



CITY COUNCIL

AGENDA REPORT

MEETING DATE: NOVEMBER 1, 2016

ITEM NUMBER: **PH-3**

SUBJECT: AN ORDINANCE OF THE CITY OF COSTA MESA FOR REZONE R-16-02 TO REZONE A 23.4-ACRE SITE LOCATED AT 1375 SUNFLOWER AVENUE AND 3370 HARBOR BOULEVARD FROM INDUSTRIAL PARK (MP) TO PLANNED DEVELOPMENT COMMERCIAL (PDC) AND ZONING CODE AMENDMENT TO TITLE 13, CHAPTERS IV AND V RELATED TO LAND USE MATRIX, FLOOR AREA RATIOS AND PLANNED DEVELOPMENT STANDARDS RELATED TO THE SITE

DATE: OCTOBER 20, 2016

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI (714) 754-5610
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DESCRIPTION

The proposed project involves:

- Rezone Application R-16-02: An ordinance to rezone a 23.4-acre site consisting of three parcels (APNs: 140-041-24, 140-041-40, 140-041-62) from Industrial Park (MP) Planned Development Commercial (PDC) consistent with the 2015-2035 General Plan; and,
- Code Amendment CO-16-05: An amendment to Title 13, Chapters IV and V related to land use matrix, floor area ratios and Planned Development Commercial standards as related to the site.

APPLICANT

The applicant and agent of property owner (TREN/Kearny Costa Mesa, LLC) is Hoonie Kang of Kearny Real Estate Company.

RECOMMENDATION

As recommended by the Planning Commission give first reading to Ordinance No. 16-xx adopting Rezone R-16-02 changing the zoning of the property located at 1375 Sunflower Avenue and 3370 Harbor Boulevard from Industrial Park (MP) zone to Planned Development Commercial (PDC) and Code Amendment 16-05 related to Title 13, Zoning Code, Chapters IV and V relative to land use matrix, floor area ratio and Planned Development Commercial standards.

BACKGROUND

The 23.4-acre project site is located north of the 405 freeway bounded by Sunflower Avenue to the north, South Coast Drive to the south and Harbor Blvd. to the west. The site includes three parcels; two parcels extending from South Coast Drive to Sunflower Avenue that were occupied by LA Times and one facing Harbor Blvd that has been used as a private ballfield (APNs: 140-041-24, 140-041-40, 140-041-62). The applicant (TREH/Kearny Costa Mesa, LLC) recently acquired the ballfield parcel to include three parcels for reuse of the LA Times building as a new creative office space and potential development of two new office buildings and related parking.

The project site was within the Industrial Park (IP) land use designation of the 2002 General Plan. The General Plan was amended in June 2016 and the project site was re-designated and is currently under Commercial Center (CC) land use designation.

ANALYSIS

Rezone R-16-02

With the current General Plan land use designation of Commercial Center, the applicant is seeking the following zone change and zoning code amendment for consistency with the 2015-2035 General Plan:

- Rezone – request to change the current zoning from Industrial Park (MP) to Planned Development Commercial (PDC) to allow office/commercial development consist with the 2015-2035 General Plan land use designation.

The property is currently zoned Industrial Park (MP) which allows allows development of large and campus like settings. Permitted uses include but are limited to:

- Printing and publishing
- Storage
- Warehouse and distribution
- Incidental retail
- Central Administrative offices
- Consultant offices (Engineer, architectural, etc.)

General retail and medical offices are prohibited in the MP zone and general offices are subject to approval of a minor conditional use permit. The maximum allowable Floor Area Ratio for a use with moderate to low traffic trip generation is 0.30 to 0.40. Office uses are typically considered at 0.30 FAR.

The proposed rezone could allow development of office uses of up to 655,000 square feet and commercial development up to 553,000 square feet subject to maximum trip counts adopted by the 2015-2035 General Plan. The 2015-2035 General Plan allows the following intensities for the project site:

Categories	Baseline (2015)	Los Angeles Times Site
Floor-Area Ratio (FAR)	N/A	0.64 FAR for office development 0.54 FAR for commercial/retail Maximum trip budget is 1,015 AM and 976 PM. Building intensity shall not exceed maximum allowable development set forth by the trip budget.
Building Square Feet	374,000	655,000 sq.ft. for office development 553,000 sq.ft. for commercial/retail

This rezone of the property to PDC and zoning code amendment will provide consistency between the 2015-2035 General Plan land used designation of Commercial Center (CC) and zoning for the project site.

With a PDC zone, any future office or commercial development on this site will be subject to a master plan approval by the Planning Commission and a project specific environmental review.

Zoning Code Amendment

With the 2015-2035 General Plan update, City Council did not support any residential development at the project site. Title 13, Table 13-58 refers to development standards of the PDC zone that also includes reference to densities of residential development. The following Zoning Code amendments will specifically note that residential development is not permitted at the project site and development is subject to maximum FAR and trip budgets adopted by the general Plan.

The following amendments to Title 13 is necessary to make consistency between the General Plan and the Zoning Code:

Amendment to Title 13, Chapter IV:

TABLE 13-30 CITY OF COSTA MESA LAND USE MATRIX																					
LAND USES	Z O N E S																				
	R 1	R 2 M D	R 2 H D	R 3	A P	C L	C 1	C 2	C 1 S'	T C ¹	M G	M P	P D R L D ¹	P D R M D ¹	P D R H D ¹	P D R N C M ¹	P D C ¹	P D I ¹	I & R ¹	I & R S ¹	P
RESIDENTIAL USES																					
1. Single-family dwellings (single housekeeping units)	P ⁴	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
2. Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•	•
2.1 Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•	•
2.2 Small lot subdivisions, residential	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3. Mobile home parks	•	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
4. Boardinghouse, small ⁷	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
5. Boardinghouse, large ⁷	•	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
6. Residential care facility, 6 or fewer persons (State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
7. Group homes, 6 or fewer	S	S ⁶	S ₆	S ⁶	•	•	•	•	•	•	•	•	S ⁶	S ⁶	S ⁶	S ⁶	S ⁶	S ⁶	S ⁶	P	•
7.1. Sober living homes, 6 or fewer	S ⁶	S ⁶	S ₆	S ⁶	•	•	•	•	•	•	•	•	S ⁶	S ⁶	S ⁶	S ⁶	S ⁶	S ⁶	S ⁶	P	•
8. Residential care facility, 7 or more	•	C ⁶	C ₆	C ⁶	•	•	•	•	•	•	•	•	•	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	P	•
9. Group homes, 7 or more	•	C ⁶	C ₆	C ⁶	•	•	•	•	•	•	•	•	•	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	P	•
9.1 Sober living homes, 7 or more	•	C ⁶	C ₆	C ⁶	•	•	•	•	•	•	•	•	•	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	P	•
10. Referral facility (Subject to the requirements of Section 13-32.2 Referral facility).	•	C ²	C ₂	C ²	•	•	•	C ₂	•	•	•	•	•	C ²	C ²	•	•	•	•	•	•
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	C ₂	C ₂	•	•	•	•	•	•	•	•	•	•	•	•	•

1. Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan. Residential uses shall not be permitted on any site or parcel of land on which residential uses are expressly prohibited by the General Plan.
2. This use is subject to the requirements of the referenced Municipal Code article or section.
3. If residential uses exist, accessory uses shall be permitted.
4. For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited; and S – Special Use Permit
5. 650 foot separation required between sober living homes, or from state licensed alcohol or drug abuse recovery or treatment facilities. CMMC 13-311(a)(10)(i).
6. Subject to the separation requirement set forth in Section 13-322(a)(3) and 13-323(b).
7. Small boardinghouses shall locate at least 650 feet from any other small boardinghouse. Large boardinghouses shall be located at least 1,000 feet away from any other boardinghouse.
8. Uses prohibited in the base zoning district of a mixed-use overlay zone shall also be prohibited in the overlay zone

Amendment to Title 13, Chapter V, Article 6:

TABLE 13-58 PLANNED DEVELOPMENT STANDARDS						
DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Maximum Density per Section 13-59 MAXIMUM DENSITY CRITERIA. (dwelling units per acre)	8	12	20 Note: See North Costa Mesa Specific Plan for exceptions. Note: The maximum density for 125 East Baker Street is 58 dwelling units per acre (C0-13-02). Note: The maximum density for 2277 Harbor Boulevard is 54 dwelling units per acre (C0-14-02).	35	20 Note: The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre. See North Costa Mesa Specific Plan for exceptions. <u>Note: No residential development is permitted within the 23.4-acre project site generally addressed as 1375 Sunflower Avenue and 3370 Harbor Boulevard.</u>	
Density in Mixed Use Projects	The density of the residential component of a mixed use Planned Development shall be calculated by dividing the total number of dwelling units proposed by that portion of the total site area ¹ devoted to residential uses, including required parking, landscaping, open space, and driveways to serve the residential component. The density permitted within the residential component shall be determined by the criteria established in Section 13-59 MAXIMUM DENSITY CRITERIA.					
Maximum Site Coverage ² NOTE: Site coverage of multi-story projects with integrated parking structures shall be based upon the usable floor area at the street or grade level, exclusive of parking areas, driveways, plazas, courtyards or pedestrian walkways.	Not applicable				30% outside the Downtown Redevelopment Project Area 35% within the Downtown Redevelopment Project Area	50%
Perimeter Open Space per Section 13-61 PERIMETER OPEN SPACE CRITERIA.	20 feet abutting all public rights-of-way, excluding alleys (may be reduced in the PDC and PDR-NCM zones pursuant to Section 13-61 PERIMETER OPEN SPACE CRITERIA).					

Amendment to Title 13, Chapter V, Sec. 13-69, Floor Area Ratio Established:

TABLE 13-69 Maximum Floor Area Ratios				
GENERAL PLAN LAND USE DESIGNATION	HIGH TRAFFIC USES ¹	MODERATE TRAFFIC USES ²	LOW TRAFFIC USES ³	VERY LOW TRAFFIC USES ⁴
Commercial-Residential	0.20	0.30	0.40	-
Neighborhood Commercial	0.15	0.25	0.35	0.75
General Commercial	0.20	0.30	0.40	0.75
Commercial Center ⁶	0.30	0.35	0.45	0.75
Regional Commercial ⁵	-	0.652/0.89	-	-
Urban Center Commercial ⁵	-	0.50	0.60	-
Light Industry	0.15	0.25	0.35	0.75
Industrial Park	0.20	0.30	0.40	0.75
Public/Semi-Public	0.25 and 0.01 for golf courses			
Fairgrounds	0.10			

¹ For commercial designations, high traffic uses are those which generate more than 75 daily trip ends per 1,000 square feet of gross floor area. For industrial designations, high traffic uses are those which generate more than 15 daily trip ends per 1,000 square feet of gross floor area.

² For commercial designations, moderate traffic uses are those which generate between 20 and 75 daily trip ends per 1,000 square feet of gross floor area. For industrial designations, moderate traffic uses are those which generate between 8 and 15 daily trip ends per 1,000 square feet of gross floor area.

³ For commercial designations, low traffic uses are those which generate between 3 and 20 daily trip ends per 1,000 square feet of gross floor area. For industrial designations, low traffic uses are those which generate between 3 and 8 daily trip ends per 1,000 square feet of gross floor area.

⁴ For commercial and industrial designations, very low traffic uses are those which generate less than 3 daily trip ends per 1,000 square feet of gross floor area.

⁵ Maximum FAR standards in the Regional Commercial and Urban Center Commercial designations shall be further limited by the maximum AM peak hour and PM peak hour trip budget as established in the general plan.

⁶ The approximately 23.4-acre site containing three parcels at 1375 Sunflower Avenue and 3370 Harbor Boulevard is subject to maximum Floor Area Ratios of 0.64 for office development and 0.54 for commercial development as adopted by the 2015-2035 General Plan; the maximum trip budget is 1,015 for AM trips and 976 for PM trips.

GENERAL PLAN CONFORMANCE

The proposed rezone and zoning code amendment conforms to the following General Plan Land Use Goals, Objectives, and Policies:

- Objective LU-2A: Promote land use patterns and development that contribute to community and neighborhood identity.
- Objective LU-6A: Ensure the long term productivity and viability of the community's economic base.

- Objective LU-4A: Encourage new development and redevelopment to improve and maintain the quality of the environment.
- Objective LU-5A: Ensure availability of adequate community facilities and provision of the highest level of public services possible, taking into consideration budgetary constraints and effects on the surrounding area.
- Objective LU-6A: Ensure the long-term productivity and viability of the community's economic base.

JUSTIFICATIONS FOR APPROVAL

On October 10, 2016, the Planning Commission found that the evidence presented in the administrative record substantially met specified findings and recommended approval of the proposed project, based on an assessment of facts and findings below.

Rezone and Code Amendment

- *The proposed rezone is required for consistency between the 2015-2035 General Plan and the zoning for the property to allow for office and/ or commercial development, while meeting the development standards of the PDC zone.*

State law requires consistency between general plan and zoning for properties with new land use designation. The land use designation for this site was changed from IP (Industrial Park) to (CC) Commercial Center by the 2015-2035 General Plan. This rezone will be required to provide consistency and allow the permitted uses by the General Plan on this property.

- *The development intensity for office and or commercial development have been studied with the 2015-2035 General Plan and the Environmental Impact Report (EIR) No. 2015111053 prepared for the General Plan.* The development within this zoning district is subject to FARs and trip budget established by the General Plan. The Planned Development Commercial zoning allows for a mix of office, commercial and residential development; however, the General Plan prohibits residential use on this site. The applicable development standards need to be reflected in the Zoning Code and are included in the proposed amendment.
- *The traffic impacts of the project site with the approved intensities have been reviewed with the 2015-2035 General Plan update and EIR No. 2015111053 prepared for the General Plan.*

Based on the Citywide traffic study, the proposed site with the 0.64 FAR for office development and 0.54 FAR for commercial development adopted by 2015-2035 General Plan and the maximum trip budget of 1,015 for AM trips and 976 for PM trips has no significant traffic impacts. Any development in this area will be subject to review and approval of a master plan per requirements of Title 13, Chapter V, Section 13-56; project specific trips for various commercial or office development will be studied at the time and applicable traffic fees may be required.

ENVIRONMENTAL DETERMINATION

The proposed rezone and zoning code amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures. As proposed, the proposal does not make any changes to the development limitations in the Planned Development Commercial zone with regard to trip budgets and development intensity specific to this site. All traffic impacts have been reviewed with the 2015-2035 General Plan EIR. No subsequent or supplemental EIR was required since no substantial changes were proposed and no new information was available demonstrating new significant impacts. There are no significant effects that are peculiar to the project or the parcel on which the project would be located. In addition, there are no new significant effects that were not in the General Plan EIR; no new off-site impacts or cumulative impacts that were not evaluated in the General Plan EIR, and no new environmental effects beyond those identified in the General Plan EIR. All mitigation measures in the General Plan EIR that are relevant or applicable to the project site (if any) would continue to apply. Therefore, the relevant environmental analysis contained in the City of Costa Mesa General Plan EIR SCH No. 2015111053, June 2016 is still valid, and no further environmental review is required.

LEGAL REVIEW

The City Attorney's office approved the attached resolution as to form.

ALTERNATIVES

- *Approve the rezone and zoning code amendments as proposed; or*
- *Approve the rezone and zoning code amendments with modifications.* The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow for additional analysis.

CONCLUSION

The development intensities for the proposed site has been determined with adoption of the 2015-2035 General Plan. The objective of the rezone and the zoning code amendments is to provide consistency with the General Plan and allowed intensities.

MINOO ASHABI, AIA
Principal Planner

JAY TREVINO, AICP
Interim Economic Development and
Development Services Director

- Attachments:
1. [Location Map, Zoning Map](#)
 2. [Planning Commission Resolution](#)
 3. [Draft Ordinance and Exhibit](#)

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