



# City of Costa Mesa

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**Item #: 25-227**

**Meeting Date: 04/01/2025**

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**TITLE: ADOPT AN ORDINANCE TO AMEND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS TO CONFORM TO RECENT REVISIONS TO STATE LAW (CODE AMENDMENT PCTY-24-0002)**

**DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION**

**PRESENTED BY: CHRIS YEAGER, SENIOR PLANNER**

**CONTACT INFORMATION: CHRIS YEAGER, SENIOR PLANNER, 714-754-4883**

**RECOMMENDATION:**

Staff recommends the City Council adopt Ordinance No. 2025-02 approving Code Amendment PCTY-24-0002, amending Title 13 of the Costa Mesa Municipal Code (CMMC) pertaining to Accessory Dwelling Units (ADUs) to conform to recent revisions to State law.

**BACKGROUND:**

On February 24, 2025, the Planning Commission reviewed the proposed Code Amendment. The Planning Commission supported the ordinance and voted 5-1 to recommend that the City Council adopt the ordinance. Details of the Planning Commission meeting and associated report and draft ordinance are available at the following link:

<https://costamesa.legistar.com/LegislationDetail.aspx?ID=7144849&GUID=7A6DF926-D55C-4442-A32B-C52A8F5F07C3>

At its regular meeting of March 18, 2025, the City Council conducted a legally noticed public hearing and introduced for first reading an ordinance amending Costa Mesa Municipal Code Section 13-35 (Accessory Dwelling Units). At the meeting, the City Council discussed the specific draft ADU Ordinance amendments, asked specific questions from staff, and obtained public input. The City Council voted unanimously to introduce for first reading, by title only, Ordinance No. 2025-02. As discussed further below, the City Council requested that staff include minor alterations to the Ordinance to clarify certain ADU provisions and improve readability. See the links below for the March 18, 2025 City Council Agenda Report and video:

March 18, 2025, Agenda Report:

<https://costamesa.legistar.com/LegislationDetail.aspx?ID=7261892&GUID=F28E9B14-70F8-4B2C-85C3-8F501EFD5159>

March 18, 2025, meeting video:

[https://costamesa.granicus.com/player/clip/4226?view\\_id=14&redirect=true](https://costamesa.granicus.com/player/clip/4226?view_id=14&redirect=true)

### **ANALYSIS:**

The proposed Ordinance No. 2025-02 is included as Attachment 1 and the proposed Ordinance, shown with tracked changes, is included as Attachment 2 to this report. Pursuant to City Council direction, the following minor alterations have been included in the proposed Ordinance since the March 18<sup>th</sup> City Council meeting to provide additional clarifications and to improve readability.

- Clarification has been included in Section 13-35(b)(1) to allow for ADUs in non-residential zones if the ADUs are located on properties with approved master plan permitted for residential use. For example, this would allow for ADUs in the various residential developments with underlying commercial and industrial zones in Westside Costa Mesa;
- In an effort to improve ordinance readability, Sections 13-35(d)(12)(b) through (d)(16) are proposed to be renumbered; and
- ADU provisions and standards pertaining to driveway removal related to garage conversions have also been clarified to indicate that driveway removal is permissive and not mandatory.

The Ordinance is being presented for second reading and final adoption. If approved, the Ordinance would become effective 30 days after the second reading.

### **ENVIRONMENTAL DETERMINATION:**

The project is exempt from environmental review under the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.174 and CEQA Guidelines Section 15282(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 of 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.

### **ALTERNATIVES:**

The City Council may adopt the Ordinance as proposed, modify the Ordinance, or not adopt the Ordinance. If the City Council chooses to make substantive modifications to the Ordinance after introduction, the modified Ordinance would need to be brought back at a future meeting for adoption.

### **FISCAL REVIEW:**

The adoption of the proposed Ordinance increases the number of ADUs allowed on both “Single family” and “Multi-family” dwelling lots which can result in an increase of the overall number of ADUs within the City. Revenue earned from the increase of ADUs will be part of the General fund (Fund 101) and Park Development Fees Fund (Fund 208).

**LEGAL REVIEW:**

The City Attorney's Office has reviewed this report and approves it as to form.

**PUBLIC NOTICE:**

Pursuant to Government Code Section 65856(b), a public notice was published once in the Daily Pilot newspaper on March 27, 2025.

As of this report, no written public comments have been received. Any additional written comments received will be forwarded under separate cover.

**CITY COUNCIL GOALS AND PRIORITIES:**

This item supports the following City Council Goal:

- Diversify, Stabilize and Increase Housing to Reflect Community Needs

**CONCLUSION:**

Staff recommends that the City Council adopt Ordinance No. 2025-02 approving Code Amendment PCTY-24-0002, amending Title 13 of the Costa Mesa Municipal Code pertaining to accessory dwelling units to conform to recent revisions to State Law.