



# PLANNING COMMISSION AGENDA REPORT

*J. I.*

MEETING DATE: JUNE 14, 2004

ITEM NUMBER

SUBJECT: REZONE R-04-04 FOR 2436 NEWPORT BOULEVARD

DATE: JUNE 1, 2004

FOR FURTHER INFORMATION CONTACT: CLAIRE L. FLYNN, AICP, ASSOCIATE PLANNER  
(714) 754-5278

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## DESCRIPTION

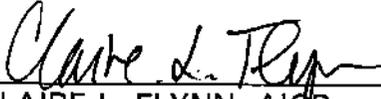
The proposed project is for a change in zoning from Local Business District (C2) to Multi-Family Residential, Medium Density (R2-MD) for the property at 2436 Newport Boulevard. Future development of the property would be medium-density residential development.

## APPLICANT

Darwin Pearson, property owner.

## RECOMMENDATION

Recommend the following actions to City Council: (1) adopt mitigated negative declaration and mitigation monitoring program and (2) give first reading to the ordinance for rezone R-04-04.

  
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CLAIRE L. FLYNN, AICP  
Associate Planner

  
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R. MICHAEL ROBINSON, AICP  
Planning & Redevelopment Mgr.

  
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PERRY K. VALANTINE  
Asst. Development Services Director

## **BACKGROUND**

The project site is located in the Newport Boulevard Specific Plan area, which encompasses the east side of Newport Boulevard between 19th Street and Mesa Drive. The General Plan land use designation is Commercial-Residential, and the zoning is Local Business District (C1). The Newport Boulevard Specific Plan sets forth a comprehensive list of development policies and standards, incentives and implementation programs to ensure the long-term viability of the Newport Boulevard business district. The intent of the plan is to encourage viable commercial uses to continue and prosper as well as to provide marginal uses adequate incentives to redevelop or transition to a better use of the property.

The Commercial-Residential land use designation in the Specific Plan allows properties to be rezoned for compatible residential development. This designation encourages the redevelopment of marginal commercial areas to residential land uses. Rezoning properties to residential may revitalize this area and stimulate redevelopment. In addition, the proposed rezone is in conformance with the General Plan and consistent with General Plan Policy HOU-3.1, which encourages the conversion of existing marginal or vacant commercial properties to residential where feasible.

## **ANALYSIS**

### *Project Location*

The property located at 2436 Newport Boulevard consists of two parcels (Vicinity Map, Attachment 1). Lot 7 (Assessor Parcel Number 439-028-07) is approximately 19,067 square feet (0.44 acres) in size, and Lot 8 is 20,532 sq.ft. (0.46 acres) in size, for a combined total of about one acre. The existing buildings on the property include an office building (1,114 sq.ft.) for an engineering firm and an eleven-unit storage building (5,620 sq.ft.) located at the rear of the property. The office building for "The Engineering Group" was formerly a service station building that was converted in December 1997. The fuel station canopy was redesigned and preserved in place as a design feature.

The property is bound by Newport Boulevard to the west, commercially zoned properties to the north and south, and medium-density residential to the east. The Comfort Inn motel is located on the neighboring property to the south and the Costa Mesa Village, a 96-unit single-room occupancy residential building, is located to the north. (Figure 2 of the initial study/mitigated negative declaration includes site photographs of the subject property including surrounding land uses.) The project is located in the Newport Boulevard Specific Plan area.

### *Project Description*

The planning application is for a rezone of the property from Local Business District (C1) to Multi-Family Residential, Medium Density (R2-MD). Since the R2-MD zoning is a compatible zoning district with the Commercial Residential General Plan designation, a General Plan amendment is not required. The R2-MD zoning classification would allow a maximum of 10 dwelling units on the combined properties (one dwelling unit per 3,630 sq.ft. of parcel area). The proposed project involves a rezone request and does not include a development project. At this time, the applicant has expressed an interest in construction of a small-lot, common-interest development which could result in a maximum of 10 single-family detached homes. However, the R2-MD zone would also allow for the construction of apartments or single-family attached homes.

### *Nonconforming Setbacks*

The change in the zoning classification of the subject site to medium-density residential would result in legal nonconforming setbacks for the adjoining commercial property to the south. The Zoning Code requires that commercial properties abutting residential properties be set back twice the height of the commercial building. This setback distance provides adequate buffering of commercial uses from residential areas. The Costa Mesa Village, a two-story, 96-unit single-room occupancy apartment (abutting the project site to the north), is set back approximately 60 feet from the side property line. The parking area and swimming pool abut the side property line. The Comfort Inn Motel, a 54-unit motel, is set back approximately 5-8 feet from the side property line and would become nonconforming on this side setback.

Any proposed residential development would require site plan review to ensure that the proposed buildings are adequately set back from adjacent commercial properties, and adequate buffering is provided. In addition, windows on the side elevation of these two-story structures currently overlook the project site. Site design and placement of windows will ensure that reasonable privacy is maintained for existing and proposed structures. Thus, the City's standard Design Review and processing procedures would ensure that the site design for proposed residential development is compatible with existing neighboring development.

### *Compatibility of Future Residential Development*

A rezone of the property to R2-MD would allow the construction of condominiums, town homes, or small-lot, single-family homes for ownership, attached rental housing (e.g. single apartment building), or detached multi-family residences (e.g. duplexes, triplexes). While staff is recommending approval of the rezone, staff considers that a single-family detached product is not appropriate for the site because it would be incompatible with the existing commercial uses along Newport Boulevard and would

result in an isolated single-family residential development along a highly-traveled corridor. If residential development is allowed on the property, the most appropriate product would be attached ownership housing, with common open space and design and security features to address the site's relative isolation from surrounding residential areas, parks, schools, etc.

### *Noise*

The Costa Mesa 2000 General Plan requires that sensitive uses be located outside a 65 Community Noise Equivalent Level (CNEL) noise contour. Traffic noise may not be greater than the 65 CNEL exterior noise standards and 45 CNEL interior noise standards. According to the 2000 General Plan, existing (Year 2000) and expected (Year 2020) noise contours along the project site range from 65 to 70 CNEL. These noise contours were based on the average daily traffic volume (ADT) noise levels at 100 feet from the roadway centerline without sound attenuation (e.g. block walls, landscape berms, etc.). This noise data does not take into account noise barriers or topography which may affect ambient noise levels. Specifically, the noise analysis may not fully take into account the depression of the Costa Mesa Freeway in this area which may result in a reduction of CNEL noise contours.

The primary source of noise is from traffic on the Costa Mesa Freeway and Newport Boulevard. The front half of the property is located in the 70 CNEL noise contour and the back half in the 65 CNEL noise contour. Given that the front half of the property is in the 70 CNEL noise contour, noise attenuation for a five decibel reduction would be required. For example, an 8-foot high sound wall and landscape berming may adequately reduce noise levels to a minimum of 65 CNEL. If exterior sound levels cannot be adequately attenuated in the front area of the property, proposed residential development, including yard areas, would need to be located towards the middle to rear areas where the noise contour level is 65 CNEL. Furthermore, buildings would also provide sound attenuation by buffering open areas.

Since a development proposal is not submitted in conjunction with the rezone application, State law allows mitigation measures for significant impacts to be specified as performance standards which would mitigate the significant effect of the project and which may be accomplished by more than one means. The performance standards will stipulate the type of noise barriers to be used, the timing of implementation, and contingency plans if the barriers do not successfully attenuate noise levels in conformance with City standards.

Typical residential construction achieves an average of 12 decibels of outdoor-to-indoor noise reduction with windows open. With windows closed, the outdoor-to-indoor noise reduction increases to an average of 20 decibels. In order to assume that windows can remain closed, adequate mechanical ventilation must be provided. An acoustical study and site plan review will be completed for any future residential development project to accurately identify any noise impacts and specify mitigation (e.g. landscape berms, solid walls, site design techniques, proper insulation, dual-

paned windows, etc.). Mitigation Measures identified in the environmental document require a noise study and the implementation of recommended noise attenuation methods.

### *Traffic*

The existing buildings on the property include a single-story office building (1,114 sq.ft) for "The Engineering Group" and an eleven-unit storage building (5,620 sq.ft.) The combined office/storage uses in the Commercial Residential land use designation are considered "low-traffic generating uses" with a maximum FAR of 0.40.

	ZONING	DEVELOPMENT	AM PEAK HOUR	PM PEAK HOUR	ANTICIPATED AVERAGE DAILY TRIPS
MAXIMUM BUILDOUT UNDER GENERAL PLAN	C1	15,480 sq.ft. (max 0.40 FAR)	25 trips	24 trips	174 ADT
EXISTING	C1	6,734 sq.ft.	3 trips	3 trips	26 ADT
PROPOSED	Multi-Family Residential District, R2-MD (1 unit per 3,630 s.f. of parcel area minimum)	10 DWELLING UNITS	8 trips	10 trips	96 ADT

The rezone of the property from commercial to residential use would result in an overall trip reduction of 45 percent compared to General Plan build out conditions. The maximum build out potential for low-traffic generating uses (i.e. commercial uses) would be a 15,480 sq.ft. office building with a projected trip generation of 174 ADT. Compared to the maximum buildout potential of 10 dwelling units in the R2-MD zone, the average daily trips would decrease from 174 ADT to approximately 96 ADT (forty-five percent).

### **ENVIRONMENTAL DETERMINATION**

An initial study was prepared, pursuant to the California Environmental Quality Act (CEQA). According to the initial study and mitigated negative declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment. The environmental impacts related to a specific, medium-density residential development would be evaluated in a separate environmental document, and mitigation measures would be provided to minimize any significant impacts from proposed residential development to below a level of significance.

However, it is important to note that mitigation is not deferred in the environmental document. State law allows mitigation measures for significant impacts to be specified as performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way. The performance standards will stipulate the type of mitigation, the timing of implementation, and contingency plans if proposed mitigation do not successfully attenuate noise levels in conformance with City standards. The proposed mitigation measures meet these requirements as mandated by State Law.

### **ALTERNATIVES CONSIDERED**

The Planning Commission has the following alternatives:

1. Recommend approval of the rezone application. Proposed residential development would be in conformance with the City's General Plan policy and Newport Boulevard Specific Plan, which encourage the conversion of existing marginal or vacant commercial properties to residential where feasible.
2. Recommend denial of the application. The existing zoning would permit continuation of the existing office and storage uses, or redevelopment to permitted office or retail uses.

### **CONCLUSION**

The applicant is interested in developing the subject property as a small-lot, common interest development. If the rezone were approved, this development may contribute up to 10 single-family residences to the City's housing stock. Staff considers this project as a good opportunity to convert an existing commercial property to residential and ultimately provide increased homeownership opportunities in Costa Mesa. However, a single-family detached product would not be appropriate because it would be incompatible with the existing commercial uses along Newport Boulevard and would result in an isolated single-family residential development along a highly-traveled corridor. If residential development is allowed on the property, the most appropriate product would be attached ownership housing, with common open space and design and security features to address the site's relative isolation from surrounding single-family neighborhoods, schools, and parks. An attached product would also provide better opportunities for buffering noise from the freeway and adjacent roadway.

- Attachments:
1. Vicinity Map
  2. Draft Planning Commission Resolution
  3. Initial Study/Mitigated Negative Declaration (separately bound document)

Distribution:

- Deputy City Manager- Dev. Svcs. Director
- Sr. Deputy City Attorney
- City Engineer
- Fire Protection Analyst
- Staff (4)
- File (2)

Darwin Pearson  
2436 Newport Boulevard  
Costa Mesa, CA 92627

**Attachment 2**  
**Draft Resolution**

**RESOLUTION PC-04 \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND FIRST READING OF REZONE R-04-04 FOR 2436 NEWPORT BOULEVARD.**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Darwin Pearson, property owner, with respect to the real property located at 2436 Newport Boulevard, requesting Rezone R-04-04 to change the zoning from Local Business District (C1) to Multi-Family Residential District, Medium-Density (R2-MD);

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 14, 2004;

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and an Initial Study/Mitigated Negative Declaration was prepared and available for public review from May 25, 2004 – June 13, 2004;

WHEREAS, the Planning Commission deems it to be the best interest of the City that said rezone be approved;

NOW THEREFORE BE IT RESOLVED that an initial study was prepared, pursuant to the California Environmental Quality Act. According to the Initial Study and Mitigated Negative Declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment. Additionally, the evidence in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on wildlife resources or habitat;

BE IT FURTHER RESOLVED that the Planning Commission recommends City Council approval of the Mitigated Negative Declaration and Mitigation Monitoring Program;

BE IT FURTHER RESOLVED that the Planning Commission recommends City Council give first reading of the Ordinance to change the zoning classification of the subject property from Local Business District (C1) to Multi-Family Residential District, Medium Density (R2-MD).

**PASSED AND ADOPTED this 14<sup>th</sup> day of June, 2004.**

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Chair, Costa Mesa Planning Commission



# 2436 Newport Blvd

Aerial Photograph



## Legend

- Hydrology Channels
- Street Names
- City Boundary
- Ortho Photography
- Parcels

**Attachment 2**

**Draft Resolution**

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Chair, Costa Mesa Planning Commission

