

Impartial Analysis for Measure Y: An Initiative to Require Voter Approval on Certain Development Projects

Measure Y, known as “An Initiative to Require Voter Approval on Certain Development Projects”, would amend the Costa Mesa Municipal Code to require voter approval of certain changes in land use (“Changes”), defined as those projects that amend, change or replace the General Plan, the Zoning Code, a specific plan, or an overlay plan, and that involve any one of the following changes: generates more than 200 additional average daily trips; increases the volume/capacity of an intersection based on specified formulas; changes the intersection capacity utilization or level of service based on specified formulas; adds 40 or more dwelling units; adds 10,000 square feet of retail, office or other nonresidential; or, where the proposed project, combined with other projects within 8 years and a half-mile of each other, meet the above criteria. Voter approval would be required for: changes from public uses to private uses under specified circumstances; land designated as utility right-of-way under specified circumstances; land donated, bequeathed or otherwise granted to the City; land used or designated for Costa Mesa school property; or land owned, controlled or managed by the City.

The Measure does not apply to the following: a Change limited to allowing the development of public schools or hospitals or to properties with legal non-conforming residential units in existence prior to July 17, 2016, where the proposed amendment, change or replacement meets specified condition; projects that have acquired vested rights prior to November 25, 2016; to the extent that the provisions of the ordinance would violate state or federal laws or would result in an unconstitutional taking of private property; or to affordable housing proposals required by state or federal law.

The Measure would apply retroactively to require voter approval of any Change that occurred on or after July 17, 2015, except for those involving the General Plan. For the General Plan, voter approval would be required for a Change that occurred on or after November 25, 2016.

The Measure requires that any proposed Change to be submitted to the voters at either a general or special election after the City Council has first approved the change pursuant to applicable state and local laws. The resulting election must take place on the first regular municipal election following City Council approval of the project; or by mutual agreement with the project proponent, a special election may be called, the cost of which must be borne solely by the project proponent. These requirements would delay final approval of projects from six months (special election) up to two years (general election). Such requirements add an element of uncertainty in the development process. The voter approval requirements increase the risk that a project will not be approved, require an investment of capital prior to placing the proposed project in front of the voters, and by prolonging the process, may decrease the likelihood that these types of projects will be brought to the city.

This Measure was placed on the ballot by a petition signed by the requisite number of voters.