

**RESOLUTION NO. 2025-XX****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, DENYING A GENERAL PLAN AMENDMENT (PGPA-24-0001), MASTER PLAN (PMAP-24-0002), AND TENTATIVE TRACT MAP NO. 19351 FOR THE DEVELOPMENT OF 40 RESIDENTIAL CONDOMINIUM UNITS LOCATED AT 220, 222, 234, and 236 VICTORIA STREET (“VICTORIA PLACE”)**

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, a General Plan Amendment, Rezone, Tentative Tract Map, and Master Plan, was filed by Bundy-Finkel Architects, on behalf of WMC, LLC, requesting approval of the following: General Plan Amendment, Rezone, Master Plan, and Tentative Tract Map to facilitate the development of a 40-unit residential common interest development project located at 220, 222, 234, and 236 Victoria Street;

WHEREAS, pursuant to Costa Mesa Municipal Code (CMMC) Section 13-83.63(a) and City Council Policy 500-2, a project screening is required for all residential development proposals within the RIOD, as well as for any privately-initiated General Plan Amendment;

WHEREAS, a screening provides awareness of the application to the community and gives the City Council an opportunity to offer comments on the merits and appropriateness of the proposed development before the applicant submits the formal planning application(s);

WHEREAS, a screening for General Plan Amendment (PSCR-24-0001) and RIOD was conducted by the City Council August 6, 2024, pursuant to the requirements of the CMMC Section 13-83.63(a) and City Council Policy 500-2;

WHEREAS, a General Plan Amendment is required to modify the Land Use Element's maps, figures, text and tables to apply a RIOD zoning designation to the subject property, as the site currently has a land use designation of General Commercial, which does not allow residential development;

WHEREAS, General Plan Amendment (PGPA-24-0001) requested, the following revisions to the Land Use Element;

1. Figure LU-3 – apply the RIOD designation to the project site, without changing the underlying General Commercial land use designation
2. Figure LU-9 – amend text apply the RIOD designation to the project site
3. Table LU-16 – update the Newport Boulevard RIOD Density Column to 117 units and total combined units to 478 units and remove the Floor Area Ratio section as FAR no longer applies to the RIOD
4. Figure LU-11: *Residential Incentive Overlay: Newport Boulevard* by revising exhibits to show the RIOD designation to the project site and revising allowable maximum residential units to 117 units and removing commercial square footage

WHEREAS, based on the proposed General Plan Amendment, a Rezone is requested to establish consistency between the General Plan and Zoning Code and apply the RIOD zoning designation to the subject project site, currently zoned C2 – General Business District, to facilitate the residential development while maintaining the underlying commercial zoning;

WHEREAS, the Master Plan (PMAP-24-0002) proposes a 40-unit residential development and is consistent with and meets the objectives of the General Plan as market-rate housing is encouraged and is compatible with the existing commercial and residential uses nearby;

WHEREAS, the applicant proposes to deviate from the following development standards: increased floor area ratio; reduced common use open space; increased building height; reduce side setback; reduced rear setback; omit landscape parkways; reduced parking; reduced garage space; and reduced parking space next to buildings;

WHEREAS, Tentative Tract Map No. 19351 is a request to subdivide the property for future individual ownerships through the condominium subdivisions process;

WHEREAS, a duly-noticed public hearing was held by the Planning Commission on June 9, 2025 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) including the Mitigation Monitoring and Reporting Program was prepared in compliance with CEQA and the local environmental review guidelines;

WHEREAS, on June 9, 2025, the Planning Commission recommended denial of the proposed project (in a vote 5-2), expressing concerns related to the project's reliance on deviations from development standards, its use of the residential overlay zoning district mechanism, and pedestrian safety;

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit B, the City Council hereby **RESOLVES** as follows:

1. **Deny** General Plan Amendment PGPA-24-0001 to modify the Land Use Element's maps, figures, text and tables to apply a RIOD zoning designation to the subject property, as the site currently has a land use designation of General Commercial, which does not allow residential development; and
2. **Deny** Master Plan PMAP-24-0002 for a 40-unit residential common interest development; and
3. **Deny** Tentative Tract Map No. 19351 to subdivide the properties for condominium purposes.

BE IT FURTHER RESOLVED that the City Council does hereby find and determine that the adoption of this Resolution is based on the findings that the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, General Plan Amendment, Rezone, Master Plan and Tentative Tract Map, as described in the staff report, are not consistent with the applicable provisions of the General Plan and Municipal Code, and therefore, the project is denied.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document 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 15th day of July, 2025.**

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2025-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15<sup>th</sup> day of July, 2025, by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 15<sup>th</sup> day of July, 2025.

\_\_\_\_\_  
Brenda Green, City Clerk

## EXHIBIT A

### GENERAL PLAN AMENDMENT PGPA-24-0001

#### **Amendment to Land Use Map (Figure LU-3)**

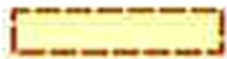
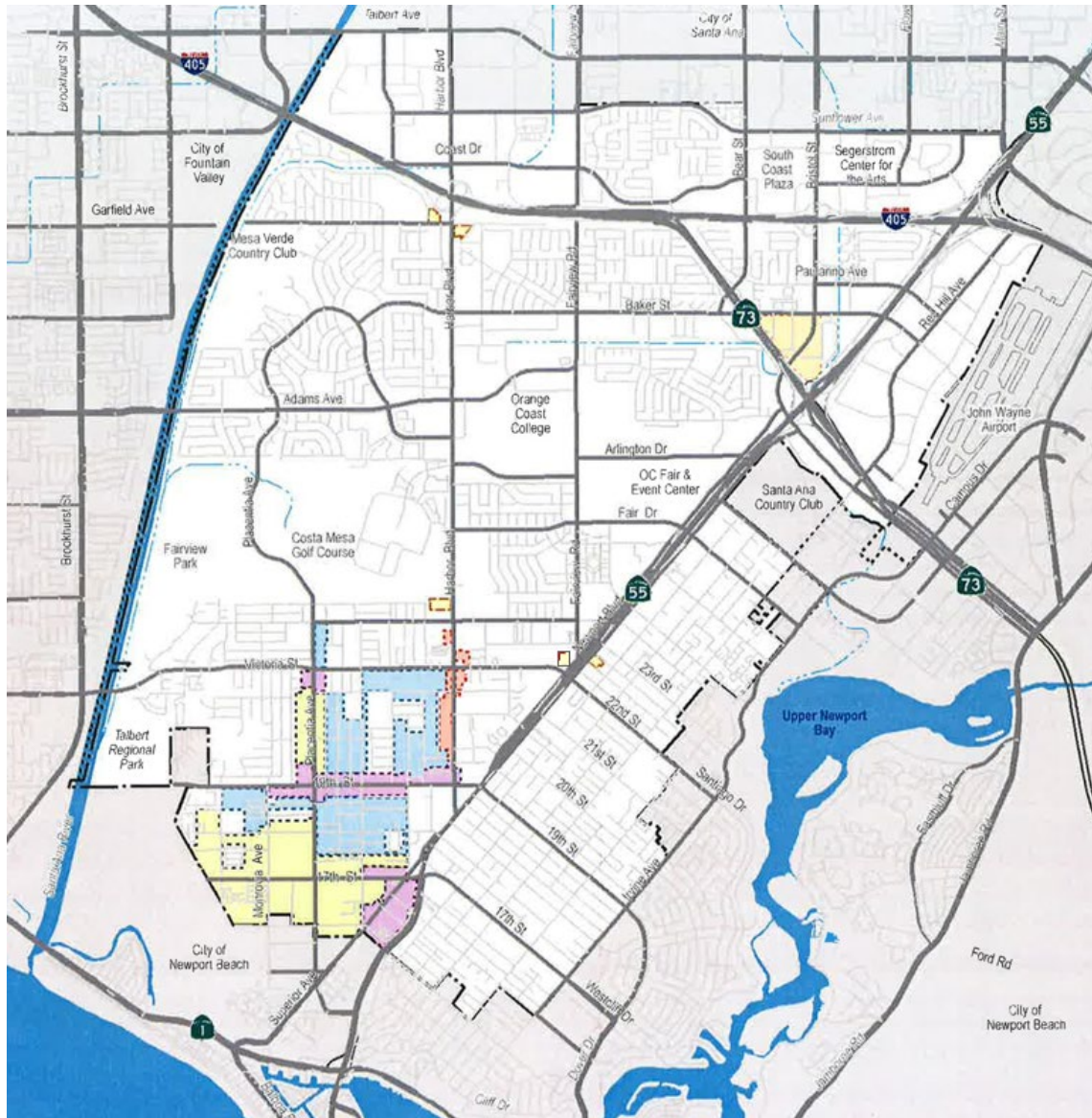
Update Land Use Map by applying the Residential Incentive Overlay District designation to the project site, without changing the underlying General Commercial land use designation:



**Residential Incentive Overlay (30 du/ac)**

## Amendment to Overlays and Urban Plans (Figure LU-9)

Update Figure LU-9: *Overlays and Urban Plans* by applying the Residential Incentive Overlay District designation to the project site, without changing the underlying zone:



**Residential Incentive Overlay (30 du/ac)**

## Amendment to Residential Incentive Overlay (Table LU-16)

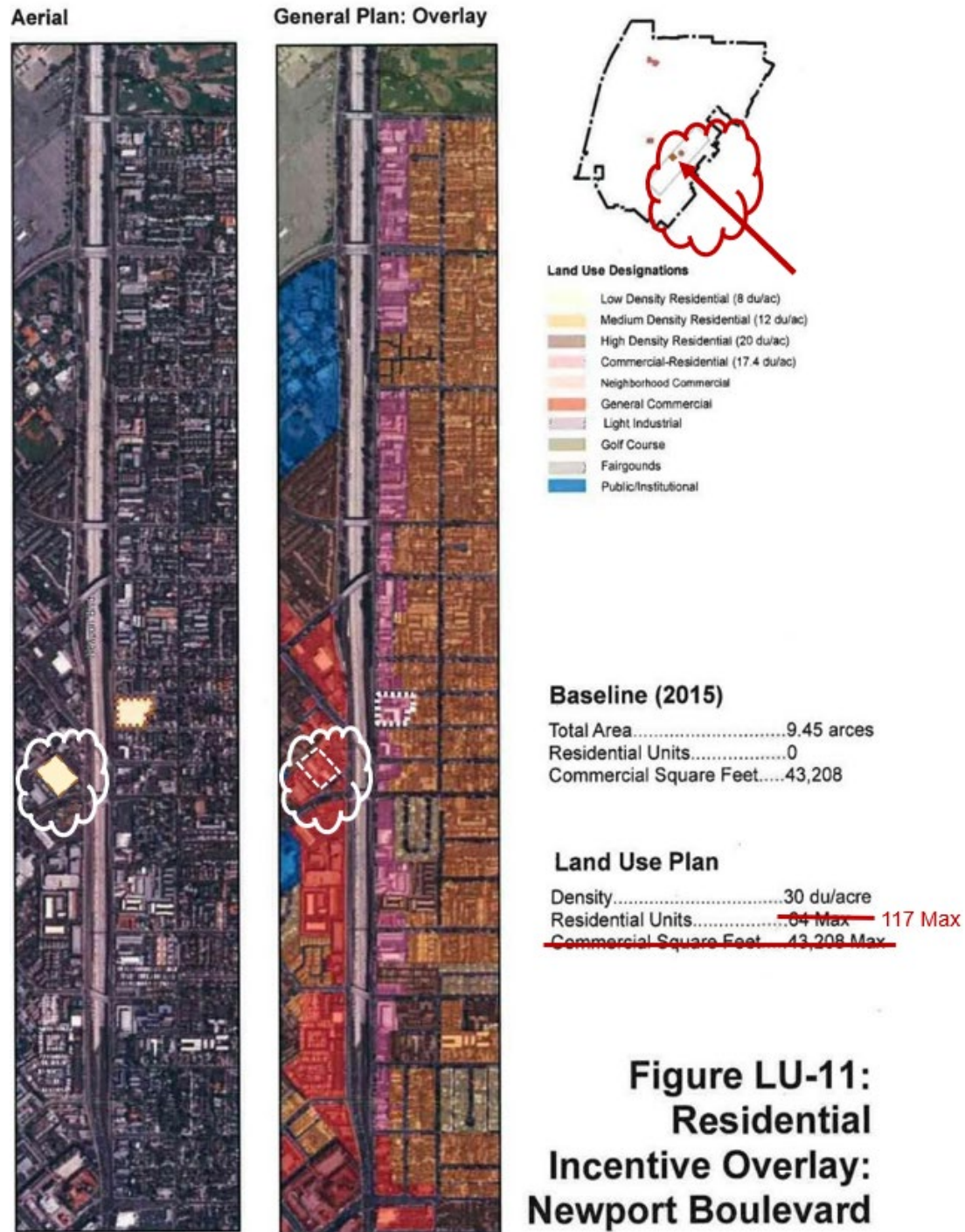
Update Table LU-16: *Residential Incentive Overlay* by updating the Newport Boulevard Residential Incentive Overlay Density Column to 117 units and total combined units to 478 units and remove the Floor-Area Ratio (FAR) calculation as FAR no longer applies to the RIOD:

Categories		Baseline (2015)	Residential Incentive Overlay
Density (DU/AC)		N/A	30
Units	Harbor Boulevard	84	361
	Newport Boulevard	237	<del>64</del> 117
	Total Units	321	<del>425</del> 478
<del>Floor-Area Ratio (FAR)</del>			
Building Square Feet	<del>Harbor Boulevard</del>	<del>162,500</del>	<del>149,976</del>
	<del>Newport Boulevard</del>	<del>582,200</del>	<del>43,208</del>
	<del>Total Building Square Feet</del>	<del>744,700</del>	<del>193,184</del>



## Amendment to Residential Incentive Overlay: Newport Boulevard (Figure LU-11)

Update Figure LU-11: *Residential Incentive Overlay: Newport Boulevard* by revising exhibits to show the Residential Incentive Overlay designation to the project site and revising allowable maximum residential units to 117 units and removing commercial square footage.





## EXHIBIT B

### **FINDINGS**

#### **A. General Plan Amendment (PGPA-24-0001)**

According to Costa Mesa Municipal Code Section 13-29(g), there are no specific findings required for a General Plan Amendment. Such amendments are considered legislative actions and are subject to the discretion of the City Council. In this case, the proposed General Plan Amendment seeks to modify the Land Use Element's maps, figures, text, and tables to apply the Residential Incentive Overlay District (RIOD) designation to the subject property. The underlying land use designation of General Commercial would remain unchanged.

- B. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(g)(11) “**Rezone Findings**” because:

***Finding: The proposed rezone is consistent with the Zoning Code and the general plan and any applicable specific plan.***

#### **Facts in Support of Finding:**

- C. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(g)(13) – “**Tentative Tract Map Findings**” because:

***Finding: The creation of the subdivision and related improvements is consistent with the general plan, any applicable specific plan, and this Zone Code. proposed rezone is consistent with this Zoning Code.***

#### **Facts in Support of Finding:**

***Finding: The proposed use of the subdivision is compatible with the general plan.***

#### **Facts in Support of Finding:**

***Finding: The subject property is physically suitable to accommodate the subdivision in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the Zoning Code and general plan, and consideration of appropriate environmental information.***

#### **Facts in Support of Finding:**

***Finding: The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by State Government Code section 66473.1***

**Facts in Support of Finding:**

***Finding: The division and development will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.***

**Facts in Support of Finding:**

***Finding: The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State Water Code section 13000).***

**Facts in Support of Finding:**

The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(g)(5) – **“Master Plan Findings”** because:

***Finding: The master plan meets the broader goals of the General Plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.***

**Facts in Support of Finding:**

***Finding: Master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district.***

**Facts in Support of Finding:**

***Finding: As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.***

**Facts in Support of Finding:**

The proposed project does not comply with Title 13, Section 13-83.63(c) of the Costa Mesa Municipal Code **“Master Plan for Residential Incentive Overlay District Findings”** because:

***Finding: The project is consistent with the General Plan and meets the purpose and intent of the residential incentive overlay district.***

**Facts in Support of Finding:**

***Finding: The project includes adequate resident-serving amenities in the common open space areas and/or private open space areas in areas including, but not limited to, patios, balconies, roof terraces, walkways, and landscaped areas.***

**Facts in Support of Finding:**

- D. ***Finding: The project is consistent with the compatibility standards for residential development in that it provides adequate protection for residents from excessive noise, odors, vibration, light and glare, toxic emanations, and air pollution.***

**Facts in Support of Finding:**

***Finding: The proposed residences have adequate separation and screening from adjacent commercial uses through site planning considerations, structural features, landscaping, and perimeter walls.***

**Facts in Support of Finding:**

The proposed project does not comply with Title 13, Section 13-83.63(e) of the Costa Mesa Municipal Code “**Deviation from Residential Incentive Overlay District Standards Findings**” because:

***Finding: Strict interpretation and application of the overlay district’s development standards would result in practical difficulty inconsistent with the purpose and intent of the General Plan, while the deviation to the regulation allows for a development that better achieves the purposes and intent of the General Plan.***

**Facts in Support of Finding:**

***Finding: The granting of a deviation results in a development which exhibits excellence in design, site planning, integration of uses and structures and compatibility standards for residential development.***

**Facts in Support of Finding:**

***Finding: The granting of a deviation will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.***

**Facts in Support of Finding:**

