



CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 5, 2020

ITEM NUMBER: PH-1

SUBJECT: AN URGENCY ZONING ORDINANCE OF THE CITY OF COSTA MESA 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

DATE: APRIL 28, 2020

FROM: PLANNING DIVISION, DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

**FOR FURTHER INFORMATION
CONTACT:**

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RECOMMENDATION:

Staff recommends that the City Council hold a public hearing to adopt Ordinance No. 20-xx to be read by title only, 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.

BACKGROUND:

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 Coronavirus Disease 2019 ("COVID-19"). On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of COVID-19. On March 12, 2020, through Proclamation No. 2020-01, the City Manager proclaimed the existence of a local emergency pursuant to Title 6 of the Costa Mesa Municipal Code. On March 13, 2020, the City Council ratified Emergency Proclamation No. 2020-01 pursuant to Resolution No. 2020-9. 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.

The COVID-19 crisis has resulted in serious economic impacts to various discretionary entitlements granted by the City through planning applications, including development projects and conditional use permits. One of these economic impacts is the delay in the

timely commencement of entitlements approved through the Planning Application process. Zoning Code Section 13-29(k) (Time Limits and Extensions) generally allows planning applications to be valid for a period of 24 months from the date of approval.

ANALYSIS:

Applicants have begun contacting the City to express concerns with the expiration of the approval of their projects during this emergency. Providing numerous individual extensions by the Director, Planning Commission and/or the City Council as is required under the Zoning Code would entail unnecessary time and expense to the both the City and applicants.

There is a substantial risk that without action by the City to affirmatively and unilaterally extend the deadlines for all project applicants to exercise their permits or approvals, some approvals may otherwise lapse or expire during the emergency. In anticipation of a number of requests for time extensions beyond the current 24-month expiration from the date of approval, staff has prepared an urgency ordinance which would automatically grant a 12-month extension for all active entitlements. Such action would result in applicants not having to pay processing fees or go back through the public hearing process for individual extensions. If approved, the un-codified urgency ordinance would extend all approved applications as specified therein that have not expired as of March 12 for a period of 12 additional months. The urgency ordinance would not apply to any application that had lapsed or otherwise expired prior to the March 12 declaration of emergency.

Extending the deadlines for all project applicants to exercise their approved permits or approvals is vital to help ensure the City's economic recovery from the state of emergency by enabling approved projects to proceed without further delay.

ENVIRONMENTAL DETERMINATION:

Adoption of the urgency 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 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.

FISCAL REVIEW:

There is no fiscal impact to the City.

LEGAL REVIEW:

The City Attorney's Office has reviewed this agenda report and drafted the attached urgency ordinance and approves them both as to form.

PUBLIC NOTICE:

Pursuant to State law, notices were sent to any interested party who had filed a written request for mailed notice 14 days prior to the meeting. The City has also published notice of the public hearing in the newspaper.

At the time of publication of this report, no written public comments have been received. Any public comment(s) received after the date of this report but prior to the City Council hearing will be forwarded to the City Council under separate cover.

CITY COUNCIL GOALS & PRIORITIES:

The proposed action is administrative in nature.

CONCLUSION:

Approval of the urgency ordinance would extend the terms of existing, active entitlements, as of the declaration of the emergency, by an additional 12 months beyond the term allowed under the Code.

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Attachments: 1. [Urgency Ordinance](#)