

ORDINANCE NO. 2021-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING CHAPTER I, ARTICLE 2: DEFINITIONS; CHAPTER III, PLANNING APPLICATIONS; CHAPTER IV, LAND USE MATRIX; CHAPTER V, RESIDENTIAL DEVELOPMENT STANDARDS; CHAPTER V, COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS; CHAPTER V, PLANNED DEVELOPMENT – MASTER PLAN; CHAPTER VI, OFF-SITE PARKING STANDARDS; CHAPTER VII, LANDSCAPE STANDARDS; CHAPTER VIII, SIGN STANDARDS; AND CHAPTER IX WIRELESS ANTENNAS, OF TITLE 13, PLANNING, ZONING AND DEVELOPMENT (THE ZONING CODE) TO RESOLVE INTERNAL INCONSISTENCIES BETWEEN VARIOUS CHAPTERS, CLARIFY INTENT AND TO CONFORM TO RECENT REVISIONS TO AND REQUIREMENTS OF STATE LAW (CODE AMENDMENT CO-2020-02)

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, the Title 13, “Planning, Zoning and Development”, (the Zoning Code) of the Costa Mesa Municipal Code sets forth the zoning and land use regulations for the City in general; and,

WHEREAS, frequent updates to the Zoning Code are needed to provide consistencies between various sections and reflect the latest state codes and regulations; and,

WHEREAS, this Ordinance is intended to clean up internal inconsistencies between various chapters of the Zoning Code, to clarify definitions and legislative intent where necessary and to conform to recent revisions to and requirements of State law, including, but not limited to the following:

- Conforming the definition of “accessory dwelling” and “accessory uses” as updated by Urgency Ordinance 19-19 pursuant to State law (Government Code Section 65852.2 and Assembly Bill (AB) 68, AB 881, Senate Bill (SB) 13, AB 587 and AB 670);
- Defining “convenience store”, “mini-market” and “specialty store” to conform to use and intent;
- Refining the definitions of “finished grade” and “natural grade” to clarify precise definitions and applied practice;
- Updating definitions to reflect Assembly Bill ABX1 26;

- Conforming the definition of “boardinghouse, small” and “large” to the intent of Ordinance 15-11 to limit the number of occupants to no more three (3) and six (6) per small and large boardinghouse, respectively;
- Updating internal cross-references and definitions such as “special use permit” and “reasonable accommodation” set forth in Ordinances 14-13 and 17-05 and federal law;
- Updating the Land Use Matrix as necessary related to Specialty Stores, accessory salon uses, and adding Note No. 10 stating that Emergency shelters located on sites owned, controlled, and/or operated by the city in the MP and/or the PDI zone are a permitted use, not subject to a master plan requirement and the standards in section 13-200.79(1), (2), (4), (8), (10) and (13) do not apply to such uses; and,
- Making other revisions to clarify definitions and to conform to applied practice.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 13, 2020 with all persons having the opportunity to speak for and against the proposal; and,

WHEREAS, on July 13, 2020 the Planning Commission recommended that the City Council adopt an ordinance updating the Zoning Code as set forth herein on a 7-0 vote; and,

WHEREAS, the City Council held a public hearing on September 7, 2021 and November 16, 2021 with all persons having the opportunity to speak for and against the proposal; and,

WHEREAS, the City of Costa Mesa, pursuant to the provisions of the California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) has determined that the ordinance is not a "project" and further, that it is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment) such that no environmental review under CEQA is required; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Zoning Code Amendment. Chapter I, Article 2: Definitions; Chapter III, Planning Applications; Chapter IV, Land Use Matrix; Chapter V, Residential Development Standards; Chapter V, Commercial and Industrial Development Standards; Chapter V, Planned Development – Master Plan; Chapter VI, Off-site Parking Standards; Chapter VII, Landscape Standards; Chapter VIII, Sign Standards; and Chapter IX Wireless Antennas, of Title 13, Planning, Zoning and Development, as specified in Exhibit A, attached hereto and incorporated herein by this reference, are hereby amended as set forth therein.

SECTION 2. Compliance with CEQA. Pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) for General Rule, as this action will not have any significant effect on the environment.


SECTION 3. Inconsistencies. Any provision of this ordinance which is inconsistent with state law shall be interpreted in a manner to be consistent with state law. 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 effect the provisions of this Ordinance.

SECTION 4. 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 5. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

SECTION 6. 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.

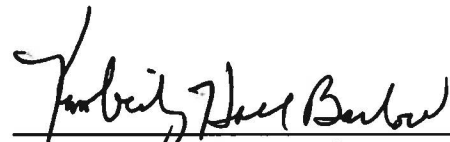
PASSED AND ADOPTED this 7th day of December, 2021:


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 is a true and correct copy of Ordinance No. 2021-20 introduced at the regular meeting of the City Council of the City of Costa Mesa held on the 16th day of November, 2021, and was thereafter adopted at the regular meeting held on the 7th day of December, 2021, by the following vote, to wit:


AYES: COUNCILMEMBERS: CHAVEZ, GAMEROS, HARLAN, HARPER, REYNOLDS, MARR, AND STEPHENS

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

Said ordinance has been published or posted pursuant to law.

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 8th day of December, 2021.


Brenda Green, City Clerk