



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: OCTOBER 10, 2016

ITEM NUMBER: PH-1

SUBJECT: REZONE 16-02 TO CHANGE THE ZONING OF A 23.4-ACRE PROPERTY LOCATED AT 1375 SUNFLOWER AVENUE AND 3370 HARBOR BOULEVARD FROM INDUSTRIAL PARK (MP) TO PLANNED DEVELOPMENT COMMERCIAL (PDC) AND CODE AMENDMENT CO-16-05 TO AMEND THE ZONING CODE RELATED TO LAND USE MATRIX, PLANNED DEVELOPMENT AND FLOOR AREA RATIO AS RELATED TO THIS PROPERTY

DATE: SEPTEMBER 29, 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 (MG) 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 (TREH/Kearny Costa Mesa, LLC) is Hoonie Kang of Kearny Real Estate Company.

RECOMMENDATION

Adopt resolution to recommend that City Council 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 (MG) 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 (MG) 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 MG 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 General Commercial (GC) 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'	M G	M P	P D R L D'	P D R M D'	P D R H D'	P D R N C M'	P D C'	P D I'	I & R'	I & R S'	P
RESIDENTIAL USES																					
1. Single-family dwellings (single housekeeping units)	P ⁴	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•
2. Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	•
2.1 Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	•
2.2 Small lot subdivisions, residential	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3. Mobile home parks	•	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•
4. Boardinghouse, small ⁷	•	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•
5. Boardinghouse, large ⁷	•	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•
6. Residential care facility, 6 or fewer persons (State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•
7. Group homes, 6 or fewer	S	S ⁶	S ₆	S ⁶	•	•	•	•	•	•	•	•	S ⁶	P	•	•					
7.1. Sober living homes, 6 or fewer	S ⁵	S ⁶	S ₆	S ⁶	•	•	•	•	•	•	•	•	S ⁶	P	•	•					
8. Residential care facility, 7 or more	•	C ⁶	C ₆	C ⁶	•	•	•	•	•	•	•	•	C ⁶	P	•	•					
9. Group homes, 7 or more	•	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	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	•	•	•	•	•	•	•	•	•	•	•	•

- 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.
- This use is subject to the requirements of the referenced Municipal Code article or section.
- If residential uses exist, accessory uses shall be permitted.
- 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
- 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).
- Subject to the separation requirement set forth in Section 13-322(a)(3) and 13-323(b).
- 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.
- 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 containing 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).					

generally addressed as

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

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings. Staff recommends approval of the proposed project, based on an assessment of facts and findings below which are also described in more detail in the draft approval resolution.

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. Draft Resolution
 3. Draft Ordinance and Exhibit

Distribution:

- Interim Director of Economic & Development Services/Deputy CEO
- Interim Assistant Development Services Director
- Senior Deputy City Attorney
- Public Services Director
- City Engineer
- Transportation Services Manager
- Fire Protection Analyst
- File (2)

Hoonie Kang
Kearny Real Estate Company
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RESOLUTION NO. PC-16-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COSTA MESA GIVE FIRST READING TO ORDINANCE 16- XX TO REZONE (R-16-02) A 23.4-ACRE SITE FROM INDUSTRIAL PARK (MG) TO PLANNED DEVELOPMENT COMMERCIAL (PDC) FOR THREE PARCELS LOCATED AT 1375 SUNFLOWER AVENUE AND 3370 HARBOR BOULEVARD AND ZONING CODE AMENDMENT CO-16-05 TO AMEND TITLE 13, CHAPTERS IV AND V RELATED TO DEVELOPMENT STANDARDS APPLICABLE TO THE OVERALL SITE

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

WHEREAS, an application was filed by Hoonie Kang of Kearny Real Estate, representing the property owner, TREH/Kearny Costa Mesa, LLC, requesting approval of the following:

- 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 (MG) to 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 overall site.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2016 with all persons having the opportunity to speak and be heard for and against the proposal.

WHEREAS, the Planning Commission has reviewed all environmental documents and has found that 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.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, respectively, the Planning Commission hereby **RECOMMENDS THAT THE CITY COUNCIL:** Approve and give first reading to Ordinance No. 16-xx approving Rezone R-16-02 and Code Amendment CO-16-05.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Rezone R-16-02 and CO-16-05 and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval and/or mitigation measures.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 10th day of October, 2016.

Robert L. Dickson Jr., Chair,
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

A. **Required Finding:** The proposed rezone is consistent with the Zoning Code and the General Plan.

- 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 EIR No. 2015111053 prepared for the General Plan. The development within this zoning district is subject to FARs and trip budgets 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 amendments.
- The traffic impacts of the project site with the approved intensities have been reviewed with the 2015-2035 General Plan update and Environmental Impact Report 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.

The rezone and zoning code amendment are consistent with specific goals and objectives of the General Plan, Land Use Element as described below:

- 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.

ORDINANCE NO. 16-

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 BOUEVARD FROM INDUSTRIAL PARK (MG) 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

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

SECTION 1: FINDINGS

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, 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.

WHEREAS, the development intensity for office and or commercial development were studied with the 2015-2035 General Plan and the EIR No. 2015111053 prepared for the General Plan. The development within this zoning district is subject to FARs and trip budgets 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 amendments.

WHEREAS, the traffic impacts of the project site with the approved intensities have been reviewed with the 2015-2035 General Plan update and Environmental Impact Report 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.

WHEREAS, an application was filed by Hoonie Kang, representing the property owner, TREH/Kearny Costa Mesa, LLC, requesting approval of the following:

- 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 (MG) Planned Development Commercial (PDC) consistent with the 2015-2035 General Plan; and,
- Code Amendment CO-16-05: an amendment to Title 13, Chapters VI and V related to land use matrix, floor area ratios and Planned Development Commercial standards as related to the site.

WHEREAS, 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 above and in respective Exhibit A. A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 2: Title 13, Chapter IV, Table 13-30, Land Use Matrix is hereby amended to revise footnote No. 1 as follows:

[...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. ..]

SECTION 3: Title 13, Chapter V, Table 13-58 is amended as follows:

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 containing 1375 Sunflower Avenue and 3370 Harbor Boulevard.</u>	

SECTION 4: Title 13, Chapter V, Article 8, Table 13-69 is amended as follows:

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.

SECTION 5: 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.

SECTION 6: 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 7: 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 8: 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

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

EXHIBIT A

Amendment to the Zoning Map

Change the zoning district of the 23.4-acre development site at 1375 Sunflower Avenue and 3370 Harbor Boulevard from Industrial Park (MP) to Planned Development Commercial (PDC)

