

RESOLUTION NO. 2022-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO THE ADOPTION OF A PROPOSED ORDINANCE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, AS CALLED BY RESOLUTION NO. 2022-27

WHEREAS, a General Municipal Election on Tuesday, November 8, 2022 has been called by Resolution No. 2022-27, adopted on June 7, 2022; and

WHEREAS, the City Council of the City of Costa Mesa also desires to submit to the voters at the election a question relating to the adoption of a proposed ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Election on Tuesday, November 8, 2022, the following question:

Measure __: Ordinance to Revitalize Commercial and Industrial Areas and Protect Residential Neighborhoods	Response	Vote
To provide for future housing needs of workers, middle-class families, and seniors; maintain the character of Costa Mesa's single-family neighborhoods; protect the environment and open space; attract new businesses; and maintain local control; shall voters authorize the City Council to adopt publicly-reviewed land use plans to revitalize outdated commercial/industrial corridors such as Newport and Harbor Boulevards, and expand affordable housing, while restricting building heights, requiring developer-paid fees, and keeping residential neighborhoods intact?	Yes	
	No	

SECTION 2. That the proposed complete text of the ordinance to be submitted to the voters is attached as Attachment A.

SECTION 3. That the vote requirement for the measures to pass is a majority (50% +1) of the votes cast.

SECTION 4. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 2nd day of August, 2022.



John Stephens, Mayor

ATTEST:



Brenda Green, City Clerk

APPROVED AS TO FORM:



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 foregoing Resolution No. 2022-53 was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 2nd day of August, 2022, by the following roll call vote, to wit:

AYES: COUNCILMEMBERS: CHAVEZ, GAMEROS, HARLAN, REYNOLDS, MARR, AND STEPHENS.

NOES: COUNCILMEMBERS: HARPER.

ABSENT: COUNCILMEMBERS: NONE.

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 3rd day of August, 2022.



BRENDA GREEN, CITY CLERK

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:

The People of Costa Mesa find:

- (a) Past changes in the Costa Mesa Municipal Code had the unintended consequence of severely constricting the production of new housing in Costa Mesa, thereby contributing to a severe shortage of housing affordable to Costa Mesa's working and middle-class families, young adults, seniors, and others.
- (b) The requirement for a city wide vote on land use plans has had the effect of stalling the normal process of renewal, change, and revitalization of the city's commercial and industrial areas, contributing to the decline of local retail centers and increase in vacant storefronts along the city's main commercial corridors and industrial areas.
- (c) Since 2016, the State of California has adopted new laws and regulations requiring every city to plan for substantially increased numbers of housing units at all affordability levels to meet the needs of its residents, including working and middle class families and individuals, and imposing severe consequences for the city's failure to zone sufficient parcels of land to meet the state-designated housing need, including financial penalties and the loss of local control over land use planning.
- (d) The City of Costa Mesa has responded to these new laws and regulations through the development of its Housing Element, which included significant community input, a comprehensive analysis of the issues causing the lack of housing production, and identification of proposed Housing Opportunities Sites to meet the undeniable demand for new housing supply.
- (e) Costa Mesa residents recognize the benefits of allowing a more efficient use of land located near our job centers, and a greater variety of housing types, including mixed-use housing, along certain commercial and industrial corridors of the city and in the entire area north of the 405 freeway, specifically including the South Coast Plaza metro area where multi-story apartments and condominiums coexist with offices, restaurants, retail stores, and arts and cultural spaces, to create a vibrant urban environment.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF COSTA MESA DO ORDAIN AS FOLLOWS:

SECTION 1. Code Amendment.

This ordinance amends the Costa Mesa Municipal Code as follows, and supersedes any provisions that are inconsistent with this ordinance, and shall be known as “An Ordinance to Revitalize Commercial and Industrial Areas and Protect Residential Neighborhoods”, 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 and visioning 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 boost commercial revitalization, while keeping intact current residential neighborhoods and maintaining local control.

SECTION 3.

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 amendment, change, or replacement of the General Plan, or of Costa Mesa’s zoning ordinance (as defined and contained in Title 13 of the Costa Mesa Municipal Code) or any Specific Plan or Overlay Plan, or adoption of a new Specific Plan or Overlay Plan, applicable to property located in the following areas, as depicted in Exhibit A, to provide for the development of housing and/or mixed use and/or revitalization of existing commercial and/or industrial corridors therein:

- (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) South side of Baker Street from Fairview to Mendoza;
- (5) Bristol Street, south of the 405 freeway to the City limit;
- (6) 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 Federal;
- (7) Placentia Avenue from Victoria Street to West 16th Street;
- (8) The site located at 3150 Bear Street; and
- (9) North of the 405 freeway as bordered by the City limits.

All city-sponsored land use plans adopted or amended for any part of the defined areas eligible for this exemption shall include a public community visioning process (e.g., workshops, design charrettes, community surveys) prior to adoption or amendment by the City Council at any required public hearing.

All land use plans approved for the areas described above shall include restrictions on building heights. Development impact fees shall be required to be paid to mitigate impacts of any permitted development, including traffic and parks and open space, and all required environmental and public review shall precede any decisions.

Nothing herein shall be deemed to exempt major changes in allowable land use of any existing residentially developed properties or public parkland from the provisions of this article.

SECTION 4.

Section 13-200.106(e) 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 to any housing or mixed used development proposals located in the areas listed in subsection (g) as depicted in Exhibit A that comply with a City Council-adopted affordable housing ordinance(s) or City Council-approved development agreement.

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.

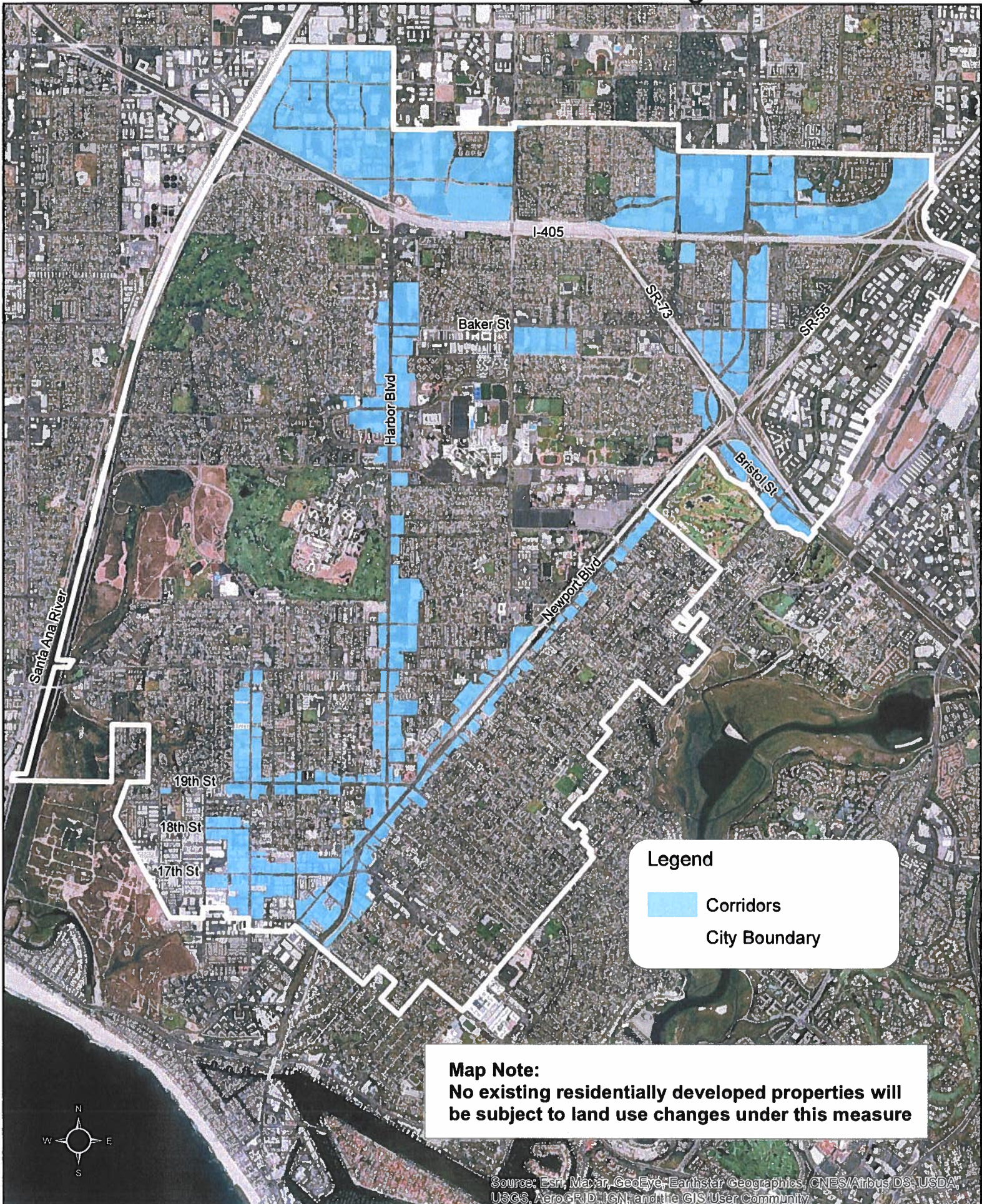
SECTION 6. Severability.

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.

Exhibit A: Ordinance To Revitalize Commercial and Industrial Areas and Protect Residential Neighborhoods





State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER:
 30 — 08/11/2022 — 0693
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF COSTA MESA	LEAD AGENCY EMAIL	DATE 08/11/2022
COUNTY/STATE AGENCY OF FILING Orange <input type="button" value="v"/>	DOCUMENT NUMBER 202285000701	

PROJECT TITLE

CITY OF COSTA MESA INITIATIVE ORDINANCE ENTITLED "ORDINANCE TO REVITALIZE COMMERCIAL AND INDUSTRIAL AREAS AND PROTECT RESIDENTIAL NEIGHBORHOODS" (BALLOT MEASURE)

PROJECT APPLICANT NAME CITY OF COSTA MESA	PROJECT APPLICANT EMAIL	PHONE NUMBER (714)754-5617
PROJECT APPLICANT ADDRESS 77 FAIR DRIVE	CITY COSTA MESA	STATE CA
	ZIP CODE 92626	

PROJECT APPLICANT (Check appropriate box)

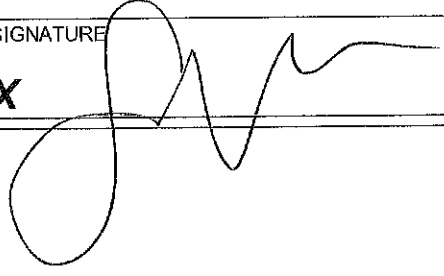
- Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

- | | | | |
|-------------------------------------------------------------------------------------------------------------|------------|----------|------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$3,539.25 | \$ _____ | 0.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,548.00 | \$ _____ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,203.25 | \$ _____ | 0.00 |
|
 | | | |
| <input checked="" type="checkbox"/> Exempt from fee | | | |
| <input checked="" type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |
| <hr/> | | | |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ _____ | 0.00 |
| <input type="checkbox"/> County documentary handling fee | | \$ _____ | 0.00 |
| <input type="checkbox"/> Other | | \$ _____ | |

PAYMENT METHOD:

- Cash Credit Check Other **TOTAL RECEIVED** \$ _____ **0.00**

SIGNATURE X 	AGENCY OF FILING PRINTED NAME AND TITLE DEPUTY CLERK, SANDRA VALENCIA LOPEZ
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ORANGE COUNTY
CLERK-RECORDER
CEQA FILING COVER SHEET

Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



NO FEE

* \$ R 0 0 1 3 9 0 0 2 7 9 \$ *
202285000701 1:48 pm 08/11/22

414 Vitlndx Z01

0.00 50.00 0.00 0.00 0.00 0.00 0.00 0.00

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk-Recorder

TYPE OR PRINT CLEARLY

Project Title

CITY OF COSTA MESA INITIATIVE ORDINANCE ENTITLED "ORDINANCE TO REVITALIZE
COMMERCIAL AND INDUSTRIAL AREAS AND PROTECT RESIDENTIAL NEIGHBORHOODS"
(BALLOT MEASURE)

Check Document being Filed:

- Environmental Impact Report (EIR)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Notice of Exemption (NOE)
- Other (Please fill in type):

30-08-11-2022-06913

FILED

POSTED

AUG 11 2022

AUG 11 2022

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: S DEPUTY

BY: S DEPUTY

FILED IN THE OFFICE OF THE ORANGE
 COUNTY CLERK-RECORDER ON August 11, 2022
 Posted August 11, 2022 Removed _____
 Returned to agency on _____
 DEPUTY SANDRA VALENCIA LOPEZ

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.


NOTICE OF EXEMPTION

To: Office of Planning and Research
 1400 Tenth Street, Room 121
 Sacramento, CA 95814

County Clerk-Recorder
 County of Orange
 P.O. Box 238, Santa Ana, CA 92702-0238

From: City of Costa Mesa
 Development Services Dept.
 77 Fair Drive, P.O. Box 1200
 Costa Mesa, CA 92628

\$50 Filing Fee Attached
 No Fee – City projects exempt from filing fee

ORANGE COUNTY CLERK-RECORDER DEPARTMENT
 BY:  AUG 11 2022
 DEPUTY

FILED

Project Title: City of Costa Mesa Initiative Ordinance entitled "Ordinance to Revitalize Commercial and Industrial Areas and Protect Residential Neighborhoods" (Ballot Measure)

Project Location: City-wide

Project Location – City: Costa Mesa

Project Location – County: Orange

Description of Nature, Purpose, and Beneficiaries of Project:

The Ballot Measure would revise the Costa Mesa Municipal Code to allow the City Council to establish land use plans, including the amendment, change, or replacement of the General Plan, or of Costa Mesa's zoning ordinance or any Specific Plan or Overlay Plan, or adoption of a new Specific Plan or Overlay Plan, applicable to property located in specifically defined areas of the City through a public hearing and visioning process, in order to encourage the development of affordable housing for working and middle class families and to encourage the revitalization of existing commercial and/or industrial corridors therein, while keeping intact current residential neighborhoods and maintaining local control.

Name of Public Agency Approving Project: City of Costa Mesa

Name and Address of Person or Agency Carrying Out Project: City of Costa Mesa, 77 Fair Drive, Costa Mesa, CA. 92626; c/o Jennifer Le, Director of Economic and Development Services

Exempt Status: (Check One)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number:
- Statutory Exemptions. State code number: CEQA Guidelines Section 15378(b)(5) and 15061(b)(3).

POSTED

AUG 11 2022

ORANGE COUNTY CLERK-RECORDER DEPARTMENT
 BY:  DEPUTY

Reasons why project is exempt:

The Measure is exempt from review under the California Environmental Quality Act pursuant to the following Sections of Title 14, Chapter 3, California Code of Regulations because:

A. The initiative ordinance is not a project under CEQA pursuant to section 15378 (b)(5), because it involves organizational or administrative activities of government that will not cause or result in direct or indirect physical changes in the environment as it will not approve any project or make any project subject to ministerial approval, and any such changes would still require environmental review.

B. The initiative ordinance is exempt under Section 15061(b)(3) because it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. In this case, it can be seen with certainty that there is no possibility that the proposed initiative ordinance may have a significant effect on the environment and is therefore not subject to CEQA.

Lead Agency Contact Person: Jennifer Le

Phone: 714-754-5617

Signature: 

Date: 8-11-22

Title: Director of Economic and Development Services

FISH & GAME FEES: Pursuant to Section 711.4(c)(2)(A) of the California Fish and Game Code, the project is exempt from fees since it is exempt from CEQA.

Filed with the County Clerk: Yes No
 Date Filed: _____

Exhibit A: Ordinance To Revitalize Commercial and Industrial Areas and Protect Residential Neighborhoods

