

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING PGPA-23-0002 TO REZONE A 14.25-ACRE SITE TO PLANNED DEVELOPMENT COMMERCIAL (PDC) AND PLANNED DEVELOPMENT RESIDENTIAL – NORTH COSTA MESA (PDR-NCM) AND ESTABLISH A SITE-SPECIFIC DENSITY OF 62 DWELLING UNITS PER ACRE AND MAXIMUM 1,050 UNITS FOR THE PROPERTY LOCATED AT 3333 SUSAN STREET

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

WHEREAS, an application was filed by Tim O'Brien of Legacy Partners, representing the property owners, requesting approval of certain land use entitlements;

WHEREAS, a study session was held by the Planning Commission on May 27, 2025;

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, at their regular meeting on June 9, 2025, the Planning Commission recommended that City Council approve the project by a __-__ vote;

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

WHEREAS, on _____, the City Council approved the first reading by a __-__ vote;

WHEREAS, the City Council took or will take the following actions by separate resolution:

1. **CERTIFY** the Final Environmental Impact Report (SCH No. 2024060115) including the Mitigation Monitoring and Reporting Program, and Finding of Facts;
2. **APPROVE** General Plan Amendment PGPA-23-0002 to change the land use designation of the project site from Industrial Park to Urban Center Commercial and High Density Residential (HDR) with a site-specific density of 62 du/acre and maximum of 1,050 units;
3. **APPROVE** the Master Plan for a three-phased development with 1,050 residential units and 3,692 square feet of retail space;

4. **APPROVE** the density bonus agreement to allow for a 20 percent increased density and waivers for parking structure standards in exchange for 11.8% of the base units being provided at low-income levels;
5. **APPROVE** Vesting Tentative Parcel Map No. 2024-114 for the subdivision of the subject property for phasing purposes;
6. **APPROVE** the Development Agreement by adopting a separate ordinance;
and,
7. **APPROVE** the North Costa Mesa Specific Plan amendment by adopting a separate ordinance.

WHEREAS, the proposed general plan amendment would re-designate the land use from Industrial Park to Urban Center Commercial and High Density Residential in order to allow a residential use with a site-specific density. To ensure consistency between the General Plan Land Use Map and the Zoning Map, the property is rezoned from Planned Development Industrial (PDI) to Planned Development Commercial (PDC) and Planned Development Residential – North Costa Mesa (PDR-NCM);

WHEREAS, PDC districts are intended for commercial and complementary residential uses. As such, the proposed zoning district would allow the residential development on phase 1 with retail uses. In addition, the district would allow flexibility should the parcel be developed with a commercial development in the future;

WHEREAS, PDR-NCM districts are intended for a variety of residential uses. As such, the proposed zoning district would allow the residential development on phases 2-3.

WHEREAS, the project includes a North Costa Mesa Specific Plan Amendment adopted with a separate ordinance to allow site-specific development standards (density, height, open space). 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 North Costa Mesa Specific Plan;

WHEREAS, a rezone is a legislative action subject to the discretionary approval of the final decision body, City Council;

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 14, 2025 and ending on March 31, 2025;

WHEREAS, a list of comments received and responses to the comments are included as part of the Final EIR presented to City Council on _____, 2025;

WHEREAS, the Draft EIR found no areas that are considered significant unavoidable adverse impacts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA 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 Commercial (PDC) and Planned Development Residential – North Costa Mesa (PDR-NCM) with a site-specific density of 62 dwelling units per acre and maximum 1,050 units consistent with the General Plan as amended by PGPA-23-0002 and adopted by Resolution No. 2025-__.
2. There is hereby placed and included in the Planned Development Commercial (PDC) zoning district a 4.68-acre parcel, situated in the City of Costa Mesa, County of Orange, State of California.
3. There is hereby placed and included in the Planned Development Residential – North Costa Mesa (PDR-NCM) zoning district a 4.44-acre parcel and 5.13-acre parcel, situated in the City of Costa Mesa, County of Orange, State of California.
4. 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, Number 2, and Number 3 above. A copy of the Official Zoning Map and Zoning Code is on file in the office of the Planning Division.

SECTION 2: SPECIFIC PLAN. The City of Costa Mesa by a separate ordinance adopts the North Costa Mesa Specific Plan amendment for the project area that would be applied as the Zoning document for the area. The North Costa Mesa 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.

SECTION 3: 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 4: 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 5: 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 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 _____ day of _____ 2025.

John Stephens

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow
City Attorney

COUNTY OF ORANGE)

I, _____, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 2025-__ as introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2025, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2025, by the following roll call vote:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2025.

Brenda Greene, City Clerk

EXHIBIT D1

REZONE

Amendment to the Zoning Map

Change the zoning district designation of the 14.25-acre site at 3333 Susan Street from Planned Development Industrial (PDI) to Planned Development Commercial (PDC) and Planned Development Residential – North Costa Mesa (PDR-NCM)

Proposed Zoning Map

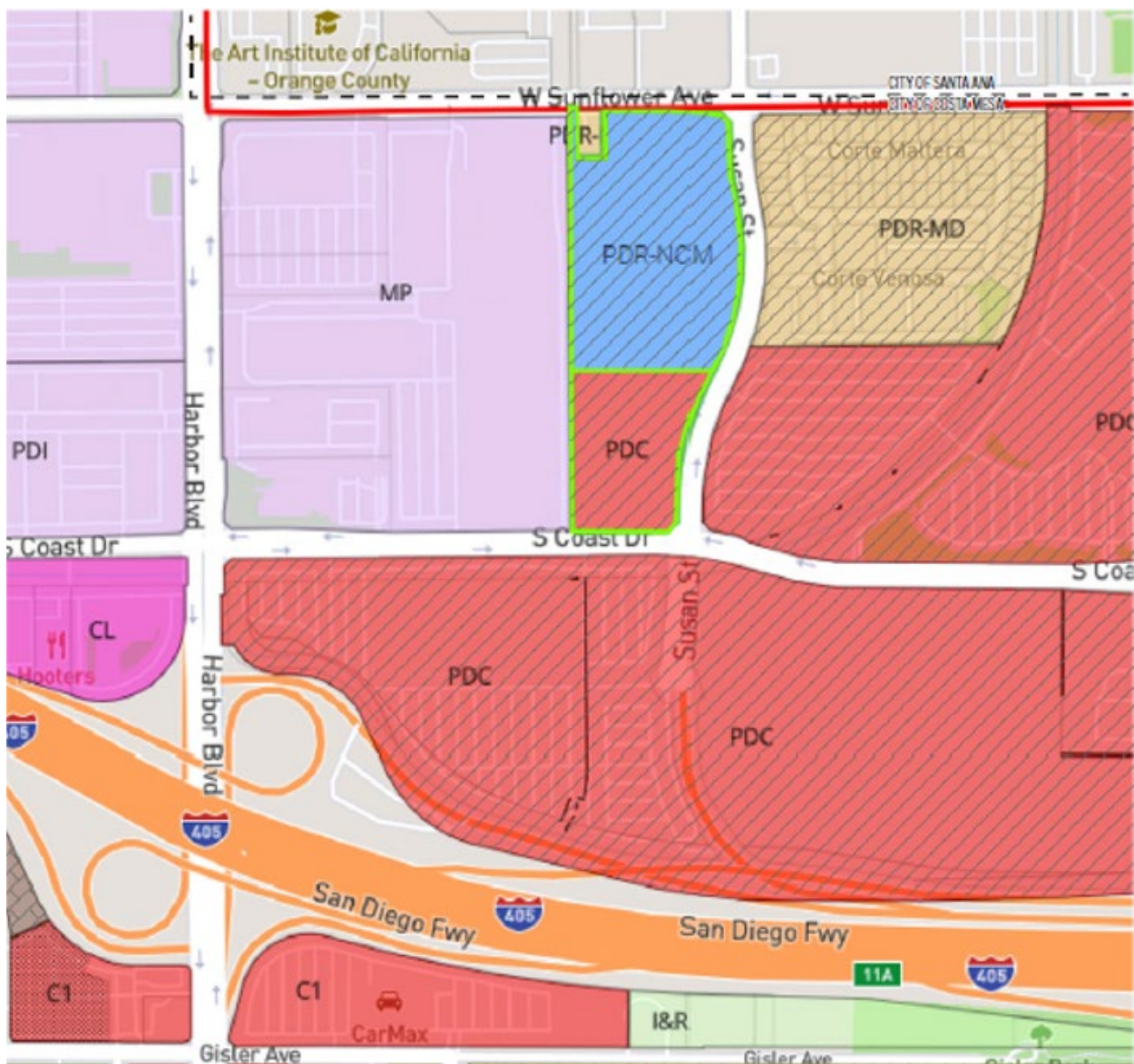


EXHIBIT D2

Amendment to Table 13-58

Update Table 13-58 to reference the site-specific density for the Hive Live project (text changes shown in bold font below)

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). Note: The maximum density for 1683 Sunflower Avenue is 80 dwelling units per acre (R-20-01) and maximum 1,057 units	35 Note: The maximum density for 3333 Susan Street is 62 dwelling units per acre (PGPA- 23-0002)	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. The maximum density for 3333 Susan Street is 62 dwelling units per acre (PGPA-23-0002)	