

**ATTACHMENT 5
DRAFT ORDINANCE FOR ZONING CODE
AMENDMENT**

ORDINANCE NO. 14-

AN ORDINANCE OF THE CITY OF COSTA MESA GRANTING APPROVAL TO ADOPT ZONING CODE AMENDMENT CO-13-02 TO AMEND COSTA MESA MUNICIPAL CODE TITLE 13 FOR A SITE-SPECIFIC DENSITY OF 58 DWELLING UNITS PER ACRE FOR THE 125 EAST BAKER APARTMENT PROJECT. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: TABLE 13-58 (PLANNED DEVELOPMENT STANDARDS) TO ALLOW A SITE-SPECIFIC DENSITY OF 58 DWELLING UNITS PER ACRE FOR THIS PROJECT AT 125 EAST BAKER STREET.

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

WHEREAS, The proposed project is a five-story, 240-unit apartment complex (63-foot maximum height proposed) at a density of 58 dwelling units (du's) per acre with a six-story parking structure (62.5-foot maximum height proposed) with 457 parking spaces and four outdoor on-grade parking spaces, along with the following specific entitlements:

1. **Final Environmental Impact Report (State Clearinghouse #2013081051).**
Certification of the Final Environmental Impact Report (EIR) for the project.
2. **General Plan Amendment GP-13-02.** Change the land use designation of the 4.17-acre development site from Industrial Park to High Density Residential. In addition to the change in land use designation, the general plan amendment also involves text amendment(s) to the City's General Plan to reflect a site-specific density of 58 dwelling units per acre, and a site-specific height of six stories.
3. **Rezone R-13-02.** A rezone (or change) of the zoning classification of the 4.17-acre development site from Commercial Limited (CL) to Planned Development Residential – High Density (PDR-HD).
4. **Zoning Code Amendment CO-13-02.** A zoning ordinance to amend Costa Mesa Municipal Code Title 13 for a site-specific density of 58 dwelling units per acre. The site is proposed to be designated PDR-HD (Planned Development Residential-High Density) in the City's Zoning Code. The designation allows up to 20 dwelling units per acre, or 83 dwelling units maximum for the site. The proposed 240-unit project

would require an amendment to Table 13-58 (Planned Development Standards) to allow a site-specific density of 58 dwelling units per acre for this project.

5. **Master Plan PA-13-11.** A Master Plan application for the proposed development of a five-story 240-unit residential apartment building (63 feet overall height) that wraps around a six-story parking structure (62.5 feet overall height) with 457 parking spaces in the structure and four outdoor on-grade parking spaces with a deviation from: on-site parking spaces (538 parking spaces required; 461 parking spaces proposed).
6. **Development Agreement DA-14-02.** A Development Agreement between the applicant and the City of Costa Mesa to fund future public infrastructure improvements in the area.

WHEREAS, a site specific amendment to the Zoning Code is proposed for a site-specific density of 58 dwelling units per acre and a site-specific height of six stories for the development of the project as described above.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 24, 2014, and continued to March 24, 2014, with all persons having the opportunity to speak and be heard for and against the proposal.

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the Draft EIR was circulated from November 6, 2013 to December 20, 2013 for public review and comment.

WHEREAS, the Planning Commission has reviewed all environmental documents comprising the Final EIR and has found that the Final EIR considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Final EIR is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines.

WHEREAS, the Federal Aviation Administration (FAA) issued a Determination of No Hazard To Air Navigation on May 16, 2013, which established a maximum building height of 111 feet above mean sea level (approximately 65 feet above ground level) for the proposed project.

WHEREAS, the Airport Land Use Commission for Orange County (ALUC), at their meeting of January 16, 2014, determined, on a 6-1 vote, that the proposed project

was consistent with the Commission’s Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA) and the AELUP for Heliports.

WHEREAS, the Planning Commission, on a 5-0 vote, recommended that City Council certify the EIR, tentatively approve General Plan Amendment GP-13-02; and approve Rezone R-13-02, Zoning Code Amendment CA-13-02 and Master Plan PA-13-11, by separate resolutions.

WHEREAS, a duly noticed public hearing was held by the City Council on April 15, 2014, with all persons having the opportunity to speak and be heard for and against the proposal.

WHEREAS, with the exception of the Final EIR, Development Agreement DA-14-02, Zoning Code Amendment CO-13-02, and Rezone R-13-02, Master Plan PA-13-11, will be subject to the approval of the General Plan Amendment GP-13-02.

SECTION 1: CODE AMENDMENT.

The revised Table 13-58 is presented with changes as underlined and italicized below:

Revised Table 13-58 (Planned Development Standards)						
Development Standard	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Maximum Density per Section 13-59 MAXIMUM DENSITY CRITERIA. (dwelling units per acre)	8	12	20 Note: See North Costa Mesa Specific Plan for exceptions. <u>Note: The maximum density for 125 East Baker Street is 58 dwelling units per acre (CO-13-02).</u>	35	20	Note: The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre. See North Costa Mesa Specific Plan for exceptions.

SECTION 2: ENVIRONMENTAL DETERMINATION. Pursuant to the California Environmental Quality Act (CEQA), a Draft EIR was circulated from November 6, 2013 to December 20, 2013 for public review and comment. The City of Costa Mesa received written and verbal comments from the general public, government entities, and other interested parties during the public review period. Written and verbal comments received from the general public, government entities, and other interested parties were responded to in the manner prescribed in California Code of Regulations Section 15088. A Responses to Comment document was prepared which includes responses to comment on environmental issues received during the public review period of the Draft EIR and errata pages showing redlined/strikeout revisions reflected in the Final

EIR. No significant new information has been added to the Final EIR and no changes to the proposed project have occurred which would require recirculation under CEQA Guidelines Section 15088.5. The Draft EIR, Responses to Comments, errata pages identifying revisions to the Draft EIR, and any other information added by the City constitutes the Final EIR for this project. The Planning Commission has reviewed all environmental documents comprising the Final EIR and has found that the Final EIR considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Final EIR is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines. The Final EIR for this project reflects the independent judgment of the City of Costa Mesa.

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 or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned

summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

JIM RIGHEIMER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

