

**ORDINANCE NO. 2021-xx**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTION 13-10 (PLANNING COMMISSION) OF ARTICLE 3 (REVIEW AUTHORITIES) OF CHAPTER I (IN GENERAL) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE**

**WHEREAS**, Section 13-10 (Planning Commission) of Article 3 (Review Authorities) of Chapter I (In General) of Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code outlines the requirements relating to the Planning Commission; and

**WHEREAS**, pursuant to Section 13-10 of the Costa Mesa Municipal Code, the Planning Commission consists of seven (7) members, each nominated by a single member of the City Council by district, and approved by a majority vote of the entire City Council; and

**WHEREAS**, the City Council desires to amend Section 13-10 for the Planning Commission to eliminate any residency requirement in a particular district of the City for the seven (7) members.

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

**Section 1.** Section 13-10 of Article 3 of Chapter I of Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

- (a) *Commission.* Pursuant to the provisions of section 65101 of the Planning and Zoning Law of the California Government Code, there is hereby created a planning commission, which shall consist of seven (7) members.
- (b) *Appointment and removal of commissioners.* Each council member elected by district shall nominate a planning commission member, subject to approval by a majority vote of the entire city council. The mayor shall nominate a planning commission member, subject to approval by a majority vote of the entire city council. Planning commission members serve at the pleasure of the city council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire city council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.
- (c) *Residency.* Each member of the planning commission must be a resident of the City of Costa Mesa at the time the member is nominated and appointed. If any member of the planning commission ceases to be a resident of the City that member's appointment will automatically terminate. The secretary of the planning commission shall immediately inform the city council of any such termination.
- (d) *Term.* The term of each planning commission member shall expire on the date on which the second regular meeting in January is held immediately following expiration of the term of the council member or mayor who appointed that member, or until he or she is reappointed or replaced.
- (e) *Ex-officio member of commission.* The director of development services and city attorney or designee shall attend the meetings of the planning commission and assist the commission in an advisory capacity as needed.

- (f) *Absence from commission meetings without cause.* If a planning commission member is absent from three (3) consecutive regular meetings of the commission, without cause, the office of the member shall be deemed to be vacant and the term of such member terminated. The secretary of the planning commission shall immediately inform the city council of such termination.
- (g) *Absence from commission meetings for cause.* An absence due to illness or an unavoidable absence from the city and written notice thereof given to the secretary of the planning commission on or before the day of any regular meeting of the commission shall be deemed absence for cause.
- (h) *Councilmember ineligibility.* No member of the city council shall be eligible for membership on the planning commission.
- (i) *Authority of the planning commission.*
  - (1) The planning commission shall have the power, except as otherwise provided by law, to act on plans for the regulation of the future growth, development and beautification of the city, in respect to:
    - a. Public and private buildings and works, streets, parks, grounds and vacant lots.
    - b. The future growth and development of the city in order to secure sanitation, proper service of all public utilities, shipping and transportation facilities.
    - c. The location of any proposed buildings, structures, or works.
  - (2) The planning commission is authorized to act upon the following discretionary actions:
    - a. Recommend to the city council approval, conditional approval or denial of general plan amendments, specific plans, rezones, Zoning Code amendments, development agreements, density bonuses with public financial incentives, preliminary and final master plans, and any other action specified in this Zoning Code.
    - b. Recommend to the Successor Agency to the former redevelopment agency approval, conditional approval or denial of redevelopment actions, or adoption and/or amendments to a redevelopment plan.
    - c. Approve, conditionally approve or deny applications for conditional use permits, variances, tentative tract and parcel maps, density bonuses without public financial incentives, and any other action specified in this Zoning Code.

- d. Perform other duties necessary to carry out the provisions reserved to the planning commission in Title 10 of the Municipal Code, the provisions of this Zoning Code and the provisions of the Planning, Zoning and Development Law of the State Government Code.
- (j) *Commission bylaws authorized.* The planning commission shall have the power, except as otherwise provided by law, to adopt such bylaws as it may deem necessary to provide for:
  - (1) The time and place of meeting.
  - (2) The time and method of electing officers.
  - (3) Such other matters relative to the organization of the planning commission and methods of administration of its duties which are not otherwise provided for by statute or ordinance.
- (k) *Regular meeting of commission defined.* A regular meeting as provided by law or by rule of the planning commission or any regularly advertised public hearing shall be deemed a regular meeting.

**Section 2. Current Planning Commission Members.** The terms of planning commission members holding office on the effective date of this Ordinance shall continue until the scheduled expiration of his or her term, or until his or her respective successor is appointed.

**Section 3. Environmental Compliance.** 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 because 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.

**Section 4. 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 effect the provisions of this Ordinance.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase or portion 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 City Council of the City of Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 6. Effective Date.** This Ordinance shall take effect thirty (30) days after its final passage.

**Section 7.**    **Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

**THIS PAGE IS RESERVED FOR CITY CLERK'S OFFICE**

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. 2021-xx was duly introduced for first reading at a regular meeting of the City Council held on the 20 day of July 2021, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2021, by the following roll call vote, to wit:

AYES:           COUNCILMEMBERS:

NOES:           COUNCILMEMBERS:

ABSENT:        COUNCILMEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 4<sup>th</sup> day of August, 2021.

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

(Seal)