

ORDINANCE NO. 2021-13**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING SPECIFIC PLAN 20-01 APPLYING ZONING STANDARDS TO A 15.23-ACRE PROPERTY REZONED TO PLANNED DEVELOPMENT RESIDENTIAL-HIGH DENSITY (PDR-HD) WITH A SITE-SPECIFIC DENSITY OF 80 DWELLING UNITS PER ACRE FOR THE PROPERTY 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, 2020 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 meeting, 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 or will take the following actions by separate resolution;

1. CERTIFY the Final Environmental Impact Report (SCH No. 2019050014) including the Mitigation Monitoring and Reporting Program;
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 with maximum 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 introduction of a separate ordinance;
6. APPROVE Rezone R-20-01 by introduction of a separate ordinance; and
7. APPROVE Specific Plan 20-01 by introduction of a separate ordinance.

WHEREAS, the proposed general plan amendment would re-designate 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 to allow site-specific development standards (e.g., density, building setbacks, open space, land use matrix, parking).

WHEREAS, 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, adoption of a Specific Plan is considered a legislative action subject to the discretionary approval of the City Council.

WHEREAS, the One Metro West Specific Plan establishes the development's land use plan, development standards, zoning regulations and permitted uses, 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).

WHEREAS, in accordance with CEQA Guidelines Section 15073, the Draft EIR was made available for a public comment period beginning on February 7, 2020. During the public review period, City facilities that had copies of the EIR for public review were closed as a result of Governor Newsom's direction regarding COVID-19; as such, the City accepted late written comments through March 30, 2020.

WHEREAS, the Draft EIR analyzed construction of the project to occur in one phase. The revised construction phasing schedule shows construction is planned to occur in three phases. A technical memo was drafted to evaluate the construction phasing change in terms of impacts to air quality, greenhouse gases, noise, and transportation associated with the revised phasing schedule. The proposed change in the phasing resulted in no significant environmental effects not previously considered in the Draft EIR and do not substantially alter the conclusions or findings of the Draft EIR related to the project's potential environmental effects or proposed mitigation measures. The change in construction phasing does not constitute "significant new information" pursuant to CEQA Guidelines Section 15088.5; as a result, a recirculation of the EIR is not required;

WHEREAS, the Final EIR was made available to the public 10 days prior to the City Council public hearing date on the City's website as well as an email notification sent to previous commenters of the Draft EIR;

WHEREAS, a list of comments received and response to the comments are included as part of the Final EIR presented to City Council on June 15, 2021.

WHEREAS, the Draft EIR found that the following areas are considered significant unavoidable adverse impacts: greenhouse gas emissions during project operation and transportation during project operation. The City prepared a Statement of Overriding Considerations to demonstrate that decision-makers have balanced the benefits of the proposed project against its significant unavoidable impacts and have determined the benefits outweigh the adverse impacts; therefore, the significant unavoidable impacts would be considered acceptable.

WHEREAS, the Statement of Overriding Consideration is included as Exhibit C of Resolution No. 2021-54.

NOW, THEREFORE, THE COSTA MESA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: SPECIFIC PLAN. The City of Costa Mesa by an ordinance adopts Specific Plan 20-01 for the project area that would be applied as the Zoning document for the area. The One Metro West Specific Plan establishes the development's land use plan, development standards, zoning regulations and permitted uses, design guidelines, infrastructure systems, and implementation strategies on which subsequent, project-related development activities would be founded.

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 become effective following approval of the Project by the electorate at the regular municipal election or at a special election funded by the applicant.

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 20th day of July 2021.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

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

I, Brenda Green, City Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 2021-13 was introduced and considered section by section at a regular meeting of said City Council held on the 15th day of June, 2021, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 20th day of July, 2021, by the following roll call vote:

AYES: COUNCILMEMBERS: CHAVEZ, GAMEROS, REYNOLDS, MARR, AND STEPHENS.

NOES: COUNCILMEMBERS: HARPER

ABSENT: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: HARLAN

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this 21st day of July, 2021.

Brenda Green, City Clerk