



# **PLANNING COMMISSION AGENDA REPORT**

**MEETING DATE:** November 12, 2024

**ITEM NUMBER:**CC-1

**SUBJECT:** GENERAL PLAN CONFORMITY REPORT AND RESOLUTION FOR THE PROPOSED ACQUISITION OF REAL PROPERTY LOCATED AT 778 SHALIMAR DRIVE (ASSESSOR'S PARCEL NUMBER 424-051-23)

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

**PRESENTATION BY:** SCOTT DRAPKIN, ASSISTANT DIRECTOR

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## **RECOMMENDATION**

1. Find that the Planning Commission General Plan Conformance reporting is not subject to the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15061(b)(3) and 15301(l)(2); and
2. Adopt a Resolution that reports on General Plan conformance for the proposed City acquisition of real property at 778 Shalimar Drive for expansion of the adjacent existing Shalimar Park.

## **APPLICANT OR AUTHORIZED AGENT:**

The applicant and authorized agent is the City of Costa Mesa.

## **EXECUTIVE SUMMARY**

City Council staff has been in discussion with the property owner of 778 Shalimar Drive for potential property acquisition to be used for the potential expansion of the adjacent Shalimar Park. While the City might ultimately determine to utilize the property for expanding the park for recreational purposes in the community and/or other public-serving amenities, a use decision will not be made until later, and only in compliance with all applicable legal requirements.

Pursuant to State Government Code Section 65402, prior to the acquisition of any real property, the Planning Commission is required to report on whether the proposed property acquisition is consistent with the General Plan. Staff believes that the acquisition of the

subject property for park purposes is consistent with the General Plan, as further described below in this report, and recommends that the Planning Commission make a finding of General Plan conformity.

## **BACKGROUND AND SETTING**

The property is 6,970 square feet and is developed with a 3,390 square-foot, four-unit residential apartment that was originally constructed in 1961. The property is zoned R-3, Multiple-Family Residential District, which is intended to promote the development of multi-family rental as well as ownership dwelling units. The maximum density allowed in the R-3, Zoning District is one unit per 2,178 square feet of lot area (20 dwelling units per acre). The property has a General Plan land use designation of HDR, High Density Residential. Areas designated as High-Density Residential are intended for residential development with a density of up to 20 units to the acre.



**Location Map**



**Street View**

Similar to the subject property, the 700 block of Shalamar Drive is developed with multi-family residential properties that are zoned R-3, and designated HDR by the General Plan Land Use Element.

## **ANALYSIS**

The City of Costa Mesa is considering the purchase of the real property located at 778 Shalamar Drive for the purposes of expanding park space in the Shalimar neighborhood. The property is specifically contemplated to be used for expanding the current footprint of the adjacent Shalimar Park. If the property is purchased by the City, the existing residential development and improvements would be demolished. Subsequently, the City would obtain design plans for the expansion of the Shalimar Park, and the development would be reviewed by the Planning Commission. The City's Land Use Matrix permits "parks and playgrounds" in the R-3 Zoning District subject to the Planning Commission approval of a Conditional Use Permit (CUP).

As previously indicated, the property is located adjacent to Shalimar Park (782 Shalimar Drive), which is located in the Westside neighborhood of Costa Mesa along Shalimar Drive between Wallace Avenue and Placentia Avenue. The park was dedicated in January 1999, and includes a playground, trees, seating area and benches. The park is situated between

two large apartment complexes (one being the subject property considered for purchase). The City recently secured State grant funding through State Senator David Min for various parks projects, and \$1 million was allocated for the Shalimar Park Improvement Project, currently underway.

#### **Exhibit 1 – Shalimar Park**



Government Code Section 65402 requires the City’s planning agency (Planning Commission) to review and report whether the subject property acquisition is consistent with the General Plan. In this case, this item is a limited inquiry to consider only whether the location, purpose and extent of the subject property acquisition is consistent with the General Plan, and to evaluate whether the property acquisition itself is subject to CEQA. The Planning Commission’s report as to General Plan conformity will be forwarded to the City Council, who is the final decision-making body for property acquisition. However, and pursuant to the City’s Municipal Code, any new land use or development of the subject property as a park would require future Planning Commission consideration and approval.

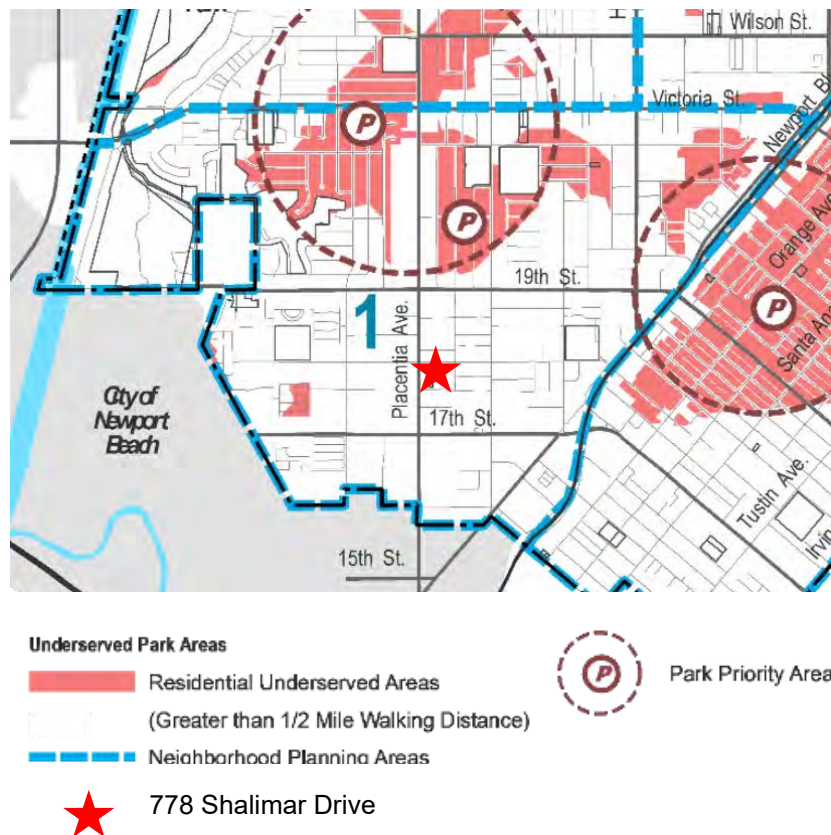
#### **GENERAL PLAN CONFORMANCE**

Pursuant to Government Code Section 65402(a), “if a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof”. Below is an analysis for Planning Commission consideration in regard to the acquisition of the subject property and Government Code Section 65402(a):

Property acquisition conformance with General Plan in regard to “location”:

The proposed expansion of the adjacent Shalimar Park would be located in the R-3 Zoning District which permits parks subject to the approval of a Conditional Use Permit. The surrounding neighborhood is established with numerous multi-family residences that would be served by this park expansion. The City’s General Plan Open Space and Recreation Element identifies the subject property in “Planning Area 1” in regard to “underserved park areas” (the subject property location is shown as a red star in Exhibit 2 below). Although not considered a residential underserved park area specifically, the site is located in close proximity to a “residential underserved [park] area” located to the north which also includes two “park priority areas”. In addition, the General Plan identifies Planning Area 1 as “the most densely populated and highly developed area in the City, which leaves very limited opportunities for sites to fulfill parkland deficiency”.

**Exhibit 2 – Figure OSR-3: Planning Area and Underserved Park Areas (Planning Area 1)**



Lastly, the City’s General Plan Policy OSR-1.18 stipulates a goal to provide a minimum of 4.26 acres of parkland per 1,000 residents; however, Planning Area 1 is noted by the General Plan Open Space and Recreation Element with a “Park/Population Ratio of 2.34 acres of parkland per 1,000 residents”. Therefore, the location of the acquisition of the subject property for park purposes will assist in achieving the City’s goal of 4.26 acres of parkland per 1,000 residents within the most densely populated and highly developed area in the City.

### Property acquisition conformance with General Plan in regard to “purpose”

The purpose of the property acquisition for the expansion of an existing pocket park would be to provide additional park amenities for the surrounding neighborhood residents and community. Creating additional park space is consistent with the following Open Space and Recreation Element goal, objective, and policies:

- **Goal OSR-1:** Balanced and Accessible System of Parks and Open Spaces Provide a high-quality environment through the development of recreation resources and preservation of open space that meets community needs in Costa Mesa;
- **Objective OSR-1A:** Maintain and preserve existing parks, and strive to provide additional parks, public spaces, and recreation facilities that meet the community’s evolving needs;
- **Policy OSR-1.8:** Require that parks and recreation facilities reflect new trends and population changes, and are developed with facilities appropriate to all ages, including athletic fields, active play areas, passive open space, tot lots, and picnic areas; and
- **Policy OSR-1.18:** Provide a minimum of 4.26 acres of parkland per 1,000 residents.

### Project conformance with General Plan in regard to “extent”:

The proposed purchase of the subject property would result in an additional 6,500 square feet of additional park space for the Shalimar community. The extent of the additional 6,500 square feet of community park amenities would be consistent with the General Plan Goal OSR-1.18 to assist in achieving a minimum of 4.26 acres of parkland per 1,000 residents in an area that has a deficient parkland/population ratio of 2.34 acres of parkland per 1,000 residents.

### **ENVIRONMENTAL DETERMINATION**

The acquisition of the subject property has been reviewed for compliance with the California Environmental Quality Act, CEQA Guidelines, and the City’s environmental procedures. CEQA Guidelines Section 15061(b)(3) (General Rule) states that when it can be seen with certainty that there is no possibility that an action will have a significant effect on the environment, that activity is not subject to CEQA. The evaluation of General Plan consistency for the purchase of the subject property and subsequent demolition of four dwelling units will not have any effect on the environment. In addition, CEQA Guidelines Section 15301(l)(2) (Existing Facilities) indicates that “in urbanized areas”, a categorical exemption “applies to duplexes and similar structures where not more than six dwelling units will be demolished”. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a cumulative environmental impact; would not have a significant effect on the environment due to unusual circumstances; would not

result in damage to scenic resources; is not located on a hazardous site or location; and would not impact any historic resources.

Lastly, it should be noted that the potential future use of the property to expand the adjacent Shalamar Park would be subject to a separate discretionary action and CEQA compliance review at that time. The full extent of the future use, design, and operations of the property are speculative at this point and are therefore not yet subject for evaluation. Potential environmental impacts will be evaluated at the time the City Council considers establishing the specific use for the property.

## **ALTERNATIVES**

*Modify this report and/or find that the proposed acquisition is not in conformance with the General Plan.* Pursuant to Government Code Section 65402, the Planning Commission must report upon general plan conformance. However, if the Planning Commission believes this agenda report is inaccurate and/or that the proposed acquisition is inconsistent with the General Plan, the Planning Commission may so state in its resolution and provide facts in support thereof.

## **LEGAL REVIEW**

This report and draft resolution has been approved as to form by the City Attorney's Office.

## **PUBLIC NOTICE**

The project was not noticed in that pursuant to State and local provisions, public noticing is not required for the Planning Commission report on General Plan conformance for property acquisition.

## **CONCLUSION**

This proposed land acquisition for expanded community park purposes is consistent with the City's General Plan in regard to purpose, location and extent. Acquiring this land would nearly double Shalimar Park's footprint, creating a valuable opportunity for enhancement to a local community that is recognized as being one of the most densely populated and highly developed areas in the City. In addition, the Planning Commission determination for General Plan Conformance is not subject to CEQA in that there is no possibility of significant environmental effects resulting from the property purchase and demolition of existing residential development.

## **NEXT STEPS**

After the Planning Commission makes a determination of General Plan consistency for the proposed property acquisition, the City Council will consider the actual purchase and acquisition of the property. Any future proposed use and development of the property will be reviewed for consistency with the City's Municipal Code, General Plan and CEQA, and will be subject to public hearings before the Planning Commission.

