

**ORDINANCE NO. 17-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPTING ZONING CODE AMENDMENT CO-17-05 AMENDING SECTION 13-29 OF CHAPTER III (PLANNING APPLICATIONS) AND SECTION 13-216 OF CHAPTER XI (SUBDIVISIONS), OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE**

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

WHEREAS, the City of Costa Mesa Zoning Code establishes the parameters for the various types of discretionary planning applications and processing procedures;

WHEREAS, once a discretionary application is approved, the applicant has 12 months to meet all the conditions of approval or the discretionary approval expires;

WHEREAS, once a subdivision map is approved, an applicant has 24 months to meet all conditions of approval and record the map or the subdivision map approval expires;

WHEREAS, an extension of discretionary and subdivision map time limits requires re-review of the project by the Planning Commission;

WHEREAS, in an effort to simplify the process to extend the time allowed for an application to be exercised, the process to grant extensions should be modified.

WHEREAS, this Ordinance 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 (b)(3) (General Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen

with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES**

**ORDAIN AS FOLLOWS:**

**Section 1:** Sub-sections (k) (Time Limits) of Section 13-29 of Chapter III (Planning Applications) and Sub-section (a) (Duration of Approval, Appeal and Abandonment) of Chapter XI (Subdivisions) of Title 13 (Planning, Zoning and Development) are hereby amended as follows:

**Sec. 13-29. - Planning application review process.**

**(k). Time Limits and Extensions**

- (1) Planning applications shall run with the land until revoked, except as provided in this section or in a condition imposed at the time of granting the planning application.
- (2) a. Unless otherwise specified by condition of approval, any permit or approval not exercised within twenty-four (24) months from the actual date of review authority approval shall expire and become void, unless an extension of time is approved in compliance with subsection (4) of this section;
- b. The permit shall not be deemed “exercised” until at least one of the following has first occurred:
  1. A building permit has been issued and construction has commenced, and has continued to maintain a valid building

permit by making satisfactory progress as determined by the Building Official.

2. A certificate of occupancy has been issued.
  3. The use is established and a business license has been issued.
  4. A time extension has been granted in compliance with subsection (3) of this section.
- (3) The time limits specified in subsection (2) shall not apply to preliminary master plans, except that the first phase of the final master plan must be approved within twenty-four (24) months of the approved preliminary master plan. Time limits regarding the construction of improvements authorized by the approved final master plan for each phase of the project shall comply with the time limits established in subsection
- (4) Extension of Time:
- a. Filing and Review of Request. No less than thirty (30) days or more than sixty (60) days before the expiration date of the permit, the applicant shall file a written request for an extension of time with the department, together with the filing fee established by resolution of the City Council.
  - b. For extension requests not to exceed 180 days: The Director of Development Services may extend the time for an approved permit or approval to be exercised. Only one request for an extension of

180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.

- c. For extensions requests of more than 180 days: The review authority for the original project shall consider the request to extend the time for an approved permit or approval to be exercised. A public hearing shall only be held if it was required on the original application. If notice was required for the original application, notice of the public hearing shall be given according to the procedures set forth in this chapter.
- (5) Fees for extensions of time for planning applications may be established by resolution of the City Council.
  - (6) Action on Extension Request: A permit or approval may be extended beyond the expiration of the original approval provided the Director or the review authority finds that there have been no changes in the conditions or circumstances of the site: such as Zoning Code or General Plan amendment or other local and statewide regulations affecting the approved development standards, or project so that there would have been ground for denial of the original project or any changes to the General Plan and/or Zoning Code that would preclude approval of the same project at the time of the requested extension.
  - (7) Effect of Expiration: After the expiration of the permit or approval, no further work shall be done on the site and no further use of the site

shall occur until a new permit or approval, or other City permits or approvals are first obtained. Fees for extensions of time for planning applications may be established by resolution of the city council.

**Sec. 13-216. - Duration of approval, extension, appeal and abandonment.**

(a) After receipt of the report of the planning commission approving or conditionally approving the tentative map, the subdivider may, within twenty-four (24) months from the date of the approval, proceed to prepare and file a final map as provided in this chapter. However, an extension of time up to 180 days may be granted by the Director of Development Services. Extensions of time greater than 180 days may be granted by the original approval body for the project.

**Section 2:** 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 that extent necessary to affect the provisions of this Ordinance.

**Section 3:** Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, 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, word, 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.

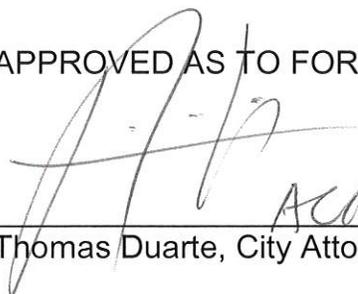
**Section 4:** Effective Date. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed 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 19<sup>th</sup> day of September, 2017.

  
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Katrina Foley, Mayor

ATTEST:

  
\_\_\_\_\_  
Brenda Green, City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Thomas Duarte, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 17-12 was duly introduced for first reading at a regular meeting of the City Council held on the 5<sup>th</sup> day of September, 2017, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the 19<sup>th</sup> day of September, 2017, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: Mansoor, Stephens, Genis and Foley

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Righeimer

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 20<sup>th</sup> day of September, 2017.

  
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BRENDA GREEN, CITY CLERK