ORDINANCE NO. 16-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO AMEND TITLE 13, CHAPTER V, ARTICLE 11 (DEVELOPMENT STANDARDS – MIXED-USE OVERLAY DISTRICT) TO INCLUDE THE HARBOR BOULEVARD MIXED-USE OVERLAY DISTRICT AND TO ADD A NEW ARTICLE (ARTICLE 12) PERTAINING TO THE RESIDENTIAL INCENTIVE OVERLAY DISTRICT AS ADOPTED UNDER THE 2015-2035 COSTA MESA GENERAL PLAN

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

SECTION 1: FINDINGS

The City Council finds as follows:

WHEREAS, Future development of all land within the City of Costa Mesa is guided by the General Plan, which was adopted on June 21, 2016. The Land Use Element of the General Plan directs long-range development in the City by indicating the location and extent of development to be allowed. The General Plan sets forth land use goals, policies, and objectives that guide new development.

WHEREAS, Code Amendment CO-16-02 is to amend Title 13, Chapter V, Article 11 (Development Standards – Mixed-Use Overlay District) to include the Harbor Boulevard Mixed-Use Overlay District and to add a new article (Article 12) pertaining to the Residential Incentive Overlay District as adopted under the 2015-2035 Costa Mesa General Plan. The amendment will establish standards for new development in these overlay districts.

SECTION 2: Title 13, Chapter V, Article 11, Development Standards – Mixed-Use Overlay District of the Costa Mesa Municipal Code, is hereby amended as follows:

Sec. 13-83.57. HARBOR MIXED-USE OVERLAY

The Harbor Mixed-Use Overlay applies to select areas along Harbor Boulevard, between Wilson Street and 19th Street. The intent is to introduce a diverse mix of uses, with the objective of creating a much more integrated, walkable, and complementary balance of creative commercial and office spaces, neighborhood-serving retail and commercial services, and residential uses along the southern portion of Harbor Boulevard that intersects with 19th Street. The designation allows residential development at up to 20 dwelling units per acre. A maximum 1.25 FAR applies to projects that consist of both residential and commercial mixed uses; a 1.00 FAR applies to stand-alone commercial projects. Live/Work development where the primary land use is residential and a workspace is provided on the ground level is not permitted in this overlay. Maximum building height is four stories. The provisions indicated in this article shall apply to the Harbor Mixed-Use Overlay. Unless otherwise indicated herein, the provisions of the 19 West Urban Plan shall apply to this overlay district.

SECTION 3: Title 13, Chapter V, Article 12, Residential Incentive Overlay District, is hereby added as follows:

ARTICLE 12. RESIDENTIAL INCENTIVE OVERLAY DISTRICT

Sec. 13-83.60. PURPOSE

It is the purpose and intent of this article:

(b) To meet General Plan goals to create new housing opportunities for residential development at strategic locations along Harbor Boulevard and Newport Boulevard that exhibit excellence in design, site planning, integration of uses and structures, and protect the integrity of neighboring development.

Sec. 13-83.61. DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings assigned to them in this section, except where the context clearly indicates a different meaning.

Base zoning district. A zoning district identified as R2-MD, R2-HD, R3, PDC, C1, or C2, within which only certain land uses and structures are permitted, or conditionally permitted, and certain regulations are established for development of land.

Overlay Zone. A zoning district that applies another set of zoning provisions to a specified area within an existing zoning district. The overlay zone supersedes the zoning regulations of the base zoning district, unless otherwise indicated.

Sec. 13-83.62. OVERLAY DEVELOPMENT TYPES

The Residential Incentive Overlay District creates opportunities for residential development at strategic locations along Harbor Boulevard and Newport Boulevard. This designation allows for development of new higher-density residential uses in areas where limited residential with lower densities are currently allowed. Small-lot single-family subdivisions would be appropriate as well. The Residential Incentive Overlay also expands development opportunities on residential and commercial properties not developed to their full potential or supporting outdated buildings and underperforming uses.

Sec. 13-83.63. APPLICATION REVIEW PROCEDURES IN RESIDENTIAL INCENTIVE OVERLAY DISTRICT

(a) **Residential Incentive Development Plan Screening Application required**. All residential and development projects proposed in the Residential Incentive Overlay District shall submit a screening application for consideration by City Council, as described in Section 13-28(g)(4) of the Zoning Code.

(b) **Master Plan required**. All development proposed in the Residential Incentive Overlay District requires approval of a master plan pursuant to CHAPTER III PLANNING APPLICATIONS. The final review authority for the master plan shall be the Planning Commission. Refer to Section 13-28(g), master plan, regarding the following: preliminary master plans and amendments to the master plan.

(c) **Master Plan Findings for Residential Incentive Overlay District**. The approval of the master plan for a residential development project in the Residential Incentive Overlay District shall be subject to the following findings:

1. The project is consistent with the General Plan and meets the purpose and intent of the Residential Incentive Overlay District.

2. The project includes adequate resident-serving amenities in the common open space areas and/or private open space areas in areas including, but not limited to, patios, balconies, roof terraces, walkways, and landscaped areas.
3. The project is consistent with the compatibility standards for residential development in that it provides adequate protection for residents from excessive noise, odors, vibration, light and glare, and toxic emanations.
4. The proposed residences have adequate separation and screening from adjacent commercial uses through site planning considerations, structural features, landscaping, and perimeter walls.

(d) Application of Development Standards.

1. Height - Maximum building height is four stories (roof top terraces are permitted and not considered a story), provided privacy concerns of adjacent established residential neighborhoods are adequately addressed through the setback of upper stories or other design approaches.

2. Density - Housing within the Residential Incentive Overlay District is limited to a maximum density of 40 units per acre.

(e) Deviation from Development Standards. A deviation from the Residential Incentive Overlay District development standards may be approved through the master plan process provided that the following findings are made.

1. Strict interpretation and application of the overlay district's development standards would result in practical difficulty inconsistent with the purpose and intent of the General Plan, while the deviation to the regulation allows for a development that better achieves the purposes and intent of the General Plan.

2. The granting of a deviation results in a development which exhibits excellence in design, site planning, integration of uses and structures and compatibility standards for residential development.

3. The granting of a deviation will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Sec. 13-83.64. RESIDENTIAL INCENTIVE OVERLAY DISTRICT DEVELOPMENT STANDARDS

Table 13-83.64 identifies the development standards in the Residential Incentive Overlay District. The development regulations of the base zoning district shall be superseded by the overlay district standards in this article, unless otherwise noted.

TABLE 13-83.64 DEVELOPMENT STANDARDS FOR RESIDENTIAL INCENTIVE OVERLAY DISTRICT	
Minimum Lot Area	0.5 acres
Maximum Density (Dwelling Units Per Acre)	40
Minimum Open Space	40% of total site area
Common Use Open Space	50% of required open space. Recreational facilities for children required for residential projects with 12 or more units
Private Open Space (Multi-Story Units)	Private decks or patios - minimum 100 square feet with no dimension less than 5 feet
Maximum Building Height	4 Stories. Sites abutting R2-MD zones shall incorporate a stepped elevation from three to four

TABLE 13-83.64 DEVELOPMENT STANDARDS FOR RESIDENTIAL INCENTIVE OVERLAY DISTRICT	
	stories. A minimum setback of 30 feet shall be provided on the side or rear for four-story elevations. Roof top terraces are permitted and not considered a story
Landscape Setback Abutting All Public Rights-Of-Way, Excluding Alleys	20 feet
Landscaped parkway (Interior Private Streets or Common Driveways)	Combined 10 feet wide, no less than 3 feet on one side
Front	20 feet
Side (Interior and Street)	20 feet (30 feet minimum for four stories abutting R2-MD zones)
Rear (Interior and Street)	20 feet (30 feet min. for four stories abutting R2-MD zones)
Chimneys	2 feet above maximum building height.
Fireplaces	2 feet into required setback or building separation area
Roof or Eaves Projections	2 feet 6 inches into required side setback or building separation area 5 feet into required front or rear setback
Building Separation	10-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures
Off-Street Parking	Refer to CHAPTER VI, ARTICLE 1 OFF-STREET PARKING STANDARDS RESIDENTIAL DISTRICTS
Landscaping	Refer to CHAPTER VII, LANDSCAPING STANDARDS
Residential Common Interest Development	Refer to CHAPTER V, ARTICLE 2 RESIDENTIAL COMMON INTEREST DEVELOPMENTS
Residential Small Lot Subdivisions	Refer to CHAPTER V, ARTICLE 2.5 RESIDENTIAL SMALL LOT SUBDIVISIONS

SECTION 6: 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 and is included as a part of EIR No. 2015111053, which was adopted in June 2016 for the 2015-2035 General Plan.

SECTION 7: 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 8: 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 9: 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.

PASSED AND ADOPTED this _____ day of _____ 2016.

_____
Stephen Mensinger, Mayor

ATTEST:

_____
Brenda Green
City Clerk of the City of Costa Mesa

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ____ day of _____, 2016, and thereafter at the regular meeting of said City Council duly held on the _____ day of _____, 2016, was duly passed and adopted by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Brenda Green
City Clerk of the City of Costa Mesa