-acre development site is proposed from Commercial Limited (CL) to Planned Development Residential – High Density (PDR-HD) 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; and approve Zoning Code Amendment CO-13-02, and Master Plan PA-11-13, 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.

SECTION 1: REZONE. Based on the evidence in the record and the findings contained in Exhibit A, **THE CITY COUNCIL HEREBY GRANTS APPROVAL TO ADOPT R-13-02**, which amends the Zoning Map of the City of Costa Mesa (Exhibit B) with respect to the property described above.

SECTION 2: ENVIRONMENTAL DETERMINATION. Pursuant to the California Environmental Quality Act (CEQA), a Draft EIR was circulated from November 6, 2013 to December 20, 2013 for public review and comment. 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. 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. 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. 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. 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. 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. The Final EIR for this project reflects the independent judgment of the City of Costa Mesa.

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 or further, is hereby repealed or modified to the 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 and member of the City Council voting for and against the same.

JIM RIGHEIMER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

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 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 identifies that the parking demand is adequate 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.

Required Finding: The use complies with performance standards as prescribed elsewhere in the Zoning Code, subject to approval of the proposed Zoning Code Amendment for site specific changes to the density and height limits for this site.

Response: The project complies with the City's Zoning Code, subject to approval of the associated Zoning Code Amendment for site specific text changes as it pertains to density and building height, and complies with the intent of the Zoning Code as it pertains to on-site parking spaces.

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

Response: A change in the land use designation of the 4.17-acre development site from Industrial Park to High Density Residential is proposed to accommodate the development; therefore, the proposed rezone to PDR-HD would be consistent with the proposed High Density Residential General Plan designation for the project site.

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 cumulative

impacts were identified.

- B. **Required Finding:** The proposed rezone is consistent with the Zoning Code and the General Plan.

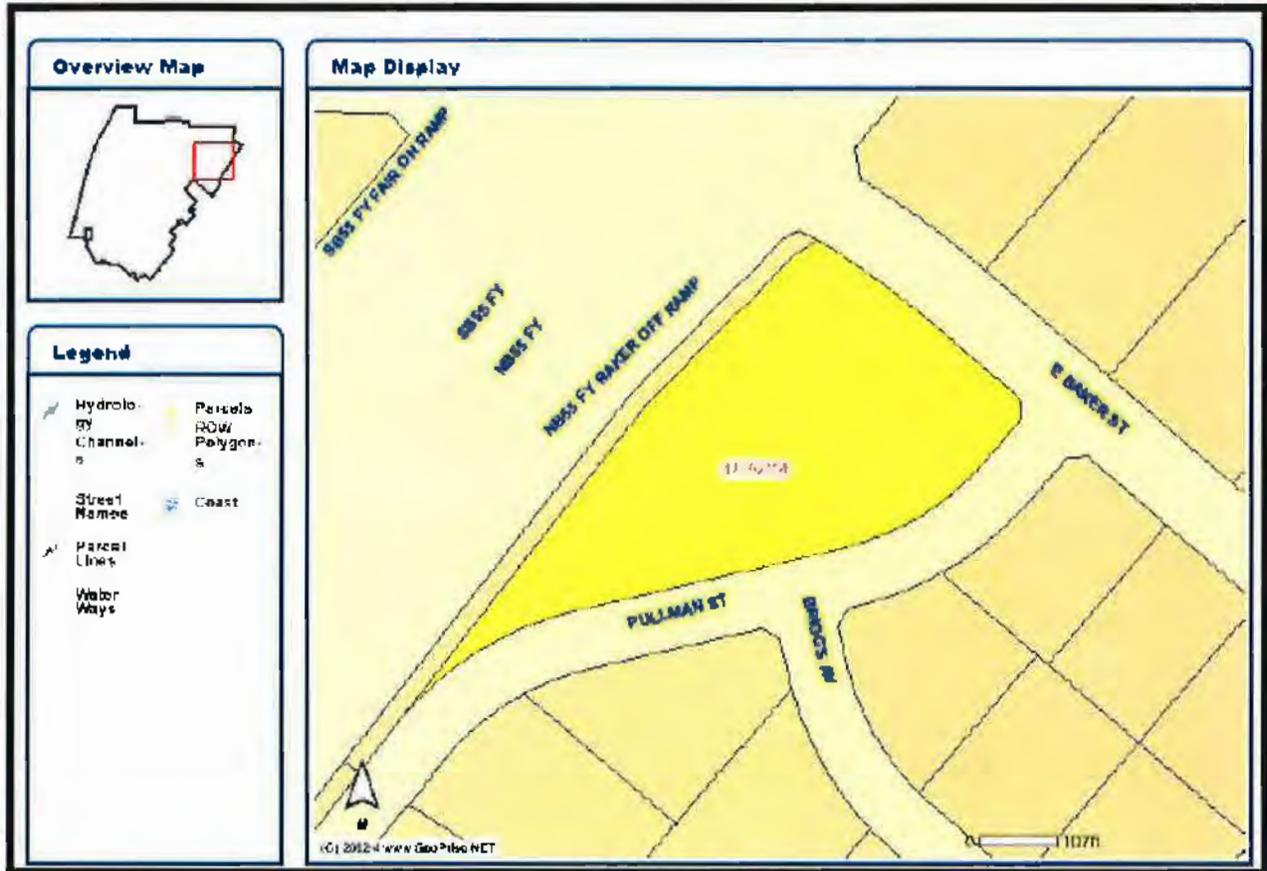
Response: The project site is located at the southwest corner of Baker Street and Pullman Street. The site is approximately 4.17-acres in size (181,415 square feet), is roughly triangular-shaped, and is currently occupied by a 66,000-square-foot two-story office building constructed in 1974, a surface parking lot, signage, and landscaped areas within the parking area and around the perimeter of the site. The property is currently zoned CL (Commercial Limited) and has a General Plan Land Use Designation of Industrial Park (MP). The proposed project involves replacing the existing office building and surface parking areas with an apartment building and parking structure as described above. The apartment units are comprised of studio units, one-bedroom units, two-bedroom units and three bedroom units. 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). The proposed rezone to PDR-HD would be consistent with the proposed High Density Residential General Plan designation for the project site.

- 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.

EXHIBIT B

Amendment to the Zoning Map

Change the zoning designation of the 4.17-acre development site at 125 East Baker Street from Commercial Limited (CL) to Planned Development Residential-High Density (PDR-HD)



**ATTACHMENT 5
DRAFT ORDINANCE FOR ZONING CODE
AMENDMENT**

ORDINANCE NO. 14-

AN ORDINANCE OF THE CITY OF COSTA MESA GRANTING APPROVAL TO ADOPT ZONING CODE AMENDMENT CO-13-02 TO AMEND COSTA MESA MUNICIPAL CODE TITLE 13 FOR A SITE-SPECIFIC DENSITY OF 58 DWELLING UNITS PER ACRE FOR THE 125 EAST BAKER APARTMENT PROJECT. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: TABLE 13-58 (PLANNED DEVELOPMENT STANDARDS) TO ALLOW A SITE-SPECIFIC DENSITY OF 58 DWELLING UNITS PER ACRE FOR THIS PROJECT AT 125 EAST BAKER STREET.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN 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 site specific amendment to the Zoning Code is proposed for a site-specific density of 58 dwelling units per acre and a site-specific height of six stories 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; and approve Rezone R-13-02, Zoning Code Amendment CA-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.

SECTION 1: CODE AMENDMENT.

The revised Table 13-58 is presented with changes as *underlined and italicized below*:

Revised Table 13-58 (Planned Development Standards)						
<i>Development Standard</i>	<i>PDR-LD</i>	<i>PDR-MD</i>	<i>PDR-HD</i>	<i>PDR-NCM</i>	<i>PDC</i>	<i>PDI</i>
Maximum Density per Section 13-59 MAXIMUM DENSITY CRITERIA. (dwelling units per acre)	8	12	20 Note: See North Costa Mesa Specific Plan for exceptions. <u>Note: The maximum density for 125 East Baker Street is 58 dwelling units per acre (CO-13-02).</u>	35	20	Note: The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre. See North Costa Mesa Specific Plan for exceptions.

SECTION 2: ENVIRONMENTAL DETERMINATION. Pursuant to the California Environmental Quality Act (CEQA), a Draft EIR was circulated from November 6, 2013 to December 20, 2013 for public review and comment. 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. 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. 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. 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. 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. 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. The Final EIR for this project reflects the independent judgment of the City of Costa Mesa.

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 or further, is hereby repealed or modified to the 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 and member of the City Council voting for and against the same.

JIM RIGHEIMER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

**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:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

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 without 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

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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 City 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 to 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: <ul style="list-style-type: none"> ■ 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			

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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			
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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						
<p>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:</p> <p>"NOTICE OF AIRPORT IN VICINITY:</p> <p>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.</p> <p>POSTING OF NOTICE OF DISCLOSURE IN EACH RESIDENTIAL UNIT</p> <p>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."</p>	Post Notice of Airport in Vicinity within residential development area	Prior to issuance of occupancy permit	City of Costa Mesa Planning Department			
NOISE						
<p>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:</p> <ol style="list-style-type: none"> Limit opening and penetrations on portions of buildings impacted by noise. Apply noise insulation to walls, roofs, doors, windows, and other penetrations. 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			

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Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
<p>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:</p> <p>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.</p> <p>b. Stationary sources, such as temporary generators, shall be located as far from off-site receptors as possible.</p> <p>c. Trucks shall be prohibited from idling along streets serving the construction site.</p>	Construction document specifications	Prior to issuance of building permit	City of Costa Mesa Planning Department			
TRANSPORTATION/TRAFFIC						
<p>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.</p>	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			
<p>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.</p>	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			

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Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
<p>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.</p>	<p>Project applicant will pay the City's required traffic impact fee, based on the project's net increase in trips</p>	<p>Prior to issuance of occupancy permit</p>	<p>City of Costa Mesa Planning Department</p>			
<p>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:</p> <ul style="list-style-type: none"> ■ 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. 	<p>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</p>	<p>Prior to issuance of occupancy permit</p>	<p>City of Costa Mesa Public Works Department</p>			

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**ATTACHMENT 7
MINUTES OF THE MARCH 24, 2014
PLANNING COMMISSION MEETING**

3.24.14 PLANNING COMMISSION MEETING MINUTE EXCERPTS

PUBLIC HEARING NO. 3 – 125 East Baker

3. **Application No.:** GP-13-02, R-13-02,
CO-13-02, and PA-13-11
Applicant: Red Oak Investments
Site Address: 125 East Baker Street
Zone: CL (Existing); PDR-
HD (Proposed)
Project Planner: Mel Lee
**Environmental
Determination:** Certify Final Environmental Impact Report

Description: The proposed project is a five-story, 240-unit apartment complex (63-foot maximum height proposed) at a density of 58 dwelling units per acre with a six-story parking structure (57-foot maximum height proposed) with a total of 461 parking spaces, along with the following specific entitlements:

1. **Final Environmental Impact Report (SCH# 2013081051).** Certification of the Final EIR for the project.
2. **General Plan Amendment GP-13-02.** Change the land use designation of the 4.17-acre site from Industrial Park to High Density Residential, and 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 code amendment to Costa Mesa Municipal Code Title 13 to allow a site-specific density of 58 dwelling units per acre.
5. **Master Plan PA-13-11.** A Master Plan for development of a five-story 240-unit residential apartment building (63 feet overall height) that wraps around a six-story parking structure (57 feet overall height) with a deviation from: on-site parking requirements (538 parking spaces required; 461 parking spaces proposed).

Mel Lee, Senior Planner, presented the staff report. He advised that staff supported the proposed project and encouraged the Commission to recommend that City Council approve and take final action for the following entitlements: certification of final EIR (Environmental Impact Report), General Plan Amendment, Zone Change, Zoning Code Amendment and Master Plan.

Trina Abbott with Atkins North America, Inc., consulting company who prepared the project's EIR, gave a presentation regarding the CEQA process.

PUBLIC COMMENTS

Joe Flanagan, Red Oak Investment Partner, reported their Design Team (Principals and staff) would be making a presentation on the project. Mr. Flanagan added staff had read the conditions of approval and they were in agreement with them.

R. C. Alley, Architect with Architects Orange, gave an overview of the project's architecture that included the floor plan, unit amenities, courtyards, vehicular entrances, color palettes, etc.

Mark Schattinger, Landscaping Architect with MGS Design Group, provided a rundown of the landscaping that would be used to give the proposed project a sense of privacy. The project included a dog park, basketball court, pool courtyard, relax courtyard, a walking trail and a community garden - the use of organic and natural materials gave the project a genuine feel.

Peter Naghavi, Consultant, reported on the traffic and congestion problems at the intersection of Baker and Pullman. If approved, the developer would provide a traffic signal at the Baker/Pullman intersection, mitigating the only significant impact the project has. The signal would also mitigate the intersection of Baker and Redhill by providing a southbound right-turn lane. Overall, the proposed project would improve the intersection.

Alex Wong, Red Oak Investment Partner, spoke about the cultural and community investment that was achieved when land uses were integrated instead of segregated.

Bill Dunlap, President and Partner of Slater Builders, Inc., was in support of the project. He stated the area has been in transition from light manufacturing to currently a village with churches and schools. He felt the project was a compatible use and would be a great transformation for the area.

Jay Humphrey, Costa Mesa resident, said the General Plan stating nothing over 4-stories should be built south of the 405 Freeway. While the area was appropriate for this type of development, it was south of the 405 Freeway. He encouraged the inclusion of language establishing that this exception would not set precedence.

Cynthia McDonald, Costa Mesa resident, did not feel the project benefitted the residents of Costa Mesa. It was a high-rise development that exceeded height limitations that were put into place to limit the number of high-rise buildings south of the 405 Freeway and would increase the traffic on Baker Street. She asked the Commission to deny approval of the General Plan amendment.

Rick Huffman, Costa Mesa resident, asked what Costa Mesa residents would get in return from this type of project. He wanted to see something mitigating it. Costa Mesa residents were concerned with over-development and not fond of large projects that were being approved. Could the project be down-sized or the developer build a sports complex?

Commissioner McCarthy asked the developer to list some of their impact fees to address the concerns of the public speakers. Mr. Flanagan and Mr. Wong did not have a list of impact fees but stated their fee budget, that would go to special districts (water, schools, drainage, sanitation, etc), was approximately 5 million dollars. They advised the Commission that from a property tax standpoint the property value would be 10-times more than what it currently was and the City would receive a small portion of that tax money. The project would also attract more shoppers to Costa Mesa; hence, the City's revenue would increase as a result of the increase in sale taxes.

Vice-Chair Dickson did not think the area was inappropriate to build to the height that the Airport Land Use Commission allows to build.

MOTION: Based on the evidence of the record, the Planning Commission recommends that the City Council certify the Final Environmental Impact Report for the 125 East Baker Street Apartment Project (State Clearinghouse Number 2013081051). Moved by Vice-Chair Dickson, second by Commissioner McCarthy – (PC Resolution 14-13).

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes: None
Absent: None
Abstained: None

MOTION: Based on the evidence of the record, the Planning Commission recommend that the City Council adopt General Plan Amendment GP-13-02 which amends the Land Use Map of the City of Costa Mesa as contained in Exhibit A and a Text Amendment(s) to the Land Use Element of the City's General Plan contained in Exhibit B with respect to the 125 East Baker Project. Moved by Vice-Chair Dickson, second by Commissioner McCarthy – (PC Resolution 14-14)

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes: None
Absent: None
Abstained: None

MOTION: Based on the evidence of the record and the findings contained in Exhibit A, the Planning Commission recommend that the City Council adopt Rezone R-13-02 for a Rezone (or change) of the Zoning Classification of the 4.17-acre development site for the 125 East Baker Apartment Project from Commercial Limited (CL) to Planned Development Residential – High-Density (PDR-HD) at 125 East Baker Street. Moved by Vice-Chair Dickson, second by Commissioner McCarthy – (PC Resolution 14-15)

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes: None
Absent: None
Abstained: None

MOTION: Based on the evidence of the record, the Planning Commission recommend that the City Council adopt Zoning Code Amendment CO-13-02 to amend Costa Mesa Municipal Code Title 13 for a Site-Specific Density of 58 dwelling units per acre for the 125 East Baker Apartment Project. Moved by Vice-Chair Dickson, second by Commissioner McCarthy – (PC Resolution 14-16)

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes: None
Absent: None
Abstained: None

MOTION: Based on the evidence of the record and the findings contained in Exhibit A, subject to conditions of approval and the mitigation measures indicated in the Mitigation Monitoring Program contained within Exhibits B and C, the Planning Commission recommend that the City Council adopt Master Plan PA-13-11 with respect to the property at 125 East Baker. Moved by Vice-Chair Dickson, second by Commissioner McCarthy – (PC Resolution 14-17)

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes: None
Absent: None
Abstained: None

UNOFFICIAL UNTIL APPROVED

Chair Fitzpatrick asked staff when the item would go to Council. Mr. Lee advised it would go to the April 15, 2014 Council meeting.

**ATTACHMENT 8
MARCH 24, 2014 PLANNING
COMMISSION STAFF REPORT AND
ATTACHMENTS**



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MARCH 24, 2014

ITEM NUMBER: PH-3

SUBJECT: 125 EAST BAKER STREET APARTMENT PROJECT;
FINAL EIR (STATE CLEARINGHOUSE # 2013081051); GENERAL PLAN AMENDMENT
GP-13-02; REZONE R-13-02; ZONING CODE AMENDMENT CO-13-02; AND MASTER
PLAN PA-13-11
125 EAST BAKER STREET

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

DATE: MARCH 13, 2014

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov

DESCRIPTION

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 (57-foot maximum height proposed) with 457 parking spaces and four outdoor on-grade parking spaces, along with the following specific entitlements:

1. **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.
2. **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).
3. **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.
4. **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 (57 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).
5. **Final Environmental Impact Report (State Clearinghouse #2013081051).** Certification of the Final Environmental Impact Report (EIR) for the project.

APPLICANT

Red Oak Investments is the authorized agent for Nader Properties, the property owner.

RECOMMENDATION

That the Planning Commission adopt the attached resolutions recommending that the City Council take the following actions:

1. Certify the Final Environmental Impact Report for the project.
2. Approve by adoption of resolution General Plan Amendment GP-13-02.
3. Give first reading to the ordinance approving Rezone R-13-02.
4. Give first reading to the ordinance approving Zoning Code Amendment CO-13-02.
5. Approve by adoption of resolution Master Plan PA-13-11, subject to conditions of approval and the EIR Mitigation Monitoring and Reporting Program for the project.

PLANNING APPLICATION SUMMARY

Location: 125 East Baker Street Applications: GP-13-02/R-13-02/ CO-13-02/PA-13-11

Request: See first page of staff report.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>CL (Current); PDR-HD (Proposed)</u>	North: <u>(Across Baker) MP, church and industrial uses</u>
General Plan: <u>IP (Current); HDR (Proposed)</u>	South: <u>(Across Pullman) MP, industrial uses</u>
Lot Dimensions: <u>Irregular</u>	East: <u>(Across Pullman) MP, industrial uses</u>
Lot Area: <u>181,415 SF (4.17 AC)</u>	West: <u>CM (55) freeway off-ramp and drainage channel</u>
Existing Development: <u>Two-story office building (to be demolished)</u>	

DEVELOPMENT STANDARD COMPARISON (Based on Proposed PDR-HD Zoning)

Development Standard	Required/Allowed	Proposed/Provided
Lot Size:		
Lot Width	N/A	340 FT
Lot Area	43,560 SF (1 AC)	181,415 SF (4.17 AC)
Density (High Density Residential):		
Zone	20 du's/AC (83 Units Max.)	58 du's/AC (240 Units Prop.) (1)
General Plan	20 du's/AC (83 Units Max.)	58 du's/AC (240 Units Prop.) (1)
Maximum Site Coverage (Overall Project):		
Buildings	NA	NA
Perimeter Open Space	20 FT Abutting Public ROW	20 FT Abutting Public ROW
Open Space (Total Site Area)	42%	46.5%
Min. Private Open Space (Patio/Balcony)	Min. 5 FT Dimension/100 SF	Min. 5 FT Dimension/100 SF (2)
Building Height:		
	NA	5 Stories/63 FT (Apartments) (3) 6 Stories/57 FT (Parking Structure) (3)
Setbacks (Overall Project):		
Front (Baker Street)	NA	20 FT
Side (left-Pullman Street/right-55 FWY)	NA	20 FT/20 FT
Rear	NA	NA
On-Site Parking:		
	538 Spaces	457 Spaces (In Parking Structure) 4 Spaces (At Grade Open Parking) 461 Spaces Total (4)
Driveway Width	16 FT Min.	25 FT
NA = Not Applicable or No Requirement.		
(1) Site specific density requires General Plan Amendment and Zoning Code Amendment (see staff report discussion).		
(2) 100 SF requirement may be met through a combination of private balcony area and other deck areas in the common area, as long as the overall dimension of the balcony/deck is not less than 5 FT.		
(3) Site specific building height requires General Plan Amendment (see staff report discussion).		
(4) Reduction in number of on-site spaces requested (see staff report discussion).		
CEQA Status	Environmental Impact Report (EIR)	
Final Action	City Council	

BACKGROUND

Project Site/Environs

The project site is located at the southwest corner of Baker Street and Pullman Street. The site is approximately 4.17-acres in size (181,415 square feet), is roughly triangular-shaped, and is currently occupied by a 66,000-square-foot two-story office building constructed in 1974, a surface parking lot, signage, and landscaped areas within the parking area and around the perimeter of the site. The property is currently zoned CL (Commercial Limited) and has a General Plan Land Use Designation of Industrial Park (MP). The site is bounded to the north (across Baker Street) by buildings containing a church and various industrial uses zoned MP (Industrial Park), with a General Plan Land Use designation of Industrial Park; to the south and east (across Pullman Street) by various industrial buildings zoned MP (Industrial Park) with a General Plan Land Use designation of Industrial Park; and to the west by the off-ramp for the Costa Mesa Freeway (SR-55) and a drainage channel surrounded by chain link fencing. The site is also located approximately one-half mile to the west of John Wayne Airport (JWA).

Project Proposal

The proposed project involves replacing the existing office building and surface parking areas with an apartment building and parking structure as described above. The apartment units are comprised of studio, one-bedroom, two-bedroom, and three-bedroom units. A breakdown of the unit types are summarized in the table below:

Studio & Lofts	1 Bedroom & Lofts	2 Bedroom & Lofts	3 Bedroom	TOTAL
30 Units	107 Units	95 Units	8 Units	240 Units

The building design and roof elements are 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 vehicular entrance to the parking structure is proposed to be provided from a single drive approach on Pullman Street. The project will include four outdoor on-grade parking spaces to serve the leasing office and 457 parking spaces provided within a six-level parking structure, which will also serve as a sound barrier to the adjacent freeway noise. Access to each residential level will be provided directly from each level of the parking structure and additionally by stairs and elevators throughout the development.

The site plan includes private open space and courtyard areas that allow for circulation through the project while still maintaining a sense of privacy for the residents. The project also contains resident amenities that include a pool, a spa, a state-of-the-art cardio gym, a dog park, a roof top deck, a business center, community gardens, and a clubhouse.

A detailed description of the project is provided in the Environmental Impact Report (EIR) prepared for the project, under separate cover.

Continued Public Hearing

The public hearing was continued from the February 24, 2014 meeting to March 24, 2014 to address minor changes to the design of the vehicle entries to the project from Pullman Street, which has been reviewed and approved by the Transportation Services Division and the Fire Department. The revisions do not change staff's recommendation for any of the proposed entitlements, or the conclusions or mitigation measures of the EIR prepared for the project.

ANALYSIS

General Plan Amendment GP-13-02

As noted earlier, a change in the land use designation of the 4.17-acre development site from Industrial Park to High Density Residential is proposed to accommodate the development. The proposed General Plan Amendment GP-13-02 would amend the following sections of the Land Use Element as *underlined and italicized below*:

LAND USE DESIGNATIONS

High-Density Residential

In 2014, General Plan Amendment GP-13-02 was approved; it consisted of a site-specific residential density increase for a 4.17-acre site at 125 East Baker Street. The maximum density allowed is 58 units/acre, which allows a maximum of 240 dwelling units.

Building Height

The Zoning Code does not specify a maximum building height for the PDR-HD zone; however, a maximum building height of four stories for buildings south of the San Diego (I-405) Freeway is established as an objective and a policy in the General Plan Land Use Element (Objective LU-1C and Policy LU-1C.2). Because the subject property for the proposed development is south of the I-405 Freeway, the four-story maximum height would apply to the project.

The proposed revision to the General Plan objective/policy language is *underlined and italicized below*:

Objective LU-1C Promote land use patterns and development, which contribute to community and neighborhood identity.

Policy LU-1C.2 Limit building height to four stories above grade south of the I-405 Freeway, except for special purpose housing, such as elderly, affordable, or student housing. An exception is for the Newport Plaza property at 1901 Newport Boulevard where a six-level parking structure is allowed, *and the property at 125 East Baker Street where a five-*

story, 240-unit apartment building and six-story parking structure are allowed (GP-13-02).

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). The proposed rezone to PDR-HD would be consistent with the proposed High Density Residential General Plan designation for the project site.

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 would be required. 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. The revised Table 13-58 is presented with changes as underlined and italicized below:

Revised Table 13-58 (Planned Development Standards)						
Development Standard	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Maximum Density per Section 13-59 MAXIMUM DENSITY CRITERIA. (dwelling units per acre)	8	12	20 Note: See North Costa Mesa Specific Plan for exceptions. <u>Note: The maximum density for 125 East Baker Street is 58 dwelling units per acre (CO-13-02).</u>	35	20	Note: The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre. See North Costa Mesa Specific Plan for exceptions.

Master Plan PA-13-11

As noted earlier, 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 (57 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, staff notes the following:

- The project features quality construction and materials. As noted earlier, the building design and roof elements reflect 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 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 projects of this size and density. 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 application of the parking requirements in the Zoning Code, appropriately identifies the parking demand for this project. A shared parking analysis was prepared for this project as a tool to identify peak parking demand. 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 based on the following.

The project was compared with nine comparable sites in Costa Mesa, Irvine, Orange, Fullerton, Santa Ana, Monrovia, and Pasadena. This array of peak parking rates yields an average ratio of 1.33 spaces per unit, an 85th percentile ratio of 1.47 spaces per unit, and a maximum ratio of 1.75 spaces per unit (based on The Legacy multifamily residential project approved at 580 Anton Boulevard).

The study estimates the project’s parking needs based on the application of the average, 85th percentile, and maximum parking rates from the comparable sites mentioned above. For the 240 units proposed, it is estimated that the average parking demand would be 319 spaces, the 85th percentile demand would be 353 spaces, and the maximum demand would be 420 spaces. Comparing the maximum demand of 420 spaces against the proposed supply of 457 spaces in the structure yields a surplus of 37 spaces.

The parking study has been reviewed by the City’s Transportation Services Division, and they concur with the study methodology, suggested parking rates, and the consultant’s conclusions regarding adequate parking.

Staff is also recommending the following as a condition of approval:

- *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:*
 - *Method of allocation of assigned parking.*

- *Location of visitor parking, including appropriate signage.*
 - *Location of security gates, if any, and how gates will be operated.*
 - *Location of employee parking.*
 - *Provide proof of a contract with a towing service to enforce the parking regulations if parking problems arise.*
- *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 architectural style of the building, with its clean modern lines, glass, wood and metal accents, is 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. Additionally, future tenants will be notified of the existing airport in the vicinity of the project and the units will be designed with sound attenuation measures to mitigate any noise impacts.

Number of Construction Jobs

According to the applicant, the project will generate the following jobs:

During Planning and Construction:

- 100 temporary construction jobs over two years.
- 15 temporary design professional jobs.

Post Construction:

- 7 permanent on site jobs, plus ancillary service jobs.

John Wayne Airport (JWA)

As noted earlier, the project site is located approximately one-half mile to the west of John Wayne Airport (JWA). 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.

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, and recommended the following condition of approval, which has been incorporated into the draft resolution for PA-13-11:

- *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.

ENVIRONMENTAL DETERMINATION

An Environmental Impact Report (EIR) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). In accordance with CEQA Guidelines Section 15087, the Draft Environmental Impact Report was made available for a 45-day public review and comment period beginning on November 6, 2013, and remained available for comment until December 20, 2013. The Final EIR document can be found on the City's website at the below link:

<http://www.costamesaca.gov/index.aspx?page=151>

Electronic copies can also be obtained on CD's from the Planning Division at no charge. Hardcopies are also available for review at the following locations:

City of Costa Mesa
Planning Division/Development Services Department
77 Fair Drive
Costa Mesa, CA 92628

The Costa Mesa/Donald Dungan Library
1855 Park Avenue
Costa Mesa, CA 92627

Mesa Verde Library
2969 Mesa Verde Drive East
Costa Mesa, CA 92626

Response to Comments

In total, twelve comment letters regarding the Draft EIR were received during the public review and comment period from five public agencies, one organization, and six individuals. Additionally, the Draft EIR was presented to the Planning Commission during their regularly scheduled meeting on December 9, 2013, and five speakers provided comments on the proposed project during the Planning Commission Meeting. The comments have been incorporated, where appropriate, in the Final EIR document.

Brief Summary of Significant Environmental Impacts and Mitigation Measures

Under CEQA, a "significant impact" represents a substantial or potentially substantial adverse physical change to the environment. In evaluating specific effects of the project on the environment, the EIR identifies thresholds of significance for each effect, evaluates the potential environmental change associated with each effect, and then characterizes the effects as impacts. With the implementation of the mitigation measures identified in the EIR for the proposed project, all potentially significant impacts have been reduced to less than significant levels, as briefly summarized in the table below:

Summary of Significant Environmental Impacts		
Potentially Significant Environmental Effects	Mitigation Measure Summary (1)	Level of Significance After Mitigation
Air Quality	<ul style="list-style-type: none"> • Maintain equipment during construction • Minimize dust during construction • Paint and building coatings to comply with air quality standards • Provide a sealed HVAC system for all units 	Less than significant
Hydrology/Water Quality	<ul style="list-style-type: none"> • Provide a Water Quality Management Plan (WQMP) 	Less than significant
Land Use/Planning	<ul style="list-style-type: none"> • Notification to future residents of airport in the vicinity of the project 	Less than significant
Noise	<ul style="list-style-type: none"> • Comply with applicable noise attenuation standards • Minimize noise impacts during construction 	Less than significant
Transportation/Traffic	<ul style="list-style-type: none"> • Provide a traffic signal at Baker/Pullman intersection • Provide street improvements at Red Hill/Baker intersection • Payment of traffic impact fees • Provide adequate sight distance for vehicles at all project drive approaches 	Less than significant

(1) Refer to the Final EIR document for detailed descriptions of each mitigation measure.

LEGAL REVIEW

The Final EIR and draft resolutions have been reviewed and approved as to form by the City Attorney's Office.

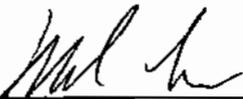
CONCLUSION

With implementation of the mitigation measures identified in the EIR for the proposed project, all potentially significant 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 expected of quality residential developments of this type. The parking study prepared for the project identifies that the parking demand is adequate 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). Therefore, staff recommends that the Planning Commission approve a resolution recommending that the City Council certify the Final EIR prepared for the project and approval of the project subject to Conditions of Approval and the Mitigation Monitoring and Reporting Program.

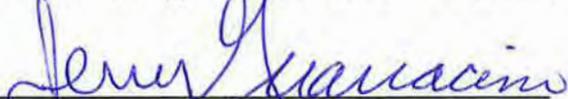
ALTERNATIVES

The Planning Commission has the following alternatives:

1. Continue the item to allow additional time for further analysis or revisions to the project.
2. Recommend City Council deny the project. If the City Council denies the project, the applicant could not submit substantially the same type of application for six months.



MEL LEE, AICP
Senior Planner



JERRY GUARRACINO, AICP
Interim Assistant Director of Development
Services

- Attachments:
1. Applicant's Project Description
 2. Additional Correspondence from Public
 3. Final EIR Mitigation Monitoring and Reporting Program
 4. Draft Planning Commission Resolution for Final EIR Certification
 5. Draft Planning Commission Resolution for General Plan Amendment
 6. Draft Planning Commission Resolution for Rezone
 7. Draft Planning Commission Resolution for Zoning Code Amendment
 8. Draft Planning Commission Resolution for Master Plan
 9. Maps and Plans
 10. Final Environmental Impact Report (Under Separate Cover)
Also Available on the City Website at
<http://www.costamesaca.gov/index.aspx?page=151>

cc: Director of Economic & Development / Deputy CEO
Sr. Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (4)
File (2)

Distribution List – Agencies and Persons Who Provided Comment
on the Project EIR

Red Oak Investments
Attn: Joe Flanagan
2101 Business Center Drive, #230
Irvine, CA 92612

Nader Properties

3 Harbor Light
Newport Beach, CA 92657

Atkins
Attn: Trina S. Abbott
3570 Carmel Mountain Road, Suite 300
San Diego, CA, 92130

InFocus Consultants
Attn: Peter Naghavi
418 Avenida Salvador
San Clemente, CA 92672

**ATTACHMENT 1
APPLICANT'S PROJECT DESCRIPTION**

125 Baker
PROJECT DESCRIPTION

The Project Applicant, Red Oak Investments LLC, proposes to construct 240 residential dwelling units within a five-story structure on the property known as 125 East Baker. The properties are approximately 4.2 acres in size and is currently developed with a 60,000 square foot office building developed in 1974. The site is bounded by Pullman St. to the east, Baker St, to the North and the 55 Fwy access road to the west.

The Applicant proposes to develop the 240 units in a combination of studio, one, two and three bedroom units. The site plan includes private open space and courtyard areas that allow for circulation through the Project while still maintaining a sense of privacy for the residents. The project also contains resident amenities that include a pool, a spa, a state-of-the-art cardio gym, a dog park, a roof top deck, a business center community gardens and a clubhouse.

The Project will include 469 parking spaces provided within five levels in an above-grade covered parking structure, which will also serve as a sound barrier to the adjacent freeway noise. Access to each residential level will be provided directly from each level of the parking structure and additionally by stairs and elevators throughout the development.

The Project would be accessible from two driveways located directly on Pullman.

**ATTACHMENT 2
ADDITIONAL CORRESPONDENCE FROM
PUBLIC**

labhola-ngillo



January 14, 2014

Honorable Mayor James Righeimer
Honorable Mayor Pro Tem Stephen Mensinger
Honorable City Council Members
Planning Commissioners and City Planning Staff
CITY OF COSTA MESA
77 Fair Drive
Costa Mesa CA 92626

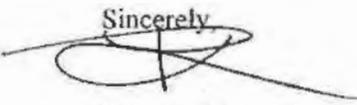
Re: Multi Family Rezone 125 Baker

Honorable Mayor,

Trust all is well. I wanted to drop you a note and let you know that I had an opportunity to review the plans for Mr. Flanagan and Mr. Wong for their residential project. We are in support of adding residential units in the sobeca/airport area. I think it will create community and bring families to the neighborhood. I hope that their project gets approved.

Thank you for your continued dedication to our city.

Sincerely,



Shaheen Sadeghi

T 714 946 6661 709 Rowdoff Avenue
F 714 946 1177 Costa Mesa CA 92626

January 21, 2014

Honorable Mayor James Righeimer
Honorable Mayor Pro Tem Stephen Mensinger
Honorable City Council Members
Planning Commissioners and City Planning Staff
CITY OF COSTA MESA
77 Fair Drive
Costa Mesa CA 92626

Re: Multi Family Rezone – 125 Baker Street

Dear Honorable Mayor, City Council and Planning Commission:

Burke Real Estate Group developed the North West corner of Baker Street and Redhill Avenue. This project was a conversion of one large industrial building (former Briggs Cunningham Auto Museum) into a 3 building modern office complex. Burke Real Estate Group also occupies this location with our Corporate Office. As a Business and property owner in close proximity to the proposed property, I am in support of the proposed housing project at 125 Baker. This neighborhood while once a heavy manufacturing zone has been transitioning for decades away from strictly industrial uses. Today you will find a mix of uses. Office buildings continue to be developed in what were once industrial buildings, Churches coexist with schools and light industrial. Adding residential on the periphery seems to be a natural progression and should help alleviate business commute traffic.

Sincerely,



Brian R. Burke



Watermark OC Church
3186 Pullman St.,
Costa Mesa, CA, 92626
P: 714.597.6000 F:714.597.6009

January 29, 2014

Honorable Mayor James Righeimer
Honorable Mayor Pro Tem Stephen Mensinger
Honorable City Council Members
Planning Commissioners and City Planning Staff
City of Costa Mesa

77 Fair Drive
Costa Mesa CA 92626

Sent via USPS

Re: Multi Family Rezone – 125 Baker Street

Dear Council and Commission:

Watermark OC Church has the privilege of serving local schools, business, neighborhoods, and families within the 92626 and neighboring zip codes. Our church currently consists of around three hundred families and adults. We place a high value on our local community, both in partnering and serving our local community.

We believe the Red Oak Housing proposal is a great way to add another unique aspect to the Redhill Zone, which already consists of businesses, schools, and churches.

Watermark OC Church supports the rezone of this area and the development of this upscale housing project.

Sincerely,

A handwritten signature in black ink that reads "Bucky". The signature is written in a cursive style and is followed by a horizontal line.

Pastor Bucky Dennis
Lead Pastor of Watermark OC Church



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.5178

January 29, 2014

Mel Lee, AICP
Senior Planner
City of Costa Mesa
77 Fair Drive
P.O. Box 1200
Costa Mesa, CA 92628

Subject: City of Costa Mesa Baker Street Apartments Project (125 East Baker Street)

Dear Mr. Lee:

During the meeting held on January 16, 2014 the Airport Land Use Commission (ALUC) for Orange County considered the subject project. The matter was duly discussed, moved, seconded and carried by a 6 to 1 vote by the Commission to find the City of Costa Mesa's proposed Baker Street Apartments Project to be Consistent with the Commission's *Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA)* and with the *AELUP for Heliports*. The Consistency finding was as follows:

The Commission found the proposed Baker Street Apartments Project consistent with the *AELUP for JWA* and the *AELUP for Heliports* as recommended by ALUC staff with the added condition that the City of Costa Mesa require outdoor signage 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 this ALUC review, the proposed project must return to ALUC for another Consistency determination.

Please contact ALUC staff at (949) 252-5123 or via email at lchoum@ocair.com if you require additional information or have questions regarding this proceeding.

Sincerely,

Kari A. Rigoni
Executive Officer



Glen Allen
President

REC'D FEB 05 2014

February 3, 2014

Sent via USPS

Honorable Mayor James Righcimer
Honorable Mayor Pro Tem Stephen Mensinger
Honorable City Council Members
Planning Commissioners and City Planning Staff
CITY OF COSTA MESA
77 Fair Drive
Costa Mesa CA 92626

RE: POTENTIAL MULTI FAMILY REZONE – SEC BAKER STREET/ NEWPORT (55) FWY

Dear Sirs:

I wanted to send this letter indicating my strong support for the referenced project. As a business owner in Costa Mesa, located near the subject property, I believe this development will provide much needed employee housing in our area. Our firm employs both senior level managers as well as administrative, accounting and support staff in our corporate facility located about a mile from the proposed project. We believe that this project will provide much needed attractive housing for our professional and administrative staff, particularly in the 20 to 40 year old age demographic that provides future business managers and leaders in Costa Mesa. As you know, the west airport area of Costa Mesa has experienced a dramatic conversion to higher skilled office workers, many of whom are in need of quality, affordable housing in a cutting edge, state-of-the-art architectural environment. Businesses such as mine need these discriminating younger emerging managers to fill our demand for higher skilled workers. New high-quality housing, particularly in Orange County, is a critical component to attracting and retaining these employees who will make current and future significant contributions to Costa Mesa.

As importantly, as a real estate owner in this area, I truly believe that the conversion from the current use to the proposed use will be a net positive for property values in our area by both enhancing the surrounding architecture as well as providing much needed rental housing stock.

As both a property owner and business owner in the immediate area of the proposed project, we strongly support the proposed project and look forward to the opportunity to speak at both Planning Commission and City Council to further express the importance of this type of redevelopment for both our direct mixed use community as well as the greater City of Costa Mesa.

Yours truly,
NEWPORT REAL ESTATE SERVICES, INC.

Glen Allen
President

O:\NRES\Correspondence\125 Baker Costa Mesa 013014.docx

PIONEER PACKING INC.

2430 SOUTH GRAND AVENUE ★ SANTA ANA, CA 92705 ★ (714) 540-9751 ★ (800) 628-6567
FAX (714) 428-0291

February 27, 2014

Honorable Mayor James Righeimer
Honorable Mayor Pro Tem Stephen Mensinger
Honorable City Council Members
Planning Commissioners and City Planning Staff
CITY OF COSTA MESA
77 Fair Drive
Costa Mesa CA 92626

Re: 125 Baker Street

Dear Council and Commission:

I have owned the building at 3030 Pullman, Pullman since 1978. I have been patiently watching the neighborhood transition through the years. We have seen industrial buildings shift to office buildings, schools and churches. These uses by all appearances coexist quite well. The proposed addition of the residential project at 125 Baker would complement most of the current uses in the area.

The addition of residential is working well on the other side of the airport in Irvine so I see no reason that it can't be successful on "our side" of the airport as well.

Sincerely,



EST. '76

- 182 -



March 12, 2014

Honorable Mayor James Righeimer
Honorable Mayor Pro Tem Stephen Mensinger
Honorable City Council Members
Planning Commissioners and City Planning Staff
CITY OF COSTA MESA
77 Fair Drive
Costa Mesa CA 92626

Rc: Multi Family Rezone – 125 Baker Street

Dear Honorable Mayor, City Council and Planning Commission:

RH Matthews, LLC purchased 3128 Red Hill and 325 Baker in 2010 and we have invested heavily in both properties. After extensive renovation of these properties we moved our aerospace lighting business (Wamco) into 3128 Red Hill and leased 325 Baker to Fox Rent A Car. As a Business and property owner in close proximity to the proposed property, I am in support of the housing project at 125 Baker. This project is a good addition to the neighborhood and should help create jobs, boost the property tax rolls and boost the property values of the entire neighborhood. Some of my own employees are excited at the possibility of housing within walking distance from work.

As a live long resident of Costa mesa/Newport Beach I have seen a lot change over the years. This area was once all industrial and now with churches and schools have moved in. We now have more of a community feel to the neighborhood and I believe this housing project will be a good addition to the area.

Sincerely,

Greg Matthews
Executive Vice President



December 3, 2013

City of Costa Mesa
 Honorable Mayor Jim Righeimer
 Honorable Mayor Pro Tem Stephen Mensinger
 Honorable City Council Members
 Planning Commissioners and City Planning Staff
 77 Fair Drive
 Costa Mesa, CA 92626

Subject: Baker Street Apartments- Red Oak Development

As President and Partner of Slater Builders Inc. located at 3100 Pullman Street, I feel it pertinent that I write to you regarding the above referenced development proposal. In the almost 20 years that our company has been located in the Redhill area we have seen the slow progression of new office conversion from the original light manufacturing that existed in the '60s and '70s. This transition has trended along with other areas of Costa Mesa i.e. the Westside area of 17th Street and Placentia. Our current building at 3100 Pullman was once light manufacturing and we converted it for Trico Realty to an office use. Along with this change has come the off business hour use of buildings for religious purposes. There are five religious organizations now occupying buildings in the Redhill zone.

The Red Oak proposal for upscale housing apartments will be a compatible fit for the area as it will compliment the existing office and religious uses. One does not have to venture far to find live/work uses in numerous parts of Orange County. The proposed project is on an isolated piece of property which is well suited for residential use. There are ample support services in the immediate neighborhood on Bristol and Baker as well as at Bristol and Redhill. Our Company has looked with numerous developers at adjacent properties for retail use which would support a residential project. The current office building is very out dated and not desirable in the current market as an office complex. The conversion of the use to residential would have a definite tax increase for the city and be a significant benefit to the Redhill area.

I fully support the change in use and the proposed development by Red Oak Investments.

Sincerely,

Bill Dunlap
 President

SLATER BUILDERS INC.



December 6, 2013

Mel Lee
City of Costa Mesa, Planning Division
77 Fair Drive
Costa Mesa, CA 92628

RE: 125 East Baker Street Apartments

Dear Mr. Lee,

Trico Realty, Inc. is in favor of the proposed High Density Residential Development at 125 East Baker Street Costa Mesa, CA 92626. We agree with the City of Costa Mesa's Environmental Impact Report stating that the proposed project will not have significant impacts on visual character, construction, or other aspects relating to the enjoyment of the immediate vicinity of the proposed project as a working environment.

With this being said, a traffic study has indicated that the proposed project will have a very significant impact on congestion on Pullman Street near and at its intersection with Baker Street. Trico Realty strongly endorses the installation of traffic signals at the intersection of Pullman and Baker. We believe that if the city intends to approve a high density residential project at an already congested intersection, it has an indisputable obligation to mitigate current and future congestion.

Sincerely,

Mike Harrison
Vice President and CFO

Alex Remo
Property Manager

Brokerage / Development / Management

3100-A Pullman Street, Costa Mesa, CA 92626 (714) 751-4420 Fax (714) 540-4579
www.tricorealty.com DRE I.D. 00342120



December 9, 2013

Honorable Mayor James Righheimer
 Honorable Mayor Pro Tem Stephen Mensinger
 Honorable City Council Members
 Planning Commissioners and City Planning Staff
CITY OF COSTA MESA
 77 Fair Drive
 Costa Mesa CA 92626

Sent via USPS

Re: Potential Multi Family Rezone – SEC Baker Street/ Newport (55) Freeway

To Whom It May Concern:

My firm recently purchased and completely remodeled our building at 3199 E Airport Loop Drive; we relocated our office from Dove Street in Newport Beach. Our new building, previously consisting of warehouse and storefront, is now predominantly office. We believe that we have upgraded our offices significantly and have added value for our neighbors in Costa Mesa. The recent repaving of Redhill was another well needed improvement to the west-side of John Wayne Airport.

It has come to our attention that the 125 Baker Street building desires a rezone to multi-family residential units instead of office space. My firm and I applaud the concept and fully support the rezone. The current office building is functionally obsolete; in order to bring the building to current office leasing standards, the building would need to be demolished; current economics will not allow that, so the building will attract low, or no, rent paying tenants and will slowly depreciate into a bigger eyesore.

Irvine has integrated residential into the Business Complex frequently with success; retail uses have followed, making the community much more vibrant due its mixed use nature. Newport Beach has also allowed residential to be developed in Koll Center Newport. It makes total sense to have residential closer to the work place. Mariner's Church School, Rock Harbor Church, the trampoline center on Airway, the bike store on Airway, all uses that have made the West side of the Airport a more attractive and interesting environment. Multi-family residential will enhance the trend.

Sincerely,
REAL ESTATE & LOGISTICS TECHNOLOGY, INC.

A handwritten signature in black ink, appearing to read "Kim Josephson".

Kim Josephson

Kim Josephson kjosephson@real-techinc.com 657.210.5551
 3199 Airport Loop Drive, Bldg E, Costa Mesa, CA 92626
 DRE License No. 712155



Leading Edge Aviation Services
 3132 Airway Avenue
 Costa Mesa, California 92626
 P: 714.556.0576 F: 714.556.4023

December 12, 2013

Honorable Mayor James Righeimer
 Honorable Mayor Pro Tem Stephen Mensinger
 Honorable City Council Members
 Planning Commissioners and City Planning Staff
CITY OF COSTA MESA

77 Fair Drive
 Costa Mesa CA 92626

Sent via USPS

Re: Multi Family Rezone – 125 Baker Street

Dear Council and Commission:

Leading Edge Aviation Services is headquartered in Costa Mesa and employs over 1000 employees locally and across the country. As a contractor to companies such as Boeing Company, United Airlines, American Airlines, et al the company has a vested interest in local development in Costa Mesa to support job growth, economic growth and improvements in infrastructure, particularly as it relates to roads, commercial and residential properties. In fact, Leading Edge has and continues to invest in Costa Mesa and last year completed its new corporate headquarters located on Airway Avenue just down the street from 125 Baker.

As a business owner, investor and resident of the area I have witnessed firsthand the evolution of the surrounding area from heavy manufacturing to lite manufacturing, retail, professional services as well as the schools and churches that have contributed to a diverse demographic blend. The area, while once an industrial area has slowly over time become an eclectic mix of uses. This progression in the local area lends itself to the addition of high-end apartment housing as a perfect complement to the current mix of businesses.

From Segerstrom Performing Arts Center, South Coast Plaza and Metro Pointe to Triangle Square and East 17th Street Promenade, the business-friendly Costa Mesa reflects this unique confluence of business/retail and residential. The Red Oak Housing proposal is a natural extension of the "Costa Mesa Advantage" in the Redhill Zone.

Leading Edge Aviation Services offers 100% support for the rezone of this area and the development of this upscale housing project.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Michael Manclark", written over a horizontal line.

W. Michael Manclark
 Chairman and Founder

Expert. Innovative. Consistent.

February 28, 2014

Honorable Mayor James Righeimer
Honorable Mayor Pro Tem Stephen Mensinger
Honorable City Council Members
Planning Commissioners and City Planning Staff
CITY OF COSTA MESA
77 Fair Drive
Costa Mesa CA 92626

Re: Red Oak Project at 125 Baker

Dear City leaders:

As a significant property owner and operator in the area, I support the idea of adding residential uses in and around the airport. My family business has been located in this area for over 30 years and we have witnessed the neighborhood transformation first hand. Residential uses are already prominent in the vicinity and should be encouraged. The location lends itself to a multifamily development as it is close to jobs, amenities and transportation. The immediate neighborhood is already a mix of eclectic uses and this development will only add to a vibrant district. In addition, I believe it will add to my land value and that of the surrounding property owners.

Southern California has been successfully integrating residential uses in and around commercial/industrial uses for decades and it is great to see Costa Mesa adapting to a regional trend.

Joc Flanagan of Red Oak Investments took an hour at my office to personally walk me through his proposed development and answer my questions. So, I have reviewed the concept with the developer and have every confidence that this will be an extremely successful deal giving the consumer an opportunity to live a lifestyle that is not widely available today.

Sincerely,



Jim Warmington, Jr. | President & CEO
The Warmington group

3090 Pullman Street | Costa Mesa, CA 92626

March 19, 2014

Mayor and City Council Members
Planning Commissioners
Planning Department - Attention Mel Lee
CITY OF COSTA MESA
77 Fair Drive
Costa Mesa CA 92626

RE: The Baker Street Project by Red Oak Investments

Dear Honorable Mayor, City Council, Planning Commission and Mel Lee:

Eurocar operates its luxury car business in the City of Costa Mesa, several blocks away from the 240-unit luxury residential project proposed by Red Oak Investments on Baker Street. I support the project. The project looks great and the millions that will be invested there will make the area even better. The area already has a mixture of uses. The project will add to the mix in a good way. It is a good complement to Rock Harbor Church, Watermark Church, Lyon Museum, Mariners School, Eurocar and all the office buildings around.

Sincerely,



Chris Anderson

2920 RED HILL AVE. COSTA MESA, CA 92626

D. 949.722.7121 F. 949.722.7141 EUROCAROC.COM

**ATTACHMENT 3
FINAL EIR MITIGATION MONITORING
AND REPORTING 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: <ul style="list-style-type: none"> ■ 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			

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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 (USDQL 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			

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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						
<p>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:</p> <p>“NOTICE OF AIRPORT IN VICINITY:</p> <p>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.</p> <p>POSTING OF NOTICE OF DISCLOSURE IN EACH RESIDENTIAL UNIT</p> <p>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.”</p>	Post Notice of Airport in Vicinity within residential development area	Prior to issuance of occupancy permit	City of Costa Mesa Planning Department			
NOISE						
<p>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:</p> <ol style="list-style-type: none"> Limit opening and penetrations on portions of buildings impacted by noise. Apply noise insulation to walls, roofs, doors, windows, and other penetrations. 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			

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Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
<p>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:</p> <p>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.</p> <p>b. Stationary sources, such as temporary generators, shall be located as far from off-site receptors as possible.</p> <p>c. Trucks shall be prohibited from idling along streets serving the construction site.</p>	Construction document specifications	Prior to issuance of building permit	City of Costa Mesa Planning Department			
TRANSPORTATION/TRAFFIC						
<p>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.</p>	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			
<p>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.</p>	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			

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Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
<p>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.</p>	<p>Project applicant will pay the City's required traffic impact fee, based on the project's net increase in trips</p>	<p>Prior to issuance of occupancy permit</p>	<p>City of Costa Mesa Planning Department</p>			
<p>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:</p> <ul style="list-style-type: none"> ■ 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. 	<p>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</p>	<p>Prior to issuance of occupancy permit</p>	<p>City of Costa Mesa Public Works Department</p>			

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**ATTACHMENT 9
PLANNING COMMISSION RESOLUTIONS**

RESOLUTION NO. PC-14-13

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

THE PLANNING COMMISSION 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 (57-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 (57 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).

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 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 recommended that City Council 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.

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

PASSED AND ADOPTED this 24TH day of March, 2014.



Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

RESOLUTION NO. PC-14-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPT GENERAL PLAN AMENDMENT GP-13-02 CHANGING THE LAND USE DESIGNATION OF THE 4.17-ACRE 125 EAST BAKER APARTMENT PROJECT SITE FROM INDUSTRIAL PARK TO HIGH DENSITY RESIDENTIAL AND 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 AT 125 EAST BAKER STREET.

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2002;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of the City of Costa Mesa.

WHEREAS, by its very nature, the General Plan is subject to update and revision to account for current and future community needs.

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 (57-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 (57 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).

WHEREAS, a site specific amendment to the General Plan Land Use Element is proposed to change the land use designation of the 4.17-acre development site from Industrial Park to High Density Residential for the development of the project as described above.

WHEREAS, 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 is proposed for the project site.

WHEREAS, the General Plan Amendment involves an amendment to the Land Use Map of the City of Costa Mesa (Exhibit A) and a text amendment to the Land Use Element of the City's General Plan (Exhibit B);

WHEREAS, approval of the project is pending adoption of Ordinance No. 14-__ for Rezone R-13-02;

WHEREAS, approval of the project is pending adoption of Ordinance No. 14-__ for Code Amendment CO-13-02;

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 recommended that City Council certify the EIR, approve Zoning Code Amendment CO-13-02, Rezone R-13-02, and Master Plan PA-11-13 by separate resolutions.

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **RECOMMENDS THAT THE CITY COUNCIL ADOPT GP-13-02** which amends the Land Use Map of the City of Costa Mesa (Exhibit A) and a text amendment to the Land Use Element of the City's General Plan (Exhibit B) with respect to the property described above.

PASSED AND ADOPTED this 24TH day of March, 2014.



Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

EXHIBIT A

Amendment to the Land Use Map

Change the land use designation of the 4.17-acre development site at 125 East Baker Street from Industrial Park (IP) to High Density Residential (HDR)

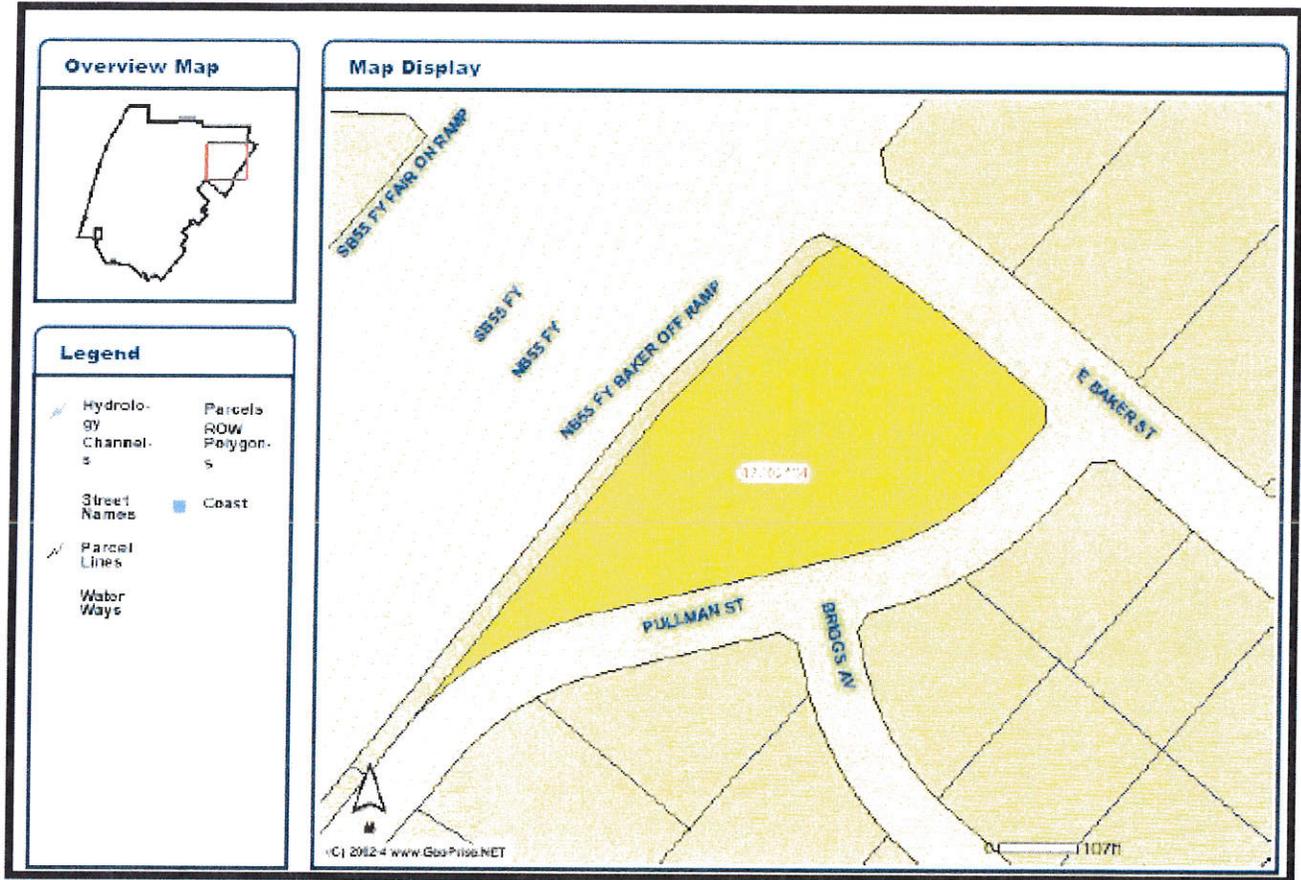


EXHIBIT B

The proposed General Plan Amendment GP-13-02 would amend the following sections of the Land Use Element as underlined and italicized below:

LAND USE DESIGNATIONS

High-Density Residential

In 2014, General Plan Amendment GP-13-02 was approved, and it consisted of a site-specific residential density increase for a 4.17-acre site at 125 East Baker Street. The maximum density allowed is 58 units/acre. This allows a maximum of 240 dwelling units.

Building Height

The proposed revision to the General Plan objective/policy language is underlined and italicized below:

Objective LU-1C Promote land use patterns and development, which contribute to community and neighborhood identity.

Policy LU-1C.2 Limit building height to four stories above grade south of the I-405 Freeway, except for special purpose housing, such as elderly, affordable, or student housing. An exception is for the Newport Plaza property at 1901 Newport Boulevard where a six-level parking structure is allowed, *and the 240-unit apartment project at 125 East Baker Street where a five-story apartment building and six-story parking structure are allowed (GP-13-02).*

RESOLUTION NO. PC-14-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPT ZONING CODE AMENDMENT CO-13-02 TO AMEND COSTA MESA MUNICIPAL CODE TITLE 13 FOR A SITE-SPECIFIC DENSITY OF 58 DWELLING UNITS PER ACRE FOR THE 125 EAST BAKER APARTMENT PROJECT. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: TABLE 13-58 (PLANNED DEVELOPMENT STANDARDS) TO ALLOW A SITE-SPECIFIC DENSITY OF 58 DWELLING UNITS PER ACRE FOR THIS PROJECT AT 125 EAST BAKER STREET.

THE PLANNING COMMISSION 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 (57-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 (57 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).

WHEREAS, a site specific amendment to the Zoning Code is proposed for a site-specific density of 58 dwelling units per acre and a site-specific height of six stories 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 recommended that City Council certify the EIR, approve General Plan Amendment GP-13-02, Rezone R-13-02, and Master Plan PA-13-11, by separate resolutions.

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **RECOMMENDS THAT THE CITY COUNCIL ADOPT CO-13-02** which amends the Zoning Code as set forth in Exhibit A with respect to the property described above.

PASSED AND ADOPTED this 24TH day of March, 2014.



Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

EXHIBIT A

The revised Table 13-58 is presented with changes as underlined and italicized below.

Revised Table 13-58 (Planned Development Standards)						
<i>Development Standard</i>	<i>PDR-LD</i>	<i>PDR-MD</i>	<i>PDR-HD</i>	<i>PDR-NCM</i>	<i>PDC</i>	<i>PDI</i>
Maximum Density per Section 13-59 MAXIMUM DENSITY CRITERIA. (dwelling units per acre)	8	12	20 Note: See North Costa Mesa Specific Plan for exceptions. <i><u>Note: The maximum density for 125 East Baker Street is 58 dwelling units per acre (CO-13-02).</u></i>	35	20	20 Note: The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre. See North Costa Mesa Specific Plan for exceptions.

RESOLUTION NO. PC-14-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPT REZONE R-13-02 FOR A REZONE (OR CHANGE) OF THE ZONING CLASSIFICATION OF THE 4.17-ACRE DEVELOPMENT SITE FOR THE 125 EAST BAKER APARTMENT PROJECT FROM COMMERCIAL LIMITED (CL) TO PLANNED DEVELOPMENT RESIDENTIAL – HIGH DENSITY (PDR-HD) AT 125 EAST BAKER STREET.

THE PLANNING COMMISSION 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 (57-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 (57 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).

WHEREAS, a Rezone (or change) of the zoning classification of the 4.17-acre development site is proposed from Commercial Limited (CL) to Planned Development Residential – High Density (PDR-HD) 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 recommended that City Council certify the EIR, approve General Plan Amendment GP-13-02, Zoning Code Amendment CO-13-02, and Master Plan PA-11-13, by separate resolutions.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **RECOMMENDS THAT THE CITY COUNCIL ADOPT R-13-02**, which amends the Zoning Map of the City of Costa Mesa (Exhibit B) with respect to the property described above.

PASSED AND ADOPTED this 24TH day of March, 2014.



Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

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 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 identifies that the parking demand is adequate 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.

Required Finding: The use complies with performance standards as prescribed elsewhere in the Zoning Code, subject to approval of the proposed Zoning Code Amendment for site specific changes to the density and height limits for this site.

Response: The project complies with the City's Zoning Code, subject to approval of the associated Zoning Code Amendment for site specific text changes as it pertains to density and building height, and complies with the intent of the Zoning Code as it pertains to on-site parking spaces.

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

Response: A change in the land use designation of the 4.17-acre development site from Industrial Park to High Density Residential is proposed to accommodate the development; therefore, the proposed rezone to PDR-HD would be consistent with the proposed High Density Residential General Plan designation for the project site.

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 cumulative impacts were identified.

- B. **Required Finding:** The proposed rezone is consistent with the Zoning Code and the General Plan.

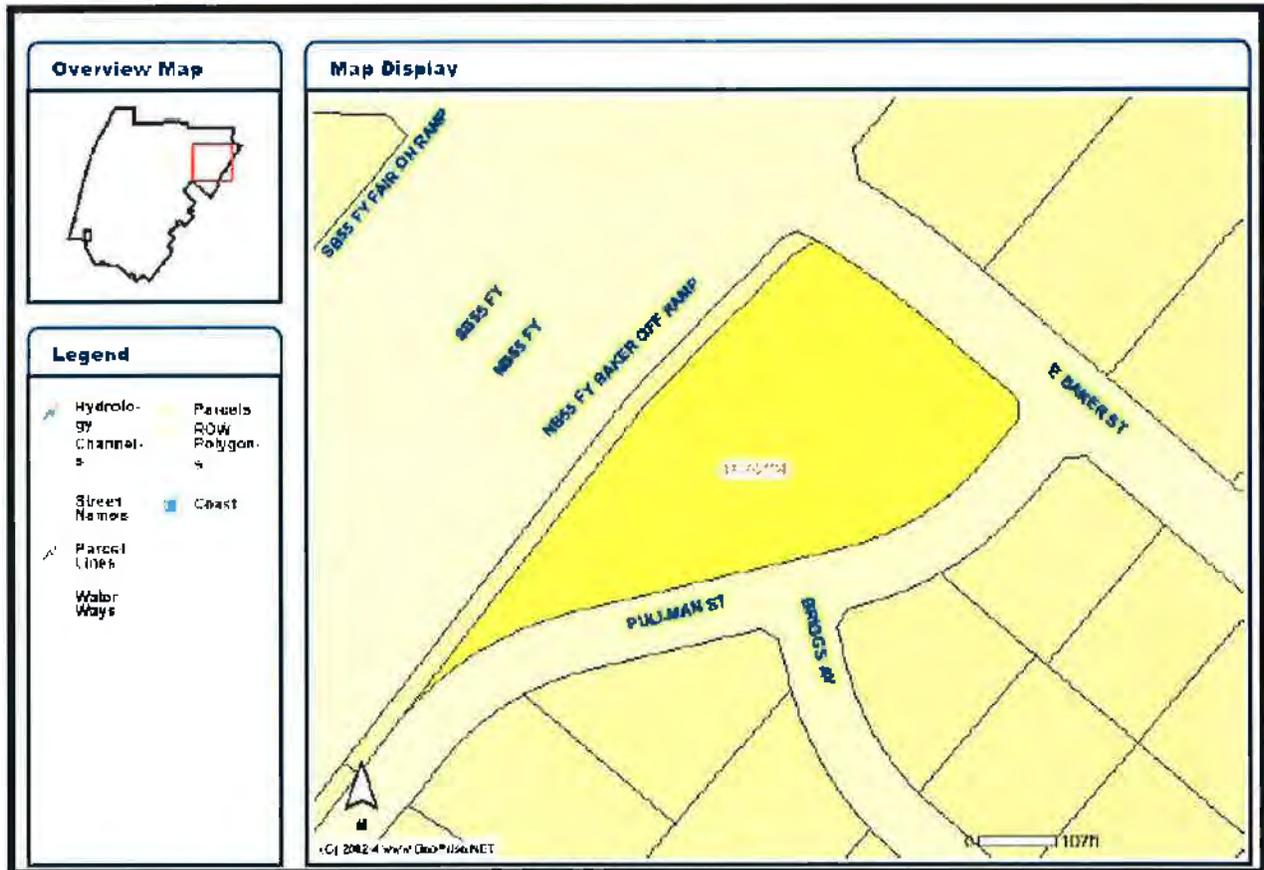
Response: The project site is located at the southwest corner of Baker Street and Pullman Street. The site is approximately 4.17-acres in size (181,415 square feet), is roughly triangular-shaped, and is currently occupied by a 66,000-square-foot two-story office building constructed in 1974, a surface parking lot, signage, and landscaped areas within the parking area and around the perimeter of the site. The property is currently zoned CL (Commercial Limited) and has a General Plan Land Use Designation of Industrial Park (MP). The proposed project involves replacing the existing office building and surface parking areas with an apartment building and parking structure as described above. The apartment units are comprised of studio units, one-bedroom units, and two-bedroom units. 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). The proposed rezone to PDR-HD would be consistent with the proposed High Density Residential General Plan designation for the project site.

- 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.

EXHIBIT B

Amendment to the Zoning Map

Change the zoning designation of the 4.17-acre development site at 125 East Baker Street from Commercial Limited (CL) to Planned Development Residential-High Density (PDR-HD)



RESOLUTION NO. PC-14-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COSTA MESA 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 (57 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 PLANNING COMMISSION 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 (57-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 (57 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).

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 recommended that City Council certify the EIR, approve General Plan Amendment GP-13-02, Zoning Code Amendment CO-13-02, and Rezone R-13-02, by separate resolutions.

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 Planning Commission hereby **RECOMMENDS THAT THE CITY COUNCIL APPROVE PA-13-11** with respect to the property described above.

PASSED AND ADOPTED this 24TH day of March, 2014.



Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

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 rezone of the property to Planned Development Residential – High Density (PDR-HD) and a Zoning Code Text Amendment to the maximum density of 58 Dwelling Units per acre. Subject to approval of the proposed rezone and text amendment the project complies with the City's Zoning Code as it pertains to building height, setbacks, and open space, and complies with the intent of the Zoning Code as it pertains to on-site parking spaces and overall project density.

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 (57 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 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 without 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.
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

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

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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 City 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 to 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: <ul style="list-style-type: none"> ■ 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			

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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			
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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						
<p>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:</p> <p>“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.</p> <p>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.”</p>	Post Notice of Airport in Vicinity within residential development area	Prior to issuance of occupancy permit	City of Costa Mesa Planning Department			
NOISE						
<p>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:</p> <p>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.</p>	Prepare acoustical analysis	Prior to issuance of building permit	City of Costa Mesa Planning Department			

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Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
<p>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:</p> <p>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.</p> <p>b. Stationary sources, such as temporary generators, shall be located as far from off-site receptors as possible.</p> <p>c. Trucks shall be prohibited from idling along streets serving the construction site.</p>	Construction document specifications	Prior to issuance of building permit	City of Costa Mesa Planning Department			
TRANSPORTATION/TRAFFIC						
<p>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.</p>	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			
<p>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.</p>	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			

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Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
<p>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.</p>	<p>Project applicant will pay the City's required traffic impact fee, based on the project's net increase in trips</p>	<p>Prior to issuance of occupancy permit</p>	<p>City of Costa Mesa Planning Department</p>			
<p>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:</p> <ul style="list-style-type: none"> ■ 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. 	<p>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</p>	<p>Prior to issuance of occupancy permit</p>	<p>City of Costa Mesa Public Works Department</p>			

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**ATTACHMENT 10
FINAL EIR**

CITY OF COSTA MESA
**125 EAST BAKER STREET
APARTMENT PROJECT**
Final Environmental Impact Report

SCH No. 2013081051

*Volume Ia: Draft EIR Changes, Responses to Comments, and
Mitigation Monitoring and Report Program*

Prepared for
City of Costa Mesa
Planning Division/Development Services Department
77 Fair Drive
Costa Mesa, California 92628

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February 2014

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CHAPTER 8 Introduction to the Final EIR

8.1 CEQA REQUIREMENTS

Before approving a project that may cause a significant environmental impact, the California Environmental Quality Act (CEQA) requires the Lead Agency to prepare and certify a Final Environmental Impact Report (Final EIR). The contents of a Final EIR are specified in CEQA Guidelines Section 15132, which states that:

The Final EIR shall consist of:

- (a) The Draft EIR or a revision of the Draft EIR.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.

The City of Costa Mesa as Lead Agency must also provide each public agency that commented on the Draft EIR with a copy of City's responses to those comments at least 10 days before certifying the Final EIR. In addition, the City may also provide an opportunity for members of the public to review the Final EIR prior to certification, though this is not a requirement of CEQA.

8.2 PUBLIC REVIEW PROCESS

The Draft EIR for the 125 East Baker Street Apartment Project (proposed project) was circulated for review and comment by the public, agencies, and organizations initially for a 45-day public review period that began on November 6, 2013, and concluded on December 20, 2013. In response to the Draft EIR, thirteen written letters were received during the review period. Additionally, the Draft EIR was presented to the City of Costa Mesa Planning Commission during their regularly scheduled meeting on December 9, 2013, and five speakers provided comments on the proposed project during the Planning Commission Meeting.

8.3 CONTENTS AND ORGANIZATION OF THE FINAL EIR

This Final EIR is composed of the following chapters:

- **Chapters 1 to 7 (Draft EIR with Changes)**—These chapters describe the existing environmental conditions in the project area and in the vicinity of the proposed project, and analyze potential impacts on those conditions due to the proposed project; identifies mitigation measures that could avoid or reduce the magnitude of significant impacts; evaluates cumulative impacts that would be caused by the proposed project in combination with other past, present, and future projects or growth that could occur in the region; analyzes growth-inducing impacts; and provides a full evaluation of the alternatives to the proposed project that could eliminate, reduce, or avoid project-related impacts. Text revisions to the Draft EIR resulting from

corrections of minor errors and/or clarification of items are identified in Chapter 9, as described below.

- **Chapter 8 (Introduction to the Final EIR)**—This chapter contains an explanation of the format and content of the Final EIR
- **Chapter 9 (Changes to the Draft EIR)**—This contains all changes to the Draft EIR that were either initiated by Lead Agency staff or in response to public comments on the Draft EIR during the public review process
- **Chapter 10 (Comments and Responses)**—This chapter contains a complete list of all persons, organizations, and public agencies that commented on the Draft EIR; copies of the comment letters received by the City of Costa Mesa on the proposed project; and the Lead Agency's responses to these comments
- **Chapter 11 (Mitigation Monitoring and Reporting Program)**—This chapter contains the Mitigation Monitoring and Reporting Program (MMRP).

8.4 USE OF THE FINAL EIR

Pursuant to CEQA Guidelines Sections 15088(a) and 15088(b), the lead agency must evaluate comments on environmental and CEQA-related issues received from persons who reviewed the Draft EIR and must prepare written responses to each of these comments. The Final EIR allows the public and the City of Costa Mesa an opportunity to review the response to comments, revisions to the Draft EIR, and other components of the EIR, prior to the City's decision on the project. The Final EIR serves as the environmental document to support approval of the proposed project, either in whole or in part.

After completing the Final EIR, and before approving the project, the Lead Agency must make the following three determinations as required by CEQA Guidelines Section 15090:

- That the Final EIR has been completed in compliance with CEQA
- That the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the project
- That the Final EIR reflects the Lead Agency's independent judgment and analysis

Pursuant to CEQA Guidelines Section 15091(a), if an EIR that has been certified for a project identifies one or more significant environmental effects, the lead agency must adopt "Findings of Fact." For each significant impact, the lead agency must make one of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, pursuant to CEQA Guidelines Section 15091(d), the agency must adopt, in conjunction with the findings, a program for reporting on or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures. This program is referred to as the MMRP.

Additionally, 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, is 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 cumulative significant and unavoidable impacts, a Statement of Overriding Considerations is not required.

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CHAPTER 9 Changes to the Draft EIR

Text changes are intended to clarify or correct information in the Draft EIR in response to comments received on the document, or as initiated by Lead Agency staff. Revisions are shown in Section 9.1 (Text Changes) as excerpts from the Draft EIR text, with a ~~line through~~ deleted text and a double underline beneath inserted text. In order to indicate the location in the Draft EIR where text has been changed, the reader is referred to the page number of the Draft EIR as published on January 12, 2012. None of the corrections or additions constitutes significant new information or substantial project changes as defined by CEQA Guidelines Section 15088.5.

9.1 TEXT CHANGES

This section includes revisions to text, by Draft EIR section, that were initiated either by Lead Agency staff or in response to public comments. All changes appear in order of their location in the Draft EIR.

Page 4.5-3, following third paragraph

As such, any construction or alteration of more than 200 feet in height above the ground level at its site requires filing with the FAA.

The project site is within the John Wayne Airport Safety Zone 6 (Traffic Pattern Zone). Safety Zone 6 designates risk factors and runway proximities as generally having a low likelihood of accident occurrence at most airports. This zone also includes all other portions of regular traffic patterns and pattern entry routes. Zone 6 Safety Designations allow for residential uses and allow most nonresidential uses. Prohibited uses in Safety Zone 6 include outdoor stadiums, and similar uses with very high intensities, as well as children's schools, large day care facilities, hospitals, and nursing homes.

Page 4.5-8, following second paragraph

The proposed project would not exceed 200 feet in height; however the proposed project is located approximately 4,300 feet from runways at John Wayne Airport and would therefore be required to submit Form 7460-1 if implementation of the proposed project results in the construction of buildings that exceed 43 feet in height.

The project site is within the John Wayne Airport Safety Zone 6 (Traffic Pattern Zone), and as such would be subject to potential aircraft over flight. While the proposed project is outside of the 60 dBA CNEL noise contour, residential users may be subjected to annoyances associated with airport operations. In order to ensure that future occupants of the proposed project are notified of the presence of aircraft over flight, the following mitigation measure shall be implemented.

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."

Implementation of mitigation measure MM4.5-1 would ensure that the residential occupants of the proposed project would be notified to the presence of any annoyances associated with airport operations. Overall, the City's land use policies generally encourage projects that provide a mix of uses, are compatible and harmonious with surrounding development, and offer pedestrian amenities that enhance the image and quality of life and the environment.

Page 4.5-9, following last paragraph

Orange County Airport Land Use Commission. 2008. *Airport Environs Land Use Plan for John Wayne Airport*, April.

2002a. California Airport Land Use Planning Handbook, adopted January 2002.

Page 4.8-29, fifth full paragraph

Standard Conditions

- 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 per new multi-family dwelling unit.

Therefore, if a tract map is recorded for the proposed project, compliance with CMMC Title 13, Chapter XI, Article 5, would ensure that Project implementation would result in a less than significant impact involving parkland demand. This impact is considered *less than significant*, and no mitigation is required.

CHAPTER 10 Comments and Responses

10.1 ORGANIZATION OF THE RESPONSES TO COMMENTS

This chapter of the Final Environmental Impact Report (Final EIR) contains all comments received on the Draft Environmental Impact Report (Draft EIR) during the public review period, as well as responses to each of these comments. Reasoned, factual responses have been provided to all comments received, with a particular emphasis on significant environmental and CEQA-related issues. Detailed responses have been provided where a comment raises a specific issue; however, a general response has been provided where the comment is relatively general. Although some letters may raise legal or planning issues, these issues do not always constitute significant environmental issues. Therefore, the comment has been noted, but no response has been provided. Generally, the responses to comments provide explanation or amplification of information contained in the Draft EIR.

In total, twelve comment letters regarding the Draft EIR were received from five public agencies, one organization, and six individuals. Additionally, the Draft EIR was presented to the City of Costa Mesa Planning Commission during their regularly scheduled meeting on December 9, 2013, and five speakers provided comments on the proposed project during the Planning Commission Meeting. Table 10-1 (Comments Received during the Draft EIR Public Review Period) provides a comprehensive list of comment letters and public speakers in the order that they are presented in this section.

Table 10-1 Comments Received during the Draft EIR Public Review Period

No.	Commenter/Organization	Letter Code	Date Comment Received	Page Where Comment Begins	Page Where Response Begins
PUBLIC AGENCIES					
1	California Department of Transportation	CALTRANS	12/11/2013	10-3	10-5
2	Native American Heritage Commission	NAHC	12/19/2013	10-6	10-10
3	Orange County Public Works	OCPW	12/02/2013	10-11	10-12
4	Juaneno Band of Mission Indians, Acjachemen Nation	JBMI	12/11/2013	10-13	10-14
5	Airport Land Use Commission	ALUC	12/20/2013	10-15	10-16
ORGANIZATIONS					
6	Citizens Advocating Rational Development	CARD	12/20/2013	10-19	10-22
INDIVIDUALS					
7	Richard Crawford	RICR	11/06/2013	10-27	10-28
8	Bill Dunlap	BIDU	12/06/2013	10-30	10-31
9	Mike Harrison	MIHA	12/06/2013	10-32	10-33
10	Kim Josephson	KIJO	12/09/2013	10-34	10-35
11	Gary Lukas	GALU	12/12/2013	10-36	10-38
12	Michael Manclark	MIMA	12/12/2013	10-40	10-41
ORAL COMMENTS					
13	Planning Commission Meeting	PC	12/9/2013	10-42	10-46

10.2 COMMENTS AND RESPONSES ON THE DRAFT EIR

This section contains the original comment letters, which have been bracketed to isolate the individual comments, each followed by responses to the individual, bracketed comments within that letter. As noted above, and stated in CEQA Guidelines Sections 15088(a) and 15088(b), comments that raise significant environmental issues are provided with responses. Comments that are outside of the scope of CEQA review do not merit a response, but are included within this Final EIR and may be considered by the City of Costa Mesa Planning Commission and City Council prior to taking action on this Final EIR and the proposed project. In some cases, a response may refer the reader to a previous response, if that previous response substantively addressed the same issues. To address the issues that were commonly raised in many of the comment letters, master responses have been prepared below.

10.2.1 Public Agencies

■ California Department of Transportation (CALTRANS), 12/11/2013

Comments

STATE OF CALIFORNIA—DEPARTMENT OF TRANSPORTATION AND BUSING AGENCY

DEPARTMENT OF TRANSPORTATION
DISTRICT 12
3347 MICHELSON DRIVE, SUITE 100
IRVINE CA 92612-8894
PHONE (949) 724-2000
FAX (949) 724-2019
TTY 711
www.dot.ca.gov

CALTRANS



*Use your power
Be energy efficient*

LUDWIG G. BROWN, Governor

December 2, 2013

Claire Flynn
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92628-1200

File: IGR/CEQA
SCH#: 2013081051
Log #: 3372C
SR-55

Subject: 125 East Baker Street Apartment Project

Dear Ms. Flynn,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) for the 125 East Baker Street Apartment Project**. The project involves the replacing of the existing office building and surface parking areas with a new apartment building and parking structure. The project consists of a five-story 240-unit residential apartment building that wraps around a six-level parking structure with 465 parking spaces in the structure and four outdoor on-grade parking spaces. The required on-site parking for the proposed development per Code is 541 parking spaces; 469 on-site parking spaces are proposed. The nearest State Highway located near the project site is SR-55.

CALTRANS-1

The Department of Transportation (Department) is a responsible agency on this project and we have the following comments:

1. Mitigation Measure 4.9-1 will involve the installation of traffic signals on State owned Right of Way at the intersection of Pullman Street/Baker Street. Please coordinate with the Department to meet requirements for any work within or near State right of way. All entities performing work within the State right of way must obtain an Encroachment Permit prior to commencement of work. A fee may apply. If the cost of work within the State right of way is below \$1,000,000, the Encroachment Permit process will be handled by our Permits Branch; otherwise the permit should be authorized through the office of Project Department's Project Development. Allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for Encroachment Permit, please incorporate Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, Traffic Control Plans, Geotechnical Analysis, R/W certification and all relevant design details including design exception approvals. For specific details Encroachment Permits procedure, please refer to the Department's Encroachment Permits Manual. The latest edition is available on the web site: <http://www.dot.ca.gov/hq/traffops/developserv/permits>

CALTRANS-2

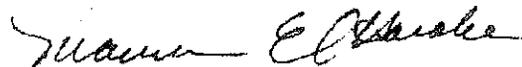
Caltrans improves mobility across California

Ms. Flynn
December 2, 2013
Page 2

Please continue to keep us informed of this project and any future developments, which could potentially impact the State Transportation Facilities. If you have any questions or need to contact us, please do not hesitate to call Miya Edmonson at (949) 724-2228.

CALTRANS-3

Sincerely,



Maureen El Harak, Branch Chief
Regional-Community-Transit Planning

C: Scott Morgan, Office of Planning and Research

Caltrans improves mobility across California

Responses to CALTRANS

Response CALTRANS-1

This comment restates the project description and provides detail on build-out specifications and location of the project. This comment does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

Response CALTRANS-2

This comment identifies that the traffic signals that would be installed at the intersection of Pullman Street/Baker Street with implementation of mitigation measure MM4.9-1 would be within the State-owned right-of-way, and that all work would need to be coordinated with Caltrans to meet the requirements for any work within or near the State right-of-way. Additionally, the commenter states that all entities performing work at a State right-of-way must obtain an encroachment permit prior to commencement of work, and provides details of the relevant documentation required to obtain the encroachment permit.

Response CALTRANS-3

This comment provides contact information for further follow-up. This comment does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

■ Native American Heritage Commission (NAHC), 12/19/2013

Comments

NAHC

STATE OF CALIFORNIA
Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
1520 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-5715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
E-mail: ds_nahc@pacbell.net

December 16, 2013

Received
City of Costa Mesa
Development Services Department
DEC 19 2013

Mr. Mel Lee, Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

RE: SCH#2013081051; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the ***125 East Baker Street Apartment Project;** located in the City of Costa Mesa; Orange County, California

Dear Mr. Lee:

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document. This project is also subject to California Government Code Section 65040.2, 65352.3 *et seq.*

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15084.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine if a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s). The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the

NAHC-1

proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

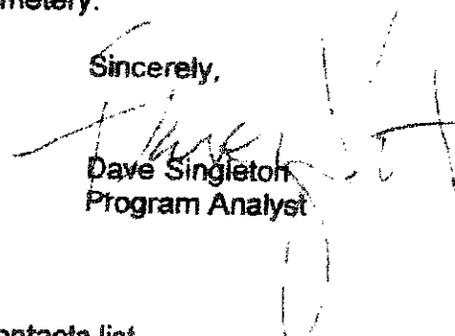
California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies" and Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Environmental Quality Act (CEQA) §15084.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,


Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

NAHC-1
cont.

**Native American Contacts
Orange County California
December 16, 2013**

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417 - fax

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalCouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Juaneno Band of Mission Indians
Adolph 'Bud' Sepulveda, Vice Chairperson
P.O. Box 25828 Juaneno
Santa Ana , CA 92799
bseepui@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

Gabrielino /Tongva Nation
Sandonne Goad, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
sgoad@gabrielino-tongva.com
951-845-0443

Juaneno Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.
714-323-8312
714-998-0721

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7860.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.96 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013081051; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the 125 East Baker Street Apartments Project, located in the City of Costa Mesa; Orange County, California.

**Native American Contacts
Orange County California
December 16, 2013**

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
gabrielenoindians@yahoo.
(626) 926-4131

Gabrielino-Tongva Tribe
Bernie Acuna, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
(619) 294-6660-work
(310) 428-5690 - cell
(760) 636-0854- FAX
bacuna1@gabrielinotribe.org

Gabrielino-Tongva Tribe
Conrad Acuna,
P.O. Box 180 Gabrielino
Bonsall , CA 92003

760-636-0854 - FAX

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
kaamaia@gmail.com
949-293-8522

Gabrielino /Tongva Nation
Sam Dunlap, Cultural Resorces Director
P.O. Box 66906 Gabrielino Tongva
Los Angeles , CA 90066
samdunlap@earthlink.net
909-262-9351

Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
palmssprings9@yahoo.com
626-676-1184- cell
(760) 636-0854 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.96 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013081051; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the 125 East Baker Street Apartments Project; located in the City of Costa Mesa; Orange County, California.

Responses to NAHC

Response NAHC-1

This letter summarizes the responsibilities of the Native American Heritage Commission (NAHC) and its request for consultation with Native American tribes as appropriate. Based on the results of a cultural resources survey,¹ included as Appendix B to the Initial Study for the proposed project, there are no known archaeological resources located on the project site. Additionally, as identified in the Initial Study, the project will implement the City's standard condition requiring the cessation of construction activities in the unanticipated event that archeological materials are encountered during construction activities. Throughout the EIR process the NAHC was advised and copied on all documents. No further response is required.

¹ Atkins, *California Historical Resources Information System (CHRIS) Records Search, Native American Heritage Commission (NAHC) Sacred Lands File (SLF) Database Search, and Information-Scoping Results for the Baker Street Apartments Project, City of Costa Mesa, Orange County, California* (June 30, 2013).

■ Orange County Public Works (OCPW), 12/11/2013

Comments

OCPW



Public Works
Integrity, Accountability, Service, Trust

Shane L. Slesby, P.E., Director
300 N. Flower Street
Santa Ana, CA 92703

P.O. Box 4048
Santa Ana, CA 92702-4048

Telephone: (714) 867-8800
Fax: (714) 967-0896

NCL 13-042

November 19, 2013

Ms. Mel Lee, AICP, Senior Planner
City of Costa Mesa
Planning Division/Development Services Department
77 Fair Drive
Costa Mesa, California 92628

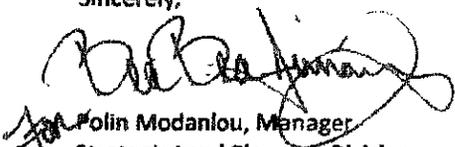
SUBJECT: Second Notice of Availability of a Draft Environmental Impact Report for 125 East Baker Street Apartment Project

Dear Ms. Lee:

The County of Orange has reviewed the Second Notice of Availability of a Draft Environmental Impact Report for 124 East Baker Apartment Project located in City of Costa Mesa and has no comments at this time. We would like to be advised of any further developments on the project. Please continue to keep us on the distribution list for future notifications related to this project.

OCPW-1

Sincerely,



Polin Modanlou, Manager
Strategic Land Planning Division
OC Public Works/OC Planning Services
300 North Flower Street
Santa Ana, California 92702-4048
Polin.modanlou@ocpw.ocgov.com

Received
City of Costa Mesa
Development Services Department
NOV 21 2013

PM/yj

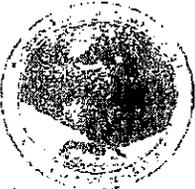
Responses to OCPW

Response OCPW-1

This comment states the County of Orange Public Works Department has reviewed the Draft EIR for the proposed project and has no comments at this time. No further response is necessary.

■ **Juaneño Band of Mission Indians (JBMI), 12/11/2013**

Comments



Juaneño Band of Mission Indians
Aejachemen Nation
 Tribal Council
 Terence J. Kaminaka, Chairman
 Kim O'Conor, Vice-Chairman/Treasurer
 (and) Harper Price, Member at Large / Chief of Native Arts & Culture / Staff Director / Health Director

JMBI

November 23, 2013

Mr. Lee
 AICP, Senior Planner
 City of Costa Mesa, Planning Division/Development Services Department

Re: Proposed 125 East Baker Street Apartment EIR Project

Thank you for the opportunity to comment on 125 East Baker Street Apartment EIR regarding Draft Environmental Impact Report.

We are concerned that the Project area is culturally sensitive. Site evaluations and mitigation measures should take into consideration the impacts upon and/or destruction of archaeological sites, Native American traditional cultural sites, and traditional cultural landscapes with associated traditional Native American values.

State and Federal guidelines, including California Environmental Quality Act (CEQA) Guidelines, provide that with respect to archaeological sites, preservation through avoidance is the preferred treatment. Archaeology is a destructive process and mitigation through data recovery evaluations not only result in the destruction of an important part of our cultural patrimony, but it is also labor intensive and expensive. Most importantly, site evaluations and mitigation measures do not take into consideration the destruction of Native American traditional cultural sites and landscapes. The discovery of archaeological sites early in the planning process allows archaeological sites to be preserved through avoidance and incorporation into open space areas.

We request that you continue to keep us informed about the Project. We look forward to the results of archaeological and cultural investigation and to further participation in the environmental review process. To that end, we reserve our right to comment further in the future.

Sincerely,

Richard C. Vaughn
 Director of Cultural Resources

Received
 City of Costa Mesa
 Development Services Department
 DEC 02 2013

1115 N. La Mar Street, Suite 100, Costa Mesa, CA 92626-2070 | TEL: (714) 440-3400 | FAX: (714) 440-3401
 www.juaneño.com

Responses to JBMI

Response JBMI-1

The comment expresses concern that the project area is culturally sensitive. The comment states that site elevations and mitigation measures should take into consideration the impacts of the proposed project on potential archeological sites. Based on the results of a cultural resources survey,² included as Appendix B to the Initial Study for the proposed project, there are no known archaeological resources located on the project site. Additionally, as identified in the Initial Study, the project will implement the City's standard condition requiring the cessation of construction activities in the unanticipated event that archeological materials are encountered during construction activities.

Response JBMI-2

This comment restates the CEQA guidelines referring to archeological sites. Refer to Response JBMI-1. No further response is necessary.

Response JBMI-3

This comment expresses the commenter's request to be informed regarding the project and states interest in further participation of the environmental review process. No further response is necessary.

² Atkins, *California Historical Resources Information System (CHRIS) Records Search, Native American Heritage Commission (NAHC) Sacred Lands File (SLF) Database Search, and Information-Scoping Results for the Baker Street Apartments Project, City of Costa Mesa, Orange County, California* (June 30, 2013).

■ Airport Land Use Commission (ALUC), 12/20/2013

Comments



ALUC

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.5178

December 20, 2013

McI Lee, AICP, Senior Planner
City of Costa Mesa/Development Services Department
77 Fair Drive
Costa Mesa, CA 92628

Subject: DEIR for 125 East Baker Street Apartment Project

Dear Mr. Lee:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the 125 East Baker Street Apartment Project in the context of the Airport Land Use Commission's *Airport Environs Land Use Plan for John Wayne Airport (JWA AELUP)* and the *AELUP for Heliports*. The proposed project includes replacing an existing office building and surface parking areas with an apartment building and parking structure. The project will consist of a five-story 240 unit residential apartment building (63 feet overall height) that wraps around a six-story parking structure (57 feet overall height) with 465 parking spaces in the structure and four outdoor on-grade parking spaces.

In addition to the NOP comments we submitted to the city on September 16, 2013 we would also recommend that the DEIR discuss the project's location within Safety Zone 6 for the short General Aviation runway. Zone 6 does allow for residential uses, and although there is a low likelihood of accident occurrence at most airports within this zone; risk concern primarily is with uses for which potential consequences are severe, primarily uses with high intensity.

Because of the project's proximity to a noise impacted area, any prospective resident should be notified of the presence of aircraft overflight. We recommend that the DEIR include a mitigation measure stating that any residential development in the JWA airport influence area would be notified of potential aircraft overflight as follows:

"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 can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."

ALUC-1

ALUC-2

ALUC-3

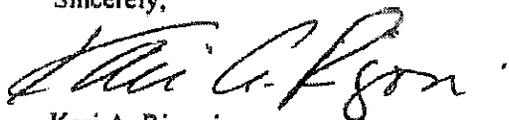
ALUC DEIR Comments 125 E. Baker
12.20.13
Page 2

In addition, the Draft EIR should identify if the project will be impacted by helicopter overflight due to the close proximity of helicopter arrival and departure operations at JWA and if the project allows for heliports as defined in the Orange County *AELUP for Heliports*. Should the development of heliports occur within your jurisdiction, proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

As was noted in your initial study, because this project falls within the *JWA AELUP* planning areas and requires a General Plan Amendment, it is recommended that the project be referred to the Airport Land Use Commission (ALUC) for a Consistency determination with the *JWA AELUP*. In this regard, the Commission suggests such referrals be submitted to the ALUC for a determination between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendaing.

Thank you again for the opportunity to comment on the DEIR. Please contact Lea Choum at (949) 252-5123 or via email at lchoum@ocair.com should you have any questions related to the future referral of your project.

Sincerely,



Kari A. Rigoni
Executive Officer

ALUC-4

ALUC-5

Responses to ALUC

Response ALUC-1

This comment provides introductory language and summarizes the proposed project's description. No further response is necessary.

Response ALUC-2

This comment recommends that the Draft EIR discuss the project's location within Safety Zone 6 for the short General Aviation runway. In response to this comment, the following text has been added to Draft EIR page 4.5-3 of the Draft EIR:

The project site is within the John Wayne Airport Safety Zone 6 (Traffic Pattern Zone). Safety Zone 6 designates risk factors and runway proximities as generally having a low likelihood of accident occurrence at most airports. This zone also includes all other portions of regular traffic patterns and pattern entry routes. Zone 6 Safety Designations allow for residential uses and allow most nonresidential uses. Prohibited uses in Safety Zone 6 include outdoor stadiums, and similar uses with

very high intensities, as well as children's schools, large day care facilities, hospitals, and nursing homes.

Response ALUC-3

This comment recommends that mitigation be incorporated notify any prospective resident to the potential of annoyances due to aircraft over flight and proximity to airport operations. In response to this comment, Draft EIR p. 4.5-8 was amended to reflect this proposed mitigation measure and to follow the recommendations made by the ALUC as follows:

The proposed project would not exceed 200 feet in height; however the proposed project is located approximately 4,300 feet from runways at John Wayne Airport and would therefore be required to submit Form 7460-1 if implementation of the proposed project results in the construction of buildings that exceed 43 feet in height.

The project site is within the John Wayne Airport Safety Zone 6 (Traffic Pattern Zone), and as such would be subject to potential aircraft over flight. While the proposed project is outside of the 60 dBA CNEL noise contour, residential users may be subjected to annoyances associated with airport operations. In order to ensure that future occupants of the proposed project are notified of the presence of aircraft over flight, the following mitigation measure shall be implemented.

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."

Implementation of mitigation measure MM4.5-1 would ensure that the residential occupants of the proposed project would be notified to the presence of any annoyances associated with airport operations. Overall, the City's land use policies generally encourage projects that provide a mix of uses, are compatible and harmonious with surrounding development, and offer pedestrian amenities that enhance the image and quality of life and the environment.

Response ALUC-4

This comment provides additional recommendation for the Draft EIR to identify if the project will be impacted by helicopter over flight due to the close proximity of helicopter arrival and departure operations at JWA and if the project allows for heliports as defined in the Orange County AELUP for Heliports. The proposed project does not include the development of a heliport as described in Section 3.3 (Project Characteristics), Draft EIR p. 3-7, which provides a detailed plan for the residential

apartment building. Further, as described in Section 4.6 (Noise), Draft EIR p. 4.6-7, the existing heliport operations were determined to not generate substantial noise within the City. Therefore, no further response is necessary.

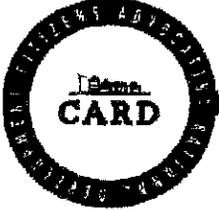
Response ALUC-5

This comment requests that the project be referred to the ALUC for a consistency analysis determination with the JWA AELUP. Further instruction for follow-up on this matter is provided by the commenter. No further response is necessary at this time.

10.2.2 Organizations

■ Citizens Advocating Rational Development (CARD), 12/20/2013

Comments

CARD

Mel Lee
City of Costa Mesa
(714) 754-5245
77 Fair Drive
Costa Mesa, CA 92628-1200

Re: **125 East Baker Street Apartment Project**

SCH #: 2013081051

Dear Mr. Lee,

The undersigned represents Citizens Advocating Rational Development ("CARD"), a non-profit corporation dedicated to issues in development and growth.

This letter contains comments on the Draft Environmental Impact Report on the 125 East Baker Street Apartment Project, in accordance with CEQA and the Notice of Completion and Availability. Please ensure that these comments are made a part of the public record.

ENERGY

The DEIR does not discuss any requirements that the Project adopt energy saving techniques and fixtures, nor is there any discussion of potential solar energy facilities which could be located on the roofs of the Project. Under current building standards and codes which all jurisdictions have been advised to adopt, discussions of these energy uses are critical; the construction of a five-story 240 unit residential apartment building (63 feet overall height) that wraps around a six-story parking structure (57 feet overall height) with 465 parking spaces in the structure and 4 outdoor on-grade parking spaces, will devour copious quantities of electrical energy, as well as other forms of energy.

■
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CARD-1
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CARD-2
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WATER SUPPLY

The EIR (or DEIR – the terms are used interchangeably herein) does not adequately address the issue of water supply, which in California, is a historical environmental problem of major proportions.

What the DEIR fails to do is:

1. Document wholesale water supplies;
2. Document Project demand;
3. Determine reasonably foreseeable development scenarios, both near-term and long-term;
4. Determine the water demands necessary to serve both near-term and long-term development and project build-out.
5. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources;
7. Identify the likely yields of future water from the identified sources;
8. Determine cumulative demands on the water supply system;
9. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;
10. Identify the environmental impacts of developing future sources of water; and
11. Identify mitigation measures for any significant environmental impacts of developing future water supplies.
12. Discuss the effect of global warming on water supplies.

CARD-3

CARD-4

There is virtually no information in the DEIR which permits the reader to draw reasonable conclusions regarding the impact of the Project on water supply, either existing or in the future.

For the foregoing reasons, this EIR is fatally flawed.

AIR QUALITY/GREENHOUSE EMISSIONS/CLIMATE CHANGE

The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review

CARD-5

due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming.

This portion of the EIR fails for the following reasons:

1. The DEIR does not provide any support or evidence that the Guidelines utilized in the analysis are in fact supported by substantial evidence. References to the work of others is inadequate unless the document explains in sufficient detail the manner and methodology utilized by others.
2. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project's projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project.
3. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed adequately.
4. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard.

For the foregoing reasons, the EIR is fatally flawed.

ALTERNATIVE ANALYSIS

The alternative analysis fails in that the entire alternatives-to-the-project section provides no discussion of the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project, nor does it discuss the deleterious effects of failing to update the project upon those same surrounding properties and the land uses which may or have occurred thereon.

Thank you for the opportunity to address these factors as they pertain to the referenced DEIR.

Very truly yours,

CITIZENS ADVOCATING RATIONAL DEVELOPMENT

NICK R. Green

President

CARD-5
Cont.

CARD-6

CARD-7

CARD-8

CARD-9

CARD-10

Responses to CARD

Response CARD-1

This comment contains introductory information and is not a direct comment on the adequacy of the Draft EIR. No further response is necessary.

Response CARD-2

This comment describes the commenter's opinion on the environmental analysis on energy savings and the lack of discussion regarding potential solar energy facilities within the Draft EIR. Section 4.10 (Utilities/Service Systems) analyzes the impacts associated with the current energy demand and with the implementation of the proposed project. As stated on Draft EIR p. 24 under Impact 4.10-8, the proposed project would be required to comply with the energy conservation measures contained in Title 24, which would reduce the amount of energy needed for the operation of the building. As Title 24 identifies Building Energy Efficiency Standards applicable to all new construction, the proposed project would be designed to conserve energy with regards to heating, cooling, ventilation water heating and lighting.

Additionally, the City of Costa Mesa adheres to the current 2013 California Building Code, including Chapter 1, Division II; the California Green Building Standards Code which requires the energy efficiency of the proposed project to be 15 percent above the Title 24 requirements. Some of the following design features that would potentially be incorporated into the proposed project to reduce energy consumption would be:

- The installation of radiant roof barriers
- The requirement that all-gas fired space heating equipment have an annual fuel utilization ratio of 0.90 or higher
- The requirement that all cooling equipment have a seasonal energy efficiency ratio (SEER) higher than 13.0 and an energy efficiency rating (EER) of at least 11.5
- The requirement that all gas-fired water heaters have an energy factor of 0.60 or higher
- The provision of roof space to allow for the future installation of future solar panel or photovoltaic panels
- The provision of electrical conduits for future access to solar systems
- The provision of natural light and ventilation

As the proposed project would include a variety of energy conservation features through the 2013 California Building Code (CALGreen), no revisions to the Draft EIR are required in response to this comment.

Response CARD-3

This comment claims that the Draft EIR fails to document wholesale water supply, project water demand, and cumulative demand, as well as water sources.

However, as stated on Draft EIR p. 4.10-2 of Section 4.10 (Utilities/Service Systems), the City of Costa Mesa is served by two water supply agencies: Mesa Consolidated Water District (Mesa Water) and Irvine Ranch Water District (IRWD). Section 4.10 also indicates that Mesa Water is able to meet full service demands of its member agencies with existing supplies from 2015 through 2035 during normal years, single dry year, and multiple dry years. Additionally, the potential impact on existing water facilities is detailed on Draft EIR p. 4.10-7, Impact 4.10-1 and states the proposed project would result in an increase of less than 1 percent (0.003 percent) to Mesa Water's overall demand as detailed in Mesa Water's 2010 Urban Water Management Plan (UWMP). Specifically, the proposed project's 240 residential units would result in approximately 48,000 gallons per day (gpd), or 53.8 acre-feet per year (AFY) and the proposed increase in water demand from redevelopment of the site is not expected to require new or expanded entitlements.

The Draft EIR does provide an analysis of projected normal water supply and demand in normal years (Table 4.10-1) and projected single-dry-year water supply and demand (Table 4.10-2) for the future years of 2015 through 2035 as near- and long-term scenarios for water supply demand and has sufficient sources of water to meet projected needs through the year 2035 during normal, dry, and multiple-dry years. As mentioned above, the project's 240 residential units would result in approximately 48,000 gpd, or 53.8 AFY.

Water sources for the proposed project are described on Draft EIR p. 4.10-3 of the "Water Sources" subsection and states that "water is imported into Orange County via two extensive systems of aqueducts operated by MWD. At present, the primary source of supply is the Colorado River Aqueduct system. In addition, Mesa Water owns and operates nine groundwater production wells. Seven of these wells are currently in operation and have a total design capacity of approximately 14,000 gallons per minute (gpm).

Cumulative analysis within the Draft EIR, Section 4.10.4 (Cumulative Analysis), indicates that development of cumulative projects within the City of Costa Mesa would demand additional quantities of water, depending on net increases in population, square footage, and intensity of uses. However, the proposed increase in water demand from redevelopment of the site is not expected to require new or expanded entitlements. As previously stated, the Mesa Water UWMP shows that Metropolitan is able to meet full service demands of its member agencies with existing supplies from 2015 through 2035 during normal years, single dry year, and multiple dry years.

Response CARD-4

The commenter mentions that the Draft EIR fails to compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency. As mentioned in Response CARD-3, the Draft EIR does provide an analysis of projected normal water supply and demand in normal years (Table 4.10-1) and projected single-dry-year water supply and demand (Table 4.10-2) for the future years of 2015 through 2035 as near- and long-term scenarios for water supply demand, and therefore, addresses water supply sufficiency.

The commenter claims that the Draft EIR fails to identify the environmental impacts of developing future sources of water. As mentioned in Response CARD-3, the potential impact on existing water facilities is explained on Draft EIR p. 4.10-7, Impact 4.10-1 discussion, and states the proposed project would result in an increase of less than 1 percent (0.003 percent) to Mesa Water's overall demand. No

additional sources of water were identified as being necessary to serve the proposed project, and thus no impact analysis of developing such sources was conducted.

The commenter claims the Draft EIR's lack of identification for mitigation measures for "any significant environmental impacts of developing future water supplies." No significant impacts relating to water supply were found, and therefore, no mitigation measures were necessary.

The commenter claims that the Draft EIR is required to discuss the effect of global warming on water supplies. The potential effects of global warming are discussed in Section 4.3 (Greenhouse Gas Emissions) on Draft EIR pp. 4.3-1 through 4.3-3. The commenter restates the opinion that the Draft EIR fails to permit the reader to draw reasonable conclusions, however any or all of the commenter's concerns are addressed within the Draft EIR and this comment describes the personal opinion and views of that of commenter. As discussed previously in the responses to comments above, the Draft EIR provides sufficient information on the adequacy of the City's water supplies in relation to the increase in demand from this Project. The City has sufficient water supplies to serve the proposed project and no significant impacts will result from the approval of the proposed project.

Response CARD-5

The commenter claims that the Draft EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to a variety of different areas. However, the potential effects of global warming are discussed in Section 4.3 (Greenhouse Gas Emissions) on Draft EIR pp. 4.3-1 through 4.3-3.

The commenter also claims the Draft EIR fails to provide sufficient data that establishes impacts that local emissions contribute to air quality, greenhouse gases and climate change. Specifically, the commenter states the Draft EIR does not provide evidence for the Guidelines utilized in the analysis are in fact supported by substantial evidence. However, the Draft EIR utilizes a variety of sources to sufficiently analyze the impacts of the proposed project within that of established CEQA Guidelines. As stated on Draft EIR p. 4.3-13, the 2013 CEQA Guidelines do not establish a threshold of significance for GHG impacts; instead, lead agencies have the discretion to establish significance thresholds for their respective jurisdictions. Contrary to the assertion in the comment, the EIR does not merely reference the work of others, but in fact undertakes a thorough quantitative analysis of the proposed project based on established methodologies approved by the overseeing agency, in this case the SCAQMD.

The SCAQMD has proposed screening level thresholds for projects such that projects that fall below 3,000 MT CO₂e annually are considered to comply with the GHG emission reduction strategy as mandated by AB 32. The analytic method described on Draft EIR p. 4.3-15 mentions that the proposed project would result in a net total of 1,885.78 MT CO₂e per year. Therefore, implementation of the proposed project would not result in GHG emissions above the 3,000 MT CO₂e per year screening level threshold established by the South Coast Air Quality Management District (SCAQMD). This impact is considered less than significant, and no mitigation is required.

Response CARD-6

The commenter claims that the Draft EIR does not include a comprehensive discussion regarding the impact climate change has on rainfall and snowpack, and gives the opinion that such resulting impacts are not discussed in an acceptable manner. However, contrary to the claims of the commenter, the Draft EIR fully evaluates the impacts of the proposed project on water supply, air quality, and greenhouse gas emissions in Draft EIR Section 4.2 (Air Quality), Section 4.3 (Greenhouse Gas Emissions), and Section 4.10. While the emissions are clearly identified and the resulting effects of global GHG emissions are discussed in Section 4.3, the incremental effect of the project's emissions on macro-level processes such as rainfall and snow pack dynamics cannot be quantified. Attempting to draw a direct link between the project's GHG emissions and changes in climate would be speculative at best.

Response CARD-7

The commenter claims that climate change may potentially affect the frequency and or severity of air quality problems and that such an impact is not discussed adequately. The comment is not clear and provides no supporting data, references, or sources to explain what specific problems are of concern, or why the analysis provided in the Draft EIR is inadequate. Further, the comment does not explain what would constitute adequacy. The EIR discusses numerous effects of climate change on the environment and discusses the potential increased risk of large wildfires, the rise in sea levels, a reduction in the quality and quantity of certain agricultural products, and the exacerbation of air quality problems, along with other potential effects. Carbon dioxide, which is the primary source of GHGs, is identified in Table 4.2-5, Draft EIR p. 4.2-21, as a cause of increased occurrence of cardiovascular and respiratory diseases and other chronic conditions. Air quality impacts are thoroughly analyzed in Draft EIR Section 4.2, and air quality impacts from the occupancy and use of the project were determined to be less than significant with the implementation of mitigation.

Response CARD-8

The commenter expresses concern that the Draft EIR is missing analysis accounting for the cumulative effect of the proposed project in regards to other projects in the same geographical area on air quality, climate change and water supply. This claim is untrue, as the Draft EIR considers cumulative impacts and such impacts are specifically taken into consideration for each respective impact section of the Draft EIR. Cumulative impacts related to air quality are analyzed beginning on Draft EIR p. 4.2-26. Global climate change emissions are inherently cumulative; therefore, the project impacts would be identical to the cumulative impacts. Cumulative impact analysis relating to water supply is provided on Draft EIR p. 4.10-8. No additional cumulative analysis is required. No further response is necessary in regards to this comment.

Response CARD-9

The commenter continues to express that the Draft EIR fails to discuss the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project. The commenter also mentions that the Draft EIR fails to discuss "deleterious effects of failing to update the project upon those same surrounding properties and the land uses which may or have occurred thereon." The Draft EIR specifically takes into consideration

the potential effects of alternative projects throughout the respective analysis sections of the Draft EIR and furthermore continues to analyze the impacts of considered alternatives to the proposed project within Chapter 6 (Alternatives to the Proposed Project). The potential impacts of the alternatives to the proposed project are looked at length in this particular and start on Draft EIR p. 6-4.

10.2.3 Individuals

Richard Crawford (RICR), 11/06/2013

Comments



RICR

November 4, 2013

City of Costa Mesa
Honorable Mayor Jim Rigeheimer,
Honorable Mayor Pro Tem Stephen Mensinger
Honorable City Council Members
Planning Commissioners and City Planning Staff
77 Fair Drive,
Costa Mesa, CA 92626

Received
City of Costa Mesa
Development Services Department

NOV 06 2013

As a business owner in the City of Costa Mesa, I am writing with some very pertinent concerns about the potential development of Apartment housing in the industrial/manufacturing/office area bounded on the corner of Baker and Pullman off the 55 Freeway at 125 Baker Street.

I have been in my office/warehouse location doing business just a block away from this proposed project for 28 years and have seen much of the business development and re-development happen in this area. The impact on businesses, parking, traffic and upkeep of the streets surrounding this area with the change in use of industrial to a mix of industrial and office has been tremendous. Much of the change has been for the betterment for both business and the City of Costa Mesa.

Now there is a request to include a "Class A" apartment of high density with a zoning change for this area. As a builder and experienced development individual, I feel this is a misplaced improvement, against reasonable land planning and zoning requirements and should be rejected in no uncertain terms for the following reasons:

1. This is NOT a residential area. The project will have no supportive infrastructure adjoining the property. There is no market, laundry, fast or fine dining, no coffee house, no park, no sidewalks, no playground, nothing that a "Class A" apartment would need to support success.
2. There is significant current traffic impact already and this development would add to the congestion. At peak traffic times getting on and off the 55/405 freeways and 73 toll road is a nightmare. The transition road and off-ramp from the 55 and 73 at various times of the day – especially during the morning work commute and at evening rush hour takes multiple lights to get through. The Baker street overpass with 2 existing lights bunches traffic up as it comes from Redhill/Bristol/and all of the adjoining streets. Adding another signal to dump more cars onto Baker with nowhere to go??? Really this is not going to be satisfactory at all.
3. The parking must be totally contained for ALL residents on the property site because there is NO available street parking during the work day and there is also impact at night with the church events in the evening.

RICR-1

RICR-2

RICR-3

RICR-4

RICR-5

245 Fischer Avenue, Suite B-1, Costa Mesa, California 92626 714.545.0904 CrawfordCustomHomes.com

4. The definition of "Class A" apartments means a highly detailed and attractive product in well located area. This is an industrial park area! The person looking to rent a high end (high rent) apartment will seek a location that is much more attractive. It is hard to compete with other desirable locations both in and out of the City. If the City wants to attract more renters it should take the lead to locate "Class A" and other levels of higher density residential in a more logical and good planning manner. Exceptions to the general plan should be very well thought out and look to transition the City from a current use to a use with a future vision for redevelopment. That is not the case at 125 Baker Street. Perhaps if this project was located adjoining the Camp and Lab properties or other planning area that the City of Costa Mesa could identify?

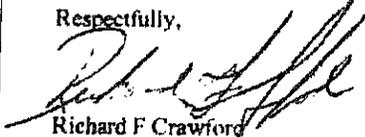
RICR-6

Please take very carefully review these concerns and perhaps find a way to guide development to a better suited area of the City.

RICR-7

I appreciate your hard work for the citizens and business owners of Costa Mesa,

Respectfully,



Richard F Crawford
President

Crawford Custom Homes

Responses to RICR

Response RICR-1

This comment contains introductory and anecdotal language, and does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

Response RICR-2

This comment expresses concern over including "Class A" apartments within the proposed project area. This comment pertains to the proposed 125 E. Baker Street Project itself and does not address the adequacy or accuracy of information presented in the Draft EIR. No further response is necessary.

Response RICR-3

This comment claims that the proposed 125 E. Baker Street Project is misplaced due to the existing location not being a residential area and has no surrounding amenities to support the project's economic success. This comment does not pertain to the adequacy or accuracy of the information presented in the Draft EIR. No further response is necessary.

Response RICR-4

This comment claims that the proposed 125 E. Baker Street Project is misplaced due to potentially significant traffic impacts. The comment provides anecdotal evidence relating to traffic during peak hours from getting on and off the SR-55/I-405 freeway and SR-73 toll road. The Draft EIR does provide a detailed analysis of existing and proposed traffic conditions regarding the proposed project in Section 4.9 (Transportation/Traffic), including the projects effects at the Baker Street and SR-55 northbound and southbound on/off-ramps. As shown in Table 4.9-7 (Year 2016 Peak Hour Intersection

LOS Analysis), and Table 4.9-8 (General Plan Buildout Peak Hour Intersection LOS Analysis), the proposed project would not result in a decrease in level of service at the Baker Street and SR-55 on/off-ramps. While the project's impact to the Red Hill Avenue/Baker Street intersection under the General Plan Buildout scenario was considered a potentially significant impact, with implementation of mitigation measures MM4.9-1, MM4.9-2, and MM4.9-3, this impact would be reduced to less than significant, as shown in Table 4.9-10 (Traffic LOS with Implementation of Mitigation) Draft EIR p. 4.9-17. Therefore, contrary to the commenter's claims, the proposed project would not result in significant traffic impacts.

Response RICR-5

This comment represents the commenter's opinion regarding parking on the property site and that the lack available street parking may be problematic to the proposed development with the neighboring church events in the evening. The Draft EIR evaluated whether the proposed project would result in inadequate parking capacity on Draft EIR pp. 4.9-20 and 4.9-21. The Draft EIR determined that the provision of 452 spaces for the 240 residential units would be more than adequate and parking impacts would be less than significant.

Response RICR-6

This comment expresses concern over including "Class A" apartments within the proposed project area. This comment pertains to the proposed 125 E. Baker Street Project itself and does not address the adequacy or accuracy of information presented in the Draft EIR. No further response is necessary.

Response RICR-7

This comment states the commenter's request for his written concerns to be carefully reviewed and that those comments might help the project be guided to a better suited area of the city. This comment does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

■ Bill Dunlap (BIDU), 12/06/2013

Comments

BIDU



December 3, 2013

City of Costa Mesa
Honorable Mayor Jim Righeimer
Honorable Mayor Pro Tem Stephen Mensinger
Honorable City Council Members
Planning Commissioners and City Planning Staff
77 Fair Drive
Costa Mesa, CA 92626

Subject: Baker Street Apartments- Red Oak Development

As President and Partner of Slater Builders Inc. located at 3100 Pullman Street, I feel it pertinent that I write to you regarding the above referenced development proposal. In the almost 20 years that our company has been located in the Redhill area we have seen the slow progression of new office conversion from the original light manufacturing that existed in the '60s and '70s. This transition has trended along with other areas of Costa Mesa i.e. the Westside area of 17th Street and Placentia. Our current building at 3100 Pullman was once light manufacturing and we converted it for Trico Realty to an office use. Along with this change has come the off business hour use of buildings for religious purposes. There are five religious organizations now occupying buildings in the Redhill zone.

BIDU-1

The Red Oak proposal for upscale housing apartments will be a compatible fit for the area as it will compliment the existing office and religious uses. One does not have to venture far to find live/work uses in numerous parts of Orange County. The proposed project is on an isolated piece of property which is well suited for residential use. There are ample support services in the immediate neighborhood on Bristol and Baker as well as at Bristol and Redhill. Our Company has looked with numerous developers at adjacent properties for retail use which would support a residential project. The current office building is very out dated and not desirable in the current market as an office complex. The conversion of the use to residential would have a definite tax increase for the city and be a significant benefit to the Redhill area.

BIDU-2

I fully support the change in use and the proposed development by Red Oak Investments.

Sincerely,

Bill Dunlap
President

Received
City of Costa Mesa
Development Services Department

SLATER BUILDERS INC. DEC 06 2013

3100-B Pullman Street, Costa Mesa, CA 92626 Tel: (714) 434-4887 Fax: (714) 434-6173 www.slaterbuilders.com License #675832

Responses to BIDU

Response BIDU-1

This comment contains introductory and anecdotal language and does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

Response BIDU-2

This comment states the commenter's approval of the proposed project as it will be "a compatible fit for the area as it will complement the existing and religious uses and states the proposed project is well suited for residential use due to it being an isolated piece of property. The commenter also provides the opinion that states there are ample support services in the project vicinity, with the addition of having personal experience of communicating with numerous retail developers. It should be noted the commenter "fully support(s) the change in the proposed development by Red Oak Investments." No further response is necessary.

■ Mike Harrison (MIHA), 12/06/2013

Comments

MIHA



**TRICO
REALTY INC.**

December 6, 2013

Mel Lee
City of Costa Mesa, Planning Division
77 Fair Drive
Costa Mesa, CA 92628

RE: 125 East Baker Street Apartments

Dear Mr. Lee,

Trico Realty, Inc. is in favor of the proposed High Density Residential Development at 125 East Baker Street Costa Mesa, CA 92626. We agree with the City of Costa Mesa's Environmental Impact Report stating that the proposed project will not have significant impacts on visual character, construction, or other aspects relating to the enjoyment of the immediate vicinity of the proposed project as a working environment.

With this being said, a traffic study has indicated that the proposed project will have a very significant impact on congestion on Pullman Street near and at its intersection with Baker Street. Trico Realty strongly endorses the installation of traffic signals at the intersection of Pullman and Baker. We believe that if the city intends to approve a high density residential project at an already congested intersection, it has an indisputable obligation to mitigate current and future congestion.

Sincerely,



Mike Harrison
Vice President and CFO



Alex Remo
Property Manager

MIHA-1
MIHA-2

Brokerage / Development / Management
3100-A Pullman Street, Costa Mesa, CA 92626 (714) 751-4420 Fax (714) 540-4579
www.tricorealty.com DRE I.D. 00342120

T:\Alex\131206_125 E Baker EIR Comments.docx

Responses to MIHA

Response MIHA-1

This comment contains introductory and anecdotal language and does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

Response MIHA-2

The commenter states support for the installation of traffic signals at the intersection of Pullman and Baker and gives support of the mitigation measures outlined in Section 4.9 (Transportation/Traffic). As identified in Table 4.9-10 (Traffic LOS with Implementation of Mitigation), with implementation of mitigation measures MM4.9-1, MM4.9-2, and MM4.9-3, traffic impacts at the Pullman Street/Baker Street intersection would be reduced to less than significant. Further, the project applicant would be responsible for the implementation of the identified mitigation measures. No further response is necessary.

■ Kim Josephson (KIJ0), 12/09/2013

Comments



KIJO

December 9, 2013

Honorable Mayor James Rigeimer
Honorable Mayor Pro Tem Stephen Mensinger
Honorable City Council Members
Planning Commissioners and City Planning Staff
CITY OF COSTA MESA
77 Fair Drive
Costa Mesa CA 92626

Sent via USPS

Re: Potential Multi Family Rezone – SEC Baker Street/ Newport (55) Freeway

To Whom It May Concern:

My firm recently purchased and completely remodeled our building at 3199 E Airport Loop Drive; we relocated our office from Dove Street in Newport Beach. Our new building, previously consisting of warehouse and storefront, is now predominantly office. We believe that we have upgraded our offices significantly and have added value for our neighbors in Costa Mesa. The recent repaving of Redhill was another well needed improvement to the west-side of John Wayne Airport.

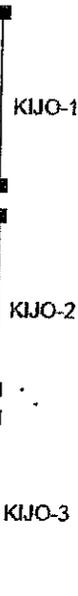
It has come to our attention that the 125 Baker Street building desires a rezone to multi-family residential units instead of office space. My firm and I applaud the concept and fully support the rezone. The current office building is functionally obsolete; in order to bring the building to current office leasing standards, the building would need to be demolished; current economics will not allow that, so the building will attract low, or no, rent paying tenants and will slowly depreciate into a bigger eyesore.

Irvine has integrated residential into the Business Complex frequently with success; retail uses have followed, making the community much more vibrant due its mixed use nature. Newport Beach has also allowed residential to be developed in Koll Center Newport. It makes total sense to have residential closer to the work place. Mariner's Church School, Rock Harbor Church, the trampoline center on Airway, the bike store on Airway, all uses that have made the West side of the Airport a more attractive and interesting environment. Multi-family residential will enhance the trend.

Sincerely,
REAL ESTATE & LOGISTICS TECHNOLOGY, INC.

Kim Josephson

Kim Josephson kjosaphson@real-techinc.com 657.210.5551
3199 Airport Loop Drive, Bldg E, Costa Mesa, CA 92626
DRE License No. 712155



Responses to KIJO

Response KIJO-1

This comment contains introductory and anecdotal language and does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

Response KIJO-2

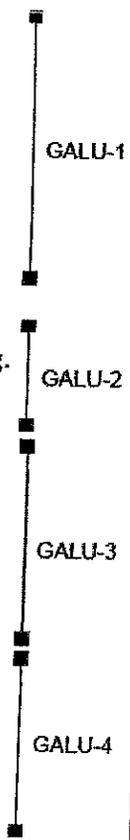
This comment provide the opinion that the current office building as “functionally obsolete” and that the building would need to be demolished in order to meet current office leasing standards. This comment expresses the commenter’s support of the proposed project and does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

Response KIJO-3

This comment provides the commenter’s experience with integrated residential uses and the potential it has to create a more vibrant community due to its mixed nature. This comment expresses the commenter’s support of the proposed project and does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

■ Gary Lukas (GALU), 12/12/2013

Comments

Capata, Julian F		GALU
From:	LEE, MEL [MEL.LEE@costamesaca.gov]	
Sent:	Thursday, December 12, 2013 11:18 AM	
To:	Capata, Julian F; 'Joe Flanagan'; 'pnaghavi1@yahoo.com'	
Subject:	FW: 125 Baker St	
<p>Another comment FYI.</p> <p>Mel Lee, AICP Senior Planner City of Costa Mesa 77 Fair Drive, Costa Mesa, 92628 Ph. (714) 754-5611 Fax. (714) 754-4856 mel.lee@costamesaca.gov</p> 		
From:	Garry Lukas [mailto:garry@azmfqinc.com]	
Sent:	Thursday, December 12, 2013 11:02 AM	
To:	PLANNING COMMISSION; RICHEIMER, JIM; stephan.mensing@costamesaca.gov ; LEECE, WENDY; GENIS, SANDRA; MONAHAN, GARY	
Cc:	JHorian@aol.com; Dan Hirt; smillen@stillen.com ; KHKHKHKHKHKHKHK	
Subject:	125 Baker St	
<p>To those whom it should concern:</p> <p>I attended the 12-09-13 Planning meeting.</p> <p>After 6 hours of waiting, at 11:00PM.</p> <p>I was given less than 4 minutes to orate in front of fatigued commissioners.</p> <p>They seemed like they could care less.</p> <p>It was a waste of time for everybody.</p> <p>The 125 Baker St tenement proposal will mix high density residential with manufacturing.</p> <p>They will be right on top of each other.</p> <p><u>The 125 Baker property is not unique!</u> <u>It is an integral piece of this industrial park.</u></p> <p><u>The 125 Baker property is not unique!</u> <u>It is an integral piece of this industrial park.</u></p> <p>You are placing this crowded tenement in the middle of the industrial park!</p> <p>Is this what they teach in planning school? To mix incompatible zones?</p>		
		

Is this not THE problem on the west side, mixed zoning?

Is that part of your general plan to mix zones and become a Santa Ana?

We do not address the quality of living instead it's all about the money.

We will have children playing in industrial lots and paint booths across the street from homes.

I am pleading with you folks to come to your senses.

For 17 years we have enjoyed the professional atmosphere of this industrial park.

We originally relocated from Santa Ana for this very reason of residents too close in proximity.

Don't force us to relocate again!

Shame on Joe and Alex for telling you lies, they know better.

Mixing industrial with residential is dangerous, irresponsible and wrong.

Garry Lukas
AZ Mfg Inc.
200 Briggs Av
92626

GALU-5

GALU-6

GALU-7

The IS team in Atkins has scanned this email and any attachments for viruses and other threats; however no technology can be guaranteed to detect all threats. Always exercise caution before acting on the content of an email and before opening attachments or following links contained within the email.

Responses to GALU

Response GALU-1

This comment contains anecdotal language regarding the December 9, 2013, Planning Commission Meeting and his attendance thereof. This comment does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

Response GALU-2

The commenter expresses his opinion that the 125 E. Baker Street project would be in too close proximity to industrial manufacturing. Draft EIR Section 4.5 (Land Use/Planning) addresses the potential impacts the proposed project may encounter with respect to land use and planning. The Draft EIR specifically analyzes the potential impact of changing the existing Industrial Park land use to that of high density residential use. Land use compatibility issues between sensitive land uses and existing industrial businesses that could result in potential impacts involving aesthetics, air quality/odors, hazardous materials, and noise. However, a less-than-significant impact would occur to the proposed residential uses following compliance with the established regulatory framework, conditions of approval, and specified mitigation measures. A condition of approval has been incorporated requiring notification to future residents that the project is located within an area designated as Light Industry and subject to existing and potential annoyances/inconveniences associated with industrial land uses. Therefore, the project would not be incompatible with the surrounding land uses. No revisions to the Draft EIR are required in response to this comment.

Response GALU-3

This comment expresses the opinion of the commenter that the 125 E. Baker Street property is not a unique property and is an integral piece of the existing industrial park. This comment does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

Response GALU-4

The commenter expresses his opinion that the 125 E. Baker Street project would be in too close proximity to industrial manufacturing. Refer to Response GALU-2. This comment does not address the adequacy or accuracy of information provided in the Draft EIR, and no further response is necessary.

Response GALU-5

The commenter expresses his opinion that the 125 E. Baker Street project would be in too close proximity to industrial manufacturing. Refer to Response GALU-2. As mentioned previously, Draft EIR Section 4.5 addresses the potential impacts the proposed project may encounter with respect to Land Use and Planning and have respectively been found to be of no impact or less-than-significant impact. This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.

Response GALU-6

The commenter expresses his opinion that the 125 E. Baker Street project would be in too close proximity to industrial manufacturing. Refer to Response GALU-2. This comment does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

Response GALU-7

The commenter expresses his opinion that the 125 E. Baker Street project would be in too close proximity to industrial manufacturing. Refer to Response GALU-2. This comment does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

■ Michael Manclark (MIMA), 12/12/2013

Comments



LEADING EDGE
Aviation Services, Inc.

MIMA

Leading Edge Aviation Services
3132 Airway Avenue
Costa Mesa, California 92626
P: 714.556.0576 F: 714.556.4023

December 12, 2013

Honorable Mayor James Righeimer
Honorable Mayor Pro Tem Stephen Mensinger
Honorable City Council Members
Planning Commissioners and City Planning Staff
CITY OF COSTA MESA

77 Fair Drive
Costa Mesa CA 92626

Sent via USPS

Re: Multi Family Rezone – 125 Baker Street

Dear Council and Commission:

Leading Edge Aviation Services is headquartered in Costa Mesa and employs over 1000 employees locally and across the country. As a contractor to companies such as Boeing Company, United Airlines, American Airlines, et al the company has a vested interest in local development in Costa Mesa to support job growth, economic growth and improvements in infrastructure, particularly as it relates to roads, commercial and residential properties. In fact, Leading Edge has and continues to invest in Costa Mesa and last year completed its new corporate headquarters located on Airway Avenue just down the street from 125 Baker.

As a business owner, investor and resident of the area I have witnessed firsthand the evolution of the surrounding area from heavy manufacturing to lite manufacturing, retail, professional services as well as the schools and churches that have contributed to a diverse demographic blend. The area, while once an industrial area has slowly over time become an eclectic mix of uses. This progression in the local area lends itself to the addition of high-end apartment housing as a perfect complement to the current mix of businesses.

From Segerstrom Performing Arts Center, South Coast Plaza and Metro Pointe to Triangle Square and East 17th Street Promenade, the business-friendly Costa Mesa reflects this unique confluence of business/retail and residential. The Red Oak Housing proposal is a natural extension of the "Costa Mesa Advantage" in the Redhill Zone.

Leading Edge Aviation Services offers 100% support for the rezone of this area and the development of this upscale housing project.

Sincerely,



W. Michael Manclark
Chairman and Founder

Expert. Innovative. Consistent.

MINA-1

MINA-2

MINA-3

Responses to MIMA

Response MIMA-1

This comment contains introductory and anecdotal language and does not address the adequacy or accuracy of information provided in the Draft EIR. No further response is necessary.

Response MIMA-2

This comment provides support for the proposed project as it would complement existing uses in the area. This comment does not address the adequacy or accuracy of information provided in the Draft EIR, but rather the personal opinion and views of that of commenter. No further response is necessary.

Response MIMA-3

This comment provides support for the proposed project. This comment does not address the adequacy or accuracy of information provided in the Draft EIR, but rather the personal opinion and views of that of commenter. No further response is necessary.

10.2.4 Oral Comments

■ Planning Commission Meeting (PC), 12/9/2013

Comments

PC

Public Comments from Planning Application 125 East Baker Street

Speaker One-

Good evening, Jay Humphrey, Costa Mesa resident, I am going to surprise you all. I actually think it's a good project for where it is. I don't have any real problems for it. I think the area is use appropriate. I think it serves as a significant part of the community and provides a appropriate utilization. The developer is going to in fact handle what I can see as most of the traffic mitigation issues in that setting. So I do not have a problem with this project at all except one thing and only one thing and it really has to do with setting precedence. And in the General Plan Amendment for this project it is listing that 1901 Newport is an exception and is precedence setting for them to get approval of a higher level of property utilization in that it says that specifically the General Plan says nothing over four stories south of the 405 freeway. This is south of the 405 freeway and 1901 is. 1901 does have a parking structure that is higher than four stories but that is still less in actual height than the four story housing that is around it. So you cannot even see the parking from if you are standing in a car in the parking lot you can't see past the residence houses around so it's also in a different type of land, different place, different issues. So the use of a precedence setting concerns me not because they are using it to get the project built but because of what it means the future land use in Costa Mesa in the area south of the 405 freeway. If we start having every little step be a precedence setter and I think Mr. Mathews you brought up the fact that this whole meeting is a whole lot of precedence settings and exceptions in that and I agree with that statement. The reality is that what we are talking about here is that the precedence setting of significance of looking at a residence facility, a housing facility, that will now push that envelope up. The concern is that somewhere south of the 405 freeway we now get two others or three others projects that come in here say you know we really cannot do this project without being five and half to six stories tall and the housing element and well if we have to park it we will have to have a seven story. So as we go we keep on increasing the height of projects south of the 405 freeway. I would much rather see that first of in the LU1C1C.2 policy in the General Plan that instead of just land both exceptions that they say these two cannot be used as a precedence setting in other general utilization to do housing ect. If that was happening then I would be a perfectly happy camper. The project I said I like. I don't have any problem with it. It may be sensical to in fact make that exception but in fact then change the General Plan that's in process right now change that to include within that area north of the 405 freeway because in essence it is the same kind of property.

PC-1

PC-2

Speaker Two

My name is Gary Lucas, AZ Manufacturing, I am sixty feet away from ground zero. Ground zero being the front entrance of this tenement. The problem I have if you can see that for a moment ignore the zones because we have basically have an industrial park with a couple of commercial zones in there and I do not know why they were labeled commercial. When I talked to people about that park they said really that is zoned different. When you go through that whole thing it is one cohesive park. Now the next one the little red dot there actually that is four acres that Joe and Alex want to build that is south of the freeway. There is nothing general public south of the freeway. No gas stations, no restaurants, nothing that the general public wants to go there. You put those six hundred people in there in that tenement and they have to egress out of there, they are going through the entire industrial park. This is where I want to start reading. Sovereignty is not given it's taken and that's what's happening here. A vote for rezoning is to vote for our trade away industrial sovereignty for Joe and Alex's game. In 1970 a poor decision was made to zone 125 Baker street property as commercial even though everything that surrounds it is zoned industrial park. For this reason some people have labeled this property unique. This property is not unique. It is geographically integrate, apart of the entire industrial complex. Everyone I spoke with was surprised to learn this. Four years later along come Joe and Alex telling us it's a good idea to allow dense residential in this industrial manufacturing zone. That's like saying that is good to put a cigar lounge in an airplane. I believe they are confused with some of Costa Mesa other future vision products. Some commercial residential mixed zoned changes are positive. An apartment over a laundry mat, a condo across from an eater this project is not one of those. Even by Joe and Alex's own admission this one's got more hurdles despite the hyperbole written in the EIR. The properties immediately surrounding the proposed tenement are all manufacturing. It's an industrial park. Joe and Alex's proposal actually creates the same conditions the City is now trying to clean up on the west side. Mixed industrial residentially zoning that's what this will be it is surrounding look manufacturing. Joe and Alex have gone through a great deal of time and money to convince you to vote in favor of mixed manufacturing and residential and have you feel good about it. The location choice is not because it's an ideal or practical safe residential site rather the existing property is financial prey sub skeptical this kind of rezone pup petering. The amount of units chosen for this tenement is not because the numbers are ecological or acceptable standards rather the number chosen to maximize their investment. They want to put a dense residential high rise tenement building smack in the middle of an industrial park against a freeway across from an airport and they would have you believe that this is a good idea. This is not another NIMBY project this is a life changing proposal targeted against those that have invested years decades establishing reputations and commerce here. We relish our present reputable location and the professional business atmosphere. Am going am going Jim. My personal opinion is that this proposed tenement will turn into a relocation carrousel folks will find it difficult navigating about the area

PC-3

PC-4

traffic, parking, and structure itself. A lot of people living in tight industrial area will no doubt have complaints that turn into litigation. It will never be a cohesive part of the surrounding business community. The incompatibility will create problems. Santa Ana's zoned to suite policies are one of the primary factors for the overall lower real estate values in that city. Joe and Alex's zoned to suite proposal is the same mistake. A quickie return for an eternity of lowered rents. There is a reason for zoning. To protect everyone, to protect communities, by separation zones that we don't have children playing in industrial yards and paint booths across the street from where you live. Zoning is the tool to retain the quality of life, value land use, and respect. Zoning is not to manipulate for profit. The council has to decide whether this was meant for the council my apologies has to decide whether to finically favor the existing commerce or Joe or Alex. This is not a compromise able situation. Thank you.

PC-4
cont.

Speaker Three

Good evening members of the Council my name is Max?? I am a tenant at this location currently and my question is not so much environmental as with the process is involved. We have a four year lease. We are one year into it so I was just wondering yah know we invested substantially in the infrastructure and so forth with the process that is moving forward and what types of notice we would be given if this project were to move forward. Jim Fitzpatrick said ok let me see if we can get you an answer.

PC-5

Speaker Four

Hi my name is Anne Lucas, I am Gary's wife, and I am co-owner of AZ Manufacturing at 200 Brigs. Um thank you Commission for giving me a few minutes of your time. First of all I don't know reading the IRR, the EIR I cannot really understand it its very confusing but I didn't really see in there the measures taken to address the traffic situation that will be caused by this project. Um first of all it said um that the traffic will be in and out of the apartments at opposing times as the work day. Um first of all not everyone works 9 to 5. Um so that's kinda mute. Um the traffic on Pullman and on Brigs and on Baker there are big rigs full of materials, heavy materials, pallets, boxes, and such coming in and out all hours of the day. Um there are often more than one at a time because there is more than obviously more than one business in that particular manufacturing area. Um our hours of operation are from 6:30 to 11:30pm um which would cause noise issues with the tenants if this project is approved. Pullman is um a heavily traveled rode most of the from time cars are parked from Baker to Calmus on a daily basis. Red Oak is telling you that the six story parking structure will handle all the cars belonging to the tenants. I do not believe this to be true. Um I would like to propose, um this is just an observation, that I have had lately, um I would like to propose that you don't the members of the Commission go to a five to six story parking structure and a busy time of day and drive up and drive down tell me how long that takes you. And you do that twice

PC-6

PC-7

PC-8

day. Um I have been doing this on a daily basis sometimes twice a day um for doctor's appointments in the last six months and I can personally tell you that street parking is preferred over the parking structure. And it is a five story parking structure and it takes sometimes 5 to 10 minutes to get to the top because people well they drive slow, can't get into the spots what have you. Um then you have getting onto Baker from Pullman across to access the freeway some days at 5 o'clock it takes twenty minutes to get out onto Baker and then a couple of lights to actually get on the freeway itself whether it be north or south bound. And a new light will only make matters worse in my opinion. You will have four traffic lights in less then one quarter of a mile. That in it self causes traffic as well as frustrations for drivers trying going home. Um Redhill and the 55 Redhill and the 5 at Tustin there are six lights in a quarter of a mile. That is a total disaster that is where we live we avoid that at all cost. Um I looking at the EIR I just don't believe that the issue has been um properly addressed due as to the traffic and um the parking and all of that stuff and you have 240 residences right across from high manufacturing facility in between high end auto motive repair, and maintenance, car repair to name a few. And then you have the freeway and the airport. I just don't see where this makes much sense. Thank you.

PC-8
cont.

Speaker 5

My name is Mike Harrison and I represent Trico Reality. We have a portfolio of multi tenant industrial parks about 400,000 square feet in Costa Mesa. Um we have an office at 3100 Pullman Street which is couple of blocks south of Baker and so I am very familiar with the territory. Um oddly enough I have been a member the Commission that evaluated recommendations for the west side a few years ago. The Council in its wisdom decided not to adopt what our Commission recommended and so I have been an opponent of residential development filtrated within our industrial area on the west side. In this case I have to tell you I think this is an appropriate land use. I think it is a very well conceived project. Um it maybe across the freeway but it relates to the apartment development, residential development, on the other side of the 55. Um for me personally I look at the intersection of Pullman and Baker Street as disaster waiting to happen in the current situation. And I think the traffic mitigation issues that are proposed here would improve that intersection considerably. It's relatively a tough situation and even though the traffic would increase I think the traffic is counter to the usual industrial traffic or business traffic in the area. So I actually think this would be a very positive development and I support it 100 percent. And Commissioner McCarthy I think you asked about the industrial alternatives and I would say if you look at what is going on in that area increasingly heavy industrial manufacturing uses are not the current use transition that is going on you see more creative office space. You see lighter industrial uses and that's what we see in our properties and so I am very comfortable with this development. And I would encourage you to be supportive. I think it is well thought out. And I would be in support. Thank you.

PC-9

PC-10

PC-11

Responses to PC

Response PC-1

This comment contains introductory and anecdotal language. The commenter states general approval of the proposed project while stating the proposed project will be able to handle all the stated traffic issues through the proposed mitigation measures. No further response is necessary.

Response PC-2

The commenter expresses concern that the project would establish precedence for building height for projects south of the Interstate 405 Freeway in the surrounding area. As described in Section 4.5 (Land Use/Planning), Draft EIR p. 4.5-5, the proposed project would amend the City's General Plan to allow for a five-story apartment building and six-story parking structure. The proposed project would represent a new land use on the site and in the immediate area but would not in itself result in environmental impacts related to land use and planning. The proposed project would not conflict with existing City policies or regulations that were adopted for the purpose of mitigating an environmental effect. Future development projects would be required to undergo environmental review, consistent with CEQA and City regulations, including analysis of conflicts with applicable plans and policies. Potential development within the surrounding area of the proposed project would be subject to the building standards set forth in the General Plan and would not be directly influenced by implementation of the proposed project.

Response PC-3

This comment contains anecdotal information regarding the commenter's opinion that the proposed project would locate residential uses in close proximity to commercial and industrial uses. The commenter expresses concern that the proposed project would be incompatible with surrounding uses and would create conflict with established uses. The Draft EIR specifically analyzes the potential impact of changing the existing Industrial Park land use to that of high-density residential use, and all impacts were found to be less than significant. The project would not be incompatible with the surrounding land uses. Refer to Response GALU-2.

Response PC-4

The comment states that the amount of units chosen for the proposed project is for economic reasons rather than to meet acceptable standards. This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.

Response PC-5

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.

Response PC-6

This comment claims that the Draft EIR did not adequately evaluate traffic impacts. Contrary to this commenter's claim, the Draft EIR evaluated potential traffic impacts in Section 4.9

(Transportation/Traffic). With implementation of mitigation measures MM4.9-1 through MM4.9-4, all traffic impacts were found to be less than significant. This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.

Response PC-7

The comment claims that the manufacturing uses located adjacent to the proposed project would generate noise impacts for the occupants of the proposed project. However, the Draft EIR, Section 4.6 (Noise) provided a comprehensive analysis of the potential noise impacts associated with the existing environment, and with all impacts were found to be less than significant with the implementation of mitigation measure MM4.6-1.

Response PC-8

This comment represents the commenter's opinion regarding parking on the property site. The Draft EIR evaluated whether the proposed project would result in inadequate parking capacity on Draft EIR pp. 4.9-20 and 4.9-21. The Draft EIR determined that the provision of 452 spaces for the 240 residential units would be more than adequate and parking impacts would be less than significant. Refer to Response PC—6.

Response PC-9

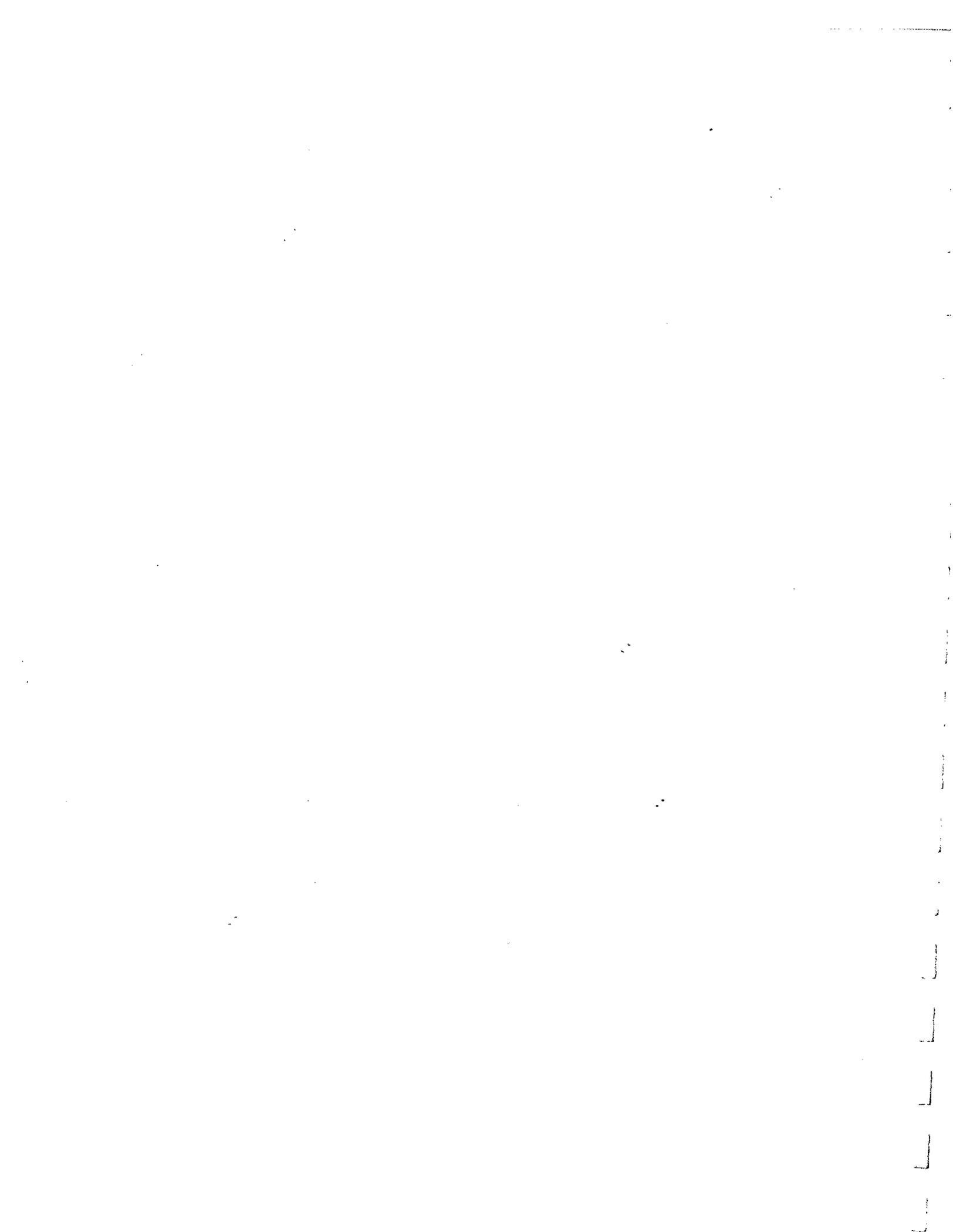
This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.

Response PC-10

The commenter states support for the installation of traffic signals at the intersection of Pullman and Baker and gives support of the mitigation measures outlined in Section 4.9 (Transportation/Traffic). As identified in Table 4.9-10 (Traffic LOS with Implementation of Mitigation), with implementation of mitigation measures MM4.9-1, MM4.9-2, and MM4.9-3, traffic impacts at the Pullman Street/Baker Street intersection would be reduced to less than significant.

Response PC-11

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.



CHAPTER 11 Mitigation Monitoring and Reporting Program

11.1 INTRODUCTION

This section reflects the Mitigation Monitoring and Reporting Program (MMRP) requirements of Public Resources Code (PRC) Section 21081.6. California Environmental Quality Act (CEQA) Guidelines Section 15097 states:

... In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

11.2 ENFORCEMENT

In accordance with CEQA, the primary responsibility for making determinations with respect to potential environmental effects rests with the lead agency rather than the Monitor or preparer. As such, the City of Costa Mesa is identified as the enforcement agency for this MMRP.

11.3 PROGRAM MODIFICATION

After review and approval by the lead agency, minor changes to the MMRP are permitted but can only be made by the City. No deviations from this MMRP shall be permitted unless it continues to satisfy the requirements of PRC Section 21081.6, as determined by the lead agency.

11.4 MITIGATION MONITORING AND REPORTING PROGRAM MATRIX

The organization of the MMRP follows the subsection formatting style as presented within the 125 East Baker Street Project Final EIR. Subsections of all of the environmental issues presented in the Final EIR are provided below in Table 11-1 (Mitigation Monitoring and Reporting Program Matrix).

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: <ul style="list-style-type: none"> ■ 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			

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			
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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						
<p>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:</p> <p>"NOTICE OF AIRPORT IN VICINITY:</p> <p>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.</p> <p>POSTING OF NOTICE OF DISCLOSURE IN EACH RESIDENTIAL UNIT</p> <p>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."</p>	Post Notice of Airport in Vicinity within residential development area	Prior to issuance of occupancy permit	City of Costa Mesa Planning Department			
NOISE						
<p>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:</p> <ol style="list-style-type: none"> Limit opening and penetrations on portions of buildings impacted by noise. Apply noise insulation to walls, roofs, doors, windows, and other penetrations. 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			

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
<p>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:</p> <p>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.</p> <p>b. Stationary sources, such as temporary generators, shall be located as far from off-site receptors as possible.</p> <p>c. Trucks shall be prohibited from idling along streets serving the construction site.</p>	Construction document specifications	Prior to issuance of building permit	City of Costa Mesa Planning Department			
TRANSPORTATION/TRAFFIC						
<p>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.</p>	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			
<p>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.</p>	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			

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
<p>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.</p>	<p>Project applicant will pay the City's required traffic impact fee, based on the project's net increase in trips</p>	<p>Prior to issuance of occupancy permit</p>	<p>City of Costa Mesa Planning Department</p>			
<p>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:</p> <ul style="list-style-type: none"> ■ 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. 	<p>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</p>	<p>Prior to issuance of occupancy permit</p>	<p>City of Costa Mesa Public Works Department</p>			

**ATTACHMENT 11
DEVELOPMENT AGREEMENT**

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF COSTA MESA, A CALIFORNIA MUNICIPAL
CORPORATION AND RED OAK INVESTMENTS,
A CALIFORNIA LIMITED LIABILITY CORPORATION
FOR THE PROPERTY LOCATED AT 125 EAST BAKER
STREET**

WHEREAS, Red Oak Investments ("Developer") proposes a project located at 125 East Baker Street, Costa Mesa, CA consisting of a five-story, 240-unit apartment complex located on the southwest corner of Baker Street and Pullman Street ("Project"); and

WHEREAS, on or about March 24, 2014, the Planning Commission recommended the City Council certify the Final Environmental Impact Report; approve General Plan Amendment GP-13-02, give first reading to the ordinance approving Rezone R-13-02, give first reading to the ordinance approving Zoning Code Amendment CO-13-02, and approve, by adoption of resolution, Master Plan PA-13-11 (collectively, the Project Approvals); and

WHEREAS, City ordinances and regulations do not require the payment of park impact fees for the Project because park impact fees apply only to projects that require subdivision, however, the Developer agrees to make a public infrastructure improvement contribution to the City of Costa Mesa; and

WHEREAS, on or about April 14, 2014, the City Council is scheduled to approve DA-14-02 subject to final approval of the General Plan Amendment for the Project.

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

1. **Recitals.** The City Council finds that the foregoing recitals are true and correct.
2. **Term.** This Agreement shall be for a term of five (5) years from the Effective Date (as defined below).
3. **Effective Date.** Effective Date means the date on which General Plan Amendment GP-13-02 is approved by the City Council.
4. **Traffic Impact Fees.** Developer acknowledges that traffic in the Project vicinity will be impacted due to construction and cars to and from the Project. As a result, Developer hereby agrees to pay the Traffic Impact fee estimated at one hundred sixty five thousand two hundred fifty three dollars (\$165,253.00) but subject to final calculation based upon the prevailing schedule approved by the City Council prior to the issuance of certificate of occupancy.
5. **Public Infrastructure Improvement Contribution.** Developer acknowledges that the Project will place increased burden on the City's infrastructure. As a result, Developer hereby agrees to provide two hundred, fifty thousand dollars (\$250,000.00) as a public infrastructure improvement contribution payable to the City prior to issuance of the first certificate of occupancy for the Project.

6. **Park Impact Fees.** The City and Developer hereby agree that if the Project is subdivided, the Developer shall pay the current park impact fee of thirteen thousand and eight hundred twenty nine dollars (\$13,829.00) per dwelling unit ("Park Impact Fees"). Moreover, the Public Infrastructure Improvement Contribution set forth in paragraph 4 shall be credited against the Developer's Park Impact Fees.
7. **Vested Right to Develop the Project.** The City hereby grants to the Developer the vested right to develop the Project on the Property to the extent and in the manner provided in this Agreement subject to Developer obtaining all applicable land use approvals for the Project. Any change in the Applicable Rules adopted or becoming effective after the Effective Date (Subsequent Rules), other than the Project Approvals, shall not be applicable to or binding upon the Project or the Property. This Agreement will bind the City to the terms and obligations specified in this Agreement and will limit, to the degree specified in this Agreement and under state law, the future exercise of the City's ability to regulate development of the Project
8. **Applicable Rules.** Applicable Rules means the rules, regulations, ordinances and official policies of the City which were in force as of the Effective Date, including, but not limited to, the Project Approvals, the General Plan, City zoning ordinances and other entitlements, development conditions and standards, public works standards, subdivision regulations, grading requirements, and provisions related to density, growth management, environmental considerations, and design criteria applicable to the Project. Notwithstanding the foregoing, Applicable Rules does not include any changes to the City's prevailing schedule and/or fee schedule that is the subject of any rules, regulations, ordinances and official policies of the City.
9. **Development of the Property.** The Developer agrees that the Property shall only be developed in accordance with the Project Approvals and any conditions and mitigation measures imposed on the Project through final approval of the Project, and the provisions of this Development Agreement. Notwithstanding anything set forth in this Agreement to the contrary, unless Developer proceeds with development of the Property, Developer is not obligated by the terms of this Agreement to affirmatively act to develop all or any portion of the Project, pay any sums of money, dedicate any land, or to otherwise meet or perform any obligation with respect to the Project, except and only as a condition of development of any portion of the Project.
10. **Indemnity.** Developer shall defend, indemnify, and hold harmless City, and their respective officers, officials, members, employees, agents, representatives, and volunteers, from all claims, demands, damages, defense costs or liability of any kind or nature relating in any manner to the amount, adequacy or application of development fees for the Project.
11. **Notices.** All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be delivered by either (a) personal delivery, (b) reliable courier service that provides a receipt showing date and time of delivery, (c) registered or certified U.S. Mail, postage prepaid, return receipt requested, or (d) facsimile. Notices shall be addressed

to the respective parties as set forth below or to such other address and to such other persons as the parties may hereafter designate by written notice to the other party hereto:

To City: City of Costa Mesa
Attn: Gary Armstrong
77 Fair Drive
Costa Mesa, CA 92626

Copy to: Jones & Mayer
Attn: Thomas P. Duarte
3777 N. Harbor Blvd.
Fullerton, CA 92832

Developer: Red Oak Investments
Attn: Joseph Flanagan
2101 Business Center Dr. Ste. 230
Irvine, CA 92612

Copy to: Allen Matkins
Attn: William Devine, Esq.
1900 Main Street, 5th Floor
Irvine, CA 92614

Each notice shall be deemed delivered on the date delivered if by personal delivery or by overnight courier service, on the date of receipt as disclosed on the return receipt if by mail, or on the date of transmission with confirmed successful transmission and receipt if by telefax. By giving to the other parties written notice as provided above, the parties to this Agreement and their respective successors and assigns shall have the right from time to time, and at any time during the term of this Agreement, to change their respective addresses.

12. **Attorneys' Fees.** If either party commences an action against the other party arising out of or in connection with this Agreement, the prevailing party shall be entitled to recover from the losing party its expert witness fees (if any), its reasonable costs and expenses including, without limitation, litigation costs, and its reasonable attorneys' fees.
13. **Binding on Heirs.** This Agreement shall be binding upon the parties hereto and their respective heirs, representatives, transferees, successors, and assigns.
14. **Scope Agreement, Waivers, and Amendments.** This Agreement is limited to the payment of park and traffic impact fees. Nothing herein shall be construed as addressing the Developer's other obligations for the Project. All waivers of the provisions of this Agreement must be in writing and signed by the appropriate

authorities of the party to be charged. Any amendment or modification to this Agreement must be in writing and executed by Agency and Developer.

15. **Interpretation; Governing Law.** This Agreement shall be construed according to its fair meaning and as if prepared by both parties hereto. This Agreement shall be construed in accordance with the laws of the State of California.
16. **Severability.** If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.
17. **Execution in Counterpart.** This Agreement may be executed in several counterparts, and all so executed shall constitute one agreement binding on both parties hereto, notwithstanding that both parties are not signatories to the original or the same counterpart.
18. **Attachments.** Attachment No. 1 to this Agreement is incorporated herein by this reference and made a part hereof. Said Attachment(s) are identified as follows:

Attachment 1: Legal Description (*To Be Provided Under Separate Cover*)

IN WITNESS WHEREOF, City and Developer have entered into this Agreement as of this ____ day of _____, 2014.

“City”

City of Costa Mesa, a California
Municipal Corporation

Mayor of the City of Costa Mesa

By: _____

Its: _____

ATTESTATION

Brenda Green, City Clerk

APPROVED AS TO FORM

Tom Duarte, City Attorney

“Developer”

Red Oak Investments, a California
Corporation

By: _____
Joseph Flanagan, Red Oak Investments

Id. I. Daker

Correspondence LIST

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Costa Mesa, CA 92604

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Costa Mesa, CA 92626

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Costa Mesa, CA 92626

Richard Crawford
245 Fischer Avenue, Suite B-1
Costa Mesa, CA 92626

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Costa Mesa, CA 92626

W. Michael Manclark
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Airport Land Use Commission
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Costa Mesa, CA 92626

Scott Morgan
Director, State Clearinghouse
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044