

ORDINANCE NO. 15-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING REZONE R-14-03 TO CHANGE THE ZONING DISTRICT FROM AP (ADMINISTRATIVE AND PROFESSIONAL DISTRICT) TO MULTIPLE FAMILY RESIDENTIAL-HIGH DENSITY (R2-HD) FOR A 2.04-ACRE PROPERTY LOCATED AT 1239 VICTORIA STREET.

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

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2002;

WHEREAS, an application was filed by Trumark Homes, representing the property owner, Westar Holdings, Inc., requesting approval of the following land use entitlements for the property at 1239 Victoria Street:

1. **General Plan Amendment GP-14-03:** General Plan amendment to change of Land Use Designation from Neighborhood Commercial (NC) to High Density Residential (HDR).
2. **Rezone R-14-03:** Rezone from Administrative and Professional (AP) District to R2-HD (Multiple-Family Residential District, High Density), up to 14.5 dwelling units per acre.
3. **Planning Application PA-14-19:** A Design Review for development of a 28-unit Residential Planned Development at the site of an existing commercial/light industrial use. The project consists of the development of 28 single-family, detached residences with a net density of 14 dwelling units per acre. The three bedroom residences are three-stories with roof decks and have attached two-car garages. A total of 56 garage parking spaces, 42 driveway spaces, and 14 guest parking spaces are proposed (112 total spaces, four spaces per unit).

The following **Variances** are requested:

- a. **Open Space** - a minimum of 40 percent required, 34.9 percent proposed.
- b. **Rear Setback** (20 feet required for second story; 10 feet proposed for second and third stories).
- c. **Building Height** (maximum 2 stories/27 feet required; 3 stories/roof deck/37 feet proposed).

The project also includes the following:

- a. **Administrative Adjustment** is required for the front building setback (20 feet required; 14 feet proposed) and a **Minor Modification** is required to deviate from the distance from main buildings (10 feet required, 8 feet proposed).
- b. **Vesting Tentative Tract Map VT-17779:** Subdivision of a 2.04-acre property for homeownership.

WHEREAS, On May 5, 2015, City Council approved the Initial Study/Mitigated Negative Declaration and adopted General Plan Amendment GP-14-03 by separate resolution to change the land use designation of the subject property from Neighborhood Commercial to High Density Residential, and gave first reading to Ordinance No. 15-04 for R-14-03;

WHEREAS, Rezone R-14-03 involves a change in the zoning district of the subject property from Administrative and Professional (AP) District to R2-HD (Multiple-Family Residential District, High Density), up to 14.5 dwelling units per acre (Exhibit 1);

WHEREAS, Rezone R-13-03 is consistent with the 2000 General Plan as amended by General Plan Amendment GP-13-03;

WHEREAS, Rezone R-13-03 will allow residential development at a maximum density of 14.5 dwelling units per acre, as allowed by the High Density Residential General Plan land use designation; and

WHEREAS, the R2-HD zone is a consistent zone in the High Density Residential General Plan land use designation.

SECTION 1: REZONE. The City of Costa Mesa Official Zoning Map is hereby amended as follows:

- a. There is hereby placed and included in the R2-HD (Multiple Family Residential-High Density) zoning district a 2.04 -acre parcel at 1259 Victoria Street, identified as County Assessor Parcel Number 422-322-18 and as shown in attached Exhibit 1, situated in the City of Costa Mesa, County of Orange, State of California.
- b. Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in subsection #1 above and in the findings in respective Exhibit 1. A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 2: 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 3: 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 4: 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.

STEPHEN M. MENSINGER
Mayor, City of Costa Mesa

EXHIBIT 1

REZONE

Change the zoning designation of the 2.04 -acre development site at 1239 Victoria Street from Administrative and Professional District (AP) to Multiple Family Residential- High Density (R2-HD)

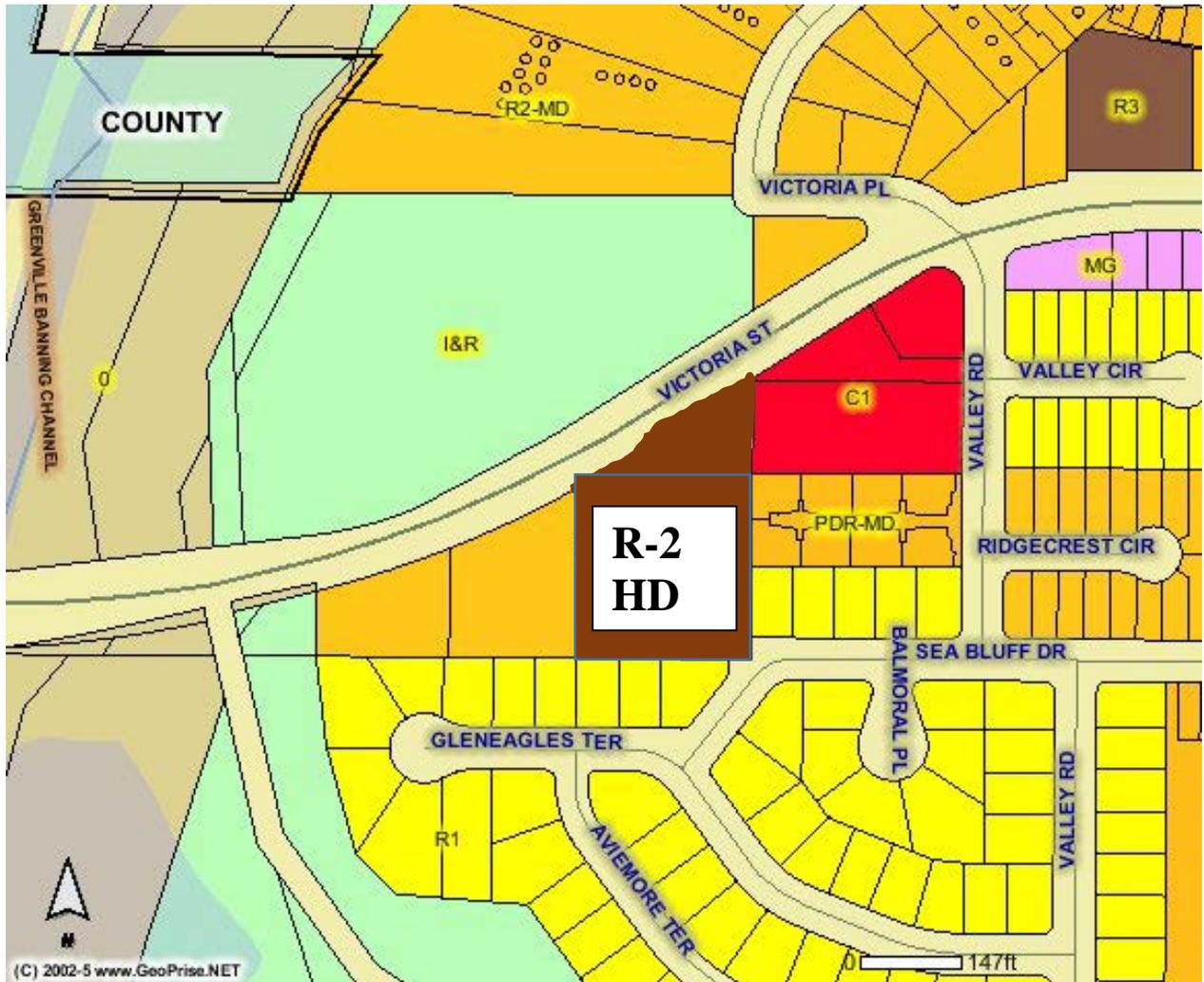


EXHIBIT A

FINDINGS (APPROVAL)

- A. **Finding:** The rezone is consistent with the Zoning Code and the General Plan.

Facts In Support of Findings: The proposed project meets or exceeds the intent of the City's Zoning Code with regard to the development standards for the R2-HD zone, including density and on-site parking. The General Plan land use designation for the project area is High Density Residential (14.5 dwelling units to the acre maximum), which is compatible with the proposed zone change to R2-HD (Multiple Family Residential–High Density). The project provides a maximum density of 14 dwelling units to the acre.