



## CITY OF COSTA MESA

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DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION

March 16, 2022

Airport Land Use Commission  
c/o John Wayne Airport  
3160 Airway Avenue  
Costa Mesa CA 92626

**RE: City of Costa Mesa Proposed 2021-2029 (Sixth Cycle) Housing Element (GP-21-01)**

Airport Land Use Commissioners,

This submittal is in response to the March 17, 2022 ALUC staff report regarding the Commission's review of the City's 2021-2029 6<sup>th</sup> Cycle Housing Element. The report concludes with an ALUC staff recommendation for inconsistency pursuant to AELUP Sections 2.1.3, 2.1.4 and PUC Section 21674. The report also recommends that the "Commission require all subsequent City actions, regulations, and permits within JWA's airport influence area to the Commission for review until the City's general plan is revised or specific overrule findings are made [emphasis added]."

### **Finding of Inconsistency**

As the ALUC staff report correctly indicates, the City's Housing Element Update does not grant any entitlements or authorize any development beyond what is allowed under the City's current General Plan and Zoning Code (which were already considered by the Commission). Rather, it outlines a blueprint for future potential actions needed to meet the City's RHNA allocation and comply with State Housing Element law. In accordance with Housing Element law, the City will process General Plan, Zoning Code and Specific Plan amendments, which would be subject to ALUC review. The Housing Element update does not in and of itself include any changes to local land use standards, including height restrictions, location, or number of housing units. In short, the ALUC review is pre-mature for the reason that no land use change or development has been proposed or occurred and, in fact, it is not known at this time what the City's future land use changes will be.

### **Recommendation for ALUC Review of City Permits**

The City believes that the proposed recommendation to submit future permits is premature based on Public Utilities Code Section 21676.5(a), which states:

“If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made.”

Based on the above section, the proposed recommendation is improper, untimely and unenforceable in that ALUC is obligated to provide the City an opportunity to revise or overrule, prior to applying any punitive or enforcement actions.

In addition, the proposed recommendation would require the City to submit hundreds of permit applications to the Commission per month, including permits unrelated to airport environs, such as water heater permits, fence permits and accessibility upgrades needed for compliance with ADA. The staff recommendation would result in an unnecessary and significant burden on ALUC staff, City staff and the City's resident and business community.

Although the City believes that this recommendation is inappropriate and impractical, if the Commission insists on applying such a recommendation, the City requests that the Commission's review be limited to only programs and other City actions that implement the Housing Element.

The City of Costa Mesa thanks the Airport Land Use Commission for its consideration of the City's Housing Element update.

Sincerely,

*Scott Drapkin*

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