

ORDINANCE NO. 16-11

SECOND READING OF ORDINANCE 16-11 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA FOR REZONE R-16-05 TO REZONE (OR CHANGE) A 2.07 ACRE SITE FROM C1 (LOCAL BUSINESS DISTRICT) TO R1 (SINGLE FAMILY RESIDENTIAL DISTRICT) FOR THE PROPERTY LOCATED AT 2850 MESA VERDE DRIVE EAST

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

WHEREAS, an application was filed by Pinnacle Residential, representing the property owners, Donald S. Ellis Trust and Leonard Family Trust, requesting approval of the following land use entitlements:

1. Adoption of an **Initial Study/Negative Declaration**;
2. **General Plan Amendment GP-16-05**. General Plan Amendment to change the land use designation of a 2.07-acre site from GC (General Commercial) to LDR (Low Density Residential); and
3. **Rezone R-16-05**. Rezone of a 2.07-acre site from C1 (Local Business District) to R-1 (Single Family Residential District - eight (8) dwelling units per acre maximum density allowed). The General Plan Amendment and Rezone is to accommodate an 11-unit, two-story, single-family residential development which will be submitted to the City for a separate public hearing at a future date.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 26, 2016 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, at the September 26, 2016 meeting, the Planning Commission recommended, on a 5-0 vote, that City Council take the following actions by separate Planning Commission resolution;

- (1) **APPROVE** the Initial Study/Negative Declaration;
- (2) **APPROVE** General Plan Amendment GP-16-05; and
- (3) **GIVE FIRST READING** to Rezone R-16-05.

WHEREAS, on October 17, 2016, a duly noticed public hearing was held by the City Council.

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Negative Declaration was prepared and circulated from September 6, 2016, to September 26, 2016 for public review and comment;

WHEREAS, the City of Costa Mesa received written comments from the general public, government entities, and other interested parties during the public review period;

WHEREAS, written comments received from the general public, government entities, and other interested parties were responded to, where appropriate, in the manner prescribed in California Code of Regulations Section 15073;

WHEREAS, no significant new information has been added to the Initial Study/Negative Declaration and no changes to the proposed project have occurred which would require recirculation of the Initial Study/Negative Declaration under CEQA Guidelines Section 15073.5;

WHEREAS, the City Council has reviewed all environmental documents comprising the Initial Study/Negative Declaration and has found that the Initial Study/Negative Declaration considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Initial Study/Negative Declaration is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines;

WHEREAS, the Initial Study/Negative Declaration for this project reflects the independent judgment of the City of Costa Mesa;

BE IT RESOLVED that, based on the evidence in the record, the City Council hereby **APPROVES** as follows:

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

1. There is hereby placed and included in the R1 (Single Family Residential District) zoning district a 2.07 -acre parcel, identified as County Assessor Parcel Number 139-313-09 and as shown in attached Exhibit B, situated in the City of Costa Mesa, County of Orange, State of California.
2. 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 A. 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 A

FINDINGS (APPROVAL)

- A. **Required Finding:** The proposed rezone is consistent with the Zoning Code and the General Plan.
- **Facts In Support of Findings:** The proposed rezone is consistent with the Zoning Code and the General Plan. The proposed project will be required to meet or exceed the intent of the City's Zoning Code with regard to the development standards for the R1 zone, including density, setbacks, lot size, and on-site parking. The proposed General Plan land use designation for the project area is Low Density Residential (8 dwelling units to the acre maximum), which is compatible with the proposed zone change to R1. The proposed 11-unit project provides a maximum density of 5 dwelling units to the acre. The maximum density is based on the gross acreage of the site.

EXHIBIT B

Amendment to the Zoning Map

Change the zoning designation of the 2.07-acre development site at 2850 Mesa Verde Drive East from Local Business District (R1) to Single Family Residential District (R1)

