



# **CITY COUNCIL AGENDA REPORT**

---

MEETING DATE: JULY 6, 2004

ITEM NUMBER:

**SUBJECT: REZONE R-04-04 FOR 2436 NEWPORT BLVD**

**DATE: JUNE 24, 2004**

**FROM: DEVELOPMENT SERVICES DEPARTMENT—PLANNING DIVISION**

**PRESENTATION BY: CLAIRE L. FLYNN, AICP, ASSOCIATE PLANNER**

**FOR FURTHER INFORMATION CONTACT: CLAIRE L. FLYNN, (714) 754-5278**

---

## **RECOMMENDED ACTION:**

The Planning Commission recommends that the City Council take the following actions:

1. Adopt mitigated negative declaration and mitigation monitoring program;
2. Give first reading to the ordinance for Rezone R-04-04.

## **BACKGROUND:**

On June 14, 2004 the Planning Commission recommended adoption of the initial study/mitigated negative declaration and approval of the proposed rezone on a 4-0 vote (DeMaio absent). The PC Resolution, staff report, and minutes excerpt are attached (Attachments 6 and 7).

## **ANALYSIS:**

### *Project Location*

The property located at 2436 Newport Boulevard is approximately one acre in size and is located in the Newport Boulevard Specific Plan area. The existing buildings on the property include an office building (1,114 sq.ft.) and an eleven-unit storage building (5,620 sq.ft.) located at the rear of the property. The office building for "The Engineering Group" was formerly a service station building that was converted in December 1997. The fuel station canopy was redesigned and preserved in place as an design feature. All underground storage tanks have been removed.

### *Project Description*

The planning application is for a rezone of the property from Local Business District (C1) to Multi-Family Residential, Medium Density (R2-MD). The R2-MD zoning classification would allow a maximum of 10 dwelling units on the site (one dwelling unit per 3,630 sq.ft. of parcel area). Since the R2-MD zoning is a compatible zoning district with the Commercial Residential General Plan designation, a General Plan amendment is not required. The proposed project does not include a development project, although the applicant is interested in developing a small-lot, common-interest development (Applicant's Letter, Attachment 5).

### *Compatibility of Future Residential Development*

The Planning Commission restricted its discussion to the rezone request and deferred any discussion about potential housing product types until a Design Review application is before them. A rezone to R2-MD would allow the construction of the following housing types:

- Ownership housing: condominiums, townhomes, or small-lot, single-family homes
- Rental housing: apartments, duplexes, triplexes

Staff considers that a single-family detached house is not appropriate for the site because it would be incompatible with the existing commercial uses along Newport Boulevard and would result in an isolated single-family residential development flanked by motel uses and apartments. If residential development is allowed on the property, the most appropriate product type would be attached ownership housing, with common open space and design and security features to address the site's relative isolation from surrounding residential areas, parks, schools, etc.

In addition, the design and siting of an attached housing product to the rear of the site may allow greater opportunities to minimize noise impacts from Newport Boulevard/Costa Mesa Freeway compared to a single-family detached house. The applicant is willing to explore both detached and attached housing although his preference is to build a small-lot, single-family residential development.

### *Lot Line Adjustment*

The project site consists of a rectangular lot and a flag lot. A condition of approval requires the combination of these two parcels into a single property prior to or concurrently with the submission of any residential development proposal. The required lot combination will ensure that subsequent residential development occurs on a single, rectangular shaped parcel with adequate street frontage.

### *Traffic*

The existing office/storage uses in the Commercial Residential land use designation are considered "low-traffic generating uses" with a maximum FAR of 0.40.

	ZONING	DEVELOPMENT	AM PEAK HOUR	PM PEAK HOUR	ANTICIPATED AVERAGE DAILY TRIPS
MAXIMUM BUILDOUT UNDER GENERAL PLAN	C1	15,480 sq.ft. (max 0.40 FAR)	25 trips	24 trips	174 ADT
EXISTING	C1	6,734 sq.ft.	3 trips	3 trips	26 ADT
PROPOSED	Multi-Family Residential District, R2-MD (1 unit per 3,630 s.f. of parcel area minimum)	10 DWELLING UNITS	8 trips	10 trips	96 ADT

The rezone of the property from commercial to residential use would result in an overall trip reduction of 45 percent compared to General Plan build out conditions. The maximum build out potential for low-traffic generating uses (i.e. commercial uses) would be a 15,480 sq.ft. office building with a projected trip generation of 174 ADT. Compared to the maximum buildout potential of 10 dwelling units in the R2-MD zone, the average daily trips would decrease from 174 ADT to approximately 96 ADT (forty-five percent).

*Initial Study/Mitigated Negative Declaration*

An initial study was prepared, pursuant to the California Environmental Quality Act (CEQA). According to the initial study and mitigated negative declaration, the proposed project would not have a significant effect on the environment. The environmental impacts related to a specific, medium-density residential project would be evaluated in a subsequent environmental document, and mitigation measures would be provided to minimize any significant impacts from proposed residential development to below a level of significance.

It is important to note that the environmental document does not defer mitigation. State law allows mitigation measures for significant impacts to be specified as performance standards. These performance standards stipulate the type of mitigation, the timing of implementation, and contingency plans if proposed mitigation do not successfully attenuate noise levels in conformance with City standards. The proposed mitigation measures meet these requirements as mandated by State Law.

**ALTERNATIVES:**

The City Council has the following alternatives:

1. Approve the rezone application. This action is consistent with the Planning Commission's recommendation. Proposed residential development would be in conformance with the City's General Plan policy and Newport Boulevard Specific Plan, which encourage the conversion of existing marginal or vacant commercial properties to residential where feasible.
2. Deny the application. The existing zoning would permit continuation of the existing office and storage uses, or redevelopment to permitted office or retail uses.

**FISCAL ANALYSIS:**

The rezone request does not require fiscal review.

**LEGAL ANALYSIS:**

The City's Attorney's office has reviewed the attached documents and approved them as to form.

**CONCLUSION:**

The applicant is interested in developing the project site as a small-lot, common interest development which would contribute to the City's housing stock. However, he is also willing to explore the possibility of an attached housing product type, as recommended by staff. The Planning Commission considers this project as a good opportunity to convert an existing, marginal commercial property to residential development and to provide increased homeownership opportunities in Costa Mesa.



CLAIRE L. FLYNN, AICP  
Associate Planner



R. MICHAEL ROBINSON, AICP  
Planning and Redev. Mgr.



DONALD D. LAMM, AICP  
Dep. City Mgr. - Dev. Svcs. Director

- Attachments:**
1. Vicinity Map
  2. Site Photographs
  3. Draft Council Resolution
  4. Draft Ordinance
  5. Applicant's Letter
  6. Minutes Excerpt of PC meeting on 4/26/04
  7. 6/14/04 Planning Commission Staff Report
  8. Initial Study/Mitigated Negative Declaration (separately bound document)

**File Name:**

**Date:**

**Time:** 1:30 p.m.

**cc:** City Manager  
Deputy City Manager  
City Attorney  
Public Services Director  
City Engineer  
City Clerk  
Staff (4)  
File (2)

Darwin Pearson  
The Ultimate Engineering Group  
2436 Newport Blvd  
Costa Mesa, CA 92628

# 2436 Newport Blvd

Aerial Photograph

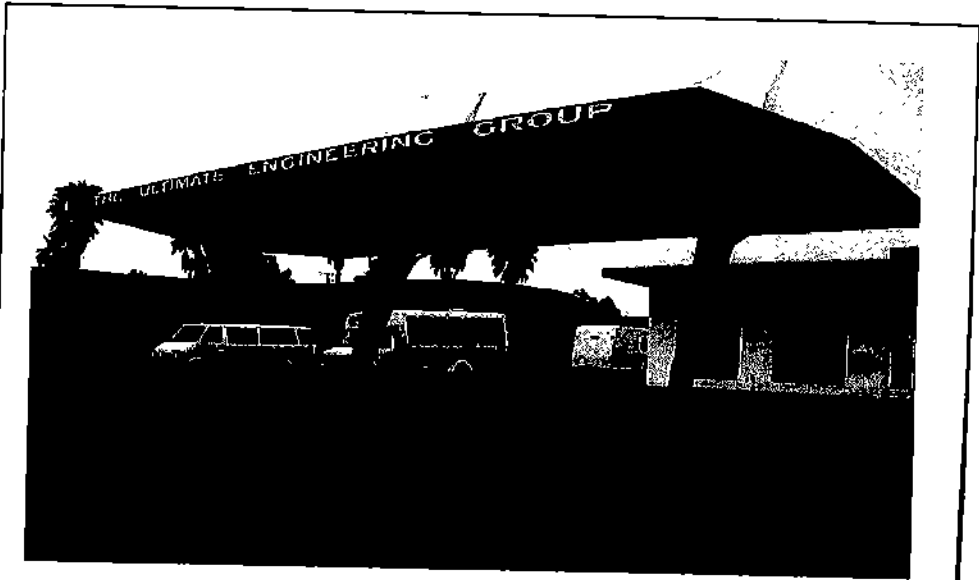


## Legend

- Hydrology Channels
- Street Names
- City Boundary
- Ortho Photography
- Parcels

Printed: 5/20/2004 1:34:36 PM

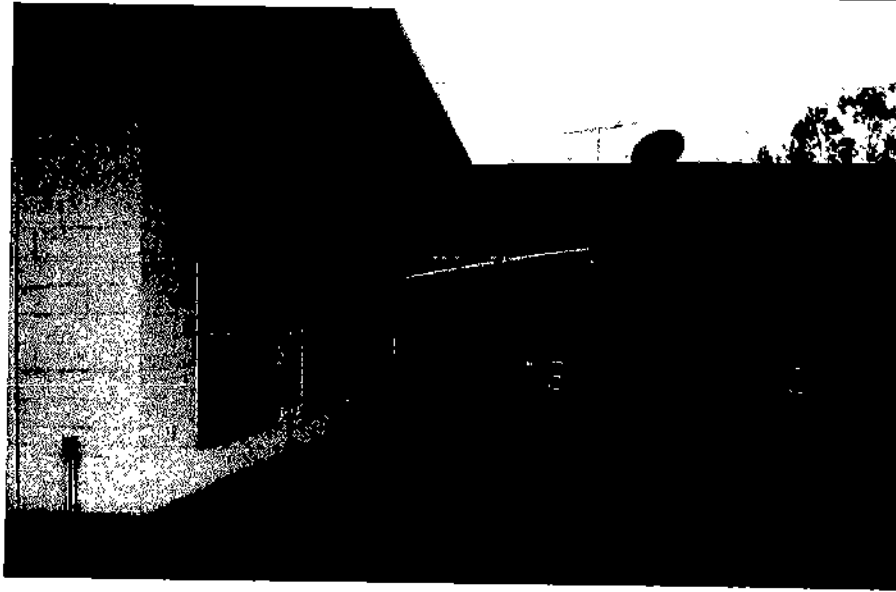
Powered By GeoSmart.net



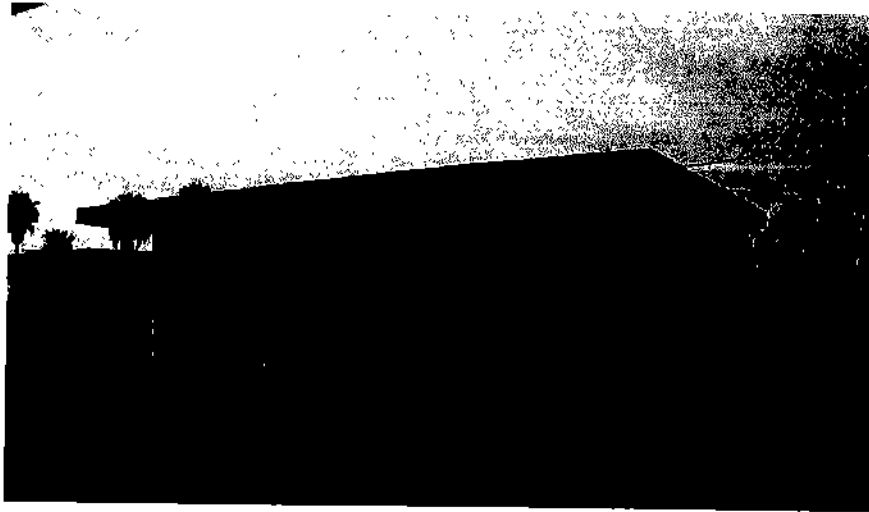
Redesigned Canopy



View of Canopy

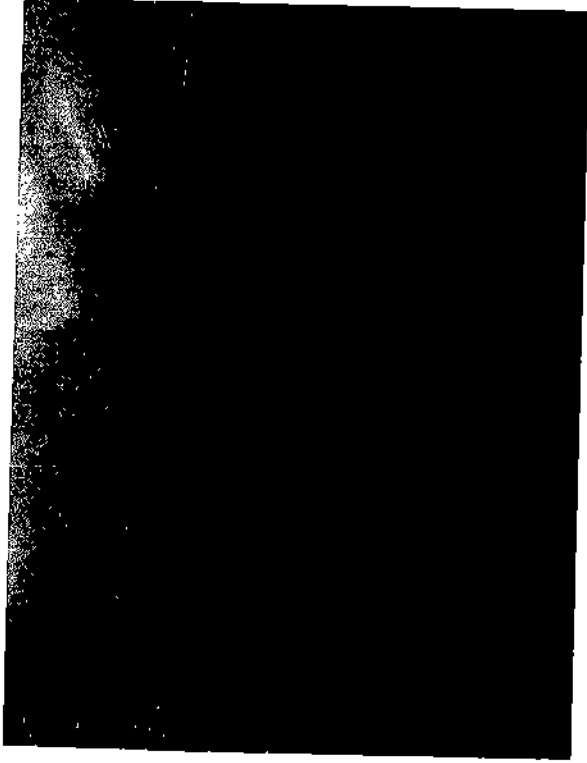


Side Elevation of Office Building

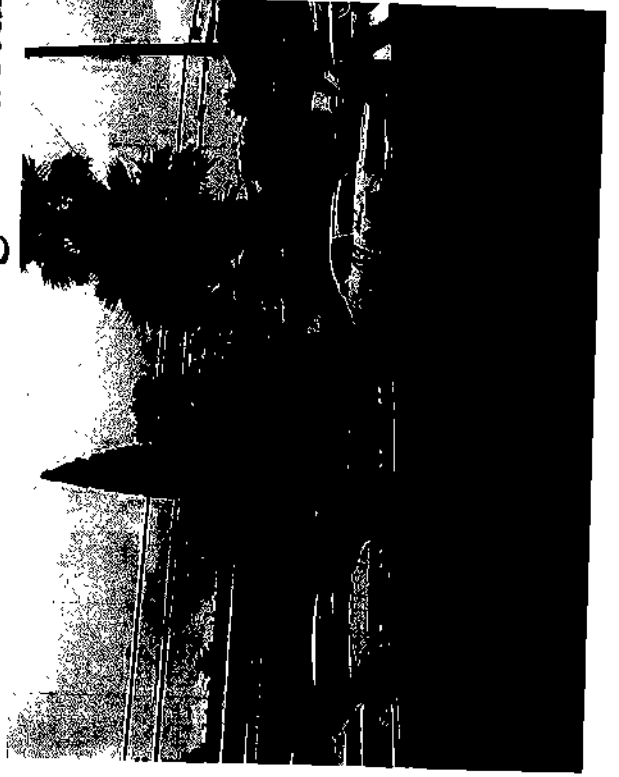
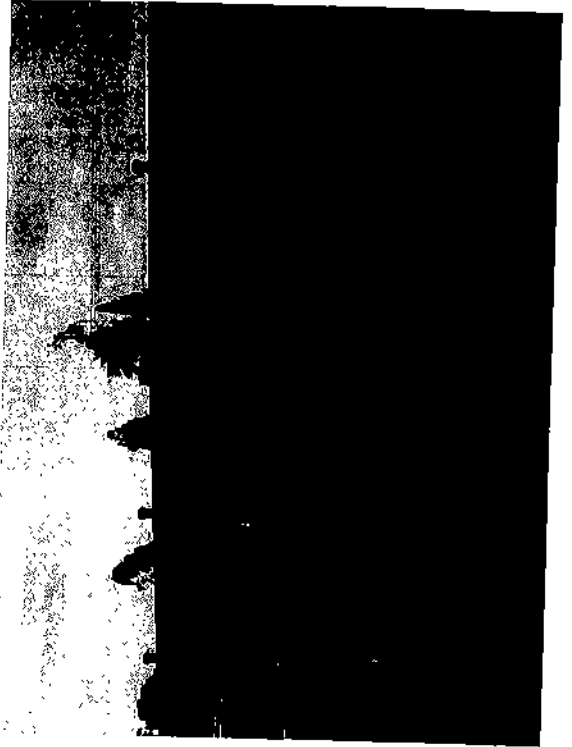


Office Building

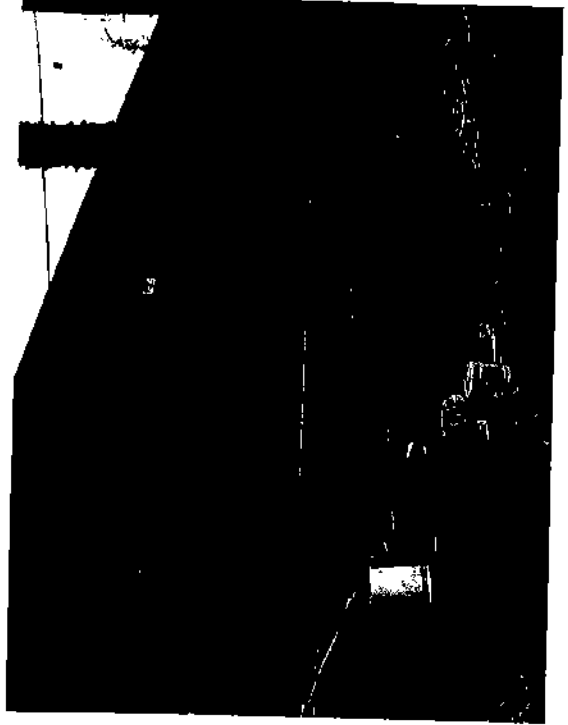
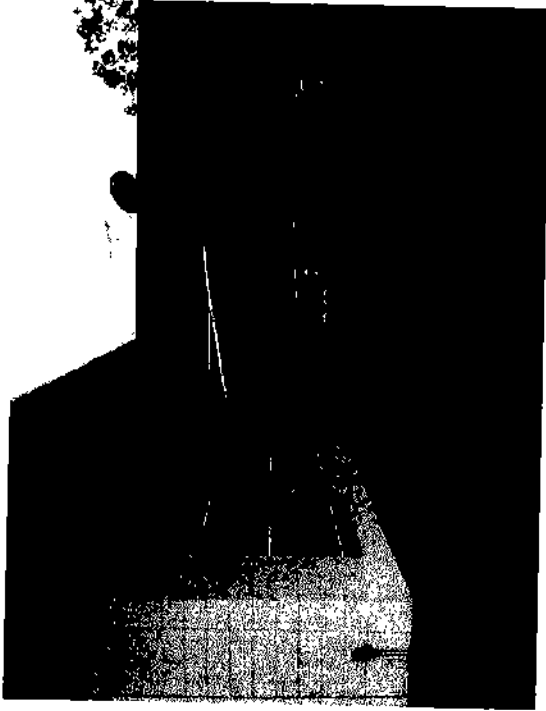
Back Storage Structure



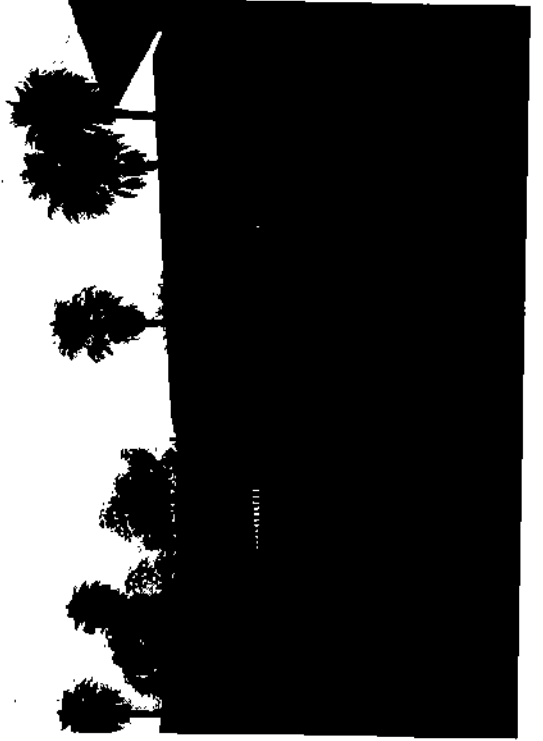
View Behind Storage Structure



Comfort Inn Motel



# Costa Mesa Village SRO



**Attachment 3**  
**Draft Resolution**

**RESOLUTION NO. 04-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR REZONE R-04-04 AT 2436 NEWPORT BOULEVARD.**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Darwin Pearson, property owner, with respect to the real property located at 2436 Newport Boulevard, requesting a change in zoning classification from Local Business District (C1) to Multi-Family Residential District, Medium-Density (R2-MD);

WHEREAS, the project site consists of two parcels with a General Plan land use designation of Commercial Residential;

WHEREAS, the R2-MD zoning is a compatible zoning district within the Commercial Residential land use designation;

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and an Initial Study/Mitigated Negative Declaration was prepared and available for public review from May 25, 2004 through June 13, 2004; and

WHEREAS, according to the initial study and Mitigated Negative Declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment. Additionally, the evidence in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on wildlife resources or habitat;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 14, 2004;

WHEREAS, the Planning Commission recommended that City Council take the following actions: (1) approve the mitigated negative declaration and corresponding mitigation monitoring program and (2) give first reading to ordinance for Rezone R-04-04, by adopting Resolution PC-04-40.

THEREFORE BE IT RESOLVED that the City Council hereby adopts the Mitigated Negative Mitigated Negative Declaration and Mitigation Monitoring Program.

BE IT FURTHER RESOLVED that the City Council does hereby find and determine that adoption of this resolution is expressly predicated upon the applicant's compliance with the condition of approval contained in Exhibit "A." Any approval granted by this resolution shall be subject to review, modification, or revocation if the applicant fails to comply with any of the conditions of approval or mitigation measures.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Mayor of the City of Costa Mesa

**EXHIBIT "A"**

**CONDITION OF APPROVAL**

1. The Developer shall submit and obtain City approval of a lot line adjustment application for the combination of the two parcels at 2436 Newport Boulevard into a single property, prior to or concurrently with the submission of any residential development proposal.



**Attachment 4**  
**Draft Ordinance**

**ORDINANCE 04-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING REZONE PETITION R-04-04 CHANGING THE ZONING OF 2436 NEWPORT BOULEVARD TO MEDIUM-DENSITY, MULTI-FAMILY RESIDENTIAL (R2-MD).**

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** There is hereby placed and included in the R2-MD zone all the real property shown on attached Exhibit "1" and described as 2436 Newport Boulevard, Assessor Parcel Numbers 439-028-07 and 439-028-08, situated in the City of Costa Mesa, County of Orange, State of California, to wit:

Lots 55 of Tract 300 in the City of Costa Mesa, County of Orange, State of California, as shown on a map recorded in book 439, page 28, miscellaneous maps, in the office of the County Recorder.

**SECTION 2:** Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in Section 1 hereof and in Exhibit 2.

**SECTION 3:** 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 \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Mayor of the City of Costa Mesa

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSES ONLY. THE ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. © COPYRIGHT ORANGE COUNTY ASSESSOR 1992

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSES ONLY. THE ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. © COPYRIGHT ORANGE COUNTY ASSESSOR 1984

419-09

419-15

439-28

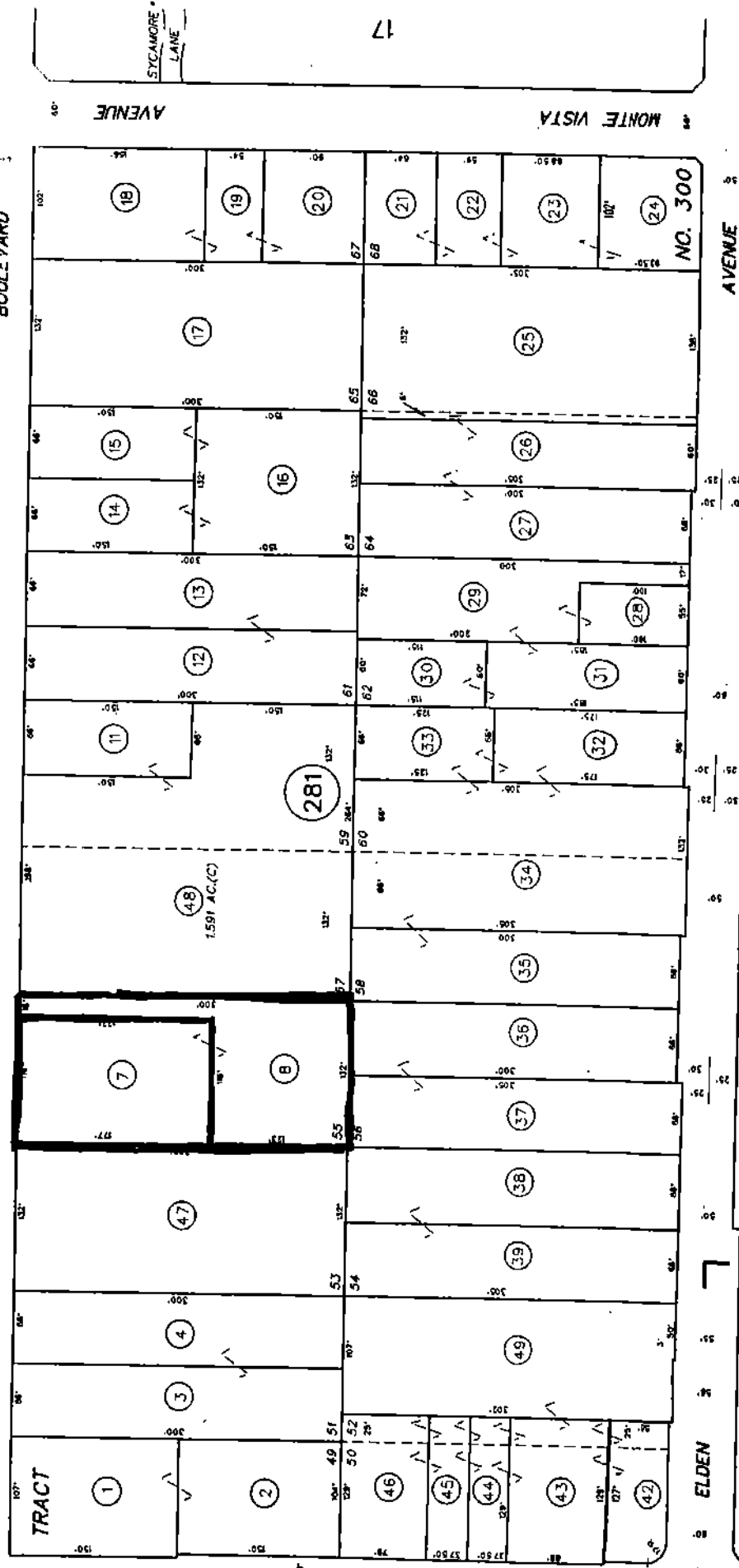
NEWPORT

FREEWAY

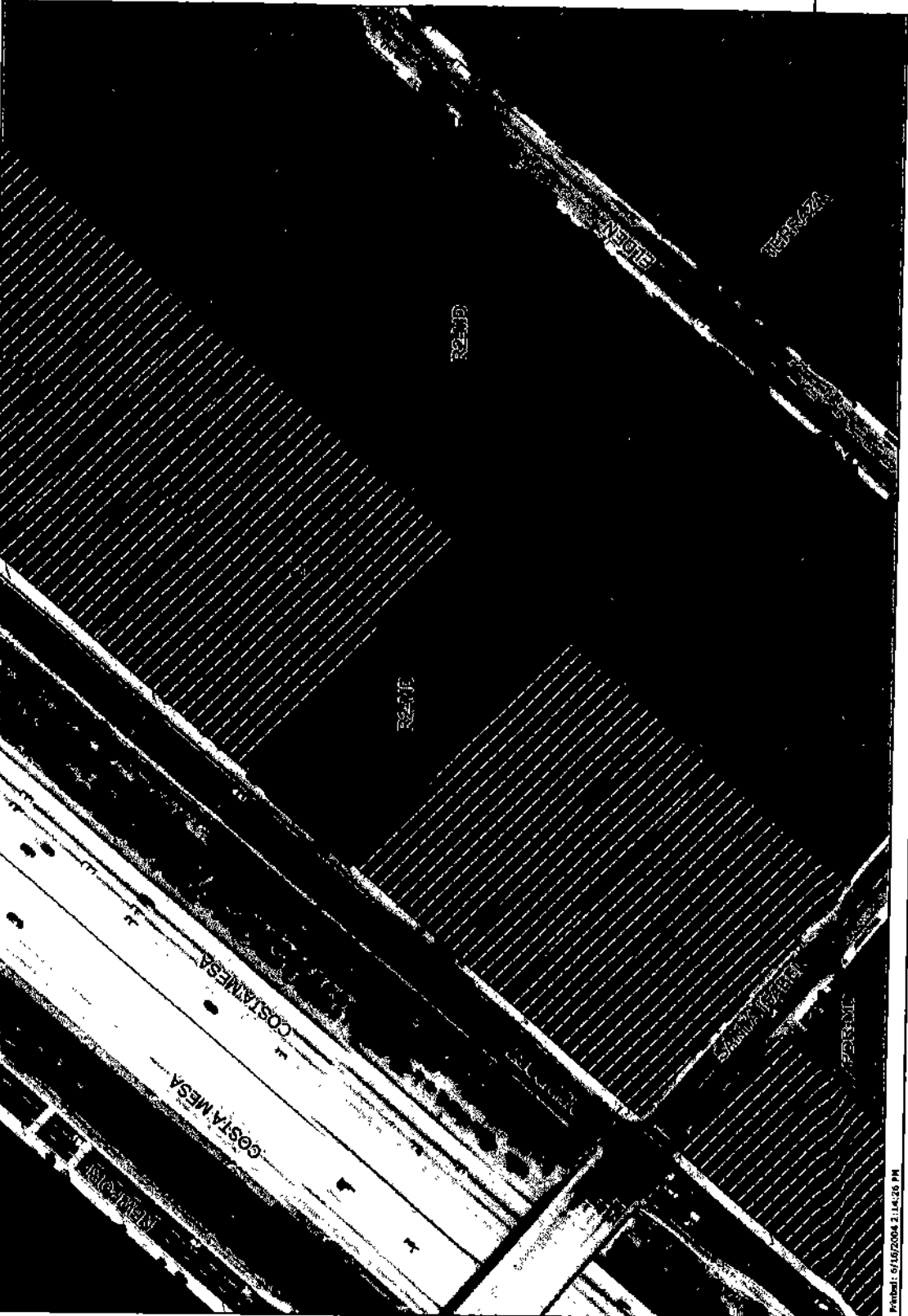
1" = 100'

NEWPORT

BOULEVARD



# 2436 Newport Blvd



**Legend**

Street Names  
Parcel Lines  
Zoning

Other

- Administrative & Professional
- Local Business
- Local Business & School
- General Business
- Commercial Limited
- Industrial & Recreational
- Industrial & Macropolitan - School
- General Industrial
- Industrial Port
- ODP
- Off Street Parking
- Planned Development Commercial
- Planned Development Industrial
- Planned Dev. Res. (High Density)
- Planned Dev. Res. (Low Density)
- Planned Dev. Res. (Medium Density)
- Planned Dev. Res. (R. Code Team)
- Single Family Residential
- Multi Family Res. (High Density)
- Multi Family Res. (Medium Density)
- Multi Family Residential
- Team Center
- Ortho Photography
- Parcels



Powered By GeoStarCloud

Printed: 9/15/2004 2:14:26 PM

STATE OF CALIFORNIA)

)ss

COUNTY OF ORANGE )

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 04-\_\_\_ as introduced and considered section by section at a regular meeting of said City Council held on the \_\_\_ day of \_\_\_\_\_, 2004, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the \_\_\_ day of \_\_\_\_\_, 2004, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Deputy City Clerk and ex-officio Clerk of the  
City Council of the City of Costa Mesa

**Attachment 5**

**Applicant's Letter**

May 21, 2004

RECEIVED  
CITY OF COSTA MESA  
DEVELOPMENT SERVICES DEPARTMENT

MAY 25 2004

City of Costa Mesa  
Planning Department  
77 Fair Drive  
Costa Mesa, CA 92628-1200

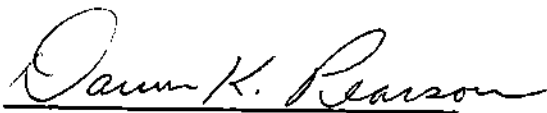
Attn: Claire L. Flynn, AICP

Re: 2436 Newport Blvd, Application # R-04-04

It was a pleasure to speak with you concerning my application to rezone the above-referenced property. My intention is to develop the property into single family, unattached homes. As I indicated on the phone, I have already met with one architectural firm that has completed several of these types of developments in the City of Costa Mesa on similar sized properties.

I'm not sure how long the entire process takes but I would hope to be under construction in the fall. Please call me if you have any further questions. I look forward to working with you on the project. Thank you.

Respectfully,



Darwin K. Pearson  
The Ultimate Engineering Group, Inc.  
2436 Newport Blvd.  
Costa Mesa, CA 92627  
(949) 631-9015

## **Attachment 6**

### **PC Meeting Minutes**

Excerpt from the minutes of the Planning Commission meeting of June 14, 2004

REZONE PETITION R-04-04

Pearson

The Chair opened the public hearing for consideration of Rezone R-04-04 for Darwin Pearson, property owner, for a change in zoning from Local Business District (C1) to Multi-family Residential District, Medium Density (R2-MD) located at 2436 Newport Boulevard. Environmental determination: Mitigated Negative Declaration.

Associate Planner Claire Flynn reviewed the information in the staff report and gave a brief visual presentation of the site characteristics. She stated that staff is recommending that Planning Commission recommend to City Council: (1) adoption of Mitigated Negative Declaration and Mitigation Monitoring Program, and (2) give first reading to the ordinance for Rezone R-04-04.

In response to a question from Commissioner Bever about why an attached condominium type product would be preferable to a detached single-family dwelling, Ms. Flynn explained that the project site is bounded by commercially-zoned properties to both the north and south, medium-density residential to the east, and Newport Boulevard. Therefore, the most likely and appropriate development would be some type of attached housing development, such as townhomes, triplexes, and duplexes, as opposed to a small lot single-family development. If single-family homes on good size lots were built on this property, it would create an isolated land use where there are no other single-family developments of that type in the immediate area. Commissioner Bever said he did not understand the difference between a townhome product and a detached product because both will bring the same type of people. Mr. Valentine offered that one thing attached products provide, is some design opportunity to address potential environmental impacts; noise from the street and freeway out in front can be better buffered by a larger attached building than by smaller detached buildings with spaces in between them which allows the noise to come through. Also, potential privacy impacts from the motel to the south can be better buffered by a larger structure that may provide some shielding for common open space areas. Single-family home private back yards would be individually exposed to views from the adjacent motel.

Vice Chair Perkins confirmed with Ms. Flynn that detached or attached residential would still involve a maximum of 10 units.

Darwin Pearson, 2436 Newport Boulevard, Costa Mesa, told the Commission he would consider both types of housing.

Martin Millard, 2973 Harbor Boulevard, Costa Mesa, discussed condominiums versus detached homes and made comparisons. He was against apartments because he felt the ratio of rentals to ownerships was too high in the City.

No one else wished to speak.

MOTION:  
R-04-04  
Recommend approval

A motion was made by Commissioner Foley, seconded by Chairman Garlich and carried 4-0 (DeMaio absent), to recommend to City Council: (a) adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program; and (b) to give first reading to the Ordinance for Rezone R-04-04, by adoption of Planning Commission Resolution PC-04-40.

In response to a question from the Chair, Mr. Valentine stated that this item would go to the City Council meeting of July 6<sup>th</sup>.

**Attachment 7**

**PC Staff Report of 4/26/04**

**RESOLUTION PC-04-40**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND FIRST READING OF REZONE R-04-04 FOR 2436 NEWPORT BOULEVARD.**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Darwin Pearson, property owner, with respect to the real property located at 2436 Newport Boulevard, requesting Rezone R-04-04 to change the zoning from Local Business District (C1) to Multi-Family Residential District, Medium-Density (R2-MD);

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 14, 2004;

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and an Initial Study/Mitigated Negative Declaration was prepared and available for public review from May 25, 2004 – June 13, 2004;

WHEREAS, the Planning Commission deems it to be the best interest of the City that said rezone be approved;

NOW THEREFORE BE IT RESOLVED that an initial study was prepared, pursuant to the California Environmental Quality Act. According to the Initial Study and Mitigated Negative Declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment. Additionally, the evidence in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on wildlife resources or habitat;

BE IT FURTHER RESOLVED that the Planning Commission recommends City Council approval of the Mitigated Negative Declaration and Mitigation Monitoring Program;

BE IT FURTHER RESOLVED that the Planning Commission recommends City Council give first reading of the Ordinance to change the zoning classification of the subject property from Local Business District (C1) to Multi-Family Residential District, Medium Density (R2-MD).

**PASSED AND ADOPTED this 14<sup>th</sup> day of June, 2004.**

  
Chair, Costa Mesa Planning Commission





# PLANNING COMMISSION AGENDA REPORT

*J. I.*

MEETING DATE: JUNE 14, 2004

ITEM NUMBER

SUBJECT: REZONE R-04-04 FOR 2436 NEWPORT BOULEVARD

DATE: JUNE 1, 2004

FOR FURTHER INFORMATION CONTACT: CLAIRE L. FLYNN, AICP, ASSOCIATE PLANNER  
(714) 754-5278

---

## DESCRIPTION

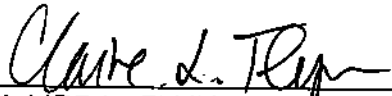
The proposed project is for a change in zoning from Local Business District (C2) to Multi-Family Residential, Medium Density (R2-MD) for the property at 2436 Newport Boulevard. Future development of the property would be medium-density residential development.

## APPLICANT

Darwin Pearson, property owner.

## RECOMMENDATION

Recommend the following actions to City Council: (1) adopt mitigated negative declaration and mitigation monitoring program and (2) give first reading to the ordinance for rezone R-04-04.

  
\_\_\_\_\_  
CLAIRE L. FLYNN, AICP  
Associate Planner

  
\_\_\_\_\_  
R. MICHAEL ROBINSON, AICP  
Planning & Redevelopment Mgr.

  
\_\_\_\_\_  
PERRY L. VALANTINE  
Asst. Development Services Director

## **BACKGROUND**

The project site is located in the Newport Boulevard Specific Plan area, which encompasses the east side of Newport Boulevard between 19th Street and Mesa Drive. The General Plan land use designation is Commercial-Residential, and the zoning is Local Business District (C1). The Newport Boulevard Specific Plan sets forth a comprehensive list of development policies and standards, incentives and implementation programs to ensure the long-term viability of the Newport Boulevard business district. The intent of the plan is to encourage viable commercial uses to continue and prosper as well as to provide marginal uses adequate incentives to redevelop or transition to a better use of the property.

The Commercial-Residential land use designation in the Specific Plan allows properties to be rezoned for compatible residential development. This designation encourages the redevelopment of marginal commercial areas to residential land uses. Rezoning properties to residential may revitalize this area and stimulate redevelopment. In addition, the proposed rezone is in conformance with the General Plan and consistent with General Plan Policy HOU-3.1, which encourages the conversion of existing marginal or vacant commercial properties to residential where feasible.

## **ANALYSIS**

### *Project Location*

The property located at 2436 Newport Boulevard consists of two parcels (Vicinity Map, Attachment 1). Lot 7 (Assessor Parcel Number 439-028-07) is approximately 19,067 square feet (0.44 acres) in size, and Lot 8 is 20,532 sq.ft. (0.46 acres) in size, for a combined total of about one acre. The existing buildings on the property include an office building (1,114 sq.ft.) for an engineering firm and an eleven-unit storage building (5,620 sq.ft.) located at the rear of the property. The office building for "The Engineering Group" was formerly a service station building that was converted in December 1997. The fuel station canopy was redesigned and preserved in place as a design feature.

The property is bound by Newport Boulevard to the west, commercially zoned properties to the north and south, and medium-density residential to the east. The Comfort Inn motel is located on the neighboring property to the south and the Costa Mesa Village, a 96-unit single-room occupancy residential building, is located to the north. (Figure 2 of the initial study/mitigated negative declaration includes site photographs of the subject property including surrounding land uses.) The project is located in the Newport Boulevard Specific Plan area.

### *Project Description*

The planning application is for a rezone of the property from Local Business District (C1) to Multi-Family Residential, Medium Density (R2-MD). Since the R2-MD zoning is a compatible zoning district with the Commercial Residential General Plan designation, a General Plan amendment is not required. The R2-MD zoning classification would allow a maximum of 10 dwelling units on the combined properties (one dwelling unit per 3,630 sq.ft. of parcel area). The proposed project involves a rezone request and does not include a development project. At this time, the applicant has expressed an interest in construction of a small-lot, common-interest development which could result in a maximum of 10 single-family detached homes. However, the R2-MD zone would also allow for the construction of apartments or single-family attached homes.

### *Nonconforming Setbacks*

The change in the zoning classification of the subject site to medium-density residential would result in legal nonconforming setbacks for the adjoining commercial property to the south. The Zoning Code requires that commercial properties abutting residential properties be set back twice the height of the commercial building. This setback distance provides adequate buffering of commercial uses from residential areas. The Costa Mesa Village, a two-story, 96-unit single-room occupancy apartment (abutting the project site to the north), is set back approximately 60 feet from the side property line. The parking area and swimming pool abut the side property line. The Comfort Inn Motel, a 54-unit motel, is set back approximately 5-8 feet from the side property line and would become nonconforming on this side setback.

Any proposed residential development would require site plan review to ensure that the proposed buildings are adequately set back from adjacent commercial properties, and adequate buffering is provided. In addition, windows on the side elevation of these two-story structures currently overlook the project site. Site design and placement of windows will ensure that reasonable privacy is maintained for existing and proposed structures. Thus, the City's standard Design Review and processing procedures would ensure that the site design for proposed residential development is compatible with existing neighboring development.

### *Compatibility of Future Residential Development*

A rezone of the property to R2-MD would allow the construction of condominiums, town homes, or small-lot, single-family homes for ownership, attached rental housing (e.g. single apartment building), or detached multi-family residences (e.g. duplexes, triplexes). While staff is recommending approval of the rezone, staff considers that a single-family detached product is not appropriate for the site because it would be incompatible with the existing commercial uses along Newport Boulevard and would

result in an isolated single-family residential development along a highly-traveled corridor. If residential development is allowed on the property, the most appropriate product would be attached ownership housing, with common open space and design and security features to address the site's relative isolation from surrounding residential areas, parks, schools, etc.

### *Noise*

The Costa Mesa 2000 General Plan requires that sensitive uses be located outside a 65 Community Noise Equivalent Level (CNEL) noise contour. Traffic noise may not be greater than the 65 CNEL exterior noise standards and 45 CNEL interior noise standards. According to the 2000 General Plan, existing (Year 2000) and expected (Year 2020) noise contours along the project site range from 65 to 70 CNEL. These noise contours were based on the average daily traffic volume (ADT) noise levels at 100 feet from the roadway centerline without sound attenuation (e.g. block walls, landscape berms, etc.). This noise data does not take into account noise barriers or topography which may affect ambient noise levels. Specifically, the noise analysis may not fully take into account the depression of the Costa Mesa Freeway in this area which may result in a reduction of CNEL noise contours.

The primary source of noise is from traffic on the Costa Mesa Freeway and Newport Boulevard. The front half of the property is located in the 70 CNEL noise contour and the back half in the 65 CNEL noise contour. Given that the front half of the property is in the 70 CNEL noise contour, noise attenuation for a five decibel reduction would be required. For example, an 8-foot high sound wall and landscape berming may adequately reduce noise levels to a minimum of 65 CNEL. If exterior sound levels cannot be adequately attenuated in the front area of the property, proposed residential development, including yard areas, would need to be located towards the middle to rear areas where the noise contour level is 65 CNEL. Furthermore, buildings would also provide sound attenuation by buffering open areas.

Since a development proposal is not submitted in conjunction with the rezone application, State law allows mitigation measures for significant impacts to be specified as performance standards which would mitigate the significant effect of the project and which may be accomplished by more than one means. The performance standards will stipulate the type of noise barriers to be used, the timing of implementation, and contingency plans if the barriers do not successfully attenuate noise levels in conformance with City standards.

Typical residential construction achieves an average of 12 decibels of outdoor-to-indoor noise reduction with windows open. With windows closed, the outdoor-to-indoor noise reduction increases to an average of 20 decibels. In order to assume that windows can remain closed, adequate mechanical ventilation must be provided. An acoustical study and site plan review will be completed for any future residential development project to accurately identify any noise impacts and specify mitigation (e.g. landscape berms, solid walls, site design techniques, proper insulation, dual-

paned windows, etc.). Mitigation Measures identified in the environmental document require a noise study and the implementation of recommended noise attenuation methods.

*Traffic*

The existing buildings on the property include a single-story office building (1,114 sq.ft) for "The Engineering Group" and an eleven-unit storage building (5,620 sq.ft.) The combined office/storage uses in the Commercial Residential land use designation are considered "low-traffic generating uses" with a maximum FAR of 0.40.

	ZONING	DEVELOPMENT	AM PEAK HOUR	PM PEAK HOUR	ANTICIPATED AVERAGE DAILY TRIPS
MAXIMUM BUILDOUT UNDER GENERAL PLAN	C1	15,480 sq.ft. (max 0.40 FAR)	25 trips	24 trips	174 ADT
EXISTING	C1	6,734 sq.ft.	3 trips	3 trips	26 ADT
PROPOSED	Multi-Family Residential District, R2-MD (1 unit per 3,630 s.f. of parcel area minimum)	10 DWELLING UNITS	8 trips	10 trips	96 ADT

The rezone of the property from commercial to residential use would result in an overall trip reduction of 45 percent compared to General Plan build out conditions. The maximum build out potential for low-traffic generating uses (i.e. commercial uses) would be a 15,480 sq.ft. office building with a projected trip generation of 174 ADT. Compared to the maximum buildout potential of 10 dwelling units in the R2-MD zone, the average daily trips would decrease from 174 ADT to approximately 96 ADT (forty-five percent).

**ENVIRONMENTAL DETERMINATION**

An initial study was prepared, pursuant to the California Environmental Quality Act (CEQA). According to the initial study and mitigated negative declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment. The environmental impacts related to a specific, medium-density residential development would be evaluated in a separate environmental document, and mitigation measures would be provided to minimize any significant impacts from proposed residential development to below a level of significance.

However, it is important to note that mitigation is not deferred in the environmental document. State law allows mitigation measures for significant impacts to be specified as performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way. The performance standards will stipulate the type of mitigation, the timing of implementation, and contingency plans if proposed mitigation do not successfully attenuate noise levels in conformance with City standards. The proposed mitigation measures meet these requirements as mandated by State Law.

### **ALTERNATIVES CONSIDERED**

The Planning Commission has the following alternatives:

1. Recommend approval of the rezone application. Proposed residential development would be in conformance with the City's General Plan policy and Newport Boulevard Specific Plan, which encourage the conversion of existing marginal or vacant commercial properties to residential where feasible.
2. Recommend denial of the application. The existing zoning would permit continuation of the existing office and storage uses, or redevelopment to permitted office or retail uses.

### **CONCLUSION**

The applicant is interested in developing the subject property as a small-lot, common interest development. If the rezone were approved, this development may contribute up to 10 single-family residences to the City's housing stock. Staff considers this project as a good opportunity to convert an existing commercial property to residential and ultimately provide increased homeownership opportunities in Costa Mesa. However, a single-family detached product would not be appropriate because it would be incompatible with the existing commercial uses along Newport Boulevard and would result in an isolated single-family residential development along a highly-traveled corridor. If residential development is allowed on the property, the most appropriate product would be attached ownership housing, with common open space and design and security features to address the site's relative isolation from surrounding single-family neighborhoods, schools, and parks. An attached product would also provide better opportunities for buffering noise from the freeway and adjacent roadway.

- Attachments: 1. ~~Vicinity Map~~  
2. ~~Draft~~ Planning Commission Resolution  
3. Initial Study/Mitigated Negative Declaration (separately bound document)

Distribution: Deputy City Manager- Dev. Svcs. Director  
Sr. Deputy City Attorney  
City Engineer  
Fire Protection Analyst  
Staff (4)  
File (2)

Darwin Pearson  
2436 Newport Boulevard  
Costa Mesa, CA 92627