ATTACHMENT 2

AN INITIATIVE TO REQUIRE VOTER APPROVAL ON
CERTAIN DEVELOPMENT PROJECTS

The initiative would amend the City of Costa Mesa Municipal Code to require voter approval on certain development projects that meet the following criteria:

1. The proposed project would require adoption, amendment, change or replacement of the Costa Mesa General Plan ("General Plan"), municipal code, specific plan, or overlay plan; AND
2. The proposed project meets a minimum of one of the following:
   A. Would involve any one of the following changes:
      i. Generate more than 200 additional Average Daily Trips,
      ii. Increase the volume/capacity of an intersection based on a specified formula,
      iii. Change the Intersection Capacity Utilization or level of service based on a specified formula,
      iv. Add 40 or more dwelling units,
      v. Add 10,000 square feet of retail, office or other nonresidential, or
      vi. The proposed project, combined with other projects, within 8 years and a half-mile of each other, meets this criteria;

   B. Changes a public use to a private use under specified circumstances;
   C. Involves land designated as utility right-of-way under specified circumstances;
   D. Involves land donated, bequeathed or otherwise granted to Costa Mesa;
   E. Involves land used or designated for Costa Mesa school property; or
   F. Involves land owned, controlled or managed by Costa Mesa.

According to the initiative, an application submitted by a proponent of a development project that is subject to voter approval must provide a site plan with the location, size and main features of the project; the text proposed for the General Plan, municipal code, specific plan or overlay plan; comparisons of traffic, density and intensity; potential inconsistencies between the development project and the surrounding uses in the neighborhood, General Plan, municipal code, and applicable specific plan or overlay plan; and traffic circulation and traffic safety impacts.

Any development project subject to the initiative and adopted by the City Council would not take effect until approved by a majority of the Costa Mesa electorate at the first regular municipal election. However, the development project may be submitted to voters at a special municipal election if, by mutual agreement with the City Council, the proponent agrees to pay the cost of the special municipal election. The initiative requires specific information within the sample ballot including the information provided in the application. The initiative would allow the City to conditionally approve discretionary permits related to the development project prior to receiving voter approval.

Voter approval would not be required on development projects for a public school or hospital; projects approved before the initiative's effective date; affordable housing projects; occupied legal non-conforming residential units under certain circumstances; where voter approval would result in an unconstitutional taking of private property; or where voter approval violates state or federal law. The initiative would supersede any inconsistent provisions of the Costa Mesa Municipal Code and apply to all development projects initiated on or after the date of publication of the Notice of Intent to Circulate Petition.