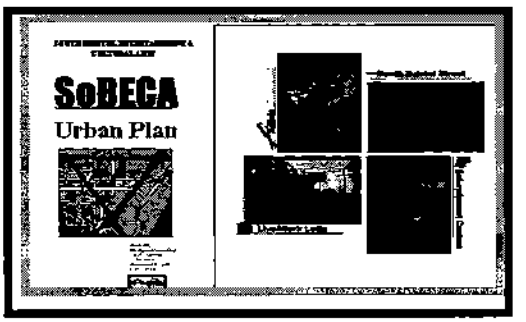
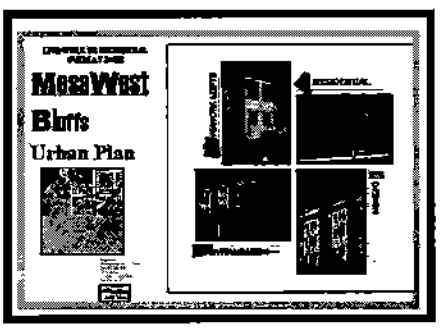
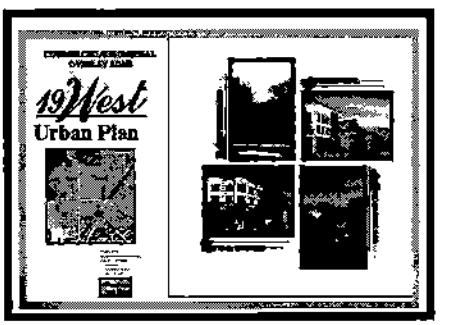
RESPONSES TO COMMENTS

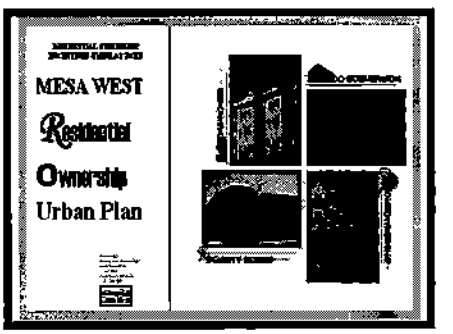
INITIAL STUDY/MITIGATED NEGATIVE DECLARATIONS FOR



SoBECA URBAN PLAN







WESTSIDE URBAN PLANS

City of Costa Mesa
Development Services Dept.
77 Fair Drive

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Section One

GENERAL RESPONSES
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I. DEVELOPMENT SCENARIO AND INCENTIVES

1. What are the development scenario assumptions over the next 20 years?

As incentive plans, the Urban Plans establish a mechanism for major private market reinvestment and revitalization. To develop a theoretical development scenario for environmental analysis purposes, staff projects that 50 percent of the properties in the overlay zoning districts over the next 20 years may be developed, redeveloped, or adaptively-reused as a mixed-use development or residential condominium project. For example in the Westside Urban Plan areas, this assumption equates to an estimated 330 acres that may be redeveloped. Over a 20-year period, that equals an average of 17 acres per year. Currently, there are three active development proposals for the Westside that total 21 acres. Given the large number and various sizes of parcels in conjunction with multiple property owners in the Urban Plan areas, lot consolidation will be necessary in many cases in order to develop a viable mixed-use or residential development. Therefore, market forces will significantly influence future development activity in the urban plan areas.

New development over the next 20 years would likely involve the following types of projects:

a. Demolition or conversion of existing industrial and commercial structures and construction of mixed-use development. (SoBECA and 19 West)
b. Adaptive reuse of existing industrial buildings to live/work units (SoBECA and Mesa West Bluffs)
c. Residential common-interest development conversions of apartments (Mesa West Residential)
d. New construction of residential common-interest developments (Mesa West Bluffs and Mesa Bluff Residential).

It is also important to note, that it is not the intent of the Urban Plans to eliminate the commercial or industrial uses that exist in these areas or to prevent new industrial or commercial uses from establishing in the Urban Plan areas. Property owners will still be able to develop, expand, and/or renovate their properties consistent with the site's General Plan designation and zoning standards.

2. What is the projected development scenario for the Westside and SoBECA Urban Plans?

SoBECA Urban Plan - The net change of existing conditions (Year 2005) compared to the projected development scenario (Year 2025) results in the following "proposed project development scenario":

- Addition of 455 residential units, including 171 live/work units
- Reduction of 68,115 commercial square feet
- Reduction of 75,477 light industrial square feet
- Reduction of 151 general commercial jobs
- Reduction of 161 light industrial jobs
- Addition of 171 live/work related jobs

Westside Urban Plans - The net change of existing conditions (Year 2005) compared to the projected development scenario (Year 2025) results in the following "proposed project development scenario":

- Addition of 3,771 residential units, including 1,398 live/work units
- Addition of 69,746 commercial square feet
- Reduction of 1,413,926 light industrial square feet
- Addition of 155 general commercial jobs
- Reduction of 3,008 light industrial jobs
- Addition of 1,398 live/work related jobs

It is difficult to speculate the market demand for mixed-use and residential development over the next twenty years. However, to identify a reasonable maximum development scenario for environmental analysis purposes, staff projects that 50 percent of the properties in the overlay zoning districts may transition to mixed-use development by Year 2025. While the urban plans establish the zoning mechanism to allow mixed-use development, the private sector and market forces will significantly determine development activity in the urban plan areas. Since the urban plan areas are not redevelopment project areas, new development will be influenced by private market forces. As stated above, it is not the intent of the Urban Plans to eliminate the land uses that are permitted pursuant to current General Plan and zoning standards.

3. Why are the urban plans referred to as "development incentive" plans?

The urban plans provide the following incentives for new mixed-use development and residential ownership units:

- *Eliminates the processing time and necessity for a developer to obtain a General Plan Amendment and Rezone of the property*. The urban plans would allow the development of mixed-use projects without the project developer requesting a site-specific General Plan amendment and rezone. Additionally, a "residential only" project also could not be developed in the industrial zones without a site-specific General Plan amendment and rezone. The processing time for mixed-use development projects would be about 4 months, as opposed to a year or longer under the current discretionary approval process.

- *Provides floor area ratio increase up to 1.25 FAR without increased traffic intensity on the circulation network*. Increased floor area ratio is typically associated with increased traffic intensity on the City's roadways. In this case, the Urban Plans propose the substitution of commercial/industrial uses with mixed-use development within the same development capacity. To facilitate the creation of urban villages, this may allow higher floor area ratios up to 1.25 FAR. The residential condominium projects constructed in conjunction with a commercial component would be target marketed to people seeking alternative housing choices to traditional single-family homes. The granting of a FAR increase from 1.0 to 1.25 may only be approved if appropriate findings can be made related to excellence in design, site planning, integration of land uses and protection of the integrity of the neighborhood. Additionally, in order to grant an increase to a 1.25 FAR, it must be demonstrated that the project will not exceed the capacity of the circulation system.

4. *What type of development incentives can be offered to the industrial property owners to encourage them to upgrade their properties without converting to a mixed-use development?*

If the Planning Commission wishes to include a development incentive for industrial property owners in either the SoBECA and/or Westside Urban Plans to stimulate reinvestment in these properties, staff recommends the following incentive:

Additional Incentive:

Existing industrial properties that are currently developed at a floor area ratio that exceeds the maximum allowable floor area ratio stated in the Zoning Code may be voluntarily demolished and redeveloped at the same floor area ratio. However, the redevelopment of the site should result in an equal or lesser degree of nonconformity with current City standards.

II. LIVE/WORK DEVELOPMENT

1. What legal mechanism should the City use to regulate/enforce the requirement that the living/working areas cannot be subleased to different individuals?

Ownership of live/work lofts by those living and working there probably cannot be enforced by the City, but private enforcement through CC&Rs which stipulate ownership requirements and penalties if these conditions are not met may be possible.

The mixed-use provisions in the proposed Zoning Code amendment establish some ownership requirements for live/work lofts. That is, the residential space shall not be sold or leased as a separate living unit from the nonresidential space, either as a condominium or community apartment. No portion of any live/work unit shall be further divided for purposes of subleasing. The residential space of the live/work loft must be occupied by the same individual(s) who is conducting business activity in the nonresidential space. In mixed-use developments where nonresidential and residential units are distinctly located in individual units, these units may be held under separate ownership.

Live/work units may be also required to have a deed restriction to be executed and recorded which provides that the working area shall not be used for residential purposes nor subleased. A policy in the Urban Plans may also further prevent construction that would facilitate an illegal subdivision of the live/work unit. A Property Owner Association ("POA") and the associated Covenants, Conditions & Restrictions (CC&R) may further restrict this type of subdividing. The CC&Rs will include a requirement that the dwelling unit and business portion of any unit be occupied by the same person(s). For common interest developments, the City typically requires advance approval of CC&Rs by the City Attorney's office.

The City may implement a residential business or general business inspection program to ensure that live/work units are not effectively used as separate units by a resident and unrelated business.

2. How will the illustrative drawings in the Mesa West Bluffs plan be modified to show a maximum development potential of 13 dwelling units per acre for live/work lofts or residential development in the overlay district?

The illustrative drawing in the Mesa West Urban Plan for live/work development has been revised to show a maximum development potential of 13 du/ac.

3. What happens if a Live/Work Unit has significant customer traffic--how would that be accounted for?

The proposed parking standards are suggested minimum parking requirements for live/work units which generate minimal customer traffic and primarily function as home offices. Additional parking may be required for higher intensity live/work units. The Urban Plan indicates that Transportation Services Division staff shall determine appropriate parking rates for live/work development during the review of any proposed Master Plan, and the ultimate parking requirement will be based on Mater Plan's allowable uses.

For instance, a proposed live/work development that allows significant customer traffic and/or employees who do not live within the unit will require additional onsite parking spaces. A

parking study will identify the number of parking spaces required to meet parking demand. The recommendations of the parking study will be incorporated into the development project prior to the approval of the Master Plan. After a Master Plan is approved, uses that may require additional parking could be allowed pursuant to the approval of a minor conditional use permit allowing deviation from shared parking requirements or a parking variance.

III. PARKING STANDARDS

1. Are the proposed parking standards for the commercial component of mixed-use developments comparable to other Cities?

The proposed standards were derived from standards required in Newport Beach, Huntington Beach, and Dana Point, and are generally comparable to most cities in California with mixed-use development. Typically a mixed-use commercial use is parked at the same rate as any other commercial use in a general commercial district. Reduced parking rates are applied for the residential component due to the anticipated reduction in vehicle trips from residents living in proximity to commercial uses.

2. Provide a comparison of the proposed residential parking standards to the City's current standards. How does this compare to other cities that allow mixed use?

Please see attached Table A – Comparison of Residential Parking Standards.

3. Can City Council also require double-car garages instead of just one-car garages?

City Council may require double-car garages or make any other changes to the draft development standards. The Zoning Code currently requires a minimum of one "covered" parking space for multi-family residential development in which can be a one-car garage or a carport. The Draft Urban Plan could be revised to require two-car garages or this requirement may be imposed on a case-by-case basis as a condition of approval on a specific development project.

Table A : Comparison of Parking Standards

	Tenant Parking Space	Guest Parking Space	TOTAL
CURRENT RESIDENTIAL STANDARDS			
Unit Size			
Bachelor	1.5 spaces per unit	.5 guest	2.0 spaces
1 Bedroom	2 spaces per unit	.5 guest	2.5 spaces
2 Bedrooms	2.5 spaces per unit	.5 guest	3.0 spaces
3 Bedrooms	3.5 spaces per unit	.5 guest	4.0 spaces
DRAFT URBAN PLAN STANDARDS			
Live/Work Units			
To 1,000 sq.ft.	1 space per unit	1.5 spaces per unit	2.5 spaces
To 2,000 sq.ft.	1.5 spaces per unit	1.5 spaces per unit	3.0 spaces
To 3,000 sq.ft.	2 spaces per unit	1.5 spaces per unit	3.5 spaces
Over 3,000 sq.ft.	2.5 spaces per unit	1.5 spaces per unit	4.0 spaces
Residential Component			
Studio/Loft/Bachelor	1 space per unit	.5 guest	1.5 spaces
1 Bedroom	1.5 spaces per unit	.5 guest	2.0 spaces
2 Bedrooms	2 spaces per unit	.5 guest	2.5 spaces
3 Bedrooms	2.5 spaces per unit	.5 guest	3.0 spaces

Notes: Current Municipal Code parking requirements apply to for commercial/industrial component of a mixed-use development.

IV. ENVIRONMENTAL DOCUMENTATION

1. Is an EIR required for this process?

Pursuant to the requirements of the California Environmental Quality Act and CEQA guidelines, staff determined that a mitigated negative declaration, and not an EIR, will be the appropriate CEQA document. The proposed mixed-use development is anticipated to be within the development capacity of the General Plan, and mitigation measures will be proposed to minimize any significant impacts to below a level of significance. As documented in the mitigated negative declarations prepared for the Westside and SoBECA Urban Plans, Mesa Consolidated Water District, Costa Mesa Sanitary District, City Parks/Parkways Division, and other utility/service have indicated that significant impacts utilities services/systems.

The environmental documents prepared for the Westside and SoBECA Urban Plans fully disclose the anticipated environmental impacts of the proposed projects as it relates to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology, and soils, hazards and hazardous materials, hydrology and water quality, land use planning, noise, population, and other environmental topics. Additional information regarding this topic is provided as a response to the Palmieri, Tyler, Wiener, Wilhelm, and Waldron LLP letter.

V. TRAFFIC AND CIRCULATION

1. How will the implementation of the Urban Plans affect traffic intensity in the plan areas and how will this be monitored?

The City's traffic consultants (Austin-Foust & Associates) completed traffic studies, which modeled the projected development scenario over the next twenty years. The trip generation data indicate that following:

- *Average daily trip volumes would not significantly increase as a result of plan implementation*. The preliminary traffic report indicates that traffic volumes decrease as a result of the implementation of the urban plans. For the Westside Urban Plan area under the General Plan scenario, the average daily trips are projected to decrease from 148,895 ADT to 136,058 ADT. There is a projected increase compared to existing conditions of 114,043 ADT. For the SoBECA Urban Plans, the average daily trips are projected to have a less than significant change from 21,518 to 21,589 ADT.

- *Directional trips in the am/pm peak hours would decrease as a result of plan implementation.* The proposed project involves the substitution or conversion of industrial/commercial land uses into mixed-use development and promotes increased residential ownership opportunities. While residents have different trip characteristics than office/industrial users, the preliminary trip generation study indicates that the addition of new residential condominiums in the plan areas may result in decreased am/pm peak hour trips. Please refer to the Transportation/Circulation discussion of the Initial Study/Mitigated Negative Declaration for more information.

- *Traffic Monitoring completed on an annual basis*. As part of the City's Development Phasing and Performance Monitoring Program, traffic will be monitored on an annual basis to determine adequacy of existing infrastructure and propose any corrective measures if deficiencies are identified. This report will include monitoring of key locations in proximity to mixed-use development. This monitoring requirement has been included in the Urban Plan and also the amendment to the Land Use Element of the General Plan as Land Use Policy LU.1E.4.

2. What were the traffic assumptions, including trip generation rates, used in the traffic study?

Please see Exhibit 1, response letter from Austin-Foust Associates.

AUSTIN-FOUST ASSOCIATES, INC.
TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING

MEMORANDUM

TO: Claire Flynn, City of Costa Mesa

FROM: Cathy Lawrence

DATE: February 13, 2006

SUBJECT: **SoBECA/WESTSIDE GPA TRAFFIC FORECASTS**

Traffic forecasts for the SOBECA/Westside GPA analysis were prepared using the Costa Mesa Traffic Model (CMTM), which is the primary tool used by the City for long-range traffic forecasting. The CMTM generates traffic forecasts based on estimates of socio-economic (SED) data. Variables such as Population, Dwelling Units, and Employment are used by the model for trip generation estimates.

For this analysis, General Plan land use data for the proposed revised plan were converted to SED based on the conversion factors contained in Table 1. These conversion factors were previously derived for the current General Plan land uses as part of the model development and calibration process. As this table shows, dwelling units and square footages are converted to population and employee estimates (i.e., SED). The resulting SED is then used to formulate trip generation estimates using the trip generation rates shown in Table 2, which were also established during the model development and calibration process.

Until now, the CMTM did not include a component for live/work residential units. To account for this in the model, live/work units were treated as both a residential and a non-residential use when converted to SED. This represents a conservative approach since trip generation is estimated for each live/work unit as if it was a traditional residential unit plus trips are estimated for a component of non-residential uses. Specifically, the conversion of live/work units to SED was derived using the General Plan land use categories of High Density Residential and Commercial Center, to account for potential residential, office, and commercial uses.

Note that the trip generation summary that is shown in the Costa Mesa SOBECA/Westside GPA Traffic Analysis that is based on land use is for comparison purposes only, and is to give a general indication of how the proposed revised plan compares to the current General Plan using standard Institute

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of Transportation Engineers (ITE) trip rates. These land use based trip rates are those that would be typically used for a detailed traffic study that evaluates a specific development proposal, and generate trip generation estimates in a format that is most familiar to the general public (i.e., peak hour estimates of inbound and outbound traffic).

As with the conversion to SED, land use trip based trip generation estimates for the live/work units were derived using a residential component combined with a commercial/office component. With only generalized information regarding the amount of work space per unit and the operating characteristics of the work space, the unique nature of the live/work units was accounted for by applying a residential trip rate per unit plus a work trip rate based on an average square footage per unit. An average of 200 square feet of work space per unit was applied to all live/work units in the Urban Planning Areas knowing that some live/work units may have a larger work area and some may have a smaller work area. These assumptions are appropriate for a long-range planning level of analysis such as this. As specific development proposals are brought forward, more detailed traffic forecasts can be prepared using the specific land uses proposed.

Table 1

CMTM LAND USE TO SOCIOECONOMIC DATA CONVERSION FACTORS – CITY OF COSTA MESA

Land Use Category	Units	Socioeconomic Conversion Factors by Socioeconomic Category										
		Single Family Dwelling Units	Multi Family Dwelling Units	Population	Employed Residents	Income (Millions of Dollars)	Retail Employees	Service Employees	Other Employees	Total Employees	Elem/High School Students	College/ University Students
Costa Mesa General Plan Land Use Categories With a Mix of Specific Land Use Types (see Table C-2)												
Low Density Residential	DU	.955	.045	3.16	1.69	.069	--	--	--	--	--	--
Medium Density Residential	DU	.40	.60	2.73	1.56	.054	--	--	--	--	--	--
High Density Residential	DU	.12	.88	2.56	1.51	.047	--	--	--	--	--	--
Neighborhood Commercial	TSF	--	--	--	--	--	1.60	.64	.51	2.76	--	--
General Commercial	TSF	--	--	--	--	--	1.13	.80	.49	2.41	--	--
Commercial Center	TSF	--	--	--	--	--	1.12	.71	.88	2.70	--	--
Urban Center Commercial	TSF	--	--	--	--	--	.23	.81	2.08	3.12	--	--
Light Industrial	TSF	--	--	--	--	--	.23	.78	1.75	2.76	--	--
Industrial Park	TSF	--	--	--	--	--	.05	.67	1.92	2.64	--	--
School (K-12)	STU	--	--	--	--	--	--	--	.12	.12	1.00	--
Other City of Costa Mesa Land Use Categories												
Hospital	TSF	--	--	--	--	--	--	2.20	.80	3.00	--	--
Post Office	TSF	--	--	--	--	--	.25	3.90	.35	4.50	--	--
Pre-School	TSF	--	--	--	--	--	--	2.00	--	2.00	--	--
Self Storage Facility	TSF	--	--	--	--	--	--	--	.05	.05	--	--
Regional Commercial	TSF	--	--	--	--	--	1.35	.75	.15	2.25	--	--
Government Office	TSF	--	--	--	--	--	--	2.45	1.05	3.50	--	--
Fire Station	TSF	--	--	--	--	--	--	2.00	--	2.00	--	--
Public Library	TSF	--	--	--	--	--	--	2.00	--	2.00	--	--
Church	TSF	--	--	--	--	--	--	--	.50	.50	--	--
Convalescent Care	TSF	--	--	--	--	--	--	2.00	.50	2.50	--	--
College	Stu	--	--	--	--	--	--	--	.10	.10	--	1.00
Golf Course	Acre	--	--	--	--	--	.05	.55	--	.60	--	--
Park	Acre	--	--	--	--	--	--	.05	.05	.10	--	--
Fairgrounds	Acre	--	--	--	--	--	.03	1.70	2.02	3.75	--	--
Public Utility	Acre	--	--	--	--	--	--	--	.05	.05	--	--

Table 2

CMTM SOCIOECONOMIC VEHICLE TRIP RATES

Socioeconomic Variable	Production Trip Rates by Trip Purpose					Attraction Trip Rates by Trip Purpose					Daily Rate
	HBW/U	HBO	HBSch	WBO	OBO	HBW/U	HBO	HBSch	WBO	OBO	
Total Single Family Dwelling Units (Occupied and Unoccupied)	--	1.61	--	--	.54	.05	.38	--	.24	.51	3.33
Total Multi Family Dwelling Units (Occupied and Unoccupied)	--	.94	--	--	.38	.05	.33	--	.24	.34	2.28
Occupied Single Family Dwelling Units	--	1.69	--	--	.57	.05	.40	--	.25	.54	3.50
Occupied Multi Family Dwelling Units	--	1.00	--	--	.40	.05	.35	--	.25	.36	2.40
Population	.04	.30	.16	--	--	--	--	--	--	--	.50
Employed Residents	1.18	--	--	--	--	--	--	--	--	--	1.18
Income (Millions of Dollars)	--	23.97	--	--	1.51	--	1.01	--	--	1.51	28.00
Retail Employees	--	--	--	1.67	3.65	1.03	9.36	--	2.62	3.67	22.00
Service Employees	--	--	--	.90	1.00	1.08	.91	--	.47	1.04	5.40
Other Employees	--	--	--	.80	.19	1.09	.15	--	.36	.21	2.80
Elementary/High School Students	--	--	--	--	.01	--	--	.92	.01	.01	.95
College/University Students	--	--	--	--	.20	.90	--	--	.20	.20	1.50

Abbreviations: HBW/U – Home-Based Work/University
HBO – Home-Based Other
HBSch – Home-Based School
WBO – Work-Based Other
OBO – Other-Based Other

3. How was the trip generation rate for live/work units formulated?

Land use trip based trip generation estimates for the live/work units were derived using a residential component combined with a commercial/office component. With only generalized information regarding the amount of work space per unit and the operating characteristics of the work space, the unique nature of the live/work units was accounted for by applying residential trip rate per unit plus a work trip rate based on an average square footage per unit. An average of 200 square feet of work space per unit was applied to all live/work units in the Urban Planning Areas knowing that some live/work units may have larger work area and some may have smaller work area. These assumptions are appropriate for a long-range planning level of analysis. As specific development proposals are brought forward, more detailed traffic forecasts can be prepared using the specific land uses proposed.

4. What were the historic traffic conditions and average daily trip volumes in the Westside during the 1980's?

This information will be provided at the Planning Commission meeting of March 13, 2006.

VI. HOUSING/AFFORDABLE HOUSING AND POPULATION GROWTH

1. Does the Housing Element of the General Plan need to be amended to account for new dwelling units to be constructed over the next twenty (20) years for which it is currently not accounted? If so, does the Housing Element of the General Plan need to be "recertified" by the State Housing and Community Development Department?

Government Code Section 65580 et. seq. requires local governments to commit themselves to action aimed at attaining their share of housing need. Staff believes that the City would not be acting in contradiction of that goal by the implementation of the Urban Plan since these plans provide for newly creating housing opportunities not identified in the General Plan. Thus, it is not necessary to amend the Housing Element to reflect these new housing projects.

2. How will affordable housing be addressed? Is it a mandatory component? How does Anaheim address affordable housing in similar projects? Does an affordable housing component help in regulating occupancy?

The proposed Urban Plans do not include a mandatory affordable housing component, as does some other cities in Orange County. The only area within the City where an affordable housing component is mandated is within a limited area of the City's Downtown Redevelopment Project area. This mandatory affordable housing requirement was applied to the 1901 Newport Plaza project approval.

The City's Housing Element includes several different types of implementation programs that are designed to achieve the City's regional housing need as determined by the State of California. The most significant incentive available is the density bonus program, which is mandated by the State law. Under this program, a developer/property owner that constructs a certain number of units that are targeted to households within specified incomes shall be granted a density bonus from the City in terms of the number of units that can be developed on the site and receive other mandated incentives, such as a reduction in the required amount of parking.

In terms of whether an affordable housing project would help in regulating the number of people living in the units, this would only be applicable if the City was giving a loan to the project developer. Through that contract, the City could require the developer to limit unit occupancy as a consideration of receiving the loan.

VII. RESIDENTIAL CONDOMINIUMS AND HOUSING OCCUPANCY

1. Is there a State law requirement that sets the maximum number of condominium units that a single owner in a homeowner's association may own?

There is no known State law, which limits the maximum number of condominiums that a single owner can own. However, some lenders (e.g. Fannie Mae) have policies that establish a maximum percent at 10%.

2. What legal mechanisms should the City use to prevent a single owner from having majority ownership and creating a rental situation?

There is no known legal mechanism that the City itself can use to prevent a single owner from having majority ownership and creating a rental situation.

3. What governmental agency can regulate the occupancy of residential dwelling units?

The State has established the guidelines for the maximum number of occupants per the amount of habitable space or square footage for residential units. The City has no legal authority to require lesser occupancy standards through regulation.

4. Does the Landlord have the right to regulate occupancy of a unit?

As noted previously, a landlord does have the ability to regulate the number of occupants in a dwelling unit. However, the City of Costa Mesa cannot require the landlord to regulate occupancy, unless there is some type of contractual agreement between the City and the landlord.

VIII. DEVELOPMENT STANDARDS FOR MIXED-USE PROJECTS

1. What is the minimum lot size for mixed-use project? If we do not have one, why not?

A minimum lot size for a mixed-use development project is not specified in the Urban Plan to encourage revitalization and redevelopment on any property in the mixed-use overlay district, regardless of the size, and eliminate the necessity of lot consolidation to meet minimum lot size requirements. Furthermore, the Bristol Street Mixed-Use Overlay Committee believed that such a requirement would remove the possibility to develop creatively designed and compatible mixed-use development on small lots. Mixed-use development in the overlay district may be proposed on lots that have been consolidated due to market forces and the developer's own financial investment considerations.

Regardless of lot size, the Master Plan process requires that development projects meet standards for design excellence and comply with the stated mixed-use development policies of the Urban Plan.

Planning Commission may recommend a minimum lot size to further encourage lot consolidation. The current minimum lot size for a commercial lot is 12,000 square feet and is 10,000 square feet for an industrial lot.

2. How do the existing development standards for mixed-use development compare to proposed development standards?

Please see attached Table B, Comparison of Development Standards.

3. How deep are the lots on West 19th Street? Does the Urban Plan promote increasing the lot depths?

There is a wide range of lot depths on West 19th Street. Comparatively, smaller sized lots are located on the north side of 19th Street and longer, larger-sized lots are on the south side. Smaller lots have depths ranging from 100 to 180 feet. Larger lots on the south side of 19th Street have depths ranging from 277 to 280 feet.

The Urban Plan does not require that lot depths be increased. However, lot consolidation, as discussed above, may likely occur to obtain a critical mass of building area for mixed-use development and therefore result in increasing lot depths.

4. What is the setback of the mixed-use developments backing up to single-family areas and how does this compare with existing standards?

Existing development standards for commercial and industrial development abutting residentially-zoned properties require the setback to be twice the height of the building. As an example, a 15-foot high commercial building requires a 30-foot setback.

The proposed Urban Plans require a minimum 20-foot setback for mixed-use development from residentially-zoned properties. The following additional considerations ensure that approved projects do not present land use compatibility issues.

TABLE B : COMPARISON OF DEVELOPMENT STANDARDS

Development Standard	DRAFT Urban Plans	PDR	PDC	PDI	Commercial (C1/C2 zones)	Industrial (MG zone)	Residential (R2/R3 zones)
Maximum Floor Area Ratio	1.0 FAR	N/A	0.30 to 0.35	0.35 to 0.40	0.30 to 0.35	0.35	N/A
Maximum Building Height	4 stories/60 feet	4 stories (south of I-405 Freeway)	4 stories (south of I 405 Freeway)	4 stories (south of I-405 Freeway)	2 stories/30 feet	2 stories/30 feet	2 stories/27 feet
Maximum Site Coverage	90%	N/A	N/A	N/A	N/A	N/A	60%
Minimum Open Space	10%	45%	N/A	N/A	N/A	N/A	40%
Front Setback		20 feet	20 feet	20 feet			
Abutting public street	20 feet along major streets 10 feet along all others				20' for major streets 15' for all others	15 feet	20 feet
Side Setback		20 feet	20 feet	20 feet			
Abutting public street	20 feet along major streets 10 feet along all others				20' for major streets 15' for all others	15 feet	10 feet
Abutting residential zone	10 feet	None	None	None	2 X building height	2 X building height height	5 feet / 10 feet
All other property lines	0 feet	None	None	None	15 feet one side, 0 feet on other	0 feet	5 feet / 10 feet
Rear Setback					20' for major streets		
Abutting public street	20 feet along major streets 10 feet along all others	20 feet	20 feet	20 feet	15' for all others	10 feet	20 feet / 10 feet
Abutting residential zone	10 feet	None	None	None	2 X building height	2 X building height	20 feet / 10 feet
All other property lines	0 feet	None	None	None	0 feet	0 feet	20 feet / 10 feet

NOTES: This table is provided for general comparison purposes only.

Given that Mixed-Use Development is considered a Planned Development, comparisons are more closely correlated to PDC and PDI zones than other zoning districts.

- ***Master Plan Findings for Mixed-Use Overlay District.*** The approval of the master plan for a residential or mixed-use development project in the mixed-use overlay district shall be subject to the following findings:

  (1) The project is consistent with the General Plan, meets the purpose and intent of the mixed-use overlay district, and the stated policies of the Urban Plan as applicable.

  (2) The project includes adequate resident-serving amenities in the common open space areas and/or private open space areas in the form of patios, balconies, and roof terraces.

  (3) The project is consistent with the compatibility standards for residential development in that it provides adequate protection for residents from excessive noise, odors, vibration, light and glare, and toxic emanations.

  (4) The proposed residences have adequate separation and screening from adjacent commercial/industrial uses through site planning considerations, structural features, landscaping, and perimeter walls.

- ***Project Design Features***: Proposed development in the mixed-use overlay district shall be compatible with existing development through vertical/horizontal articulation or architectural enhancements, and projects shall be subdivided into massing that is proportional to the mass and scale of other structures on the same block. [This text will be added to the Urban Plan.]

- ***Standard Condition of Approval:*** For proposed development adjacent to residentially-zoned properties that exceeds two stories, developer shall submit a shade/shadow analysis prepared by a professional aesthetic consultant. The conclusions of the aesthetic analysis shall specifically demonstrate that adequate daylight plane requirements for the abutting residential uses are provided. [This text will be added to the Urban Plan.]

5. How does the Urban Plan require appropriate massing of three or four-story structures?

Additional text will be added to the Urban Plan as follows: "New development in the mixed-use overlay district shall be compatible with existing development through vertical/horizontal articulation or architectural enhancements. In addition the proposed massing of buildings in new development shall be proportional to the mass and scale of other structures on the same block."

6. What are the shade/shadow impacts of mixed-use development on the north side of West 19th Street on properties located on the south side of 19th Street.?

Please see attached ILLUSTRATIVE EXHIBITS comparing the shade/shadow impacts of mixed-use development on West 19th Street. As shown in the exhibits, in the maximum development potential scenario of a four-story building at a 10-foot street setback, significant shadows will not be cast on proposed residential structures located on the north side of West 19th Street nor along the southern property line, abutting residential structures. These exhibits were developed by Visuart, Inc. and are provided for illustrative purposes only. Site-specific environmental analysis for a mixed-use development project will include more in depth analysis on shade shadow impacts.

IX. MASTER PLAN

1. How does the Master Plan allow public participation in the approval process for mixed-use development?

The Master Plan process allows public participation in the consideration of a proposed mixed-use development because development proposals are proposed to be prescreened by City Council and approved by Planning Commission through a public hearing process.

The draft Mixed-Use Ordinance proposes applicants for residential or mixed-use development projects in a mixed-use overlay district to submit a screening application for consideration by City Council. No other concurrent application for development may be submitted for processing until the screening application has been approved for processing by City Council. The submittal requirements for the screening review are specified on the City's planning application form, and acceptance of the proposed project for processing shall not set precedent for approval of the master plan.

X. LAND USE COMPATIBILITY AND HEALTH RISK ISSUES

1. How will land use compatibility issues be evaluated prior to the approval of a mixed-use development project.

Mitigation measures described in the Initial Study/Mitigated Negative Declarations require the completion of a Phase 1 Site Assessment and Health Risk Assessment Study to identify any compatibility issues with proposed mixed-use development. Recommendations of the study shall be implemented to reduce or eliminate any significant impacts to below a level of significance. If impacts cannot be so mitigated, an environmental impact report, statements of facts and findings, and statement of overriding considerations would need to be adopted prior to approval of the mixed-use Master Plan.

- *Phase 1 Site Assessment* - Concurrent with the submittal of a Master Plan application, the developer shall provide a Phase 1 Site Assessment for the property conducted by a Registered Environmental Assessor. The Phase 1 Site Assessment shall include the following: (1) Current information regarding the potential presence of contamination on adjacent sites (within 1,000 feet of project site) or any nearby site where the contamination may be reasonably expected to affect the project site. (For example, the project site is down gradient from a source site of contaminated groundwater that is sufficient mobile such that the plume may extend to the project site;) (2) Documentation of the current status of the site if it is under the supervision of a regulatory agency for remediation due to contamination or documentation that the site has entered into Voluntary Cleanup with County or State agencies; (3) Current information on the use of hazardous materials (Categories 1-3) at facilities on or within 1,000 feet of project site. The Phase 1 Site Assessment shall include the recommendations of a licensed engineer, which identify measures to reduce/eliminate contamination in compliance with State law. The Phase 1 Site Assessment shall include elements of the clean-up including, but not limited to, soil excavation, onsite storage, off-site transportation, and backfill. Any required remediation shall be implemented and any contamination issues shall be resolved prior to issuance of building permits for any new structures as proposed in a residential or mixed-use development project.

- *Health Risk Assessment* - Concurrent with the submittal of a Master Plan application, the developer shall provide a Health Risk Assessment performed by a competent and experienced risk assessor. The Health Risk Assessment shall evaluate any potential threats to human health on the subject site (i.e. the subject site is contaminated or adjacent to a contaminated site, adjacent to facilities that emit hazardous air pollutants, or within the impact zone of the likelihood of any contamination affects that may impact occupants of the proposed site.). If the Health Risk Assessment identifies any potential threats to human health on the subject site (i.e. the site is contaminated or adjacent to a contaminated site, adjacent to facilities that emit hazardous air pollutants, or within an Air Toxic Hot Spot zone). The developer shall implement recommendations made by a qualified environmental analyst to ensure that any health-related risks to future occupants of the residential or mixed-use development are reduced to below a level of significance.

2. What minimum standards for architectural design excellence and land use compatibility are required for each development project?

The draft Mixed-Use Development Ordinance requires the following findings to be made prior to approval of a Master Plan for a mixed-use development project:

(1) The project is consistent with the General Plan, meets the purpose and intent of the mixed-use overlay district, and the stated policies of the Urban Plan as applicable.

(2) The project includes adequate resident-serving amenities in the common open space areas and/or private open space areas including but not limited to patios, balconies, and roof terraces.

(3) The project is consistent with the compatibility standards for residential development in that it provides adequate protection for residents from excessive noise, odors, vibration, light and glare, and toxic emanations.

(4) The proposed residences have adequate separation and screening from adjacent commercial/industrial uses through site planning considerations, structural features, landscaping, and perimeter walls.

3. What legal mechanism can be employed to ensure the disclosure of noise and odor generating uses in a mixed-use development?

As part of the Master Plan approval, a condition of approval may require that the Covenants, Conditions, and Restrictions (CC&Rs) disclose the existing noise environment and any odor-generating uses within and surrounding the mixed-use development. The provision of the CC&Rs that relates to disclosures will be reviewed/approved by the City Attorney's office prior to recordation. A provision to the CC&Rs will also stipulate that any subsequent revisions to the CC&Rs related to this issue must be approved by the City Attorney's office.

A condition of approval may be included which would require that written notice of the then-existing noise environment and any odor generating uses within the mixed-use development and within a specific radius of the mixed use development be distributed to any prospective purchaser or tenant at least 15 days prior to close of escrow, or at least 10 days prior to execution of a real estate sales contract or rental/lease agreement, whichever is longer.

The City Attorney's office shall determine the legal mechanism employed to ensure disclosure of noise an odor generating uses. For example, if this disclosure is required as a deed restriction, it would not need to be included in the CC&Rs.

4. What legal mechanism can be employed to protect legally operating industrial or commercial businesses to continue to operate without modification due to nuisance complaints?

The only possible legal mechanism which can be employed to protect legally operating industrial or commercial businesses is to allow them to continue operating without modification is to obtain signed waivers from purchasers or tenants of mixed-use residential units of any claims relating to nuisance for the adjoining industrial or commercial businesses. It is possible that some courts would not enforce such waivers; certainly such waivers would not be enforced as to any activity, which increases the "nuisance" impacts of an industrial or commercial

business transitioned to a different industrial or commercial use. California does not follow the "coming to the nuisance" doctrine, which precludes someone who moves adjacent to an existing business from seeking cessation or damages due t the nuisance activities.

XI. HYDROLOGY

1. Address hydrology issues for subterranean structures in Westside area.

The City Engineer reports that presently, the drainage requirement on the Westside is determined on an individual site/development basis. Some of the factors to consider in drainage and hydrology include the following:

- Size of the site;
- Quantity of proposed run-off;
- If the new development would reduce run-off;
- Proximity and condition of existing storm drain improvements; and
- Master drainage plan requirements.

Developers may propose using "percolation drains" similar to the drainage system constructed at THE CAMP on Bristol Street. Developers may also propose an on-site detention system. Such a system may involve detaining on-site a storm run-off of a 25-year storm event for 24-hours.

It is important to note that in the process of addressing the hydrology issues for subterranean structures, the site should be designed to drain away from these subterranean structures and/or provide stand-by pumps in addition to back-up stand-by pumps. The City Engineer also emphasizes that hydrology issues will be reviewed on a case-by-case basis and the City staff's role is limited to providing comments and suggestions on a drainage system.

XII. LAND USE MATRIX – ALLOWABLE USES

1. What is the purpose of a separate land use matrix in the urban plan documents?

The land use matrix in the Urban Plans provide a list of permitted, conditionally permitted, and prohibited land uses in mixed-use development including live/work units. Similar to the role of a land use matrix in Planned Development Commercial (PDC) and Planned Development Industrial (PDI) zoning districts, the Urban Plan land use matrix provides a distinct listing of allowable uses that is customized for mixed-use development projects.

For example, uses permitted by right in a mixed-use development are considered compatible with residential uses on the same development site. These permitted uses may include artist studios, retail stores, neighborhood grocery stores, coffee/sandwich shops, and dry cleaners. Conditionally permitted uses may include photography studios, physical fitness facilities, dance studios, or movie theaters. Thus, the purpose of a separate land use matrix in the Urban Plan document is to supersede the more generalized matrix currently provided in the Zoning Code and thereby allow further specification of uses for a mixed-use planned development.

2. How is a project-specific land use matrix for a mixed-use development identified?

A Master Plan is required to be approved for all development projects proposed in the overlay zone. As part of the Master Plan approval, a project-specific land use matrix of permitted, conditionally permitted, and prohibited land uses will be identified by refining the listing shown in the Urban Plan land use matrix. A developer may choose to refine the Urban Plan land use matrix by identifying certain permitted and conditionally permitted uses for the specific Master Plan proposal. This "Master Plan" land use matrix will be approved by the Planning Commission in conjunction with the overall approval of the development project, and it will supercede the land use matrix in the appropriate Urban Plan. If the Master Plan approval does not include such a matrix, the land use matrix in the appropriate Urban Plan shall be applied.

3. What is the difference between "conditional uses" that are approved pursuant to a Master Plan and those that may need to be subsequently approved by the Planning Commission?

The draft Mixed-Use Overlay Ordinance identifies the Planning Commission as the final review authority for the approval of Master Plans for mixed-use development projects (including live/work development) in a Mixed-Use Overlay District. As part of the Master Plan approval process, the Planning Commission will approve the development plan (e.g. site plan, architectural elevations, density) but also may approve a land use matrix for that particular master plan. This master plan land use matrix may include permitted uses and conditionally approved land uses. Only the conditionally approved uses would require subsequent review and action by the Planning Commission, at the time the land use is proposed. Parking requirements, lease space size restrictions, hours of operations, and other related conditions of approval would be stipulated for these conditional uses.

Therefore after a Master Plan is approved, a conditional use permit would be referred to the Planning Commission for review and action, if: (1) an applicant seeks approval of a land use designated in the Master Plan land use matrix as requiring a conditional use permit, or (2) an applicant seeks approval of land use that requires a conditional use permit pursuant to the appropriate Urban Plan land use matrix, because it is not listed in the Master Plan land use matrix.

4. Refine description of drycleaning business that would not pose hazardous concerns to residents.

Clarification text has been added to the Land Use Matrix table to make the distinction between a neighborhood dry cleaning business and a large scale dry cleaning plant. Essentially, a large portion of the business of commercial dry cleaning plants includes customers outside the community, and this type of business may also involve large-scale storage of solvents and hazardous materials. These large scale commercial dry cleaning plants are prohibited in a mixed-use development.

5. Address effects of assembly ordinance on proposed land use matrix.

The City of Costa Mesa is presently considering an amendment to its Zoning Code as it relates to assembly uses. At such time this ordinance is adopted; the Urban Plans will be reviewed for consistency with the new Zoning Code provisions. If the Urban Plan(s) have already be adopted, the plans will be amended appropriately.

XIII. COMMUNICATION WITH OUTSIDE AGENCIES

1. How has the Newport Mesa Unified School District responded to the new housing projection in the mixed-use overlay district?

Newport Mesa Unified School District staff provided the City of Costa Mesa with the current student generation rates per dwelling unit for grades K-6, 7-8, and 9-12. This analysis is included in the Public Services section of the Initial Study/Mitigated Negative Declaration. NMUSD reviewed the environmental document and confirmed the additional students generated from implementation of the Urban Plan(s) would not result in a significant impact to the school system. NMUSD staff indicated that the district would evaluate the need for new classroom facilities on a case-by-case basis as new development occurs; however, NMUSD staff indicated that the cost of these new facilities may likely be covered by the collection of school impact fees.

2. What are the responses from the Mesa Consolidated Water District, Costa Mesa Sanitary District, Orange County Sanitation District, and other external agencies on the projected development scenario?

External agencies including Mesa Consolidated Water District, Costa Mesa Sanitary District, and Orange County Sanitation District have reviewed the environmental document and provided concurrence in writing with the findings/conclusions of the document stating that significant impacts could be mitigated to below a level of significance.

- ***Mesa Consolidated Water District*** provided a written response to the City indicating that there is sufficient water supply and adequate pressure to serve the projects. This includes water resources for fire protection and residential/commercial/industrial uses. MCWD staff indicated they did not foresee any impacts from the proposed project.

- ***Costa Mesa Sanitary District*** indicated that proposed mitigation measures would adequately address any significant impacts to sewer facilities. Robin Hamers, District Engineer, referenced a policy adopted by the Board of Directors that require developers of land use densities higher than the current General Plan allows and requires additional sewer capacity beyond what is currently available shall be responsible for providing the additional capacity (i.e. Construction of additional capacity of the payment of in-lieu fees). Even though CMSD acknowledged the project is proposed within the development capacity of the 2000 General Plan, they requested that future developments in the study areas be reviewed on a case-by-case basis.

- ***Orange County Sanitation District (OCSD)*** recommended mitigation measures to adequately address any significant impacts to OCSD sewer facilities. Adam Nazaroff, OCSD Engineer, indicated that the SoBECA district, serviced by the Baker Gisler trunk sewer, would have sufficient capacity to serve the proposed project. OCSD staff indicated that they would submit written correspondence addressing mitigation for wet weather events (i.e. 10-year storm events) and related improvements to address inflow and infiltration issues.

XIV. ALTERNATIVES TO THE URBAN PLANS

1. Can alternatives to the proposed Westside Urban Plans be examined in this process?

Staff will not develop any alternative Westside land use plan without prior City Council authorization and direction. The draft urban plans were developed under direction provided by Council when it approved the Westside Implementation Plan in March 2005. The draft urban plans were the result of an extensive work effort involving staff from the Development Services Department as well as other departments. The development of an alternative land use plan(s) would involve a similar work effort to analyze parcel-specific development and property utilization characteristics; to develop and evaluate alternative land use scenarios, development standards, and implementation strategies; and to conduct environmental analysis of the alternatives. This level of effort is well beyond the scope of work that staff can initiate under the limitations established in the adopted Commissions/Committees/Boards Handbook.

However, the Planning Commission in their deliberations on the Urban Mixed Use Plans can recommend to Council either of the following two land use alternatives, or a modification of the proposed urban plans:

No Project: The alternative to the Mixed Use Overlay Zone and Urban Plans is the retention of the City's existing General Plan and Zoning designations in the Westside and SoBECA areas.

This alternative would not allow the development of mixed-use projects without the project developer requesting a site-specific General Plan amendment and rezone. Additionally, a "residential only" project also could not be developed in the industrial zones without a site-specific General Plan amendment and rezone. Staff notes that two project developers are proceeding with this process at 1640 Monrovia and the southeast corner of West 17th Street and Placentia Avenue. Both projects were considered by City Council for a General Plan screening request on December 6, 2005, and Council gave approval to the applicants to proceed with General Plan amendment applications.

This process, although viable, extends the project processing time by 3-4 months. Furthermore, Council only considers General Plan amendment screening requests 3 times a year, and once Council gives approval to proceed, the applicant has a minimum of 4-5 months of processing to secure a General Plan amendment, rezone, and project master plan approval.

This lengthy process does not guarantee to a developer that the general plan amendment and rezone will be granted by Council, and this adds significant uncertainty to any project, which not all developers are willing to undertake.

In contrast, the proposed Mixed Use Urban Plan process will already have the necessary General Plan amendment and zone changes in place, and any potential developer will only have to secure a Master Plan approval from the Planning Commission. This reduces the processing time by a minimum of 3-4 months.

WROC Recommendations: The second alternative to the Urban Plans for the Westside is the WROC Committee land use recommendations. The Bluff Rezone Subcommittee recommendations limited a specific residential overlay area to west of Whittier Avenue. However, additional language in the Arts and Mixed Use Subcommittee section indicates that live/work, artist loft, or residential overlay was recommended for all appropriated industrially zoned properties. The

live/work overlay area was shown in the area east of Whittier Avenue and south of West 18th Street and in an area north of West 18th Street, west of Placentia Avenue. The mix of commercial and residential land uses was shown for both sides of West 19th Street, between Monrovia Avenue and Anaheim Avenue.

City Council considered the WROC recommendations in its deliberations and ultimately expanded upon them in their final direction to staff in creation of the Westside Urban Plans.

Finally, the proposed urban plans differ from the Segerstrom Home Ranch project because the land use alternatives developed for Home Ranch were dictated by the environmental review process. The identification and evaluation of alternatives is a key component in the preparation and review of environmental impact reports, but is not required for mitigated negative declarations. The purpose of the alternatives analysis in an EIR is to identify alternatives that will lessen or eliminate adverse impacts created by the proposed project. Since the urban plans will not result in significant adverse impacts, staff will not prepare an EIR, and, therefore, will not include an alternatives analysis as a part of the environmental documentation for the plans.

How does the WROC Recommendations compare to the Westside Urban Plan?

Please refer Tables C and D, which are comparison tables summarizing the relationships between the two land use alternatives regarding to projected development and jobs/housing ratios.

What are some recommendations that Planning Commission may consider?

Planning Commission may consider other alternatives in its deliberation. Planning Commission will deliberate on the proposed project that includes the Urban Plans and General Plan/Zoning Code amendments. The Planning Commission's recommendations to City Council may involve, but not be limited to, the following:

- Planning Commission may recommend adoption of urban plans with any modifications to the development standards, mix of land uses, or master plan application process.

- Planning Commission may recommend adoption of a different land use alternative (e.g. WROC Recommendations). However, environmental analysis has not been completed for any alternative plan, development standard, or mix of land uses.

AREA/ISSUE	URBAN PLANS	URDC RECOMMENDATIONS
Residential Overlay	• Allowed in entire 277-acre Mesa Bluffs plan area • Allowable Density = 13 du/ac	• Specifically allowed in 30-acre area west of Whittier Avenue (Also see Arts & Mixed Use Overlay below) • Allowable Density = 12 du/ac
North side of West 19th Street	• 19 West plan area includes commercial properties plus some residential and industrial parcels to the north • Allows commercial/residential mixed use projects • Four-story height limit	• Includes only commercially-zoned parcels • Allows commercial/industrial live/work projects • Two-story height limit
South Side of West 19th Street	• 19 West plan area includes all parcels fronting onto West 19th Street • Allows commercial/residential mixed use projects • Four-story height limit	• Includes only commercially-zoned parcels • Allows commercial/residential mixed use projects • Four-story height limit
Live/work Overlay	• Allowed in entire 277-acre Mesa Bluffs plan area • Allows live/work mixed use projects • Four-story height limit	• Allowed east of Whittier Avenue from 18th Street to south of 17th Street; west of Placentia Avenue between Towne and 18th Street; and north of 18th Street west of Placentia to west of Monrovia (Also see Arts & Mixed Use Overlay below) • Allows live/work mixed use projects • Two-story height limit
Arts and Mixed-Use Overlay	• Allowed in entire 277-acre Mesa Bluffs plan area • Allows live/work mixed use projects, including artist lofts • Four-story height limit	• Allows mixed-use for commercial properties in the West 19th Street corridor • Allows live/work, artist loft, or residential overlay for all appropriate MG-zoned properties • No height limit specified
Multiple-Family Residential Areas	• Includes 238-acre Mesa West plan area • Allowable density = 12 du/ac in MDR and 20 du/ac HDR, or existing number of nonconforming units • Three-story height limit • Minimum lot size for density bonus = 1 acre • Allows tandem or lift parking	• Includes area generally bounded by Hamilton Street to the north, 18th Street to the south, Placentia Avenue to the west, and maple/Bernard Street to the east. • Allowable density = 20 du/ac, except parcels adjacent to R1 which would be limited to 12 du/ac • No height limit specified, but allows "flexibility" • Minimum lot size for density bonus = 1.5 – 2.0 acres • No changes to required parking

TABLE B

DEVELOPMENT SUMMARY TABLE

WESTSIDE URBAN PLANS

	UNITS (Non-Conforming)	**Low Density Residential** (units)	**Medium Density Residential** (units)	**High Density Residential** (units)	**Live/Work** (units)	**General Commercial** (sq. ft.)	**Light Industry** (sq. ft.)	**PUBLIC** (sq. ft.)	**General Commercial Employmt** (jobs)	**Light Industry Employmt** (jobs)	**Live/Work Employmt** (jobs)	**Total Housing** (dwellings)	**Jobs/ Housing Ratio**
1. EXISTING (2005)	521	477	760	3,699	0	969,050	3,805,199	-	2,153	8,096	0	5,457	1.88
2. EXISTING GENERAL PLAN CONDITIONS (2025)	0	477	823	4,859	0	1,324,614	4,777,721	Unchanged	2,944	10,165	0	6,159	2.13
3. AMENDED GENERAL PLAN CONDITIONS (2025)	0	477	872	6,481	1,398	1,038,796	2,391,273	Unchanged	2,308	5,088	1,398	9,228	0.95
PROPOSED PROJECT (Net Change of [#3] – [#1])	**-521**	0	**-112**	**+2,782**	+1,398	+69,746	**-1,413,926**	**NA**	**155**	**3,008**	**1,398**	**3,008**	
NET CHANGE (Future vs. Revised Future) (Net Change of [#3] – [#2])	0	0	+49	+1,622	+1,398	-285,818	-2,386,448	0	-635	-5,077	+1,398	+3,069	

Note: Project study area is based on Traffic Analysis Zones and therefore includes properties outside the Urban Plan boundaries.

DEVELOPMENT SUMMARY TABLE

WROC PLAN

	UNITS (Non-Conforming)	Low Density Residential (units)	Medium Density Residential (units)	High Density Residential (units)	Live/Work (units)	General Commercial (sq. ft.)	Light Industry (sq. ft.)	PUBLIC (sq. ft.)	General Commercial Employmt (jobs)	Light Industry Employmt (jobs)	Live/Work Employmt (jobs)	Total Housing (dwellings)	Jobs/ Housing Ratio
1. EXISTING (2005)	521	477	760	3,699	0	969,050	3,805,199	-	2,153	8,086	0	5,457	1.88
2. EXISTING GENERAL PLAN CONDITIONS (2025)	0	477	823	4,859	0	1,324,614	4,777,721	Unchanged	2,944	10,165	0	6,159	2.13
3. AMENDED GENERAL PLAN CONDITIONS (2025)	0	477	833	6,125	1,119	1,232,295	2,425,651	Unchanged	2,738	5,161	1,119	8,554	1.05
PROPOSED PROJECT (Net Change of [#3] – [#1])			**+73**	**+2,426**	**+1, 119**	**+263,245**	**-1,379,548**		**+585**	**-2,925**	**+1,119**	**+3,097**	
NET CHANGE (Future vs. Revised Future) (Net Change of [#3] – [#2]	0	0	+10	+1,266	+1,119	-92,319	-2,352,070	0	-205	-5,004	+1,119	+2,395	

Section Two

External Agency, Public Service/Utility Providers

Correspondence from External Agencies

December 14, 2005	Telephone record from John Arnau, Planner III, County of Orange
December 21, 2005	Letter from Mike Miller, Director, New Business Sales/Services Comcast
December 21, 2005	Letter from Robert R. McVicker, P.E., District Engineer Mesa Consolidated Water District
December 30, 2005/ February 22, 2006	Letter/Phone Record from Rob Hamers, District Engineer, Costa Mesa Sanitary District
January 31, 2006/ March 6, 2006	Telephone records for Ara Zareczny, Newport Mesa Unified School District
February 1, 2006	Telephone record for Dale Birney, Costa Mesa Police

City of Costa Mesa
TELEPHONE RECORD

Date: December 14, 2005

Name: John Arnau, Planner III, County of Orange, Integrated Waste Mgt. Dept. (714) 834-4107

Address: County of Orange

Call Received by: Claire L. Flynn, AICP, Senior Planner

#1

COMMENTS: **(Use Back or Attach Additional Sheets as Necessary)**

Mr. Arnau indicated that there are no significant impacts related to solid waste facilities anticipated for the SOBECA or Westside Urban Plans. Mr. Arnau reported that the landfill at 11002 Bee Canyon Access Road, Irvine, CA serves Costa Mesa. This 725-acre landfill has 341 acres permitted for landfill disposal. This landfill can accept 8500 tons of solid waste per day. The expected closure date of this landfill is Year 2022; however, IRWD is currently preparing an EIR to create additional capacity in the amount of 75.5 million cubic yards. This proposed expansion would extend the life of the landfill until Year 2053.

Mr. Arnau indicated that the proposed urban plans could be accomodated within the existing capacity of the landfill, and no mitigation measures would be required. He believes that there are 15 years of available capacity in the landfil. He recommends that the City condition development projects to recycle solid waste from demolition to the fullest extent possible to minimize waste delivered to the landfill.

DISPOSAL STATION #1 – NEWPORT/COSTA MESA
HISTORICAL SUMMARY

For file with acre on solid waste.

Location

The site is located at the northwest corner of 55 Freeway and Bristol Street in the City of Costa Mesa. 2004 Thomas Guide 859, D6.

Dates of Operation and Closure

The County operated the refuse disposal station from 1946 to 1955.

Size and Types of Waste

The 10-acre site is filled with municipal solid waste, wood, concrete block, brick, glass, and cans. Most waste material disposed has been identified as inert. No hazardous wastes are known to have been disposed at the site. Estimated volume of waste is 58,000 cubic yards.

History

1940 - A military base on adjacent property reportedly operated a disposal site within the base. The location of this military disposal site is not well defined.
1946 - The site was opened as a public rubbish disposal site.
1955 - The site was closed.
1967 - The County briefly operated the site as a burn site after closure.
1993 - A Water Solid Waste Assessment Test (SWAT) was performed.
1997 - A supplemental water SWAT reported no metals or Volatile Organic Compounds (VOCs) detected at concentrations exceeding maximum contaminant levels (MCLs), indicating that the Newport/Costa Mesa site has not impacted shallow groundwater. No further investigation was required for this site.
2000 - Site was included in the Closed Landfill Environmental Assessment and Response (CLEAR) project. There was no fieldwork required as part of the initial site assessment. A site assessment report was completed and submitted to the Local Enforcement Agency.
2002 - LEA issued preliminary approval to site owners of Clean Closure Work Plan.
2002 - August - LEA gave property owner approval to proceed with the Clean Closure project.
2003 - 2765 and 2777 Bristol Street portions of site clean closed.
2004 - CIWMB concurrence of clean closure for 2765 and 2777 Bristol Street filed 3/02/04.

Current Owner

Caltrans, South County Properties, Charles T. Crum and Brazos Partners.

Current Land Use

The southwestern portion of the site extends west of the freeway and is currently occupied by a self-service car wash and plant nursery.

Environmental Control Measures

No landfill gas control measures are currently at this site. The County conducts annual groundwater monitoring.

Post-it® Fax Note 7671	Date 12/14/05	# of pages ▶ 2
To CLAIRE FLYNN	From JOHN ARNAU
Co./Dept. CITY OF COSTA MESA	Co. ORANGE COUNTY EWMD
Phone #	Phone # (714) 834-4107
Fax # (714) 754-4856	Fax #

OC #1 NEWPORT
WHITE - COSTA MESA
GREEN - SANTA ANA
RED - SITE BOUNDARY

John Arnau, County of Orange Integrated Waste Management Department

Response Number 1

The information on impacts to solid waste facilities is incorporated into the environmental analysis in the Public Services section of the IS/MND. The telephone records are included in the administrative record for consideration by the City's Planning Commission and City Council.

Comcast Cable Communications, Inc.
550 North Continental Blvd., Suite 250
El Segundo, CA 90245

Utility / Will Serve Letter

December 21, 2005

Via Fax (714) 754-4856 & **Via US Mail**

City of Costa Mesa
Attn: Rebecca Robbins
77 Fair Dr.
P.O. Box 1200
Costa Mesa, CA 92628-1200

Re: 19 West Urban Plan (SP-05-07)
Mesa West Bluffs Urban Plan (SP-05-08)
Mesa West Residential Ownership Urban Plan (SP-05-09)

Comcast Corporation hereby certifies that we are the franchise cable provider for the city of Los Angeles licensed to provide cable service to residential areas. Provisions of services to residential establishments and or office buildings are subject to separate negotiation between the parties.

#1

In conclusion, please keep in mind the following when submitting new tracts to Comcast. Any deviations from this will serve letter will constitute it null and void and will require negotiations from both Comcast and the developer. Comcast expects that reasonable care be used concerning its facilities. In the event of damages caused by negligence, Comcast has the right to charge the developer for the necessary repairs.

For further assistance please contact Eduardo Martinez at (310) 647 - 5716.

Sincerely,

J. Mike Miller

Mike Miller
Director, New Business Sales and Services

12/27/2005 11:59 6473036 COMCAST PAGE 01/01

Mike Miller, Director, COMCAST Community Cable

Response Number 1

The information on the adequacy of cable services for projected development is incorporated into the environmental analysis in the Utilities section of the IS/MND. The telephone records are included in the administrative record for consideration by the City's Planning Commission and City Council.

Mesa Consolidated
Water District

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

DEC 22 2005

District Mission: Dedicated to Satisfying our Community's Water Needs

December 21, 2005

Rebecca Robbins
Assistant Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92628-1200

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Treasurer / Auditor

BOWIE, ARNESON, WILES & GIANNONE
Legal Counsel

Subject: Draft Initial Study/Mitigated Negative Declaration for the City of Costa Mesa Westside Urban Plans

#1

Dear Ms. Robbins:

Mesa Consolidated Water District (Mesa) provides water service to the subject project areas. Mesa prepared a Water Systems Master Plan in 2002 that included a water supply plan and a water distribution system plan. The project area was included and water demands were estimated at build out using the then current City of Costa Mesa general plan zoning. With the plan not to develop above and beyond the development capacity of the City's 2000 General Plan, there is sufficient water supply and adequate pressure to serve this project, including fire protection, without depriving existing Mesa users of an ample supply of water.

In response to the questionnaire in your December 9, 2005 letter, Mesa offers the following:

Question 1. Please describe your agency's services/utilities that apply to the project area.

Answer: In order to supply water service to the area, Mesa utilizes its sources of water and its distribution system to convey the water to the areas. Mesa's sources of water and reliability of the sources are described in Mesa's 2005 Urban Water Management Plan. Mesa has distribution system pipes that convey water from Mesa's sources to the project areas.

Question 2: What, if any, upgrades or improvements will be required to the existing system to serve the project area in the future?

Answer: None.

P.O. Box 5008 ♦ 1965 Placentia Avenue (92627) ♦ Costa Mesa, California 92628-5008
Telephone (949) 631-1200 ♦ FAX (949) 574-1036
www.mesawater.org

Question 3: Are there any existing facility/service deficiencies that will have to be replaced or upgraded in the short-term to serve the future development?

Answer: No.

Question 4: Will the project negatively impact any current or future facility/service expansion plans for the project area?

Answer: No.

Question 5: Please provide any other related comments regarding the proposed project's impacts on utility/service systems.

Answer: Mesa does not foresee any impacts from the project.

If you have any questions or require additional information, please contact me at (949) 631-1291 or via e-mail at bobm@mesawater.org.

Sincerely,

Robert R. McVicker, P.E.
District Engineer

c: Diana M. Leach, General Manager

Robert McVicker, Mesa Consolidated Water District

Response Number 1

The information on the adequacy of the Mesa Consolidated Water District facilities to serve projected development in the Urban Plan area(s) is incorporated into the environmental analysis in the Public Utilities section of the IS/MND. This correspondence is included in the administrative record for consideration by the City's Planning Commission and City Council.

Costa Mesa Sanitary District

... an Independent Special District

December 30, 2005

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JAN - 3 2006

Ripped off

Ms. Rebecca Robbins
Assistant Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Re: Draft Initial Study for SoBECA Urban Plan and Westside Urban Plans

Dear Rebecca:

Thank you for the opportunity to provide a response for the proposed South Bristol Entertainment & Cultural Arts Urban Plan (SoBECA) and the three Westside Urban Plans; Mesa West Residential Ownership, 19 West, and Mesa West Bluffs. The following response from the Costa Mesa Sanitary District applies to the Initial Studies for both SoBECA and the three Westside Urban Plans.

The Costa Mesa Sanitary District provides sewer service to the entire City of Costa Mesa plus areas of Newport Beach and the County of Orange and also provides trash collection to single family and small multifamily developments that use curbside service (not bin or dumpster service.)

#1

The Sanitary District's trash collection service utilizes standardized containers and fully automated trash collection. The District provides many educational and special recycling programs for residents, non profit organizations, and school children. The District recycles over 50% of the trash collected and the District's overall program is in full compliance with the State standards required under AB 939.

The Sanitary District has seen a recent trend of owners of existing developments and developers of new developments requesting a waiver of the City's requirement to serve residential developments of more than four units with a trash enclosure and dumpster. The City Planning Division has generally approved these requests subject to the Sanitary District allowing the development to utilize individual curbside service. The Sanitary District has been very accommodating to these requests and agrees to provide service so long as there are no physical access limitations to providing service. This policy will continue in the future and applies to the Urban Plans under consideration. The Sanitary District is also able to handle an increase in the number of ...

Board of Directors
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(949) 631-1731

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Wendy Hooper Davis
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Phone
(949) 645-8400
Fax
(949) 650-2253

Address
628 W. 19th Street
Costa Mesa, CA
92627-2718

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residential dwellings served in the four study areas.

As noted above, the Costa Mesa Sanitary District also serves the four study areas and the remainder of the City with sanitary sewer service. The Sanitary District has a long standing policy in place whereby the District will provide sewer capacity for the level of development approved in the Sanitary District's 1978 Capital Improvement Plan. The 1978 plan utilized the development densities shown in the then-current City of Costa Mesa General Plan. The policy further provides that developers of land use densities higher than this level that require additional sewer capacity beyond what is currently available shall be responsible for providing the additional capacity. This requirement has been met by various developers by either construction of additional capacity or the payment of in-lieu fees. The Board of Directors adopted this policy to insure that the burden of funding additional sewer capacity does not fall on existing residents and business owners who do not need this capacity.

The four program documents provided include the statement that the proposed urban plans "do not propose any major intensification of land uses" and the proposed land uses will not impact the City's transportation system above the level considered in the City's Year 2000 General Plan. The Costa Mesa Sanitary District provided a detailed response to the City when it considered the Year 2000 General Plan and a copy of that response is included with this letter for information purposes. Future developments proposed in the four urban plan study areas will be reviewed on a case-by-case basis.

A recent example of a development beyond previously considered densities is the proposed Plaza Residences at 1901 Newport Blvd. Over 150 residential units were approved for a site that already contained a commercial building with the maximum allowable square footage under the City's general plan. Other developments with higher than normal densities being considered are the residential condominium towers at Anton Boulevard and Avenue of the Arts.

The five Directors of the Costa Mesa Sanitary District are citizens of Costa Mesa and appreciate the City's efforts to improve and revitalize the City. The policies of the District are meant to accept new development while insuring the burden of providing new service is fairly allocated.

Thank you again for the opportunity to provide these comments. If you have any questions or comments, please call.

Sincerely,

Robin B. Hamers
Manager/District Engineer

Cc. Board
Staff

City of Costa Mesa
TELEPHONE RECORD

Date: February 22, 2006

Name: Rob Hamers, CMSD

Address:

Call Received by: Claire L. Flynn, AICP, Senior Planner

COMMENTS: **(Use Back or Attach Additional Sheets as Necessary)**

A preliminary analysis indicates that the projected increase from the proposed project will be spread over the entire acreage of the project site and will therefore be considered less than significant and incremental.

OCSD facilities accommodate 240 million gallons per day, with an average of 480 million gallons per day during heavy rainflows due to infiltration (holes in the pipeline) and inflow (manholes subject to flooding/illegal connections)

Costa Mesa has almost zero infiltration but heavy stormwater inflows. Projected sewer demand in the Westside Urban Plans area is projected at 0.71 million gallons per day and SoBECA Urban Plans at 0.14 million gallons per day. This represents less than 1 percent of the sewer capacity and is therefore not considered significant. Appropriate mitigation as indicated in the environmental documents will suffice.

Robin Hamers, District Engineer, Costa Mesa Sanitary District

Response Number 1

The information on impacts to the Costa Mesa Sanitary District's sewer facilities is incorporated into the environmental analysis in the Public Utilities section of the IS/MND. In a meeting with Rob Hamers (CMSD) and Adam Nazaroff (OCSD), Mr. Hamers reiterated that impacts to CMSD's sewer facilities are expected to be less than significant as a result of the proposed Westside and SoBECA Urban Plans. Mr. Hamers indicated that the proposed mitigation measure would adequately address any significant impacts.

City of Costa Mesa
TELEPHONE RECORD

Date: January 31, 2006

Name: Ara Zareczny, NMUSD
(714) 424-7522

Address:

#1

Call Received by: Rebecca Robbins, Assistant Planner

COMMENTS: **(Use Back or Attach Additional Sheets as Necessary)**

Grade Level	Student Traffic Generation Factor (Per Dwelling Unit):
K-6	0.162
7-8	0.046
9-12	0.088
Total Generation per Dwelling Unit:	**0.296**

City of Costa Mesa
TELEPHONE RECORD

Date: March 3, 2006

Name: Ara Zareczny, NMUSD
(714) 424-7522
Address:

#1

Call Received by: Rebecca Robbins, Assistant Planner

COMMENTS: **(Use Back or Attach Additional Sheets as Necessary)**

The numbers in the analysis are an average generation (not specific to dwelling type). The resulting totals do not take into account possible lower rates for live/work units. Since the project is existing developed land and the anticipated change is over a 20 period, the school impact fees will be appropriate for the student generation in the proposed project area.

Therefore, the school impact fees are expected to mitigate impacts of students generated from the proposed project.

Ara Zareczny, Newport Mesa Unified School District

Response Number 1

The information on student generation rates and school impacts is incorporated into the environmental analysis in the Public Services section of the IS/MND. The telephone records are included in the administrative record for consideration by the City's Planning Commission and City Council.

City of Costa Mesa
TELEPHONE RECORD

Date: February 1, 2006

Name: Dale Birney, CMPD

Address:

#1

Call Received by: Rebecca Robbins, Assistant Planner

COMMENTS: **(Use Back or Attach Additional Sheets as Necessary)**

There are approximately 20 officers distributed over a 24-hour period, 7 days a week. The proposed project may require additional police personal, 1 officer is usually provided per 900 to 1,100 people in the City). As each project is submitted, CMPD should review the plans to analyze if additional police personal is needed.

Dale Birney, Costa Mesa Police Department

Response Number 1

The information on impacts to police protection services is incorporated into the environmental analysis in the Public Services section of the IS/MND. The telephone record is included in the administrative record for consideration by the City's Planning Commission and City Council.

Section Three

Correspondence from General Public

Correspondence from General Public

September 22, 2005	Letter from John Hawley, Railmakers, Inc.
October 19, 2005	Letter from Greg Sullivan, President Urban Infill Properties
January 18, 2006	Letter from Chris Fewel, President, Fewel & Associates, Inc.
January 22, 2006	Letter from Ian J. Vickers, Land Acquisition Manager SunCal Companies
February 3, 2006	Letter from Marilyn Marshall, resident of the Westside
February 6, 2006	Letter from Carole Ann Burr, Costa Mesa property owner
February 8, 2006	Letter from Dr. Harold Cozen, Costa Mesa resident
February 10, 2006	Letter from Gary C. Weisberg, Attorney for Westside Revitalization Association
February 21, 2006	Letter from Steve Schwimer, Managing Member Sea Breeze Villas, LLC
Date Unknown	Exhibit of Live/Work Development

Railmakers, Inc.

864 West 18th Street Costa Mesa CA 92627
(714) 642-6506 (714) 642-8066 Fax

Facsimile Transmission Request

Date: 9/22/05

Deliver To:

Name: Mike Robinson

Company:

Address:

Phone: FAX

From:

Name: John Hawley

Pages transmitted including cover sheet: 2

#1

Additional Message: Dear Sir,The draft of the Mesa West Bluffs plan is not the WROC recommendation please read Straight talk about the Westside by Ralph Ronquillo. The "Illustrative Perspectivee" for live work are to tall 60' no where near enough parking and the type of development that squanders what could be the highest and best use of Westside properties. Please consider 10 per acre two stories with larger setbacks. Would you like to meet with a cross section of property owners large, small, business and residential?

Respectfully, John Hawley

COMMUNITY COMMENTARY

Straight talk about the Westside

By Ralph Ronquillo

As the Chairman of the Westside Revitalization Oversight Committee, I felt compelled to comment on your recent article regarding the City Council's approval of the modified committee implementation plan as presented by councilman Eric Bever.

The modified plan includes an expansion of the Westside Revitalization Oversight Committee's recommendations for a residential overlay zoning designation for properties on the Westside, including properties that are currently zoned for industrial uses.

For those who are unfamiliar with it, the committee's report is a comprehensive list of recommendations submitted to the Redevelopment Agency on how to revitalize the Westside starting with the area in and around the 19th Street commercial corridor.

The report includes some very specific recommendations in the areas of zoning, code enforcement, improved infrastructure and incentives that could be implemented with the goal of attracting interest from private residential and commercial land development firms.

The membership of the Westside Revitalization Oversight Committee reflected the gamut of the interests that exist on the Westside; such as industrial, commercial, and residential property owners, retail business people, and many individuals who have been vocal and sometimes quite critical over the years regarding issues facing Costa Mesa in general and specifically the Westside.

It is important to note that this was not a group of people who were used to agreeing with each other with respect to the topic at hand — or most any topic for that matter.

Yet, in a spirit of cooperation and with a sense that we were involved in something historic, the various factions of the committee came together and created the report.

Each of the recommendations within the report reached a 70% approval by the committee membership.

The most hotly debated topics within the committee involved the currently industrial-zoned properties at the western-most end of the city limits.

Periodically in the past, it has been proposed that this area be entirely rezoned as residential due to its proximity to the Pacific Ocean and the perceived value that could potentially come from infusing the Westside with upscale residential developments. Historically, the owners of these industrial properties have been quite organized and extremely vocal in their opposition to any zoning changes regarding this area of the city.

I feel it is important to for the community to be aware that the recommendations in the original Westside Revitalization Oversight Committee report regarding this area reflect a series of compromises that were worked out during the committee's discovery process between individuals who represented the two opposing viewpoints I have described above.

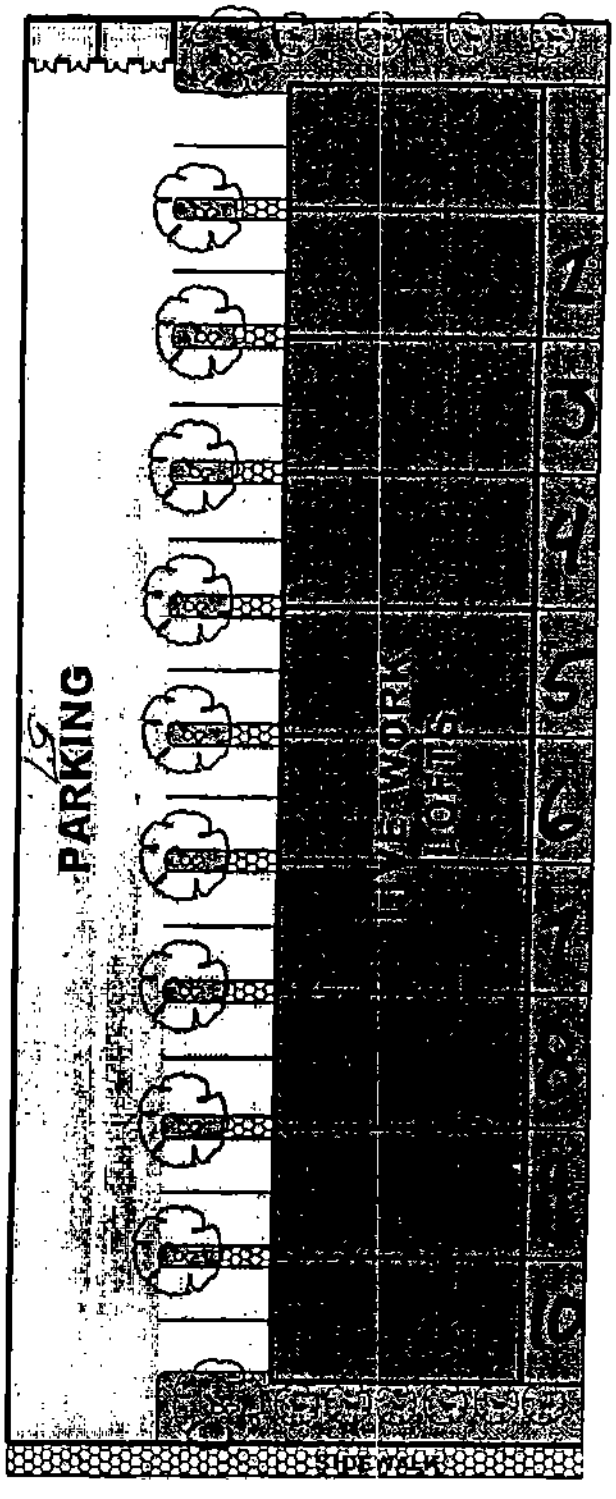
The goal of these compromises was to streamline the approval process for the committee recommendations and, hopefully, to preemptively negate any opposition to the City Council in moving forward with their implementation and, thereby, speeding up the start of the positive changes to the Westside that so many of us have been hoping to see.

As mentioned earlier, councilman Bever's plan significantly expands on the Westside Revitalization Oversight Committee's recommendations for a residential overlay zoning designation for properties on the Westside, including those in the industrial zone.

And, while a certain segment of our city's population will certainly be applauding Bever's modifications, there are certainly others, including many who participated in the Westside Revitalization Oversight Committee process that may feel slighted by what they perceive as a disregard for the compromises that were agreed to during that process and who, despite the unanimous vote of approval of the City Council, may be preparing a unified response and opposition to the plan's implementation.

Once again, we are confronted with the question: Is the Westside truly ready for change? I think we're about to find out.

• **RALPH RONQUILLO** is a Costa Mesa resident.



Loft#1 Artist, single, one car

Loft#2 Catering, couple, one employee, three cars

Loft#3 Data Processing, couple, two cars

Loft #4 Beauty Shop, couple, two employees, four cars

Loft#5 Printer, single, two employees, three cars

Loft#6 Woodworking, family of five, two cars

#2

Loft#7 Professional Office, single, two employees, three cars

Loft#8 Dental Office, couple, two employees, four cars

Loft#9 Painter, single, one car

Loft#10 Yoga Studio, couple, two cars

Total Parking for residents and employees 25 of thirty spaces

John Hawley, Railmakers

Response Number 1

Please refer to General Response VIII, Development Standards, for information related to building height and architectural compatibility with neighboring properties. These comments are being forwarded to the Planning Commission and City Council for their consideration.

Response Number 2

Please refer to General Response II and III regarding parking requirements for live/work development. These comments on parking requirements are being forwarded to the Planning Commission and City Council for their consideration.

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

OCT 26 2005

URBAN INFILL PROPERTIES, INC.
Tel: 949/251-0100
Fax: 949/251-0176

October 19, 2005

Kimberly Brandt
Principal Planner
Planning Department
77 Fair Drive
Costa Mesa, CA 92626

RE: 19 West Village Urban Plan

Dear Ms. Brandt:

As discussed, we applaud Planning Staff and City Council efforts to revitalize the Westside to allow Costa Mesa to better grow into its' potential as a costal urban community. We are excited about the prospects of redevelopment and are hopeful we can play some part in realizing the City's vision for the area.

As an introduction, our company specializes in infill residential redevelopment. We have been involved in over $100,000,000 worth of projects over the last 2 years and were early entrants into the now highly vaunted Platinum Triangle/Anaheim Stadium market securing 18.5 acres under contract. Additionally, we were involved with The Olson Company on the project that Shea is now developing at Orange & 23rd Street, Costa Mesa. Furthermore, the CEO & President have resided and worked in Costa Mesa & Newport Beach cumulatively for over 60 years.

As real estate professionals with a potential vested interest in the area, we are compelled to make a few comments on the 19 West draft zoning document. We agree with Staff and Council that retail/commercial is a very important element to the success of the area. Integrating restaurants, cafés, antique shops and other eclectic retail will greatly enhance livability and help to create the desirable urban environment we think the City is trying to achieve. However, we believe that the draft ordinance is too prohibitive to realize this goal on any large scale.

#1

Of specific concern is the 1.0 - 1.25 FAR combined with the minimum Commercial component of 0.15 FAR, as outlined in the draft. We believe that the parking for approximately 6,534 square feet per acre of retail, coupled with the high cost of land, will make any significant redevelopment prohibitive. Unfortunately, because of the above addressed FAR's, developers will be caught in a "Catch 22". For example, at 1.0 FAR the residential component would be 37,026 square feet (43,560sf -6,534sf of retail) for every acre of land. In general terms, if an average residential unit was 1,325sf, you would be able to build approximately 28 units per acre. Typically, this density would be developed as an "at grade" project with attached parking. However, because of the 4/1000 parking requirement required for commercial, a project would be forced into

#2

4255 Marlingale Way ▪ Suite C ▪ Newport Beach CA 92660 ▪ greg@infillproperties.net

building a parking structure. For any site less than 3.5 acres, that structure would probably be underground (podium style). Unfortunately, the cost for podium product is extremely high and may be unjustifiable for densities below 45 - 50 units per acre. Therefore, we respectfully suggest that Council and Staff look into one or more of the following solutions: increasing the Development Standard to approximately 1.5 FAR (or higher if the city wants larger units); reduce the required commercial component; reduce the parking required for the commercial component in this area due to more walk-in business.

#3

As previously stated, we believe that adequate retail is extremely important towards creating the right environment for the area. Therefore, as developers we prefer an increase in density over a reduction of retail. We are hopeful that our outline and suggestions are helpful towards your development of a workable zoning ordinance for the benefit of all Costa Mesa residents and land-owners. Understanding market conditions and costs are paramount in promoting activity in the city's redevelopment efforts. If properly planned and developed, we believe the Westside could become some of the most desirable real estate in Southern California.

#4

Thank you for your time and consideration. If we can be of any assistance, please do not hesitate to call.

Sincerely,

Greg Sullivan
President

Greg Sullivan, Urban Infill Properties

Response Number 1

These comments are provided to the Planning Commission and City Council for their consideration.

Response Number 2

The draft Urban Plans propose minimum parking requirements for mixed-use development. Lower parking rates may be considered subject to a shared parking analysis that demonstrates that proposed parking supply meets projected demand. Please refer to the General Response II and III for more detailed discussion of parking requirements.

Response Number 3

Mixed-use development in Orange County typically feature development projects in the range of 1.0 to 1.25 FAR. However, Planning Commission/City Council may consider increasing the currently proposed maximum 1.25 FAR in the Urban Plan(s) to 1.50 FAR.

Response Number 4

Please refer to General Response I, Development Scenario and Incentives, for information regarding development incentives and market forces. These comments regarding market conditions and increasing density will be considered by the Planning Commission and City Council.

January 18, 2006

Costa Mesa City Council members - CMcouncil@ci.costa-mesa.ca.us
Costa Mesa Planning Commission members - PlanningCommission@ci.costa-mesa.ca.us
City Manager Alan Roeder - ARoeder@ci.costa-mesa.ca.us
Deputy City Manager/Development Services Director Don Lamm - DLamm@ci.costa-mesa.ca.us
(Please forward to Development Services Staff Mike Robinson, Clair Flynn, Kim Brandt)

Regarding: December 6, 2005 General Plan Screening Requests – High Density Residential on the Westside
Via Email

Dear Costa Mesa representatives and staff,

I have serious reservations about the two high-density residential properties on the West side discussed at the General Plan Screening Request at the city council's December 6, 2005 meeting.

Both requests involve changing light industrial parcels to high-density residential parcels. My concerns are:

- A dangerous precedent is being set that **all** projects submitted in the Mesa West Bluffs Urban Plan area will be high-density. Why would a developer submit anything else? #1
- This West Side Bluffs area needs a much more comprehensive plan than the other urban plan areas because it will be undergoing a much more drastic transition (from industrial to residential) than the other areas. The overlay zoning and Bluffs Urban Plan are far too simplistic a tool to be used for this transition.

While I'm as excited as everyone else about the potential for change on the West side offered by the overlay zone in the Bluffs area, I believe that the transition from industrial uses to residential uses must be carefully planned, and we do not have a plan. If we passively let the development community do our planning, we will end up with dysfunctional neighborhoods with the same hodge-podge lack of planning that we already have on the West side.

Below are my comments regarding the staff report for the Dec. 6, 2005 meeting as it pertains to GPS-05-08, and staff's justification for acceptance of the screening request. At this time, it is my opinion that high-density residential live/work projects should not be allowed in this area unless a very specific limit is defined. High-density residential, even if live/work oriented, can certainly be incompatible with the immediately adjacent industrial uses and may even be incompatible with future hopes for high-quality lower-density residential property.

LAND USE ANALYSIS #2

I strongly disagree with staff's conclusion stated in the first paragraph of the Land Use Analysis (page 8 of the City Council Agenda Report dated November 22, 2005). They conclude that the Master Plan process will ensure that new residential projects will be compatible with adjacent industrial uses. Again, I strongly disagree. The Master Plan process is not a sufficient planning tool because that process assumes that larger-scale planning for the entire neighborhood has already been done, which is not true in this instance. At this point in the process, it is poor planning to discuss specific site changes when no comprehensive plan for the area has been discussed.

You are using a tool (screening requests) generally reserved for making incidental changes to the General Plan to expedite approval of a project that has very far-reaching consequences. Because of the historic dimensions of this transition, it is my opinion that very intense, detailed, and public planning should occur before any revision to the General Plan is made.

Please remember that the only detailed discussion regarding the West side took place over several years in the form of the CRAC and the WROC committees, and the recommendations made by WROC were expanded by the council in favor of putting a blanket overlay zone on the entire area. There is already plenty of evidence that the development community is very excited about a larger overlay. But without more planning, the negative impacts on the West side when EVERY project submitted is high-density should be obvious.

#3

WROC didn't recommend a smaller initial area because we're a bunch of sissies, or because we don't want a significant transition to residential development, but because it's a more logical method for making sure the transition works in the best interest of Costa Mesa. A larger overlay area needs adequate planning, which we incorrectly assumed would be done by staff before it was implemented.

TRAFFIC ANALYSIS

The traffic study used to support the project was performed by the developer. Obviously, they would build into their analysis the best-case scenarios supporting development. Please take the time to study Costa Mesa's engineering department models to determine the area's sensitivity to different assumptions. For example, what is the impact if the worst-case scenario for the number of trips generated by a 136-unit development were put into the city's model? Since we have no plan for the area, what if we assumed that the entire West side was approved for high-density uses? Would that have an impact? Of course it would, and the impact would not be positive.

Perhaps you scoff that there's no way the whole area would be high-density. Well, the moment the two West side screening requests were approved, every property owner on the West side (and every broker and every developer) started calculating the value of their property or project based on high-density standards. If you follow up by approving this project, you will have priced Costa Mesa's West side out of the single-family or medium-density market for an indeterminate amount of time.

So, how many high-density projects on the West side can be approved before the General Plan's transportation system is overloaded? Without further review, that is simply unknown and staff has not provided you with adequate information. Please do not look at this project in a vacuum; after you approve this high-density project, you will be setting an unfortunate precedent for the rest of the West side. All subsequent land purchases will be negotiated based on high-density projects. At this point, you should at the very least study what the traffic impacts will be once you open the floodgates for high-density projects.

1. Proposes a residential condominium project consistent with proposed Mesa West Bluffs Urban Plan. In bullet point No. 1, the staff claims that the proposed project is consistent with the Mesa West Bluffs Urban Plan within a mixed-use overlay zone and then, by the way, mentions there is no overlay zone yet. It is my opinion that you should not allow any proposed project to move forward prior to independently establishing a more comprehensive plan. But since it appears that you are willing to approve these projects, am I to assume that WROC's recommended low- to medium-density vision has been thrown out altogether?

If so, I implore you to please reconsider and slow down. Please take the time to come up with a real plan for this transition. Staff has not been directed to take the time to consider the full impact of putting such a large area into an overlay zone. Street-by-street planning should be done so that consideration of various densities and uses can be considered. Because of just such impacts, WROC never recommended that such a large area be included in the overlay area. If you are going to use that approach, please spend more time considering the future implications.

2. Consistent with General Plan Land Use Objective LU-2A. The test that staff used to determine whether or not the proposed project is consistent with GP objective LU-2A could also be used to allow a high-rise residential tower to be considered! Yes, new residential development will improve the jobs/housing balance in the city. But neither the proposed project nor a high-rise tower will truly maintain the quality of the environment. Can't sufficient time be taken to really test the question of consistency? The proposed project is certainly not compatible or consistent with the recommendations made by WROC. Why has that discussion not taken place? The guidelines of the Mesa West Bluffs Urban Plan are not sufficient given the size of the overlay zone. It needs more work!

3. Consistent with General Plan Land Use Policy LU-1F.4. It's easy to say that the proposed development will not cause incompatibility with existing SFR areas because, well, currently there aren't any. But I believe building high-density now will severely limit the chances of ever seeing any SFR development in the future. Why hasn't that been discussed?

Also, staff has kicked ahead their obligation to determine the project's compatibility with surrounding industrial uses by stating "Furthermore, compatibility with surrounding uses would be examined pursuant to a Master Plan." It's painfully obvious that there are areas of incompatibility (building high-density condos across the street from Cla-Val? A foundry?!), but this report ignores them with the promise to look into it at another time. That is irresponsible. A high-

...

CITY COUNCIL AGENDA REPORT

MEETING DATE: DECEMBER 6, 2005 **ITEM NUMBER:**

SUBJECT: **GENERAL PLAN SCREENING REQUEST FOR THE FOLLOWING PROPERTIES:**
(1) GPS-05-06 1941 CHURCH STREET / 1944 NEWPORT BOULEVARD
(2) GPS-05-08 WESTSIDE LOFTS SITE (1640 MONROVIA AVE.)
(3) GPS-05-09 PACIFIC MESA PROPERTIES (660/670 W. 17TH ST.)
(4) GPS-05-10 ALL INDUSTRY INVESTMENT (1690 PLACENTIA/755-785 W. 17TH ST.)

DATE: **NOVEMBER 22, 2005**

FROM: **PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

PRESENTATION BY: **CLAIRE L. FLYNN, AICP, SENIOR PLANNER**

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

RECOMMENDATION

Accept proposed General Plan amendment screening requests for processing.

BACKGROUND

General Plan Screening Criteria

City Council Policy 500-2 establishes a procedure for processing privately initiated General Plan amendments. This procedure involves a City Council screening of these requests prior to their acceptance for formal processing. The policy includes three criteria for accepting requests and two criteria for rejecting requests. The acceptance criteria are as follows:

1. A General Plan amendment is necessary to resolve inconsistency between the General Plan designation and zoning of a parcel.

2. A General Plan amendment is necessary to provide a uniform land use designation on a single parcel.

3. A General Plan amendment would result in decreased traffic impacts from the property.

The criteria for rejecting an application are as follows:

1. The request applies to a single small lot or a small area, especially if the change would make the property inconsistent with surrounding properties.

Traffic Analysis Required

While a preliminary traffic evaluation was completed for each screening request, a detailed traffic analysis with the project-specific environmental review is required at the time of project submittal.

In consultation with the Transportation Services Manager, the traffic analysis for each development project would generally include, *where applicable*, the following information:

- Pedestrian and vehicle circulation plan.
- Analysis of any increased traffic in relation to existing and projected traffic levels.
- Comparison of directional trip characteristics for residential versus commercial or industrial uses.

ALTERNATIVES CONSIDERED

City Council has the following alternatives available for consideration for each screening request:

1. Accept the screening request for each specific project by separate motions. Pursuant to Council Policy 500-2, Council may acknowledge that the General Plan screening criteria are only guidelines and that City Council may accept an application that does not meet the criteria based on other considerations. The justification for approving the screening request is provided on the summary sheet.

2. Deny a specific screening request. Denial of a specific request would maintain the existing land use designations, corresponding land use regulations, and entitlements of the subject property.

FISCAL REVIEW

Fiscal review is not required for this item.

LEGAL REVIEW

Legal review is not required for this item.

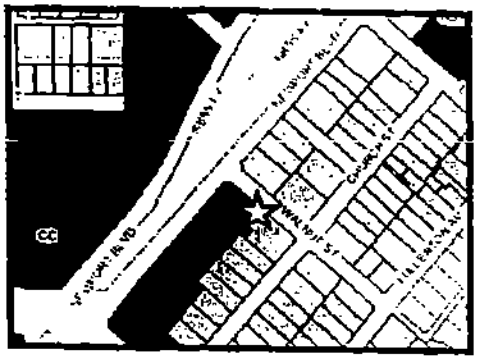
CONCLUSION

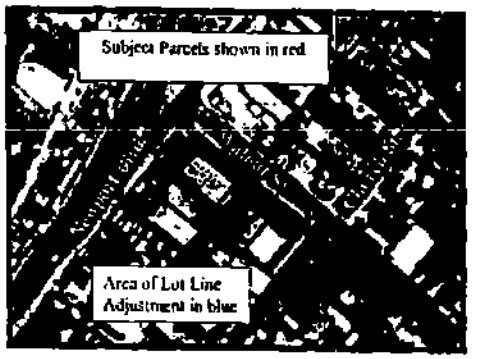
Staff recommends acceptance of each of the proposed General Plan amendment for processing and additional analysis:

(1) GPS-05-08 1941 CHURCH STREET / 1944 NEWPORT BOULEVARD
(2) GPS-05-08 WESTSIDE LOFTS SITE (1640 MONROVIA AVE.)
(3) GPS-05-09 PACIFIC MESA PROPERTIES (660/670 W. 17th ST.)
(4) GPS-05-10 ALL INDUSTRY INVESTMENT (1690 PLACENTIA/755-785 W. 17TH ST.)

ATTACHMENT 1

GPS-05-06 Proposed Lot Line Adjustment - 1944 Newport Boulevard / 1941 Church Street





GENERAL PLAN SCREENING REQUEST

The General Plan screening request is to change the General Plan land use designation of a northwesterly section (68.22' long by 20' wide) of 1941 Church Street from Medium Density Residential to General Commercial. The change in land use designation is required for a proposed lot line adjustment with the adjacent commercial parcel at 1944 Newport Boulevard. The property owner at 1944 Newport Boulevard proposes to acquire this 1,364 sq ft. area from 1941 Church Street to resolve an apparent discrepancy between the legal ownership by Robert Smith of 1941 Church Street and its historic use by the Midas Shop on Newport Boulevard. The proposed project will involve the following:

- General Plan amendment to change the land use designation of the subject area from Medium Density Residential to General Business.
- Rezone of the subject area from R2-MD (Medium Density Residential) to C2 (General Business)

Site photographs and the applicant's letter of justification are attached (Attachments 1A and 1B).

LAND USE ANALYSIS

The Children's Learning Center preschool/daycare center at 1941 Church Street has been in business since 1978. This property is designated as Medium Density Residential and zoned R2-MD. The Midas Shop at 1944 Newport Boulevard is an auto repair business specializing in services such as muffler, brakes, and general body repairs. The Midas Shop site is designated General Commercial and zoned C2. The 68.22' long x 20' wide paved portion at the rear of the Children's Learning Center property had mistakenly been considered as part of the Midas Shop business. During a recent appraisal of the Children's Learning Center property, it was discovered that this land was legally owned by Robert Smith at 1941 Church. Thus, a lot line adjustment would allow the acquisition of this area by the property owners of 1944 Newport Boulevard. The proposed project would resolve an apparent discrepancy in use and ownership, and staff does not find any issues related to land use compatibility.

TRAFFIC ANALYSIS

The change in land use designation from residential to commercial would involve an increase in average daily trips only if the Midas Shop was increased in size. In this case, the Midas Shop is already nonconforming in size and could not be expanded regardless of the additional site area. Thus, the proposed General Plan amendment for the subject 1,364 sq. ft. area would have no effect on increasing traffic intensity at 1944 Newport Boulevard.

JUSTIFICATION OF ACCEPTANCE OF SCREENING REQUEST

While the proposal does not satisfy specified screening criteria, staff recommends acceptance of the General Plan screening request for the following reasons:

1. ***Consistent with General Plan Housing Element Goal HOU-1.*** The proposed project is consistent with the Housing Element goal HOU-1 in that it would not affect the development potential of the Children's Learning Center site. The existing R2 MD lot at 1941 Church St. is 13,950 sq. ft. While the proposed project would decrease the lot size by 1,364 sq.ft., this loss would not affect the allowable residential density if this site were redeveloped. The remaining lot area would still support a maximum of 3 dwelling units in the R2-MD zone.

2. ***Does not result in nonconforming floor area ratio at 1941 Church.*** Staff verified that the proposed project and subsequent lot line adjustment would not result in a nonconforming floor area ratio for the existing Children's Learning Center site. There will be a negligible increase from the current .16 FAR to .18 FAR.

3. ***Resolves apparent inconsistency with historic use of the site.*** One of the General Plan screening criteria describes a General Plan amendment as necessary to resolve inconsistency between the General Plan designation and zoning of a parcel. In this case, the General Plan amendment is necessary to resolve inconsistency with the *historic use of the project site* and existing General Plan land use designation. The business owner of the Midas Shop indicates that the subject area has historically served the Midas Shop and mistakenly considered as part of this property. This oversight was discovered when the 1941 Church property was recently reappraised. The General Plan amendment and lot line adjustment would therefore correctly identify this 60' x 20' area as part of the Midas Shop site.

CITY OF COSTA MESA PLANNING APPLICATION

PROJECT DESCRIPTION AND JUSTIFICATION

1. **Project Address:**
   1941 Church Street, Costa Mesa
   1944 Newport Blvd, Costa Mesa

2. **Fully describe your request:**
   Request Lot Line Adjustment so 1944 Newport Blvd would acquire approximately 20' x 68.22' from, 1941 Church Street.

3. **Justification:**

   A. **For a Conditional Use Permit or Minor Conditional Use Permit: On a separate sheet, describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.**

   B. **For a variance or Administrative Adjustment: On a separate sheet, describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.**

4. This project is: (check where appropriate)

   ___In a flood zone. ___In the Redevelopment Area.

   ___Subject to future street widening. ___In a Specific Plan Area.

   ___Includes a drive-through facility.
   (Special notice requirements, pursuant to GC Section 65091 (d))

5. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST reproduced on the rear of this page and have determined the project:

   ___Is not included in the publication indicated above.

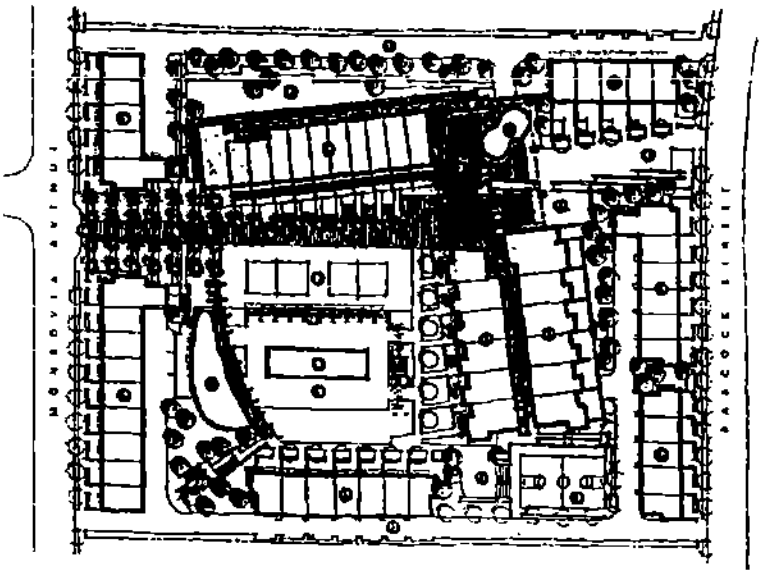
   ___Is included in the publication indicated above.

Signature _____ Date 9/22/05

ATTACHMENT 1B

C:\WINDOWS\Temporary Internet Files\OLKF221\Description Justification.doc Created on 05/19/2004 11:19 AM

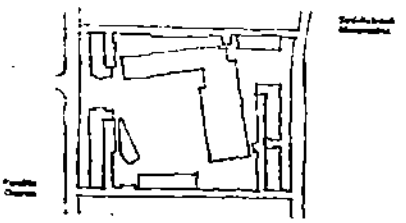
7



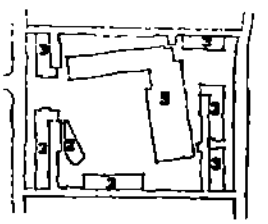
Site

WEST SIDE LOFTS

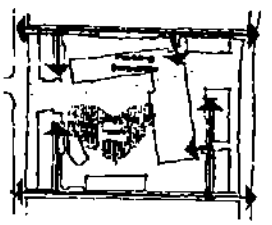
Site Legend



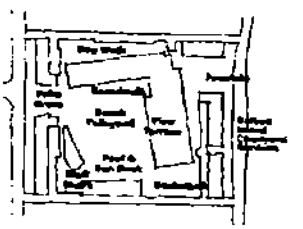
Views



Building Bulk



Access & Circulation



Open Space & Activity

NEXUS

STUDIO E

WESTSIDE LOFTS

COSTA MESA, CALIFORNIA

ATTACHMENT 2A 9

The Vision to Develop and the Commitment to Deliver

November 2, 2005

Don Lamm
Deputy City Manager
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628-1200

Re: 1640 Monrovia Avenue - Westside Lofts

Dear Mr. Lamm:

As you are aware, Nexus Development purchased the subject property which was formerly occupied with an industrial business. Our intent is to develop a for sale, residential project that will serve as the catalyst and example for future residential development on the Westside.

We have undertaken a series of site planning studies to determine the best design approach for the site. It has become apparent during these exercises that a higher density on the site would result in a more successful project, both from an economic standpoint as well as an urban site planning perspective.

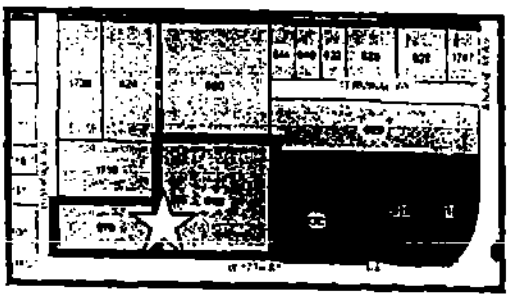
The current General Plan designation for the site is Light Industry. We are seeking a General Plan Amendment to change the designation to High Density Residential that allows for up to 20 units per acre. We respect the City's desire to limit consideration of changes in land use if it is determined they will not have a negative impact on the City's traffic/circulation system. In that regard, we engaged Austin Foust to prepare a traffic analysis, with the participation of your City transportation staff, to determine if an increase in density on this site would have a negative impact. The conclusion of their analysis is the site can support a density in excess of 20 units per acre before additional traffic mitigation is warranted.

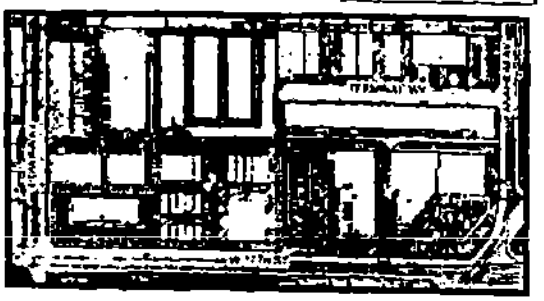
If the City Council determines it can support the processing of a General Plan Amendment for this property, we are confident we can deliver a unique, high quality residential project that will serve as the catalyst for future development on the Westside.

ATTACHMENT 2C

NEXUS Development Corporation Central Division
1 MacArthur Place, Suite 300, Santa Ana, CA 92707 ph 714 546 5600 fx 714 546.5660 www.nexusd.com

11





GENERAL PLAN SCREENING REQUEST

The General Plan screening request is to change the land use designation at 660/670 W. 17th Street from Light Industry to General Commercial. The existing General Plan land use designation and zoning (General Manufacturing "MG") do not allow commercial uses. Existing industrial businesses at the site include specialty wholesalers and light industrial businesses operating in quonset structures (Site Photos and Applicant Letter, Attachments 3A & 3B). In contrast to the Light Industry designation, the requested General Commercial land use would allow a home improvement retail store as a permitted use. In addition to the General Plan amendment, the proposed development project will involve the following:

- Rezone of the property from MG to General Commercial "CZ"
- Complete demolition of all existing steel quonset structures.
- Construction of a home improvement retail building (such as a Home Depot) from 85,000 to up to 102,000 square feet of sales area and up to 32,000 sq.ft. of outdoor garden center area.
- Proposed building to consist of concrete tilt-up walls and panelized roof frame system.
- Building design and architecture to be comparable to other retail centers in the area (e.g. PetSmart, Trader Joes, etc.)

LAND USE ANALYSIS

The 10-acre project site is located west of the 17th Street and Superior Avenue, a heavily-traveled intersection composed of general commercial land uses at all four corners. A similar request for a General Plan amendment/rezone was approved for the future Grower's Direct site at the southwest corner of this intersection. The proposed home improvement site will be adjacent to and west of existing commercial uses, including Trader Joe's, PetSmart, and Michaels. While further analysis of a specific development project and traffic study needs to occur, staff believes that the proposed home improvement center would be compatible with the commercial uses to the east and industrial uses to the north/south/west.

TRAFFIC ANALYSIS

The applicant's request is to change the land use designation for proposed commercial development. A preliminary trip generation analysis indicates that the proposed change will result in an increase of average daily trips and am/pm peak hour trips. The following table is a trip generation summary of existing and proposed development.

Land Use	AM Peak Hr Trips	PM Peak Hr Trips	Total Avg Daily Trips
General Plan Land Use 108,000 sq.ft. Industrial Uses	100	107	759
Proposed Project 102,000 sq.ft. Home Retailer	122	250	3,040
32,000 sq.ft. Garden Center	42	122	1,155
NET INCREASE			**+3,435 TRIPS**

A detailed traffic analysis will be conducted at the time of project submittal, and the findings will be verified/evaluated in the appropriate CEQA document. Any feasible mitigation measures to reduce significant traffic impacts will be identified at that time.

JUSTIFICATION FOR ACCEPTANCE OF SCREENING REQUEST

While the proposal does not satisfy specified screening criteria, staff recommends acceptance of the General Plan screening request for the following reasons:

1. *Proposes a major home improvement retail building to serve future mixed-use developments and live/work lofts projects in the Westside.* Revitalization efforts in the Westside may create new residential urban villages consisting of medium- to high-density residential condominiums or live/work lofts. These proposed urban plan areas include the Mesa West Bluffs and 19 West Urban Plans. A home improvement retailer in the Westside will support the new residents' demand for building materials/supplies and related goods, as well as demand for these goods/services from the existing Westside and Eastside communities.

2. *Achieves General Plan Land Use Element Objective LU-1B.* The purpose of the three General Plan acceptance criteria is to provide guidelines to screen General Plan amendment requests. While the proposed project does not strictly satisfy these specified criteria, it would achieve an important Land Use Element goal by ensuring the long-term productivity and viability of the City's economic base. Specifically, the project would redesignate industrial land to commercial, and thereby permit commercial businesses to serve nearby residential uses (Land Use Policy LU-1B.1).

3. *Proposes to be within the circulation system and infrastructure capacity.* The commercial uses are proposed to be within the development capacity of the roadway network. While an increase in average daily trips will result from the change from a Light Industrial to General Commercial land use, traffic mitigation may be proposed to reduce impacts to below a level of significance. This would need to be verified by a traffic study.

Home Improvement Retail Store – Project Description

We are proposing to develop approximately 10.00 acres for a new home improvement store located on the north side of 17th Street east of Pomona Avenue. Currently, an assortment of commercial / industrial buildings, occupies the site as well as a small set of 2-story retail shops at the southwest corner of the site.

We are proposing to demolish the existing buildings and paving and re-grade a significant portion of the site.

The proposed home improvement building will have approximately 85,000 up to 102,000 square feet of enclosed sales area and approximately 20,000 up to 32,000 square feet of outdoor garden sales area. The building will be constructed of concrete tilt-up walls and panelized roof frame system. It will be qualified as a Type V-N, fully sprinklered building with 60'-0" minimum side yards. The building design will be appropriate and complimentary to the context of the surrounding area.

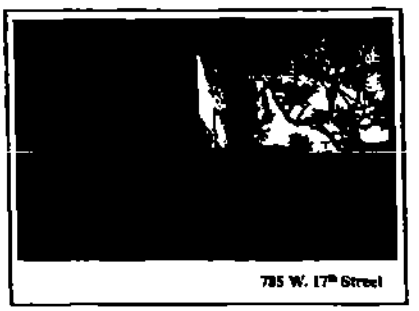
For a store of this size, we typically employ approximately 115-140 full-time and 40-65 part-time employees. The ratio between full time and part time employees may vary.

All roof top equipment including all mechanical equipment will be screened by the perimeter parapets. The highest equipment is typically about 27'-0" above the finish floor elevation and the perimeter walls will be a minimum of 28'-0" above the finish floor elevation.

It is our goal to open this store as soon as possible to serve the growing demand of home improvement customers in the local community. We are looking forward to work in partnership with the City of Costa Mesa in the development of a mutually successful project.

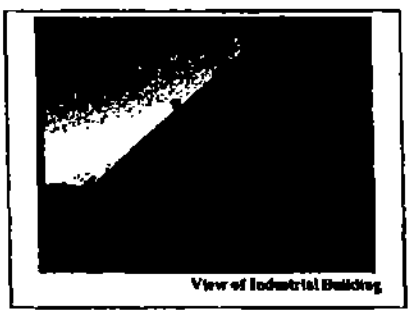
ATTACHMENT 38 15

R:\JOB\Home Depot\441612-Costa Mesa\Word Processing\Public-Gov Agencies\Pre-Screen Projectdescription 11.7.05.doc

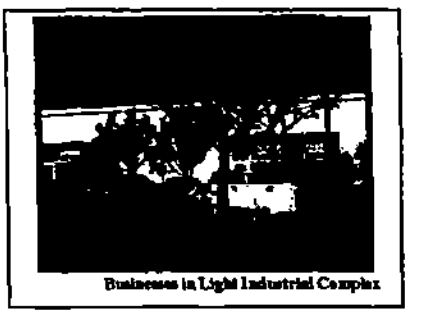


785 W. 17th Street

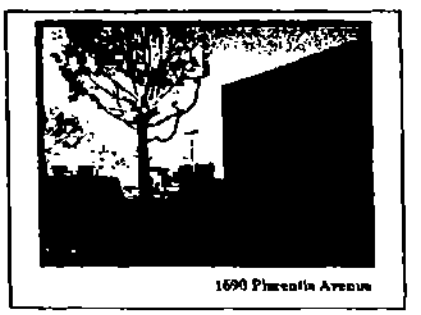
Neighboring Hamburger Rest. at Placentia/W. 17th



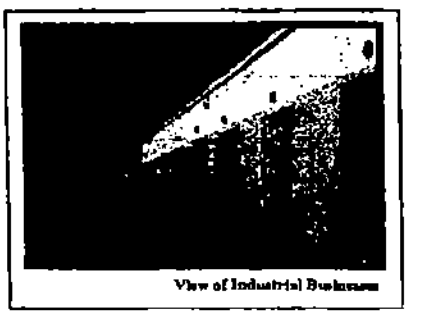
View of Industrial Building



Businesses in Light Industrial Complex



1690 Placentia Avenue



View of Industrial Businesses

ATTACHMENT 4A

17

Correspondence from Chris Fewel

Response Number 1

These comments are being forwarded to the Planning Commission and City Council for their consideration.

Response Number 2

Please refer to General Response IX, Master Plan, for more information related to the Master Plan process and public participation in this process. These comments on the Master Plan process are being forwarded to the Planning Commission and City Council for their consideration.

Response Number 3

Please refer to General Response XIV, Alternatives to the Urban Plans, for information related to the WROC Recommendations. These comments on other development projects considered for General Plan Screening request are being forwarded to the Planning Commission and City Council.

BRANDT, KIMBERLY

From: Ian Vickers [ivickers@suncal.com]
Sent: Sunday, January 22, 2006 7:46 PM
To: BRANDT, KIMBERLY
Subject: Westside Costa Mesa

#1

Kimberly,

I hope you are having a good 2006. Last Tuesday, I attended the Planning Commission Study Session and Commissioner Eagan voiced a concern about flooding in Westside Costa Mesa off of Placentia and stated that certain buildings with subterranean elements have been forced to purchase pumping systems as the current infrastructure did not accommodate the rainfall. She continued to express a concern about subterranean parking and the CM's Westside storm water drainage infrastructure.

What are your thoughts on this?

Thank you,

Ian

Ian J. Vickers
Land Acquisition Manager
SunCal Companies
2392 Morse Avenue
Irvine, CA 92614

(949) 777-4078 - Direct
(949) 777-4278 - Fax
(949) 278-5572 - Mobile
www.suncal.com

Ian Vickers

Response Number 1

Please refer to General Response XI, Hydrology, for the City Engineer's response to hydrology-related issues.

2/3/06

Costa Mesa Planning Commission
Costa Mesa, CA

#1

Re: Residential Overlay

Dear Planning Commission Members:

I am a resident of the westside of Costa Mesa for the past 20 years.

I am in favor of the plan to rezone part of the westside of Costa Mesa with a residential overlay. I am <u>not</u> in favor of high density housing including 4 story or higher units.

Sincerely,

Marilyn Marshall

Marilyn Marshall
1690 Whittier Ave.
Costa Mesa, CA 92627-4415

Marilyn Marshall

Response Number 1

Please refer to General Response VIII, Development Standards, for information related to building height and architectural compatibility with neighboring properties. These comments on building height and density are being forwarded to the Planning Commission and City Council for their consideration.

CAROLE ANN BURR, D.A.B.F.E

Forensic Examiner - Consultant

1712 Whittier Avenue
Costa Mesa, CA 92627-4509

Email: CaroleAnnBurr@govmaze.com
(949) 646-2071 FAX (949) 650-4540

Life Fellow and Diplomate of American Board of Forensic Examiners

Medi-Cal, Medicare, Government Programs

February 06, 2006

Costa Mesa Planning Commission Study Session

Dear Chairperson and other Board Members

I have been a resident of Costa Mesa since 1953 and lived on the Westside since 1963.

When the residence was built in the fifties, Whittier Avenue was zoned residential; later the zone changed to Industrial and my property was then designated legal but nonconforming...and now the city wants to do a residential overlay with high density?

#1

WHY? It is all about the money and the promises of big developers rather than the long time property owners and business persons in Costa Mesa who have supported this city for years. It was determined that the Westside had little value because of the oil fields; yet the long term property and business owners took an interest and developed their homes and business here.

A total residential overlay for the Westside with high density of four stories may bring in more revenue for the city through taxes but it will also:

01. Increase the population
02. Require more schools
03. Require better traffic flow
04. Require adequate parking for multiple family cars
05. Require a larger police force and fire department
06. Require better public transportation
07. Require adequate means to dispose of "waste" materials
08. Require more water and utilities
09. Cause more wear and tear on existing roads – many that have been neglected

#2

Then there is the environmental issue of building high rise homes on the bluffs; will these homes be ventilated to prevent an explosion from the gases of the oil well?

How much weight can the bluffs take without endangering the surrounding area and the lives of these new home owners?

#3

What about affordable housing? What percentage will be designated for affordable housing and Where?

#4

Where will current property owners go when four story high rise buildings are built on all sides of their property? We do not want to live in a valley of darkness and pollution that the high density will cause. Irregular size property is particularly vulnerable to this demise.

I beseech that you re evaluate these plans and hear the plea of the current property owners and look at the "big picture" and impact these changes will have on the citizens.

#5

What are you going to do with the revenues this plan is estimated to bring? How will it enhance the lives of current Costa Mesa residents?

I beseech that you reevaluate these plans; hear the plea of the current property owners, the WROC committee report, look at the "Big Picture" and the impact these changes will have on the citizens.

If you do not reevaluate the high density rezoning of the entire Westside, where do I go to be heard?

I DO NOT WANT TO LIVE IN A VALLEY OF POLLUTION AND DARKNESS OR IN A TOMB.

Thank you for your time and the opportunity to speak tonight.

Carole Ann Burr

Carole Ann Burr

Response Number 1

These comments are being forwarded to the Planning Commission and City Council for their consideration.

Response Number 2

Please refer to General Response IV, Environmental Review Required, for more information regarding the environmental process.

Response Number 3

These comments are being forwarded to the Planning Commission and City Council for their consideration.

Response Number 4

Please refer to General Response VI, Affordable Housing, for information related to this issue.

Response Number 5

Please refer to General Response XIV, Alternatives to the Urban Plans, for information related to the WROC Recommendations. These comments on other development projects considered for General Plan Screening request are being forwarded to the Planning Commission and City Council.

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

FEB - 9 2006

February 8, 2006 Delivered by Express U.S. Mail, Return Receipt
To: City of Costa Mesa Planning Commission 714-754-5245 City Manager 714-754-5327
Claire Flynn, Planning Division (direct) 714-754-5278 Fax # 714-5330 e-mail www.ci.costa-mesa.ca.us
77 Fair Drive
Costa Mesa, CA 92628
From: Dr. Harold Cozen
1600 Cataluna Place
Palos Verdes Estates, CA 90274
Re: Bristol Street Mixed-Use Overlay / SoBECA public hearing on Monday 2-13-06
Transmittal & Message: This cover letter only. I am the owner of properties within the subject area identified as:
720 Randolph also addressed as 2920 Bristol, 700 Randolph, 710 Randolph and 2941 Randolph.
I have reviewed the SoBECA Urban Plan and have the following comments and suggestions:

1. While I'm not sure it's really necessary, overall it seems to be a good plan in that there is considerable flexibility and latitude. #1
2. In that regard, design should be evaluated on the basis of intrinsic good design whether or not related to any existing buildings (anchors or otherwise). Eclectic architecture and design (e.g. El Paseo in Palm Desert, Vineyards in Rancho Cucamonga) have proven to be very effective.
3. There should be no specific allocation within SoBECA for certain lots to be earmarked for either Live/Work, Horizontal Mixed-use or Vertical Mixed-use. The decision on the utilization of Live/Work, Horizontal Mixed-use or Vertical Mixed-use should be solely that of the property owner based on the owners needs and desires and the best use of the property in the owner's opinion. #2
4. The residential component in the Horizontal Mixed-use or Vertical Mixed-use may be either Apartments or Condominiums (e.g. apartments above commercial at Paseo Colorado in Pasadena). The decision on the form of residential development, whether apartment, condominium or otherwise, should rest solely with the owner. #3

Dr. Harold Cozen

Harold Cozen, Property Owner in SoBECA Urban Plan area

Response Number 1

These comments supporting the SoBECA Urban Plan are being provided to the Planning Commission and City Council.

Response Number 2

Refer to General Response VII, Development Standards for mixed-use development, for information on architecture and design.

Response Number 3

These comments on the ownership housing requirement are being forwarded to the Planning Commission and City Council.

SEA BREEZE VILLAS, LLC

P.O. Box 6650
Malibu, California 90264
310-877-9605

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES

FEB 23 2006

February 21, 2006

Ms. Clair Flynn
Project Planner
City of Costa Mesa Planning Department
77 Fair Drive
Costa Mesa, California 92628

RE: 19W Urban Plan – Mixed Use Overlay Zone

Dear Ms. Flynn:

As a owner of a two (2) acre property located at 133 E. 16th Street, Costa Mesa, California, I want to express my strong support for the 19W Urban Plan – Mixed Use Overlay Zone proposal.

#1

It clearly provides all owners the right to continue the present use of their property or alternatively to have the option of the Overlay Zone Plan.

I want to personally thank you and the city planning department for you all your efforts.

Sincerely,
Sea Breeze Villas, LLC

By: Steve Schwimer
Steve Schwimer
Managing Member

Steve Schwimer

Response Number 1

These comments in support of the proposed Urban Plans are being forwarded to the Planning Commission and City Council for their consideration.

LAW OFFICES
PALMIERI, TYLER, WIENER, WILHELM & WALDRON LLP
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*A PROFESSIONAL CORPORATION

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT
FEB 10 2006

February 9, 2006

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REFER TO FILE NO.
33494-000

VIA CERTIFIED MAIL AND HAND DELIVERY (On Date of Hearing)

The Honorable Chairperson
William Perkins
Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

The Honorable Vice Chairperson
Donn Hall
Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Commissioner James Fisler
Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Commissioner Bruce Garlich
Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Commissioner Eleanor Egan
Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Re: **Comments of Westside Revitalization Association on Proposed Resolutions and Ordinances of the City Council of the City of Costa Mesa to Amend Land Use Designations, Include References to Urban Plans, Modify the Noise Element for Exterior Residential Noise Standards, and Related Actions Affecting Properties within the Bristol Street Corridor and Westside Costa Mesa Areas**

Dear Honorable Chairperson, Vice Chairperson and Commissioners:

We have been retained by the Westside Revitalization Association (the "WRA") to assist WRA with respect to their ongoing interest and concern about the proposed sweeping changes to specified land use designations and related items as more particularly described in the Agenda for the Planning Commission Meeting of February 13, 2006 ("Agenda"). The WRA is comprised of approximately 144 business/property owners with long-standing ties to the City of Costa Mesa ("City"). A list of the WRA members has been previously provided. Most of the WRA members conduct their business operations within the Westside Costa Mesa Area (as identified in the Westside Urban Plan). Collectively, these businesses employ hundreds (if not thousands) of individuals who are voting residents of the City.

1

The WRA understands that the Planning Commission has invited public comment on the following items as more particularly set forth in the Agenda: (a) General Plan Amendment GP-05-11 ("GPA"); (b) Zoning Code Amendment CO-05-05 ("ZCA"); (c) Rezone Petition R-05-07 for Mixed-Use Overlay Zoning District; (d) SoBECA Urban Plan SP-05-06; (e) 19 West Urban Plan SP-05-07; (f) Mesa West Urban Plan SP-05-08; and (g) Mesa West Residential Ownership Urban Plan SP-05-09 (items (a) through (g) will sometimes hereinafter be referred to as the "Proposed City Actions"). The cumulative effect of the Proposed City Actions, if approved, would create pockets of incompatible adjoining land uses throughout the City. These "pockets" would foment future discord between those owners who have long-established industrial and manufacturing facilities in the affected areas and those individuals proposing to develop mixed-use residential/commercial projects in close proximity to these historic industrial/manufacturing facilities. The list of potential environmental impacts that would be created by approval of the Proposed City Actions is staggering. Yet, the planning staff has, up to this point, recommended that compliance with the California Environmental Quality Act ("CEQA") may be achieved through approval of a Mitigated Negative Declaration ("MND"). The planning staff is mistaken in its recommendation of an MND for the sweeping changes being proposed, and if the Planning Commission follows this recommendation, it is inviting a legal challenge to that recommendation.

#2

The purpose of this letter is to formally assert the WRA's substantive and procedural objections to the Proposed City Actions. Substantively, the Proposed City Actions, if approved, would be tantamount to impermissible "spot zoning" and would create a patchwork of incompatible land uses throughout the City. Procedurally, the Planning Commission should, at the very least, undertake to prepare and consider an Environmental Impact Report ("EIR") to address the myriad potential significant environmental impacts that will result from the Proposed City Actions. An MND is ineffectual to analyze the potential environmental ramifications to the 700+ acres directly impacted by the Proposed City Actions. The WRA respectfully requests that this letter be included as part of the formal record on the Proposed City Actions and incorporated into the analysis undertaken by the Planning Commission and its staff members in deciding (i) whether to recommend approval of the Proposed City Actions as presently comprised and (ii) whether an MND is sufficient to ensure compliance with CEQA. In addition, the WRA and each of its members specifically reserve their right to appear and be heard at any public hearing on the Proposed City Actions. #3

The Proposed City Actions Constitute Bad Land Use Planning.

As boasted in the City's 2005 community economic profile, "[t]he major industries in the City are services and trade followed by manufacturing." (2005 Com. Econ. Prof., p. 3.) According to the profile, manufacturing accounts for twelve percent (12 %) of the City's labor market. (*Ibid.*) Yet, only fourteen percent (14 %) of all incorporated land within the City's sixteen square miles is set aside for industrial uses. (*Id.* at p. 2.) In contrast, forty eight percent (48%) of all incorporated land within the City is already designated residential. (*Ibid.*) Over one third of the housing units within the City presently consist of multifamily residential with a density of five or more (5+) units per structure. (*Ibid.*) Remarkably, the City wishes to add future dwelling units to an already saturated housing market, thereby further taxing an overburdened infrastructure and City services. The Proposed City Actions, if approved, would result in a greater disparity between residential and industrial use properties. #4

The Proposed City Actions are tantamount to impermissible "spot zoning" in that they target the historic industrial use areas of the City. If approved, residential and other

mixed-use developers will be able to secure more easily City Council approval of their proposed projects, which will inevitably encroach on neighboring manufacturing facilities. As a result, the industrial areas of the City will become a patchwork of incompatible land uses. Thereafter, it is only a matter of time before the occupants of the newly-developed mixed use projects begin to complain about how their industrial neighbor is somehow infringing on their property rights. Eventually, these complaints will make their way to City Hall and the Courts. If carried to its natural progression, this City-created hostility could lead to an exodus by many businesses who have long-provided employment to City residents. This would cause a significant economic shift in the City's labor market. In short, it is bad planning to establish a system whereby these mismatched land use designations are forced to co-exist. #5

The Proposed City Actions Constitute a "Project" for Purposes of CEQA.

There should be no debate that the Proposed City Actions constitute a "project" within the meaning of CEQA. (Pub. Res. Code, § 21065.) CEQA defines project as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is ... an activity directly undertaken by any public agency." (*Ibid.*) Examples of "activit[ies] directly undertaken by any public agency" include, but are not limited to, "enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code sections 65100-65700." (CEQA Guidelines, § 15378, subd. (a)(1).) #6

Moreover, where government decision does not have a "direct effect" on the environment but is a "necessary step in a chain of events which would culminate in physical impact on the environment," it is a "project" for purposes of triggering CEQA compliance. (*Kaufman and Broad-South Bay, Inc. v. Morgan Hill Unified School Dist.* (1992) 9 Cal.App.4th 464,473.) The California Attorney General has opined that "ordinances and resolutions adopted by a local agency are 'projects' within the meaning of CEQA." (60 Ops.Atty.Gen. 335 (1977).) Courts have also stated that CEQA "defines a project extremely broadly...." (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1188.) The California Supreme Court

has recognized that an application to re-zone property from agricultural to residential was a "project" since the prospect of residential use anticipated future development. (*Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263, 269-270.)

#6

Here, the Proposed City Actions include a GPA and ZCA, which under CEQA Guidelines section 15378 constitute "activit[ies] directly undertaken by a public agency." Moreover, these Proposed City Actions contemplate future development of mixed-use projects. As such, their approval would represent a "necessary step in a chain of events which would culminate in a physical impact on the environment." The City must, therefore, comply with CEQA in evaluating the propriety of the Proposed City Actions.

There is a "Fair Argument" that the Proposed City Actions may Result in Significant Environmental Impacts such that an EIR Should be Prepared.

Apparently, the Planning Commission is prepared to recommend approval of the Proposed City Actions based solely upon an MND. Such a recommendation, however, ignores the multitude of potentially significant environmental impacts that might result from the Proposed City Actions.

An MND may be prepared when, after completing an initial study, a lead agency determines that a project "would not have a significant effect on the environment." (Pub. Res. Code, § 21080, subd. (c).) Such a determination can be made only if "[t]here is *no* substantial evidence in light of the whole record before the lead agency" that such an impact *may* occur. (Pub. Res. Code, § 21080, subd. (c)(1), emphasis added.) An EIR is required, in contrast, whenever substantial evidence in the record supports a "*fair argument*" that significant impacts *may* occur. Even if other substantial evidence supports the opposite conclusion, the agency nevertheless must prepare an EIR. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.) The "fair argument" standard creates a "low threshold" for requiring preparation of an EIR. (*Citizens Action To Serve All Students v Thornley* (1990) 222 Cal.App.3d 748, 754.)

#7

Because the Proposed City Actions seek to authorize future mixed-use residential and commercial developments in areas historically devoted to industrial/manufacturing uses, there is ample evidence to support a "fair argument" that a significant impact to the

environment "may" occur. Moreover, given the magnitude of the land area involved in the Proposed City Actions, it is inconceivable how City Staff can conclude that there is no "fair argument" of possible environmental effects in recommending only preparation of an MND to comply with CEQA.

The record does not demonstrate how the public resources within the City will cope with the proposed future changed use. It is illogical to conclude that the wholesale change (from historic industrial to high density mixed-use residential) as articulated in the Proposed City Actions will not have a deleterious effect on the City's resources (i.e., schools, fire, police). Potential impacts to Utilities/Service Systems, Noise, Land Use/Planning, and Transportation/Traffic also require further study and analysis. In light of the significant acreage that will be affected by the Proposed City Actions, coupled with the numerous business properties and personnel that stand to be impacted by these actions, the City can ill-afford not to undertake a comprehensive environmental study as required by CEQA in order to be fully apprised of the effects of the proposed changes to its land use designations.

#7

Conclusion

Based on the foregoing arguments and authorities, the WRA respectfully requests that Planning Commission refrain from recommending the Proposed City Actions. In the alternative, the WRA respectfully requests that the Planning Commission refer the

#8

Proposed City Actions back to staff with directions to prepare and circulate an EIF addresses the myriad environmental impacts that may result from the Proposed Ci Actions.

Respectfully submitted,

Gary C. Weisberg
Attorney for Westside Revitalization Association

GCW:mlf

cc: Hilga Veturis. Management Analyst (via certified mail)

PALMIERI, TYPLER, WIENER, WILHELM & WALDRON CORRESPONDENCE DATED FEBRUARY 9, 2006

Response Number 1

Comments are noted.

Response Number 2

It is the expressed intent of the Urban Plans to allow existing commercial and industrial businesses to continue to operate and expand consistent with existing applicable General Plan and zoning requirements. The proposed Urban Plans allow for mixed-use or residential development provided that certain development standards are met, including land use standards that ensure land use compatibility with adjacent existing land uses. The Initial Study/Mitigated Negative Declarations prepared for the Westside Urban Plans and the SoBECA Urban Plan fully disclose the anticipated environmental impacts of the proposed projects as it relates to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation/traffic, and utilities and services systems. Where potential impacts have been identified, mitigation measures are included in the Initial Study/Mitigated Negative Declarations to mitigate the impact to a level of insignificance.

Response Number 3

The objections to the proposed City actions are noted and the letter will be included in the public record as requested. Staff respectfully disagrees that the Urban Plans will "create a patchwork of incompatible land uses" and are "spot zoning" and require the preparation of an Environmental Impact Report as explained in the following responses. In creating the mixed use overlay zones, no single parcel is being treated more or less favorably than surrounding parcels, so it is not "spot zoning." Finally, the assertion that the Urban Plans' impacts will be felt "throughout the City" is not correct. It should be noted that the four Urban Plans are limited to the City's Westside and a portion of the Bristol Street corridor. The plans combined include 657 acres, which account for 8% of the developed land in the City.

Response Number 4

The City's adoption of the proposed Urban Plan will not result in "spot zoning". The proposed Urban Plans in conjunction with the require General Plan amendment, Zoning Code amendment, and application of the Mixed Use Overlay Zoning District to specific areas on the City's Zoning Map will allow for the comprehensive and orderly redevelopment of defined areas within the City. Conceptually, this approach is similar to recent urban infill development trends

being applied throughout the County and locally in the Anaheim Platinum Triangle and the Irvine Business Complex. It also gives greater choice to property owners in the plan areas, not fewer or more restrictive choices as spot zoning would do.

As shown in Table LU-3 of the City of Costa Mesa 2000 General Plan, the City of Costa Mesa is currently "rich" in jobs when compared to the number of dwelling units provided in the City. In the year 2000, the City's job/housing ratio was 2.18 and is projected to increase to 2.51 by 2020, based on the City's present land use designations. The adoption of the proposed City actions will improve the jobs/housing balance in the City of Costa Mesa as marginal commercial and industrial properties are converted or transition to mixed-use development or residential land uses. The improvement of the City's jobs/housing balance reduces the number of vehicle trips on the City's and regional transportation system with corresponding benefits related to air quality and noise impacts.

The comment that Costa Mesa has "an already saturated housing market" is not supported by continued demand for new sites for residential development throughout the City, in particular Westside Costa Mesa. Recent examples of this housing demand are the two General Plan amendments that City Council approved to allow housing development at 1901 Newport Boulevard and 330/340 West Bay Street.

Additionally, the Initial Study/Mitigated Negative Declarations document that implementation of the proposed Urban Plans will not result in negative impacts on the City's infrastructure and City services.

Response Number 5

The statement is made that industrial land uses and mixed-use projects cannot coexist in proximity to each other, and that hostility may be created and result in the exodus of many businesses who have long provided employment opportunities to City residents. It should be noted that industrially zoned areas already exist in different areas of the City abutting residentially zoned properties, including single-family neighborhoods, multiple-family neighborhoods, and mobile home parks. An example on the Westside, is the portion of Placentia Avenue between Victoria Street and West 19th Street, which for the most part is zoned industrially with residentially zoned properties located to the rear. This zoning pattern has been in place since the area was incorporated into Costa Mesa in the early 1950s. Throughout the years, the City has successfully addressed potential land use compatibility issues between residential and industrial uses through Zoning development standards and the conditional use permit process, and when necessary with code enforcement. This is a similar approach that is being proposed in the proposed Urban Plans, in that any proposed mixed-use development will require review and approval of a master plan by the Planning Commission.

Response Number 6

The City agrees that the proposed City actions constitute a project for the purposes of the California Environmental Quality Act, and that is the reason the City prepared the Initial Study/Mitigated Negative Declarations for the proposed projects.

Response Number 7

As noted in Response Number 2 to this letter and in Section 1.IV of this document, the Initial Study/Mitigated Negative Declarations prepared for the Westside Urban Plans and the SoBECA Urban Plan fully disclose the anticipated environmental impacts of the proposed projects as it relates to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation/traffic, and utilities and services systems. Where potential impacts have been identified, mitigation measures are included in the Initial Study/Mitigated Negative Declarations to mitigate the impacts to a level of insignificance.

Although it is stated that further analyses of impacts to utilities/services systems, noise, land use/ planning, and transportation/traffic are necessary, it is not stated what specifically is lacking in the analyses contained in the Initial Study/Mitigated Negative Declarations.

Response Number 8

The Planning Commission in its deliberations on the projects shall consider the comment.