

ORDINANCE NO. 2023-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING CODE AMENDMENT PCTY-23-0002 AMENDING TITLE 13 (PLANNING, ZONING, AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S OUTDOOR DINING PROVISIONS**

**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**, in response to the COVID-19 pandemic, the City Council adopted Urgency Ordinance No. 2020-15, temporarily suspending the permit requirements and development standards for outdoor activities and parking contained in the zoning code applicable to dining patios, places of religious assembly, and waiver of valet parking; and

**WHEREAS**, Urgency Ordinance No. 2020-15 will expire on December 31, 2023; and

**WHEREAS**, due to the COVID-19 pandemic, significant social shifts have occurred, creating a greater interest in outdoor dining; and

**WHEREAS**, outdoor dining has been found to promote private and public economic interests, protect the public safety and general welfare, and create a community-oriented and pedestrian friendly dining environment.

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

**SECTION 2: Code Amendment. Title 13 (Planning, Zoning and Development).** 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within Urgency Ordinance 2020-15, to the extent that they are inconsistent with the terms of this Ordinance are hereby repealed and replaced by this Ordinance.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 CEQA Guidelines Section 15061(b)(3) (General Rule) in that there is no possibility that the minor updates to the City's outdoor dining provisions will have a significant impact on the environment.

**SECTION 5. 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 6. Effective Date.** This Ordinance shall take effect on the 31st day after adoption.

**SECTION 7. 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 \_\_\_\_\_, 2023

\_\_\_\_\_  
Mayor

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