



**FIRST STREET
SPECIFIC PLAN
2012**



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I. INTRODUCTION

A. HISTORICAL PERSPECTIVE



First Street – Circa 1946

Tustin's agrarian past significantly influenced the pattern of commercial development in the community. The earliest development in Tustin was focused within Old Town, the community's original commercial center. As Tustin developed, transportation and commercial corridors evolved along First Street with small residential and commercial buildings. The subdivision of properties along First Street created an irregularly shaped streetscape, with most parcels being relatively small in size. Over the years, small parcel sizes limited the size and intensity of development that could occur along First Street.

As freeway travel expanded and became easier, First Street patrons were willing to travel farther to find goods and services. Newer and larger retail and service providers were established in Tustin Ranch and along nearby Newport Avenue, creating strong competition for First Street commercial businesses. Although First Street and the Newport (SR-55) Freeway intersect, freeway on- and off-ramps were not provided on First Street, but occurred a block north at Irvine Boulevard. Vehicle traffic found the most direct route to the freeway, resulting in some drivers bypassing First Street.

The less-traveled First Street corridor developed from its early status as the primary gateway to the City into a more fragmented pattern of land uses that continues to include a varied mix of historic residential and commercial properties. Land use changes have been infrequent along First Street, and the existing mixture of uses share a low-scale, low-intensity commercial character that is in need of revitalization. Residential uses (including single family, multi-family, and mobile homes), auto-oriented service uses, office, and small retail buildings currently line First Street. Only the First Street properties located nearest to Newport Avenue are generally larger and more uniform in use and purpose.



First Street – 2009

B. PLANNING AREA

The First Street Specific Plan regulates a commercial corridor that extends approximately a mile along First Street from central Tustin at Newport Avenue to the Newport Freeway (SR-55), as depicted on Exhibit 1. This corridor varies in depth on either side of the street from as little as 0 feet where it abuts the First Street right-of-way, to almost a quarter of a mile along Newport Avenue where the Larwin Square and Courtyard commercial centers are located on sites of several acres.

Although the First Street Planning Area is relatively small (approximately 84 acres), it is significant in that it continues to serve as an entry to the City from the west and provides access to the Old Town Tustin historic district and, via Centennial Way, to the Civic Center.

The First Street Planning Area is divided into three sub-areas as shown on Exhibits 2, 3 and 4.

C. BACKGROUND

Over the years the First Street corridor has evolved into an area of considerably varied development. The quality and condition of the existing built environment varies from high quality projects to those that have not been well maintained with many examples throughout the spectrum between these extremes.

The predominant uses existing within the First Street Planning Area are commercial retail, service, and office. Stimulated by a concern about the appropriate mix of these predominant uses as private development projects were proposed, the City Council established a moratorium on the issuance of new building permits on June 3, 1985 to allow time to establish overall guidance for further development. The First Street Specific Plan (the “Plan”) is the vehicle approved by the Tustin City Council to provide that guidance.

When adopted in 1985, the First Street Specific Plan was envisioned to be a 15-year plan. More than 25 years later, in 2011, the Tustin Planning Commission and City staff initiated an effort to update the Plan.

As described in more detail in Appendix E, an intensive series of consultant/staff workshops, public meetings and Planning Commission/City Council work sessions and public hearings led to formulation of the original 1985 Specific Plan and its 2012 Amendment.

D. PURPOSE

The goal of the 1985 First Street Specific Plan was to identify an appropriate mix of commercial and office uses for the area. Tustin City Council was concerned about an “erosion of commercial potential” along this gateway street. The Plan was also intended to protect adjacent residential neighborhoods and establish consistent development standards.

The purpose of the 2012 Plan is to continue to guide and stimulate the use of properties along First Street to the maximum mutual advantage of property owners and the City of Tustin. This is accomplished by a comprehensive set of regulations, incentives and Design Guidelines, along with other related actions to encourage optimum development.

The Plan constitutes the legally established zoning for properties within the Planning Area. Moreover, it establishes certain important development policies within the First Street corridor.

The Specific Plan is the major device for implementing the City of Tustin General Plan within the Planning Area.

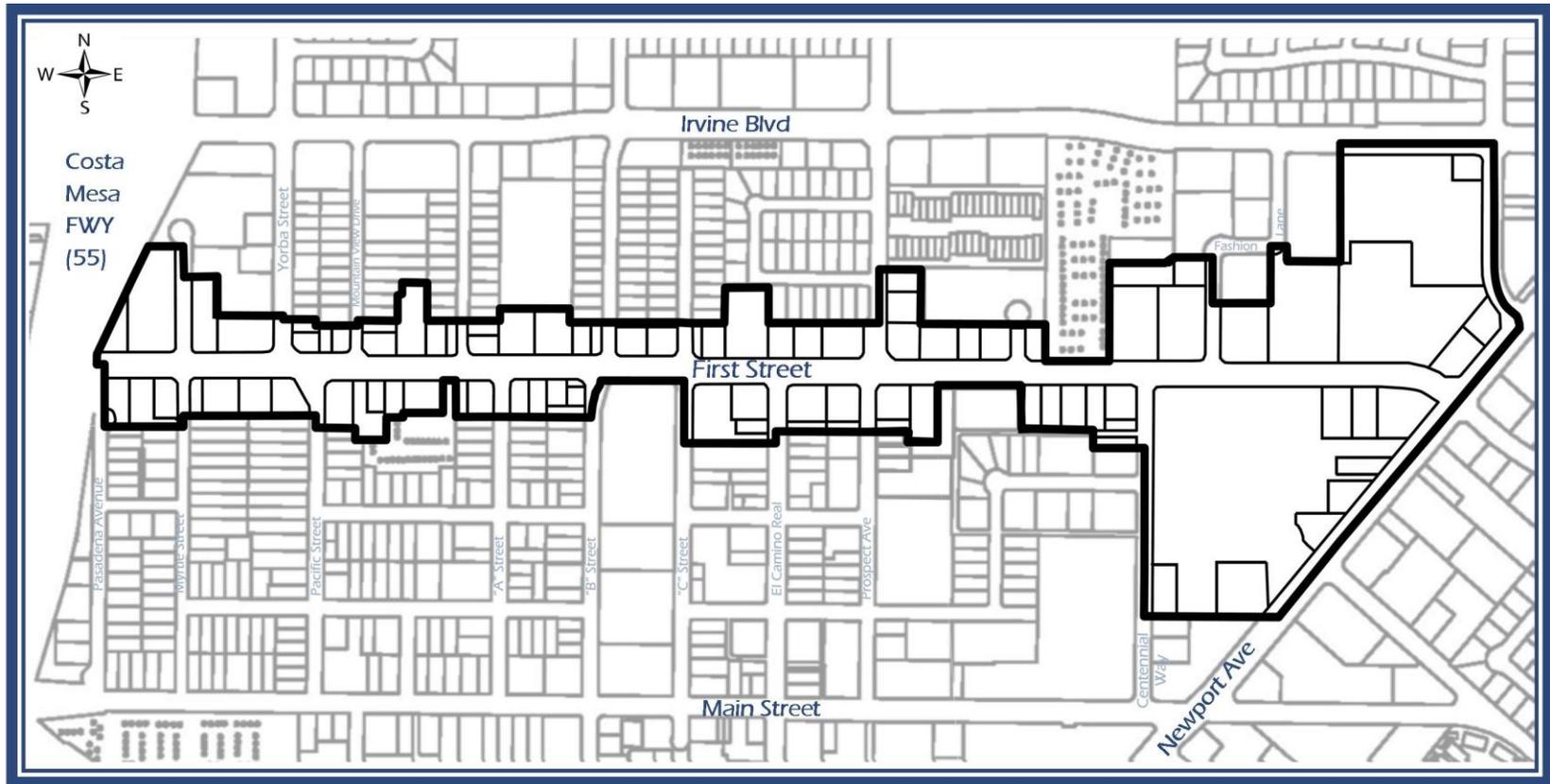
E. AUTHORITY

The California Government Code authorizes cities to adopt specific plans by resolution as policy or by ordinance as regulation. Hearings are required by both the Planning Commission and City Council, after which the Specific Plan must be adopted by the City Council to become effective.

The adoption of this Specific Plan by the City of Tustin is authorized by the California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457.

The First Street Specific Plan is a regulatory plan which serves as the zoning ordinance for the properties within its boundary. Proposed development plans or agreements, tentative tract or parcel maps and any other development approvals must be consistent with the Specific Plan. Projects consistent with this Specific Plan are automatically deemed consistent with the General Plan.

The regulations contained herein shall apply to the boundaries depicted on Exhibit 1.



First Street Specific Plan

2012 Specific Plan Area

EXHIBIT 1

II. LAND USE PLAN

A. INTRODUCTION

The Land Use Plan contains the essential components of the Specific Plan and the policy direction which serve as the foundation for development regulations and guidelines which are used in reviewing and approving development projects within the First Street Specific Plan.

There is a tendency to emphasize problems in planning documents because perceived problems are frequently the stimulus for undertaking a plan. While there certainly are some real challenges in the Planning Area, it is equally evident that these are unique attributes and considerable opportunities which combine to offer the potential for a balance between preservation, rehabilitation, and new development. The main idea of the Specific Plan is to preserve what is good, improve what is not and allow growth where market forces are evident, through private market decisions.

The basis for this Plan lies in 1) the Tustin General Plan (see Appendix G for a summary of General Plan consistency) and 2) the analysis undertaken to prepare or amend the Specific Plan (embodied in the accompanying appendices). The following key points should be kept in mind in reading and using this Specific Plan:

1. The primary uses of the area are and should remain commercial retail, service, and office. Differences in uses and regulations within the area are based on the intensity and characteristics of each subarea.
2. The City will depend primarily on private market decisions to stimulate development and improvements in the area.
3. Diversity of appearance within certain broad quality guidelines is desirable, as called out in the Design Guidelines (Appendix A).
4. The Plan is a conscious compromise between one extreme of doing nothing and the other of trying to completely change the area. The balance thus achieved will hopefully provide a stable and durable basis for decision making in the area.
5. In order for the area to work best, a creative partnership between the City, property owners and tenants is required. The Specific Plan is intended to be the foundation for that partnership and will support it more effectively than more traditional planning approaches.
6. City Council adoption of the policies, use regulations, site development standards and design guidelines constitutes the City's commitment to property owners and the development community that it will carry out its appropriate share of the effort to maintain the Planning Area as an asset to property owners, tenants and the City as a whole.

B. SUMMARY OF SPECIFIC PLAN POLICY DIRECTION

The following points express the most essential ideas contained in the Plan and constitute the overall policy direction for the Plan.

1. Decisions about continuation, redevelopment or new development of uses on property within the Specific Plan shall rest with the individual property owner.
2. Decisions about development standards to be maintained or established shall rest with the City and shall be as prescribed in this Plan, as it may be amended from time to time.
3. The basic intent is for continuation of primarily commercial retail, service, and office uses, including some commercial mixed use projects at various scales. The Plan Area may be expanded by Specific Plan Amendment and Zone Change.
4. This Plan, as amended, provides guidance for development as it could occur within approximately a 15-year time span, or by approximately the year 2027.

C. GOALS, OBJECTIVES AND POLICIES

The following statements represent the policy direction for the Planning Area as a whole, as well as the distinct sections of the subject area that exhibit particular use constraints or potentials.

1. Pattern of Uses

ISSUE: What is the most productive pattern of uses?

GOAL: The best use of property within the Specific Plan area is development approaching maximum development potential while providing a compatible and monitored growth program.

OBJECTIVES:

- 1.1 Preservation of existing quality uses.
- 1.2 Expansion/intensification of existing quality uses.
- 1.3 Maximum possible responsiveness to market opportunities for each sub-area (see Exhibits 2, 3, and 4).
- 1.4 Uses appropriate to each sub-area.

POLICIES:

1. Maintain and perpetuate a mix of commercial retail, service, and office uses in sub-area 1. The best use of property within the Specific Plan area balances maximum development potential with compatible uses and monitored growth.
2. Stimulate retail and service commercial uses in sub-area 2.
3. Preserve the dominant retail and service commercial uses in sub-area 3, retaining already established offices.
4. Promote development, expansion or redevelopment that:
 - a. Is a permitted use;
 - b. Meets prescribed development regulations;
 - c. Is responsive to established design guidelines.

2. Condition of Existing Development

ISSUE: How can the overall condition of development be improved?

GOAL: A consistent quality of development throughout the area.

OBJECTIVES:

- 2.1 Maintenance of quality that exists.
- 2.2 Improvement of development that is deteriorated or inefficiently designed.

POLICIES:

1. Reinforce existing private property health and safety regulations by committing City enforcement efforts to this area.
2. Allow maximum site development through relatively liberal site development standards in return for well-conceived site plans.
3. Offer development incentives to property owners for projects that are highly responsive to plan objectives.
4. Establish and administer Design Guidelines to assist developers in understanding and implementing the Plan's intent.

3. Visual Improvement

ISSUE: How can the area's appearance and image be improved?

GOAL: A quality physical appearance of both existing and future development.

OBJECTIVES:

- 3.1 Elimination of visible outside storage.
- 3.2 Compatible building elevations and materials.
- 3.3 High quality landscape treatments throughout the corridor.
- 3.4 Achievement of an overall positive identity for the area.

POLICIES:

1. Require responsiveness to Design Guidelines in plans for new development, expansion or redevelopment.
2. Discourage parking in front of buildings. Buildings should be located as close to the street as possible.
3. When rear parking is not possible, screen parking areas with landscaping materials or treatment in excess of minimum standards.
4. Maintain the existing streetscape improvements.

4. Compatibility of Land Uses

ISSUE: How can land uses within the specific Plan be kept compatible with each other and with adjacent uses?

GOAL: Compatible land uses which do not interfere or create health and safety concerns for an adjacent use.

OBJECTIVES:

- 4.1 Reduction of existing conflicts between uses.
- 4.2 Prevention of future incompatibility as new development occurs.
- 4.3 Use of design standards in the Design Guidelines to improve compatibility where changes in use are impractical.

POLICIES:

1. Approve site plans for authorized uses which demonstrate design compatibility with adjacent uses and structures, particularly where such adjacent uses are single family residential in character.

2. Encourage lot consolidation or integrated site planning by considering development incentives.
3. Apply appropriate Design Guidelines to mitigate conflicts between uses where a change in use is not practical.

5. New Uses/Use Intensification

ISSUE: What new uses are appropriate and feasible in the area and where should they be allowed?

GOAL: Effective integration of new uses.

OBJECTIVES:

- 5.1 Maximum possible capture of market opportunities by property owners.
- 5.2 The most effective possible use of each parcel of land.
- 5.3 Location of new uses in areas which contribute most to overall improvement of the area.
- 5.4 Efficient use of existing public facilities to support market-generated growth and development.

POLICIES:

1. Encourage primarily new retail commercial, service commercial, and office uses in designated sub-areas.
2. Establish and administer a system of incentives for lot consolidation or integrated planning of smaller parcels through consideration of reductions in parking requirements, fee waivers for permit processing, etc.
3. Allow shared parking and access to allow maximum parcel usage.

6. Parcel Size/Configuration

ISSUE: What is the best way to deal with the variety of land parcels, particularly the numerous small ones?

GOAL: Efficient parcel sizes and configurations.

OBJECTIVES:

- 6.1 Consolidation of lots wherever possible in conjunction with anticipated quality design as set forth in this plan.
- 6.2 Coordinated site planning and development of adjacent lots where consolidation is not possible.

POLICIES:

1. Provide lot consolidation incentives in the plan regulations.
2. Apply incentives also for an integrated site plan on adjacent individually owned parcels.
3. Recordation of reciprocal access agreements for new development located adjacent to sites with future potential for shared ingress/egress.

7. Site Development Standards

ISSUE: What site development standards are appropriate?

GOAL: A combination of standards and incentives which will stimulate quality development.

OBJECTIVES:

- 7.1 Site development regulations which lead to efficient use of available space.
- 7.2 Design Guidelines which assist in defining and describing the level of quality intended.
- 7.3 Site development incentives which stimulate lot consolidation or cooperative site design and lead to more profitable and efficient parcel use.
- 7.4 Safe, effective and adequate access and parking for each business enterprise.

POLICIES:

1. Provide incentives for lot consolidation/ integrated site planning in the Specific Plan Regulations.

2. Include responsiveness to Design Guidelines as a major consideration in site plan review and approval.

8. Incentives for Plan Administration

ISSUE: What City assistance can be provided to encourage expedient implementation of this Plan?

GOAL: To encourage rapid rehabilitation of poorly maintained structures and uses.

OBJECTIVE:

- 8.1 Rehabilitation of facades (including signage) of existing structures to comply with Design Guidelines of this Plan.
- 8.2 Improve vehicular inter-site circulation.
- 8.3 Maximization of pedestrian movement and access.

POLICY:

To make available to property owners, where possible, funding sources for rehabilitation of existing buildings and for new development.

D. LAND USE CONCEPT

The main idea underlying the First Street Specific Plan land use concept is to build upon the positive features already present. They include the following:

1. First Street is an attractive gateway to the City that has identifiable east and west entry points at the Newport Freeway overcrossing and at Newport Avenue.
2. The Specific Plan emphasizes “pedestrian-friendly” design and uses to preserve the existing human scale and character.
3. Setback and height restrictions appear compatible with nearby residential uses to the north and south.
4. Mixed use with retail on the first floor and offices on the second floor is encouraged.
5. Street improvements are well maintained. The Specific Plan corridor has a pleasant streetscape, which includes wide medians, mature trees, and close proximity to an attractive City Park. Street furniture, flags, planters, and bus shelters as recommended in the Design Guidelines can improve the existing streetscape with a more cohesive appearance and further encourage pedestrian activities. A vision and plan for future improvements through the Design Guidelines with public and private incentives and funding will achieve the desired improvements along First Street.

6. There is little traffic congestion and ample parking along First Street.
7. Property owners are encouraged to make positive changes, while maintaining a “human scale” environment along First Street.

The plan concept consists of the following components:

1. Subareas

The corridor is made up of three subareas, each characterized by a particular land use emphasis.

Subarea 1, closest to the Newport (SR-55) Freeway, is a mixed use office-commercial area (Exhibit 2).

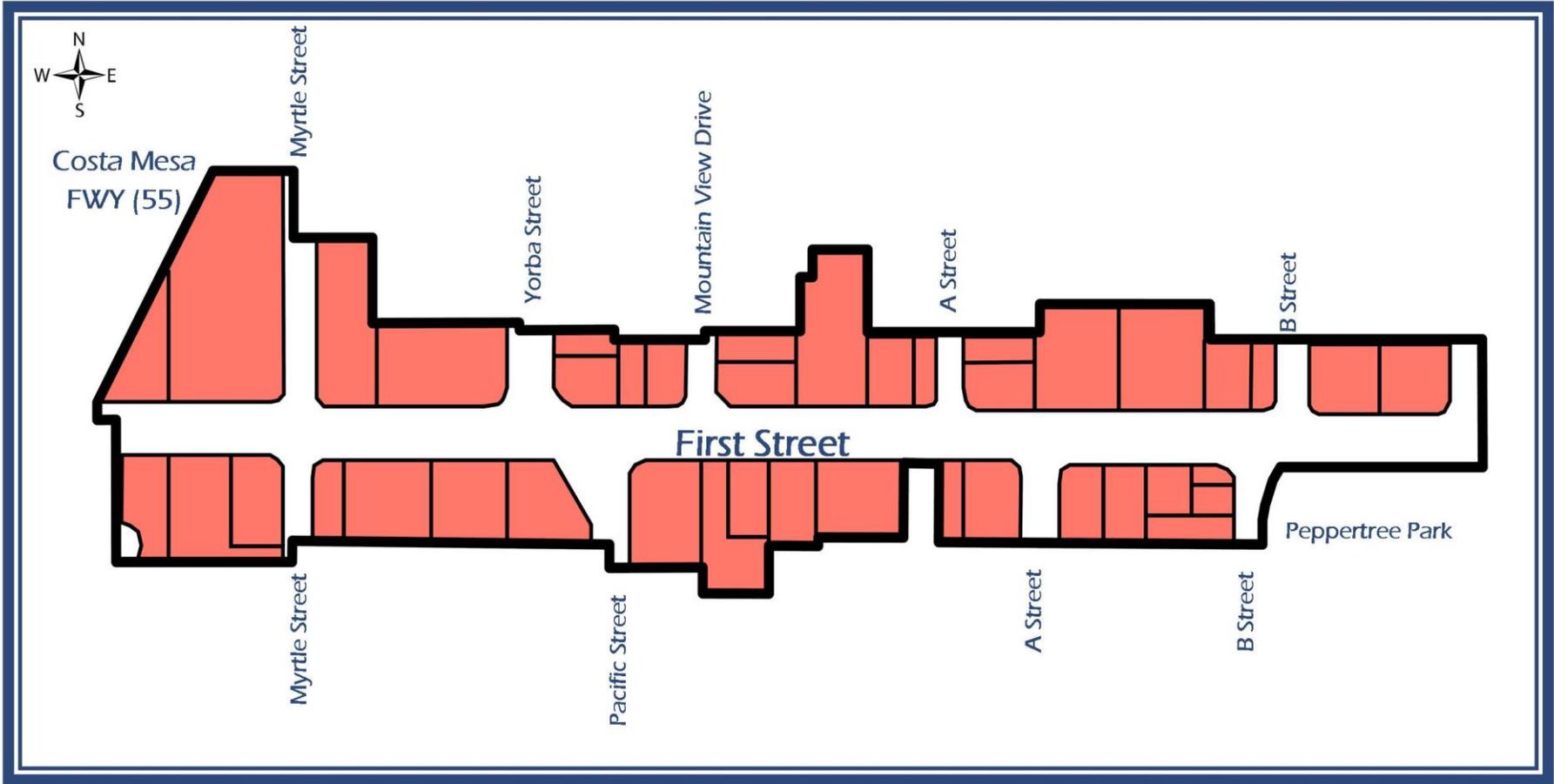
Subarea 2, either side of the El Camino Real/Prospect Avenue intersections, is a transition area with an emphasis on retail commercial and service development (Exhibit 3).

Subarea 3, anchored by two relatively large shopping centers facing Newport Avenue, is predominantly a retail and service commercial area, but with a strong office enclave (Exhibit 4).

2. Preservation of Human Scale and Character

Site development standards, with only a couple of exceptions, limit development to one or two stories directly along the corridor. Efforts are made through the Design Guidelines to achieve a low-profile “pedestrian-friendly” environment by making it possible to move freely within each subarea from business to business. Moreover, the visual image being sought is one of human scale, not dominated by large or high close-in building masses, with streetscape and the design of the public realm, adding to a sense of place for First Street.

In summary, the concept seeks a balance between market responsive expansion on the one hand and preservation of the basic existing scale and character on the other.

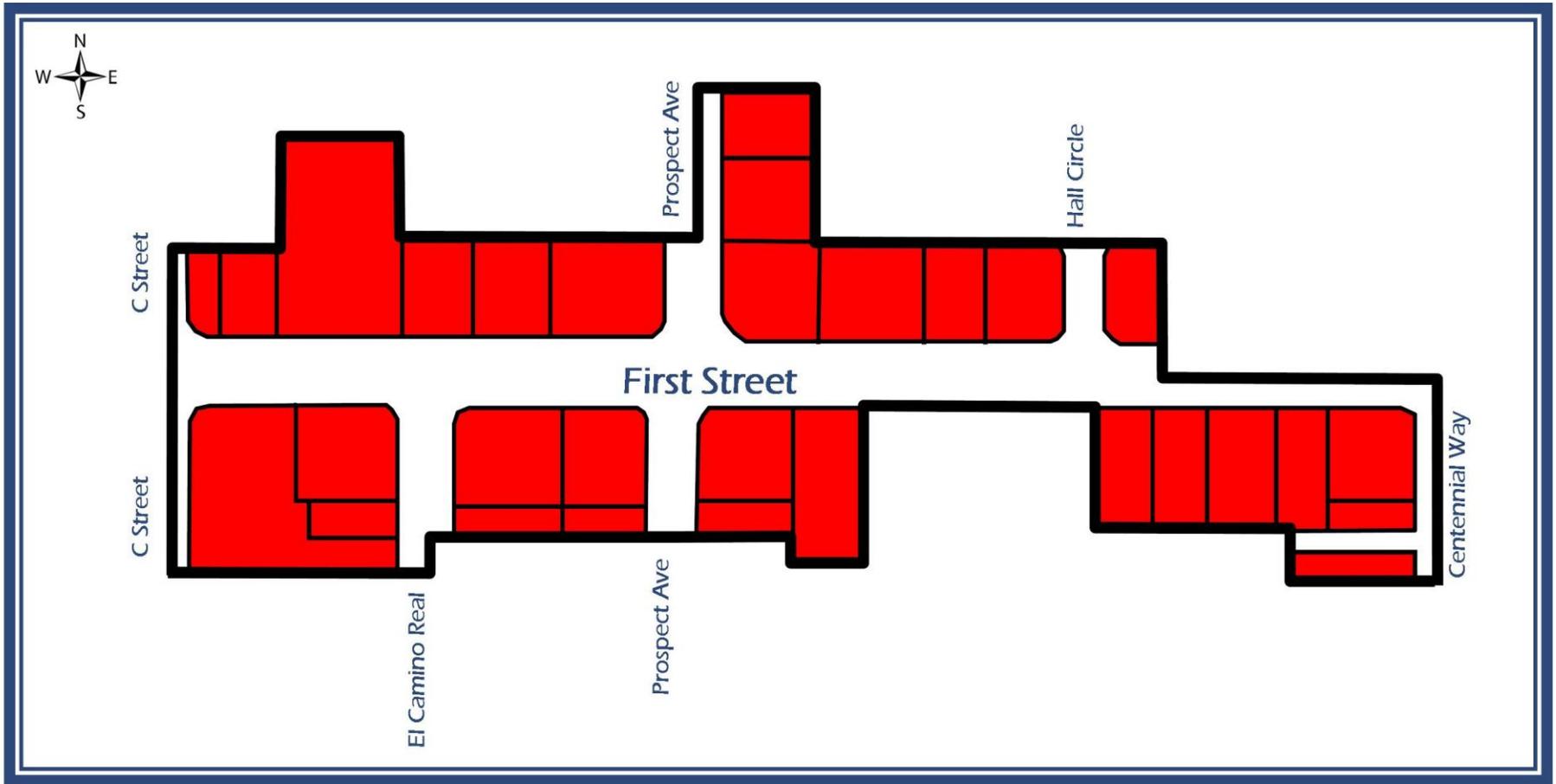


First Street Specific Plan

2012 Subarea 1

EXHIBIT 2

 Neighborhood Commercial

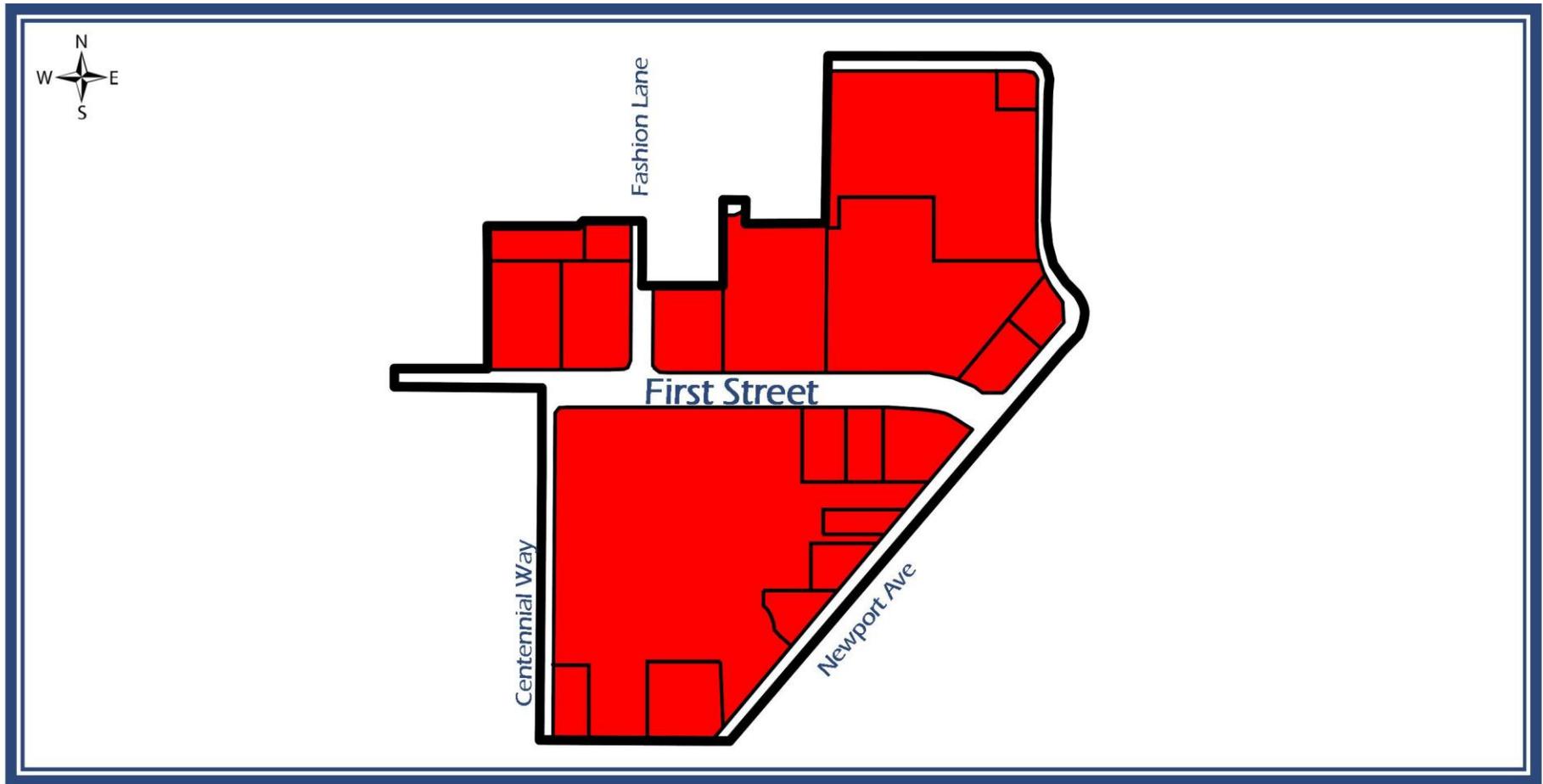


First Street Specific Plan

2012 Subarea 2

EXHIBIT 3

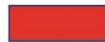
 Commercial



First Street Specific Plan

2012 Subarea 3

EXHIBIT 4

 Commercial

III. DEVELOPMENT REGULATIONS

A. INTRODUCTION AND INTENT

These regulations constitute the primary zoning provisions for the First Street Specific Plan. These regulations are in addition to regular Zoning Code provisions (Article 9 Land Use, Chapter 2 – Zoning) of the Tustin City Code. Where there is a conflict, the regulations herein will prevail. Where direction is not provided in this Specific Plan, the Zoning Code shall prevail.

The overall intent of these regulations is to guide development on all development parcels in the Specific Plan area to insure that each individual development project contributes to meeting the goals and objectives of the First Street area. More specifically, the regulations are intended to:

- Provide opportunities for economically productive business enterprises.
- Establish uses and site development standards which contribute to the preservation and enhancement of adjacent single family residential environments and which promote an economically sound land use pattern for First Street.
- Provide for the scale and nature of uses which can facilitate the most efficient use of the existing development pattern as well as parcel sizes and shapes.
- Achieve gradual improvement of older commercial, office and residential buildings by allowing commercial retail, service, and office uses that are compatible and consistent with surrounding areas, encouraging redevelopment, promoting consolidation of parcels, enabling rehabilitation, emphasizing landscaping and design improvements and promoting any combination of these devices desired by the property owner(s) and supportable by the City.
- Contribute to the improvement of both visual and functional attributes of First Street to help stimulate business activity.
- Protect the traffic handling capacity of First Street while accommodating new development and rehabilitation.
- Establish a sense of place, as well as continuity and consistency of development standards, within the Specific Plan Area.

B. GENERAL PROVISIONS

The following regulations apply to all subareas within the First Street Specific Plan Area.

1. All construction and development within the Specific Plan area shall comply with applicable provisions of the Tustin City Code, California Building Code and the various related mechanical, electrical, plumbing codes, grading and excavation code and the Subdivision codes, as currently adopted by the City Council. Where there is a conflict, the regulations of the Specific Plan will prevail. Where direction is not provided in this Specific Plan, the Zoning Code shall prevail. However, In any case of a conflict between the specific provisions of any such code and this Specific Plan, the provision which most serves to protect safety shall apply and the Community Development Director shall resolve the conflict by written determination in a manner consistent with the goals and policies of this Specific Plan.
2. The setback requirements are as specified by each use category of this Specific Plan. All setbacks shall be determined as the perpendicular distance from the existing street right-of-way line, or property line, to the foundation point of the closest structure. This shall not preclude pedestrian arcades or awnings from encroaching into the front yard setback area.
3. If an issue, condition or situation arises or occurs that is not sufficiently covered or provided for or is not clearly understandable, those regulations of the City Zoning Code that are applicable for the most similar issue, condition or situation shall be used by the Community Development Director as guidelines to resolve the unclear issue, condition or situation. This provision shall not be used to permit uses or procedures not specifically authorized by this Specific Plan or the City Zoning Code.
4. This Specific Plan may be amended by the same procedure as it was originally adopted. Each amendment shall include all sections or portions of the Specific Plan that are affected by the change. An amendment may be initiated by the City Council or the Planning Commission, the general public, or City staff. Any such amendment requested by the general public shall be subject to the fee schedule adopted by the City Council.
5. Any persons, firm or corporation, whether a principal, agent, employee or otherwise, violating any provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to penalties and provisions of City Code.
6. Whenever a use has not been listed as a permitted or conditionally permitted, it shall be the duty of the Community Development Director and/or the Planning Commission to determine if said use is 1) consistent with the overall intent of the Specific Plan and 2) the said use is consistent with the other listed permitted or conditionally permitted uses in the Specific Plan.
7. In order to maintain and enhance vehicular and pedestrian circulation along First Street, any development occupying a parcel which is located on a corner with side street frontage should have vehicular access restricted to the side street only. The Community Development Director will review this on a case-by case basis. Wherever a site is not on a corner, a reciprocal easement agreement will be encouraged.

8. Non-conforming Structures and Uses of Land

Where, at the time of passage of this Specific Plan, lawful use of land exists which would not be permitted by the regulations imposed by this Specific Plan, such use may be continued so long as it remains otherwise lawful, provided:

- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Specific Plan.
- b. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Specific Plan.
- c. If any such non-conforming use of land ceases for any reason for a period of more than 180 days, any subsequent use of such land shall conform to the regulations specified by this Specific Plan for the district in which such land is located;
- d. No additional structure not conforming to the requirements of this Specific Plan shall be erected in connection with such non-conforming use of land.

9. Non-conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Specific Plan that could not be built under the terms of these regulations by reason of restrictions on area, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease or not affect its non-conformity.
- b. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 percent of its assessed value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Specific Plan;
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

C. LAND USE REGULATIONS

1. Permitted Uses

a. Subarea 1 – Neighborhood Commercial

In Subarea 1 (Neighborhood Commercial), the following uses, occupying no more than 10,000 square feet, shall be permitted by right where the symbol “P” appears and may be permitted subject to a conditional use permit where the symbol “C” appears in the column to the right.

1) Retail Uses:

(a)	Antique shops	P
(b)	Apparel stores	P
(c)	Art galleries	P
(d)	Bakeries, retail only	P
(e)	Bicycle shops (including repair)	P
(f)	Books, gifts and stationery	P
(g)	Confectioneries	P
(h)	Convenience markets	C
(i)	Drug store	P
(j)	Florists	P
(k)	Furniture store	P
(l)	General retail stores	P
(m)	Hardware store	P
(n)	Hobby stores	P
(o)	Jewelry stores	P
(p)	Music stores	P
(q)	Neighborhood commercial centers	P
(r)	Nurseries and garden supply	P
(s)	Office Supplies and equipment	P
(t)	Religious supplies	P
(u)	Print shops	P
(v)	Shoe stores	P
(w)	Sporting goods stores	P

2) Service Uses:

(a)	Assisted living, rest homes, extended care facilities, convalescent hospitals	C
(b)	Banquet facilities	C
(c)	Barber, beauty salons	P
(d)	Dance and martial arts studios	P
(e)	Fitness training, indoor one on one	C
(f)	Hotels and motels (boutique)	C
(g)	Indoor commercial recreational uses	C

(h)	Insurance agencies	P
(i)	Laundry and dry cleaners (off site only)	C
(j)	Locksmith	P
(k)	Massage establishments	P
(l)	Meeting rooms	C
(m)	Real estate agencies	P
(n)	Restaurants with alcoholic beverage sales	C
(o)	Restaurants with drive thru service	C
(p)	Restaurants without alcohol	P
(q)	Schools, pre-school and nursery	C
(r)	Seamstress or tailor shops	P
(s)	Shoe or luggage repair shops	P
(t)	Travel agencies	P
(u)	Tutoring facilities	P

3) Office Uses:

(a)	Accountants	P
(b)	Advertising agencies	P
(c)	Answering service	P
(d)	Architect	P
(e)	Attorney	P
(f)	Chiropractor	P
(g)	Collection agency	P
(h)	Contractors and building consultants	P
(i)	Dentist	P
(j)	Doctor	P
(k)	Drafting	P
(l)	Economic consultant	P
(m)	Engineer	P
(n)	Escrow	P
(o)	Interior decorator or artist studio	P
(p)	Land and property management	P
(q)	Land planner	P
(r)	Oculist	P
(s)	Optometrist	P
(t)	Others licensed by the State of California to practice the healing arts, including clinics for out-patients only	P
(u)	Personnel Agency	P
(v)	Photographer	P
(w)	Surveyor	P
(x)	Social work	P
(y)	Professional consultant	P
(z)	Stock broker	P
(aa)	Title insurance	P
(bb)	Travel agency	P

4) Community and Institutional Uses:

- (a) Churches, convents, monasteries and other religious institutions C
- (b) Fraternal organizations and Lodges C

5) Existing Single Family Residential Use/Structures

Any existing single family residential structure listed within the City's official historic survey is encouraged to be preserved and used as a residence, or preserved and used as a commercial use as authorized by this Section and consistent with the City's *Cultural Resource District Residential Design Guidelines* and the Secretary of Interior's Standards for Rehabilitation.

- a Any existing historic single family residential structure used for such purposes is a permitted use.
 - b The conversion of an existing historic single family residential structure to a commercial use shall comply with the use limitations identified for the Subarea in which it is located.
 - c No commercial use of an existing historic single family residential structure shall be changed to another commercial use (e.g. office to retail) without the prior approval of the Community Development Department.
 - d Any historic single family residential structure lawfully converted to a commercial use is considered more conforming and must be maintained as a commercial use.
- 6) Any other similar and/or compatible retail, service, office or community/institutional use the Community Development Director and/or Planning Commission deems consistent with the context of Subarea 1 listed above as permitted/conditionally permitted.

7) Development Standards

- (a) Maximum Structural Height – 2 story, 28 feet.
- (b) Minimum Building Site Area – No minimum
- (c) Minimum Yard Setbacks:
 - Front: 10 feet
 - Side: 0 feet*
 - Rear: 20 feet

*Exception: 10 feet required when a side yard abuts a residentially zoned property

- (d) Lot coverage: No maximum; limited only by setback areas.
- (e) Landscaping: All areas not utilized for parking, building and walkways, but not less than a minimum of ten percent of the building site area shall be landscaped in conformance with the Design Guidelines of this Specific Plan area.

b. Subareas 2 and 3 – Commercial

In Subareas 2 and 3 (Commercial), the following uses shall be permitted by right where the symbol “P” appears and may be permitted subject to a conditional use permit where the symbol “C” appears in the column to the right.

1. Retail Uses:

- (a) All permitted or conditionally permitted retail uses listed in Subarea 1 subject to the use restrictions specified therein and the development criteria specified hereafter
- (b) Appliance stores P
- (c) Automobile parts and supplies C
- (d) Department stores P
- (e) Drug stores, pharmacies P
- (f) Furniture stores P
- (g) Hardware stores P
- (h) Liquor stores C
- (i) Pet stores and supply P
- (j) Sporting goods P
- (k) Supermarkets, grocery stores P
- (l) Tire sales and service C

2. Service Uses:

- (a) All permitted or conditionally permitted service uses listed in Subarea 1 subject to the use restrictions specified therein and the development criteria specified hereafter
- (b) Banks and financial institutions P
- (c) Car washes C
- (d) Cocktail lounges and bars when not an integral part of a restaurant C
- (e) Service stations C
- (f) Theaters C

3. Office Uses:

- (a) All permitted or conditionally permitted office uses listed in Subarea1 subject to the use restrictions specified therein and the development criteria specified hereafter
- (b) Banks and financial institutions P
- (c) Public utility office (but not including corporate yards) C

4. Community and Institutional Uses:

- (a) All permitted or conditionally permitted Community and Institutional uses listed in Subarea1 subject to the use restrictions specified therein and the development criteria specified hereafter
- (b) Animal hospitals and clinics C
- (c) Commercial recreation facilities including tennis, racquetball, bowling, ice skating, athletic clubs and similar uses C

5. Any other similar and/or compatible retail, service, or office use the Community Development Director and/or Planning Commission deems consistent with the other uses listed above as permitted/conditionally permitted.

6. Development Standards – Subarea 2

- (a) Maximum Structural Height – 2 story, 28 feet.
- (b) Minimum Building Site Area – No minimum
- (c) Minimum Yard Setbacks:

Front: 10 feet
 Side: 0 feet*
 Rear: 20 feet

*Exception: 10 feet required when a side yard abuts a residentially zoned property

- (d) Lot coverage: No maximum; limited only by setback areas.
- (e) Landscaping: All areas not utilized for parking, building and walkways, but not less than a minimum of ten percent of the building site area shall be landscaped in conformance with the Design Guidelines of this Specific Plan area.

7. Development Standards – Subarea 3

- (a) Maximum Structural Height – 3 story, 35 feet.

(b) Minimum Building Site Area – 10,000 sq. ft.

(c) Minimum Yard Setbacks:

Front: 10 feet

Side: 0 feet*

Rear: 30 feet

*Exception: 10 feet required when a side yard abuts a residentially zoned property

(d) Lot coverage: No maximum; limited only by setback areas.

(e) Landscaping: All areas not utilized for parking, building and walkways, but not less than a minimum of ten percent of the building site area shall be landscaped in conformance with the Design Guidelines of this Specific Plan area.

D. PARKING REQUIREMENTS

All parking requirements shall be subject to the provisions of the Tustin City Code.

E. LOT CONSOLIDATION PROGRAM

Lot consolidation, for the purposes of this Specific Plan, shall refer to the legal combination of lots or the development of multiple lots under separate ownership as one cohesively designed development.

As a means to encourage lot consolidation along First Street rather than requiring it by specifying larger than presently existing lot sizes, the City Planning Commission may grant certain bonuses for consolidations exceeding a certain level. These bonuses may include relaxed height limitations, parking reductions, relaxed setbacks or other such modifications as may be determined to be appropriate.

To qualify for a lot consolidation bonus, the total area of the lots being combined or cohesively designed must surpass the minimum required lot size by at least 50 percent. If a minimum lot size is not stipulated, the lots being combined or cohesively designed are automatically eligible for bonus provisions. For example, two adjacent owners want to cohesively develop their properties as one development. Property owner A's property is 7,500 square feet and property B's lot is 9,000 square feet. The minimum lot size requirement under which they are developing is 10,000 square feet. Combined, their development parcel(s) safely exceeds 15,000 square feet (50 percent over minimum of 15,000), therefore they may seek lot consolidation bonuses.

It should be specifically noted here that this is a completely discretionary action of the Planning Commission. The Planning Commission is under no obligation to grant

development bonuses. In addition to determining the degree of the bonus provision, they will also determine how well the development has addressed the Design Guidelines of this Specific Plan. Any bonuses may be granted by the Planning Commission on a case-by-case basis with past actions not affecting future direction. Each development stands on its own merit.

The following bonus provisions are available but shall not be limited to:

Parking reductions
Height relaxation
Lot coverage relaxation
Reduction or waiver of processing fees

F. MIXED USE INCENTIVES

Development and construction of buildings incorporating retail commercial or service commercial uses on the street level with an equal or greater amount of square footage relative to the office space on the upper floor(s) shall be exempt from all site development standards except for height and parking. The development shall be responsive to the Design Guidelines.

G. CONSOLIDATED PARKING/ACCESS BONUS

Any development proposal which incorporates either consolidated parking or a reciprocal access agreement with an adjacent use may be eligible for the Consolidated Parking/Access Bonus. The bonus shall be an overall reduction of required parking spaces by up to 20 percent (20%).

H. PLAN ADMINISTRATION

1. General

All regular administrative provisions of the Tustin Zoning Code shall apply to all properties within the First Street Specific Plan boundaries, including but not limited to Design Review, Zoning Permits, Conditional Use Permits, Appeals, Amendments, public notice and hearing provisions. The provisions herein add to or supplement the above-referenced provisions.

2. Administrative Review

In order to further encourage the development and rehabilitation of permitted uses within the First Street Specific Plan area, permitted, the review of plans for a permitted use shall not be required to be processed through the Planning Commission unless they are conditionally permitted uses. The Community Development Department shall review and comment on all matters of the application, and a final determination on the plan shall be rendered by the Community Development Department. The Planning Commission may at their discretion suggest design modifications consistent with the Design Guidelines. Any

project having development plans approved by building permit issuance or land use permit prior to the amendment of this Specific Plan shall remain approved without amendment.

3. Site Plan Review

a. Method and Purpose

The First Street Specific Plan shall be implemented through the use of Site Plan Review. A Site Plan shall be required for all rehabilitation, redevelopment, expansion of existing uses or structures and new development within the Specific Plan area requiring a building permit. This requirement is instituted for the following reasons:

1. To ensure consistency with the intent of the Specific Plan.
2. To encourage innovative community design and development.
3. To assure substantial long-range compliance with the Redevelopment Plan and General Plan.
4. To promote the highest contemporary standards of site design.
5. To adapt to specific or special development conditions that occur from time to time while continuing to implement the Specific Plan.
6. To facilitate complete documentation of land use entitlements authorized and conditions pertinent thereto.

b. Applicability

Approval of a Site Plan shall be required prior to or concurrent with a Conditional Use Permit, Tentative Tract Map, or Parcel Map for all proposed projects within the Specific Plan area. Where no Tentative Tract or Parcel Map is required, approval of a Site Plan shall rest with the Planning Commission except in the case of permitted uses. The Site Plan process shall be similar in its requirements and procedures to the Conditional Use Permit process in the City of Tustin. The primary difference between the two is the simpler administrative review procedure for development projects which consist of permitted uses.

IV. APPENDICES

A. DESIGN GUIDELINES

(Separate Document)

B. 1985 MARKET ANALYSIS

(Separate Document)

C. 1985 AND 2012 CONDITIONS SUMMARY

To formulate what some of the opportunities and constraints of the Specific Plan Area were in 1985, certain basic mapping tasks were performed. These tasks ultimately assisted the study team to reach conclusions about what was there and how it related to the goals of the study. The two 1985 conditions exhibits discussed here include:

- 1985 land use
- 1985 zoning

1. 1985 Land Use

The 1985 land use exhibit confirmed much of what the study team had generally been told about the area. Land uses were generally well mixed, with retail commercial and office development the most predominant. Also, the area generally became less commercial in nature as one traveled in a westerly direction from Newport Avenue to the Newport Freeway (55 Freeway). A small family of auto-related uses on the north side of First Street near El Camino Real was also found. Residential properties were the predominant non-conforming use along the corridor. See Exhibit 5.

Existing (2012) Land Use

The existing land use exhibit demonstrates that there is a mixture of commercial retail, service, office, and residential uses along the First Street corridor. As shown in Exhibit 6, there is only one vacant lot within the Specific Plan area.

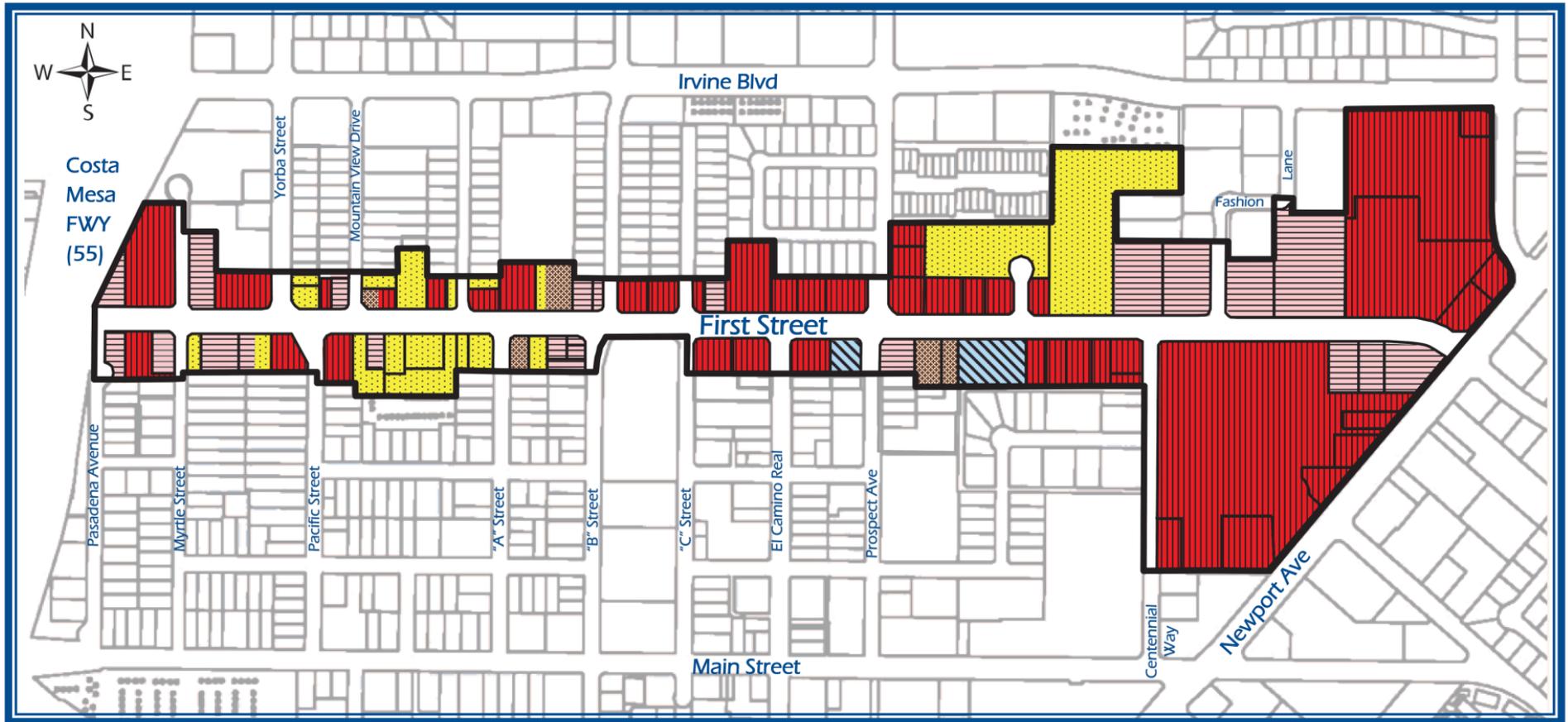
2. 1985 Zoning

The Zoning Prior to the 1985 First Street Specific Plan exhibit coupled with the 1985 First Street Existing Land Use exhibit posed striking observations from the study team. The one distinctive conclusion made was the proliferation of commercial zoning at the western end of First Street and the general lack of primary commercial uses located there. The other fairly obvious notation about the zoning configuration was the lack of depth presented by the commercial zoning with medium and low density residential zoning immediately to the rear of First Street properties. See Exhibit 7.

2012 Zoning

In 2012, a Specific Plan Amendment was approved that corrected minor zoning inconsistencies created by the 1985 adoption of the Specific Plan and its boundaries, including restoring the zoning for large residential land uses to that previously established in 1985. Also, the less intensive built environment existing at the

westerly end of First Street was preserved by revising the zoning designation to Neighborhood Commercial while preserving the more urban commercial built environment existing at the easterly end of the street. In addition, auto repair, single family residences and other previously prohibited uses were reintroduced as permitted or conditionally permitted uses in the Specific Plan.

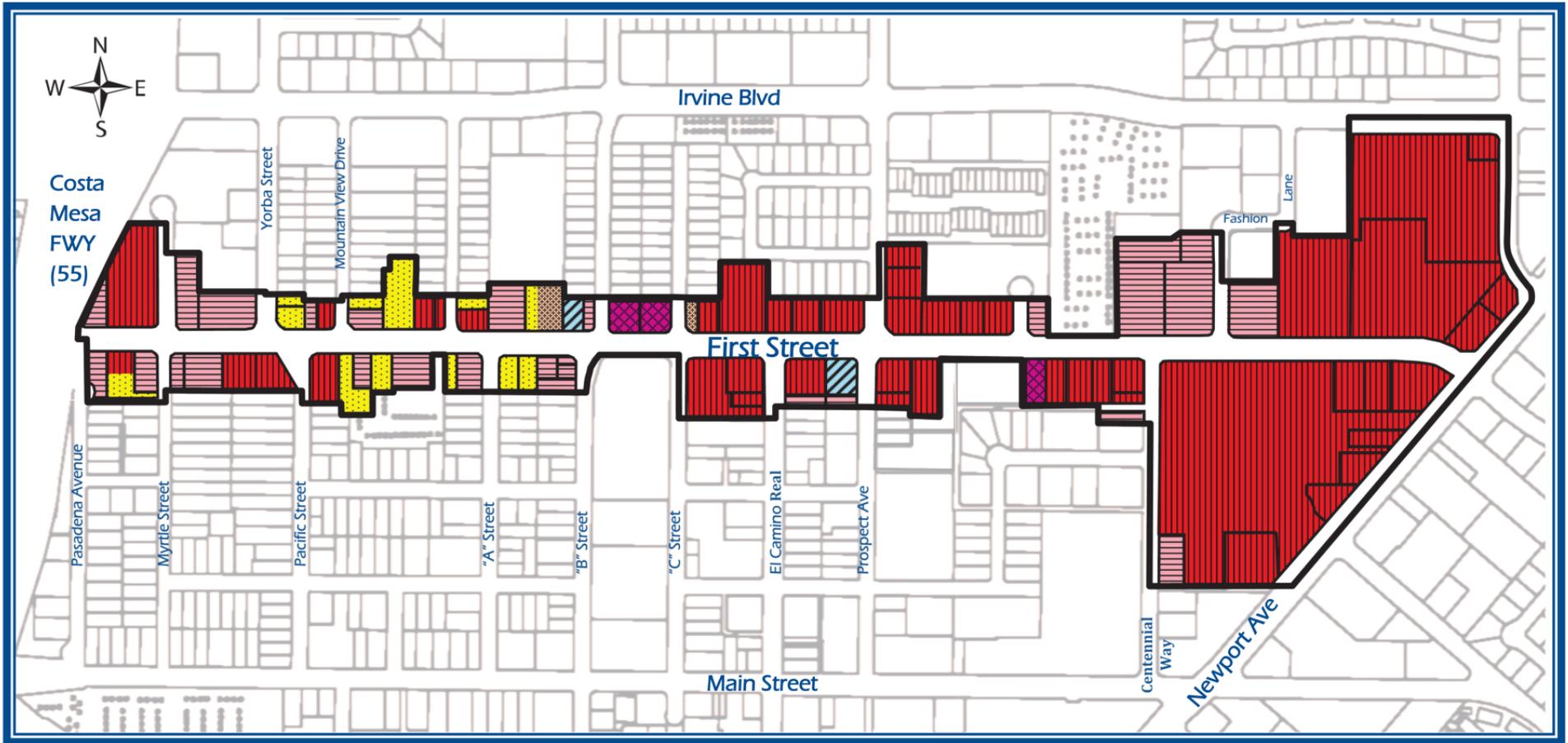


First Street Specific Plan

1985 First Street Existing Land Use Map



EXHIBIT 5

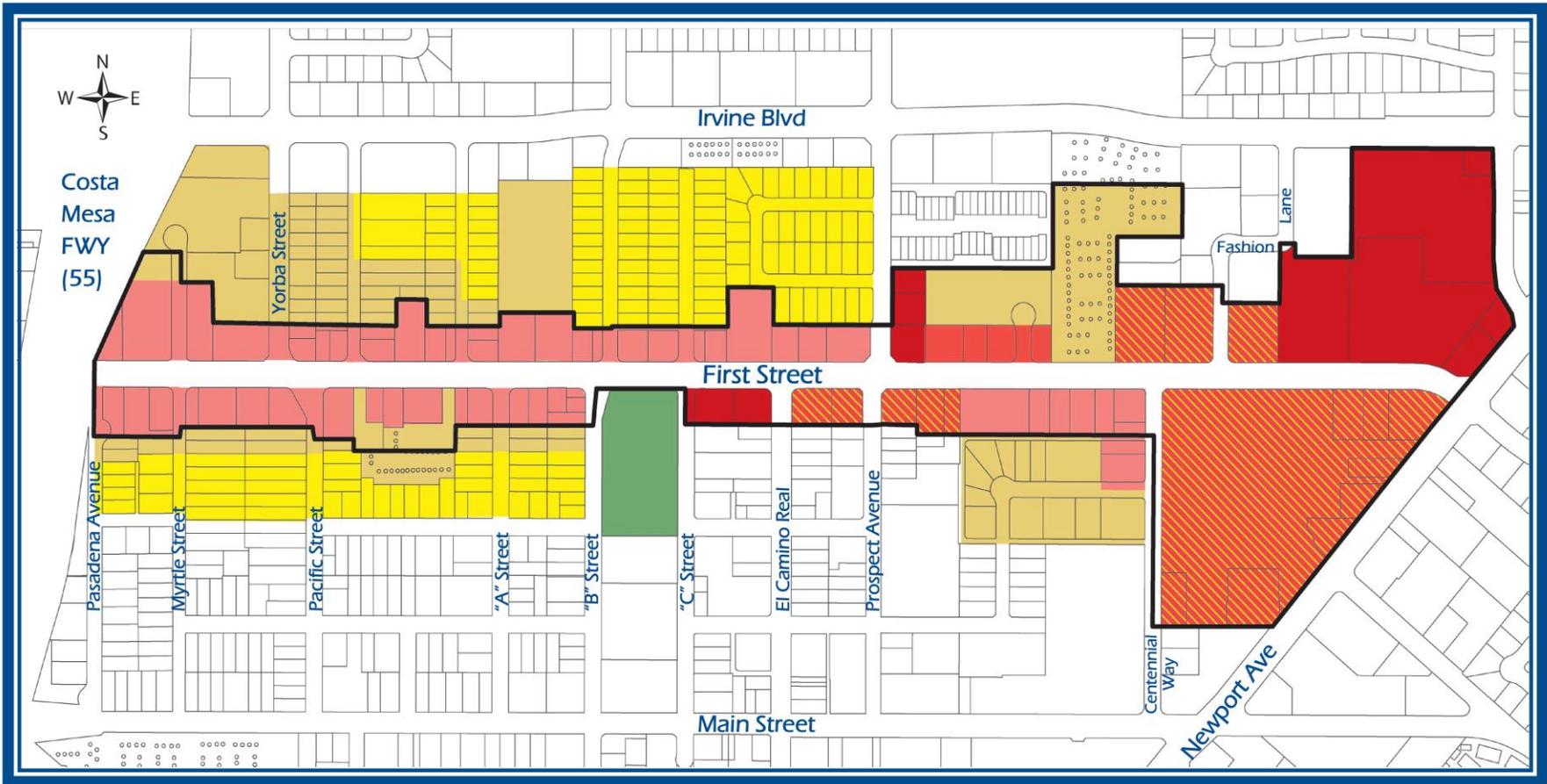


First Street Specific Plan

2012 First Street Existing Land Use Map

EXHIBIT 6





First Street Specific Plan

Zoning Prior to the 1985

First Street Specific Plan

EXHIBIT 7

- | | | | |
|---|-----------------------------|---|--------------------------------------|
|  | Single Family Residential |  | Central Commercial |
|  | Multiple Family Residential |  | Central Commercial Combining Parking |
|  | Retail Commercial |  | Commercial General |
|  | Public & Institutional | | |

D. OPPORTUNITIES AND CONSTRAINTS SUMMARY

A major component in the preparation of a Specific Plan in an already developed area is the careful examination and analysis of existing physical conditions. The next important step is the identification of physical opportunities and constraints against which the market opportunities can be measured. These factors, combined with public input and policy/technical direction from the City, are the ingredients used in shaping the content of the plan.

This existing conditions summary and map were used in 1985 in part to identify the issues, goals, objectives and policies in Chapter II of the Specific Plan. The potential measures were evaluated for potential use in the regulatory guideline portions of the Plan.

The First Street corridor is an area of distinct contrasts. On one hand, certain commercial properties have well designed, intensively used developments, particularly the ones located at the eastern terminus of First Street at Newport Boulevard, while a few blocks west of El Camino Real the buildings exhibit an older, less consistent image, where underutilized developments are more prevalent.

Analyzing First Street at the Specific Plan level, it becomes apparent that the street should continue to be planned as a cohesive whole with concentrations of “families of uses” dominating certain sections of the street.

In many revitalization situations similar in nature to First Street, the initial reaction might be to correct problems with long range, costly and controversial remedies. These remedies typically take the form of inflexible mandatory regulatory formats for new development. Such approaches do little to stimulate private commercial development.

The City of Tustin was and is interested in providing catalysts for change by providing regulatory “opportunity” through the judicious use of revised site development standards and the stimulus of incentive or bonus provisions. It was the consultant team’s goal in 1985 to prepare a pro-business, pro-economic strategy plan designed to solve immediate physical problems as well as offer long-range programs for ongoing project-wide improvements.

Certain opportunities and constraints have been identified thus far and are summarized below. See Exhibit 8 for a visual depiction of the opportunities and constraints identified in 1985.

a. Opportunities

- There are several large cohesively designed shopping centers in the area.
- Relatively few buildings are in poor condition.

- There are recent instances of quality redevelopment/development within the area.
- Peppertree Park, although not within the specific plan boundary, contributes a special landscape atmosphere which relates to the corridor.
- Most revitalization opportunities will occur in small, identifiable pockets.
- The entry to El Camino Real offers a special historical streetscape element nearly in the middle of the project area, offering a central node of development for First Street.
- Prospect Street, the major north-south traffic carrier through the project area is located in the center of the area, reinforcing the activity node provided by El Camino Real.
- First Street has identifiable east and west entry points at the Newport Freeway and Newport Boulevard.
- The present streetscape system on First Street contains good elements which can be incorporated into the proposed plan. The medians with turf and well-established olive trees complement the existing *Ficus nitida*. The curbside amenities (street furniture) fulfill functional needs but may not add aesthetically to the streetscape scene.
- The project area has a series of equally spaced nodes or intersections that, when developed and enhanced, would help draw shoppers along its entire length.
- There appears to be little traffic congestion in the study area in relation to other commercial areas in southern California, with the most serious peak hour congestion occurring on the east/west peripheries.

b. Constraints

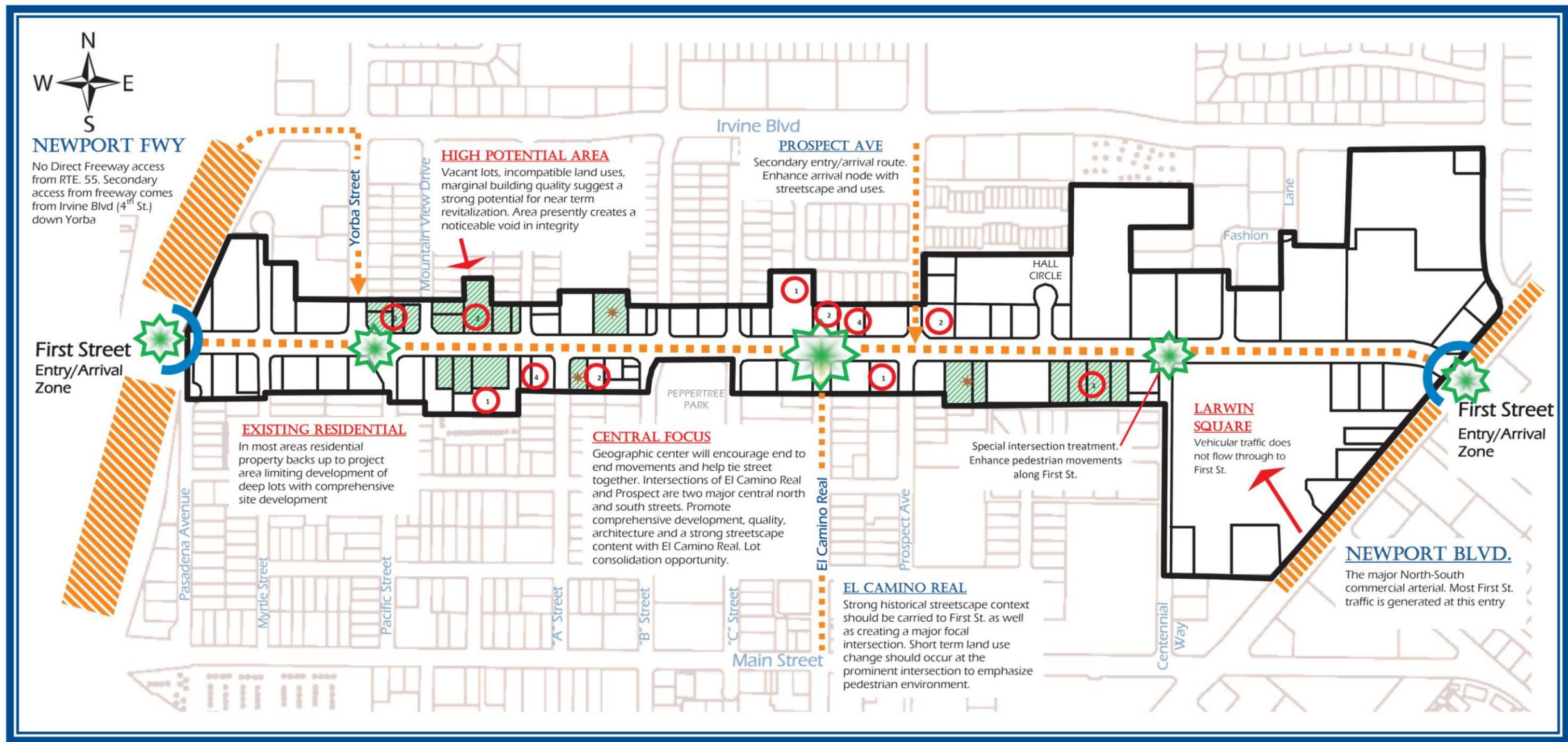
- **Circulation:** There is a lack of convenient inter-site circulation, in that vehicles must generally enter First Street to access the adjacent site.
- **Mixed Land Uses:** While a mixture of land uses can add excitement to an area, in the case of First Street there is no cohesive family of uses which encourage spontaneous shopping or strolling, etc. In fact, many adjacent land uses are incompatible with one another.
- **Scattered Retail Uses:** The existing retail uses which comprise the First Street Specific Plan area are too dispersed. The area exhibits the physical characteristics of strip

commercial development but without enough truly auto-related retail uses to capitalize on its linear shape.

- **Poorly maintained buildings:** Some properties within the Specific Plan area are in need of maintenance. Along First Street, there are non-conforming uses, vacancies and older, poorly maintained buildings.
- **Lack of Freeway Entry (Newport (SR-55) Freeway):** One of First Street's major constraints is its lack of direct Freeway access, both vehicular and visual. Moreover, entry at Newport Avenue doesn't offer a visual statement either.
- **Small, shallow development parcels:** Commercial development on single, shallow lots does little to promote viable larger commercial centers on First Street (such as Larwin Square or The Courtyard). The most successful commercial and office developments have assembled and consolidated lots along and behind First Street.
- **Inconsistent Development Standards:** The inconsistent mixture of architectural styles, parking configurations, setback and landscape requirements, while offering a variety of individual site conditions lacks any cohesiveness which could tie all of these varietal standards together. This gives First Street no sense of cohesiveness or commercial identity.

c. Potential Measures

The following analysis outlines programs which might be able to take advantage of the area's opportunities to improve some challenging conditions. It is by no means inclusive or a final recommendation. This list is simply a compilation of some ideas that have been successfully applied in situations similar to First Street.



First Street Specific Plan 1985 Opportunities And Constraints

EXHIBIT 8

- ① Long Term Use Change
- ② Short Term Use Change
- ③ Commercial Rehabilitation
- ④ Intensification Potential
- ★ Special Intersection Treatment
- ★ Vacant Lot
- ▨ High Future Potential

- Consolidate small lots (either through private land assembly or coordinated site planning), developing more efficient use of land, creating a more efficient building site, and providing a non-strip commercial atmosphere. Depth needs to be established where possible.
- Establish development incentives for providing off street parking with improved inter-property circulation opportunities. These development incentives could be the relaxation of certain development standards for more efficient parking design or streetscape amenities.
- Form a Business Improvement District to guide project-wide improvements. This could be similar in nature to a merchant's association in a mall or shopping center. It could be self policed; it could solve problems of who cares for shared parking lots; it could even sponsor promotional events.
- Provide alternatives to front setback parking lots.
- Establish new, comprehensive site development standards unique to the area.
- Develop an improved streetscape program compatible with the established El Camino Real improvements.
- Establish consistent, yet flexible, sign controls.
- Create pedestrian points of interest to enhance a linear pedestrian route along First Street.
- Grant development bonuses to businesses which utilize storefront canopies and plazas to enhance the pedestrian movement from property to property.
- Develop means for drawing vehicles from nearby Freeway exits at Irvine Boulevard and Newport Avenue to First Street.

E. PLANNING PROCESS

This appendix documents the process by which the First Street Specific Plan was prepared and considered.

<u>Date</u>	<u>Event</u>
July 2, 1985	Request for Proposal distributed by City to potential consultants. Contained a carefully worded scope of work and statement of objectives.
August 23, 1985	The Planning Center authorized to begin work.
August 28, 1985	Detailed scoping meeting between City Staff and consultant team.
September 30, 1985	Progress review meeting with City Staff and consultant team. Focus on issues potentials and constraints.
October 24, 1985	First public town hall meeting held to explain planning effort, share market and physical conditions information and gain insight from the public before beginning plan formulation.
October 25, 1985	Consultant team began plan preparation.
November 12, 1985	Planning Commission workshop to present findings, summarize public input and obtain commission comments. City Council members invited to hear briefing.
November 25, 1985	Presentation of draft plan to joint City Council/Planning Commission workshop. Opportunity to expose them and interested public to details of the plan, provide council and commission members the opportunity to question consultants, and discuss possible resolution of issues embodied in the plan.
December 9, 1985	Formal public hearing on plan by the Planning Commission. Direct testimony received from public, with responses by both consultants and staff.
December 16, 1985	Formal public hearing on the plan by the City Council. Consideration of Planning Commission recommendation, public testimony and both consultant and staff reports and responses to questions. Plan adopted.

January 25, 2011	Planning Commission workshop to consider an update to the First Street Specific Plan.
March 22, 2011	Continued Planning Commission workshop
September 14, 2011	Public workshop on the First Street Specific Plan
July 24, 2012	Draft First Street Specific Plan Amendment distributed to the Planning Commission.
September 14, 2012	Public Workshop on the Draft First Street Specific Plan Amendment.
October 23, 2012	Tustin Planning Commission adopts Resolution No. 4209 recommending that the Tustin City Council approve Specific Plan Amendment 2012-001.
November 20, 2012	Tustin City Council adopts Ordinance No. 1414 approving Specific Plan Amendment 2012-001.

The process, highlighted by these key dates and events, was accompanied throughout the project life by a very close and constructive staff/consultant communication that resulted in clarifying a great number of technical questions as needed so that policy issues could be focused upon by the public, the Planning Commission and the City Council. The quality of this working relationship was the major ingredient in completing the plan in an unusually short period of time.

F. GENERAL PLAN CONSISTENCY

Section 65860 of the California Government Code requires that zoning be consistent with a jurisdiction's General Plan.

The dominant element of the City of Tustin General Plan relevant to the First Street Specific Plan Area is the Land Use Element.

The City's General Plan Land Use Element designates the area as PC Commercial/Business. Under this land use designation, a mix of commercial and office uses such as hotel/motels, commercial centers, research and development, and professional offices are permitted.

The First Street Specific Plan is consistent with the following General Plan goals and policies:

GOAL 1: Provide for a well balanced land use pattern that accommodates existing and future needs for housing, commercial and industrial land, open space and community facilities and services, while maintaining a healthy, diversified economy adequate to provide future City services.

Policy 1.8: Provide incentives to encourage lot consolidation and parcel assemblage to provide expanded opportunities for coordinated development and redevelopment.

GOAL 5: Revitalize older commercial, industrial and residential uses and properties.

Policy 5.2: Provide development incentives to facilitate the consolidation of individual parcels along the City's commercial corridors.

GOAL 7: Promote expansion of the City's economic base and diversification of economic activity.

Policy 10.6: Encourage the integration of retail or service commercial uses on the street level of office projects through flexibility in site development standards.

Policy 10.7: Encourage the consolidation of individual parcels/consolidated site planning and parking and access along First Street and in Old Town through utilization of development incentives such as reduced parking, height bonus, lot coverage relaxation, allowance for secondary uses, fee waivers, and/or financial assistance in land acquisition and/or infrastructure improvements.

Policy 10.9: Review the First Street Specific Plan including modifications to the Plan which would consider issues associated with eliminating and prohibiting future automobile service-related uses and restrictions on the expansion of existing automobile service related uses.

The Plan responds directly to these goals and policies by providing for appropriate commercial retail, service, and office uses. It responds indirectly by reinforcing successful development and stimulating both economic growth and aesthetic improvement on First Street.

The Plan effects a change not so much in the nature of uses along First Street but the balance, arrangement, development standards and design characteristics of office, commercial and specialized uses so that they will be more responsive to market opportunities and enhance the First Street corridor.

The First Street Specific Plan is therefore consistent with the City of Tustin General Plan.

G. FINDINGS

1. The proposed commercial and office development is consistent in intensity and character with the City's adopted General Plan.
2. Reasonable alternatives to the plan and their implications have been considered.
3. The scope and depth of plan analysis are commensurate with the level of detail contained in the plan and the specificity of land use entitlement its adoption authorizes.
4. The various components of the plan as well as the plan in its entirety are sensitive to the environmental and public policy impacts of the proposed development.
5. Appropriate mitigation measures are incorporated in the plan to insure that concerns identified at this level of planning are resolved as part of the more detailed site plan review which must be completed before private development may proceed.
6. Administration of the plan is thoroughly integrated into the City's development processing system.
7. All subjects required in a specific plan by the California Government Code and applicable City ordinances are appropriately and adequately covered.
8. Adequate time and opportunities have been afforded interested organizations and members of the public to comment on or propose changes to the plan if they so desired.
9. The level of development direction established by the plan is sufficient to eliminate the need for a continued development moratorium in the First Street corridor.