

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING REZONE 20-01 TO REZONE A 15.23-ACRE SITE TO PLANNED DEVELOPMENT RESIDENTIAL-HIGH DENSITY (PDR-HD) AND ESTABLISH A SITE-SPECIFIC DENSITY OF 80 DWELLING UNITS PER ACRE AND MAXIMUM 1,057 UNITS FOR THE PROPERTY GENERALLY LOCATED AT 1683 SUNFLOWER AVENUE

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY FIND AND DECLARE AS FOLLOWS:

WHEREAS, an application was filed by Brent Stoll of Rose Equities, representing the property owners, requesting approval of certain land use entitlements;

WHEREAS, duly noticed public hearings were held by the Planning Commission on April 13, and May 11, 2020 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, at their regular meeting on May 11, 2020, the Planning Commission recommended that City Council approve the project by a 6-1 vote (Commissioner Zich voting No);

WHEREAS, a duly noticed public hearing was held by the City Council on June 15, 2021 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, on June 15, 2021, the City Council approved the first reading by a 5-1 vote (Councilmember Harper voting no and Councilmember Harlan recusing);

WHEREAS, the City Council took the following actions by separate resolution;

1. **CERTIFY** the Final Environmental Impact Report (SCH No. 2019050014) including the Mitigation Monitoring and Reporting Program, Finding of Facts and Statement of Overriding Consideration;
2. **APPROVE** General Plan Amendment GP-20-01 to change the land use designation of the project site from Industrial Park (IP) to High Density Residential (HDR) with a site-specific density of 80 du/acre and maximum of 1,057 units;
3. **APPROVE** Master Plan PA-19-19 for a mixed use development with 1,057 residential units, 6,000 square feet of commercial space and 25,000 square feet of office development;

4. **APPROVE** Tentative Tract Map No. 19105 (T-19-01) for future subdivision of the subject property including establishing the right to a future airspace subdivision for condominium purposes;
5. **APPROVE** Development Agreement DA-20-02 by adopting a separate ordinance; and,
6. **APPROVE** Specific Plan SP-20-01 by adopting a separate ordinance;

WHEREAS, on July 20, 2021, the City Council approved the second reading by a 5-1 vote (Councilmember Harper voting no and Councilmember Harlan recusing);

WHEREAS, on July 20, 2021, the proposed project required the approval by the electorate and the effective date of Ordinance 2021-12 stated that the “Ordinance shall become effective following approval of the Project by the electorate at the regular municipal election or at a special election funded by the applicant”;

WHEREAS, on November 8, 2022, “Measure K” was passed by the Costa Mesa voters, amending Article 22, of the Costa Mesa Zoning Code, modifying regulations to allow for the development of housing in specific commercial and industrial areas while keeping residential neighborhoods intact and revitalizing commercial corridors without a vote by the electorate;

WHEREAS, the subject project is located at 1683 Sunflower Avenue which is located within the Measure K boundaries and no longer requires approval by the electorate;

WHEREAS, the applicant and property owner, Costa Mesa Sunflower, LLC, by their authorized agent Brent Stoll with Rose Equities, requested to amend the Ordinances to be consistent with Costa Mesa Zoning Code, Article 22, eliminating the electoral vote requirement;

WHEREAS, on May 13, 2024, at a duly noticed public hearing, the Planning Commission, after taking public testimony, recommended that the City Council approve the requested amendment;

WHEREAS, a duly noticed public hearing was held by the City Council on June 4, 2024, with all persons having the opportunity to speak for and against the proposal;

WHEREAS, on June 4, 2024, the City Council approved the first reading by a 6-0-1 vote (Councilmember Harper absent) gave first reading to the Ordinance;

WHEREAS, on June 18, 2024, the City Council voted X-X to adopt Ordinance 2024-06;

WHEREAS, the previously approved general plan amendment re-designated the land use from Industrial Park to High Density Residential in order to allow residential use with a site-specific density and building height. To ensure consistency between the General Plan Land Use Map and the Zoning Map, the property is rezoned from Industrial Park (MP) to Planned Development Residential – High Density (PDR-HD);

WHEREAS, PDR-HD districts are intended for multi-family residential developments and complementary non-residential uses within a planned development. As such, the proposed zoning district would allow a mix of residential and non-residential uses;

WHEREAS, the project includes a specific plan adopted with a separate ordinance to allow site-specific development standards (density, building setbacks, open space, land use matrix, parking). The Specific Plan would act as the project's zoning regulations. Future development on-site and off-site improvements would be required to comply with the Specific Plan development standards and design guidelines – thus, the rezone would be consistent with the Zoning Code, General Plan, and Specific Plan;

WHEREAS, rezone is a legislative action subject to the discretionary approval of the final decision body, City Council. The One Metro West Specific Plan establishes the development's land use plan, development standards, regulations, design guidelines, infrastructure systems, and implementation strategies on which subsequent, project-related development activities would be founded. Upon adoption of the Specific Plan, subsequent project-specific architectural plans, detailed site plans, grading and building permits, and any other actions requiring either ministerial or discretionary approvals would be required to demonstrate consistency with the Specific Plan;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a Project Environmental Impact Report (EIR) was prepared by the City in accordance with the California Environmental Quality Act (CEQA) and certified by the City Council on May 4, 2021 by Resolution No. 2021-54;

WHEREAS, pursuant to CEQA Guidelines Section 15162 the proposed amendments are in substantial conformance with the Final Environmental Impact Report (EIR) for the One Metro project (State Clearing House No. 2019050014), including a

mitigation monitoring program and statement of overriding considerations, which was certified by the City Council on May 4, 2021, and that no further environmental review under CEQA is required; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

Now, therefore, THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

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

1. The proposed rezone to Planned Development Residential-High Density (PDR-HD) with a site-specific density of 80 dwelling units per acre and maximum 1,057 units consistent with the General Plan as amended by General Plan Amendment 20-02 and adopted by Resolution No. 2021-55.
2. There is hereby placed and included in the Planned Development Residential-High Density (PDR-HD) zoning district a 15.23-acre parcel, situated in the City of Costa Mesa, County of Orange, State of California.
3. 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 Subsections Number 1 and Number 2 above. A copy of the Official Zoning Map and Zoning Code 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: Effective Date. This Ordinance shall take effect on the 31st day after adoption.
Section 5: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED AND ADOPTED this _____ day of _____ 2024.

John Stephens
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow
City Attorney

EXHIBIT A

REZONE R-20-01

Amendment to the Zoning Map

Change the zoning district designation of the 15.23-acre site at 1683 Sunflower Avenue from Industrial Park (MP) to Planned Development Residential - High Density (PDR-HD)

Proposed Zoning Code: Planned Development Residential- High Density

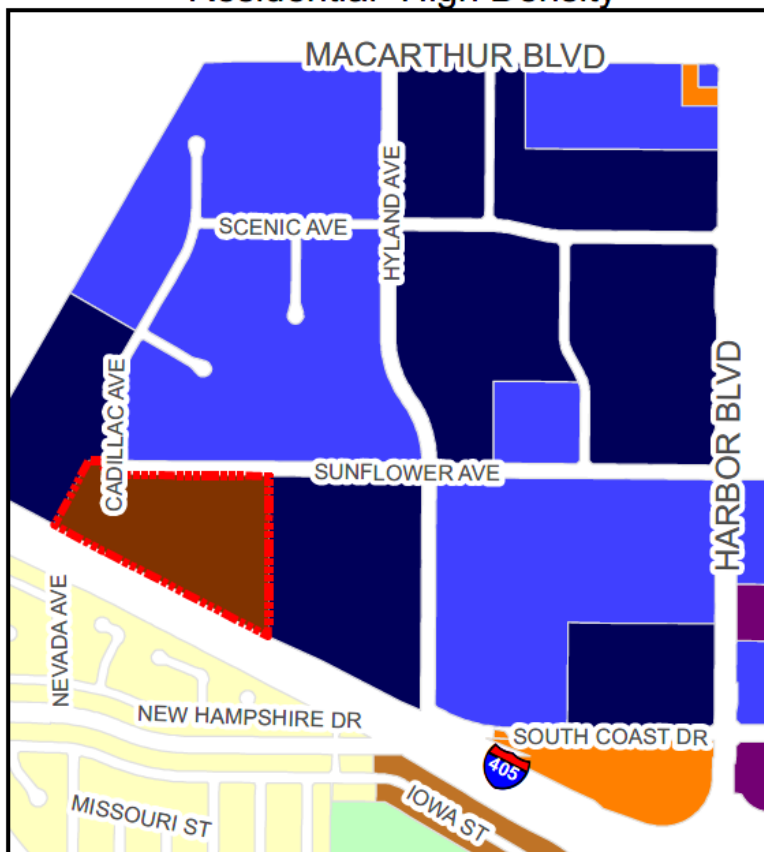


EXHIBIT B

Amendment to Table 13-58

Update Table 13-58 to note the site-specific density for the One Metro West project (text changes shown in bold font below)

<i>DEVELOPMENT STANDARD</i>	<i>PDR-LD</i>	<i>PDR-MD</i>	<i>PDR-HD</i>	<i>PDR-NCM</i>	<i>PDC</i>	<i>PDI</i>
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). Note: The maximum density for 1683 Sunflower Avenue is 80 dwelling units per acre (R-20-01) and maximum 1,057 units	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 Ave. and 3370 Harbor Blvd.	