

ORDINANCE NO. 2026-xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA AMENDING ARTICLE 2 AND ARTICLE 3, CHAPTER I; CHAPTER II; CHAPTER III; CHAPTER IV; ARTICLE 11, CHAPTER V; ARTICLE 1, CHAPTER VI; ARTICLE 8, CHAPTER IX; ARTICLE 15, CHAPTER IX; ARTICLE 18, CHAPTER IX; ARTICLE 3, CHAPTER XII; CHAPTER XV; AND CHAPTER XVI OF TITLE 13 (PLANNING, ZONING, AND DEVELOPMENT), OF THE COSTA MESA MUNICIPAL CODE TO REZONE SIXTH CYCLE (2021-2029) HOUSING ELEMENT SITES AND IMPLEMENT HOUSING ELEMENT PROGRAMS TO COMPLY WITH STATE LAW AND MAKE RELATED REVISIONS TO THE ZONING CODE

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, California Government Code Section 65580 et sec. (State Housing Element Law) requires each city and county to adopt a housing element that identifies and analyzes existing and projected housing needs within their jurisdiction and prepare goals, policies, programs, quantified objectives, and sites to further the development, improvement, and preservation of housing;

WHEREAS, the City's Sixth Cycle (2021-2029) Housing Element was adopted by the Costa Mesa City Council on February 1, 2022, through Resolution No. 2022-06 and amendments adopted on November 15, 2022, through Resolution No. 2022-67, and as revised as recently as March 1, 2023, to incorporate non-substantive changes as authorized by the City Council;

WHEREAS, the rezoning of Housing Element Opportunity Sites is necessary to establish the densities prescribed in the adopted Housing Element;

WHEREAS, the rezoning of Housing Element Opportunity Sites is exempt from Title 13, Chapter IX Special Land Use Article 22, An Ordinance to give the People of Costa Mesa Control of Their Future (Measure Y) pursuant to Costa Mesa Municipal Code Section 13-200.106(g);

WHEREAS, on November 29, 2023, the State of California Department of Housing and Community Development issued a letter to the City of Costa Mesa regarding Housing Element program implementation and describing the need for amendments to Costa Mesa Municipal Code Title 13 pertaining to Group Homes, single housekeeping units, and reasonable accommodations;

WHEREAS, this Ordinance would add Section 13-83.58 “Properties Identified in the Housing Element” to Title 13, Chapter V Development Standards, Article 11, Mixed-Use Overlay Districts, specific to rezoning Housing Element Opportunity Sites with a minimum density of 20 units per acre and at least 50 percent residential use, with maximum densities prescribed in the Housing Element;

WHEREAS, the development standards and application processing in Section 13-83.58 “Properties Identified in the Housing Element” were designed to encourage and facilitate housing at densities over 20 units per acre with objective development standards;

WHEREAS, this Ordinance would amend the following Chapters in Title 13 of the Costa Mesa Municipal Code in order to implement Housing Element programs and related activities:

- a. Chapter I, Article 2, Definitions
- b. Chapter I, Article 3, Review Authorities
- c. Chapter II, Zoning Districts Established
- d. Chapter III, Planning Applications
- e. Chapter IV, Citywide Land Use Matrix
- f. Chapter V Development Standards, Article 11 Mixed-Use Overlay District
- g. Chapter VI, Article 1, Residential Districts
- h. Chapter IX, Article 8, Motels
- i. Chapter IX, Article 15, Reasonable Accommodations
- j. Chapter IX, Article 18, Emergency Shelters
- k. Chapter XII, Article 3, Transportation System Management
- l. Chapter XV, Group Homes
- m. Chapter XVI, Group Homes in the R2-MD, R2-HD and R3 Residential Zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones);

WHEREAS, a Study session was held by the Planning Commission on January 26, 2026, with all persons having the opportunity to speak for and against the amendments;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 9, 2026, with all persons having the opportunity to speak for and against the amendments;

WHEREAS, on February 9, 2026, the Planning Commission voted 6-1 to recommend the City Council adopt the amendments to Title 13 and coordinate with specific Housing Element Opportunity Site property owners and further review the North Costa Mesa Specific Plan for consistency with the proposed amendments;

WHEREAS, on March 17, 2026, the City Council held a duly noticed public hearing to give first reading to the proposed amendments to Title 13, with all persons having the opportunity to speak for and against the proposal at the public hearing;

WHEREAS, the City Council's motion to approve the amendments to Title 13 included direction to revise Section 13-83.58, "Properties identified in Housing Element", sub-section (b)(3), "Exception", of the Mixed-Use Overlay District (MUOD), to specify 18 properties removed from the Housing Element and/or the requirements of Section 13-83.58, thereby excluding those properties from the MUOD; remove parking minimums from sub-section (h)(2) and Table 13-83.58-A, and allow required usable common residential open space to be substituted by publicly accessible open space and required usable private open space to be substituted by usable common residential and/or publicly accessible open space;

WHEREAS, on April 7, 2026, the City Council held a duly noticed public hearing to give second reading to the proposed amendments to Title 13, with all persons having the opportunity to speak for and against the proposal at the public hearing;

WHEREAS, on November 15, 2022, the City Council adopted Resolution No. 2022-67, certifying and adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program that analyzed the candidate housing sites for the Sixth Cycle (2021-2029) Housing Element, which provided environmental clearance for the adoption of the Housing Element;

WHEREAS, the proposed amendments implement a schedule of actions contained in the approved Housing Element pursuant to Government Code Section 65583 and do not allow the construction of a distribution center, or oil and gas infrastructure, accordingly, the proposed amendments are statutorily exempt from

CEQA pursuant to Public Resources Code Section 21080.085(a) The proposed amendments to Title 13 implement a schedule of actions contained in the approved Housing Element pursuant to Government Code Section 65583 and do not allow the construction of a distribution center, or oil and gas infrastructure. Therefore, the proposed amendments are statutorily exempt from California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.085(a). In addition, the proposed amendments to Chapters I, III, IX, XV and XVI of Title 13 are exempt under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that these proposed Zoning Code amendments will have a significant effect on the environment.

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

Section 1. Title 13 of the Costa Mesa Municipal Code, Chapters I, III, IV, V, VI, IX, XII, XV, and XVI are hereby amended to read as set forth in Exhibit A, and Chapter II, the Official Zoning Map on file with the Planning Division, is hereby amended as depicted in Exhibit B, both attached hereto and incorporated herein by these references.

Section 2. Inconsistencies. 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 affect the provisions of this Ordinance.

Section 3. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, 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 portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

Section 5. Certification. 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 7th day of April, 2026.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

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