

RESOLUTION NO. 2022-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA FOR THE APPROVAL OF GENERAL PLAN AMENDMENT 21-01, CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT UPDATE, AS REVISED PURSUANT TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT COMMENTS

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa adopted the General Plan's Fifth Cycle Housing Element on January 21, 2014;

WHEREAS, California Government Code Section 65358(a) authorizes the City Council to amend the General Plan if it is deemed to be in the public interest;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of the City of Costa Mesa;

WHEREAS, by its very nature, the General Plan is subject to update and revision to account for current and future community needs;

WHEREAS, the Housing Element is one of the seven State-mandated General Plan chapters or "elements" and is a component of the City of Costa Mesa 2015-2035 General Plan;

WHEREAS, California State Housing Element Law establishes the requirements for Housing Elements, and California Government Code Section 65588 requires that local governments review and revise the Housing Element of their comprehensive General Plans not less than once every eight years. Additionally, the California Legislature identifies overall housing goals for the State with the goal of ensuring every resident has access to housing and a suitable living environment;

WHEREAS, the City of Costa Mesa has been assigned an allocation of 11,760 new housing units as its share of the regional housing need assessment (RHNA) in Southern California;

WHEREAS, the City of Costa Mesa has completed extensive public outreach that included conducting two City-wide Townhall meetings on November 18, 2020 and September 2, 2021, hosting outreach meetings for each of the City's six voting districts on February 17, 2021 and February 18, 2021, a special study session with the Planning Commission was held on March 1, 2021 and with the City Council on March 23, 2021, and on April 27, 2021 and September 13, 2021, the City Council and Planning Commission held joint public study sessions;

WHEREAS, the Housing Element update must be adopted by City Council and certified by California State Department of Housing and Community Development (HCD), and the Planning Commission is required to make a recommendation regarding the Housing Element update prior to City Council adoption and HCD certification;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the Housing Element Update in compliance with CEQA and the local environmental review guidelines and reviewed by the Planning Commission;

WHEREAS, the IS/MND were circulated for the required 30-day public review period from October 29, 2021, to November 29, 2021;

WHEREAS, the final adoption of the IS/MND along with the associated Mitigation Monitoring and Reporting Program (MMRP) is subject to City Council discretion as the final approval authority, after consideration of the Planning Commission recommendation and public comments received during the public review period;

WHEREAS, the IS/MND and MMRP reflects the independent judgment and analysis of the City of Costa Mesa;

WHEREAS, the public review draft Housing Element was circulated for public comment between August 17, 2021 and September 15, 2021;

WHEREAS, On October 6, 2021, the Draft Housing Element Update was sent to the HCD for review and comment, and on December 3, 2021, the Department of HCD forwarded the State's review comments regarding the 2021-2029 Draft Housing Element update;

WHEREAS, duly-noticed public hearings were held by the Planning Commission for the review of the Draft Housing Element update on November 8, 2021, November 22, 2021 and December 13, 2021;

WHEREAS, the Planning Commission at its December 13, 2021 meeting reviewed the Draft Housing Element update that included revisions based on the State's review comments and after considering public input recommended by a 6-1 vote that the City Council approve the Housing Element update and associated IS/MND;

WHEREAS, a duly-noticed public hearing was held by the City Council for the review of the Draft Housing Element update on January 18, 2022, public comments were considered by the City Council, and the City Council continued the item to the February 1, 2022 City Council meeting;

WHEREAS, on February 1, 2022, the City Council held a duly noticed public hearing, considered the Planning Commission recommendation and public comments, and at the conclusion of the public hearing, the City Council, by a vote of 6-1, adopted Resolution No. 2022-06 that approves and adopts the IS/MND, MMRP and approved General Plan Amendment 21-01 for the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element Update;

WHEREAS, on February 4, 2022, the City of Costa Mesa re-submitted the adopted 2021-2029 Housing Element to the HCD for review and certification;

WHEREAS, on April 5, 2022, HCD provided to the City of Costa Mesa a report of its review that includes advisement of further revision to the adopted 2021-2029 Housing Element;

WHEREAS, the City of Costa Mesa revised the previously adopted 2021-2029 Housing Element to address the HCD response letter, which is attached to this Resolution as Attachment 1;

WHEREAS, seven days prior to the City Council meeting, the City of Costa Mesa posted on the City's website the revised 2021-2029 Housing Element for public review;

WHEREAS, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162(a)(1-3), the City of Costa Mesa as the lead agency has determined that none of the proposed revisions based on the HCD comments to the Housing Element require subsequent environmental analysis;

WHEREAS, on November 15, 2022, the City Council held a duly noticed public hearing, considered public comments and considered approval of the revised 2021-2029 Housing Element and Resolution 2022-XX to overrule the March 17, 2022 Orange County Airport Land Use Commission's determination that the City's 2021-2029 Sixth Cycle Housing Element is inconsistent with the 2008 John Wayne Airport Environs Land Use Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES as follows:

Section 1. The City has considered the findings, comments and recommendations set forth in HCD's letter dated April 5, 2022 which determined that the City's 2021-2029 Housing Element, adopted February 1, 2022, required revisions to comply with State Housing Element Law;

Section 2. The City has revised the adopted 2021-2029 Housing Element as recommended by HCD and General Plan Amendment 21-01, 2021-2029 (Sixth Cycle) Housing Element, as revised, is attached to this Resolution as Attachment 1;

Section 3. The 2021-2029 (Sixth Cycle) Housing Element, as revised, sets forth the housing policies for the City, facilitates the preservation and development of housing, and establishes programs to accommodate the City's share of the regional housing need.

Section 4. In accordance with Government Code Section 65583, the City finds that the City's Sixth Cycle (2021-2029) Housing Element, as revised, complies with the duty to affirmatively further fair housing.

Section 5. The City finds that the Sixth Cycle (2021-2029) Housing Element, as revised, complies with the requirements of State law.

Section 6. The City finds that based on a variety of factors including the increasing demand for housing in the Southern California region, development trends, property owner interest, structure age, property valuation, and development capacity, as well the likelihood of the City's commercial area zoning standards, specific plans and urban plans along commercial corridors and otherwise being modified to include greater housing opportunities based on the Housing Programs included in the City's Sixth Cycle 2021-2029 Housing Element Update which will facilitate commercial uses on non-vacant sites converting to mixed-use and/or residential developments; together with recent regional

development trends (where conversion of non-residential uses on non-vacant sites to housing developments to accommodate a range of household types including lower income households has been prevalent); the documented interest from housing developers to construct housing projects in the City of Costa Mesa; and the existing uses on the sites identified in the Housing Element sites inventory to accommodate the RHNA including the lower income RHNA are likely to be integrated with new residential uses, or discontinued during the planning period; and therefore are not considered significant impediments to additional residential development during the period covered by the City's Sixth Cycle 2021-2029 Housing Element Update;

Section 7. The City adopted Resolution 2022-xx on November 15, 2022 that overruled the ALUC determination that the Costa Mesa 2021-2029 Sixth Cycle Housing Element is inconsistent with the AELUP and made appropriate findings that the Housing Element is consistent with the purpose of the article stated in Public Utilities Code Section 21670. The findings are included as Exhibit "A" as attached to the November 15, 2022 Resolution for overrule. Pursuant to Public Utilities Code Section 21676, the ALUC and the Caltrans Division of Aeronautics provided comments to the City regarding the City's proposed decision and findings to overrule the ALUC determination, and the City made these comments part of the public record to overrule the ALUC determination as required pursuant to the Public Utilities Code.

Section 8. The City Council considered public comments received during the public review period and determined that no new environmental documentation pursuant to CEQA is required because (a) all potentially significant effects of the proposed project have been adequately analyzed in an earlier IS/MND adopted on February 1, 2022 pursuant to applicable legal standards, (b) all potentially significant effects of the proposed project have been avoided or mitigated pursuant to that earlier IS/MND, (c) the proposed project will not result in any new significant environmental effects not identified in the earlier IS/MND, (d) the proposed project will not substantially increase the severity of the environmental effects identified in the earlier IS/MND, (e) no considerably different mitigation measures have been identified, and (f) no mitigation measures found infeasible have become feasible;

Section 9. The City Council hereby approves and adopts General Plan Amendment 21-01, 2021-2029 (Sixth Cycle) Housing Element, as revised, which updates the previously-approved City-adopted Fifth Cycle Housing Element, attached hereto as Attachment 1.

Section 10. Pursuant to State housing element law, the City Council hereby authorizes the Director of Economic and Development Services to submit the adopted 2021-2029 (Sixth Cycle) Housing Element, as revised, to the HCD for State certification.

Section 11. The Director of Economic and Development Services of the City of Costa Mesa is authorized to make minor non-substantive modifications to the Housing Element as necessary to make it internally consistent or address additional comments from HCD as part of the Housing Element certification process.

ATTACHMENT 2

PASSED, APPROVED AND ADOPTED this 15th day of November, 2022.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

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

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Resolution No. 2022-__ was duly adopted at a regular meeting of the City Council of the City of Costa Mesa held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this ____day of _____, 2022.

Brenda Green, City Clerk