

# ADDITIONAL WARRANT INFO

# CC-2 ADDITIONAL DOCUMENTS

## WARRANT INFORMATION

Payment Ref.	Date	Remittance to:	Remittance ID:	Payment Amount	Explanation of payment
0195882	04/01/16	Pro Forma Advisors LLC – Monitoring Compliance Golf Course	0000022224	\$2,867.20	<p><b>Is this for the Quarterly payment for Golf Course Contract Auditing?</b></p> <p>Pro Forma Advisors is assisting the City with the performance monitoring of the Costa Mesa Country Club lease agreement with the City. The monitoring work is ongoing and payments are made as work is completed.</p>
0195941	04/08/16	Environmental Science Associates – Bristol Autoplex Proj.	0000024040	\$7,682.80	<p><b>What was this for?</b></p> <p>The preparation of the Initial Study/Mitigated Negative Declaration for the Autoplex Project on Bristol Street. ESA's invoices are being paid by the developer and not the City.</p>

TO: MEMBERS OF COSTA MESA CITY COUNCIL  
FROM: FLO MARTIN, [REDACTED]  
RE: CIVIC CENTER PARK

I understand from information I read online this morning that you will be engaged in discussion with Vanguard University representatives regarding Civic Center Park.

I refer you to the attached page that includes language from the Draft EIR your Planning Commission will be submitting to you in the very near future.

We need to preserve Civic Center Park as a pocket park available to the residents nearby.

Respectfully,

Flo Martin

#### **IMPACT 4.14.D Public Services**

The City of Costa Mesa currently does not meet its goal of providing 4.26 acres of parkland per 1,000 persons. ...Costa Mesa is largely built out, with vacant parcels scattered throughout the City and equaling only about 20 acres. Given the paucity of vacant land within the planning area, it could be reasonably assumed that acquisition and provision of an additional 561 acres of parkland would not be feasible.

#### **Impact 4.15A Recreation**

The current inventory of parks and community centers (415 acres) provide 3.66 acres of such parkland for every 1,000 residents (assuming a population of 110,524). The City's goal is to have 4.26 acres of parks and community centers for every 1,000 residents. At present, 66 acres of parkland are needed to meet the level of service goal. The build-out population is projected to be approximately 131,690; thus, 146 acres of new City-owned parkland would be needed to meet the level of service goal over the long term. The deficiency of parkland is notable in certain areas of the City, as shown in Figure OSR-2 (Park Accessibility). These areas are referred to as "Park Priority Areas" because parks are needed to serve residents in these areas. Two of the Overlays which are the subject of the General Plan Land Use Amendments are included in a Park Priority Area: Harbor Boulevard–Mixed Use Overlay and Harbor Boulevard–Residential Incentive Overlay. As indicated under Existing Conditions above, Costa Mesa currently is deficient in park and community centers relative to the goal of 4.26 acres per 1,000 residents, and this deficiency can be expected to continue with adoption of the General Plan Amendments. While residential development activity would generate funds for the development of new park facilities through Quimby fees, and all new development projects would require payment of Development Impact Fees (a portion of which would fund parkland acquisition and park maintenance), the degree to which these fees would actually result in new park facilities where they are needed is not known. (MY EMPHASIS) To ensure that park-deficient areas are targeted for park development, the City has added Policy OSP- to the Open Space and Recreation Element as follows:

**Policy OSR-1.C: Pursue the acquisition and development of pocket and neighborhood parks within park-deficient areas, as identified in Figure OSR-3: Planning Areas and Underserved Park Areas.**

With inclusion of this policy, impact would be less than significant.

# Anticipated Process

## Community Participation Processes

- Two Rounds
  - Individual Informational Meetings
  - Community Meetings
    - Multiple community meetings in each round
    - Inform Public and gather information to aid in the development of sample maps and draft maps
- Public Hearings
  - Hearings will be held to present proposed districts and receive public input

# Group Exercise

- Workgroups of 8-10 participants per table
- Use table map to identify:
  - Neighborhoods or communities
  - Connections
  - Barriers
  - Divisions
  - Points of interest
- Review and prioritize sample maps
- Report group findings
- Questions and answers

# General Districting Considerations

- Legal Requirements
- Geography
  - Neighborhoods
  - Physical Layout
  - School Districts and Other Areas
- Political Participation
  - Voter Registration
  - Voter Turnout
  - Ethnic Shares
- Demographic Characteristics
  - Population by Ethnicity
  - Voting Age Population by Ethnicity
  - Citizen Voting Age by Ethnicity
- Socio-Economic Characteristics
  - Income
  - Home Ownership
  - Age of Housing
  - Length of Residence
- Public Input

# Legal Considerations

## Criteria

Federal Requirement	
1	Equal Population
	As equal as practical based on data and Criteria
	Based on most recent Census Total Population
2	Minority Voting Rights
	No Discriminatory Purpose
	No Vote Dilution: Narrowly Tailored
3	Equal Protection
	Race must not Predominate
State Law	
a	Topography
b	Geography
c	Cohesiveness, contiguity, integrity, and compactness of territory
d	Community of Interest

# Geographic Criteria

- Areas that function as **neighborhoods or communities** that should be kept together in a single district
- Neighborhoods or communities that share **common interests** and should be combined within a district
- Physical features such as streets, utilities or other elements that would act as natural **barriers** between districts
- Communities that are **dissimilar** and should be put into separate districts
- Significant locations or **points of interest** that are of particular importance or concern to individual communities; explain their significance.

Dianne Russell

April 19, 2016

Mayor Steve Mensinger and Members of the City Council  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

**RE: Proposed Adoption of Inclusionary Zoning Ordinance**

Dear Mayor Mensinger and City Council Members,

I am writing to you to lend support for the proposal that Costa Mesa have an inclusionary housing ordinance. This will give Costa Mesa a useful tool to address the housing needs of the many lower income working families in our community.

Having housing that is available to all income levels in our city helps us to have a more vibrant community. People who work in the city should have the opportunity to live here.

Costa Mesa does not have programs or policies that encourage the development of homes affordable to lower income working families. While many market rate homes have been built recently, nothing is being planned for the store clerks, child care workers and office employees that work here.

As President of The Kennedy Commission board and a member of the Costa Mesa Affordable Housing Coalition, I refer you to a letter you received dated April 18, 2016 from The Kennedy Commission. I support this inclusionary housing proposal and I endorse everything in that letter. I would like to see the City form an ad-hoc committee that works with the Kennedy Commission, the Costa Mesa Affordable Housing Coalition and other community stakeholders to thoroughly discuss the development of an Inclusionary Housing Ordinance in the City.

The City should take this important step to ensure Costa Mesa begins to meet the enormous, unmet affordable housing needs of its low and very low income residents.

Sincerely,

Dianne Russell

## **Costa Mesa Affordable Housing Coalition**

April 19, 2016

Mayor Steve Mensinger and Members of the City Council  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

### **RE: Proposed Adoption of Inclusionary Zoning Ordinance**

Dear Mayor Mensinger and City Council Members:

I am writing on behalf of the Costa Mesa Affordable Housing Coalition to express our strong support for the pending proposal that our city adopt an inclusionary housing ordinance. We believe the adoption of an inclusionary housing ordinance will give Costa Mesa a powerful tool to begin addressing the unmet housing needs of the thousands of lower income working households in our community.

Costa Mesa does not have any effective programs or policies that facilitate and encourage the development of homes affordable to lower income working families. For proof, consider the fact that since 2008, only **one** low-income home has been constructed in the City<sup>1</sup> and there are currently **no** other proposed affordable home developments for lower income families in the City's development pipeline. This is despite the fact the City has approved many new residential developments that will produce thousands of market-rate housing units city-wide.

Importantly, as to a majority of these approved residential developments, the City granted to developers significant development incentives (i.e., changes in land use designations, rezones and increasing density) which added substantial value to the properties without requesting in exchange any community benefits such as affordable housing. The City should end the practice of giving away benefits to developers without requiring community benefits in return. By adopting an inclusionary housing ordinance, Costa Mesa can join the ranks of the ten other Orange County cities and the third of all cities and counties statewide that use this proven, fair and effective tool for creating affordable housing for lower income working families. The need for such concrete action is undeniable.

The Kennedy Commission letter to you, dated April 18, 2016, provides excellent arguments and evidence in support of this inclusionary housing proposal and we endorse everything in that letter. We particularly echo the Kennedy Commission's suggestion the City form an ad-hoc committee and collaborate with the Kennedy Commission, the Costa Mesa Affordable Housing Coalition and other community stakeholders to thoroughly discuss the development of an Inclusionary Housing Ordinance in the City.

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<sup>1</sup> Housing Element For The Costa Mesa General Plan 2013-2021, City of Costa Mesa, p. 10, January 21, 2014.

The City should take this important step to ensure Costa Mesa begins to meet the enormous, unmet affordable housing needs of its low and very low income residents.

Sincerely,

*Kathy Esfahani*

Kathy Esfahani  
For The Costa Mesa Affordable Housing Coalition

**Subject:** FW: No to medical marijuana dispensary in cm

**From:** Peggy Partnoff [mailto: [REDACTED]]  
**Sent:** Tuesday, April 19, 2016 10:46 AM  
**To:** Mayor <Mayor@costamesaca.gov>  
**Subject:** Fwd: No to medical marijuana dispensary in cm

Sent from my iPhone

Begin forwarded message:

**From:** Peggy Partnoff [REDACTED]  
**Date:** April 19, 2016 at 10:30:53 AM PDT  
**To:** [REDACTED] [REDACTED]  
**Subject:** No to medical marijuana dispensary in cm

As your constituent in Costa Mesa I urge you to vote NO on the matter before the council tonight regarding medical marihuana dispensaries in our city. I firmly believe that a pharmacy is the correct venue for distribution to those who require this medical protocol. I refuse to dishonor my loved ones who continue to battle with or have lost their lives with cancer to support the "business" of marihuana. Nor encourage the proliferation of bogus, paid prescriptions obtainable by anyone from unscrupulous doctors. The "fallout" to the community & the families of those who abuse marihuana is devastating in terms of burglary, thefts, evictions, homelessness, loss of employment, lack of positive parenting skills to name a few symptoms to befall our local community. Thank you for your mindful consideration of this most serious issue.  
Respectfully, Peggy Partnoff

Sent from my iPhone

April 18, 2016

www.kennedycommission.org  
17701 Cowan Ave., Suite 200  
Irvine, CA 92614  
949 250 0909  
Fax 949 263 0647

Mayor Stephen Mensinger and City Council Members  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

## **RE: Support Mixed Income Housing for Lower Income Working Families in Costa Mesa**

Dear Mayor Mensinger and City Council Members:

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than \$20,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with jurisdictions in Orange County to create effective policies that has led to the new construction of homes affordable to lower income working families.

**The Commission is writing in strong support for the development and implementation of an Inclusionary Housing Ordinance in the City of Costa Mesa.** We believe an Inclusionary Housing Ordinance in the City will be an effective tool in helping address the unmet housing needs for lower income working households in the City. The City does not have any effective programs or policies that facilitates and encourages the development of homes affordable to lower income working families. In the City's 2008-2014 Housing Element planning period, only **one** low-income home was constructed in the City<sup>1</sup> and there are currently **no** other proposed affordable home developments for lower income families in the City's development pipeline.

The City's development of affordable homes for lower income households has failed to keep up with the City's robust development of new residential market-rate construction. The City has approved new residential developments that will produce thousands of market-rate housing units in the City. It is also important to stress that in order for a majority of these residential developments to move forward in the planning and construction process, many were approved with development incentives that were requested by developers. The City has provided significant development incentives (i.e., changes in land use designations, rezones and increasing density) that created windfalls and additional value on these properties without requesting an exchange for community benefits such as affordable housing. The City has control and authority over land use decisions and should end the practice of giving away benefits to developers without requiring community benefits in return. With the lack of vacant land and funding for the development of affordable homes, the City should capitalize on this great opportunity by recapturing the increased value through community benefits. New proposed developments requesting additional development incentives should only be approved in exchange for community benefits such as a set-aside of at least 20 percent of homes that are affordable to lower income families.

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<sup>1</sup> Housing Element For The Costa Mesa General Plan 2013-2021, City of Costa Mesa, p. 10, January 21, 2014.

With the serious lack of affordable homes, it is extremely difficult for lower income working families to find existing quality affordable homes in the City. The average asking rent in the City is \$1,906 and that is a \$111.00 a month or 6.2% increase from the year before.<sup>2</sup> Unfortunately, housing affordability for lower income working families and the alleviation of rising rents are not anticipated in the near future. According to a recent housing forecast, Orange County rents are expected to increase by at least \$149 per month (9 percent increase from 2015) by the end of 2018.<sup>3</sup> While the term “affordable” is defined as a household that spends less than 30 percent of their household income on housing costs,<sup>4</sup> many renters are paying more. In the City, many renters overpaid and spent approximately 44% of their income towards rent.<sup>5</sup> In addition, a substantial amount of households in the City are lower income households. Approximately 39 percent of households earned less than \$50,000 per year.<sup>6</sup>

The City’s initial discussion to create an Inclusionary Housing Ordinance is a step in the right direction to meaningfully address the need to increase affordable home opportunities for lower income working households. As indicated in the City’s staff report, other Orange County jurisdictions (Cities of Irvine, Huntington Beach and Santa Ana) also have implemented an Inclusionary Housing Ordinance and have been very successful. In the City of Irvine alone, over 4,000 affordable units have been produced as a result from the Inclusionary Housing Ordinance.<sup>7</sup> In the City of Huntington Beach, over 560 affordable units have been produced for lower income families.<sup>8</sup>

As the City moves forward with the discussion of creating and implementing an Inclusionary Housing Ordinance, the Commission recommends the City to:

1. Create an ad-hoc committee and collaborate with the Commission, Costa Mesa Affordable Housing Coalition and community stakeholders to thoroughly discuss the development of an Inclusionary Housing Ordinance in the City.
2. Provide an analysis on the number of market-rate homes that have been constructed or approved to-date and compare it to the number of affordable homes that have been constructed or approved to-date in the City over the past five years.

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<sup>2</sup> Rent Hikes: \$6 to \$199, Depending on Where in O.C. You Live, The Orange County Register, November 5, 2015.

<sup>3</sup> O.C. Rents Forecast to Rise 9.4% by 2018, Orange County Register, April 12, 2016.

<sup>4</sup> Housing Element For The Costa Mesa General Plan 2013-2021, City of Costa Mesa, p. 31, January 21, 2014.

<sup>5</sup> Lower Rents Might Cost You More: High Cost of Housing Chips Deeply into Low-Wage Earners Pay, The O.C. Register, April 18, 2015.

<sup>6</sup> Profile of the City of Costa Mesa Local Profiles Report 2015, SCAG, p.10, May 2015.

<sup>7</sup> City of Irvine 2013-2021 Housing Element, City of Irvine, p. C-43.

<sup>8</sup> City of Huntington Beach 2013-2021 Housing Element, City of Huntington Beach, p. III-6, September 16, 2013.

Mayor Stephen Mensinger and City Council Members  
April 18, 2016  
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The Commission welcomes the discussion of developing a new housing strategy that will create new housing opportunities for lower income families in the City. Please keep us informed of any Inclusionary Housing Ordinance updates and if you have any questions, please feel free to contact me at (949) 250-0909 or [cesarc@kennedycommission.org](mailto:cesarc@kennedycommission.org).

Sincerely,



Cesar Covarrubias  
Executive Director

cc: Kathy Esfahani, Costa Mesa Affordable Housing Coalition

# INCLUSIONARY HOUSING UNITS MUST BE COUNTED TOWARD STATE DENSITY BONUS REQUIREMENTS IN CALIFORNIA

## LEGAL ALERTS

### PEOPLE



Ethan J. Walsh  
Partner  
(916) 551-2825

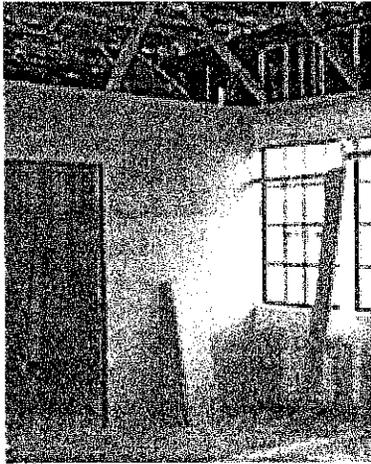
## Appellate Court Issues Ruling in Case Involving Napa County

JULY 22, 2013

### RELATED PRACTICE

Economic Development, Real Estate and Affordable Housing

Municipal Law



A California appellate court recently held that cities and counties must count affordable housing units developed pursuant to local inclusionary requirements toward satisfying density bonus standards set forth in state law. In *Latinos Unidos del Valle de Napa y Solano v. County of Napa*, the First District Court of Appeal overturned a portion of Napa County’s local density bonus ordinance. The court based its ruling on the fact that the county’s density bonus ordinance counted only those units in excess of the units required by the county’s inclusionary housing ordinance in determining whether a project would be eligible for a density bonus and other concessions under the State Density Bonus Law. In light of this decision, cities and counties should review their local density bonus ordinances to confirm that they are consistent with the court’s holding in the *Latinos Unidos* case.

In *Latinos Unidos*, the court found in its July 11 ruling that the county’s local density bonus ordinance violates the State Density Bonus Law. The Density Bonus Law requires that when a developer agrees to construct a certain percentage of units in a housing development for low or very low income households, or to construct a senior citizen housing development, the local government must grant the developer certain development concessions, as well as a density bonus. The density bonus allows the developer to increase the density of the development by a certain percentage above the maximum allowable limit under local zoning law. The concessions and density bonus are offered on a sliding scale, based on the number of affordable units provided and the level of affordability.

In 2010, Napa County adopted an inclusionary housing ordinance requiring that up to 20 percent of new dwelling units in a residential development be affordable to moderate income households. At the same time, the county amended its local density bonus ordinance to provide that only affordable units in excess of those required by the county’s inclusionary requirement be counted toward the threshold necessary to receive a

density bonus and other concessions pursuant to the Density Bonus Law. The court found that the county's local ordinance placed a greater burden on developers than is permissible under state law. Therefore, the court ordered that the requirement be removed from the county's ordinance.

Cities and counties in California should review their local density bonus ordinance to confirm that they are not setting a higher threshold for density bonus concessions than is allowed by state law and the *Latinos Unidos* decision.

For further details about how the *Latinos Unidos* decision may affect your city or county, please contact Ethan Walsh in the firm's Municipal Law practice group or your BB&K attorney.

*Disclaimer: BB&K legal alerts are not intended as legal advice. Additional facts or future developments may affect subjects contained herein. Seek the advice of an attorney before acting or relying upon any information in this communiqué.*