ORDINANCE NO. 15-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPTING REZONE R-14-04 FOR A REZONE OF THE ZONING CLASSIFICATION OF A 4.15-ACRE PARCEL FROM C1 (LOCAL BUSINESS DISTRICT) TO PDR-HD (PLANNED DEVELOPMENT RESIDENTIAL – HIGH DENSITY) FOR PROPERTY LOCATED AT 2277 HARBOR BLVD.

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

WHEREAS, an application was filed by Diamond Star Associates, Inc., on behalf of owner of real properties located at 2277 Harbor Boulevard, requesting approval of the following:

1. **Initial Study/Mitigated Negative Declaration (ISMND) (State Clearinghouse #2015091026)**. Adoption of the Initial Study - Mitigated Negative Declaration (IS-MND) for the project.
2. **General Plan Amendment GP-14-04.** Change the land use designation from General Commercial to High Density Residential. Per the applicant's request, the proposed base density is 166 units (40 du/acre) with a development incentive for an additional 58 dwelling units to be justified by (a) provision of 20 affordable units for moderate-income households and (b) complete demolition of the Costa Mesa Motor Inn. Therefore, for the 4.15-acre project site the General Plan Amendment would specify an overall site-specific density of 54 du/acre for the proposed 224-unit apartment complex and a site-specific building height for the 5-level parking structure.
3. **Rezone R-14-04**. A rezone to change the zoning classification from C1 (Local Business District) to PDR-HD (Planned Development Residential – High Density).
4. **Zoning Code Amendment CO-14-02.** A zoning ordinance to amend Costa Mesa Municipal Code Title 13 to make specific references to the parcel, where appropriate, including the site-specific height and density for the development site in the PDR-HD zone and any other related changes. The proposed 224-unit project would require an amendment to Table 13 58 (Planned Development

Standards) to allow a site-specific density of 54 dwelling units per acre for this project.

5. **Planning Application PA-14-27.** A Master Plan application for the 224-unit apartment project;

WHEREAS, City Council approved the Initial Study/Mitigated Negative Declaration and adopted General Plan Amendment GP-14-04 by separate resolution to change the land use designation of the 4.15-acre property at 2277 Harbor Boulevard from General Commercial to High Density Residential;

WHEREAS, Rezone R-14-04 involves a change in the zoning district of real property located at 2277 Harbor Boulevard from C-1 (Local Business District) to PDR-HD (Planned Development Residential-High Density);

WHEREAS, Rezone R-14-04 is consistent with the 2000 General Plan adopted in January, 2002 as amended by GP-14-04;

WHEREAS, Rezone R-14-04 will allow residential development at a maximum density of 54 du/ac, as allowed by the General Plan;

WHEREAS, the PDR-HD zone is a consistent zone in the High Density Residential land use designation;

WHEREAS, Zoning Code Amendment CO-14-02 will amend Costa Mesa Municipal Code Title 13 to make specific references to the parcel, where appropriate, including the site-specific height and density for the development site in the PDR-HD zone and any other related changes. The proposed 224-unit project would require an amendment to Table 13-58 (Planned Development Standards) to allow a site-specific density of 54 dwelling units per acre for this project.

WHEREAS, A Master Plan application PA-14-27 is for the proposed development of a four-story 224-unit residential apartment development.

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 PDR-HD (Planned Development Residential-High Density) zoning district a 4.15-acre parcel, identified as Assessor Parcel Numbers 422-163-31 and as shown in attached Exhibit 2A, 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 a hereof and in the respective Exhibit 2A. A copy of the Official Zoning Map is on file in the office of the Planning Division.

Based on the evidence in the record and the findings contained in Exhibit A, **THE CITY COUNCIL HEREBY GRANTS APPROVAL TO ADOPT** R-14-04, which amends the Zoning Map of the City of Costa Mesa (Exhibit 2A) with respect to the property described above.

SECTION 2. ENVIRONMENTAL DETERMINATION. The proposed rezone was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and circulated from September 11, 2015 to October 10, 2015. The City Council found that proposed residential project will not have a significant negative impact on the environment with the incorporation of the mitigation measures identified in the IS/MND.

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 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 of the members of the City Council voting for and against the same.

PASSED AND ADOPTED this 3rd day of November, 2015.

STEPHEN M. MESSINGER
Mayor, City of Costa Mesa

ATTEST:

CITY CLERK OF THE
CITY OF COSTA MESA

APPROVED AS TO FORM:

CITY ATTORNEY

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution Number 15__ as considered at a regular meeting of said City Council held on the 3rd day of November, 2015, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 3rd day of November, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2015

EXHIBIT A

FINDINGS

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

Finding: A compatible and harmonious relationship exists between the proposed use and existing buildings, site development, and uses that exist or have been approved for the general neighborhoods.

Facts in Support of Findings: With implementation of the mitigation measures identified in the IS/MND for the proposed project, all potentially significant environmental impacts have been reduced to less than significant levels. With the implementation of the recommended conditions of approval, the proposed project will be compatible and harmonious with uses that exist within the general neighborhood. The project features quality construction and materials. The proposal provides on-site amenities comparable with quality residential units. The proposed parking is adequate to meet the demand for this project.

Finding: Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.

Facts in Support of Findings: The proposed on-site parking will be sufficient to accommodate the proposed mix of units within this project. The standard conditions indicate payment of traffic impact fees to mitigate project-generated traffic impacts. The project will provide adequate sight distance for vehicles at all project drive approaches. Prior to issuance of Building Permits, the project shall submit a Lighting Plan and Photometric Study. The project has been conditioned to comply with these conditions; as a result, the safety and compatibility of the project has been insured.

Finding: The use is consistent with the General Plan.

Facts in Support of Findings: The project proposes a rezone of the property to Planned Development Residential – High Density (PDR-HD) and a Zoning Code Text Amendment to the maximum density of 54 dwelling units per acre. Subject to approval of the proposed rezone and text amendment, the project complies with the City's Zoning Code as it pertains to building height, setbacks, open space, as well as on-site parking as it pertains to on-site parking spaces and overall project density.

Finding: The cumulative effect of all the planning applications have been considered.

Facts in Support of Findings: The cumulative effects of General Plan Amendment GP-14-04, Zoning Code Amendment CO-14-02, Rezone R-14-

04, and Master Plan PA-14-27 have all been considered for this project and no significant impacts were identified.

B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(11) because:

Finding: The proposed rezone is consistent with the Zoning Code and the General Plan.

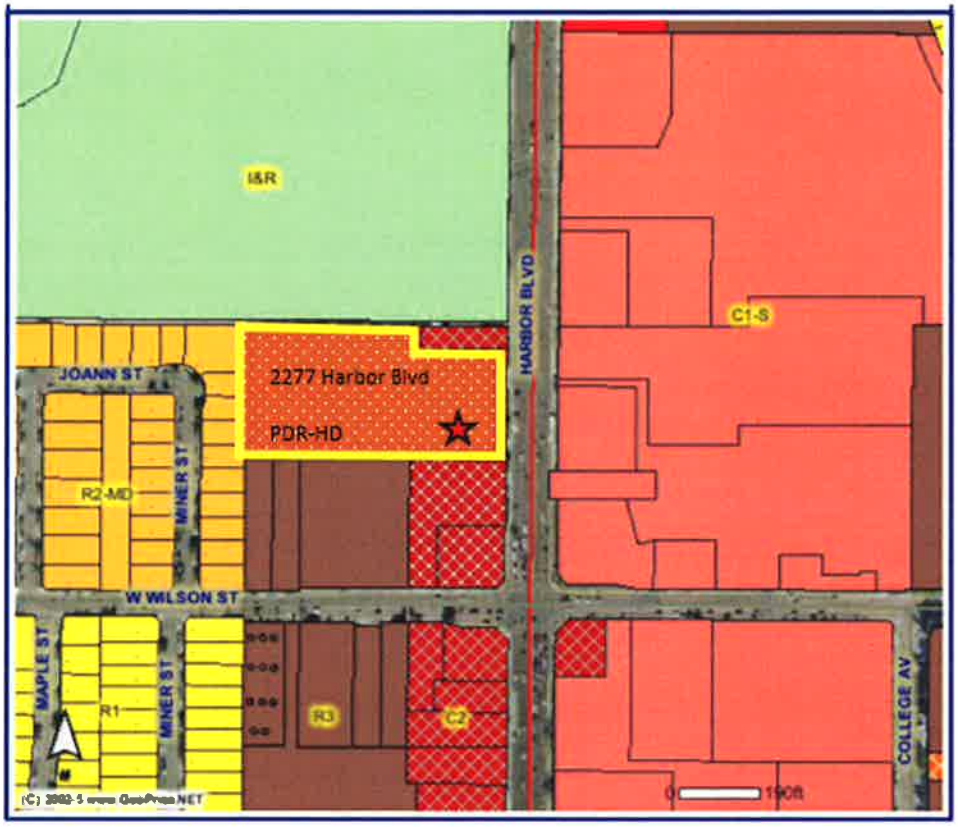
Facts in Support of Findings: The HDR General Plan land use designation anticipates development on the subject site at 20 dwelling units per acre. The applicant is seeking a proposed base density of 40 du/acre (166 units), with a development incentive for an additional 58 dwelling units to be justified by (a) provision of 20 affordable units for moderate-income households and (b) complete demolition of the Costa Mesa Motor Inn (236 motel rooms), and redevelopment to an upscale apartment building with security, structured parking, and significant amenities. The rezone will reflect the site-specific density for this property.

Rezone of property is within General Plan development capacity. Since the master plan proposes a site specific density of 54 du/ac, the project traffic conditions are proposed to be comparatively higher to existing conditions. According to the IS/MND, the existing 236 room motel at full capacity generates approximately 1,258 daily trips, which include approximately 66 a.m. peak hour trips and approximately 118 p.m. peak hour trips. The proposed 224-unit apartment project forecasts approximately 1,490 daily trips, which include approximately 114 a.m. peak hour trips and approximately 139 p.m. peak hour trips. This is an increase of 232 additional daily trips, including 48 additional a.m. peak hour trips and an additional 21 p.m. peak hour trips. The City of Costa Mesa considers a significant traffic impact when project-generated trips causes the peak hour level of service of the study intersection to change from acceptable operation (Level of Service A, B, C, or D) to deficient operation (LOS E or F). Currently the Harbor Boulevard/Harbor Center intersection is operating at LOS A during both the a.m. peak hour and p.m. peak hour, and is forecast to continue to operate at LOS A during both peak hours with the addition of project trips. The Harbor Boulevard/Wilson Street intersection is operating at LOS A during the a.m. peak hour and LOS B during p.m. peak hour. This intersection is forecast to continue to operate at LOS A during the a.m. peak hour, and LOS B during p.m. peak hour with the proposed project. Therefore, the two key study intersections would continue to operate under acceptable LOS for both a.m. and p.m. hours.

C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. An Initial Study/Mitigated Negative Declaration was prepared for the proposed project, pursuant to the California Environmental Quality Act. Although the proposed project could have a significant effect on the

environment, mitigation measures have been included as conditions of approval that reduce impacts to the fullest extent reasonable and practicable.

EXHIBIT 2A

Amendment to the Zoning Map

Change the zoning designation of the 4.15-acre development site at 2277 Harbor Boulevard from Local Commercial District (C1) to Planned Development Residential- High Density (PDR-HD)