

RESOLUTION NO. 14-47

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA, CALIFORNIA,
RECOMMENDING CITY COUNCIL APPROVAL OF
ADDENDUM TO NORTH COSTA MESA HIGH RISE
RESIDENTIAL PROJECT EIR NO. 1052 AND FINAL
MASTER PLAN PA-14-11 FOR 393-UNIT SYMPHONY
APARTMENTS AT 585 AND 595 ANTON BOULEVARD
IN A PDC ZONE**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DOES
HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the Symphony Apartments project ("Project") is a six-story, 393-unit apartment complex (66 feet maximum height) at a density of 81 dwelling units per acre with 731 parking spaces within a parking structure, along with the following:

1. **Addendum to Final Program EIR.** Final Program Environmental Impact Report No. 1052 was prepared in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Costa Mesa Environmental Guidelines. Council certified the Program EIR on November 21, 2006 by adoption of Resolution No. 06-93. Since the project's revision is within the scope of the projects reviewed by EIR No. 1052 and new environmental impacts are not identified with the project, an Addendum to the EIR was prepared by CAA Planning in September 2014.
2. **Final Master Plan PA-14-11**, a request for: (a) demolition of two restaurant buildings (17,529 square feet) and 373 surface parking spaces; (b) construction of two midrise residential buildings connected with a pedestrian bridge consisting of 393 apartment units, six stories high above grade (66 feet average, 75 feet maximum at the lobby) with one subterranean parking structure that will provide a total of 731 parking spaces (699 standard, 15 tandem and 17 compact spaces) to accommodate the residential units and 4,104 square feet of retail (722 spaces required) and multiple on-site amenities such as three outdoor decks, two pools and spas, and fitness rooms; (c) deviation from the perimeter open space requirement along Anton Boulevard (20 feet required, 7 feet proposed) and Avenue of the Arts (20 feet required,

8'6" proposed); (d) Administrative Adjustment to allow encroachment of upper levels of buildings and balconies (Level 3 and above) in the perimeter open space (20 feet required, 12 feet proposed); and (e) vacation of a portion of 25-foot Landscape and Sidewalk Easement ("Easement") along Anton Boulevard frontage (7 feet landscaped setback proposed, 20 feet setback provided to building on the ground floor containing stoops and landscape walls);

WHEREAS, Costa Mesa Municipal Code Section 13.29(q) provides that "Unless otherwise stated in the Zoning Code, applications for proposed projects which require two or more planning application approvals, may be processed concurrent. Final project approval shall not be granted until all necessary approvals have been obtained";

WHEREAS, the request for the vacation of a portion of the Landscape and Sidewalk Easement (from 25 feet to 7 feet) and approval of the Final Master Plan are inexorably linked in that the vacation of the Easement will determine building setbacks and location of stoops, landscape walls, steps and ground floor patios. City Council shall serve as the final review authority on the vacation of the Easement;

WHEREAS, General Plan Amendment GP-06-02 and Zoning Code Amendment CO-06-05 were required to allow high-rise residential development in the Planned Development Commercial (PDC) zoning district and to specify exterior noise standards for certain outdoor common recreational amenity areas of a high-rise residential development. The proposed project conforms to the General Plan and Zoning Code, as amended in January 2007;

WHEREAS, Master Plan PA-07-18 and Vesting Tentative Tract Map No. 17207 were approved on October 8, 2007, to allow development of a residential high-rise development with two towers and a maximum of 484 units at the project site. The approval also included an ancillary retail space of 6,000 square feet at ground level;

WHEREAS, the approval of Master Plan PA-07-18 and Vesting Tentative Tract Map No. 17207 will expire on October 8, 2014 unless a time extension is granted;

WHEREAS, the Final Master Plan establishes a mid-rise residential development option that complies with the total number of residential units and non-residential building square footage identified for this sub-area in Area 6 of the North Costa Mesa Specific Plan, as amended per SP-06-02;

WHEREAS, the Addendum to the certified Final Environmental Impact Report ("EIR") No. 1052 was prepared by CAA Planning in September 2014 and provided as an attachment to the Planning Commission staff report dated October 13, 2014;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 13, 2014 to allow for public comment on the proposed project and the Addendum to the Final Program EIR and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the Planning Commission has reviewed all environmental documents comprising the Final Program EIR and has found that the Addendum to the EIR considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Addendum to the EIR is complete, adequate and fully compliant with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines;

WHEREAS, the Addendum to the Final Program EIR No. 1052 constitutes project-specific environmental analysis for the revised midrise residential project at 585-595 Anton Boulevard, and no additional environmental review is required prior to construction of the proposed project;

WHEREAS, as condition of approval for the Project, the applicant is required to obtain, prior to the issuance of building permits, a current and valid Determination of No Hazard from the Federal Aviation Administration ("FAA"). The previous Determination of No Hazard was issued on October 17, 2006, which established a maximum building height of 306 feet above mean sea level for the proposed high-rise residential towers at 585 and 595 Anton Boulevard.

WHEREAS, the California Government Code 65402, requires the City of Costa Mesa shall not acquire, use, or dispose of any real property until the use of the property has been found in conformance with the City's General Plan;

WHEREAS, the proposed vacation of easement along Anton Boulevard has been reviewed by the Engineering and Transportation Services Divisions, and based on the existing land use and circulation configuration, Given that this portion of the easement serves no public street and/or highway purposes, the proposed action will not impact the City's transportation system plan.

WHEREAS, the subject modification to the easement adjacent to properties at 585 and 595 Anton Boulevard is shown in Exhibit D;

WHEREAS, the Planning Commission has determined that the proposed vacation of a portion of the Landscape and Sidewalk Easement from 25 feet to 7 feet is in conformance with the General Plan.

WHEREAS, the reduced easement meets the intent of the 1984 Open Space Easement by retaining areas for passive recreation purposes that will be improved with landscape and hardscape features preserving the open space character and adding to amenities of living in neighboring urbanized areas.

WHEREAS, a parkland impact fee shall be assessed per unit pursuant to an executed Development Agreement between the property owner and the City of Costa Mesa. Parkland impacts from the proposed new residents of the Symphony Midrise Apartment project shall be reduced to below a level of significance based on the joint consideration of the level of on-site amenities and the parkland impact fee in the Development Agreement. Specifically, the combination of these shall mitigate the park impacts of the proposed project. Quimby Fees shall no longer apply to the project as proposed per the DA.

BE IT RESOLVED that the Planning Commission does hereby find the proposed vacation of excess right-of-way in conformance to the City of Costa Mesa 2000 General Plan.

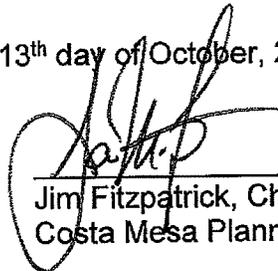
BE IT FURTHER RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained in Exhibit B and mitigation measures contained in Exhibit C, the Planning Commission hereby recommends the City Council **APPROVE** the Addendum to Final Program EIR No. 1052 and Final Master Plan PA-14-11.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-14-11 and upon the applicant's compliance with each and all of the conditions / mitigation measures in Exhibits "B" and "C" and compliance of all applicable federal, state, and local laws. Any

approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 13th day of October, 2014



Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. 14-47 was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on October 13, 2014 by the following votes:

AYES: Fitzpatrick, McCarthy, Mathews, Sesler

NOES: None

ABSENT: None

ABSTAIN: Dickson (Recused)



Claire Flynn, Secretary
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g) (5) because:

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

Facts in Support of Finding: Final Master Plan PA-14-11 meets the broader goals of the 2000 General Plan, as amended, North Costa Mesa Specific Plan, as amended, in that the proposed project would create a unique housing type within an urban area in South Coast Metro Center in Costa Mesa. The new buildings will feature world-class architecture and the residential structures will complement the cultural and entertainment arts center uses at South Coast Plaza Town Center. The proposed project would meet the housing needs of the professionals and high-income segments of the community at a level no greater than which can be supported by planned infrastructure improvements.

The proposed master plan and related improvements is consistent with the General Plan, as amended per GP-06-02, North Costa Mesa Specific Plan, as previously amended per SP-06-02, and Zoning Code, as previously amended per CO-06-05.

- B. Approval of the administrative adjustment for encroachment into perimeter landscaping, complies with Costa Mesa Municipal Code Section 13-29(g)(1) as follows:

Finding: Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.

Facts in Support of Finding: This encroachment is applicable to the upper levels (Level 3 and above) of the buildings; the ground floor of the building is not encroaching into the perimeter setback. The upper level pop-outs and balconies encroach a maximum of eight feet into the 20-foot setback; however, since the height clearance will be more than 16 feet, the encroachment is not affecting the ground level openness at the perimeter. A similar encroachment was approved for the mid-rise development at 580 Anton Boulevard, the 421 Bernard Street in PDC zone and the Symphony Towers entitlement for the 484-unit high-rise development.

Required Finding: The deviations granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.

Facts in Support of Finding: The reduced perimeter setback is applicable to the upper levels that will provide a minimum of 16-foot height clearance within the perimeter open space. In addition, the most encroachment (8 feet) is related to the balconies that are not continuous and extend out uniformly at each unit but separated by at least 30 feet. The proposed encroachment is intended to allow for larger open space areas on the upper levels and provide each unit with a private balcony which will be beneficial to the residents. In addition, given the height of the structures, the intent of the openness at the perimeter of the site will be met.

Required Finding: The granting of the deviations will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Facts in Support of Finding: The encroachment of the upper levels into the perimeter setback will allow larger upper-deck open space and private balconies and is not affecting the ground floor building setback or the overall intensity of the development. The proposed development is consistent with the General Plan Amendment GP-06-02 and North Costa Mesa Specific Plan, as amended per SP-06-02 with 91 fewer units than the 2007 approved high-rise master plan for development of 484 units.

- C. The proposed project complies with Costa Mesa Municipal Code Section 13-61 (a) with respect to encroachment into the perimeter open space because:

Finding: The proposed features provide usable, visually interesting amenities and facilitate pedestrian circulation.

Facts in Support of Finding: Deviation from the perimeter open space to allow encroachment of the patios and stoops into the perimeter open setback at Anton Boulevard (20-feet required, 7 feet proposed) and the dog park fencing along Avenue of the Arts (20-feet required, 8'6" proposed) will provide usable amenities and facilitate pedestrian circulation on Anton Boulevard. The encroachment allows a pedestrian friendly sidewalk with landscape and hardscape improvements that will enhance the streetscape and engage the sidewalk connecting to other office and commercial uses on Anton Boulevard. The encroachment on Avenue of the Arts is related to a dog run along the side of the building. The buildings are oriented on Anton Boulevard where the main lobby is provided and a retail space and ground floor open space will be located. The reduced landscaping will be complemented with decorative

hardscape and urban design features such as stoops and raised patios that will be a good fit for the Anton Boulevard frontage and improving the pedestrian linkages in the area.

Required Finding: The additional features enhance the overall urban design concept of the Planned Development and promote the goals of General Plan, applicable specific plan, and /or Redevelopment Plan.

Facts in Support of Finding: The proposed landscape and patio improvements and enhanced public sidewalk will provide a pedestrian friendly edge along the project and Anton Boulevard. This pedestrian walkways also connects to an open space that is accessible and visible from the street and available for public use. The project also includes significant improvements to the public right-of-way in terms of trees and landscaping. Encroachments into perimeter setback requirements have been approved in a similar manner for 1901 Newport Boulevard in the PDC zone and 580 Anton Boulevard in PDR zone.

Required Finding: Adequate landscaping is retained to shade the outdoor use areas and to complement the architecture and the design of buildings and pedestrian areas.

Facts in Support of Finding: The reduced open space allows a sidewalk and parkway that connect to adjacent raised patios and steps leading to loft units fronting on Anton Boulevard. These units take direct access from the street which is a positive aspect for safety and engaging the street and public sidewalk from a passive area to an active public space. The sidewalk also widens and connects to the centralized ground floor open space that is proposed in front of the retail space. This area includes a variety of landscape, hardscape and seating areas that could be used by the patrons and pedestrians that would walk to the office towers to the rear. The reduced setback along Anton Boulevard is facing north which will be mostly shaded because of the site orientation.

Required Finding: The design of the perimeter setback area will be compatible with contiguous development.

Facts in Support of Finding: The building site has more than 800 feet of frontage on Anton Boulevard that covers the entire block from Avenue of the Arts to Sakioka Drive. The proposed sidewalk and landscape improvements will not directly connect to the sidewalk on the adjacent properties on east or west.

- D. The proposed project complies with Costa Mesa Municipal Code Section 13-61 (b) with respect to building encroachment into the perimeter open space because:

Required Finding: An adequate, well defined pedestrian circulation system is provided within the planned development.

Facts in Support of Finding: The requested encroachment into perimeter setback on the ground level is to allow raised patios, steps and low walls along the street frontage on Anton Boulevard that could provide a better pedestrian experience.

Required Finding: Pedestrian oriented landscape and/or public use areas (plazas, patios, etc.) are provided within the planned development.

Facts in Support of Finding: The reduced perimeter setback is appropriate for the urban setting of the project and allows the public sidewalk connection to the center plaza and the perimeter lofts. The proposed development will enhance the pedestrian sidewalk, specifically in this stretch and improve the street frontage by lofts units taking direct access from the sidewalk.

Required Finding: The reduced open space area will not be detrimental to development on contiguous properties.

Facts in Support of Finding: The reduced building setback is applicable only to the upper levels of the buildings, where there will be more than 16 feet of height clearance from the sidewalk level. The proposed buildings contain the entire block between Sakioka Drive and Avenue of the Arts and are not in immediate proximity to any other property.

Required Finding: The reduced building setback will not deprive the street nor other properties of necessary light and air.

Facts in Support of Finding: The reduced building setback is applicable only to the upper levels of the buildings, where there will be more than 16 feet of height clearance from the sidewalk level. The balconies fill in the space between the building pop-outs and provide visual relief from the massing of the building.

Required Finding: These additional features enhance the overall urban design concept of the Planned Development and promote the goals of City's General Plan and North Costa Mesa Specific Plan.

Facts in Support of Finding: This encroachment is applicable to the upper levels (Level 3 and above) of the buildings; the ground floor of the building is not encroaching into the perimeter setback. The development with the stoops and patios and upper level balconies will enhance the urban design on Anton Boulevard. In addition, the design concept contributes to the pedestrian area, which the NCMSP refers as pedestrian zone.

- E. The proposed project is consistent with the General Plan/Zoning Code with regard to use, density and intensity.
- F. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. Final Program Environmental Impact Report (EIR) #1052 was prepared for the final master plan, pursuant to the California Environmental Quality Act. Although the proposed project could have a significant effect on the environment, mitigation measures have been included as conditions of approval that reduce impacts to the fullest extent reasonable and practicable.
- G. Mitigation Measures from Final Program EIR #1052 have been included as conditions of approval. If any of these conditions are removed, the City Council must make a finding that the project will not result in significant environmental impacts, that the condition(s) are within the responsibility and jurisdiction of another public agency, or that specific economic, social, or other considerations make the mitigation measures infeasible.
- H. The findings with respect to the environmental effects of the project are in the document, "CEQA Statements of Findings, Facts and Overriding Consideration for the North Costa Mesa High Rise Residential Projects", attached to the City Council resolution for the General Plan Amendment GP-06-02.
- I. The evidence presented in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on wildlife resources or habitat. The project site consists of ornamental, non-native vegetation and does not contain, nor is it in proximity to, any sensitive habitat areas.
- J. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management of Title 13 of the Municipal Code in that the development projects' traffic impacts will be mitigated at all affected intersections.
- K. The proposed midrise building as conditioned shall include the City of Costa Mesa's building and fire safety standards for this type of residential development.
- L. The project shall be constructed in accordance with the FAA Determination of No Hazard issued on October 17, 2006, or most current FAA Determination of No Hazard, or in accordance with a similar finding in an independent study by a qualified private consultant that has been certified by the FAA stating that the project presents no hazard to flight operations at John Wayne Airport. The FAA Determination of No Hazard issued on October 17, 2006 established a maximum building height of 306 feet above mean sea level for the proposed high-rise residential towers at 585 and 595 Anton Boulevard.

EXHIBIT "B"
CONDITIONS OF APPROVAL

- Plng. 1. Final Master Plan PA-14-11 shall comply with the conditions of approval, code requirements, and mitigation measures of Final Program EIR No. 1052 and Addendum to the EIR for this project and as listed in the attached Mitigation Monitoring Program (Exhibit "C"). Additional conditions of approval are also included as part of the Mitigation Monitoring Program.
2. Mitigation Measures from Final Program EIR #1052 have been included as conditions of approval. If any of these conditions are removed, the City Council must make a finding that the project will not result in significant environmental impacts, that the condition(s) are within the responsibility and jurisdiction of another public agency, or that specific economic, social, or other considerations make the mitigation measures infeasible.
3. The conditions of approval, mitigation measure and code requirements for PA-14-11 shall be blueprinted on the page following or containing the site plan.
4. The Applicant shall effectively manage tenant and guest parking onsite and employ necessary measures (e.g. valet parking, mechanical lift parking, tandem parking, etc.) as needed. If onsite parking is not appropriately managed, the Development Services Director shall require implementation of corrective measure(s) to address onsite parking problems in the future; require that the property management company with a towing service to enforce the parking regulations.
5. Applicant shall indicate on the final parking management plan how parking shall be assigned. The parking management plan shall be approved prior to issuance of building permits. The number of parking stalls and configuration may be adjusted pursuant to the review and approval of the Development Services Director, provided that tenant parking is within the range of 1.5 to 2.0 spaces per unit and guest parking is provided at a minimum of 0.5 parking spaces per unit for the first 50 units and 0.25 parking spaces for each unit above 50, as stipulated.
6. The FAA No Hazard Determination shall be current and valid at the time of issuance of a building permit. Any required modifications to the building, including but not limited to, the building height or appurtenances, required by the No Hazard Determination shall be reflected in the building plans prior to building permit issuance.
7. The applicant shall meet all obligations pursuant to terms and conditions of Development Agreement DA-14-03 to be considered and adopted by a separate resolution by the City Council, as applicable.

8. The previous entitlements for the 300-room hotel and 484-unit Symphony Towers project shall be null and void upon issuance of building permits for the proposed project. This condition does not apply to Final Master Plan PA-07-29 for Parking Structure B. Any modification to this condition requires PC approval.
9. Ancillary retail shall be limited to approximately 4,100 square feet of walk-up retail unless additional parking is provided subject to review and approval of the Development Services Director. The retail area(s) shall consist of retail businesses such as, but not limited to, periodical stand/kiosk, café, sandwich shop, juice bar, neighborhood drycleaner, or other similar uses as deemed appropriate by the Development Services Director. Prior to issuance of a certificate of occupancy, developer shall provide a matrix of permitted walk-up retail uses to be approved by the Development Services Director.
10. 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 residential 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 residents and also 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. The project construction traffic shall not use the streets that are within the adjacent residential neighborhoods.
11. Developer shall submit a signed and completed Maintenance Agreement to the satisfaction of the Development Services Director and City Attorney's office requiring the developer to be 100% responsible for maintenance of the landscape easement and parkway area along Avenue of the Arts and Anton Boulevard within the project boundaries.
12. The site plan / building plan shall show provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and the US Postal Service.
13. 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.
14. The range of primary street addresses shall be displayed on a complex identification sign visible from the street. Street address numerals shall be a minimum 12 inches in height with not less than 3/4-inch stroke and shall contrast sharply with the background.
15. 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.
16. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official and City Engineer prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of the subject property shall preserve or improve the existing pattern of drainage on abutting properties.
 17. Street trees in the landscape parkway shall be selected from Appendix D of the Streetscape and Median Development Standards and appropriately sized and spaced (e.g. 15-gallon size planted at 30' on centers), or as determined by the Development Services Director once the determination of parkway size is made. The final landscape concept plan shall indicate the design and material of these areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
 18. Prior to submission of a final landscape plan, developer shall seek approval from the Parks and Recreation Commission for the removal of any trees within the public right-of-way. Commission will require that the City be compensated for the loss of street trees in the public right-of-way pursuant to a 3-to-1 tree replacement ratio. Any conditions imposed by the Parks and Recreation Commission shall be identified on the final landscape plan. The developer is advised that the approval process may take up to three months; therefore, it is advised to identify any affected trees and make a timely application to the Parks and Recreation Commission to avoid possible delays.
 19. Building wall signage shall be limited to identification of the residential development or walk-up retail businesses subject to review and approval by Director of Development Services.
 20. The developer shall contact the current cable service provider prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 21. The developer shall contact the Planning Division to arrange for an inspection of the site prior to the final inspections. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 22. Nighttime lighting shall be minimized to provide adequate security and creative illumination of building, sculptures, fountains, artworks, and light boxes/monument display cases to the satisfaction of the Development Services Director. Any lighting under the control of the developer shall

- be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of nearby residences.
23. Mid-rise residential structures shall use low reflective glass and building materials to minimize daytime glare to the fullest extent possible.
 24. Landscape plans shall show methods of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). With the exception of backflow prevention devices, ground-mounted equipment shall not be located in any landscaped setback visible from the street and shall be screened from view, under the direction of Planning Staff.
 25. 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.
 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 issuance of the final certificate of occupancy for the first building constructed, displaced parking shall be provided for South Coast Metro in the form of an additional 220 spaces in parking structure "B" (as approved - PA-07-29), or alternative measures approved by the

- Planning Director.
28. 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.
29. 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.
30. 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.
- Eng. 31. The proposed development is pending approval of vacation of a portion 25-foot "Landscape and Sidewalk Easement" along Anton Avenue to a minimum of 7-feet to provide the minimum clearance for a public sidewalk. This modification is subject to final approval by City Council. No portions of the patios, stoops or planter walls shall encroach into the final easement.
32. The utility easements (within the property referred to as pole lines and conduit easement in recorded Instrument No. 83-515838) that are in conflict with the proposed project shall be either vacated or relocated prior to issuance of a Grading Permit.
- Bldg. 33. Comply with the requirements of the adopted 2013 California Building Code, 2013 California Electrical code, 2013 California Mechanical code , 2013 California Plumbing code , 2013 California Green Building Standards Code and 2010 California Energy Code (or the applicable adopted, California Building 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.
34. Sanitary Code Requirements #16 - Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
35. Sanitary Code Requirements #19 - Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.
36. 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.

37. Submit a precise grading plans, an erosion control plan and a hydrology study.
38. Submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and the precise grading plans.
39. 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 devise a minimum of 12 inches plus 2 percent. 2013 California Building Code CBC 1808.7.4.
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 ft. measured perpendicular to the face of the wall. CBC 1803.3.
40. 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).
41. 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).
- Trans. 42. Construct median modifications on Anton Boulevard to accommodate left turn movements into the site. Construct wide flare or radius curb drive approaches at approved locations.
43. Comply with minimum clearance requirements from property lines and any vertical obstructions.
44. Identify ramp slopes within the parking structure and comply with City ramp slope standards. Ramps with parking shall not exceed 5% slope.
45. A turnaround area shall be provided for dead-end conditions within the visitor parking area within the parking structure to allow forward motion for exiting when spaces are full.

46. Submit a parking plan denoting location of security gates if any, and how gates will be operated. Relocate/remove affected utilities/parkway trees on Anton Boulevard and Avenue of the Arts to accommodate new drive approaches.
47. Applicant/Developer is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the city for the loss of trees from the public right-of-way. Conditions of the Parks and Recreation Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months, therefore, the applicant/developer is advised to identify all trees affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays.
48. Twelve months after the issuance of certificate of occupancy of complete project or when the units are over 80% occupied, whichever is earlier, the Developer shall fund a study of the traffic operations at the project access driveway along Anton Boulevard between Avenue of the Arts and Sakioka Drive. The focus of the study will be to review the left turn movements at the project driveway to/from Anton Blvd. The scope, methodology, and consultant shall be approved by the City prior to the initiation of the traffic operations study. The study shall be reviewed and approved by the City prior to public release. The traffic study will analyze the level of service and other traffic operation indicators (crashes and queuing) for the intersection of Project Driveway/Anton Boulevard. If the analyses show that the level of service and/or at least one other traffic operation indicator exceed the City's significance thresholds and/or Caltrans criteria, whichever is applicable, the developer will be responsible for constructing a "pork chop" island at the driveway which will prohibit exiting left-turns from the driveway onto Anton Boulevard and/or reconstructing the median on Anton Boulevard to prohibit left-turns into the site from Anton Boulevard.
49. Construct 6-foot wide sidewalk on Anton Boulevard in accordance with Master Plan of Highways requirements. Any alternative designs incorporating full width sidewalk in the vicinity of the retail business space is subject to review and approval by Public Services Director.
50. Construct wide flare on radius curb drive approaches at approved locations. Comply with minimum clearance requirements from property lines and any vertical obstructions.
51. Provide a combined Fire Sprinkler/Standpipe System in accordance with NFPA 13 and 14, 2013 Ed.
52. All Stairways shall be provided with wet Class I Fire Standpipes in accordance with NFPA 14.
53. Provide Fire Hydrants per direction from Fire Department. See Fire Prevention.
54. Provide Emergency Responder Radio Coverage per CMC and

Fire

California Fire Code, 2013.

55. A Fire Master Plan shall be submitted and approved by the Fire Department prior to architectural plan submittal. See Fire Prevention.
- Police 56. Developer shall work with the Police Department in implementing security recommendations to the maximum extent feasible. For example, developer shall provide 24-hour on-site personnel for the proposed project, install an on-site video surveillance system that will be monitored by on-site personnel, and install a controlled access system for all pedestrian and automobile access.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. All applicable federal, state, and local laws which are applicable to the project shall be complied with, regardless of whether they are identified herein. Any reference to "City" pertains to the City of Costa Mesa.

- Plng.
1. Approval of the final master plan shall expire within one year unless the applicant applies for and is granted an extension of time for the final master plan.
 2. Driveway ramp slopes shall comply with the standards contained in the City's parking ordinance.
 3. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division. (Roof-mounted equipment enclosed in the mechanical penthouse is permitted as part of the approval of the final master plan.)
 4. Trash enclosure(s) or other acceptable means of trash disposal shall be provided. Design of trash enclosure(s) shall conform with City standards. Standard drawings are available from the Planning Division.
 5. Hours of construction shall comply with Section 13-279, Title 13, of the Costa Mesa Municipal Code.
 6. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and final releases will not be granted until all such licenses have been obtained.
 7. Development shall comply with all requirements of the North Costa Mesa Specific Plan relating to development standards, maximum building square footage, height, etc. for residential high-rise projects.
 8. All on-site utility services shall be installed underground.
 9. Installation of all 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 vault, wall cabinet, or wall box under the direction of the Planning Division.
 10. 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 and the City's Water Efficient Landscape Guidelines, 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.
 11. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
 12. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 13. All compact parking spaces shall be clearly marked "compact" or "small car only".

- Bldg.
14. Parking stalls shall be double-striped in accordance with City standards.
 15. Driveway ramp slope shall comply with the standards contained in the City's parking ordinance.
 16. Comply with the requirements of the California Code of Regulations, Title 24, also known as the California Building Standards Code, as amended by the City of Costa Mesa.
 17. Comply with the requirements of the 2013 California Building Code, 2013 California Residential Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code and 2013 California Energy Code (or the applicable adopted, California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Areas of alteration and additions shall comply with 2013 California Green Building Standards Code section 5.303.2 and 5.303.2
 18. Prior to issuance of grading permit, developer shall submit soils report, grading, and drainage plans, and final Water Quality Management Plan for this project.
 19. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.

- Bldg. 20. The project applicant shall require the contractor to comply with the SCAQMD's regulations during construction, including Rule 402 which specifies that there be no dust impacts offsite sufficient to cause a nuisance, and SCAQMD Rule 403, which restricts visible emissions from construction. Specific measures to reduce fugitive dust shall include the following:
- a. Moisten soil prior to grading.
 - b. Water exposed surfaces at least twice a day under calm conditions and as often as needed on windy days when winds are less than 25 miles per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
 - c. Treat any area that will be exposed for extended periods with a soil conditioner to stabilize soil or temporarily plant with vegetation.
 - d. Wash mud-covered tires and under-carriages of trucks leaving construction sites.
 - e. Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud which would otherwise be carried off by trucks departing project sites.
 - f. Securely cover loads of dirt with a tight fitting tarp on any truck leaving the construction sites to dispose of excavated soil.
 - g. Cease grading during periods when winds exceed 25 miles per hour.
 - h. Provide for permanent sealing of all graded areas, as applicable, at the earliest practicable time after soil disturbance. A screen shall be provided at a reasonable height to ensure construction dust and debris are contained as much as possible to prevent impacts from construction on neighboring properties.
21. The proposed project shall comply with Title 24 of the California Code of Regulations established by the Energy Commission regarding energy conservation standards. The project applicant shall incorporate the following in building plans:
- Solar or low emission water heaters shall be used with combined space/water heater units.
 - Double paned glass or window treatment for energy conservation shall be used in all exterior windows.
- Eng. 22. Developer shall contact the Mesa Water District – Engineering Desk and submit application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from the Mesa Water District.
23. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of plans.

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
- Trans. 29. Prior to issuance of building permits, developer shall remit required San Joaquin Hills Transportation Corridor Fee currently estimated at \$838,742.22. This fee is subject to revision and possible increase effective July 1st of each year.
30. Prior to issuance of building permit, developer shall fulfill mitigation of off-site traffic impacts to the Planning Division. The Traffic Impact fee is currently estimated at \$329,481.00 calculated based upon the average daily trip generation rate for residential dwelling units and the retail space and includes a credit for existing uses. The Traffic Impact Fee will be recalculated at the time of issuance of building permit based on any changes in the prevailing schedule of charges adopted by City Council and effective at that time.
31. Developer shall provide a 25-foot minimum distance from the far side of the proposed drive aisle for all parking spaces to provide adequate space for turning movements. Developer shall comply with the City's Parking Design Standards.

SPECIAL DISTRICT REQUIREMENTS

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

- Sani 1. Developer shall contact the Costa Mesa Sanitary District at (949) 645-8400 for current 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. Call CDFA at (714) 708-1910 for information.

Addendum To Final Program EIR NO. 1052 Inventory of Applicable Mitigation Measures

In adopting the Final Program EIR, the City's findings and resolutions contained 29 mitigation measures and 40 conditions of approval based on refinements and revisions made to the mitigation measures and the conditions of approval presented in the DEIR. The 29 mitigation measures and 40 conditions of approval were incorporated in the certified resolution.

All mitigation measures and conditions of approval will either be met in development or are a requirement of City ordinance. Each of these conditions, policies, and mitigation measures will be reviewed during the normal review process. Additionally, uniformly applied policies and standards generated to ensure substantial mitigation of environmental effects are applied as conditions of approval or as routine steps in the development process. A Mitigation Monitoring Program has been adopted as part of the approval process to ensure methods, timing, and responsible parties to monitor all mitigation measures. No refinements in Mitigation Monitoring are required.

The original conditions of approval (COA) for Site 4 are carried forward. There was a condition of approval in the Final EIR (Section 5.11, page 324) that required the payment of park fees. The City's park fees only relate to subdivisions. Because the project proposed in this Addendum is not a subdivision, a new Condition of Approval (COA 4) is created to replace the park fee requirement, which no longer applies, to ensure that there is no impact to parks. In addition to the original conditions, the following conditions shall be incorporated.

COA 1: Prior to the issuance of demolition/grading permits, the project applicant shall submit verification to the City that approval of the relocation of the existing on-site utility easement has been granted by the easement holder.

COA 2: Prior to issuance of the final certificate of occupancy for the first building constructed, displaced parking shall be provided for South Coast Metro in the form of an additional 220 spaces in parking structure "B" (as approved – PA-07-29), or alternative measures approved by the Planning Director.

COA 3: In the event of future parking shortages new measures, including but not limited to valet and use of upper deck for employees, shall be implemented to accommodate on-site parking needs.

COA 4: The project applicant shall enter into a development agreement reviewed and approved by the City Council for the payment of park fees. The obligations required by the development agreement shall be met prior to the issuance of Certificates of Occupancy.

North Costa Mesa High-Rise Residential Projects
Mitigation Monitoring and Reporting Program

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

August 2013

**Mitigation Monitoring and Reporting Program
North Costa Mesa High-Rise Residential Projects
Addendum dated August 2013**

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation measures (MMs) adopted as conditions of approval in order to mitigate or avoid significant project impacts. Specifically, Section 21081.6(a)(1) states:

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

CEQA Guidelines §15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation.

The following Mitigation Monitoring and Reporting Program Addendum includes mitigation measures and conditions of approval from the Addendum to the Final Environmental Impact Report (SCH No. 2006011077). The Addendum reviews the environmental impacts identified in the Program EIR in relation to changes to the project since the Program EIR was certified. These changes consist of the proposed modifications to amended Final Master Plan (ZA-08-02) approved on April 24, 2008 for Site 3 – the Californian at Tower Center. The applicant redesigned the amended Final Master Plan to eliminate the two high-rise residential towers of 216 feet and 270 feet above ground level (AGL) respectively, and replace the towers with a single mid-rise residential structure consisting of five-levels of residential units over one level of subterranean parking and two levels of above ground parking for a total building height of 87 feet AGL. The update to Site 3 results in a reduction in parking from 535 parking spaces in the amended final master plan to 438 parking spaces. Mitigation measures have been included in the project to ensure adequate parking is provided to meet the parking demand for the project. The site plan revisions include modifications to project site access to eliminate one of the approved site access points on Anton Boulevard and the location of the secondary project entry on Avenue of the Arts closer to the Anton Boulevard intersection. The project includes mitigation measures to ensure that no obstructions are placed within the site distance view for the Avenue of the Arts project entry. The project modifications include elimination of the resident serving retail in the amount of 2,350 square feet. The number of residential units will not change and remain 250 units within a mix of studio, one bedroom and two bedroom units. Conditions of Approval have been updated and are included herein. Additional Conditions of Approval may be approved by the Planning Commission and provided separately.

Further refinements in Mitigation Monitoring are hereby included in the North Costa Mesa Residential High-Rise Projects Program EIR Addendum to provide more specific descriptions of activities/improvements to ensure no significant impacts from the proposed project will result. These clarifications are summarized below. None of the Mitigation Measures related to these refinements result in environmental impacts that have not been analyzed in the Program EIR. CEQA Guidelines §15164(b) provides for the preparation of an addendum to an EIR if only minor technical changes or additions are necessary or none of the conditions described in §15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Mitigation measures have been drafted to meet the requirements of *Public Resources Code* §21081.6 as fully enforceable monitoring programs. The Mitigation Monitoring and Reporting Program defines the following for each mitigation measure:

1. A time for performance. In each case, a time for performance of the mitigation measure, or review of evidence that mitigation has taken place, is provided. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or assured.
2. A responsible party for implementing the required mitigation is identified. In each case, unless otherwise indicated (as in Mitigation Measures G-2 and T-1), the Developer is generally the Responsible Party for implementing the mitigation. The City will monitor the performance and implementation of the mitigation measures. To guarantee that the mitigation measure will not be inadvertently overlooked the supervising public official is the official who grants the permit or authorization called for in the performance.
3. Definition of mitigation. In each case (except where a mitigation measure, such as a geotechnical report, is a well-known procedure or term of art), the mitigation measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.

Matrix Orientation

The following matrix lists all mitigation measures and conditions of approval from the Addendum referenced above. The matrix also identifies the applicable permit, the required timing, and responsible parties for both implementation and monitoring.

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Conditions of Approval / Mitigation Measures	Timing	Responsible Party	Date Completed
Aesthetics			
Conditions of Approval <ul style="list-style-type: none"> Architectural features and roofs shall be appropriately finished with non-reflective materials in order to reduce glare and reflection. Structures shall use low reflective glass and building materials to minimize daytime glare to the fullest extent possible. (Sites 1-5) 	Prior to issuance of certificate of occupancy	Developer	
<ul style="list-style-type: none"> All exterior light standards and fixtures will be shielded to prevent light spill to further reduce potential impacts. (Sites 1-5) 	Prior to issuance of certificate of occupancy	Developer	
<ul style="list-style-type: none"> 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. (Sites 1-5) 	Prior to issuance of certificate of occupancy	Developer	
<ul style="list-style-type: none"> Prior to issuance of building permits, the developer shall submit building plans for the proposed projects to be approved by the Costa Mesa Planning Division which incorporate the use of non-reflective building materials to minimize light and glare impacts. (Sites 1-5) 	Prior to issuance of building permits	Developer	
<ul style="list-style-type: none"> Prior to issuance of building permits, the developer shall submit an electrical engineer's photometric survey to be approved by the Costa Mesa Planning Division to assure that minimum security lighting requirements are met and to minimize light and glare to residents. (Sites 1-5) 	Prior to issuance of building permits	Developer	
<ul style="list-style-type: none"> The Lighting Plan shall demonstrate compliance with the following: (1) All site lighting fixtures shall be provided with a flat glass lens; (2) Photometric calculations shall indicate the effect of the flat glass lens- fixture efficiency; (3) Lighting design and layout shall limit spill light to no more than 0.5 foot-candle at the property line of the surrounding neighbors, consistent with the level of lighting that is determined necessary for safety and security purposes on site. (Sites 1-5) 	Prior to issuance of building permits	Developer	
<ul style="list-style-type: none"> Prior to the issuance of building permits, the developer shall submit a Final Landscape Plan, consistent with the City's landscape standards, for each development component to be approved by the Costa Mesa Planning Division. (Sites 1, 2, 4, and 5) 	Prior to issuance of building permits	Developer	
Mitigation Measures No mitigation measures are required.			
Air Quality			
Conditions of Approval <ul style="list-style-type: none"> SCAQMD Rule 403 shall be adhered to, ensuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission source. Particulate matter deposits on public roadways are also prohibited. (Sites 1-5) 	During all construction phases	Developer	
<ul style="list-style-type: none"> Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particles. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day. (Sites 1-5) 	During all construction phases	Developer	
<ul style="list-style-type: none"> Grading operations shall either be suspended or involve heavy watering during first and second stage ozone episodes or when winds exceed 25 miles per hour. (Sites 1-5) 	During all construction phases	Developer	

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Conditions of Approval / Mitigation Measures	Timing	Responsible Party	Date Completed
Aviation			
<p>Conditions of Approval</p> <ul style="list-style-type: none"> • Prior to final master plan approval, the applicant shall submit to the City of Costa Mesa, a Federal Aviation Administration (FAA) Determination of No Hazard to air navigation. If the FAA requires conditions for the finding of no hazard to air navigation, such as installation of roof-top obstruction lighting, said conditions shall be placed as conditions of approval on the final master plan. (Sites 1-5) 	Prior to final Master Plan approval	Developer	
<ul style="list-style-type: none"> • In the event a proposed high-rise building is determined to be a hazard to air navigation by the FAA, the building design shall be appropriately modified prior to issuance of building permits so that an FAA Determination of No Hazard to air navigation can be obtained. (Sites 1-5) 	Prior to issuance of building permits	Developer	
<ul style="list-style-type: none"> • The FAA No Hazard Determination shall be valid at the time of building permit issuance for the high-rise structure. The City shall expressly prohibit issuance of any building permit for a structure in the absence of a current and valid FAA No Hazard Determination. (Sites 1-5) 	Prior to issuance of building permits	Developer	
<ul style="list-style-type: none"> • As established by the final FAA No Hazard Determination (as described below) and in conjunction with the preliminary master plans for Sites 1, 2, 4, 5 and final master plan for Site 3, the maximum building height(s) for the proposed high-rise residential building(s) are as follows: <ul style="list-style-type: none"> • Segerstrom Town Center (Site 1): FAA No Hazard Determination was issued on October 31, 2006, which established a maximum building height of 308 feet above mean sea level (271 to 275 feet above ground level) for two proposed high-rise buildings at 3400 and 3420 Bristol Street. • Orange County Museum of Art (Site 2): FAA No Hazard Determination was issued on October 18, 2006, which established a maximum building height of 306 feet above mean sea level (272 to 275 feet above ground level) for the high-rise museum building at 605 Town Center Drive. • The Californian at Town Center (Site 3): FAA No Hazard Determination was issued on October 17, 2006, which established a maximum building height of 306 feet above mean sea level (271 to 273 feet above ground level) for the two proposed high-rise residential towers at 580 Anton Boulevard. • Symphony Towers (Site 4): FAA No Hazard Determination was issued on October 31, 2006, which established a maximum building height of 306 feet above mean sea level (approx. 274 feet above ground level) and 206 feet above mean sea level (approx. 173 feet above ground level) for specified areas of the project site at 585 Anton Boulevard. • Pacific Arts Plaza (Site 5): FAA No Hazard Determination was issued on October 30, 2006, which established a maximum building height of 320 feet above mean sea level (287 feet above ground level) for the proposed high-rise residential building at 675 Anton Boulevard. <p>In the final master plan discretionary review process, the applicant may seek additional building height pursuant to the North Costa Mesa Specific Plan (e.g. maximum 315' AGL for South Coast Plaza Town Center, maximum 280' AGL for The Californian at Town Center, and maximum 306' AGL for Symphony Towers) provided that the applicant has obtained from the Federal Aviation Administration's Determination of No Hazard for the revised building height. The FAA No Hazard Determination shall be obtained prior to the City's final action on the final master plan. Amendments to the Costa Mesa 2000 General Plan and North Costa Mesa Specific Plan are not necessary to accommodate additional building height as specified in the North Costa Mesa Specific Plan. In addition, Final EIR Number 1052 (SCH No. 2006011077) has examined the maximum building heights as defined in the North Costa Mesa Specific Plan and concluded that no significant impacts will occur.</p>	Prior to final Master Plan approval	Developer	
<ul style="list-style-type: none"> • As part of the master plan approval, the applicant shall submit a concurrence with any FAA No Hazard Determination for a proposed high-rise building at a building height at or below the maximum building height as established in the 	Prior to approval of preliminary Master Plan	Developer	

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Conditions of Approval / Mitigation Measures	Timing	Responsible Party	Date Completed
Mitigation Measures No mitigation measures are required.			
Geology and Soils			
Conditions of Approval - Where studies indicate that buildings may be subject to substantial damage during earthquakes, the structure shall be designed and/or retrofitted for seismic resistance in compliance with all relevant recommendations for seismic design and seismic safety in the most recent editions of the Uniform Building Code and the California Building Code. (Sites 1-5)	During building plan preparation	Developer	
Mitigation Measures G-1 Prior to the issuance of a grading permit, the project developers shall prepare a site specific final geotechnical investigation, including an evaluation, analysis, and mitigation recommendations for the issues identified in the NMG Geotechnical Investigation Report, including appropriate dust control measures and waterproof building designs with hydrostatic pressure resistive properties and a site specific probabilistic seismic hazard analysis for ground motion. All recommendations shall be incorporated into the final grading plan for the project. (Sites 1-5)	Prior to issuance of grading permit	Developer	
G-2 During grading operations, special handling of on-site soils shall be required due to high moisture content of the soils. The City of Costa Mesa shall monitor the grading contractor to ensure stabilization of the soils during grading and excavation activities, as recommended by the NMG geotechnical investigation. (Sites 1-5)	During grading operations	Developer	
G-3 Prior to the issuance of building permits, the project developers shall ensure that pile foundations or other appropriate design be incorporated into the project design to mitigate potential settlement hazards and liquefaction beneath the proposed structures. (Sites 1-5)	Prior to issuance of building permits	Developer	
G-4 Prior to the issuance of building permits, the project developers shall submit a project design to ensure that any proposed subterranean portion of the structures are waterproofed and designed and installed to resist hydrostatic pressures associated with the shallow groundwater table in the area. (Sites 1-5)	Prior to issuance of building permits	Developer	
G-5 Prior to the initiation of project grading, the project developers shall ensure that all existing utilities will be relocated, abandoned and removed, rerouted, or protected in coordination with the project developer and affected utility companies. (Sites 1-5)	Prior to grading	Developer	
G-6 Prior to the issuance of grading permits, the project developers shall ensure that provisions set forth in the Final Geotechnical Investigation Report regarding dust control measures during site preparation, grading, and construction are incorporated into the final construction specifications for the project site. (Sites 1-5)	Prior to issuance of grading permits	Developer	
Hazards and Hazardous Materials			
Conditions of Approval No standard conditions of approval were identified.			
Mitigation Measures HH-1 Prior to the approval of the Master Plan, the project proponents for all development sites shall prepare and submit a Phase I ESA to the City of Costa Mesa for review. The Phase I ESA shall determine the historical and current presence of hazardous materials on the site and identify the mechanism and/or remediation for any site contamination. (Sites 1, 2, 4)	Prior to Master Plan approval	Developer	
HH-2 Prior to the issuance of demolition/grading permits, the project proponents shall fully comply with the recommendations of the Phase I report and shall consult and comply with the California Department of Toxic Substances Control (DTSC) guidelines for oversight. (Sites 1-5)	Prior to issuance of demolition/grading permits	Developer	

Conditions of Approval / Mitigation Measures		Timing	Responsible Party	Date Completed
WQ-3	Prior to issuance of building permits, the project developers shall provide proof of an NPDES permit from the RWQCB, consistent with Order No. RB-2004-0021 and NPDES No. CAG998002, to the City of Costa Mesa for dewatering activities. (Sites 1-5)	Prior to issuance of building permits	Developer	
WQ-4	Prior to the issuance of building permits, the project developers shall verify that structural BMPs have been permanently incorporated into the project plans. Such BMPs shall ensure that pollutants from project-related storm water runoff are mitigated consistent with applicable state and local standards. (Sites 1-5)	Prior to issuance of building permits	Developer	
WQ-5	Prior to the issuance of grading permits, the project developers shall pay drainage impact fees to the City of Costa Mesa. Drainage impact fees are to be adopted in August 2006 and are currently estimated at \$12,000 per acre. The project developer shall be responsible for the drainage impact fees that are in place at the time grading permits are issued. (Sites 1-5)	Prior to issuance of grading permits	Developer	
WQ-6	Prior to the issuance of grading permits, the project developers shall prepare drainage plans for the City's review and approval. The Drainage Plan shall define the exact size and location of drainage facilities and shall address standing water on the project site during project grading. (Sites 1-5)	Prior to issuance of grading permits	Developer	

Land Use

Conditions of Approval		Timing	Responsible Party	Date Completed
*	Prior to site plan approval, project applicants shall submit to the City of Costa Mesa for review and approval of project plans that comply with the Development Standards as set forth in the North Costa Mesa Specific Plan and Zoning Code. In addition, the developments will be subject to all standard conditions of approval imposed by the City of Costa Mesa. (Sites 1-5)	Prior to site plan approval by City	Developer	
*	Master Plan approval is contingent upon City Council's final approval of the General Plan Amendment GP-06-02, North Costa Mesa Specific Plan Amendment SP-06-02, and Zoning Code Amendment CO-06-05. Master Plan approval shall not become effective until all these other discretionary approvals are final and become effective.	Prior to site plan approval by City	Developer	
Mitigation Measures No mitigation measures are required.				

Noise

Conditions of Approval		Timing	Responsible Party	Date Completed
*	Excluding Site 2—the Orange County Museum of Art, Contractor shall ensure that construction activities comply with the City's Noise Ordinance. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work. (Sites 1, 3, 4, 5)	During all construction phases	Developer	
*	For Site 2—the Orange County Museum of Art, the restrictive hours for construction activities as similarly monitored during the construction of the Segerstrom Symphony Hall would be applicable. For Site 2, all construction-related activity shall be limited to between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work. (Site 2)	During all construction phases	Developer	
*	Prior to issuance of building permits, applicant shall ensure that plans reflect sound rated windows and doors in the design of the proposed residential buildings and at the proposed museum. The window and door ratings should be sufficient to reduce the interior noise level to a CNEL of 45 dB or less, and should be determined by a qualified acoustical consultant as part of the final engineering design of the project. (Sites 1-5)	Prior to issuance of building permits	Developer	

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Conditions of Approval / Mitigation Measures		Timing	Responsible Party	Date Completed
<ul style="list-style-type: none"> The project developer shall pay park fees, pursuant to the rate in effect at the time of subdivision map is filed with the City. (Sites 1-5) 		Prior to issuance of building permits	Developer	
<ul style="list-style-type: none"> Prior to issuance of building permits, the project applicant shall pay a library service impact fee for the development.. costs for expanded or new library facilities pursuant to the Library Services Impact Fee Program, if such a program is established by the City of Costa Mesa. (Sites 1, 2, 4, 5) 		Prior to issuance of building permits	Developer	
<ul style="list-style-type: none"> Prior to issuance of building permits, the project applicant shall pay a library service impact fee for the development costs for expanded or new library facilities pursuant to the Library Services Impact Fee Program, or any applicable fees, if such a program is established by the City of Costa Mesa. (Site 3, California at Town Center, only) 				
Mitigation Measures				
PS-1	Prior to the issuance of building permits, the project developer shall pay its pro rata share of a new, fully equipped paramedic engine, equal to \$469.35 per unit to the Costa Mesa Fire Department. (Sites 1-5)	Prior to issuance of building permits	Developer	
PS-2	Prior to the issuance of building permits, a construction security service shall be established at the construction site. Initially, the service shall ensure that no unauthorized entry is made into the construction area. For the duration of each phase of construction, the project applicant shall provide sufficient on-site security personnel on a 24-hour, seven days a week basis to patrol all areas of construction and prohibit unauthorized entry. (Sites 1-5)	Prior to issuance of building permits	Developer	
PS-3	During project construction and operation, the project applicant shall ensure that private on-site security is provided. (Site 1-5)	During project construction	Developer	
PS-4	Prior to issuance of building permits, the project developer shall pay pro rata shares of fees to the Costa Mesa Police Department for the increased service capacity necessary to accommodate the development site, if such a police impact fee program is established. (Sites 1-5)	Prior to issuance of building permits	Developer	
Transportation and Circulation				
Conditions of Approval				
<ul style="list-style-type: none"> The project applicants shall be responsible for the payment of fees in accordance with Costa Mesa's traffic impact fee program to mitigate project-generated traffic impacts (including regional traffic). (Sites 1-5) 		Prior to issuance of building permits	Developer	
<ul style="list-style-type: none"> The project applicants shall be responsible for the payment of fees in accordance with the San Joaquin Hills Transportation Corridor Fee Ordinance. Fees shall be paid to the Costa Mesa Planning Division prior to the issuance of building permits. (Site 1-5) 		Prior to issuance of building permits	Developer	
<ul style="list-style-type: none"> The project applicants shall be responsible to comply with the City of Costa Mesa Transportation Demand Ordinance. (Site 1) 		Prior to issuance of building permits	Developer	
<ul style="list-style-type: none"> For a period of five years from the issuance date of the final certificate of occupancy for the project, the Development shall annually monitor the project's traffic generation in a method approved by the Transportation Services Division and provide the results to the Transportation Services Manager for approval. The cost of the annual monitoring shall be borne by the Developer, and not by the Homeowner's Association. If at the conclusion of the five-year period, the Transportation Services Manager determines that the project's average daily trip generation exceeds the amount of traffic estimated in Final Environmental Impact Report Number 1052, the developer shall pay additional trip fees based on the project's actual average daily trip generation. City of Costa Mesa trip fees effective on January 17, 2007 shall apply to the project. (Site 3, California at Town Center, only) 		Five years from the issuance date of the final certificate of occupancy for the project	Developer	
Mitigation Measures				
T-1	As a subsequent phase of the SCPTC project are submitted to the City of Costa Mesa, the performance of project traffic study area intersections shall be monitored against the City's Annual Development Phasing and Performance Monitoring Report to determine when future improvements are required. (Sites 1, 2 and 5)	Upon completion of each development (Sites 1-5)	City	
T-2	The project applicants shall be required to fund all costs associated with implementation of intersection improvements to the following intersections in the City of Costa Mesa: Park Center & Sunflower and Bristol & Pavlarino. The specific improvements are shown in Table 35 as Locations 11 and 26. (Sites 1, 2 and 5)	Prior to issuance of building permits	Developer	
T-3	The project applicants shall fund a share of the costs of the planned improvements at the following intersections in the City of Santa Ana: Bristol & Segerstrom/Dyer, Bristol & MacArthur, Flower & MacArthur, SR-55 ramps & MacArthur, and Main & Sunflower. The specific improvements are shown in Table 35 as Locations 1, 3, 4 and 15. (Sites 1, 2 and 5)	Prior to issuance of building permits	Developer	

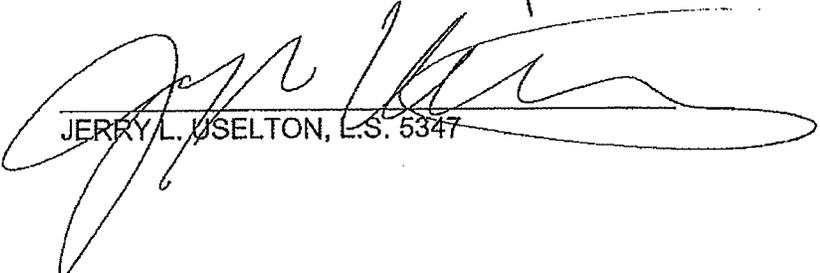
**EXHIBIT A
LEGAL DESCRIPTION**

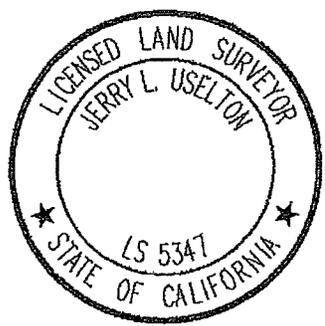
THAT PORTION OF THAT CERTAIN 25.00 FEET WIDE EASEMENT FOR SIDEWALK AND LANDSCAPING PURPOSES, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, GRANTED TO THE CITY OF COSTA MESA BY DEED, RECORDED JANUARY 4, 1984 AS INSTRUMENT NO. 84-003372, LYING WITHIN PARCEL 1 OF LOT LINE ADJUSTMENT NO. LL-05-03, RECORDED SEPTEMBER 19, 2005 AS INSTRUMENT NO. 2005000738603, ALL IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 20,764 SQUARE FEET MORE OR LESS.

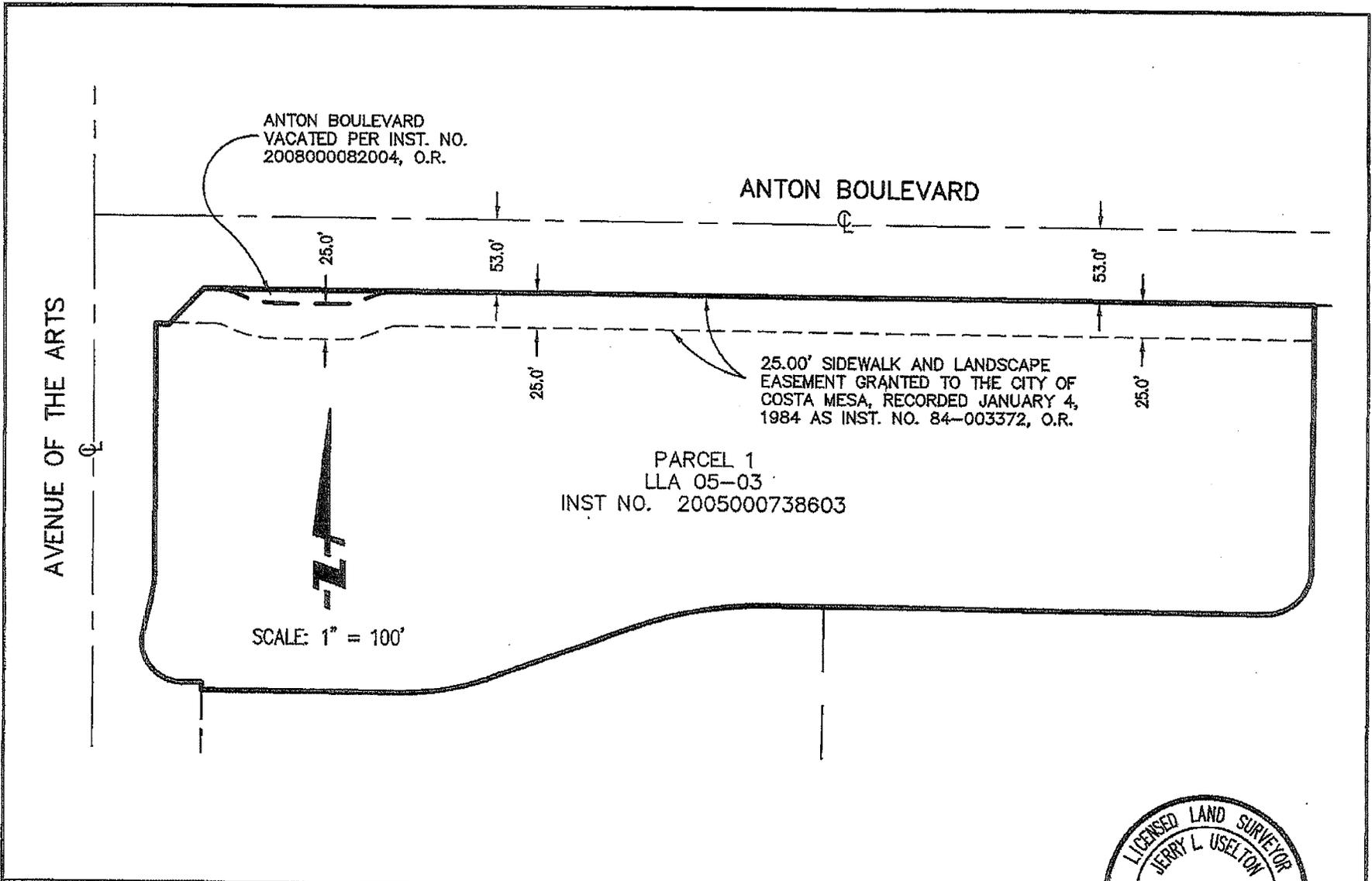
AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

DATED THIS 23rd DAY OF September, 2014.


JERRY L. USELTON, L.S. 5347



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tel 949.474.1960 • fax 949.474.5315 • www.fuscoe.com

EXHIBIT 'B'
**VACATION OF A PORTION OF
LANDSCAPE & SIDEWALK EASEMENT**
SOUTH COAST METRO
CITY OF COSTA MESA, CALIFORNIA

DATE: 09/22/14
SCALE: 1"=100'
JN: 703.002.01
1 OF 1



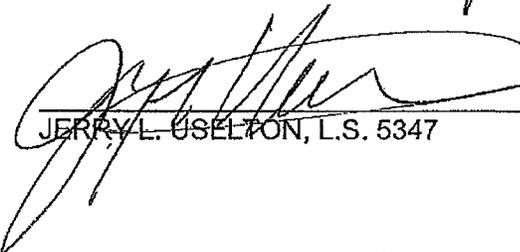
**EXHIBIT A
LEGAL DESCRIPTION**

THAT PORTION OF PARCEL 1 OF LOT LINE ADJUSTMENT NO. LL-05-03, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED SEPTEMBER 19, 2005 AS INSTRUMENT NO. 2005000738603, TOGETHER WITH THAT PORTION OF ANTON BOULEVARD VACATED BY RESOLUTION NO. 08-14 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, RECORDED FEBRUARY 22, 2008 AS INSTRUMENT NO. 2008000082004, LYING NORTHERLY OF A LINE THAT IS PARALLEL WITH AND DISTANT SOUTHERLY 60.00 FEET FROM THE CENTERLINE OF ANTON BOULEVARD AS SHOWN ON TRACT NO. 10950, FILED IN BOOK 515, PAGES 1 THROUGH 8, INCLUSIVE OF MISCELLANEOUS MAPS, ALL IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

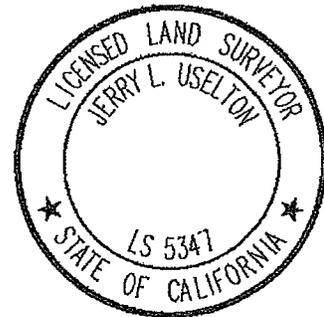
CONTAINING 5,732 SQUARE FEET MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

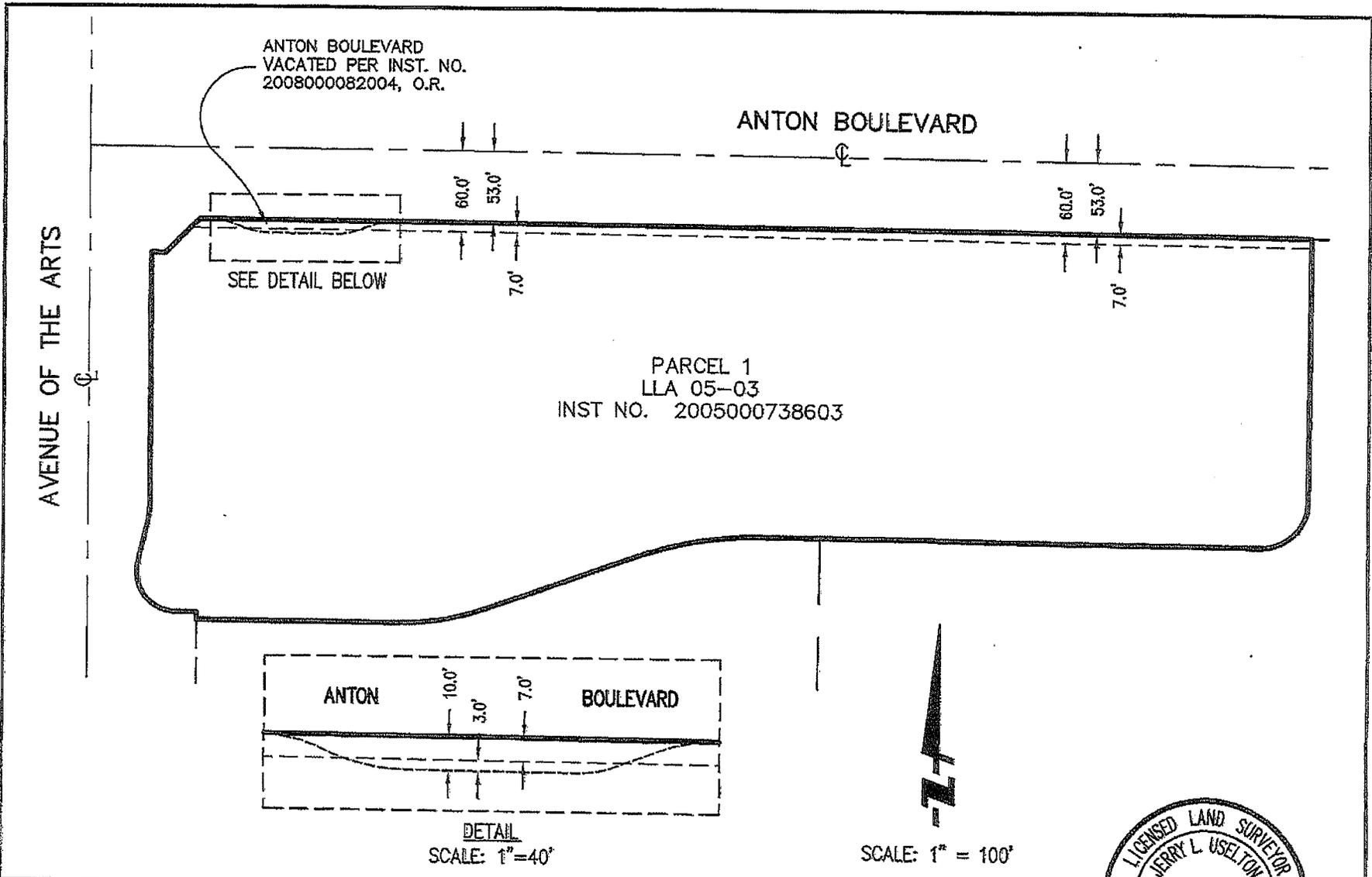
DATED THIS 22nd DAY OF September, 2014.



JERRY L. USELTON, L.S. 5347



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EXHIBIT 'B'
LANDSCAPE & SIDEWALK EASEMENT
SOUTH COAST METRO
CITY OF COSTA MESA, CALIFORNIA

DATE: 09/22/14
SCALE: 1"=100'
JN: 703.002.01
1 OF 1

