



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 2, 2004

ITEM NUMBER:

**SUBJECT: SECOND READING OF ORDINANCE 04-02: AN AMENDMENT TO TITLE 13
1901 NEWPORT PLAZA RESIDENCES PROJECT**

DATE: JANUARY 21, 2004

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: CLAIRE L. FLYNN, AICP, ASSOCIATE PLANNER

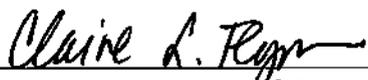
FOR FURTHER INFORMATION CONTACT: CLAIRE L. FLYNN, (714) 754-5278

RECOMMENDED ACTION:

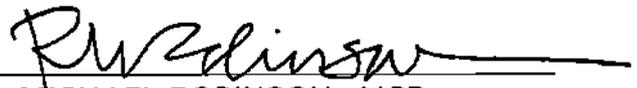
Give second reading to Ordinance No. 04-02 amending Title 13 of the Costa Mesa Municipal Code.

BACKGROUND:

On January 20, 2004, Council approved the 1901 Plaza Residences project. This approval allowed for the development a 145-unit condominium development, five-level parking structure, and two-level subterranean parking structure. The project will provide residential condominiums as complementary uses to the existing commercial development. Structured parking will provide a total of 415 residential parking spaces and 448 commercial parking spaces.



CLAIRE L. FLYNN, AICP
Associate Planner



R. MICHAEL ROBINSON, AICP
Planning and Redev. Mgr.



DONALD D. LAMM, AICP
Dep. City Mgr. - Dev. Svcs. Director

Attachments: 1. Draft ordinance

File Name: 02020419012ND

Date: 01/22/04

Time: 8:30 a.m..

DISTRIBUTION: City Manager
Deputy City Manager
City Attorney
Public Services Director
City Engineer
City Clerk
Staff (4)
File (2)

Attachment 1
Draft Ordinance

ORDINANCE NO. 04- 02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING A SITE-SPECIFIC FLOOR AREA RATIO AND SITE-SPECIFIC RESIDENTIAL DENSITY FOR THE 1901 NEWPORT PLAZA RESIDENCES PROJECT LOCATED AT 1901 NEWPORT BOULEVARD IN THE PLANNED DEVELOPMENT COMMERCIAL (PDC) ZONE.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. As shown in Exhibit "A, Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Append the following text to Section 13-57(b)(2):

"For the 1901 Newport Plaza property, a site-specific FAR of 0.70 for the commercial component and site-specific density of 40 dwelling units per acre for the residential component were established for 1901 Newport Boulevard pursuant to General Plan amendment GP-02-04."

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. Final Environmental Impact Report No. 1050 was prepared for the 1901 Newport Plaza Residences project and certified by City Council on January 20, 2004, by separate resolution. Statements of Facts and Findings and Overriding Considerations for short-term, construction-related air quality impacts were also adopted in conjunction with City Council approval of GP-02-04, by separate resolution.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences,

clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5. Publication. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect thirty (30) days after its final passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2004.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk of the
City of Costa Mesa

Acting City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, Julie Folcik, City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 04-___ was introduced and considered section by section at a regular meeting of said City Council held on the ___ day of _____, 2004, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ___ day of _____, 2004, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2004.

City Clerk and ex-officio Clerk of
the City Council of the City of
Costa Mesa

Exhibit A

**Zoning Code of the Costa Mesa Municipal Code
Amended Text**

Costa Mesa Zoning Code

(b) Planned Development Commercial.

- (1) Retail shops, offices and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions and health clubs are appropriate. These uses are intended to serve adjacent residential areas, as well as the entire community and region.
- (2) As complementary uses, residential (density maximum of 20 dwelling units per acre) and industrial uses as well as other commercial and noncommercial uses of a similar or supportive nature to the uses noted in this subsection may be allowed if the City Council approves the uses as compatible with the Planned Development Commercial project based on compatible uses listed in the General Plan for the applicable land use designation subject to FAR limits.



(c) Planned Development Industrial.

- (1) Large industrial developments with ample open space and landscaping typifies projects in this district.
- (2) As complementary uses, nonindustrial uses of a commercial nature or residential nature (density maximum of 20 dwelling units per acre) may be allowed if the City Council finds the uses to be compatible with the Planned Development Industrial project based on compatible uses listed in the General Plan for the applicable land use designation subject to FAR limits.

Sec. 13-58. DEVELOPMENT STANDARDS

Table 13-58 identifies development standards in the planned development zones. See also ARTICLE 9 GENERAL SITE IMPROVEMENT STANDARDS of this chapter for additional requirements.

Sec. 13-59. MAXIMUM DENSITY CRITERIA

- (a) The provision of affordable housing shall be necessary to reach the maximum density for the North Costa Mesa residential district.
- (b) Density increments up to the maximum shown in Table 13-58 may be approved in order to provide an incentive for design excellence. Criteria for density increments include, but shall not be limited to, the following (except that criteria (6) through (10) shall not apply to small-lot, single-family development):
 - (1) Preservation of natural features that enhance the development and will benefit the community (including trees, scenic points, view corridors, historic buildings or locations, unique geological formations and other community assets).
 - (2) Provision of distinctive design, including site planning, structural design, architectural treatments, landscaping and integration into the community.
 - (3) Provision of usable open space in excess of the required amount.
 - (4) Enlargement of the required perimeter open space.
 - (5) Utilization of non-depletable energy sources for water heating and/or space heating.
 - (6) Provision of low and moderate income housing as a portion of the total development.
 - (7) Provision of all or part of the required parking within the principal structure(s) (i.e., subterranean, tuck under, etc.).
 - (8) Provision of facilities for the storage of recreational vehicles.
 - (9) Provision in the project's circulation system for the separation of pedestrian, vehicular and bicycle traffic through the inclusion of bicycle and pedestrian trails that link with citywide networks.
 - (10) Project location is adjacent to or within ¼ mile of a public transit facility or route.