

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION**

**March 13, 2006**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., March 13, 2006 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Perkins, followed by the Pledge of Allegiance to the Flag.

**ROLL CALL:**

Commissioners Present:

Chairman Bill Perkins

Vice Chair Donn Hall

Eleanor Egan, James Fisler, and Bruce Garlich

Also Present: R. Michael Robinson, Secretary

Costa Mesa Planning Commission

Christian Bettenhausen, Deputy City Attorney

Ernesto Munoz, City Engineer

Raja Sethuraman, Associate Engineer

Kimberly Brandt, Principal Planner

Claire Flynn, Senior Planner

Rebecca Robbins, Assistant Planner

**MINUTES:**

The minutes for the meeting of February 27, 2006 were accepted as distributed.

**PUBLIC COMMENTS:**

None.

**PLANNING COMMISSION  
COMMENTS/SUGGESTIONS:**

Commissioner Garlich spoke about the "March Madness" about to begin next week, with spring training and the Master Golf Tournament in April. He congratulated the Vanguard Women's Basketball Team for a big write-up in the Wall Street Journal today on the prowess of the performance in the NAIA and being ranked #1 in the program over the years. He also announced the Toshiba Senior Classic that's being played at the Newport Beach Country Club this next weekend, and that Hoag Hospital is the beneficiary of the money raised by this event. He said this is an opportunity to see the best senior golfers in the world, and to do something for a great hospital that serves Costa Mesa.

**CONSENT CALENDAR:**

On a motion made by Commissioner Egan, seconded by Vice Chair Hall and carried 5-0, the following item on the Consent Calendar received the action below.

GENERAL PLAN  
CONSISTENCY FINDING

City

A General Plan Consistency Finding to allow the Orange County Department of Education to use the property located at 2165 Harbor Boulevard for one-on-one and small group teaching. Environmental determination: exempt.

Adopted Planning Commission Resolution PC-06-15 by a 5-0 vote, finding that the proposed use of the property at 2165 Harbor Boulevard by the Orange County Department of Education is in conformity with the 2000 General Plan and shall include the following additional recital suggested by Commissioner Egan:

Resolution:

WHEREAS, the Orange County Department of Education represents that the majority of students will not drive automobiles to the site and therefore, that there will be no shortage of parking spaces to accommodate the proposed use.

**PUBLIC HEARINGS:**

GENERAL PLAN AMENDMENT  
GP-05-06, REZONE PETITION  
R-05-05 & LOT LINE ADJUST-  
MENT LL-05-02

The Chair opened the public hearing for consideration of General Plan Amendment GP-05-06, Rezone Petition R-05-05, and Lot Line Adjustment LL-05-02 for Charles Margolin, authorized agent for Robert L. Smith, to change the General Plan designation from Medium Density Residential to General Commercial, and a rezone from R2-MD (Multi-

ple Family Residential, Medium Density) to C2 (General Business District), to facilitate a proposed lot line adjustment, located at 1944 Newport Boulevard and 1941 Church Street. Environmental determination: exempt.

Assistant Planner Rebecca Robbins reviewed the information in the staff report and made a presentation. She said staff was recommending to City Council, adoption of (1) General Plan Amendment GP-05-06, (2) Rezone Petition R-05-05, and (3) Lot Line Adjustment LL-05-02, by adoption of Planning Commission Resolution.

Charles Margolin, 1922 East Chapman Avenue, Orange, and owner of the subject property, explained that they had always presumed this piece of property belonged to the Midas shop, but found out recently it did not, and they are making the effort to correct it. Mr. Margolin also stated that the cooperation and assistance he has received from the Planning Division, has been extraordinary.

No one else wished to speak and the Chair closed the public hearing.

MOTION:  
GP-05-06/R-05-05/LL-05-02  
Recommended to City Council

A motion was made by Commissioner Fisler, seconded by Chair Perkins and carried 5-0 to recommend to the City Council adoption of General Plan Amendment GP-05-06, Rezone Petition R-05-05, and Lot Line Adjustment LL-05-02, by adoption of Planning Commission Resolution PC-06-16, based on analysis and information in the Planning Division staff report and findings contained in exhibit "A."

SOBECA URBAN PLAN &  
WESTSIDE URBAN PLANS

City

The Chair opened the public hearing for consideration of City-initiated projects to create a Mixed-Use Overlay District for the Bristol Street corridor area (SoBECA Urban Plan) and Westside Costa Mesa area (Westside Urban Plans), as follows:

**SoBECA URBAN PLAN:**

- (a) GP-05-11A GENERAL PLAN AMENDMENT - A Resolution of the City Council of the City of Costa Mesa: (1) to amend the description of specified land use designations (i.e. General Commercial and Light Industrial) to allow mixed-use overlay district; (2) to include references to the SoBECA Urban Plan; (3) to amend the Noise Element to describe acceptable exterior residential noise standards for specified areas of residential or mixed-use development in the overlay district. Environmental determination: Mitigated Negative Declaration.
- (b) CO-05-05 ZONING CODE AMENDMENT - An Ordinance of the City Council of the City of Costa Mesa, California amending Title 13 of the Costa Mesa Municipal Code to establish provisions and review procedures for a mixed-use overlay district and to identify acceptable exterior residential noise standards for specified areas of a residential or mixed-use development in the overlay district. Environmental determination: Mitigated Negative Declaration.
- (c) REZONE PETITION R-05-06A FOR MIXED-USE OVERLAY ZONING DISTRICT – Application of the Mixed-Use Overlay Zoning District on Zoning Map for SoBECA Urban Plan area. Environmental determination: Mitigated Negative Declaration.
- (d) SOBECA URBAN PLAN SP-05-06 – Urban Plan to allow all types of mixed-use development (vertical, horizontal, and live/work) in the plan area pursuant to an approved Master Plan. Environmental determination: Mitigated Negative Declaration.

Senior Planner Claire Flynn reviewed the information in the staff report and gave a presentation. She said staff is recommending that Planning Commission recommend to City Council: (1) adoption of the Initial Study/Mitigated Negative Declaration for SoBECA Urban Plan; (2) approve General Plan Amendment GP-05-11A to amend the description of specified land use designations and include references to

SoBECA Urban Plan and to amend Noise Element to describe acceptable exterior residential noise standards for specified areas of residential or mixed-use development in the overlay district; (3) adopt Ordinance and Rezone Petition for a Mixed-use Overlay District for SoBECA Urban Plan area; and (4) adopt SoBECA Urban Plan, by adoption of Planning Commission resolution.

There was discussion between the Chair and Ms. Flynn regarding the definition of unnecessary noises.

Keith Clay, LSA Associates, 20 Executive Park, Irvine, further clarified that there are regulations listing the specific noise level that cannot be exceeded within the City limits at a neighboring residential property line.

The following people commented on the SoBECA Urban Plan:

SOBECA URBAN PLAN  
PUBLIC COMMENT:

●Jerald Russell, owner of Engineered Precision, Inc., 607 Randolph Avenue, Costa Mesa, expressed compatibility concerns between the mixed residential use and industrial use. He said Ms. Flynn has assured him it is not the intent of the plan to cause businesses to change, but requested stronger language be written into the law. ●Sam Clark, 3077 Coolidge Avenue, Costa Mesa, was on the SoBECA Committee when it was being drafted and he favors what they have tried to accomplish. He believes this is an excellent plan and that over time, it will help to revitalize the area allowing businesses to migrate into a more neighborly residential-type location; it will allow the businesses to continue to operate. He said the overlay gives business people an opportunity to “choose to upgrade” a property and would allow the area to change slowly, over time. He encouraged the Commission to recommend the plan to City Council. ●Al Marshall, 177 Riverside Avenue, Newport Beach, representing the Red Mountain Retail Group for a property at 801 Baker Street, stated that they are in complete agreement with this plan and proposal. He said the Committee allowed them to frequent their meetings and make comments and suggestions. They are pleased with the direction this proposal has taken and the work and effort the City has put into it. He said staff’s research has been exceptional and they completely concur with everything that’s being done as property owners there. He urged approval of the proposed project and thanked everyone involved for their efforts. ●Chris Bennett said he works at The Lab, and working this neighborhood, while there isn’t a mixed-use zone at this time, there is significant mix of uses with commercial, industrial, residential immediately behind the shopping center; there are offices immediately behind the industrial buildings. He believed as far as a model and testing out this concept and applying this in our City, SoBECA is probably a great location to start. They do not have those conflicts with residential and the shopping center; there are no conflicts with the office or industrial uses, and any concerns have played out naturally in this area. He felt the SoBECA plan would a great improvement.

Vice Chair Hall indicated that one of the speakers had concerns regarding the noise level and requested that staff explain the City’s code regarding ambient noise. Ms. Flynn stated that there is discussion in the amended noise ordinance provided as an attachment to the staff report that describes ambient noise levels that may be acceptable for projects that are proposed in the Mixed-Use Overlay District. In further response to another question from Vice Chair Hall regarding normal manufacturing noise in an industrial building, Ms. Flynn confirmed that the amendments to the noise ordinance would address the fact that a legally operating industrial business may have noise associated with that business, and that the City’s noise standard of 65 CNEL would not be applied to the exterior areas of any residential component of a mixed-use development and residential development in the overlay district (specifically, roof decks, garden decks; and individual private patios).

No one else wished to speak and the Chair closed the public hearing.

MOTION:

A motion was made by Commissioner Fidler, seconded by Vice Chair

SoBECA Urban Plan  
Recommended to City Council

Hall and carried 5-0, to recommend to City Council: (1) adoption of the Initial Study/Mitigated Negative Declaration for SoBECA Urban Plan; (2) approve General Plan Amendment GP-05-11A to amend the description of specified land use designations and include references to SoBECA Urban Plan and to amend Noise Element to describe acceptable exterior residential noise standards for specified areas of residential or mixed-use development in the overlay district; (3) adopt Ordinance and Rezone Petition for a Mixed-use Overlay District for SoBECA Urban Plan area; and (4) adopt SoBECA Urban Plan, by adoption of Planning Commission Resolution PC-06-17, based on information and analysis in the Planning Division staff report and findings contained in exhibit "A."

During discussion on the motion, Commissioner Garlich felt it would be appropriate to go back historically to the genesis of the SoBECA Urban Plan. He recalled that people who were around when the Oil Stop business came along (now in business on the corner of Paularino Avenue and south Bristol Street), there were some recommendations made that had to do with the Oil Stop being inconsistent and not appropriate for the future development of that area. Planning Commission thought a beautification plan was needed that would set standards for future applications. This was the start of what turned out to be the Bristol Street Mixed-Use Committee, and eventually, this plan.

Chair Perkins remembered he had called Chairwoman Foley because he wanted to be a liaison on the Bristol Street Mixed-Use Overlay Committee. He agreed and said that it was the start of some good ideas, research, and diligent work effort on the part of Committee members and he was very proud about how it has evolved into the SoBECA Urban Plan.

Commissioner Fidler thanked the SoBECA Committee and alternates, City staff, liaisons from Planning Commission, City Council and the Parks and Recreation Committee, for all their time and research. He felt a great document was produced for Planning Commission to finally be able to "get their arms around" through many months of study, and it has resulted in a great plan.

Commissioner Egan said she agrees with what has been said so far and believes we are very fortunate as a City, to have people with this kind of talent and creativity who are willing to devote their time to a plan like this. She believes it is a great plan and she is very happy that "all those folks got together and created it." She was also happy that staff was able to get their arms around it for a professional point of view before presenting it to the Planning Commission. She thanked everyone involved.

In response to a question from the Chair, Mr. Robinson said this item would be going to City Council on April 4, 2006

**WESTSIDE URBAN PLANS:**

- (a) GP-05-11B GENERAL PLAN AMENDMENT - A Resolution of the City Council of the City of Costa Mesa to: (1) to amend the description of specified land use designations (i.e. General Commercial, Commercial Center, Neighborhood Commercial, Light Industrial, and Medium/High Density Residential) to allow mixed-use development and/or residential land uses within a mixed-use overlay district; (2) to include references to Westside Urban Plans. Environmental determination: Mitigated Negative Declaration.
- (b) REZONE PETITION R-05-06B FOR MIXED-USE OVERLAY ZONING DISTRICT – Application of the Mixed-Use Overlay Zoning District on Zoning Map for Westside Urban Plan areas. Environmental determination: Mitigated Negative Declaration.
- (c) 19 WEST URBAN PLAN SP-05-07: Urban Plan to allow hori-

zontal and vertical mixed-use development pursuant to an approved Master Plan and live/work developments pursuant to a conditional use permit in the plan area. Environmental determination: Mitigated Negative Declaration.

- (d) MESA WEST BLUFFS URBAN PLAN SP-05-08 - Urban Plan to allow live/work or residential development pursuant to an approved Master Plan. Environmental determination: Mitigated Negative Declaration.
- (e) MESA WEST RESIDENTIAL OWNERSHIP URBAN PLAN SP-05-09 - Urban Plan to allow specified residential development standards/incentives or a density bonus pursuant to an approved Master Plan. Environmental determination: Mitigated Negative Declaration.

Senior Planner Claire Flynn reviewed the information in the staff report and gave a presentation. She said staff is recommending that Planning Commission recommend to City Council: (1) adoption of the Initial Study/Mitigated Negative Declaration for Westside Urban Plans; (2) approve General Plan Amendment GP-05-11B to amend the description of specified land use designations and include references to Westside Urban Plans; (3) adopt Rezone Petition for a Mixed-Use Overlay District for Westside Urban Plan areas; (4) adopt 19 West Urban Plan; (5) adopt Mesa Bluffs Urban Plan; and (6) adopt Mesa West Residential Ownership Urban Plan, by adoption of Planning Commission resolution.

In response to the Chair regarding receipt of a letter on this date from the attorney firm of Palmieri, Tyler, Wiener, Wilhelm & Waldron, LLP, with respect to a demand that the City prepare an EIR (Environmental Impact Report) for the Westside Urban Plans, Deputy City Attorney Christian Bettenhausen stated that the City Attorney's Office looked at the letter, and having reviewed it thoroughly, do not feel that anything new is being presented and are satisfied that the Mitigated Negative Declaration, and consider the environmental document appropriate in this situation.

Commissioner Egan requested that Ms. Flynn confirm or correct her understanding that any development pursuant to the urban plan would require submittal of a master plan that would come before the Planning Commission, and that further environmental analysis would be done at that time. Ms. Flynn confirmed this information. Further she said the master plan would also be accompanied by a project specific environmental document such as an Environmental Impact Report, or Initial Study/Mitigated Negative Declaration, depending on what is proposed.

Vice Chair Hall questioned the matrix between WROC recommendations and the Urban Plan itself, in discussing "shade and shadow" on the north side of 19<sup>th</sup> Street, with WROC recommending a 2-story height limit and another document that recommends a 4-story height limit. Ms. Flynn confirmed that he has read it correctly and that the Urban Plan does propose the 4-story height limit in the 19 West Urban Plan Area.

The following people commented on the Westside Urban Plans:

**WESTSIDE URBAN PLANS  
PUBLIC COMMENT:**

- Mike Harrison, Trico Realty, 3100A Pullman Street, Costa Mesa, commended Jerry Russell for his observations and comment with regard to the affects on existing businesses and felt it applied equally to those plans for the Westside and he would endorse his recommendation. He said there is a further issue that concerns him as an owner of multi-tenant industrial park; they have a number of small tenants and while they rarely have vacancies, businesses do grow. They outgrow the space and move on. If a warehousing use in the space moves out and a "widget maker" comes in who uses an air compressor, it's a perfectly permissible sound within the industrial zone, however, that type of business did not previously exist in that location. He is concerned with adjacent residential use. He said he made

a suggestion to Claire Flynn previously about a potential mitigation for the Eaton property. He is very concerned about the issue of incompatible adjacent uses and how to work through that process.

- Martin Pickett, president of Cla Val Company, 1701 Placentia Avenue, Costa Mesa, requested that before the Commission sends the overlay recommendation to City Council that they consider all parties affected by this action. Mr. Pickett said he was representing more than 400 Cla Val employees who work at the Costa Mesa factory. He said they have been there for more than 50 years and that he is all for the revitalization of that area. However, existing industrial businesses would like the Commission to consider specific provisions in the overlay so they can continue in business at the current location. He said if they were protected as businesses, then they can continue at their present level. He asked if pages 8 (no. 2 and no. 3 regarding CC&R's), and 9 of the supplemental information report were the true responses to his questions, and if so, were they going to City Council for their consideration. He felt that they do have rights as long-term businesses in the area.
- John Hawley, Westside business and property owner said he applauded the efforts on compatibility; the recommendations for medium-density in the Bluff's plan are well received; but there is one overriding concern that will effect every new resident and every business on the Westside. He said there are in fact health hazards on the Westside and, they need to be addressed immediately because they are of great concern to those who spend everyday there. If there are no health hazards there, the City needs to make a written statement and these statements need to be presented to the buyers. He believed this would be the key to the success of this area.
- Rob Socci, 30591 Steeple Chase, San Juan Capistrano, stated that they fully support the 19 West Urban Plan as it stands with the FAR of 1.25 and the 4-story height limitation. He said they own the largest parcel on 1945 Placentia Avenue and are planning a live-work/loft-style development that would help bring a major impact to that area which he felt was sorely needed.
- Judy Berry, 2064 Meadow Lane, Costa Mesa, stated she is very much in favor of the plans presented by the Planning Division, and that they could be a good thing for the Westside.
- Mike Berry, 2064 Meadow Lane, Costa Mesa, recalled past plans that were drawn up by the City for the Westside and how those plans seemed to be embraced until the last hour, and then a certain group of 2-3 people would come forward each time, and said they were not going to let the City do it. He expressed his hopefulness for the Westside Urban Plans and requested that the Commission not give in to that kind of pressure by such individuals.
- Chris Eric, Westside property owner and resident said he anticipated improvement in and around this area for the past 30 years. Finally, after personally working for the past 6 years and serving on both CRAC and WROC, these committees hammered out a basic plan for the Westside that did not require the perceived negative impacts of eminent domain, yet allowed landowners the flexibility to develop their properties in whatever way they deemed most beneficial. He requested that the Commission recommend this plan to City Council.
- Harvey Berger, Berger Development Company, 1048 Irvine Avenue, Newport Beach, stated that he could understand well, the business owners and industrial owners and their concerns, but he felt it was thoroughly addressed and there is probably no way to solve everybody's objections. He said that something has to be done about the Westside other than the redevelopment/eminent domain plan and he felt this plan would be a very positive move in the right direction.
- Paul Richley, West 17<sup>th</sup> Street, Costa Mesa, thanked all those involved in putting this plan together. Mr. Richley said he was still not comfortable with the eminent domain issue and he quoted from previous and present Planning Division staff reports and letters from attorneys.

No one else wished to speak and the Chair closed the public hearing.

Commissioner Garlich said that several speakers expressed concerns regarding existing industrial businesses being allowed to continue to exist and raised the question of language in the ordinance. He said he believed all of the urban plans, including the SoBECA Urban Plan, contain language on page 6 of the original version of the Bluffs Plan, that says, “it is the express intent of the Mesa West Bluffs Urban Plan to allow existing industrial and commercial businesses to continue to operate and expand consistent with existing general plan and zoning requirements.” He asked staff if there was any reason that this statement in the urban plan, doesn’t provide the protection that it states without it being in the ordinance. Ms. Flynn confirmed that Commissioner Garlich was correct in that these urban plans are regulating plans. They are referenced in the actual zoning code ordinance that Commission adopted under the SoBECA Urban Plan. Further, she said the language that includes, “it is the express intent...” need not be duplicated in the zoning ordinance itself, because it is included in the regulating plan. Commissioner Garlich said he interpreted that to mean as it refers to existing general plan and zoning requirements, that an industrial use of one sort that might be sold to somebody who wanted to do another industrial use, covered in the general plan and zoning requirements, would be covered by this statement. Ms. Flynn confirmed.

Commissioner Garlich said that another speaker referred to a concern about disclosure and some protections against lawsuits arising from nuisances and another reference to the CC&R’s disclosure. He said he believed the revised plans include language to that effect under the “Disclosure” heading in all Westside Urban Plans, as well as the SoBECA Urban Plan.” Ms. Flynn confirmed.

Commissioner Garlich said with regard to the “shade and shadow” concern on the north side of 19<sup>th</sup> Street with 4-story buildings, he asked staff if he understood that with all of these plans, overlay activation would require a master plan, and that master plan might require “shade and shadow” analysis because of concern about that wherever that site might be. Ms. Flynn confirmed that was correct and relayed that staff has also included a standard condition of approval in each of the urban plans that states, “For proposed development adjacent to residentially-zoned properties that exceed 2 stories, developers shall submit a shade and shadow analysis prepared by a professional aesthetic consultant. The conclusions of the aesthetic analysis shall specifically demonstrate that adequate daylight plane requirements for the abutting residential uses area provided.” Commissioner Garlich referring to the urban plans and lot lines for 4 stories on the north side, he confirmed with Ms. Flynn that it is not an *entitlement* to do it on the north side, and may be *up to* 4 stories, although not necessarily under certain conditions.

In response to a question from the Chair concerning the “shade and shadow affect,” Ms. Flynn stated that upon review of the conclusions or results of aesthetic analysis, Commission may deliberate and decide that the proposed development is not considered a compatible development with regard to the residentially-zoned properties adjacent to that site. That may lead to a decision by the Planning Commission to not approve the master plan due to incompatibly issues.

Commissioner Garlich confirmed with Ms. Flynn, this kind of issue would be brought to the attention of the applicant at the very beginning of discussions about a master plan so that any concerns staff had at that time, would be raised, and not come as a surprise in a hearing with Planning Commission later.

Commissioner Garlich said a previous speaker said that he still had concerns about “eminent domain” and raised the scenario about someone trying to acquire property and combine parcels of having a holdout owners, and that the City would use “eminent domain” to potentially do that.

Commissioner Garlich stated that as he understands it, the way these plans are structured, that is not anything that is permitted, nor does the ordinance permit that, and that all of these projects would require a *willing* seller in order for a master plan to implement an overlay that could be approved.

In response to a comment from Commissioner Garlich, Secretary R. Michael Robinson explained that the City always retains the right of eminent domain, and as the speaker indicated, and acting as a City, it is usually used for street widening, public parks, etc. In order to acquire land, resemble it, and sell to a subsequent developer, eminent domain powers for those projects in redevelopment projects areas are limited to redevelopment agencies. So unless the City forms a redevelopment agency along 19<sup>th</sup> Street, or the Westside, eminent domain cannot be used for economic development reasons.

In response to the Chair regarding Mr. Hawley's testimony in which he mentioned that the City should issue a statement in the areas in which there may be existing projects or development regarding disclosure of environmental conditions on the Westside, Ms. Flynn said the environmental document does require that there be a Phase I site assessment. The site assessment would include, a health risk assessment, noise study, traffic study, etc., and would be conducted as part of the environmental process and we would also know before hand, what the environmental surroundings and conditions are prior to committing a master plan for the Planning Commission's consideration. The City Attorney's Office has also suggested language be added in the urban plans with regard to the disclosures and that language is under the "Disclosure" section in each of these urban plan documents provided to the Planning Commission.

Commissioner Garlich stated that in the spirit that Vice Chair Hall raised his concern about "shade and shadow" effects on the north side of 19<sup>th</sup> Street, and wanted to offer a motion later, he said he had plans to do something similar, and felt perhaps this was the time to discuss it. Commissioner Garlich briefly cited the language he would be using when they arrived at the "Bluffs" plan (Land Use and Compatibility Section as shown in the motions below). In response to the Chair's reaction and the issue of enforcement and workable solutions for different circumstances, Commissioner Garlich said he recognized that one size does not fit all and there may be an application for a master plan at some location that has adjoining uses that are quite different from each other such as car dismantlers, tow truck yard that hauls cars in the middle of the night to remove from the freeway. These are things that cannot be anticipated with standard conditions of approval. The plan states that when a plan comes forward for an area where these additional considerations, or unusual considerations exist, that staff could point those out and work with the developer to try to take them into account so that staff could make a recommendation to the Planning Commission to approve or deny. The Planning Commission can always decide how best to address the land use and compatibility issues. There was further discussion between the Chair and Commissioner Garlich regarding appropriate mitigation in different situations.

Vice Chair Hall said in response to Mr. Harrison's concern about noise and the example he gave, it seems that everyone mentions air compressors. Vice Chair Hall related that when he had his business on the Westside, he had two rather large air compressors with the business and there was residential development next door. He said he ran them inside the building because they can be very annoying to residential residents. On the subject of eminent domain, he said the Commission understands when it is for public purposes, but asked if there was a guideline or policy by Council, to not use eminent domain for private development. Mr. Robinson said there is not, and that Mr. Richley quoted one of the policies in the Land Use Element of the General Plan. It does talk about using eminent domain in established redevelopment areas, but again, that would not apply to this area because it is not within a redevelopment



area. There was further discussion between Vice Chair Hall and Mr. Robinson regarding the establishment of a policy not to use eminent domain for private development.

Ms. Flynn reminded Planning Commission that the Cultural Arts Committee made a recommendation that in 19 West and Mesa West Bluffs Urban Plans, to include language regarding arts village and art district designations, as well as reflect an arts village or arts text on any identification monument frontage. Commissioner Garlich and Commissioner Egan tabled the request until such time as it might be more appropriate to consider. When it looks like it may be a reality, this would be an appropriate thing to discuss. The Commission agreed.

The Chair directed that the Commission should make motions on each segment of the Westside Urban Plans one at a time.

MOTION 1:  
Initial Study/Mitigated Negative Declaration  
Recommended to City Council

A motion was made by Chair Perkins, seconded by Vice Chair Hall and carried 5-0 to recommend to the City Council, adoption Initial Study/Mitigated Negative Declaration, based on analysis and information in the Planning Division staff report, and public testimony in the record, by adoption of Planning Commission Resolution PC-06-18.

MOTION 2:  
General Plan Amendment GP-05-11B  
Recommended to City Council

A motion was made by Chair Perkins, seconded by Vice Chair Hall and carried 5-0 to recommend to City Council, adoption of General Plan Amendment GP-05-11B, based on analysis and information in the Planning Division staff report, and public testimony in the record, by adoption of Planning Commission Resolution PC-06-18.

MOTION 3:  
Rezone Petition R-05-06A For Mixed-Use Overlay Zoning Dist.  
Recommended to City Council

A motion was made by Vice Chair Hall, seconded by Chair Perkins and carried 5-0 to recommend to City Council, adoption of Rezone Petition R-05-06B for Mixed-use Overlay Zoning District, based on analysis and information in the Planning Division staff report, and public testimony in the record, by adoption of Planning Commission Resolution PC-06-18.

Commissioner Garlich confirmed with the Chair to vote on the Mesa West Bluffs Urban Plan, Item (d) next because it contained portions that would be applicable to other urban plans.

MOTION 4:  
Specific Plan SP-05-08  
Mesa West Bluffs Urban Plan  
Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Vice Chair Hall and carried 5-0 to recommend to City Council, the Mesa West Bluffs Urban Plan SP-05-08 to include the following amendments and recommendations in motion format as shown below, based on analysis and information in the Planning Division staff report, and public testimony in the record, by adoption of Planning Commission Resolution PC-06-18.

During discussion on the motion, Commissioner Garlich summarized his conversations with Ms. Flynn and indicated that based on dialogue that addressed concerns by the speakers and others, he would make the following recommendations to City Council. They included motions 4A, 4B, and 4C as shown below. He also request that staff attach the amendments concerning the comprehensive status report and the addition of language to the Architectural and Land Use Compatibility section of the Plan to the 19 West Urban Plan and the Mesa West Residential Ownership Urban Plan (as shown below).

MOTION 4A:  
Industrial Property Development Incentives  
Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Vice Chair Hall and carried 5-0 to include the industrial property development incentives as stated in Item #4, handwritten page #9 of the March 8, 2006 staff Supplemental Information Memo: (1) Existing industrial properties that are currently developed at a floor area ratio that exceeds the maximum allowable floor area ratio stated in the Zoning Code may be voluntarily demolished and redeveloped at the same allowable floor area ratio. However, the redevelopment of the site should result in an equal or lesser degree of nonconformity with current City standards. (2) An industrial-based improvement pro-

gram similar to the RRIP that would waive permit and plan check fees for improvements to industrial properties. (3) Public streetscape improvements similar to those along 19<sup>th</sup> Street. (4) Development incentives to replace small “incubator” space lost through loft or live-work conversions or encourage ownership of incubator spaces. Such an incentive may involve an FAR “density bonus” for projects that include smaller multi-tenant spaces. This may be fashioned similar to the currently proposed FAR increase for mixed-use projects that meet certain criteria or findings (i.e., excellence in design, integration into neighborhood, provision or replacement “incubator” space, etc.).

MOTION 4B:  
Mandate Comprehensive Status Report of Urban Plan Implementation Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Chair Perkins and carried 5-0, to recommend to City Council to mandate that at 2-year intervals, staff prepare and present a comprehensive status report of the results of Urban Plan implementation, verifying assumptions, and/or recommending changes as appropriate.

During discussion on the motion, in response to the Chair, Commissioner Garlich explained he felt this was something that should be seen as a comprehensive report to be agendized and delivered by staff every 2 years. It should report on such things as: here is where we started, here is what happened, here’s where properties have been developed; these were assumptions we made on parking, traffic and noise; this is what we’ve learned and if there something they want to recommend that the Commission “tweak”, add, delete, etc., there is the opportunity to do that at least initially. Should it get to the point where it doesn’t make sense anymore, we’ll know when that happens. He said at least initially, it makes sense to do this.

MOTION 4C:  
Language for Architectural and Land use Compatibility Section Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 5-0, to recommend to City Council, to add language to the Architectural and Land Use Compatibility section of the Plan that at the discretion of staff, and in consideration of specific site location considerations, additional or modified development standards and conditions of approval may be added to include, but not be limited to increased setbacks, increased wall height, enhanced landscaping and other appropriate edge treatments aimed at enhancing the compatibility of urban infill projects.

The motion was then called and completed for Motion #4 with a vote of 5-0 as shown above.

During discussion on the motion, Commissioner Egan stated that its been 15 years that this has been in the making, starting out with a tiny overlay zone on a portion of the block west of Whittier in the 1990 General Plan. Peter Buffa set it all in motion with a remark that Costa Mesa was the only place he knew where the farther you got from the ocean, the more valuable the property was. There are historical circumstances responsible for that, but she felt we were making a tremendous move in the right direction and that this has been a long, frustrating, aggravating process, and everyone whose been involved in it, has shown a remarkable amount of patience. She was grateful for that and is happy to see this progression.

Commissioner Fisler stated that these plans are great guidance for the developers who needed revitalization of the Westside and he liked the fact that most of it has been done by the private sector. It does not include eminent domain by the City or redevelopment agency, it involves a willing seller of properties, and is not forcing anyone out.

On the next item (19 West Urban Plan) Commissioner Egan commented that the possibility of 4 stories north of 19<sup>th</sup> Street in her initial reaction was to say no, let’s not allow that because you’ll cast shadows on the residential areas behind them. However, we are looking here at an enabling plan, not one that’s going to create development rights in and of

itself and it's going to run for 20 or 30 years, maybe more, and will likely be modified a few times during that period. She believed that to preclude any multi-story development in the very plan itself would close a door that shouldn't be closed. Because of the master plan process, we'll be able to see what affect 3 or 4 stories would have. We'll have "shade and shadow studies." Not every location will have residential behind it, or any other use that is sensitive to shade and shadow, so while she shares Vice Chair Hall's concern, she believed to preclude more than 2 stories across the board is not appropriate at this time. The Commission needs to look at it on a case-by-case basis.

Commissioner Fisler said he concurred with Commissioner Egan and definitely has concerns about "shade and shadow" affects on residences but he is not convinced that every 4-story building will affect necessarily a residence. He also believed it should be taken on a case-by-case basis. He confirmed with Mr. Robinson that anything over 2 stories is automatically considered for light, air and privacy issues.

Commissioner Garlich said he agreed with that assessment and that's why he raised the issue when Commission was discussing public comments. That process of looking at this on a case-by case basis through the master plan, should work. As an example, 1901 Newport Boulevard—when all was said and done, that project got modified by shaving some of the 4<sup>th</sup> story units on the Bernard Street side of that project in order to address the "shade and shadow" issues. He said it was that kind of outcome that encourages him that this process will work at the master plan level.

MOTION 5:  
19 West Urban Plan SP-05-07  
Recommended to City Council

A motion was made by Vice Chair Hall, seconded by Chair Perkins and carried 5-0 to recommend to City Council: adoption of the 19 West Urban Plan SP-05-07 incorporating the following additions to the plan: (1) Mandate that at 2-year intervals, staff prepare and present a comprehensive status report of the results of Urban Plan implementation, verifying assumptions, and/or recommending changes as appropriate. (2) Add language to the Architectural and Land Use Compatibility section of the Plan that at the discretion of staff, and in consideration of specific site location considerations, additional or modified development standards and conditions of approval may be added to include, but not be limited to increased setbacks, increased wall height, enhanced landscaping and other appropriate edge treatments aimed at enhancing the compatibility of urban infill projects, based on analysis and information in the Planning Division staff report, and public testimony in the record, by adoption of Planning Commission Resolution PC-06-18.

During discussion on the motion, Vice Chair Hall felt that no other qualifying statements other than those as described and discussed previously by the Commission were added.

MOTION 6:  
Mesa West Residential Ownership  
Urban Plan SP-05-09

A motion was made by Chair Perkins, seconded by Commissioner Fisler, to recommend to City Council: adoption of the Mesa West Residential Ownership Urban Plan SP-05-09 incorporating the following additions to the plan: (1) Mandate that at 2-year intervals, staff prepare and present a comprehensive status report of the results of Urban Plan implementation, verifying assumptions, and/or recommending changes as appropriate. (2) Add language to the Architectural and Land Use Compatibility section of the Plan that at the discretion of staff, and in consideration of specific site location considerations, additional or modified development standards and conditions of approval may be added to include, but not be limited to increased setbacks, increased wall height, enhanced landscaping and other appropriate edge treatments aimed at enhancing the compatibility of urban infill projects, based on analysis and information in the Planning Division staff report, and public testimony in the record, by adoption of Planning Commission Resolution PC-06-18.

During discussion on the motion, the Chair said he is very grateful that we are going through this process. He said he's been involved with the City for six years and last year was able to walk through a

live/work situation in Pasadena and it was a beautiful project. He felt the Bluff's plan and the Ownership plan have been worked out thoroughly, and as with all the plans, this is a step in the right direction.

Vice Chair Hall stated that the Westside Urban Plans are especially meaningful to him because this process actually started 32 years ago and is finally coming to fruition. He said staff has done an absolutely phenomenal job. The amount of information that they have had to bring forward to Commission is unbelievable. These plans coming forward are going to make the Westside what it should have been many years ago.

Commissioner Egan concurred that somebody has to give the prize to staff for this work because its really an incredible job. She said particularly, with the high-density in the Mesa West Residential Ownership Urban Plan, we need to take very seriously, the Parks Commission recommendation about parks and recreation facilities. She felt the City (Planning Commission, City Council and the Parks Commission) need to look at providing recreational opportunities for the people that are going to be living in these areas. It's high-density and they won't have much private open space. She recommended Council keep that in mind and take some action on it.

In response to the Chair, Mr. Robinson stated that the Westside Urban Plans would go to the City Council meeting of April 4, 2006. Recalling Vice Chair Hall's comments, Mr. Robinson noted that the first job he worked on when he got to the City in September of 1973 was the Whittier Avenue General Plan Amendment.

The Chair opened the public hearing for consideration of General Plan Amendment GP-05-03 and an Ordinance of the City Council of the City of Costa Mesa for amending the Costa Mesa 2000 General Plan and Title 13 of the Costa Mesa Municipal Code regarding Density Bonuses and other incentives. Environmental determination: exempt.

GENERAL PLAN AMENDMENT GP-05-03 AND AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA

City

Principal Planner Kimberly Brandt reviewed the information in the staff report and made a presentation. She said staff was recommending that Planning Commission recommend to City Council: (1) adoption of General Plan Amendment GP-05-03; and (2) adoption of ordinance amending Title 13, by adoption of Planning Commission resolution.

In response to a question from Commissioner Fisler regarding input as to why the state didn't raise elderly housing to 35%, Ms. Brandt said she believes that it was because there is no longer any threshold in terms of the minimum number of units that have to be affordable. It just has to be a senior housing project in order to qualify for the 20% density bonus.

No one else wished to speak and the Chair closed the public hearing.

MOTION:  
GP-05-03 & Ordinance  
Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Chair Perkins and carried 5-0 to recommend to City Council, adoption of General Plan Amendment GP-05-03, and adoption of the Ordinance amending title 13, by adoption of Planning Commission Resolution PC-06-19, based on information and analysis in the Planning Division staff report, and findings contained in exhibit "A."

**REPORT OF THE DEVELOPMENT SVS. DEPARTMENT:**

None.

**REPORT OF THE CITY ATTORNEY'S OFFICE:**

None.

**ADJOURNMENT:**

There being no further business, Chairman Perkins adjourned the meeting at 8:30 p.m. to the meeting of Monday, March 27, 2006.

Submitted by:

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R. MICHAEL ROBINSON, SECRETARY  
COSTA MESA PLANNING COMMISSION