

ORDINANCE NO. 2026-xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING ZONING AND DEVELOPMENT) TO ALLOW FOR MINISTERIAL PROCESSING OF TWO-UNIT SMALL LOT ORDINANCE PROJECTS (CODE AMENDMENT PCTY-2025-0007)

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY FIND AND DECLARE AS FOLLOWS:

WHEREAS, the Zoning Code (Title 13 of Costa Mesa Municipal Code) sets the zoning and land use regulations for the City of Costa Mesa in general; and

WHEREAS, the purpose of this code amendment is to reduce barriers to developing two-unit small lot ordinance projects in the City; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 8, 2025 with all persons having the opportunity to speak for and against the proposal; and

WHEREAS, the Planning Commission recommended that the City Council adopt this ordinance updating the Zoning Code as set forth herein on a 5-2 (Zich and Dixon voting no) vote; and,

WHEREAS, the City Council held a public hearing on January 20, 2026 with all persons having the opportunity to speak for and against the proposal.

Now, therefore, THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 13 Chapter II, Section 13-29 Planning Application Review Process, Table 13-29 (c) of the Costa Mesa Municipal Code is hereby amended to read as follows:

| TABLE 13-29(c) PLANNING APPLICATION REVIEW PROCESS | | | | | |
|---|------------------------|-------------------------|------------------------|------------------------|--------------------|
| Planning Applications | Public Notice Required | Public Hearing Required | Recommending Authority | Final Review Authority | Notice of Decision |
| Development Review Minor Modification | No | No | None | Planning Division | No |

TABLE 13-29(c)
PLANNING APPLICATION REVIEW PROCESS

| Planning Applications | Public Notice Required | Public Hearing Required | Recommending Authority | Final Review Authority | Notice of Decision |
|--|-------------------------------|--------------------------------|-------------------------------|-------------------------------|---------------------------|
| Reasonable Accommodation | No | No | None | Planning Division | No |
| Lot Line Adjustment | No | No | None | Planning Division | No |
| Tentative Parcel Map for Urban Lot Splits and Ministerial Small Lot Subdivisions | No | No | None | Planning Division | No |
| Special Use Permit | Yes | Yes | None | Planning Division | No |
| Administrative Adjustment Minor Conditional Use Permit Minor Design Review Planned Signing Program | Yes | No | None | Zoning Administrator | Yes |
| Design Review Mobile Home Park Conversion Common Interest Development Conversion (Residential or Nonresidential) Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance | Yes | Yes | Planning Division | Planning Commission | Yes |

TABLE 13-29(c)
PLANNING APPLICATION REVIEW PROCESS

| Planning Applications | Public Notice Required | Public Hearing Required | Recommending Authority | Final Review Authority | Notice of Decision |
|---|------------------------|-------------------------|--|---|--------------------|
| Conditional Use Permit Density Bonus Master Plan Master Plan—Preliminary | Yes | Yes | Planning Division | Planning Commission (excepted where noted otherwise in this zoning code) | Yes |
| Redevelopment Action | Yes | Yes | Planning Commission | Redevelopment Agency | Yes |
| Rezone | Yes | Yes | Planning Commission; and, if located in a redevelopment project area, the Redevelopment Agency | City Council | No |
| Local Register of Historic Places | No | No | Planning Commission or other commission/committee as designated by the City Council | City Council | Yes |
| Certificate of Appropriateness | No | No | Planning Commission or other commission/committee as designated by the City Council | Planning Commission or other commission/committee as designated by the City Council | No |

Section 2. Title 13 Chapter V, Section 13-42.2 Planning Applications Required of the Costa Mesa Municipal Code is hereby amended to read as follows:

SECTION 13-42.2: Planning application required.

(a) Small lot subdivisions are permitted in appropriate residential districts and not in combination with other development standards in the overlays zones, subject to approval of the following planning application as may be applicable. This requirement is in addition to other permits or certificates required by law.

(1) All new small lot development projects for three or more main dwelling units shall be processed according to the design review procedures contained in

section **13-29**. Projects with two main dwelling units being proposed or converted shall be processed ministerially subject to the development standards within this chapter and the residential design guidelines as contained in the Two Unit Small Lot Ordinance Checklist.

(2) All small lot development projects for three or more main dwelling units require approval of a tentative tract or parcel map as required by law. A tentative tract map or parcel map shall not be required until a design review has been approved; however, the map may be processed concurrently. Small lot development projects consisting of two main dwelling units shall be processed ministerially.

(b) No person shall construct, sell, lease, convey, maintain or use a lot in a small lot subdivision project within the city without first complying with the provisions of this article.

Section 3. Title 13 Chapter V, Section 13-42.3 Development Standards and Requirements of the Costa Mesa Municipal Code is hereby amended to read as follows:

SECTION 13-42.3: Development standards and requirements.

(a) Applicability. The provisions of this section shall apply to all new residential small lot subdivisions of 15 lots or less in multi-family zones and not in combination with other development standards in the overlays zones except as allowed in Table 13-42 below.

(b) Development standards. Table 13-42 identifies the development standards for small lot subdivision developments. See also Article 9 general site improvement standards of this chapter for additional requirements. Projects shall comply with all applicable standard plans and specifications and adopted city and state codes, as well as the following provisions:

(1) The location and orientation of all buildings shall be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, groves, waterways, scenic points, historic spots or landmarks, bluffs or slopes shall be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations. Pre-existing development should guide the building setbacks and new development should preserve the existing character of the neighborhood.

(2) The site design must consider both the design elements of each unit and how these designs will enhance the overall neighborhood character and vitality of the street and sidewalk. Building setbacks and site planning must relate to surrounding built form, respecting the overall neighborhood character and existing topography. Additionally, each unit must exhibit a high level of design quality with well-articulated entries and façades, proportionate windows, quality building materials and contextual landscaping.

(3) All structures proposed to be constructed within a project shall conform to the following requirements:

a. Each unit shall be provided with direct pedestrian and vehicular access to a public street, or an alley or a common drive connecting to a public street/alley.

b. Structure shall be constructed to minimize impact of the proposed development on the light, air and privacy of adjacent properties.

(4) On-site lighting shall be provided in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties, and shall be of a type approved by the development services department.

(5) The development shall comply with the provisions of Chapter XI, subdivisions, which may include, but are not limited to, land dedication and improvements, such as drainage improvements and payment of fees.

(6) Outside uncovered and unenclosed storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited unless specifically designated areas for the exclusive storage of such vehicles are set aside on the final master plan and provided for in the covenants, conditions, and restrictions. Where such areas are provided, they shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of six-foot high opaque fences and permanently maintained landscaping.

Table 13-42
SMALL LOT SUBDIVISION STANDARDS

| STANDARDS | SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses) |
|---|---|
| Maximum Number of Stories & Building Height | 2 stories/27 feet, except as allowed in the Westside Overlay Districts. Note: Lofts, as defined in section 13-6 , without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below. |
| Attics | Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. In zoning districts where the maximum number of stories is two stories, attics above second stories shall be an integral part of the second story roofline and not appear as a 3rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style. |

Table 13-42
SMALL LOT SUBDIVISION STANDARDS

| STANDARDS | SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses) |
|--|---|
| Maximum Density (based on gross acreage) | Same as underlying zoning district or as specified in an applicable specific plan. |
| Minimum Open Space (development lot) | 35% of total lot area. No asphalt shall be permitted for paved areas. Parking and driveways shall consist of decorative concrete, pavers or other materials as deemed appropriate by the Development Services Director. This requirement may be decreased to a minimum of up to 30%, if the difference in the area is provided as additional open guest parking, located in a common area, and not exclusive for any specific unit. |
| Minimum Open Space (individual unit) | 200 square feet with no dimension less than 10 feet. |
| Development Lot | Separately owned private property interests or any portion thereof, necessary or desirable for common use, are subject to recordation of an easement for reciprocal access and maintenance. All areas of a development with 5 or more parcels, subject to a reciprocal access and/or maintenance easement shall be maintained by an association that may be incorporated or unincorporated. The association may be referred to as a maintenance association. |
| Parking | <ul style="list-style-type: none"> • Three-bedroom or more units (including a den or home office) – 2 garage spaces and 2 open parking spaces. • Two-bedroom or less units (including a den) – 2 garage spaces and one open parking. • No tandem parking is permitted for open or guest parking spaces. <p>For developments with 5 or more units (up to 10 units) where open/guest parking spaces are provided in driveways in front of garages for exclusive use of that unit, one additional on-site guest parking shall be provided. Two additional open guest-parking shall be provided for developments with more than 10 units.</p> <ul style="list-style-type: none"> • For all small lot developments subject to the provisions of this article, all open parking not located within an individual driveway shall be unassigned and nonexclusive. |

Table 13-42
SMALL LOT SUBDIVISION STANDARDS

| STANDARDS | SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses) |
|---|---|
| Distance Between Buildings (development lot) | 6 feet minimum |
| Driveway Width (development lot) | 10-foot minimum, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit. Driveway width shall be a maximum of 26 feet for lots less than 50 feet wide and a maximum of 50% for lots greater than 50 feet wide. |
| Driveway Length | Straight-in driveways to garages shall have a minimum length of 19 feet from the ultimate public or private right-of-way. No driveways shall be more than 5 feet in length if parking is not provided in front of garage. Driveways accessing rear parcels shall be in compliance with the requirements of the Parking Design Standards, minimum separation between driveways and maximum 50% hardscape requirement. |
| Mechanical Equipment (excluding antennas and flush-mounted solar panels on roofs) | Roof-top location is prohibited unless completely screened from public rights-of-way and adjacent properties. |
| Development Lot Front Setback | 20 feet |
| Development Lot Side yard Setback (interior) | 5 feet |
| Development Lot Side Setback (street side, if applicable) | 10 feet Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the ultimate public or private right-of-way. |
| Development Lot Rear yard Setback (interior) | 15 feet |
| Development Lot Rear Setback Abutting a Publicly Dedicated Alley | 5 feet; however, garages may be required to be set back further to ensure adequate back up distance. Rear Yard Coverage does not apply. |

Table 13-42
SMALL LOT SUBDIVISION STANDARDS

| STANDARDS | SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses) |
|--|--|
| Flag Lots and Alley Fronting Lots | Flag lots are required to be accessed with a minimum 16-foot wide driveway unless serving one unit in which case a minimum of driveway width of 10-feet shall be provided. Parcels with alley frontage should include a minimum 8-foot wide pedestrian access to the public street in the front. Parcels with frontage only on public alleys are prohibited. |
| Bluff Top Setback | No building or structure closer than 10 feet from bluff crest (see section <u>13-34</u> Bluff-top development). |
| Roof or Eaves Overhang; Awning | 2 feet 6 inches into required side setback or building separation area. 5 feet into required front or rear setback. |
| Open, Unenclosed Stairways | Not permitted |
| Chimneys | May extend 2 feet above maximum building height. |
| Fireplaces | 2 feet into required setback of building separation area |
| Automatic Roll-Up Garage Doors | Required |
| Location of Open Parking | Guest parking shall be located within a reasonable distance of the unit it serves. Detached garages that are not located within a reasonable distance to the units they are intended to serve are prohibited. |
| Trash Storage | All units shall be provided with a small alcove inside or outside the unit to allow storage of at least three trash carts without encroaching into the garage space. All efforts shall be made to provide on-site trash service. Trash carts shall be stored on-site for trash pick up to the greatest extent possible. |
| Above-Ground Pools and Spas | Prohibited in front yards and subject to 5-foot side and rear setback from the main structures. |
| LANDSCAPING | |
| A detailed landscape plan prepared pursuant to Chapter VII Landscaping Standards shall be approved by the Planning Division prior to issuance of any building permits. | |
| SIGNS (See Chapter VIII). | |
| FENCES AND WALLS | |

| Table 13-42 SMALL LOT SUBDIVISION STANDARDS | |
|---|--|
| STANDARDS | SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses) |
| | Fences and walls placed between the property line and required setback line for main buildings shall conform to the city's walls, fences, and landscaping standards. See Article 9 General Site Improvement Standards of this chapter for further information. |
| PREEEXISTING DEVELOPMENT | |
| Small lot subdivisions and structures constructed, permitted or approved under the small lot ordinance prior to October 18, 2018, shall be considered conforming with regard to the above provisions. | |
| <u>TWO UNIT CONVERSIONS</u> | |
| Projects proposing to subdivide a property with two existing units shall comply with all development standards within this table. | |

Section 4. Compliance with CEQA. Pursuant to the California Environmental Quality Act (CEQA), this ordinance is exempt from the provisions of the CEQA under CEQA Guidelines Section 15061(b)(3) ("Common Sense Exemption") as it can be seen with certainty that these minor amendments to the Zoning Code will not have a significant effect on the environment.

Section 3. Inconsistencies. Any provision of this Ordinance which is inconsistent with state law shall be interpreted in a manner to be 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 4. 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 5. Effective Date. This Ordinance shall take effect on the 31st day after adoption.

Section 6. 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.

PASSED AND ADOPTED this _____ day of _____, 2026.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow, City Attorney

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. 2026-xx was duly introduced for first reading at a regular meeting of the City Council held on the ____ day of _____ 2026, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the ____ day of _____, 2026, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this ____ day of _____, 2026.

Brenda Green, City Clerk