



CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 18, 2014

ITEM NUMBER: PH-2

SUBJECT: PLANNING APPLICATION PA-14-11 FOR A 393-UNIT MIDRISE RESIDENTIAL DEVELOPMENT (SYMPHONY APARTMENTS) AT 585 AND 595 ANTON BOULEVARD AND PARK MITIGATION AGREEMENT

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

DATE: NOVEMBER 7, 2014

**FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA (714) 754-5610
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RECOMMENDATIONS

The following actions are recommended:

- 1) Adopt resolution to approve the Addendum to the Final Program EIR No. 1052 and Final Master Plan PA-14-11 pursuant to the Planning Commission's recommendation:

Final Master Plan PA-14-11 for development of a 393-unit mid-rise residential development including:

- Demolition of two restaurant buildings (17,529 square feet) and 373 surface parking spaces;
- Construction of two midrise residential buildings consisting of 393 apartment units connected with a pedestrian bridge, a maximum building height of 75 feet, six stories high above grade (66 feet average, 75 feet at the lobby) with one subterranean level parking. A total of 731 parking spaces (699 standard, 15 tandem and 17 compact spaces) will be provided to accommodate the residential units and the 4,104 square feet of retail at ground level (722 spaces required). The project includes multiple on-site amenities such as three outdoor decks, two pools and spas, and fitness rooms;
- Deviation from the perimeter open space setback requirement along Anton Boulevard (20 feet required, 7 feet proposed) and Avenue of the Arts (20 feet required, 8'6" proposed);
- Administrative Adjustment to allow encroachment of upper levels of buildings and balconies (Level 3 and above) in the perimeter open space setback requirement (20 feet required, 12 feet proposed); and,
- Encroachment into 25-foot Landscape and Sidewalk Easement along Anton Boulevard frontage (7-foot landscaped setback proposed, 20-foot setback provided to building on the ground floor containing stoops and landscape walls).

- 2) Adopt resolution to approve "Park Mitigation Agreement" between the applicant and City of Costa Mesa to fund future parkland related improvements or acquisitions.

PLANNING APPLICATION SUMMARY

Location: 585 and 595 Anton Blvd. Application: PA-14-11

Request: Development of 393 apartment units in two midrise buildings and three levels of parking on a site previously approved with high rise towers (484 units and 6,000 SF of ancillary retail)

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>PDC</u>	North: <u>The Lakes shopping center</u>
General Plan: <u>Urban Center Commercial</u>	South: <u>Metro Center office complex</u>
Lot Dimensions: <u>irregular</u>	East: <u>Commercial development</u>
Lot Area: <u>4.84-acre</u>	West: <u>Commercial and office development</u>
Existing Development: <u>The site is developed with two vacant restaurant buildings and 373 parking spaces</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Zoning Code or NCMSP Requirement</u>	<u>Proposed/Provided</u>
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Density - NCMSP	100 du/acre ¹ 484 units	81 du/acre 393 units
Lot Size	One acre	4.86-acre
Buildings		
Perimeter Open Space	20' abutting Public ROW	7 feet on Anton Blvd. 8'6" on Avenue of the Arts
Open Space	42%	Ground Level: 61,436 (29%) Amenity deck: 75,497 (35%)
Private Open Space	100 SF	80 -140 SF
Setbacks		
Front (Anton Blvd.)	20 feet	7 feet ²
Side (Avenue of the Arts)	20 feet	8'6" ²
Interior Property Line	None	
Building Height	306 feet AGL	66 feet AGL for buildings and 75 feet for entry lobby (One level subterranean parking)
Parking:		
Tenant Parking	1.5 per unit - 590	710 (total residential parking)
Guest Parking	0.5 per unit for 1 st 50 units 0.25 for over 50 111	710 (total residential parking)
Commercial Parking	4/1000 (retail) 5/1000 (bank) 2/1000 (ancillary retail)	4,037 SF retail 21 spaces
Total	722 max.	731
Patios and balconies	Same as building setbacks	Buildings and balconies encroach 8 feet into the perimeter setback ³

¹ GP-06-02 – site specific density of 100 du/acre in Urban Center Commercial

² Subject to approval by Planning Commission for encroachment of patios and stoops

³ Subject to approval of an Administrative Adjustment (see staff report)

CEQA Status	Addendum to Final Program EIR NO. 1052
Final Action	City Council

BACKGROUND

On October 13, 2014, the Planning Commission held a public hearing and on a 4-0 vote (Commissioner Dickson recused himself) recommended approval of the addendum and the final master plan for development of the 393-unit project. This is the alternative development option for this site. A previous entitlement was granted in 2008 for a 484-unit high-rise development at this site, which was also considered by the Planning Commission at the same hearing.

Note: Because a parkland impact fee is not applied to an apartment project without a subdivision map, the Planning Commission deferred the consideration of the Park Mitigation Agreement to the City Council to determine an appropriate park impact fee, as applicable, subject to the Council's discretion.

In 2006, a Final Environmental Impact Report (FEIR) was prepared for five high rise projects in North Costa Mesa Specific Plan. FEIR No. 1052 (SCH#2006011077) for the North Costa Mesa High Rise Projects was certified by City Council on November 21, 2006. The approval included an overruling of Airport Land Use Commission (ALUC) decision that the projects were inconsistent with the Airport Environs Land Use Plan.

Following the certification, in January 2007, City Council approved five master plans for high-rise development in North Costa Mesa including a master plan for development of Symphony Towers at 585 and 595 Anton Boulevard.

Final Master Plan PA-07-18 and Vesting Tentative Tract Map VT-17207 were approved by the Planning Commission on October 8, 2007. The entitlement included demolition of two existing restaurants (17,529 SF) and conversion of an unbuilt 300-room hotel entitlement to facilitate the construction of 484 residential condominiums two towers (26-story and 16-story), two six level parking structures containing 1040 parking stalls and 6,000 square feet of ancillary retail at ground floor. A two year time extension was granted on October 13, 2014 that extended the entitlement to October 8, 2016.

A three-story off-site parking structure (531 Anton Boulevard) was also processed subsequent to the high rise proposal to provide a portion of the parking spaces that would be removed with development of the residential towers. Since the off-site parking requirement is a condition of approval of PA-07-18, a two-year extension was also granted for this entitlement on October 13, 2014.

Master Plan Requirement

The Zoning Code requires approval of a "final master plan" prior to development of a Planned Development Zone. The primary distinction is that a "preliminary" master plan establishes the building envelope (i.e. location, density, building height, etc.), while a "final" master plan provides specific details regarding the site plan, floor plans, elevations, landscaping, architecture, on-site amenities, parking supply, circulation plan, etc.

The final master plan review allows consideration of the structures' scale, site planning, landscaping and appearance, with the goal of promoting design excellence while giving consideration to the project's compatibility with existing uses and consistent with the North

Costa Mesa Specific Plan. The Table below compares the currently proposed project to the previously approved entitlement.

Comparison Table of
Previously-Approved Symphony Towers and Proposed Symphony Apartments

	Symphony Towers HighRise Buildings	Symphony Apartments MidRise Buildings
Density	100 du/acre 484 units	81 du/acre 383 units
Maximum AM Peak Hour Trip Budget	227 trips	209 trips
Maximum PM Peak Hour Trip Budget	290 trips	272 trips
Perimeter Open Space	Minimum 16 feet ft.	12.3 ft. (Anton Blvd. - not including patios) 8.7 ft. (Avenue of the Arts - not including dog run)
Open Space	Ground Level: 56,564 SF (27%) Amenity Deck: 63,442 SF (30%)	Ground Level: 61,436 SF (29%) Amenity Deck: 75,497 SF (35%)
Private Open Space	100 SF	80-140 SF
Front Setback (Anton Blvd.)	Minimum 16 ft.	12 ft. (upper levels and balconies) 20 ft. ground level
Side Setback (Avenue of Arts)	18 ft.	24 ft. to bldg. (8.7 ft. dog run fencing)
Parking (residential)	1,025 spaces Ratio: approx. 1.8 /unit plus guest parking	710 spaces Ratio: approx. 1.5/ unit Plus guest parking
Retail Space	6,000 SF	4,037 SF
Parking (retail)	24 spaces	21 spaces
Total	1,050 spaces	731 spaces
Building Height	172' tower one 272' tower two	74 ft. at lobby 66 ft. buildings
Stories	26 and 16 stories	6 stories

ANALYSIS

Final Master Plan PA-14-11

The project site at 585 and 595 Anton Boulevard is currently developed with two restaurant buildings that have been vacant in the past few years and 373 spaces of surface parking. The site is to the north of an office complex with three towers and four parking structures and a 24-hour fitness center. A diagonal utility easement also runs through the site that is currently paved and landscaped, which provides a pedestrian access from the office complexes to Anton Boulevard.

The proposal will remove all existing structures and surface parking areas for a new development with parking structures and a total of 393 residential units. The proposed units are contained in two buildings over a three-level parking structure (two levels above ground) and 28 ground floor lofts units at the perimeter of the parking structure along the Anton Boulevard frontage and the entry plaza. A replacement parking structure (Final

Master Plan PA-07-29 for Structure B) is required to be built to serve the commercial uses at South Coast Metro Center.

Site and Building Design

Main access to the site is provided from Anton Boulevard. The main entrance provides access for visitors of the leasing office and patrons of the retail space as well as current residents. Residents also have a secondary access from Avenue of the Arts that leads directly to the parking structure. The 28 lofts units are located at the Anton Boulevard frontage to provide a pedestrian-friendly environment and engage the community as an active area within the entry plaza. These units can be accessed from the interior of the parking structure as well as from Anton Boulevard with raised patios and stoops. Typical stoops are eight feet in depth and separated from the public sidewalk by a low planter wall, landscaping and a few porch steps.

The applicant is proposing ground floor amenities in front of the retail space and opposite of the entrance and an entry plaza with seating areas and landscaping that will be open to the public. Other private amenities such as pools, spas, exercise room, and club house are provided on Level 3 of the structures. These spaces are connected with a pedestrian bridge that also provides a focal point for the project from Anton Boulevard.

The applicant is proposing two bicycle storage areas at the opposite corners of the building on the northwest and southeast and a dog wash and dog run area along The Avenue of the Arts frontage. The dog run is proposed to be contained by a four-foot high fence and separated from the sidewalk with a landscape planter buffer.

All units are provided with a private balcony that range in size from 80 to 140 SF. The balconies face either the perimeter streets or the interior courtyards and pool grounds.

Site Open Space

The project includes 61,436 square feet of open space on the ground floor (29 percent) and 75,497 square feet of open space on the upper levels. North Costa Mesa Specific Plan allows inclusion of open space in upper levels in the overall calculations. In comparisons with the original approval, 16,927 square feet (2%) of additional open space will be provided.

Floor Plans

The project in general provides 154 two bedroom units and 239 one bedroom units. The units range in size from 750 to 1,392 square feet. The loft units are 794 square feet of living space contained in two levels that include volume ceilings and a master bedroom and bath on the upper level. The proposal does not contain any 3-bedroom (or larger) units.

Elevations

Massing of the two buildings are broken by off-sets in the elevations and incorporation of balconies in the building design. A variety of materials is proposed such as stone veneer,

metal panels, ceramic tile cladding and a combination of metal and glass railing for the balconies. The pedestrian bridge and the entry plaza are focal points of the project that will be inviting to the pedestrian as well as passerby traffic.

Parking

The project is subject to the parking requirements as set forth in the North Costa Mesa Specific Plan. Three levels of parking is provided including a subterranean level and two levels above grade for a total of 731 spaces. Because of the parking design radius and visibility issues, the overall number includes a small percentage of tandem and compact spaces. However, the project in general provides 14 excess parking spaces with use of ground floor retail.

**Proposed Parking
383-unit MidRise Development with Ancillary Retail**

Use	Unit/ SF	Required space pursuant to North Costa Mesa Specific Plan	Provided
Dwelling Units	393 units	Guest parking 0.5 per unit for the first 50 0.25 for 50+ units – 111	120
		Tenant parking 1.5 per unit - 590	590
Retail Space	4,037 SF	4/1000 – 16 spaces (min. for retail use)	21
Total		722 spaces (max.)	731 spaces*

* Total parking includes 15 tandem parking spaces and 17 compact parking spaces.

Parking Structure B

With the development of the office complex and the restaurants a private parking agreement allowed joint use of the 373 surface parking spaces at 585 and 595 Anton Boulevard developed with the restaurants. The approval for the Symphony Towers included a condition that a parking structure (Structure B) be built prior to the final certificate of occupancy for the second tower. Following the entitlement for the towers, on January 14, 2008 a separate planning application was approved for construction of a three-level parking structure with 342 parking spaces at the southeast corner of the site (531 Anton Boulevard) next to the parking structure for 555 Anton Boulevard. A two-year time extension for this entitlements was approved under separate application.

The applicant is still under the obligation with the adjacent property owner (RREEF) to provide the additional parking spaces. The private agreement may be revised to provide the additional spaces atop of an existing parking structure or as originally approved. This will be considered under a separate action by the Planning Commission.

Modification to 25-foot Public Easement

In 1984, the City recorded a 25-foot “Landscape and Sidewalk” easement along the Anton Avenue right-of-way. This easement is separate from the zoning requirement for the perimeter open space noted earlier. The applicant has requested to modify this easement from 25 feet to 7 feet. This request is to accommodate the lofts at the perimeter of the project with patios and stoops taking direct access from the Anton Avenue sidewalk, in addition to the building upper levels (Level 3 and above) with units and balconies at 12 feet to the property line.

The attached Planning Commission resolution states that the Planning Commission’s authority is limited to making a recommendation on the modification of the easement. Any reduction to this existing landscape easement requires final action by the City Council. A condition of approval requires that prior to obtaining a grading permit for the project, the applicant must submit and process the easement modification/quitclaim application through the Public Services Department.

Comparison of Landscape Easements along Anton Boulevard

Description	Easement	Council Action
Proposed Project / Symphony Apartments	25-foot easement southside of Anton Boulevard	Pending request for modification to 7-foot easement
Irvine Apartment Communities, Enclave Apts.	25-foot easement northside of Anton Boulevard	Approved a 20-foot easement
580 Anton Boulevard 250-unit midrise	25-foot easement northside of Anton Boulevard	Approved a 20-foot easement

Perimeter Open Space

The Planned Development Commercial (PDC) and North Costa Mesa Specific Plan establishes the development standards for this project. The project site is subject to a 20-foot minimum perimeter open space setback on Avenue of the Arts and Anton Boulevard frontage. No setback is required from the interior driveways.

Anton Boulevard Perimeter Open Space

- Building setbacks – The upper levels (level 3 and above) of the buildings will include units and balconies encroaching a maximum of eight feet into this setback. No encroachment is proposed on the ground level. The minimum setback from the edge of the upper building and balconies will be at 12 feet to the property line along this frontage.
- Patios and Stoops – The proposed site design provide a minimum 7-foot setback from the public sidewalk on Anton Boulevard to the face of the landscape wall leading to the raised patios.

Avenue of the Arts Perimeter Open Space

- The proposed perimeter setback along Avenue of the Arts is more than 24 feet; however, the proposed dog run encroaches 15 feet into this setback with a metal barrier. With the proposed configuration an eight-foot planter separates the dog park from the sidewalk that will provide for landscape screening and enhancement of that frontage.

Administrative Adjustment / Deviation from Perimeter Open Space Requirement

In accordance with Section 13-61 of the Zoning Code, the Planning Commission could approve inclusion of architectural features (such as arcades, awnings and canopies) and hardscape features (such as paving, patios, planters and street furniture) if the Planning Commission determines that:

- (1) These other features provide usable, visually interesting pedestrian amenities and facilitate pedestrian circulation.
- (2) These additional features enhance the overall urban design concept of the Planned Development and promote the goals of the General Plan, applicable specific plan.
- (3) Adequate landscaping is retained to shade the outdoor use areas and to complement the architecture and the design of buildings and pedestrian areas; and
- (4) The design of the perimeter setback area will be compatible with contiguous development.

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. The addition of the secondary access to the perimeter loft units from the public sidewalk in this urban setting is considered an amenity of the project by creating pedestrian linkages to a central open space. This landscaped courtyard will be open to the public. The 15-foot encroachment on Avenue of the Arts is to allow a confined dog park. The dog park is an amenity to the development and must be provided on the ground level for maintenance purposes. The applicant chose this frontage for easy pedestrian access and limited visibility to passerbys.

Building projections are also allowed in the Perimeter Open Space per Section 13-61 if the following is determined that:

- (1) An adequate, well-defined pedestrian circulation system is provided within the planned development;
- (2) Pedestrian oriented landscaped and/or public use areas (plazas, patios, etc.) are provided within the planned development;
- (3) The reduced open space area will not be detrimental to developments on contiguous properties;

- (4) The reduced building setback will not deprive the street nor other properties of necessary light and air; and
- (5) These additional features enhance the overall urban design concept of the Planned Development and promote the goals of the City's General Plan, applicable specific plan.

The perimeter open space was established with the office park setting of the North Costa Mesa Specific Plan. The NCMSP refers to the area on Anton Boulevard between Bristol Street and Sakioka Drive as pedestrian zone, and the proposal is consistent with the promotion of pedestrian linkages

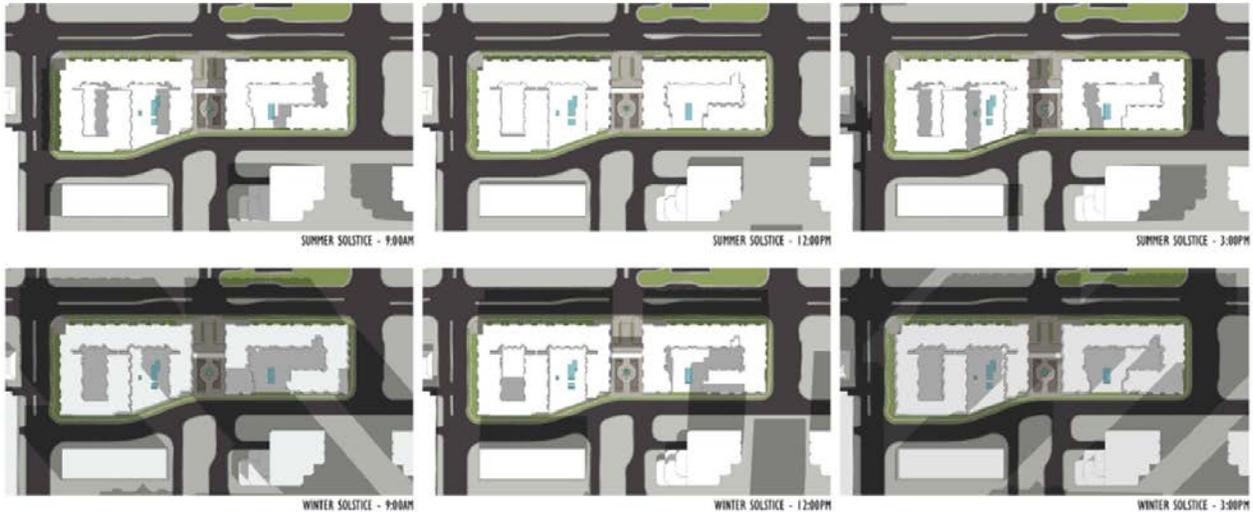
The North Costa Mesa Specific Plan (NCMSP) allows a site specific density of 100 dwelling per acre for this 4.86 acre site or a maximum of 484 units. The proposed development is 91 units fewer than the allowable densities approved by the General Plan and the zoning for the site. The encroachment is not increasing the density or extend the building development area on the ground floor. A corner encroachment of building was approved for the mid-rise development at 580 Anton Boulevard and the previous approval of the Symphony Towers allowed an encroachment that reduced the perimeter open space to 16 feet.

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. 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.

Shade/Shadow Analysis

The Program EIR concluded that the proposed high-rise residential units are not sensitive uses with the same expectations of shade/shadow limits as traditional multi-family residential uses. The City considers the project area as an urban environment with intensely developed commercial, residential, and cultural uses in a limited geographic area. Given the urban context of the project area, the surrounding land uses, including the existing commercial and retail uses located on the southwest corner of Anton Avenue and Avenue of the Arts were not considered sensitive uses; therefore, the Program EIR concluded that no impact would occur.

The proposed project includes a building height reduction from 306 to 66 feet with a roof segment that extends 74'10" over the lobby, the elevator, and stairway areas in Building A and Building B and, therefore, will produce a significantly reduced or a more shallow shadow than the originally proposed project. As shown below shadows from the proposed project will not reach the surrounding building. Therefore, the Program EIR remains adequate and complete for this topic.



Park Mitigation Agreement

The mitigation monitoring program provides the standard conditions of approval and mitigation measures for the project. The applicant is requesting City Council approval of a Park Mitigation Agreement to comply with the mitigation measures and standard conditions adopted with EIR No. 1052 and included in the addendum prepared for the subsequent project.

The Park Mitigation Agreement is a required mitigation measure to offset parkland impacts from the proposed project. The EIR for North Costa Mesa High Rise projects identifies the park impacts of these projects and notes that the impact will be mitigated with submission of the park impact fees. At the time, all projects under the EIR were for sale condominium units subject to a park impact fee.

As an apartment, the 393-unit project would not require a subdivision map and would not be subject to park impact fees. In comparison, the original 484-unit Symphony Towers project included a vesting tentative tract map and was subject to park impact fees, which were \$10,826.00 per unit at the time. The Current park fee is \$13,829 per unit. However, in cases where vesting tentative tract maps were filed, the park fee applicable at the time of submittal was applicable to the project.

Although the proposed Symphony Apartments is not currently subject to park impact fees as a rental project, the City is in the process of preparing a park impact fee that would determine the impacts fees for apartment communities as well as reassessing the subdivision fees. Since the park impact fee has not been established, projects that are approved prior to fee adoption would be subject to a condition of approval specifying that the fees in effect at the time of permit issuance would be applicable to the project.

The Addendum to the EIR indicates that the addition of 393 apartment units will place increased burden on the City's park and open space use. However, the applicant is requesting that a fixed fee amount be identified and is therefore requesting approval of a Park Mitigation Agreement to establish a park impact fee that would be approved at the time of project approval.

The project provides over six million dollars of on-site amenities. These improvements include private amenities as well as an open space plaza at the ground level available for public use that could be credited toward the park impact fees (Attachment 8). The draft Development Agreement is attached for consideration of the City Council for mitigation of projects' impacts on City parks. The fee amount and terms of the proposed Development Agreement is subject to approval by the City Council. If the project is converted to condominiums in the future, the project would still be subject to the payment of Quimby Act fee effective at the time. Condition No. 31 is included to address this issue.

Recommended Park Fee

The most recent Development Agreement related to park impact fee was approved by City Council on April 15, 2014 for the 240-unit apartment project at 125 Baker Street. At the time, the City had not initiated the park fee study.. The City Council entered into an agreement with the applicant that required submittal of an infrastructure fee in the amount of \$250,000.00.

The developer of Symphony Apartment is providing more than six millions dollars of on-site amenities that will alleviate most of the demand for park use from the project. Considering the on-site amenities and using the 125 E. Baker project as a basis for calculating the park impact fee, staff is recommending the following to be considered by the City Council:

- Base amount – using the 125 E. Baker Street example at a rate of \$1,042.00 per unit, the minimum park fee impact to be considered is \$409,375.00. It should be noted that this project was submitted at a time when park impacts for apartment complexes was not being studied and the applicant and City Council agreed on an average fee amount to off-set the improvement cost to the City.
- Credit for on-site Amenities - The fee amount may take into consideration private on-site amenities that include open space and park like setting, as well as amenities that will be provided on street level that could be available to the visitors and residents.

Considering the noted issues, Council may consider a fee per unit in the range of \$1,042.00 (reference: 125 E. Baker Street project) per unit to \$3,500 (25% of the current park impact fee) per unit; however, the Council may discuss alternatives and has the ability to raise or lower that amount as they feel appropriate.

The following comparison shows the project under park fees in effect in 2014 and the park fee related to development of Symphony Towers and the Vesting Tentative Tract Map approved in 2007 for this site.

EXISTING FEE	THEORETICAL SCENARIOS ONLY FOR 393-UNIT PROJECT		DEVELOPER'S ESTIMATION OF COST OF ON-SITE AMENITIES
	2007 Park Fee of \$10,829 per unit	2014 Park Fee of \$13,829 per unit	2014 Estimate
\$0.00 (no fee for residential projects without a subdivision)	\$4,255,797	\$5,434,798	\$6.6 million

CONSISTENCY WITH GENERAL PLAN, NCSMP AND ZONING CODE

General Plan Amendment GP-06-02 and Zoning Code Amendment CO-06-05 allowed high-rise residential development in the Planned Development Commercial (PDC) of the North Costa Mesa Specific Plan. The proposed project conforms to the General Plan and Zoning Code as amended. The proposal would also adhere to the exterior and interior noise standards established for mixed-use developments in the Planned Development zone.

The proposed development is 91 units below the approved density of 100 du/acre as approved by General Plan Amendment GP-06-02 for the 4.86-acre site. In addition, the proposal complies with the specific General Plan objectives as follows:

- *Land Use Objective LU-1F.4:* Ensure that residential densities can be supported by the infrastructure and that high density residential areas are not permitted in areas, which cause incompatibility with existing single-family areas.
- *Land Use Objective LU1C.3:* Prohibit construction of buildings which would present a hazard to air navigation as determined by the FAA.
- *Land Use Objective LUA.1:* Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segment of the community.

The project would replace two vacant restaurant buildings with a modern and quality project that would enhance the appearance and value of the site and its surroundings. The project provides new housing opportunities at a level no greater than can be supported by the existing infrastructure. In addition, the proposal will provide on-site parking spaces that exceeds current parking standards.

Conditions of Approval / Mitigation Measures

The mitigation monitoring program provides the standard conditions of approval and mitigation measures (Exhibit B).

Airport Land Use Commission and FAA No Hazard Determination

Kari Rigoni, Executive Director of the Airport Land Use Commission, has indicated that the proposed mid-rise building is not subject to the ALUC's review. The ALUC's consistency determination on the high-rise development proposal was overruled by City Council in 2007; no additional review is required for the mid-rise project at 66 feet in average height (75 feet maximum at the lobby).

The Federal Aviation Administration (FAA) issued a Determination of No Hazard in 2006 for the original Symphony Towers project. The FAA No Hazard Determination established a maximum building height envelope. The proposed buildings at a maximum of 75 feet in height are well below the FAA requirement. A condition of approval requires that a valid FAA No Hazard Determination be submitted prior to issuance of building permits.

ENVIRONMENTAL DETERMINATION

Final Program EIR 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 (Attachment 10) was prepared by CAA Planning in September 2014. On October 13, 2014, the Planning Commission recommended approval of the addendum.

LEGAL REVIEW

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

PUBLIC COMMENTS

During the public review process, one letter was submitted (Attachment 8) regarding the construction traffic that was reviewed by the Planning Commission prior to October 13, 2014 meeting. A condition of approval requires submittal of a construction management plan prior to demolition and grading activities. Concerns raised by the letter will be considered during the review of the construction management plan.

ALTERNATIVES

The City Council has the following options:

- Adopt the following resolutions:
 - (a) Pursuant to the Planning Commission recommendation, approve the addendum to EIR No. 1052 and Final Master Plan for 393-unit apartments with any modifications.
 - (b) Approve Park Mitigation Fee Agreement.
- Deny the project. If the project were denied, the applicant could not submit substantially the same type of application for six months.

CONCLUSION

The proposed development provides an alternative site design with mid-rise residential buildings and a reduction in overall density. The project will provide a high quality residential development within an office complex and walking distance to retail and job opportunities. The proposal of the open paseo at the center of the site and pedestrian connection from the sidewalk to the units and ground level retail and open space is consistent with the visions of the North Costa Mesa Specific Plan and General Plan policies in providing quality development in an urban setting and contributing to a pedestrian zone on Anton Boulevard.

MINOO ASHABI, AIA
Principal Planner

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

- Attachments:
1. [Location Map](#)
 2. [Draft Resolutions](#)
 3. [Planning Commission Minute Excerpts](#)
 4. [Planning Commission Staff Report \(no attachments\)](#)
 5. [Planning Commission Resolution](#)
 6. [List of open space and amenities \(provided by applicant\)](#)
 7. [Submitted Correspondence](#)
 8. [Submitted Plans \(under separate cover\)](#)
 9. [Addendum to EIR No. 1052 \(under separate cover\)](#)

cc:

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RESOLUTION NO. 14-

A RESOLUTION OF CITY COUNCIL APPROVING 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 CITY COUNCIL 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:** an application 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); (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); and, (f) a three-year entitlement for PA-14-11.

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, the City Council may consider and approve a Park Mitigation Agreement by separate Council resolution to mitigate parkland impacts from the proposed project;

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, 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 recommended approval of the Addendum to Final Program EIR and Final Master Plan PA-14-11 on October 13, 2014;

WHEREAS, a duly noticed public hearing was held by the City Council on November 18, 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 City Council 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 City Council 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 a Park Mitigation 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 Park Mitigation Agreement. Specifically, the combination of these shall mitigate the park impacts of the proposed project. Quimby Fees shall no longer apply to the project unless the project is developed as condominium units.

BE IT RESOLVED that the City Council 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 City Council hereby **APPROVES** the Addendum to Final Program EIR No. 1052 and Final Master Plan PA-14-11.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for 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 on this 18th day of November, 2014.

JIM RIGHEIMER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

RESOLUTION NO. 14-

A RESOLUTION OF CITY COUNCIL APPROVING A “PARK MITIGATION AGREEMENT” FOR FINAL MASTER PLAN PA-14-11 FOR THE 393-UNIT SYMPHONY APARTMENTS AT 585 AND 595 ANTON BOULEVARD IN A PDC ZONE

THE CITY COUNCIL 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:** an application 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); (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); and, (f) a three-year entitlement for PA-14-11.

WHEREAS, Parking Structure B is a three-level parking structure (total 342 spaces) at South Coast Metro Center, located at 531 Anton Boulevard including a deviation from shared parking requirements and maximum number of compact parking stalls.

WHEREAS, the City Council approved the Addendum to the EIR and Final Master Plan PA-14-11 by adoption of Council resolution No. 14-_____;

WHEREAS, the Planning Commission approved Parking Structure B by adoption of Planning Commission Resolution No. 08-03;

WHEREAS, the City Council may consider and approve a Park Mitigation Agreement by separate Council resolution to mitigate parkland impacts from the proposed project;

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 recommended approval of the Addendum to Final Program EIR and Final Master Plan PA-14-11 on October 13, 2014;

WHEREAS, a duly noticed public hearing was held by the City Council on November 18, 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 City Council 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. Payment of a parkland impact fee pursuant to an executed agreement is a mitigation measure described in the Addendum to the EIR;

WHEREAS, a parkland impact fee shall be assessed per unit pursuant to a Park Mitigation 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 Park Mitigation Agreement. Specifically, the combination of these shall mitigate the park impacts of the proposed project. Quimby Fees shall no longer apply to the project unless the project is developed as condominium units.

BE IT FURTHER RESOLVED that, based on the evidence in the record, the City Council hereby **APPROVES** the Park Mitigation Agreement to be valid for a five year period from November 18, 2014 to November 18, 2019. The Park Mitigation Agreement is attached as Exhibit A.

BE IT FURTHER RESOLVED that the Park Mitigation Agreement also specifies that the entitlement approval for Final Master Plan PA-14-11 (Symphony Apartments) and Final Master Plan PA-07-29 (Parking Structure B) shall coincide with the five year timeframe of the Park Mitigation Agreement;

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-14-11 and upon the applicant's compliance with each and all applicable the conditions / mitigation measures contained in Council Resolution No. 14-_____, 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 on this 18th day of November, 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 (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. The project is subject to all Mitigation Measures from Final Program EIR #1052 have been included as conditions of approval and terms and conditions of the Park Mitigation Agreement to mitigate park impacts. 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

- PIng. 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.
- Park 31. If the project is subdivided as condominiums, the applicant shall pay Park fee prior to submittal of the final Tract Map. Applicable fees shall be that fee in effect at the time the final map is approved by the City Council when building permits are issued.
- Eng. 32. 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.
33. 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. 34. 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.
35. 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.
36. 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.
37. 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.
38. Submit a precise grading plans, an erosion control plan and a hydrology

- study.
39. Submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and the precise grading plans.
 40. 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.
 41. 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).
 42. 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. 43. 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.
 44. Comply with minimum clearance requirements from property lines and any vertical obstructions.
 45. Identify ramp slopes within the parking structure and comply with City ramp slope standards. Ramps with parking shall not exceed 5% slope.
 46. 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.
 47. 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.
 48. 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.

49. 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.
50. 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.
51. Construct wide flare on radius curb drive approaches at approved locations. Comply with minimum clearance requirements from property lines and any vertical obstructions.
52. Provide a combined Fire Sprinkler/Standpipe System in accordance with NFPA 13 and 14, 2013 Ed.
53. All Stairways shall be provided with wet Class I Fire Standpipes in accordance with NFPA 14.
54. Provide Fire Hydrants per direction from Fire Department. See Fire Prevention.
55. Provide Emergency Responder Radio Coverage per CMC and California Fire Code, 2013.
56. A Fire Master Plan shall be submitted and approved by the Fire Department prior to architectural plan submittal. See Fire Prevention.
57. 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.

- PIng.
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".
 14. Parking stalls shall be double-striped in accordance with City standards.

- Bldg.
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:

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| 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 |

- State
4. Division prior to issuance of building permits.
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.