



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 18, 2006

ITEM NUMBER: _____

SUBJECT: ORDINANCE 06-7 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPTING ZONING CODE AMENDMENT CO-06-03 REGARDING DENSITY BONUSES AND OTHER INCENTIVES.

DATE: APRIL 5, 2006

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: DONALD D. LAMM, AICP, DEPUTY CITY MGR. – DEV. SVS. DIRECTOR

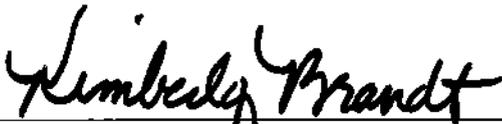
FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604

RECOMMENDATION:

Give second reading to Ordinance 06-7 that amends Title 13 of the Costa Mesa Municipal Code (Zoning Code) in respect to review procedures and other requirements for density bonuses and other incentives.

ANALYSIS:

On April 4, 2006, City Council gave first reading to the attached ordinance, on a 5-0 vote. Staff has no further information on this item.


KIMBERLY BRANDT, AICP
Principal Planner


DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

DISTRIBUTION: City Manager
City Attorney
Deputy City Manager – Dev. Svs. Dir.
Public Services Director
City Clerk (2)
Staff (4)
File (2)

ATTACHMENT: 1 Ordinance 06-7

File Name: 041806DENSITYBONUS	Date: 040406	Time: 8:30 a.m.
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ORDINANCE NO. 06-7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-06-03 THAT AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING DENSITY BONUSES AND OTHER INCENTIVES.

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

Section 1. Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Section 13-29(g) as follows:

“(3) Density bonus and concession or incentive findings:

- a. The request is consistent with State Government Code Section 65915 et. seq. regarding Density Bonuses and Other Incentives, the General Plan, any applicable specific plan, and CHAPTER IX SPECIAL REGULATIONS, ARTICLE 4 DENSITY BONUSES AND OTHER INCENTIVES.
- b. The requested density bonus and incentive or concession constitute the minimum amount necessary to provide housing at the target rents or sale prices and/or a child care facility.
- c. The granting of the incentive or concession is required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5 or for rents for the targeted units.
- d. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5 upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- e. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have an adverse impact on any real property that is listed in the California Register of Historical Resources.”

b. Amend Article 4, Sections 13-52 through Section 13-58, as follows:

“ARTICLE 4. DENSITY BONUSES AND OTHER INCENTIVES

Sec. 13-152. PURPOSE

The purpose of this article is to provide incentives for the production of affordable housing, senior housing, and child care facilities in compliance with State Government Code Section 65915 et. seq. regarding Density Bonuses and Other Incentives.

Sec. 13-153. QUALIFIED PROJECT

To qualify for a density bonus and concessions or other incentives, the developer of a proposed housing project of at least 5 units, must provide housing units affordable to certain income households, donate land, and/or construct a child care facility pursuant to State Government Code Section 65915 et. seq.

Sec. 13-154. APPLICATION AND REVIEW PROCESS

(a) **Preliminary application.** A developer of a qualified housing project and/or child care facility may submit a preliminary application pursuant to this article prior to the submittal of any formal requests for approvals for a housing project development.

Within 30 days of receipt of the application, the Planning Division shall provide to the applicant, the procedures for compliance with this article, a copy of this article and related policies, the pertinent sections of the State Codes to which reference is made in this article, and an application.

(b) **Submittal.** The completed formal application shall include the following information.

- (1) A legal description of the total site proposed for development including a statement of present ownership and present and proposed zoning.
- (2) A letter signed by the present owner stating how the project will comply with State Government Code Section 65915 et. seq. and stating what is being requested of the City, i.e., density bonus and specific concessions or incentives.
- (3) A pro-forma for the proposed project to justify the requested concession or incentive and to establish the land valuation per dwelling unit of bonus units. The applicant shall show that any requested waiver or reduction of a development standard is

necessary to make the housing units economically feasible.

- (4) A management plan for complying with the maintenance of the designated units regarding income qualification documentation and rent or sale price documentation.
 - (5) Site plan and supporting plans per the planning application submittal requirements.
- (c) **Review.** The review of an application for a density bonus and concession or incentive request shall be processed as a planning application pursuant to CHAPTER III PLANNING APPLICATIONS. The Planning Division shall review the application for its conformance with State Government Code Section 65915 et. seq. and applicable City Codes and make a report to the Planning Commission. If the application involves a request for direct financial incentives, then any action by the Planning Commission on the application shall be advisory only, and the City Council shall have the authority to make the final decision on the application.

Sec. 13-55 through 13-58. Reserved for future use.”

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 of the CEQA Guidelines.

Section 3. 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 the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, 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 portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: 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 _____, 2006

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk of the
City of Costa Mesa

City Attorney

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

I, Julie Folcik, City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 06-__ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2006, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2006, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2006.

City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa