ORDINANCE NO. 2022-09

CITY OF COSTA MESA, ORDINANCE TO REVITALIZE COMMERCIAL AND INDUSTRIAL AREAS AND PROTECT RESIDENTIAL NEIGHBORHOODS

CITY-SPONSORED INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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

The People of Costa Mesa find:

(a) Past changes in the Costa Mesa Municipal Code had the unintended consequence of severely constricting the production of new housing in Costa Mesa, thereby contributing to a severe shortage of housing affordable to Costa Mesa's working and middle-class families, young adults, seniors, and others.

(b) The requirement for a city wide vote on land use plans has had the effect of stalling the normal process of renewal, change, and revitalization of the city's commercial and industrial areas, contributing to the decline of local retail centers and increase in vacant storefronts along the city's main commercial corridors and industrial areas.

(c) Since 2016, the State of California has adopted new laws and regulations requiring every city to plan for substantially increased numbers of housing units at all affordability levels to meet the needs of its residents, including working and middle class families and individuals, and imposing severe consequences for the city's failure to zone sufficient parcels of land to meet the state-designated housing need, including financial penalties and the loss of local control over land use planning.

(d) The City of Costa Mesa has responded to these new laws and regulations through the development of its Housing Element, which included significant community input, a comprehensive analysis of the issues causing the lack of housing production, and identification of proposed Housing Opportunities Sites to meet the undeniable demand for new housing supply.

(e) Costa Mesa residents recognize the benefits of allowing a more efficient use of land located near our job centers, and a greater variety of housing types, including mixed-use housing, along certain commercial and industrial corridors of the city and in the entire area north of the 405 freeway, specifically including the South Coast Plaza metro area where multi-story apartments and condominiums coexist with offices, restaurants, retail stores, and arts and cultural spaces, to create a vibrant urban environment.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF COSTA MESA DO ORDAIN AS FOLLOWS:

SECTION 1. Code Amendment.

This ordinance amends the Costa Mesa Municipal Code as follows, and supersedes any provisions that are inconsistent with this ordinance, and shall be known as "An Ordinance to Revitalize Commercial and Industrial Areas and Protect Residential Neighborhoods", and shall be referred to herein as the "Measure."

SECTION 2. Purpose.

The purpose of the Measure is to revise the Costa Mesa Municipal Code to allow the City Council to establish land use plans, including general plan and/or zoning code amendments, through a public hearing and visioning process, including any related amendments to City Ordinances, as needed, for specifically defined areas of the City to encourage development of affordable housing for working and middle class families and boost commercial revitalization, while keeping intact current residential neighborhoods and maintaining local control.

SECTION 3.

Section 13-200.106 of the Costa Mesa Municipal Code is amended to add the following subsection (g):

(g) This article shall not apply to any amendment, change, or replacement of the General Plan, or of Costa Mesa's zoning ordinance (as defined and contained in Title 13 of the Costa Mesa Municipal Code) or any Specific Plan or Overlay Plan, or adoption of a new Specific Plan or Overlay Plan, applicable to property located in the following areas, as depicted in Exhibit A, to provide for the development of housing and/or mixed use and/or revitalization of existing commercial and/or industrial corridors therein:

(1) Newport Boulevard/Old Newport Boulevard from Mesa Drive to the City limit and Superior from Newport Boulevard to the City limit;

(2) Harbor Boulevard from Baker Street to West 19th Street;

(3) Baker Street between SR-73 and SR-55, generally referred to as the SoBECA area;

(4) South side of Baker Street from Fairview to Mendoza;

(5) Bristol Street, south of the 405 freeway to the City limit;

(6) West 17th Street from Newport Boulevard west to Monrovia, West 18th Street from Placentia west to Monrovia, and 19th Street from Harbor Boulevard west to Federal;

(7) Placentia Avenue from Victoria Street to West 16th Street;

(8) The site located at 3150 Bear Street; and

(9) North of the 405 freeway as bordered by the City limits.

All city-sponsored land use plans adopted or amended for any part of the defined areas eligible for this exemption shall include a public community visioning process (e.g., workshops, design charrettes, community surveys) prior to adoption or amendment by the City Council at any required public hearing.

All land use plans approved for the areas described above shall include restrictions on building heights. Development impact fees shall be required to be paid to mitigate impacts of any permitted development, including traffic and parks and open space, and all required environmental and public review shall precede any decisions.

Nothing herein shall be deemed to exempt major changes in allowable land use of any existing residentially developed properties or public parkland from the provisions of this article.

SECTION 4.

Section 13-200.106(e) of the Costa Mesa Municipal Code is hereby amended to read:

The provisions of this article shall not apply to affordable housing proposals required by state or federal law, or to any housing or mixed used development proposals located in the areas listed in subsection (g) as depicted in Exhibit A that comply with a City Council-adopted affordable housing ordinance(s) or City Council-approved development agreement.

SECTION 5. 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 6. 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 People of the City of Costa Mesa hereby declare that they 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 7. Effective Date.

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

CITY OF COSTA MESA

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

APPROVED AS TO FORM

Kimberly Hall Barlow, City Attorney

Exhibit A: Ordinance To Revitalize Commercial and Industrial Areas and Protect Residential Neighborhoods