ATTACHMENT 1

COUNCIL SPONSORED INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Council for the City of Costa Mesa submits the following ordinance to the voters of the City for approval and enactment:

ORDINANCE NO. 2016 – XX

AN ORDINANCE OF THE CITY OF COSTA MESA CALIFORNIA, KNOWN AS THE COSTA MESA MEASURE FOR SENSIBLE COMMUNITY DEVELOPMENT AND DEVELOPMENT-FUNDED OPEN SPACE AND RECREATION

WHEREAS, an initiative known as the Initiative to Require Voter Approval of Certain Development Projects (the "Initiative") has been submitted to the voters pursuant to Elections Code Section 9215; and

WHEREAS, the City Council has determined that adoption of the Initiative is not in the best interests of the community and desires to submit a directly competing measure to the voters for consideration pursuant to Elections Code Section 9222; and

WHEREAS, the City Council has submitted the following measure (the "Measure") to the voters for said purpose; and

WHEREAS, the Measure, if adopted, would ratify the City's existing General, Specific, and Overlay Plans, as well as the City's Zoning Code; and

WHEREAS, the City is approximately 98% built out, and hence few opportunities exist for the creation of new athletic fields, and to provide new recreational opportunities for the community; and

WHEREAS, Notwithstanding the impact of the development of the City on the ability to create new recreational opportunities, the City Council has adopted a policy by which it has declared that it is dedicated to creating partnerships with local youth sports organizations to ensure there is ample opportunity to participate in athletics at various ability levels, with a primary goal of providing athletic opportunities and ensuring athletic fields remain safe and of a high quality; and

WHEREAS, despite the impact of the development of the City on the ability to create new recreational opportunities, and in particular the opportunity to create new athletic fields, there exists a critical need for such facilities as demonstrated, for instance, by facts such as:

(i) in 2014 the City permitted youth sports organizations to use 51,016 hours (which is equivalent to six years) of field time on all the City's existing athletic fields,

(ii) there are 13 organized sports groups who compete for the ability to use Costa Mesa athletic fields,

(iii) approximately 5,000 adults and children use Costa Mesa's athletic fields each year; and

(iv) the State has contemplated the repeal of daylight savings time, and should that occur, an additional 4000 hours of field time will be lost, causing further concerns that there will not be enough fields available for all of the individuals and sports who desire to use them;

(v) in order to accommodate the estimated 2016 demand for athletic field usage, the city is in need of new multi-purpose athletic fields; and

WHEREAS, the pending closure of the Fairview Developmental Center presents the community with a unique opportunity to create additional outdoor recreational experiences, including but not limited to youth sports fields, within the City of Costa Mesa; and

WHEREAS, this Measure, if passed, would ratify the existing General, Specific, and Overlay Plans, as well as the City's Zoning Code to ensure that if the State proceeds with the closure of Fairview Developmental Center, approximately 25.6 of the 102.6 total acres will be required to be zoned as either passive or recreational open space;

WHEREAS, the area north of the 405 Freeway and West of Fairview Drive, presents another unique opportunity for the creation of athletic fields and other recreational opportunities, in that it contains large parcels that the City anticipates will be redeveloped in the near future; however, current plans for the redevelopment of such sites do not appear to contemplate uses for recreational activities; and

WHEREAS, this Measure, if passed, would facilitate development of new recreational opportunities, including the development of sports fields, by imposing a new development impact fee (the "Open Space and Public Park Impact Fee") on all new development north of the 405 and west of Fairview Drive, to offset impacts created by such development upon recreational opportunities, including the elimination of the ability to construct athletic fields and otherwise implement recreational opportunities in such areas; and

WHEREAS, in order to ensure oversight, transparency, and input from all affected stakeholders, this Measure, if passed would also form a new citizen committee called the Open Space & Recreation Advisory Committee, which would be subject to the Brown Act and the Fair Political Practices Act, and which would be responsible for providing guidance regarding expenditures of the new Open Space and Public Park Impact Fee, and the recreational needs of the community to the City Council.

THE PEOPLE OF THE CITY OF COSTA MESA DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Name.

This ballot measure shall be known and may be cited as the "Costa Mesa Measure for Sensible Community Development and Development-Funded Open Space and Recreation" and shall be referred to herein as "the Measure."

SECTION 2: Purpose.

The purpose of this Measure is to directly compete with the Initiative, which proposes a number of amendments to the Municipal Code. The Measure, if adopted, will:

(a) ratify the City's General Plan, approved by the City Council on June 21, 2016, which specifically designates not less than 25%, or approximately 25.6 of the 102.6 total acres, of the Fairview Developmental Center as either passive or recreational open space, in anticipation of the Center's future closure;

(b) ratify the City's Zoning Code, as well as all of the City's Specific Plans and Overlay Plans as those documents exist on the effective date of this Ordinance, including but not limited to: the 2015-2035 General Plan, adopted on June 21, 2016; the Baker Street and Paularino Avenue Specific Plan (SP-78-02); the Placentia/Hamilton/Pomona/19th Specific Plan (SP-79-01); the Bristol Street Specific Plan (SP-82-01); the East 17th Street Specific Plan (SP-84-01); the Harbor/Bernard/Parsons/Ford Specific Plan (SP-84-02); the North Costa Mesa Specific Plan (SP-94-01); the Avocado Street Specific Plan (SP 86-01); the Newport Boulevard Specific Plan (SP-96-01); the Costa Mesa Theater & Arts District Plan (SP-03-01); the SoBECA Urban Plan (SP-05-06); the 19 West Urban Plan (SP-05-07); the Mesa West Bluffs Urban Plan (SP-05-08); the Mesa West Residential Ownership Urban Plan (SP-05-09); and Title 13 of the Costa Mesa Municipal Code (Planning, Zoning and Development).

(c) Amend the City's Municipal Code to add a development impact fee known as the Open Space and Public Park Impact Fee in an amount not to exceed $1.50/square foot, which shall be collected on all new development north of the 405 freeway and west of Fairview Drive, to be used by the City for the purpose of increasing active recreation, open space and public park facilities within the City, upon the advice and recommendation of a newly created citizen committee called the Open Space & Recreation Advisory Committee.

This Measure is intended to comprehensively regulate the same subject as the Initiative – the General Plan, Specific Plan(s), Overlay Plan(s) and applicable provisions of the Municipal Code. If a majority of voters approve both the Initiative and the Costa Mesa Measure for Sensible Community Development and Development Funded Open Space and Recreation, the ballot measure with the higher percentage of the vote will control. Therefore, if both measures are approved and the Costa Mesa Measure for Sensible Community Development and Development Funded Open Space and Recreation receives a higher percentage of the vote than the Initiative, none of the changes or additions proposed by the Initiative will be implemented.

SECTION 3. Ratification of General Plan

By this Measure, the People of the City of Costa Mesa hereby ratify the existing General Plan, as approved by the City Council on June 21, 2016. The existing text of the General Plan is attached hereto as Exhibit B and incorporated herein by reference.

SECTION 4. Ratification of Zoning Code, Specific Plan(s), and Overlay Plan(s)

By this Measure, the People of the City of Costa Mesa hereby ratify the City's existing zoning and related land use provisions. This would include the City Council's recently approved 2015-2035 General Plan, adopted on June 21, 2016. It would also include the following (including any subsequent amendments): the Baker Street and Paularino Avenue Specific Plan (SP-78-02); the Placentia/Hamilton/Pomona/19th Specific Plan (SP-79-01); the Bristol Street Specific Plan (SP-82-01); the East 17th Street Specific Plan (SP-84-01); the Harbor/Bernard/Parsons/Ford Specific Plan (SP-84-02); the North Costa Mesa Specific Plan (SP-94-01); the Avocado Street Specific Plan (SP 86-01); the Newport Boulevard Specific Plan (SP-96-01); the Costa Mesa Theater & Arts District Plan (SP-03-01); the SoBECA Urban Plan (SP-05-06); the 19 West Urban Plan (SP-05-07); the Mesa West Bluffs Urban Plan (SP-05-08); the Mesa West Residential Ownership Urban Plan (SP-05-09); and Title 13 of the Costa Mesa Municipal Code (Planning, Zoning and Development.) The existing text of the Zoning Code, Specific Plan(s) and Overlay Plan(s) are attached hereto as Exhibit C and incorporated herein by reference.

SECTION 5. Establishment of Open Space and Public Park Impact Fee and Open Space & Recreation Advisory Committee.

By this Measure, the People of the City of Costa Mesa hereby add Article 4, to Chapter XII of Title 13 to the City's Municipal Code for the purpose of establishing a new open space and public park impact fee (the "Open Space and Public Park Impact Fee" or "Fee"). The Fee shall be applicable to all new development north of the 405 freeway and west of Fairview Drive. The Open Space and Public Park Impact Fee shall be due upon issuance of a certificate of occupancy. The Open Space and Public Park Impact Fee is established to offset the impact of development upon recreational opportunities and shall be used by the City for the purpose of increasing active recreation, open space and public park facilities within the City, which uses may include, but would not be limited to, the maintenance and development of Fairview Developmental Center upon its anticipated closure.

The amount of the Open Space and Public Park Impact Fee shall be the maximum amount permissible pursuant to the Mitigation Fee Act, and shall be established pursuant thereto; provided, however, in no event shall the Fee exceed $1.50/square foot of new development.

A citizen committee is hereby created, and shall be known as the open space & recreation advisory committee (the "Open Space & Recreation Advisory Committee" or "Committee"), whose role shall be to advise the City Council on expenditures of the Open Space and Public Park Impact Fee. The Open Space and Public Park Impact

Fee shall be only spent after receiving the advice and recommendation of the Committee.

The Open Space & Recreation Advisory Committee shall consist of seven (7) members of the public who are appointed by the City Council. The seven (7) members shall consist of: the Mayor, one (1) City Councilmember chosen by a majority of the City Council, one (1) representative of a Costa Mesa youth football organization chosen by a majority of the City Council, one (1) representative of a Costa Mesa youth baseball organization chosen by a majority of the City Council, one (1) representative of a Costa Mesa youth soccer organization chosen by a majority of the City Council, one (1) representative of the Newport Mesa Unified School District ("NMUSD") chosen by a majority vote of the NMUSD trustees, and one (1) member from a properly formed and actively operating California corporation whose primary focus is issues of environmental concern chosen by a majority of the City Council. The members shall be appointed at a time and place pursuant to Council policy. The Committee shall comply with the Brown Act and the Fair Political Practices Act, including but not limited to all disclosures required therein. City Staff shall provide the necessary support for the Committee's meetings and other official business. The City Council shall budget an appropriate amount of funds collected from the Open Space & Public Park Impact Fee for the Committee's activities, recognizing that interfund transfers may be necessary at the beginning of the Committee's formation before sufficient Open Space and Public Park Impact Fees have been collected. The Open Space & Recreation Advisory Committee shall sunset, and unless renewed by the City Council cease to exist, upon making its final recommendations to the City Council for active and passive recreational uses at Fairview Developmental Center, or 5 years after the effective date of this Measure, whichever shall first occur.

SECTION 6. Rejection of Initiative to Require Voter Approval of Certain Development Projects

By this measure, the People of the City of Costa Mesa hereby reject each and every change and addition to the Municipal Code proposed by the Initiative.

SECTION 7. Future Changes

Any future changes or amendments to this ordinance, if approved, including any future changes or amendments to the General Plan, Specific Plan(s), Overlay Plan(s), or Municipal Code provisions affected by the Measure, may occur in the manner set forth in State law and the City's Municipal Code, and shall not require a vote of the people.

SECTION 8. 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 City Council hereby declares that it 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 9. Effective Date

This ordinance shall take effect according to law ten days after certification of the election at which it is adopted.

Exhibit B to ORDINANCE NO. 2016-____

[Full Text of General Plan, As Adopted on June 21, 2016]

A full copy of the ordinance including attachments, is available for review on-line and in the City Clerk's office. OR CLICK HERE

Exhibit C to ORDINANCE NO. 2016-____

[Full Text of Zoning Code, Specific Plan(s) and Overlay Plan(s)]

A full copy of the ordinance including attachments, is available for review on-line and in the City Clerk's office.