ATTACHMENT 4

PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 29, 2016 ITEM NUMBER: PH-1

SUBJECT: CODE AMENDMENT CO-16-02 – AMENDMENT TO 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

DATE: AUGUST 19, 2016

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
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DESCRIPTION

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.

ENVIRONMENTAL DETERMINATION

EIR No. 2015111053, was adopted in June 2016, for the 2015-2035 General Plan.

RECOMMENDATION

Recommend that the City Council approve the ordinance and give first reading.

BACKGROUND/ANALYSIS

Future development of all land within the City of Costa Mesa is guided by the 2015-2035 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.

The following additions to the City's Zoning Code will allow implementation of the new Harbor Mixed-Use Overlay as well as the Residential Incentive Overlay District included in the City's 2015-2035 General Plan.

Code Amendment CO-16-02

Chapter V, Article 11 (Mixed-Use Overlay District)

The proposed changes to the above article are 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.

Chapter V, Article 12 (Residential Incentive Overlay District)

The proposed new article is as follows:

ARTICLE 12. RESIDENTIAL INCENTIVE OVERLAY DISTRICT

Sec. 13-83.60. PURPOSE

It is the purpose and intent of this article:

(a) 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 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

TABLE 13-83.64 DEVELOPMENT STANDARDS FOR RESIDENTIAL INCENTIVE OVERLAY DISTRICT	
	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

GENERAL PLAN CONFORMITY

The proposed amendments are consistent with the following objective of the 2015-2035 General Plan:

Objective LU-3. Establish policies, standards, and procedures to minimize blighting influences, and maintain the integrity of stable neighborhoods.

PUBLIC NOTICE

Code requires publication of a display advertisement in the local newspaper (Daily Pilot) for amendments to Title 13 Code Amendments. At the time of publication of this report, no public comments have been received. Any correspondence will be forwarded to the Planning Commission under separate cover.

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.

LEGAL REVIEW

The staff report and the draft ordinance have been reviewed and approved by the City Attorney.

CONCLUSION

Adoption of the ordinance will allow implementation of the new overlay districts adopted in June 2016 as a part of the 2015-2035 General Plan.

MEL LEE, AICP
Senior Planner

GARY ARMSTRONG, AICP
Economic Development & Development Services Director/Deputy CEO

Attachment: ~~1. Draft Ordinance~~
~~2. Overlay Exhibits From the 2015-2035 Costa Mesa General Plan~~

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