



PLANNING COMMISSION AGENDA REPORT

VII. 1

MEETING DATE: DECEMBER 10, 2007

ITEM NUMBER:

SUBJECT: MASTER PLAN PA-06-76
801 BAKER STREET

DATE: NOVEMBER 29, 2007

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP SENIOR PLANNER
(714) 754-5611

DESCRIPTION

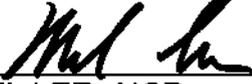
The applicant is requesting approval of a master plan to construct 22 loft-style residential units over an existing 14,487 square-foot commercial building, with 900 square feet of new storefront retail space along Century Place, for a 4-story mixed use project that exceeds the maximum building height and building setbacks, in conjunction with a reduction in required on-site parking spaces based upon shared parking requirements.

APPLICANT

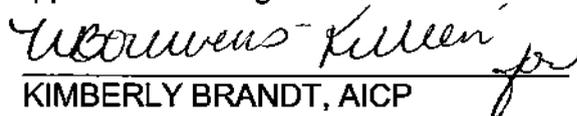
The applicant is Red Mountain Retail Group/Baker Street Retail LLC, who are also the property owners.

RECOMMENDATION

Adopt the Mitigated Negative Declaration and approve the project by adoption of Planning Commission resolution, subject to conditions of approval and mitigation measures.



MEL LEE, AICP
Senior Planner



KIMBERLY BRANDT, AICP
Asst. Development Svs. Director

PLANNING APPLICATION SUMMARY

Location: 801 Baker Street Application: PA-06-76

Request: Master plan to construct 22 loft-style residential units over an existing 14,487 square-foot commercial building, with 900 square feet of new storefront retail space, for a 4-story mixed use project that exceeds the maximum building height and building setbacks, in conjunction with a reduction in required on-site parking spaces based upon shared parking requirements.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>C1</u>	North: <u>(Acr Baker) I&R Fire Station #2 & R3 Apartments</u>
General Plan: <u>General Commercial</u>	South: <u>MG, Gymnastics Training Facility</u>
Lot Dimensions: <u>138 FT x 270 FT</u>	East: <u>(Acr Century) C2 & MG, Nursery</u>
Lot Area: <u>38,696 SF</u>	West: <u>C1, Nightclub</u>
Existing Development: <u>One story commercial building and surface parking</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	120 FT	138 FT
Lot Area	12,000 SF	38,696 SF
Floor Area Ratio:		
Maximum FAR (For Mixed Use)	1.0 (38,696 SF)	1.0 (38,696 SF)
Building Height	4 Stories/60 FT	4 Stories/63 FT, 6 IN (1) Main Bl. 3 Stories/25 FT Pkg Struct.
Maximum Lot Coverage	90% (34,826 SF)	65% (25,199 SF)
Minimum Open Space (Total Site)	10% (3,869 SF)	21% (8,107 SF)
Residential Open Space	200 SF/Unit	250 SF/Unit (Lower Units) 800 SF/Unit (Upper Units)
Setbacks (Building):		
Front (Baker Street)	10 FT	65-70 FT
Side (left – Century Pl./right)	10 FT/0 FT	0 FT (1)/ 0 FT
Rear	0 FT	0 FT
Parking (Nonresidential):		
Standard	60	41
Handicapped	2	2
Total	62	43(1)
Parking (Residential):		
Tenant Parking	22	24
Guest	11	2
Total	33	26(1)
GRAND TOTAL	95	69 (1)
Driveway Width	20 FT	20 FT-28 FT
Vehicle Backout	25 FT	25 FT-28 FT
Ramp Slope	10% avg	10% avg
CEQA Status	Mitigated Negative Declaration	
Final Action	Planning Commission	
(1) Deviation from SoBECA Urban Plan requested. See staff report discussion.		

BACKGROUND

On April 4, 2006, the City Council adopted the South Bristol Entertainment and Cultural Arts (SoBECA) Urban Plan allowing mixed-use development in specified areas. The objectives of the urban plan include encouraging mixed use development that combines residential and nonresidential uses, the reuse of existing structures, and to sensitively integrate new development with the surrounding areas. As part of the urban plan, flexible development standards were included as additional incentives to encourage development.

On August 15, 2006, City Council completed a master plan screening of the proposed project, which originally included a total of 26 units with the following deviations from development standards and other issues:

1. Increased density and intensity of development;
2. Zero street setback along Century Place (10-foot landscape setback required);
3. Minimal side setback adjacent to Shark Club property for residential units;
4. Appropriate building transitioning to lessen bulk and massing of project.

During the meeting, Council noted concerns with the above issues, but authorized the developer to proceed. A copy of the City Council report and meeting minutes are attached to this report for reference.

This project was originally continued from the October 22, 2007, Planning Commission meeting.

ANALYSIS

Project Location

The approximately 38,696 square-foot site is located at the southwest corner of Baker Street and Century Place. The site contains a one-story, 14,487 square-foot multiple tenant commercial building, surface parking, and ornamental landscaping.

The building currently contains a number of commercial tenants, including a pharmacy, a make-up artist agency, and a book store. Twenty-nine on-site parking spaces are provided at the front of the building and 27 parking spaces are provided at the rear of the building, for a total of 56 on-site parking spaces. The building will remain as part of the proposed project.

The project site is zoned C1 (Local Business District) and has a General Plan Land Use Designation of General Commercial, as well as the SoBECA Urban Plan Overlay District.

Surrounding uses include multiple-family residential uses and Fire Station #2 to the north, a nightclub (Shark Club) to the west, a wholesale nursery to the east, and an industrial building containing a gymnastic training facility to the south.

Project Description

The applicant is proposing to construct 22 loft-style residential units over the existing retail building. The 22 units are broken down into 11 lower level units and 11 upper level units. All units have a combination bedroom/living room and kitchen/dining room, with a mezzanine above, as well as bathrooms and private patios. The upper level units will have access to a roof deck directly above. Approximately 900 square feet of street level retail is proposed along the Century Place frontage of the site. The surface parking at the rear of the building will be replaced by a three-level parking structure containing 45 parking spaces; a 24-space parking area at the front of the retail building will be provided.

Objectives of SoBECA Urban Plan

Objectives of SoBECA Urban Plan include the following:

- Identify development regulations to realize the vision of the urban plan;
- Regulate land uses recognizing the development potential of the plan area and need to sensitively integrate new development with the surrounding areas;
- Encourage mixed-use development that combines residential and nonresidential uses without exceeding the development capacity of the General Plan transportation system;
- Develop a full array of land use types and structures, including reuse of existing structures, to create an active city life and enhance business vitality;
- Ensure compatibility of mixed-use developments; and
- Target a diverse residential population.

Master Plan

Master plans are required for projects in the SoBECA Urban Plan Overlay District. This allows review of the project's scale, location, site planning, landscaping, and appearance, with the goal of promoting design excellence while giving consideration to the project's compatibility and consistency with the surrounding area.

The following analysis summarizes the master plan's consistency with the General Plan, Urban Plan, and City Zoning Code.

- The subject site is zoned C1 which allows a wide range of commercial activities and uses. Because residential uses are prohibited in the C1 zone, the City created the urban plan overlay district to allow mixed-use development. The C1 zoning regulations are superseded by the development standards within the urban plan overlay district and approval of a master plan of development is required.
- The contemporary architecture features various textured metal surfaces, including stainless steel, architectural mesh and similar materials. The project features accent colors, glass and similar glazing materials.

- In addition to the private patios and roof decks provided for the units, resident amenities include raised planter boxes for sitting, several stand alone benches, two lounge areas, and one chess/checkers area with chairs. It is the intention of the developer that this entire space will be utilized as a communal space for residents to occupy and interact with each other.
- The design of the project is consistent with “vertical mixed-use development” as recommended in the SoBECA Urban Plan, which encourages residential and nonresidential uses located adjacent to one another on the same or adjoining lots within the same development.
- Landscaping and hardscaping includes a diverse palette of trees, shrubs, groundcover, and paving materials that extend into the “public realm” along Century Place as recommended in the Urban Plan.

If the project is approved, a separate tract map application is required to be approved and recorded to allow the residential units to be sold independent of one another.

Deviations from Development Standards

Deviations from the SoBECA district’s development standards may be approved through the master plan process based on the merits of a proposed project. When Council adopted the Urban Plan, Council considered the importance of allowing flexible development standards as additional incentives to the developer to encourage the redevelopment, rehabilitation, and adaptive re-use of existing properties. Furthermore, Section 13-83.52(d) of the Zoning Code, Mixed-Use Overlay Zone, allows deviations from development standards.

Following are justifications for supporting the deviations proposed for the project:

Deviation from Overall Building Height (60 feet allowed; 63 feet 6 inches proposed).

While the proposed master plan does not strictly conform to development standards related to the overall building height (60 feet allowed; 63 feet 6 inches proposed) deviations from these regulations allow for a development that better achieves the purposes and intent of the General Plan and Urban Plan. Several buildings in the immediate area, although not the same height as the proposed development, are approximately 25 feet to 30 feet tall and are boxy in shape. Therefore, the height and bulk of the proposed development will not be as prominent as it could be if it were in an area surrounded by smaller buildings. Deviation from this development standard would still result in a well-designed urban housing project that is considered compatible with the goals and objectives of the Urban Plan.

Deviation from Building Setback along Century Place (10 feet required, 0 feet proposed).

To offset the removal of the existing 10-foot wide landscape buffer along Century Place, the developer has incorporated enhanced paving elements and landscape features, including street trees, within the public right-of-way, to be implemented to the satisfaction of the Planning Division and Public Services. Additionally, the proposed retail is specifically designed to engage pedestrian-oriented activities along Century Place.

Deviation from parking requirements (95 spaces overall required; 69 spaces proposed).

Code requires a minimum of 33 on-site parking spaces for the residential (lofts) portion of the use and 62 parking spaces for the retail portion of the use, a total of 95 parking spaces. The project provides 69 parking spaces (24 parking spaces at the front of the building and 45 parking spaces in the three-level parking structure at the rear of the property). Although staff is concerned with the shortage of available on-site parking spaces per Code, staff notes that the unique nature of this project due to the recorded reciprocal easement agreement for parking (see below discussion), as well as the other project amenities as previously discussed, creates a development that is consistent with the revitalization goals and objectives of the Urban Plan.

Reciprocal Easement Agreement with Shark Club (841 Baker Street)

There is a recorded Conditional Reciprocal Easement Agreement between the subject property and Shark Club for parking. According to the document, 80 parking spaces on the Shark Club site and 55 spaces on the subject site are available for use by customers; a total of 135 parking spaces (a copy of the Conditional Reciprocal Easement Agreement is attached to this report for reference). This agreement guarantees the continued provision of reciprocal parking between the two properties, allowing the nightclub access and use of available parking spaces for valet parking purposes, as well as allowing the retail (and future residential) buildings access and use of the nightclub parking spaces. The developer has provided a letter, signed by the owner of the Shark Club property, confirming that the reciprocal parking provisions per the recorded agreement will continue to be enforced. Additionally, the developer has been advised of the following conditions of approval pertaining to off-site valet parking for the Shark Club per Planning Application PA-98-18, et. al., which also remain in effect for this project.

ENVIRONMENTAL DETERMINATION

In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared for this project. Under CEQA guidelines, if the lead agency determines that there is substantial evidence that the project may have a significant effect on the environment an Environmental Impact Report (EIR) would be required to be prepared. If the lead agency determines that there is substantial evidence that the project may have a significant effect on the environment, but that revisions to the project or the incorporation of mitigation measures would reduce those impacts to a level of no significance, a Mitigated Negative Declaration may be prepared.

The Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project. The (IS/MND) identified impacts that would be reduced to a level considered less than significant with appropriate mitigation measures, if the project is approved. The complete list of mitigation measures is attached to this report for reference.

A summary of potential environmental impacts and associated requirements and/or conditions of approval follows:

Aesthetics

- Existing mature vegetation to be retained wherever possible and/or replaced with similar size trees on a 1-to-1 basis.
- Lighting to be designed to provide adequate illumination without creating spill-over light or glare onto adjacent properties.

Air Quality

- Provide dust control measures as required by SCAQMD.

Cultural Resources

- Notify archaeologist or paleontologist if artifacts are discovered during construction.

Hydrology and Water Quality

- Submit a detailed Water Quality Management Plan (WQMP).

Noise (General)

- Comply with construction hours requirements.
- Truck routes should be steered away from residential areas.
- Stock piling of materials during construction and coordinate construction schedules with City staff.

Exterior Noise Mitigation

- Provide acoustic rated walls, doors, and windows.
- Mechanical ventilation shall be required for all units within the development.

Transportation/Traffic

- Pay citywide traffic impact and San Joaquin Hills Transportation Corridor fees.

The complete list of mitigation measures is attached to this report for reference.

The Initial Study/Mitigated Negative Declaration is attached to this report. The Mitigated Negative Declaration was initially made available for public review from October 2, 2007, to October 22, 2007, as required by CEQA.

ALTERNATIVES CONSIDERED

The Planning Commission has the following alternatives:

1. Approve the master plan as proposed;
2. Approve the master plan with any modifications to the proposed project; or
3. Deny the master plan. A similar proposal could not be considered by the Planning Commission until six months after this action is taken.

CONCLUSION

Despite the deviations from the development standards proposed by the developer, the proposed project complies with the goals of the SoBECA Urban Plan by promoting development that better achieves the purpose and intent of the General Plan and SoBECA Urban Plan. The mixed use project which exhibits excellence in design, site planning, integration, of uses and structures and compatibility standards for residential development.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" – Draft Findings
 Exhibit "B" – Draft Conditions of Approval
 Exhibit "C" –Mitigation Monitoring Program
 Council Meeting Agenda Report and Minutes from August 15, 2006
 Recorded Conditional Reciprocal Easement Agreement Between
 801 Baker Street and 841 Baker Street
 Letter from Applicant and Shark Club Confirming Reciprocal Parking
 Zoning Map/Location Map
 Plans
 Initial Study/Mitigated Negative Declaration

cc: Deputy City Manager - Dev. Svs. Director
 Deputy City Attorney
 Assistant City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Red Mountain Retail Group
 Attn: Anna Lauri
 1234 E. 17th Street
 Santa Ana, CA 92701

**DRAFT PLANNING COMMISSION
RESOLUTION**

RESOLUTION NO. PC-07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-06-76 MASTER PLAN FOR 801 BAKER STREET IN A C1 ZONE AND SOBECA MIXED-USE OVERLAY ZONE.

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

WHEREAS, an application was filed by Red Mountain Retail Group/Baker Street Retail LLC for Planning Application PA-06-76 with respect to the real property located at 801 Baker Street; and

WHEREAS, the proposed project involves the following: a master plan to construct 22 loft-style residential units over an existing 14,487 square-foot commercial building, with 900 square feet of new storefront retail space, for a 4-story mixed use project that exceeds the maximum building height and building setbacks, in conjunction with a reduction in required on-site parking spaces based upon shared parking requirements; and

WHEREAS, the subject property has a recorded Conditional Reciprocal Easement Agreement between the subject property and 841 Baker Street (Shark Club) for parking; and

WHEREAS, a duly noticed public hearing was continued from the Planning Commission meeting of October 11, 2007, to December 11, 2007; and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and an Initial Study/Mitigated Negative Declaration was prepared and available for public review.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", and mitigation measures contained in Exhibit "C", the Planning Commission hereby **ADOPTS** the Mitigated Negative Declaration and **APPROVES** PA-06-76 with respect to the property described above.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity

as described in the Staff Report for Planning Application PA-06-76 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 10th day of December, 2007.

Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on December 10, 2007 by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. Pursuant to Section 13-29(g)(5) of the Municipal Code, the master plan meets the broader goals of the 2000 General Plan and SoBECA Urban Plan by exhibiting excellence in design, site planning, integration of uses and structures, and protection of the integrity of neighboring development. The proposed mixed-use complies with the objectives of the Urban Plan, including the realization of the vision of the urban plan, sensitively integrate new development with the surrounding areas, encourage mixed-use development that combines residential and nonresidential uses without exceeding the development capacity of the General Plan transportation system, develop a full array of land use types and structures, including reuse of existing structures, to create an active city life and enhance business vitality, ensure compatibility of mixed-use developments, and target a diverse residential population.
- B. The proposed project complies with Title 13, Section 13-83.52(c), Mixed-Use Overlay District, of the Municipal Code because the project is consistent with the General Plan, meets the purpose and intent of the mixed-use overlay district, and the stated policies of the Urban Plan as applicable. The project includes adequate resident-serving amenities in the common and private open space areas including, but not limited to, patios, balconies, roof decks, walkways, and landscaped areas. The project is consistent with the compatibility standards for residential development in that it provides adequate protection for residents from excessive noise, odors, vibration, and light and glare. The proposed residences have adequate separation and screening from adjacent commercial/industrial uses through site planning considerations, structural features, and landscaping.
- C. The proposed deviation from mixed use development standards complies with Title 13, Section 13-83.52(d), Mixed-Use Overlay District, of the Municipal Code in that the strict interpretation and application of the mixed use overlay district's development standards would result in practical difficulty inconsistent with the purpose and intent of the General Plan and Urban Plan while the deviation to the regulation allows for a development that better achieves the purpose and intent of the General Plan and Urban Plan. The granting of the deviation results in a mixed use project which exhibits excellence in design, site planning, integration, of uses and structures and compatibility standards for residential development. The granting of the deviation will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.
- D. The proposed project complies with Title 13, Section 13-29(e), of the Municipal Code because:
- A compatible and harmonious relationship exists between the proposed buildings, site development, and uses, and existing buildings, site development, and uses on surrounding properties.

- Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation.
 - The proposed project will comply with the performance standards as prescribed in the Zoning Code.
 - The proposed use is consistent with the General Plan.
 - The planning application is for a project-specific case and does not establish a precedent for future development.
 - The cumulative effect of all the planning applications have been considered.
- E. An initial study was prepared, pursuant to the California Environmental Quality Act. Although the proposed project could have a significant effect on the environment, according to the Initial Study and Mitigated Negative Declaration, which reflect the independent judgment of the City of Costa Mesa, there will not be a significant effect on the environment because mitigation measures have been added to the project.
- F. 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.
- G. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. 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.
2. Prior to issuance of building permits, applicant 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.
3. The conditions of approval or code provisions of Planning Application PA-06-76 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The project shall comply with these requirements.
4. All residential units shall initially be offered as "for sale" units. The site shall not be developed for apartments or other non owner-occupied units. The applicant must submit a subdivision application for processing. The subdivision map must be final and recorded prior to issuance of building permits.
5. Street addresses shall be displayed on the front of each unit and on a complex identification sign visible from the street. Street address numerals shall be a minimum 12 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
6. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. No cross lot drainage to adjacent properties shall be allowed.
7. The site plan submitted with initial working drawings shall contain a notation specifying that the project is a "one-lot airspace residential common interest development" and shall specify the ultimate interior property lines.
8. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

9. 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.
10. Enhanced design elements and architectural treatment as shown in the approved color elevation drawings shall be implemented to the satisfaction of the Planning Division. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through the master plan review process, or in the requirement to modify the construction to reflect the approved plans.
11. Parking structures shall be screened from view at street level and include architectural detailing, artwork, landscape, or similar visual features to enhance the street façade.
12. Interior landscaped areas shall be designed to be utilized as passive recreational areas. Street furniture and lighting shall be provided in these areas to encourage passive use by residents.
13. Enhanced paving elements and landscape features within the public right-of-way on Century Place as shown in the conceptually approved plans shall be implemented to the satisfaction of the Planning Division and Public Services.
14. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
15. 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.
16. All backflow prevention devices, transformers, and other utility or ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Staff. The applicant shall show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.) on the initial working plans.
17. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Construction is prohibited on Sundays and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
18. Every effort shall be made to follow sustainable building practices in the construction of the building and development of the project site.

- Compliance and certification with the United States Green Building Council's LEED program is highly encouraged.
19. Prior to the recordation of a tract map, the applicant shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Planning Division and City Attorney for review. The CC&Rs disclosures shall include, but are not limited to, the following: the existing noise environment, including the Shark Club, the recorded Conditional Reciprocal Easement Agreement between the subject property and Shark Club for parking, and any odor-generating uses surrounding the development. The provision of the CC&R's that relate to the disclosures shall be reviewed and approved by the City Attorney prior to recordation. A provision of the CC&R's shall also stipulate that any subsequent revisions to the CC&R's shall be approved by the City Attorney.
 20. The CC&R's shall disclose that the available parking on-site is short of the current parking standards.
 21. The CC&R's shall disclose that on-site resident parking shall be in assigned spaces only.
 22. The developer shall prepare a parking management plan to be reviewed and approved by the Planning Division prior to the issuance of building permits. The parking management plan shall indicate the following: method of allocation of assigned parking, location of visitor parking, including appropriate signage, location of security gates, location of employee parking, and available parking during construction.
 23. Written notice of the existing noise environment agreement for shared valet parking, and any odor-generating uses as described in the above condition shall be provided to any prospective purchaser or tenant at least 15 days prior to the close of escrow, or within three days of the execution of a real estate sales contract or rental/lease agreement, whichever is longer.
 24. The project shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration prepared for the project and attached to this resolution as "Exhibit C". Deletion of any mitigation measures will require a finding by the decision-making body that no significant environmental impacts will be created and the Mitigated Negative Declaration is still valid.
 32. The applicant is advised of the following conditions of approval pertaining to off-site valet parking for the Shark Club per Planning Application PA-98-18, et. al., which remain in effect for this project. Note that these conditions are not all inclusive, but pertain to the Shark Club valet parking operation as it affects the proposed development:
 - A. When requested by the Development Services Director, the (Shark Club) applicant shall provide proof that the off-site parking remains available for the use of the club between 8 p.m. and closing, every day the club is open.
 - B. All off-site customer parking shall be valet only.
 - C. Valet attendants shall remain until all club patron's vehicles have been removed from all valet-parked lots. If any of the patrons leave

their valet-parked cars behind on any of the off-site lots, the (Shark Club) applicant shall be responsible for moving the cars onto the 841 Baker Street property.

- D. All lots where parking is provided will be provided shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot. The position of such lighting shall not disturb the normal privacy and use of the nearby residences.
- E. An adequate number of security personnel shall be provided to ensure all parking lots are monitored, from 8 p.m. until closing, every day the club is open. The Development Services Director, upon consultation with the Police Department, may waive parking lot security on nights when dancing is not held. Security personnel shall provide parking management, noise control, as well as general security of all on- and off-site parking lots.

- Eng. 33. 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.

Exhibit "C"
801 BAKER STREET
MITIGATION MONITORING PROGRAM

Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Monitor (Signature Required)	Date of Compliance
<p>Existing mature vegetation shall be retained wherever possible. Should it be necessary to remove existing vegetation, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed, and shall be replaced on a 1-to-1 basis. This requirement shall be completed under the direction of the Planning Division</p>	<p>Project Developer</p>	<ol style="list-style-type: none"> 1. Grading and Construction 2. Planning Division 3. Planning Division 		
<p>Lighting shall comply with all requirements of Costa Mesa Municipal Code Section 13-93(d). Lighting shall be designed to provide adequate illumination of the storage facilities (no dark spots) without creating spill-over light or glare onto adjacent properties. Shielding or other methods necessary to prevent light or glare spill-over shall be incorporated.</p>	<p>Project Developer</p>	<ol style="list-style-type: none"> 1. Grading and Construction 2. Planning Division 3. Planning Division 		

Exhibit "C"
801 BAKER STREET
MITIGATION MONITORING PROGRAM

Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Monitor (Signature Required)	Date of Compliance
<p>During clearing, grading, earth moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular water or other dust preventative measures using the following procedures, as specified in SCAQMD Rule 403:</p> <ul style="list-style-type: none"> a. Limit on-site vehicle speed to 25 miles per hour. b. Water material excavated or graded sufficiently to prevent excessive amounts of dust. Water at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. c. Water or securely cover material transported on-site or off-site sufficiently to prevent generating excessive amounts of dust. d. Minimize area disturbed by clearing, grading, earth moving, or excavation operations so as to prevent generating excessive amounts of dust. 	Project Developer	<ul style="list-style-type: none"> 1. Grading and Construction 2. Planning Division 3. Planning Division 		

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MITIGATION MONITORING PROGRAM

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<p>e. These control techniques shall be indicated in project plans and specifications. Compliance with these measures shall be subject to periodic site inspections by the City.</p> <p>f. Prevent visible dust from the project site from emanating beyond the property line, to the maximum extent feasible.</p> <p>g. 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 and sprinkling.</p> <p>h. The project shall comply with SCAQMD Rule 1113, which limits the ROG content of architectural coatings used in the Basin or shall allow the averaging of such coatings, as specified, so that actual emissions do not exceed the allowable emissions if all the averaged coatings had complied with the specified limits.</p>				

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Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Monitor (Signature Required)	Date of Compliance
<p>If during construction, archaeological resources are uncovered at the site, all work within 50 meters (165 feet) of the find shall cease until a qualified professional archaeologist can evaluate the find. The City of Costa Mesa Development Services Department and a qualified archaeologist (approved by the City of Costa Mesa) shall be immediately contacted by the project applicant, or designated representative thereof. When contacted, the representative of the City and the archaeologist shall immediately visit the site to determine the extent and significance of the resources and to record, map, and catalogue artifacts as required by standard archaeological practices.</p>	<p>Project Developer/ Consulting Archaeologist</p>	<ol style="list-style-type: none"> 1. Grading and Construction 2. Planning Division 3. Planning Division 		

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Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Monitor (Signature Required)	Date of Compliance
<p>If during construction, paleontological resources are uncovered at the site, all work within 50 meters (165 feet) of the find shall cease until a qualified professional paleontologist can evaluate the find. The City of Costa Mesa Development Services Department and a qualified paleontologist (approved by the City of Costa Mesa) shall be immediately contacted by the project applicant, or designated representative thereof. When contacted, the representative of the City and the paleontologist shall immediately visit the site to determine the extent and significance of the resources and to record, map, and catalogue artifacts as required by standard paleontological practices.</p>	<p>Project Developer/ Consulting Paleontologist</p>	<ol style="list-style-type: none"> 1. Grading and Construction 2. Planning Division 3. Planning Division 		
<p>If human remains are unearthed during earthmoving activities, then earthmoving activities shall cease immediately, and no further /disturbance shall occur until the City's coroner has made the necessary findings about the origin and disposition of the remains pursuant to CEQA regulations and the Public Resources Code Section 597.9.</p>	<p>Project Developer/ Coroner</p>	<ol style="list-style-type: none"> 1. Grading and Construction 2. Planning Division 3. Planning Division 		

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Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Monitor (Signature Required)	Date of Compliance
<p>Prior to or concurrent with submittal of plans for building plan check, the developer shall submit a detailed Water Quality Management Plan (WQMP) that identifies the application and incorporation of those routine structural and non-structural Best Management Practices (BMP's) outlined in the Countywide National Pollution Discharge Elimination System (NPDES) Drainage Area Management Plan (DAMP), Appendix G. The WQMP shall detail implementation of BMP's not dependent on specific land uses, for review and approval by the Development Services Department.</p>	<p>Project Developer</p>	<ol style="list-style-type: none"> 1. Preconstruction (prior to issuance of grading or construction permits) 2. Building Safety Division 3. Building Safety Division 		
<p>Construction activities shall not occur outside of the hours of 7 a.m. through 7 p.m. Monday through Friday, and 8 a.m. through 6 p.m. on Saturdays. No construction shall occur on Sundays or federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.</p>	<p>Project Developer</p>	<ol style="list-style-type: none"> 1. Grading and Construction 2. Building Safety Division 3. Building Safety Division 		

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Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Monitor (Signature Required)	Date of Compliance
Truck routes in general should be steered away from residential areas.	Project Developer	<ol style="list-style-type: none"> 1. Grading and Construction 2. Building Safety Division 3. Building Safety Division 		
During construction, the stock piling, loading, and unloading of construction materials such as, but not limited to, steel girders, loading/unloading trucks, and moving equipment such as mobile cranes, shall be located as far from adjacent properties as possible and shall be approved by the Planning Division and the Building Official. The stocking of construction materials can create high noise levels. This is not intended to apply to temporary piles of the materials that will be used up in a short period of time (i.e., less than two weeks). Stock piling areas for this project may not be necessary. However, if it is necessary, stock piling areas should be located as far as possible from adjacent properties.	Project Developer	<ol style="list-style-type: none"> 1. Grading and Construction 2. Building Safety Division 3. Building Safety Division 		
The construction superintendent(s) shall meet with the City staff to review the operational conditions and restrictions as they relate to site demolition and construction, prior to the commencement of work.	Project Developer	<ol style="list-style-type: none"> 1. Grading and Construction 2. Building Safety Division 3. Building Safety Division 		

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Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Monitor (Signature Required)	Date of Compliance
<p>The construction superintendent(s) shall meet with the City staff to review the operational conditions and restrictions as they relate to site demolition and construction, prior to the commencement of work.</p> <p>West and North facades of residential units facing the Shark Club (841 Baker Street):</p> <ul style="list-style-type: none"> • Walls – minimum STC 43 rating. <p>Typical exterior wall construction, such as stucco on wood studs and gypsum wall panels, shall meet STC 43. If other types of wall systems are used, project design specifications shall include acoustic data indicating the specified system meets the minimum STC requirement.</p> <ul style="list-style-type: none"> • Windows – minimum STC 43 rating. <p>Project design specifications shall include manufacturer's acoustic data indicating the specified window assemblies meet minimum STC requirements.</p> <ul style="list-style-type: none"> • Doors – minimum STC 38 acoustic rated assembly. Project design specifications shall include manufacturer's acoustic data indicating the specified door assemblies meet minimum STC requirements. 	<p>Project Developer</p>	<ol style="list-style-type: none"> 1. Grading and Construction 2. Building Safety Division 3. Building Safety Division 		
	<p>Project Developer</p>	<ol style="list-style-type: none"> 1. Grading and Construction 2. Building Safety Division 3. Building Safety Division 		

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Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Monitor (Signature Required)	Date of Compliance
<p>East and South facades of residential units not facing the Shark Club (841 Baker Street):</p> <ul style="list-style-type: none"> • Walls – minimum STC 34 rating. Typical exterior wall construction, such as stucco on wood studs and gypsum wall panels, shall meet STC 34. If other types of wall systems are used, project design specifications shall include acoustic data indicating the specified system meets the minimum STC requirement. • Windows – minimum STC 34 rating. Project design specifications shall include manufacturer's acoustic data indicating the specified window assemblies meet minimum STC requirements. • Doors – minimum STC 29 acoustic rated assembly. Solid core wood or insulated metal door with a full set of acoustic seals shall meet this requirement. 	Project Developer	<ol style="list-style-type: none"> 1. Grading and Construction 2. Building Safety Division 3. Building Safety Division 		
Mechanical ventilation shall be required for all units within the development.	Project Developer	<ol style="list-style-type: none"> 1. Grading and Construction 2. Building Safety Division 3. Building Safety Division 		

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Mitigation Measure	Responsible Implementation Agency	<ol style="list-style-type: none"> 1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency 	Monitor (Signature Required)	Date of Compliance
<p>Fulfill San Joaquin Hills Corridor Fee Ordinance requirement at the time of issuance of Certificate of Occupancy by submitting to the Planning Division the required corridor fee. For the proposed use, the estimated corridor fee rate as of January 16, 2007 is \$1,843.00 per unit. Note: The corridor fee is subject to revision and possible increase effective July 1st of each year.</p>	Project Developer	<ol style="list-style-type: none"> 1. Certificate of Occupancy 2. Transportation Services Division 3. Transportation Services Division 		
<p>Fulfill mitigation of off-site traffic impacts at the time of issuance of Building Permits by submitting to the Planning Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee will be calculated based upon the average daily trip generation rate of 6.72 trip ends per dwelling unit for the proposed project and will include a credit for existing uses. The current rate is \$181.00. Note: The traffic impact fee will be recalculated at the time of issuance of Certificate of Occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.</p>	Project Developer	<ol style="list-style-type: none"> 1. Certificate of Occupancy 2. Transportation Services Division 3. Transportation Services Division 		



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**