



# PLANNING COMMISSION

## AGENDA REPORT

*U. 2 a.*

MEETING DATE: SEPTEMBER 27, 2004

ITEM NUMBER

**SUBJECT:** GENERAL PLAN AMENDMENT GP-03-03 AND REZONE R-03-01  
2300 HARBOR BOULEVARD/380 WEST WILSON

**DATE:** SEPTEMBER 14, 2004

**FOR FURTHER INFORMATION CONTACT:** CLAIRE L. FLYNN, AICP, ASSOCIATE PLANNER  
(714) 754-5278

---

### DESCRIPTION

The proposed eight-unit, single-family detached, common-interest development project involves the following discretionary actions:

- 1) General Plan Amendment GP-03-03 to change the General Plan land use designations from General Commercial (2300 Harbor Boulevard) and High Density Residential (380 W. Wilson Street) to Low Density Residential.
- 2) Rezone R-03-01 to change the zoning from Shopping Center (C1-S) and Multi-Family Residential District (R3), to Planned Development Residential-Low Density (PDR-LD).

A request for the approval of a Final Master Plan and Tentative Tract Map for the proposed project is addressed in a separate staff report.

### APPLICANT

Mark Korando, Vice President of Habitat for Humanity of Orange County, is the authorized agent for Scott Bell, ICI Development, property owner.

### RECOMMENDATION

Adopt the attached resolution recommending to City Council: (1) adoption of mitigated negative declaration and mitigation monitoring program and (2) denial of requested General Plan Amendment GP-03-03 and Rezone R-03-01.

Handwritten signature of Claire L. Flynn in black ink.

CLAIRE L. FLYNN, AICP  
Associate Planner

Handwritten signature of Kimberly Brandt in black ink.

KIMBERLY BRANDT, AICP  
Senior Planner

**BACKGROUND**

City Council Policy 500-2 requires Council screening of General Plan Amendment requests prior to their acceptance for formal processing. On December 2, 2002, City Council approved a General Plan screening request for the proposed project. The minutes excerpt, verbatim minutes of Council comments, and staff report are provided (Attachment 5). City Council was interested in further analysis of a low density residential development and had concerns about opening Wake Forest Road, preserving the landscape berm, and the property's proximity to Home Depot.

Overall, Council believed that the project had merits related to reducing traffic impacts compared to the General Plan buildout scenario and providing affordable housing; and therefore, they directed staff to accept the application for processing. Council noted that application acceptance did not set precedent for approval, but it allows staff, the public, Planning Commission, and Council the opportunity to review the request and its relative merits and compatibility in greater detail prior to final action.

**ANALYSIS*****Project Location***

The properties located at 2300 Harbor Boulevard (1.12 acres) and 380 W. Wilson (0.37 acre) are approximately 1.49 acres (combined) in size with irregular dimensions (Vicinity Map, Attachment 1). The 1.12-acre parcel is located at the western terminus of Wake Forest Road and is a remnant parcel of Harbor Center. It is designated General Commercial by the 2000 General Plan and zoned C1-S, Shopping Center. The 0.37-acre parcel is located adjacent to Wilson Park and is designated High Density Residential, and zoned R3, Multiple-Family Residential. (Map exhibits are provided in the environmental document).

***Project Description***

Habitat for Humanity of Orange County, in partnership with Humanity Housing, Inc., is proposing development of an eight-unit, single-family residential, common-interest development. The proposed project requires the following:

- General Plan Amendment GP-03-03 to change the General Plan land use designations from General Commercial (1.12-acre parcel) and High Density Residential (0.37-acre parcel) to Low Density Residential.
- Rezone R-03-01 to change the zoning from Shopping Center (C1-S) and Multi-Family Residential District (R3), to Planned Development Residential-Low Density (PDR-LD).

***General Plan Amendment Request***

The existing General Commercial designation and corresponding zoning of the 1.12-acre parcel do not permit residential development. Residential development is only permitted on the 0.37-acre, High Density Residential parcel. The proposed General Plan Amendment and rezone requests involve both environmental and policy issues. These policy issues do not relate to the proposed residential design or land use intensity which are considered compatible with surrounding residential land uses. Instead, the most significant policy issue is the suitability of the project site for residential development.

Staff does not believe that the project site is suitable for residential development for the following reasons:

1. Residential use is a departure from the historic use of the site as a commercial area. The project site has been zoned as C1-S since 1958. Previous zoning classifications in the early 1940s-1950s included Local Business District and Agricultural District. Even prior to the redevelopment of the center, Harbor Center has historically been a major commercial destination to Costa Mesa residents and currently provides approximately 315,000 sq.ft. of commercial uses including four major tenants (e.g. Home Depot and secondary support retail and restaurant uses). The 1.12 acre parcel has been devoid of any structure and therefore historically served as a buffer between the shopping center and neighboring residential community.
2. Project site fails to conform to General Plan Policy HOU 3.1 regarding new residential development. This objective encourages the conversion of existing marginal or vacant commercial and/or industrial land to residential, where feasible and consistent with environmental conditions that are suitable for new residential development. At the time of the Master Plan approval for Harbor Shopping Center in 1998, the property owner retained the General Commercial designation of the 1.12-acre remnant commercial parcel. At that time, a mini-warehouse/self-storage facility was informally discussed as the highest and best use of the property. (A formal proposal was not submitted.) As a low traffic and noise generating facility, a storage facility would maintain the property as a buffer between Harbor Center and the residential community. Given the ongoing noise concerns (elaborated below), staff believes that the current project is not considered "feasible and consistent with environmental conditions that are suitable for new residential development" as required by General Plan Policy HOU 3.1.
3. Ongoing noise disturbances are a cause for concern. The City's Noise Ordinance stipulates that it is unlawful for any person to willfully make or continue any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, regardless of whether the noise level exceeds the standards specified in the Noise Ordinance.

The majority of residents who are reporting noise complaints are residing west of Home Depot (within the vicinity of Wake Forest Road and College Drive). Reported complaints include noise from commercial trucks unloading merchandise throughout the day, back-up beeper noise from forklifts operating both day and night in the loading bay area and garden center, and sawing activities originating from inside Home Depot. These complaints generally relate to violations of Harbor Center conditions of approval. Despite the implementation of noise mitigation measures, the City continues to receive reports of noise disturbances related to Home Depot activities. Periodic violations of the Harbor Center's conditions of approval, which may not necessarily exceed Noise Ordinance limits, may be considered a noise nuisance.

It is important to note that the Planning Commission may consider that the existing community may have a low tolerance for noise because the homes existed before the loading dock was built. As indicated in the staff report for the Final Master Plan, new residents of the proposed project with full knowledge of the existing noise conditions may not be as concerned and consider it a tradeoff for an opportunity to own their first home. Thus, if the proposed project were approved, the following standard condition of the Final

Master Plan would require notifying the proposed project's future residents of: (1) proposed project proximity to Harbor Center, specifically Home Depot; (2) nature of loading/unloading activities; and (3) restrictions on specific noise generating activities.

4. Community opposed to opening Wake Forest Road for residential land uses. On March 1, 1999, a Settlement and Mutual Release Agreement between ICI Holdings, City of Costa Mesa, and Neighbors of Harbor Center (Attachment 6) required a sound wall along the easterly property line. Noise mitigation included: (1) Required construction of 14-foot block wall and creation of landscape berm between the sound wall and easterly property line; (2) Prohibited removal of 14-foot block wall unless it was replaced with a structure of equal or greater sound attenuation; (3) Required sound-attenuating gate within the 14-foot block wall; (4) Established "Area of Restricted Activity" behind Home Depot which prevented operation of trucks of class 3 or higher between: 8 p.m. and 7a.m., Monday through Friday, and 5 p.m. to 8 a.m. on Saturday, Sunday, and Federal holidays.

The College Park residents have emphasized the importance of maintaining the soundwall in perpetuity. In addition, comments during community meetings and the public review period for the environmental document continually reinforce opposition to opening the soundwall at Wake Forest Road to allow site access.

It is important to note that the Settlement and Mutual Release Agreement does not prohibit opening Wake Forest Road nor any future consideration of a residential land use on the vacant site. The Agreement stipulates that "ICI [property owner] agrees that it shall not demolish or cause to be demolished that portion of the soundwall blocking access to Wake Forest Road ... except after final City approval of (and not including any judicial review thereof), a residential land use." Therefore, processing the proposed project is consistent with the terms of the settlement.

#### *Project Merits related to Affordable Housing Objectives*

Although staff does not believe the site is suitable for residential development, the proposed General Plan amendment and rezone do achieve several General Plan objectives:

- Objective LU-1A.4: This objective strongly encourages the development of low-density residential uses and owner-occupied housing where feasible to improve the balance between rental and ownership housing opportunities. As an ownership-housing product, the proposed project complies with this objective.
- Objective HOU-3.2: This objective requires the following: (1) provision of opportunities for the development of well-planned and designed projects which, through vertical or horizontal integration and (2) provision of compatible residential, commercial, industrial, institutional, or public uses within a single project or neighborhood. The design of the proposed structures adheres to the City's Residential Development Standards and Design Guidelines.
- Objective HOU-3.6: This objective requires the consideration of potential impacts on housing opportunities and existing residential neighborhoods when reviewing rezone petitions affecting residential properties. The existing R3 zoning for this parcel allows the construction of 7 units. The proposed PDR-LD for the 1.49-acre project site allows a maximum of 11 units. The proposed eight-unit project involves a net gain one unit, compared to the existing R3 zoning of the 0.37-acre parcel. Thus, in accordance with the

Objective HOU-3.6, the project will not result in a loss of dwelling units in the City's housing stock.

**Alternative General Plan Designations**

Alternative land use designations are typically evaluated as a part of the overall review of the General Plan amendment, as shown in the table below:

**Comparative Land Use Designation for 1.49-acre Site**

Land Use	Maximum FAR	Potential Development
Low Density Residential (proposed project)	8 dwelling units/acre	11 dwelling units (PDR-LD zone)
General Commercial	0.40 FAR low-traffic generating use	25,962 sq.ft. building area (e.g. mini-warehouse/storage)
Public/Institutional	0.25 FAR all uses	16,226 sq.ft. building area (e.g. public park/facilities)

Staff believes that General Commercial and Public/Institutional designations are more compatible to the existing residential land uses compared to the proposed Low Density Residential designation, since these alternatives do not involve opening Wake Forest Road or exposure of sensitive, future on-site land uses to noise disturbances. For a mini-warehouse facility or outdoor garden center/nursery, access may be provided through Harbor Center. For a public park, access may be provided through Wilson Park.

**Alternative Zoning Classifications**

Alternative land use designations are typically evaluated as a part of the overall review of a rezone request. During the City Council meeting for the screening request, City Council requested more information regarding the differences between R1 and PDR-LD zones. City Council was interested in a low density residential development with comparatively lowest environmental impacts.

As it applies to the proposed project, there are no significant differences in terms of density and ownership between R1 and PDR-LD zone because of the following:

- Difference in maximum buildout potential may be a few units. The 1.49-acre lot would have a maximum buildout potential of 7-10 units (R1 zone) or 11 units (proposed PDR-LD zone). This estimate of 7-10 units takes in account the construction of a new public street. Given that the proposed Master Plan involves only 8 units and does not capitalize on the maximum buildout allowed under a PDR-LD zone, the issue does not relate to the project. Therefore, the R1 zone is not considered significantly superior to the PDR-LD zone.
- Difference in average lot size is not an issue. There is a minor difference between average lot sizes in the R1 zone (minimum 6,000 sq.ft. lot) and PDR-LD (average 5,500 sq.ft. lot) zone. Therefore, the lot sizes in a R1 zone is not considered significantly different than the proposed lot sizes. These range from approximately 5,000 to over 7,500 sq.ft., with an average lot size of over 6,300 sq.ft.

- Both zones involve detached units for homeownership. Given that the proposed project involves single-family detached residences for homeownership, there are no significant differences between an R1 zone and a common-interest development in the PDR-LD zone. The proposed project is similar in character, design, and density of homes in an R1 zone.

Staff believes that a residential use is not suitable for the overall project site and that the smaller 0.37-acre parcel (R3 zone) at 380 W. Wilson should be designated as General Commercial and combined with the 1.12-acre parcel under the C1-S zone. Staff is requesting direction from Planning Commission to initiate the General Plan amendment/rezone process.

### **ENVIRONMENTAL DETERMINATION**

An initial study was prepared, pursuant to the California Environmental Quality Act (CEQA). According to the initial study and mitigated negative declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment. Proposed mitigation measures and conditions of approvals would minimize significant impacts to below a level of significance. A mitigation monitoring program is an attachment to the Final Master Plan report.

### **ALTERNATIVES CONSIDERED**

The Planning Commission may consider the following alternatives in addition to the staff recommendation:

1. Recommend approval of General Plan Amendment and rezone. The Planning Commission may find that proposed residential development would be in conformance with the City's General Plan policy encouraging the conversion of existing marginal or vacant commercial properties to residential where feasible. Specifically, the project's merits include reduced traffic impacts, affordable home ownership, and appropriate design/density of a common-interest development. Staff has prepared an approval resolution (Attachment 3).
2. Recommend approval of General Plan Amendment and corresponding R1 zoning (instead of PDR-LD). This alternative would be consistent with College Park residents' preference for an R1 zone if the General Plan Amendment is approved. However, it is inconsistent with the applicant's objective to build a common-interest development. Given that the proposed project involves single-family detached residences for homeownership, there are no significant differences between an R1 zone and a PDR-LD zone with regard to the proposed project. It is similar in character, design, and density of homes in an R1 zone. With regard to the maximum buildout potential, there are minor differences between the PDR-LD (maximum 11 units/minimum 5,000 sq.ft. lot) and R1 zone (maximum 7-10 units/minimum 6,000 sq.ft. lot).

### **CONCLUSION**

During the General Plan screening of this application, Council believed that the project had merits related to reducing traffic impacts compared to the General Plan buildout scenario and providing

affordable housing. Staff has worked with the applicant to develop a well-designed, single-family residential housing plan. If the General Plan Amendment and rezone are approved, the proposed housing product would be consistent with the City's Residential Development Standards and Design Guidelines. However, staff recommends denial of the application based on concerns about the 1.12-acre site's suitability as a residential land use.

Therefore, this project approval is a larger policy decision which relates to whether or not the Costa Mesa finds that the proposed General Plan Amendment and rezone strengthen and reinforce the City's land use vision for the immediate area. On the other hand, the proposed land use intensity and resulting traffic impacts are considerably less substantial compared to the existing General Plan designations.

Attachments:

1. Vicinity Map
2. Draft Denial Resolution
3. Draft Approval Resolution
4. Minute Excerpt and Council Staff Report Council on 12/02/03
5. Mutual Release & Settlement Agreement of 3/01/99
6. Initial Study/Mitigated Negative Declaration (separately bound document)

Distribution:

Sr. Deputy City Attorney  
Assistant City Engineer  
Staff (4)  
File (2)

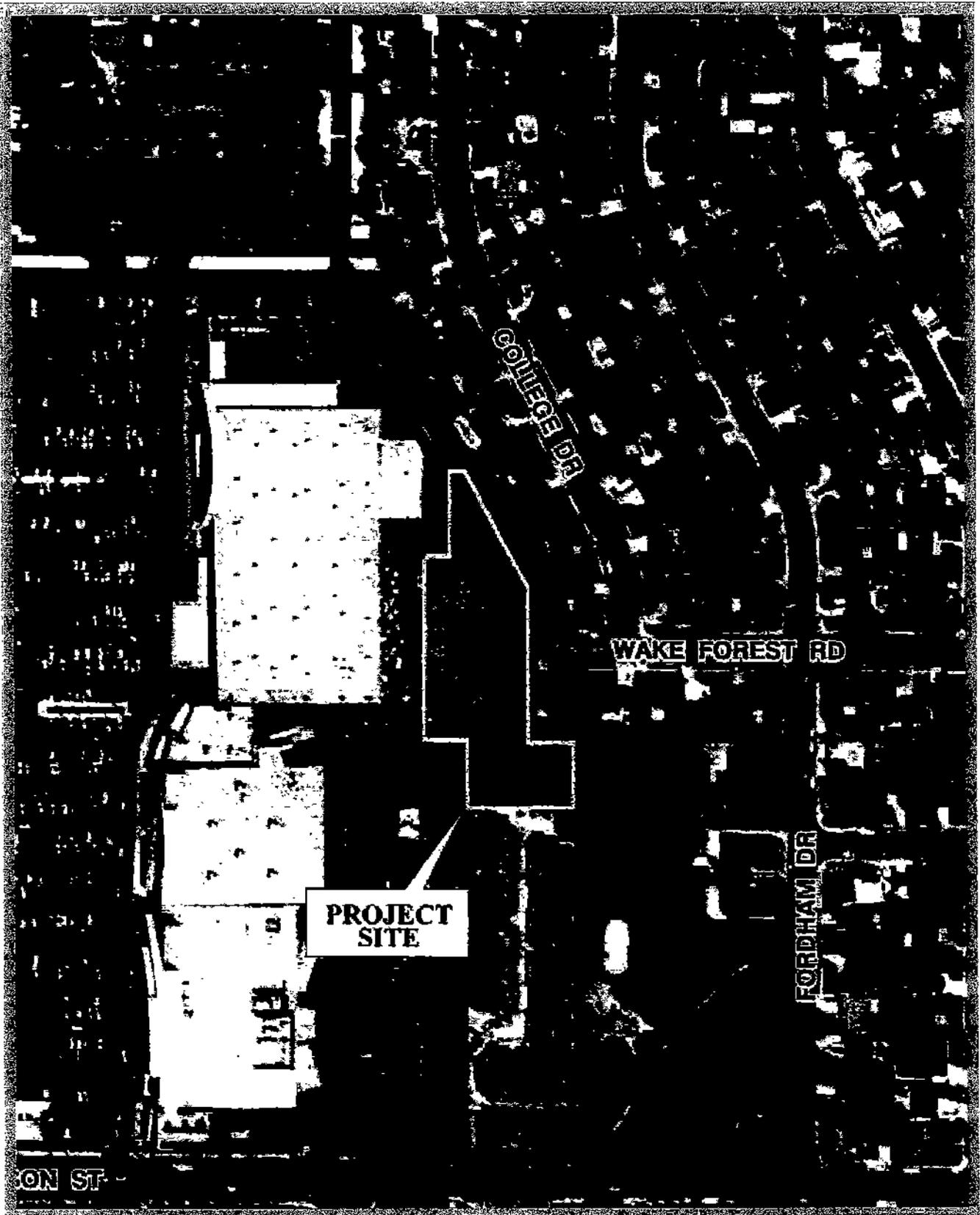
Mark Korando  
Habitat for Humanity of Orange County  
2165 South Grand Avenue  
Santa Ana, CA 92705

Mick Meldrum  
2222 E. 17<sup>th</sup> Street  
Santa Ana, CA 92705

Rob Balen  
LSA Associates, Inc.  
20 Executive Park, Ste 200  
Irvine, CA 92614

Neighbors of Harbor Center

Attachment 1  
Vicinity Map



**Attachment 2**  
**Draft Denial Resolution**

**RESOLUTION PC-04-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING ADOPTION OF THE MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING PROGRAM AND DENIAL OF GENERAL PLAN AMENDMENT GP-03-03 AND REZONE R-03-01 FOR 2300 HARBOR BOULEVARD/380 W. WILSON.**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2002;

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, an application was filed by Mark Korando, Vice President of Habitat for Humanity of Orange County, authorized agent for ICI Development (property owner), with respect to the real properties located at 2300 Harbor Boulevard and 380 W. Wilson Street, requesting: (1) General Plan Amendment GP-03-03 to change the General Plan land use designations from General Commercial (2300 Harbor Boulevard) and High Density Residential (380 W. Wilson Street) to Low Density Residential and (2) Rezone R-03-01 to change the zoning from Shopping Center (C1-S) and Multi-Family Residential District (R3), to Planned Development Residential-Low Density (PDR-LD).

WHEREAS, the City Council of the City of Costa Mesa approved the General Plan Screening request for the proposed project on December 2, 2002;

WHEREAS, the City conducted community meetings to review the environmental document and proposed project on August 31, 2004 and September 14, 2004 and forwarded responses to substantive comments received during the meetings to the Planning Commission for consideration;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 27, 2004;

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and an Initial Study/Mitigated Negative Declaration was prepared and available for public review from August 30, 2004 through September 18, 2004;

WHEREAS, the Planning Commission deems it to be the best interest of the City that said Amendment to the General Plan and rezone not be adopted.

BE IT RESOLVED that an initial study was prepared, pursuant to the California Environmental Quality Act. According to the initial study and Mitigated Negative Declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment. Additionally, the evidence in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on wildlife resources or habitat;

BE IT FURTHER RESOLVED that the Planning Commission recommends City Council adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program;

BE IT FURTHER RESOLVED that the Planning Commission does hereby find that the existing 2000 General Plan land use designations (General Commercial/High Density Residential) and zoning districts (C1-S/R3) allow for a reasonable range of development opportunities and land uses for 2300 Harbor Boulevard/380 W. Wilson Street and should therefore be retained;

BE IT FURTHER RESOLVED that the Planning Commission also finds that the proposed change to a Low Density Residential designation and PDR-LD zone is not compatible with the existing surrounding land uses and that the remnant parcel located at 2300 Harbor Boulevard is not suitable for residential development;

BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend City Council denial of General Plan Amendment GP-03-03 and rezone R-02-03.

**PASSED AND ADOPTED this 27<sup>th</sup> day of September, 2004.**

---

Chair, Costa Mesa Planning Commission

STATE OF CALIFORNIA    )  
  )ss  
COUNTY OF ORANGE    )

I, Perry L. Valantine, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on September 27, 2004, by the following votes:

AYES:            COMMISSIONERS  
NOES:            COMMISSIONERS  
ABSENT:          COMMISSIONERS  
ABSTAIN:         COMMISSIONERS

---

Secretary, Costa Mesa  
Planning Commission

**Attachment 3**  
**Draft Approval Resolution**

**RESOLUTION PC-04-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVAL OF GENERAL PLAN AMENDMENT GP-03-03 AND REZONE R-03-01 FOR 2300 HARBOR BOULEVARD/380 W. WILSON.**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2002;

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, an application was filed by Mark Korando, Vice President of Habitat for Humanity of Orange County, authorized agent for ICI Development (property owner), with respect to the real properties located at 2300 Harbor Boulevard and 380 W. Wilson Street, requesting: (1) General Plan Amendment GP-03-03 to change the General Plan land use designations from General Commercial (2300 Harbor Boulevard) and High Density Residential (380 W. Wilson Street) to Low Density Residential and (2) Rezone R-03-01 to change the zoning from Shopping Center (C1-S) and Multi-Family Residential District (R3), to Planned Development Residential-Low Density (PDR-LD).

WHEREAS, the City Council of the City of Costa Mesa approved the General Plan Screening request for the proposed project on December 2, 2002;

WHEREAS, the City conducted community meetings to review the environmental document and proposed project on August 31, 2004 and September 14, 2004 and forwarded responses to substantive comments received during the meetings to the Planning Commission for consideration;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 27, 2004;

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental

procedures, and an Initial Study/Mitigated Negative Declaration was prepared and available for public review from August 30, 2004 through September 18, 2004;

WHEREAS, the Planning Commission deems it to be the best interest of the City that said Amendment to the General Plan and rezone be adopted.

THEREFORE BE IT RESOLVED that an initial study was prepared, pursuant to the California Environmental Quality Act. According to the initial study and Mitigated Negative Declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment. Additionally, the evidence in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on wildlife resources or habitat;

BE IT FURTHER RESOLVED that the Planning Commission recommends City Council adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program;

BE IT FURTHER RESOLVED that the Planning Commission does hereby find that the following General Plan Amendment is consistent with the Zoning Code and General Plan, as amended: Change in the 2000 General Plan land use designations from General Commercial/High Density Residential to Low Density Residential, as shown in Exhibit "A."

BE IT FURTHER RESOLVED that the Planning Commission also finds that the proposed change to a Low Density Residential designation and PDR-LD zone is compatible with the existing surrounding land uses and that the remnant parcel located 2300 Harbor Boulevard is suitable for residential development, as shown in Exhibit "B."

BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend City Council approval General Plan Amendment GP-03-03 and first reading of the ordinance for rezone R-03-01.

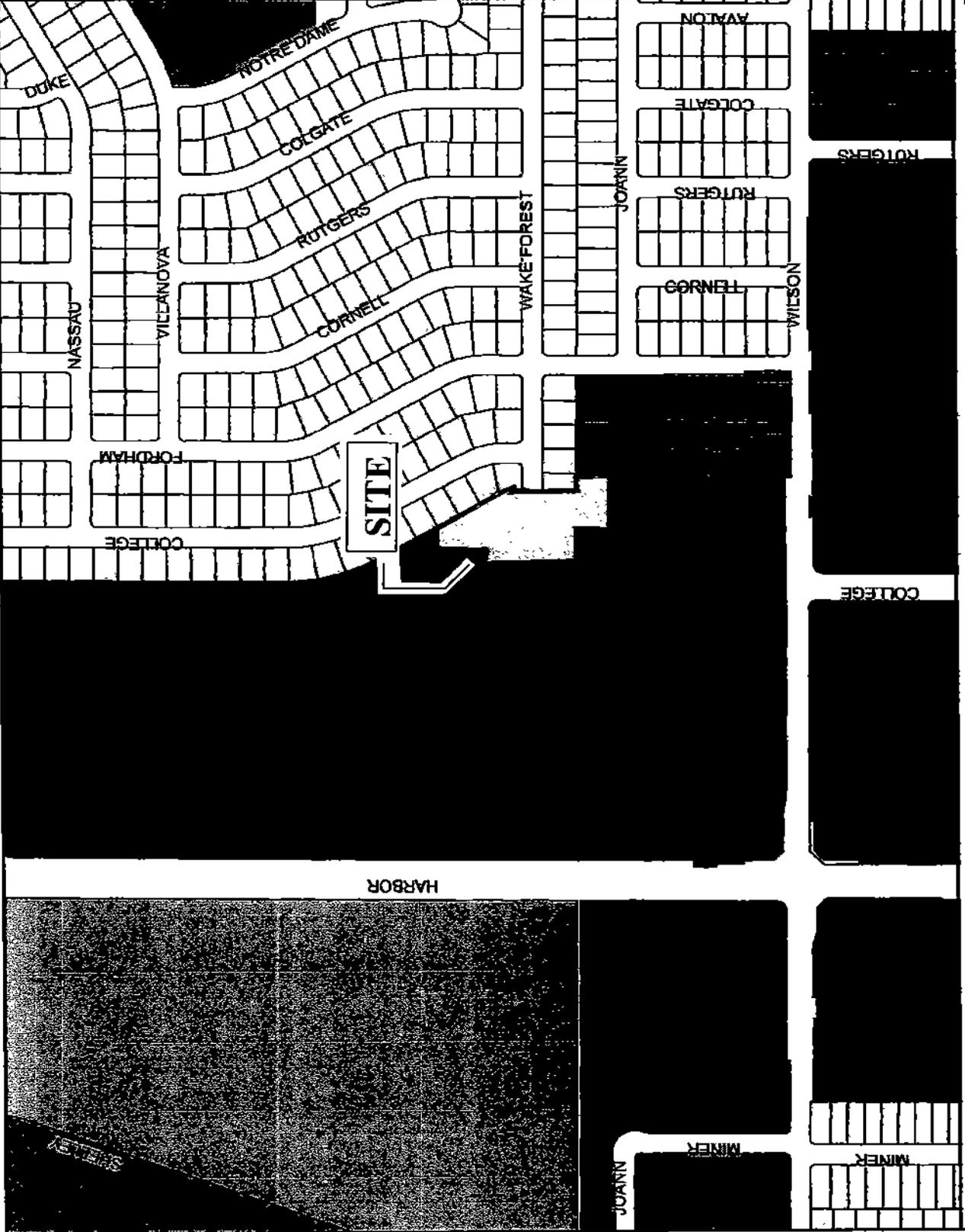
**PASSED AND ADOPTED this 27<sup>th</sup> day of September, 2004.**

---

Chair, Costa Mesa Planning Commission

# Proposed General Plan Land Use Map

2300 Harbor and 380 Wilson



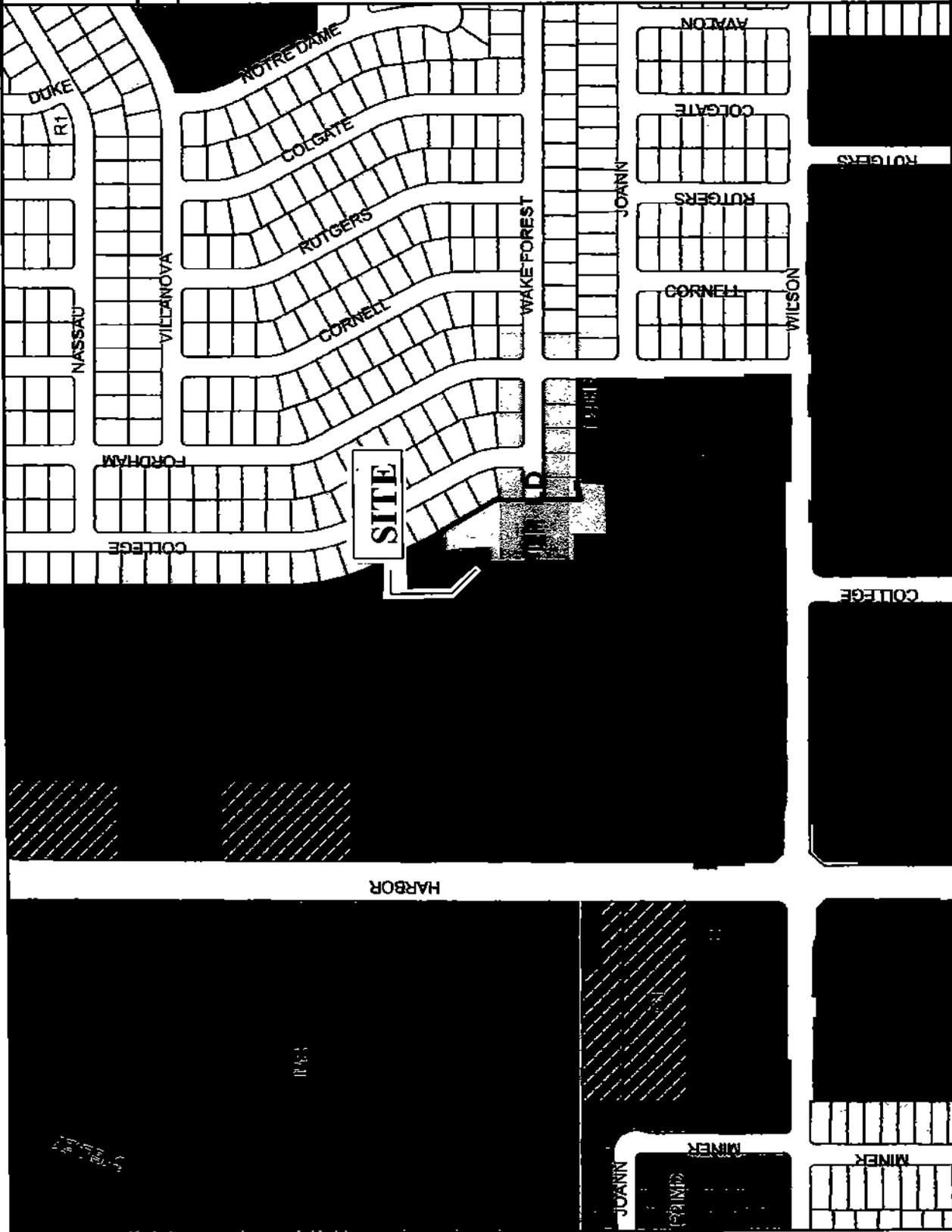
## Legend

- Street Names
- Parcel Lines
- General Plan
- Other
- Cultural Arts Center
- Commercial Center
- Commercial Residential
- Parkgrounds
- Golf Course
- General Commercial
- High Density Residential
- Industrial Park
- Low Density Residential
- Light Industrial
- Medium Density Residential
- Neighborhood Commercial
- Public/Institutional
- Regional Commercial
- Urban Center Commercial

LOW DENSITY RESIDENTIAL

# PROPOSED ZONING MAP

## 2300 HARBOR AND 380 WILSON



### Legend

- Street Names
- Parcel Lines
- Zoning
- Other
- Administrative & Professional
- Local Business
- Local Business & School
- General Business Commercial Limited
- Institutional & Recreational
- Institutional & Recreational - School
- General Industrial
- Industrial Park
- OCFD
- Off Street Parking
- Planned Development Commercial
- Planned Development Industrial

**Attachment 4**

**Council Minutes Excerpt and Screening Report of 12/02/02**

**NEW BUSINESS**  
General Plan Amend-  
ment Screening  
GPS-02-04

The Deputy City Clerk presented General Plan Amendment Screening GPS-02-04, Harbor Center 2300 Harbor Boulevard/380 West Wilson Street. The Senior Planner reviewed the Agenda Report, and responded to questions from Council.

The following Costa Mesa residents spoke in opposition to the General Plan Amendment Screening: Jess and Katharine Bequette, 2349 College Drive, stating the homes would be too close in proximity to Home Depot's loading dock; Cindy Breneman, 1856 Elba Circle, didn't agree that it would be a compatible use for the property; Dan and Tamar Goldmann, 2324 College Drive, urged Council to reject the project.

Mark Korando, 582 Park Drive, Costa Mesa, representing Habitat for Humanity, summarized the project, and responded to questions from Council.

**MOTION/Accepted for Processing**

On motion by Council Member Monahan, seconded by Council Member Cowan, and carried 3-2, Mayor Robinson, and Mayor Pro Tem Steel voting no, to accept General Plan Amendment Screening GPS-02-04 for processing, with a maximum allowable units of eight.

**NEW BUSINESS**  
Public Employee  
Release

Mayor Robinson announced that the closed session scheduled pursuant to Section 54957 of the California Government Code, regarding a public employee release, was withdrawn per the Administrative Services Director.

**NEW BUSINESS**  
Telephone Book  
Recycle Bin at Kline  
School

The new business item, as approved by the City Council regarding the Kline School Telephone Book Recycle Bin was presented. The Development Services Director summarized the Conditional Use Permit for Planning Application PA-00-56, reiterating this is a temporary use recycle bin, not a trash bin.

Beth Refakes, 320 Magnolia Street, Costa Mesa, showed a photograph of the recycle bin from her residence across the street, and stated she wants it removed or enclosed.

Robin Leffler, 3025 Samoa Place, Costa Mesa, stated that she was disturbed that Council may be making up their mind regarding different items before hearing public comments.

Paul Wilbur, 312 Magnolia Street, Costa Mesa, agreed that the recycle bin should be removed, as it does not meet the Conditions of Approval.

Susan Kline, 320 East 18<sup>th</sup> Street, Costa Mesa, reminded the Council that the bin is a temporary recycle bin, for the City sponsored recycling program, and none of the other participants have to enclose their recycle bins.

Mayor Robinson confirmed with the Public Services Director that the Kline School would be singled out if they were required by the City to enclose the recycle bin, and he stated that they would.

**MOTION/Allowed**  
Temporary Telephone  
Book Recycle Bin

A motion was made by Council Member Monahan, seconded by Council Member Cowan, and carried 5-0, to allow the temporary Telephone Book Recycle Bin at Kline School until December 20, 2002.

Council Member Monahan stated he would like to discuss the

CITY COUNCIL TRANSCRIPTION  
HABITAT FOR HUMANITY – GENERAL PLAN AMENDMENT SCREENING  
MEETING 12-2-02

Cowan: When the original screening request came through for Medium Density Residential how far in the process did we get?

Brandt: The screening application came to Council in December of 2002, exactly two years ago. As part of the acceptance of the application, it is then incumbent on the property owner or authorized agent to submit an application for the general plan amendment and pay the appropriate fees. The property owner did not pursue that application process and sent a letter to us withdrawing the request for consideration for the general plan amendment for that property.

Cowan: In this particular case what would be the difference between PDR-LD and R1?

Brandt: In terms of the number of units that can be developed on the property. R1 has a minimum lot size of 6,000 sq. ft. The conceptual plan that has been submitted and is attached to your staff report for the sake of illustrating what can be developed on this property. The average lots were close to 6,000 sq. ft. There are three that are less than 6,000 sq. ft., two that are close to 6,000 sq. ft. So without having a precise site plan, we would probably have about eight R1 lots. Then with PDR-LD you have a little more flexibility in your minimum lot sizes and you would have more potential to reach the maximum development, which is 11 units per acre, 11 units on the entire site.

Cowan: So the concept plan shows PDR-LD, that would meet the criteria for R1?

Brandt: Except there are some lots that do not.

Cowan: So PD gives it the ability to average step out over the entire lot for a project. Whereas, R1 each individual lot will be considered individually

Brandt: Right, each lot would have to be 6,000 (sq. ft.). Then we would have issues with the street whether it be public or private. With the planned development zone, you can create common interest developments and then you have homeowners associations for the common property.

Cowan: My question on opening up at Wake Forest Drive, it appears as though the cut would be Wake Forest and that for that area only of Lake Forest, you would lose only the front wall, the berm, and the back wall. But for the other area on either side of Wake Forest you would maintain that buffer walls. Is that correct?

Brandt: Yes, that is correct. I would also like to note that the buffer wall of the landscaped area is actually being retained as ownership under Harbor Center. When you look at the parcel map you would see that it is part of parcel A.

Cowan: So, it truly is just cutting through for the street and as the conceptual plan shows the front wall, the berm, and the 14 ft high back wall are maintained. So this house that's on Wake Forest wouldn't have a different view of that area than they have right now.

CITY COUNCIL TRANSCRIPTION  
HABITAT FOR HUMANITY – GENERAL PLAN AMENDMENT SCREENING  
MEETING 12-2-02

Brandt: That is correct. It is just that there will be a hole in it.

(Other Questions)

Mansoor: Is there somewhere where it says exactly how many homes they are requesting? Is it 11, or 8?

Brandt: I would like to indicate that the Low Density Residential equates to a maximum of 11 units per acre. This is just a conceptual plan that has been submitted. We are not taking action on this plan, nor would we typically limit the number of units. I just want to give the full range of unit that are possible on that property with this designation

Monahan: I just want to get staffs opinion on this. Is this the lowest impact development that we could allow, would be low density residential. We've already ruled against storage. We obviously don't want it as commercial or residential medium density. This is actually lower impact. Are there any other alternatives there?

Brandt: I think that we could possibly look at some other uses. The storage under the existing General Commercial would have less of an impact on the surrounding neighborhood because it would not have the potential opening of Wake Forest Dr.

Monahan: If a recall though wasn't it brought to public discussion by Harbor Center with the neighbors and it brought to Council and the answer was basically we're not interested? Is my recollection right? I'm getting head shakes. So, as far as I'm concerned, that would be off the table. I'm asking are there any other alternatives besides for remaining vacant, which I don't know if we can force that because that becomes an unusable property problem?

Brandt: I think that in terms when you look at the scale of the general use plan designation, besides open space or park designation, low density residential is considered the least in terms of traffic generation. But again the land use compatibility issues are still something that needs to be addressed.

Monahan: And I understand that. I'm looking from a use standpoint. If you say a park land and accept it, that would mean an offer and a purchase by the City of whatever?

Brandt: That is correct.

(Other Questions)

Steel: One other question on page three of the staff report, Assembly Bill 2292 shows at the bottom the paragraph eight homes then. That the net gain would be increase by four. In other words, my question would be if we reduced it by four, we would not have to put homes anywhere else. Is that correct?

CITY COUNCIL TRANSCRIPTION  
HABITAT FOR HUMANITY – GENERAL PLAN AMENDMENT SCREENING  
MEETING 12-2-02

Brandt: That would be correct as long as we can retain even PAR across the board in terms of looking at the general plan amendment.

Steel: Right. My other question was in terms of R1 vs. PDR-LD. Wouldn't PDR-LD bring a different look to that community as opposed to R1? You mentioned private roads vs. a common interest. Wouldn't that give a different look if you developed it with more of a common interest look, as like a condo complex? As opposed to paved streets with side walking making it look like an actual continuation of Lake Forest.

Brandt: Staff has not given a full detailed analysis to future the site design in terms of what the looks would be and I think that through the rezone application that we would want to explore that in detail. There are a few issues that have to be resolved regarding public street vs. a private street and access to the property across that opening of the wall. Those are some site design issues that to be honest we have not analysis to a great level of detail.

Steel: I find it interesting that a lot of what's been talked about in Westside redevelopment and cleaning up the community in general has to do with barriers between commercial and residential. A lot of the discussion has been in the Westside but here is another example in another part of the city where you look at pictures of cul-de-sacs in other parts of the city you will see a lot of nice landscaping at the end of cul-de-sacs. Its not the case here, you have a block wall. In addition to sound mitigation, we have a nicer presentation for the cul-de-sac there at a much higher standard. That's all.

Robinson: I just need clarification. This request is for a PD-LD screening, is that correct?

Brandt: The request is for low density residential the corresponding zoning that would go with that land use designation would be either R1 or PDR-LD. We would analysis the merits of R1 vs. PDR-LD in conjunction with the general plan amendment.

Robinson: So out of this process, if we approve this request you guys will come back to us and say R1 is the zoning we should have here or PD-LD is what we need. Both of those are possible.

Brandt: That is correct.

(COMMENTS)

Steel: Before we go to public hearing on this, I would like to make some comments. And get some feedback if people are either for or against this, or neutral. First of all, I'm all for Habitat for Humanity, they've done good work with the exception of that thing I voted against on Pomona Ave. I'm not sure how that's doing or I hope its working out. I want to compliment Mark Korando who does a good job here with the hand he's dealt with. Personally I would like to see this go back to the neighborhood and have them work it out with the developers and with Habitat for Humanity. I think it's somewhat intrusive to

CITY COUNCIL TRANSCRIPTION  
HABITAT FOR HUMANITY – GENERAL PLAN AMENDMENT SCREENING  
MEETING 12-2-02

that neighborhood. I think it's not a good use for residency. I hope that it would come down to R1 and reduce some of those homes in there that would be good capacity. I think I would stress that very carefully to get my support on this if it's going to go housing. I'm sorry it didn't go to a garden. I know we talked about that a couple of years ago when we dealt with this issue. But if it's going to go to housing, that housing has to be very high quality style, value and attractiveness. As to what is apparently proposed there, with some information I've had with some informal conversations with the staff, I wanted to contribute to the neighborhood and add to the community. I would hope that if there is going to be housing that it would be for our seniors and affordable housing in a sense, those who live in the city of Costa Mesa. As far as car density, that would reduce the density for need for cars because there is a shopping center right there. I would like to see an aperture an opening of that wall that separates the proposal from that shopping center, so that they can park their cars on the other side of the wall or have an aperture at least they can walk through there. I would want to see the berm as it is right now, separating the shopping center from the College Park neighbor there along Wake Forest Drive. I would like to see that berm there remain. I think that noise is a big problem there but I just wanted to put out there so people know where I'm coming from.

(PUBLIC COMMENTS)

Korando: 582 Park Dr. representing Habitat for Humanity. We are asking you this evening to accept the screening process. I think a lot of the things and concerns that the residents have been noted to us and to the Planning Department will be flushed out with that process. We are willing to go forward with that. We understand that there are several issues that need to be resolved yet. We've done some preliminary environmental studies and I know that Planning is going to be asking us to do additional studies we'll agree to. We are just asking for a chance to get this out in the public forum and to explore factual rather than emotional issues and see if we can come to some kind of agreement to bring additional affordable housing to the City and for the County which is needed. We can't continue to have a viable economy if we don't provide for everyone. Habitat for Humanity has shown that we can do that in a quality manner and we are asking for your indulgence to explore this further.

Libby: Will Habitat be purchasing this property from the current owners, and I believe its all been put into one parcel, or is it a long term lease?

Korando: It will be a gift from the current property owner. We hope to consummate between January and February of next year.

Monahan: There seems to be a discussion in terms of density, how it can go up to eleven units. Are you comfortable with eight being the maximum or if we want to put some kind of restriction on that?

Korando: We don't have a problem with eight; we are proposing eight at this time. We would hope to concurrently process both the general plan amendment and rezone petition and

CITY COUNCIL TRANSCRIPTION  
HABITAT FOR HUMANITY – GENERAL PLAN AMENDMENT SCREENING  
MEETING 12-2-02

the PDR-LD zoning to ensure a density that is comfortable for the Council, Habitat, and for the adjacent property owners. We wouldn't have a problem if the Council wanted to give direction to maximize it at eight.

Monahan: And again, it would be a guarantee of eight, but it would be no more than eight.

Mansoor: Would you be willing to go with less than eight?

Korando: I believe that is a \_\_\_(?) of some rights. We understand that R1 zoning in the adjacent neighborhood is the maximum. And even under the R1 zone staff said that we could have more than eight. We're not asking for more than eight. We understand that the adjacent property owners have more than 6,000 sq. ft. We are not saying that that's inappropriate. That was a development strategy that was done back in the 50's and 60's in this community. I personally have a lot that is 7,500 sq. ft. and is now zoned in the R1 other than where it was zoned before in R2. I think Kimberly and Mike can attest for my long fight for that. I don't think that we are going to be asking for anything outrageous here and we are agreeable to some type of controls on the density that we've seen out there. But we have some that are way over 6,000 sq. ft. and some that are slightly under 6,000 sq. ft., and in the average you have something that is livable for everyone. Everybody gets what they are looking for. We are not looking to maximize the property. We are looking for a low impact, Habitat wants a low impact. We don't want to call attention to ourselves and our future homeowners. We want to blend with the community.

Steel: Just a follow up question. With the eight homes proposal as we put on the table, will there be additional room for a berm between those homes and the loading dock?

Korando: What we have to do is analyze why that berm is in there. That berm doesn't do anything for the noise. It is basically a beauty berm. Something that was given to the property owners as concession. What really protects existing homeowners and future homeowners there is the 14-foot wall that is directly adjacent to the parking area. We have preliminary studies that show that it is quieter inside the walls than it is at the intersection at College and Wake Forest. Only due to the fact that there are additional car trips outside the berm than inside the berm. It is 2 dec. quieter on the inside than on the outside. That's empirical data; I can't make it any better. It is what it is. I think we have the opportunity to create additional housing without additional impacts.

Steel: You won't be adding a berm, you would leave the wall as is. Is that correct?

Korando: We could do that but it cuts down on any usable space that the residents are asking our future homeowners have. And it doesn't do anything in terms of reducing noise. I don't see any need for it.

Monahan: I think the berm can be discussed in the design process. At this point it is just the screening request. I have just a question for Ms. Brandt. If I understand, a change of zoning would allow eleven units, is that correct?

CITY COUNCIL TRANSCRIPTION  
HABITAT FOR HUMANITY – GENERAL PLAN AMENDMENT SCREENING  
MEETING 12-2-02

Brandt: The change in the general plan designation would allow a maximum 11 units on the property.

Monahan: Now if we were to condition it down to eight, that would still have to go through the design process and if we didn't like the design, it could always be condition below that?

Brandt: That is correct. You can put a stipulation with the general plan amendment that there be a maximum cap.

Monahan: And the general plan screening request if accepted tonight, does not guarantee the approval of any project. It just means that we allow Habitat to bring this project forward.

Brandt: Yes, it would give us the opportunity to require all the necessary studies and to analyze in further detail all the issues that is brought forth.

Monahan: Then I would made a motion to accept the process for the general plan amendment request with a maximum allowable units up to eight.

(DISCUSSION)

Robinson: I think this is a horrible piece of property that the developer carved out with out thinking about its impact to the neighborhood. I think any home sitting on this piece of property is a disaster because of its proximity to the loading docks for a major department area. And we've heard complaints and comments about the concerns the residents have right now of violations of the CUP with noise and operating hours. So I will not be supporting the screening application, I don't know what is right for this property. I'm not satisfied that eight houses or eleven houses there is the right thing.

Monahan: I understand your concern but I don't think these people who if houses aren't built, would not have houses at all are nearly as concerned. I think that it is a wonderful that Habitat is doing for deserving people who will be just immensely in gratitude for just the opportunity of homeownership.

Steel: I share your same concerns and I certainly want to hold a high standard for this whole process. But I certainly don't hold it against them wanting to go forward and at least to see what they could come up with.

(MOTION)

3-2 With Mayor Robinson and Pro Tem Steel voting No



# **CITY OF COSTA MESA**

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

---

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT  
PLEASE CONTACT THE PLANNING DIVISION  
AT (714) 754-5245.**