

DENIAL RESOLUTION

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA DENYING GENERAL PLAN AMENDMENT GP-14-04 CHANGING THE LAND USE DESIGNATION OF A 4.15 ACRE SITE FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY RESIDENTIAL (HDR); REZONE R-14-04 FOR A REZONE (OR CHANGE) OF THE ZONING CLASSIFICATION OF THE SAME DEVELOPMENT SITE FROM C1 (LOCAL BUSINESS DISTRICT) TO PLANNED DEVELOPMENT RESIDENTIAL-HIGH DENSITY (PDR-HD), AND MASTER PLAN PA-14-27 FOR THE PROPOSED DEVELOPMENT OF A FOUR-STORY 224-UNIT RESIDENTIAL APARTMENT BUILDING (60 FEET OVERALL HEIGHT) THAT WRAPS AROUND A FIVE-LEVEL PARKING STRUCTURE (50 FEET OVERALL HEIGHT) WITH 503 PARKING SPACES IN THE STRUCTURE WITH A SITE-SPECIFIC BUILDING HEIGHT DEVIATION TO ALLOW A FIVE LEVEL PARKING STRUCTURE (MAXIMUM 4 LEVELS ALLOWED) LOCATED AT 2277 HARBOR BOULEVARD

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES 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 (ISMND) 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;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 12, 2015, with all persons having the opportunity to speak and be heard for and against the proposal.

WHEREAS, a duly noticed public hearing was held by the City Council on November 3, 2015 with all persons provided an opportunity to speak for and against the proposed project;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the **CITY COUNCIL HEREBY DENIES** General Plan Amendment GP-14-04, Rezone R-14-04, Zoning Code Amendment CO-14-02, and Planning Application PA-14-27.

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

 STEPHEN M. MESSINGER
 Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

 CITY CLERK OF THE
 CITY OF COSTA MESA

 CITY ATTORNEY

EXHIBIT A

FINDINGS (DENIAL)

- A. The proposed rezone is not consistent with the Zoning Code and the General Plan.
- B. The proposed project does not comply with Title 13, Section 13-29(g)(5), Master Plan, of the Municipal Code due to the following:

The master plan does not meet the broader goals of the General Plan and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.
- C. The subdivision of the property for a residential common interest development is not consistent with the City's General Plan and Zoning Code.
- D. The Costa Mesa City Council has denied General Plan Amendment GP-14-04, Rezone R-14-04, Zoning Code Amendment CO-14-02, and Planning Application PA-14-27. Pursuant to Public Resources Code Section 21080(b) (5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- E. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.