



CITY COUNCIL AGENDA REPORT

MEETING DATE: JANUARY 3, 2006

ITEM NUMBER:

**SUBJECT: ORDINANCE 05-18 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA
REZONING A PARCEL OF LAND FROM R3 (MULTIPLE FAMILY RESIDENTIAL) TO
C1-S (SHOPPING CENTER DISTRICT) BY ADOPTION OF REZONE PETITION R-05-03
FOR 380 WEST WILSON STREET**

DATE: DECEMBER 22, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MEL LEE, AICP SENIOR PLANNER

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

RECOMMENDATION:

Give second reading to Ordinance 05-18, which rezones the subject property from R3 (Multiple Family Residential) to C1-S (Shopping Center District) by adoption of Rezone Petition R-05-03 for 380 West Wilson Street.

BACKGROUND/ANALYSIS:

On December 6, 2005, City Council gave first reading to the attached ordinance (5-0). Staff has no additional information on this item.

MEL LEE, AICP
Senior Planner

DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

DISTRIBUTION: City Manager
City Attorney
City Clerk (2)
Staff (4)
File (2)

Mick Meldrum
ICI Development Company, Inc.
2222 E. 17th Street
Santa Ana, CA 92705

Harbor Center Partners, L.P.
2222 E. 17th Street
Santa Ana, CA 92705

ATTACHMENTS: 1. Ordinance 05-18

File: 010306Ord05182ndRead	Date: 122205	Time: 3:30 p.m.
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ATTACHMENT 1
ORDINANCE 05-18

ORDINANCE 05-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REZONING A PARCEL OF LAND FROM R3 (MULTIPLE FAMILY RESIDENTIAL) TO C1-S (SHOPPING CENTER DISTRICT) BY ADOPTION OF REZONE PETITION R-05-03 FOR 380 WEST WILSON STREET

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

SECTION 1: The City of Costa Mesa Official Zoning Map is hereby amended as follows:

There is hereby placed and included in the C1-S zone all of the real property shown on attached Exhibit "1" and described in attached Exhibit "2", as a portion of 380 West Wilson Street, situated in the City of Costa Mesa, County of Orange, State of California.

SECTION 2: Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in Section 1 hereof and shown on attached Exhibit "3". A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 3: The proposed rezone was addressed in an Initial Study/Negative Declaration and a Mitigation Monitoring Program, which was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, which reflect the independent judgment of the City of Costa Mesa, and was available for public review from October 24, 2005, to November 14, 2005, as required by CEQA.

SECTION 4: Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 5: Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented

without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 6: Publication. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and Within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this 3rd day of January, 2006.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk of the City of
Costa Mesa

City Attorney

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

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certifies that the above and foregoing Resolution No. _____ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the _____ day of _____, 2006.

IN WITNESS WHEREOF, I have herby set my hand and affixed the Seal of the City of Costa Mesa this _____ day of _____, 2006.

Deputy City Clerk and ex-officio Clerk of the
City Council of the City of Costa Mesa

EXHIBIT "2"

ZONING DISTRICT	ADDRESS
C1-S (Shopping Center District)	380 West Wilson Street, situated in the City of Costa Mesa, County of Orange, State of California, further described per attached Exhibit "2A"

EXHIBIT "2A"

Legal Description for 380 Wilson

PARCEL A:

Lot 2 of Tract No. 10864, in the City of Costa Mesa, as shown on a map recorded in book 471, page(s) 47 and 48, of Miscellaneous Maps, in the office of the County Recorder of said County.

EXCEPTING therefrom an undivided one-half interest in all oil, gas, hydrocarbon and other mineral substances in, on and under said land, as reserved in the deed from Maude Holsinger to Akel Judy Smith, recorded February 5, 1946 in book 1385, page 445, Official Records, in the office of the County Recorder of said County.

PARCEL B:

A Non-exclusive access easement for access, ingress and egress as set forth and defined in that certain Declaration as to access easement recorded March 3, 1998 as Instrument No. 98-0120245, Official Records.