

RESOLUTION NO. 2021-55**A RESOLUTION OF CITY OF COSTA MESA CITY COUNCIL APPROVING GENERAL PLAN AMENDMENT 20-01, MASTER PLAN PA-19-19, TENTATIVE TRACT MAP NO. 19015 FOR DEVELOPMENT OF A MIXED-USE DEVELOPMENT (ONE METRO WEST) LOCATED AT 1683 SUNFLOWER AVENUE**

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

WHEREAS, the City Council of the City of Costa Mesa adopted the 2015-2035 General Plan on June 21, 2016;

WHEREAS, California Government Code Section 65358(a) authorizes the City Council to amend the General Plan if it is deemed to be in the public interest;

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

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

WHEREAS, an application was filed by Brent Stoll of Rose Equities, authorized agent for the property owners, for the real property generally located at 1683 Sunflower Avenue;

WHEREAS, the proposed project, One Metro West, is a mixed-use development on a 15.23-acre lot with 1,057 multi-family dwelling units at a site-specific density of 80 dwelling units per acre and maximum 1,057 units, and includes a 25,000 square foot office building, 6,000 square foot retail area, 1.5-acre open space available for public use, and off-site improvements along Sunflower Avenue. The applicant is requesting approval of the following:

1. **Environmental Impact Report** (SCH No. 2019050014);
2. **General Plan Amendment GP-20-01** to amend the Land Use Element and re-designate the property from Industrial Park to High Density Residential;
3. **Rezone R-20-01** to rezone from Industrial Park (MP) to Planned Development Residential – High Density (PDR-HD);
4. **Specific Plan SP-20-01** to establish site-specific zoning regulations including development standards and design guidelines for the proposed project;
5. **Master Plan PA-19-19** to implement the Specific Plan and provide site plan and architectural details for the proposed project;

6. **Tentative Tract Map No. 19015** to subdivide the site including establishing the right to a future airspace subdivision for condominium purposes; and
7. **Development Agreement DA-20-02** between the City and the applicant;

WHEREAS, General Plan Amendment 20-01 includes the following revisions to the Land Use Element, and as depicted in further details in Exhibit A attached hereto:

1. Figure LU-1 City wide Land Use Plan – amend the land use designation for the parcel noted above from Industrial Park to High Density Residential
2. Pages LU-16, LU-29, LU-31, LU-32, LU-35, LU-59, and LU-81 – amend the text on these specific pages to include the One Metro West project as noted in Exhibit A
3. Tables LU-3, LU-4, LU-5, LU-6, and LU-20 – amend the text in these specific tables to include the One Metro West project as noted in Exhibit A;

WHEREAS, based on the proposed General Plan Amendment, adoption of Ordinance No. 2021-12 for Rezone 20-01 and Ordinance No. 2021-13 for Specific Plan 20-01 is necessary to establish consistency between the General Plan and Zoning Code;

WHEREAS, consistent with the General Plan Amendment, Rezone 20-01 will change the zoning for the parcel generally addressed 1683 Sunflower Avenue from Industrial Park (MP) to Planned Development Residential High Density (PDR-HD) with a maximum site-specific density of 80 dwelling units per acre, maximum number of 1,057 units, and maximum building height of 98 feet that will be included in Table 13-58 for the project's 15.23-acre site (net acres);

WHEREAS, Specific Plan 20-01 is a request for a specific plan to establish the project's site-specific zoning regulations including design guidelines and development standards such as building setbacks, parking, and allowable land uses;

WHEREAS, Planning Application 19-19 is a request for a master plan to implement the project's Specific Plan and provide site plan and architectural details for the proposed buildings, on-site improvements as well as common open space, and off-site improvements along Sunflower Avenue;

WHEREAS, Tentative Tract Map No. 19015 is a request to subdivide the property including establishing the right to a future airspace subdivision for condominium purposes, but at this time the project is proposed as rental and not ownership, the subdivision allows for future sales of the units if pursued by the property owner;

WHEREAS, Development Agreement 20-02 is an agreement between the City of Costa Mesa and the applicant pursuant to California Government Code Sections 65864 et. seq. The Development Agreement includes affordable housing terms, public benefits to the City, and payment of development impact fees;

1. 106 affordable housing units for 40 years;
2. Off-site improvements to Sunflower Avenue fully paid by the applicant;
3. Dedication of an easement for public access use of the 1.5-acre open space for public use; and
4. Payment of impact fees for Measure Z, traffic and public services including to the Police Department and Costa Mesa Fire and Rescue Department.

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) including the Mitigation Monitoring and Reporting Program was prepared in compliance with CEQA and the local environmental review guidelines;

WHEREAS, the Draft EIR was circulated for the required 45-day public review period beginning on February 7, 2020 and ending on March 23, 2020 with the City accepting late written comments through March 30, 2020;

WHEREAS, the Draft EIR analyzed construction of the project to occur in one phase. The revised construction phasing schedule shows construction is planned to occur in three phases. A technical memo was drafted to evaluate the construction phasing change in impacts to air quality, greenhouse gases, noise, and transportation associated with the revised phasing schedule. The proposed change in the phasing resulted in no significant environmental effects not previously considered in the Draft EIR and do not substantially alter the conclusions or findings of the Draft EIR related to the project's potential environmental effects or proposed mitigation measures. The change in construction phasing does not constitute "significant new information" pursuant to CEQA Guidelines Section 15088.5; as a result, a recirculation of the EIR is not required;

WHEREAS, the Final EIR was made available to the public 10 days prior to the City Council public hearing date on the City's website as well as an email notification to previous commenters of the Draft EIR;

WHEREAS, the final adoption of the Final EIR shall be considered by the City Council as the final approval authority, after evaluation of the environmental document and all comments on the Draft EIR received during the public review period;

WHEREAS, written comments received from the general public, government entities, and other interested parties were responded to, where appropriate, in the manner prescribed in California Code of Regulations Section 15073;

WHEREAS, no significant new information has been added to the Draft EIR since its circulation for public comment and no changes to the proposed project have occurred which would require recirculation of the Draft EIR under CEQA Guidelines Section 15073.5;

WHEREAS, the City Council has reviewed and considered the EIR and has found that the EIR adequately evaluates the environmental impacts of the proposed project, and the EIR is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines;

WHEREAS, the EIR reflects the independent judgment and analysis of the City of Costa Mesa;

WHEREAS, the City has found that this project will generate an annual net fiscal deficit of \$5,000 to the City's General Fund per the City's Fiscal Impact Analysis report;

WHEREAS, duly-noticed public hearings were held by the Planning Commission on April 13, and May 11, 2020 with all persons provided an opportunity to speak for and against the proposed project;

WHEREAS, on May 11, 2020, the Planning Commission recommended approval of the proposed project with a 6-1 vote (Commissioner Zich voting No);

WHEREAS, on June 15, 2021, the City Council held a public hearing with all persons provided an opportunity to speak for and against the project;

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A2, and subject to the conditions of approval contained in Exhibits A3 and A4, and all the mitigation measures included in the Mitigation Monitoring and Reporting Program, the City Council hereby finds that the proposed project is in conformance with the General Plan and takes the following actions:

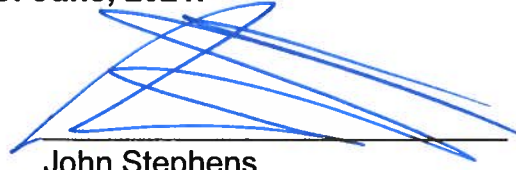
1. **CERTIFY** the Final EIR (SCH No. 2019050014) including the Mitigation Monitoring and Reporting Program and Statement of Overriding Consideration;
2. **ADOPT** General Plan Amendment 20-02 to change the land use designation of the project site from Industrial Park to High Density Residential with a site density of 80

dwelling units per acre, a maximum of 1,057 units and maximum building height of 98 feet, as shown in Exhibit A1, subject to the requirements of Measure Y;

3. **GIVE FIRST READING** to Ordinance 2021-12 to rezone the project site (R-20-01) from Industrial Park (MP) to Planned Development High Density (PDR-HD) and to amend the Zoning Code to include the site density of 80 dwelling units per acre and maximum of 1,057 units for the project site, in substantially the form as shown in Exhibit D, subject to the requirements of Measure Y;
4. **GIVE FIRST READING** to Ordinance 2021-13 to adopt Specific Plan 20-01 which includes design guidelines and development standards in substantially the form as shown in Exhibit A of said Ordinance, subject to the requirements of Measure Y;
5. **APPROVE** Planning Application 19-19 for the project's master plan, subject to the requirements of Measure Y;
6. **APPROVE** Tentative Tract Map No. 19015 to subdivide the subject property including establishing the right to a future airspace subdivision for condominium purposes subject to requirements of Measure Y; and
7. **GIVE FIRST READING** to Ordinance 2021-11 to approve Development Agreement 20-02 between the City and the applicant, in substantially the form as shown in Exhibit A of said Ordinance, contingent on approval of the project pursuant to Measure Y.

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

PASSED AND ADOPTED this 15th day of June, 2021.



John Stephens
Mayor of the City of Costa Mesa

ATTEST:

Brenda Green
Brenda Green, City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow
Kimberly Hall Barlow
City Attorney

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

I, Brenda Green, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2021-55 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of June, 2021, by the following roll call vote:

AYES: COUNCILMEMBERS: CHAVEZ, GAMEROS, REYNOLDS, MARR, AND STEPHENS.

NOES: COUNCILMEMBERS: HARPER

ABSENT: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: HARLAN

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this 16th day of June, 2021.

Brenda Green
Brenda Green, City Clerk

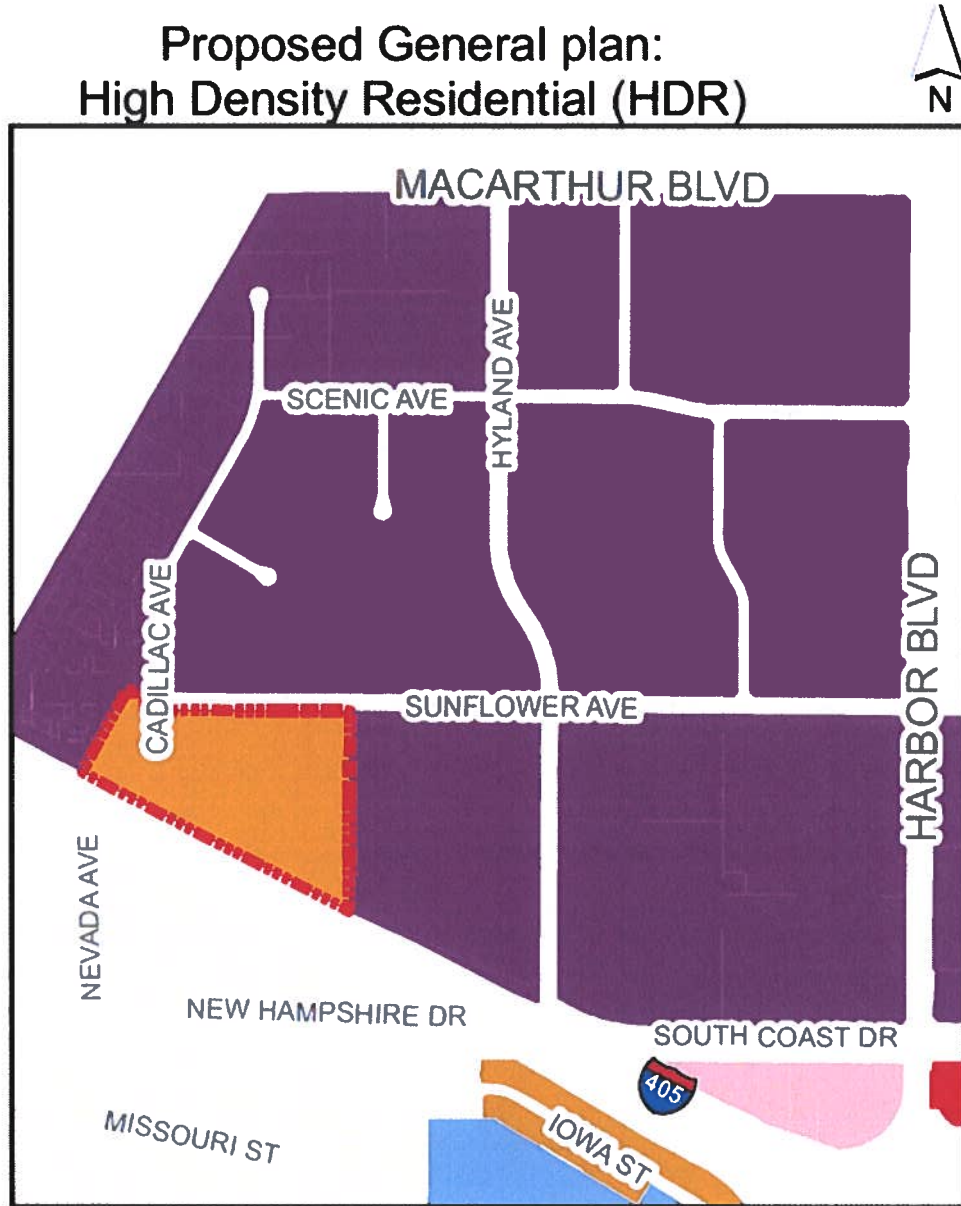
EXHIBIT A1

GENERAL PLAN AMENDMENT 20-01

Amendment to Land Use Map (Page LU-25)

Change the land use designation of the 15.23-acre site at 1683 Sunflower Avenue from Industrial Park to High Density Residential with a site-specific density of 80 dwelling units per acre and maximum 1,057 units

**Proposed General plan:
High Density Residential (HDR)**



Amendment to Related Land Use Tables

Table LU-3: Land Use Designations (Page LU-12)

Update the total Acres Developed, Acres Undeveloped, Net Acres and % of Acres for High Density Residential

Table LU-4: Housing, Population, and Employment (Page LU-13)

Update the total housing, population, and employment numbers for Year 2040

Table LU-5: Nonresidential Maximum Floor-Area Ratios (Page LU-23)

Update Footnote 5 and 6 to include the One Metro West Specific Plan

Table LU-6: Land Use Density and Intensity Summary (Page LU-27)

Add a footnote to include reference to the One Metro West Specific Plan

Table LU-20: General Plan Land Use 2035 (Page LU-72)

Update the following: total net acres for Multi-Family and Industrial Park, 2035 Future Residential Dwelling Units for Multi-Family, and 2035 Future Non-Residential Square Feet for Industrial Park

Amendment to Related Land Use Text

Update text in Land Use Element where appropriate to include reference to the One Metro West project (text changes shown in bold font below)

Page LU-16, *Mixed Use Districts*: In other areas of Costa Mesa, **including High Density Residential**, areas and the Harbor Mixed-Use Overlay District, the City encourages mixed-use urban environments that include purposeful combinations of entertainment, retail, office, hospitality, and residential uses.

Page LU-29, *High Density Residential*: In 2021, the City Council approved the **One Metro West project** which is a mixed-use development on a 15.23-acre property located at 1683 Sunflower Avenue. The approval included the following entitlements: general plan amendment (GP-20-01), rezone (R-20-01), specific plan (SP-20-01), master plan (PA-19-19) and Tentative Tract Map No. 19015 (T-19-01). The land use plan for One Metro West depicts the following: three multi-family residential structures with 1,057 multi-family residential units and associated amenities including parking structures within a base building height of seven stories; one 25,000 square foot creative office building; 6,000 square feet of supporting special retail uses; a 1.5 acre open space; two off-site improvements that relate to the trail connection to the Santa Ana River Trail and improvements to the south side of Sunflower Avenue north of the South Coast Collection retail center.

Page LU-31, *High-Density Residential*: Mixed-use developments shall be implemented through an adopted urban plan (such as the 19 West Urban Plan), **or an adopted Specific Plan**, and shall be identified on the Zoning Map by designating either the R2-HD and R-3 base zoning districts with the mixed-use overlay district, **or by designating a site with “(SP).”**

Page LU-35, *Commercial Center*: Mixed-use developments shall be implemented through an adopted urban plan (such as the 19 West Urban Plan and Harbor Boulevard Mixed-Use Overlay) **or through an adopted Specific Plan**, and shall be identified on the Zoning Map by designating either the CL, C1, and/or C2 base zoning districts with the mixed-use overlay district, **or by designating a site as “(SP).”**

EXHIBIT A2

FINDINGS

A. REVIEW CRITERIA FOR ALL PLANNING APPLICATIONS:

The proposed project complies with Costa Mesa Municipal Code Section 13-29(e), Review Criteria, because:

Finding: Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.

Facts in Support of Finding: With implementation of the mitigation measures identified in the Final EIR including Mitigation Monitoring and Reporting Program for the proposed project, all potentially significant environmental impacts have been reduced to less than significant levels – with the exception of the significant unavoidable impacts regarding air quality, greenhouse gas emissions, and transportation. For those significant unavoidable impacts, the City must prepare a Statement of Overriding Considerations to deem those impacts as acceptable and project benefits outweigh those impacts. Upon certifying the Final EIR, the significant unavoidable impacts would be acceptable to the City.

With the implementation of the recommended mitigation measures and conditions of approval, the proposed project will be compatible and harmonious with uses that exist within the general neighborhood. The project features quality construction and materials. The proposal provides on-site amenities comparable with quality residential units including a 1.5-acre open space available for the general public's use. The proposed parking is adequate to meet the demand for this project.

Finding: Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.

Facts in Support of Finding: The proposed on-site parking will be sufficient to accommodate the proposed mix of units along with the other uses (office, retail, and open space) within this project. The project will provide adequate sight distance for vehicles at all project drive approaches. Adequate turnaround areas for the Costa Mesa Fire and Rescue Department (CMFD) will be provided within the development's private street network; a Fire Master Plan was also prepared for the project and has been reviewed and approved by the CMFD. The project's Specific Plan also incorporates Crime Prevention through Environmental Design in the design of parking structures, recreational amenities, and open spaces (private and public). Furthermore, prior to issuance of building permits, the applicant shall submit a Lighting Plan and

Photometric Study to demonstrate compliance with City Code requirements (required as a condition of approval). As such, the safety and compatibility of the project's design of parking areas, landscaping and lighting have been considered.

Finding: Compliance with any performance standards as prescribed elsewhere in this Zoning Code.

Facts in Support of Finding: The project includes a maximum of 1,057 dwelling units at a site-specific density of 80 dwelling units per acre, which is subject to approval of a General Plan Amendment adopted by resolution and Rezone adopted by ordinance. Both actions require final approval by the City Council.

Finding: Consistency with the general plan and any applicable specific plan.

Facts in Support of Finding: The project includes 1,057 dwelling units at a site-specific density of 80 dwelling units per acre, which is subject to approval of a General Plan Amendment adopted by resolution and require final approval by the City Council. The project also includes a specific plan and any future development at One Metro West would be subject to the requirements of the Specific Plan and must demonstrate consistency with the Specific Plan.

Finding: The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

Facts in Support of Finding: The planning applications is for a specific project. The proposed project is a mixed-use development with residential, office, retail and open space use that would replace an existing industrial use. Any similar future developments would be required to submit planning applications as necessary or required by the Planning Division.

Finding: When more than one (1) planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.

Facts in Support of Finding:

Per Section 15130(b)(1) of the CEQA Guidelines, the project was analyzed based on a list of past, present and probable projects producing related cumulative impacts including projects outside the control of the agency as well as projections contained in the adopted general plan and regional conditions. In addition, the growth projections were supplemented with a list of related projects in Costa Mesa, Fountain Valley and Santa Ana for a total of 24 related projects.

Finding: For residential developments, consistency with any applicable design guidelines adopted by city council resolution.

Facts in Support of Finding: The project includes a specific plan which contains the project's development standards and design guidelines. Upon approval, the Specific Plan will become the project's zoning regulations; any future development at One Metro West site would be subject to the requirements of the Specific Plan and must demonstrate consistency.

Finding: For affordable multi-family housing developments which include a minimum of sixteen (16) affordable dwelling units at no less than twenty (20) dwelling units per acre, the maximum density standards of the general plan shall be applied, and the maximum density shall be permitted by right and not subject to discretionary review during the design review or master plan application process.

Facts in Support of Finding: The proposed project includes a multi-family residential development. Though the project is not an affordable housing development, there would still be a portion of the overall dwelling units set aside for affordable housing opportunities. The terms and conditions of the affordable units would be included in the project's Development Agreement.

C. **GENERAL PLAN AMENDMENT GP-20-01**

Per Zoning Code Section 13-29(g), there are no specific findings criteria for a general plan amendment application. Such action is considered a legislative action subject to the discretion of the final decision body, the City Council. The proposed general plan amendment would re-designate the land use from Industrial Park to High Density Residential in order to allow the proposed residential use with a site-specific density of 80 du/acre and seven-story building heights. The amendment would update the text, tables, and graphic within the Land Use Element to include the One Metro West project.

Below is staff's justification in support of the proposed general plan amendment:

The proposed project would contribute to the City meeting its City's 6th cycle RHNA allocations including affordable housing allocation.

Facts in Support: The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local General Plan Housing Elements. Once RHNA allocations are assigned, each jurisdiction must update its General Plan Housing Element and demonstrate through sites and zoning analysis how it will accommodate the future housing needs and meet its local RHNA allocation. For the 2021-2029 Housing Element planning period (6th RHNA cycle), the City has been allocated 11,760 units. Given the large anticipated RHNA allocation and to meet the requirements of state Housing Element law related to identifying adequate sites that are zoned at a high enough density to accommodate the housing

construction that would be necessary to meet the RHNA allocation, the City will likely need to identify areas City-wide to rezone for housing at a minimum density of 30 du's per acre (HCD's minimum density necessary to accommodate affordable housing). As such, the proposed project would fit that criteria with a proposed density of 80 du/acre (maximum of 1,057 units). Additionally, the project is proposing a total of 106 units (or ten percent of the total units) as deed-restricted affordable housing units. The affordable units are proposed to be at the low and very low income levels.

The proposed density at 80 du/acre is appropriate given the property's location, site size, and design of the project.

Facts in Support: Higher density residential developments are beneficial because it allows for a self-contained development (with mix of uses like the proposed project) which could generate less traffic than typical low density developments. In that sense, higher density tends to be more walkable as well since destinations like retail and commercial are clustered or located in closer distance. Research also shows walkable communities have a healthier lifestyle. Higher density developments also attract new employers since companies are drawn to convenient housing options for potential employees especially options that reduce or cut commuting time as well as provide convenient access to retail and commercial amenities.

The proposed project would improve the City's overall jobs-housing balance.

Facts in Support: The jobs-housing ratio is a general measure of the total number of jobs and housing units in defined geographic area. The jobs-housing balance has implications for mobility, air quality and the distribution of tax revenues and is one indicator of a project's effect on quality of life. SCAG considers an area balanced when the jobs-housing ratio is 1.36; communities with more than 1.36 jobs per du are considered job-rich and those with fewer than 1.36 are housing-rich. The City is currently considered job-rich at 2.11 jobs per du; in the year 2040, the ratio is anticipated to be 2.19 jobs per du. With the proposed project, however, the ratio would be reduced to 2.14 because the project would introduce more housing in a job-rich area. More housing in job-rich area would improve quality of life because of less time spent commuting to work (reducing vehicle miles traveled) which could also reduce potential adverse impacts such as traffic and air quality. While the proposed project would provide only rental units including affordable units, providing market rate and affordable rental housing at this location would improve the City's jobs/housing balance.

D. **SPECIFIC PLAN SP-20-01**

Per Zoning Code Section 13-29(g), there are no specific findings criteria for a specific plan application. Such action is considered a legislative action subject to the discretionary approval of the final decision body, the City Council. The One Metro West

Specific Plan establishes the development's land use plan, development standards, zoning regulations, permitted uses, design guidelines, infrastructure systems, and implementation strategies on which subsequent project-related development activities would be founded. Upon adoption of the Specific Plan, subsequent project-specific architectural plans, detailed site plans, grading, landscape and building permits, and any other actions requiring either ministerial or discretionary approvals would be required to demonstrate consistency with the Specific Plan.

E. **MASTER PLAN PA-19-19**

The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(5) for a Master Plan because:

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

Facts in Support of Finding: The proposed general plan land use change to High Density Residential and rezone to PDR-HD, would allow for the redevelopment of the property from an industrial use to the mixed-use development as depicted in the Master Plan (residential, office, retail, open space). Overall, the Master Plan depicts the development plans that meet the Specific Plan development standards and design guidelines. The Master Plan would serve as a precise plan of development for the project site and would include schematic designs of the various project components such as building locations, parking design, the off-site improvements along Sunflower Avenue, exterior elevations of residential buildings, and the open space.

The site plan has been designed to consider the project's location adjacent to the I-405 Freeway, Santa Ana River Trail, and SOCO. Residential units are located so that they generally face toward the project's internal courtyards and open spaces; no dwelling units in Building A (which is situated adjacent to the freeway) are proposed directly along the freeway. Units adjacent to SOCO would be further separated by a decorative six-foot block wall. The 1.5-acre publicly accessible open space is strategically located at the northwesterly corner of the property which allows for it to be a visually prominent feature of the development and convenient and accessible to the public from Sunflower Avenue.

The residential buildings are designed so that each building has its own distinct feature. For example, Building A is proposed to feature a large public art display facing the I-405 Freeway, Building B includes units with front stoops facing Sunflower Avenue and Building C is designed with a rooftop terrace with private recreational amenities. Overall, the designs of the buildings incorporate several architectural elements that would visually enhance the buildings and avoid long, unbroken building façades – such as breaks in the horizontal and vertical building

planes, changes in building massing, various materials and colors, and projecting bays or recesses. The Master Plan would be required to demonstrate consistency with the Specific Plan including development standards such as building setbacks, maximum building heights, and the design guidelines.

Finding: Master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district.

Facts in Support of Finding: The proposed project is a mixed-use development; however, it is not located within a mixed-use overlay district. Therefore, these master plan findings do not apply.

Finding: As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

Facts in Support of Finding: The proposed project includes 1,057 units within a mixed-use multi-family residential development. The project is proposing to provide 10 percent of the project dwelling units (minimum of 106 units) as affordable units to low- and very-low-income households. The applicant's proposal of affordable housing is included in the Development Agreement.

F. **REZONE R-20-01**

The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(11) for a Rezone because:

Finding: The proposed rezone is consistent with the Zoning Code and the general plan and any applicable specific plan.

Facts in Support of Finding: The proposed general plan amendment would change the General Plan land use designation from Industrial Park to High Density Residential in order to allow a residential use with a site-specific density and building height. To ensure consistency between the General Plan Land Use Map and the Zoning Map, the property would be rezoned from Industrial Park (MP) to Planned Development Residential – High Density (PDR-HD). Per General Plan Table LU-19 (General Plan and Zoning Consistency), the PDR-HD zoning designation is compatible with the High Density Residential land use designation. According to Zoning Code Section 13-20(p), PDR-HD districts are intended for multi-family residential developments and complementary non-residential uses could also be included in the planned development. As such, the proposed zoning district would allow a mix of residential and non-residential uses and is consistent with the intent of the General Plan and the PDR-HD zoning designation. The PDR-HD zoning designation also allows up to 20 du/acre but

also allows for a higher density with pursuant to an adopted specific plan. The project includes adoption of a Specific Plan to allow specific development standards (density, building height, setbacks, open space, permitted uses land use matrix, and parking) that are different than the development standards outlined in the Zoning Code. The Specific Plan would act as the project's zoning regulations. Future development on-site and off-site improvements would be required to comply with the Specific Plan development standards and design guidelines – thus, the project would be consistent with the General Plan, Zoning, and Specific Plan.

G. TENTATIVE TRACT MAP T-19-01

The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(13) for a Tentative Tract Map because:

Finding: The creation of the subdivision and related improvements is consistent with the General Plan and the Zoning Code.

Facts in Support of Finding: The formation of the subdivision including establishing the right to a future airspace subdivision for condominium purposes and related improvements is consistent with the General Plan, Zoning, and Specific Plan; the site is physically suitable to accommodate the subdivision in terms of type, design, and density of development; and the proposal is consistent with the State Subdivision Map Act. The proposed subdivision is consistent with General Plan Land Use Element in that the project complies with Policy LU-1.1 which encourages the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segments of the community. The proposed project is a mixed-use development that would provide housing, commercial, and employment opportunities contained within a single development. Additionally, the project includes recreational opportunities through the proposed 1.5-acre open space and off-site improvements for new bicycle lanes and sidewalks. Public Services staff have confirmed that there are no interferences with the City's or other utility right-of-way areas and/or easements within the tract.

Finding: The proposed use of the subdivision is compatible with the General Plan.

Facts in Support of Finding: The project proposes a mixed-use development with residential, office, and retail uses on the property. The proposed project would have a site-specific density of 80 du's per acre. Upon approval of the general plan amendment (GP-20-01) rezone (R-20-01), and Specific Plan (SP-20-01) the proposed project, including the site-specific density, would be consistent with the General Plan.

Finding: The subject property is physically suitable to accommodate the subdivision 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 Zoning Code and General Plan, and consideration of appropriate environmental information.

Facts in Support of Finding: The City of Costa Mesa prepared an Environmental Impact Report (EIR) pursuant to the requirements of the California Environmental Quality Act (CEQA). The Draft EIR analyzed the proposed project's impact on the environment including air quality, noise, traffic, and public services among other topics as required per CEQA. The Draft EIR concluded that the project would result in significant and unavoidable impacts to air quality during construction, greenhouse gas emissions during project operation, and traffic during project operation. All other environmental topics analyzed in the Draft EIR would not result in significant environmental impacts with implementation of the mitigation measures identified in the Draft EIR as well as implementation of City standard conditions of approval/code requirements. It should be noted that the unavoidable environmental impacts do not affect the physical condition of the subject property and the property would be able to support the proposed mixed-use development. The property is developed with an industrial building and associated parking/landscaping, so it is physically suitable to accommodate the proposed use without the need of extensive infrastructure improvements to provide service to the site.

Finding: 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 State Government Code Section 66473.1.

Facts in Support of Finding: The project provides adequate setbacks and private open space areas such as patios or balconies for most units and incorporates extensive landscaping throughout to ensure natural and passive heating and cooling from the sun exposure. The design of the residential buildings also incorporates open courtyards and rooftop terrace which would allow for additional natural cooling and heating. Units would also have operable windows which would provide natural cooling and ventilation opportunities as well. In addition to the private open space areas, the project would also provide a publicly-accessible 1.5-acre open space area.

Finding: 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.

Facts in Support of Finding: The proposed project does not interfere with the public rights-of-way per the Public Services Department. A public access easement would be necessary for the public access and use of the 1.5-acre open space and bicycle trail connection to the existing Santa Ana River Trail

(for the portion located on the private office lot). These easements are reflected on the proposed Tentative Tract Map.

Finding: 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).

Facts in Support of Finding: The applicant will be required to comply with all regulations set forth by the Costa Mesa Sanitation District as well as the Mesa Water District.

H. **DEVELOPMENT AGREEMENT DA-20-02**

Pursuant to City Council Resolution No. 88-53 and Government Code section 65865(c), staff recommends approval of the request, based on the following assessment of facts and findings, which are also reflected in the draft Resolution:

- *The Development Agreement between the City of Costa Mesa and Developer is:*
 - *Consistent with the objectives, policies, general land uses and programs specified in the General Plan and with the General Plan as a whole;*
 - *Compatible with the uses authorized in, and the existing land use regulations prescribed for, the zoning district in which the real property is and will be located; and*
 - *Is in conformity with and will promote public convenience, general welfare, and good land use practice.*

The proposed Development Agreement is consistent with the General Plan as the agreement would provide several public benefits to the City including a total of 106 deed-restricted affordable units at the very low and low income levels, public access to a 1.5-acre open space, and improvements to Sunflower Avenue. In addition, the Development Agreement would contribute additional funding (beyond the required development impact fees) for public services such as police and fire and for City parks and recreational facilities. The 1.5-acre open space accessible to the public would provide needed recreation space. The affordable units would contribute toward the City's compliance with its high RHNA allocation. The improvements to Sunflower Avenue is in line with several goals in the Circulation Element including implementation of a road diet and complete streets.

Upon approval of the general plan amendment (GP-20-01) rezone (R-20-01) and specific plan (SP-20-01), the proposed project would be consistent with the General Plan and Zoning Code.

- *The Development Agreement between the City of Costa Mesa and Developer will not:*
 - *Be detrimental to the health, safety and general welfare; and*

- Adversely affect the orderly development of property or the preservation of property values.

The Development Agreement will not be detrimental to the health, safety and general welfare of the public or adversely affect the orderly development of property. The Development Agreement reflects the development plan for the site and documents the additional public benefits of the project (such as affordable housing, public access to 1.5-acres of open space and funding to improve City infrastructure) agreed to by the applicant in exchange for vesting the project approvals for the term of the DA.

- I. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. An Environmental Impact Report (EIR) was prepared for the proposed project, pursuant to CEQA. The EIR found that the following areas are considered significant unavoidable adverse impacts: greenhouse gas emissions during project operation and transportation during project operation. The City must then prepare a Statement of Overriding Considerations before it can approve the proposed project to demonstrate that decision-makers have balanced the benefits of the proposed project against its significant unavoidable impacts and have determined the benefits outweigh the adverse impacts; therefore, the significant unavoidable impacts would be considered acceptable. All other environmental topics analyzed in the EIR would not result in significant environmental impacts with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Program as well as implementation of City standard conditions of approval/code requirements.
- J. Mitigation measures from the FEIR including Mitigation Monitoring and Reporting Program have been included as Exhibit A5. If any of these mitigation measures are removed or substantially modified, the City Council must then make a finding that the removed or modified mitigation measures will not result in significant environmental impacts.
- K. 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 would be mitigated at all affected intersections by the payment of traffic impact fees and as may be further required by terms and conditions of the Development Agreement.

EXHIBIT A3

CONDITIONS OF APPROVAL

- Plng. 1. GP-20-01, R-20-01, SP-20-01, PA-19-19, Tentative Tract Map (TTM) 19015, and DA-20-02 shall comply with the conditions of approval, code requirements, special district requirements, and mitigation measures of the Final EIR for this project. Mitigation Measures from the Final EIR for this project have been included as Exhibit A5. If any of these conditions are removed or substantially modified, the City Council must make a finding that the project will not result in significant environmental impacts.
2. The conditions of approval, including Mitigation Measures incorporated as Exhibit A5, code requirements, and special district requirements of GP-20-01, R-20-01, SP-20-01, PA-19-19, TTM 19015, and DA-20-02 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. The developer shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the Planning Division conditions of approval including Mitigation Measures and code requirements have been satisfied.
4. All new and existing construction shall be architecturally compatible with regard to building materials, style, colors, etc. with the existing structure(s). Plans submitted for plan check shall indicate how this will be accomplished.
5. 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.
6. Trash facilities shall be screened from view and designed to be located appropriately in order to minimize potential noise and odor impacts to residential areas.
7. The project is located within 600 feet of a state licensed cannabis business and shall be required to comply with the separation requirements per the Bureau of Cannabis Control Regulations Title 16 CCR Section 5026(a). No playground, tot lot, daycare facility, or other recreational amenity (public or private) designated specifically for children and youth groups (grades K through 12) shall be allowed at the project site.
8. Relating to the retail, office and open space uses – live entertainment, amplified music and/or dancing may only be permitted subject to City issuance of a “public entertainment permit.” Public entertainment permits are reviewed and issued by the Community Improvement Division (CID). Contact CID for application information at (714) 754-5638.
- * PC Modified 9. The final design of the public art display on Building A’s parking structure façade along the I-405 Freeway, which shall incorporate vertical landscaping, shall be subject to review and final approval by the Planning Commission. The Cultural Arts Committee (CAC) may first review the proposed freeway façade design and make a recommendation to the

Planning Commission. No public art display visible along the I-405 Freeway shall be installed without prior review by and approval from the Planning Commission.

10. The developer shall obtain approval from the adjacent property owner to the west (3505 Cadillac Avenue) for any improvements and maintenance done on their property for a bicycle trail connection to the existing Santa Ana River Trail. Should there be no agreement with the adjacent property owner, the bicycle trail connection must be completely on the subject property along the western-most border of the property.
11. City approval permit shall be required for any art mural visible from the public right-of-way such as but not limited to Sunflower Avenue, I-405 Freeway, Hyland Avenue. Art murals facing internally on private property shall not be required to obtain a building permit.
12. A planned sign program (PSP) shall be required for all proposed signage at the project site including but not limited to tenant identification signs for the retail and office uses, monument (freestanding) signs, and wayfinding signs. The PSP shall be a comprehensive plan with signage details and criteria for all proposed signs on-site. The PSP shall be subject to the Zoning Administrator's review as outlined in the Specific Plan. Future proposed signs for the project site shall be required to demonstrate consistency with the project's PSP. The PSP may be modified (subject to the Zoning Administrator's review) as necessary.
13. The project shall comply with all terms and conditions as agreed upon in the final adopted Development Agreement (DA-20-02) between the project applicant, Rose Equities, and the City of Costa Mesa.
14. A copy of the conditions of approval for the project must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
15. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
16. The applicant shall defend with attorneys of City's choosing, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees,

and damages that the City incurs in enforcing the indemnification provisions set forth in this section.

17. The proposed project would be designed and constructed as a Planned Development Residential-High Density (PDR-HD) in accordance with the applicable provisions of Municipal Code Section 13-20, Zoning Districts. As such, future development would be subject to the proposed One Metro West Specific Plan and Master Plan regulations. Where these documents are silent, the Municipal Code would prevail subject to final determination by Development Services Director. *[PPP LU-1]*
18. The proposed project is required to obtain a tree removal permit from the Parks, Arts & Community Services Commission (PACS) for any removal of trees within the City's public right-of-way (Municipal Code Chapter V, Parkway Trees). All permit terms for tree replacement would be implemented (at a ratio of 3:1). Before said trees are removed, the PACS shall provide recommendations and findings to the Director of Public Services. *[PPP BIO-2]*
19. The proposed project shall comply with Government Code Section 66477 (Quimby Act) and Measure Z as required by the Development Agreement, related to payment of an open space and public park impact fee. *[PPP PS-1]*
20. Construction activities are required to comply with the following standards detailed in Municipal Code Section 13-279, Exceptions for Construction:
 - Allowed from 7:00 a.m. to 7:00 p.m. on Mondays through Fridays;
 - Allowed from 9:00 a.m. to 6:00 p.m. on Saturdays; andProhibited on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. *[PPP N-2]*
21. Residential stationary noise sources are required to comply with Municipal Code Section 13-280, Exterior Noise Standard:
 - 50 dBA from 11:00 pm to 7:00 am; and
 - 55 dBA from 7:00 am to 11:00 pm. *[PPP N-1]*
22. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. *[SCA CONST HRS-2]*
23. The proposed project is required to comply with California Public Resources Code 5097.9–5097.991 (which protects Native American historical and cultural resources, and sacred sites); Public Resources Code 21084.3 (avoid damaging effects to any tribal cultural resource); Health and Safety Code Section 7050.5 (pertaining to the discovery or recognition of any human remains). *[PPP TCR-1]*
24. The proposed project is required to comply with California Public Resources Code 5097.9-5097.991 (which protects Native American historical and cultural resources, and sacred sites) and Health and Safety Code Section 7050.5 (pertaining to the discovery or recognition of any human remains). *[PPP CUL-1]*

25. The proposed project is required to comply with the Migratory Bird Treaty Act, which governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, or nests. *[PPP BIO-1]*
26. Any vegetation removal should take place outside of the active nesting bird season (i.e., February 15–August 15), when feasible, to avoid impacts to nesting birds that are protected under the California Fish and Game Code. Should vegetation removal take place during this period, a qualified biologist should conduct a nesting bird survey prior to construction activities to ensure that birds are not engaged in active nesting within 100 feet of the project site. If nesting birds are discovered during preconstruction surveys, the biologist should identify an appropriate buffer (i.e., up to 500 feet depending on the circumstances and specific bird species) where no construction activities or other disturbances are allowed to occur until after the birds have fledged from the nest and the nest is no longer active (as determined by the qualified biologist). *[SCA BIO-1]*
27. Any project-related hazardous materials and hazardous wastes will be transported to and/or from the project site in compliance with any applicable State and Federal requirements, including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (CFR) (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration (Cal/OSHA) standards. *[PPP HAZ-1]*
28. Any project-related hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations [CFR] Title 40, Part 263), including the management of nonhazardous solid wastes. The proposed project will be designed and constructed in accordance with the regulations of the Orange County Environmental Health Department, which serves as the designated Certified Unified Program Agency (CUPA) and implements State and Federal regulations for the following programs: (1) Hazardous Waste Generator Program, (2) Hazardous Materials Release Response Plans and Inventory Program, (3) California Accidental Release Prevention, (4) Aboveground Storage Tank Program, and (5) Underground Storage Tank Program. *[PPP HAZ-2]*
29. The project's sewer infrastructure improvements are required to be designed, constructed, and operated in accordance with the Costa Mesa Sanitary District (CMSD) Operations Code. *[PPP USS-1]*
30. The project's sewer infrastructure is required to be designed, constructed, and operated in accordance with the Orange County Sanitation District (OCSD) Ordinance Nos. 40 and 48, and all wastewater discharges into OCSD facilities shall be required to comply with the discharge standards set forth to protect the public sewage system/and Waters of the United States. *[PPP USS-2]*
31. The project's sewer infrastructure is required to be designed, constructed, and operated in accordance with Municipal Code Sections 15-6, Placing Oil

- on Streets or in Sewers Prohibited, 15-67, Required Construction, 13-180, Application Requirements, and 13-71, Utility Requirements. [PPP USS-3]
32. The proposed project's solid waste infrastructure improvements are required to be designed, constructed, and operated in accordance with the applicable regulations in the Costa Mesa Sanitary District (CMSD) Operations Code. [PPP USS-8]
 33. The project's water infrastructure improvements are required to be designed, constructed, and operated in accordance with the Mesa Water District's (MWD's) Standard Specification and Standard Drawings for the Construction of Water Facilities. [PPP USS-4]
 34. Applicant shall contact the South Coast Air Quality Management District (SCAQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by the district. [SCA AQMD-3]

ISSUANCE OF DEMOLITION PERMITS:

35. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Developer is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition. [SCA PLNG-14]
36. During demolition, grading, and excavation, workers shall comply with the requirements of Title 8 of the California Code of Regulations, Section 1529, which provides for exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to asbestos. Asbestos-contaminated debris and other wastes shall be managed and disposed of in accordance with the applicable provision of the California Health and Safety Code.
37. During demolition, grading, and excavation, workers shall comply with the requirements of Title 8 of the California Code of Regulations, Section 1532.1, which provides for exposure limits, exposure monitoring, respiratory protection, and good working practice by workers exposed to lead. Lead-contaminated debris and other wastes shall be managed and disposed of in accordance with the applicable provision of the California Health and Safety Code.
38. Prior to investigations, demolition, or renovation, all activities shall be coordinated with Dig Alert (811).
39. A comprehensive asbestos and lead-based paint (LBP) survey shall be conducted at the project site. Any project-related demolition activities that have the potential to expose construction workers and/or the public to asbestos-containing material (ACM) or LBP will be conducted in accordance with applicable regulations, including, but not limited to:
 - South Coast Air Quality Management District's (SCAQMD's) Rule 1403
 - California Health and Safety Code (Section 39650 et seq.)

- The California Occupational Safety and Health Administration (Cal/OSHA) Administration Regulations (California Code of Regulations [CCR] Title 8, Section 1529 [Asbestos] and Section 1532.1 [Lead])
 - Code of Federal Regulations (CFR) (Title 40, Part 61 [asbestos]; Title 40, Part 763 [asbestos]; Title 40, Part 745 [lead]; and Title 29, Part 1926 [asbestos and lead])
 - U.S. Environmental Protection Agency's (EPA's) Lead Renovation, Repair and Painting Program Rules and Residential Lead-Based Paint Disclosure Program
 - Sections 402, 404, and 403, as well as Title IV of the Toxic Substances Control Act (TSCA) [PPP HAZ-3]
40. The removal of other hazardous materials, such as polychlorinated biphenyls (PCBs), mercury-containing light ballast, and mold, will be completed in accordance with applicable regulations pursuant to 40 Code of Federal Regulations (CFR) 761 (PCBs), 40 CFR 273 (mercury-containing light ballast), and 29 CFR 1926 (molds) by workers with HAZWOPER training, as outlined in 29 CFR 1910.120 and 8 California Code of Regulations (CCR) 5192. [PPP HAZ-4]
41. Prior to removal of underground tanks, the applicant shall contact the Orange County Environmental Health Care Agency for application procedures and guidelines. Issuance of building permits will be held until a clearance report is issued by the health agency and is submitted to planning staff. [SCA HAZ-1]

ISSUANCE OF GRADING PERMIT(S):

42. Prior to issuance of grading permits, developer shall identify to the Development Services Director a construction relations officer to act as a community liaison concerning on-site activity, including resolution of issues related to dust generation from grading/paving activities.
43. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to businesses during construction. The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager.
44. All construction contractors shall comply with South Coast Air Quality Management District (SCAQMD) regulations, including Rule 403, Fugitive Dust. All grading (regardless of acreage) shall apply best available control

measures for fugitive dust in accordance with Rule 403. To ensure that the project is in full compliance with applicable SCAQMD dust regulations and that there is no nuisance impact off the site, the contractor shall implement each of the following:

- a. Moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.
 - b. Apply chemical stabilizers to disturbed surface areas (completed grading areas) within five days of completing grading or apply dust suppressants or vegetation sufficient to maintain a stabilized surface.
 - c. Water excavated soil piles hourly or covered with temporary coverings.
 - d. Water exposed surfaces at least twice a day under calm conditions. Water 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.
 - e. Wash mud-covered tired and under-carriages of trucks leaving construction sites.
 - f. 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.
 - g. Securely cover loads with a tight fitting tarp on any truck leaving the construction sites to dispose of debris.
45. South Coast Air Quality Management District (SCAQMD) Rule 403 shall be adhered to, ensuring the cleanup of construction-related dirt on approach routes to the project 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 sources. Particulate matter deposits on public roadways are also prohibited. *[SCA HYD-1]*
46. Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations would be watered such that a crust is formed on the ground surface and then watered again at the end of the day. *[SCA HYD-2]*
47. Grading operations shall be suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour. *[SCA HYD-3]*
48. All bikeway improvements (off-site and within the open space) including but not limited to the design, landscaping and hardscaping shall be reviewed and approved by the Public Services Department prior to issuance of the grading permit and the improvements shall be installed prior to first building occupancy.

ISSUANCE OF BUILDING PERMIT(S):

49. Prior to issuance of the first building permit, 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.
50. Prior to issuance of a building permit for the first residential building, a "Notice to Tenants" shall disclose the surrounding industrial uses in the area including the property's adjacency to the Measure X zone (cannabis manufacturing and/or distribution uses). The notice shall also disclose the property's location adjacent to the freeway and close proximity to John Wayne Airport and the flight path. The notice shall indicate that the project could be subject to potential annoyances and inconveniences associated with industrial use, Measure X uses, and proximity to the freeway and airport. The notice shall disclose, including but not limited to, operational characteristics such as hours of operation, delivery schedules, outdoor activities, noise, and odor generation. In addition, the Notice shall state that the existing land use characteristics are subject to change in the event that new businesses move or existing businesses change ownership. The "Notice to Tenants" shall be reviewed/approved by the City Attorney's office and Development Services Director prior to issuance of building permits and shall be included as a reference document in the Tenants' Lease Agreement. The "Notice to Tenant" shall serve as written notice of the existing noise environment and any odor-generating uses within the vicinity of the project.
51. The project shall incorporate green building design and construction techniques where feasible; CAL Green Code or higher as determined by applicant. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
52. In accordance with CAL Green Standards and the project's Specific Plan, all new multi-family residential buildings shall be required to install two-inch Minimum Efficiency Reporting Value (MERV) 13 filters. Prior to issuance of a residential building permit, the plans shall demonstrate compliance with the required installation of MERV 13 filters.
53. Proposed building materials and architectural treatments shall use non-reflective materials to limit and prevent light glare. Prior to the issuance of building permits, the applicant shall provide material samples and manufacturer's specifications (if applicable) for Planning Division's review and approval.
54. Transformers, backflow preventers, and any other approved above ground utility improvement shall be located outside of the required street setback area and shall be screened upon view, under direction of Planning Division. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.

55. Applicant shall provide proof of recordation of Subdivision Map prior to issuance of building permits unless otherwise approved by the Development Services Director.
56. Developer shall submit a detailed Landscape Plan for the on-site and off-site open spaces, for review and approval by the Development Services and Public Services Department, prior to any construction landscape improvements. The plan shall include all decorative hardscape and landscape improvements as shown on the conceptual plans. Final materials shall be subject to approval by the Planning Division.
57. Perimeter landscaping shall be planted with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain additional 24-inch box trees above the minimum Code requirements to the satisfaction of the Development Services Director. Compliance with this requirement may include upgrading smaller sized trees to 24-inch box trees or providing additional 24-inch box trees.
58. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108 and the City's Water Efficient Landscape Guidelines, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits. The two (2) sets of landscape and irrigation plans shall be attached to two of the final building plan sets.
59. A residential parking management plan shall be submitted to the Development Services Director and the Transportation Services Manager prior to issuance of first certificate of occupancy. The parking management plan shall denote the following:
 - a. Method of allocation of assigned parking, as applicable.
 - b. Location of visitor parking, including appropriate signage.
 - c. Location of security gates, if any, and how gates will be operated.
 - d. Location of employee parking.
 - e. Provide proof of a contract with a towing service to enforce the parking regulations if parking problems arise.
60. To reduce water demands and energy use associated with landscape water use, the proposed project is required to implement a landscaping palette emphasizing drought-tolerant plants and water-efficient irrigation techniques consistent with provisions of the City's Model Water Efficient Landscape Ordinance (MWELo; Ordinance No. 16-03) requirements. *[PPP EN-2]*
61. To reduce water demands and associated energy use associated with indoor water use, the proposed project is required to provide plumbing fixtures that meet the United States Environmental Protection Agency (EPA) Certified WaterSense, 2019 California Green Building Standards Code (CALGreen) standards or equivalent, faucets, toilets, and other plumbing fixtures. The water conservation strategy is required to demonstrate a minimum 20 percent reduction in indoor water usage

- compared to baseline water demand (total expected water demand without implementation of the water conservation strategy). *[PPP EN-3]*
62. As required by Municipal Code Section 13-107, Irrigation Requirements, irrigation systems would be designed to reduce overspray, runoff, and low-head drainage onto streets, sidewalks, windows, walls, and fences. Automatic systems for watering cycles would be scheduled to maximize ground infiltration rates and further minimize runoff. *[PPP HYD-4]*
63. Prior to issuance of Certificate of Occupancy (C of O) the applicant shall provide a scaled and dimensioned digital site plan(s) for the project site, on either a CD or thumb drive, to the Planning Division. All site plans shall include an accurate and precise drawing of all building footprints and property line locations for the entire project site. All buildings shall be annotated with its corresponding address and suites if applicable.
64. The project applicant shall pay developer fees per square foot for residential and commercial construction pursuant to the Newport-Mesa Unified School District (NMUSD) requirements. *[PPP SS-1]*
65. Commercial or multi-family residential zones may be considered. Preferred locations are close to a commercial area(s) with shops, restaurants, and other commercial activities and services such as banks and medical facilities. There should be easy access to bus service. Off-site pedestrian circulation should provide sidewalks that are convenient and safe to use. The project site should be free of odors, excessive noise, and aesthetically unattractive surroundings. *[SCA D-1]*
66. Prior to issuance of the first building permit for the proposed project, the owner/developer would be required to submit a Design Plan for the Building "A" parking elevation (facade) along the I-405 Freeway for review by the Planning Division and approval by the City's Cultural Arts Committee. All architectural treatments including public art installations must comply with the regulations in the One Metro West Specific Plan. As such, architectural treatments would exclude the use of moving, flashing, or otherwise visually distracting elements or materials that are highly reflective or generate noise. *[PPP AES-1]*
67. Prior to the issuance of building permits and during building inspection, the City of Costa Mesa would verify the proposed project is developed pursuant to the development standards and design guidelines included in the One Metro West Specific Plan. *[PPP AES-2]*
68. Prior to the issuance of building permits, the applicant shall submit an on-site and off-site Lighting Plan and Photometric Study for the approval of the City's Development Services and Public Services Department. The Lighting Plan shall demonstrate compliance with the following:
- The intensity and location of lights on buildings shall be limited to minimize nighttime light and glare to off-site residents;
 - 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 light spillage to no more than 0.5 foot-candles at the property line of off-site residential properties. The level of on-site lighting shall be as determined necessary for safety and security purposes. Light standards shall be located and oriented in such a way as to minimize light spillage onto surrounding properties. Light shall be shielded, and pointed downward or otherwise directed away from off-site properties;
 - The intensity of the parking deck lighting and lighting associated with any public art installation visible from off-site residential properties shall be reduced to low levels from 9:00 p.m. until dawn each day to minimize lighting impacts to off-site residential properties;
 - Illuminated signs visible from off-site residential properties shall be completely shut off at 10:00 p.m., seven days a week [SCA AE-5]
69. 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), would be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in requirement of the applicant to (re)process the modification through a discretionary review process, or modify the construction drawings to reflect the approved plans. [SCA AE-2]
70. No exterior roof drain scuppers, or roof drain downspouts would be permitted. This condition relates to visually prominent features of scuppers or downspouts that not only detract from the architecture but may be spilling water from overhead without an integrated gutter system which would typically channel the rainwater from the scupper/downspout to the ground. An integrated downspout/gutter system painted to match the building would comply with the condition. This condition would be completed under the direction of the Planning Division. [SCA AE-3]
71. Permits would be required for all signs according to the provisions of the Costa Mesa Sign Ordinance. Freestanding signs would be subject to review and approval by the Planning Division/Development Services Director to ensure compatibility in terms of size, height, and location with the proposed/existing development and existing freestanding signs in the project vicinity. [SCA AE-4]
72. As required by Municipal Code Section 8-32, Control of Urban Runoff, the proposed project would be undertaken in accordance with the County's Drainage Area Management Plan (DAMP) and any conditions and requirements established by the Development Services Department and the Public Services Department, which are reasonably related to the reduction or elimination of pollutants in stormwater runoff from the project site. Prior to the issuance of a grading permit, building permit, or non-residential plumbing permit for any new development, or significant redevelopment, the Development Services Department and Public Services Department would

- review the project plans and impose terms, conditions, and requirements on the project in accordance with Municipal Code Section 8-32. *[PPP HYD-3]*
73. In compliance with the provisions of the California Administrative Code, Title 25, Chapter 1, Subchapter 1, Article 4, the applicant shall submit an acoustical analysis of the proposed development, prepared under the supervision of a person experienced in the field of acoustical engineering. Two copies of the report shall be submitted with the application for building permits. The acoustical analysis shall evaluate existing and projected noise levels, noise attenuation measures to be applied, and the noise insulation effectiveness of the proposed construction. The applicant shall demonstrate compliance with the recommendations of the acoustic analysis report prior to the issuance of building permits. The person preparing the report shall, under the direction of a person experienced in the field of acoustical engineering, perform an inspection of the project prior to or at the time of the framing inspection to certify that construction techniques comply with recommendations contained within the acoustical analysis. Upon completion of the subject structures, field tests may be required under the provisions of Title 25. *[SCA C/I 42]*
74. As required by Municipal Code Section 5-1, the project is required to comply with the recommendations outlined in the Preliminary Geotechnical Investigation, Proposed Multi-Family Residential Development 1683 Sunflower Avenue, Costa Mesa, California, prepared by Geocon West Inc. on July 24, 2019. *[PPP GEO-2]*
75. As required by Municipal Code Section 8-32, the project is required to comply with the recommendations outlined in the Preliminary Water Quality Management Plan (Preliminary WQMP), prepared by Urban Resource Corporation on April 30, 2019. A final WQMP must be submitted and approved by the City prior to the issuance of a grading permit. The WQMP includes site design measures, source control measures, and treatment measures that minimize the potential for erosion and siltation. In addition, the WQMP must include an operations and maintenance (O&M) plan and maintenance agreement for review and approval by the City to ensure the treatment measures installed at the site are maintained for perpetuity. *[PPP HYD-6]*
76. The City of Costa Mesa would be required to verify the proposed project is architecturally compatible (pertaining to building materials, style, colors, etc.) with the existing surrounding development and consistent with the One Metro West Specific Plan during the plan check review process. *[SCA AE-1]*
77. The proposed project is required to be planned, designed, installed, and maintained in accordance with Municipal Code Section 13-107, Irrigation Requirements, and Section 13-71, Utility Requirements. *[PPP USS-5]*
78. If present and/or projected exterior noise exceeds 60 Community Noise Equivalent Level (CNEL), California Noise Insulation Standards, Title 25, California Code of Regulations require a maximum interior noise level of 45 CNEL for residential structures. If required interior noise levels are achieved

- by requiring that windows be closed, the design for the structure must also specify the means that will be employed to provide ventilation, and cooling if necessary, to provide a habitable interior environment. *[SCA RES 40]*
79. The proposed project is required to store and collect recyclable materials in compliance with AB 341 and handle green waste in accordance with AB 1826. *[PPP USS-9]*
80. The proposed project is required to comply with Municipal Code Title 5, Buildings and Structures, and all adopted State construction codes. *[PPP FS-2]*
81. New buildings are required to achieve the current California Building Energy and Efficiency (BEE) Standards (Title 24, Part 6) and California Green Building Standards Code (CALGreen) (Title 24, Part 11). *[PPP AIR-1]*
82. Construction activities are required to be conducted in compliance with 13 California Code of Regulations (CCR) Section 2499, which requires nonessential idling of construction equipment is restricted to five minutes or less. *[PPP AIR-2]*
83. Construction activities are required to comply with applicable South Coast Air Quality Management District (SCAQMD) rules and regulations, including, but not limited, to the following:
- Rule 402, Nuisance, which states a project shall not “discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property;” and
- Rule 1113, Architectural Coatings, which limits the volatile organic compound content of architectural coatings. *[PPP AIR-3]*
84. Construction activities are required to recycle/reuse at least 50 percent of the construction material including, but not limited to, soil, mulch, vegetation, concrete, lumber, metal, and cardboard, and to use green building materials such as those materials that are rapidly renewable or resource efficient, and recycled and manufactured in an environmentally friendly way, for at least ten percent of the project, as specified in the California Department of Resources Recycling and Recovery (CalRecycle) Sustainable Green Building Program. *[PPP AIR-4; PPP EN-4]*
85. New buildings are required to achieve the current California Building Energy and Efficiency Standards (Title 24, Part 6) and the California Green Building Standards Code (CALGreen; Title 24, Part 11). The 2016 Building and Energy Efficiency Standards became effective starting January 1, 2017, and the 2019 Building and Energy Efficiency Standards will become effective January 1, 2020. The Building Energy and Efficiency Standards and CALGreen are updated tri-annually with a goal to achieve zero net energy for residential buildings by 2020 and non-residential buildings by 2030. *[PPP EN-1]*

86. Per the 2019 California Green Building Standards Code (CALGreen) standards, construction of the proposed project is required to include installation of electric vehicle (EV) charging stations and designated EV parking at non-residential and residential buildings. Preferential parking for low-emitting, fuel-efficient, and carpool/car share/van vehicles is required in all parking areas. *[PPP EN-5]*
87. Construction contractors are required to minimize non-essential idling of construction equipment during construction in accordance with California Code of Regulations (CCR) Section 2449, Title 13, Article 4.8, Chapter 9. *[PPP EN-6]*
88. As required by Municipal Code Section 5-1, the project is required to comply with the 2016 (or most recent) Edition of the California Building Code (CBC) to preclude significant adverse effects associated with seismic hazards. *[PPP GEO-1]*
89. Federal Aviation Regulation (FAR) Part 77 establishes standards for determining whether objects constructed near airports would be considered obstructions in navigable airspace, sets forth notice requirements of certain types of proposed construction or alterations, and provides for aeronautical studies to determine the potential impacts of a structure on the flight of aircraft through navigable airspace. FAR Part 77 requires notification to the Federal Aviation Administration (FAA) for any project that would be more than 200 feet in height above the ground level pursuant to FAR Part 77 Section 77.13. As the project is located within the FAR Part 77 Notification Area for John Wayne Airport, the project would be subject to FAR Part 77 requirements. *[PPP HAZ-5]*
90. The project is required to comply with California Energy Code and Green Building Code provisions related to water and energy conservation. *[PPP USS-6]*
91. The proposed project is required to recycle construction waste in accordance with the California Green Building Standards Code (CALGreen) requirements. *[PPP USS-10]*

RECORDATION OF FINAL MAP

92. Prior to approval of condominium plans through State Department of Real Estate (DRE), the applicant shall provide proof of a master homeowner association (HOA) to Development Services Department. The master HOA shall be responsible for maintenance of all common areas, common services including but not limited to refusal and recycling pick up services, common area lighting, private driveways, maintenance of on-site open space and bike facilities, perimeter landscaping, perimeter fencing and common area utilities.
93. Prior to approval of condominium plans through State Department of Real Estate (DRE), the applicant shall provide proof of submittal of additional park fees in effect at the time for condominium development or as may

be otherwise required by the Development Agreement. A credit should be applied for the park fees paid at the rental apartment rate.

94. Prior to Certificate of Occupancy for the first building, the applicant shall submit a signed and completed maintenance agreement to the satisfaction of Development Services and Public Services Directors requiring the applicant to be 100% responsible for maintenance of the 1.5-acre open space, Sunflower Improvements along project frontage including landscaping in the median planters, the parkway/sidewalk and the special pavers in the street at the transition of Sunflower/Cadillac and the bike trail improvements on private property connecting to Santa Ana River Trail.
- Eng. 95. Comply with requirements contained in the letter prepared by the City Engineer (Exhibit A4).
96. National Pollutant Discharge Elimination System (NPDES): General Permit for Storm Water Discharges Associated with the Construction and Land Disturbance Activities, NPDES No. CAS000002. Compliance requires filing a Notice of Intent (NOI), a Risk Assessment, a Site Map, a Storm Water Pollution Prevention Plan (SWPPP) with associated best management practices (BMPs), an annual fee, and a signed certification statement. *[PPP HYD-1]*
97. Orange County MS4 Permit (R8-2009-0030, as amended by Order No. R8-2010-0062, or most recent): The MS4 Permit requires new development and redevelopment projects to:
 - Control contaminants into storm drain systems;
 - Educate the public about stormwater impacts;
 - Detect and eliminate illicit discharges;
 - Control runoff from construction sites; andImplement best management practices (BMPs) and site-specific runoff controls and treatments for new development and redevelopment. *[PPP HYD-2]*
98. Project dewatering would comply with the Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality (Order No. 2003-0003-DWQ) or the De Minimis Waste Discharge Requirements for the Santa Ana Region (Order No. R8-2015-0004, NPDES No. CAG998001), as required. *[PPP HYD-5]*
99. The project's stormwater infrastructure shall be planned, designed, installed, and maintained in accordance with Municipal Code Section 8-35, Permits, which regulates permitted and illicit connections to the City's storm drain system in accordance with the National Pollutant Discharge Elimination System (NPDES) permit requirements. *[PPP USS-7]*
100. Prior to or concurrent with submittal of plans for grading, building plan check, and/or submittal of the final subdivision map for engineering plan check, the applicant shall prepare and submit documentation for compliance with the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ; National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002 for Storm Water Discharges

Associated with Construction Activity (General Permit); the Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB) Order No. R8-2009-0030, as amended by Order No. R82010-0062, or most recent (NPDES Permit No. CAS618030); and the City's Ordinance No. 97-20 for compliance with the NPDES permit. Such documentation shall include a Storm Water Pollution Prevention Plan (SWPPP) if over one acre and a Water Quality Management Plan (WQMP) identifying and detailing the implementation of applicable best management practices (BMPs). *[SCA WQMP-66]*

101. Proposed storm drain facilities shall be constructed pursuant to the City of Costa Mesa Master Drainage Plan. *[SCA ENG-18]*
102. The project shall fulfill drainage ordinance fee requirements prior to approval of final maps and plans. *[SCA ENG-19]*
103. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City and shall be maintained by the owner or developer of the property. Private lateral connections to City storm drains shall require a hold harmless agreement prior to issuance of grading or building permits. *[SCA ENG-21]*
- Trans. 104. The City of Costa Mesa Transportation Services Division will ensure that all mitigation measures identified in the Traffic Impact Analysis: One Metro West, City of Costa Mesa Orange County, California (TIA), prepared by LSA, dated November 2019 and/or One Metro West Environmental Impact Report have been implemented prior to issuance of the first occupancy permit. *[SCA T-1]*
105. Pursuant to Circulation Element Recommendation C-9.14, the applicant would provide detours through or around construction zones that are designed for safety and convenience, and with adequate signage for cyclists and pedestrians. *[PPP T-1]*
106. The City of Costa Mesa has a traffic impact fee program. This is a cumulative impact fee which would be determined in consultation with City of Costa Mesa Transportation Services Division staff to be paid in addition to direct project improvements required of the applicant. The City of Costa Mesa Transportation Services Division shall collect the project's traffic impact fee prior to issuance of the project's first residential building permit. The fee will be calculated at the time of issuance of the first residential building permit and based upon the prevailing schedule of charges in effect at that time – or as otherwise agreed to in the project's Development Agreement. *[PPP T-2]*
107. The City of Costa Mesa has a fair share program. As projects are approved, and a need for a capital improvement(s) are identified, the City's Capital Improvement Projects (CIP) list is updated accordingly on an annual basis. The master CIP list, overseen by the Public Services Department, identifies (by each specific capital improvement) the necessary improvement, the specific funding amount, and the status of the improvement. *[PPP T-3]*
108. The applicant shall contact the Public Services Department (Transportation Division) prior to retrofitting the traffic signals to obtain the vendor contact

and EVP specifications, and to coordinate the installation of EVP. The applicant shall also be responsible for paying all costs and fees associated with retrofitting the traffic signals with EVP including equipment purchase and installation. Refer to Mitigation Measure PS-1.

- Fire 109. The proposed project is required to comply with the latest edition of the California Fire Code. *[PPP FS-1]*
110. The project is required to pay development impact fees established based on the Costa Mesa Fire Protection System Fee Study and as required in the Development Agreement. *[PPP FS-3]*
111. The on-site hydrant(s) shall be attached to the underground mains of the fire sprinkler system or installed to the standards of the Mesa Water District and be dedicated along with repair easements to the Mesa Water District. *[SCA FIRE-25.]*
112. The applicant shall participate in the upgrading of fire protection facilities according to the formula developed by the Costa Mesa Fire & Rescue Department. The contribution shall be made prior to the issuance of building permits or as agreed in the Development Agreement. *[SCA FIRE-26]*
113. The applicant shall provide Class A fire hydrant(s) according to the Costa Mesa Fire & Rescue Department reviewed and approved Fire Master Plan for the project. *[SCA FIRE-7]*
114. Water improvement plans shall be approved by the Costa Mesa Fire & Rescue Department. *[SCA FIRE-9]*
115. Water mains shall be of adequate size to deliver 1,000 gallons per minute simultaneously from the closest hydrants to any and all points of the development with a minimum residual pressure of 20 pounds per square inch. *[SCA FIRE-10]*
116. Fire apparatus access roadways identified in the approved Fire Master Plan for the project shall be maintained with access 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. *[SCA FIRE-13]*
117. The applicant shall provide fire extinguishers with a minimum rating of 2A to be located within 75 feet of travel distance from all areas. Extinguishers may be of a type rated 2A, 10BC as these extinguishers are suitable for all types of fires and are less expensive. *[SCA FIRE-14]*
118. The applicant shall provide approved smoke detectors to be installed in accordance with the latest edition of the California Fire Code. *[SCA FIRE-15]*
119. The applicant shall provide an approved automatic extinguishing system for all commercial cooking surfaces, hoods, and ducts. *[SCA FIRE-16]*
120. The applicant shall provide an automatic fire sprinkler system according to National Fire Protection Association requirements. *[SCA FIRE-17]*
121. Any required hydrants shall be installed and operable prior to the initiation of combustible construction. *[SCA FIRE-8]*

122. Water mains and hydrants shall be installed to the standards of Mesa Water District's (MWD) and dedicated along with repair easements to MWD. *[SCA FIRE-24]*
- Police 123. The project is required to pay development impact fees established based on a Citywide Fee Study and as required in the Development Agreement. *[PPP PD-1]*
124. Outside security lighting shall be provided under the direction and upon the recommendation of the City of Costa Mesa Development Services Department and/or the Police Department. *[SCA PD-49]*
125. The following list of security measures are required to be implemented at the project site:
- Cameras shall be installed in all common areas and hallways.
 - Cameras shall be installed monitoring 24 hours per day, seven days a week, at a centralized location by the applicant's property management team.
 - The property management team shall ensure that in the afternoon and through the night (such as from 2:00 p.m. to 4:00 a.m.), a third party courtesy patrol walks and patrols the property. *[SCA PD-58]*

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. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. Approval of the planning applications are valid consistent with the terms and conditions of the Development Agreement.
2. In compliance with the City's mitigation monitoring program, the applicant shall submit a compliance report to the Planning Division along with plans for plan check or prior to commencement of the project's activity if no construction is involved, that lists each mitigation measure and states when and how the mitigation measures are to be met.
3. Street address shall be visible from the public street and shall be displayed on the complex identification sign. If there is no complex identification sign, the street address may be displayed on the fascia adjacent to the main entrance or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Street address numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.
4. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and

utility releases will not be granted until all such licenses have been obtained.

- Bldg.
5. All new on-site utility services shall be installed underground.
 6. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
 7. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
 8. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 9. Comply with the requirements of the adopted, 2019 California Residential Code or the 2019 California Building Code , 2019 California Electrical code, 2019 California Mechanical code , 2019 California Plumbing code , 2019 California Green Building Standards Code and 2019 California Energy Code (or the applicable adopted, California Residential Code, California Building code California Electrical code, California Mechanical code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
 10. Prior to the Building Division issuing a demolition permit, contact South Coast Air Quality Management District (AQMD) located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909- 396-2000
Or
Visit their web site:
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>.
The Building Division will not issue a demolition permit until an identification number is provided by AQMD.
 11. Prior to issuance of the building permit, the conditions of approval shall be on the approved Architectural plans.
 12. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.
 13. Submit a precise grading plan, an erosion control plan and a hydrology study.
 14. Submit a soils report for this project. Soil's Report recommendations shall be printed on both the architectural and the precise grading plans.
 15. i-On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved

discharge devise a minimum of 12 inches plus 2 percent. 2013 California Residential Code CRC 403.1.7.3

- ii-Lot shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet. CRC R401.3
- Fire
16. Comply with the requirements of the latest edition of the California Fire Code, including the 2019 Intervening Update and referenced standards as amended by the City of Costa Mesa.
 17. Prior to the issuance of a Building Permit, the City of Costa Mesa Fire Department shall review and approve the project design features to assess compliance with the California Building Code and California Fire Code.
 18. Provide "blue dot" reflective markers for all on-site fire hydrants.

SPECIAL DISTRICT REQUIREMENTS

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

- Sani.
1. It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 to obtain Sanitary District requirements.
 2. Applicant shall submit a plan showing sewer improvement that meets the District Engineer's approval to the Building Division as part of the plans submitted for plan check.
 3. The applicant is required to contact the Costa Mesa Sanitary District at 949-645-8400 to arrange final sign-off prior to certificate of occupancy being released.
 4. Unless an off-site trash hauler is being used, applicant shall contact the Costa Mesa Sanitary District at 949-645-8400 to pay trash collection program fees and arrange for service for all new residences. Residences using bin or dumpster services are exempt from this requirement.
- AQMD
5. Applicant shall contact the South Coast Air Quality Management District at (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.
- School
6. Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits.
- Water
7. Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.
 8. Prior to the issuance of the first building permit, a hydraulic model analysis shall be required per Mesa Water District's plan check requirements. The hydraulic model analysis shall confirm the findings and project's design as concluded in the preliminary hydraulic model dated April 30, 2020 (completed by Michael Baker International). Refer to Final EIR (SCH No. 2019050014) Appendix F-1, Preliminary Hydraulic Analysis.

EXHIBIT A4

ENGINEERING'S CONDITIONS OF APPROVAL

1. The Tract shall be developed in full compliance with the State Map Act and the City of Costa Mesa Municipal Code (C.C.M.M.C.), except as authorized by the Costa Mesa City Council and/or Planning Commission. The attention of the Subdivider and his engineer is directed to Section 13-208 through 13-261 inclusive, of the Municipal Code.
2. The Subdivider shall conduct soil investigations and provide the results to the City of Costa Mesa Engineering and Building Divisions pursuant to Ordinance 97-11.
3. Two copies of the Final Tract Map shall be submitted to the Engineering Division for checking. Map check fee shall be paid per C.C.M.M.C. Section 13-231.
4. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.
5. Dedicate a public pedestrian and bike easement to the City of Costa Mesa as shown on the Tentative Tract Map for the construction of a new Class I lighted bicycle trail facility, including associated landscape and hardscape improvements as per the approved site plan and construct said improvements. Maintenance of the easement and associated improvements shall be the sole responsibility of a Homeowners Association formed to conform to Section 13-41 (e) of the C.C.M.M.C.
6. Dedicate an ingress/egress easement to the City for emergency and public security vehicles purposes only and construct all the planned improvements. Maintenance of the easement and associated improvements shall be the sole responsibility of a Homeowners Association formed to conform to Section 13-41 (e) of the C.C.M.M.C.
7. Vehicular and pedestrian access rights to Sunflower Avenue shall be released and relinquished to the City of Costa Mesa except at approved access locations.
8. Submit required cash deposit or surety bond to guarantee construction of off-site street improvements per Section 15-32, C.C.M.M.C. and as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.
9. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and construct new full height curb and sidewalk per City Standards.
10. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approaches per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager.

11. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. sidewalk per City of Costa Mesa Standards as shown on the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk. The construction and/or repair of existing sidewalk and wheelchair ramps will extend to the nearest bus stop or public transportation facility to maintain an ADA-compliant path of travel.
12. Design and construct a new Class IV bicycle facility on Sunflower Avenue and associated landscaped medians, parkways and street improvements in connection with the Sunflower Avenue street improvements as approved and shown on the offsite improvement plans.
13. Design and construct a new signalized pedestrian crossing at Sunflower Avenue and Cadillac Avenue and associated ADA improvements. Transportation Division to review and approve design plans.
14. Landscape the new median per the City of Costa Mesa's Streetscape and Median Development Standards, Section 3.0 "Public Rights-of-Way and Parkways-General Criteria" and current City Ordinances.
15. Applicant/Developer is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks, Arts, and Community Services Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the City for the loss of trees from the public right-of-way. Conditions of the Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months, therefore, the applicant/developer is advised to identify all tree affected by the proposed project and make timely application to the Parks, Arts, and Community Services Commission to avoid possible delays.
16. Submit for approval to the City of Costa Mesa, Engineering Division, Street Improvement Plans that show Sewer and Water Improvements, prepared by a Civil Engineer.
17. Submit for approval to the City of Costa Mesa preliminary plans that shows the undergrounding of utility poles along Sunflower Avenue to the extent practical or feasible.
18. Dedicate a six-foot sidewalk easement to the City of Costa Mesa behind the property line along Sunflower Avenue.
19. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Final Tract Map.
20. In order to comply with the 2003 Drainage Area Management Plan (DAMP), the proposed Project shall prepare a Water Quality Management Plan conforming to the

Current National Pollution Discharge Elimination System (NPDES) and the Model WQMP, prepared by a Licensed Civil Engineer or Environmental Engineer, which shall be submitted to the Department of Public Works for review and approval.

- a) A WQMP (Priority or Non-Priority) shall be maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall ensure that the existing water quality measures for all improved phases of the project are adhered to.
 - b) Location of BMPs shall not be within the public right-of-way.
21. The Subdivider's engineers shall furnish the Engineering Division a storm runoff study showing existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any street or drainage facility on-site or off-site. This study to be furnished with the first submittal of the Final Tract Map. Cross lot drainage shall not occur. Caltrans' approval will be required for any existing or proposed storm drain connection to Caltrans' drainage facilities.
 22. Ownership and maintenance of the private on-site drainage facilities and parkway culverts and other common areas shall be transferred by the owner to the Homeowner Association to be formed pursuant to C.C.M.M.C. Section 13-41 (e) and said association shall indemnify and hold harmless the City for any liability arising out of or in any way associated with the connection of the private drainage system with the City's drainage system and shall execute and deliver to the City the standard (indemnity) Hold Harmless Agreement required for such conditions prior to issuance of permits.
 23. Sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 631-1731 for information.
 24. Water system improvements shall meet the approval of Mesa Water District; call (949) 631-1200 for information.
 25. Dedicate easements as needed for public utilities.
 26. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
 27. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital-graphics file of said map in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.

28. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.
29. The elevations shown on all plans shall be on Orange County benchmark datum.
30. Prior to recordation of a Final Tract Map, submit required cash deposit or surety bond to guarantee monumentation. Deposit amount to be determined by the City Engineer.
31. Prior to occupancy on the Tract, the surveyor/engineer shall submit to the City Engineer a Digital Graphic File, reproducible mylar of the recorded Tract Map, and approved off-site plan and nine copies of the recorded Tract Map.

EXHIBIT B

MASTER PLAN DATED APRIL 2021

Provided Under Separate Cover with May 4, 2021 City Council Packet

EXHIBIT C

TENTATIVE TRACT MAP NO. 19015

Provided Under Separate Cover with May 4, 2021 City Council Packet