



PLANNING COMMISSION

AGENDA REPORT

VII.1

MEETING DATE: APRIL 11, 2011

ITEM NUMBER

SUBJECT: SECOND TWO-YEAR TIME EXTENSION FOR PLANNING APPLICATION PA-05-048 AS AMENDED BY ZONING APPLICATION ZA-08-02, FOR A 249-UNIT HIGH RISE RESIDENTIAL PROJECT AT 580 ANTON BOULEVARD

DATE: MARCH 24, 2011

**FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA, SENIOR PLANNER
(714) 754-5610 mashabi@ci.costa-mesa.ca.us**

DESCRIPTION

The proposed is a second request for a two-year time extension for Planning Application PA-05-48, as amended by Zoning Application ZA-08-02 for the proposed residential towers. The amended Master Plan includes 249 residential high-rise units, 535 parking spaces and 2,350 square feet of ancillary retail within two high-rise residential buildings at 22-stories (270 feet in height) and 17-stories (216 feet in height) approved on April 24, 2008.

APPLICANT

Eric Strauss is the authorized agent for Roger and Barbara Allensworth.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions of approval.

A handwritten signature in black ink, appearing to read "Minoo Ashabi".

MINOO ASHABI, AIA
Senior Planner

A handwritten signature in black ink, appearing to read "Khanh Nguyen".

KHANH NGUYEN
Asst. Development Services Director

BACKGROUND

Original Proposal – Final Master Plan PA-05-48

This is a second time extension request for the project approved as two high-rise residential towers. The project site is located at 580 Anton Boulevard at the northwest corner of Anton Boulevard and Avenue of the Arts (Attachment 1, Vicinity Map).

On January 16, 2007, City Council approved Final Master Plan PA-05-48 and Vesting Tentative Tract Map VT-17017 for development of two 25-story residential towers, 525 parking spaces, and 2,350 square feet of ancillary retail use.

Final Map Recordation

On April 3, 2007, City Council approved the Final Map for Tract No. 17017 to allow subdivision of one lot for development of two 25-story high rise structures as a common interest development. The final map was recorded on April 20, 2007.

Amendment per Zoning Application ZA-08-02

On April 24, 2008, the Zoning Administrator approved ZA-08-02 which was an amendment to Final Master Plan PA-05-48 modifying the original proposal of two 25-story high rise towers with two high-rise towers of 22-story and 17-story structures. The proposal was within the same building envelope and massing and reduced the total number of residences from 250 units to 249 units and increased the parking from 525 spaces to 535 spaces.

Time Extension

On April 3, 2009, Planning Commission approved a two year time extension of the project (PA-05-48 as amended by ZA-08-02) until April 24, 2011.

The City Council staff report and minutes can be reviewed on the City's Website:
<http://www.ci.costa-mesa.ca.us/CMCalendar.htm>

DISCUSSION

Project Description

The applicant has requested a second time extension for Final Master Plan PA-05-48, as amended by Zoning Application ZA-08-02 (Attachment 3, Applicant Letter).

The amended Final Master Plan for the high-rise residential project involves the following:

- 249 residential high-rise units (250 units originally approved);
- Two high-rise residential buildings at a building height of 22-stories/270 feet and 17-stories/216 feet (25-story/280 foot twin buildings originally approved);

- 535 parking spaces to be located within a 5-level aboveground parking structure (525 space, partially subterranean structure originally approved);
- Redesign of the originally proposed architecture including two additional feet of balcony projection (Anton street setback), bedroom mix, private open space areas, and on-site circulation areas;
- Proposed 2,350 square feet of ancillary retail area.

Justification for Approval of Time Extension Request

Staff supports the request for the time extension for the amended final master plan for the following reasons:

- The previously-approved Planning Applications PA-05-48 and subsequent Master Plan Amendment (ZA-08-02) are in substantial compliance with the requirements of the North Costa Mesa Specific Plan, and the Zoning Code. There have been no amendments to the General Plan and Zoning Code that would materially affect the amended Master Plan.
- The previously-approved master plan has not changed. The proposed time extension will allow the applicant to proceed with the project implementation of the residential towers that has been on hold because of the current housing market.

ALTERNATIVES:

Planning Commission has the following alternatives to consider for Final Master Plan PA-05-48, as amended by Zoning Application ZA-08-02:

1. Approve two-year time extension. This action would allow the entitlement to be valid for another two years, and therefore, extend the life of the project until the economy recovers.
2. Deny time extension. Denial of the time extension will constitute denial of the high-rise residential project in this current form (i.e. architectural style, massing, siting of buildings, landscaping, and amenity areas). However, this denial does not constitute a denial of future high-rise residential uses in general at 580 Anton because site-specific residential densities of 125 dwelling units/acre have already been approved in the General Plan and North Costa Mesa Specific Plan.

ENVIRONMENTAL DETERMINATION

The amended Master Plan is within the scope of the original EIR analysis. 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. The Final Program EIR analyzed the Californian high-rise towers project along with four other development projects. Council certified the Program EIR on November 21, 2006.

CONCLUSION

The two-year time extension will allow the applicant to maintain the approval of this project for two years until April 24, 2013.

- Attachments:
1. Planning Commission Resolution
 2. Applicant's Letter
 3. Vicinity Map
 4. Zoning Application Approval ZA-08-02 with approved Site Plan/Elevations/Floor Plans

Distribution: Assistant City Attorney
Development Services Director
City Engineer
Transportation Svs. Manager
Fire Protection Analyst
Staff (4)
File (2)

File: 041111ZA0802TimeExt	Date: 032511	Time: 11:45 a.m.
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RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING A SECOND TWO-YEAR TIME EXTENSION FOR PLANNING APPLICATION PA-05-48 AS AMENDED BY ZA-08-02, INCLUDING A MASTER PLAN FOR DEVELOPMENT OF 249-UNIT HIGH-RISE RESIDENTIAL TOWERS AT 580 ANTON BOULEVARD IN THE PDC ZONE

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

WHEREAS, an application was filed by Eric Strauss, authorized agent for property owners Roger and Barbara Allensworth, for a time extension of Planning Application PA-05-48 as amended by Zoning Application ZA-08-02 with respect to the real property located at 580 Anton Boulevard;

WHEREAS, the amended Final Master Plan involves the following: (1) 249 residential high-rise units; (2) Two high-rise residential buildings at a building height of 22-stories/270 feet and 17-stories/216 feet; (3) 535 parking spaces to be located within a 5-level aboveground parking structure; (4) Redesign of the originally proposed architecture including two additional feet of balcony projection (Anton street setback), bedroom mix, private open space areas, and on-site circulation areas; (5) 2,350 square feet of ancillary retail area;

WHEREAS, the City Council approved Final Master Plan PA-05-48 on January 16, 2007. The Master Plan was amended by Zoning Application ZA-08-02 on April 24, 2008;

WHEREAS, the applicant requests approval of a second two-year time extension to be applied from **April 24, 2011 to April 24, 2013** for the amended Final Master Plan;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 11, 2011, to allow for public comments on the proposed time extension and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, 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. The Final Program EIR analyzed the

proposed high-rise residential towers along with four other development projects. Council certified the Program EIR on November 21, 2006. The amended Final Master Plan and related time extension request are within the scope of the Program EIR;

BE IT RESOLVED that the Planning Commission hereby **APPROVES** a second two-year time extension for the time period from April 24, 2011 to April 24, 2013 for Final Master Plan PA-05-48, as amended by Zoning Application ZA-08-02, with respect to the property described above.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine that the adoption of this Resolution is expressly predicated upon the record, findings, and activity described herein, and in the Council staff report for Planning Application PA-05-48 dated January 16, 2007 and the Zoning Administrator's decision letter for the amendment to the Final Master Plan ZA-08-02 dated April 24, 2008. This time extension request is also based on the evidence in the record and findings as set forth in Exhibit "A" and subject to the applicant's compliance with each and all mitigation measures and conditions of approval as referenced in Exhibit "B" of this resolution.

PASSED AND ADOPTED this 11th day of April, 2011.

Colin McCarthy, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The findings of the previously approved Final Master Plan PA-05-48 and the Master Plan Amendment as described in Zoning Application ZA-08-02 are still applicable and valid to the proposed high-rise residential project. These findings in their entirety are incorporated herein by reference.

- B. The two-year time extension for Final Master Plan PA-05-48, as further amended by Zoning Application ZA-08-02, meets the broader goals of the 2000 General Plan, North Costa Mesa Specific Plan, and Zoning Code, in that the time extension is consistent with the original intent of the project. The time extension affords an opportunity to create a unique housing type and will be the first of this kind of housing type in Costa Mesa. Furthermore, there have been no amendments to the planning and policy documents of the City of Costa Mesa that would materially affect the amended Master Plan.

EXHIBIT "B"

CONDITIONS OF APPROVAL

1. Applicant shall comply with the mitigation measures and conditions of approval of the previously-approved Final Master Plan PA-05-48 as amended by Zoning Application ZA-08-02. In their entirety, these are still applicable and valid to the proposed high-rise residential project and are incorporated herein by reference.
2. Applicant shall comply with remaining outstanding requirements contained in letter prepared by the City Engineer dated July 18, 2006.
3. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa; they shall be maintained by the property owner. Private lateral connections to City storm drains shall require execution of a Hold Harmless Agreement.
4. The property owner shall slurry seal and restripe the existing parking lot in accordance with the maintenance requirements of City of Costa Mesa Title 20 within 90 days of this approval.

Received
City of Costa Mesa
Development Services Department

MAR - 4 2011

March 4, 2011

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

**RE: Request for Building Permit Extension
High Rise Condominium Project
580 Anton Boulevard, Costa Mesa, CA**

Dear Costa Mesa Planning Commission:

FOR TWO(-) ADDITIONAL YEARS.

Please accept this letter as formal written request to extend the previously approved building permit for the above referenced address. We are still working with developers on the project, and as you know, things are much more difficult during these tough economic times we are all faced with.

Thank you for your assistance. I may be reached at 714-281-3300 with any questions you may have.

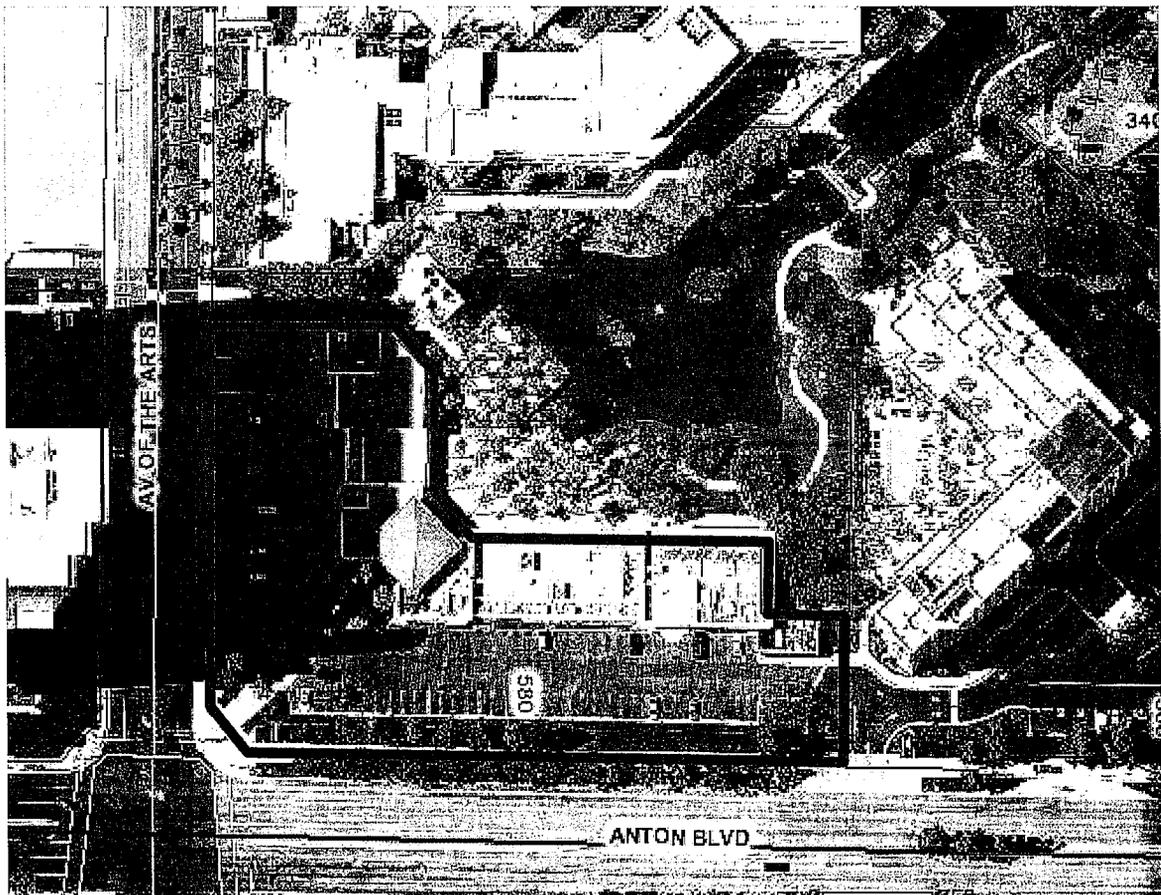
Sincerely,



Roger and Barbara Allensworth
Property Owners

580 Anton Blvd.

PA-05-48
ZA-08-02





CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

April 24, 2008

Benjamin L. Ortega
Fifield
19900 MacArthur Blvd., Suite 655
Irvine, CA 92612

RE: FINAL MASTER PLAN AMENDMENT ZA-08-02
580 ANTON BOULEVARD

Dear Mr. Ortega:

Review of the amendment to Final Master Plan for The Californian at Town Center (previously approved PA-05-48) for the above-referenced property has been completed. The application, as described in the attached project description and attached site plans (Attachment A and E), has been approved, based on the findings and subject to the conditions of approval (Attachment B, C and D). The decision will become final at 5 p.m. on May 1, 2008 unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Mino Ashabi, at (714) 754-5610, between 1 p.m. and 5 p.m.

Sincerely,


KIMBERLY BRANDT AICP
Zoning Administrator

Attachments: A- Project description
 B- Findings
 C -Conditions of approval
 D -Resolution No. 07-13
 E- Revised plans

cc: Engineering
 Transportation
 Fire Protection Analyst
 Building Division

Roger and Barbara Allensworth
1175 South Hidden Canyon Road
Anaheim, CA 92807

RECEIVED

APR 25 2008

FIFIELD REALTY

ATTACHMENT A

BACKGROUND

On January 17, 2007, City Council adopted Resolution No. 07-13 for Final Master Plan PA-05-48 for The Californian at Town Center high-rise residential project at 580 Anton Boulevard. The proposed two residential towers with 250 residential units and 525 parking spaces within two 25-story buildings and 2,350 square feet of ancillary retail space. The two buildings were proposed at equal height.

ANALYSIS

Project Description

The applicant has requested an amendment to the originally approved Final Master Plan PA-05-48. Master Plan Amendment ZA-08-02 primarily affects the architectural style of the buildings **but not** the overall development envelope approved by City Council. In fact, the amendment does not involve any increased density/intensity, encroachments into main building setback areas, or any reduction in open space.

Fifield Companies has requested an amendment to revise the project design to include the following:

- 249 residential high-rise units (250 units originally approved);
- Two high-rise residential buildings at a building height of 22-stories/270 feet and 17-stories/216 feet (25-story/280 foot twin buildings originally approved);
- 535 parking spaces to be located within a 5-level aboveground parking structure (525 space, partially subterranean structure originally approved);
- Redesign of the originally proposed architecture including two additional feet of balcony projection (Anton street setback), bedroom mix, private open space areas, and on-site circulation areas;

The revised project does not involve any change to the proposed 2,350 square feet of ancillary retail area which would primarily serve the visitors/residents of the high-rise residential buildings.

Planning Process for Master Plan Amendments

As amended in 2005, the Zoning Code defines amendments to master plans into two categories. *Minor* amendments with no effect on open space, floor area ratio, and parking could be approved at staff level, while *major* amendments require approval by the Zoning Administrator. The project is considered a major amendment because the appearance of the buildings have changed. Since the revised master plan is still within the approved building envelope (height and footprint) with no major revisions to the

number of residential units and parking areas, the Zoning Administrator is the final review authority for this request.

Analysis

Master Plan Amendment ZA-08-02 does not have any material effect on the previously adopted findings and conditions of approval for Final Master Plan PA-05-48. While the architecture of the buildings have changed, the overall development envelope, open space amenities, and parking supply are still consistent with the original approval.

- The proposed amendments is generally consistent with the project previously approved as Final Master Plan 05-48 in its intent, general scale, massing, and access/circulation.
- The proposed amendment will reduce the number of residential units by only one unit and provide parking in excess of City requirements.
- Site amenities and residential unit design are consistent with the approved Final Master Plan 05-48, which includes a ground floor lobby, fitness center, lounge and an ancillary retail space.
- The proposed amendment is consistent with the project in that it meets the minimum open space requirement for common areas and private open space.

Conclusion

The Zoning Administrator considers Master Plan Amendment ZA-08-02 to Final Master Plan PA-05-48 as substantially consistent with the original approval of The Californian at Town Center project. No communications have been received for or against this master plan amendment. Updated conditions of approval related to the amount of traffic impact fees and San Joaquin Corridor fees are shown in Attachment C.

ATTACHMENT D

Resolution No. 07-13

RESOLUTION NO. 07-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING FINAL MASTER PLAN PA-05-48 AND VESTING TENTATIVE TRACT MAP VT-17017 FOR THE CALIFORNIAN AT TOWN CENTER AT 580 ANTON BOULEVARD IN A PDR-HD ZONE.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, an application was filed by Fifield Companies requesting City Council approval of Final Master Plan PA-05-48/Vesting Tentative Tract Map VT-17017 for The Californian at Town Center in Area 5, The Lakes, of the North Costa Mesa Specific Plan;

WHEREAS, The Californian at Town Center involves a Final Master Plan PA-05-48 and Vesting Tentative Tract Map VT-17017 for: (a) demolition of 21,349 sq.ft. of Lakes Pavilions Retail Center and (b) construction of a maximum of 250 residential high-rise units and 525 parking spaces within two 25-story residential high-rises with additional 2,350 sq.ft. of ancillary retail; (c) subdivision of the property, including areas containing light boxes, for condominium purposes at 580 Anton Boulevard in a PDR-HD zone. The Final Master Plan PA-05-48 is contained in Exhibit "D" of this resolution;

WHEREAS, General Plan Amendment GP-06-02 and Zoning Code Amendment CO-06-05 were required to allow high-rise residential development in the High Density Residential Land Use designation/PDR-HD 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 with the General Plan and Zoning Code, as recommended to be amended;

WHEREAS, the final master plan established a high-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 5 of the North Costa Mesa Specific Plan, as recommended to be amended per SP-06-02;

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and Final Program EIR No. 1052 was prepared and available for public review from July 19, 2006 through September 1, 2006;

WHEREAS, duly noticed public hearings were held by the Planning Commission on August 14, 2006 and September 11, 2006 and by the City Council on November 21, 2006 and January 16, 2007 to allow for public comment on the proposed project and 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 Final Program EIR considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Final Program EIR is complete and adequate and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines;

WHEREAS, Final Program EIR No. 1052 constitutes project-specific environmental analysis for The Californian at Town Center project, and no additional environmental review is required prior to construction of the high-rise residential towers;

WHEREAS, the Federal Aviation Administration (FAA) issued a Determination of No Hazard on October 17, 2006, which established a maximum building height of 306 feet above mean sea level (271 to 273 feet above ground level) for the two proposed high-rise residential towers at 580 Anton Boulevard.

WHEREAS, the Planning Commission recommended that City Council certify Final Program EIR No. 1052, approve General Plan Amendment GP-06-02, Zoning Code Amendment CO-06-05, and North Costa Mesa Specific Plan Amendment SP-06-02, by separate resolutions;

WHEREAS, the Planning Commission also recommended City Council approval of the Final Master Plan by Resolution No. PC-06-72;

WHEREAS, pursuant to Public Utilities Code 21676, the City Council overruled the Orange County Airport Land Use Commission's Determination of Inconsistency by separate resolution.

WHEREAS, the City Council considered and found that the benefits of the North Costa Mesa High Rise Residential project outweigh the unavoidable adverse impacts that remain after mitigation and, recommended Council adoption of General Plan Amendment GP-06-02, including Statements of Facts and Findings and Overriding Considerations, by separate resolution;

WHEREAS, the City Council certified Final Program EIR No. 1052 by adoption of Resolution No. 06-93 on November 21, 2006;

WHEREAS, the City Council approved Zoning Code amendment CO-06-05, and adopted North Costa Mesa Specific Plan Amendment SP-06-02 by separate resolution;

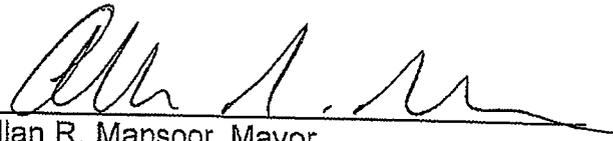
NOW, THEREFORE, BE IT RESOLVED that based on the evidence in the record, the findings contained in Exhibit "A", and subject to conditions of approvals/mitigation measures indicated in the Mitigation Monitoring Program contained in Exhibits "B" and "C", the City Council hereby **APPROVES** Final Master Plan PA-05-48 and Vesting Tentative Tract Map VT-17017 (Exhibit "D") with respect to the property described above. This approval also includes a minor modification for a 4-foot encroachment of balconies into the street setback along Anton Boulevard.

BE IT FURTHER RESOLVED that the City Council also **APPROVES** a five foot reduction in the landscape easements along the north side of Anton Boulevard and east side of Avenue of the Arts within the project limits from 25 feet to 20 feet and allows specific structures and items to be located in the landscape easement, as described in conditions of approval for the proposed project included in Exhibit "B." Additionally, the City Council also **APPROVES** the

landscape easement on Anton Boulevard be reduced to 15 feet to accommodate an exterior staircase for the east tower;

BE IT FURTHER RESOLVED that the City Council finds and determines that its recommendation for the approval of Final Master Plan PA-05-48/VT-17017 is expressly predicated on the General Plan Amendment GP-06-02, Zoning Code Amendment CO-06-05, and Specific Plan Amendment SP-06-02 being final and effective, and upon applicants' compliance with each and all conditions of approvals/mitigation measures indicated in Exhibit "B" and in the Mitigation Monitoring Program contained in Exhibit "C".

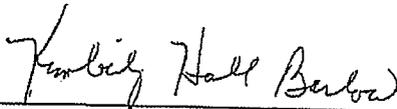
PASSED AND ADOPTED this 16th day of January, 2007.


Allan R. Mansoor, Mayor

ATTEST:


Julie Folcik, City Clerk

APPROVED AS TO FORM:

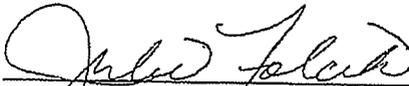

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 07-13 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 16th day of January, 2007, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: BEVER, DIXON, FOLEY, LEECE
NOES: COUNCIL MEMBERS: MANSOOR
ABSENT: COUNCIL MEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 17th day of January, 2007.



JULIE FOLCIK, CITY CLERK

(SEAL)

EXHIBIT "A"

FINDINGS

- A. Final Master Plan PA-05-48 meets the broader goals of the 2000 General Plan, as amended, North Costa Mesa Specific Plan, as amended, and Zoning Code, as amended, by exhibiting excellence in design, site planning, integration of uses and structures, and protection of the integrity of neighboring development. The proposed project would create a unique housing type and will be the first of this kind of housing type in Costa Mesa. The new buildings will feature world-class architecture designed by renowned architects, and the high-rise residential structure) 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 high-income segments of the community at a level no greater than which can be supported by planned infrastructure improvements.
- B. The creation of the subdivision and related improvements is consistent with the General Plan, as amended per GP-06-02, North Costa Mesa Specific Plan, as amended per SP-06-02, and Zoning Code, as amended per CO-06-05.
- C. The proposed residential use of the subdivision is compatible with the General Plan. The approval of the subdivision will allow home ownership opportunities without impacting rental housing. This is consistent with the goals, objectives, and policies of the General Plan Land Use and Housing Element.
- D. The subject property is physically suitable to accommodate Vesting Tentative Tract Map VT-17017 in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- E. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- F. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.
- G. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- H. 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.

- I. 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.
- J. 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.
- K. The evidence presented in the record as a whole indicates that the project will not individually or cumulatively have an adverse affect 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.
- L. 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.
- M. The project has been reviewed for conformity with the Orange County Congestion Management Program (CMP) requirements and the additional traffic generated by the project does not cause the CMP highway system to exceed LOS "E".
- N. The proposed high-rise residential buildings as conditioned shall include the City of Costa Mesa's building and fire safety standards for high-rise residential development.
- O. The proposed high-rise residential structures have been submitted for review by the Federal Aviation Administration (FAA). 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. The FAA Determination of No Hazard issued on October 17, 2006 established a maximum building height of 306 feet above mean sea level (271 to 273 feet above ground level) for the two proposed high-rise residential towers at 580 Anton Boulevard.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The approval of Final Master Plan PA-05-48/VT-17017 is contingent upon City Council's final approval of the General Plan Amendment GP-06-02, North Costa Mesa Specific Plan Amendment SP-06-02, and Zoning Code Amendment CO-06-05, and approval of Final Master Plan PA-05-48/VT-17017 shall not become effective until all other discretionary approvals are final and become effective.
2. Final Master Plan PA-05-48/VT-17017 shall comply with the conditions of approval, code requirements, and mitigation measures of Final Program EIR No. 1052 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.
3. 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.
4. The conditions of approval and code requirements for PA-05-48/VT-17017 shall be blueprinted on the page following or containing the site plan.
5. Prior to issuance of building permits, the developer shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office. The CC&Rs shall contain provisions that effectively implement the following requirements: (1) require that the homeowner's association (HOA) 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 by the HOA, the Development Services Director shall require implementation of corrective measure(s) to address onsite parking problems in the future; (2) require that the HOA contract with a towing service to enforce the parking regulations; (3) require that the HOA prohibit any clothing, beach towels, banners, textiles, or any other items deemed as visual clutter to be hung from private balconies; (4) Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective.
6. A pair(s) of tandem parking stalls of the development shall be assigned

exclusively to the occupant(s) of a single unit and not be shared between occupants of different units. Developer shall indicate on the final parking management plan how the tandem 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.

7. The light boxes/monument display cases proposed in the 20-foot landscape easement along Avenue of the Arts and Anton Boulevard shall contain artwork, sculptures, or other exhibits of artistic significance. Additionally, displays may include items related to Theater and Arts District events such as playbills, event posters, and publicity materials. The light boxes shall expressly not serve as commercial business signage, and the specific location of the light boxes shall be subject to the approval of the Development Services Director prior to issuance of a building permit.
8. 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.
9. If approved, the final map submitted to City Council shall be revised to show a reduction of the landscape easement along the north side of Anton Boulevard within the project limits from 25 feet to 15-20 feet. This landscape easement shall be reduced to 20 feet along Anton Boulevard and also down to 15 feet around the area of exterior staircase of the east tower. The final map shall also show a reduction to the landscape easement along the east side of Avenue of the Arts within the project limits from 25 feet to 20 feet. The site plan submitted for building plan check shall show the reductions, if approved.
10. Prior to approval of the final map, developer shall submit a site plan showing the location of a meandering 13-foot wide sidewalk/bike trail, where possible, along the east side of Avenue of the Arts and north side of Anton Boulevard for the approval of the Transportation Services Manager. The following items may be located within the landscape easement subject to the approval of the Transportation Services Manager and Development Services Director: light boxes (lighted sculptures/monument display cases), concrete walkways and steps, metal handrails, water features, landscape/area lighting, accessible concrete ramp, 18" to 24" raised planters, site furnishings (tables and chairs), tree wells with metal grates, east tower exterior staircase, and any other similar minor structures.

11. The approximately 2,350 square feet of walk-up retail shall consist of retail businesses with the primary purpose of supporting pedestrians and the on-site residential community rather than drive-by customers. Permitted walk-up retail uses include, but are not limited to, periodical stand/kiosk, café, sandwich shop, juice bar, wireless internet café, 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.
12. Prior to issuance of a building permit, on-site designated parking spaces for employees of the ancillary retail uses shall be provided to the satisfaction of the Development Services Director. No on-site parking spaces shall be reserved for customers.
13. 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 residential communities through specified measures, such as construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes.
14. 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.
15. The final map shall show easements or other 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
 21. 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, as described in Condition No. 22. 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.
 22. Replacement trees shall be of a size consistent with trees to be removed, and shall be replaced on a 3-to-1 basis. This condition shall be completed under the direction of the Planning Division.
 23. Prior to submission of a final landscape plan, developer shall ensure that the landscape palette is coordinated with the proposed landscaping for the Avenue of the Arts traffic circle.
 24. There shall be no signage on the high-rise residential towers located above the second floor of the buildings. Building wall signage shall be limited to identification of the residential development or walk-up retail businesses.
 25. 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.
 26. 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.
 27. 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.
28. High-rise residential structures shall use low reflective glass and building materials to minimize daytime glare to the fullest extent possible.
29. Developer shall submit any minor amendments to the Final Master Plan to the Development Services Director for review and approval prior to submission of working plans/drawings for plan check. In addition to the minor amendments described in Section 13-28 (g) (3) of the Municipal Code, architectural design revisions or elimination of the rooftop canopy structures are considered minor amendments. Developer shall submit complete plans for different floor plan models.
30. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). With the exception of back-flow 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.
- Eng. 31. Developer shall 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.
32. Developer shall comply with any conditions of approval as indicated in the City Engineer's letter (attached).
- Trans. 33. Developer shall construct wide flare or radius curb drive approaches at locations identified on site plan. Developer shall comply with minimum clearance requirements from property lines and any vertical obstructions.
34. Developer shall design new entry drive on Anton Boulevard to include on-site median and curb flares to denote right turns in and out only, and Developer shall also include provisions within the driveway median for a pedestrian crosswalk.
35. Developer shall relocate/remove affected utilities and parkway trees on Anton Boulevard and Avenue of the Arts to accommodate new driveway approach.
36. Prior to issuance of building permits for the parking structure, developer shall submit a final parking management plan denoting (1) method of allocation of assigned parking; (2) location of visitor parking including appropriate signage; (3) location of security gates and how these gates will be operated; (4) Location of employee parking.
37. Developer shall incorporate any recommendations made by the Transportation Services Manager that may address design of underground parking area to enhance internal traffic circulation between Anton Boulevard and Avenue of the Arts.

37A: For a period of five years from the issuance date of the final certificate of occupancy for the project, the Developer shall annually monitor the project's traffic generation in a method approved by the

Transportation Services Division and provide the results to the Transportation Services Manager for approval. The cost of the annual monitoring shall be borne by the Developer, and not by the Homeowner's Association. If at the conclusion of the five-year period, the Transportation Services Manager determines that the project's average daily trip generation exceeds the amount of traffic estimated in Final Environmental Impact Report Number 1052, the developer shall pay additional trip fees based on the project's actual average daily trip generation. City of Costa Mesa trip fees effective on January 17, 2007 shall apply to the project.

- Fire 38. Developer shall comply with the City of Costa Mesa's Building and Fire Safety Standards for High-Rise Residential Development to the satisfaction of the Building Official and Fire Chief. These standards are contained in a publication issued by the City, previously provided to the developer. Contact the Planning Division at (714-754-5278) for additional copies of this publication.
- Police 39. 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 private security for the proposed project, install an on-site video surveillance system that will be monitored by on-site security personnel, and install a controlled access system for all pedestrian and automobile access. A list of security recommendations is provided to the developer.

CODE REQUIREMENTS

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

- Plng.
1. Approval of the final master plan and vesting tentative tract shall be for a period of two years. Within this time period, the final map shall be recorded unless applicant applies for and is granted an extension of time for the final master plan and vesting tentative tract map by the Planning Commission. The final master plan shall expire within one year of the final map recordation, unless the applicant applies for and is granted an extension of time for the final master plan.
 2. Proof of recordation of the final tract map shall be submitted prior to issuance of building permits.
 3. Developer shall remit park fees in the amount of \$7,829.00 per multi-family unit prior to issuance of building permits.
 4. Driveway ramp slopes shall comply with the standards contained in the City's parking ordinance.
 5. 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.)
 6. 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.
 7. Included in the required CC&Rs shall be a provision that will permit the installation of solar heating systems, subject to applicable zoning district requirements, the Uniform Building Code, and associated ordinances, and reasonable architectural review by the homeowner's association.
 8. The CC&Rs shall include a provision as to use and maintenance of all guest parking spaces, driveways, landscape easements, and common open space areas.
 9. CC&Rs and articles of incorporation and bylaws for the homeowners' association shall be reviewed and approved by both the Planning Division and Department of Real Estate prior to recordation. CC&Rs shall include provisions as required in Municipal Code Section 13-41, as well as applicable conditions of approval and code requirements. The developer shall provide the Planning Division with proof of review and approval of the CC&Rs by the DRE prior to recordation. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the release of utilities for the units.
 10. 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.
11. 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.
 12. All on-site utility services shall be installed underground.
 13. 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.
 14. Prior to the issuance of grading permits, the developer shall submit a Lighting Plan for the approval of the City's Development Services Department. The Lighting Plan shall demonstrate compliance with the following:
 - The mounting height of lights shall not exceed 25 feet in any location on the project site;
 - 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;
 - Lighting design and layout shall limit spill light to no more than 0.5 foot-candle at the curb line of the surrounding neighbors, consistent with the level of lighting that is determined necessary for safety and security purposes on site.
 15. Five (5) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Three (3) sets shall be provided to the representative water agency and two (2) set shall be submitted to the Planning Division for review. Plans shall be approved by the water agency with two (2) approved sets forwarded by the applicant to the Planning Division for final approval prior to issuance of building permits.
 16. Two (2) sets of landscape and irrigation plans, approved by both the water agency and the Planning Division, shall be attached to two of the final building plan sets.
 17. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-103 through 13-108 as well as irrigation requirements set forth by the water agency. Consult with the representative water agency. Mesa Consolidated Water District, Ray Barela (949) 631-1291.
 18. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 19. Construction equipment, vehicles, or work between the hours of 7:00 a.m. and 8:00 p.m., provided that all required permits for such construction, repair, or remodeling have been obtained from the appropriate City Departments.
 - Bldg. 20. 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.
21. Prior to issuance of grading permit, developer shall submit soils report, grading, and drainage plans, and final Water Quality Management Plan for this project.
 22. 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.
 23. 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.

24. 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. 25. Comply with the requirements contained within the letter prepared by the City Engineer. (Copy attached.)
- Trans. 26. Prior to issuance of building permits, developer shall remit required San Joaquin Hills Transportation Corridor Fee currently estimated at \$1,795 per dwelling unit, less \$3.93 per square foot for demolition of existing structures. The amount of this fee is not subject to vesting and shall be subject to revision and possible increase effective July 1st of each year.
27. 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 \$53,214. Developer shall contact the Transportation Services Division for a final estimate prior to issuance of building permits.*
28. 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.
29. Developer shall comply with Master Plan of Bikeways by construction of joint use sidewalk/bike trail on Anton Boulevard and Avenue of the Arts. The sidewalk/bike trail shall be located away from the curb to overlap within the parkway and landscape and pedestrian easement area, or as otherwise deemed acceptable by the Transportation Services Manager.
30. Developer shall show all designated visitor parking spaces on parking plan. A 35' by 10' turnaround area shall be provided within the visitor parking area to allow forward motion of vehicles to exit when parking area is fully occupied.
- Fire 31. Water mains shall be of adequate size to deliver 1,000 gallons per minute simultaneously from the closest hydrant(s) to any and all points of the development with a minimum residual pressure of 20 psi.
32. Access consisting of a minimum 20-foot wide roadway capable of supporting fire apparatus shall be maintained to all fire hydrants from the time that the hydrants are placed into service. Special consideration shall be given to maintaining the integrity of such roadways during periods of inclement weather.
33. Developer shall install approved smoke detectors and fire sprinkler systems in each residence in accordance with the Uniform Fire Code.

Developer shall provide an automatic fire sprinkler system according to NFPA 13.

34. Provide "blue dot" reflective markers on all on-site fire hydrants.

SPECIAL DISTRICT REQUIREMENTS

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

- | | | |
|--------|----|---|
| Sani | 1. | Developer shall contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements. |
| AQMD | 2. | Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district. |
| School | 3. | Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits. |
| State | 4. | Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information. |

EXHIBIT "C"

Mitigation Monitoring Program

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

The North Costa Mesa High-Rise Residential Project generally involves demolition of existing structures, modification of unbuilt entitlements, and/or substitution of unbuilt entitlements for the construction of new high-rise residential structures collectively totaling 1,269 dwelling units with commercial/retail uses. Structures are proposed ranging from 280 to 315 feet above ground level. The project area includes five sites in an area north of the I-405 Freeway and generally bound by Sunflower Avenue to the north, Bristol Street to the west, Sakioka Drive to the east, and the I-405 Freeway to the south.

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

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

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

The following Mitigation Monitoring and Reporting Program includes mitigation measures and conditions of approval from the Final Program Environmental Impact Report (PEIR) No. 1052 (SCH No. 2006011077) adopted by the Planning Commission on September 11, 2006 and by the City Council on _____. An Initial Study/Notice of Preparation for the proposed project was prepared in January 2006. Mitigation measures have been incorporated by reference into the PEIR from the following previously approved documents:

- City of Costa Mesa General Plan Environmental Impact Report, SCH No. 2000031120, January 2002
- South Coast Plaza Town Center Environmental Impact Report No. 1047, SCH No. 2000041100, March 2001

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

1. A time for performance. In each case, a time for performance of the mitigation measure, or review of evidence that mitigation has taken place, is provided. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or assured.
2. A responsible party for implementing the required mitigation is identified. In each case, unless otherwise indicated (as in Mitigation Measures G-2 and T-1), the Developer is generally the Responsible Party for implementing the mitigation. The City will monitor

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

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

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

Conditions of Approval / Mitigation Measures		Timing	Responsible Party	Date Completed
WQ-3	Prior to issuance of building permits, the project developers shall provide proof of an NPDES permit from the RWQCB, consistent with Order No. R8-2004-0021 and NPDES No. CAG988002, to the City of Costa Mesa for dewatering activities. (Sites 1-5)	Prior to issuance of building permits	Developer	
WQ-4	Prior to the issuance of building permits, the project developers shall verify that structural BMPs have been permanently incorporated into the project plans. Such BMPs shall ensure that pollutants from project-related storm water runoff are mitigated consistent with applicable state and local standards. (Sites 1-5)	Prior to issuance of building permits	Developer	
WQ-5	Prior to the issuance of grading permits, the project developers shall pay drainage impact fees to the City of Costa Mesa. Drainage impact fees are to be adopted in August 2006 and are currently estimated at \$12,000 per acre. The project developer shall be responsible for the drainage impact fees that are in place at the time grading permits are issued. (Sites 1-5)	Prior to issuance of grading permits	Developer	
WQ-6	Prior to the issuance of grading permits, the project developers shall prepare drainage plans for the City's review and approval. The Drainage Plan shall define the exact size and location of drainage facilities and shall address standing water on the project site during project grading. (Sites 1-5)	Prior to issuance of grading permits	Developer	
Land Use				
Conditions of Approval				
	Prior to site plan approval, project applicants shall submit to the City of Costa Mesa for review and approval of project plans that comply with the Development Standards as set forth in the North Costa Mesa Specific Plan and Zoning Code. In addition, the developments will be subject to all standard conditions of approval imposed by the City of Costa Mesa. (Sites 1-5)	Prior to site plan approval by City	Developer	
	Master Plan approval is contingent upon City Council's final approval of the General Plan Amendment GP-06-02, North Costa Mesa Specific Plan Amendment SP-06-02, and Zoning Code Amendment CZ-06-05. Master Plan approval shall not become effective until all these other discretionary approvals are final and become effective.	Prior to site plan approval by City	Developer	
Mitigation Measures				
No mitigation measures are required.				
Noise				
Conditions of Approval				
	Excluding Site 2—the Orange County Museum of Art, Contractor shall ensure that construction activities comply with the City's Noise Ordinance. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work. (Sites 1, 3, 4, 5)	During all construction phases	Developer	
	For Site 2—the Orange County Museum of Art, the restrictive hours for construction activities as similarly monitored during the construction of the Segerstrom Symphony Hall would be applicable. For Site 2, all construction-related activity shall be limited to between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work. (Site 2)	During all construction phases	Developer	
	Prior to issuance of building permits, applicant shall ensure that plans reflect sound rated windows and doors in the design of the proposed residential buildings and at the proposed museum. The window and door ratings should be sufficient to reduce the interior noise level to a CNEL of 45 dB or less, and should be determined by a qualified acoustical consultant as part of the final engineering design of the project. (Sites 1-5)	Prior to issuance of building permits	Developer	

Conditions of Approval / Mitigation Measures		Timing	Responsible Party	Date Completed
•	The project developer shall pay park fees, pursuant to the rate in effect at the time of subdivision map is filed with the City. (Sites 1-5)	Prior to issuance of building permits	Developer	
•	Prior to issuance of building permits, the project applicant shall pay a library service impact fee for the development costs for expanded or new library facilities pursuant to the Library Services Impact Fee Program if such a program is established by the City of Costa Mesa. (Sites 1, 2, 4, 5)	Prior to issuance of building permits	Developer	
•	Prior to issuance of building permits, the project applicant shall pay a library service impact fee for the development costs for expanded or new library facilities pursuant to the Library Services Impact Fee Program, or any applicable fees, if such a program is established by the City of Costa Mesa. (Site 3, Californian at Town Center, only)			
Mitigation Measures				
PS-1	Prior to the issuance of building permits, the project developer shall pay its pro rata share of a new, fully equipped paramedic engine, equal to \$469.35 per unit to the Costa Mesa Fire Department. (Sites 1-5)	Prior to issuance of building permits	Developer	
PS-2	Prior to the issuance of building permits, a construction security service shall be established at the construction site. Initially, the service shall ensure that no unauthorized entry is made into the construction area. For the duration of each phase of construction, the project applicant shall provide sufficient on-site security personnel on a 24-hour, seven days a week basis to patrol all areas of construction and prohibit unauthorized entry. (Sites 1-5)	Prior to issuance of building permits	Developer	
PS-3	During project construction and operation, the project applicant shall ensure that private on-site security is provided. (Site 1-5)	During project construction	Developer	
PS-4	Prior to issuance of building permits, the project developer shall pay pro rata shares of fees to the Costa Mesa Police Department for the increased service capacity necessary to accommodate the development site, if such a police impact fee program is established. (Sites 1-5)	Prior to issuance of building permits	Developer	
Transportation and Circulation				
Conditions of Approval				
•	The project applicants shall be responsible for the payment of fees in accordance with Costa Mesa's traffic impact fee program to mitigate project-generated traffic impacts (including regional traffic). (Sites 1-5)	Prior to issuance of building permits	Developer	
•	The project applicants shall be responsible for the payment of fees in accordance with the San Joaquin Hills Transportation Corridor Fee Ordinance. Fees shall be paid to the Costa Mesa Planning Division prior to the issuance of building permits. (Site 1-5)	Prior to issuance of building permits	Developer	
•	The project applicants shall be responsible to comply with the City of Costa Mesa Transportation Demand Ordinance. (Site 1)	Prior to issuance of building permits	Developer	
•	For a period of five years from the issuance date of the final certificate of occupancy for the project, the Development shall annually monitor the project's traffic generation in a method approved by the Transportation Services Division and provide the results to the Transportation Services Manager for approval. The cost of the annual monitoring shall be borne by the Developer, and not by the Homeowner's Association. If at the conclusion of the five-year period, the Transportation Services Manager determines that the project's average daily trip generation exceeds the amount of traffic estimated in Final Environmental Impact Report Number 1052, the developer shall pay additional trip fees based on the project's actual average daily trip generation. City of Costa Mesa trip fees effective on January 17, 2007 shall apply to the project. (Site 3, Californian at Town Center, only)	Five years from the issuance date of the final certificate of occupancy for the project	Developer	
Mitigation Measures				
T-1	As a subsequent phase of the SCPTC project are submitted to the City of Costa Mesa, the performance of project traffic study area intersections shall be monitored against the City's Annual Development Phasing and Performance Monitoring Report to determine when future improvements are required. (Sites 1, 2 and 5)	Upon completion of each development (Sites 1-5)	City	
T-2	The project applicants shall be required to fund all costs associated with implementation of intersection improvements to the following intersections in the City of Costa Mesa: Park Center & Sunflower and Bristol & Paulatino. The specific improvements are shown in Table 35 as Locations 11 and 26. (Sites 1, 2 and 5)	Prior to issuance of building permits	Developer	
T-3	The project applicants shall fund a share of the costs of the planned improvements at the following intersections in the City of Santa Ana: Bristol & Segerstrom/Dyer, Bristol & MacArthur, Flower & MacArthur, SR-55 ramps & MacArthur, and Main & Sunflower. The specific improvements are shown in Table 35 as Locations 1, 3, 4 and 15. (Sites 1, 2 and 5)	Prior to issuance of building permits	Developer	

EXHIBIT "D"

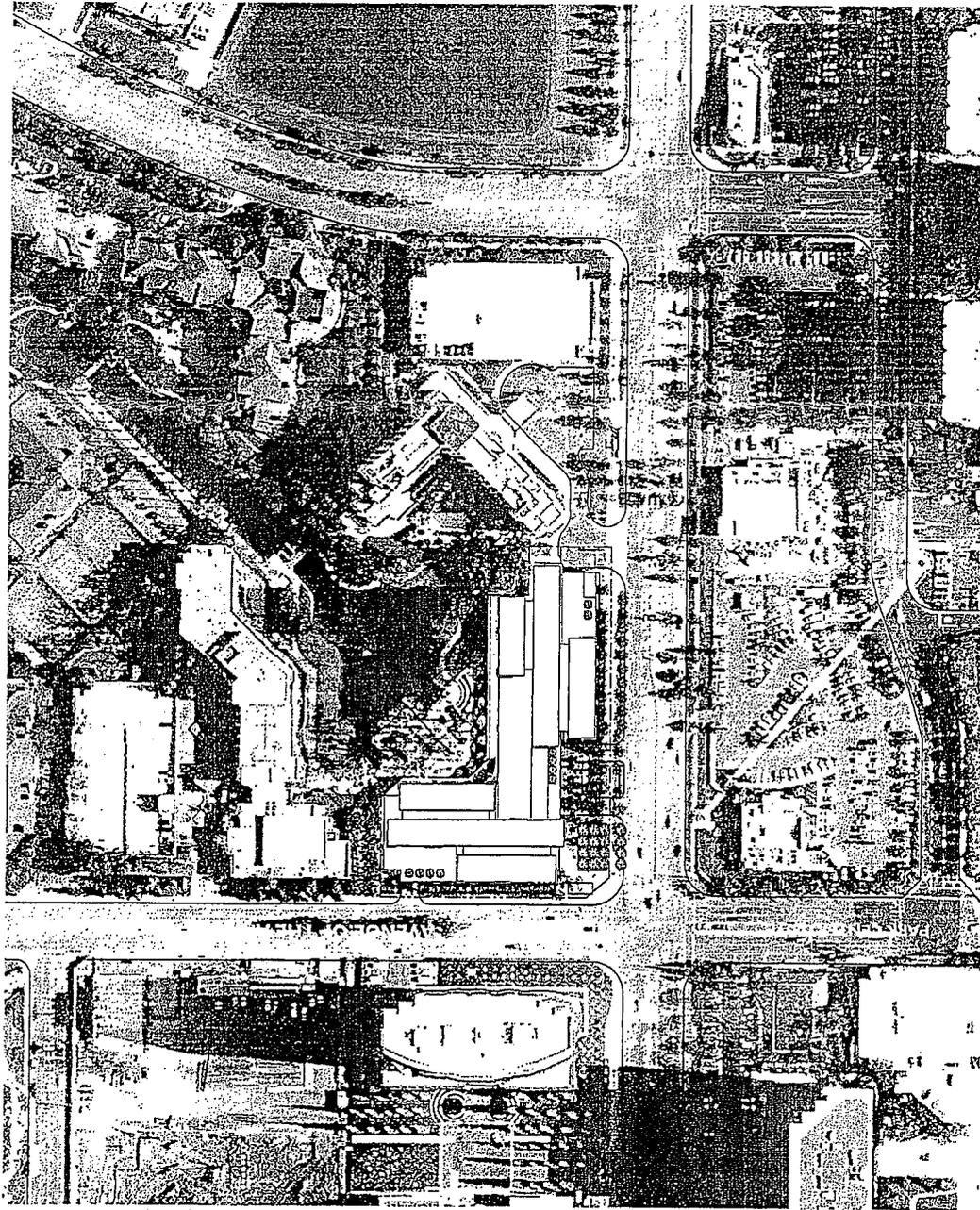
Final Master Plan PA-05-48/VT-17017

(not contained herein,
superseded by Revised
plans dated ———)

ATTACHMENT E

**REVISED PLANS
APRIL 24, 2008**

APPROVED



THE CALIFORNIAN at TOWN CENTER
COSTA MESA, CALIFORNIA
FIELD COMPANIES

PA-07-58 / ZA-08-08

MINOR CONDITIONAL USE PERMIT/ ADMINISTRATIVE ADJUSTMENT NO.	
Approval in Concept	
SUBJECT TO CONDITIONS CITY OF COSTA MESA PLANNING DEPT.	
BY: <i>KBA</i>	DATE: <i>9/24/08</i>

Approved



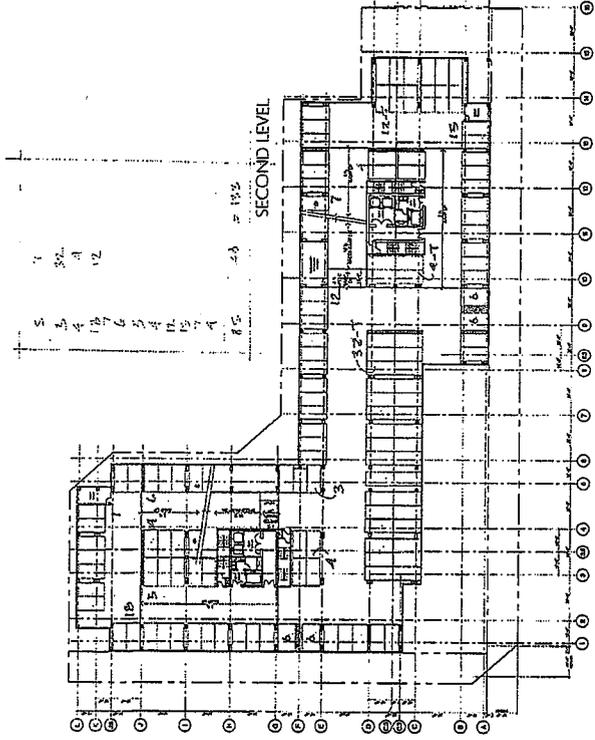
PA-07-58

580 Anton Boulevard Costa Mesa CA

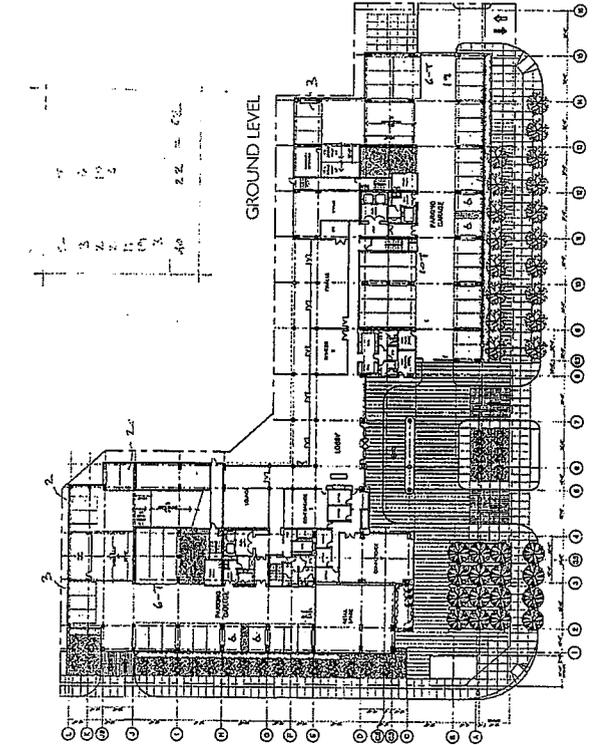
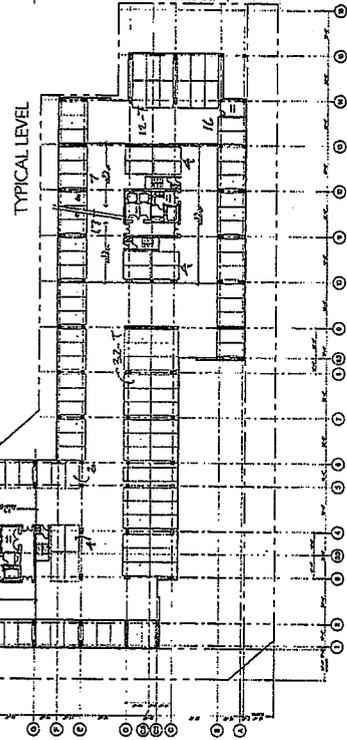
SITE PLAN

DECEMBER 20, 2007 SCALE: 1/4" = 1'-0"

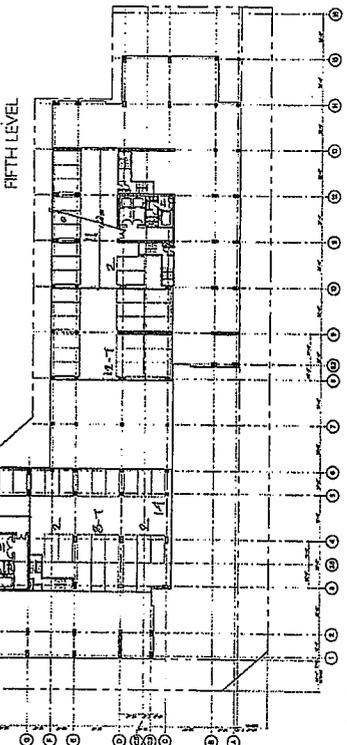
DE STEFANO + PARTNERS



LEVEL	USE	RETAIL		CYCLE		PARKING	
		AREA	PERCENT	AREA	PERCENT	SPACE	PERCENT
1	Parking Garage	2600	100%	2600	100%	2600	100%
2	Parking Garage	3238	100%	3238	100%	3238	100%
3	Parking Garage	3238	100%	3238	100%	3238	100%
4	Common Area	2315	100%	2315	100%	2315	100%
TOTAL FLOOR AREA (S.F.)		21131		21131		21131	
TOTAL FLOOR AREA (S.F.)		315		315		315	
TOTAL FLOOR AREA (S.F.)		21446		21446		21446	

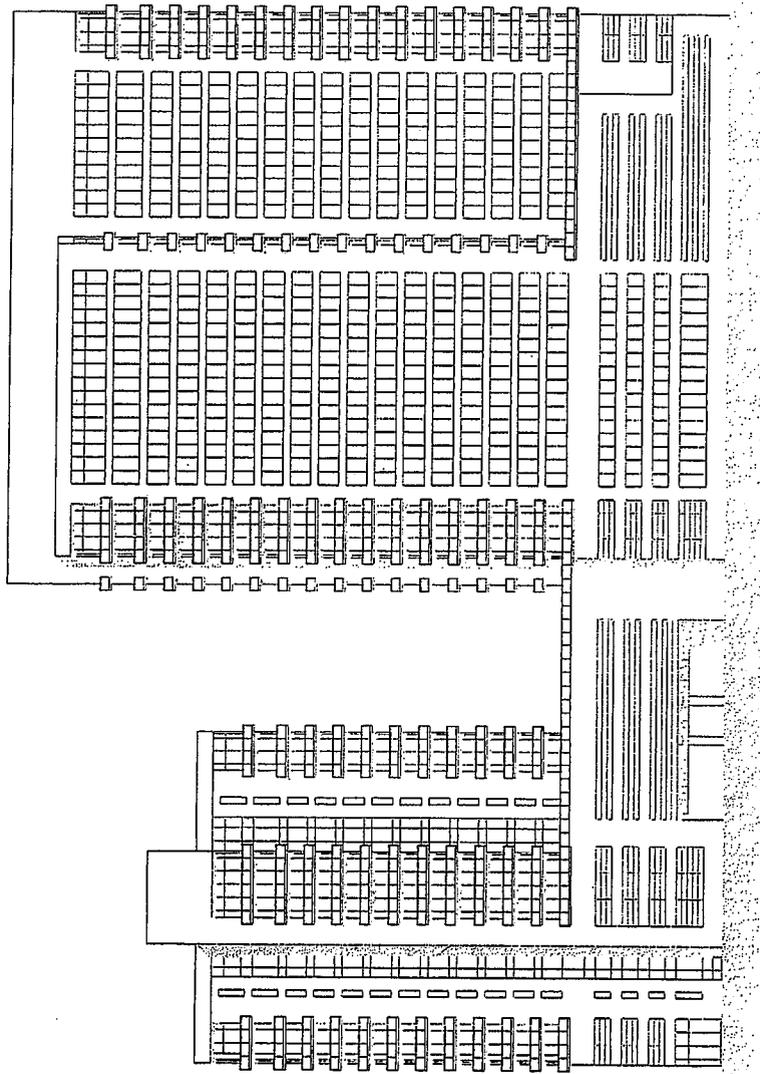


LEVEL	USE	RETAIL		CYCLE		PARKING	
		AREA	PERCENT	AREA	PERCENT	SPACE	PERCENT
1	Parking Garage	2600	100%	2600	100%	2600	100%
2	Parking Garage	3238	100%	3238	100%	3238	100%
3	Parking Garage	3238	100%	3238	100%	3238	100%
4	Common Area	2315	100%	2315	100%	2315	100%
TOTAL FLOOR AREA (S.F.)		21131		21131		21131	
TOTAL FLOOR AREA (S.F.)		315		315		315	
TOTAL FLOOR AREA (S.F.)		21446		21446		21446	



THE CALIFORNIAN at TOWN CENTER
 COSTA MESA, CALIFORNIA
 FIELD COMPANIES
 580 Anton Boulevard Costa Mesa CA
 DE STEFANO + PARTNERS
 April 22, 2008

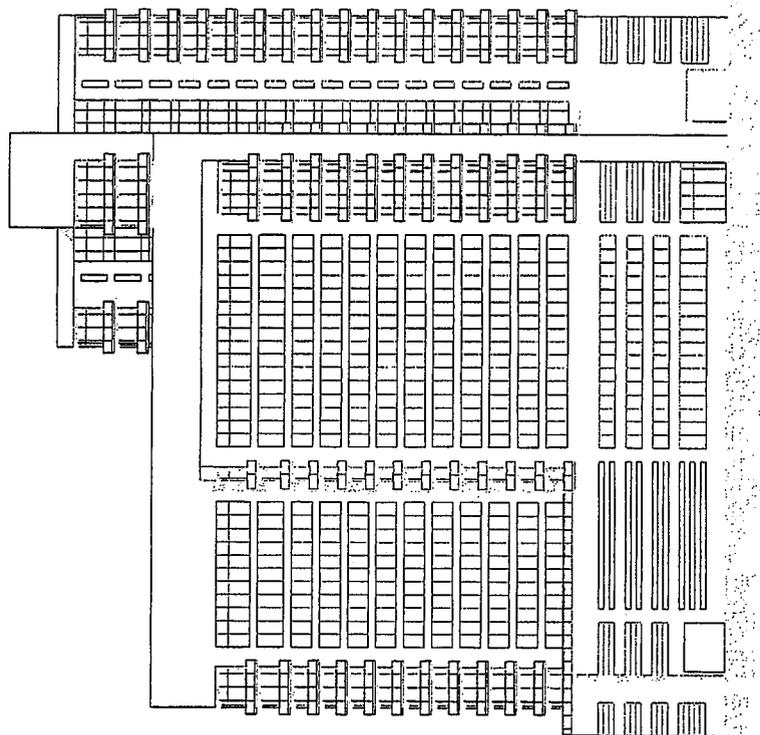
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DECEMBER 30, 2007 SCALE: 1" = 20'-0"

THE CALIFORNIAN at TOWN CENTER
FIELD COMPANIES
COSTA MESA, CALIFORNIA

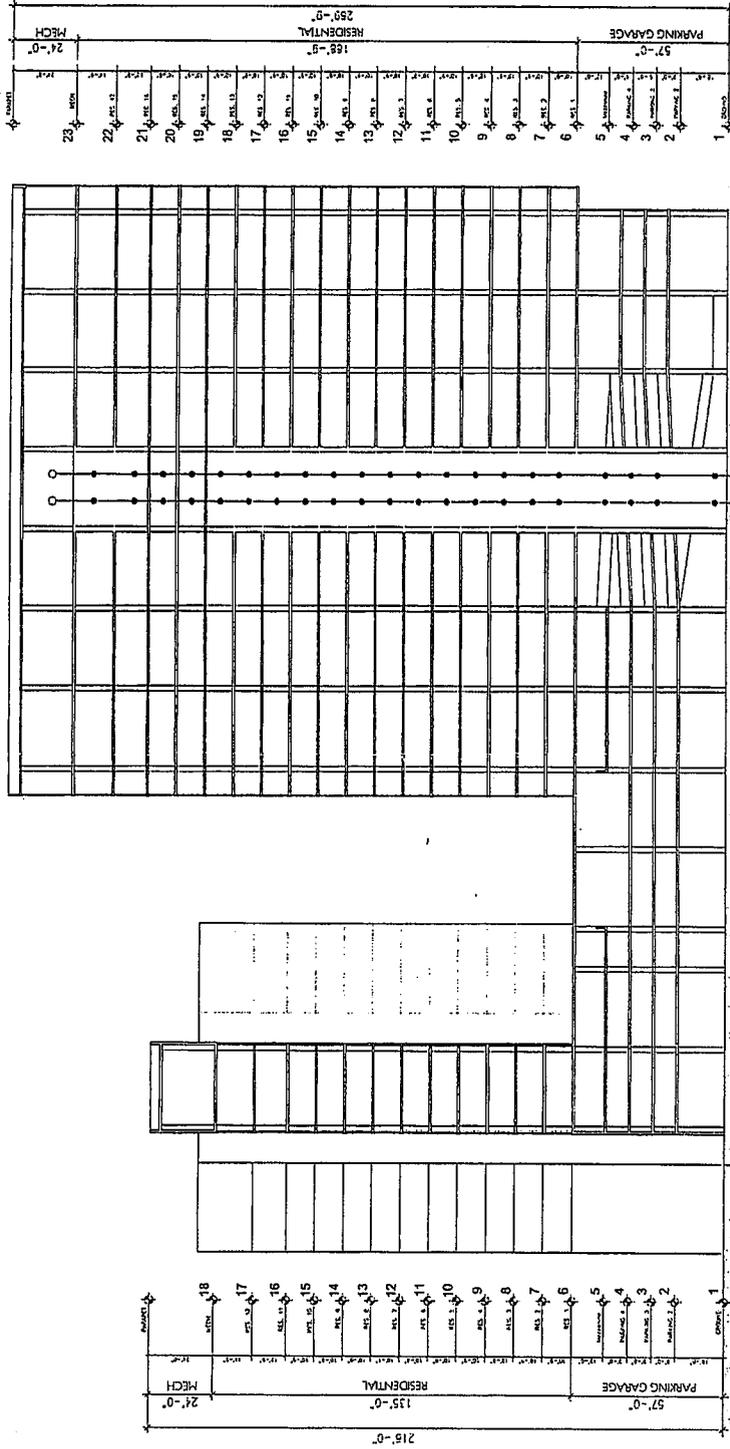
580 Anton Boulevard Costa Mesa CA
SOUTH ELEVATION
DECEMBER 30, 2007 SCALE: 1" = 20'-0"
DE STEFANO + PARTNERS



580 Anton Boulevard Costa Mesa, CA
WEST ELEVATION
DECEMBER 20, 2007 SCALE: 1" = 20'-0"
DE STEFANO + PARTNERS

DECEMBER 20, 2007 SCALE: 1" = 20'-0"
THE CALIFORNIAN at TOWN CENTER
FIELD COMPANIES
COSTA MESA, CALIFORNIA

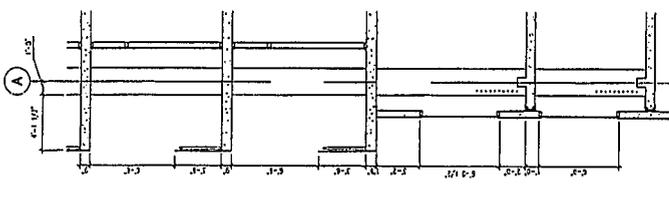
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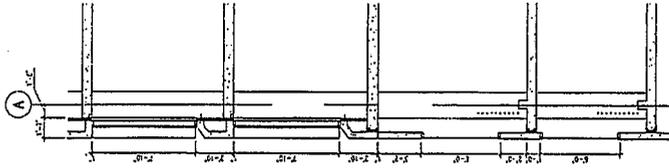
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580 Anton Boulevard Costa Mesa CA
 SECTION
 DECEMBER 20, 2007 SCALE: 1"=20'-0"
 DE STEFANO + PARTNERS

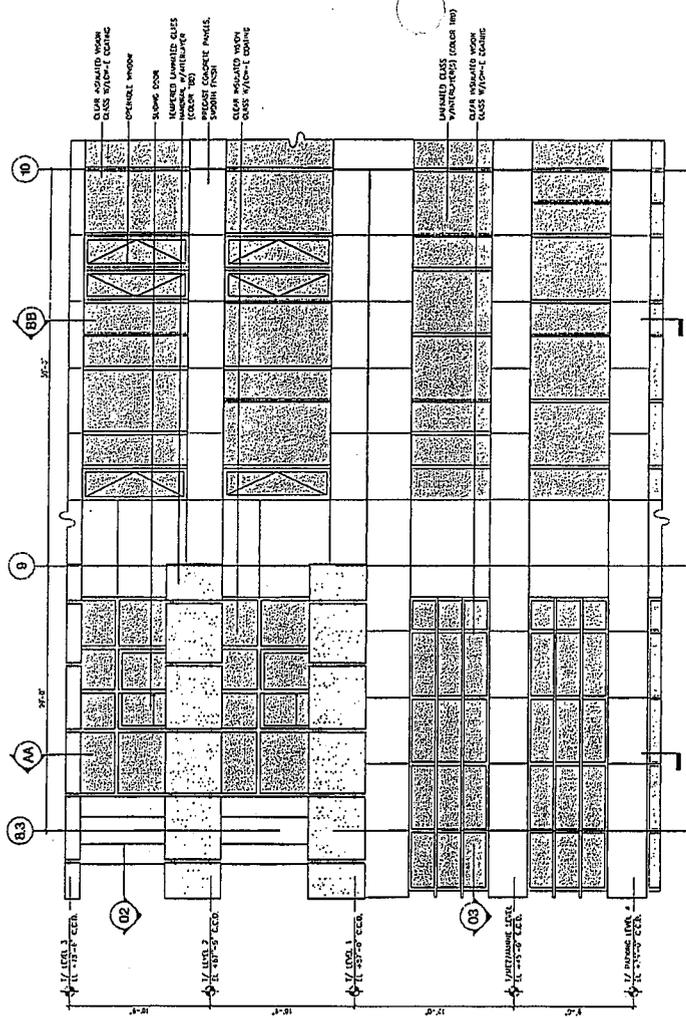
THE CALIFORNIAN
 at TOWN CENTER
 COSTA MESA, CALIFORNIA
 FIELD COMPANIES



AA ENLARGED SOUTH SECTION
SCALE: 1/4" = 1'-0"

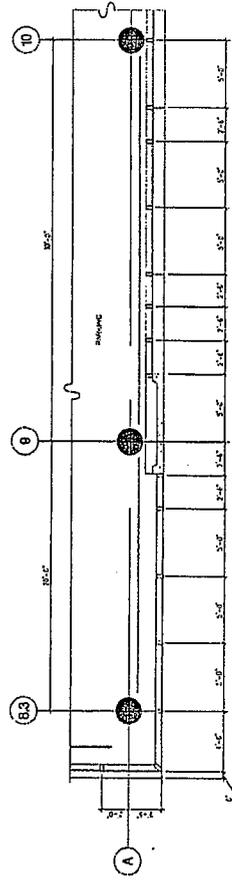


BB ENLARGED SOUTH SECTION
SCALE: 1/4" = 1'-0"

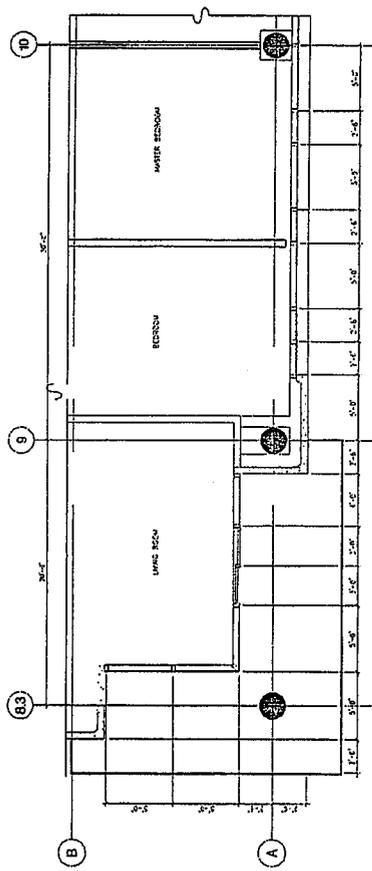


01 ENLARGED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

CLEAR INSULATED WOOD GLASS W/1/2" E. COATING
OPERABLE WINDOW
SLIDING DOOR
HUNGLED LAMINATED GLASS INSULATED W/1/2" E. COATING
SPIGOT GLAZING PANELS
SPIGOT FINISH
CLEAR INSULATED WOOD GLASS W/1/2" E. COATING
UNHUNGLED GLASS PARTITION (COLOR 100)
CLEAR INSULATED WOOD GLASS W/1/2" E. COATING



03 ENLARGED TYPICAL PARKING LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"



02 ENLARGED TYPICAL RESIDENTIAL LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

580 Anton Boulevard Costa Mesa CA
ENLARGED DETAILS
DECEMBER 20, 2007 SCALE: 1/4" = 1'-0"
DE STEFANO + PARTNERS

THE CALIFORNIAN at TOWN CENTER
COSTA MESA, CALIFORNIA
FIELD COMPANIES

