

CITY-SPONSORED INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Council for the City of Costa Mesa submits the following measure to the voters of the City for approval and enactment:

SECTION 1. Name.

This ballot measure shall be known and may be cited as “The City of Costa Mesa Revitalization and Residential Neighborhoods Protection Measure” and shall be referred to herein as the “Measure.”

SECTION 2. Purpose.

The purpose of the Measure is to revise the Costa Mesa Municipal Code to allow the City Council to establish land use plans, including general plan and/or zoning code amendments, through a public hearing process, including any related amendments to City Ordinances, as needed, for specifically defined areas of the City to encourage development of affordable housing for working and middle class families, and commercial revitalization while keeping intact current single family residential neighborhoods and maintaining local control; to provide minimum standards for such land use plans and require developers to pay fees to mitigate environmental and traffic impacts from such development, and to further define what is considered mandated affordable housing. Nothing contained in this Measure is intended to limit, curtail or abrogate the City’s power to impose greater restrictions or limitations on development within the defined areas than those established hereby.

Now, therefore, the People of the City of Costa Mesa do ordain as follows:

AN ORDINANCE OF THE PEOPLE OF THE CITY OF COSTA MESA, CALIFORNIA, TO AMEND THE COSTA MESA MUNICIPAL CODE TO AUTHORIZE THE CITY COUNCIL TO ADOPT LAND USE PLANS AS EXPRESSLY LIMITED HEREIN

SECTION 3.

Section 13-200.106(c) of the Costa Mesa Municipal Code is hereby amended to read:

The provisions of this article shall not apply to affordable housing proposals required by state or federal law, or those housing or mixed use development projects that comply with an affordable housing ordinance(s) or Council approved development agreement as adopted by the City Council in the industrial and commercial corridors identified in Section 13-200.106 (g).

SECTION 4.

Section 13-200.106 of the Costa Mesa Municipal Code is amended to add the following subsection (g):

(g) This article shall not apply to any major change in allowable land use of property located in the following areas, as depicted in Exhibit A, to provide for development of housing and/or mixed use and/or revitalization of existing commercial and/or industrial corridors when those properties are subject to an adopted or amended specific plan or overlay plan, following environmental and public review:

- (1) Newport Boulevard/Old Newport Boulevard from Mesa Drive to the City limit and Superior from Newport Boulevard to the City limit;
- (2) Harbor Boulevard from Baker Street to West 19th Street;
- (3) Baker Street between SR-73 and SR-55, generally referred to as the SoBECA area;
- (4) West 17th Street from Newport Boulevard west to Monrovia, West 18th Street from Placentia west to Monrovia, and 19th Street from Harbor Boulevard west to Whittier;
- (5) Placentia Avenue from Victoria Street to West 16th Street; and,
- (6) North of the 405 freeway as bordered by the City limits

All land use plans approved for the areas described above shall include restrictions on building heights.

In order to be eligible for this exemption, all residential and mixed use developments shall provide for deed-restricted affordable housing pursuant to a City Council-adopted affordable housing ordinance or City Council approved Development Agreement. Development impact fees shall be required to be paid by developers to mitigate impacts of any permitted development, including traffic impacts, park impacts, and provision of open space. Such fees shall not be waived.

As used herein, "Environmental and public review" shall mean and refer to the applicable requirements of the California Environmental Quality Act, the Ralph M. Brown Act, and the Government Code public noticing provisions for land use projects. All land use plans adopted or amended for any part of the defined areas eligible for this exemption shall be the subject of public community visioning meetings prior to adoption or amendment.

Nothing herein shall be deemed to exempt major changes in allowable land use of any existing single family residentially zoned properties from the provisions of this article.

SECTION 5. 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 no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 6. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The People of the City of Costa Mesa hereby declare that they would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. Effective Date.

This ordinance shall take effect according to law ten days after certification of the election at which it is adopted.