

ORDINANCE NO. 16-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FOR REZONE R-16-02 TO REZONE A 23.4-ACRE SITE LOCATED AT 1375 SUNFLOWER AVENUE AND 3370 HARBOR BOUEVARD 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

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 (MP) 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. Note: No residential development is permitted within the 23.4-acre project site generally addressed as 1375 Sunflower Avenue and 3370 Harbor Boulevard.

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	-	0.65/0.89	-	-
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.

PASSED AND ADOPTED this 15th day of November, 2016.



Stephen M. Mensinger, Mayor

APPROVED AS TO FORM:



Thomas Duarte, City Attorney

ATTEST:



Brenda Green, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 16-13 as introduced and considered section by section at a regular meeting of said City Council held on the 1st day of November, 2016, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 15th day of November, 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS: FOLEY, GENIS, RIGHEIMER AND MENSINGER
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: MONAHAN

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this 16th day of November, 2016.



Brenda Green, City Clerk

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)

