

**URGENCY ORDINANCE NO. 2020-14**

**AN URGENCY ZONING ORDINANCE OF THE CITY OF COSTA MESA, CALIFORNIA PROVIDING FOR A 12-MONTH EXTENSION OF THE TIME LIMITS SET FORTH IN ZONING CODE SECTION 13-29(k) (TIME LIMITS AND EXTENSIONS) FOR ALL APPROVED DISCRETIONARY PLANNING APPLICATIONS; AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**

**WHEREAS**, the City of Costa Mesa, pursuant to its police power, may enact regulations for the public peace, morals, and welfare of the City; and

**WHEREAS**, on March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”). On February 26, 2020, the Orange County Board of Supervisors and Department of Public Health declared a public health emergency in Orange County due to COVID-19. On March 12, 2020, pursuant to Proclamation No. 2020-01, the City Manager did proclaim the existence of a local emergency pursuant to Title 6 of the Costa Mesa Municipal Code, and on March 13, 2020 the City Council pursuant to Resolution No. 2020-9 did ratify Emergency Proclamation No. 2020-01. Due to directives from federal, state, and local health officials, residents have been ordered to avoid public gatherings and stay at home to prevent the spread of this disease.

**WHEREAS**, the declared State of Emergency and the Governor Newsom’s subsequent Executive Order N-33-20 (“Stay at Home Order”) have resulted in substantial disruptions in people’s day-to-day lives and the activities of many businesses within the Costa Mesa community, to the point that many local businesses are either closed due to the executive order or as a result of illness or the prevention of the spread of illness.

**WHEREAS**, closures in many industries as a result of the executive order and other supply chain shortages have resulted in a delays in many sectors of the architecture and construction industry.

**WHEREAS**, closure-related delays and fiscal impacts related to the recent COVID-19 related economic downturn and business closures are anticipated to affect many project proponents, thereby delaying project implementation in many cases.

**WHEREAS**, the City of Costa Mesa recognizes these short-term, but substantial, impacts to project schedules and desires to provide relief to project applicants through the extension of the time limits of project approvals in the City.

**WHEREAS**, the City of Costa Mesa, pursuant to the provisions of the California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Sections 15000 et seq., Title 14 the California Code of Regulations) has determined that the Ordinance is exempt from the provisions of CEQA pursuant to the following sections of the CEQA Guidelines: Section 15269(c) (specific actions necessary to prevent or mitigate an emergency); and Section 15061(b)(3) because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment.

**WHEREAS**, the City Council has the authority to adopt this Ordinance under Government Code Section 8630, and also its authority under California Constitution Article XI, Section 7.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. 12-Month Extension of the Time Period for Exercising Planning Applications Set Forth in Section 13-29(k) “Time Limits and Extensions” of the Zoning Code.**

- A. **Intent.** The intent of this Ordinance is to automatically extend the 24-month time period, or other time period specified in a condition of approval that is subject to Section 13-29(k), by which any permit or approval must be exercised, for a period of 12 additional months.
- B. **Scope.** This Ordinance applies to all approved discretionary planning applications subject to Section 13-29(k) of the Zoning Code for which permits or approvals have not been exercised, and which have not already exceeded the applicable time period, as of March 12, 2020, the date of Emergency Proclamation No. 2020-01. This Ordinance does not apply to planning permits or approvals that have expired prior to the date of Emergency Proclamation No. 2020-01 or to non-discretionary planning permits or approvals, including, but not limited to those issued under Chapter XV of the Zoning Code, or any permit or approval issued under any other provision of the Costa Mesa Municipal Code, including but not limited to, those issued pursuant to Title 5, Title 7, Article 23 of Chapter II of Title 9 and/or Chapter III of Title 19.
- C. **Retroactive Effect.** The 12-month extension shall be effective as of the date of the City Manager’s Emergency Proclamation No. 2020-01.
- D. **Definitions.** The words and phrases used in this Ordinance shall have the same meaning ascribed to them in the Zoning Code.

**SECTION 2. Emergency Declaration/Effective Date.** The City Council declares this Ordinance to be an emergency measure, to take effect immediately upon adoption

pursuant to California Government Code section 36934. The facts constituting the emergency are as follows: Due to the declared State of Emergency and the Governor Newsom's subsequent Executive Order N-33-20 ("Stay at Home Order") substantial disruptions have occurred in people's lives and the marketplace. Said disruptions have resulted in many local businesses either closing due to the executive order or as a result of illness or the prevention of the spread of illness. Such business closures and other supply chain disruptions have resulted in a delays in many sectors of the architecture and construction industry. Such closure-related delays and fiscal impacts related to the recent COVID-19 related economic downturn and business closures are anticipated to affect many project proponents, thereby delaying project implementation. A temporary emergency measure is necessary to protect the public by extending the terms of land use entitlements set to expire during or soon after the declared State of Emergency that would otherwise be hindered or delayed by the provisions of the Zoning Code and/or project approvals.

**SECTION 3. Effective Date.** This Ordinance shall be effective upon the date of adoption.

**SECTION 4. Uncodified Ordinance.** This Ordinance shall not be codified in the Costa Mesa Municipal Code.

**SECTION 5. Inconsistencies.** Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

**SECTION 6. 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 7. Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance as required by law.

**PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of May, 2020.**

  
\_\_\_\_\_  
Katrina Foley, Mayor

ATTEST:

APPROVED AS TO FORM:

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

  
\_\_\_\_\_  
Kimberly Hall Barlow, 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 Urgency Ordinance No. 2020-14 was duly adopted at a meeting of the City Council of the City of Costa Mesa held on the 5<sup>th</sup> day of May, 2020, by the following roll call vote, to wit:

AYES: COUNCILMEMBERS: CHAVEZ, GENIS, MANSOOR, MARR, REYNOLDS, STEPHENS, AND FOLEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 6<sup>th</sup> day of May, 2020.

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