

ORDINANCE NO. 2023-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING CODE AMENDMENT CO-2023-XX AMENDING CHAPTER V, ARTICLE 1, SECTION 13-35 (ACCESSORY DWELLING UNITS) OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE TO MODIFY STANDARDS TO CONFORM WITH RECENT REVISIONS TO STATE LAW AND TO CLARIFY EXISTING ACCESSORY DWELLING UNIT PROVISIONS TO IMPROVE ADU PROCESSING**

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

**SECTION 1: Findings.** The City Council finds and declares as follows:

**WHEREAS**, updates to the City’s Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) provisions are required to provide consistencies between the City’s Zoning Code and the State law; and

**WHEREAS**, in response to the implementation of State and local law regarding ADUs and JADUs, City staff found inconsistencies in the Zoning Code that require updating; and

**WHEREAS**, recently adopted State housing laws, including AB 2221 and SB 987, require updates to the City’s ADU and JADU provisions; and

**WHEREAS**, Government Code section 65852.2(a)(4) provides in part, “if a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void;” and

**WHEREAS**, this Ordinance is necessary to implement State and local ADU provisions, establish the minimum and maximum development standards in the Costa Mesa Municipal Code to regulate ADUs, and to ensure consistency with State law.

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

**SECTION 2: Code Amendment. Section 13-35 (Accessory Dwelling Units).** Chapter V, Article 1, Section 13-35 (Accessory Dwelling Units) of Title 13, Planning, Zoning and Development of the Costa Mesa Municipal Code, as specified in Exhibit A, attached hereto and incorporated herein by this reference, is hereby amended as set forth therein.

**SECTION 3. Repeal.** All portions of prior ordinances, including those within Urgency Ordinance 19-19, to the extent that they are inconsistent with the terms of this Ordinance are hereby repealed and replaced by this Ordinance.

**SECTION 4. Compliance with CEQA.** Adoption of this Ordinance 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.

**SECTION 5. Inconsistencies with State Law.** Any provision of this Ordinance which is inconsistent with State law shall be interpreted in a manner which is the most limiting on the ability to create ADUs or Junior ADUs, but which is consistent with State law. 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 6. 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 7. Effective Date.** This Ordinance shall take effect on the 31st day after final adoption.

**SECTION 8. Certification.** The Mayor shall sign and 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.

**SECTION 9. Transmit Ordinance to HCD.** The City Clerk is directed to send a copy of this ordinance to the Department of Housing and Community Development within 60 days of the adoption of this Ordinance.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Mayor Stephens

ATTEST:

APPROVED AS TO FORM

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

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

I, Brenda Green, City Clerk of the City of Costa Mesa, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2023-XX \_\_\_\_ introduced at a regular meeting of the City Council of the City of Costa Mesa held on the \_\_\_\_ day of \_\_\_\_\_, 2023, and was thereafter adopted at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:           COUNCIL MEMBERS:  
NOES:           COUNCIL MEMBERS:  
ABSTAIN:       COUNCIL MEMBERS:  
ABSENT:        COUNCIL MEMBERS:

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of Costa Mesa this \_\_\_\_ day of \_\_\_\_\_, 2023.

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