

RESOLUTION NO. PC-2025-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE APPROVING CODE AMENDMENT PCTY-24-0002 AMENDING CHAPTER V, ARTICLE 1, SECTION 13-35 (ACCESSORY DWELLING UNITS) OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE TO CONFORM TO RECENT REVISIONS TO STATE LAW

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

WHEREAS, in response to multiple housing laws relating to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), 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 some authority to regulate ADUs and JADUs that it might not otherwise have;

WHEREAS, the City adopted Ordinance 2023-03 on February 21, 2023, in response to additional State housing laws including AB 2221 and SB 987 which became effective January 1, 2023;

WHEREAS, the Department of Housing and Community Development (HCD) was provided the modified ordinance and submitted a letter on September 11, 2024 to the City requesting modifications to the ordinance, which requires additional modification to the City's ADU and JADU provisions;

WHEREAS, additional housing State laws including SB 477, SB 1211, AB 2533 and AB 1033 were approved by the State in 2024, become effective January 1, 2025, and also requires additional modification to the City's ADU and JADU laws, and have been considered with the City's proposed ADU and JADU provisions;

WHEREAS, the City has acknowledged all HCD comments in the proposed Ordinance with the exception of prohibiting the use of JADUs for short-term rentals. Pursuant to Government Code Section 66310, the legislature has determined the following: (1) ADUs and JADUs are "a valuable form of housing in California"; (2) ADUs and JADUs "provide housing for family members, students, the elderly, in-home health

care providers, the disabled, and others, at below market prices within existing neighborhoods”; (3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security”; (4) “Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California”; (5) “California faces a severe housing crisis”; (6) “The state is falling far short of meeting current and future housing demand with serious consequences for the state’s economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners”; (7) “Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character”; and (8) Accessory dwelling units are, therefore, an essential component of California’s housing supply. Thus, allowing JADUs to be rented for short-term rentals that are facilitated by online marketplaces would reduce and threaten the availability of housing, including affordable housing, within the City during the State housing crisis, and therefore allowing the prohibition of short-term rentals of the City’s JADUs is consistent with State ADU law, specifically Government Code Section 66310;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 24, 2025 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 21080.174 and CEQA Guidelines Section 154282(h), “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 and 65852.2 if the Government Code” relating to “granny” housing and “second unit ordinances” are exempt from the requirements of CEQA. Similarly, the ministerial approval of an ADU would not be a “project” pursuant to CEQA purposes (See Guidelines Section 15378), and environmental review is not required with the review/approval of individual ADU applications.

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

BE IT FURTHER RESOLVED that the CEQA exemption for this project 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 February, 2025.

Jeffrey Harlan, 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-2025-__ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on February 24, 2025 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No.