



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 4, 2006

ITEM NUMBER:

**SUBJECT: GENERAL PLAN AMENDMENT GP-05-06
REZONE-05-05
LOT LINE ADJUSTMENT LL-05-02
1944 NEWPORT BOULEVARD AND 1941 CHURCH STREET**

DATE: MARCH 17, 2006

**FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
(714) 754-5609**

RECOMMENDED ACTION:

The Planning Commission recommends that the City Council take the following actions:

- (1) Approve resolution adopting General Plan Amendment GP-05-06.
- (2) Give first reading to Ordinance approving Rezone Petition R-05-05.
- (3) Approve resolution adopting Lot Line Adjustment LL-05-02.

BACKGROUND

On December 6, 2005, City Council approved a General Plan amendment screening request for a proposed change in General Plan land use designation of 1,364 square feet of 1941 Church Street from Medium Density Residential to General Commercial in preparation for a lot line adjustment with the adjacent commercial parcel at 1944 Newport Boulevard.

On March 13, 2006 the Planning Commission recommended approval of the proposed project on a 5-0 vote. The Commission's Resolution, staff report, and minutes excerpt are attached (Attachment 5).

ANALYSIS

Project Location

The project site is located at the northwesterly section (68.22 feet long x 20 feet wide) of 1941 Church Street and is approximately 1,364 square feet in size. See Attachment 1 for Vicinity Map and site photographs.

Site Description

The Children's Learning Center preschool at 1941 Church Street is designated as Medium Density Residential on the General Plan land use map and zoned R2-MD. The Midas Shop at 1944 Newport Boulevard is designated General Commercial and zoned C2. The 68.22' x 20' wide paved portion at the rear of the Children's Learning Center property had mistakenly been considered as a part of the Midas Shop property containing an auto repair business, specializing in services such as muffler, brakes, and general body repairs. During a recent appraisal of the Children's Learning Center property, the correct location of the common property line was determined. The property owner at 1944 Newport Boulevard proposes to acquire this 1,364 square-foot area from 1941 Church Street.

Analysis

The change in land use designation and zoning from residential to commercial and lot line adjustment would result in a consistent land use pattern with the adjacent commercial and residential properties. The Midas Shop property is already nonconforming in building area and could not be expanded regardless of additional site area. Thus, the proposed General Plan amendment and lot line adjustment for the 1,364 square-foot area would have no effect on increasing traffic intensity or nonconformity at 1944 Newport Boulevard. Furthermore, the area has been historically used by the Midas Shop and would not affect the existing parking or use of the Children's Learning Center.

Alternative Land Use Designations

Alternative land use designations are typically evaluated as a part of the overall review of the General Plan amendment. In this case, given the size and location of the subject area between two abutting properties, alternatives to the proposed General Commercial designation are not practical.

Consistency with 2000 General Plan

The proposed project is consistent with the City's 2000 General Plan for the following reasons:

1. *Proposed Uses within Development Capacity of the General Plan.* Development would be restricted to the existing building area for 1944 Newport Boulevard with an existing nonconforming Floor Area Ratio (FAR) of 0.38 to be decrease to 0.34. Furthermore, the proposed project and subsequent lot line adjustment would not result in a nonconforming FAR for the existing Children's Learning Center site. There will be a negligible increase from the current 0.16 FAR to 0.18 FAR (0.25 FAR allowed by the General Plan).
2. *Land Use Compatible with Surrounding Uses.* The proposed project will create a consistent General Plan designation and property line pattern with the adjacent commercial property to the southwest. (See Attachment 1, Exhibit "A" of the draft resolution)

ENVIRONMENTAL DETERMINATION

Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is categorically exempt from CEQA.

ALTERNATIVES

The City Council may consider the following alternatives:

1. Approve the proposed project. The proposed project is found to be in conformance with the City's General Plan and Zoning Code as amended. The approval of the requested actions would resolve an inconsistency between the General Plan designation/zoning of the property and its historical use as a portion of 1944 Newport Boulevard.

2. Deny the proposed project. The existing General Plan land use and zoning is inconsistent with the existing (The Midas Shop) and historic commercial use of the subject property. Denial of the proposed project would require the property to be used in conformance with the Medium Density Residential land use designation and zoning requirements.

FISCAL ANALYSIS

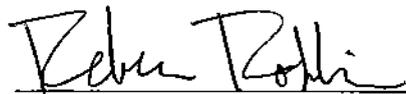
The proposed project does not require fiscal review.

LEGAL ANALYSIS

The City Attorney's office has reviewed the draft resolution and ordinance and approved them as to form.

CONCLUSION

The proposed change of the 1,364 square-foot property from Medium Density Residential to General Commercial, the proposed project does not increase traffic generation and building intensity at 1944 Newport Boulevard nor create a nonconforming situation at 1941 Church Street. There will be no impact or change in the projected levels of service on the roadway system with the proposed change. Therefore, the project is consistent with the City's 2000 General Plan, and no impacts are anticipated.



 REBECCA ROBBINS
 Assistant Planner



 R. MICHAEL ROBINSON, AICP
 Asst. Dev. Svs. Director



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

- Attachments:
1. Figures
 2. City Council Resolution for General Plan Amendment
 3. Ordinance for Rezone
 4. City Council Resolution for Lot Line Adjustment
 5. Planning Commission Resolution, Minutes, and Staff Report

cc: City Manager
Deputy City Manager-Dev. Svs. Director
City Attorney
City Engineer
City Clerk (2)
Staff (4)
File (2)

Charles Margolin
1922 E. Chapman Avenue
Orange, CA 92867

Robert L. Smith
3222 Oregon Avenue
Costa Mesa, CA 92626

File: 040406GP0506

Date: 031706

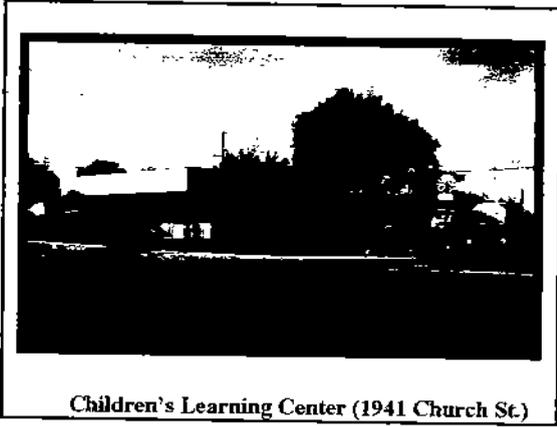
Time: 8:25 p.m.

Attachment 1

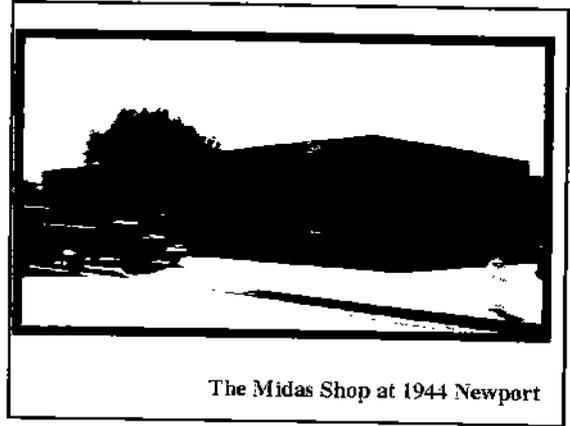
FIGURES

Vicinity Map

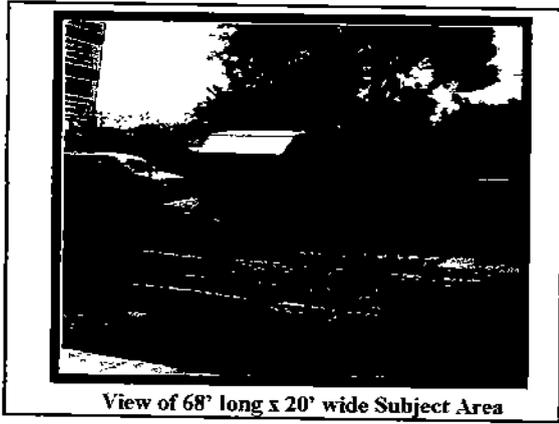




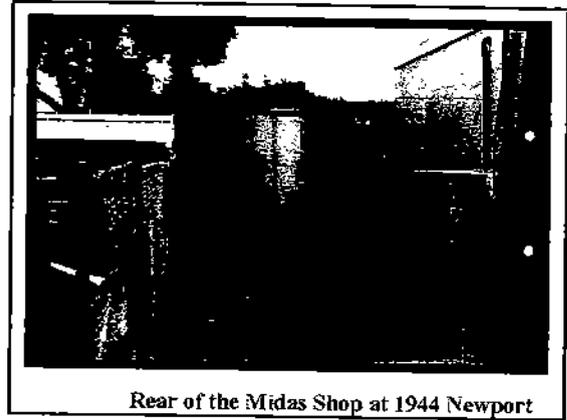
Children's Learning Center (1941 Church St.)



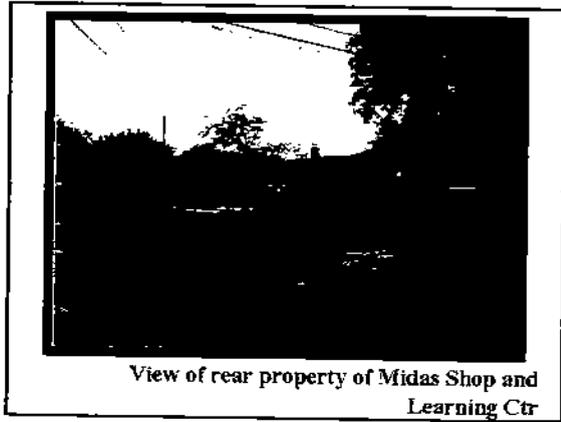
The Midas Shop at 1944 Newport



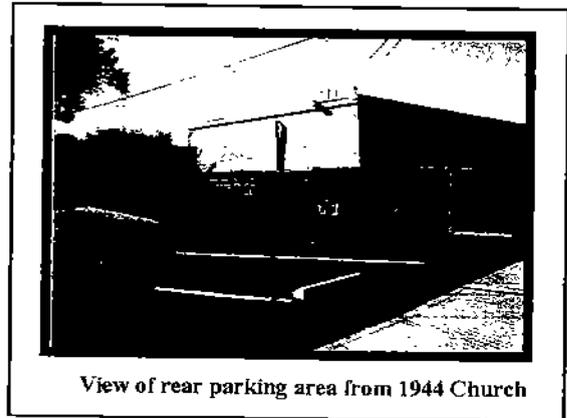
View of 68' long x 20' wide Subject Area



Rear of the Midas Shop at 1944 Newport



View of rear property of Midas Shop and Learning Ctr



View of rear parking area from 1944 Church

Attachment 2
CITY COUNCIL RESOLUTION FOR
GENERAL PLAN AMENDMENT

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GP-05-06 FOR THE PROPERTY LOCATED AT 1941 CHURCH STREET.

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

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2004;

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

WHEREAS, by its very nature, the General Plan needs to be updated and refined to account for current and future community needs;

WHEREAS, General Plan Amendment GP-05-06 amends the 2000 General Plan map as shown in Exhibit "A";

WHEREAS, a public hearing was held on March 13, 2006 by the Planning Commission in accordance with Section 65355 of the Government Code of the State of California, with all persons having been given the opportunity to be heard both for and against said Amendment GP-05-06 to the General Plan, and the Planning Commission recommended to City Council approval of said Amendment by adoption of Resolution PC-06-16;

WHEREAS, an application was filed by Charles Margolin, property owner of 1944 Newport Boulevard and Robert Smith, property owner of the 1,364 square feet of real property located at the northwesterly corner of 1941 Church Street, requesting a General Plan Amendment to change the land use designation from Medium Density Residential to General Commercial;

WHEREAS, the environmental review for the project was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and

the project was determined to be categorically exempt pursuant to Section 15061 of the CEQA Guidelines; and

WHEREAS, this Council deems it to be in the best interest of the City that said Amendment to the General Plan be adopted.

BE IT RESOLVED that the Costa Mesa City Council hereby adopts General Plan Amendment GP-05-06 that amends the map of the 2000 General Plan as set forth in Exhibit "A", which are attached to this resolution.

PASSED AND ADOPTED this 4th day of April 2006.

Mayor, City of Costa Mesa

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

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

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

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

Attachment 3
ORDINANCE FOR REZONE

ORDINANCE 06-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING PETITION R-05-05 CHANGING THE ZONING OF THE NORTHWESTERLY PORTION OF 1941 CHURCH STREET TO GENERAL BUSINESS (C2) TO ACCOMMODATE A LOT LINE ADJUSTMENT.

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

SECTION 1: There is hereby placed and included in the C2 General Business District the real property northwesterly 20 feet of Assessor Parcel Number 426-261-08, 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 Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in Section 1 hereof and depicted in Exhibit 1.

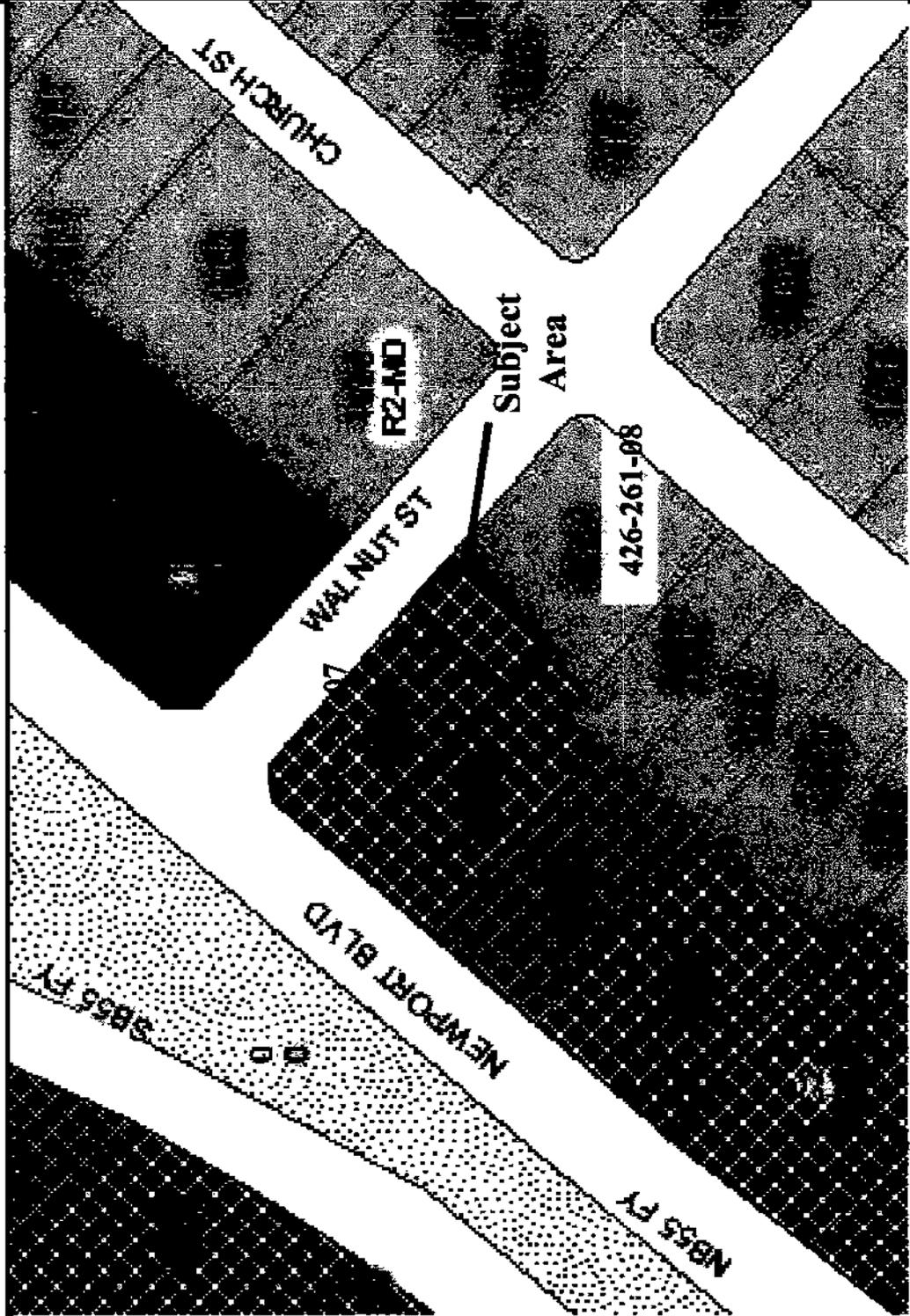
SECTION 3: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in 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 4th day of April, 2006.

Mayor of the City of Costa Mesa

Zoning Map

1944 Newport Blvd. & 1941 Church St.



Legend

- Parcel Addressed
 - Hydrology Channels
 - Street Names
 - Parcel Lines
 - City Boundary
 - Zoning
- | | | | | | | | | | | | | | | | | | | | | |
|----|----|------|----|----|-----|-------|----|----|---|-----|-----|--------|--------|--------|---------|----|-------|-------|----|----|
| AP | CL | CL-S | C2 | CL | IBK | IBK-S | M8 | MP | P | PBC | PBE | PDR-HD | PDR-LD | PDR-MD | PDR-MCA | RI | R2-HD | R2-MD | R3 | TC |
|----|----|------|----|----|-----|-------|----|----|---|-----|-----|--------|--------|--------|---------|----|-------|-------|----|----|

Exhibit "1"

Attachment 4

CITY COUNCIL RESOLUTION FOR LOT LINE ADJUSTMENT

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING LOT LINE ADJUSTMENT LL-05-02 FOR THE PROPERTY LOCATED AT 1944 NEWPORT BOULEVARD AND 1941 CHURCH STREET.

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

WHEREAS, an application was filed by Charles Margolin, property owner of 1944 Newport Boulevard and Robert Smith, property owner of the 1,364 square feet of real property located at the northwesterly corner of 1941 Church Street, requesting a Lot Line Adjustment to move the property line 20 feet to the east;

WHEREAS, the Lot Line Adjustment will not: (1) create an irregular land division; (2) increase traffic intensity or nonconformity; or (3) affect the existing parking at either property;

WHEREAS, the resulting parcel will conform to the State Subdivision Map Act and all applicable ordinances and regulations of the City of Costa Mesa, including the submission of a conformed copy of the Lot Line Adjustment within 30 days of its recordation;

WHEREAS, the environmental review for the project was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and the project was determined to be categorically exempt pursuant to Section 15061 of the CEQA Guidelines; and

WHEREAS, this Council deems it to be in the best interest of the City that said Lot Line Adjustment be adopted.

BE IT RESOLVED that the Costa Mesa City Council hereby adopts Lot Line Adjustment LL-05-02 set forth in Exhibit "A" and the findings and conditions of approval as set forth in Exhibit "B", with which are attached to this resolution.

PASSED AND ADOPTED this 4th day of April 2006.

Mayor, City of Costa Mesa

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

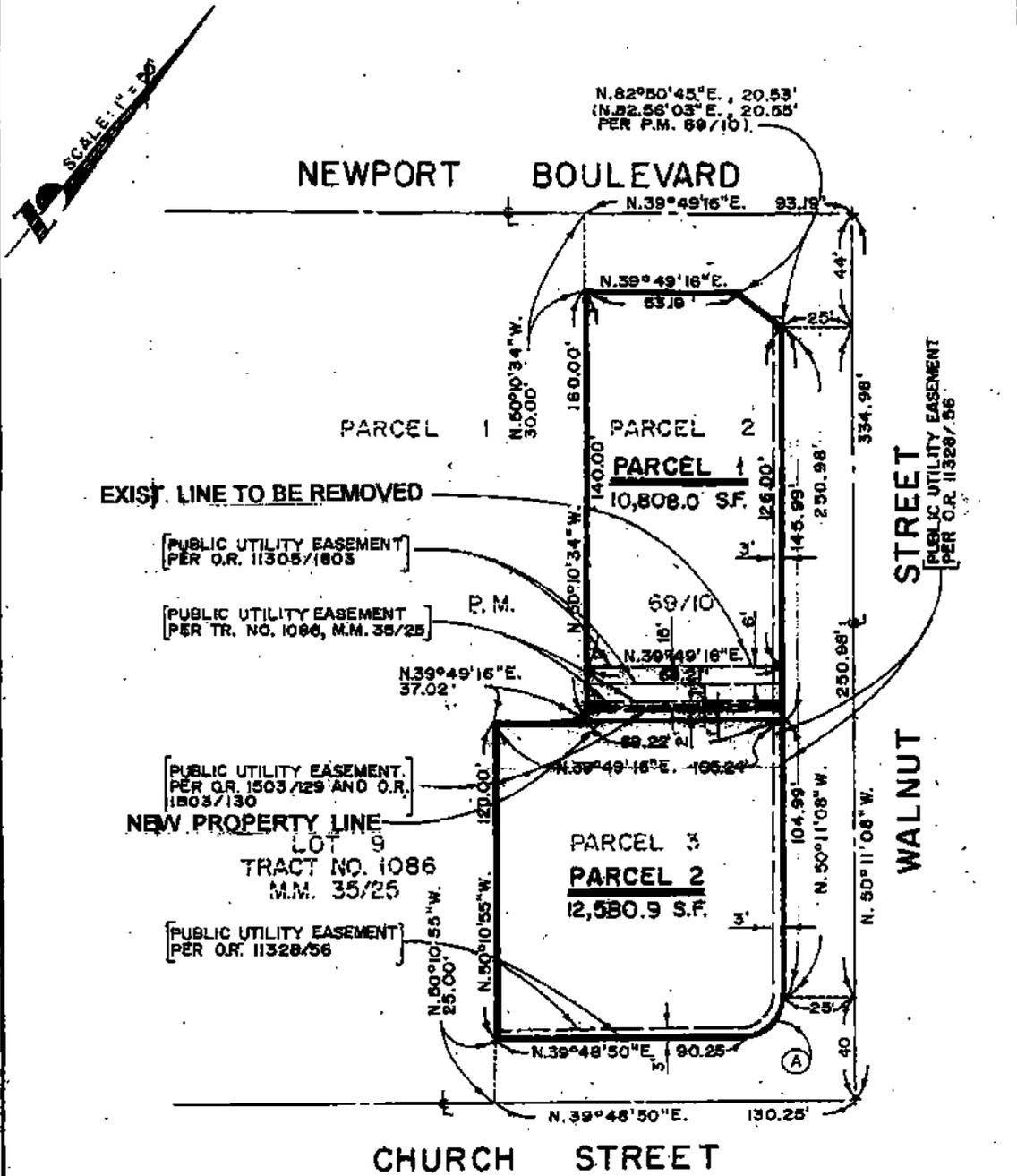
I, Julie Folcik, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. ___ was duly and regularly passed and adopted by said City Council at a regular meeting thereof held on the ___ day of _____, 2006.

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

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

EXHIBIT "A"
LOT LINE ADJUSTMENT NO. LL - 05 - 02
(MAP)

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCED NUMBERS
MARGOLIN PROPERTIES L.P.	426-261-07	PARCEL 1
SMITH FAMILY TRUST	426-261-08	PARCEL 2



LEGEND

————— EXIST. LINE TO REMAIN
 - - - - - EXIST. LINE TO BE REMOVED
 ———— NEW PROPERTY LINE PER THIS ADJUSTMENT

EXHIBIT "B"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(4) in that:
 - 1. The proposed lot line adjustment is consistent with the General Plan and Zoning Code.
 - 2. The resulting parcels will conform with the General Plan and zoning designations for the property, as amended by GP-05-06 and R-05-05.
 - 3. The resulting parcels will conform with the State Subdivision Map Act.
 - 4. The resulting parcels will conform with all applicable ordinances and regulations for the City of Costa Mesa.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be categorically exempt from CEQA.

- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Plng. 1. The Lot Line Adjustment will become effective upon the effective date of Rezone Petition R-05-05
- 2. A copy of the recorded lot line adjustment shall be submitted to the Planning Division within 30 days of recordation.
- Eng. 3. Submit two copies of recorded lot line adjustment to the Engineering Division, City of Costa Mesa.

Attachment 5

PLANNING COMMISSION RESOLUTION, MINUTES, AND STAFF REPORT

RESOLUTION NO. PC-06-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GP-05-06, REZONE R-05-05, AND LOT LINE ADJUSTMENT LL-05-02 FOR THE PROPERTY LOCATED AT 1944 NEWPORT BOULEVARD AND 1941 CHURCH STREET.

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2004; and

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

WHEREAS, by its very nature, the General Plan needs to be updated and refined to account for current and future community needs; and

WHEREAS, the City Council of the City of Costa Mesa approved the General Plan Screening request for the proposed project on December 6, 2005; and

WHEREAS, an application was filed by Charles Margolin, property owner of 1944 Newport Boulevard and Robert Smith, property owner of the 1,364 square feet of real property located at the northwesterly corner of 1941 Church Street, requesting the following for the 1,364 square-foot area: (1) General Plan Amendment GP-05-06, to change the land use designation from Medium Density Residential to General Commercial; (2) Rezone R-05-05, to change the zone district from Multi-Family Residential-Medium Density to General Business; and (3) Lot Line Adjustment LL-05-02 to adjust rear property line of 1944 Newport Boulevard 20 feet to the east; and

WHEREAS, the environmental review for the project was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and

the project was determined to be exempt pursuant to Section 15332 of the CEQA Guidelines; and

WHEREAS, this Commission deems it to be in the best interest of the City that said Amendment to the General Plan, rezone, and lot line adjustment be adopted.

BE IT RESOLVED that the Costa Mesa Planning Commission does hereby recommend to the City Council adoption of General Plan Amendment GP-05-06 that amends the map of the 2000 General Plan as set forth in Exhibit "A", which is attached to this resolution.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby recommend to the City Council adoption of the rezone as set forth in Exhibit "B".

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby recommend to the City Council adoption of the Lot Line Adjustment including findings and conditions of approval as set forth in Exhibit "C".

PASSED AND ADOPTED this 13th day of March, 2006.



Bill Perkins, Chairman
Costa Mesa Planning Commission

Excerpt from the minutes of the Planning Commission meeting of March 13, 2006.

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 (Multiple 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."



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MARCH 13, 2006

III.1

ITEM NUMBER:

SUBJECT: GENERAL PLAN AMENDMENT GP-05-06/REZONE-05-05/LOT LINE ADJUSTMENT LL-05-02 FOR 1944 NEWPORT BOULEVARD AND 1941 CHURCH STREET

DATE: FEBRUARY 27, 2006

FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
(714) 754-5609

DESCRIPTION

The proposed project involves moving a property line 20 feet to the east to recognize the historical use of two properties and assumed property line location. The project requires the following actions:

1. **General Plan Amendment GP-05-06** - Amend General Plan land use map to reflect a change in the General Plan land use designation of the subject property from Medium Density Residential to General Commercial;
2. **Rezone R-05-05** - Rezone of the subject property from R2-MD (Multiple Family Residential - Medium Density) to C2 (General Business); and
3. **Lot Line Adjustment LL-05-02** - Adjustment of the rear property line of 1944 Newport Boulevard 20 feet east, to acquire 1,364 square feet of 1941 Church Street.

The Zoning Administrator is typically the final review authority for lot line adjustment applications. However, the lot line adjustment cannot be approved prior to City Council's action on the General Plan amendment and rezone; therefore the lot line adjustment is being forwarded to Council for action.

APPLICANT

Charles Margolin, property owner of 1944 Newport Boulevard and Robert Smith, property owner of 1941 Church Street.

RECOMMENDATION

Recommend that City Council take the following actions: (1) approve General Plan Amendment GP-05-06; (2) approve Rezone R-05-05; and (3) approve Lot Line Adjustment LL-05-02, by adopting the attached resolution.

REBECCA ROBBINS
Assistant Planner

R. MICHAEL ROBINSON, AICP
Assl. Dev. Svs. Director

BACKGROUND

On December 6, 2005, City Council approved a General Plan amendment screening request for a proposed change in General Plan land use designation of 1,364 square feet of 1941 Church Street from Medium Density Residential to General Commercial in preparation for a lot line adjustment with the adjacent commercial parcel at 1944 Newport Boulevard.

ANALYSIS

Project Location

The project site is located at the northwesterly section (68.22 feet long x 20 feet wide) of 1941 Church Street and is approximately 1,364 square feet in size. The property owner at 1944 Newport Boulevard proposes to acquire this 1,364 square-foot area from 1941 Church Street.

Site Description

The Children's Learning Center preschool at 1941 Church Street is designated as Medium Density Residential on the General Plan land use map and zoned R2-MD. The Midas Shop at 1944 Newport Boulevard is designated General Commercial and zoned C2. The 68.22' x 20' wide paved portion at the rear of the Children's Learning Center property had mistakenly been considered as a part of the Midas Shop property containing an auto repair business, specializing in services such as muffler, brakes, and general body repairs. During a recent appraisal of the Children's Learning Center property, the correct location of the common property line was determined.

Analysis

The change in land use designation and zoning from residential to commercial and lot line adjustment would not create an irregular land division. Moving the property line 20' to the east would result in a consistent pattern with the adjacent commercial and residential properties (Exhibit A). The Midas Shop property is already nonconforming in building area and could not be expanded regardless of additional site area. Thus, the proposed General Plan amendment for the 1,364 square-foot area would have no effect on increasing traffic intensity or nonconformity at 1944 Newport Blvd. Furthermore, the area has been historically used by the Midas Shop and would not affect the existing parking or use of the Children's Learning Center.

Consistency with 2000 General Plan

The proposed project is consistent with the City's 2000 General Plan for the following reasons:

1. Proposed Uses within Development Capacity of the General Plan. Development would be restricted to the existing building area for 1944 Newport

Blvd. with an existing nonconforming Floor Area Ratio (FAR) of 0.38 to be decrease to 0.34. Furthermore, the proposed project and subsequent lot line adjustment would not result in a nonconforming FAR for the existing Children's Learning Center site. There will be a negligible increase from the current 0.16 FAR to 0.18 FAR (0.25 allowed by the General Plan).

2. Land Use Compatible with Surrounding Uses. The proposed project will create a consistent General Plan designation and property line pattern with the adjacent commercial property to the southwest. (See Exhibit "A")

ENVIRONMENTAL DETERMINATION

Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

ALTERNATIVES CONSIDERED

The Planning Commission has the following alternatives to recommend to City Council:

1. Recommend approval of the proposed project. The proposed project is found to be in conformance with the City's General Plan and Zoning Code. The approval of the requested actions would resolve an inconsistency between the General Plan designation/zoning of the property and its historical use as a portion of 1944 Newport Boulevard.
2. Recommend denial of the proposed project. The existing General Plan land use and zoning is inconsistent with the existing (The Midas Shop) and historic commercial use of the subject property. Denial of the proposed project would require the property to be used in conformance with the Medium Density Residential land use designation and zoning requirements.

CONCLUSION

While this change of the 1,364 square-foot property will be from Medium Density Residential to General Commercial, the proposed project would not involve an increase in traffic generation and building intensity at 1944 Newport Boulevard nor create a nonconforming situation at 1941 Church Street. There will be no impact or change in the projected levels of service on the roadway system with the proposed change. Therefore, the project is consistent with the City's 2000 General Plan and no impacts are anticipated.

Attachments:

- ~~1. Vicinity Map~~
- ~~2. Site Photographs of Subject Property~~
- ~~3. Draft Planning Commission Resolution~~
 - ~~Exhibit "A" - General Plan Land Use Map~~
 - ~~Exhibit "B" - Draft Ordinance~~
 - ~~Exhibit "C" - Lot Line Adjustment / Findings and Conditions~~

cc: Deputy City Manager-Dev. Svs. Director
Sr. Deputy City Attorney
City Engineer
Staff (4)
File (2)

Charles Margolin
1922 E. Chapman Avenue
Orange, CA 92867

Robert L. Smith
3222 Oregon Avenue
Costa Mesa, CA 92626

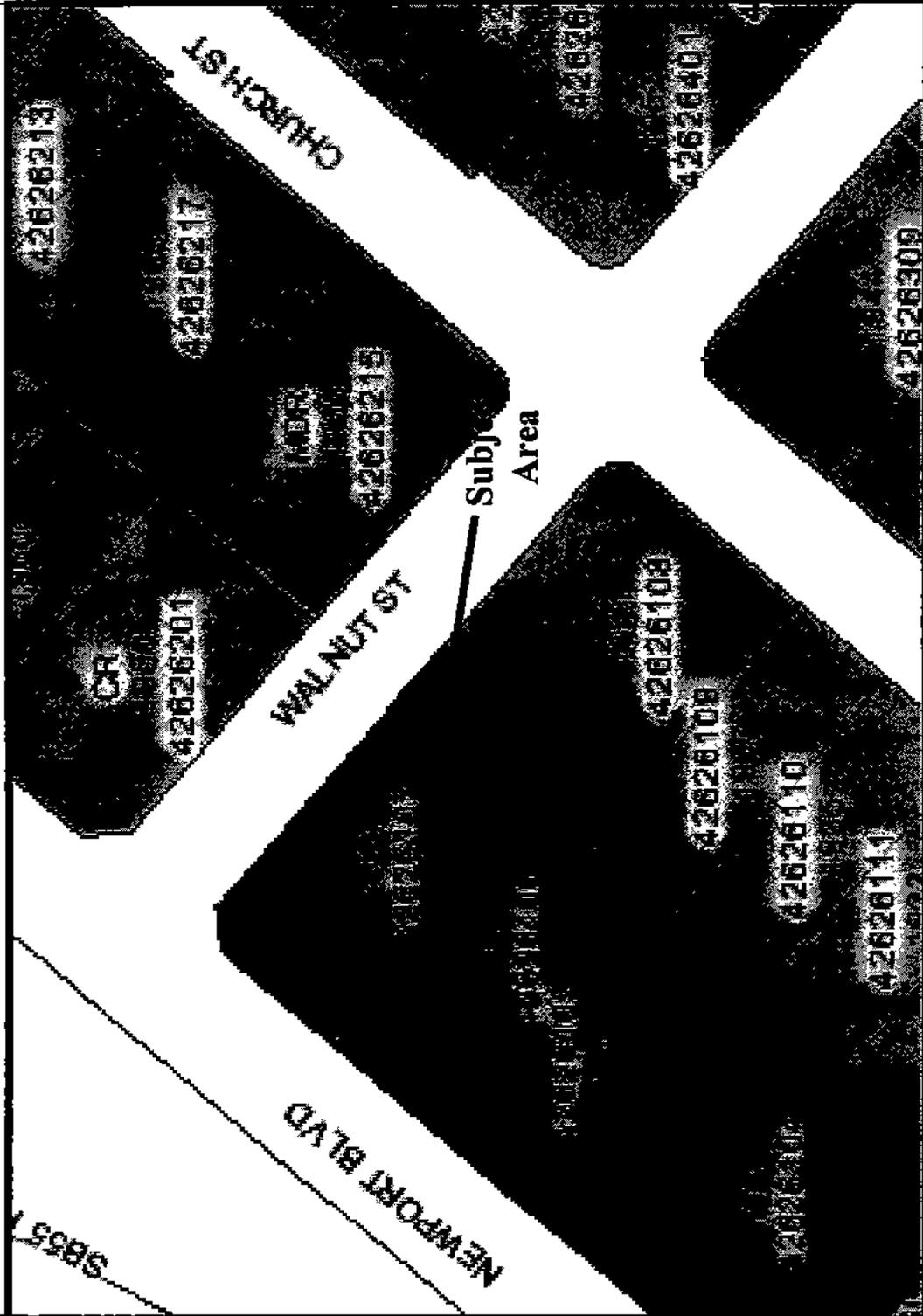
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EXHIBIT "A"

2000 GENERAL PLAN MAP AMENDMENT

General Plan Land Use Map

1944 Newport Blvd. & 1941 Church St.



Legend

- Withdrawn
- Public
- Street & DMU
- Street Marrow
- Parcel Lines
- General Plan
- Other
- Cultural Arts Center
- Commercial Center
- Commercial
- Residential
- High Density
- Residential
- Industrial Park
- Low Density
- Residential
- Light Industrial
- Medium Density
- Residential
- Medium Density
- Residential
- Public (Street and Land)
- Regional Commercial
- Urban Center Commercial
- Parcels

EXHIBIT "A"

Exhibit “B”

DRAFT ORDINANCE

ORDINANCE 06-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING PETITION R-05-05 CHANGING THE ZONING OF THE NORTHWESTERLY PORTION OF 1941 CHURCH STREET TO GENERAL BUSINESS (C2) TO ACCOMMODATE A LOT LINE ADJUSTMENT.

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

SECTION 1: There is hereby placed and included in the C2 zone the real property northwesterly 20 feet of Parcel 3, as per map recorded in book 69 page 10 of the parcel maps, situated in the City of Costa Mesa, County of Orange, State of California, to wit:

SECTION 2: Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in Section 1 hereof and in Exhibit 1.

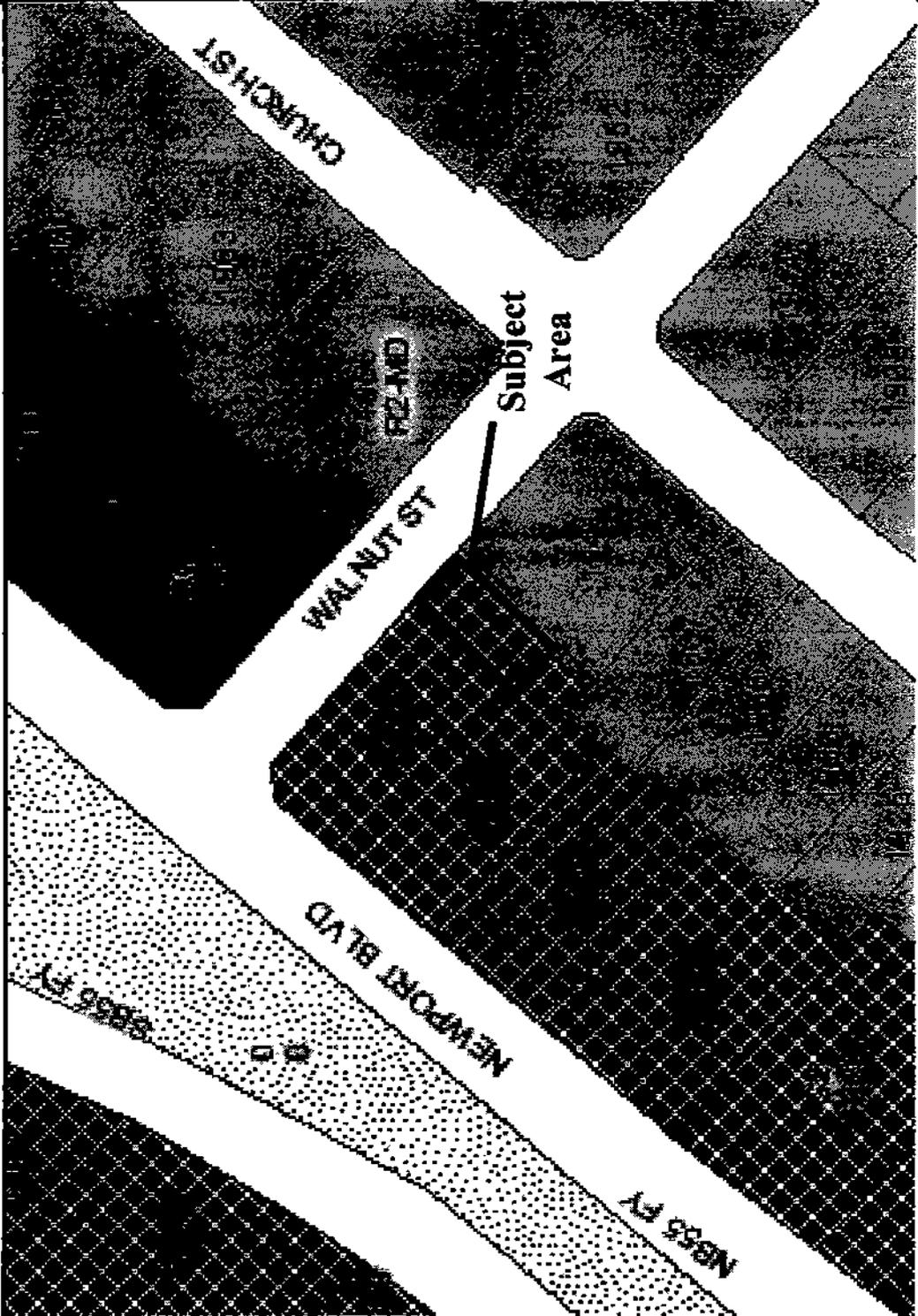
SECTION 3: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in 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 _____ day of _____, 2006.

Mayor of the City of Costa Mesa

Zoning Map

1944 Newport Blvd. & 1941 Church St.



Legend

- Parcel Address
 - Hydrology Channels
 - Street Names
 - Parcel Lines
 - City Boundary
 - Zoning
- | | | | | | | | | | | | | | | | | | | | | |
|----|----|------|----|----|-----|--------|----|----|---|-----|-----|--------|--------|--------|---------|----|------|-------|----|----|
| AP | CL | CL-S | CL | CL | IDR | ISAR-S | MS | NP | P | PDC | PDI | PDR-HD | PDR-LD | PDR-MD | PDR-NCH | RI | RI-S | RI-MD | RI | TC |
|----|----|------|----|----|-----|--------|----|----|---|-----|-----|--------|--------|--------|---------|----|------|-------|----|----|

EXHIBIT “C”

Lot Line Adjustment / Findings and Conditions

EXHIBIT "C1"
LOT LINE ADJUSTMENT NO. LL - 05 - 02
(MAP)

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCED NUMBERS
MARGOLIN PROPERTIES L.P.	426-261-07	PARCEL 1
SMITH FAMILY TRUST	426-261-08	PARCEL 2

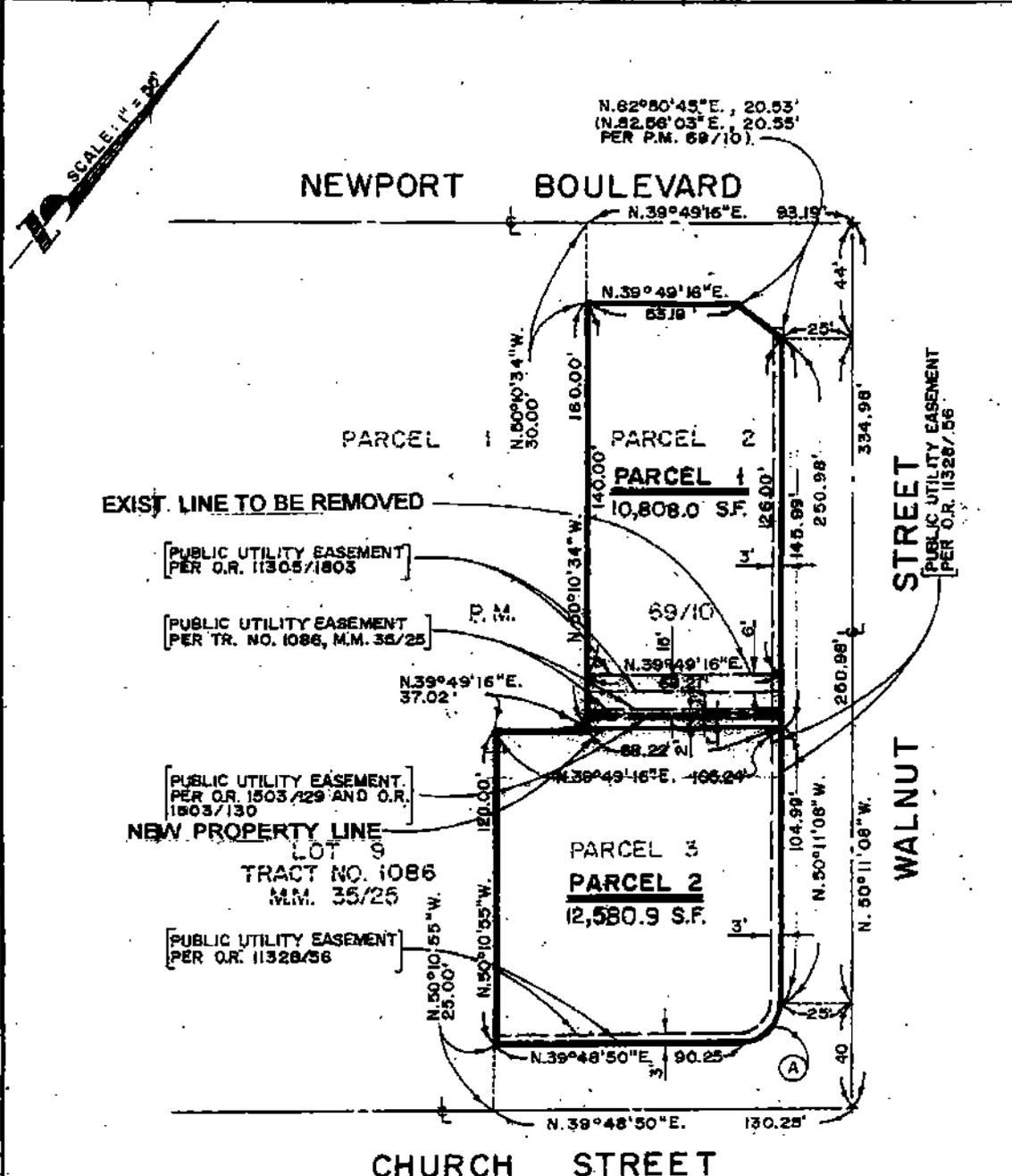


EXHIBIT "C2"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(4) in that:
 - 1. The proposed General Plan amendment, rezone, and lot line adjustment is consistent with the General Plan and Zoning Code.
 - 2. The resulting parcels will conform with the General Plan and zoning designations for the property.
 - 3. The resulting parcels will conform with the State Subdivision Map Act.
 - 4. The resulting parcels will conform with all applicable ordinances and regulations for the City of Costa Mesa.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.

- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Plng. 1. A copy of the recorded lot line adjustment shall be submitted to the Planning Division prior to the issuance of building permits.
- Eng. 2. Submit two copies of recorded lot line adjustment to the Engineering Division, City of Costa Mesa.