

RESOLUTION NO. PC-2022-

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL
GIVE FIRST READING TO AN ORDINANCE APPROVING
CODE AMENDMENT CO-2022-XX AMENDING CHAPTER V,
ARTICLE 1, SECTION 13-35 (ACCESSORY DWELLING
UNITS) OF TITLE 13 OF THE COSTA MESA MUNICIPAL
CODE TO CLARIFY EXISTING ACCESSORY DWELLING UNIT
PROVISIONS AND TO MODIFY STANDARDS TO CONFORM
TO RECENT REVISIONS TO STATE LAW**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA
HEREBY FINDS AND RESOLVES AS FOLLOWS:

WHEREAS, in response to multiple housing laws relating to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) became law, including AB 68, AB 881, SB 13, AB 587, and AB 670, the City adopted Ordinance 2021-03 on March 3, 2021 to establish and amend the City's laws in relation to ADUs and JADUs;

WHEREAS, by adopting its own ADU and JADU laws, the city was able to retain at least some authority to regulate ADUs and JADUs that it might not otherwise have;

WHEREAS, through the implementation of the ADU and JADU laws, the city found inconsistencies in the laws which need to be corrected;

WHEREAS, additional housing State laws including AB 2221 and SB 987 were approved by the State in 2022, become effective January 1, 2023, and require additional modification to the City's ADU and JADU laws;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 24, 2022 with all persons having the opportunity to speak for and against the proposal; and,

NOW THEREFORE, THE COSTA MESA PLANNING COMMISSION RESOLVES
AS FOLLOWS:

1. Adoption of this resolution is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), in that the adoption of an ordinance regarding second units in a single-family or multifamily zone by a city or county to implement the provisions of Sections 65852.1, 65852.150 and 65852.2 is exempt from the requirements of CEQA. In addition, the proposed ordinance amendment is exempt

from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that there is no possibility that the minor updates to the City's ADU provisions will have a significant impact on the environment.

2. The Planning Commission recommends the City Council approve the ordinance attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the CEQA exemption for this projects reflects the independent judgement of the Planning Commission.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 24th day of October, 2022.

Byron de Arakal, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2022- __ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on October 24, 2022 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2022-__