

RESOLUTION NO. 2026-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REPEALING THE SOBECA, 19 WEST, MESA WEST BLUFFS, AND MESA WEST BLUFFS RESIDENTIAL OWNERSHIP URBAN PLANS

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

WHEREAS, California Government Code section 65850 grants city and county legislative bodies the authority to adopt and rescind plans to regulate zoning, building, and land use; and

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; and

WHEREAS, the City's Sixth Cycle (2021-2029) Housing Element was adopted by the Costa Mesa City Council on February 1, 2022, by Resolution No. 2022-06 and amendments adopted on November 15, 2022, by Resolution No. 2022-67, and was revised March 1, 2023, to incorporate non-substantive changes as directed by the City Council, and amended on March 17, 2026, by Resolution No. 2026-07 to remove 17 Housing Element Opportunity Sites and add two sites—both within the boundary of Measure K—to the Housing Element Candidates Sites Analysis at the request of the respective property owners, and most recently amended on September 1, 2026, by adopting Resolution No. 2026-38 to maintain adequate sites capacity and comply with State Housing Law; and

WHEREAS, repealing the urban plans would implement Housing Element Program 3D and follow City Council direction; and

WHEREAS, the City must concurrently replace any loss of residential housing capacity (not specific to Housing Element sites) pursuant to Senate Bill 330 (Statutes of 2019, as amended by Senate Bill 8 in 2021, and Assembly Bill 1218 in 2023), which prohibits cities on the California Department of Housing and Community Development's "affected cities list" from taking zoning-related actions such as changing the land use or

zoning designation of a parcel to a less intensive use unless there is a no net loss in residential capacity by a concurrent action (Government Code section 66300(h)) and the City of Costa Mesa is an affected city; and

WHEREAS, on April 4, 2006, the General Plan Land Use Element was amended (GB-05-11B) to establish a Mixed-Use Overlay District; and

WHEREAS, on April 4, 2006, four urban plans to regulate development in specific areas of the Mixed-Use Overlay District were adopted (SoBECA Urban Plan by Resolution no. 06-31, 19 West Urban Plan by Resolution no. 06-33, Mesa West Bluffs Urban Plan by Resolution 06-34, and the Mesa West Bluffs Residential Ownership Urban Plan by Resolution 06-35); and

WHEREAS, the urban plans were regulating plans that sets forth objective and subjective development and design standards and established permitting procedures requiring the creation of a master plan to develop (or to convert rental housing to ownership housing in the Mesa West Bluffs Residential Ownership Urban Plan) using urban plan standards, including a subjective master plan screening and a public hearing and/or multiple public hearings; and

WHEREAS, the amendment of Zoning Code Chapter V, Article 2, Residential Common Interest Developments to add a section titled the “Mesa West Residential Ownership Incentive Program” concurrent with the repeal avoids a reduction in residential development capacity within the Mesa West Residential Ownership Urban Plan area; and

WHEREAS, the amendment of Zoning Code Chapter V, Article 11, Mixed-Use Overlay District concurrent with the repeal establishes development standards within the SoBECA, 19 West, and Mesa West Bluffs Urban Plan areas to avoid a reduction in residential development capacity; and

WHEREAS, the concurrent amendment of Zoning Code Chapter III, Planning Applications sets forth an objective permitting process for projects not requiring a master plan, conditional use permit, and so on; and

WHEREAS, the concurrent adoption of Citywide Multifamily Residential and Mixed-Use Objective Design Standards provides clear, objective design standards; and

WHEREAS, rescinding the urban plans would remove the necessity for a master plan on non-Planned Development zoned properties; and

WHEREAS, at a special meeting on August 17, 2026, the Planning Commission held a study session to receive a presentation on NWWAB drafts and after public comment, the Planning Commission received and filed the report and provided feedback on the documents; and

WHEREAS, on September 14, 2026, the Planning Commission conducted a duly noticed public hearing to discuss and consider the NWWAB project, with all persons having the opportunity to speak for and against the proposal and voted 4-3 to continue the item to a date certain to provide more time to review the drafts and potential revisions; and

WHEREAS, on September 28, 2026, the Planning Commission conducted a duly noticed public hearing to discuss and consider the NWWAB project, with all persons having the opportunity to speak for and against the proposal and voted 3-1, with three commissioners absent, to recommend that the City Council certify the Final PEIR, adopt the findings of fact and statement of overriding considerations, and the mitigation monitoring and reporting program; and

WHEREAS, on October 20, 2026, the City Council held a duly noticed public hearing at which all interested persons had the opportunity to speak for and against the proposal; and

WHEREAS, the proposed repeal of the urban plans 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) (an exemption also known as SB 131), however the City of Costa Mesa determined that a Program Environmental Impact Report would be appropriate to study the potential environmental impacts of NWWAB and the City chose to evaluate the application of the Mixed-Use Overlay District to both non-Housing Element Measure K sites and Housing Element sites (except the Fairview Developmental Center Specific Plan site) in an effort to better understand the cumulative impacts, for transparency to the public, and for disclosure and mitigation; and

WHEREAS, on October 20, 2026, the City Council certified the Final PEIR for the NWWAB effort, adopted findings of fact, adopted the statement of overriding considerations, and adopted the Mitigation Monitoring and Reporting Program; and

WHEREAS, the City Council has duly considered the totality of the record and all evidence submitted into the record, including public testimony and the evaluation and recommendations by staff and Planning Commission, presented at said hearings; and

WHEREAS, notices of said public hearings were made at the time and in the manner required by law; and

WHEREAS, the City Council has duly considered the totality of the record and all evidence submitted into the record, including public testimony and the evaluation and recommendations by staff and Planning Commission, presented at said hearings; and

WHEREAS, notices of said public hearings were made at the time and in the manner required by law; and

BE IT RESOLVED that based on the evidence in the record, the City Council hereby rescinds the SoBECA, 19 West, Mesa West Bluffs, and Mesa West Bluffs Residential Ownership Urban Plans concurrent with Zoning Code Amendments in Ordinance 2026-XX to ensure adequate capacity;

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report, and compliance of all applicable federal, state, and local laws.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 20th day of October, 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 is the original of Resolution No. 2026-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 20th day of October, 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 xxth day of October, 2026.

Brenda Green, City Clerk