



Legislation Details (With Text)

File #: 23-1076 **Version:** 1

Type: Report **Status:** Agenda Ready

File created: 2/8/2023 **In control:** REGULAR CITY COUNCIL AND HOUSING AUTHORITY*

On agenda: 2/21/2023 **Final action:**

Title: SECOND READING AND ADOPTION OF ORDINANCE NO. 2023-03 AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (ZONING CODE) TO CLARIFY EXISTING ACCESSORY DWELLING UNIT PROVISIONS AND TO MODIFY STANDARDS TO CONFORM TO RECENT REVISIONS TO STATE LAW (CODE AMENDMENT CO 2022-01)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Report, 2. 1. Ordinance, 3. 2. Exhibit A to the Ordinance, 4. 3. Planning Commission Resolution PC-2022-29 (re CO-2022-XX)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

TITLE:

SECOND READING AND ADOPTION OF ORDINANCE NO. 2023-03 AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (ZONING CODE) TO CLARIFY EXISTING ACCESSORY DWELLING UNIT PROVISIONS AND TO MODIFY STANDARDS TO CONFORM TO RECENT REVISIONS TO STATE LAW (CODE AMENDMENT CO 2022-01)

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTED BY: JENNIFER LE, DIRECTOR OF ECONOMIC AND DEVELOPMENT SERVICES

CONTACT INFORMATION: CHRIS YEAGER, ASSOCIATE PLANNER, 714-754-4883

RECOMMENDATION:

Staff recommends the City Council give second reading to and adopt Ordinance No. 2023-03 approving Code Amendment CO-2022-01, amending Title13 of the Costa Mesa Municipal Code (Zoning Code) to clarify existing accessory dwelling unit provisions and to modify standards to conform to recent revisions to State law.

BACKGROUND:

The City of Costa Mesa has historically allowed ADUs and similar uses (such as granny flats) as either permitted or conditionally permitted uses. In response to State mandates effective on January 1, 2020, the City Council adopted an Urgency Ordinance at its December 17, 2019 meeting to establish temporary provisions permitting ADUs and JADUs in the City’s residential zones. Later, on March 2, 2021, the City Council adopted Ordinance 2021-03 to establish permanent regulations,

which provide the City's current ADU regulations.

Currently, the City's ADU provisions specify that ADUs can be established through new construction or the conversion of existing floor area (remodels), and are subject to specific development standards including, but not limited to, the number of allowed units on one lot, floor area, setbacks, and height. The City's ADU provisions were adopted in compliance with State law and are intended to increase the City's overall housing supply while also providing additional affordable housing opportunities. The City's ADU provisions are also adopted to ensure that ADUs remain as an accessory use to the primary dwellings on the lot, and that ADUs do not adversely impact surrounding residents or the community at large. The City's adopted ADU provisions are comprehensive, more flexible than the State requirements, and have resulted in a successful local housing program with growing community interest.

State Law Changes and HCD Letter

Recent State laws were enacted modifying the California Government Code regarding ADUs and JADUs, including AB 2221 and SB 897. As a result, modifications to the City's local ADU provisions are required in order to maintain consistency with State law. Pursuant to Government Code Section 65852.2(a)(4), if a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of the Government Code, then that ordinance shall be considered "null and void."

In addition, in March 2022 the California Department of Housing and Community Development (HCD) provided a letter to the City indicating that the City's ADU provisions included inconsistencies with State law. In response to HCD, Housing Element Program 3E is included in the 6th Cycle Housing Element re-adopted by the City Council in November 2022. Housing Element Program 3E specifies that the City will revise the ADU Ordinance as appropriate by December 2024. This Code Amendment implements and completes Housing Element Program 3E ahead of schedule.

Planning Commission Review

Staff prepared an Ordinance modifying the City's existing ADU provisions to address State law changes and HCD comments and to clarify provisions to improve processing. On October 24, 2022, the Planning Commission adopted Resolution No. PC-2022-29 finding the Ordinance exempt from the provisions of the California Environmental Quality Act (CEQA) and recommended approval of the Ordinance to the City Council with a 6-0 vote (Ereth absent). As part of its motion, the Planning Commission provided comments to recommending that the Council consider additional modifications to facilitate additional ADUs in common interest developments, prohibit mechanical equipment with required four-foot setbacks, and improve design requirements for garage conversions, balconies, and entries. (Refer to the attachment). The Planning Commission's recommended changes have been incorporated into the proposed ordinance. Refer to the February 7, 2023 City Council report for a detailed description of the Ordinance.

PUBLIC NOTICE:

Pursuant to Government Code 36933, a summary of the proposed Ordinance was published once in the newspaper no less than 5 days prior to the February 21, 2023 second reading. A summary of the

adopted ordinance will be published within 15 days after the adoption.

As of this report, no written public comments have been received. Any additional written comments received will be forwarded under separate cover.

ANALYSIS:

At its regular meeting of February 7, 2023, the City Council gave first reading to and introduced Ordinance No. 2023-03 by a 7-0 vote.

February 7 Agenda Report:

<https://costamesa.legistar.com/View.ashx?M=F&ID=11619544&GUID=9214AA6A-AB9F-4774-97C9-1DF87054B9C9>

February 7 Meeting video:

https://costamesa.granicus.com/player/clip/3945?view_id=14&redirect=true&h=e0562605c4967a6dc4775c9c59afde2b

No changes to the proposed Ordinance were made. The Ordinance is being presented for second reading and final adoption. If approved, the Ordinance would become effective 30 days after the second reading.

Ordinance No. 2023-03 is included as Attachment 1 to this report.

ALTERNATIVES:

The City Council may give second reading and adopt the Ordinance as proposed, modify the Ordinance, or not adopt the Ordinance. If the City Council chooses to make substantive modifications to the Ordinance after introduction, the modified Ordinance would need to be brought back at a future meeting for second reading and adoption.

FISCAL REVIEW:

The adoption of the proposed Ordinance will not have any fiscal impact on the City's budget.

LEGAL REVIEW:

The proposed Ordinance and this report have been prepared in conjunction with and approved by the City Attorney's Office.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council goal:

- Diversify, Stabilize and Increase Housing to Reflect Community Needs

CONCLUSION:

Staff recommends the City Council give second reading to and adopt Ordinance No. 2023-03 approving Code Amendment CO-2022-01, amending Title 13 of the Costa Mesa Municipal Code

(Zoning Code) to clarify existing accessory dwelling unit provisions and to modify standards to conform to recent revisions to State Law.