



Item #: 25-541

Meeting Date: 11/4/2025

TITLE: AMENDMENT TO THE LAND USE ELEMENT OF THE CITY'S GENERAL PLAN TO PROVIDE CONSISTENCY WITH THE SIXTH CYCLE (2021-2029) HOUSING ELEMENT – PCTY-25-0004

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTED BY: MELINDA DACEY, PRINCIPAL PLANNER AND ANNA MCGILL, PLANNING AND SUSTAINABILITY MANAGER

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RECOMMENDATION:

Staff recommends the City Council adopt Resolution No. 2025-XX to adopt the amendments to the Land Use Element of the City's General Plan to provide consistency with the Sixth Cycle Housing Element and associated California Environmental Quality Act (CEQA) environmental determination (Attachment 1).

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15162, staff reviewed the previously adopted Mitigated Negative Declaration for the Sixth Cycle Housing Element and determined that a subsequent Environmental Impact Report (EIR) or a Negative Declaration (ND) is not required for the update to the City of Costa Mesa Land Use Element in that the circumstances to which the Housing Element was adopted have not changed, and no new information of substantial importance or new impacts have arisen since the prior environmental documents have been certified. The updates to the Land Use Element are for internal consistency with the Housing Element.

The Mitigated Negative Declaration (MND) for the Housing Element was circulated for the 30-day public review and comment period from October 29, 2021, to November 29, 2021. On February 1, 2022, the Costa Mesa City Council adopted Resolution No. 2022-06, certifying and adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) that analyzed the candidate housing sites on 352 acres for the Sixth Cycle (2021-2029) Housing Element. The MMRP requires mitigation for hazards and hazardous materials, biological resources, cultural resources, noise and tribal cultural resources. Standard conditions are also included within the MMRP and the housing opportunity sites must comply with the adopted MMRP. As such, additional environmental review is not required for the focused update of the Land Use Element.

Link to the Mitigated Negative Declaration:

<https://costamesa.legistar.com/View.ashx?M=F&ID=10429628&GUID=D393F7F7-CDC4-49CA-B95C-1E95AD983DA4>

Link to the MMRP:

<https://costamesa.legistar.com/View.ashx?M=F&ID=10429634&GUID=75FFF243-48F3-4BEF-9C5B-2723B323CD3F>

BACKGROUND:

The Housing Element is one of the seven State-mandated General Plan “elements,” and California Government Code Section 65588 requires that local governments review and revise their Housing Element a minimum of once every eight years. In addition, Government Code Section 65358(b) indicates that a City shall not amend a mandatory Element more than four times a year. Should City Council approve the Land Use Element amendments, this would be the third amendment to one of the City’s mandatory Elements during the 2025 calendar year.

Housing Element and Measure K

On February 1, 2022, the Costa Mesa City Council adopted Resolution No. 2022-06 adopting the City’s Sixth Cycle (2021-2029) Housing Element and Mitigated Negative Declaration, including a Mitigation Monitoring and Reporting Program. On November 15, 2022, the Costa Mesa City Council adopted Resolution No. 2022-67 approving additional amendments to the Housing Element in response to California Department of Housing and Community Development (HCD) comments dated April 5, 2022. Subsequent minor and non-substantive revisions have been requested by HCD, and staff updated the Housing Element as recently as March 1, 2023, as authorized by the City Council.

Link to Resolution No. 2022-06:

<https://srvlfapp.costamesaca.gov/laserfiche/DocView.aspx?db=CityofCostaMesa&docid=695178>

Link to Resolution No. 2022-67:

<https://srvlfapp.costamesaca.gov/laserfiche/DocView.aspx?db=CityofCostaMesa&docid=782375>

On November 8, 2022, Costa Mesa voters approved Measure K, which authorizes the modification of existing City regulations to allow for development of housing in commercial and industrial areas to revitalize the City’s commercial and industrial corridors, while keeping intact existing residential neighborhoods. On November 18, 2022, Ordinance No. 2022-09 became effective, amending and adding Costa Mesa Municipal Code Section 13-200.106 (g), which authorizes the City Council to approve any changes to land use, zoning, specific plan, overlay, or adoption of a new specific plan or overlay on Measure K sites, which include Housing Element opportunity sites in order to accommodate housing, mixed-use, and/or revitalization of commercial areas.

On May 9, 2023, HCD determined that the City’s Housing Element met statutory requirements of State Housing Element Law (Government Code Section 65580 et seq.) but noted that the Housing Element was not in substantial compliance (i.e. certified) until the City completes necessary rezones to accommodate the City’s Regional Housing Needs Allocation (RHNA) of 11,760 residential units and mandatory buffers. City staff work on implementing the various Housing Element programs (total of 47) throughout the calendar year and provide annual status reports to the City Council and State agencies regarding the implementation status.

When a General Plan Element is being amended or updated, the City must make a finding that the Element being updated is internally consistent with the rest of the General Plan pursuant to Government

Code Section 65300.5. Staff reviewed prior reports associated with the Housing Element and the adopted resolutions and found that the internal consistency finding was not made. Specifically, staff reviewed the General Plan and determined that draft amendments to the Land Use Element are required, to be found internally consistent with the Housing Element adopted in 2022 and revised in 2023.

On October 13, 2025, staff presented the draft Land Use Element updates to the Planning Commission. After public testimony and deliberations, the Planning Commission recommended the City Council adopt the draft amendments to the Land Use Element for internal consistency with the Housing Element as presented at the hearing with a minor update to the proposed text on Figure LU-4 (Page LU-34) and Figure LU-6 (Page LU-39) to remove the phrase “reductions” and replace it with “modifications.” This minor update is reflected in Attachment 1, Exhibit A, and the redlined exhibit attached to this report. The Planning Commission Resolution No. PC-2025-21 is included as Attachment 3 of this report.

Link to Planning Commission Agenda:

<https://costamesa.legistar.com/LegislationDetail.aspx?ID=7697348&GUID=61EFF6AD-15A6-4CAB-A794-61EC6592F128&Options=&Search=>

ANALYSIS:

In order for the General Plan to be internally consistent with the Housing Element, the City has to ensure that the housing opportunity sites identified within the sites inventory of the Housing Element (Linked here: [Appendix B, Table B-6, Pgs. B-25 through B-69](#), and included as Attachment 2) allow residential uses, at the identified residential site capacities and densities. Internal consistency requires focused updates to the Land Use Element to allow for residential development to occur on the housing opportunity sites identified within the sites inventory, and where necessary, the flexibility to modify any floor area ratio (FAR) and trip generation regulations that may limit the actual residential site capacity identified. The draft Land Use Element amendments accomplish this throughout the document by referencing the Housing Element sites inventory and that those densities specified therein are otherwise allowed.

The draft amendments are depicted as underline text for text being added to the Element and ~~strikethrough text~~ for text being removed as depicted in Attachment 4. The focused updates are included throughout various sections of the draft Land Use Element update included in Attachment 1, Exhibit A. A few excerpts of the draft updates are as follows:

In Table LU-3: Land Use Designations (2015), a footnote is being incorporated into the Land Use Designations for Residential and Non-Residential which indicates, “* Residential density may exceed those identified within Table LU-3 to accommodate the density of sites identified as housing opportunity sites within the sites inventory of the Housing Element.”

In Table LU-6: Land Use Density and Intensity Summary, a footnote is being incorporated into the Land Use Designations for Residential, Non-Residential or Mixed-Use and Overlays and Urban Plans which indicates, “* The maximum density may exceed those identified within Table LU-6 to accommodate the density of site identified within the sites inventory of the Housing Element. FAR may also be modified to realize the site capacity identified within the sites inventory.”

In addition, the adopted Land Use Element includes site specific development regulations, which is not typical for this type of policy document. Rather, site specific development regulations are generally found

within a precise plan, or specific plan. Some of these site-specific development regulations have been placed on sites that are identified as housing opportunity sites within the Housing Element. As such, draft edits have been incorporated to address these inconsistencies. One example is the Segerstrom Home Ranch site, where a site-specific floor area ratio (FAR) and trip budget are identified, as well as a prohibition for residential uses. The Segerstrom Home Ranch site is identified in the sites inventory under the unique identifiers 137, 138, and 198, and includes a residential density of 90 dwelling units per acre. The draft updates to the Land Use Element remove reference to the residential use prohibition, in addition to allowing flexibility to modify the FAR and trip budget, as the City is unable to restrict the site capacity.

General Plan



Baseline (2015)

Square Feet 0
Total Area.....43.6 acres

Land Use Plan

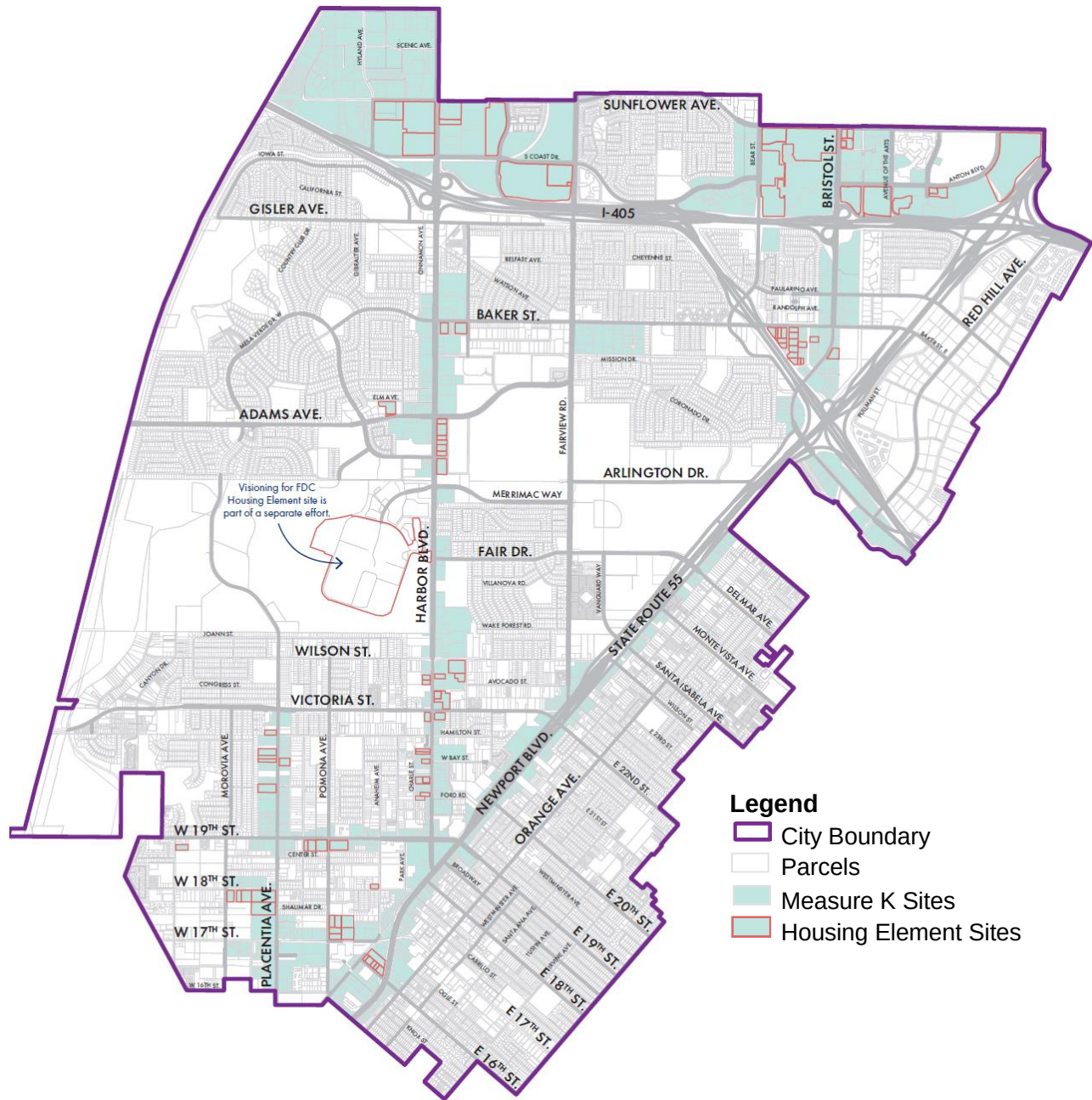
Office Square feet.....1,200,000
FAR.....0.64 FAR*

* Building intensity shall not exceed maximum allowable development set forth by the trip budget in the North Costa Mesa Specific Plan, unless modifications are needed to accommodate the residential site capacity identified within the sites inventory of the Housing Element.

~~* No residential use is permitted.~~

**Figure LU-4:
Segerstrom Home Ranch**

During the Planning Commission deliberations, commissioners inquired about the relationship between Measure K and the Housing Element opportunity sites. Staff explained that the housing opportunity sites are a subset of the Measure K sites, and that Measure K included the housing opportunity sites so that the necessary zoning changes could be made to accommodate the residential site capacity, or density, for the housing opportunity sites. Staff also noted that the draft Land Use Element amendments include qualifying language throughout so that modifications to any specific development standards noted within the draft Land Use Element amendments apply only to housing opportunity sites and do not extend to the remaining Measure K sites. The remaining Measure K sites that are not housing opportunity sites are still being considered and rezoned as part of the Neighborhoods Where We All Belong (NWWAB) rezoning effort.



Nunc Pro Tunc (Latin phrase meaning “now for then”)

Since this Land Use Element update should have been included with the Housing Element adoption, the City is relying on the prior community engagement efforts, and tribal consultation as a matter of Nunc Pro Tunc (Latin phrase meaning “now for then”), where the City is reviewing the record and making necessary corrections that should have been completed at the same time as the Housing Element adoption. According to the adopted resolutions for the Housing Element, public engagement included the following activities:

November 18, 2020, Townhall Meeting
 September 2, 2021, Townhall Meeting
 February 17, 2021, Public Outreach

February 18, 2021, Public Outreach
March 1, 2021, Planning Commission Study Session
March 23, 2021, City Council Study Session
April 27, 2021, Joint Planning Commission and City Council Study Session
September 13, 2021, Joint Planning Commission and City Council Study Session

The City contacted 17 tribal representatives on July 28, 2021, with information about the Housing Element and to inquire if the Native American Tribes would like to conduct formal consultation as required under AB 52 and SB 18. The City received one response from the Gabrieleno Band of Mission Indians – Kizh Nation, on October 8, 2021, where the tribe requested clarification about the Housing Element, and did not request formal consultation. The City subsequently concluded the tribal consultation process.

In addition to the above noted engagement activities, and tribal consultation, the Housing Element was circulated for public review and comment between August 17, 2021, and September 15, 2021. The Planning Commission, and City Council, also held duly noticed public hearings on the following dates:

Planning Commission:

November 8, 2021
November 22, 2021
December 13, 2021

City Council:

January 18, 2022
February 1, 2022
November 15, 2022

Based on the history noted above, and information contained within this report, the City is addressing an administrative need to correct the record.

Next Steps

Once the General Plan Amendment to the Land Use Element is considered and adopted by City Council, staff will return to the Planning Commission to incorporate the necessary Zoning Code and Specific Plan Amendments to implement the Housing Element sites rezoning. These future updates will align with the Land Use Element Amendments for Planning Commission to consider and provide recommendations to City Council.

ALTERNATIVES:

The City Council may modify the Planning Commission's recommended actions or provide alternative direction to staff.

FISCAL REVIEW:

There are no fiscal impacts associated with this action.

LEGAL REVIEW:

The City Attorney's Office has reviewed this staff report and City Council resolution and has approved them as to form.

CITY COUNCIL GOALS AND PRIORITIES:

The focused update to the Land Use Element for consistency with the Housing Element supports the following City Council Goal:

- Diversify, stabilize and increase housing to reflect community needs.

PUBLIC NOTICE:

A public notice was published in the Daily Pilot newspaper at least 10 calendar days prior to the scheduled public hearing as required pursuant to Government Code Section 65353, and mailed to local, state and federal agencies. Additionally, public notices were published throughout the processing of the Sixth Cycle Housing Element update, where the individual properties identified as housing opportunity sites within the sites inventory received proper legal notifications.

CONCLUSION:

Based on the foregoing information, staff recommends that the City Council adopt the draft resolution to approve the focused update to the Land Use Element of the General Plan for consistency with the Housing Element.