

[PROPOSED] ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE PEOPLE OF THE CITY OF COSTA MESA AFFIRMING THE FAIRGROUND LAND USE DESIGNATION IN THE LAND USE ELEMENT OF THE 2000 GENERAL PLAN RELATING TO DESIGNATION OF THE ORANGE COUNTY FAIR AND EVENT CENTER PROPERTY LOCATED AT 88 FAIR DRIVE, COSTA MESA, CALIFORNIA AND MAKING IT SUBJECT TO CHANGE ONLY BY A VOTE OF THE PEOPLE

WHEREAS, the Orange County Fair and Event Center is a large parcel of property consisting of over 150 acres located in the City of Costa Mesa and has served an important public purpose for over sixty years; and

WHEREAS, the Orange County Fair and Event Center property is currently owned by the State of California and thus not subject to the City's zoning code; and

WHEREAS, the State of California has placed the Orange County Fair and Event Center property up for sale, and the property could become privately owned and thus subject to the City's zoning code; and

WHEREAS, the City Council approved Resolution 10-8 on February 2, 2010 adopting a General Plan Amendment for the Orange County Fair and Event Center property to more completely describe the existing and approved uses for the property; and

WHEREAS, the City Council approved Resolution 10-12 on February 16, 2010 adopting a General Plan Amendment for the Orange County Fair and Event Center property to more completely describe the existing and approved uses for the property following a duly noticed public hearing; and

WHEREAS, the electors of the City of Costa Mesa wish to confirm and approve the land use designation for the Orange County Fair and Event Center property located at 88 Fair Drive, Costa Mesa, California, in the City's General Plan adopted by the City Council by Resolution 10-12 on February 16, 2010; and

WHEREAS, the electors of the City of Costa Mesa further wish to require that any future general plan amendments relating to the Orange County Fair and Event Center property be accomplished only with a vote of the electorate of Costa Mesa and that no such change to the General Plan designation for the Orange County Fair and Event Center property shall be effective unless confirmed and approved by a majority vote of the electorate at a properly noticed and called election; and

WHEREAS, the electors of the City of Costa Mesa further wish to require that any future general plan amendments relating to the Orange County Fair and Event Center property be fully evaluated pursuant to the California Environmental Quality Act and a complete and proper environmental document be certified and approved by the City Council of the City of Costa Mesa prior to any proposed amendment to the General Plan being placed on the ballot for voter approval. Notwithstanding any statute, regulation, policy, rule or case law which provides that a voter initiated zoning or general plan amendment shall not or does not constitute a “project” pursuant to the California Environmental Quality Act, no further general plan amendment for the Orange County Fair and Event Center shall be considered adopted or approved until it has received the same environmental review as would be required under the California Environmental Quality Act if it were considered a “project” of the City.

WHEREAS, confirmation of the City’s General Plan designation for the Orange County Fair and Event Center will not result in any impact to the environment as it will not increase or decrease the types of uses or buildable space for the property from what currently exists, and is therefore determined to have no potential environmental impact. In addition, The General Plan Final Program Environmental Impact Report (Final EIR) was certified by City Council in January 2002. The OCFEC Master Plan Final EIR was certified by the 32<sup>nd</sup> District Agricultural Association in September 2003. These two environmental documents constitute the required environmental documentation for the proposed General Plan amendment. Confirmation by the Voters of the General Plan designation for the Fair and Event Center property and requiring voter approval of any future general plan amendment for this property is determined to be within the original scope of the General Plan Final EIR and OCFEC Master Plan EIR, and no additional environmental documentation is required.

NOW, THEREFORE, the people of the City of Costa Mesa do ORDAIN AS FOLLOWS:

SECTION 1. Article 17 of Chapter IX of Title 13 of the Costa Mesa Municipal Code is hereby added:

Article 17. ORANGE COUNTY FAIR AND EVENT CENTER

Section 13-200.75 General Plan Designation.

The general plan designation for the Orange County Fair and Event Center property located at 88 Fair Drive, Costa Mesa, California shall be as set forth in General Plan Amendment GP-09-01 adopted by the City Council pursuant to Resolution 10-12 on February 16, 2010.

Section 13-200.76 Amendment of General Plan Designation.

The general plan designation for the Orange County Fair and Event Center property

located at 88 Fair Drive, Costa Mesa, California shall not be further amended except by ordinance approved by a majority vote of the electorate of the City of Costa Mesa.

Section 13-200.77 Environmental Review.

Notwithstanding any statute, regulation, policy, rule or case law which provides that a voter initiated zoning or general plan amendment shall not or does not constitute a "project" pursuant to the California Environmental Quality Act, no further general plan amendment for the Orange County Fair and Event Center shall be considered adopted or approved until it has received the same environmental review as would be required under the California Environmental Quality Act if it were considered a "project" of the City. Such environmental review shall occur prior to the placement on the ballot of any proposed general plan amendment for the Orange County Fair and Event Center property, and the Council shall be required to certify and approve a complete and proper environmental document prior to the calling of an election.

Section 13-200.78 Election Costs.

Any proposed general plan amendment for the Orange County Fair and Event Center property shall be set for the general municipal election next following City Council action regarding the proposed general plan amendment and the approval of appropriate environmental documentation for such amendment. However, by mutual agreement with the proponent of the general plan amendment, the City Council may call a special municipal election, with the cost of the special election being borne solely by the proponent.

SECTION 2. Should any section, subsection, clause or provision of this ordinance for any reason be held to be invalid, then the remainder of the ordinance shall be deemed valid, it being hereby expressly declared that this ordinance, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified even if any other section, subsection, sentence, clause or phrase of this ordinance were declared invalid.

SECTION 3. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner required by law. This ordinance shall become effective thirty days from and after its passage.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
ALLAN MANSOOR, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## EXHIBIT "A"

### Fairgrounds

The Fairgrounds land use designation is applicable to only one property known as the Orange County Fair and Event Center (OCFEC) in the City of Costa Mesa. The Fairgrounds is a 150-acre site located at 88 Fair Drive. This designation is intended to:

- Ensure continued development of the property as an integrated complex that is composed of recreational, agriculture-related educational institutions, open space, farmland, equestrian, and commercial uses, and
- Promote the continued and sustained use of the property for the annual Orange County Fair in recognition of its value as a regionally significant resource in the City of Costa Mesa.

Home to the annual Orange County Fair since 1949, the site is bounded by Arlington Drive (north boundary), Fair Drive (south), Fairview Road (west), and Newport Boulevard (east). Regional access is primarily provided to the site by State Route 55 (SR-55) at the interchanges of Fair Drive/Del Mar Avenue and 22<sup>nd</sup> Street/Victoria Street. Access from Interstate 405 (I-405), which is approximately one mile north of the Fairgrounds, is provided via interchanges at Bristol Street, Fairview Road, and Harbor Boulevard.

The site was formerly a portion of the Santa Ana Army Air Base, and in 1949 the California 32<sup>nd</sup> District Agricultural Association (DAA) acquired the property from the Federal Government. Since that time, the annual Orange County Fair has occurred at this location. Through the years the 32<sup>nd</sup> DAA has expanded the use of the property into a year-round exhibition, conference, equestrian, activity, and event center; these uses compose collectively the OCFEC.

The 32<sup>nd</sup> DAA Fair Board adopted the current OCFEC Master Plan in 2003. Given that the 32<sup>nd</sup> DAA is a state entity for administration of the Orange County Fair, Costa Mesa has limited land use and permitting authority over the property while it is controlled by the State. Therefore, the City of Costa Mesa did not have the authority to adopt the 2003 OCFEC Master Plan.

If in the future, the State no longer controls the property, any proposed new development or change of use shall be subject to review for consistency with the City's General Plan and zoning regulations. The new property owner/operator may continue to operate the Fairgrounds as it existed at the time of sale as a legal nonconforming use and development. The property's legal nonconforming status will remain in effect until such time as the property owner submits and receives approval of a master plan by Costa Mesa.

As of 2009, the Fairgrounds site contains a total of 400,000 square feet of buildings, including:

- Pacific Amphitheater
- Arlington Theater
- Grandstand Arena
- Equestrian Center
- Exhibit and Administration Buildings
- Concession and Restaurant Buildings
- Memorial Gardens
- Centennial Farms
- Livestock Barns

Orange County Fair (OC Fair) attendance from 1995 to 2006 ranged from 750,000 to 950,000 visitors during the 4-week long period. From 2006 to 2009, OC Fair attendance exceeded a million visitors. Based on peak attendance of approximately 60,000 visitors per day during the OC Fair event, approximately 48,000 vehicle trips per day is expected (based on average vehicle occupancy of 2.5 persons per vehicle).

Although best known for the annual OC Fair, the site hosts many “non-fair” activities and events year round, including the weekly Orange County Marketplace and Farmer’s market, equestrian events, trade and consumer shows, special vehicle sales events, agricultural events, and cultural festivals. In 2009, the Fairgrounds were also home to the Centennial Farm, Equestrian Center, 4-H Clubs, and All American Boys Chorus. In addition, Orange Coast College used a portion of the parking lot for off-site parking during the school year.

The Fairgrounds designation recognizes the existing fairground and event center uses associated with this site. The 2000 General Plan traffic model does not take into account the trip generation from the annual OC Fair or weeknight/weekend special event uses (i.e. Orange County Marketplace) because peak vehicle trips to the site occur outside normal business timeframes. However, further development of the Fairgrounds will need to be balanced with the development capacity of the City’s transportation system and with the protection of surrounding neighborhoods.

Permitted uses include ancillary office uses, exposition/conference uses, equestrian uses, agricultural/livestock activities, restaurants, temporary specialty retail sales (including vehicle sales), outdoor marketplace, emergency operational uses, and concerts/live entertainment uses. Complementary uses to the fairground and event center uses may include botanical gardens, animal exhibits, museum, art/historical artifacts gallery, and performance art theaters that are supportive of the fairground uses.

Uses that are not supportive of fairground and event center uses are expressly prohibited.

Prohibited uses include, but are not limited to, casinos/gambling venues, shopping centers, hotel/motels, residential uses, self-storage facilities, hospitals, and medical uses. In addition, exclusive use or dedicated athletic sports facilities and educational uses that are unrelated to the OCFEC are prohibited.

As a State-owned property, the Fairgrounds is not normally subject to the City's Noise Ordinance. However, pursuant to a 1990 Court Order (Case Nos. 42 07 28 and 55 65 08), exterior noise standards comparable to the City's noise regulations have been applied to the property. Noise sensitive uses include neighboring residences, Davis Intermediate School, and Costa Mesa High School. The court-ordered noise restrictions apply to the operation of the Pacific Amphitheater.

Development within the Fairgrounds designation is intended for buildings ranging from one- to four-story structures. The maximum allowable floor area ratio for this designation shall be 0.10.

Employment generation for fairground and event center uses vary dependent upon the specific use within this designation. For example, typical employment density standards are 1 employee per 300 square feet of office use, 1 employee per 333 square feet of service uses, and 1 employee per 500 square feet for retail. Because of the limited range of uses and lower building intensity permitted in the Fairgrounds designation compared to other nonresidential land use designations, the standard mix of uses in this designation would generate a population density in the range of 4 to 15 employees per acre. Office development consisting of a maximum buildout of 653,400 square feet at 0.10 FAR would generate up to 14.5 employees per acre, although it is important to note that office uses are ancillary to the primary fair and event center uses.

The compatible zoning district is I&R.