

CC-2 ADDITIONAL DOCUMENTS

WARRANT INFORMATION

Payment Ref.	Date	Remittance to:	Remittance ID:	Payment Amount	Explanation of payment
0196397	05/06/16	Animal Pest Management Services, Inc. – Rodent Control @ City Parks	000001049	\$2,096.00	<p>What was involved? What were we looking to control? What impacts to exposure did we plan for? <i>This was for the control of ground squirrels & gophers in the City parks that have those problems. This is performed monthly or quarterly depending on the need. We apply a below ground material that turns to gas in the sealed burrow. There is no impact on people, pets, non-target species, endangered or threatened species. The material dissolves and cannot be pushed to the surface. There is no toxicity to scavenging animals should they encounter or dig up a dead rodent. Applied by licensed applicators with all State & County required permits, approvals and insurance. This is normal park maintenance to prevent injuries to park patrons due to the holes or damage to landscape and slope areas.</i></p>
0196509	05/06/16	Rincon Truck Center, Inc. – Bake Cleaning Kit #403, Air DPF Filter #403	0000013236	\$4,630.98	<p>What is this for? <i>The purchase was for two items. A portion of the invoice was to pay to have the CARB mandated diesel particulate filter on one of our heavy duty vehicles cleaned, as it was too sooted up for the self-cleaning function to work. That work was about \$300. The costlier portion of the invoice, \$4,335, was for a new diesel particulate filter insert for the Vactor sewer cleaning truck. The truck is old and in need of replacement; but due to the \$300,000+ price tag, we have been keeping it working. The engine has been running poorly and as a result, it sooted up the diesel particulate filter beyond what could be cleaned. The filter was replaced. The entire filter system is over \$14,000. We have spent some money on the engine to keep it operational until we find alternative means of getting the catch basins cleaned.</i></p>

0196268	04/29/16	Siemens Industry, Inc. – Traffic Light Maint: Feb. 2016 Mar 2016, Troubleshoot: Nwprt N/22, Nwprt SB/Fair, Nwprt./Wilson, Victoria/Pomona, Harbor/Harbor Cntr. Traffic Signal Callout: Feb.16, March 16	0000002904	\$70,203.20	Were we having problems at intersection or was this maintenance? Has it been resolved? <i>This is for traffic signal routine maintenance, call outs for service at several locations, repairs of knockdown equipment, replacement of traffic signal loops at several locations and non-routine maintenance. Issues at all locations listed have been resolved.</i>
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**PH-1 ADDITIONAL DOCUMENTS
2015-2035 GENERAL PLAN**

Costa Mesa Affordable Housing Coalition

May 17, 2016

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

RE: Draft Environmental Impact Report (DEIR) for 2015-2035 General Plan

Dear Mayor Mensinger and City Council Members:

The Costa Mesa Affordable Housing Coalition (the Coalition) believes the DEIR is seriously deficient: It fails to report accurately and fully the negative impacts certain proposed General Plan amendments will have on the already meager supply of affordable housing available to lower income residents of our city. Specifically, the Coalition believes the proposed “residential incentive overlays” for Harbor Boulevard and Newport Boulevard (collectively, the motel zone overlays) will lead to the massive displacement of lower income motel residents. Moreover, the DEIR ignores this expected adverse impact, mischaracterizing the impact as “less than significant” and thus not requiring the construction of replacement housing. This City must correct this significant error in the “Population/Housing” section of the DEIR.

The City Council majority has been very clear about its intentions in regard to the proposed motel zone overlays. The Council majority repeatedly has expressed the hope these overlays will “incentivize” a change of use in the motel properties located along Harbor Boulevard and Newport Boulevard which serve as last resort housing for Costa Mesa’s lower income residents. As the City well knows, these motels, collectively consisting of 789 rooms, have become a significant source of de facto affordable housing in Costa Mesa because there is such a dearth of affordable housing available for lower income households.

Disregarding the housing needs of lower income motel residents, the City is proposing the motel zone overlays as a way to lure motel owners into converting their properties from their current use as de facto affordable housing into a new use: market rate, high density housing for upper income residents. Of course, virtually none of the current motel residents will be able to afford to rent these new market rate apartments. Consequently, the conversion of motels into market rate apartments will necessarily displace hundreds, perhaps thousands of lower income motel residents. Moreover, because Costa Mesa has almost no affordable housing available for these residents to move into, it is highly likely this massive displacement of motel residents will result in increased homelessness and overcrowding in the City, as well as the forced migration of motel residents from Costa Mesa in search of affordable housing.

To mitigate this severe adverse impact, the Coalition has asked the City to include in the motel zone overlays a requirement that 20% of the new apartments be affordable to lower income residents. To date, the City Council has not acted on this request. Consequently, if the motel

zone overlays are adopted as currently proposed, motel residents will be displaced on a massive scale as motel owners take advantage of the lucrative “residential incentive” offered by the City.

In a stunning denial of this reality, the DEIR states as findings under Population/Housing Impacts 4.13.B and 4.13.C that the proposed motel zone overlays will have “less than significant” impact, will *not* “result in the displacement of substantial numbers of people,” and will *not* necessitate “the construction of replacement housing elsewhere.” (**Draft EIR, 4.13-8 - 4.13-10**) These defective findings flow from three “pie in the sky” assumptions (fictions, really) set forth in Impacts 4.13.B and 4.13.C.

Fiction #1

The DEIR states the hoped-for conversion of motels into market rate apartments will *not* result in a net loss of affordable housing because the increased densities offered in the city (40 units per acre in motel zone overlays, 80 units per acre in Sakioka Lot 2) will necessarily result in the construction of new affordable housing. What is the basis of this finding? The DEIR blithely assumes affordable housing will be constructed because “the City would have zoning in place to accommodate housing for lower-income households.” (**DEIR, 4.13-9**)

The fallacy in this reasoning is readily apparent from the recent example of the Costa Mesa Motor Inn. With the City’s encouragement and blessing, this 236-room motel will be demolished and replaced by new market rate apartments at a density of 54 units per acre. *Of the 224 new units, not a single unit will be affordable to lower income households.* Clearly, the mere fact the allowable density will “accommodate” lower income housing is no guarantee any of the resulting housing will actually *be* lower income housing. Unless the City requires a percentage of new units to be affordable to lower income families, the motel zone overlays will result in no new affordable housing and, instead, will cause a dramatic loss of affordable housing.

Fiction #2

The DEIR states the “likelihood that motels being used as housing would be removed is speculative, and . . . the potential for a ‘substantial number of people’ being displaced is speculative.” ~(**DEIR, 4.13-9-10**)~ This statement is absurd. It ignores the fact the City is creating the motel zone overlays precisely because the Council majority believes the overlays will result in the conversion of motels into market rate apartments—a goal the majority has long sought. Moreover, the statement ignores the powerful nature of the incentive offered. Again, the Costa Mesa Motor Inn stands as a cautionary example. The City’s offer to allow the motel owner to build high density market rate apartments (at 54 units per acre) in a commercial zone was an irresistible financial windfall for the property owner. The Costa Mesa Motor Inn owner jumped at the opportunity.

The other motel owners in the city are no less savvy than the owner of the Costa Mesa Motor Inn. Consequently, the following doomsday scenario is entirely predictable, not speculative: If the City adopts the motel zone overlays as proposed, with their supercharged financial incentive for converting motel properties into high density, market rate apartments, the City will lose a significant existing supply of de facto affordable housing. In fact, the City could eventually lose all 789 motel rooms. That loss would be catastrophic for the City’s lower income households who rely on motels as last resort housing.

Fiction #3

The final bit of magical thinking in the DEIR is that private social services agencies operating in the City (including HOPE Institute, Human Options, Orange Coast Interfaith Shelter, Serving People in Need, Share Our Selves, Mercy Housing, Families Forward) will be able to meet the housing needs of displaced motel residents. Strikingly, the DEIR fails to include any discussion of the actual services these groups provide or any analysis of their ability to house the hundreds or thousands of motel residents who could be displaced if motels close and are replaced with market rate apartments.

The undeniable truth is that there is no existing supply of available affordable housing in Costa Mesa that can accommodate the hundreds of households living in motels today. The need for affordable housing in our community is undeniable.

Costa Mesa must act to encourage the construction of new affordable housing. Until such housing is created, the City should do *nothing* to accelerate the loss of existing affordable homes. But accelerating such a loss is exactly what the proposed motel zone overlays will do. The overlay zones will very likely make nearly 800 existing affordable homes vanish. There is nothing fictional or speculative about that.

The City should correct the DEIR so everyone in Costa Mesa knows what is really at stake in the proposed revisions to the General Plan. Far better still, the City should adopt a new course of action: The City should approve the motel zone overlays ONLY IF they include a requirement that any new residential development that replaces a motel must include a set-aside of 20% of the apartments as affordable to lower income working households.

Sincerely,

Kathy Esfahani

Kathy Esfahani
For The Costa Mesa Affordable Housing Coalition

PH-1 ADDITIONAL DOCUMENTS

April 18, 2016

Greetings Draft Environmental Impact (DEIR) Review Staff,

Here are a few of my comments on the (DEIR) and references in the DEIR that lead to the *draft general plan 2016*. I have also included a few references to the 2000EIR for comparison purposes.

1. In Costa Mesa's Draft Environmental Impact Report 2016 (DREI) , page 4.4-15 under 'Biological Resources' -Impact 4.3A states: "Impacts to special status species and their habitat would be less than significant with implementation of draft General Plan policies and Mitigation Measure 4.3.A-1".

It states impacts to the burrowing owl less than significant with mitigation measures in the title yet in the body it says otherwise and concludes with "Impacts on special status species, **other than the burrowing owl**, are considered less than significant." (Bold type mine).

Trying to make the impact appear as less than significant even with mitigation is not according to CEQA when it really is significant. The city therefore should place the burrowing owl under 'significant' instead of trying to lessen the impact by putting in under 'insignificant with mitigation'. The goal of the city should be to preserve natural resources not mitigate them.

I refer you to CEQA legislature on page 1-2, item J where it states that the lead agency (City of Costa Mesa) should "Prevent the elimination,,,,and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history."

Therefore, the draft eir should be corrected anywhere it states impacts to the burrowing owl 'less than significant with mitigation' and should properly state 'significant'. Where are the environmental surveys for the burrowing owl at the Segerstrom Home Ranch and Sakiota Lot 2 sites, which have potential for impacts according to page 4.4-16 of the DEIR?

2. This leads me into the next point of the words -'Planning area, Project, and Amendments to the General Plan Area, and in particular, the critical habitat for the Endangered San Diego fairy shrimp. On pages 4. 4-10 under "San Diego Fairy Shrimp', and 4.4-12 under ' Critical Habitat', it says there is no critical habitat for

the San Diego fairy shrimp in the planning area but in other parts of the DEIR, such as page 4.4-8 when it says: "Of these, only 10 species and two natural communities are located with the planning area and all occurrences are found either in Fairview Park, Talbert Regional Park or the adjacent wildlife preserve." (and 4.4-9)it talks about the whole of Costa Mesa (project area) as a planning area as well as many other places in the DEIR (pgs.4.14-8, 4.14-9, 4.15-1, 5-4 etc.)

So, to summarize, since planning and project are used synonymously, then there IS INDEED Critical Habitat in the planning area (Costa Mesa). Also, the *draft general plan*, it states on OSR-18, the city's vision of repurposing Fairview Park - which is part of Costa Mesa - whatever *area* you want to call it. AND, vernal pools on the east side of Fairview Park have been omitted from the draft general plan on page CON-5. These vernal pools are part of the Fairview Park Master Plan (FPMP) page 129 and should be noted as such.

3. Why are so many plant and animal species that are present in Fairview Park, omitted from the DEIR? Southern Tarplant on page 4.4-10 says it is only present in Talbert Nature Preserve. There was Southern Tarplant in Fairview Park recently and the vegetative map in FPMP shows where. The city scraped the mouth of the canyon with a front loader - I have pictures - when I asked them why they were doing this, I was told it was to spread seeds. Very odd way of spreading seeds I thought. Why isn't the Northern Harrier included and of course, California Gnatcatcher?

4. Also page 4.4-16 IMPACT 4.3C says no impact to section 404 wetlands would occur as a result - but the 2009-2013 **illegal** filling/grading of the canyon in Fairview Park has affected and impacted the habitat in that riverine area of Fairview Park and should be included in the draft. It is home to the California Endangered Gnat Catcher and was filled/graded illegally by the city. (I have documents showing this). Where are the surveys for the California Gnatcatcher?

5. This filling/grading of the Fairview Park canyon impacted two archaeological core sites of ORA-58. (See FPMP)The city is supposed to be preserving and maintaining historical and cultural resources but has failed miserably once again.

6. Page 4.6-13 - Shouldn't Costa Mesa have a URM ordinance before building all these high density houses?

7. 'Open Space' Recreation Element. First of all, what happened to the 'Open Space' part of the title? There are some errors in the calculations of open space per 1,000 residents. First of all, please note on page. 4.12-11, the OC Fair and Event Center includes the OC Fairgrounds. On page 4.15-1 - it says that the OC Fair and Event Center has 150.04 acres. On page 4.15-3 - it states that OC Fairgrounds has 149.47 acres. But it has been included as part of the 'Institutional Uses' acreage on page 4.15-1 AND ADDED AGAIN as the OC Fair and Event Center. This artificially increases the open space by 150.00 acres but wait that's not all. The acreage of the schools in 2000EIR to DEIR 2016 have differences which can't be accounted for as well. Most of the differences are a few acres but Van Guard University had an increase of 33.16 acres. I contacted VanGuard University and found out that no new acreage had been obtained and no change of land usage. No way to account for this increase of 33.16 acres. The acreage of open space is off by 200 acres from the 2000 EIR to this draft eir. Please note under Recreation (not open space/trails recreation like in 2000 EIR) on page 4.15-1 it says we have 1,925.15 acres of open-space recreation but in 2000EIR we had only 1,706.74 acres (pg. 4.12-1 2000EIR). Besides OC Fairgrounds being added twice, Harbor Lawn Cemetery has been included in the 2016 acreage. Also OCC went from 20 acres in 2000 to 64.40 acres in 2016. That's an increase of 44.40 more acres. Also, the school matrix does not show what types of fields are at each school like the 2000 EIR did. Most of the schools have added acreage to them and the schools I contacted had no idea why - they didn't grow or change land usage. So, this actually puts Costa Mesa even further behind in their goal for having 4.26 acres of open space per 1000 residents. It's not 3.66 acres per 1,000 residents like stated on page 4.14-9 under 'Public Services' but more like 2.0 acres per 1,000 residents, so please correct this. I think the draft eir is evidence for the destruction of the city's ability to provide its residents with the proper amount of 4.26 acres of Open Space per 1000 residents and should not be allowed.

8. Page 4.15-5 Under 'Recreation' (still what happened to Open Space and Trails even?)

9. Page 4.15-6 under 'Policy OSR-1.C' This map of deficient park areas as outlined in Figure OSR-3 of the *draft general plan 2016*, has some errors. OSR-3 is based on OSR-2 (page OSR-14 in *draft general plan 2016*) which has miscalculations. Please notice the areas designated as within 1/4 mile and 1/2 mile from a park as well as

the pink areas to represent the "underserved" areas. I brought this up at the planning commission meetings and was told by Ms. Stetson that I had calculated their miscalculations based on 'how the crow flies'. She is mistaken and I am attaching the google maps to show you. I have also used other maps to make sure and this is indeed WALKING not driving or 'how the crow flies' as Ms. Stetson stated. This miscalculation of distance is THE FOUNDATION FOR EVEN GREATER ERRORS BECAUSE this map misrepresents the residents being served. More residents are being served than stated and there is not access problems like stated in *draft general plan 2016* under Table OSR-4 Park/Population Ratios and page OSR-19. If there is disagreement again, I would like to see your maps used.

10. The miscalculation of open-space area and underserved areas is right in line with the complete lack of public representation in the *draft general plan 2016*. Having attended the various workshops put on by the city and reviewing the event summaries, I was pleased to see the event summaries did indeed represent what actually happened at the workshops. What happened to the draft general plan? There is no representation of what actually happened in the workshops in the *draft general plan 2016*. For example, residents stated over and over again that natural open space was very important to them. Fairview Park not been included in the Costa Mesa Open Spaces area but instead included in the Neighborhood Park area - there are myths perpetuated about needing sport fields throughout the OSR element. First of all, that would undermine the Open Space Survey and Field Usage Survey that was conducted and results have not been released yet. Secondly, there is a Fairview Park Master Plan that governs Fairview Park and for the city to state that Fairview Park could be repurposed for the increased demand for sport fields (OSR-18) is undermining the Fairview Park Master Plan, ignoring the publics' input for two and a half years, and perpetuating a lie with no factual basis.

Secondly, not including Fairview Park as an Open Space with all of its unique biological and archaeological resources is once again trying to lessen what Fairview Park actually contains and the value it has for the community.

As a side note to anyone reading this - this onslaught against Fairview Park didn't begin with the draft eir. Our councilman Mr. Mensinger was allowed to sit as council on the Fairview Park Citizens Advisory Committee when he admitted to

asking city staff to mow a path in vernal pool 6 and 7? (I have O.C.Register article to support this) Oh By The Way, MIG still didn't get the acronym correct on OSR-5, it's FPCAC not FPAC) There are numerous other errors in the eir such as , why is Early College School not included in the draft eir but included in the draft general plan?

10. Why are the Green House Gas Emissions allowed to exceed SCAQM standards? Ms. Stetson said that SCAQM just needed to update their report. I would like Costa Mesa to abide by the SCAQM standards instead of trying to redefine them.

11. The DEIR should have been done by a more reputable and honest company instead of MIG. One that would reflect the workshops and not the mayors wishes (last city council meeting - said we need more sport fields - ignoring parks and rec.'s data once again.)

Sincerely,

Kim Hendricks

Costa Mesa Resident



May 13, 2016

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17701 Cowan Ave., Suite 200
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949 250 0909
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Mayor Stephen Mensinger and City Council Members
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

RE: Draft Environmental Impact Report (EIR) for 2015-2035 General Plan

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. As the City moves forward with the Draft Environmental Impact Report (DEIR) for the 2015-2035 General Plan, the Commission urges the City to consider the following:

- 1. Respond and enter into the record the Commission's letter dated on April 18, 2016.**
The City responded to the Commission's comment letter dated April 11, 2016¹; however, the Commission submitted an additional and revised comment letter on April 18, 2016, the DEIR public review and comment deadline. The Commission's letter dated April 18, 2016 should be entered into record in the City of Costa Mesa General Plan Amendments Environmental Impact Report Response to Comments. In addition, the City's responses should be made in reference to the Commission's letter dated April 18, 2016.
- 2. Incorporate and implement the recommendations outlined in the Costa Mesa Affordable Housing Coalition's letter dated April 18, 2016.**
- 3. Increase development capacity at the Fairview Developmental Center.** The City should reinstate the General Plan land use overlay at the Fairview Developmental Center site that allows a development capacity of 1,000 du at a maximum density of 40 du/acre (not the currently proposed 500 du at 25 du/ac) as identified in the City Council/ Planning Commission Joint Study Session on September 8, 2015. Considering the state is requiring a set-aside for the developmentally disabled, the site presents the greatest potential and opportunity for the development of homes affordable to the developmentally disabled.

According to City's response to comments, "if the proposed 'Multi Use Center designation' is adopted or the current 'Public/Institutional designation' is unchanged, DGS would need to apply for a General Plan Amendment to allow greater residential

¹ City of Costa Mesa General Plan Amendments Environmental Impact Report Response to Comments Draft, April 22, 2016, City of Costa Mesa, p. 49.

densities.”² However, an additional study should be conducted and completed on the front of end of this process to analyze and evaluate the impacts to increase the development capacity and density. It is evident that the State Department of General Services (DGS) is very supportive in increasing the development capacity and density at Fairview Center. By adopting the proposed Multi-Use Center designation or leaving the current designation as Public/Institutional, it will be a very costly and time consuming process for DGS to request a General Plan Amendment in the future. It is not an efficient way to approach this planning process.

On October 6, 2016, DGS submitted a letter to the Costa Mesa City Council stating: **“The state requests that the City include the 20 acres specified in SB 82 in the general plan update allowing a maximum of up to 40 units per acre...”**³ In a follow-up letter dated April 15, 2016, DGS underscored the important need to increase the density and development potential at the proposed site:

“The state is concerned that the City’s proposed 300-unit cap on the number of residential units and density... may unreasonably restrict the attractiveness of the site for the development that the Legislature and the Governor envisioned with SB 82 and frustrate the state’s mandate to develop housing for developmentally disabled individuals.”⁴

The density of 40 du/ac is also consistent to the other proposed residential incentive overlays along Harbor Boulevard, Newport Boulevard and SoBECA. At 40 du/ac versus 25 du/ac, the site will construct more units that will generate more rent subsidies/ revenue needed for the developmentally disabled households living at the Fairview Developmental Center. By approving a lower density of 25 du/ac versus 40 du/ac, the potential value of the center also decreases. In addition, the City should conduct a financial analysis regarding the feasibility of proposing an affordable housing development at a lower density versus a higher density to be better informed as to which densities would facilitate a more successful development.

4. **As recommended in the City staff report, consider an affordable housing component for lower income working households as part of the Residential Incentive Overlays.**⁵
5. **Prioritize the development of affordable homes by recommending new and effective land use policies in the General Plan Update that encourages the development of homes affordable to lower income working households.**

² Planning Commission Supplemental Memo - 2015-2035 General Plan and Draft Environmental Impact Report (DEIR), City of Costa Mesa, p.2, April 25, 2016.

³ City of Costa Mesa Regular City Council Meeting, October 6, 2015; Proposed General Plan Land Use Alternatives for the 2015-2025 General Plan Update, Fairview Development Center, p. 1, October 6, 2015.

⁴ Comments on Draft EIR for City of Costa Mesa Year 2015 – 2035 General Plan, Department of General Services, p. 1-2, April 15, 2016.

⁵ 2015-2035 General Plan and Draft Environmental Impact Report (DEIR), City of Costa Mesa Planning Commission Staff Report, p. 5, April 7, 2016.

- 6. Re-classify the findings under Population/ Housing Impacts 4.13B and 4.13C regarding the displacement of existing housing and residents from “less than significant impact” to “potentially significant impact” necessitating the construction of replacement housing.** The DEIR should be re-evaluated to acknowledge that the General Plan amendments **do** propose policies that **will** result in the displacement of substantial numbers of existing housing and numbers of people, necessitating the construction of replacement housing elsewhere in the City. While the proposed land use changes do not authorize a specific construction project, the proposed changes allows for development incentives that encourages and facilitates future developments to occur. These future developments, encouraged by the benefits provided in the residential overlay, can potentially result in significant and direct impacts.

According to the DEIR, the proposed land use changes were identified as less than significant due to the “... likelihood that motels being used as housing would be removed is speculative, and ... the potential for a ‘substantial number of people’ being displaced is speculative.”⁶ However, the likelihood of removing motels that are currently being used as long term housing in the City is **not** speculative. The potential for a substantial number of tenants being displaced is **not** speculative. The **term “speculative” should be removed from the DEIR** because these events are currently happening in the City and the leading example is the Costa Mesa Motor Inn (CMMI). The plans to convert the CMMI to a multi-family residential development has been submitted and approved by the City and the displacement of many lower income long term tenants at the CMMI is currently happening. It is also important to note that the **City also acknowledges and anticipates the implementation of the proposed land uses will be utilized to reduce specific uses such as motels citywide.**⁷

The City should re-evaluate the potential significant impacts on motel tenants who would be displaced from proposed market-rate residential developments. Generally, motels provide last resort affordable housing for many lower income households and proposed market-rate residential developments will displace many at-risk families and lead them to homelessness. According to the DEIR, the report states:

“... because any specific property redevelopment would occur in the future, the specific number of person using that particular motel for long-term occupancy is not known at this time. The type of residential development that would replace existing commercial uses, including motels, is also unknown, but could include new commercial uses, including hotel or motel uses, or new residential development that includes affordable housing which, based on the densities, could accommodate and encourage development of housing for low-income persons.”⁸

⁶ Draft Environmental Report for the City of Costa Mesa’s Year 2015-2035 General Plan, p. 4.13-10, March 2016.

⁷ Notice of Preparation City of Costa Mesa General Plan Amendment Program EIR, City of Costa Mesa, p. 4, November 16, 2015.

⁸ Draft Environmental Report for the City of Costa Mesa’s Year 2015-2035 General Plan, p. 4.13-9, March 2016.

Redevelopment of specific projects will certainly happen in the future but the City already has one specific example of a proposed development, the CMMI, that is currently benefitting from the development incentives (i.e., change in land-use and increase in density) provided by the Residential Incentive Overlay. The type of residential development replacing the CMMI will be 224 unit apartment complex at a site specific density of 54 du/ac, which notably is significantly higher than the Overlay's density of 40 du/ac. While the specific number of long-term occupants are not known at this time for future developments, the City has already identified that there are approximately 160 occupied rooms at the CMMI and of that, 49 rooms are occupied by 66 long-term residents.⁹ Because the proposed development includes **zero** units affordable to the lower income tenants who currently live in the CMMI, all these existing tenants will be displaced, including the 49 rooms that have been identified and grandfathered as long-term tenants.

The DEIR identifies that the proposed amended Land Use Plan could increase residential development in the Focus Areas by 4,040 units.¹⁰ Of that total, 3,062 units have allowable densities of 40 du/ac which can accommodate the development of affordable housing.¹¹ In addition, in the response to comments, the City states:

“Even if a property owner chooses to develop residential uses, it is not a given that all new high density residential development will be market rate or above market rate. Zoning that allows high density residential development, as well as many other state reforms and incentives and local incentives, facilitate and expedite the development of affordable housing.”¹²

However, the same could also be said about affordable housing. If a property owner chooses to develop residential uses, it is not a given that the new high density residential development will be affordable. Default densities of 30 du/ac and greater do not necessarily produce homes that are affordable to lower income working households. This is quite evident considering the City has approved through upzoning over 2,000 new residential units that are market-rate. Unfortunately, not one of those developments proposed setting aside affordable units for lower income working families.

Incentives such as the State Density Bonus Law is an effective tool for the City to build affordable housing but the City has consistently allowed new residential development proposals to circumvent the law by spot zoning and increasing density that is currently allowable. As a result, the City has not been effective in producing affordable homes

⁹ City Council Agenda Report: General Plan amendment GP-14-04/ Rezone R-14-04/ Zoning Code Amendment CO-14-02/ And Master Plan PA-14-27 For Costa Mesa Apartments at 2277 Harbor Boulevard, City of Costa Mesa, p. 5, November 3, 2015.

¹⁰ Draft Environmental Report for the City of Costa Mesa's Year 2015-2035 General Plan, p. 4.13-6, March 2016.

¹¹ Draft Environmental Report for the City of Costa Mesa's Year 2015-2035 General Plan, p. 4.13-6, March 2016.

¹² Planning Commission Supplemental Memo - 2015-2035 General Plan and Draft Environmental Impact Report (DEIR), City of Costa Mesa, p.6, April 25, 2016.

through the Density Bonus Law. Zoning that allows high density can result in the development of affordable homes, however, it has not happened in the City of Costa Mesa. Without effective programs and policies that facilitates and encourages the development of affordable housing for lower income families, it will probably not happen.

The proposed development at the CMMI is a cautionary example of a proposed development utilizing and benefiting from the Residential Overlay and not producing affordable homes for lower income households. The proposed CMMI development benefitted greatly from the Residential Overlay and development incentives (i.e., change in land use and increase in density) that the developer was previously not entitled to. These City approved development incentives should be considered as a form of a public subsidy because the incentives are giveaways that provide significant windfalls and increase the property value of the proposed development. The City approved incentives/public subsidies underscore a problem that the fails to ensure the giveaways are provided in the exchange of community benefits such as the development of affordable homes for lower income households. The developer for the proposed development at the CMMI did not set aside any homes that would be affordable to lower income households. While 20 units will be set-aside for moderate income families, the proposed rents, \$1,600 - \$1,800 are out-of-reach and not affordable to current CMMI tenants or potential lower income tenants in the City. In addition, by increasing the existing base density at the proposed development, the City is effectively circumventing the use of a density bonus (SB 1818) for proposed projects, which would have facilitated the development of new affordable homes for lower income households in the City.

The City's proposed land use changes, including the development incentives in the Residential Overlay, has significant value to it that will undoubtedly encourage and facilitate future developments. The implementation of the proposed land use changes should be thoroughly analyzed to identify all the significant impacts that will be imposed on the residents and community. Because future developers will benefit from the proposed land use changes, relocation assistance and replacement housing for displaced tenants at proposed developments should be thoroughly analyzed for significant impacts.

7. **Approve the Harbor Mixed-Use Overlay that allows a maximum residential density of 20 du/ac ONLY IF new residential developments proposed in the overlay set-aside 20 percent of homes as affordable to lower income working households.**
8. **Approve a General Plan land use overlay at Sakioka Site 2 that allows a maximum residential density at 80 du/acre for up to 660 units ONLY IF new residential developments proposed at the site set-aside 20 percent of homes as affordable to lower income working households. In the City's 2014-2021 Housing Element, the**

Sakioka Site 2 was identified a potential opportunity site for the development of homes affordable to lower income households.¹³ In addition, by increasing the existing base density, the City is effectively circumventing the use of a density bonus (SB 1818) for proposed projects, which would have facilitated the development of new affordable homes for lower income households in the City.

9. **Approve a residential incentive overlay that includes new high density residential uses of up to 40 du/acre along Harbor Boulevard and Newport Boulevard ONLY IF new residential developments proposed in the overlay set-aside 20 percent of homes as affordable to lower income working households.** In addition, motels located in the overlay should not be included unless any future/new residential developments that are proposed on these sites dedicate at least 20 percent of the homes to lower income working households. In addition, by increasing the existing base density, the City is effectively circumventing the use of a density bonus (SB 1818) for proposed projects, which would have facilitated the development of new affordable homes for lower income households in the City.
10. **Approve a maximum of 450 units at a density of 40 du/acre at the SoBECA Urban Plan Area ONLY IF new residential developments proposed in the overlay set-aside 20 percent of homes as affordable to lower income working households.** In addition, by increasing the existing base density, the City is effectively circumventing the use of a density bonus (SB 1818) for proposed projects, which would have facilitated the development of new affordable homes for lower income households in the City.
11. **Conduct a study to evaluate the economic impacts of the proposed development incentives (i.e., land use changes/ rezoning and density increases) in the “focus areas.”**
12. **Collaborate with the Costa Mesa Affordable Housing Coalition and community stakeholders to develop effective land use changes and residential incentive overlays in the General Plan Update that will increase affordable home opportunities for lower income working households.**

¹³ Housing Element for the Costa Mesa General Plan 2013-2021, p. 56, January 21, 2014.

Mayor Mensinger and Council Members
May 13, 2016
Page 7 of 7

Please keep us informed of any updates to the City's General Plan Update. We look forward to City's responses to our recommendations and if you have any questions, please feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,



Cesar Covarrubias
Executive Director

cc: Kathy Esfahani, Costa Mesa Affordable Housing Coalition

RE: Comments on Costa Mesa's General Plan and DEIR

linda tang <kencomlt33@gmail.com>

Mon, Apr 18, 2016 at 4:39 PM

Reply-To: lindat@kennedycommission.org

To: "ASHABI, MINOO" <MINOO.ASHABI@costamesaca.gov>

Cc: rdickson.cmpc@gmail.com, Cesar Covarrubias <cesarc@kennedycommission.org>, Kathy Esfahani <kathy.esfahani@gmail.com>

Dear Minoo,

Thank you for providing us the opportunity to provide written comments. Please find attached the Kennedy Commission's comments regarding the City's 2015-2035 General Plan and DEIR.

Please let us know if you have any questions.

—
Sincerely,

Linda Tang
The Kennedy Commission
17701 Cowan Ave., Suite 200
Irvine, CA 92614
p: (949) 250-0909
f: (949) 263-0647
www.kennedycommission.org

 **Ltr_EIR CM GP Amend_16.4.18.pdf**
2361K

April 18, 2016

Ms. Mino Ashabi
City of Costa Mesa – Development Services Department
77 Fair Drive
Costa Mesa, CA 92626

RE: Draft Environmental Impact Report (EIR) for 2015-2035 General Plan

Dear Ms. Ashabi:

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. As the City moves forward with the Draft Environmental Impact Report (DEIR) for the 2015-2035 General Plan, the Commission urges the City to consider the following:

1. Incorporate and implement the recommendations outlined in the Costa Mesa Affordable Housing Coalition's letter dated April 18, 2016.
2. Prioritize the development of affordable homes by including an additional land use alternative that specifically supports and encourages the development of homes affordable to lower income working households.
3. Re-classify the findings under Population/ Housing Impacts 4.13B and 4.13C regarding the displacement of existing housing and residents from "less than significant impact" to "potentially significant impact" necessitating the construction of replacement housing. The DEIR should be re-evaluated to acknowledge that the General Plan amendments **do** propose policies that **will** result in the displacement of substantial numbers of existing housing and numbers of people, necessitating the construction of replacement housing elsewhere in the City. While the proposed land use changes do not authorize a specific construction project, the proposed changes allows for development incentives that encourages and facilitates future developments to occur. These future developments, encouraged by the benefits provided in the residential overlay, can potentially result in significant and direct impacts.

According to the DEIR, the proposed land use changes were identified as less than significant due to the "... likelihood that motels being used as housing would be removed is speculative, and ... the potential for a 'substantial number of people' being displaced is speculative."¹ However, the likelihood of removing motels that are currently being used

¹ Draft Environmental Report for the City of Costa Mesa's Year 2015-2035 General Plan, p. 4.13-10, March 2016.

as long term housing in the City is **not** speculative. The potential for a substantial number of tenants being displaced is **not** speculative. The **term “speculative” should be removed from the DEIR** because these events are currently happening in the City and the leading example is the Costa Mesa Motor Inn (CMMI). The plans to convert the CMMI to a multi-family residential development has been submitted and approved by the City and the displacement of many lower income long term tenants at the CMMI is currently happening. It is also important to note that the **City also acknowledges and anticipates the implementation of the proposed land uses will be utilized to reduce specific uses such as motels citywide.**²

The City should re-evaluate the potential significant impacts on motel tenants who would be displaced from proposed market-rate residential developments. Generally, motels provide last resort affordable housing for many lower income households and proposed market-rate residential developments will displace many at-risk families and lead them to homelessness. According to the DEIR, the report states:

“... because any specific property redevelopment would occur in the future, the specific number of person using that particular motel for long-term occupancy is not known at this time. The type of residential development that would replace existing commercial uses, including motels, is also unknown, but could include new commercial uses, including hotel or motel uses, or new residential development that includes affordable housing which, based on the densities, could accommodate and encourage development of housing for low-income persons.”³

Redevelopment of specific projects will certainly happen in the future but the City already has one specific example of a proposed development, the CMMI, that is currently benefitting from the development incentives (i.e., change in land-use and increase in density) provided by the Residential Incentive Overlay. The type of residential development replacing the CMMI will be 224 unit apartment complex at a site specific density of 54 du/ac, which notably is significantly higher than the Overlay’s density of 40 du/ac. While the specific number of long-term occupants are not known at this time for future developments, the City has already identified that there are approximately 160 occupied rooms at the CMMI and of that, 49 rooms are occupied by 66 long-term residents.⁴ Because the proposed development includes **zero** units affordable to the lower income tenants who currently live in the CMMI, all these existing tenants will be displaced, including the 49 rooms that have been identified and grandfathered as long-term tenants.

² Notice of Preparation City of Costa Mesa General Plan Amendment Program EIR, City of Costa Mesa, p. 4, November 16, 2015.

³ Draft Environmental Report for the City of Costa Mesa’s Year 2015-2035 General Plan, p. 4.13-9, March 2016.

⁴ City Council Agenda Report: General Plan amendment GP-14-04/ Rezone R-14-04/ Zoning Code Amendment CO-14-02/ And Master Plan PA-14-27 For Costa Mesa Apartments at 2277 Harbor Boulevard, City of Costa Mesa, p. 5, November 3, 2015.

The DEIR identifies that the proposed amended Land Use Plan could increase residential development in the Focus Areas by 4,040 units.⁵ Of that total, 3,062 units have allowable densities of 40 du/ac which can accommodate the development of affordable housing.⁶ However, default densities of 30 du/ac and greater do not necessarily produce homes that are affordable to lower income working households. The proposed development at the CMMI is a cautionary example of a proposed development utilizing and benefiting from the Residential Overlay and not producing affordable homes for lower income households.

The proposed CMMI development benefitted greatly from the Residential Overlay and development incentives (i.e., change in land use and increase in density) that the developer was previously not entitled to. These City approved development incentives should be considered as a form of a public subsidy because the incentives are giveaways that provide significant windfalls and increase the property value of the proposed development. The City approved incentives/ public subsidies underscore a problem that the fails to ensure the giveaways are provided in the exchange of community benefits such as the development of affordable homes for lower income households. The developer for the proposed development at the CMMI did not set aside any homes that would be affordable to lower income households. While 20 units will be set-aside for moderate income families, the proposed rents, \$1,600 - \$1,800 are out-of-reach and not affordable to current CMMI tenants or potential lower income tenants in the City. In addition, by increasing the existing base density at the proposed development, the City is effectively circumventing the use of a density bonus (SB 1818) for proposed projects, which would have facilitated the development of new affordable homes for lower income households in the City.

The City's proposed land use changes, including the development incentives in the Residential Overlay, has significant value to it that will undoubtedly encourage and facilitate future developments. The implementation of the proposed land use changes should be thoroughly analyzed to identify all the significant impacts that will be imposed on the residents and community. Because future developers will benefit from the proposed land use changes, relocation assistance and replacement housing for displaced tenants at proposed developments should be thoroughly analyzed for significant impacts.

- 4. Fairview Developmental Center:** Reinstate the General Plan land use overlay at the Fairview Developmental Center site that allows a development capacity of 1,000 du at a maximum density of 40 du/acre (not the currently proposed 500 du at 25 du/ac) as identified in the City Council/ Planning Commission Joint Study Session on September 8,

⁵ Draft Environmental Report for the City of Costa Mesa's Year 2015-2035 General Plan, p. 4.13-6, March 2016.

⁶ Draft Environmental Report for the City of Costa Mesa's Year 2015-2035 General Plan, p. 4.13-6, March 2016.

2015. Considering the state is requiring a set-aside for the developmentally disabled, the site presents the greatest potential and opportunity for the development of affordable homes. The State Department of General Services (DGS) also submitted a letter that was submitted to the Costa Mesa City Council on October 6, 2016, stating “**The state requests that the City include the 20 acres specified in SB 82 in the general plan update allowing a maximum of up to 40 units per acre...**” It is clear that DGS supports a maximum density of 40 du/ac at the Fairview site.

The density of 40 du/ac is also consistent to the other proposed residential incentive overlays along Harbor Boulevard, Newport Boulevard and SoBECA. At 40 du/ac versus 25 du/ac, the site will construct more units that will generate more rent subsidies/ revenue needed for the developmentally disabled households living at the Fairview Developmental Center. By decreasing the density to 25 du/ac versus 40 du/ac, the potential value of the center also decreases.

In addition, the City should conduct a financial analysis regarding the feasibility of proposing an affordable housing development at a lower density versus a higher density to be better informed as to which densities would facilitate a more successful development.

5. **South Harbor Boulevard Mixed-Use:** Approve the Harbor Mixed-Use Overlay that allows a maximum residential density of 20 du/ac **ONLY IF** new residential developments proposed in the overlay set-aside 20 percent of homes as affordable to lower income working households.
6. **Sakioka Site 2:** Approve a General Plan land use overlay at Sakioka Site 2 that allows a maximum residential density at 80 du/acre for up to 660 units **ONLY IF** new residential developments proposed at the site set-aside 20 percent of homes as affordable to lower income working households. In the City’s 2014-2021 Housing Element, the Sakioka Site 2 was identified a potential opportunity site for the development of homes affordable to lower income households.⁷ In addition, by increasing the existing base density, the City is effectively circumventing the use of a density bonus (SB 1818) for proposed projects, which would have facilitated the development of new affordable homes for lower income households in the City.
7. **Harbor & Newport Boulevard Residential Overlay:** Approve a residential incentive overlay that includes new high density residential uses of up to 40 du/acre along Harbor Boulevard and Newport Boulevard **ONLY IF** new residential developments proposed in the overlay set-aside 20 percent of homes as affordable to lower income working households. In addition, motels located in the overlay should not be included unless any

⁷ Housing Element for the Costa Mesa General Plan 2013-2021, p. 56, January 21, 2014.

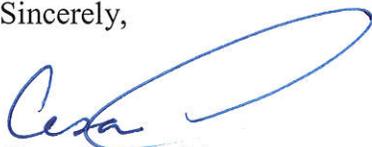
Ms. Mino Ashabi
April 18, 2016
Page 5 of 5

future/new residential developments that are proposed on these sites dedicate at least 20 percent of the homes to lower income working households. In addition, by increasing the existing base density, the City is effectively circumventing the use of a density bonus (SB 1818) for proposed projects, which would have facilitated the development of new affordable homes for lower income households in the City.

8. **SoBECA Overlay**: Approve a maximum of 450 units at a density of 40 du/acre at the SoBECA Urban Plan Area **ONLY IF** new residential developments proposed in the overlay set-aside 20 percent of homes as affordable to lower income working households. In addition, by increasing the existing base density, the City is effectively circumventing the use of a density bonus (SB 1818) for proposed projects, which would have facilitated the development of new affordable homes for lower income households in the City.
9. Conduct a study to evaluate the economic impacts of the proposed development incentives (i.e., land use changes/ rezoning and density increases) in the “focus areas.”
10. Collaborate with the Costa Mesa Affordable Housing Coalition and community stakeholders to develop effective land use changes and residential incentive overlays in the General Plan Update that will increase affordable home opportunities for lower income working households.

Please keep us informed of any updates to the City’s General Plan Update and if you have any questions, please feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,



Cesar Covarrubias
Executive Director

cc: Kathy Esfahani, Costa Mesa Affordable Housing Coalition



Tribune Real Estate

May 17, 2016

VIA EMAIL

The Honorable Stephen Mensinger
City of Costa Mesa
77 Fair Drive, P.O. Box 1200
Costa Mesa, CA 92628-1200

RE: Costa Mesa General Plan Update and EIR

Mayor Mensinger:

On behalf of the Joint Venture of Kearny Real Estate Company and Tribune Media, which owns the 25-acre former Los Angeles Times site located at 1375 Sunflower Avenue, we are writing this letter in full support of the approval and certification of the General Plan update and the EIR.

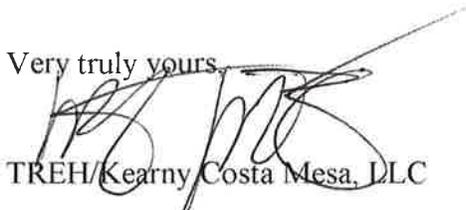
We have been an active participant in the General Plan update process since January of 2014, have provided input into the process over time and have indicated our desire to redevelop the site with non-industrial uses. We believe the update to the General Plan with a General Commercial designation and the contemplated change of zoning of the site to PDC will allow us to accomplish those objectives.

We have thoroughly reviewed the General Plan update and the EIR. Both documents are well thought out and provide the details necessary to understand the effects of the redevelopment for those properties studied in those documents, which includes the former LA Times site.

We urge the City Council to approve the General Plan update and EIR. We look forward to redeveloping our property to provide an engine to the City that attracts the companies that will bring high paying jobs and the associated economic benefits to the City.

Thank you for the opportunity to participate, and we look forward to working with you as the process moves forward.

Very truly yours,

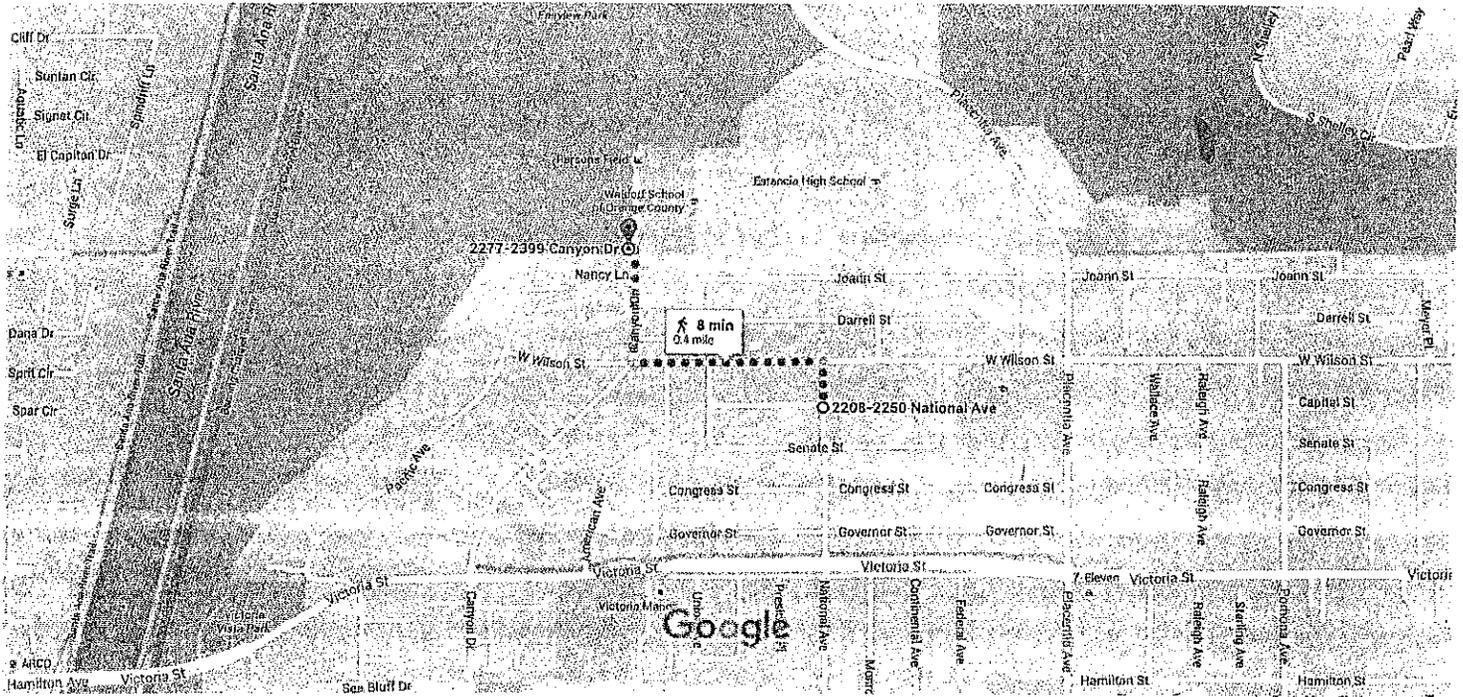

TREH/Kearny Costa Mesa, LLC

PH-1 ADDITIONAL DOCUMENTS

Google Maps

2208-2250 National Ave, Costa Mesa, CA 92627
to 2277-2399 Canyon Dr, Costa Mesa, CA 92627

Walk 0.4 mile, 8 min



Map data ©2016 Google 500 ft

via W Wilson St and Canyon Dr

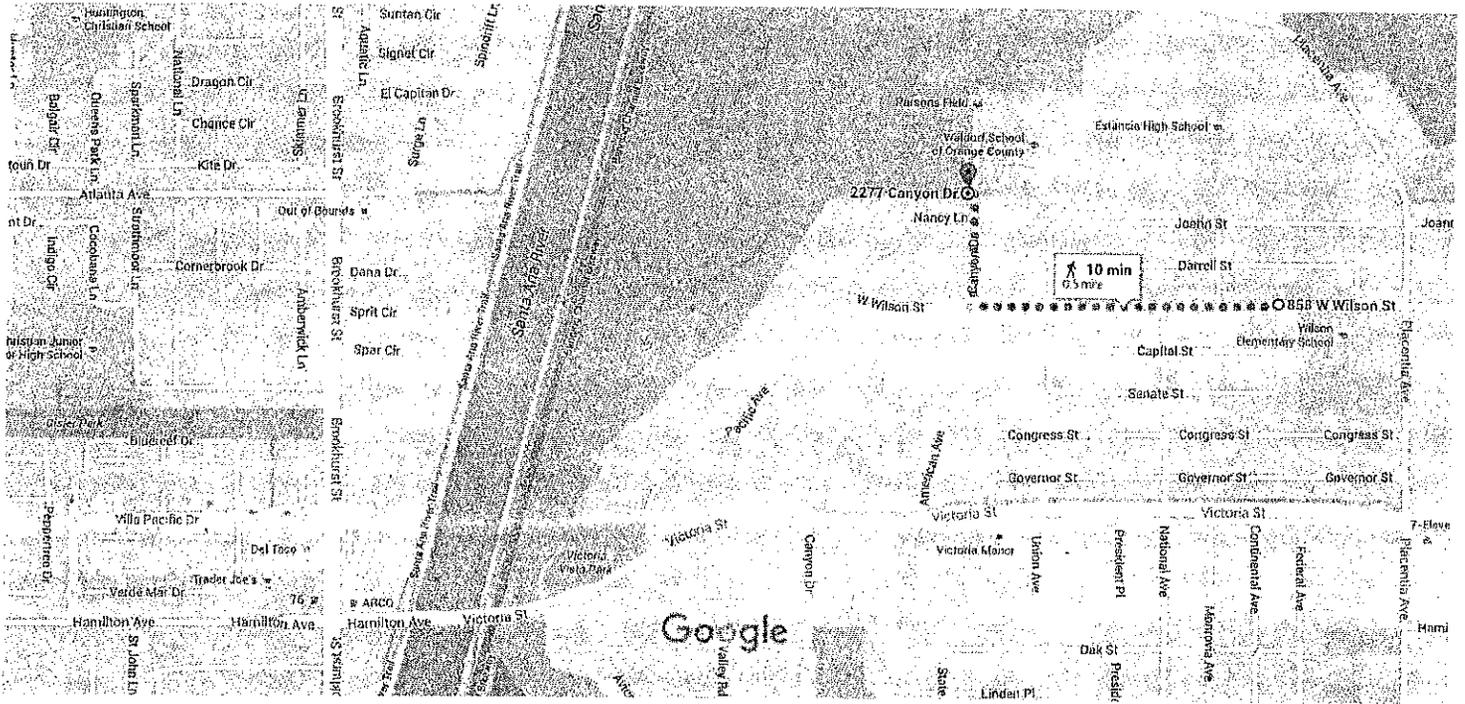
8 min
0.4 mile

Google Maps

See
OSR-14

Google Maps

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Map data ©2016 Google 500 ft

via W Wilson St and Canyon Dr

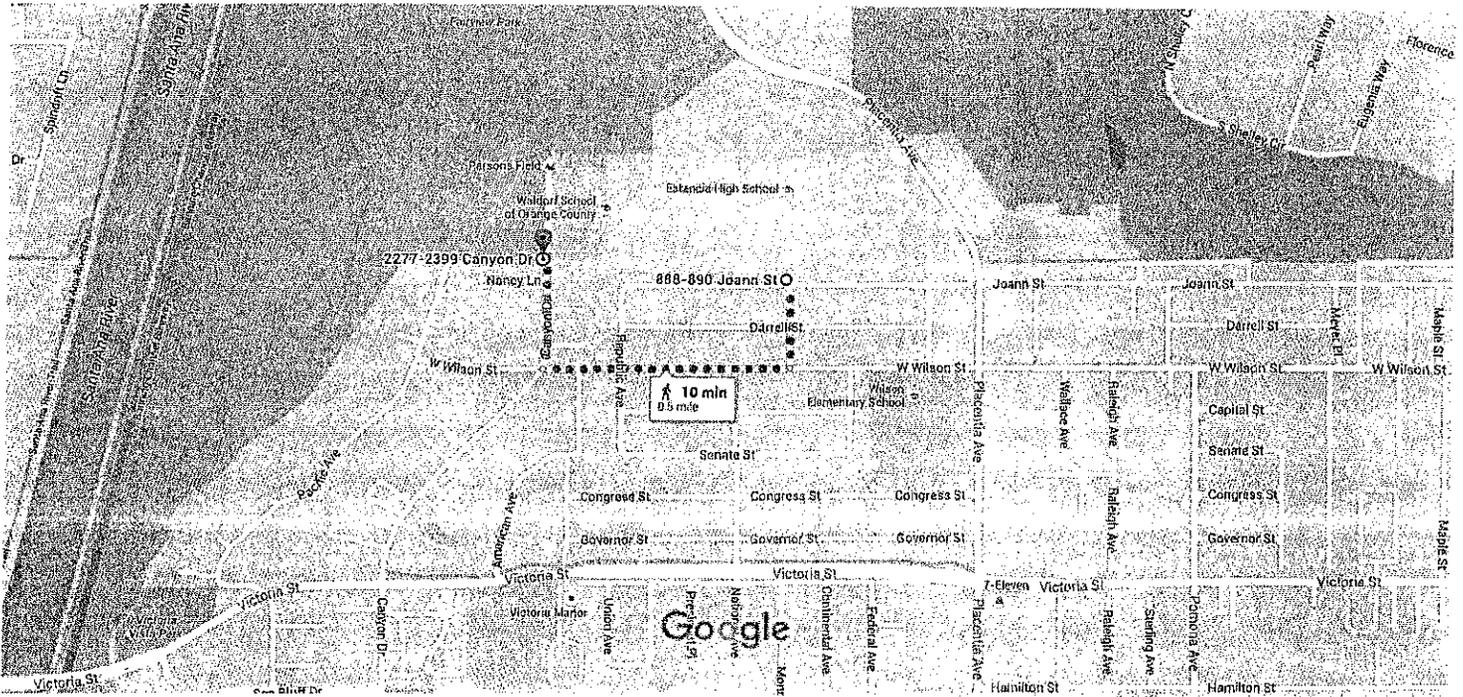
10 min
0.5 mile

Google Maps

Google Maps

888-890 Joann St, Costa Mesa, CA 92627 to
2277-2399 Canyon Dr, Costa Mesa, CA 92627

Walk 0.5 mile, 10 min



Map data ©2016 Google 500 ft

via W Wilson St and Canyon Dr

10 min

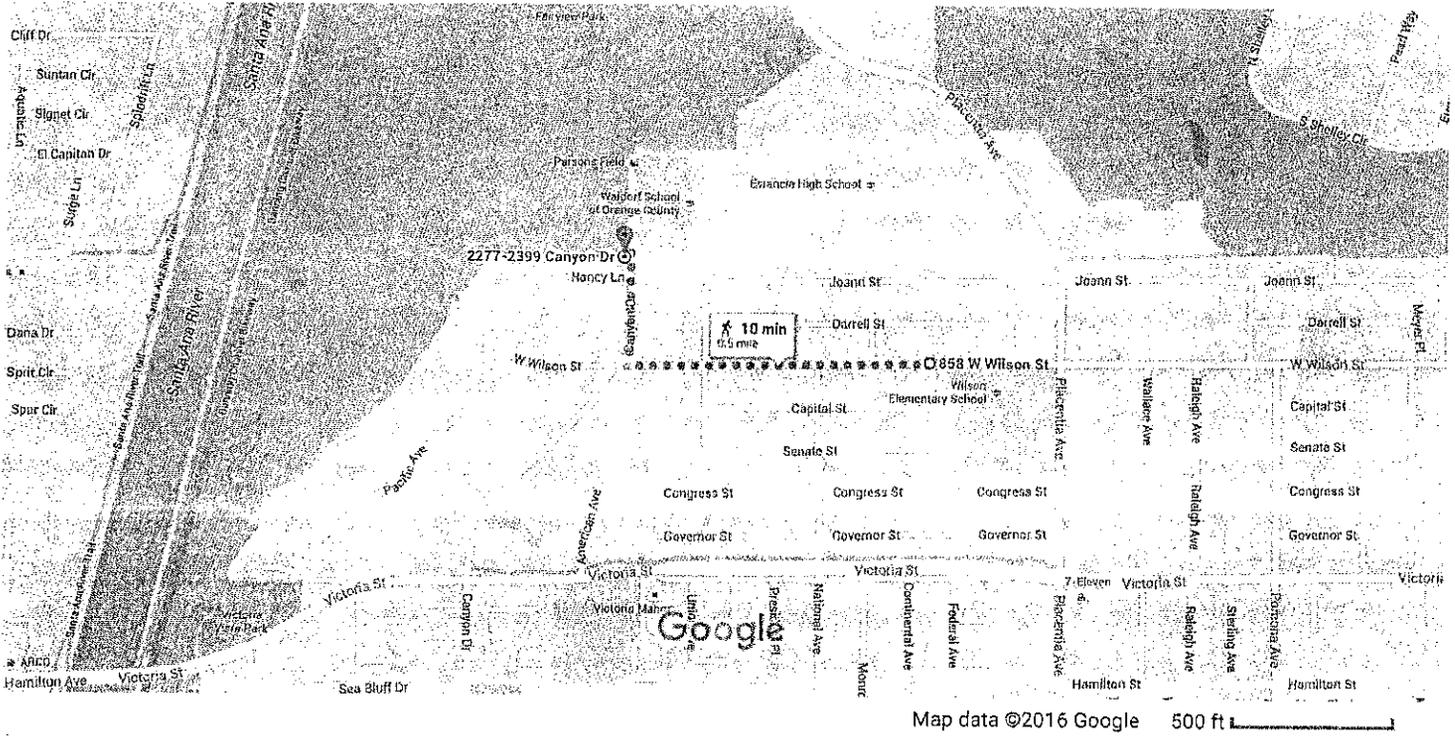
0.5 mile

Google Maps

Google Maps

858 W Wilson St, Costa Mesa, CA 92627
2277-2399 Canyon Dr, Costa Mesa, CA 92627

Walk 0.5 mile, 10 min



via W Wilson St and Canyon Dr

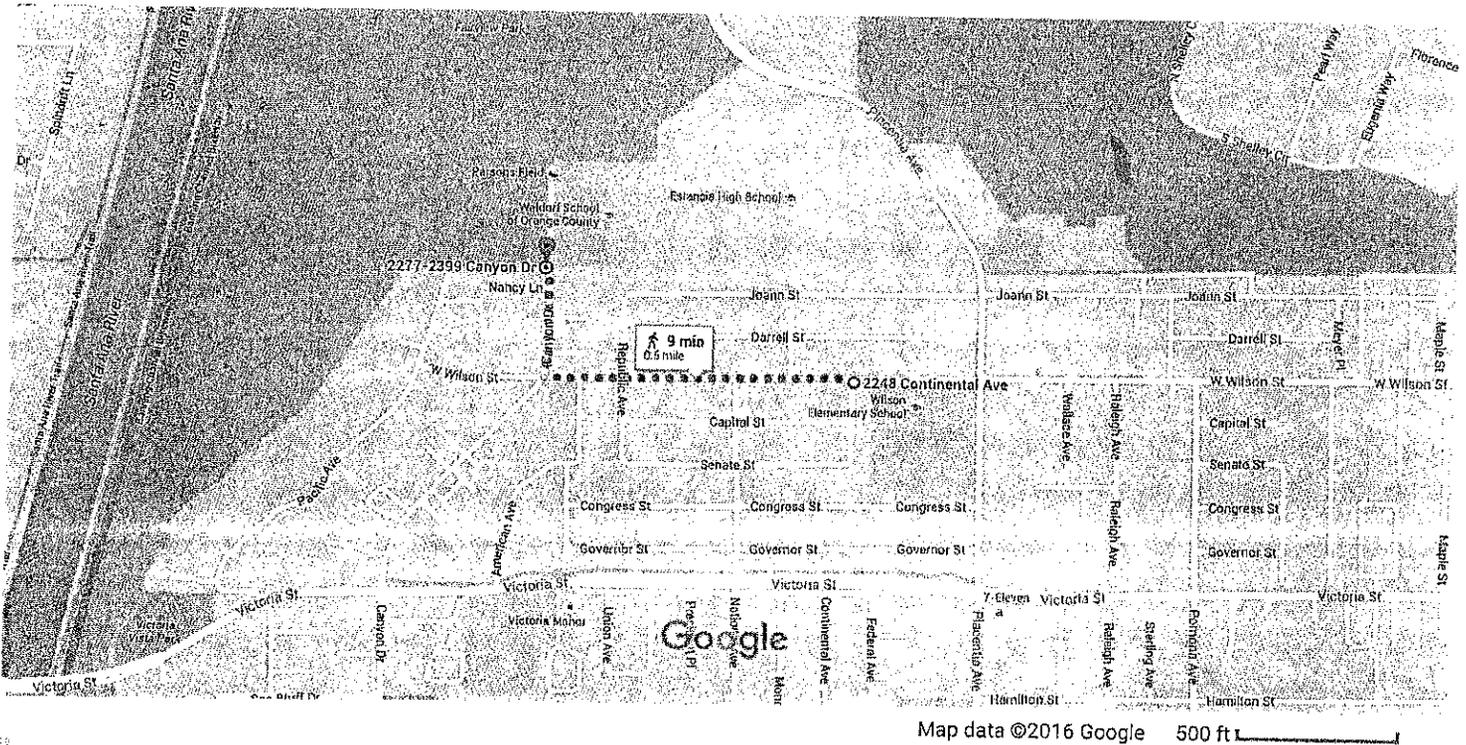
10 min
0.5 mile

Google Maps

Google Maps

2248 Continental Ave, Costa Mesa, CA 92627
2277-2399 Canyon Dr, Costa Mesa, CA 92627

Walk 0.5 mile, 9 min



via W Wilson St and Canyon Dr

9 min
0.5 mile

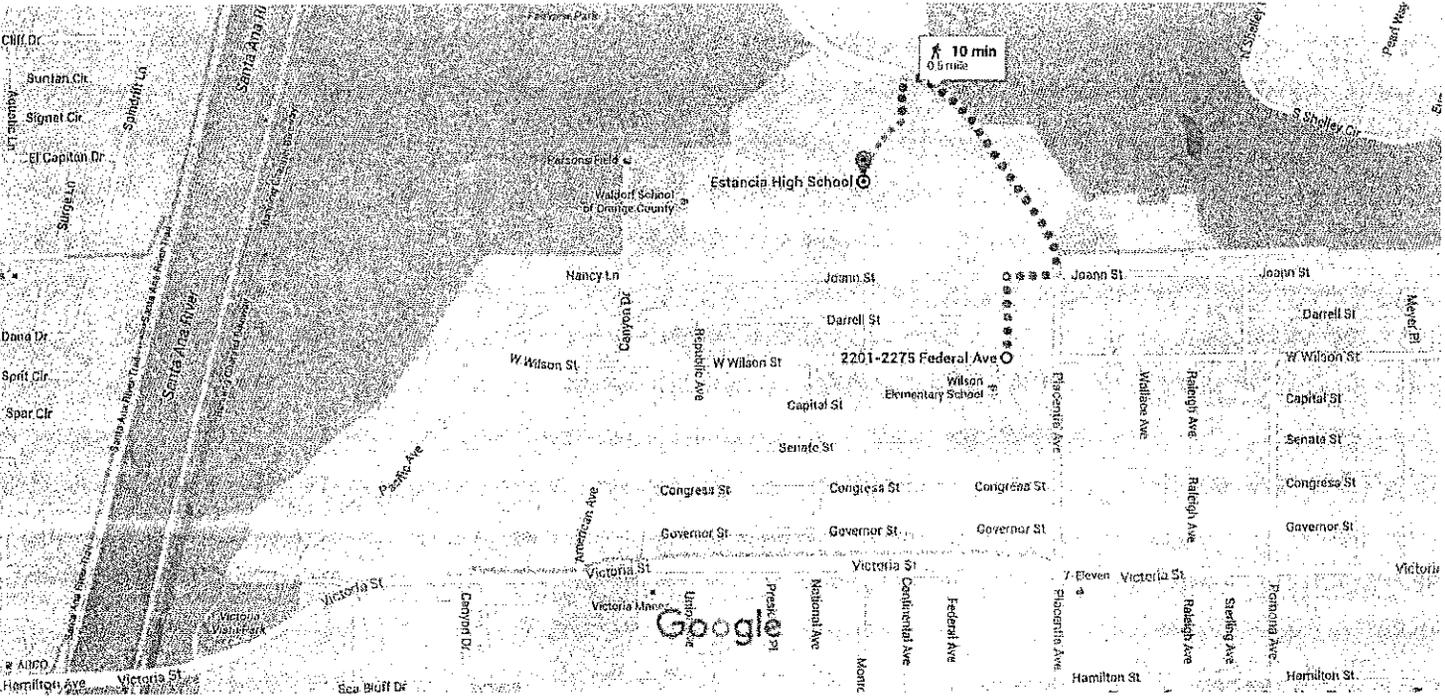
Google Maps

Google Maps

2201-2275 Federal Ave, Costa Mesa, CA 92627

Walk 0.5 mile, 10 min

to Estancia High School



Map data ©2016 Google 500 ft

via Placentia Ave

10 min

0.5 mile

Google Maps