

CITY OF COSTA MESA PLANNING COMMISSION Agenda

Monday, July 28, 2025

6:00 PM

City Council Chambers 77 Fair Drive

The Commission meetings are presented in a hybrid format, both in-person at City Hall and as a courtesy virtually via Zoom Webinar. If the Zoom feature is having system outages or experiencing other critical issues, the meeting will continue in person.

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- 4. Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the PCPublicComments@costamesaca.gov. Comments received by 12:00 p.m. on the date of the meeting will be provided to the Commission, made available to the public, and will be part of the meeting record.
- 5. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at (714) 754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

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Note regarding agenda-related documents provided to a majority of the Commission after distribution of the agenda packet (GC §54957.5): Any related documents provided to a majority of the Commission after distribution of the Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

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Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing. Agendas and reports can be viewed on the City website at https://costamesa.legistar.com/Calendar.aspx.

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PLANNING COMMISSION REGULAR MEETING

JULY 28, 2025 - 6:00 P.M.

JEFFREY HARLAN CHAIR

JON ZICH VICE CHAIR

ANGELY ANDRADE
PLANNING COMMISSIONER

ROBERT DICKSON
PLANNING COMMISSIONER

KAREN KLEPACK
PLANNING COMMISSIONER

DAVID MARTINEZ
PLANNING COMMISSIONER

JOHNNY ROJAS
PLANNING COMMISSIONER

TARQUIN PREZIOSI
ASSISTANT CITY ATTORNEY

CARRIE TAI DIRECTOR

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS AND PRESENTATIONS

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA Comments are limited to three (3) minutes, or as otherwise directed.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

CONSENT CALENDAR:

1. JULY 14, 2025 UNOFFICIAL MEETING MINUTES

25-399

RECOMMENDATION:

Planning Commission approve the regular meeting minutes of July 14, 2025.

Attachments: 1. JULY 14, 2025 UNOFFICIAL MEETING MINUTES

PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT PCUP-25-0007 TO OPERATE AN 25-400
ANIMAL KENNELING FACILITY WITH ANCILLARY VETERINARY
SERVICES ("PRICELESS PETS") AT 126 EAST 16TH STREET

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

- 1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1) Existing Facilities; and
- 2. Approve Conditional Use Permit PCUP-25-0007 based on findings of fact and subject to conditions of approval.

Attachments: Agenda Report

- 1. Planning Commission Draft Resolution
- 2. Applicant Letter
- 3. Vicinity Map
- 4. Zoning Map
- 5. Site Photos
- 6. Project Plans

2. A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL GIVE 25-401
FIRST READING TO AN ORDINANCE TO AMENDING TITLE 13 OF
THE COSTA MESA MUNICIPAL CODE PERTAINING TO MINOR
TECHNICAL UPDATES

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

- 1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.174 and CEQA Guidelines Section 15282(h), and
- 2. Recommend that the City Council adopt an Ordinance approving Code Amendment PCTY-25-0001, amending Title 13 of the Costa Mesa Municipal Code (Zoning Code) pertaining to minor technical updates.

Attachments: Agenda Report

- 1. Draft Resolution
- 2. Legislative Digest
- 3. Draft Shared Parking Requirements
- 4. Current Shared Parking Requirements
- 5. Zoning Administrator Determinations
- 6. Walls, Fences and Landscape Standards

OLD BUSINESS: NONE

NEW BUSINESS: NONE

DEPARTMENTAL REPORTS:

- 1. PUBLIC WORKS REPORT
- 2. DEVELOPMENT SERVICES REPORT

CITY ATTORNEY REPORTS:

1. CITY ATTORNEY REPORT

ADJOURNMENT

PLANNING COMMISSION MEETING:

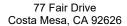
Costa Mesa Planning Commission meets on the second and fourth Monday of each month at 6:00 p.m.

APPEAL PROCEDURE:

Unless otherwise indicated, the decision of the Planning Commission is final at 5:00 p.m., seven (7) days following the action, unless an affected party files an appeal to the City Council, or a member of City Council requests a review. Applications for appeals are available through the City Clerk's Office; please call (714) 754-5225 for additional information.

CONTACT CITY STAFF:

77 Fair Drive, Costa Mesa, CA 92626 Planning Division (714) 754-5245 planninginfo@costamesaca.gov





CITY OF COSTA MESA Agenda Report

File #: 25-399 Meeting Date: 7/28/2025

TITLE:

JULY 14, 2025 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING

DIVISION

RECOMMENDATION:

Planning Commission approve the regular meeting minutes of July 14, 2025.



REGULAR PLANNING COMMISSION MONDAY, JULY 14, 2025 - MINUTES

CALL TO ORDER - The Regular Planning Commission Meeting was called to order by Chair Jeffrey Harlan at 6:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG - Commissioner Martinez led the Pledge of Allegiance.

ROLL CALL

Present: Chair Jeffrey Harlan, Commissioner Angely Andrade, Commissioner Karen Klepack, Commissioner David Martinez, Commissioner Johnny Rojas

Absent: Vice Chair Jon Zich, Commissioner Robert Dickson

ANNOUNCEMENTS AND PRESENTATIONS: None.

PUBLIC COMMENTS - MATTERS NOT LISTED ON THE AGENDA: None.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Andrade shared information about resources available to support community members impacted by deportations and discrimination. She emphasized the importance of services such as 211, which provides access to legal aid and other support, and the Orange County Rapid Response Team, which offers assistance through their Instagram page. This includes help with food, transportation, legal resources, and locating missing family members. Commissioner Andrade encouraged the public to utilize these resources and support neighbors and local families during challenging times.

Commissioner Martinez announced that the City Council will hold a meeting tomorrow, which includes three items previously considered by the Commission. He encouraged those interested to attend. He also reminded the public that Concerts in the Park are held every Tuesday in July at Fairview Park, starting at 6:00 p.m. Lastly, he invited the community to a ribbon-cutting ceremony for the new basketball and pickleball courts at Balearic Park on Thursday, July 17, at 11:00 a.m.

CONSENT CALENDAR:

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1. JUNE 23, 2025 UNOFFICIAL MEETING MINUTES

MOVED/SECOND: MARTINEZ/ ANDRADE MOTION: to approve Consent Calendar.

The motion carried by the following roll call vote:

Ayes: Chair Harlan, Commissioner Andrade, Commissioner Klepack,

Commissioner Martinez, Commissioner Rojas

Nays: None

Absent: Vice Chair Zich, Commissioner Dickson

Recused: None

Motion carried: 5-0-2

ACTION:

Planning commission approved consent calendar items.

-----END OF CONSENT CALENDAR------

PUBLIC HEARINGS:

1. RECOMMENDATION TO THE CITY COUNCIL ON A MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT, REZONE, DESIGN REVIEW, TENTATIVE TRACT MAP, AND DENSITY BONUS FOR A 142-UNIT, OWNERSHIP RESIDENTIAL DEVELOPMENT AT 3150 BEAR STREET

Presentation by Senior Planner Chris Yeager.

Public comments:

John Fraser opposed the proposed pedestrian access, citing already overwhelming parking issues in his neighborhood.

Mary Ann Chappell expressed concern about building heights, unclear site plans, loss of privacy, and negative impacts on property values.

Speaker 3 opposed the four-story structures for eliminating backyard privacy and decreasing home values.

Darren Fareola warned the project would flood cul-de-sacs with traffic, noise, and overflow parking, damaging neighborhood safety and quality of life.

Danielle Owens questioned how the HOA would enforce garage use and criticized the density compared to surrounding communities.

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Darryl Oliver opposed the project due to Bear Street traffic issues and lack of street capacity for 142 new homes.

Richard Huffman criticized the project's tandem parking, height, and density as inappropriate for a single-family neighborhood.

Lilliana Mercedes opposed the project due to traffic, parking overflow, and safety concerns at Bear and Paularino.

Victor Porus believed the parking plan was unrealistic and would burden nearby residents, especially those who host visitors.

Gary Marshall cited firsthand experience with past projects and said this development would overwhelm streets and emergency access points.

Warren Franklin shared fire department access and EMS response concerns due to the building height.

Cynthia McDonald criticized the staff report, insufficient open space, inadequate parking, and the use of public land without compensation.

Speaker 13 opposed the pedestrian gate due to ongoing burglaries and worsening traffic and safety on Paularino.

Erin Gonzalez supported the project as a much-needed opportunity for first-time homeownership in Costa Mesa.

Speaker 15 stated the project is too dense and would worsen traffic and living conditions.

Motion Discussion:

Commissioners expressed strong support for the project, highlighting its contribution to addressing the regional housing crisis, especially through the inclusion of affordable for-sale units and praised it as a significant opportunity for first-time homebuyers and middle-income families. They also noted the project's thoughtful design, sustainable all-electric model, and improved public access to Schiffer Park, while acknowledging community concerns about traffic and parking and encouraging ongoing efforts to mitigate those impacts.

MOVED/SECOND: MARTINEZ/ ANDRADE

MOTION: to move staff recommendation with a request to review Conditions of Approval 28 and 32 for wording issues.

The motion carried by the following roll call vote:

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Ayes: Chair Harlan, Commissioner Andrade, Commissioner Klepack, Commissioner

Martinez, Commissioner Rojas

Nays: None

Absent: Vice Chair Zich, Commissioner Dickson

Recused: None

Motion carried: 5-0-2

ACTION:

The Planning Commission adopted a resolution too:

1. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and,

- 2. Adopt a Resolution recommending that the City Council take the following actions, including:
 - a. General Plan Amendment (PGPA-24-0002): Amend the General Plan Land Use Element including changing the Land Use Designation of the project site from General Commercial to High Density Residential;
 - b. Rezone: Give first reading to an Ordinance approving the rezone of the project site from Administrative and Professional (AP) to Multiple Family Residential (R3);
 - c. Design Review: Approve the Design Review for the development of the project including 142 dwelling units with a maximum height of 4 stories/52 feet;
 - d. Tentative Tract Map No. 19334: Approve the Tentative Tract Map to subdivide the property into a residential common interest development; and
 - e. Density Bonus: Approve the density bonus which will provide seven very low income units in exchange for a 20 percent density bonus resulting in an additional 20 units.

OLD BUSINESS: None.

NEW BUSINESS: None.

REPORT - PUBLIC WORKS - Mr. Yang announced that the City will offer an E-Bike Safety Course for Newport-Mesa Unified School District students at Estancia High School during the Back-to-School Registration Event on Thursday, August 7. Additionally, OCTA plans to offer a similar event during the second registration event on Wednesday, August 13.

REPORT - DEVELOPMENT SERVICES - Director Tai reported that two items previously recommended by the Planning Commission will appear on the City Council agenda tomorrow night. The Hive Live item is recommended for continuance at the applicant's request, and the Victoria Place Project will be presented as a public hearing.

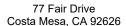
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REPORT - ASSISTANT CITY ATTORNEY - None.

ADJOURNMENT AT 8:12p.m.

Submitted by:

CARRIE TAI, SECRETARY
COSTA MESA PLANNING COMMISSION





CITY OF COSTA MESA Agenda Report

File #: 25-400 Meeting Date: 7/28/2025

TITLE:

CONDITIONAL USE PERMIT PCUP-25-0007 TO OPERATE AN ANIMAL KENNELING FACILITY WITH ANCILLARY VETERINARY SERVICES ("PRICELESS PETS") AT 126 EAST 16TH STREET

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING

DIVISION

PRESENTED BY: JEFFREY RIMANDO, ASSISTANT PLANNER

CONTACT INFORMATION: JEFFREY RIMANDO, 714-754-5012;

Jeffrey.Rimando@costamesaca.gov

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

- 1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1) Existing Facilities; and
- 2. Approve Conditional Use Permit PCUP-25-0007 based on findings of fact and subject to conditions of approval.

ITEM NUMBER: PH-1

SUBJECT: CONDITIONAL USE PERMIT PCUP-25-0007 TO OPERATE AN

ANIMAL KENNELING FACILITY WITH ANCILLARY VETERINARY

SERVICES ("PRICELESS PETS") AT 126 EAST 16TH STREET

FROM: **ECONOMIC AND DEVELOPMENT SERVICES**

DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: **JEFFREY RIMANDO, ASSISTANT PLANNER**

FOR FURTHER JEFFREY RIMANDO

714-754-5012 **INFORMATION**

CONTACT: Jeffrey.Rimando@costamesaca.gov

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

- 1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1) Existing Facilities: and
- 2. Approve Conditional Use Permit PCUP-25-0007 based on findings of fact and subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

The applicant and authorized agent is Ryan Oldham representing the property owner, 126 Properties LLC.

PLANNING APPLICATION SUMMARY

Location:	126 East 16 th Street	Application Number:	PCUP-25-0007		
Request:	To operate an animal kenneling facility with ancillary veterinary services from an existing 6,480-				
	square-foot industrial building.				

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	MG (General Industrial)	North:	CL (Commercial Limited)	
General Plan:	Light Industry	South (across	MG (General Industrial)	
		16 th St):		
Lot Dimensions:	100' x 182.65'	East:	C1 (Local Business District)	
Lot Area:	18,265 SF	West:	MG (General Industrial)	
Existing	Industrial building consisting of two units and a detached storage building in the rear with			
Development:	surface parking in front.			

DEVELOPMENT STANDARDS COMPARISON

Development Standard		Required	Existing/Proposed			
Building Height						
		2 Stories / 30 FT	1 Story / 24 FT (no change)			
Setbacks:						
Front		10 FT	26 FT (no change)			
Side (left/right)		0 FT	0 FT left (no change)			
			55 FT 4 IN right (no change)			
Rear		0 FT	35 FT 6 IN (no change)			
Floor Area Ratio						
		0.25	0.66 (no change)*			
Parking						
		N/A**	7 spaces			
CEQA Review	Exempt per CEQA Guidelines Section 15301 (Existing Facilities)					
Final Action	Planning Commission					

^{*} Subject site is currently nonconforming, however no improvements proposed that will affect the existing floor area ratio on site.

^{**} Subject property is subject to Assembly Bill (AB) 2097, since it is located within one-half mile of two major transit stops. Pursuant to AB 2097, the City is barred from imposing a minimum parking requirement on the project.

EXECUTIVE SUMMARY

Priceless Pets is requesting Planning Commission approval to operate an animal kenneling facility with ancillary veterinary services within the currently vacant, 6,480 square-foot industrial building. Staff supports the request in that the proposed use is consistent with applicable goals, objectives, and policies of the General Plan, complies with applicable provisions of the Zoning Ordinance and respective findings, and is not proposed to operate in a way that would be incompatible with nearby uses. The use also provides a necessary community service. Therefore, staff recommends that the Planning Commission find that the project is exempt from the California Environmental Quality Act (CEQA), and approve the application based on findings of fact and subject to conditions of approval.

SETTING

The subject 18,265-square-foot property is located at 126 East 16th Street and contains three industrial buildings developed in the 1950s. There are two buildings that are attached to each other and are 6,480 square-feet and 2,936 square-feet respectively. In the northeastern portion of the site is an existing detached 2,610 square-foot storage building. The subject property is located on the north side of East 16th Street, mid-block between Superior Avenue and Newport Boulevard (see Figure 1). The proposed animal kenneling facility would occupy the 6,480 square-foot building, which previously was occupied by an auto repair use. The adjacent building is currently occupied by a group counseling use.



The site is designated Light Industry by the City's Land Use Element of the General Plan, and is zoned MG (General Industrial). The Light Industry designation is intended for a variety of light and general industrial uses such as small manufacturing and service industries. Certain commercial uses may be allowed, provided that the commercial use is determined to be complementary to the industrial area. The MG zone allows for a wide range of light and general industrial activities. The subject property is surrounded by other MG-zoned properties to the west and south and contains a variety of light industrial uses including automotive services and multi-tenant industrial buildings. Immediately across East 16th Street is an existing mobile home park. Adjacent to the rear of the property is a two-story hotel designated under the CL (Commercial Limited) zone. The hotel building wall is positioned adjacent to the rear of the subject property line and does not contain any openings such as windows or doors facing towards the subject property. East of the property are C1 (Local Business District) zoned properties consisting of an outdoor vehicle storage lot and an auto dealership.

BACKGROUND

Priceless Pets is a non-profit, no-kill pet rescue. They have adoption centers in Chino Hills, Claremont, City of Industry, and in Costa Mesa (located at 1536 Newport Boulevard). The business rehabilitates and rehomes surrendered animals. Priceless Pets main mission is to rescue dogs and cats from open access county facilities and find them "forever homes" within the community. Priceless Pets has overseen animal adoptions for the Police Departments Animal Services Unit since 2018. Earlier this year, the City Council awarded another contract to Priceless Pets to provide animal sheltering, adoption, and medical care services in Costa Mesa.

The City's contract with Priceless Pets requires that they secure a stand-alone facility in Costa Mesa, establish a lease, and obtain required permits. The contract requires that Priceless Pets make necessary upgrades to the location in order to provide an intake area, isolation area, quarantine area, and to maintain a fully staffed veterinary suite that is open to the public. Additionally, Priceless Pets is required to provide hours of operation that allow for general intake from the City's Animal Control Officers, and provide extended hours for the public to allow for return-to-owner activity, owner surrender, and be staffed 24/7 with trained personnel with access at any time to the City's Animal Services personnel. Priceless Pets would provide standard veterinary care for all animals based on their needs, including spay/neuter procedures, microchips, emergency medical care, vaccines, health assessment, daily treatment, monitoring, etc.

REQUEST

The applicant is requesting Conditional Use Permit (CUP) approval pursuant to Costa Mesa Municipal Code (CMMC) Section 13-30 to operate an animal kenneling facility with ancillary veterinary services in the MG zone.

Conditional Use Permit (CUP)

Pursuant to the City's Zoning Ordinance Chapter IV (Citywide Land Use Matrix), an animal kenneling service in the MG Zone requires Planning Commission approval of a conditional use permit. Pursuant to the CMMC, to approve the CUP application, the Planning Commission must make findings that:

- 1. The use is compatible with the nearby area;
- 2. Is a use in accord with the General Plan; and
- 3. Would not be detrimental or injure nearby properties or the public health, safety and general welfare.

As necessary, proposed conditional uses may have conditions of approval applied to the development or their operations to ensure that the required findings can be met. An assessment of the project's relationship to the findings and General Plan is provided later in this report.

PROJECT DESCRIPTION

Use and Operations

Priceless Pets primary use of the space would be as an animal kenneling facility with ancillary veterinary services for rescue animals. This space contains a large open area to store kennels for dogs and cats at the rear of the building. At the front, they would store their mobile veterinary vehicle in the building to provide veterinary care to rescue animals associated with the City of Costa Mesa's Animal Services Unit. Animals that are placed in the kennels would remain there until they are picked up by their owner or, after a period of time, relocated to an adoption center. The overall animal capacity is intended to not exceed 50 animals for the space.

Priceless Pets would be open to the public on Tuesday through Sunday from 10 a.m. to 6 p.m. The business would employ three to four employees during the public operating hours. Pursuant to the contract with the City of Costa Mesa, there would be at least one staff person on-site 24 hours a day and the facility would also be available to receive animals from the City's Animal Control Officers at any time.

Behind the building is an existing outdoor paved area designated as a play area for the rescue animals. The play area would be limited for use from 10 a.m. to 6 p.m. When used, facility staff would escort the animals to the play area and monitor them for the time they are outdoors. The applicant would maintain the outdoor play area by disposing animal waste and urine utilizing wet vacuuming and using a chemical cleaner.

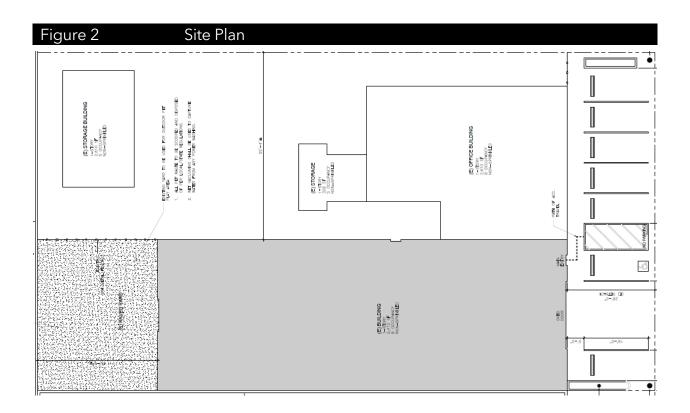
In fulfillment of these contractual requirements, Priceless Pets has identified the subject property as an ideal candidate location. This location would not offer animal adoptions, veterinary, or kenneling services to the general public.

Site Plan

The project site is an approximate 0.42-acre rectangularly-shaped interior lot. The site's perimeter is bounded by an existing hotel to the north, an auto repair services building to the west, and a wooden fence along the eastern portion of the property.

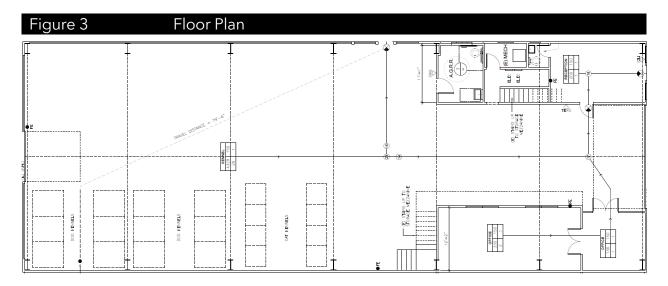
The existing 6,480 square-foot building is positioned along the western half of the lot and is set back 26 feet from the front property and 35 feet 6 inches from the rear property line. Site improvements would be limited to the parking area located in front of the existing buildings which would be re-striped to accommodate seven parking stalls.

The outdoor play area is behind the building and measures 1,586 square-foot of existing concrete paving. The play area is uncovered and is enclosed with an existing eight-foot high metal fence and adjacent properties' building walls. The play area would be utilized throughout the day but only by a maximum of two animals at a time during normal business hours.



Floor Plan

The proposed floor plan consists of a main floor and two mezzanine areas. The 5,412 square-foot main floor contains two offices for a total of 471 square feet, a 209 square-foot reception area, and two restrooms, with the remaining open area dedicated for animal kenneling services. The 595 square-foot and 473 square-foot mezzanine areas would be utilized for storage purposes only. The overall animal capacity is anticipated to be a maximum of 50 animals for the space.



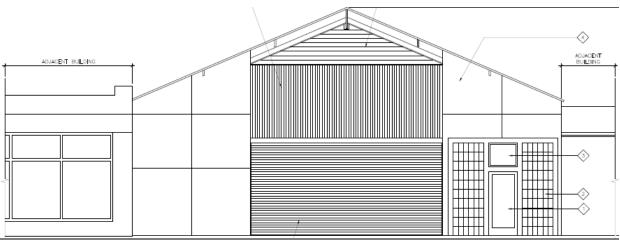
Elevations

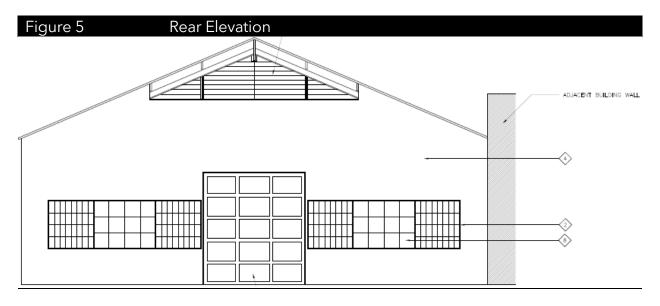
The 1950's industrial building is oriented towards East 16th Street and consists of a typical post war design. The building is constructed of stucco finished walls with metal siding accents, glass block windows, and metal roofing which would remain the same.

New improvements include a new metal overhead door and a new aluminum entry door with a transom window above to the storefront. A new metal door would also be installed on the eastern side of the building for ingress/egress. The rear of the building contains an existing metal overhead door with two existing steel windows that would remain the same. Signage is not proposed as part of this application.

Figure 4 Front Elevation









Parking

The subject property would consist of seven parking spaces to be shared amongst the two tenants on site. Based on the Costa Mesa Municipal Code (CMMC), four parking spaces are required for each 1,000 square-feet of general office use. Since the mezzanine areas are utilized for storage purposes and the kenneling area is utilized for the storage of animals, staff has excluded this area from parking calculations. Based on the floor plan areas shown to be designated for the office and reception use, the overall parking demand results in a need of three spaces for the proposed use. The adjacent building is currently occupied by a group counseling use with seven parking spaces required for the use. In total, 10 parking spaces are required for the site resulting in a parking deficit with the proposed kenneling facility.

However, the project is subject to Assembly Bill (AB) 2097, since it is located within one-half mile of two major transit stops. Pursuant to AB 2097, the City is barred from imposing a minimum parking requirement on the project. Assembly Bill (AB) 2097 was signed into law by Governor Newsom and became effective on January 1, 2023. The primary objective of this legislation is to limit local governments from imposing minimum parking regulations on projects that are located within 0.5 miles of a major transit stop. AB 2097 defines "major transit stop" as an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Staff has reviewed the nearby public transit facilities and determined that the subject property is located within 0.5 miles of a major transit stop (the intersection of Newport Boulevard and West 17th Street). Notwithstanding the above parking assessment, pursuant to AB 2097 the City of Costa Mesa cannot impose a minimum parking requirement on this land use entitlement. Therefore, the parking deficiency would no longer be observed.

ANALYSIS

The proposed kenneling facility involves the handling of animals which may cause potential noise impacts such as dogs barking or other animal sounds. To limit the noise,

the facility would operate inside an existing structure except for an outdoor area designated for animals to play. The outdoor play area is located behind the subject building away from the mobile home park and would be used by no more than two animals at a time. Facility staff would monitor the animals while they are outdoors. Conditions of approval have been implemented to:

- Limit the outdoor play area to be allowed only during the hours of operation between 10 a.m. to 6 p.m.;
- The play area to be used by no more than two animals at a time;
- Require all waste in the play area to be immediately and properly disposed of and shall be maintained.
- Require all building walls shall be installed with soundproofing.

Staff supports the proposal as the use would be compatible with the nearby mobile home park and hotel because much of the use would occur indoors and that outdoor activities would be limited in scope and monitored by facility staff. Furthermore, the adjacent hotel building wall does not contain any openings facing the subject property. Collectively, these considerations help to mitigate potential noise impacts from the proposed use.

GENERAL PLAN CONFORMANCE

The following analysis further evaluates the proposed project's consistency with specific policies and objectives of the 2015-2035 General Plan.

1. **Policy LU-1.1**: "Provide for the development of a mix and balance of housing opportunities, commercial goods and services and employment opportunities in consideration of the need of the business and residential segments of the community."

Consistency: Approval of the proposed animal kenneling use would provide a new business in Costa Mesa that would meet the boarding and veterinary needs of the City's rescue animals. This proposed use would provide new employment opportunities within the City in a professional based field. The addition of kenneling and veterinary services would benefit the community and add to the City's animal care facility options.

2. **Policy LU-3.1**: "Protect existing stabilized residential neighborhoods, including mobile home parks (and manufactured housing parks), from the encroachment of incompatible or potentially disruptive land uses and/or activities."

Consistency: The subject property is located within vicinity of an existing mobile home park across the street. The proposed use would be operated indoors except for an outdoor play area located at the rear of the building, a portion of the property furthest away from the mobile

home park. Conditions of approval have been placed to limit the operations of the outdoor play area to mitigate potential noise and odor impacts to the nearby properties.

3. **Policy LU-6.1**: "Encourage a mix of land uses that maintain and improve the City's long-term fiscal health."

Consistency: Costa Mesa has a diverse mix of land uses and, more specifically, uses of a retail and service oriented commercial nature. The proposed facility providing boarding and veterinary services for rescue animals would assist the function of City of Costa Mesa's Animal Services Unit and would further diversify our land use mix in an area that is appropriate for such activity.

FINDINGS

Pursuant to Title 13, Section 13-29(g), Findings, of the CMMC, to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required Conditional Use Permit findings:

• The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Consistent. The existing industrial building was previously occupied by an auto repair shop and is proposed to be converted into an animal kenneling facility with ancillary veterinary services. Although the proposed use is located across the street from an existing mobile home park, the proposal would not generate adverse noise, traffic or parking impacts that are unusual for industrially zoned properties. Potential noise from the outdoor operations would be mitigated by limiting the number of animals outside to two maximum and these animals would always be under facility staff supervision. Conditions of approval have been implemented to limit the outdoor play area to be allowed only during the hours of operation between 10 a.m. to 6 p.m. and no more than two animals at a time. The play area has also been conditioned to require all waste to be immediately and properly disposed of and shall be maintained.

• Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Consistent. Granting the approval of the animal kenneling use would not be detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood as all business activities would primarily be conducted within the building. Potential noise

from the outdoor operations would be mitigated by limiting the number of animals outside to two maximum at any time. Further, the applicant would maintain the outdoor play area by disposing animal waste utilizing wet vacuuming and using a chemical cleaner. Conditions of approval have been implemented to limit the outdoor play area to be allowed only during the hours of operation between 10 a.m. to 6 p.m. Lastly, prior to operations, the proposed tenant improvements would be reviewed by the City's Building and Fire Departments to ensure safety, suitable occupancy and the necessary occupant ingress and egress.

• Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.

Consistent. The use would be compatible with the existing uses in the industrial complex and meets the intent of the General Plan's Light Industrial land use designation in that certain commercial uses may be allowed, provided that the commercial use is determined to be complementary to the industrial area. The proposed use is consistent with the General Plan's Light Industrial land use designation intended land uses and complies with the applicable development standards of the Zoning Code as the proposal is a commercial use that serves both local and regional needs and would continue to provide a community service. The proposed amendment would not increase the size of the existing industrial building and would not increase traffic volume to the site beyond that typical for an industrial use. Furthermore, the proposed project is consistent with General Plan Land Use Policies LU-1.1, LU-3.1 and LU-6.1 as indicated previously.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Permitting and/or Minor Alteration of Existing Facilities. The site is located in an urbanized area that is fully developed and does not contain any sensitive species or habitat including nearby water bodies. This project site contains existing buildings, and the application does not include any new construction that would adversely affect native plants or species. The project would result in limited interior improvements to adequately address operation and safety concerns. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 apply. Specifically, the project would not result in a cumulative environmental impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact any historic resources.

ALTERNATIVES

As an alternative to the recommended action, the Planning Commission may:

<u>Approve the project with modifications</u>. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.

<u>Deny the project</u>. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If the project is denied, the applicant could not submit substantially the same type of application for six months.

LEGAL REVIEW

The draft Resolution and this report has been approved as to form by the City Attorney's Office.

PUBLIC NOTICE

Pursuant to CMMC Section 13-29(d) three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

- Mailed notice. A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site July 16, 2025. The required notice radius is measured from the external boundaries of the property.
- 2. **On-site posting.** A public notice was posted on each street frontage of the project site on July 17, 2025.
- 3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper on July 18, 2025.

As of the completion date of this report, no written public comments have been received. Any public comments received prior to the July 28, 2025, Planning Commission meeting will be provided separately.

CONCLUSION

Approval of the project would allow for the use of an animal kenneling facility within an existing building with ancillary veterinary services. The proposed use is in conformance

with the General Plan, Zoning Code, Planning Application Review Criteria, and the required CUP findings can be made. The proposed use, as conditioned, would be compatible with the surrounding residents and commercial businesses and would not be materially detrimental to other properties within the area. Therefore, staff recommends approval of the proposed project, subject to the conditions of approval contained in the attached resolution.

RESOLUTION NO. PC-2025-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION PCUP-25-0007 FOR A CONDITIONAL USE PERMIT TO OPERATE AN ANIMAL KENNELING FACILITY WITH ANCILLARY VETERINARY SERVICES ("PRICELESS PETS") AT 126 EAST 16TH STREET

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

WHEREAS, Planning Application PCUP-25-0007 was filed by Ryan Oldham, authorized agent for the property owner, 126 Properties LLC, requesting approval of a Conditional Use Permit for a new animal kenneling facility with ancillary veterinary services at 126 East 16th Street in the General Industrial (MG) zone for Priceless Pets;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 28, 2025 with all persons having the opportunity to speak for and against the proposal; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1, for Existing Facilities).

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PCUP-25-0007 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PCUP-25-0007 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this Resolution shall be subject to review, modification, or revocation if there is a material

change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

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 28th day of July, 2025.

Jeffrey Harlan, Chair Costa Mesa Planning Commission STATE OF CALIFORNIA) COUNTY OF ORANGE)ss CITY OF COSTA MESA)

I, Carrie Tai, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2025- was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on July 28, 2025 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Carrie Tai, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

A. Pursuant to Title 13, Section 13-29(g), Findings, of the CMMC, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required Conditional Use Permit findings:

Finding: The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Findings: The existing industrial building was previously occupied by an auto repair shop and is proposed to be converted into an animal kenneling facility with ancillary veterinary services. Although the proposed use is located across the street from an existing mobile home park, the proposal would not generate adverse noise, traffic or parking impacts that are unusual for industrially zoned properties. Potential noise from the outdoor operations would be mitigated by limiting the number of animals outside to two maximum and these animals would always be under facility staff supervision. Conditions of approval have been implemented to limit the outdoor play area to be allowed only during the hours of operation between 10 a.m. to 6 p.m. and no more than two animals at a time. The play area has also been conditioned to require all waste to be immediately and properly disposed of and shall be maintained.

Finding: Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Finding: Granting the approval of the animal kenneling use would not be detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood as all business activities would primarily be conducted within the building. Potential noise from the outdoor operations would be mitigated by limiting the number of animals outside to two maximum at any time. Further, the applicant would maintain the outdoor play area by disposing animal waste utilizing wet vacuuming and using a chemical cleaner. Conditions of approval have been implemented to limit the outdoor play area to be allowed only during the hours of operation between 10 a.m. to 6 p.m. Lastly, prior to operations, the proposed tenant improvements would be reviewed by the City's Building and Fire Departments to ensure safety, suitable occupancy and the necessary occupant ingress and egress.

Finding: Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.

Facts in Support of Finding: The use would be compatible with the existing uses in the industrial complex and meets the intent of the General Plan's Light Industrial land use designation in that certain commercial uses may be allowed, provided that the commercial use is determined to be complementary to the industrial area. The proposed use is consistent with the General Plan's Light Industrial land use designation intended land uses and complies with the applicable development standards of the Zoning Code as the proposal is a commercial use that serves both local and regional needs and would continue to provide a community service. The proposed amendment would not increase the size of the existing industrial building and would not increase traffic volume to the site beyond that typical for an industrial use. Furthermore, the proposed project is consistent with General Plan Land Use Policies LU-1.1, LU-3.1 and LU-6.1 as indicated previously.

B. Environmental Determination. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Permitting and/or Minor Alteration of Existing Facilities. The site is located in an urbanized area that is fully developed and does not contain any sensitive species or habitat including nearby water bodies. This project site contains existing buildings, and the application does not include any new construction that would adversely affect native plants or species. The project would result in limited interior improvements to adequately address operation and safety concerns. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 apply. Specifically, the project would not result in a cumulative environmental impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact any historic resources.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
- 1. Approval of Planning Application PCUP-25-0007 is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
- 2. The conditions of approval for PCUP-25-0007 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
- 3. Hours of operation open to the public shall be limited to Tuesday through Sunday 10 a.m. to 6 p.m.
- 4. All uses shall be conducted underroof, with the exception of the designated outdoor play area per the approved site plan. All waste will be immediately and properly disposed of, and the area shall be maintained to prevent nuisance odors and negative impacts to adjacent properties and pedestrians.
- 5. Outdoor yard use within the designated outdoor play area per the approved site plan shall be limited from 10 a.m. to 6 p.m. Animals at all times will be supervised by facility staff with a maximum of two animals located outside at any time during the hours of operation of the outdoor yard use.
- 6. The operator shall maintain free of litter all areas of the premises under which the applicant has control.
- 7. All building walls shall be installed with soundproofing to ensure that any noise generated from the use is contained within the building.
- 8. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute whatever security and operational measures are necessary to comply with this requirement.
- 9. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the Conditional Use Permit. Modifications are subject to the final review authority determined by the Economic and Development Services Director or his/her designee.

- 10. The project shall be limited to the type of operation/building as described in this staff report and in the attached plans. Any change in the use, size, or design shall require review by the Planning Division and may require an amendment to the Conditional Use Permit.
- 11. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approval granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
- 12. If any section, division, sentence, clause, phrase or portion of this approval is 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.
- 13. No signage shall be installed until a sign permit is issued by the City's Development Services Department.

CODE REQUIREMENTS

The following list of federal, State and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng.
- Once the use is legally established, the planning application herein approved shall be valid until revoked. The Development Services Director or his/her designee may refer the planning application to the Planning Commission for modification or revocation at any time if, in his/her opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
- 2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
- 3. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be <u>prohibited</u> on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Bldg.

4. Comply with the requirements of the most recent adopted, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, California Existing Building Code, California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance.

Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with Chapter 11B of the California Building Code.

A change of occupancy shall require compliance with the Disabled access requirements of chapter 11B of the California Building Code.

- 5. Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plan shall be stamped and signed by the registered California Architect or Engineer.
- 6. If required, provide a plan to the County of Orange Health Dept. for review and approval.

Water

7. Project will require a Plan Check and permit from Mesa Water District. Applicant is reminded that additional conditions of development may be imposed by Mesa Consolidated Water District (949) 631-1200 and/or other serving utilities. Subject to approval by the board of directors, Mesa Consolidated Water District may require payment of a developer impact fee prior to installation of water service or construction of required master plan facilities.

Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.

Bus. Lic.

- 8. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- 9. Business license shall be obtained prior to the initiation of the business.



April 16, 2025

City of Costa Mesa Community Development Department

RE: Priceless Pets Business Operations

About Priceless Pets

Priceless Pets is a non-profit, no-kill pet rescue. They have adoption centers in Chino Hills, Claremont, and City of Industry. They rehabilitate and rehome unwanted animals and stand behind our mission of saving one by one until there are none.

Priceless Pets main mission is to rescue dogs & cats from open access county facilities and to find them forever homes within the community. They operate store-front locations that house dogs & cats so people can come interact with their potential new pet.

Priceless Pets is 90% volunteer based and relies on community donation to operate.

In addition to the pet adoption service, Priceless Pets operates a veterinary clinic out of their facilities.

They are open for adoptions and donations Tuesday through Friday from 12:00pm – 7:00pm, Saturday & Sunday 12:00pm – 5:00pm, and closed on Monday's.

Proposed Costa Mesa Location

The proposed Costa Mesa location will only serve as a rescue center to kennel pets and provide mobile veterinary services, using the mobile unit, until the pets are ready to be relocated to an adoption center. The Costa Mesa location will not provide adoption services.

Overall animal capacity is 50. Ony 2 animals will be outside at a time from the hours of 10 am to 6 pm. Waste from these animals is scooped and disposed of with urine being washed away and cleaned using a safe chemical cleaner.

Hours of operation at the Costa Mesa location are 10 AM to 6 PM, Tuesday through Sunday. Approximately 3-4 employees will staff the Costa Mesa location.

Lisa Price is the founder.

Sincerely,

Ryan Oldham Principal Architect



OLDHAM ARCHITECTS INC.

680 Langsdorf Drive, Suite 202B Fullerton, CA 92831 p. 714.482.8296 ryan@oldham-architects.com

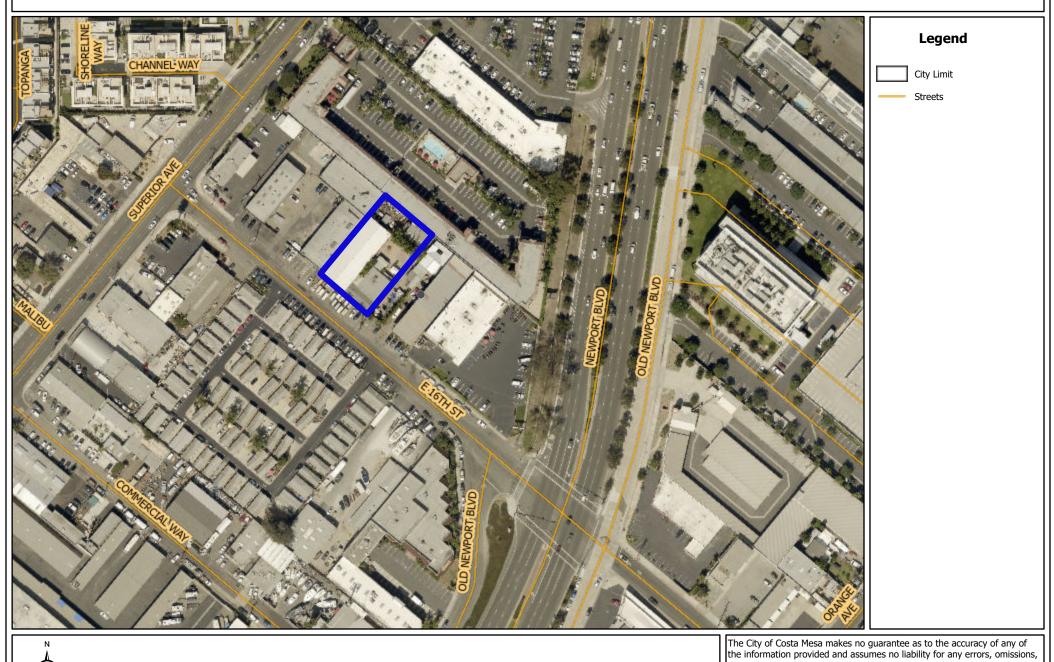


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126 E 16th St - Vcinity Map



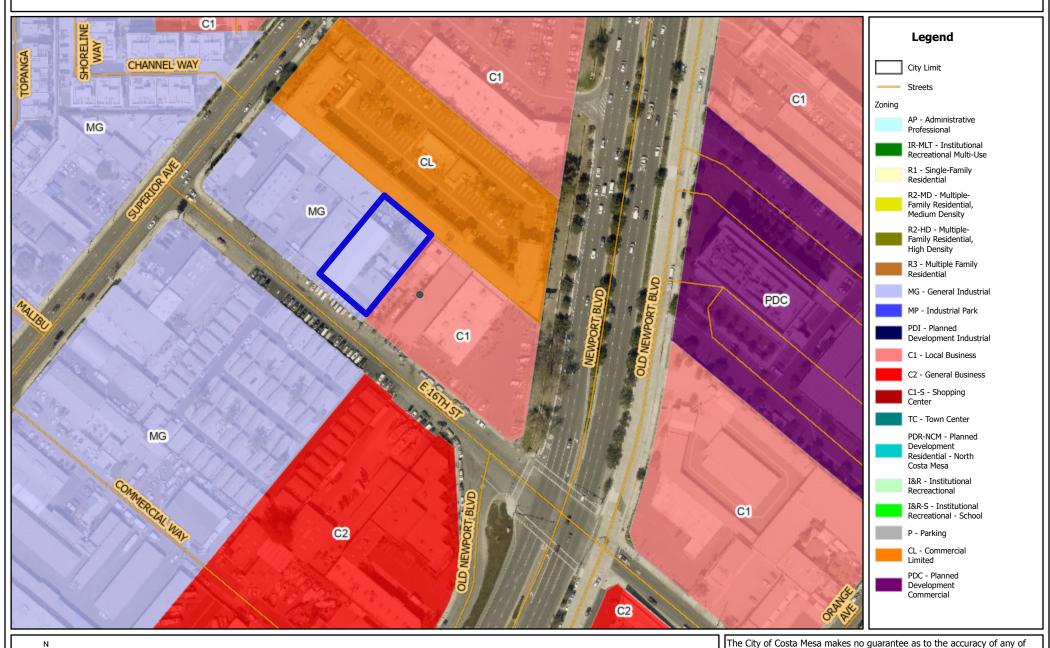


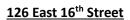
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126 E 16th St - Zoning Map







Site Plan

ATTACHMENT 6^{*}

oldham architects 680 Langsdorf Drive, Suite 202B fullerton, california 92831 714.482.8296 | oldham-architects.com



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CARPENTRY, PLUMBING FIXTURES, HVAC EQUIPMENT, FINISH ELECTRICAL, ETC. ARCHITECT SHALL NOT BE RESPONSIBLE FOR MIS-SPECIFIED ITEMS ON PLAN IF CONTRACTOR AND OWNER DID NOT CONFIRM THE SPECIFICATION OF SUCH ITEMS PRIOR TO PURCHASE. IF THERE IS A DISCREPANCY BETWEEN THE SPECIFICATION AND THE OWNER'S WISHES THE ARCHITECT SHALL BE NOTIFIED.

Scale: $\frac{1}{8}$ " = 1'-0" 1



\ 04.16.25 CUP SUBMITTAL #1

05.29.25 CUP SUBMITTAL #2

Project Information Plot Plan

PRICELESS PETS

WALL SIGNAGE (PER DETAIL (\$\frac{2}{45.2}\$

= LOCATION OF TACTILE 'EXIT ROUTE' SIGN, MOUNT 60" A.F.F.

= LOCATION OF TACTILE 'EXIT' SIGN, MOUNT 60" A.F.F. = LOCATION OF ACCESSIBLE ENTRANCE SIGN, MOUNT 60" A.F.F.

 $\stackrel{\triangle}{\longrightarrow}$ = LOCATION OF RESTROOM WALL SIGN, MOUNT 60" A.F.F.

= LOCATION OF OCCUPANT LOAD SIGN

• FE LOCATION OF FIRE EXTINGUISHER IN RECESSED GLASS CASE. MOUNT 42" A.F.F. TO MIDDLE OF CASE. CONFIRM LOCATION WITH FIRE DEPT. PRIOR TO INSTALL.

LOCATION OF ILLUMINATED EXIT SIGN PER CODE REQUIREMENTS.

Egress Clearance Requirements

TOTAL OCCUPANT LOAD = 32MINIMUM CLEAR EGRESS WIDTH:

> HALLWAYS: 36" MIN. STAIRWAYS: 44" MIN.

DOORWAYS: 32" MIN. TRAVEL DISTANCE:

ALLOWABLE FOR NON-SPRINKLED BUILDINGS = 100 FEET ACTUAL TRAVEL DISTANCE = LESS THAN 150' ALL AREAS

Required Plumbing Fixtures

FIXTURES REQ'D FOR B OFFICE USE:

AREA OF CONSIDERATION = 5,412 SF OCCUPIABLE BUILDING AREA C.P.C. TABLE 4.1 (TABLE A-GROUP A2) OCCUPANT LOAD FACTOR = 150

OCCUPANT LOAD = 6,248 / 150 = 41.65 = 25 OCCUPANTS

REQUIRED FIXTURES (ASSEMBLY PUBLIC USE):

	OCCUPAN		WCs	URINALS	LAVS	SHWRs	DFs
MEN	13	=	1	1	1	0	1
WOMEN	13	=	2		1	0	

Parking Calculations

PARKING REQUIREMENTS BY AREA:

GENERAL OFFICE RATIO: 4 PER 1000

REQ'S PARKING = 1,083 / 1000 = 1.083 * 4 = 4.332 = 4 STALLS**KENNELING**

EXISTING WALL OR ITEM TO BE REMOVED

• 2X4 WOOD STUDS PER STRUCTURAL DWGS R15 BATT INSULATION AT EXTERIOR WALLS

• EXTERIOR: SHEATHING PER STRUCTURAL, FINISH PER

EXISTING WALL TO REMAIN

• INTERIOR: %" DRYWALL

ELEVATIONS

NEW 2X4 WOOD FRAMED WALL:

RATIO: 0 AREA: 4,329 SF

Wall Legend

WALL TYPES:

REQ'S PARKING = 0 STALLS

TOTAL PARKING REQUIRED = 4 STALLS TOTAL PARKING PROVIDED = 7 STALLS

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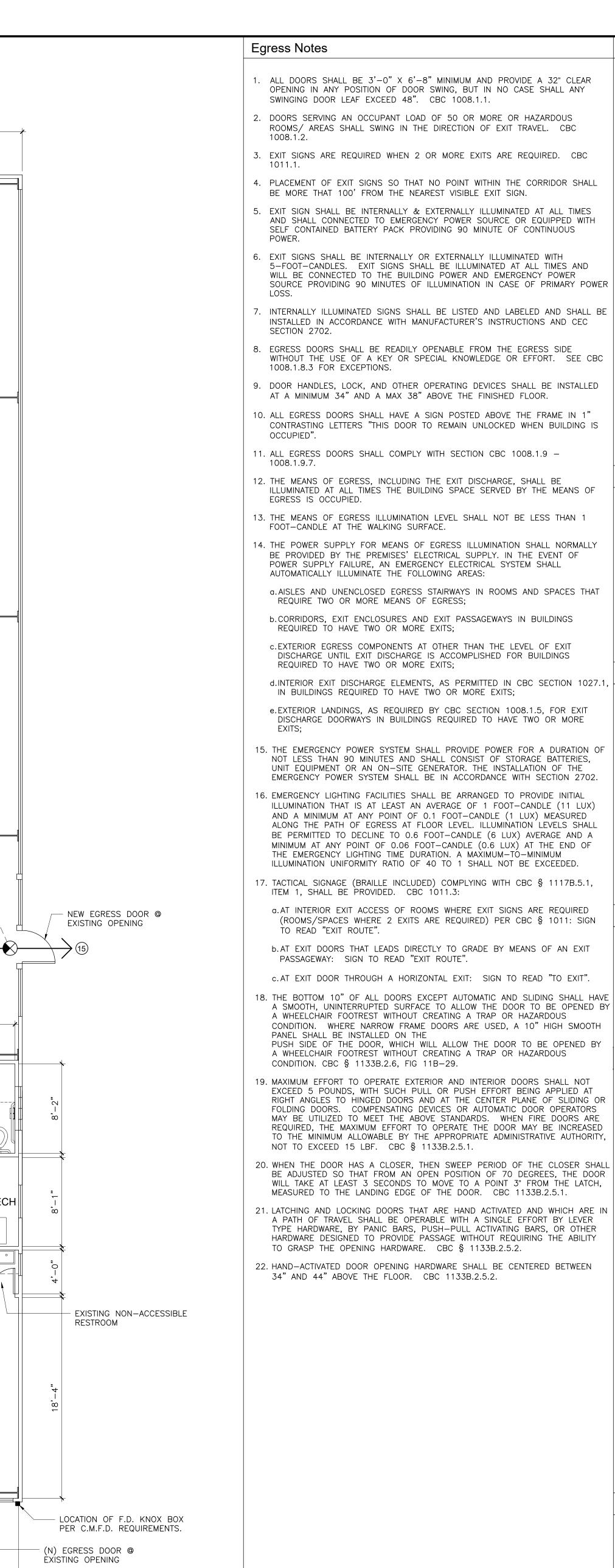
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\ 04.16.25 CUP SUBMITTAL #1 05.29.25 CUP SUBMITTAL #2

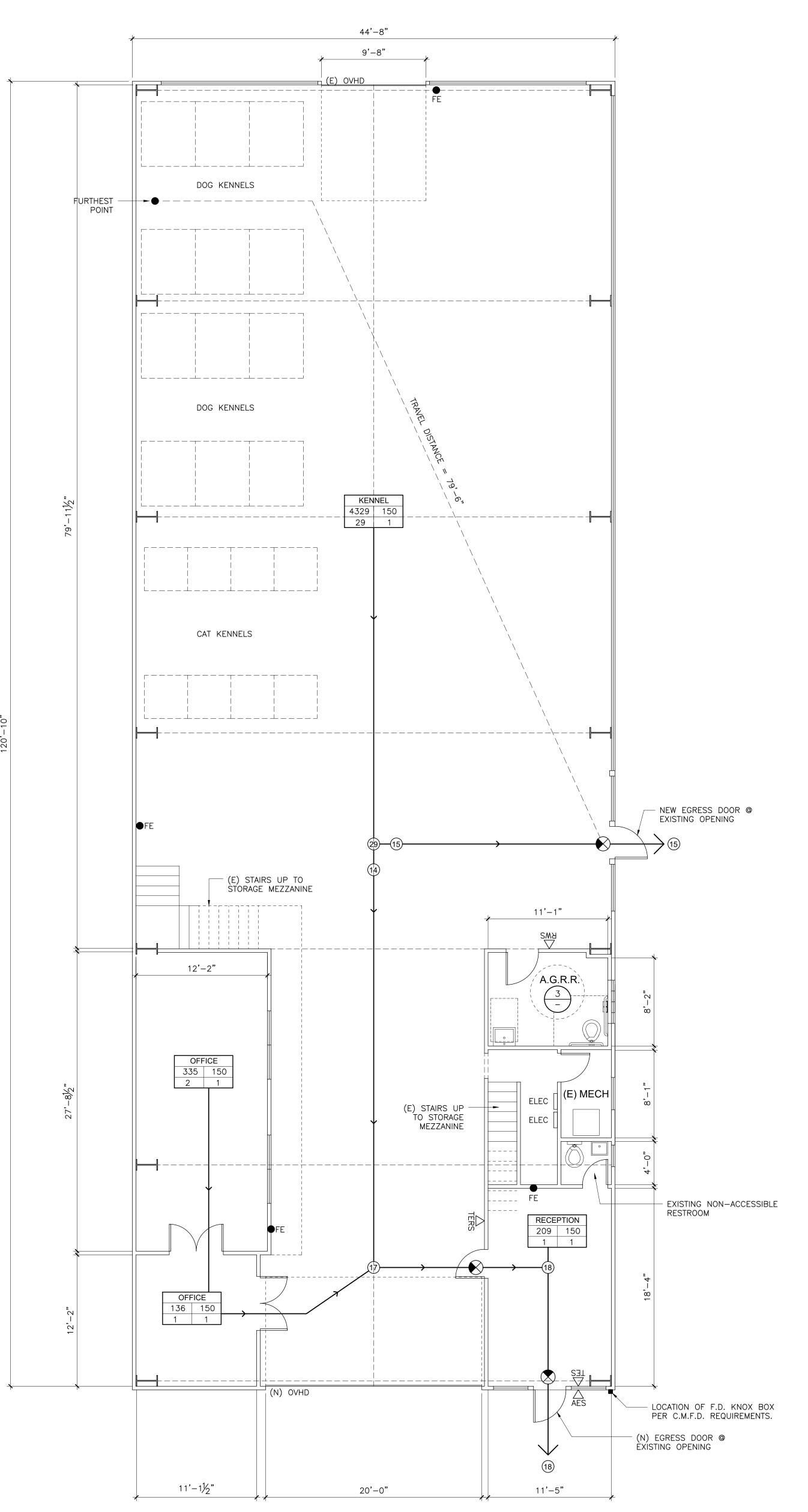
PROJECT No.:

Floor Plan

PRICELESS PETS



Scale: $\frac{3}{16}$ " = 1'-0"



11'-1"

60ø

17"-19"

Scale: $\frac{1}{4}$ " = 1'-0" | 3

MEZZANINE 2

Scale: $\frac{3}{16}$ " = 1'-0" | 2 | Overall Floor Plan

STORAGE

CLEAR

30X48

1'-6"

MIN

Enlarged Accessible Restroom Plan

MEZZANINE 1

STORAGE

Mezzanine Floor Plan



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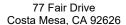
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Rescue Center
Priceless Pets

A3.0

Exterior Elevations

PRICELESS PETS





CITY OF COSTA MESA

Agenda Report

File #: 25-401 Meeting Date: 7/28/2025

TITLE:

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE TO AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO MINOR TECHNICAL UPDATES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTED BY: CAITLYN CURLEY, ASSISTANT PLANNER, AND FROYLAN GARCIA, ASSISTANT PLANNER

CONTACT INFORMATION: CAITLYN CURLEY, 714-754-5692;

Caitlyn.Curley@costamesaca.gov

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

- 1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.174 and CEQA Guidelines Section 15282 (h), and
- 2. Recommend that the City Council adopt an Ordinance approving Code Amendment PCTY-25-0001, amending Title 13 of the Costa Mesa Municipal Code (Zoning Code) pertaining to minor technical updates.

MEETING DATE: JULY 28, 2025 ITEM NUMBER: PH-2

SUBJECT: A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL GIVE

FIRST READING TO AN ORDINANCE TO AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO MINOR

TECHNICAL UPDATES

FROM: ECONOMIC AND DEVELOPMENT SERVICES

DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: CAITLYN CURLEY, ASSISTANT PLANNER, AND FROYLAN

GARCIA, ASSISTANT PLANNER

FOR FURTHER CAITLYN CURLEY INFORMATION 714-754-5692

CONTACT: Caitlyn.Curley@costamesaca.gov

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APPLICANT OR AUTHORIZED AGENT

The subject Zoning Code Amendment is a City-initiated request.

BACKGROUND

Periodic updates to the Zoning Code are a necessary component of proper city planning as cities update their Zoning Codes to meet State law, clarify code sections, align the Code to current practices and procedures, and modify procedures to increase efficiency

in entitlement and permit reviews. Zoning Code Amendments allow the City to effectively and accurately implement the Zoning Code and State law. The purpose of this Zoning Code Amendment is to codify requirements currently located outside the Zoning Code, to clarify Zoning Code language where necessary, provide clarification based on past practice, and to conform to recent revisions to and requirements of State law. The modifications included in this Zoning Code Amendment are considered to be technical or "clean up" revisions, based on established documents and practices, and are not intended to constitute changes in City policy.

The Zoning Code provides land use and development standards that regulate structures and uses throughout the City. Over the years of applying the Zoning Code, staff have identified instances of imprecise language, for which the department has made interpretations, but which have not yet been clarified in the Zoning Code. In addition, staff have identified several state regulations that affect local zoning standards and that require additional updates to the Zoning Code.

Over time the City has created several interpretation and procedural documents that exist outside of the Zoning Code. These documents include the Walls, Fences and Landscaping Standards, Zoning Administrator Determinations (described below) and Urgency Ordinance 2021-21, which implemented the State's SB 9 regulations. This code amendment would codify the Walls, Fences and Landscaping Standards, several Zoning Administrator Determinations and Urgency Ordinance 2021-21. The code amendment also includes modifications to some sections of the Zoning Code to align with current State law and provides minor clarifications based on past practice.

Zoning Administrator Determinations are staff-level interpretations of the code that provide clarification and ensure consistent interpretation for sections of the Zoning Code that are ambiguous or for uses and developments that are not clearly regulated in the Code. Many of these Zoning Administrator Determinations are used regularly by Planning Staff in day-to-day operations and during plan check, such as the determination that establishes requirements for the placement of HVAC units (air conditioners) or pool equipment. Although these Zoning Administrator Determinations function similarly to other regulating documents such as the Zoning Code, keeping these procedures separate from the Zoning Code causes confusion and reduces transparency of City requirements and regulations.

June 23rd Planning Commission Study Session

On June 23, 2025, the Planning Commission provided staff the following comments as part of a study session introducing the Zoning Code Amendment (the June 23, 2025 Planning Commission Report, Exhibit A and video are linked below):

 Commissioners expressed an interest in lowering the proposed parking rate for group counseling to the office parking rate (four spaces per 1,000 square feet of gross

- floor area. As proposed, group counseling would be parked at a rate of ten spaces per 1,000 square feet of gross floor area.
- Commissioners expressed an interest in modifying the proposed fences and wall standards to prohibit solid, six-foot-high walls in front setbacks in residential zones.
- Commissioners requested staff correct an inconsistency in the naming of a proposed figure.
- Commissioners requested staff modify proposed language to clarify the standards for fences and walls in commercial and industrial zones.
- Commissioners requested the proposed amendments for Section 13-74 (Elevation and screening requirements) be placed after the existing code text.

June 23, 2025 Planning Commission Report:

https://costamesa.legistar.com/View.ashx?M=F&ID=14306930&GUID=B1D0F637-6BEA-43EE-8FC1-59A601495397

Exhibit A (June 23, 2025 hearing version):

https://costamesa.legistar.com/View.ashx?M=F&ID=14306928&GUID=F256D0E0-3722-42EF-8155-1AC57A3B805E

Video:

https://costamesa.granicus.com/player/clip/4275?view_id=14&redirect=true

DESCRIPTION

The proposed Zoning Code Amendment includes minor technical modifications within the following sections of Title 13 of the Costa Mesa Municipal Code:

- Chapter I, Section 13-6: Definitions
- Chapter III, Section 13-28: Types
- Chapter IV, Section 13-30: Purpose
- Chapter V, Section 13-32: Development Standards
- Chapter V, Section 13-35: Accessory Dwelling Units
- Chapter V, Section 13-36: Two-Unit Housing Development
- Chapter V, Section 13-41: Residential Common Interest Development Standards and Requirements
- Chapter V, Section 13-42.3: Development Standards and Requirements
- Chapter V, Section 13-74: Elevation and Screening Requirements
- Chapter V, Section 13-75: Fences and Walls
- Chapter VI, Section 13-89: Parking Required
- Chapter VIII, Section 13-111: Definitions
- Chapter IX, Section 13-142: Development Standards
- Chapter XII, Section 13-265.5: Parcel Maps for Urban Lot Splits

ANALYSIS

The following discussion outlines the proposed revisions to the Zoning Code and provides justification for said revision. The comprehensive strikethrough version is included as Exhibit A of Attachment 1.

Item 1: Fences and Walls

The City Council adopted standards for fences and walls in 1991 and approved revisions to these standards in 2001. While these standards, referred to as the Walls, Fences and Landscaping Standards (included as Attachment 2), were approved by City Council, they were never added to the Zoning Code itself. Rather, they were established as a separate document that could be modified and referenced independently from the Zoning Code. This has created a cumbersome process when reviewing fence and wall proposals.

Staff proposes to codify the Walls, Fences and Landscaping Standards, provide clarity where the standards are ambiguous and modify the situations where a height increase is permitted for walls with a minor modification, while increasing the height limit of walls near the front of a property. These changes are proposed to consolidate City regulations, improve efficiency of application reviews, provide clarity on current standards, and create objective, rather than subjective, design standards, as required by State law. Nearby cities have similar requirements to the amended code section with front yard wall height limits between three and four feet and six to ten feet on interior property lines, depending on the zone.

Affected sections:

• 13-28: Types

• 13-75: Fences and Walls

Item 2: Group and Individual Counseling

Over the past couple of decades, the Zoning Administrator has made several written determinations related to group and individual counseling. Ultimately, these Zoning Administrator Determinations created the following requirements:

- Group counseling is substantially similar to the "Trade and Vocational Schools" use in terms of operating characteristics and parking demand.
- Individual counseling is substantially similar to the "General Office" use in terms of operating characteristics and parking demand.

These Zoning Administrator determinations established a parking rate for group counseling of ten spaces for every 1,000 square feet of gross floor area and a parking rate of four spaces for every 1,000 square feet of gross floor area for individual counseling. It was also determined that the two types of counseling businesses would be permitted,

conditionally permitted or prohibited based on their corresponding related use that appears in the land use matrix. Within the Zoning Code and Zoning Administrator Determinations, however, ambiguity still exists on the definition of a group counseling use compared to an individual counseling use. Regulating and defining these two uses are important from a land use standpoint because the two uses have very different traffic and parking demand patterns and can impact surrounding properties differently. For example, individual counseling generally consists of a client parking demand of one or two vehicles as families tend to carpool to sessions, or an individual client who would occupy only one car. Group counseling typically has a higher parking demand, as there are typically more clients occupying a business in a similar or larger amount of space and who typically drive individually to the location. These differences in parking demand and vehicle trips can result in a greater impact to surrounding properties for group counseling, compared to individual counseling uses.

The proposed Zoning Code Amendment provides a definition for individual counseling to clearly differentiate between group and individual counseling, adds individual counseling to the Citywide Land Use Matrix (Section 13-30), aligned with the requirements of the "General Office" use, and also codifies the previously established parking rate for individual and group counseling, separately. These changes are proposed in an effort to consolidate City regulations, improve efficiency of application reviews, and create objective, rather than subjective, design standards, as required by State law. Nearby cities also consider individual counseling as an office use, however they do not define group counseling in their Zoning Codes. In some cities, individual counseling is parked at a medical rate, but is most commonly parked at the office rate, particularly when the provider is not a licensed medical professional.

Affected sections:

• Chapter I, Section 13-6: Definitions

• Chapter IV, Section 13-30: Purpose

• Chapter VI, Section 13-89: Parking Required

Item 3: Exposed Pipes and Conduits

In 2008, the Zoning Administrator issued a determination that new pipes, conduits, ducting and other plumbing and mechanical elements should not be present on the exterior of buildings where visible from off-site, adjacent buildings, private yards or common space. This determination was implemented due to a common practice of installing new pipes for plumbing repairs or fire sprinklers, ductwork for HVAC system, or other items on the exterior of a building's walls or roof rather than within the structure. These elements are prevalent due to the age of many commercial and industrial buildings and multifamily developments within the City and the expense of modifying these buildings to locate the elements within the structure.

The proposed Zoning Code Amendment codifies this Zoning Administrator Determination by prohibiting plumbing pipes, vents, ducting, fire sprinkler systems and electrical conduits from being installed on exterior walls of a building. The code amendment provides an objective exception for existing pipes and conduits, which permits existing elements to be painted to match the wall or roof to satisfy the requirement. However, if the wall or roof on which the pipe or other element will be placed is structurally altered or demolished, then the work does not qualify for the objective exception and the element must be placed within the interior of the building. These requirements are aimed to reduce clutter and prevent unsightly pipes and conduits on the side of buildings. Further, there is an exception for existing elements to avoid placing a financial burden on long time property owners. These changes are proposed in an effort to consolidate City regulations, remove unnecessary financial burdens on property owners and create objective, rather than subjective, design standards, as required by State law. Other nearby cities also require the screening of ducts and other elements, similar to the proposed changes to Costa Mesa's Zoning Code.

Affected sections:

• Chapter V, Section 13-74: Elevation and Screening Requirements

Item 4: Antenna Screening

In 2015, the Zoning Administrator made a determination related the screening of antenna and their support structures. The Zoning Administrator acknowledged that, while the Zoning Code is clear that antennas themselves must be screened, is it unclear if their support structures and equipment need to be screened as well. The Zoning Administrator determination clarified that both antenna and their support structures need to be screened in order to lessen the visual impacts of the entire structure. While existing State and Federal laws related to antennas, including the Telecommunications Act of 1996 and AB 57 do not preclude cities from requiring screening, they do identify strict review timelines (also known as a "shot clock") and parameters under which a telecommunications facility application could be denied (i.e. screening requirements cannot be the sole basis to deny an application). The proposed changes are consistent with some nearby cities, which require screening of all elements of the antenna.

The proposed Zoning Code Amendment clarifies that screening is required for ground mounted antenna and any support structures and equipment. This change is proposed in an effort to consolidate City regulations, reduce the presence of unsightly uses within the City, and create objective, rather than subjective, design standards, as required by State law.

Affected sections:

• Chapter IX, Section 13-142: Development Standards

Item 5: SB 9 Ordinance

California Senate Bill (SB) 9 took effect on January 1, 2022. SB 9 permits the subdivision of Single Family Residentially zoned parcels into no more than two parcels, and the construction of two units on each parcel. In response to this law, the City passed Urgency Ordinance No. 2021-21 which adopted the requirements outlined in SB 9. The updated regulations of Urgency Ordinance No. 2021-21 were not added to the Zoning Code.

The proposed Zoning Code Amendment integrates the requirements outlined in Urgency Ordinance No. 2021-21 and provides three points of clarification, specifically related to driveways on subdivided parcels, the number of units permitted on properties under SB 9 and minimum parking requirements. Under State law, and per HCD guidance, SB 9 permits up to four units for development constructed under the law. For unsubdivided projects ("Two-Unit Housing Development") two accessory dwelling units (ADUs) are permitted on the property in addition to the two primary units. For subdivisions ("Urban Lot Splits"), each property may have up to one primary unit and one ADU, or two main units, for a total of four units within the development. This bill has been associated with the saying "all roads lead to four" to further emphasize the possibilities to construct up to four units in the aforementioned scenarios. Also, clarification has been added to permit one driveway per resultant lot in the case of urban lot split projects and to permit more than one garage parking space per unit, rather than limiting projects to a maximum of one garage parking space per unit. These changes are proposed in an effort to align the City's Zoning Code with State law.

Affected sections:

- Chapter V, Section 13-36: Two-Unit Housing Development
- Chapter XII, Section 13-265.5: Parcel Maps for Urban Lot Splits
- Urgency Ordinance No. 2021-21

Item 6: Accessory Dwelling Units

The City's latest accessory dwelling unit (ADU) ordinance update went into effect on May 1, 2025. Subsequent conversations with HCD required further, minor amendments to the City's ADU requirements to meet State law. Staff met with HCD on May 14, 2025, to further discuss these changes, and HCD staff acknowledged that the ordinance substantially met state requirements, and the minor revisions suggested did not necessitate the need to issue a formal letter to the City. These amendments most notably include clarification that ADUs and JADUs (Junior Accessory Dwelling Units) do not trigger a requirement for fire sprinklers in the main residence and increased the objectivity of requirements regarding stairways leading to second story ADUs. These changes are proposed in an effort to align the City's Zoning Code with State law.

Affected sections:

Chapter V, Section 13-35: Accessory Dwelling Units

Item 7: Contiguous Window Area

In 2008, the Zoning Administrator issued a determination clarifying the definition of "contiguous window area" within the Zoning Code, specifically for the purpose of determining the allowable sign coverage on windows. While the Zoning Code does clearly limit the amount of window signage permitted as "20% of contiguous window area," the definition of "contiguous window area" is limited. Over the past several years, staff have received questions regarding the meaning of "contiguous" in various scenarios, including how mullion width affects window continuity and whether windows located on separate façades can be considered contiguous.

The proposed Zoning Code Amendment includes additional language to the existing definition of "contiguous window area" for improved clarity, along with the addition of a new diagram (see below) to serve as a visual aid. The proposed changes aim to objectively define the limits of "contiguous" and establish a maximum width for mullions and other elements to still be considered contiguous window area. The maximum width was selected after consulting with the Building Division to determine a realistic limit. These changes are proposed to consolidate City regulations, improve efficiency of application reviews, provide clarity on current standards, and create objective, rather than subjective, design standards, as required by State law.

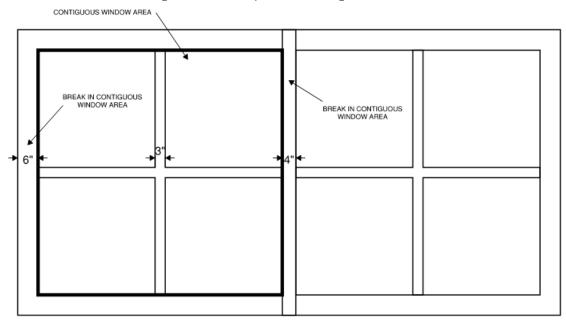


Figure 1: Example of Contiguous Window Area

Affected sections:

• Chapter VIII, Section 13-111: Definitions

Item 8: Mechanical Rooms

In 2017, the Zoning Administrator made a determination that allows deduction of the square footage of electrical and mechanical rooms from the gross area calculation, specifically for the purpose of calculating parking requirements. The determination intended to reduce the parking requirements with the understanding that mechanical rooms cannot be used for any purpose other than to store mechanical equipment. Other nearby cities similarly exempt mechanical rooms from a building's gross floor area.

The proposed Zoning Code Amendment deducts the square footage of mechanical and electrical equipment, along with the typically required three-foot service clearance (as vetted with the Building Division), from the gross floor area of a building. This amendment will improve the visual character of the City by incentivizing the location of mechanical equipment within main structures, rather than placing mechanical equipment on rooftops or along the side of buildings. These changes are proposed in an effort to consolidate City regulations, improve efficiency of application reviews, incentivize the location of mechanical equipment indoors, and create objective, rather than subjective, design standards, as required by State law.

Affected sections:

Chapter VI, Section 13-89: Parking Required

Item 9: Screening of Ground Mounted Equipment

In 2017, a Zoning Administrator Determination established placement standards and recommended mitigation measures for ground mounted mechanical equipment when distance requirements cannot be met in residential zones. The Zoning Code itself currently offers limited guidance on the placement of ground-mounted electrical and mechanical equipment. Requirements for mechanical and electrical equipment are necessary as these devices are often unsightly and can produce noise levels that create a nuisance to abutting neighbors. These requirements are consistent with the standards of other nearby cities, which also require screening from the public right of way and adjacent properties.

The proposed Zoning Code Amendment incorporates the 2017 Zoning Administrator determination into the Zoning Code, with adjustments to account for new State laws. This update would codify the placement and screening standards previously established, and also modify the language to address setbacks related to mechanical equipment associated with Accessory Dwelling Units (ADUs) and SB 9 projects. These changes are proposed in an effort to consolidate City regulations, reduce the presence of unsightly development within the City, and create objective, rather than subjective, design standards, as required by State law.

Affected sections:

Chapter V, Section 13-74: Elevation and Screening Requirements

Item 10: Raised Decks

Currently, the Zoning Code is silent regarding raised decks in residential zones. According to the Zoning Code, structures under six and a half feet in height in the R1 zone and 15 feet in multifamily zones are permitted to have zero side and rear setbacks. Structures over these limits must meet the setbacks established for the property's zone. While this provision is meant to allow low profile structures within side and rear setbacks, it has also allowed for raised decks, under six and a half feet but still above finished grade, to encroach into required setbacks, which has the potential to raise privacy concerns for adjacent neighbors. Some nearby cities limit decks within setbacks to a maximum height of 18 inches.

The proposed Zoning Code Amendment would require that all raised decks with a finished floor height of more than 18 inches above finished grade comply with the main structure setbacks established in the applicable zone. This amendment will ensure that elevated decks are appropriately distanced from property lines, therefore reducing visibility into neighboring yards and preserving the privacy of neighboring properties. These changes are proposed in an effort to protect the privacy of residents, and create objective, rather than subjective, design standards, as required by State law.

Affected sections:

- Chapter V, Section 13-32: Development Standards
- Chapter V, Section 13-41: Residential Common Interest Development Standards and Requirements
- Chapter V, Section 13-42.3: Development Standards and Requirements

Item 11: Shared Parking Requirements

The Zoning Code requires new developments, major remodels, and new tenants to provide a minimum number of parking spaces based on the specific use of the property, as outlined in Table 13-89 of the Costa Mesa Municipal Code. This table assigns a parking ratio (such as spaces per square foot of building area) to each land use type, including retail, office, restaurant, and other non-residential land use types. Most projects meet their parking requirement by providing the minimum number of spaces on-site, according to the standard ratios in the code. However, in cases where a property contains multiple uses—such as a retail center with restaurants, shops, and office spaces—the standard calculation can sometimes overestimate parking needs. This is because it assumes that all users will generate their peak parking demand at the same time or that all patrons are only going to one of the businesses onsite, which is typically not the case.

Shared parking provisions are specifically designed for developments with a mix of uses located on a single property or within a cohesive development project. These developments are eligible to request a shared parking analysis to demonstrate how different uses on the site generate parking demand at different times of the day or week. For example, an office use may peak during weekday business hours, while a restaurant use may peak in the evening or on weekends. By considering these demand patterns, the total required parking can often be reduced while still adequately serving all uses.

A single-use site (such as a stand-alone restaurant or office building) would not be eligible for a shared parking reduction because its parking demand is not distributed across different uses or time periods.

Currently, Costa Mesa uses the "City of Costa Mesa Procedure for Determining Shared Parking Requirements" adopted by City Council Resolution 85-56 in 1985. Under this method, staff calculates the hourly parking demand for each individual use on the site throughout the day, add these demands together for each hour, and then set the parking requirement based on the highest combined hourly total – the peak demand period. This method uses a fixed demand table developed in the 1980s, which is now outdated. It does not account for newer business models, emerging land uses, or changes in hourly demands on existing use types.

This Zoning Code Amendment proposes to modernize the shared parking demand calculation by adopting a new table based on current industry standards. The sources for this updated table are:

- Urban Land Institute (ULI) Shared Parking, 3rd Edition
- Institute of Transportation Engineers (ITE) Parking Generation, 6th Edition

The new table updates the demand factors for traditional uses and adds contemporary uses not considered in the original 1985 model, including:

- Breweries
- Dance, martial arts and music studios
- Health and fitness facilities
- Other prevalent uses operating in Costa Mesa today

The proposed shared parking demand table assigns a parking demand ratio by hour and by use type. For each hour of the day, each land use is given a percentage of its peak parking demand. For example:

Table 1: Example of Parking Demand by Hour

Land Use	Medical/Dental Office
Floor Area	5,000 square feet
Code Required Parking	30 parking spaces
Time	Hourly Parking Demand
Hour 1	16 parking spaces
Hour 2	28 parking spaces
Hour 3	9 parking spaces

A mixed-use development would calculate the total parking demand for each hour of the day by summing the results of demand of each use which is calculated multiplying the building area of each use by its parking ratio and then applying the hourly demand percentages from the table. The hour with the highest combined total becomes the required number of parking spaces for the project.

Table 2: Example of Peak Parking Demand Calculations

Table 2: Example of Peak Parking Demand Calculations							
Land Use	Medical/De	ental Office	Dance/Martial Arts Studios		Total		
Floor Area	5,000 square feet		9,000 square feet		45,000 square feet		
Code Required Parking	30 parking	spaces	90 parking spaces		120 parking spaces		
Time	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	
6:00 AM	0	0	63	71	63	71	
7:00 AM	2	2	38	41	40	43	
8:00 AM	28	28	38	32	66	60	
9:00 AM	28	28	63	45	91	73	
10:00 AM	30	30	63	32	93	62	
11:00 AM	30	30	72	45	102	75	
NOON	16	16	55	45	71	61	
1:00 PM	28	0	63	28	91	28	
2:00 PM	30	0	63	23	93	23	
3:00 PM	30	0	63	28	93	28	
4:00 PM	28	0	72	50	100	50	
5:00 PM	26	0	82	90	108	90	
6:00 PM	20	0	90	86	110	86	
7:00 PM	9	0	80	55	89	55	
8:00 PM	4	0	70	28	75	28	
9:00 PM	0	0	60	9	60	9	
10:00 PM	0	0	31	2	31	2	
11:00 PM	0	0	10	2	10	2	
MIDNIGHT	0	0	0	0	0	0	

The peak parking demand for this mixed-use development is 110 parking spaces, ten spaces below 120 spaces required without taking hourly demand variations into account.

This method reflects real-world patterns of use and can lead to a more efficient allocation of parking spaces, reducing unnecessary over-parking while still ensuring the site can handle its busiest periods.

Updating the shared parking methodology will:

- Provide clarity and predictability for applicants and staff by using well-established, current data sources
- Better reflect today's development patterns, including newer business models and mixed-use environments
- Support economic development by reducing the need for costly and timeconsuming parking deviation requests
- Encourage efficient use of land while still ensuring sufficient parking is provided

By modernizing the City's shared parking procedures, Costa Mesa can promote a business-friendly approach while maintaining responsible parking management.

GENERAL PLAN CONFORMANCE

The proposed Zoning Code Amendment would continue to allow for orderly, high-quality development within Costa Mesa and encourage economic growth in the community. It would clarify regulations that maintain privacy for residential neighborhoods and encourage good design throughout the City. The Zoning Code Amendment also provides allowances for development and redevelopment of properties to encourage new and existing businesses to operate within Costa Mesa. The implementation of objective standards included in the amendments provides support for development within the City and streamlines approval processes for building permits and entitlements. These amendments are "clean up" revisions in nature, and do not impose any substantial policy decisions or changes to the Zoning Code.

The proposed ordinance is in conformance with the City's General Plan including:

- Policy LU-3.10 Minimize effects of new development on the privacy and character of surrounding neighborhoods.
- Policy LU-6.2 Continue to promote and support the vitality of commercial uses to meet the needs of local residents and that support regional-serving commercial centers.
- Policy LU-6.7 Encourage new and retain existing businesses that provide local shopping and services.

 Policy LU-6.19 Provide flexibility and support for development of residential, office, small retail centers, and similar uses that would serve local residents and would also benefit from the high visibility along major corridors outside of significant commercial or industrial nodes.

ENVIRONMENTAL DETERMINATION

The proposed Ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) in that there is no possibility that the minor, clean up updates to the City's Municipal Code provisions will have a significant impact on the environment.

ALTERNATIVES

The Planning Commission has the following alternatives:

- 1. **Recommend City Council approval with modifications.** The Planning Commission may recommend approval with modifications to the amended Code section or removal of items from the Zoning Code Amendment provided that the revisions are consistent with State law.
- 2. Recommend that the City Council not adopt the minor technical changes to the City's Zoning Code. The Planning Commission may recommend that the City Council not adopt the proposed Zoning Code amendments.
- 3. **Continue the Ordinance review to a date certain**. The Planning Commission may continue the item to a date certain with direction for staff to return with additional information, changes and/or clarifications for Planning Commission consideration.

NOTICE

Pursuant to government Code Section 65854(a), a 1/8th page public notice was published once in the Daily Pilot newspaper no less than 20 days prior to the July 28, 2025, public hearing.

CONCLUSION

The proposed Zoning Code Amendment provides technical updates and clarifications that are consistent with the General Plan and State law. This is intended to improve the efficiency of the plan check and entitlements process and encourage high-quality development within the City of Costa Mesa while minimizing effects on neighboring properties.

ATTACHMENTS

- 1. Draft Resolution
- 2. Legislative Digest
- 3. Draft Shared Parking Requirements
- 4. Current Shared Parking Requirements
- 5. Zoning Administrator Determinations
- 6. Walls, Fences and Landscape Standards

RESOLUTION NO. PC-2025-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO AMEND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING ZONING AND DEVELOPMENT) TO PROVIDE TECHNICAL UPDATES AND CLARIFICATIONS (CODE AMENDMENT PCTY-2025-0001)

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

WHEREAS, the proposed Ordinance (Code Amendment PCTY-2025-0001) would amend the City's Zoning Code, Title 13 of the Costa Mesa Municipal Code (Planning Zoning And Development), to codify external documents, to clarify Zoning Code regulations where necessary, and to conform to recent revisions to and requirements of State law; and

WHEREAS, the Ordinance would amend portions of Title 13, Chapter I, Section 13-6: Definitions, Chapter III, Section 13-28: Types, Chapter IV, Section 13-30: Purpose, Chapter V, Section 13-32: Development Standards, Chapter V, Section 13-35: Accessory Dwelling Units, Chapter V, Section 13-36: Two-Unit Housing Development, Chapter V, Section 13-41: Residential Common Interest Development Standards and Requirements, Chapter V, Section 13-42.3: Development Standards and Requirements, Chapter V, Section 13-74: Elevation and Screening Requirements, Chapter V, Section 13-75: Fences and Walls, Chapter VI, Section 13-89: Parking Required, Chapter VIII, Section 13-111: Definitions, Chapter IX, Section 13-142: Development Standards, and Chapter XII, Section 13-265.5: Parcel Maps for Urban Lot Splits; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on July 28, 2025 with all persons having the opportunity to speak for and against the proposal.

NOW THEREFORE, THE COSTA MESA PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

Adoption of this resolution is exempt from the California Environmental Quality Act
("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule), as it
can be seen with certainty that this action will not have any significant effect on the
environment.

2. The Planning Commission recommends the City Council adopt the Ordinance attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the CEQA exemption for this project reflects the independent judgement of the City.

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 28 day of July, 2025.

Jeffery Harlan, Chair Costa Mesa Planning Commission STATE OF CALIFORNIA) COUNTY OF ORANGE)ss CITY OF COSTA MESA)

I, Carie Tai, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2025- ___ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on July 28, 2025 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Carrie Tai, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2025-__

ORDINANCE NO. 2025-xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTERS I, III, IV, V, VI, VII, IX X AND XI OF TITLE 13 (PLANNING ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE (PLANNING ZONING AND DEVELOPMENT) TO PROVIDE TECHNICAL UPDATES AND CLARIFICATIONS (CODE AMENDMENT PCTY-2025-0001)

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY FIND AND DECLARE AS FOLLOWS:

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

WHEREAS, the purpose of this code amendment is to codify external documents, to clarify Zoning Code regulations where necessary, and to conform to recent revisions to and requirements of State law; and

WHEREAS, regular updates to the Zoning Code are needed to ensure consistency between various sections, provide clarifications, and reflect the latest State code regulations; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 28, 2025 with all persons having the opportunity to speak for and against the proposal; and

WHEREAS, the Planning Commission recommended that the City Council adopt this ordinance updating the Zoning Code as set forth herein on a xx vote; and,

WHEREAS, the City Council held a public hearing on XX, 2025 with all persons having the opportunity to speak for and against the proposal.

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

Section 1. Zoning Code Amendment. Title 13, Chapter I, Section 13-6: Definitions, Chapter III, Section 13-28: Types, Chapter IV, Section 13-30: Purpose, Chapter V, Section 13-32: Development Standards, Chapter V, Section 13-35: Accessory Dwelling Units, Chapter V, Section 13-36: Two-Unit Housing Development, Chapter V, Section 13-41: Residential Common Interest Development Standards and Requirements, Chapter V, Section 13-74: Elevation and Screening Requirements, Chapter V, Section 13-75: Fences and Walls,

Chapter VI, Section 13-89: Parking Required, Chapter VIII, Section 13-111: Definitions, Chapter IX, Section 13-142: Development Standards, and Chapter XII, Section 13-265.5: Parcel Maps for Urban Lot Splits, of the Costa Mesa Municipal Code are hereby amended as set forth in Exhibit A, attached hereto.

<u>Section 2. Compliance with CEQA.</u> Pursuant to the California Environmental Quality Act (CEQA), this ordinance is exempt from the provisions of the CEQA under CEQA Guidelines Section 15061(b)(3) (General Rule) as it can be seen with certainty that these minor amendments to the Zoning Code will not have a significant effect on the environment.

<u>Section 3. Inconsistencies</u>. 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.

<u>Section 4. Severability</u>. 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.

<u>Section 5. Effective Date.</u> This Ordinance shall take effect on the 31st day after adoption. <u>Section 6. Certification.</u> 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 ___day of _____, 2025.

John	Stephens, Mayor				
ATTEST:		A	APPROVED AS TO	D FORM:	
Brenda Gre	en, City Clerk	- k	Kimberly Hall Barlo	w, City Attorney	_
COUNTY C	CALIFORNIA) OF ORANGE) OSTA MESA)	SS			
CERTIFY the first reading 2024, and	RENDA GREEN, on the above and for at the above and for at a regular meeting that thereafter, said the City Council held wit:	oregoing C ng of the C d Ordinanc	Ordinance No. 2029 ity Council held or e was duly passe	5-xx was duly int theday of d and adopted a	roduced for at a regular
AYES:	COUNCIL MEMB	BERS:			
NOES:	COUNCIL MEMB	BERS:			
ABSENT:	COUNCIL MEMB	BERS:			

IN WITNESS WHER	REOF, I have hereby	/ set my hand and	affixed the seal of	the
City of Costa Mesa this	day of	, 2025.		
Brenda Green, City Clerk				

Section 13-6 Definitions.

Abutting. Sharing a common boundary, of at least one point contiguous to, having district boundaries or lot lines in common (i.e., not separated by an alley, public or private right-of-way, or street).

Accessory building. A building or part of a building which is subordinate to, and the use of which is incidental to that of the main building or use on the same lot.

Accessory dwelling unit (ADU). See Chapter V, Article 2, section 13-35.

Accessory use. A use incidental and subordinate to and devoted exclusively to the main use of the land or building thereon that does not change the character of the structure or use.

Accessory use, residential. A use that is a part of, and clearly incidental and secondary to, a residence; located on the same lot as a residence; and that does not change the character of the residential use such as:

- (a) Accessory dwelling unit (ADU)
- (b) Home occupations
- (c) Personal property sales (i.e., garage or yard sales).

Adjacent. Same as abutting, but also includes properties which are separated by a public right-of-way, not exceeding 120 feet in width.

Administrative adjustment. A discretionary entitlement, usually granted by the zoning administrator, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Adult business. See Chapter IX, Special Land Use Regulations, Article 1, Adult Businesses, for specific definitions and terms.

Alcoholism or drug abuse recovery or treatment facility. Adult alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to section 11834.01 of the California Health and Safety Code. Alcoholism or drug abuse recovery or treatment facilities are a subset of residential care facilities.

Alteration (structure). Any construction, addition or physical change in the internal arrangement of rooms or the supporting members of a structure, or change in the appearance of any structure, except paint.

Ambient noise level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

Antenna. Any structure, including, but not limited to, a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh

construction, intended for the purpose of receiving or transmitting communication to or from another antenna, device or orbiting satellite, as well as supporting equipment necessary to install or mount the antenna.

Antenna, amateur radio. An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna, communication. All types of receiving and transmitting antennas, except satellite dish antennas and amateur radio antennas. Communication antenna includes, but is not limited to, cable television antennas, cellular radiotelephone cell antennas, FM digital communication antennas, microwave telephone communication antennas, and shortwave communication and other similar antennas.

Antenna height. The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

Antenna, satellite dish. An antenna intended for the purpose of receiving or transmitting communication to or from an orbiting satellite.

Antenna, whip. An antenna and its support structure consisting of a single, slender, rod-like element which is supported only at or near its base.

Apartment. A rental or lease dwelling having kitchen facilities in a structure designed or used to house at least one family, as the term "family" is defined in this Zoning Code.

Assembly use. A use conducted in a structure or portion of a structure for the purpose of a civic, education, political, religious, or social function or for the consumption or receipt of food and/or beverages. Assembly use includes, but is not limited to, churches and other places of religious assembly, mortuaries, primary and secondary schools, trade and vocational schools, colleges, amusement centers, billiards parlors, bowling centers, establishments where food or beverages are served, motion picture theaters, physical fitness facilities, skating rinks, and dance, martial arts, and music studios. Assembly use does not include sexually oriented businesses.

Association (homeowners'). The organization of persons who own a lot, parcel, area, airspace, or right of exclusive occupancy in a common interest development and who have interests in the control of common areas of such project.

Attached (structure). Any structure that has a wall or roof in common with another structure.

Attic. Any non-habitable area immediately below the roof and wholly or partly within the roof framing.

Awning. A roof-like cover that projects from the wall of a building for the purpose of shielding the sun or providing an architectural accent.

Basement. A space wholly or partially underground and having more than 1/2 of its height, measuring from floor to ceiling, below the average grade. If the finished floor level directly above the basement is more than four feet above grade at any point, the basement shall be considered a story.

Boardinghouse. A dwelling unit, other than a hotel, wherein rooms are rented under two or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the dwelling unit. Boardinghouse, small means two or fewer rooms being rented to a maximum of three occupants per dwelling unit. Boardinghouse, large means three to six rooms being rented to a maximum of six occupants per dwelling unit. Boardinghouses renting two or fewer rooms and having more than three occupants, or renting more than six rooms and/or having more than six occupants, per dwelling unit are prohibited.

Building. Any structure having roof and walls and requiring permanent location on the ground, built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building height. The distance from the finished grade (as defined in this section) to the highest point on the roof, including roof-top mechanical equipment and screening.

Building, main. The building or buildings within which the principal use permitted on the lot is conducted.

Carport. A permanent, roofed structure, not completely enclosed which is used for vehicle parking.

Central administrative office. An establishment primarily engaged in management and general administrative functions performed centrally for other establishments of the same company.

Churches and other places of religious assembly. A type of assembly use which has the principal purpose of religious worship and for which the primary space is a sanctuary. Religious activities and services held in the sanctuary are conducted at scheduled times. The use may also include accessory facilities in the same or separate building that includes classrooms, assembly rooms, restrooms, kitchen, and a library. Other uses such as, but not limited to, day care facilities, nursery schools, schools, retail sales, and services to businesses, are not considered a primary function of churches and other places of religious assembly.

Cigar bar. See Smoking lounge.

City. City of Costa Mesa.

Common area. Those portions of a project area which are designed, intended or used in common and not under the exclusive control or possession of owners or occupants of individual units in planned development projects or common interest

developments.

Common interest development. A development as defined in State Civil Code section 1350, containing two or more common interest units, as defined in Civil Code section 783; a community apartment project, as defined in State Business and Professional Code section 11004, containing two or more rights of exclusive occupancy; and a stock cooperative, as defined in Business and Professional Code section 11003.2, containing two or more rights of exclusive occupancy.

Conditional use permit. A discretionary approval usually granted by the planning commission which allows a use or activity not allowed as a matter of right, based on specified findings.

Convenience stores, mini-markets. A retail store, generally less than 10,000 square feet in area, that sells a variety of convenience foods, beverages and non-food items. Fresh dairy products, produce and/or meat may be offered on a limited basis.

County. County of Orange.

Covered parking space. A garage, carport or parking space which is completely covered by a roof.

Density bonus. A minimum increase of 25% over the allowable residential dwelling unit density as specified by the zoning classification.

Development. The division of land into two or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Development review. The processing of a development plan when authority for approval is vested in the planning division.

Development services department means the Development Services Department of the City of Costa Mesa.

Development services director. The director of development services of the City of Costa Mesa, or his or her designee.

Disabled shall have the same meaning as handicapped.

Dormer. A vertical window in a projection built out from a sloping roof.

Driveway, common. A paved area for vehicle circulation and parking purposes which features joint use between two or more parties.

Driveway, individual. The paved area strictly leading to the garage/carport of a residence. This paved area serves vehicle parking purposes and does not extend beyond the garage/carport unless a curvilinear design is necessary for the turning radius.

Dwelling, single-family. "Dwelling, single-family" or "single-family dwelling" is a building of permanent character placed in a permanent location which is designed or used for residential occupancy by one family. A single mobile home on a foundation system on a single lot is a single-family dwelling. (See Manufactured housing).

Dwelling, multi-family. "Dwelling, multi-family" or "multi-family dwelling" is a building or buildings of permanent character placed on one lot which is designed or used for residential occupancy by two or more families.

Dwelling unit. One or more rooms in any building designed for occupancy by one family, and containing one kitchen unit, including manufactured housing. (See Manufactured housing).

Easement. A grant of one or more property rights by the owner for use by the public, a corporation or another person or entity.

Electronic cigarette. An electronic and/or battery-operated device used to provide an inhalable dose of nicotine by delivering a vaporized solution. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed doctor.

Electronic game machine. Any electronic or mechanical device which upon insertion of a coin, slug, or token in any slot or receptacle attached to the device or connected therewith, operates, or which may be operated for use as a game, contest, or amusement through the exercise of skill or chance.

Emergency shelters. A facility that provides immediate and short-term housing for homeless persons that is limited to occupancy of six months or less. Supplemental services may include counseling and access to social programs. No individual or household may be denied to emergency shelter because of an inability to pay.

Entertainment (live). Any act, play, revue, pantomime scene, dance act, musical performance, or any combination thereof, performed by one or more persons whether or not they are compensated for the performance.

Establishment where food or beverages are served. Any commercial use that sells prepared food and/or beverages for consumption on site or off site, either solely or in conjunction with an ancillary or complementary use. Excluded from this definition are grocery stores, convenience stores, movie theaters, and other such uses, as determined by the development services director, where the sale of food or beverages is clearly incidental to the primary use. All establishments selling alcoholic beverages for consumption on-site are included within this definition

Fair housing laws. The Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, as each statute may be amended from time to time, and each statute's implementing regulations.

Family. One or more persons occupying one dwelling unit and living together as a single housekeeping unit.

Family day care home, large. A home which provides family day care to seven to 14 children as defined in section 1596.78 of the State Health and Safety Code.

Family day care home, small. A home which provides family day care to eight or fewer children as defined in section 1596.78 of the State Health and Safety Code.

Floor area ratio. The gross floor area of a building or project divided by the project lot area upon which it is located.

Garage. An accessory or attached enclosed building with doors, designed and/or used for vehicle parking.

Garage sale. An event for the purpose of selling or trading personal property. Garage sale includes yard sale.

General plan. The City of Costa Mesa General Plan as adopted or amended from time to time by the city council.

Grade. The lowest point of the finished surface elevation of either the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

Grade, finished. The surface of the ground at a stated location as it exists after completion of precise grading.

Grade, natural. The unaltered natural surface of the ground at a stated location.

Gross acreage. The total area within the lot lines of a lot of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot, and not including adjacent lands already dedicated for such purposes.

Gross floor area. The area of all floors within the walls of a structure except elevator and other vertical shafts (including stairwells) and elevator equipment areas..

Gross leasable area. The total floor area designed for tenant occupancy and exclusive use, including both owned and leased areas.

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

Guestroom. A room occupied or intended, arranged, or designed for occupancy by one or more guests.

Handicapped. As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

Hazardous materials. Any material of quantity, concentration, physical or chemical characteristics, that poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or environment; or any material requiring a Material Safety Data Sheet according to Title **8**, section 339 of the State Code of Regulation.

Height. See Building height and Antenna height.

Home occupation. Any business or commercial use conducted within a dwelling unit.

Hookah lounge. See Smoking lounge.

Hotel. Any building or combination of buildings generally three or more stories in height containing six or more guest rooms offering transient lodging accommodations to the general public and providing incidental guest services such as food and beverage service, recreation facilities, retail services and banquet, reception and meeting rooms. Typically, room access is provided through a main or central lobby.

Household includes all the people occupying a dwelling unit, and includes people who live in different units governed by the same operator.

Individual counseling. A single-operator business that provides individual and/or family counseling and occupies no more than 500 square feet of total square footage, including but not limited to an office suite and corresponding proportion of any common waiting areas. Any counseling use with a floor area of more than 500 square feet shall be considered a group counseling use.

Integral facilities. Any combination of two or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one operation shall be referred to as integral facilities and shall be considered one facility for purposes of applying federal, state and local laws to its operation. Examples of such integral facilities include, but are not limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one licensed or unlicensed facility.

Integral uses. Any two or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any

of them, in a manner in which participants in two or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one use for purposes of applying federal, state and local laws to its operation.

Intersection. The general area where two or more roadways join or cross.

Kitchen. Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and preparation of food.

Landscaping. Plant materials such as lawn, groundcover, trees and shrubs.

Loft. An intermediate floor placed within a room, where the clear height above and below the loft is not less than seven feet, and where the aggregate area of the loft does not exceed 1/3 of the area of the room in which it is located.

Lot.

- (a) A parcel of real property when shown as a delineated parcel of land with a number or designation on a subdivision map or parcel map recorded in the office of the county recorder, and created in conformance with the Subdivision Map Act and applicable local ordinances.
- (b) A parcel of real property when shown on a record of survey map or deed filed in the office of the county recorder, when such map or deed was filed as the result of and was made a condition of a lot division approved under the authority of prior ordinances.

Lot area. The total land area of a project after all required dedications or reservations for public improvements, including, but not limited to, streets, parks, schools, and flood control channels. This phrase does not apply in the planned development zones where the phrase "site area," as defined in Chapter V, Development Standards, is used.

Lot, corner. A lot abutting on and at the intersection of two or more streets which intersect at an angle that is equal to or less than 135 degrees.

Lot, depth. The average of the horizontal distance between the front and the rear lot lines.

Lot, development. The master lot or project site upon which a development will be constructed.

Lot, individual dwelling unit. An individual building site or lot within a development intended for construction of a single attached or detached dwelling unit.

Lot, interior. A lot abutting only one street, or a lot abutting two streets which intersect at an angle greater than 135 degrees.

Lot, width. The horizontal distance between the side lot lines measured at right

angles to the lot depth at the front building setback line.

Manufactured housing. Detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, including structures known as manufactured homes and mobile homes. For the purpose of this Zoning Code, a factory-built single-family structure that is manufactured under the authority of 42 U.S.C. section 5401, the National Manufactured Home Construction and Safety Standards Act, transportable in one or more sections, built on a permanent chassis and used as a place of human habitation, shall be considered a single-family home and shall be reviewed under the same standards as a sitebuilt structure.

Marijuana. Has the same definition as that set forth in California Health and Safety Code section 11018.

Marijuana cultivation and/or medical marijuana cultivation. The planting, growing, harvesting, drying or processing of marijuana plants or any part thereof for any purpose, including medical marijuana, and shall include both indoor and outdoor cultivation.

Master plan. The overall development plan for a parcel or parcels which is depicted in both a written and graphic format.

Master plan of highways. The graphic representation of the city's ultimate circulation system contained in the general plan. It illustrates the alignment of the major, primary, secondary and collector highways.

Median. A paved or planted area separating a parking area, street, or highway, into two or more lanes or directions of travel.

Medical marijuana. Marijuana used for medical purposes in accordance with California Health and Safety Code section 11362.5.

Medical marijuana dispensary. A facility or location where medical marijuana is cultivated or by any other means made available to and/or distributed by or to three or more of the following: a primary caregiver, a qualified patient, or a person with an identification card in strict accordance with State Health and Safety Code sections 11362.5 et seq., and 11362.7 et seq., which shall include, but not be limited to, any facility or location engaging in the retail sale, dispensation, or distribution of marijuana for medical purposes that does not have an active role in the cultivation of the marijuana product that it sells, dispenses, or distributes, or when its cultivation of the marijuana product is off-site from the facility or location for retail sale, dispensation, or distribution.

Minor conditional use permit. A discretionary approval granted by the zoning administrator which allows a use or activity not allowed as a matter of right, based on specified findings.

Minor modification. A discretionary entitlement granted by the planning division, which permits limited deviation from the strict application of the development

standards contained in this Zoning Code, based on specified findings.

Mixed use development. The development of lot(s) or structure(s) with two or more different land uses such as, but not limited to a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Mobile home. See Manufactured housing.

Mobile home park. Any area or tract of land where two or more mobile home lots are rented or leased, held out for lease or rent, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobile homes. A mobile home park also means a mobile home development constructed according to the requirements of Part 2.1 (commencing with section 18200) of Division 13 of the State Health and Safety Code, and intended for use and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit development.

Motel. Any building or combination of buildings of one to three stories in height having six or more guest rooms with parking located convenient to the guest rooms and providing temporary lodging for automobile tourists and transient visitors. Typically, guest rooms have direct access to available parking without passing through a common lobby area. Motels also include auto courts, tourist courts, motor lodges, motor inns and motor hotels.

Municipal Code. City of Costa Mesa Municipal Code.

Open space. An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas; first floor decks; unenclosed patios with solid or lattice roofs; water courses; and surfaces covered by not more than five feet in depth by projections which are at least eight feet above grade.

Open space shall not include the following: driveways; parking lots; other surfaces designed or intended for vehicular travel; and upper floor decks, balconies or areas under projections which are less than eight feet above grade.

Open space, common. An area of land reserved primarily for the leisure and recreational use of all residents of a planned development or common interest development and owned in common by them, generally through a homeowners' association.

Open space, private. An area of land located adjacent to an individual dwelling unit, owned or leased and maintained by its residents, and reserved exclusively for their use.

Operator means a company, business or individual who provides residential services,

i.e., the placement of individuals in a residence, setting of house rules, and governing behavior of the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management and leasing of the property and that does not otherwise meet the definition of operator.

Organizational documents. The declaration of restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management or operation of all or any part of a project.

Parcel. Same as Lot.

Parkway. The area of a public street that lies between the curb and the adjacent property line or physical boundary definition, which is used for landscaping and/or passive recreational purposes.

Paved area. Ground surface covered with cobblestone, clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, or asphaltic or rubber mixture which may include sand, stone, or gravel as an ingredient to create a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered paved area.

Peak hour. The hour during the AM peak period (typically 7:00 a.m.–9:00 a.m.) or the PM peak period (typically 3:00 p.m.–6:00 p.m.) in which the greatest number of vehicle trips are generated by a given land use or are traveling on a given roadway.

Permitted use. Any use allowed in a land use zoning district without requiring a discretionary approval, and subject to the provisions applicable to that district.

Planned development. A land area which is developed as an integrated unit under single ownership or control and having planned development zoning designation.

Planning application. A broad term for any development project or land use which requires the discretionary review and approval of either the planning division, zoning administrator, planning commission, or city council. Planning applications include administrative adjustments, conditional use permits, development reviews, variances, etc.

Planning division. The planning division of the development services department of the City of Costa Mesa.

Project. See Development.

Property line. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Property line, front. For interior lots, the narrowest property line of a lot abutting a public or private street. If two or more equal property lines are narrowest, the front shall be that property line across which the development takes its primary access (if

the primary access is determined to be equal, there shall be two front property lines). However, for non-residentially zoned property, any property line abutting a public street designated as a secondary, primary or major street on the master plan of highways shall be deemed a front property line. A non-residentially zoned property shall have more than one front property line when it abuts more than one street designated as secondary, primary, or major on the master plan of highways.

For R-1 zoned property located on corner lots, the front property line may be the property line towards which the front of the dwelling unit is oriented.

Property line, rear. The property line opposite the front property line. A corner lot with more than one front property line shall have more than one rear property line. Irregularly shaped lots may also have more than one rear property line.

Property line, side. Any property line which is not a front or rear property line.

Property line, ultimate. The boundary of a lot after the dedication of land for use as public right(s)-of-way, whether dedicated in fee or by easement. A setback is measured from the ultimate property line.

Public area. Establishments where food or beverages are served. That portion of an establishment reserved for the exclusive use of the public for the receipt or consumption of food and/or beverages. For the purpose of this Zoning Code, public area shall not include restrooms, kitchens, hallways or other areas restricted to employees only.

Public hearing. A public proceeding conducted for the purpose of acquiring information or evidence which may be considered in evaluating a proposed action, and which affords to any affected person or persons the opportunity to present their views, opinions, and information on such proposed applications. "Mandatory hearings" are those required to be held by law, and "discretionary hearings" are those which may be held within the sole discretion of the hearing body.

Public right-of-way. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

Recyclable materials. Reusable materials, including, but not limited to, metals, glass, plastic and paper which are intended for reuse, remanufacture or reconstruction. Recyclable materials do not include refuse, hazardous materials or hazardous waste.

Recycling. The process by which waste products are reduced to raw materials and transformed into new products.

Recycling and collection facility. A building or enclosed space used for the collection and processing of recyclable materials for preparation for shipment, or to an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing.

Referral facility. A residential care facility or a group home where one or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

Residential care facility. A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include, but may not be limited to, the following: intermediate care facilities for the developmentally disabled (Health & Safety Code §§ 1267.8, 1267.9); community care facilities (Health & Safety Code § 1500 et seq.); residential care facilities for the elderly (Health & Safety Code § 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Safety Code § 1568.02); alcoholism and drug abuse facilities (Health & Safety Code §§ 1834.02–11834.30); pediatric day health and respite care facilities (Health & Safety Code § 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Safety Code §§ 1265–1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115–5120).

Residential, multi-family. Apartments, common interest developments, townhouses and similar multiple-family residential developments, including detached single-family homes where there is more than one primary dwelling unit on a lot.

Residential, single-family. Detached single-family home where there is no more than one primary dwelling unit on a lot.

Room, bedroom. A fully-enclosed room designed or intended to be used for sleeping purposes within a residence that typically includes a closet and is separated from the other living spaces with a door.

Room, home office. A room designed and intended to be used for a household office or small business related activity within a residence. Within a single-family detached residence, this room is strictly not intended for sleeping purposes, and lacks direct access to a bathroom. The home office may also be referred to as a studio, den, study or library.

Senior congregate care facility. A structure(s) providing residence for 13 or more senior citizens with kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

Setback. The required distance that a building, structure, parking or other designated item must be located from a property line or lot line. A setback is measured from the ultimate property line.

Single housekeeping unit. The occupants of a dwelling unit have established ties and familiarity with each other, including jointly use of and responsibility for common areas, and may include interaction with each other, shared meals, household activities, and expenses and responsibilities.; membership in the single

housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include, but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

Single room occupancy residential hotel. A residential hotel, allowed in certain commercial zones, that contains units designed for long-term occupancy by a single person, although double occupancy may be permitted.

Slope. The degree of deviation of a surface from the horizontal plane, usually expressed in percent or degrees.

Small lot subdivision. A residential development containing a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel and the land is subdivided into fee simple parcels containing each unit. Each individual lot is provided with either a direct access to public street/alley or an easement access through a recorded subdivision map.

Smoking lounge. Any facility or location whose business operation, whether as a primary use or an ancillary use, is characterized by the sale, offering, and/or preparation of smoking of tobacco, cigars, hookah, electronic cigarettes, or similar products, including but not limited to establishments known variously as hookah parlors, vaping lounges, or cigar bars.

Smoking/vaping retailer. A smoke shop, electronic cigarette retailer, vapor cigarette retailer, or any other retail business that sells tobacco, electronic cigarettes, and related products primarily for off-site consumption. Smoking/vaping retailers shall not include food or beverage service, outdoor seating, or an indoor seating area greater than 100 square feet in area.

Sober living home. A group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Specialty store. A retail store less than 3,000 square feet in area with hours of operation between 6:00 a.m. and 11:00 p.m. A specialty store offers a combination of foods and beverages for off-site use or consumption and provides for alcoholic beverage sales that are incidental to the primary use. No more than 10% of the total merchandise area of the retail floor may be devoted to display or sale of alcoholic

beverages and only non-refrigerated alcoholic beverages may be offered. A specialty store must comply with the operational standards of section 13-200.72.

Specific plan. A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the city, consistent with the general plan and the provisions of State Government Code section 65450 et seq.

State. State of California.

Story. For purposes related to zoning regulations, a story is that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall constitute a story. An attic shall not be considered a story. A basement or cellar shall not be considered a story, if the finished floor level directly above the basement or cellar is less than four feet above finish grade at all locations. Any uncovered deck or activity area above the first story shall be considered a story.

Street. A public or private thoroughfare that provides primary access to adjacent land and local traffic movements. Streets do not include driveways which only provide access to parking areas.

Structure. Anything, including a building, located on the ground in a permanent location or attached to something having a permanent location on the ground.

Supportive housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to on site or off site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing that is provided in single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

Tandem parking. An arrangement of parking spaces one behind the other in a row of maximum two cars including one in the garage space. Tandem garage parking is defined as the placement of standard parking spaces one behind the other within the enclosed area of a garage.

Townhouse. A single-family attached dwelling unit located on an individual dwelling unit lot, and is part of a row of units that contains three or more dwelling units.

Transitional housing. A development with buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing that is provided in single-family dwelling, multifamily dwelling units, residential care facilities, or boarding house uses, shall be

permitted, conditionally permitted or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

Trip (vehicle). A one-way vehicular journey either to or from a site, or totally within the site i.e. internal trip. Each trip has two trip ends, one at the beginning and the other at the destination.

Trip rate (vehicular). The anticipated number of vehicle trips to be generated by a specific land use type or land use classification. The trip rate is expressed as a given number of vehicle trips for a given unit of development intensity (i.e., trip per unit, trip per 1,000 square feet, etc.).

Uncontrolled environment. A location where there is the exposure (to radiofrequency radiation) of individuals who have no knowledge or control of their exposure. The exposures may occur in living quarters or work places where there are no expectations that the exposure levels may exceed the exposure and induced current levels permitted for the general public.

Underroof. All of the area within the walls of the building that a roof covers. Areas under porches, roof overhangs, garage protrusions, breezeways and other similar architectural design features are not considered as underroof.

Unit. A particular building or structure, or portion thereof, that is designed, intended or used for exclusive occupancy, possession or control of individual owners or occupiers, whether or not they have interests in common areas of the project.

Use. The purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

Warehouse, mini. A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where at least one of the stalls or lockers has less than 500 square feet of floor area.

Warehouse, public. A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where all the stalls or lockers have more than 500 square feet of floor area.

Vacancy rate (common lot development conversion). The ratio of vacant apartments being offered for rent or lease in the City of Costa Mesa, shown as a percentage of the total number of apartments in the city.

Vape lounge. See Smoking lounge.

Vape shop. See Smoking/vaping retailer.

Variance. A discretionary entitlement, usually granted by the planning commission, which permits departure from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Yard. Any open space on a lot unoccupied and unobstructed from the ground upward, except an inside court.

Yard, front. The yard between the front line of a building and the front line of the lot upon which the building is located.

Yard, rear. The yard extending from the extreme rear line of the main building to the rear lot line on which the building is situated.

Yard, side. The yard extending from the front yard, or from the front lot line where no front yard is required, to the rear yard or rear lot line, between the side lot line and the nearest wall of the main building or any accessory structure attached thereto.

Zero lot line. The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 4, 3-2-98; Ord. No. 00-5, § 1(a), 3-20-00; Ord. No. 01-16, § 1a., 6-18-01; Ord. No. 05-11, § 2a., 7-19-05; Ord. No. 06-18, § 1, 9-5-06; Ord. No. 09-3, §§ 1a., b., 5-19-09; Ord. No. 09-4, § 1a., 5-5-09; Ord. No. 10-13, § 1, 10-19-10; Ord. No. 10-14, § 1, 11-16-10; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2A., 3-19-13; Ord. No. 13-05, § 1, 12-3-13; Ord. No. 14-04, § 2A., 4-1-14; Ord. No. 14-13, § 1, 10-21-14; Ord. No. 15-10, § 2A, 9-15-15; Ord. No. 15-11, § 1, 11-17-15; Ord. No. 16-01, § 1, 1-19-16; Ord. No. 18-03, § 2, 1-16-18; Ord. No. 21-03, § 3, 3-2-21; Ord. No. 21-20, § 1, 12-7-21)

Section 13-28 Types

(a) Administrative adjustment. Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(a).

TABLE 13-28(a) ADMINISTRATIVE ADJUS	TMENTS
Standard	Deviation Range
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of 19 feet from the front property line.	More than 20% but no more than 40%
Decrease in required rear yard depth.	More than 20% but no more than 40%
Decrease in required side yard width.	More than 20% but no more than 40%
Increase in maximum fence/wall height, except within setbacks adjacent to the public right-of-way.	More than 33 1/3 % but no more than 50%

TABLE 13-28(a) ADMINISTRATIVE ADJUS	TMENTS
Standard	Deviation Range
Increase in depth of permitted projections into required yards.	More than 20% but no more than 40%
Deviation in sign area, height, setbacks, separation and other sign specifications	More than 10% but no more than 20%
Decrease in required distance between main structures	More than 20% but no more than 40%
Decrease in required distance between accessory and main structures	More than 20% but no more than 40%

- (b) Conditional use permit. Any use specified in this Zoning Code as requiring a conditional use permit.
 - (1) Common interest development conversion. For residential projects, a proposal to convert an occupied or previously occupied apartment complex to a residential common interest development project. To request a conversion for a newly constructed project, the apartment complex shall have received final building approval for occupancy. For non-residential projects, a proposal to convert an occupied or previously occupied non-residential complex to a non-residential common interest development. Non-residential includes industrial, commercial, office, and/or mixed-use project.
- (c) Density bonus or incentive. Any request for incentives to produce lower income and senior housing per State Government Code section 65915.
- (d) Design review. Any construction that results in three or more dwelling units on a development lot in any residential zone, except planned development, shall be subject to design review.
- (e) Development review. The following shall be subject to development review:
 - (1) Two-story residential construction. In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are two or fewer dwelling units or any second-story addition on a lot with more than two dwelling units that complies with any residential design guidelines adopted by city council.
 - (2) Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones. However, building additions that do not exceed 2,000 square feet or 50% of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review; and,

- (3) Any other use specified in this Zoning Code as requiring development review.
- (f) Lot line adjustment. Any adjustment to an existing lot line between two lots, where the land taken from one lot is added to an abutting lot and/or where a greater number of lots than originally existed is not created. A lot line adjustment may be used to combine no more than four abutting lots.
- (g) Master plan. Prior to development in the planned development (PD), town center (TC), shopping center (C1-S), mixed-use overlay (MU), and all types of institutional and recreational (I&R, I&R-S, and I&R-MLT) zoning districts, a master plan is required. Preliminary master plans are required in the TC and I&R-MLT zone, are optional in PD and MU zones, and are not required in C1-S, I&R-S, and I&R zones.
 - (1) Minor changes. Minor changes in the location, siting or character of buildings and structures may be authorized by the planning division if required by the final engineering or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:
 - a. A change in the use or character of the development;
 - b. An increase in the overall density or floor area ratio of the development;
 - c. An increase in overall coverage of structures;
 - d. A reduction or change in character of approved open space;
 - e. A reduction of required off-street parking;
 - f. A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks;
 - g. A reduction in required street pavement widths;
 - h. An increase of more than six inches in building height; or
 - i. A decrease in building setback greater than can be approved by a minor modification by the development services director.
 - (2) Major amendments. Substantial amendments to the master plan encompassing one or more of the minor changes listed in subparagraphs (1)a. through (1)i., or any proposed change determined by the development services director as a major amendment, shall be subject to review and approval by the zoning administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the zoning administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the general plan, as applicable.
 - (3) Minor amendments.

- a. Minor amendments to existing master plans in planned development zones are subject to section 13-56, master plan required.
- b. Minor amendments to existing master plans in the TC, C1-S, MU, I&R, I&R-S, and I&R-MLT zones may be approved by development review if the planning division finds that the proposed construction does not materially affect required open space, floor area ratio, and parking requirements specified in the approved master plan. Furthermore, if the minor amendment results in an overall building square footage that exceeds the maximum building square footage allowed by the approved master plan, the planning division must find that the minor amendment is consistent with the floor area ratio and trip budget standards established by the general plan, as applicable.
- (4) Mixed-use development plan screening application. Applicants for residential or mixed-use development projects in a mixed-use overlay district shall submit a screening application for consideration by city council at a public meeting. No other concurrent application for development may be submitted for processing until city council comments have been received. The purpose of the screening application is to receive city council comments on the merits and appropriateness of the proposed development. No other action on the screening application will be taken by city council. The submittal requirements for the screening review are specified on the city's planning application form, and the city council's review comments on the proposed project for processing shall not set precedent for approval of the master plan.
- (h) Minor conditional use permit. Any use or deviation from development standards specified in this Zoning Code as requiring a minor conditional use permit.
- (i) Minor design review. The following shall be subject to minor design review:
 - (1) Two-story residential construction that does not comply with any residential design guidelines adopted by the city council in the following zones:
 - a. R1 zone. Any two-story construction or second-floor addition; and
 - b. R2-MD, R2-HD, and R3 zones. Any two-story construction on a lot that results in two or fewer dwelling units or any second-story addition on a lot with more than two dwelling units.
 - (2) Reserved for future use.
 - (3) Any deviation from development standards specified in this Zoning Code as requiring a minor design review.
- (j) Minor modification. Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(j)(1).

TABLE 13-28(j)(1) MINOR MODIFICATION **Standard Deviation Range** Decrease in required front yard depth; provided that in 20% or less residential zones, the garage is set back a minimum of 19 feet from the front property line 20% or less Decrease in required rear yard depth Decrease in required side yard width 20% or less 33 1/3 % or less Increase in maximum fence/wall height Decrease in five-foot setback on street side for 100% or less fences/walls in excess of 36 inches on corner lots in multifamily residential zones Increase in depth of permitted projections into required 20% or less yards Decrease in minimum driveway width for two or more to not less than 10 feet dwelling units Deviation in sign area, height, setbacks, separation and 10% or less other sign specifications 20% or less Decrease in required distance between main structures 20% or less Decrease in required distance between accessory and main structures 5% or less Decrease in minimum width and length of garage dimensions

- (2) Minor building additions that encroach into required setbacks no further than the existing main structure, excluding architectural features. However, no nonconforming setback width or depth may be decreased further, and the building addition shall comply with all other applicable sections of this Zoning Code and other codes.
- (3) Fabric awnings that project no more than five feet from the building face.
- (4) Minimum length of no less than 18 feet for driveways as measured from the ultimate property line.

- (5) Any deviation from development standards specified in this Zoning Code as requiring a minor modification.
- (k) Mobile home park conversion. Any conversion of an existing mobile home park to any other use permitted or conditionally permitted in the applicable zoning district.
- (I) Planned signing program. A voluntary, optional alternative to the general sign regulations, except in the C1-S zone where it is required.
- (m)Reasonable accommodation. As defined in section 13-200.62
- (n) (Reserved)
- (o) Rezone. Any proposed change to the official zoning map.
- (p) Special use permit. Refer to Chapter XV of the Zoning Code.
- (q) Specific plan conformity review. Any proposed action or land use which is required by the applicable specific plan to be reviewed for conformity with the purpose and intent of the plan.
- (r) Tentative tract or parcel map (including vesting). Any proposed subdivision of land which is required by a provision of the Subdivision Map Act or this Zoning Code to file a tentative tract or parcel map.
- (s) Variance. Any deviation from a development standard in this Zoning Code that is not specified as a minor modification or administrative adjustment, or a deviation that is not allowed by approval of conditional use permit, minor conditional use permit, or specific plan conformity procedure.
- (t) Landmarks and historic districts located within the city. A person may request placement of a significant historic structure on the local Register of Historic Places subject to the criteria and procedures established in Chapter IX, Article 14, Historic Preservation.
- (u) Certificate of appropriateness. A certificate issued by the planning commission (or other commission/committee designated by the city council), approving plans, specifications, or statements of work for any proposed alteration, restoration, or rehabilitation, construction, relocation, or demolition, in whole or in part, of a "designated cultural resource" listed on the city's local Register of Historic Places.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-17, § 3, 11-15-99; Ord. No. 01-10, §§ 1a., 1b., 3-5-01; Ord. No. 01-16, § 1b., 6-18-01; Ord. No. 02-4, § 1m, 3-18-02; Ord. No. 03-4, § 1(a), 6-2-03; Ord. No. 03-8, §§ 1, 2, 9-2-03; Ord. No. 05-3, § 1b., 2-7-05; Ord. No. 05-2, § 1a.—c., 2-22-05; Ord. No. 06-9, § 1b., 4-18-06; Ord. No. 07-17, § 1a., b., 10-2-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 16-09, § 3, 10-4-16; Ord. No. 21-20, § 1, 12-7-21)

Section 13-30 Purpose.

The purpose of this chapter is to provide a comprehensive list of uses which are permitted, conditionally permitted, or prohibited in the various zoning districts, as represented by Table 13-30, Land Use Matrix. In evaluating a proposed use, the following criteria shall also be considered:

- (a) Uses determined as permitted may be subject to a discretionary review when construction is proposed, pursuant to Chapter III, Planning Applications.
- (b) Uses proposed in the planned development zones are subject to verification of consistency with the master plan adopted for planned development zones. A proposed use not expressly allowed by the adopted master plan may require additional discretionary review pursuant to Table 13-30, Land Use Matrix.
- (c) All listed uses in the matrix are subject to verification of compliance with density and floor area ratio limits, parking requirements and performance standards which may, in certain cases, prevent the establishment of the use.
- (d) Any proposed use not listed in the Land Use Matrix shall be reviewed by the development services director to determine its similarity to another listed use. If no substantial similarity exists, the proposed use shall require approval of a conditional use permit prior to establishment of the use.
- (e) For the purpose of Table 13-30, Land Use Matrix, the various zoning districts are labeled as follows:

Residential zones: R1, R2-MD, R2-HD, and R3

Commercial zones: AP, CL, C1, C2, C1-S, and TC

Industrial zones: MG and MP

Planned Development Residential zones: PDR-LD, PDR-MD, PDR-HD, and PDR-

NCM

Planned Development Commercial zone: PDC

Planned Development Industrial zone: PDI

The Parking zone: P

Institutional and Recreational zones: I & R, I & R-S, and I & R-MLT

- (f) For zoning districts located in a specific plan area, please refer to the appropriate specific plan text to determine if any additional regulations related to land uses are applicable.
- (g) For the mixed-use overlay district located in an urban plan area, please refer to the appropriate urban plan text for additional regulations related to development standards and allowable land uses as applicable.

						CITY	OF COS	TABLE TA MES	13-30 A LAND U	SE MAT	RIX											
											ZO	NES										
													PDR-	PDR-	PDR-	PDR-					I&RM	
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S1	LT ¹	P
RESIDENTIAL USES																						
1. Single-family dwellings (single housekeeping units)	P ⁴	Р	Р	Р	•	•	•	•	•	•	•	•	Р	Р	Р	Р	Р	Р	•	•	Р	•
2. Multi-family dwellings	•	Р	Р	Р	•	•	•	•	•	Р	•	•	Р	Р	Р	Р	Р	Р	•	•	Р	•
2.1 Common interest developments, residential	•	Р	Р	Р	•	•	•	•	•	Р	•	•	Р	Р	Р	Р	Р	Р	•	•	Р	•
2.2 Small lot subdivisions, residential	•	Р	Р	Р	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3. Mobile home parks	•	С	С	С	•	•	•	•	•	•	•	•	С	С	С	С	С	С	•	•	•	•
4. Boarding-house, small ⁷	•	Р	Р	Р	•	•	•	•	•	•	•	•	Р	Р	Р	Р	Р	Р	•	•	•	•
5. Boarding-house, large ⁷	•	С	С	С	•	•	•	•	•	•	•	•	•	С	С	С	С	С	•	•	•	•
6. Residential care facility, six or fewer persons (State licensed)	Р	Р	Р	Р	•	•	•	•	•	•	•	•	Р	Р	Р	Р	Р	Р	Р	•	Р	•
7. Group homes, six or fewer	S	S ⁶	S ⁶	s ⁶	•	•	•	•	•	•	•	•	S ⁶	s ⁶	S ⁶	S ⁶	s ⁶	s ⁶	Р	•	Р	•
7.1 Sober living homes, six or fewer	s ⁵	S ⁶	S ⁶	S6	•	•	•	•	•	•	•	•	S6	S ⁶	S ⁶	S ⁶	S6	_S 6	Р	•	•	•

						CITY	OF COS	TABLE 1		SE MAT	RIX											
											ZO	NES										
													PDR-	PDR-	PDR-	PDR-					I&RM	
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S1	LT ¹	Р
8. Residential care facility, seven or more	•	C6	C6	C ₆	•	•	•	•	•	•	•	•	•	C6	C ₆	C ₆	C ₆	C6	Р	•	•	•
9. Group homes, seven or more	•	C ₆	C ₆	C ₆	•	•	•	•	•	•	•	•	•	C ₆	C ₆	C ₆		C ₆	Р	•	•	•
9.1 Sober living homes, seven or more	•	C ₆	C ₆	C ₆	•	•	•	•	•	•	•	•	•	C ₆	C ₆	C ₆		C ₆	P	•	•	•
								2											· ·			
10. Referral facility (Subject to the requirements of section 13-32.2, referral facility).	•	c ²	c ²	c ²	•	•	•	c ²	•	•	•	•	•	c ²	C ²	•	•	•	•	•	•	•
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	c ²	c ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•
ACCESSORY USES																						
12. Reserved for future use.																						
13. Animals, keeping of												MALS AN										
14. Antennas: Amateur radio, Satellite dish,									SE	E CHAP	ER IX, AF	RTICLE 2,	ANTENN	NAS								
Communication																						
15. Reserved for future use							1						1									
15.1 Incidental residential use that includes a toilet in combination with a bathtub or shower. This applies to	Р	Р	Р	Р	•	•	•	•	•	•	•	•	P	Р	Р	Р	P	P	•	•	•	•
an accessory use contained in a detached structure, or																						1
contained within the main structure with no interior																						
connection between the main and incidental use. Land																						
use restriction required.																						
16. Day care facilities (15 children or more) (see also	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Р	Р	•
Nursery schools)																						
17. Family day care–Large (7 to 14 children) (subject to	P ²	P ²	P ²	P ²	•	•	•	•	•	•	•	•	P ²	P ²	P ²	P ²	_P 2,3	_P 2,3	Р	•	P ²	•
the requirements of section 13-37, large family day care																						
homes)			D										D		D	P						
18. Family day care—Small (up to 8 children)	Р	P	Р	Р	•	•	•	•	•	•	•	•	Р	Р	Р	Р	P3	_P 3	Р	•	P3	•
19. Garage/yard sales–No more than 2 events	Р	Р	Р	P	•	•	•	•	•	•	•	•	Р	Р	Р	Р	P3	_P 3	•	•	P3	•
permitted a year, not to exceed 3 consecutive days																						
20. Reserved for future use.																						
21. Home occupations (subject to the requirements of	P ²	P ²	P ²	P ²	P2,3	P2,3	P2,3	P2,3	P2,3	P2,3	P2,3	P2,3	P ²	P ²	P ²	P ²	P2,3	P2,3	P ²	•	P ²	•
chapter IX, article 6, home occupations)																						
22. Home occupations that generate traffic and do not	MC ²	MC ²	MC ²	MC ²	$MC^{2,3}$	$MC^{2,3}$	$MC^{2,3}$	$MC^{2,3}$	$MC^{2,3}$	$MC^{2,3}$	$MC^{2,3}$	$MC^{2,3}$	MC ²	MC ²	MC ²	MC ²	MC ^{2,3}	$MC^{2,3}$	$MC^{2,3}$	•	$MC^{2,3}$	•
involve more than 1 customer/ client at a time or more																						1
than 8 customers/clients per day (subject to the																						1
requirements of ch. IX, article 6, home occupations)																						
22.1 Non-residential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
22.2 Accessory dwelling unit (subject to the	_P 2	_P 2	_P 2	_P 2	•	•	•	•	•	_P 2	•	•	_P 2	P ²	_P 2	_P 2	_P 2	_P 2	•	•	_P 2	•
requirements of ch. V, section 13-35, accessory	P=	P ⁻	P	Ρ-						P ⁻			P ⁻	P ⁻	P	P-	P-	P			P	
dwelling units)																						
22.3 Junior accessory dwelling unit (subject to the	_P 2	_P 2	_P 2	_P 2	•	•	•	•	•	•	•	•	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	•	•	_P 2	•
requirements of ch. V, section 13-35, accessory	P=	P ⁻	P	Ρ-									P ⁻	P ⁻	P	P-	P-	P			P	
dwelling units)																						
22.4 Temporary real estate and construction offices	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	ь2	_P 2	_P 2	_P 2	_P 2	_P 2
(subject to the requirements of ch. IX, art. 10, temporary		F-	F	Ρ-	P=	Γ-	P-	P-	r-	F=	Ρ-	r-	F-	F-	P-	F-	F-	r-	P-	P-	r-	P=
trailers)																						
INSTITUTIONAL AND RECREATIONAL USES	ı			ı						ı												
23. Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	С	•	•	•
24. Churches and other places of religious assembly	c^2	c ²	c ²	c ²	c ²	c ²	_P 2	_P 2	c ²	c ²	_P 2	_P 2	c ²	c ²	c ²	c ²	c ²	c ²	_P 2	c ²	c ²	•
(Subject to the requirements of article 4.5 ,			<u></u>		<u></u>	<u></u>		۲-			P=	P ⁻		<u></u>		<u></u>	C_		P=		<u> </u>	
development standards for churches and other places																						
of religious assembly)																						

						CITY	OF COS	TABLE TA MESA	13-30 A LAND U	ISE MAT		NES										
											20	INES	PDR-	PDR-	PDR-	PDR-					I&RM	
LAND USES	R1	DO MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S1	LT ¹	P
25. Civic and community clubs	C	C C	K2-HD	С	C	C	C1	P C2	P	D	C	C	C	C	ПО	C	С	С	C	ICK-51	P	•
26. Convalescent hospitals; nursing homes	•	C	C	С	С	С	С	С	•	•	•	•	•	•	•	•	•	•	D	•	<u>г</u>	•
		C	C			•	•	•	•	•	•	•	C	C	С	-	•		D D	C	•	•
27. Country clubs; golf courses	C		C	C	•	•		C		•			_		•	С	-		Г	•	_	
28. Crematories (See also Mortuary services)		•	•		•		•		•	-	С	С	•	•	-	•	•		C	-	•	•
29. Fairgrounds; outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	С	•	•	•
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Г	•	Р	•
31. Libraries, privately-operated	С	С	С	С	•	•	С	С	С	С	С	С	С	С	С	С	С	С	Р	С	•	•
31a. Marijuana and/or medical marijuana cultivation	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31b. Cannabis and/or marijuana distributer	•	•	•	•	•	•	•	•	•	•	•	C ⁹	•	•	•	•	•	C ⁹	•	•	•	
31c. Cannabis and/or marijuana manufacturer or processor	•	•	•	•	•	•	•	•	•	•	•	C ⁹	•	•	•	•	•	C ⁹	•	•	•	
31d. Cannabis and/or marijuana retail sales storefront	•	•	•	•	•	C ⁹	- 9	C ⁹	C ⁹	C ⁹	•	•	•	•	•	•	•	•	•	•	•	
31e. Cannabis and/or marijuana retail sales	•	•	•	•	•	C ⁹	C ⁹	C ⁹	C ⁷	C ⁹	•	C ⁹	•	•	•	•	•	C ⁹	•	•	•	•
nonstorefront (deliveries) 31f. Cannabis and/or marijuana research and	•	•		•	•		•	•	•	•	•		•		•	•	•		•	•	•	
development and/or testing laboratories		•	•	•		•				•	•	C ⁹	•	•	•	•	•	C ⁹		•	•	
32. Mortuary services without crematories	•	•	•	•	С	С	С	С	С	•	С	С	•	•	•	•	•	•	С	•	•	•
32a. Needle exchange program	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
33. Nursery schools–See also Day care facilities for 15	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Р	С	•
or more children																						
34. Parks and playgrounds	С	С	С	С	•	•	•	•	•	С	•	•	С	С	С	С	С	С	Р	Р	Р	•
35. Public offices and facilities, such as city halls, courthouses, police/ fire stations, etc.	С	С	С	С	С	С	Р	Р	Р	Р	С	С	С	С	С	С	С	С	Р	•	•	•
36. Schools: primary, secondary and colleges	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	P	P	•
37. Schools: trade and vocational; group counseling	•	•	•	•	•	MC	P	P	Р	P	MC	MC	•	•	•	•	P	MC	P	P	•	•
38. Senior congregate care facility	•	С	С	С	С	C	C	C	C	C	•	•	•	С	С	С	C	• IVIC	C	•	•	•
39. Swap meets	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	С	•	•
·	•	•	•	•	•	_	•	•	•	•	•	_C 10	•	•	•	•	•	D10	•	•	•	•
39a. Emergency shelters					•					•	•	CIU	•	•			•	PIU				
SPECIAL SEASONAL EVENTS																						
40. Reserved.																						
41. Christmas tree lots; pumpkin patches; fireworks stands; produce stands (subject to the requirements of title 9 , chapter II, regulation of certain businesses)	•	•	•	•	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	•	•	•	•	P ²	P ²	P ²	P ²	•	•
COMMERCIAL AND INDUSTRIAL USES																				'		
42. Acupressure; massage (subject to the requirements of title 9 , chapter ii, article 22, Massage establishments	•	•	•	•	P ²	P ²	P ²	P ²	P ²	P ²	•	•	•	•	•	•	P ²	•	•	•	•	•
and practitioners)																						
43. Adult businesses (See Sexually-oriented businesses)																						
44. Aggregate batch plants; Rock or asphalt crushing; Sand blasting	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
45. Ambulance services	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	•	MC	MC	•	•	•	•
46. Amusement centers (subject to the requirements of chapter IX, article 5, electronic game machines)	•	•	•	•	•	•	c ²	c ²	c ²	c ²	•	•	•	c ²	c ²	c ²	c ²	•	•	•	•	•
47. Animal hospitals; veterinary services (kenneling only	•	•	•	•	•	С	С	Р	Р	С	С	С	•	•	•	•	Р	•	•	•	•	•
when incidental to principal hospital use)																						
48. Animal shelters, pounds, kennels, training schools	•	•	•	•	•	•	•	С	•	•	С	С	•	•	•	•	•	•	С	•	•	•
48a. Antique malls	•	•	•	•	•	•	Р	Р	P	•	MC	MC	•	•	•	•	P	MC	•	•	•	•
49. Artists, sculptors studios	•	•	•	•	P	Р	Р	Р	P	Р	Р	Р	•	•	•	•	P	Р	•	•	•	•
50. Auction houses	•	•	•	•	•	•	С	С	С	С	С	С	•	•	•	•	С	С	•	•	•	•
51. Automobile (See Motor vehicle)																						
52. Banks; savings and loans; and other financial	•	•	•	•	Р	Р	Р	Р	Р	Р	•	•	•	Р	Р	P	Р	Р	•	•	•	•

						CITY	OF COS	TABLE TA MESA	13-30 A LAND U	JSE MAT	RIX											
											ZO	NES										
													PDR-	PDR-	PDR-	PDR-					I&RM	
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S1	LT ¹	Р
institutions																						
53. Bars; nightclubs (See Establishments where food or																						
beverages are served)						D	P	D	P	D					D	D		D				
54. Barber and beauty shops with accessory uses such	•	•	•	•	•	P	Ρ	P	Ρ	Р	•	•	•	Р	P	Ρ	Р	Р	•	•	•	•
as permanent make up, facials, and accessory massage							<u> </u>					С										
55. Billiards parlors	•	•	•	•	•	•	С	C	С	C	С		•	С	С	С	С	C	-	•	•	-
56. Botanical gardens; Zoos		-	•	•	<u> </u>	•	С		С	С	•	•	•	•	•	•	•	_	С	•	•	
57. Bowling centers 58. Breweries; Distilleries	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	C	C	•	•	•	•	-
59. Reserved	•	•	•	•	•	•	•		•	•	C	C	•	•	•	•	•	•	•		•	
	•			•			D	D	P					P	D	D	Р					
60. Building supplies; Hardware stores (retail) 61. Business services–See Offices	•	•	•	•	•	•	Γ	P	Ρ	•	•	•	•	Γ Γ	Γ Γ	l P	l P	•	•	•	•	•
61. Business services—See Offices 62. Car washes	_				•																	
		•	-	•	•	• NAC	C	C	C	C	C	C MC	•	C	C	C	C	C		•	•	
63. Carts– Outdoor retail sales in conjunction with an established business	•	•	•	•	•	MC	MC	MC	MC	MC	MC	IVIC	•	MC	MC	MC	MC	MC	MC	•	•	•
	•	•				NAC	P	D	P		P	P					P	D				
64. Catering		-	-	•	-	MC	1	P	· '	•	1	MC	•	•	-	•	<u>'</u>	1	•	•	•	
65. Coffee roasting	•	•	•	•	•	•	• NAC	NAC	• NAC	NAC	MC		•	• NAC	NAC	• N4C	• NAC	• N4C	•	•	•	
66. Coffee roasting (in conjunction with establishments where food or beverages are served)	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	•	•	•	•
67. Commercial art; Graphic design	•	•	•	•	P	P	Р	Р	P	P	P	P	•	•	•	•	P	P	•	•	•	•
68. Commercial testing laboratories	•	•	•	•	•	•	•	•	•	•	P	Р	•	•	•	•	•	Р	•	•	•	•
69. Computer and data processing	•	•	•	•	Р	Р	Р	Р	Р	Р	Р	Р	•	•	•	•	Р	Р	•	•	•	•
70. Contracting: general contractors; operative builders	•	•	•	•	•	С	С	Р	С	•	Р	Р	•	•	•	•	•	Р	•	•	•	•
71. Convenience stores; mini-markets (subject to the	•	•	•	•	•	•	C^2	C^2	c^2	C^2	•	•	•	•	C^2	C^2	c^2	•	•	•	•	•
requirements of chapter IX, article 16, liquor stores,																						
convenience stores, and mini-markets)																						
72. Department stores (retail)	•	•	•	•	•	•	Р	Р	Р	Р	•	•	•	•	•	•	Р	•	•	•	•	•
73. Electronic game machines (four or more), incidental to the primary use, (subject to the requirements of chapter IX, article 5, electronic game machines)— Excluding amusement centers listed separately 74. Engineering; architectural; and surveying services—	•	•	•	•	•	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	•	MC ²	MC ²	MC ²	MC ²	MC ²	•	•	•	•
See Offices						CEE:	TITLE O	A DTICLE	14 DECL	U ATODY	/ DEDI ALT	2.500		CEE :		A DTICLE	14 DECL	U ATODY	DEDMIT	C FOD		
75. Entertainment, live or public	•	•	•	•	•	SEE	IIILE 9, A		11, REGUENTERTA			SFOR	•	SEE	IIILE 9, A		11, REGUENTERTA			SFOR	•	•
76. Establishments where food or beverages are served	•	•	•	•	•	SEE C		V, ARTI	CLE 4, EST EVERAGE	TABLISHI	MENTS W	VHERE	•		BLISHM	PTER V, A ENTS WH	ARTICLE 4	4, DD OR	•	•	•	•
															BEVERA	GES ARE	SERVED	1				
77. Exhibition of products produced on premises or available for wholesale distribution	•	•	•	•	•	Р	Р	Р	Р	P	Р	Р	•	•	•	•	P	Р	•	•	•	•
78. Flower stands–See also Carts	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•	•
79. Furniture repair and refinishing with incidental sales	•	•	•	•	•	•	Р	Р	Р	•	Р	Р	•	•	•	•	•	Р	•	•	•	•
80. Grocery stores—See also Supermarkets; excluding convenience stores; and liquor stores listed separately	•	•	•	•	•	•	Р	Р	Р	Р	•	•	•	MC	MC	MC	MC	•	•	•	•	•
81. Hazardous waste facilities, off-site (subject to	•	•	•	•	•	•	c ²	c ²	c ²	c ²	c ²	c ²	•	•	•	•	c ²	c ²	c ²	•	•	•
chapter IX article 9, off-site hazardous waste facilities)	•	•	_		•								_								_	
82. Heliports; Helistops	•	•	•	•	•	•	C	C	C	С	C	C	• • • • C C C • •				•					
83. Hotels– Excluding motels listed separately	•	•	•			MC	MC	C	P	P •	D	P					•					
84. Landscape services (installation and maintenance)		-	•	•	•	MC	MC	P	P	• D	P	P	•	P	• D	• D	P	P	•	•	•	•
85. Laundry, cleaning and garment services, including plants	•	•	•		•	Г	'	Γ	'	'	ı ı	'	•					•				
86. Leather tanning and finishing	•	•	•	•	•	•	•	•	•	•	С	С	•	•	•	•	•	С	•	•	•	•

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											20	NES	200	200	222	222					10 004	
										4			PDR-	PDR-	PDR-	PDR-	4	4			I&RM	
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C 1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹		PDI ¹	I&R ¹	I&R-S1	LT ¹	Р
87. Limousine services	•	•	•	•	•	С	С	С	С	С	С	С	•	•	•	•	С	С	•	•	•	•
88. Liquor stores (subject to the requirements of	•	•	•	•	•	•	c ²	c ²	c ²	c ²	•	•	•	•	•	•	c ²	•	•	•	•	•
chapter IX, article 16, liquor stores, convenience stores,																						
and mini-markets)																						
89. Lumber and building materials dealers, (wholesale)	•	•	•	•	•	•	•	•	•	•	Р	Р	•	•	•	•	•	Р	•	•	•	•
90. Manufacturing: Light EXCEPT the following which	•	•	•	•	•	•	•	•	•	•	P ²	P ²	•	•	•	•	•	P ²	•	•	•	•
are prohibited:																						
Manufacture of fertilizer																						
Manufacture of products involving the use of																						
explosives																						
Manufacture of rubber (including tires), steel												_						_				
91. Manufacturing of chemical products, paints,	•	•	•	•	•	•	•	•	•	•	c ²	c ²	•	•	•	•	•	c ²	•	•	•	•
pharmaceuticals, and plastics																						
92. Manufacturing of stone, clay, glass and concrete	•	•	•	•	•	•	•	•	•	•	P ²	P ²	•	•	•	•	•	P ²	•	•	•	•
products EXCEPT the following which are prohibited:																						
Manufacture of flat glass																						
Manufacture of cement and structural clay products																						
Manufacture of concrete, gypsum and plaster																						
products																						
 Manufacture of abrasive and asbestos products 																						
Manufacture of nonclay refractories and crucibles																						
Processing and preparation of clay, ceramic and																						
refractory minerals																						
93. Manufac-turing or processing of foods and	•	•	•	•	•	•	•	•	•	•	P ²	P ²	•	•	•	•	•	P ²	•	•	•	•
beverages EXCEPT the following which are prohibited:																						
 Meat and poultry packing plants 																						
• Grain mills																						
• Sugar refining																						
• Fats and oils processing mills																						
Seafood canneries and packaging																						
(See also Breweries; Distilleries; Coffee roasting)																						
94. Massage– See also Acupressure (subject to the	•	•	•	•	P ²	P ²	P ²	P ²	P ²	P ²	•	•	•	•	•	•	P ²	•	•	•	•	•
requirements of title 9 , chapter II, article 22, massage																						
establishments and practitioners)																						
95. Medical laboratories	•	•	•	•	MC	MC	Р	Р	P	Р	MC	MC	•	•	•	•	MC	MC	•	•	•	•
96. Metal fabrication, welding, foundry, die casting	•	•	•	•	•	•	•	•	•	•	P ²	P ²	•	•	•	•	•	•	•	•	•	•
(subject to subsection 13-54(a), performance standards)																						
97. Motels– (Subject to requirements of chapter IX,	•	•	•	•	•	•	c ²	c ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•
article 8, motels) Excluding Hotels listed separately																						
98. Motion picture and television studios	•	•	•	•	С	С	С	С	•	•	Р	Р	•	•	•	•	Р	Р	•	•	•	•
99. Motion picture theaters and other theaters not	•	•	•	•	•	•	Р	P	P	Р	•	•	•	•	•	•	Р	•	•	•	•	•
within 200 feet of residential zones																						
100. Motion picture theaters and other theaters within	•	•	•	•	•	•	С	С	С	С	•	•	•	•	•	•	С	•	•	•	•	•
200 feet of residential zones																						
101. Motor oil, used–Collection facility (subject to the	•	•	•	•	•	•	_P 2	_P 2	_P 2	•	_P 2	_P 2	•	•	•	•	_P 2	_P 2	_P 2	_P 2	•	•
requirements of chapter IX, article 9, off-site hazardous							'	'			'	'					'	'	'	'		
waste facilities)																						
102. Motor vehicle, boat, and motorcycle retail sales,	•	•	•	•	•	•	С	С	С	С	С	С	•	•	•	•	С	С	•	•	•	•
leasing, rentals and service with two or more outdoor																						
display parking spaces																						
103. Motor vehicle, boat, and motorcycle retail sales,	•	•	•	•	•	•	Р	Р	Р	Р	Р	Р	•	•	•	•	Р	Р	•	•	•	•
leasing, and rentals with one or less outdoor display																						
parking space and no service (subject to verification of																						

TABLE 13-30 CITY OF COSTA MESA LAND USE MATRIX ZONES PDR-PDR-PDR-PDR-I&RM PDC¹ PDI¹ LT¹ TC¹ LD¹ MD^{1} HD¹ NCM¹ I&R¹ I&R-S1 LAND USES R2-MD R2-HD R3 AP CL **C1** C2 C1-S1 MG MP R1 parking availability) С С С С 104. Motor vehicle service stations C^2 c² C^2 105. Motor vehicle service stations with concurrent sale C^2 of alcoholic beverages (subject to requirements of chapter IX, article 3, concurrent sale of alcoholic beverages and motor vehicle fuel) 106. Motor vehicle; boat; and motorcycle repair Ρ services (including body and paint work), not within 200 feet of residential zone (subject to subsection 13-54(b)) 107. Motor vehicle; boat; and motorcycle repair С С С С С С С services (including body and paint work), within 200 feet of residential zone (subject to subsection 13-54(b)) 108. Nurseries (retail with no bulk fertilizer) С С Ρ С С 109. Offices: central administrative Р Р Р Ρ Р Р Р Ρ Ρ 110. Offices: engineering: architectural: and surveying Ρ Ρ Р Р MC MC MC Р services; management; consulting and public relations 111. Offices: general; individual counseling Ρ Ρ Ρ Ρ MC MC Ρ Ρ MC MC MC 112. Reserved 113. Offices: medical and dental MC MC MC MC MC Р 114. Offices: services to businesses such as Ρ Р Ρ Р • Ρ Ρ • bookkeeping and data processing С 115. Off-street parking lots and structures including С С С С С Р С С С С • related maintenance buildings 116. Off-street parking lots and structures, incidental MC MC MC MC • MC MC MC MC MC MC MC • MC MC MC • uses within 117. Oil fields; oil wells (see chapter XIV, oil drilling) • • • • • • • • • 118. Pawn shops • С С С С • • • • • • • • • • 119. Photocopying; blueprinting and related services Ρ Ρ • Ρ Р 120. Photofinishing laboratories Ρ Ρ • P 121. Photofinishing stores Р MC 122. Photography: Commercial Ρ Ρ MC MC Ρ • 123. Photography: portrait studio Р Р Р • • • MC • С 124. Physical fitness facilities С С С С С С С МС 125. Printing and publishing МС Ρ MC Р Р Р Р • 126. Recording studios МС МС MC MC МС MC MC 127. Recycling and collection facilities for МС MC MC MC MC MCMC MC MC MC • nonhazardous materials С С С 128 Research and development laboratories – Other С С than cannabis and/or marijuana testing laboratories 129. Restaurants–See Establishments where food or beverages are served 130. Retail: general – Excluding antique malls, pawn Ρ Ρ Ρ Ρ Ρ Р Ρ • shops, supermarkets, grocery stores, convenience stores; and liquor stores listed separately 131. Retail, incidental sales to the main use (subject to Ρ Р _P2 Р Ρ ь2 the requirements of section 13-54(a), incidental retail sales) 132. Retail: nonstore Р Р 133. Rifle, pistol, and firing ranges С С С • • • • • 134. Sexually-oriented businesses (subject to the _P2 _P2 _P2 _P2 _P2 requirements of title **9**, chapter IV and title **13**, chapter IX, sexually-oriented businesses)

						CITY	OF COS	TA MES	13-30 A LAND U	SE MAT	RIX											
											ZO	NES										
													PDR-	PDR-	PDR-	PDR-					I&RM	
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S1	LT ¹	Р
135. Skating rinks	•	•	•	•	•	•	С	C	С	C	С	С	•	•	•	С	С	С	С	С	•	•
135a. Smoking lounge (subject to chapter IX, article 19,	•	•	•	•	•	•	•	•	c ²	•	•	_D 2	•	•	•	•	c^2	•	•	•	•	•
smoking and vaping uses)												Γ										
135b. Smoking/ vaping retailer (subject to chapter IX,	•	•	•	•	•	_P 2	_P 2	_P 2	_P 2	_P 2	•	•	•	_P 2	_P 2	_P 2	_P 2	_P 2	•	•	•	•
article 19, smoking and vaping uses)						Г	F	Г	Г	Г				Г	Г	F	Г	Г				
136. Storage of chemicals and allied products (except	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
as incidental use)																						
137. Storage of explosives	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
138. Storage of fertilizer	•	•	•	•	•	•	•	•	•	•	С	С	•	•	•	•	•	•	•	•	•	•
139. Storage of motor vehicles– Outdoor (not including	•	•	•	•	•	•	С	С	С	•	MC	MC	•	•	•	•	С	MC	•	•	•	•
impound yard)																						
139a. Storage of motor vehicles– Indoor only (not	•	•	•	•	•	•	Р	Р	Р	•	Р	Р	•	•	•	•	Р	Р	•	•	•	•
including impound yard)																						
140. Storage of petroleum and coal products	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
141. Storage of rock, sand, crushed aggregate and	•	•	•	•	•	•	•	•	•	•	С	С	•	•	•	•	•	•	•	•	•	•
gravel																						
143. Supermarkets– See also Grocery stores	•	•	•	•	•	•	Р	Р	Р	Р	•	•	•	MC	MC	MC	MC	•	•	•	•	•
143a. Specialty stores	•	•	•	•	•	•	Р	Р	Р	Р	•	•	•	•	MC	MC	MC	•	•	•	•	•
144. Tattoo parlors	•	•	•	•	•	•	С	С	С	•	•	•	•	•	•	•	С	•	•	•	•	•
145. Tire sales and installation not within 200 feet of	•	•	•	•	•	•	Р	Р	Р	•	Р	Р	•	•	•	•	Р	Р	•	•	•	•
residential zone																						
146. Tire sales and installation within 200 feet of	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•
residential zone																						
147. Tow companies with or without impound yard	•	•	•	•	•	•	С	С	С	•	MC	MC	•	•	•	•	•	MC	•	•	•	•
148. Transfer station for refuse, sewage treatment	•	•	•	•	•	•	•	•	•	•	С	С	•	•	•	•	•	С	С	•	•	•
149. Trucking: local and long distance	•	•	•	•	•	•	•	С	•	•	Р	Р	•	•	•	•	•	С	•	•	•	•
150. Warehouses, mini (subject to the requirements of	•	•	•	•	•	•	c^2	c ²	c^2	•	MC ²	MC ²	•	•	•	•	•	MC ²	•	•	•	•
chapter IX, article 7, mini-warehouses)											IVIO	1010						1410				
151. Warehouses, public	•	•	•	•	•	•	С	С	С	•	Р	Р	•	•	•	•	•	Р	•	•	•	•
152. Warehousing of durable and nondurable goods	•	•	•	•	•	•	•	•	•	•	Р	Р	•	•	•	•	•	Р	•	•	•	•
except livestock and poultry–See also Storage																						
153. Wholesale trade of motor vehicles, boats and	•	•	•	•	•	•	С	С	С	С	С	С	•	•	•	•	С	С	•	•	•	•
motorcycles with outdoor storage of vehicles																						
154. Wholesale trade of motor vehicles, boats and	•	•	•	•	•	MC	MC	Р	Р	Р	Р	Р	•	Р	Р	Р	Р	Р	•	•	•	•
motorcycles without outdoor storage of vehicles																						
155. Wholesale trade of durable, nondurable goods,	•	•	•	•	•	MC	MC	Р	Р	Р	Р	Р	•	Р	Р	Р	Р	Р	•	•	•	•

TABLE 13-30

Notes:

- Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan. Residential uses shall not be permitted on any site or parcel of land on which residential uses are expressly prohibited by the general plan.
- 2 This use is subject to the requirements of the referenced Municipal Code article or section.
- 3 If residential uses exist, accessory uses shall be permitted.

except livestock, poultry and perishable goods

- For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C-Conditional Use Permit; MC-Minor Conditional Use Permit; P-Permitted; •-Prohibited; and S-Special Use Permit.
- 5 Six hundred fifty foot separation required between sober living homes, or from state licensed alcohol or drug abuse recovery or treatment facilities. CMMC 13-311(a)(10)(i).
- 6 Subject to the separation requirement set forth in sections 13-322(a)(3) and 13-323(b).
- 7 Small boardinghouses shall locate at least 650 feet from any other small boardinghouse. Large boardinghouses shall be located at least 1,000 feet away from any other boardinghouse.
- 8 Uses prohibited in the base zoning district of a mixed-use overlay zone shall also be prohibited in the overlay zone.
- 9 Prohibited at the SoCo property, 3303 through 3323 Hyland Ave.
- 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.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-4, § 2, 2-2-98; Ord. No. 98-5, § 8, 3-2-98; Ord. No. 00-5, § 1(b), 3-20-00; Ord. No. 01-1, § 1, 1-15-01; Ord. No. 01-30, § 1a(Att. A), 1-7-02; Ord. No. 02-4, § 1b(Att. A), 3-18-02; Ord. No. 02-12, § 1c, 6-17-02; Ord. No. 05-2, § 1f.(Att. A), 2-22-05; Ord. No. 05-11, § 2b., 7-19-05; Ord. No. 06-2, § 1a., 2-7-06; Ord. No. 06-9, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 06-18, § 1d., 4-18-06; Ord. No. 06

1d., 2-6-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2B., 3-19-13; Ord. No. 14-04, § 2B., 4-1-14; Ord. No. 14-13, 10-21-14; Ord. No. 15-06, § 1–3, 7-7-15; Ord. No. 15-10, § 2B, 9-15-15; Ord. No. 15-11, § 3–5, 11-17-15; Ord. No. 16-01, § 4, 1-19-16; Ord. No. 16-09, § 4, 5(Exh. A), 10-4-16; Ord. No. 16-13, § 2, 11-15-16; Ord. No. 16-15, § 5, 11-8-16; Ord. No. 18-03, § 3, 1-16-18; Ord. No. 18-04, § 3, 4-3-18; Ord. No. 19-13, § 3, 9-3-19; Ord. No. 19-15, § 1, 9-17-19; Ord. No. 21-03, § 4, 3-2-21; Ord. No. 21-08, § 1, 6-15-21; Ord. No. 21-20, § 1, 12-7-21)

Section 13-32 Development standards.

Table 13-32 identifies development standards in the residential zones, with the exception of development standards for common interest developments (see Article 2, common interest developments. See also Article 9, general site improvement standards of this chapter for additional requirements for all the residential zones.

Minimum Lot Area for newly subdivided lots Minimum Lot Width for newly subdivided lots White is a literated street equal to, or in excess of, the required minimum lot width. An exception to this requirement is when the existing R-1 lot (that is proposed to be subdivided) has an average depth that equals to or exceeds 200 feet Maximum Number of Stories & Building Height Maximum Density (Based on gross acreage.) Minimum Den Space Minimum Open Space Distance Between Buildings Interior lot: 100 feet Corner lot: 100 feet Note: All newly subdivided lots shall have frontage on a dedicated street equal to, or in excess of, the required minimum lot width. An exception to this requirement is when the existing R-1 lot (that is proposed to be subdivided) has an average depth that equals to or exceeds 200 feet 2 stories/27 feet for residential land uses. The maximum number of stories and building height for nonresidential land uses shall be determined in conjunction with the conditional use permit review process. Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below. Attics Attics Altics shall not be heated or cooled, nor contain any electrical outlets, or operable windows. Attics above second stories shall be an integral part of the second story rofline and not appear as a third story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style. 1 dwelling unit per 6,000 square feet (Note: Only 1 dwelling unit per 6,000 square feet for legal lots square feet or legal lots square feet or legal lots square feet for legal lots square feet in area. Minimum Open Space Distance Between Buildings Or total lot area 10-foot minimum between main buildings and accessory structures 6-foot minimum between main buildings and accessory structures Or all individual driveways: Ten-foot minimum width For lots less than 50 feet wide: 26-foo		RESID	TABLE 13-32 ENTIAL DEVELOPMENT STAN	NDARDS					
Minimum Lot Area for newly subdivided lots with the conditional uses a story. See also Attic discussion below. Attics Attics	STANDARDS	R1	R2-MD	R2-HD	R3				
Minimum Lot Width for newly subdivided lots Mote: All newly subdivided lots shall have frontage on a dedicated street equal to, or in excess of, the required minimum lot width. An exception to this requirement is when the existing R-1 lot (that is proposed to be subdivided) has an average depth that equals to or exceeds 200 feet Maximum Number of Stories & Building Height Attics Attics Attics Attics Attics Attics Maximum Density (Based on gross) To divide (Note: Only 1 dwelling unit per 6,000 gross acreage.) Minimum Open Space Distance Between Buildings Driveway width Attics Interior lot: 100 feet Corner lot: 100 feet Note: 100 fe	Minimum Lot Area	6,000 square feet	12,000 square feet	12,000 square feet	12,000 square feet				
Subdivided lots Corner lot: 60 feet Note: All newly subdivided lots shall have frontage on a dedicated street equal to, or in excess of, the required minimum lot width. An exception to this requirement is when the existing R-1 lot (that is proposed to be subdivided) has an average depth that equals to or exceeds 200 feet Maximum Number of Stories	Minimum Lot Area for newly subdivided lots	6,000 square feet	12,000 square feet	12,000 square feet	12,000 square feet				
shall be determined in conjunction with the conditional use permit review process. Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below. Attics Attics shall not be heated or cooled, nor contain any electrical outlets, or operable windows. Attics above second stories shall be an integral part of the second story roofline and not appear as a third story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style. Maximum Density (Based on gross acreage.) 1 dwelling unit per 6,000 square feet (Note: Only 1 square feet 1 unit per 3,630 square feet (Note: Only 1 square feet for legal lots existing as of March 16, 1992, that are less than 7,260 square feet of legal lots existing as of March 16, 1992, that are less than 6,000 square feet in area. Minimum Open Space 40% of total lot area Minimum Open Space 40% of total lot area 10-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures Driveway width For all individual driveways: Ten-foot minimum width For lots less than 50 feet wide: 26-foot maximum width For lots less than 50 feet wide: 26-foot maximum width For lots less than 50 feet wide: 26-foot maximum width Attics Attics above second story shall be incidental and limited to a dormer style. 1 dwelling outlets, or operable windows. Attics above second stories shall be incidental and limited to a dormer style. 1 dwelling unit per 3,630 1 dwelling unit per 3,630 1 dwelling unit per 3,000 1 dwelling unit per 3,600 2 dwelling unit per 3,600 3 dwelling unit per 3,600 4 dwelling unit per 3,600 5 dwelling unit per 3,600 5 dwelling unit pe	Minimum Lot Width for newly subdivided lots	Corner lot: 60 feet Note: All newly subdivided lots dedicated street equal to, or in minimum lot width. An exception the existing R-1 lot (that is prop	excess of, the required on to this requirement is when cosed to be subdivided) has an	Note: All newly subdivided los dedicated street equal to, or i minimum lot width; with the e	ts shall have frontage on a n excess of, the required				
Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below. Attics Attics shall not be heated or cooled, nor contain any electrical outlets, or operable windows. Attics above second stories shall be an integral part of the second story roofline and not appear as a third story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style. Maximum Density (Based on gross acreage.) 1 dwelling unit per 6,000 square feet (Note: Only 1 dwelling unit per 3,630 square feet (Note: Only 1 dwelling unit per 3,000 square feet for legal lots existing as of March 16, 1992, that are less than 7,260 square feet square feet in area. Minimum Open Space 40% of total lot area 10-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures Driveway width For all individual driveways: Ten-foot minimum width For lots less than 50 feet wide: 26-foot maximum width For lots less than 50 feet wide: 26-foot maximum width For lots less than 50 feet wide: 26-foot maximum width For lots less than 50 feet wide: 26-foot maximum width Attics above second stories shall outlets, or operable windows. Attics above second stories shall outlets, or operable windows. Attics above second stories shall outlets, or operable windows. Attics above second stories shall outlets, or operable windows. Attics above second stories shall outlets, or operable windows. Attics above second stories shall outlets, or operable windows. Attics above second stories shall outlets, or operable windows. Attics above second story on any building elevation. Windows in any attic story on any building a diversity or any building gelevation. Windows in any attic story on any building a diversity or any building at third story on any building a third story on any building a third story on any building at third story on any building at third story on any building at	Maximum Number of Stories	2 stories/27 feet for residential	land uses. The maximum numb	per of stories and building heig	ht for nonresidential land uses				
be an integral part of the second story roofline and not appear as a third story on any building elevation. Windows in any attices space above the second story shall be incidental and limited to a dormer style. Maximum Density (Based on gross acreage.) 1 dwelling unit per 6,000 square feet (Note: Only 1 dwelling unit is permitted per lot.) 1 dwelling unit per 3,630 square feet 1 unit per 3,000 square feet 1 unit per 3,000 square feet or legal lots existing as of March 16, 1992, that are less than 7,260 square feet in area but not less than 6,000 square feet in area. Minimum Open Space Distance Between Buildings 10-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures Driveway width be incidental and limited to a dormer style. 1 dwelling unit per 3,000 square feet 1 unit per 3,000 square feet	& Building Height	Note: Lofts, as defined in section	on 13-6, without exterior access		dows will not be regarded as a				
gross acreage.) square feet (Note: Only 1 dwelling unit is permitted per lot.) square feet 1 unit per 3,000 square feet 1 unit per	Attics	be an integral part of the secon	nd story roofline and not appear	r as a third story on any building					
dwelling unit is permitted per lot.) square feet for legal lots existing as of March 16, 1992, that are less than 7,260 square feet in area but not less than 6,000 square feet in area. Minimum Open Space Distance Between Buildings 6-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures Driveway width For lots less than 50 feet wide: 26-foot maximum width For lots less than 50 feet wide: 26-foot maximum width square feet for legal lots existing as of March 16, 1992, that are less than 7,260 square feet in area. 40% of total lot area. Same as R1, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more	Maximum Density (Based on	1 dwelling unit per 6,000	1 dwelling unit per 3,630	1 dwelling unit per 3,000	1 dwelling unit per 2,178				
Distance Between Buildings 10-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures Driveway width For all individual driveways: Ten-foot minimum width For lots less than 50 feet wide: 26-foot maximum width For lots less than 50 feet wide: 26-foot maximum width The driveway serves tenants and/or guest parking for more	gross acreage.)	dwelling unit is permitted per	square feet for legal lots existing as of March 16, 1992, that are less than 7,260 square feet in area but not less than	·	square feet				
6-foot minimum between main buildings and accessory structures Driveway width For all individual driveways: Ten-foot minimum width For lots less than 50 feet wide: 26-foot maximum width the driveway serves tenants and/or guest parking for more	Minimum Open Space	40% of total lot area		40% of total lot area.					
For lots less than 50 feet wide: 26-foot maximum width 1 the driveway serves tenants and/or guest parking for more	Distance Between Buildings			ures					
For lots greater than 50 feet wide: Driveway width shall be a maximum of 50 percent of the lot width, or a maximum 36-foot width, whichever is less. ¹	Driveway width	For all individual driveways: Te For lots less than 50 feet wide: For lots greater than 50 feet wide maximum of 50 percent of the	n-foot minimum width 26-foot maximum width ¹ de: Driveway width shall be a	the driveway serves tenants and/or guest parking for more than one dwelling unit					
	Driveway length	,	s shall have a minimum length	of 19 feet from the ultimate pro	pperty line.				

	RESI	TABLE 13-32 DENTIAL DEVELOPMENT STAI	NDARDS	
STANDARDS	R1	R2-MD	R2-HD	R3
Storage	Not applicable.		storage exterior to the unit. the garage or carport it shal the required clear dimensio (per the City of Costa Mesa point less than 4 feet above parking stall.	with 200 cubic feet of securable If this storage is provided within I be located so as not to obstruct ns of the covered parking space Parking Design Standards) at any the finished surface level of the
Mechanical equipment,		d on single-family dwelling units		
excluding antennas and flush- mounted solar panels on roofs	- All other locations: Screening Article 2, antennas.	required from public rights-of-w	vay and adjacent properties. A	Antennas are subject to Chapter IX,
SETBACKS FOR MAIN BUILDI	NGS AND ACCESSORY BUILD	INGS AND STRUCTURES (Minim	um distances given, unless of	therwise noted. All setbacks from
streets are measured from the	· · · · · · · · · · · · · · · · · · ·	on the master plan of highways).		
Front Side	20 feet	20 feet	20 feet	20 feet
Rear (not abutting a publicly	height in the other residential Property line abutting a public	Note: Accessory structures that d zones may have a zero side seth c street: 10 feet. Note: Driveways as measured from the property li v: 5 feet	pack. s providing straight-in access	from a public street to a garage
dedicated alley)	10 feet for 1 story structures (in provided that maximum reary Note: Accessory structures that height in the R1 zone or 15 fee have a zero reary ard setback, zones. Corner lots in the R2-MD, R2-la. Where the rear property line property line of another lot, not shall be allowed on the corner quarter of the corner lot farther b. Where the rear property line of where the rear property line of line in the lot.	yard coverage is not exceeded. at do not exceed 6½ feet in et in height in the R2 zones may, except on corner lots in the R2 HD & R3 zones: e of a corner lot adjoins the side o detached accessory structure r lot, except within the rear	10 feet for 1 story structures Accessory structures that do have a zero rear yard setbac MD and R2-HD column for s	(15-foot maximum height). Note: o not exceed 15 feet in height may ck, except on corner lots (see R2-
Rear yard coverage (maximum)	Main Buildings: 25% of rear ya Accessory Buildings: 50% of r * Rear yard area equals lot wide property line to side property	ear yard area.* dth, measured from side	Not applicable	

	RES	TABLE 13-32 IDENTIAL DEVELOPMENT STA	NDARDS	
STANDARDS	R1	R2-MD	R2-HD	R3
Rear abutting a publicly dedicated alley, street, or park	not apply. Note: Accessory structures th	y be required to setback further to nat do not exceed 6½ feet in heig ard setback, except on corner lo cructures.	ght in the R1 zone or 15 feet in he	eight in the other residential
Bluff top setback	No building or structure clos	er than 10 feet from bluff crest (s	ee section 13-34 BLUFF-TOP DE	VELOPMENT).
PROJECTIONS (Maximum de	pth of projections given)			
Roof or eaves overhang;	2 feet 6 inches into required	side setback or building separat	on area.	
awning	5 feet into required front or r	ear setback.		
Open, unenclosed stairways.	2 feet 6 inches into required	setback or building separation a	rea.	
Chimneys	2 feet above maximum build	ing height.		
Fireplaces	2 feet into required setback of	or building separation area.		
PARKING STANDARDS (See C	Chapter VI).			
LANDSCAPING (See also Cha	pter VII).			
Landscaping Required.	landscaped and the landscap	ng, dead, diseased, decayed,	e See Chapter VII, LANDSCAPIN	G.
SIGNS (See Chapter VIII).	<u> </u>		·	
POOLS AND SPAS				
		quired front yard setback from a be applicable pursuant to buildir		5-foot side and 10-foot rear

RAISED DECKS

Any raised deck with a finished floor height of 18 inches or greater, as measured from finished grade, shall comply with the main building setback requirements for the underlying zone.

FENCES AND WALLS

Fences and walls placed between the property line and required setback line for main buildings shall conform [to] the city's walls, fences, and landscaping standards.

See ARTICLE 9, GENERAL SITE IMPROVEMENT STANDARDS, of this chapter for further information.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-16, §§ 1f., g., 6-18-01; Ord. No. 02-4, § 1c, 3-18-02; Ord. No. 02-9, § 1a, 7-1-02; Ord. No. 03-8, § 4, 9-2-03; Ord. No. 05-3, § 1c., 2-7-05; Ord. No. 09-4, § 1b., 5-5-09; Ord. No. 21-20, § 1, 12-7-21)

¹. The maximum driveway width standards are only applicable to the construction of new single-family residences.

Section 13-35 Accessory dwelling units.

- (a) Purpose, general plan consistency, definitions.
 - (1) Purpose and interpretation. The intent of this section is to ensure that accessory dwelling units (ADUs) and Junior ADUs remain as an accessory uses in residential and mixed-use zones, that the structures on parcels are organized to accommodate an ADU and/or Junior ADU, and that such dwelling units do not adversely impact surrounding residents or the community. This section 13-35 is intended to retain the ability of the city to regulate ADUs in terms of design, aesthetics, massing and integration with existing structures and to comply with the requirements of state law.
 - (2) General plan consistency. In adopting these standards, the city recognizes that the approval of dwelling units may, in some instances, result in dwelling densities exceeding the maximum densities prescribed by the general plan. The city finds that this occurrence is consistent with the general plan, as allowed under state planning and zoning law applicable to ADUs, and that the amendment furthers the goals, objectives, and policies of the general plan housing element.
 - (3) Definitions. For purpose of this section 13-35 only:
 - a. The terms "accessory dwelling unit" (ADU), "public transit," "passageway" and "tandem parking" all have the same meaning as that stated in Government Code section 66313 as that section may be amended from time to time.
 - b. "Junior ADU" shall have the same meaning as that stated in Government Code section 66313(d) as that section may be amended from time to time.
 - c. A structure is considered "existing" if a building permit was issued and finalized before an ADU or JADU application is submitted under this section.
 - d. The terms "single-family dwelling" and "multifamily dwelling" exclude all detached accessory structures.
 - e. The term "single-family dwelling" is a dwelling (excluding any ADU or Junior ADU) that is not attached to another dwelling. Single-family dwellings may include detached single-family homes where there is more than one primary dwelling on a lot.
 - f. A "multifamily dwelling" is a dwelling (excluding any ADU or Junior ADU) within a multifamily dwelling structure.
 - g. A "multifamily dwelling structure" is a structure which contains at least two lawful dwellings within the structure, excluding ADUs and Junior ADUs. Storage rooms, boiler rooms, passageways, attics, basements, garages and other non-habitable spaces are considered within a "multifamily dwelling"

structure" if such non-habitable spaces are within the same structure as at least two other multifamily dwellings.

(b) Accessory dwelling units.

- (1) Residential and mixed use zones only. ADUs are permitted in single-family, multifamily, mixed-use zones (i.e., zones where single-family and/or multifamily dwellings are allowed), and within approved master plan sites with residential uses in other zones, and only on a legal lot with proposed or existing residential dwelling(s) which will remain on site. By way of illustration only, the zones where accessory dwellings are allowed are shown on the Citywide Land Use Matrix at section 13-30. If there is any conflict between the requirement that ADUs be approved in (and only in) zones where single-family and multifamily dwellings are allowed and the Land Use Matrix, the former shall control.
- (2) Reserved.
- (3) Ministerial. Any application for an ADU that meets the requirements of this section shall be approved ministerially by the city by applying the standards herein and without a public hearing or notice of decision or zoning approval in compliance with government code section 66317.
- (4) Maximum number of dwelling units. The following is the maximum number of ADUs and or Junior ADUs allowed on any lot.
 - a. Single-family. One detached, new construction ADU, one conversion ADU, and one junior ADU may be permitted on a lot with a proposed or existing single-family dwelling subject to the following:
 - 1. Conversion within a single-family dwelling.
 - (i) An ADU and Junior ADU may be within the existing footprint of a lawful single-family dwelling. Alternatively, an ADU may be within a lawfully constructed existing detached accessory structure; in this case up to 150 square feet may be added beyond the physical dimensions of the existing accessory structure solely to accommodate ingress and egress to the ADU; and
 - (ii) ADUs and Junior ADUs must have independent exterior access from the single-family dwelling, and have side and rear setbacks sufficient for fire safety; and
 - 2. New construction (attached or detached). One new construction ADU may be permitted on a lot with proposed or existing single-family dwelling. One new construction Junior ADU may be allowed on the lot if the Junior ADU is to be in a single-family dwelling that meets all applicable legal standards.
 - b. Multifamily. One ADU is allowed within new construction residences where, after construction, there will be at least two residences on the lot (e.g. detached residential structures, duplexes, apartments); up to two ADUs are

allowed with such structures pursuant to subsection 2, below. For lots with an existing legal multifamily dwelling (e.g., a legal non-conforming multifamily dwelling), the applicant may have ADU(s) pursuant to the following:

- 1. Maximum ADUs within existing multifamily dwelling structure. No more than 25%, with any partial unit rounded down) of the number of existing multifamily dwelling units on the lot, but at least one unit, shall be permitted as ADU(s) constructed within the enclosed nonlivable space (e.g., a space in a dwelling not intended for human habitation, including living, sleeping, eating, cooking, or sanitation)) of the existing multifamily dwelling structures; or
- 2. Maximum detached ADUs. No more than eight detached ADUs are permitted, provided that the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot. The units shall be detached from every residence on site (but need not be detached from each other) with the exception of one ADU, which may be attached to the multifamily dwelling structure. This section shall apply to detached structures that are converted and new construction detached ADUs. Conversion detached ADUs are not subject to height, setbacks, and maximum square footage; or

(5) Maximum size.

- a. Single-family.
 - 1. Detached. For lots with a proposed or existing single-family dwelling, a detached ADU shall not have more than 1,200 square feet.
 - 2. Attached. An ADU attached to a single-family dwelling shall be no more than the greater of 50% of the square footage of the existing single-family dwelling or 1,000 square feet.
- b. Multifamily, new construction.
 - 1. Detached. For lots with an existing legal multifamily dwelling structure the maximum square footage for a detached ADU is 850 square feet or 1,000 square feet for an ADU that provides more than one bedroom, except as allowed in Government Code Section 66323.; or
 - 2. Attached. For lots with an existing legal multifamily dwelling structure, an attached ADU shall not exceed the greater of 1,000 square feet or 50% of the average floor area of the existing multiple family dwelling units.
- c. Interior conversions. Notwithstanding subsections a and b immediately above, ADUs which are converted from space entirely within existing structures, and ADUs entirely within proposed lawful single-family dwellings, are not subject to a limit on maximum square footage.

- (6) Minimum size.
 - a. ADUs may be efficiency units. Notwithstanding the general limitation on efficiency units being no smaller than 220 square feet, ADUs may also be less than 220 square feet, provided that they are no smaller than 150 square feet, and comply with all other legal requirements.
- (7) Conversions of dwelling units.
 - a. Total conversion of single-family dwelling. An entire existing single-family dwelling may be converted to an ADU if the ADU complies with all applicable requirements of this section and a new single-family residence with a total gross floor area exceeding that of the ADU is constructed in full compliance with code requirements.
 - b. Partial conversion/addition. A portion of the existing single-family or multifamily dwelling may be converted to an ADU with new additional square footage, which additional square footage shall comply with all standards applicable to the underlying zone, and all converted square footage shall comply with standards applicable to conversions. The maximum square footage of the ADU shall be based upon the size of the existing dwelling before construction of the ADU addition.
- (8) Short-term rentals prohibited. An ADU shall not be rented for periods of less than 31 days.
- (c) Junior ADUs.
 - (1) Rule. Junior ADUs shall comply with the requirements of this subsection, in addition to the requirements of subsection (d) of this section 13-35.
 - (2) Maximum size. A Junior ADU shall not exceed 500 square feet in gross floor area.
 - (3) Owner occupancy requirement. The owner of a parcel proposed for a Junior ADU shall occupy as a primary residence either the primary dwelling unit or the Junior ADU. Owner-occupancy is not required if the owner is a governmental agency, land trust, or "housing organization" as that term is defined in Government Code section 65589.5(k)(2), as that section may be amended from time to time.
 - (4) Short-term rentals prohibited. A Junior ADU shall not be rented for periods of less than 31 days unless otherwise authorized by the municipal code.
 - (5) Location of Junior ADU. A Junior ADU shall be entirely within an existing or proposed single-family dwelling, including an attached garage.
 - (6) Kitchen requirements. A Junior ADU shall include an efficiency kitchen, including a cooking facility with appliances, outlet for a small refrigerator, food preparation counter and storage cabinets that are of reasonable size in relation to the size of the Junior ADU.
 - (7) Parking. No additional parking is required beyond that already required for the primary dwelling.

- (8) Fire protection; utility service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a Junior ADU shall not be considered a separate or new unit, unless the Junior ADU was constructed in conjunction with a new single-family dwelling. No separate connection between the Junior ADU and the utility shall be required for units created within a single-family dwelling, unless the Junior ADU is being constructed in connection with a new single-family dwelling.
- (9) Exterior and interior access. The Junior ADU shall include an exterior entrance separate from the main entrance to the single-family dwelling. If the Junior ADU shares bathroom facilities with the main dwelling, the Junior ADU shall also have interior entry to the main dwelling's living area.
- (d) Development standards and requirements. The following development standards shall not apply to a unit built subject to Government Code section 66323 (a), which includes: 1.) all converted ADUs (converted accessory structures are eligible for a 150 square foot expansion for purposes of ingress and egress), 2.) all converted Junior ADUs (JADUs), 3.) maximum 800-square-foot, new-construction, detached ADUs with four-foot side and rear setbacks and height not exceeding 18 feet (two additional feet of height may be permitted to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary unit), with single-family primary dwellings, and 4.) detached units with multifamily primary dwelling structures with four-foot side and rear setbacks and height not exceeding 18 feet (two additional feet of height may be permitted to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary units). Otherwise, all other ADUs must comply with the following requirements unless the below standards and requirements preclude the development of an 800 square foot ADU with four-foot side and rear setbacks:
 - (1) Ministerial project. Any application for an ADU or Junior ADU that meets the requirements of this section or as permissible in Government Code Section 66332 shall be approved without a public hearing.
 - (2) Application by owner. An application for a building permit for an ADU or Junior ADU building permit shall be made by the owner of the parcel on which the primary unit sits and shall be filed with the city on a city-approved application form and subject to the established fee set by city council resolution as it may be amended from time to time.
 - (3) Separate sale prohibited. Except as otherwise provided by law, ADUs and Junior ADUs may not be sold or otherwise conveyed separate from the primary residence.
 - (4) Utilities.
 - a. All ADUs and Junior ADUs must be connected to public utilities (or their equivalent), including water, electric, and sewer services.

- b. Except as provided in subsection c immediately below, the city may require the installation of a new or separate utility connection between the ADU and the utility. For Junior ADUs, see subsection (c)(8), above.
- c. No separate connection between the ADU and the utility shall be required for units created within a single-family dwelling, unless the ADU is being constructed in connection with a new single-family dwelling.
- d. Each ADU and Junior ADU shall have a separate mailing address as assigned by the City.
- (5) Recorded covenants. Prior to final inspection and occupancy of JADUs, the owner shall file with the county recorder, in a form approved by the city attorney, a covenant which does all of the following:
 - a. Prohibit the sale of Junior ADU separate from the single-family residence; and
 - b. Unless subsequently prohibited by an amendment to state law, the JADU shall be considered legal only as long as either the primary residence or the JADU is occupied by the owner of record unless the owner is another governmental agency, land trust, or housing organization; and
 - c. Restrict the JADU to the maximum size allowed by Municipal Code section 13-35, as it may be amended from time to time; and
 - d. Confirm that the restrictions shall be binding upon any successor in ownership of the property, and lack of compliance shall result in legal action against the property owner for noncompliance.
- (6) Passageway. No passageway shall be required in conjunction with the construction of an ADU.
- (7) Building permits required. Applications for ADUs and Junior ADUs shall conform to the requirements for, and shall obtain, a building permit consistent with the requirements of Title 5 (Buildings and Structures). By way of reference only, current requirements generally require all dwellings to have no less than 220 square feet. Fire sprinklers shall not be required for ADUs or JADUs if they are not required for the primary residence. The construction of an ADU or JADU alone shall not trigger the requirement for sprinklers in the primary residence.
- (8) Setbacks.
 - a. None. No setbacks are required for either: (1) those portions of ADUs that are created by converting existing living area or existing accessory structures to a new ADU; or (2) constructing new ADUs in the same location, while not exceeding the existing dimensions of an existing structure, including height. Notwithstanding the foregoing, ADUs shall, at minimum, comply with setbacks that are sufficient for fire and life safety.
 - b. Other setbacks. For all other ADUs, there shall be a minimum of setbacks of four feet from side and rear property lines and full compliance with all

- applicable front yard setbacks for the underlying zone (except as required by (Gov. Code, § 66321, subd. (b)(3)). Second floor ADUs shall provide setbacks in conformance with the underlying zone. All mechanical equipment associated with the ADU shall maintain the minimum setbacks.
- c. Distance between structures. The minimum required distance between a detached ADU and the primary dwelling unit, and all other structures on the property, including garages, shall be six feet unless otherwise established by the California Building Code.
- (9) Height. Except as authorized in subsection b, below, in no event may any portion of a new construction ADU exceed 27 feet or two stories. Furthermore, except as authorized in subsection a and b, below, an ADU shall be entirely only on the first floor.
 - a. Second floor or two-stories. An ADU on a lot which has an existing lawfully constructed dwelling, may be in whole or in part on a second floor, or be a two-story ADU, if all five of the following occur:
 - 1. All portions of the ADU structure on a second floor are at least 25 feet from the front property line; and
 - 2. Each stairwell for the ADU is interior or complies with subsection (10), below; and
 - 3. The second floor of any portion of the ADU, if built above a detached garage, does not exceed the footprint of the garage; and
 - 4. No windows are installed on the second floor on side elevations if such windows are within 25 feet of a neighboring dwelling and face the neighboring property unless such windows have a minimum sill height of at least five feet; and
 - 5. The second floor (or the entire two story ADU as applicable) meets the setbacks applicable to additions for the underlying zone.
 - b. Within structure. The ADU is built entirely within either:
 - 1. A proposed or existing lawfully constructed single-family dwelling, except that an external stairwell to the ADU which meets all requirements of this Code, including the requirements of subsection (10), below, may be constructed to allow access to the ADU; or
 - 2. The non-habitable space of an existing multifamily structure or within an accessory structure on a lot with a multifamily structure.
- (10) Exterior stairways, balconies.
 - a. Exterior stairways. A new exterior stairway to a second-floor ADU shall not be located on a front facade within 20 feet of a property line abutting a public right of way. Second floor landings using an exterior stairway shall be kept to the minimum size required to comply with applicable codes. Stairways and landings shall incorporate screening materials designed to eliminate views into abutting properties. Stairways and landings, which

- exceed building code minimum sizes, are prohibited. Stairways and landings shall not be counted toward residential open space requirements.
- b. Balconies. New balconies which face the street and are located at the front of the main residential structure are permitted provided that the balcony be set back a minimum of 20 feet from the front property line. On corner properties, balconies may face the side street provided that they maintain the setback for the underlying zone. Balconies within 25 feet of a neighboring residence shall incorporate screening to ensure there are no direct views into the abutting property. New construction balconies that are not facing the front of the property or a side street, are prohibited.
- c. Roof decks. No new roof decks are allowed for ADUs.
- (11) Architectural standards.
 - a. Attached and detached ADUs. Attached and detached ADUs shall have the same materials, finishes, and colors as the primary dwelling.
 - b. New construction Junior ADUs. New construction Junior ADUs shall match exterior appearance with the primary unit in terms of materials, finishes, and colors within the same property on which it is proposed to be constructed.
- (12) Recommended garage conversion design considerations.
 - a. Blank facade. When a garage is converted to an ADU, if the facade of the converted garage is visible from a public right-of-way, the following design considerations are recommended:
 - 1. Be covered with landscaping that covers at least 50% of the wall, or
 - 2. Include openings of at least 10% of the facade with at least one door that complies with section (13) below or one window which matches the material and design of the existing windows on the residence.
- (13) Driveway removal. If a driveway leading to a garage being converted to an ADU is removed, it must be replaced with landscaping or open space, and the curb cut and driveway apron must be removed and replaced with a curb and gutter and parkway which meets city standards. If a driveway is partially removed, the remaining driveway must provide the minimum parking dimensions per subsection (15) below.
- (14) Entry. The entrance to an ADU or Junior ADU shall match the materials and color of the primary residence(s), not be located on the same building elevation as the main entrance of the primary residence(s) and shall be located along the building side, rear, or within the interior of the property, unless the economic and development services director approves an alternative configuration due to unique development circumstances.
- (15) Parking.
 - a. The owner may provide parking that is at least eight and a half (8.5) feet wide and 18 feet long and may be provided as:

- 1. Tandem parking on an existing driveway in a manner that does not encroach onto a public sidewalk; or
- 2. Within a setback area or in locations determined feasible by the city. Locations will be determined infeasible based upon specific site or regional topographical or fire and life safety conditions, or that such parking is not permitted anywhere else in the city.
- b. When any parking space or parking structure is converted or demolished in conjunction with the construction of an ADU or converted to an ADU, the off-street parking spaces do not have to be replaced, notwithstanding any other provision of this code to the contrary (e.g., the definition of "driveway" in section 13-6, Table 20-8(c) a driveway does not lose its status as a lawful "driveway" if it leads to a structure that was either converted from a garage into either an ADU or Junior ADU or demolished in conjunction with the construction of an ADU or Junior ADU. In no event shall the demolition of a parking space or parking structure be considered "in conjunction with" the construction of an ADU if the ADU will not be constructed within any portion of the footprint of the demolished garage.
- (16) Non-conforming. The city shall not require, as a condition of a permit for an ADU or Junior ADU the correction of nonconforming development standards.
- (17) Open space and landscaping. ADUs which exceed 800 square feet in gross floor area shall meet the open space requirements of section 13-32 and shall be subject to provide landscaping as required in section 13-106.

Section 13-36 Two-unit Housing Development

- (a) For purposes of this section, the following definition shall apply:
 - (1) "Housing development" shall mean no more than two primary residential units within a single-family zone that meets the requirements of this section. The total number of units, including ADUs and JADUs, shall not exceed four.
- (b) The city shall ministerially approve a housing development containing no more than two residential units if it meets the following requirements:
 - (1) The parcel is located within a single-family residential zone.
 - (2) The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
 - (3) The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.

- b. Prime farmland or farmland of statewide importance as further defined in Government Code section 65913.4(a)(6)(B).
- c. Wetlands as defined in the Unites States Fish and Wildlife Service Manual, Part 660 FW 2(June 21, 1993).
- d. A hazardous waste site that is listed pursuant to section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- e. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
- f. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - 2. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
- g. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
- h. Lands identified for conservation in an adopted natural community

- conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).
- i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with section 1900) of Division 2 of the Fish and Game Code).
- j. Lands under a conservation easement.
- (4) The proposed housing development would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control by the city;
 - c. A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or
 - d. Housing that has been occupied by a tenant in the last three years.
- (5) Demolition of an existing unit shall not exceed more than 25 percent of the existing exterior structural walls unless the site has not been occupied by a tenant in the last three years.
- (c) Standards and Requirements. Except where superseded by the following provisions, two-unit housing development pursuant to Government Code Section 65852.21 shall comply with development standards applicable to the R1 Single-Family Residential District including but not limited to Section 13-32 of this code:
 - (1) No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
 - (2) Except for those circumstances described in section C1 above, the setback for side and rear lot lines shall be four feet. The front setback shall be as set forth in the R-1 Single-Family Residential District standards.
 - (3) The applicant shall provide easements for the provision of public services and facilities as required.
 - (4) All lots shall have a minimum street frontage of ten feet to provide for vehicular

- access, or 16-foot if the driveway serves two units. For a lot without physical street frontage, access to street frontage shall be provided by the granting of a duly recorded permanent easement for ingress and egress purposes in favor of the lot without physical street frontage.
- (5) In order to preserve the City's inventory of on-street parking, existing and proposed development pursuant to Government Code section 65852.21 shall be limited to one driveway ingress/egress per resultant lot.
- (6) Required off-street parking shall consist of at least one garage space per unit and the location and configuration of such parking shall be in compliance with the provisions of this code, except that no parking requirements shall be imposed in either of the following circumstances:
 - a. The parcel is located within one-half mile walking distance of either a highquality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or
 - b. There is a car share vehicle located within one block of the parcel.
- (7) For residential units connected to an onsite wastewater treatment system (septic tank), the applicant provides a percolation test completed within the last 5 years, or if the percolation test has been recertified, within the last 10 years, which shows that the system meets acceptable infiltration rates.
- (d) The city shall not require or deny an application based on any of the following:
 - (1) The city shall not impose any objective zoning, subdivision, or design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet. If the city determines that the strict application of objective zoning, subdivisions or design standards would physically preclude the development of two units on a lot each with a minimum unit size of 800 square feet, the city may ministerially allow deviations from development standards generally applicable to the R-1 zoning district pursuant to city policies and/or regulations implementing this section if such deviation is in compliance with applicable building and fire code standards and regulations and if there are no other feasible means of complying with state law.
 - (2) The city shall not deny an application solely because it proposes adjacent or connected structure provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.
- (e) An applicant shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:
 - (1) That the uses shall be limited to residential uses.

- (2) That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one days.
- (3) That the maximum number of units to be allowed on the parcels is two, including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to section 13-35.
- (f) The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (g) The provisions of this section supersede any contrary provisions contained elsewhere in this code.

Section 13-41 Residential common interest development standards and requirements.

- (a) Applicability. The provisions of this section shall apply to all proposed new residential common interest development projects and the conversion of existing apartments to residential common interest developments.
- (b) Development standards. Table 13-41(b) identifies the development standards for residential common interest developments. See also Article 9 General Site Improvement Standards of this chapter for additional requirements. Projects shall comply with all applicable standard plans and specifications and adopted city and state codes, as well as the following provisions:
 - (1) The location and orientation of all buildings shall be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, groves, waterways, scenic points, historic spots or landmarks, bluffs or slopes shall be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations.
 - (2) All structures proposed to be constructed within a project shall conform to the following requirements:
 - a. Structures having dwelling units attached side by side shall avoid the long-row effect by being composed of no more than six dwelling units. Alternative designs which accomplish the same purpose may be approved by the final review authority.
 - b. Structures having dwelling units attached side by side shall avoid the long-row effect with a break in the facade by having an offset in the front building line of at least four feet for every two dwelling units within such structure. Alternate designs which accomplish the same purpose may be approved by the final review authority.
 - c. Consideration shall be given to the effect of proposed development on the light, air and privacy of adjacent properties.
 - (3) Outside uncovered and unenclosed storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited unless specifically designated areas for the exclusive storage of such vehicles are set aside on the final master plan and provided for in the association's covenants, conditions, and restrictions. Where such areas are provided, they shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of six-foot high opaque fences and permanently maintained landscaping.
 - (4) For high-rise residential projects, see the North Costa Mesa Specific Plan for additional development standards.
 - (5) The developer shall install an on-site lighting system in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties, and shall be of a type approved by the development service department.

(6) The development shall comply with the provisions of Chapter XI. Subdivisions, which may include, but are not limited to land dedication and improvements, such as drainage improvements and payment of fees.

RESID	TABLE 13-41(b) DENTIAL COMMON INTEREST DEVELOPMENT STAN	NDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS	
Individual Dwelling Unit Minimum Lot Area	All zones: 3,000 square feet with an overall averag of 3,500 square feet. The required common lot shall not be included in the calculation of lot area. Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.		
Common Lot Required	All projects shall be designed with a minimum of one lot to be held in common ownership and maintained by a homeowners association. This lot shall be used for common driveways, parking areas, and at least 10 feet of street setback landscaped areas.		
Maximum Number of Stories & Building Height	2 stories/27 feet, except as allowed in the Planned Development or Town Center zoning districts. Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.		
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. In zoning districts where the maximum number of stories is two stories, attics above second stories shall be an integral part of the second story roofline and not appear as a 3rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.		
Maximum Density (based on gross acreage)	Same as underlying zoning district or as specified in an applicable specific plan.		
Minimum Open Space Development Lot	40% of total lot area. <i>Exception</i> : For high-rise residential projects, see the North Costa Mesa Specific Plan.		
Individual Dwelling Unit Lot	40% overall, with a minimum 400 square-foot area with no dimension less than 15 feet.	Not applicable.	
Private Open Space		An adjoining patio required with no dimension less than 10 feet. <i>Exception</i> : Not applicable to high-rise residential projects in the North Costa Mesa Specific Plan.	
Common Open Space	Common open space areas shall be designed and located within the development to allow maximum use by all residents. Enclosed buildings used for recreation or leisure facilities should not be used to satisfy more than 15 percent of required open space.		
Distance Between Buildings	10-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures		
Driveway Width	10-foot minimum, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit.		
Driveway Length	Straight-in driveways to garages shall have a minimum length of 19-feet from the ultimate property line.		
Storage	Not applicable.	Each unit shall be provided with 200 cubic feet of securable storage exterior to the unit. If this storage is provided within the garage or carport it shall be	

	TABLE 13-41(b)		
RESIDEN	ITIAL COMMON INTEREST DEVELOPMENT STA	NDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS	
		located at the front of the parking area so as not to obstruct the required clear dimensions of the covered parking space (per the City of Costa Mesa Parking Design Standards) at any point less than 4 feet above the finished surface level of the parking stall. Exception: Not applicable to high-rise residential projects in the North Costa Mesa Specific Plan.	
Mechanical equipment, excluding antennas and flush	-Roof-top location is prohibited.	Screening required from public rights-of-way and	
mounted solar panels on roofs		adjacent properties.	
SETBACKS FOR MAIN BUILDINGS AND ACCESSORY			
streets to development lots are measured from the ult	· · · · ·		
Front Development Lot	20 feet	20 feet	
Individual Dwelling Unit Lot	None	Not applicable	
Side (interior) Development Lot	5 feet		
Side (street side, if applicable) Development Lot	long, as measured from the property line.	a public street to a garage shall be at least 19 feet	
Rear (not abutting a publicly dedicated alley) Development Lot	20 feet for 2 story structures in R2-MD and R2-HD zones; 15 feet for 2 story structures in the R-3 zone. 10 feet for 1 story structures (15-foot maximum height) provided that maximum rear yard coverage is not exceeded. <i>Exception:</i> Rear yard coverage does not apply to the R-3 zone. <i>Note:</i> Accessory structures that do not exceed 15 feet in height may have a zero rear yard setback, except on corner lots. Corner lots in the R2-MD, R2-HD & R3 zones: a. Where the rear property line of a corner lot adjoins the side property line of another lot, no detached accessory structure shall be allowed on the corner lot, except within the rear quarter of the corner lot farthest from the side street. b. Where the rear property line of a corner lot abuts a public or private street, accessory structures shall maintain setbacks for main structures.		
Rear Yard Coverage (maximum) in the R2-MD and R2-HD zones	2- Main Buildings: 25% of rear yard area.* Accessory Buildings: 50% of rear yard area.* * Rear yard area equals lot width, measured from side property line to side property line, multiplied by 20 feet.		
Rear Abutting a Publicly Dedicated Alley	5 feet; however, garages may be required to set back further to ensure adequate back up distance. Rear Yard Coverage does not apply. Note: Accessory structures that do not exceed 15 feet in height may have a zero rear yard setback, except on corner lots where accessory structures shall maintain setbacks for main structures.		
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see section 13-34 BLUFF-TOP DEVELOPMENT).		

RESIDEN	TABLE 13-41(b) ITIAL COMMON INTEREST DEVELOPMENT STAN	IDARDS	
	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS	
PROJECTIONS (maximum depth of projections given)			
Roof or Eaves Overhang; Awning	2 feet 6 inches into required side setback or building separation area. 5 feet into required front or rear setback.		
Open, unenclosed stairways	2 feet 6 inches into required setback or building separation area.		
Chimneys	2 feet above maximum building height.		
Fireplaces	2 feet into required setback or building separation area.		
PARKING (See CHAPTER VI)			
2-car garage required	Yes Not required.		
Automatic roll-up garage door with remote controlled door opener required	Yes	Yes, if garages are provided.	
Location of Covered Parking	Required covered tenant parking shall be located within a reasonable distance of the unit it serves.		
	Detached garages that are not located within a reasonable distance to the units they are intended to serve are prohibited.		
LANDCCADING	· · · · · · · · · · · · · · · · · · ·		

LANDSCAPING

A detailed landscape plan prepared pursuant to

CHAPTER VII LANDSCAPING STANDARDS shall be approved by the Planning Division prior to issuance of any building permits.

Landscape parkways with a combined width of 10 feet, but not less than 3 feet on one side, shall be provided along the sides of interior private streets and/or common driveways. The parkway on the house side of private streets or common driveways shall be a minimum of 5 feet in width.

SIGNS (See CHAPTER VIII)

POOLS AND SPAS

Above-ground pools and spas shall not be located in the required front yard setback from a public street and are subject to 5-foot side and 10-foot rear yard setbacks for main structures. Additional setbacks may be applicable pursuant to building code requirements.

RAISED DECKS

Any raised deck with a finished floor height of 18 inches or greater, as measured from finished grade, shall comply with the main building setback requirements for the underlying zone.

FENCES AND WALLS

Fences and walls placed between the property line and required setback line for main buildings shall conform to the City's walls, fences, and landscaping standards.

See ARTICLE 9 GENERAL SITE IMPROVEMENT STANDARDS of this chapter for further information.

- (c) Documents required.
- (1) A project may be approved subject to submission of all organizational documents setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, and common facilities pursuant to state law (Civil Code 1350-1359). No such documents shall be acceptable until approved by the city attorney as to legal form and effect, and by the planning division as to suitability for the proposed use of the open areas.

- (2) The developer shall file a declaration of covenants to be submitted with the application for approval, which will govern the association. The provisions shall include, but not be limited to, the following:
- a. The homeowners' association shall be established prior to the sale of any unit(s).
- b. Membership shall be mandatory for each owner and any successive owner.
- c. Provisions to restrict parking upon other than approved and developed parking spaces and to require that garages be kept available for tenant parking shall be written into the covenants, conditions and restrictions for each project.
- d. If the development is constructed in increments or phases which require one or more final maps, reciprocal covenants, conditions, and restrictions and reciprocal management and maintenance agreements shall be established which will cause a merging of increments as they are completed, and embody one homeowners' association with common areas for the total development.
- e. The declaration of covenants shall contain language or provisions substantially as follows:
- i. The covenants, conditions and restrictions of this declaration shall run to the City of Costa Mesa insofar as they shall apply to the maintenance of the "common areas" as herein defined.
- ii. In the event the association or other legally responsible person(s) fail to maintain the common area in such manner as to cause same to constitute a public nuisance, the city may, upon proper notice and hearing, institute summary abatement procedures and impose a lien for the costs of such abatement upon the common area, individual units or the whole thereof as provided by law.

(Ord. No. 07-17, § 1e., 10-2-07)

Section 13-42.3 Development standards and requirements.

- (a) Applicability. The provisions of this section shall apply to all new residential small lot subdivisions of 15 lots or less in multi-family zones and not in combination with other development standards in the overlays zones.
- (b) Development standards. Table 13-42 identifies the development standards for small lot subdivision developments. See also Article 9 general site improvement standards of this chapter for additional requirements. Projects shall comply with all applicable standard plans and specifications and adopted city and state codes, as well as the following provisions:
 - (1) The location and orientation of all buildings shall be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, groves, waterways, scenic points, historic spots or landmarks, bluffs or slopes shall be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations. Pre-existing development should guide the building setbacks and new development should preserve the existing character of the neighborhood.
 - (2) The site design must consider both the design elements of each unit and how these designs will enhance the overall neighborhood character and vitality of the street and sidewalk. Building setbacks and site planning must relate to surrounding built form, respecting the overall neighborhood character and existing topography. Additionally, each unit must exhibit a high level of design quality with well-articulated entries and façades, proportionate windows, quality building materials and contextual landscaping.
 - (3) All structures proposed to be constructed within a project shall conform to the following requirements:
 - a. Each unit shall be provided with direct pedestrian and vehicular access to a public street, or an alley or a common drive connecting to a public street/alley.
 - b. Structure shall be constructed to minimize impact of the proposed development on the light, air and privacy of adjacent properties.
 - (4) On-site lighting shall be provided in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties, and shall be of a type approved by the development services department.
 - (5) The development shall comply with the provisions of Chapter XI, subdivisions, which may include, but are not limited to, land dedication and improvements, such as drainage improvements and payment of fees.
 - (6) Outside uncovered and unenclosed storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited unless specifically designated areas for the exclusive storage of such vehicles are set aside on the final master

plan and provided for in the covenants, conditions, and restrictions. Where such areas are provided, they shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of six-foot high opaque fences and permanently maintained landscaping.

	Table 13-42 SMALL LOT SUBDIVISION STANDARDS
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
Maximum Number of Stories & Building	2 stories/27 feet, except as allowed in the Westside Overlay Districts.
Height	Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. In zoning districts where the maximum number of stories is two stories, attics above second stories shall be an integral part of the second story roofline and not appear as a 3rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.
Maximum Density (based on gross acreage)	Same as underlying zoning district or as specified in an applicable specific plan.
Minimum Open Space (development lot)	35% of total lot area. No asphalt shall be permitted for paved areas. Parking and driveways shall consist of decorative concrete, pavers or other materials as deemed appropriate by the Development Services Director. This requirement may be decreased to a minimum of up to 30%, if the difference in the area is provided as additional open guest parking, located in a common area, and not exclusive for any specific unit.
Minimum Open Space (individual unit)	200 square feet with no dimension less than 10 feet.
Development Lot	Separately owned private property interests or any portion thereof, necessary or desirable for common use, are subject to recordation of an easement for reciprocal access and maintenance. All areas of a development with 5 or more parcels, subject to a reciprocal access and/or maintenance easement shall be maintained by an association that may be incorporated or unincorporated. The association may be referred to as a maintenance association.
Parking	 Three-bedroom or more units (including a den or home office) - 2 garage spaces and 2 open parking spaces. Two-bedroom or less units (including a den) - 2 garage spaces and one open parking. No tandem parking is permitted for open or guest parking spaces. For developments with 5 or more units (up to 10 units) where open/guest parking spaces are provided in driveways in front of garages for exclusive use of that unit, one additional on-site guest parking shall be provided. Two additional open guest-parking shall be provided for developments with more than 10 units. For all small lot developments subject to the provisions of this article, all open parking not located within an individual driveway shall be unassigned and nonexclusive.
Distance Between Buildings	6 feet minimum
Driveway Width (development lot)	10-foot minimum, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit. Driveway width shall be a maximum of 26 feet for lots less than 50 feet wide and a maximum of 50% for lots greater than 50 feet wide.
Driveway Length	Straight-in driveways to garages shall have a minimum length of 19 feet from the ultimate public or private right-of-way. No driveways shall be more than 5 feet in length if parking is not provided in front of garage. Driveways accessing rear parcels shall be in compliance with the requirements of the Parking Design Standards, minimum separation between driveways and maximum 50% hardscape requirement.
Mechanical Equipment (excluding antennas and flush-mounted solar panels	Roof-top location is prohibited unless completely screened from public rights-of-way and adjacent properties.

	Table 13-42 SMALL LOT SUBDIVISION STANDARDS
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
on roofs)	
Front Development Lot	20 feet
Side yard (interior)	5 feet.
Rear yard (interior)	15 feet
Side (street side, if applicable)	10 feet
	Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the ultimate public or private right-of-way.
Rear Abutting a Publicly Dedicated Alley	5 feet; however, garages may be required to be set back further to ensure adequate back up distance. Rear Yard Coverage does not apply.
Flag Lots and Alley Fronting Lots	Flag lots are required to be accessed with a minimum 16-foot wide driveway. Parcels with alley frontage should include a minimum 8-foot wide pedestrian access to the public street in the front. Parcels with frontage only on public alleys are prohibited.
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see section 13-34 Bluff-top development).
Roof or Eaves Overhang; Awning	2 feet 6 inches into required side setback or building separation area.5 feet into required front or rear setback.
Open, Unenclosed Stairways	Not permitted
Chimneys	May extend 2 feet above maximum building height.
Fireplaces	2 feet into required setback of building separation area
Automatic Roll-Up Garage Doors	Required
Location of Open Parking	Guest parking shall be located within a reasonable distance of the unit it serves. Detached garages that are not located within a reasonable distance to the units they are intended to serve are prohibited.
Trash Storage	All units shall be provided with a small alcove inside or outside the unit to allow storage of at least three trash carts without encroaching into the garage space.
	All efforts shall be made to provide on-site trash service. Trash carts shall be stored on-site for trash pick up to the greatest extent possible.
Above-Ground Pools and-Spas	Prohibited in front yards and subject to 5-foot side and rear setback from the main structures.
Raised Decks	Any raised deck with a finished floor height of 18 inches or greater, as measured from finished grade, shall comply with the main building setback requirements for the underlying zone.
LANDSCAPING	
	uant to Chapter VII Landscaping Standards shall be approved by the Planning Division prior to issuance of any
building permits.	
SIGNS (See Chapter VIII).	
FENCES AND WALLS	
Fences and walls placed between the prostandards.	perty line and required setback line for main buildings shall conform to the city's walls, fences, and landscaping
See Article 9 General Site Improvement S	tandards of this chapter for further information.
PREEXISTING DEVELOPMENT	
Small lot subdivisions and structures consconforming with regard to the above pro-	structed, permitted or approved under the small lot ordinance prior to October 18, 2018 shall be considered
comorning with regard to the above pro-	VISIOLIS.

- (c) Documents required.
 - (1) Project approval is subject to submission of complete organizational documents setting forth a plan or manner of permanent care and maintenance of any open spaces, recreational areas and commonly used areas/facilities. No such documents shall be acceptable until approved by the city attorney as to legal form and effect, and by the planning division as to suitability for the proposed use of the open areas.
 - (2) Prior to entering into a sales agreement for any property within a small lot subdivision, the developer shall disclose general information regarding the property to the future homebuyers, including, but not limited to, the following:
 - a. The type, thickness, and R-value of the insulation that has been installed in the home.
 - b. Any exposed hazards during and after construction (lead-based paint, asbestos, etc.).
 - c. Uses other than residential in proximity to the project.
 - d. Unusual adjacent zoning.
 - e. Distance to airport if within two miles.
 - f. Where soils, filled ground and geologic information is available.
 - g. Any special costs that will be incurred by the lot buyer as a result of the installation of a building foundation or any other construction due to unusual soil/geological conditions.
 - h. If there is fill in excess of two feet.
 - i. Schools servicing subdivision and any special conditions.
 - j. Any unusual flooding conditions.
 - k. Conditions of approval by the city and any resale restrictions.
 - I. Dedications and easements.
 - m. Project phasing plan.
 - n. CC&Rs.
 - (3) All small lot subdivisions shall file a declaration of covenants to be submitted with the application for approval. The

declaration of covenants shall include, but not be limited to, the following provisions.

- a. The homeowners' association or a maintenance association (as applicable) shall be established prior to the sale of any unit(s).
- b. Membership in the homeowners or maintenance association shall be mandatory for each owner and any successive owner.
- c. Provisions to restrict parking upon other than approved and developed parking spaces and to require that garages be kept available for resident parking shall be written into the covenants, conditions and restrictions for each project.
- d. If the development is constructed in increments or phases which require one or more final maps, reciprocal covenants, conditions, and restrictions and reciprocal management and maintenance agreements shall be established which will cause a merging of increments as they are completed, and embody one homeowners' association with common areas for the total development.
- e. The declaration of covenants shall contain language or provisions substantially as follows:
 - i. "The covenants, conditions and restrictions of this declaration shall run to the City of Costa Mesa insofar as they shall apply to the maintenance of the "common areas" as herein defined."
 - ii. "In the event the association or other legally responsible person(s) fail to maintain the common area in such manner as to cause same to constitute a public nuisance, the city may, upon proper notice and hearing, institute summary abatement procedures and impose a lien for the costs of such abatement upon the common area, individual units or the whole thereof as provided by law."

(Ord. No. 14-04, § 2B., 4-1-14; Ord. No. 15-03, § 2, 4-21-15; Ord. No. 18-10, § 2, 9-18-18; Ord. No. 21-20, § 1, 12-7-21)

Section 13-74 Elevation and screening requirements.

- (a) The finished elevations of all buildings, structures, walls and fences shall be approved by the planning division.
- (b) All trash containers and mechanical equipment, such as air conditioning compressors, duct work, and vents shall be screened from public rights-of-way and adjacent properties.
- (c) Temporary receptacles, as approved by the public services department for the purposes of public participation in the collection of recyclable products, shall not be considered a trash bin, container or receptacle subject to the requirements of this section. For the purposes of this section, *temporary* shall mean a period, or periods, of time not exceeding 90 days during any twelve-month period.
- (d) Pipes and conduits including, but not limited to, plumbing pipes, vents, ducting, fire sprinkler systems and electrical conduits shall not be mounted on exterior walls and roofs.
 - (1) For existing pipes and conduits, painting to match the surrounding façade shall satisfy this requirement.
 - (2) If the wall, roof or other element(s) on which the pipe or conduit is located is structurally modified or demolished, the element(s) shall be relocated to conform with the standard outlined in CMMC 13-74(e).
- (e) In residential zones, or in any zone adjacent to a residential development, ground mounted mechanical or electrical equipment proposed within eight feet of a neighboring property's windows or doors must comply with one of the mitigation methods listed below (1-3):
 - (1) A minimum six foot-high block wall separates the equipment from the abutting property's window(s) and/or door(s) with a minimum separation of four feet between equipment and neighboring window(s) and/or door(s).
 - (2) The equipment does not generate more than 50 decibels (based on manufacturer specifications) and is not greater than the minimum distance required by the building code is setback at least five feet from between the equipment and neighboring window(s) and/or door(s).
 - (3) The equipment maintains the same setbacks and separations required for main structures.

Section 13-75 Fences and walls.

- (a) In residential zones, including planned development, except R-1:
 - (1) In residential zones, fences, walls and landscaping shall comply with the standards outlined in figure 13-75(1).

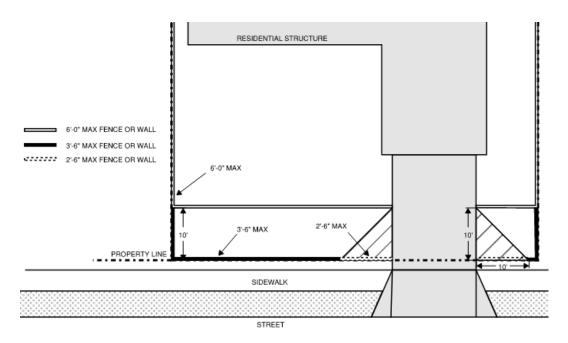
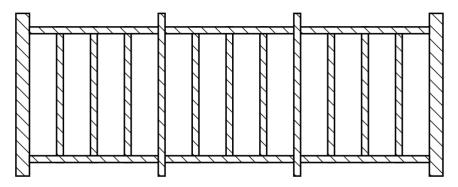


Figure 13-75(1)

- (2) On corner lots, wall and fences in excess of three and a half feet in height shall be set back five feet from the street side property line.
- (3) All interior property lines of the master development lot shall have six-foot high solid opaque walls or fences that conform to the city's walls, fences and landscaping standards.
- (4) All exterior property lines of the master development lot shall have solid masonry walls that conform to the city's walls, fences and landscaping standards in respect to height and location as well as the following standards. The final review authority shall approve the wall location, height, masonry materials, and finish.
 - (i) Only one type of wall design with the appropriate mix of masonry materials and finishes shall be permitted for the development lot.
- (ii) Wall materials such as uncolored cinder block shall be treated with a decorative finish that complements and enhances the project and surrounding neighborhood.
- (iii) Exceptions to the requirements stated in subsections (2)(i) through (2)(ii) may be approved by the final review authority. These exceptions may include, but are not limited to, combination masonry walls with vinyl fencing, stained/treated wood, wrought iron fencing, green wall, and green sustainable composite materials.
- (iv) The development services director shall review and approve any future additions to the exterior walls, after project completion, which shall be constructed of materials which are either identical and/or compatible with

the original wall.

- (b) In commercial zones, including planned development: All interior property lines abutting residentially zoned property shall have solid masonry walls, at least 6 feet but no more than eight feet in height, unless an environmental study requires additional height.
- (c) In industrial zones, including planned development: A solid masonry wall, at least six feet in height shall be constructed along all property lines which abut a residential or commercial zone. The maximum wall height shall not exceed eight feet, unless an environmental study requires additional height.
- (d) Decorative details and lights such as finials, light fixtures, pilaster caps, pot and similar decorative items may extend no more than twelve inches above the maximum height limit. Decorative items shall be limited to no more than one item for every six lineal feet of fence or wall. Decorative details are prohibited within visibility triangles.
- (e) In commercial, industrial and institutional zones, walls and fences within a landscape setback shall be a maximum of 40% solid. This shall be measured as illustrated in Figure 13-75(2).



Hatched elements shall be counted towards solid area

Figure 13-75(2)

- (f) If a fence or wall is constructed adjacent to a public street, the fence or wall shall be approved by the planning division in terms of its compatibility and harmony with the proposed building and site development and buildings and site developments existing or approved for the general neighborhood. For arterial streets that are adjacent to residential developments, new arterial walls shall comply with the city's streetscape and median development standards. No fence or wall located in any street setback shall obscure the required street setback landscaping in the commercial and industrial zones.
- (g) Fences and walls located within a visibility triangle shall be limited to two and a half feet in height, as illustrated in Figure 13-75(3) conform to the city's walls, fences and landscaping standards.

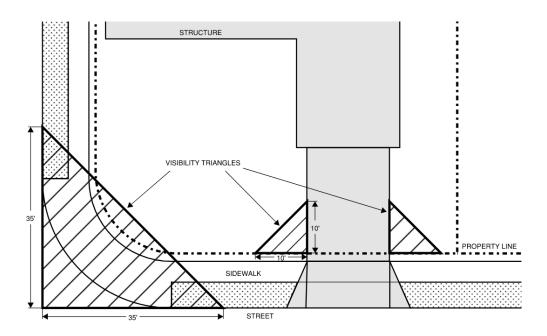


Figure 13-75(3)

(h) In all zones, retaining walls shall comply with the standards outlined in figure 13-75(4).

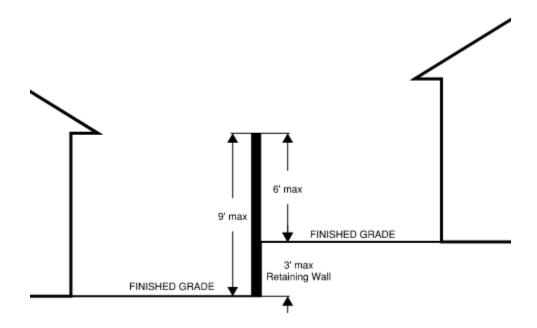


Figure 13-75(4)

- (i) Wall heights shall be measured from the highest finished grade at the base of the wall.
- (j) It is unlawful to construct, install, maintain or allow to exist any barbed wire, razor wire, concertina ribbon or similar item in any required setback abutting a public right-of-way, a required setback adjacent to a residential development or on a

- property with residential development. In all other locations, barbed wire, razor wire, concertina ribbon and similar items shall maintain a minimum vertical clearance of six feet eight inches from grade.
- (k) It is unlawful to install, maintain or allow to exist any electrified fence or any glass, nails or similar items embedded in walls or fences at any location.
- (I) Chain link fences. In all nonresidential zones, chain link fencing is prohibited in any required setback abutting a public right-of-way. In all residential zones, including planned developments, chain link fencing is prohibited in any area visible from a public street or alley.
 - Chain link fence removal. A property owner of any residential or planned development property that has an existing chain link fence visible from a public street or alley, shall remove the chain link fence at such time the property owner obtains a building permit, or cumulative building permits over a consecutive twelve-month period, for property improvements valued at \$30,000 or more. The chain link fence shall be completely removed prior to the finalization of the last building permit(s) that exceeds the thirty thousand dollar (\$30,000.00) valuation.
- (m)Security gates, in all zones, are subject to review and approval by the planning division in conjunction with the fire department and transportation division.

Section 13-89 Parking required.

The minimum amount of off-street parking as established in Table 13-89 shall be provided at the time:

- (a) Any building and/or structure is constructed;
- (b) Any building or structure is enlarged or increased in capacity by adding gross floor area, gross leasable area or seats;
- (c) A specific use is proposed for a building site; or
- (d) An existing use is changed to one which requires additional parking.

At all times, with the exception of the provisions of section 13-98, Declaration of land use restriction, parking shall be provided according to the requirements of Table 13-89.

TABLE 13-89 NON-RESIDENTIAL PARKING STANDARDS		
USE	PARKING RATIO PER GROSS FLOOR AREA (except as noted otherwise)	
Retail; offices; central administrative offices; individual counseling; establishments where food or beverages are served with a maximum of 300 square feet of public area ¹	4 spaces per 1,000 square feet with a minimum of 6 spaces ²	
Office buildings exceeding 2 stories in height and 100,000 square feet in area	3 spaces per 1,000 square feet	
Banks; savings and loans; credit unions	5 spaces per 1,000 square feet with a minimum of 6 spaces	
Medical and dental offices; acupressure; massage	6 spaces per 1,000 square feet with a minimum of 6 spaces	
Furniture and appliance stores with floor area greater than 5,000 square feet	2 spaces per 1,000 square feet with a minimum of 20 spaces	
Churches; theaters; mortuaries; auditoriums; services and fraternal clubs and lodges; amphitheaters and other similar places of assembly	Within the main auditorium or assembly area: 1 space for each 3 fixed seats or 1 space for every 35 square feet of seating area if there are no fixed seats. 18 lineal inches of bench shall be considered equal to 1 fixed seat.	
Racquetball and tennis facilities	3 spaces per court plus parking required for incidental uses such as restaurants which shall be calculated as noted below	
Establishments where food or beverages are served with more than 300 square feet of public area 1, 4	10 spaces per 1,000 square feet for the first 3,000 square feet; ² 12 spaces per 1,000 square feet for each additional 1,000 square feet above the first 3,000 square feet. ²	
Health clubs; spas; figure salons; skating rinks; game arcades	Parking requirement is 10 spaces per 1,000 square feet	
Bowling alleys	3 spaces per lane plus parking required for incidental uses	

	such as restaurants which shall be calculated as noted under "Establishments where food or beverages are served"
Trade schools; business colleges; dancing and music academies; group counseling	10 spaces per 1,000 square feet
Motels	1 space for each rentable unit without cooking facilities. Each rentable unit with cooking facilities shall be governed by residential parking standards
Hotels	1 space for each 2 rentable units plus 10 spaces per 1,000 square feet for the first 3,000 square feet, and 20 spaces per 1,000 square feet for each additional 1,000 square feet above the first 3,000 square feet for restaurant, banquet, meeting room and kitchen spaces
Establishments with live entertainment; i.e., go-go dancers, topless dancers, bikini dancers	1 parking space for each person for the first 100 persons as authorized by capacity signs posted by the fire department; 1 parking space for each 2 persons for every 101 to 300 persons as authorized by capacity signs posted; 1 parking space for each 3 persons for every 301 plus persons as authorized by capacity signs posted by the fire department.
Shopping centers with a minimum of 600,000 square feet of contiguous gross leasable area:	
Main structure or group of abutting structures	
Retail	5 spaces per 1,000 square feet of gross leasable area
Establishments where food or beverages are served occupying 5% or less of the total contiguous gross leasable area	1 space per 1,000 square feet of gross leasable area
Establishments where food or beverages or served in excess of 5% of the total contiguous gross leasable area	5 spaces per 1,000 square feet of gross leasable area
Office Space occupying 10% or less of the total contiguous gross leasable area	None
Office Space in excess of 10% of the total contiguous gross leasable area	4 spaces per 1,000 square feet of gross leasable area with a minimum of 6 spaces
Theaters (cumulative)	
750 seats and less	5 spaces per 1,000 square feet of gross leasable area
More than 750 seats	5 spaces per 1,000 square feet of gross leasable area plus 3 spaces for each additional 100 seats
Uses within freestanding structures	
Establishments where food or beverages are served	10 spaces per 1,000 square feet of gross leasable area
All others	Pursuant to this table
Mixed use developments	When there are mixed uses within a single development which share the same parking facilities, the total requirement for parking should be determined as outlined

	in "City of Costa Mesa Procedure for Determining Shared Parking Requirements" which are included herein by this reference and which may be amended from time to time by resolution of the city council. A greater reduction in parking than would be allowed under this procedure may be approved by minor conditional use permit where it can be demonstrated that less parking is needed due to the hours of operation or other unusual features of the users involved. For mixed-use developments located in the mixed-use overlay zone, refer to the applicable urban plan for parking rates.	
Industrial	3 parking spaces shall be provided per 1,000 square feet of gross floor area for the first 25,000 square feet of building; 2 parking spaces shall be provided per 1,000 square feet of gross floor area between 25,000 and 50,000 square feet of building; and one and one-half parking spaces shall be provided per 1,000 square feet of gross floor area over 50,001 square feet of building.	
Garden centers; plant nurseries 4 spaces per 1,000 square feet of gross floor are spaces per 1,000 square feet of outdoor display		
Smoking lounges 17 spaces per 1,000 square feet		
Notes:		
1 Establishments limited to seating for 12 or fewer persons prior to June 4, 1997, pursuant to this Zoning Code.	shall remain at that seating limit unless additional parking is provided	
The outdoor patio seating area(s) shall not be included in the floor area calculations for purposes of determining the required parking.		
The final review authority may apply a maximum credit of one parking space due to the provision of bicycle racks. This credit shall only apply to the overall parking supply and not to multiple uses.		
When the approval of a use permit is required, the final review authority may require additional parking spaces at a ratio not to exceed 30 spaces per 1,000 square feet of floor area of the entire building. Factors that may warrant additional parking include, but are not limited to, the provision of entertainment and/or dancing, or substantial ratio of floor area devoted to bar as compared to restaurant use. The maximum parking rate shall be applicable to uses that have substantially maximized the building's occupancy due to design and provision of concentrated uses.		
When the approval of a use permit is required, the final review authority may require additional parking spaces at a ratio not to exceed 30 spaces per 1,000 square feet of floor area of the entire building. Factors that may warrant additional parking include, but are not limited to, the provision of entertainment and/or dancing, or substantial ratio of floor area devoted to bar as compared to restaurant use. The maximum parking rate shall be applicable to uses that have substantially maximized the building's occupancy due to design and provision of concentrated uses.		
5 The square footage of electrical and mechanical equipment and the surrounding three feet for clearance shall be excluded from the calculation of gross floor area for the purpose of determining parking requirements		

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 16, 3-2-98; Ord. No. 02-4, § 1j, 3-18-02; Ord. No. 06-9, § 1g., 4-18-06; Ord. No. 12-4,

§ 1, 5-15-12; Ord. No. 15-10, § 2C, 9-15-15; Ord. No. 21-20, § 1, 12-7-21)

Section 13-111 Definitions.

As used in this chapter, the following terms shall have the meanings set forth below:

Advertising statuary. An imitation, representation or similitude of a person or thing which is sculptured, molded, modeled, or cast in any solid or plastic substance, material, or fabric and used for commercial purposes.

Area (of sign). The area included within the outer dimensions of a sign. The area of multiple face signs and advertising statuary shall mean one-half the total surface area. In the case of "skeleton letters" or other signs placed on a wall without any border, the area shall be the sum of the areas of each letter or figure. The area of each letter or figure shall be computed by enclosing the letter or figure within sets of parallel lines.

Balloon sign. Any inflatable object having no dimension that exceeds 24 inches, including, but not limited to, objects made of plastic, cloth, rubber, or canvas, having the shape of any object, and regardless of whether or not it contains copy.

Banner, flag, or pennant. Any cloth, bunting, plastic, paper, or similar material used for advertising purposes on private property and not within the public right-of-way. Flags of a nation or of the State of California, displayed as such in an appropriate manner, are excepted from these regulations. See also street banner.

Billboard. A sign that advertises a business, product, service or activity which is not available at or is not conducted on the premises on which the sign is located.

Changeable copy sign. A sign whose copy consists of nonelectronic detachable lettering or numbers that must be manually installed, usually on a series of parallel tracks, including, but not limited to, service station price signs and theater marquees.

Commercial portable sign. Any sign which can be moved from place to place which is not permanently affixed to the ground or to a building used for commercial purposes. The term portable sign includes, but is not limited to, any sign affixed to an automobile, truck, trailer, or other vehicle where such sign solicits patronage to a specific business by means of parking such a vehicle primarily for the purpose of advertising such business. The term portable sign shall also include a sign posted in or on a vehicle parked on public or private property without written consent of the property owner, advertising that vehicle for sale.

Construction site sign. A sign located on a construction site used to identify the name of the future site occupant and which may include the names, addresses, and telephone numbers of businesses directly related to the construction project, including but not limited to the architect, engineer, contractor and financing entity.

Contiguous window area. Total surface area of a window or individual window panes separated only by vertical or horizontal mullions that are three inches wide or less. Window areas separated by columns, wide mullions or other elements greater than three inches in width are not considered contiguous. Window area is not considered

contiguous if it is located on a separate façade.

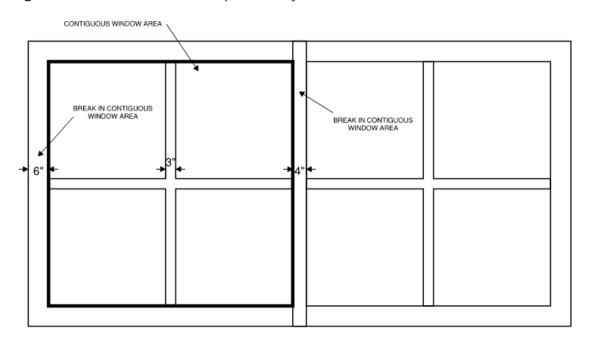


Figure 13-111(a)

Convenience sign. A sign, not larger than nine square feet, providing directional information and designed to be viewed on site or adjacent to the site by pedestrians and/or motorists. The term convenience sign shall also include electronic time/temperature signs.

Electronic changeable copy sign. A sign that uses video displays, lamps, fiber optics, light-emitting diodes (LED's) liquid crystal displays, plasma displays, or any other mechanical or light emitting medium to convey messages, movement, or animation imagery during or between messages.

For sale sign. A real estate sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease or rent.

Freestanding sign. A sign supported permanently upon the ground by poles, braces or other supports, and not attached to any building.

Governmental sign. A sign installed by the city or other public agency pursuant to city approval, including, but not limited to, signs for motorist or pedestrian safety.

Height (of sign). The vertical distance from grade to the highest point of the sign or sign structure.

Illegal sign. Any sign installed or modified in violation of the Costa Mesa Municipal Code at the time the sign was installed or modified.

Illumination exterior. Illumination cast on a sign from an exterior source, such as a floodlight.

Illumination interior. Illumination generated from the interior of a sign.

Illumination interior with opaque background. Interior illumination of a sign where the background of the sign face is opaque and only the copy is illuminated.

Inflatable sign. Any inflatable object having any dimension in excess of 24 inches, including, but not limited to, objects made of plastic, cloth, rubber, or canvas, having the shape of any object, and regardless of whether or not it contains copy.

Mural or super graphic. A large image, picture, or design painted on or affixed to the exterior of a building or structure. A mural or super graphic is a sign only if it is related by language and/or logo to the advertisement of any product or service or the identification of any business.

Neighborhood identification sign. A sign identifying the entrance to a residential area consisting of five or more acres.

Non-commercial banner, flags, or pennants. Any cloth, bunting, plastic, paper, or similar material which is not used for advertising purposes on private property and not within the public right-of-way. Examples of non-commercial banners generally include, but are not limited to, signs that espouse a political or religious viewpoint, and signs commenting on public official(s) or matter(s) of public discourse.

Non-commercial portable sign. Any sign which can be moved from place to place which is not permanently affixed to the ground or to a building which is not used for commercial purposes. Examples of noncommercial signs generally include, but are not limited to, signs that espouse a political or religious viewpoint, and signs commenting on public official(s) or matter(s) of public discourse.

Nonconforming sign. A sign which was legally installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this chapter.

Open house sign. A real estate sign with the words "Open House" as the primary copy for the premises on which the sign is located.

Painted wall sign. Any sign painted directly on the exterior surface of a building or structure, except awnings or canopies. (See "mural or super graphic").

Permanent window sign. A sign that is placed on or behind a window for a period of time in excess of 60 days. Paper or cardboard signs, or signs painted directly onto the surface of a window are not considered permanent window signs regardless of the duration of display.

Public baseball/softball field. Any baseball and/or softball field owned, rented, or leased by the city or used by the city under a joint use agreement.

Public property. Any building, park, grounds, structures, or other real property (collectively referred to as "property" for the purpose of this definition) owned,

rented, or leased by the city not within the public right-of-way or any such property used by the city under a joint use agreement. For the purposes of this definition, public property does not include public baseball and softball fields.

Public right-of-way. Any public sidewalk, street, alley or highway improved to allow vehicular and pedestrian access and adjacent city landscape areas including trees therein, traffic control devices, street name signs, fire hydrants and other structures, under the ownership and jurisdiction of the city or the state.

Real estate sign. A temporary sign placed for the purposes of advertising the premises on which the sign is located as either for sale, lease or rent, and includes for sale sign and open house sign.

Sign. Any medium for visual communication, including its copy, structure and component parts, which is used or intended to be used to attract attention to, or identify, or advertise a business, product, service, activity, or location or to provide information. "Sign" includes statuary and graphic wall designs used for advertising purposes. "Sign" includes billboards, but does not include handbills.

Site. One or more parcels of land identified by the assessor's records and for which an integrated building development exists or has been proposed.

Street. A public or private alley, street or highway improved to allow vehicular access.

Street banner. Any cloth, bunting, plastic, paper, or similar material used for advertising purposes on a light standard within the public right-of-way.

Temporary window sign. A non-illuminated sign placed on or behind a window for a period of time not in excess of 60 days for the purpose of advertising special sales, prices, products or services, including paper or cardboard signs, or signs painted directly onto the surface of a window.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-10, § 1, 7-19-99; Ord. No. 02-8, § 1a, 4-15-02; Ord. No. 04-11, §§ 1, 2, 10-18-04; Ord. No. 11-11, § 1, 9-20-11; Ord. No. 16-04, § 2, 8-2-16; Ord. No. 18-02, § 2, 1-16-18)

Section 13-142 Development standards.

Table 13-142 identifies the development standards for antennas. Proposed antennas not in compliance with the applicable development standards shall require the approval of a minor conditional use permit pursuant to section 13-144, Minor conditional use permit requirements.

TABLE 13-142 ANTENNA DEVELOPMENT STANDARDS				
STANDARDS	SATELLITE DISH	AMATEUR RADIO	COMMUNICATION	
Maximum Height (measured fr	om the property's grade to the highest point	t of the antenna)		
Residential Zone or	15 feet	75 feet	30 feet	
Nonresidential Zone Adjacent				
to a Residential Zone:				
Other Nonresidential Zone:	Not to exceed allowable building height	Same as above	Same as above	
Front Yard Location Permitted		No		
	cks apply to antenna support structure and to			
Residential Zone:	esidential Zone: Side: Comply with setbacks for accessory structures, with a minimum setback of 5 feet. Rear: Ground-mounted antenna support structures may be located in a required rear yard if located as far forward as possible from the rear property line. Minimum of 5 feet for arrays and projections attached to the antenna support structure.			
Nonresidential Zone:	Side and Rear: Comply with setbacks for main structures, with a minimum setback of 5 feet. Exception: Side and/or Rear, when adjacent to a Residential Zone: Minimum of 5 feet from the residential property line. Additionally, the antenna support structure shall be located as far as possible from the residential property line.			
Roof-mounted Location	Shall be located on the portion of the roof farthest from any adjacent street, residential zone (if applicable), bluff, and/or park, whichever location will result in the least visual impact.			
Maximum Number	One Exception: Legally subdivided	One antenna support structure in	One antenna support structure	
Residential Zone or	residential units in small lot subdivision	excess of 30 feet.		
1	projects, and units in Planned Unit	One whip antenna in excess of 30		
to a Residential Zone:	Development projects with individual lots,	feet.		
	shall each be allowed one satellite dish	Note: There is no limit on the		
	antenna unless otherwise prohibited.	number of antennas which do not		
O.I. N	NI I .:	exceed 30 feet in height.	NI I .:	
Other Nonresidential Zone:	No regulation		No regulation	
Maximum Diameter Residential Zone or	10 feet	Any dish-shaped element attached to an antenna: 2 feet		
		Exception: Any dish-shaped element in excess of 2 feet in diameter that is		
Nonresidential Zone adjacent to a Residential Zone:		attached to an antenna shall require approval of a minor conditional use permit		
to a Residential Zone.		and comply with the satellite dish antenna development standards regarding maximum height (applicable to dish element only) diameter, screening and materials, as applicable.		
Other Nonresidential Zone:	No regulation	Dish-shaped elements in excess of 2 feet in diameter shall comply with the		
Other Nomesidential Zone.	140 regulation	satellite dish antenna development standards regarding maximum height		
		(applicable to dish element only) and materials.		
Screening Required	Screening, either partial or total, may be		Ground-mounted:	
Residential Zone or	required by the planning division when the			
	11 7		5 5	

TABLE 13-142 ANTENNA DEVELOPMENT STANDARDS			
STANDARDS	SATELLITE DISH	AMATEUR RADIO	COMMUNICATION
Nonresidential Zone adjacent to a Residential Zone:	The screening may consist of a solid, opaque fence, wall, vegetation, landscaping and/or any other material deemed acceptable by the planning division.	30 feet in height: No regulation. Antennas 30 feet or more in height: Screening may be required in Nonresidential Zones if necessary to lessen visual impacts on the adjacent Residential Zone(s), under the direction of the planning division.	antenna and support structures/equipment is visible from off site. Roof-mounted: Screening may be required if necessary to lessen visual impacts, under the direction of the planning division.
Other Nonresidential Zone:	No regulation		Same as above
Color	All antennas visible from off-site shall be finished in a color deemed unobtrusive to the neighborhood in which it is located, under the direction of the planning division.		
Signs	No sign of any kind shall be posted or displa	yed on any antenna.	
Radiofrequency (RF) Radiation	No transmitting antenna or facility, except as exceed the radiofrequency (RF) radiation an strength and power density established by the 1992 ANSI/IEEE for an "uncontrolled enviror compliance with applicable standards.	d maximum permissible exposure (N he National Council on Radiation Pro	MPE) limits for electrical and magnetic field otection and Measurements (NCRP) and the
Wiring	All electrical and antenna wiring shall be encased in tubing or other devices acceptable to the planning division and/or concealed to the maximum extent feasible to minimize visual impact.		
Materials	When the antenna exceeds 6 feet in height above grade, the dish-shaped element shall be of a mesh construction. Not applicable.		
Other Requirements	Ground-mounted antennas shall not reduce the area required for parking, internal circulation or other development standards in this Zoning Code. All antennas shall be permanently mounted, and no antenna may be installed on a portable or movable structure.		

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 23, 3-2-98; Ord. No. 21-20, § 1, 12-7-21)

Section 13-265.5 Parcel Maps for Urban Lot Splits.

- (a) Definitions. For purposes of this section, the following definition shall apply:
 - (1) "Urban lot split" means a lot split of a single-family residential lot into two parcels that meets the requirements of this section.
- (b) The city shall ministerially approve a parcel map for a lot split that meets the following applicable requirements:
 - (1) The parcel is located within a single-family residential zone.
 - (2) The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
 - (3) The parcel map divides an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.
 - (4) Both newly created parcels are no smaller than 1,200 square feet.
 - (5) The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - b. Prime farmland or farmland of statewide importance as further defined in Government Code section 65913.4(a)(6)(B).
 - c. Wetlands as defined in the Unites States Fish and Wildlife Service Manual, Part 660 FW 2(June 21, 1993).
 - d. A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
 - e. A hazardous waste site that is listed pursuant to Government Code section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - f. A delineated earthquake fault zone as determined by the State Geologist

in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.

- g. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - 1. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - 2. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
- h. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
- i. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).
- j. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with section 1900) of Division 2 of the Fish and Game Code).

- k. Lands under a conservation easement.
- (6) The proposed lot split would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control by the city;
 - c. A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or
 - d. Housing that has been occupied by a tenant in the last three years.
- (7) The lot split does not create more than two units on a parcel, including any accessory dwelling units or junior accessory dwelling units.
- (c) Standards and Requirements. Except where superseded by the following provisions or state law, Parcel Maps for Urban Lot Splits pursuant to Government Code Section 66411.7 shall comply with the development standards applicable to the R1 Single-Family Residential District including but not limited to Section 13-32 of this code:
 - (1) The lot split conforms to all applicable objective requirements of the Subdivision Map Act and Title 13 of this code, except as the same are modified by this section.
 - (2) No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
 - (3) Except for those circumstances described in section C2 above, the setback for side and rear lot lines shall be four feet. The front setback shall be as set forth in the R-1 Single-Family Residential District standards.
 - (4) The applicant shall provide easements for the provision of public services and facilities as required.
 - (5) Units constructed on sites created pursuant to Government Code Section 66411.7 shall adhere to the following:
 - a. All new development shall be constructed, in accordance with code standards and design guidelines applicable to the R1 Single-Family Residential District.
 - b. Each unit which is attached to an existing or proposed dwelling shall have

the same design, materials, finishes, and colors as the attached dwelling and shall be in accordance with code standards and design guidelines applicable to the R1 Single-Family Residential District.

- c. Any proposed detached units on the same lot shall be compatible in exterior appearance with an existing unit in terms of design, materials, finishes, and colors within the same property on which it is proposed to be constructed, in accordance with code standards and design guidelines applicable to the R1 Single-Family Residential District.
- (6) All lots shall have a minimum street frontage of ten feet to provide for vehicular access, or 16-foot frontage if the driveway serves two units. For a lot without physical street frontage, access to street frontage shall be provided by the granting of a duly recorded permanent easement for ingress and egress purposes in favor of the lot without physical street frontage.
- (7) In order to preserve the City's inventory of on-street parking, existing and proposed development pursuant to Government Code section 66411.7 shall be limited to one driveway ingress/egress per resultant lot.
- (8) Required off-street parking shall consist of at least one garage parking space per unit and the location and configuration of such parking shall be in compliance with the standards set forth in this code, except that no parking requirements shall be imposed in either of the following circumstances:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or
 - b. There is a car share vehicle located within one block of the parcel.
- (d) The city shall not deny an application based on any of the following:
 - (1) The city shall not require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.
 - (2) The city shall not impose any objective zoning, subdivision, or design standards that would have the effect of physically precluding the creation of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet. If the city determines that the strict application of objective zoning, subdivisions or design standards would physically preclude the development of two units on a lot each with a minimum unit size of 800 square feet, the city may ministerially allow deviations from development standards generally applicable to the R-1 zoning district pursuant to city policies and/or regulations implementing this section if such deviation is in compliance with applicable building and fire code standards and regulations

and if there are no other feasible means of complying with state law.

- (3) The city shall not require the correction of nonconforming zoning provisions as a condition for the lot split.
- (4) The city shall not deny an application solely because it proposes an adjacent or connected structure provided that all building code safety standards are met and they are sufficient to allow a separate conveyance.
- (e) An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:
 - (1) That applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval. This requirement does not apply when the applicant is a "community land trust" or a "qualified nonprofit corporation" as the same are defined in the Revenue and Taxation Code.
 - (2) That the uses shall be limited to residential uses.
 - (3) That any rental of any unit created by the lot split shall be for a minimum of thirty-one days.
 - (4) That the maximum number of units to be allowed on the parcels is four, including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to section 13-36.
- (f) The city may deny the lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (g) This section shall not apply to:
 - (1) Any parcel which has been established pursuant to a lot split in accordance with this section; or
 - (2) Any parcel where the owner of the parcel being subdivided or any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this section. For purposes of this section, it will be assumed that where a lot owner purchased the property from an adjacent owner who subdivided his property pursuant to this division within five years of the lot split, the owner is acting in concert with the then owner of the adjacent lot. However, acting in concert is not limited to this situation.

(h) The provisions of this section supersede any contrary provisions contained elsewhere in this code.

Section 13-6 Definitions.

Abutting. Sharing a common boundary, of at least one point contiguous to, having district boundaries or lot lines in common (i.e., not separated by an alley, public or private right-of-way, or street).

Accessory building. A building or part of a building which is subordinate to, and the use of which is incidental to that of the main building or use on the same lot.

Accessory dwelling unit (ADU). See Chapter V, Article 2, section 13-35.

Accessory use. A use incidental and subordinate to and devoted exclusively to the main use of the land or building thereon that does not change the character of the structure or use.

Accessory use, residential. A use that is a part of, and clearly incidental and secondary to, a residence; located on the same lot as a residence; and that does not change the character of the residential use such as:

- (a) Accessory dwelling unit (ADU)
- (b) Home occupations
- (c) Personal property sales (i.e., garage or yard sales).

Adjacent. Same as abutting, but also includes properties which are separated by a public right-of-way, not exceeding 120 feet in width.

Administrative adjustment. A discretionary entitlement, usually granted by the zoning administrator, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Adult business. See Chapter IX, Special Land Use Regulations, Article 1, Adult Businesses, for specific definitions and terms.

Alcoholism or drug abuse recovery or treatment facility. Adult alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to section 11834.01 of the California Health and Safety Code. Alcoholism or drug abuse recovery or treatment facilities are a subset of residential care facilities.

Alteration (structure). Any construction, addition or physical change in the internal arrangement of rooms or the supporting members of a structure, or change in the appearance of any structure, except paint.

Ambient noise level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

Antenna. Any structure, including, but not limited to, a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh

construction, intended for the purpose of receiving or transmitting communication to or from another antenna, device or orbiting satellite, as well as supporting equipment necessary to install or mount the antenna.

Antenna, amateur radio. An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna, communication. All types of receiving and transmitting antennas, except satellite dish antennas and amateur radio antennas. Communication antenna includes, but is not limited to, cable television antennas, cellular radiotelephone cell antennas, FM digital communication antennas, microwave telephone communication antennas, and shortwave communication and other similar antennas.

Antenna height. The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

Antenna, satellite dish. An antenna intended for the purpose of receiving or transmitting communication to or from an orbiting satellite.

Antenna, whip. An antenna and its support structure consisting of a single, slender, rod-like element which is supported only at or near its base.

Apartment. A rental or lease dwelling having kitchen facilities in a structure designed or used to house at least one family, as the term "family" is defined in this Zoning Code.

Assembly use. A use conducted in a structure or portion of a structure for the purpose of a civic, education, political, religious, or social function or for the consumption or receipt of food and/or beverages. Assembly use includes, but is not limited to, churches and other places of religious assembly, mortuaries, primary and secondary schools, trade and vocational schools, colleges, amusement centers, billiards parlors, bowling centers, establishments where food or beverages are served, motion picture theaters, physical fitness facilities, skating rinks, and dance, martial arts, and music studios. Assembly use does not include sexually oriented businesses.

Association (homeowners'). The organization of persons who own a lot, parcel, area, airspace, or right of exclusive occupancy in a common interest development and who have interests in the control of common areas of such project.

Attached (structure). Any structure that has a wall or roof in common with another structure.

Attic. Any non-habitable area immediately below the roof and wholly or partly within the roof framing.

Awning. A roof-like cover that projects from the wall of a building for the purpose of shielding the sun or providing an architectural accent.

Basement. A space wholly or partially underground and having more than 1/2 of its height, measuring from floor to ceiling, below the average grade. If the finished floor level directly above the basement is more than four feet above grade at any point, the basement shall be considered a story.

Boardinghouse. A dwelling unit, other than a hotel, wherein rooms are rented under two or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the dwelling unit. Boardinghouse, small means two or fewer rooms being rented to a maximum of three occupants per dwelling unit. Boardinghouse, large means three to six rooms being rented to a maximum of six occupants per dwelling unit. Boardinghouses renting two or fewer rooms and having more than three occupants, or renting more than six rooms and/or having more than six occupants, per dwelling unit are prohibited.

Building. Any structure having roof and walls and requiring permanent location on the ground, built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building height. The distance from the finished grade (as defined in this section) to the highest point on the roof, including roof-top mechanical equipment and screening.

Building, main. The building or buildings within which the principal use permitted on the lot is conducted.

Carport. A permanent, roofed structure, not completely enclosed which is used for vehicle parking.

Central administrative office. An establishment primarily engaged in management and general administrative functions performed centrally for other establishments of the same company.

Churches and other places of religious assembly. A type of assembly use which has the principal purpose of religious worship and for which the primary space is a sanctuary. Religious activities and services held in the sanctuary are conducted at scheduled times. The use may also include accessory facilities in the same or separate building that includes classrooms, assembly rooms, restrooms, kitchen, and a library. Other uses such as, but not limited to, day care facilities, nursery schools, schools, retail sales, and services to businesses, are not considered a primary function of churches and other places of religious assembly.

Cigar bar. See Smoking lounge.

City. City of Costa Mesa.

Common area. Those portions of a project area which are designed, intended or used in common and not under the exclusive control or possession of owners or occupants of individual units in planned development projects or common interest

developments.

Common interest development. A development as defined in State Civil Code section 1350, containing two or more common interest units, as defined in Civil Code section 783; a community apartment project, as defined in State Business and Professional Code section 11004, containing two or more rights of exclusive occupancy; and a stock cooperative, as defined in Business and Professional Code section 11003.2, containing two or more rights of exclusive occupancy.

Conditional use permit. A discretionary approval usually granted by the planning commission which allows a use or activity not allowed as a matter of right, based on specified findings.

Convenience stores, mini-markets. A retail store, generally less than 10,000 square feet in area, that sells a variety of convenience foods, beverages and non-food items. Fresh dairy products, produce and/or meat may be offered on a limited basis.

County. County of Orange.

Covered parking space. A garage, carport or parking space which is completely covered by a roof.

Density bonus. A minimum increase of 25% over the allowable residential dwelling unit density as specified by the zoning classification.

Development. The division of land into two or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Development review. The processing of a development plan when authority for approval is vested in the planning division.

Development services department means the Development Services Department of the City of Costa Mesa.

Development services director. The director of development services of the City of Costa Mesa, or his or her designee.

Disabled shall have the same meaning as handicapped.

Dormer. A vertical window in a projection built out from a sloping roof.

Driveway, common. A paved area for vehicle circulation and parking purposes which features joint use between two or more parties.

Driveway, individual. The paved area strictly leading to the garage/carport of a residence. This paved area serves vehicle parking purposes and does not extend beyond the garage/carport unless a curvilinear design is necessary for the turning radius.

Dwelling, single-family. "Dwelling, single-family" or "single-family dwelling" is a building of permanent character placed in a permanent location which is designed or used for residential occupancy by one family. A single mobile home on a foundation system on a single lot is a single-family dwelling. (See Manufactured housing).

Dwelling, multi-family. "Dwelling, multi-family" or "multi-family dwelling" is a building or buildings of permanent character placed on one lot which is designed or used for residential occupancy by two or more families.

Dwelling unit. One or more rooms in any building designed for occupancy by one family, and containing one kitchen unit, including manufactured housing. (See Manufactured housing).

Easement. A grant of one or more property rights by the owner for use by the public, a corporation or another person or entity.

Electronic cigarette. An electronic and/or battery-operated device used to provide an inhalable dose of nicotine by delivering a vaporized solution. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed doctor.

Electronic game machine. Any electronic or mechanical device which upon insertion of a coin, slug, or token in any slot or receptacle attached to the device or connected therewith, operates, or which may be operated for use as a game, contest, or amusement through the exercise of skill or chance.

Emergency shelters. A facility that provides immediate and short-term housing for homeless persons that is limited to occupancy of six months or less. Supplemental services may include counseling and access to social programs. No individual or household may be denied to emergency shelter because of an inability to pay.

Entertainment (live). Any act, play, revue, pantomime scene, dance act, musical performance, or any combination thereof, performed by one or more persons whether or not they are compensated for the performance.

Establishment where food or beverages are served. Any commercial use that sells prepared food and/or beverages for consumption on site or off site, either solely or in conjunction with an ancillary or complementary use. Excluded from this definition are grocery stores, convenience stores, movie theaters, and other such uses, as determined by the development services director, where the sale of food or beverages is clearly incidental to the primary use. All establishments selling alcoholic beverages for consumption on-site are included within this definition

Fair housing laws. The Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, as each statute may be amended from time to time, and each statute's implementing regulations.

Family. One or more persons occupying one dwelling unit and living together as a single housekeeping unit.

Family day care home, large. A home which provides family day care to seven to 14 children as defined in section 1596.78 of the State Health and Safety Code.

Family day care home, small. A home which provides family day care to eight or fewer children as defined in section 1596.78 of the State Health and Safety Code.

Floor area ratio. The gross floor area of a building or project divided by the project lot area upon which it is located.

Garage. An accessory or attached enclosed building with doors, designed and/or used for vehicle parking.

Garage sale. An event for the purpose of selling or trading personal property. Garage sale includes yard sale.

General plan. The City of Costa Mesa General Plan as adopted or amended from time to time by the city council.

Grade. The lowest point of the finished surface elevation of either the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

Grade, finished. The surface of the ground at a stated location as it exists after completion of precise grading.

Grade, natural. The unaltered natural surface of the ground at a stated location.

Gross acreage. The total area within the lot lines of a lot of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot, and not including adjacent lands already dedicated for such purposes.

Gross floor area. The area of all floors within the walls of a structure except elevator and other vertical shafts (including stairwells) and elevator equipment areas..

Gross leasable area. The total floor area designed for tenant occupancy and exclusive use, including both owned and leased areas.

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

Guestroom. A room occupied or intended, arranged, or designed for occupancy by one or more guests.

Handicapped. As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

Hazardous materials. Any material of quantity, concentration, physical or chemical characteristics, that poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or environment; or any material requiring a Material Safety Data Sheet according to Title **8**, section 339 of the State Code of Regulation.

Height. See Building height and Antenna height.

Home occupation. Any business or commercial use conducted within a dwelling unit.

Hookah lounge. See Smoking lounge.

Hotel. Any building or combination of buildings generally three or more stories in height containing six or more guest rooms offering transient lodging accommodations to the general public and providing incidental guest services such as food and beverage service, recreation facilities, retail services and banquet, reception and meeting rooms. Typically, room access is provided through a main or central lobby.

Household includes all the people occupying a dwelling unit, and includes people who live in different units governed by the same operator.

Individual counseling. A single-operator business that provides individual and/or family counseling and occupies no more than 500 square feet of total square footage, including but not limited to an office suite and corresponding proportion of any common waiting areas. Any counseling use with a floor area of more than 500 square feet shall be considered a group counseling use.

Integral facilities. Any combination of two or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one operation shall be referred to as integral facilities and shall be considered one facility for purposes of applying federal, state and local laws to its operation. Examples of such integral facilities include, but are not limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one licensed or unlicensed facility.

Integral uses. Any two or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any

of them, in a manner in which participants in two or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one use for purposes of applying federal, state and local laws to its operation.

Intersection. The general area where two or more roadways join or cross.

Kitchen. Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and preparation of food.

Landscaping. Plant materials such as lawn, groundcover, trees and shrubs.

Loft. An intermediate floor placed within a room, where the clear height above and below the loft is not less than seven feet, and where the aggregate area of the loft does not exceed 1/3 of the area of the room in which it is located.

Lot.

- (a) A parcel of real property when shown as a delineated parcel of land with a number or designation on a subdivision map or parcel map recorded in the office of the county recorder, and created in conformance with the Subdivision Map Act and applicable local ordinances.
- (b) A parcel of real property when shown on a record of survey map or deed filed in the office of the county recorder, when such map or deed was filed as the result of and was made a condition of a lot division approved under the authority of prior ordinances.

Lot area. The total land area of a project after all required dedications or reservations for public improvements, including, but not limited to, streets, parks, schools, and flood control channels. This phrase does not apply in the planned development zones where the phrase "site area," as defined in Chapter V, Development Standards, is used.

Lot, corner. A lot abutting on and at the intersection of two or more streets which intersect at an angle that is equal to or less than 135 degrees.

Lot, depth. The average of the horizontal distance between the front and the rear lot lines.

Lot, development. The master lot or project site upon which a development will be constructed.

Lot, individual dwelling unit. An individual building site or lot within a development intended for construction of a single attached or detached dwelling unit.

Lot, interior. A lot abutting only one street, or a lot abutting two streets which intersect at an angle greater than 135 degrees.

Lot, width. The horizontal distance between the side lot lines measured at right

angles to the lot depth at the front building setback line.

Manufactured housing. Detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, including structures known as manufactured homes and mobile homes. For the purpose of this Zoning Code, a factory-built single-family structure that is manufactured under the authority of 42 U.S.C. section 5401, the National Manufactured Home Construction and Safety Standards Act, transportable in one or more sections, built on a permanent chassis and used as a place of human habitation, shall be considered a single-family home and shall be reviewed under the same standards as a sitebuilt structure.

Marijuana. Has the same definition as that set forth in California Health and Safety Code section 11018.

Marijuana cultivation and/or medical marijuana cultivation. The planting, growing, harvesting, drying or processing of marijuana plants or any part thereof for any purpose, including medical marijuana, and shall include both indoor and outdoor cultivation.

Master plan. The overall development plan for a parcel or parcels which is depicted in both a written and graphic format.

Master plan of highways. The graphic representation of the city's ultimate circulation system contained in the general plan. It illustrates the alignment of the major, primary, secondary and collector highways.

Median. A paved or planted area separating a parking area, street, or highway, into two or more lanes or directions of travel.

Medical marijuana. Marijuana used for medical purposes in accordance with California Health and Safety Code section 11362.5.

Medical marijuana dispensary. A facility or location where medical marijuana is cultivated or by any other means made available to and/or distributed by or to three or more of the following: a primary caregiver, a qualified patient, or a person with an identification card in strict accordance with State Health and Safety Code sections 11362.5 et seq., and 11362.7 et seq., which shall include, but not be limited to, any facility or location engaging in the retail sale, dispensation, or distribution of marijuana for medical purposes that does not have an active role in the cultivation of the marijuana product that it sells, dispenses, or distributes, or when its cultivation of the marijuana product is off-site from the facility or location for retail sale, dispensation, or distribution.

Minor conditional use permit. A discretionary approval granted by the zoning administrator which allows a use or activity not allowed as a matter of right, based on specified findings.

Minor modification. A discretionary entitlement granted by the planning division, which permits limited deviation from the strict application of the development

standards contained in this Zoning Code, based on specified findings.

Mixed use development. The development of lot(s) or structure(s) with two or more different land uses such as, but not limited to a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Mobile home. See Manufactured housing.

Mobile home park. Any area or tract of land where two or more mobile home lots are rented or leased, held out for lease or rent, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobile homes. A mobile home park also means a mobile home development constructed according to the requirements of Part 2.1 (commencing with section 18200) of Division 13 of the State Health and Safety Code, and intended for use and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit development.

Motel. Any building or combination of buildings of one to three stories in height having six or more guest rooms with parking located convenient to the guest rooms and providing temporary lodging for automobile tourists and transient visitors. Typically, guest rooms have direct access to available parking without passing through a common lobby area. Motels also include auto courts, tourist courts, motor lodges, motor inns and motor hotels.

Municipal Code. City of Costa Mesa Municipal Code.

Open space. An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas; first floor decks; unenclosed patios with solid or lattice roofs; water courses; and surfaces covered by not more than five feet in depth by projections which are at least eight feet above grade.

Open space shall not include the following: driveways; parking lots; other surfaces designed or intended for vehicular travel; and upper floor decks, balconies or areas under projections which are less than eight feet above grade.

Open space, common. An area of land reserved primarily for the leisure and recreational use of all residents of a planned development or common interest development and owned in common by them, generally through a homeowners' association.

Open space, private. An area of land located adjacent to an individual dwelling unit, owned or leased and maintained by its residents, and reserved exclusively for their use.

Operator means a company, business or individual who provides residential services,

i.e., the placement of individuals in a residence, setting of house rules, and governing behavior of the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management and leasing of the property and that does not otherwise meet the definition of operator.

Organizational documents. The declaration of restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management or operation of all or any part of a project.

Parcel. Same as Lot.

Parkway. The area of a public street that lies between the curb and the adjacent property line or physical boundary definition, which is used for landscaping and/or passive recreational purposes.

Paved area. Ground surface covered with cobblestone, clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, or asphaltic or rubber mixture which may include sand, stone, or gravel as an ingredient to create a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered paved area.

Peak hour. The hour during the AM peak period (typically 7:00 a.m.–9:00 a.m.) or the PM peak period (typically 3:00 p.m.–6:00 p.m.) in which the greatest number of vehicle trips are generated by a given land use or are traveling on a given roadway.

Permitted use. Any use allowed in a land use zoning district without requiring a discretionary approval, and subject to the provisions applicable to that district.

Planned development. A land area which is developed as an integrated unit under single ownership or control and having planned development zoning designation.

Planning application. A broad term for any development project or land use which requires the discretionary review and approval of either the planning division, zoning administrator, planning commission, or city council. Planning applications include administrative adjustments, conditional use permits, development reviews, variances, etc.

Planning division. The planning division of the development services department of the City of Costa Mesa.

Project. See Development.

Property line. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Property line, front. For interior lots, the narrowest property line of a lot abutting a public or private street. If two or more equal property lines are narrowest, the front shall be that property line across which the development takes its primary access (if

the primary access is determined to be equal, there shall be two front property lines). However, for non-residentially zoned property, any property line abutting a public street designated as a secondary, primary or major street on the master plan of highways shall be deemed a front property line. A non-residentially zoned property shall have more than one front property line when it abuts more than one street designated as secondary, primary, or major on the master plan of highways.

For R-1 zoned property located on corner lots, the front property line may be the property line towards which the front of the dwelling unit is oriented.

Property line, rear. The property line opposite the front property line. A corner lot with more than one front property line shall have more than one rear property line. Irregularly shaped lots may also have more than one rear property line.

Property line, side. Any property line which is not a front or rear property line.

Property line, ultimate. The boundary of a lot after the dedication of land for use as public right(s)-of-way, whether dedicated in fee or by easement. A setback is measured from the ultimate property line.

Public area. Establishments where food or beverages are served. That portion of an establishment reserved for the exclusive use of the public for the receipt or consumption of food and/or beverages. For the purpose of this Zoning Code, public area shall not include restrooms, kitchens, hallways or other areas restricted to employees only.

Public hearing. A public proceeding conducted for the purpose of acquiring information or evidence which may be considered in evaluating a proposed action, and which affords to any affected person or persons the opportunity to present their views, opinions, and information on such proposed applications. "Mandatory hearings" are those required to be held by law, and "discretionary hearings" are those which may be held within the sole discretion of the hearing body.

Public right-of-way. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

Recyclable materials. Reusable materials, including, but not limited to, metals, glass, plastic and paper which are intended for reuse, remanufacture or reconstruction. Recyclable materials do not include refuse, hazardous materials or hazardous waste.

Recycling. The process by which waste products are reduced to raw materials and transformed into new products.

Recycling and collection facility. A building or enclosed space used for the collection and processing of recyclable materials for preparation for shipment, or to an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing.

Referral facility. A residential care facility or a group home where one or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

Residential care facility. A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include, but may not be limited to, the following: intermediate care facilities for the developmentally disabled (Health & Safety Code §§ 1267.8, 1267.9); community care facilities (Health & Safety Code § 1500 et seq.); residential care facilities for the elderly (Health & Safety Code § 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Safety Code § 1568.02); alcoholism and drug abuse facilities (Health & Safety Code §§ 1834.02–11834.30); pediatric day health and respite care facilities (Health & Safety Code § 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Safety Code §§ 1265–1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115–5120).

Residential, multi-family. Apartments, common interest developments, townhouses and similar multiple-family residential developments, including detached single-family homes where there is more than one primary dwelling unit on a lot.

Residential, single-family. Detached single-family home where there is no more than one primary dwelling unit on a lot.

Room, bedroom. A fully-enclosed room designed or intended to be used for sleeping purposes within a residence that typically includes a closet and is separated from the other living spaces with a door.

Room, home office. A room designed and intended to be used for a household office or small business related activity within a residence. Within a single-family detached residence, this room is strictly not intended for sleeping purposes, and lacks direct access to a bathroom. The home office may also be referred to as a studio, den, study or library.

Senior congregate care facility. A structure(s) providing residence for 13 or more senior citizens with kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

Setback. The required distance that a building, structure, parking or other designated item must be located from a property line or lot line. A setback is measured from the ultimate property line.

Single housekeeping unit. The occupants of a dwelling unit have established ties and familiarity with each other, including jointly use of and responsibility for common areas, and may include interaction with each other, shared meals, household activities, and expenses and responsibilities.; membership in the single

housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include, but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

Single room occupancy residential hotel. A residential hotel, allowed in certain commercial zones, that contains units designed for long-term occupancy by a single person, although double occupancy may be permitted.

Slope. The degree of deviation of a surface from the horizontal plane, usually expressed in percent or degrees.

Small lot subdivision. A residential development containing a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel and the land is subdivided into fee simple parcels containing each unit. Each individual lot is provided with either a direct access to public street/alley or an easement access through a recorded subdivision map.

Smoking lounge. Any facility or location whose business operation, whether as a primary use or an ancillary use, is characterized by the sale, offering, and/or preparation of smoking of tobacco, cigars, hookah, electronic cigarettes, or similar products, including but not limited to establishments known variously as hookah parlors, vaping lounges, or cigar bars.

Smoking/vaping retailer. A smoke shop, electronic cigarette retailer, vapor cigarette retailer, or any other retail business that sells tobacco, electronic cigarettes, and related products primarily for off-site consumption. Smoking/vaping retailers shall not include food or beverage service, outdoor seating, or an indoor seating area greater than 100 square feet in area.

Sober living home. A group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Specialty store. A retail store less than 3,000 square feet in area with hours of operation between 6:00 a.m. and 11:00 p.m. A specialty store offers a combination of foods and beverages for off-site use or consumption and provides for alcoholic beverage sales that are incidental to the primary use. No more than 10% of the total merchandise area of the retail floor may be devoted to display or sale of alcoholic

beverages and only non-refrigerated alcoholic beverages may be offered. A specialty store must comply with the operational standards of section 13-200.72.

Specific plan. A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the city, consistent with the general plan and the provisions of State Government Code section 65450 et seq.

State. State of California.

Story. For purposes related to zoning regulations, a story is that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall constitute a story. An attic shall not be considered a story. A basement or cellar shall not be considered a story, if the finished floor level directly above the basement or cellar is less than four feet above finish grade at all locations. Any uncovered deck or activity area above the first story shall be considered a story.

Street. A public or private thoroughfare that provides primary access to adjacent land and local traffic movements. Streets do not include driveways which only provide access to parking areas.

Structure. Anything, including a building, located on the ground in a permanent location or attached to something having a permanent location on the ground.

Supportive housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to on site or off site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing that is provided in single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

Tandem parking. An arrangement of parking spaces one behind the other in a row of maximum two cars including one in the garage space. Tandem garage parking is defined as the placement of standard parking spaces one behind the other within the enclosed area of a garage.

Townhouse. A single-family attached dwelling unit located on an individual dwelling unit lot, and is part of a row of units that contains three or more dwelling units.

Transitional housing. A development with buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing that is provided in single-family dwelling, multifamily dwelling units, residential care facilities, or boarding house uses, shall be

permitted, conditionally permitted or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

Trip (vehicle). A one-way vehicular journey either to or from a site, or totally within the site i.e. internal trip. Each trip has two trip ends, one at the beginning and the other at the destination.

Trip rate (vehicular). The anticipated number of vehicle trips to be generated by a specific land use type or land use classification. The trip rate is expressed as a given number of vehicle trips for a given unit of development intensity (i.e., trip per unit, trip per 1,000 square feet, etc.).

Uncontrolled environment. A location where there is the exposure (to radiofrequency radiation) of individuals who have no knowledge or control of their exposure. The exposures may occur in living quarters or work places where there are no expectations that the exposure levels may exceed the exposure and induced current levels permitted for the general public.

Underroof. All of the area within the walls of the building that a roof covers. Areas under porches, roof overhangs, garage protrusions, breezeways and other similar architectural design features are not considered as underroof.

Unit. A particular building or structure, or portion thereof, that is designed, intended or used for exclusive occupancy, possession or control of individual owners or occupiers, whether or not they have interests in common areas of the project.

Use. The purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

Warehouse, mini. A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where at least one of the stalls or lockers has less than 500 square feet of floor area.

Warehouse, public. A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where all the stalls or lockers have more than 500 square feet of floor area.

Vacancy rate (common lot development conversion). The ratio of vacant apartments being offered for rent or lease in the City of Costa Mesa, shown as a percentage of the total number of apartments in the city.

Vape lounge. See Smoking lounge.

Vape shop. See Smoking/vaping retailer.

Variance. A discretionary entitlement, usually granted by the planning commission, which permits departure from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Yard. Any open space on a lot unoccupied and unobstructed from the ground upward, except an inside court.

Yard, front. The yard between the front line of a building and the front line of the lot upon which the building is located.

Yard, rear. The yard extending from the extreme rear line of the main building to the rear lot line on which the building is situated.

Yard, side. The yard extending from the front yard, or from the front lot line where no front yard is required, to the rear yard or rear lot line, between the side lot line and the nearest wall of the main building or any accessory structure attached thereto.

Zero lot line. The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 4, 3-2-98; Ord. No. 00-5, § 1(a), 3-20-00; Ord. No. 01-16, § 1a., 6-18-01; Ord. No. 05-11, § 2a., 7-19-05; Ord. No. 06-18, § 1, 9-5-06; Ord. No. 09-3, §§ 1a., b., 5-19-09; Ord. No. 09-4, § 1a., 5-5-09; Ord. No. 10-13, § 1, 10-19-10; Ord. No. 10-14, § 1, 11-16-10; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2A., 3-19-13; Ord. No. 13-05, § 1, 12-3-13; Ord. No. 14-04, § 2A., 4-1-14; Ord. No. 14-13, § 1, 10-21-14; Ord. No. 15-10, § 2A, 9-15-15; Ord. No. 15-11, § 1, 11-17-15; Ord. No. 16-01, § 1, 1-19-16; Ord. No. 18-03, § 2, 1-16-18; Ord. No. 21-03, § 3, 3-2-21; Ord. No. 21-20, § 1, 12-7-21)

Section 13-28 Types

(a) Administrative adjustment. Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(a).

TABLE 13-28(a) ADMINISTRATIVE ADJUS	TMENTS
Standard	Deviation Range
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of 19 feet from the front property line.	More than 20% but no more than 40%
Decrease in required rear yard depth.	More than 20% but no more than 40%
Decrease in required side yard width.	More than 20% but no more than 40%
Increase in maximum fence/wall height, except within setbacks adjacent to the public right-of-way.	More than 33 1/3 % but no more than 50%

TABLE 13-28(a) ADMINISTRATIVE ADJUS	TMENTS
Standard	Deviation Range
Increase in depth of permitted projections into required yards.	More than 20% but no more than 40%
Deviation in sign area, height, setbacks, separation and other sign specifications	More than 10% but no more than 20%
Decrease in required distance between main structures	More than 20% but no more than 40%
Decrease in required distance between accessory and main structures	More than 20% but no more than 40%

- (b) Conditional use permit. Any use specified in this Zoning Code as requiring a conditional use permit.
 - (1) Common interest development conversion. For residential projects, a proposal to convert an occupied or previously occupied apartment complex to a residential common interest development project. To request a conversion for a newly constructed project, the apartment complex shall have received final building approval for occupancy. For non-residential projects, a proposal to convert an occupied or previously occupied non-residential complex to a non-residential common interest development. Non-residential includes industrial, commercial, office, and/or mixed-use project.
- (c) Density bonus or incentive. Any request for incentives to produce lower income and senior housing per State Government Code section 65915.
- (d) Design review. Any construction that results in three or more dwelling units on a development lot in any residential zone, except planned development, shall be subject to design review.
- (e) Development review. The following shall be subject to development review:
 - (1) Two-story residential construction. In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are two or fewer dwelling units or any second-story addition on a lot with more than two dwelling units that complies with any residential design guidelines adopted by city council.
 - (2) Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones. However, building additions that do not exceed 2,000 square feet or 50% of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review; and,

- (3) Any other use specified in this Zoning Code as requiring development review.
- (f) Lot line adjustment. Any adjustment to an existing lot line between two lots, where the land taken from one lot is added to an abutting lot and/or where a greater number of lots than originally existed is not created. A lot line adjustment may be used to combine no more than four abutting lots.
- (g) Master plan. Prior to development in the planned development (PD), town center (TC), shopping center (C1-S), mixed-use overlay (MU), and all types of institutional and recreational (I&R, I&R-S, and I&R-MLT) zoning districts, a master plan is required. Preliminary master plans are required in the TC and I&R-MLT zone, are optional in PD and MU zones, and are not required in C1-S, I&R-S, and I&R zones.
 - (1) Minor changes. Minor changes in the location, siting or character of buildings and structures may be authorized by the planning division if required by the final engineering or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:
 - a. A change in the use or character of the development;
 - b. An increase in the overall density or floor area ratio of the development;
 - c. An increase in overall coverage of structures;
 - d. A reduction or change in character of approved open space;
 - e. A reduction of required off-street parking;
 - f. A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks;
 - g. A reduction in required street pavement widths;
 - h. An increase of more than six inches in building height; or
 - A decrease in building setback greater than can be approved by a minor modification by the development services director.
 - (2) Major amendments. Substantial amendments to the master plan encompassing one or more of the minor changes listed in subparagraphs (1)a. through (1)i., or any proposed change determined by the development services director as a major amendment, shall be subject to review and approval by the zoning administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the zoning administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the general plan, as applicable.
 - (3) Minor amendments.

- a. Minor amendments to existing master plans in planned development zones are subject to section 13-56, master plan required.
- b. Minor amendments to existing master plans in the TC, C1-S, MU, I&R, I&R-S, and I&R-MLT zones may be approved by development review if the planning division finds that the proposed construction does not materially affect required open space, floor area ratio, and parking requirements specified in the approved master plan. Furthermore, if the minor amendment results in an overall building square footage that exceeds the maximum building square footage allowed by the approved master plan, the planning division must find that the minor amendment is consistent with the floor area ratio and trip budget standards established by the general plan, as applicable.
- (4) Mixed-use development plan screening application. Applicants for residential or mixed-use development projects in a mixed-use overlay district shall submit a screening application for consideration by city council at a public meeting. No other concurrent application for development may be submitted for processing until city council comments have been received. The purpose of the screening application is to receive city council comments on the merits and appropriateness of the proposed development. No other action on the screening application will be taken by city council. The submittal requirements for the screening review are specified on the city's planning application form, and the city council's review comments on the proposed project for processing shall not set precedent for approval of the master plan.
- (h) Minor conditional use permit. Any use or deviation from development standards specified in this Zoning Code as requiring a minor conditional use permit.
- (i) Minor design review. The following shall be subject to minor design review:
 - (1) Two-story residential construction that does not comply with any residential design guidelines adopted by the city council in the following zones:
 - a. R1 zone. Any two-story construction or second-floor addition; and
 - b. R2-MD, R2-HD, and R3 zones. Any two-story construction on a lot that results in two or fewer dwelling units or any second-story addition on a lot with more than two dwelling units.
 - (2) Reserved for future use.
 - (3) Any deviation from development standards specified in this Zoning Code as requiring a minor design review.
- (j) Minor modification. Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(j)(1).

TABLE 13-28(j)(1) MINOR MODIFICATION **Standard Deviation Range** Decrease in required front yard depth; provided that in 20% or less residential zones, the garage is set back a minimum of 19 feet from the front property line 20% or less Decrease in required rear yard depth Decrease in required side yard width 20% or less 33 1/3 % or less Increase in maximum fence/wall height Decrease in five-foot setback on street side for 100% or less fences/walls in excess of 36 inches on corner lots in multifamily residential zones Increase in depth of permitted projections into required 20% or less yards Decrease in minimum driveway width for two or more to not less than 10 feet dwelling units Deviation in sign area, height, setbacks, separation and 10% or less other sign specifications 20% or less Decrease in required distance between main structures 20% or less Decrease in required distance between accessory and main structures 5% or less Decrease in minimum width and length of garage dimensions

- (2) Minor building additions that encroach into required setbacks no further than the existing main structure, excluding architectural features. However, no nonconforming setback width or depth may be decreased further, and the building addition shall comply with all other applicable sections of this Zoning Code and other codes.
- (3) Fabric awnings that project no more than five feet from the building face.
- (4) Minimum length of no less than 18 feet for driveways as measured from the ultimate property line.

- (5) Any deviation from development standards specified in this Zoning Code as requiring a minor modification.
- (k) Mobile home park conversion. Any conversion of an existing mobile home park to any other use permitted or conditionally permitted in the applicable zoning district.
- (I) Planned signing program. A voluntary, optional alternative to the general sign regulations, except in the C1-S zone where it is required.
- (m)Reasonable accommodation. As defined in section 13-200.62
- (n) (Reserved)
- (o) Rezone. Any proposed change to the official zoning map.
- (p) Special use permit. Refer to Chapter XV of the Zoning Code.
- (q) Specific plan conformity review. Any proposed action or land use which is required by the applicable specific plan to be reviewed for conformity with the purpose and intent of the plan.
- (r) Tentative tract or parcel map (including vesting). Any proposed subdivision of land which is required by a provision of the Subdivision Map Act or this Zoning Code to file a tentative tract or parcel map.
- (s) Variance. Any deviation from a development standard in this Zoning Code that is not specified as a minor modification or administrative adjustment, or a deviation that is not allowed by approval of conditional use permit, minor conditional use permit, or specific plan conformity procedure.
- (t) Landmarks and historic districts located within the city. A person may request placement of a significant historic structure on the local Register of Historic Places subject to the criteria and procedures established in Chapter IX, Article 14, Historic Preservation.
- (u) Certificate of appropriateness. A certificate issued by the planning commission (or other commission/committee designated by the city council), approving plans, specifications, or statements of work for any proposed alteration, restoration, or rehabilitation, construction, relocation, or demolition, in whole or in part, of a "designated cultural resource" listed on the city's local Register of Historic Places.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-17, § 3, 11-15-99; Ord. No. 01-10, §§ 1a., 1b., 3-5-01; Ord. No. 01-16, § 1b., 6-18-01; Ord. No. 02-4, § 1m, 3-18-02; Ord. No. 03-4, § 1(a), 6-2-03; Ord. No. 03-8, §§ 1, 2, 9-2-03; Ord. No. 05-3, § 1b., 2-7-05; Ord. No. 05-2, § 1a.—c., 2-22-05; Ord. No. 06-9, § 1b., 4-18-06; Ord. No. 07-17, § 1a., b., 10-2-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 16-09, § 3, 10-4-16; Ord. No. 21-20, § 1, 12-7-21)

Section 13-30 Purpose.

The purpose of this chapter is to provide a comprehensive list of uses which are permitted, conditionally permitted, or prohibited in the various zoning districts, as represented by Table 13-30, Land Use Matrix. In evaluating a proposed use, the following criteria shall also be considered:

- (a) Uses determined as permitted may be subject to a discretionary review when construction is proposed, pursuant to Chapter III, Planning Applications.
- (b) Uses proposed in the planned development zones are subject to verification of consistency with the master plan adopted for planned development zones. A proposed use not expressly allowed by the adopted master plan may require additional discretionary review pursuant to Table 13-30, Land Use Matrix.
- (c) All listed uses in the matrix are subject to verification of compliance with density and floor area ratio limits, parking requirements and performance standards which may, in certain cases, prevent the establishment of the use.
- (d) Any proposed use not listed in the Land Use Matrix shall be reviewed by the development services director to determine its similarity to another listed use. If no substantial similarity exists, the proposed use shall require approval of a conditional use permit prior to establishment of the use.
- (e) For the purpose of Table 13-30, Land Use Matrix, the various zoning districts are labeled as follows:

Residential zones: R1, R2-MD, R2-HD, and R3

Commercial zones: AP, CL, C1, C2, C1-S, and TC

Industrial zones: MG and MP

Planned Development Residential zones: PDR-LD, PDR-MD, PDR-HD, and PDR-

NCM

Planned Development Commercial zone: PDC

Planned Development Industrial zone: PDI

The Parking zone: P

Institutional and Recreational zones: I & R, I & R-S, and I & R-MLT

- (f) For zoning districts located in a specific plan area, please refer to the appropriate specific plan text to determine if any additional regulations related to land uses are applicable.
- (g) For the mixed-use overlay district located in an urban plan area, please refer to the appropriate urban plan text for additional regulations related to development standards and allowable land uses as applicable.

						CITY	OF COS	TABLE TA MES	13-30 A LAND U	SE MAT	RIX											
											ZO	NES										
													PDR-	PDR-	PDR-	PDR-					I&RM	
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S1	LT ¹	P
RESIDENTIAL USES																						
1. Single-family dwellings (single housekeeping units)	P ⁴	Р	Р	Р	•	•	•	•	•	•	•	•	Р	Р	Р	Р	Р	Р	•	•	Р	•
2. Multi-family dwellings	•	Р	Р	Р	•	•	•	•	•	Р	•	•	Р	Р	Р	Р	Р	Р	•	•	Р	•
2.1 Common interest developments, residential	•	Р	Р	Р	•	•	•	•	•	Р	•	•	Р	Р	Р	Р	Р	Р	•	•	Р	•
2.2 Small lot subdivisions, residential	•	Р	Р	Р	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3. Mobile home parks	•	С	С	С	•	•	•	•	•	•	•	•	С	С	С	С	С	С	•	•	•	•
4. Boarding-house, small ⁷	•	Р	Р	Р	•	•	•	•	•	•	•	•	Р	Р	Р	Р	Р	Р	•	•	•	•
5. Boarding-house, large ⁷	•	С	С	С	•	•	•	•	•	•	•	•	•	С	С	С	С	С	•	•	•	•
6. Residential care facility, six or fewer persons (State licensed)	Р	Р	Р	Р	•	•	•	•	•	•	•	•	Р	Р	Р	Р	Р	Р	Р	•	Р	•
7. Group homes, six or fewer	S	s ⁶	s ⁶	s ⁶	•	•	•	•	•	•	•	•	s ⁶	s ⁶	s ⁶	s ⁶	s ⁶	s ⁶	Р	•	Р	•
7.1 Sober living homes, six or fewer	s ⁵	S ⁶	S ⁶	S6	•	•	•	•	•	•	•	•	S6	S ⁶	S ⁶	S ⁶	S6	_S 6	Р	•	•	•

						CITY	OF COS	TABLE TA MESA	13-30 A LAND U	ISE MAT	RIX											
											ZC	NES										
										_			PDR-	PDR-	PDR-	PDR-					I&RM	
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S1	LT ¹	P
8. Residential care facility, seven or more	•	C ₆	C6	C6	•	•	•	•	•	•	•	•	•	C6	c ⁶	C6	C6	C6	P	•	•	•
9. Group homes, seven or more	•	C6	C6	C6	•	•	•	•	•	•	•	•	•	C6	C6	С6	C6	C6	Р	•	•	•
9.1 Sober living homes, seven or more	•	C ⁶	C ⁶	C6	•	•	•	•	•	•	•	•	•	C ₆	C ₆	C ₆	C ⁶	C ₆	Р	•	•	•
10. Referral facility (Subject to the requirements of	•			c ²			•	- 2	•		•	•		c^2	c^2	•	•	•			•	
section 13-32.2, referral facility).	•	c ²	c ²	C ²				c ²						C ²	C ²							
11. Single room occupancy residential hotel (subject to	•	•	•	•	•	•	c ²	c ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•
City Council Policy 500-5)																						
ACCESSORY USES					·				·								·					
12. Reserved for future use.																						
13. Animals, keeping of										SEE TIT	LE 3, ANI	IMALS AN	D FOW	_								
14. Antennas: Amateur radio, Satellite dish,									SE	E CHAP	ER IX, A	RTICLE 2,	ANTENI	NAS								
Communication																						
15. Reserved for future use																						
15.1 Incidental residential use that includes a toilet in	Р	Р	Р	Р	•	•	•	•	•	•	•	•	Р	Р	Р	Р	Р	Р	•	•	•	•
combination with a bathtub or shower. This applies to																						
an accessory use contained in a detached structure, or																						
contained within the main structure with no interior																						
connection between the main and incidental use. Land																						
use restriction required.																						
16. Day care facilities (15 children or more) (see also	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Р	Р	•
Nursery schools)																						
17. Family day care–Large (7 to 14 children) (subject to	_P 2	_P 2	_P 2	_P 2	•	•	•	•	•	•	•	•	_P 2	_P 2	_P 2	_P 2	_P 2,3	_P 2,3	Р	•	_P 2	•
the requirements of section 13-37, large family day care	•		'	'									'		'	'	'	'			'	
homes)																						
18. Family day care–Small (up to 8 children)	Р	P	Р	Р	•	•	•	•	•	•	•	•	Р	Р	Р	P	_P 3	P3	Р	•	_P 3	•
19. Garage/yard sales–No more than 2 events	Р	Р	Р	Р	•	•	•	•	•	•	•	•	Р	Р	Р	Р	ъ3	ъ3	•	•	3	•
permitted a year, not to exceed 3 consecutive days																	P	P -			P -	
20. Reserved for future use.																						<u> </u>
21. Home occupations (subject to the requirements of	_P 2	ь2	ь2	ь2	ь2.3	_P 2,3	ь2,3	_D 2,3	_P 2,3	ъ2.3	_P 2,3	_P 2,3	ь2	ь2	_P 2	ь2	_P 2,3	_P 2,3	_P 2	•	_P 2	•
chapter IX, article 6, home occupations)	Ρ-	Ρ-	P ⁻	P-	P-/-	Ρ-/-	Ρ=/*	P-/-	Ρ-/-	P-/-	Ρ-/-	Ρ-/*	P ⁻	P	P	P	Ρ-/-	Ρ-/-	P		Γ-	
22. Home occupations that generate traffic and do not	MC ²	MC ²	MC ²	MC ²	MC ^{2,3}	MC2.3	MC2.3	MC2.3	MC ^{2,3}	MC2.3	MC2.3	MC ^{2,3}	MC ²	MC ²	MC ²	MC ²	MC2.3	MC ^{2,3}	MC ^{2,3}	•	MC ^{2,3}	•
involve more than 1 customer/ client at a time or more	IVIC	IVIC	IVIC	IVIC	IVIC /	IVIC /	IVIC /-	IVIC /	IVIC /	IVIC /-	IVIC /	IVIC /-	IVIC	IVIC	IVIC	IVIC	IVIC /	IVIC /	IVIC /		IVIC ,	
than 8 customers/clients per day (subject to the																						
requirements of ch. IX, article 6, home occupations)																						
22.1 Non-residential accessory uses in a residential	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
development not otherwise specified in this table																						
22.2 Accessory dwelling unit (subject to the	_P 2	_P 2	_P 2	_P 2	•	•	•	•	•	_P 2	•	•	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	•	•	_P 2	•
requirements of ch. V, section 13-35, accessory	Ī	!	ļ ļ	!						'			'	Į.	Į.	Į į	Į į	'			!	
dwelling units)																						
22.3 Junior accessory dwelling unit (subject to the	_P 2	_P 2	_P 2	_P 2	•	•	•	•	•	•	•	•	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	•	•	_P 2	•
requirements of ch. V, section 13-35, accessory	'	I I	'	'									'	'	I	1	!	'			'	
dwelling units)																						
22.4 Temporary real estate and construction offices	_P 2	_P 2	_P 2	ь2	_P 2	_P 2	_P 2	ь2	_P 2	_P 2	ь2	_P 2	ь2	_P 2	ь2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2	_P 2
(subject to the requirements of ch. IX, art. 10, temporary	ı	!	'	'	'	!	!	'	'	'	1	ļ ·	'	'	ļ .	1	'	'	'	!	'	'
trailers)																						
INSTITUTIONAL AND RECREATIONAL USES																						
23. Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	С	•	•	•
24. Churches and other places of religious assembly	C^2	c ²	c ²	c ²	c ²	c ²	_P 2	_P 2	c ²	c ²	_P 2	_P 2	c ²	c ²	c ²	c ²	c ²	c ²	_P 2	c ²	c ²	•
(Subject to the requirements of article 4.5 ,	C-	<u></u>									P=						<u></u>					
development standards for churches and other places																						
of religious assembly)																						

						CITY	OF COS	TABLE TA MESA	13-30 A LAND U	JSE MAT	RIX											
												NES										
													PDR-	PDR-	PDR-	PDR-					I&RM	
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S1	LT ¹	Р
25. Civic and community clubs	С	С	С	С	С	С	Р	Р	Р	Р	С	С	С	С	С	С	С	С	С	•	Р	•
26. Convalescent hospitals; nursing homes	•	С	С	С	С	С	С	С	•	•	•	•	•	•	•	•	•	•	Р	•	•	•
27. Country clubs; golf courses	С	С	С	С	•	•	•	•	•	•	•	•	С	С	С	С	•	•	Р	С	•	•
28. Crematories (See also Mortuary services)	•	•	•	•	•	•	•	С	•	•	С	С	•	•	•	•	•	•	С	•	•	•
29. Fairgrounds; outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•
30. Hospitals, general	•	•	•	•	•		•		•	•		•	•	•	•	•	•		P		P	•
31. Libraries, privately-operated	C	C	С	C	•	•	C	C	C	C	С	С	С	C	C	C	C	С	P	C	•	•
31a. Marijuana and/or medical marijuana cultivation	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
			_		-					-	-						_	-			_	•
31b. Cannabis and/or marijuana distributer	•	•	•	•	•	•	•	•	•	•	•	C ⁹	•	•	•	•	•	C ⁹	•	•	•	
31c. Cannabis and/or marijuana manufacturer or	•	•	•	•	•	•	•	•	•	•	•	C ⁹	•	•	•	•	•	C ⁹	•	•	•	
processor																						
31d. Cannabis and/or marijuana retail sales storefront	•	•	•	•	•	C ⁹	C ⁹	c ⁹	c ⁹	C ⁹	•	•	•	•	•	•	•	•	•	•	•	
31e. Cannabis and/or marijuana retail sales nonstorefront (deliveries)	•	•	•	•	•	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	•	C ⁹	•	•	•	•	•	C ⁹	•	•	•	•
·	•		_				_			_		0						0			_	
31f. Cannabis and/or marijuana research and	•	•	•	•	•	•	•	•	•	•	•	C ⁹	•	•	•	•	•	C ⁹	•	•	•	
development and/or testing laboratories					-			-											-			
32. Mortuary services without crematories	•	•	•	•	С	С	С	С	С	•	С	С	•	•	•	•	•	•	С	•	•	•
32a. Needle exchange program	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
33. Nursery schools–See also Day care facilities for 15 or more children	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Р	С	•
34. Parks and playgrounds	С	С	С	С	•	•	•	•	•	С	•	•	С	С	С	С	С	С	P	P	P	•
	C	С	С	C	-	С	P	P	P	P	С	С	С	С	C	C	C	C	P	•	•	
35. Public offices and facilities, such as city halls, courthouses, police/ fire stations, etc.	C			C	С		Г	Γ	F	P									r		•	•
36. Schools: primary, secondary and colleges	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Р	Р	•
37. Schools: trade and vocational; group counseling	•	•	•	•	•	MC	Р	Р	Р	Р	MC	MC	•	•	•	•	Р	MC	Р	Р	•	•
38. Senior congregate care facility	•	С	С	С	С	С	С	С	С	С	•	•	•	С	С	С	С	•	С	•	•	•
39. Swap meets	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	С	•	•
39a. Emergency shelters	•	•	•	•	•	•	•	•	•	•	•	c10	•	•	•	•	•	_D 10	•	•	•	•
SPECIAL SEASONAL EVENTS												C.0						Ρ.,				
40. Reserved.																						
41. Christmas tree lots; pumpkin patches; fireworks	•				2	2	2	2	2	2	2	2	_				2	2	2	2		
stands; produce stands (subject to the requirements of	·			•	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²					P ²	P ²	P ²	P ²		
title 9 , chapter II, regulation of certain businesses)																						
COMMERCIAL AND INDUSTRIAL USES											1							1	1	1		
42. Acupressure; massage (subject to the requirements	•	•	•	•	P ²	P ²	P ²	P ²	P ²	P ²	•	•	•	•	•	•	P ²	•	•	•	•	•
of title 9 , chapter ii, article 22, Massage establishments																						
and practitioners)																						
43. Adult businesses (See Sexually-oriented businesses)																						
44. Aggregate batch plants; Rock or asphalt crushing;	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Sand blasting																						
45. Ambulance services	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	•	MC	MC	•	•	•	•
46. Amusement centers (subject to the requirements of	•	•	•	•	•	•	c ²	c ²	c ²	c ²	•	•	•	c ²	c ²	c ²	c ²	•	•	•	•	•
chapter IX, article 5, electronic game machines)																						
47. Animal hospitals; veterinary services (kenneling only	•	•	•	•	•	С	С	Р	Р	С	С	С	•	•	•	•	Р	•	•	•	•	•
when incidental to principal hospital use)																						
48. Animal shelters, pounds, kennels, training schools	•	•	•	•	•	•	•	С	•	•	С	С	•	•	•	•	•	•	С	•	•	•
48a. Antique malls	•	•	•	•	•	•	Р	P	Р	•	MC	MC	•	•	•	•	Р	МС	•	•	•	•
49. Artists, sculptors studios	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P .	P	•	•	•	•
50. Auction houses	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
51. Automobile (See Motor vehicle)			_																		_	-
·		•		•	P	D	P	D	D	P	•	•	_	P	P	P	P	D	•	•	_	
52. Banks; savings and loans; and other financial	•	•	•	•	r	P	r	<u> </u>	Υ	r	•	•	•	Υ	P	r	P	r		•	•	•

						CITY	OF COS	TABLE TA MESA	13-30 A LAND U	JSE MAT	RIX											
											ZO	NES										
													PDR-	PDR-	PDR-	PDR-					I&RM	
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S1	LT ¹	Р
institutions																						
53. Bars; nightclubs (See Establishments where food or																						
beverages are served)						D	P	D	P	D					D	D		D				
54. Barber and beauty shops with accessory uses such	•	•	•	•	•	P	Ρ	P	Ρ	Р	•	•	•	Р	Ρ	P	Р	Р	•	•	•	•
as permanent make up, facials, and accessory massage							<u> </u>					С										
55. Billiards parlors	•	•	•	•	•	•	С	C	С	C	С		•	С	С	С	С	C	-	•	•	-
56. Botanical gardens; Zoos		-	•	•	<u> </u>	•	С		С	С	•	•	•	•	•	•	•	_	С	•	•	
57. Bowling centers 58. Breweries; Distilleries	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	C	C	•	•	•	•	-
59. Reserved	•	•	•	•	•	•	•		•	•	C	C	•	•	•	•	•	•	•		•	
	•			•			D	D	P					P	D	D	Р					
60. Building supplies; Hardware stores (retail) 61. Business services–See Offices	•	•	•	•	•	•	Ρ	P	Ρ	•	•	•	•	Γ Γ	Γ Γ	l P	l P	•	•	•	•	•
61. Business services—See Offices 62. Car washes	_				•																	
		•	-	•	•	• NAC	C	C	C	C	C	C MC	•	C	C	C	C	C		•	•	
63. Carts– Outdoor retail sales in conjunction with an established business	•	•	•	•	•	MC	MC	MC	MC	MC	MC	IVIC	•	MC	MC	MC	MC	MC	MC	•	•	•
	•	•				NAC	P	D	P		P	P					P	D				
64. Catering		-	-	•	-	MC	1	P	· '	•	1	MC	•	•	-	•	<u>'</u>	1	•	•	•	
65. Coffee roasting	•	•	•	•	•	•	• NAC	NAC	• NAC	NAC	MC		•	• NAC	NAC	• N4C	• NAC	• N4C	•	•	•	
66. Coffee roasting (in conjunction with establishments where food or beverages are served)	•	•	•	•	•	•	MC	МС	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	•	•	•	•
67. Commercial art; Graphic design	•	•	•	•	P	P	Р	Р	P	P	P	Р	•	•	•	•	P	Р	•	•	•	•
68. Commercial testing laboratories	•	•	•	•	•	•	•	•	•	•	P	Р	•	•	•	•	•	Р	•	•	•	•
69. Computer and data processing	•	•	•	•	Р	Р	Р	Р	Р	Р	Р	Р	•	•	•	•	Р	Р	•	•	•	•
70. Contracting: general contractors; operative builders	•	•	•	•	•	С	С	Р	С	•	Р	Р	•	•	•	•	•	Р	•	•	•	•
71. Convenience stores; mini-markets (subject to the	•	•	•	•	•	•	C^2	C^2	c^2	C^2	•	•	•	•	C^2	C^2	c^2	•	•	•	•	•
requirements of chapter IX, article 16, liquor stores,																						
convenience stores, and mini-markets)																						
72. Department stores (retail)	•	•	•	•	•	•	Р	Р	Р	Р	•	•	•	•	•	•	Р	•	•	•	•	•
73. Electronic game machines (four or more), incidental to the primary use, (subject to the requirements of chapter IX, article 5, electronic game machines)— Excluding amusement centers listed separately 74. Engineering; architectural; and surveying services—	•	•	•	•	•	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	•	MC ²	MC ²	MC ²	MC ²	MC ²	•	•	•	•
See Offices						CEE:	TITLE O	A DTICLE	14 DECL	U ATODY	/ DEDI ALT	2.500		CEE :		A DTICLE	14 DECL	U ATODY	DEDMIT	C FOD		
75. Entertainment, live or public	•	•	•	•	•	SEE	IIILE 9, A		11, REGUENTERTA			SFOR	•	SEE	IIILE 9, A		11, REGUENTERTA			SFOR	•	•
76. Establishments where food or beverages are served	•	•	•	•	•	SEE C		V, ARTI	CLE 4, EST EVERAGE	TABLISHI	MENTS W	VHERE	•		BLISHM	PTER V, A ENTS WH	ARTICLE 4	4, DD OR	•	•	•	•
															BEVERA	GES ARE	SERVED	1				
77. Exhibition of products produced on premises or available for wholesale distribution	•	•	•	•	•	Р	Р	Р	Р	P	Р	Р	•	•	•	•	P	Р	•	•	•	•
78. Flower stands–See also Carts	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•	•
79. Furniture repair and refinishing with incidental sales	•	•	•	•	•	•	Р	Р	Р	•	Р	Р	•	•	•	•	•	Р	•	•	•	•
80. Grocery stores—See also Supermarkets; excluding convenience stores; and liquor stores listed separately	•	•	•	•	•	•	Р	Р	Р	Р	•	•	•	MC	MC	MC	MC	•	•	•	•	•
81. Hazardous waste facilities, off-site (subject to	•	•	•	•	•	•	c ²	c ²	c ²	c ²	c ²	c ²	•	• • • c ² c ² c ² • •					•			
chapter IX article 9, off-site hazardous waste facilities)	•	•	_		•								_		•						_	
82. Heliports; Helistops	•	•	•	•	•	•	C	C	C	С	C	C	•	C	C	C	C	C	C	С	•	•
83. Hotels– Excluding motels listed separately	•	•	•			MC	MC	C	P	P •	D	P	-			•	P •	D	•	•		•
84. Landscape services (installation and maintenance)		-	•	•	•	MC	MC	P	P	• D	P	P	•	P	• D	• D	P	P	•	•	•	•
85. Laundry, cleaning and garment services, including plants	•	•	•		•	Г	'	r	'	'	ı ı	'	•	'	Г	ı	'	'	_		_	•
86. Leather tanning and finishing	•	•	•	•	•	•	•	•	•	•	С	С	•	•	•	•	•	С	•	•	•	•

						CITY	OF COS	TABLE TA MESA	13-30 A LAND U	SE MAT												
											ZO	NES										
													PDR-	PDR-	PDR-	PDR-					I&RM	
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S1	LT ¹	Р
87. Limousine services	•	•	•	•	•	С	С	С	С	С	С	С	•	•	•	•	С	С	•	•	•	•
88. Liquor stores (subject to the requirements of	•	•	•	•	•	•	c ²	c ²	c ²	c ²	•	•	•	•	•	•	c^2	•	•	•	•	•
chapter IX, article 16, liquor stores, convenience stores,										C												
and mini-markets)																						
89. Lumber and building materials dealers, (wholesale)	•	•	•	•	•	•	•	•	•	•	Р	Р	•	•	•	•	•	Р	•	•	•	•
90. Manufacturing: Light EXCEPT the following which	•	•	•	•	•	•	•	•	•	•	ь2	_P 2	•	•	•	•	•	_P 2	•	•	•	•
are prohibited:											I	'						'				
Manufacture of fertilizer																						
 Manufacture of products involving the use of 																						
explosives																						
 Manufacture of rubber (including tires), steel 																						
91. Manufacturing of chemical products, paints,	•	•	•	•	•	•	•	•	•	•	c ²	c ²	•	•	•	•	•	c ²	•	•	•	•
pharmaceuticals, and plastics											C_	C-						C-				
92. Manufacturing of stone, clay, glass and concrete	•	•	•	•	•	•	•	•	•	•	_P 2	_P 2		•	•	•	•	_P 2	•	•	•	•
products EXCEPT the following which are prohibited:	_			-						•	P ²	P ²						P ²				
Manufacture of flat glass																						
Manufacture of flat glass Manufacture of cement and structural clay products																						
 Manufacture of cement and structural clay products Manufacture of concrete, gypsum and plaster 																						
products																						
ļ.																						
Manufacture of abrasive and asbestos products																						
Manufacture of nonclay refractories and crucibles																						
Processing and preparation of clay, ceramic and																						
refractory minerals																						
93. Manufac-turing or processing of foods and	•	•	•	•	•	•	•	•	•	•	P ²	P ²	•	•	•	•	•	P ²	•	•	•	•
beverages EXCEPT the following which are prohibited:																						
 Meat and poultry packing plants 																						
• Grain mills																						
Sugar refining																						
 Fats and oils processing mills 																						
 Seafood canneries and packaging 																						
(See also Breweries; Distilleries; Coffee roasting)																						
94. Massage– See also Acupressure (subject to the	•	•	•	•	_P 2	_P 2	•	•	•	•	•	•	_P 2	•	•	•	•	•				
requirements of title 9 , chapter II, article 22, massage					'	'	'			•							'					
establishments and practitioners)																						
95. Medical laboratories	•	•	•	•	MC	MC	Р	Р	Р	Р	MC	MC	•	•	•	•	MC	MC	•	•	•	•
96. Metal fabrication, welding, foundry, die casting	•	•	•	•	•	•	•	•	•	•	_P 2	_P 2	•	•	•	•	•	•	•	•	•	•
(subject to subsection 13-54(a), performance standards)											I	'										
97. Motels– (Subject to requirements of chapter IX,	•	•	•	•	•	•	c ²	C ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•
article 8, motels) Excluding Hotels listed separately																						
98. Motion picture and television studios	•	•	•	•	С	С	С	С	•	•	Р	Р	•	•	•	•	Р	Р	•	•	•	•
99. Motion picture theaters and other theaters not	•	•	•	•	•	•	P	P	Р	P	•	•	•	•	•	•	P	•	•	•	•	•
within 200 feet of residential zones								'	'								'					
100. Motion picture theaters and other theaters within	•	•		•	•	•	С	С	С	С	•	•	•	•	•	•	С	•	•	•	•	•
200 feet of residential zones										C												
	•	•		•	•	•	2	2	2		2	2		•	•	•	2	2	2	2	•	
101. Motor oil, used–Collection facility (subject to the				_			P ²	P ²	P ²	•	P ²	P ²					P ²	P ²	P ²	P ²		
requirements of chapter IX, article 9, off-site hazardous																						
waste facilities)																						
102. Motor vehicle, boat, and motorcycle retail sales,	•	•	•	•	•	•	С	С	С	С	С	С	•	•	•	•	С	С	•	•	•	•
leasing, rentals and service with two or more outdoor																						
display parking spaces																						
103. Motor vehicle, boat, and motorcycle retail sales,	•	•	•	•	•	•	Р	Р	P	Р	Р	Р	•	•	•	•	Р	P	•	•	•	•
leasing, and rentals with one or less outdoor display																						
parking space and no service (subject to verification of																						

TABLE 13-30 CITY OF COSTA MESA LAND USE MATRIX ZONES PDR-PDR-PDR-PDR-I&RM PDC¹ PDI¹ LT¹ TC¹ LD¹ MD^{1} HD¹ NCM¹ I&R¹ I&R-S1 LAND USES R2-MD R2-HD R3 AP CL **C1** C2 C1-S1 MG MP R1 parking availability) С С С С 104. Motor vehicle service stations C^2 c² C^2 105. Motor vehicle service stations with concurrent sale C^2 of alcoholic beverages (subject to requirements of chapter IX, article 3, concurrent sale of alcoholic beverages and motor vehicle fuel) 106. Motor vehicle; boat; and motorcycle repair Ρ services (including body and paint work), not within 200 feet of residential zone (subject to subsection 13-54(b)) 107. Motor vehicle; boat; and motorcycle repair С С С С С С С • • services (including body and paint work), within 200 feet of residential zone (subject to subsection 13-54(b)) 108. Nurseries (retail with no bulk fertilizer) С С Ρ С С 109. Offices: central administrative Р Р Ρ Ρ Р Р Р Ρ Ρ 110. Offices: engineering: architectural: and surveying Ρ Ρ Ρ Р Р MC MC MC Р services; management; consulting and public relations 111. Offices: general; individual counseling Ρ Ρ Ρ Ρ Ρ MC MC Ρ Р MC • MC MC 112. Reserved 113. Offices: medical and dental MC MC MC MC MC Р 114. Offices: services to businesses such as Ρ Р Ρ Р • Ρ Ρ • bookkeeping and data processing С С 115. Off-street parking lots and structures including С С С С С Р С С С • related maintenance buildings 116. Off-street parking lots and structures, incidental MC MC MC MC • • MC MC MC MC MC MC MC • MC MC MC • uses within 117. Oil fields; oil wells (see chapter XIV, oil drilling) • • • • • • • • • • 118. Pawn shops • С С С С • • • • • • • • • • • • 119. Photocopying; blueprinting and related services Ρ Ρ Ρ • Ρ Р 120. Photofinishing laboratories Ρ Ρ • 121. Photofinishing stores Р Р MC 122. Photography: Commercial Ρ Ρ MC MC Ρ • 123. Photography: portrait studio Р Р Р Р • • • • MC • С 124. Physical fitness facilities С С С С С С С МС 125. Printing and publishing МС Ρ МС Р Р Р Р • 126. Recording studios МС МС MC MC МС MC MC 127. Recycling and collection facilities for МС MC MC MC MC MCMC MC MC MC • nonhazardous materials С С С 128 Research and development laboratories – Other С С than cannabis and/or marijuana testing laboratories 129. Restaurants–See Establishments where food or beverages are served 130. Retail: general – Excluding antique malls, pawn Ρ Ρ Ρ Ρ Ρ Р Ρ • shops, supermarkets, grocery stores, convenience stores; and liquor stores listed separately 131. Retail, incidental sales to the main use (subject to Ρ Р _P2 Р Ρ _P2 the requirements of section 13-54(a), incidental retail sales) 132. Retail: nonstore Р Р 133. Rifle, pistol, and firing ranges С С С • • • • • • 134. Sexually-oriented businesses (subject to the _P2 _P2 _P2 _P2 _P2 requirements of title **9**, chapter IV and title **13**, chapter IX, sexually-oriented businesses)

						CITY	OF COS	TA MESA	LAND U	SE MAT	RIX											
												NES										
													PDR-	PDR-	PDR-	PDR-					I&RM	
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC ¹	MG	MP	LD ¹	MD ¹	HD ¹	NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S1	LT ¹	Р
135. Skating rinks	•	•	•	•	•	•	С	С	С	С	С	С	•	•	•	С	С	С	С	С	•	•
135a. Smoking lounge (subject to chapter IX, article 19,	•	•	•	•	•	•	•	•	c^2	•	•	_P 2	•	•	•	•	c^2	•	•	•	•	•
smoking and vaping uses)												'										
135b. Smoking/ vaping retailer (subject to chapter IX,	•	•	•	•	•	_P 2	•	•	•	_P 2	ь2	ь2	_P 2	ъ2	•	•	•	•				
article 19, smoking and vaping uses)						'	'	!	'	1				!	ļ '	1	'	!				
136. Storage of chemicals and allied products (except	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
as incidental use)																						
137. Storage of explosives	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
138. Storage of fertilizer	•	•	•	•	•	•	•	•	•	•	С	С	•	•	•	•	•	•	•	•	•	•
139. Storage of motor vehicles – Outdoor (not including	•	•	•	•	•	•	С	С	С	•	MC	MC	•	•	•	•	С	MC	•	•	•	•
impound yard)																						
139a. Storage of motor vehicles– Indoor only (not	•	•	•	•	•	•	Р	Р	Р	•	Р	Р	•	•	•	•	Р	Р	•	•	•	•
including impound yard)																						
140. Storage of petroleum and coal products	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
141. Storage of rock, sand, crushed aggregate and	•	•	•	•	•	•	•	•	•	•	С	С	•	•	•	•	•	•	•	•	•	•
gravel																						
143. Supermarkets– See also Grocery stores	•	•	•	•	•	•	Р	Р	Р	Р	•	•	•	MC	MC	MC	MC	•	•	•	•	•
143a. Specialty stores	•	•	•	•	•	•	Р	Р	Р	Р	•	•	•	•	MC	MC	MC	•	•	•	•	•
144. Tattoo parlors	•	•	•	•	•	•	С	С	С	•	•	•	•	•	•	•	С	•	•	•	•	•
145. Tire sales and installation not within 200 feet of	•	•	•	•	•	•	Р	Р	Р	•	Р	Р	•	•	•	•	Р	Р	•	•	•	•
residential zone																						
146. Tire sales and installation within 200 feet of	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•
residential zone																						
147. Tow companies with or without impound yard	•	•	•	•	•	•	С	С	С	•	MC	MC	•	•	•	•	•	MC	•	•	•	•
148. Transfer station for refuse, sewage treatment	•	•	•	•	•	•	•	•	•	•	С	С	•	•	•	•	•	С	С	•	•	•
149. Trucking: local and long distance	•	•	•	•	•	•	•	С	•	•	Р	Р	•	•	•	•	•	С	•	•	•	•
150. Warehouses, mini (subject to the requirements of	•	•	•	•	•	•	c ²	c^2	c ²	•	MC ²	MC ²	•	•	•	•	•	MC ²	•	•	•	•
chapter IX, article 7, mini-warehouses)											1410	1410						1410				
151. Warehouses, public	•	•	•	•	•	•	С	С	С	•	Р	Р	•	•	•	•	•	Р	•	•	•	•
152. Warehousing of durable and nondurable goods	•	•	•	•	•	•	•	•	•	•	Р	Р	•	•	•	•	•	Р	•	•	•	•
except livestock and poultry–See also Storage																						
153. Wholesale trade of motor vehicles, boats and	•	•	•	•	•	•	С	С	С	С	С	С	•	•	•	•	С	С	•	•	•	•
motorcycles with outdoor storage of vehicles																						
154. Wholesale trade of motor vehicles, boats and	•	•	•	•	•	MC	MC	Р	Р	Р	Р	Р	•	Р	Р	Р	Р	Р	•	•	•	•
motorcycles without outdoor storage of vehicles																						
155. Wholesale trade of durable, nondurable goods,	•	•	•	•	•	MC	MC	Р	Р	Р	Р	Р	•	Р	Р	Р	Р	Р	•	•	•	•

TABLE 13-30

Notes:

- Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan. Residential uses shall not be permitted on any site or parcel of land on which residential uses are expressly prohibited by the general plan.
- 2 This use is subject to the requirements of the referenced Municipal Code article or section.
- 3 If residential uses exist, accessory uses shall be permitted.

except livestock, poultry and perishable goods

- For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C-Conditional Use Permit; MC-Minor Conditional Use Permit; P-Permitted; •-Prohibited; and S-Special Use Permit.
- 5 Six hundred fifty foot separation required between sober living homes, or from state licensed alcohol or drug abuse recovery or treatment facilities. CMMC 13-311(a)(10)(i).
- 6 Subject to the separation requirement set forth in sections 13-322(a)(3) and 13-323(b).
- 7 Small boardinghouses shall locate at least 650 feet from any other small boardinghouse. Large boardinghouses shall be located at least 1,000 feet away from any other boardinghouse.
- 8 Uses prohibited in the base zoning district of a mixed-use overlay zone shall also be prohibited in the overlay zone.
- 9 Prohibited at the SoCo property, 3303 through 3323 Hyland Ave.
- 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.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-4, § 2, 2-2-98; Ord. No. 98-5, § 8, 3-2-98; Ord. No. 00-5, § 1(b), 3-20-00; Ord. No. 01-1, § 1, 1-15-01; Ord. No. 01-30, § 1a(Att. A), 1-7-02; Ord. No. 02-4, § 1b(Att. A), 3-18-02; Ord. No. 02-12, § 1c, 6-17-02; Ord. No. 05-2, § 1f.(Att. A), 2-22-05; Ord. No. 05-11, § 2b., 7-19-05; Ord. No. 06-2, § 1a., 2-7-06; Ord. No. 06-9, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 06-18, § 1d., 4-18-06; Ord. No. 06

1d., 2-6-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2B., 3-19-13; Ord. No. 14-04, § 2B., 4-1-14; Ord. No. 14-13, 10-21-14; Ord. No. 15-06, § 1–3, 7-7-15; Ord. No. 15-10, § 2B, 9-15-15; Ord. No. 15-11, § 3–5, 11-17-15; Ord. No. 16-01, § 4, 1-19-16; Ord. No. 16-09, § 4, 5(Exh. A), 10-4-16; Ord. No. 16-13, § 2, 11-15-16; Ord. No. 16-15, § 5, 11-8-16; Ord. No. 18-03, § 3, 1-16-18; Ord. No. 18-04, § 3, 4-3-18; Ord. No. 19-13, § 3, 9-3-19; Ord. No. 19-15, § 1, 9-17-19; Ord. No. 21-03, § 4, 3-2-21; Ord. No. 21-08, § 1, 6-15-21; Ord. No. 21-20, § 1, 12-7-21)

Section 13-32 Development standards.

Table 13-32 identifies development standards in the residential zones, with the exception of development standards for common interest developments (see Article 2, common interest developments. See also Article 9, general site improvement standards of this chapter for additional requirements for all the residential zones.

	RESID	TABLE 13-32 DENTIAL DEVELOPMENT STAN	IDARDS					
STANDARDS	R1	R2-MD	R2-HD	R3				
Minimum Lot Area	6,000 square feet	12,000 square feet	12,000 square feet	12,000 square feet				
Minimum Lot Area for newly subdivided lots	6,000 square feet	12,000 square feet	12,000 square feet	12,000 square feet				
Minimum Lot Width for newly subdivided lots	Corner lot: 60 feet Note: All newly subdivided lots dedicated street equal to, or in minimum lot width. An excepti the existing R-1 lot (that is prop average depth that equals to o	excess of, the required on to this requirement is when cosed to be subdivided) has an or exceeds 200 feet	Interior lot: 100 feet Corner lot Note: All newly subdivided lo dedicated street equal to, or i minimum lot width; with the edevelopments.	ts shall have frontage on a n excess of, the required exception of common interest				
& Building Height	shall be determined in conjunct Note: Lofts, as defined in section story. See also Attic discussion		rmit review process. and having only clerestory win	dows will not be regarded as a				
Attics	be an integral part of the secor		as a third story on any buildin	Attics above second stories shall g elevation. Windows in any attic				
Maximum Density (Based on gross acreage.)	1 dwelling unit per 6,000 square feet (Note: Only 1 dwelling unit is permitted per lot.)	1 dwelling unit per 3,630 square feet 1 unit per 3,000 square feet for legal lots existing as of March 16, 1992, that are less than 7,260 square feet in area but not less than 6,000 square feet in area.	1 dwelling unit per 3,000 square feet	1 dwelling unit per 2,178 square feet				
Minimum Open Space	40% of total lot area	· · · · · · · · · · · · · · · · · · ·	40% of total lot area.					
Distance Between Buildings	10-foot minimum between mai 6-foot minimum between main	n buildings buildings and accessory structu	ures					
Driveway width	For all individual driveways: Te For lots less than 50 feet wide: For lots greater than 50 feet wi	n-foot minimum width 26-foot maximum width ¹	all be a than one dwelling unit					
Driveway length	•	es shall have a minimum length o	of 19 feet from the ultimate pro	operty line.				

	RES	TABLE 13-32 IDENTIAL DEVELOPMENT STAP	NDARDS	
STANDARDS	R1	R2-MD	R2-HD	R3
Storage	Not applicable.		storage exterior to the un the garage or carport it sh the required clear dimens (per the City of Costa Mes	ed with 200 cubic feet of securable it. If this storage is provided within hall be located so as not to obstruct sions of the covered parking space sa Parking Design Standards) at any we the finished surface level of the
Mechanical equipment,	Roof-top location is prohibite	ed on single-family dwelling units	•	
excluding antennas and flush mounted solar panels on roofs	- All other locations: Screening Article 2, antennas.	g required from public rights-of-w	ay and adjacent propertie	s. Antennas are subject to Chapter IX
				otherwise noted. All setbacks from
		on the master plan of highways).		
Front Side	20 feet	20 feet Note: Accessory structures that d	20 feet	20 feet
Rear (not abutting a publicly dedicated alley)	Property line abutting a publ	as measured from the property li y: 5 feet	s providing straight-in accene. 15 feet for 2 story structur	res. res (15-foot maximum height). Note:
	provided that maximum rear Note: Accessory structures the height in the R1 zone or 15 fethave a zero rear yard setback zones. Corner lots in the R2-MD, R2-a. Where the rear property line property line of another lot, reshall be allowed on the corner quarter of the corner lot farth b. Where the rear property line or private street, accessory stefor main structures.	yard coverage is not exceeded. hat do not exceed 6½ feet in heet in height in the R2 zones may k, except on corner lots in the R2 HD & R3 zones: he of a corner lot adjoins the side ho detached accessory structure her lot, except within the rear hest from the side street. he of a corner lot abuts a public hructures shall maintain setbacks	Accessory structures that have a zero rear yard sets MD and R2-HD column fo	do not exceed 15 feet in height may back, except on corner lots (see R2- or setbacks for corner lots).
Rear yard coverage (maximum)	Main Buildings: 25% of rear y Accessory Buildings: 50% of * Rear yard area equals lot wi property line to side property	rear yard area.* idth, measured from side	Not applicable	

	RES	TABLE 13-32 IDENTIAL DEVELOPMENT STA	NDARDS	
STANDARDS	R1	R2-MD	R2-HD	R3
Rear abutting a publicly dedicated alley, street, or park	not apply. Note: Accessory structures th	y be required to setback further to nat do not exceed 6½ feet in heig ard setback, except on corner lo cructures.	ght in the R1 zone or 15 feet in he	eight in the other residential
Bluff top setback	No building or structure clos	er than 10 feet from bluff crest (s	ee section 13-34 BLUFF-TOP DE	VELOPMENT).
PROJECTIONS (Maximum de	pth of projections given)			
Roof or eaves overhang;	2 feet 6 inches into required	side setback or building separat	on area.	
awning	5 feet into required front or r	ear setback.		
Open, unenclosed stairways.	2 feet 6 inches into required	setback or building separation a	rea.	
Chimneys	2 feet above maximum build	ing height.		
Fireplaces	2 feet into required setback of	or building separation area.		
PARKING STANDARDS (See C	Chapter VI).			
LANDSCAPING (See also Cha	pter VII).			
Landscaping Required.	landscaped and the landscap	ng, dead, diseased, decayed,	e See Chapter VII, LANDSCAPIN	G.
SIGNS (See Chapter VIII).	<u> </u>		·	
POOLS AND SPAS				
		quired front yard setback from a be applicable pursuant to buildir		5-foot side and 10-foot rear

RAISED DECKS

Any raised deck with a finished floor height of 18 inches or greater, as measured from finished grade, shall comply with the main building setback requirements for the underlying zone.

FENCES AND WALLS

Fences and walls placed between the property line and required setback line for main buildings shall conform [to] the city's walls, fences, and landscaping standards.

See ARTICLE 9, GENERAL SITE IMPROVEMENT STANDARDS, of this chapter for further information.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-16, §§ 1f., g., 6-18-01; Ord. No. 02-4, § 1c, 3-18-02; Ord. No. 02-9, § 1a, 7-1-02; Ord. No. 03-8, § 4, 9-2-03; Ord. No. 05-3, § 1c., 2-7-05; Ord. No. 09-4, § 1b., 5-5-09; Ord. No. 21-20, § 1, 12-7-21)

^{1.} The maximum driveway width standards are only applicable to the construction of new single-family residences.

Section 13-35 Accessory dwelling units.

- (a) Purpose, general plan consistency, definitions.
 - (1) Purpose and interpretation. The intent of this section is to ensure that accessory dwelling units (ADUs) and Junior ADUs remain as an accessory uses in residential and mixed-use zones, that the structures on parcels are organized to accommodate an ADU and/or Junior ADU, and that such dwelling units do not adversely impact surrounding residents or the community. This section 13-35 is intended to retain the ability of the city to regulate ADUs in terms of design, aesthetics, massing and integration with existing structures and to comply with the requirements of state law.
 - (2) General plan consistency. In adopting these standards, the city recognizes that the approval of dwelling units may, in some instances, result in dwelling densities exceeding the maximum densities prescribed by the general plan. The city finds that this occurrence is consistent with the general plan, as allowed under state planning and zoning law applicable to ADUs, and that the amendment furthers the goals, objectives, and policies of the general plan housing element.
 - (3) Definitions. For purpose of this section 13-35 only:
 - a. The terms "accessory dwelling unit" (ADU), "public transit," "passageway" and "tandem parking" all have the same meaning as that stated in Government Code section 66313 as that section may be amended from time to time.
 - b. "Junior ADU" shall have the same meaning as that stated in Government Code section 66313(d) as that section may be amended from time to time.
 - c. A structure is considered "existing" if a building permit was issued and finalized before an ADU or JADU application is submitted under this section.
 - d. The terms "single-family dwelling" and "multifamily dwelling" exclude all detached accessory structures.
 - e. The term "single-family dwelling" is a dwelling (excluding any ADU or Junior ADU) that is not attached to another dwelling. Single-family dwellings may include detached single-family homes where there is more than one primary dwelling on a lot.
 - f. A "multifamily dwelling" is a dwelling (excluding any ADU or Junior ADU) within a multifamily dwelling structure.
 - g. A "multifamily dwelling structure" is a structure which contains at least two lawful dwellings within the structure, excluding ADUs and Junior ADUs. Storage rooms, boiler rooms, passageways, attics, basements, garages and other non-habitable spaces are considered within a "multifamily dwelling"

structure" if such non-habitable spaces are within the same structure as at least two other multifamily dwellings.

(b) Accessory dwelling units.

- (1) Residential and mixed use zones only. ADUs are permitted in single-family, multifamily, mixed-use zones (i.e., zones where single-family and/or multifamily dwellings are allowed), and within approved master plan sites with residential uses in other zones, and only on a legal lot with proposed or existing residential dwelling(s) which will remain on site. By way of illustration only, the zones where accessory dwellings are allowed are shown on the Citywide Land Use Matrix at section 13-30. If there is any conflict between the requirement that ADUs be approved in (and only in) zones where single-family and multifamily dwellings are allowed and the Land Use Matrix, the former shall control.
- (2) Reserved.
- (3) Ministerial. Any application for an ADU that meets the requirements of this section shall be approved ministerially by the city by applying the standards herein and without a public hearing or notice of decision or zoning approval in compliance with government code section 66317.
- (4) Maximum number of dwelling units. The following is the maximum number of ADUs and or Junior ADUs allowed on any lot.
 - a. Single-family. One detached, new construction ADU, one conversion ADU, and one junior ADU may be permitted on a lot with a proposed or existing single-family dwelling subject to the following:
 - 1. Conversion within a single-family dwelling.
 - (i) An ADU and Junior ADU may be within the existing footprint of a lawful single-family dwelling. Alternatively, an ADU may be within a lawfully constructed existing detached accessory structure; in this case up to 150 square feet may be added beyond the physical dimensions of the existing accessory structure solely to accommodate ingress and egress to the ADU; and
 - (ii) ADUs and Junior ADUs must have independent exterior access from the single-family dwelling, and have side and rear setbacks sufficient for fire safety; and
 - 2. New construction (attached or detached). One new construction ADU may be permitted on a lot with proposed or existing single-family dwelling. One new construction Junior ADU may be allowed on the lot if the Junior ADU is to be in a single-family dwelling that meets all applicable legal standards.
 - b. Multifamily. One ADU is allowed within new construction residences where, after construction, there will be at least two residences on the lot (e.g. detached residential structures, duplexes, apartments); up to two ADUs are

allowed with such structures pursuant to subsection 2, below. For lots with an existing legal multifamily dwelling (e.g., a legal non-conforming multifamily dwelling), the applicant may have ADU(s) pursuant to the following:

- 1. Maximum ADUs within existing multifamily dwelling structure. No more than 25%, with any partial unit rounded down) of the number of existing multifamily dwelling units on the lot, but at least one unit, shall be permitted as ADU(s) constructed within the enclosed nonlivable space (e.g., a space in a dwelling not intended for human habitation, including living, sleeping, eating, cooking, or sanitation)) of the existing multifamily dwelling structures; or
- 2. Maximum detached ADUs. No more than eight detached ADUs are permitted, provided that the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot. The units shall be detached from every residence on site (but need not be detached from each other) with the exception of one ADU, which may be attached to the multifamily dwelling structure. This section shall apply to detached structures that are converted and new construction detached ADUs. Conversion detached ADUs are not subject to height, setbacks, and maximum square footage; or

(5) Maximum size.

- a. Single-family.
 - 1. Detached. For lots with a proposed or existing single-family dwelling, a detached ADU shall not have more than 1,200 square feet.
 - 2. Attached. An ADU attached to a single-family dwelling shall be no more than the greater of 50% of the square footage of the existing single-family dwelling or 1,000 square feet.
- b. Multifamily, new construction.
 - 1. Detached. For lots with an existing legal multifamily dwelling structure the maximum square footage for a detached ADU is 850 square feet or 1,000 square feet for an ADU that provides more than one bedroom, except as allowed in Government Code Section 66323.; or
 - 2. Attached. For lots with an existing legal multifamily dwelling structure, an attached ADU shall not exceed the greater of 1,000 square feet or 50% of the average floor area of the existing multiple family dwelling units.
- c. Interior conversions. Notwithstanding subsections a and b immediately above, ADUs which are converted from space entirely within existing structures, and ADUs entirely within proposed lawful single-family dwellings, are not subject to a limit on maximum square footage.

- (6) Minimum size.
 - a. ADUs may be efficiency units. Notwithstanding the general limitation on efficiency units being no smaller than 220 square feet, ADUs may also be less than 220 square feet, provided that they are no smaller than 150 square feet, and comply with all other legal requirements.
- (7) Conversions of dwelling units.
 - a. Total conversion of single-family dwelling. An entire existing single-family dwelling may be converted to an ADU if the ADU complies with all applicable requirements of this section and a new single-family residence with a total gross floor area exceeding that of the ADU is constructed in full compliance with code requirements.
 - b. Partial conversion/addition. A portion of the existing single-family or multifamily dwelling may be converted to an ADU with new additional square footage, which additional square footage shall comply with all standards applicable to the underlying zone, and all converted square footage shall comply with standards applicable to conversions. The maximum square footage of the ADU shall be based upon the size of the existing dwelling before construction of the ADU addition.
- (8) Short-term rentals prohibited. An ADU shall not be rented for periods of less than 31 days.
- (c) Junior ADUs.
 - (1) Rule. Junior ADUs shall comply with the requirements of this subsection, in addition to the requirements of subsection (d) of this section 13-35.
 - (2) Maximum size. A Junior ADU shall not exceed 500 square feet in gross floor area.
 - (3) Owner occupancy requirement. The owner of a parcel proposed for a Junior ADU shall occupy as a primary residence either the primary dwelling unit or the Junior ADU. Owner-occupancy is not required if the owner is a governmental agency, land trust, or "housing organization" as that term is defined in Government Code section 65589.5(k)(2), as that section may be amended from time to time.
 - (4) Short-term rentals prohibited. A Junior ADU shall not be rented for periods of less than 31 days unless otherwise authorized by the municipal code.
 - (5) Location of Junior ADU. A Junior ADU shall be entirely within an existing or proposed single-family dwelling, including an attached garage.
 - (6) Kitchen requirements. A Junior ADU shall include an efficiency kitchen, including a cooking facility with appliances, outlet for a small refrigerator, food preparation counter and storage cabinets that are of reasonable size in relation to the size of the Junior ADU.
 - (7) Parking. No additional parking is required beyond that already required for the primary dwelling.

- (8) Fire protection; utility service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a Junior ADU shall not be considered a separate or new unit, unless the Junior ADU was constructed in conjunction with a new single-family dwelling. No separate connection between the Junior ADU and the utility shall be required for units created within a single-family dwelling, unless the Junior ADU is being constructed in connection with a new single-family dwelling.
- (9) Exterior and interior access. The Junior ADU shall include an exterior entrance separate from the main entrance to the single-family dwelling. If the Junior ADU shares bathroom facilities with the main dwelling, the Junior ADU shall also have interior entry to the main dwelling's living area.
- (d) Development standards and requirements. The following development standards shall not apply to a unit built subject to Government Code section 66323 (a), which includes: 1.) all converted ADUs (converted accessory structures are eligible for a 150 square foot expansion for purposes of ingress and egress), 2.) all converted Junior ADUs (JADUs), 3.) maximum 800-square-foot, new-construction, detached ADUs with four-foot side and rear setbacks and height not exceeding 18 feet (two additional feet of height may be permitted to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary unit), with single-family primary dwellings, and 4.) detached units with multifamily primary dwelling structures with four-foot side and rear setbacks and height not exceeding 18 feet (two additional feet of height may be permitted to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary units). Otherwise, all other ADUs and Junior ADUs must comply with the following requirements unless the below standards and requirements preclude the development of an 800 square foot ADU with four-foot side and rear setbacks:
 - (1) Ministerial project. Any application for an ADU or Junior ADU that meets the requirements of this section or as permissible in Government Code Section 66332 shall be approved without a public hearing.
 - (2) Application by owner. An application for a building permit for an ADU or Junior ADU building permit shall be made by the owner of the parcel on which the primary unit sits and shall be filed with the city on a city-approved application form and subject to the established fee set by city council resolution as it may be amended from time to time.
 - (3) Separate sale prohibited. Except as otherwise provided by law, ADUs and Junior ADUs may not be sold or otherwise conveyed separate from the primary residence.
 - (4) Utilities.
 - a. All ADUs and Junior ADUs must be connected to public utilities (or their equivalent), including water, electric, and sewer services.

- b. Except as provided in subsection c immediately below, the city may require the installation of a new or separate utility connection between the ADU and the utility. For Junior ADUs, see subsection (c)(8), above.
- c. No separate connection between the ADU and the utility shall be required for units created within a single-family dwelling, unless the ADU is being constructed in connection with a new single-family dwelling.
- d. Each ADU and Junior ADU shall have a separate mailing address as assigned by the City.
- (5) Recorded covenants. Prior to final inspection and occupancy of JADUs, the owner shall file with the county recorder, in a form approved by the city attorney, a covenant which does all of the following:
 - a. Prohibit the sale of Junior ADU separate from the single-family residence; and
 - b. Unless subsequently prohibited by an amendment to state law, the JADU shall be considered legal only as long as either the primary residence or the JADU is occupied by the owner of record unless the owner is another governmental agency, land trust, or housing organization; and
 - c. Restrict the JADU to the maximum size allowed by Municipal Code section 13-35, as it may be amended from time to time; and
 - d. Confirm that the restrictions shall be binding upon any successor in ownership of the property, and lack of compliance shall result in legal action against the property owner for noncompliance.
- (6) Passageway. No passageway shall be required in conjunction with the construction of an ADU.
- (7) Building permits required. Applications for ADUs and Junior ADUs shall conform to the requirements for, and shall obtain, a building permit consistent with the requirements of Title 5 (Buildings and Structures). By way of reference only, current requirements generally require all dwellings to have no less than 220 square feet. Fire sprinklers shall not be required for ADUs or JADUs if they are not required for the primary residence; if, however, the ADU is attached to the primary dwelling, and if an addition to the dwelling would require sprinklers for an addition to the primary dwelling in the same location, then sprinklers shall be required The construction of an ADU or JADU alone shall not trigger the requirement for sprinklers in the primary residence.
- (8) Setbacks.
 - a. None. No setbacks are required for either: (1) those portions of ADUs that are created by converting existing living area or existing accessory structures to a new ADU; or (2) constructing new ADUs in the same location, while not exceeding the existing dimensions of an existing structure, including height. Notwithstanding the foregoing, ADUs shall, at minimum, comply with setbacks that are sufficient for fire and life safety.

- b. Other setbacks. For all other ADUs, there shall be a minimum of setbacks of four feet from side and rear property lines and full compliance with all applicable front yard setbacks for the underlying zone (except as required by (Gov. Code, § 66321, subd. (b)(3)). Second floor ADUs shall provide setbacks in conformance with the underlying zone. All mechanical equipment associated with the ADU shall maintain the minimum setbacks.
- c. Distance between structures. The minimum required distance between a detached ADU and the primary dwelling unit, and all other structures on the property, including garages, shall be six feet unless otherwise established by the California Building Code.
- (9) Height. Except as authorized in subsection b, below, in no event may any portion of a new construction ADU exceed 27 feet or two stories. Furthermore, except as authorized in subsection a and b, below, an ADU shall be entirely only on the first floor.
 - a. Second floor or two-stories. An ADU on a lot which has an existing lawfully constructed dwelling, may be in whole or in part on a second floor, or be a two-story ADU, if all five of the following occur:
 - 1. All portions of the ADU structure on a second floor are at least 25 feet from the front property line; and
 - 2. Each stairwell for the ADU is interior or complies with subsection (10), below; and
 - 3. The second floor of any portion of the ADU, if built above a detached garage, does not exceed the footprint of the garage; and
 - 4. No windows are installed on the second floor on side elevations if such windows are within 25 feet of a neighboring dwelling and face the neighboring property unless such windows have a minimum sill height of at least five feet; and
 - 5. The second floor (or the entire two story ADU as applicable) meets the setbacks applicable to additions for the underlying zone.
 - b. Within structure. The ADU is built entirely within either:
 - 1. A proposed or existing lawfully constructed single-family dwelling, except that an external stairwell to the ADU which meets all requirements of this Code, including the requirements of subsection (10), below, may be constructed to allow access to the ADU; or
 - 2. The non-habitable space of an existing multifamily structure or within an accessory structure on a lot with a multifamily structure.
- (10) Exterior stairways, balconies.
 - a. Exterior stairways. A new exterior stairway to a second-floor ADU shall not be <u>located on a front facade within 20 feet of a property line abutting a public right of way visible from the public right of way at the front of the property.</u> Second floor landings using an exterior stairway shall be kept to

- the minimum size required to comply with applicable codes. Stairways and landings shall incorporate screening materials designed to eliminate views into abutting properties. Stairways and landings, which exceed building code minimum sizes, are prohibited. Stairways and landings shall not be counted toward residential open space requirements.
- b. Balconies. New balconies which face the street and are located at the front of the main residential structure are permitted provided that the balcony be set back a minimum of 20 feet from the front property line. On corner properties, balconies may face the side street provided that they maintain the setback for the underlying zone. Balconies within 25 feet of a neighboring residence shall incorporate screening to ensure there are no direct views into the abutting property. New construction balconies that are not facing the front of the property or a side street, are prohibited.
- c. Roof decks. No new roof decks are allowed for ADUs.
- (11) Architectural standards.
 - a. Attached and detached ADUs. Attached and detached ADUs shall have the same materials, finishes, and colors as the primary dwelling.
 - b. New construction Junior ADUs. New construction Junior ADUs shall match exterior appearance with the primary unit in terms of materials, finishes, and colors within the same property on which it is proposed to be constructed.
- (12) Recommended garage conversion design considerations.
 - a. Blank facade. When a garage is converted to an ADU, if the facade of the converted garage is visible from a public right-of-way, the following design considerations are recommended:
 - 1. Be covered with landscaping that covers at least 50% of the wall, or
 - 2. Include openings of at least 10% of the facade with at least one door that complies with section (13) below or one window which matches the material and design of the existing windows on the residence.
- (13) Driveway removal. If a driveway leading to a garage being converted to an ADU is removed, it must be replaced with landscaping or open space, and the curb cut and driveway apron must be removed and replaced with a curb and gutter and parkway which meets city standards. If a driveway is partially removed, the remaining driveway must provide the minimum parking dimensions per subsection (15) below.
- (14) Entry. The entrance to an ADU or Junior ADU shall match the materials and color of the primary residence(s), not be located on the same building elevation as the main entrance of the primary residence(s) and shall be located along the building side, rear, or within the interior of the property, unless the economic and development services director approves an alternative configuration due to unique development circumstances.
- (15) Parking.

- a. The owner may provide parking that is at least eight and a half (8.5) feet wide and 18 feet long and may be provided as:
 - 1. Tandem parking on an existing driveway in a manner that does not encroach onto a public sidewalk; or
 - 2. Within a setback area or in locations determined feasible by the city. Locations will be determined infeasible based upon specific site or regional topographical or fire and life safety conditions, or that such parking is not permitted anywhere else in the city.
- b. When any parking space or parking structure is converted or demolished in conjunction with the construction of an ADU or converted to an ADU, the off-street parking spaces do not have to be replaced, notwithstanding any other provision of this code to the contrary (e.g., the definition of "driveway" in section 13-6, Table 20-8(c) a driveway does not lose its status as a lawful "driveway" if it leads to a structure that was either converted from a garage into either an ADU or Junior ADU or demolished in conjunction with the construction of an ADU or Junior ADU. In no event shall the demolition of a parking space or parking structure be considered "in conjunction with" the construction of an ADU if the ADU will not be constructed within any portion of the footprint of the demolished garage.
- (16) Non-conforming. The city shall not require, as a condition of a permit for an ADU or Junior ADU the correction of nonconforming development standards.
- (17) Open space and landscaping. ADUs which exceed 800 square feet in gross floor area shall meet the open space requirements of section 13-32 and shall be subject to provide landscaping as required in section 13-106.

Section 13-36 Two-unit Housing Development

- (a) For purposes of this section, the following definition shall apply:
 - (1) "Housing development" shall mean no more than two <u>primary</u> residential units within a single-family zone that meets the requirements of this section. The two units may consist of two new units or one new unit and one existing unit <u>The total number of units, including ADUs and JADUs, shall not exceed four.</u>
- (b) The city shall ministerially approve a housing development containing no more than two residential units if it meets the following requirements:
 - (1) The parcel is located within a single-family residential zone.
 - (2) The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
 - (3) The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources

- Inventory, as defined in section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
- b. Prime farmland or farmland of statewide importance as further defined in Government Code section 65913.4(a)(6)(B).
- c. Wetlands as defined in the Unites States Fish and Wildlife Service Manual, Part 660 FW 2(June 21, 1993).
- d. A hazardous waste site that is listed pursuant to section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- e. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
- f. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - 1. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - 2. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
- g. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply

- with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
- h. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).
- i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with section 1900) of Division 2 of the Fish and Game Code).
- j. Lands under a conservation easement.
- (4) The proposed housing development would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control by the city;
 - c. A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or
 - d. Housing that has been occupied by a tenant in the last three years.
- (5) Demolition of an existing unit shall not exceed more than 25 percent of the existing exterior structural walls unless the site has not been occupied by a tenant in the last three years.
- (c) Standards and Requirements. Except where superseded by the following provisions, two-unit housing development pursuant to Government Code Section 65852.21 shall comply with development standards applicable to the R1 Single-Family Residential District including but not limited to Section 13-32 of this code:
 - (1) No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
 - (2) Except for those circumstances described in section C1 above, the setback for side and rear lot lines shall be four feet. The front setback shall be as set forth in the R-1 Single-Family Residential District standards.

- (3) The applicant shall provide easements for the provision of public services and facilities as required.
- (4) All lots shall have a minimum street frontage of ten feet to provide for vehicular access, or 16-foot if the driveway serves two units. For a lot without physical street frontage, access to street frontage shall be provided by the granting of a duly recorded permanent easement for ingress and egress purposes in favor of the lot without physical street frontage.
- (5) In order to preserve the City's inventory of on-street parking, existing and proposed development pursuant to Government Code section 65852.21 shall be limited to one driveway ingress/egress per resultant lot.
- (6) Required off-street parking shall be limited to consist of at least one garage space per unit and the location and configuration of such parking shall be in compliance with the provisions of this code, except that no parking requirements shall be imposed in either of the following circumstances:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or
 - b. There is a car share vehicle located within one block of the parcel.
- (7) For residential units connected to an onsite wastewater treatment system (septic tank), the applicant provides a percolation test completed within the last 5 years, or if the percolation test has been recertified, within the last 10 years, which shows that the system meets acceptable infiltration rates.
- (d) The city shall not require or deny an application based on any of the following:
 - (1) The city shall not impose any objective zoning, subdivision, or design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet. If the city determines that the strict application of objective zoning, subdivisions or design standards would physically preclude the development of two units on a lot each with a minimum unit size of 800 square feet, the city may ministerially allow deviations from development standards generally applicable to the R-1 zoning district pursuant to city policies and/or regulations implementing this section if such deviation is in compliance with applicable building and fire code standards and regulations and if there are no other feasible means of complying with state law.
 - (2) The city shall not deny an application solely because it proposes adjacent or connected structure provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.
- (e) An applicant shall be required to sign an affidavit in a form approved by the City

Attorney to be recorded against the property stating the following:

- (1) That the uses shall be limited to residential uses.
- (2) That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one days.
- (3) That the maximum number of units to be allowed on the parcels is two, including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to section 13-35.
- (f) The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (g) The provisions of this section supersede any contrary provisions contained elsewhere in this code.

Section 13-41 Residential common interest development standards and requirements.

- (a) Applicability. The provisions of this section shall apply to all proposed new residential common interest development projects and the conversion of existing apartments to residential common interest developments.
- (b) Development standards. Table 13-41(b) identifies the development standards for residential common interest developments. See also Article 9 General Site Improvement Standards of this chapter for additional requirements. Projects shall comply with all applicable standard plans and specifications and adopted city and state codes, as well as the following provisions:
 - (1) The location and orientation of all buildings shall be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, groves, waterways, scenic points, historic spots or landmarks, bluffs or slopes shall be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations.
 - (2) All structures proposed to be constructed within a project shall conform to the following requirements:
 - a. Structures having dwelling units attached side by side shall avoid the long-row effect by being composed of no more than six dwelling units. Alternative designs which accomplish the same purpose may be approved by the final review authority.
 - b. Structures having dwelling units attached side by side shall avoid the long-row effect with a break in the facade by having an offset in the front building line of at least four feet for every two dwelling units within such structure. Alternate designs which accomplish the same purpose may be approved by the final review authority.
 - c. Consideration shall be given to the effect of proposed development on the light, air and privacy of adjacent properties.
 - (3) Outside uncovered and unenclosed storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited unless specifically designated areas for the exclusive storage of such vehicles are set aside on the final master plan and provided for in the association's covenants, conditions, and restrictions. Where such areas are provided, they shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of six-foot high opaque fences and permanently maintained landscaping.
 - (4) For high-rise residential projects, see the North Costa Mesa Specific Plan for additional development standards.
 - (5) The developer shall install an on-site lighting system in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties, and shall be of a type approved by the development service department.

(6) The development shall comply with the provisions of Chapter XI. Subdivisions, which may include, but are not limited to land dedication and improvements, such as drainage improvements and payment of fees.

RESID	TABLE 13-41(b) DENTIAL COMMON INTEREST DEVELOPMENT STAN	NDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS	
Individual Dwelling Unit Minimum Lot Area	All zones: 3,000 square feet with an overall averag of 3,500 square feet. The required common lot shall not be included in the calculation of lot area. Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.		
Common Lot Required	All projects shall be designed with a minimum of one lot to be held in common ownership and maintained by a homeowners association. This lot shall be used for common driveways, parking areas, and at least 10 feet of street setback landscaped areas.		
Maximum Number of Stories & Building Height	2 stories/27 feet, except as allowed in the Planned Development or Town Center zoning districts. Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.		
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. In zoning districts where the maximum number of stories is two stories, attics above second stories shall be an integral part of the second story roofline and not appear as a 3rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.		
Maximum Density (based on gross acreage)	Same as underlying zoning district or as specified in an applicable specific plan.		
Minimum Open Space Development Lot	40% of total lot area. <i>Exception</i> : For high-rise residential projects, see the North Costa Mesa Specific Plan.		
Individual Dwelling Unit Lot	40% overall, with a minimum 400 square-foot area with no dimension less than 15 feet.	Not applicable.	
Private Open Space		An adjoining patio required with no dimension less than 10 feet. <i>Exception</i> : Not applicable to high-rise residential projects in the North Costa Mesa Specific Plan.	
Common Open Space	Common open space areas shall be designed and located within the development to allow maximum use by all residents. Enclosed buildings used for recreation or leisure facilities should not be used to satisfy more than 15 percent of required open space.		
Distance Between Buildings	10-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures		
Driveway Width	10-foot minimum, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit.		
Driveway Length	Straight-in driveways to garages shall have a minimum length of 19-feet from the ultimate property line.		
Storage	Not applicable.	Each unit shall be provided with 200 cubic feet of securable storage exterior to the unit. If this storage is provided within the garage or carport it shall be	

	TABLE 13-41(b)		
RESIDEN	ITIAL COMMON INTEREST DEVELOPMENT STA	NDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS	
		located at the front of the parking area so as not to obstruct the required clear dimensions of the covered parking space (per the City of Costa Mesa Parking Design Standards) at any point less than 4 feet above the finished surface level of the parking stall. Exception: Not applicable to high-rise residential projects in the North Costa Mesa Specific Plan.	
Mechanical equipment, excluding antennas and flush	-Roof-top location is prohibited.	Screening required from public rights-of-way and	
mounted solar panels on roofs		adjacent properties.	
SETBACKS FOR MAIN BUILDINGS AND ACCESSORY			
streets to development lots are measured from the ult	· · · · · · · · · · · · · · · · · · ·	Ţ .	
Front Development Lot	20 feet	20 feet	
Individual Dwelling Unit Lot	None	Not applicable	
Side (interior) Development Lot Side (street side, if applicable) Development Lot	5 feet 10 feet		
	Note: Driveways providing straight-in access from long, as measured from the property line.	a public street to a garage shall be at least 19 feet	
Rear (not abutting a publicly dedicated alley) Development Lot	20 feet for 2 story structures in R2-MD and R2-HD zones; 15 feet for 2 story structures in the R-3 zone. 10 feet for 1 story structures (15-foot maximum height) provided that maximum rear yard coverage is not exceeded. <i>Exception</i> : Rear yard coverage does not apply to the R-3 zone. <i>Note</i> : Accessory structures that do not exceed 15 feet in height may have a zero rear yard setback, except on corner lots. Corner lots in the R2-MD, R2-HD & R3 zones: a. Where the rear property line of a corner lot adjoins the side property line of another lot, no detached accessory structure shall be allowed on the corner lot, except within the rear quarter of the corner lot farthest from the side street. b. Where the rear property line of a corner lot abuts a public or private street, accessory structures shall maintain setbacks for main structures.		
Rear Yard Coverage (maximum) in the R2-MD and R2-HD zones	2- Main Buildings: 25% of rear yard area.* Accessory Buildings: 50% of rear yard area.* * Rear yard area equals lot width, measured from side property line to side property line, multiplied by 20 feet.		
Rear Abutting a Publicly Dedicated Alley	5 feet; however, garages may be required to set back further to ensure adequate back up distance. Rear Yard Coverage does not apply. Note: Accessory structures that do not exceed 15 feet in height may have a zero rear yard setback, except on corner lots where accessory structures shall maintain setbacks for main structures.		
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see section 13-34 BLUFF-TOP DEVELOPMENT).		

	TABLE 13-41(b)		
	ITIAL COMMON INTEREST DEVELOPMENT STAN	IDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS	
PROJECTIONS (maximum depth of projections given)			
Roof or Eaves Overhang; Awning	2 feet 6 inches into required side setback or building separation area. 5 feet into required front or rear setback.		
Open, unenclosed stairways	2 feet 6 inches into required setback or building separation area.		
Chimneys	2 feet above maximum building height.		
Fireplaces	2 feet into required setback or building separation area.		
PARKING (See CHAPTER VI)			
2-car garage required	Yes	Not required.	
Automatic roll-up garage door with remote controlled door opener required	Yes	Yes, if garages are provided.	
Location of Covered Parking	Required covered tenant parking shall be located within a reasonable distance of the unit it serves. Detached garages that are not located within a reasonable distance to the units they are intended to serve are prohibited.		
· ·			
LANDCCADING			

LANDSCAPING

A detailed landscape plan prepared pursuant to

CHAPTER VII LANDSCAPING STANDARDS shall be approved by the Planning Division prior to issuance of any building permits.

Landscape parkways with a combined width of 10 feet, but not less than 3 feet on one side, shall be provided along the sides of interior private streets and/or common driveways. The parkway on the house side of private streets or common driveways shall be a minimum of 5 feet in width.

SIGNS (See CHAPTER VIII)

POOLS AND SPAS

Above-ground pools and spas shall not be located in the required front yard setback from a public street and are subject to 5-foot side and 10-foot rear yard setbacks for main structures. Additional setbacks may be applicable pursuant to building code requirements.

RAISED DECKS

Any raised deck with a finished floor height of 18 inches or greater, as measured from finished grade, shall comply with the main building setback requirements for the underlying zone.

FENCES AND WALLS

Fences and walls placed between the property line and required setback line for main buildings shall conform to the City's walls, fences, and landscaping standards.

See ARTICLE 9 GENERAL SITE IMPROVEMENT STANDARDS of this chapter for further information.

- (c) Documents required.
- (1) A project may be approved subject to submission of all organizational documents setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, and common facilities pursuant to state law (Civil Code 1350-1359). No such documents shall be acceptable until approved by the city attorney as to legal form and effect, and by the planning division as to suitability for the proposed use of the open areas.

- (2) The developer shall file a declaration of covenants to be submitted with the application for approval, which will govern the association. The provisions shall include, but not be limited to, the following:
- a. The homeowners' association shall be established prior to the sale of any unit(s).
- b. Membership shall be mandatory for each owner and any successive owner.
- c. Provisions to restrict parking upon other than approved and developed parking spaces and to require that garages be kept available for tenant parking shall be written into the covenants, conditions and restrictions for each project.
- d. If the development is constructed in increments or phases which require one or more final maps, reciprocal covenants, conditions, and restrictions and reciprocal management and maintenance agreements shall be established which will cause a merging of increments as they are completed, and embody one homeowners' association with common areas for the total development.
- e. The declaration of covenants shall contain language or provisions substantially as follows:
- i. The covenants, conditions and restrictions of this declaration shall run to the City of Costa Mesa insofar as they shall apply to the maintenance of the "common areas" as herein defined.
- ii. In the event the association or other legally responsible person(s) fail to maintain the common area in such manner as to cause same to constitute a public nuisance, the city may, upon proper notice and hearing, institute summary abatement procedures and impose a lien for the costs of such abatement upon the common area, individual units or the whole thereof as provided by law.

(Ord. No. 07-17, § 1e., 10-2-07)

Section 13-42.3 Development standards and requirements.

- (a) Applicability. The provisions of this section shall apply to all new residential small lot subdivisions of 15 lots or less in multi-family zones and not in combination with other development standards in the overlays zones.
- (b) Development standards. Table 13-42 identifies the development standards for small lot subdivision developments. See also Article 9 general site improvement standards of this chapter for additional requirements. Projects shall comply with all applicable standard plans and specifications and adopted city and state codes, as well as the following provisions:
 - (1) The location and orientation of all buildings shall be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, groves, waterways, scenic points, historic spots or landmarks, bluffs or slopes shall be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations. Pre-existing development should guide the building setbacks and new development should preserve the existing character of the neighborhood.
 - (2) The site design must consider both the design elements of each unit and how these designs will enhance the overall neighborhood character and vitality of the street and sidewalk. Building setbacks and site planning must relate to surrounding built form, respecting the overall neighborhood character and existing topography. Additionally, each unit must exhibit a high level of design quality with well-articulated entries and façades, proportionate windows, quality building materials and contextual landscaping.
 - (3) All structures proposed to be constructed within a project shall conform to the following requirements:
 - a. Each unit shall be provided with direct pedestrian and vehicular access to a public street, or an alley or a common drive connecting to a public street/alley.
 - b. Structure shall be constructed to minimize impact of the proposed development on the light, air and privacy of adjacent properties.
 - (4) On-site lighting shall be provided in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties, and shall be of a type approved by the development services department.
 - (5) The development shall comply with the provisions of Chapter XI, subdivisions, which may include, but are not limited to, land dedication and improvements, such as drainage improvements and payment of fees.
 - (6) Outside uncovered and unenclosed storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited unless specifically designated areas for the exclusive storage of such vehicles are set aside on the final master

plan and provided for in the covenants, conditions, and restrictions. Where such areas are provided, they shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of six-foot high opaque fences and permanently maintained landscaping.

	Table 13-42 SMALL LOT SUBDIVISION STANDARDS
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
Maximum Number of Stories & Building	2 stories/27 feet, except as allowed in the Westside Overlay Districts.
Height	Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. In zoning districts where the maximum number of stories is two stories, attics above second stories shall be an integral part of the second story roofline and not appear as a 3rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.
Maximum Density (based on gross acreage)	Same as underlying zoning district or as specified in an applicable specific plan.
Minimum Open Space (development lot)	35% of total lot area. No asphalt shall be permitted for paved areas. Parking and driveways shall consist of decorative concrete, pavers or other materials as deemed appropriate by the Development Services Director. This requirement may be decreased to a minimum of up to 30%, if the difference in the area is provided as additional open guest parking, located in a common area, and not exclusive for any specific unit.
Minimum Open Space (individual unit)	200 square feet with no dimension less than 10 feet.
Development Lot	Separately owned private property interests or any portion thereof, necessary or desirable for common use, are subject to recordation of an easement for reciprocal access and maintenance. All areas of a development with 5 or more parcels, subject to a reciprocal access and/or maintenance easement shall be maintained by an association that may be incorporated or unincorporated. The association may be referred to as a maintenance association.
Parking	 Three-bedroom or more units (including a den or home office) - 2 garage spaces and 2 open parking spaces. Two-bedroom or less units (including a den) - 2 garage spaces and one open parking. No tandem parking is permitted for open or guest parking spaces. For developments with 5 or more units (up to 10 units) where open/guest parking spaces are provided in driveways in front of garages for exclusive use of that unit, one additional on-site guest parking shall be provided. Two additional open guest-parking shall be provided for developments with more than 10 units. For all small lot developments subject to the provisions of this article, all open parking not located within an individual driveway shall be unassigned and nonexclusive.
Distance Between Buildings	6 feet minimum
Driveway Width (development lot)	10-foot minimum, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit. Driveway width shall be a maximum of 26 feet for lots less than 50 feet wide and a maximum of 50% for lots greater than 50 feet wide.
Driveway Length	Straight-in driveways to garages shall have a minimum length of 19 feet from the ultimate public or private right-of-way. No driveways shall be more than 5 feet in length if parking is not provided in front of garage. Driveways accessing rear parcels shall be in compliance with the requirements of the Parking Design Standards, minimum separation between driveways and maximum 50% hardscape requirement.
Mechanical Equipment (excluding antennas and flush-mounted solar panels	Roof-top location is prohibited unless completely screened from public rights-of-way and adjacent properties.

Table 13-42 SMALL LOT SUBDIVISION STANDARDS				
STANDARDS SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)				
on roofs)				
Front Development Lot	20 feet			
Side yard (interior)	5 feet.			
Rear yard (interior)	15 feet			
Side (street side, if applicable)	10 feet			
	Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the ultimate public or private right-of-way.			
Rear Abutting a Publicly Dedicated Alley	5 feet; however, garages may be required to be set back further to ensure adequate back up distance. Rear Yard Coverage does not apply.			
Flag Lots and Alley Fronting Lots	Flag lots are required to be accessed with a minimum 16-foot wide driveway. Parcels with alley frontage should include a minimum 8-foot wide pedestrian access to the public street in the front. Parcels with frontage only on public alleys are prohibited.			
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see section 13-34 Bluff-top development).			
Roof or Eaves Overhang; Awning	2 feet 6 inches into required side setback or building separation area.5 feet into required front or rear setback.			
Open, Unenclosed Stairways	Not permitted			
Chimneys	May extend 2 feet above maximum building height.			
Fireplaces	2 feet into required setback of building separation area			
Automatic Roll-Up Garage Doors	Required			
Location of Open Parking	Guest parking shall be located within a reasonable distance of the unit it serves. Detached garages that are not located within a reasonable distance to the units they are intended to serve are prohibited.			
Trash Storage	All units shall be provided with a small alcove inside or outside the unit to allow storage of at least three trash carts without encroaching into the garage space. All efforts shall be made to provide on-site trash service. Trash carts shall be stored on-site for trash pick up to the greatest extent possible.			
Above-Ground Pools and-Spas	Prohibited in front yards and subject to 5-foot side and rear setback from the main structures.			
Raised Decks	Any raised deck with a finished floor height of 18 inches or greater, as measured from finished grade, shall comply			
	with the main building setback requirements for the underlying zone.			
LANDSCAPING				
	uant to Chapter VII Landscaping Standards shall be approved by the Planning Division prior to issuance of any			
building permits.	g a production of the second o			
SIGNS (See Chapter VIII).				
FENCES AND WALLS				
	operty line and required setback line for main buildings shall conform to the city's walls, fences, and landscaping			
	standards of this chapter for further information.			
PREEXISTING DEVELOPMENT	· · · · · · · · · · · · · · · · · · ·			
Small lot subdivisions and structures cons	structed, permitted or approved under the small lot ordinance prior to October 18, 2018 shall be considered			
conforming with regard to the above provisions.				

- (c) Documents required.
 - (1) Project approval is subject to submission of complete organizational documents setting forth a plan or manner of permanent care and maintenance of any open spaces, recreational areas and commonly used areas/facilities. No such documents shall be acceptable until approved by the city attorney as to legal form and effect, and by the planning division as to suitability for the proposed use of the open areas.
 - (2) Prior to entering into a sales agreement for any property within a small lot subdivision, the developer shall disclose general information regarding the property to the future homebuyers, including, but not limited to, the following:
 - a. The type, thickness, and R-value of the insulation that has been installed in the home.
 - b. Any exposed hazards during and after construction (lead-based paint, asbestos, etc.).
 - c. Uses other than residential in proximity to the project.
 - d. Unusual adjacent zoning.
 - e. Distance to airport if within two miles.
 - f. Where soils, filled ground and geologic information is available.
 - g. Any special costs that will be incurred by the lot buyer as a result of the installation of a building foundation or any other construction due to unusual soil/geological conditions.
 - h. If there is fill in excess of two feet.
 - i. Schools servicing subdivision and any special conditions.
 - j. Any unusual flooding conditions.
 - k. Conditions of approval by the city and any resale restrictions.
 - I. Dedications and easements.
 - m. Project phasing plan.
 - n. CC&Rs.
 - (3) All small lot subdivisions shall file a declaration of covenants to be submitted with the application for approval. The

declaration of covenants shall include, but not be limited to, the following provisions.

- a. The homeowners' association or a maintenance association (as applicable) shall be established prior to the sale of any unit(s).
- b. Membership in the homeowners or maintenance association shall be mandatory for each owner and any successive owner.
- c. Provisions to restrict parking upon other than approved and developed parking spaces and to require that garages be kept available for resident parking shall be written into the covenants, conditions and restrictions for each project.
- d. If the development is constructed in increments or phases which require one or more final maps, reciprocal covenants, conditions, and restrictions and reciprocal management and maintenance agreements shall be established which will cause a merging of increments as they are completed, and embody one homeowners' association with common areas for the total development.
- e. The declaration of covenants shall contain language or provisions substantially as follows:
 - i. "The covenants, conditions and restrictions of this declaration shall run to the City of Costa Mesa insofar as they shall apply to the maintenance of the "common areas" as herein defined."
 - ii. "In the event the association or other legally responsible person(s) fail to maintain the common area in such manner as to cause same to constitute a public nuisance, the city may, upon proper notice and hearing, institute summary abatement procedures and impose a lien for the costs of such abatement upon the common area, individual units or the whole thereof as provided by law."

(Ord. No. 14-04, § 2B., 4-1-14; Ord. No. 15-03, § 2, 4-21-15; Ord. No. 18-10, § 2, 9-18-18; Ord. No. 21-20, § 1, 12-7-21)

Section 13-74 Elevation and screening requirements.

- (a) The finished elevations of all buildings, structures, walls and fences shall be approved by the planning division prior to issuance of building permits.
- (b) All trash containers and mechanical equipment, such as air conditioning compressors, duct work, and vents shall be screened from public rights-of-way and adjacent properties.
- (c) Temporary receptacles, as approved by the public services department for the purposes of public participation in the collection of recyclable products, shall not be considered a trash bin, container or receptacle subject to the requirements of this section. For the purposes of this section, *temporary* shall mean a period, or periods, of time not exceeding 90 days during any twelve-month period.
- (d) <u>Pipes and conduits including</u>, <u>but not limited to</u>, <u>plumbing pipes</u>, <u>vents</u>, <u>ducting</u>, <u>fire sprinkler systems and electrical conduits shall not be mounted on exterior</u> walls and roofs.
 - (1) For existing pipes and conduits, painting to match the surrounding façade shall satisfy this requirement.
 - (2) If the wall, roof or other element(s) on which the pipe or conduit is located is structurally modified or demolished, the element(s) shall be relocated to conform with the standard outlined in CMMC 13-74(e).
- (e) In residential zones, or in any zone adjacent to a residential development, ground mounted mechanical or electrical equipment proposed within eight feet of a neighboring property's windows or doors must comply with one of the mitigation methods listed below (1-3):
 - (1) A minimum six foot-high block wall separates the equipment from the abutting property's window(s) and/or door(s) with a minimum separation of four feet between equipment and neighboring window(s) and/or door(s).
 - (2) The equipment does not generate more than 50 decibels (based on manufacturer specifications) and is not greater than the minimum distance required by the building code is setback at least five feet from between the equipment and neighboring window(s) and/or door(s).
 - (3) The equipment maintains the same setbacks and separations required for main structures.

Section 13-75 Fences and walls.

- (a) In residential zones, including planned development, except R-1:
 - (1) <u>In residential zones, fences, walls and landscaping shall comply with the standards outlined in figure 13-75(1).</u>

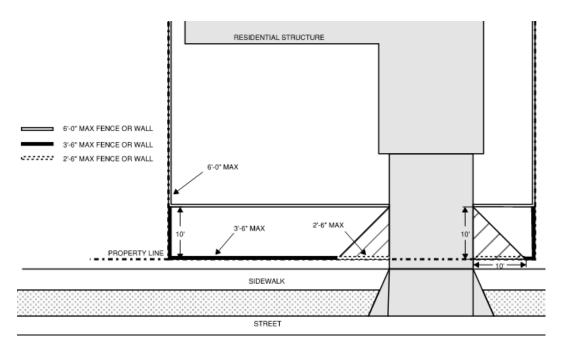
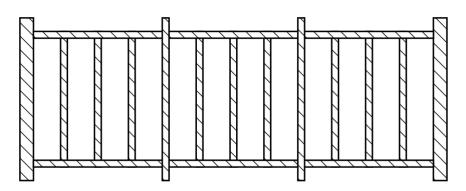


Figure 13-75(1)

- (2) On corner lots, wall and fences in excess of three and a half feet in height shall be set back five feet from the street side property line.
- (3) All interior property lines of the master development lot shall have six-foot high solid opaque walls or fences that conform to the city's walls, fences and landscaping standards.
- (4) All exterior property lines of the master development lot shall have solid masonry walls that conform to the city's walls, fences and landscaping standards in respect to height and location as well as the following standards. The final review authority shall approve the wall location, height, masonry materials, and finish.
 - (i) Only one type of wall design with the appropriate mix of masonry materials and finishes shall be permitted for the development lot.
- (ii) Wall materials such as uncolored cinder block shall be treated with a decorative finish that complements and enhances the project and surrounding neighborhood.
- (iii) Exceptions to the requirements stated in subsections (2)(i) through (2)(ii) may be approved by the final review authority. These exceptions may include, but are not limited to, combination masonry walls with vinyl fencing, stained/treated wood, wrought iron fencing, green wall, and green sustainable composite materials.
- (iv) The development services director shall review and approve any future additions to the exterior walls, after project completion, which shall be

constructed of materials which are either identical and/or compatible with the original wall.

- (b) In commercial zones, including planned development: All interior property lines abutting residentially zoned property shall have solid masonry walls, at least 6 feet but no more than eight feet in height, unless an environmental study requires additional height.
- (c) In industrial zones, including planned development: A solid masonry wall, at least six feet in height shall be constructed along all property lines which abut a residential or commercial zone. The maximum wall height shall not exceed eight feet, unless an environmental study requires additional height.
- (d) <u>Decorative details and lights such as finials, light fixtures, pilaster caps, pot and similar decorative items may extend no more than twelve inches above the maximum height limit. Decorative items shall be limited to no more than one item for every six lineal feet of fence or wall. Decorative details are prohibited within visibility triangles.</u>
- (e) <u>In commercial, industrial and institutional zones, walls and fences within a landscape setback shall be a maximum of 40% solid. This shall be measured as illustrated in Figure 13-75(2).</u>



Hatched elements shall be counted towards solid area

Figure 13-75(2)

- (f) If a fence or wall is constructed adjacent to a public street, the fence or wall shall be approved by the planning division in terms of its compatibility and harmony with the proposed building and site development and buildings and site developments existing or approved for the general neighborhood. For arterial streets that are adjacent to residential developments, new arterial walls shall comply with the city's streetscape and median development standards. No fence or wall located in any street setback shall obscure the required street setback landscaping in the commercial and industrial zones.
- (g) Fences and walls placed on interior property lines or between the property line and the required setback line for main buildings shall conform to the city's walls,

fences and landscaping standards.

(g) Fences and walls located <u>within a visibility triangle</u> in proximity to street intersections or where a driveway intersects a sidewalk shall conform to the city's walls, fences and landscaping standards be limited to two and a half feet in height, as illustrated in Figure 13-75(3) conform to the city's walls, fences and landscaping standards.

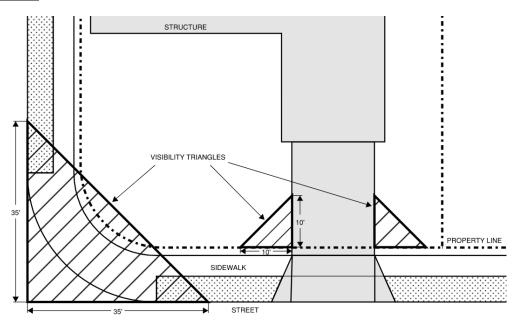


Figure 13-75(3)

- (h) The standards referred to in subsections (e) and (f) shall be adopted by resolution of the city council.
- (h) <u>In all zones, retaining walls shall comply with the standards outlined in figure 13-75(4).</u>

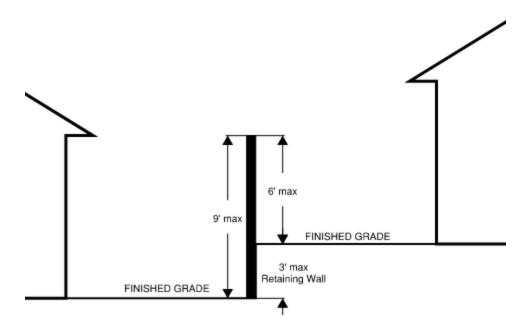


Figure 13-75(4)

- (i) Wall heights shall be measured from the highest finished grade at the base of the wall.
- (j) It is unlawful to construct, install, maintain or allow to exist any barbed wire, razor wire, concertina ribbon or similar item in any required setback abutting a public right-of-way, a required setback adjacent to a residential development or on a property with residential development. In all other locations, barbed wire, razor wire, concertina ribbon and similar items shall maintain a minimum vertical clearance of six feet eight inches from grade.
- (k) It is unlawful to install, maintain or allow to exist any electrified fence or any glass, nails or similar items embedded in walls or fences at any location.
- (I) Chain link fences. In all nonresidential zones, chain link fencing is prohibited in any required setback abutting a public right-of-way. In all residential zones, including planned developments, chain link fencing is prohibited in any area visible from a public street or alley.
 - Chain link fence removal. A property owner of any residential or planned development property that has an existing chain link fence visible from a public street or alley, shall remove the chain link fence at such time the property owner obtains a building permit, or cumulative building permits over a consecutive twelve-month period, for property improvements valued at \$30,000 or more. The chain link fence shall be completely removed prior to the finalization of the last building permit(s) that exceeds the thirty thousand dollar (\$30,000.00) valuation.
- (m) Security gates, in all zones, are subject to review and approval by the planning division in conjunction with the fire department and transportation division.

Section 13-89 Parking required.

The minimum amount of off-street parking as established in Table 13-89 shall be provided at the time:

- (a) Any building and/or structure is constructed;
- (b) Any building or structure is enlarged or increased in capacity by adding gross floor area, gross leasable area or seats;
- (c) A specific use is proposed for a building site; or
- (d) An existing use is changed to one which requires additional parking.

At all times, with the exception of the provisions of section 13-98, Declaration of land use restriction, parking shall be provided according to the requirements of Table 13-89.

TABLE 13-89 NON-RESIDENTIAL PARKING STANDARDS			
USE	PARKING RATIO PER GROSS FLOOR AREA (except as noted otherwise)		
Retail; offices; central administrative offices <u>: individual counseling</u> ; establishments where food or beverages are served with a maximum of 300 square feet of public area ¹	4 spaces per 1,000 square feet with a minimum of 6 spaces ²		
Office buildings exceeding 2 stories in height and 100,000 square feet in area	3 spaces per 1,000 square feet		
Banks; savings and loans; credit unions	5 spaces per 1,000 square feet with a minimum of 6 spaces		
Medical and dental offices; acupressure; massage	6 spaces per 1,000 square feet with a minimum of 6 spaces		
Furniture and appliance stores with floor area greater than 5,000 square feet	2 spaces per 1,000 square feet with a minimum of 20 spaces		
Churches; theaters; mortuaries; auditoriums; services and fraternal clubs and lodges; amphitheaters and other similar places of assembly	Within the main auditorium or assembly area: 1 space for each 3 fixed seats or 1 space for every 35 square feet of seating area if there are no fixed seats. 18 lineal inches of bench shall be considered equal to 1 fixed seat.		
Racquetball and tennis facilities	3 spaces per court plus parking required for incidental uses such as restaurants which shall be calculated as noted below		
Establishments where food or beverages are served with more than 300 square feet of public area 1, 4	10 spaces per 1,000 square feet for the first 3,000 square feet; ² 12 spaces per 1,000 square feet for each additional 1,000 square feet above the first 3,000 square feet. ²		
Health clubs; spas; figure salons; skating rinks; game arcades	Parking requirement is 10 spaces per 1,000 square feet		
Bowling alleys	3 spaces per lane plus parking required for incidental uses		

	such as restaurants which shall be calculated as noted under "Establishments where food or beverages are served"
Trade schools; business colleges; dancing and music academies; group counseling	10 spaces per 1,000 square feet
Motels	1 space for each rentable unit without cooking facilities. Each rentable unit with cooking facilities shall be governed by residential parking standards
Hotels	1 space for each 2 rentable units plus 10 spaces per 1,000 square feet for the first 3,000 square feet, and 20 spaces per 1,000 square feet for each additional 1,000 square feet above the first 3,000 square feet for restaurant, banquet, meeting room and kitchen spaces
Establishments with live entertainment; i.e., go-go dancers, topless dancers, bikini dancers	1 parking space for each person for the first 100 persons as authorized by capacity signs posted by the fire department; 1 parking space for each 2 persons for every 101 to 300 persons as authorized by capacity signs posted; 1 parking space for each 3 persons for every 301 plus persons as authorized by capacity signs posted by the fire department.
Shopping centers with a minimum of 600,000 square feet of contiguous gross leasable area:	
Main structure or group of abutting structures	
Retail	5 spaces per 1,000 square feet of gross leasable area
Establishments where food or beverages are served occupying 5% or less of the total contiguous gross leasable area	1 space per 1,000 square feet of gross leasable area
Establishments where food or beverages or served in excess of 5% of the total contiguous gross leasable area	5 spaces per 1,000 square feet of gross leasable area
Office Space occupying 10% or less of the total contiguous gross leasable area	None
Office Space in excess of 10% of the total contiguous gross leasable area	4 spaces per 1,000 square feet of gross leasable area with a minimum of 6 spaces
Theaters (cumulative)	
750 seats and less	5 spaces per 1,000 square feet of gross leasable area
More than 750 seats 5 spaces per 1,000 square feet of gro 3 spaces for each additional 100 seat	
Uses within freestanding structures	
Establishments where food or beverages are served	10 spaces per 1,000 square feet of gross leasable area
All others	Pursuant to this table
Mixed use developments	When there are mixed uses within a single development which share the same parking facilities, the total requirement for parking should be determined as outlined

		in "City of Costa Mesa Procedure for Determining Shared Parking Requirements" which are included herein by this reference and which may be amended from time to time by resolution of the city council. A greater reduction in parking than would be allowed under this procedure may be approved by minor conditional use permit where it can be demonstrated that less parking is needed due to the hours of operation or other unusual features of the users involved. For mixed-use developments located in the mixed-use overlay zone, refer to the applicable urban plan for parking rates.	
Ind	ustrial	3 parking spaces shall be provided per 1,000 square feet of gross floor area for the first 25,000 square feet of building; 2 parking spaces shall be provided per 1,000 square feet of gross floor area between 25,000 and 50,000 square feet of building; and one and one-half parking spaces shall be provided per 1,000 square feet of gross floor area over 50,001 square feet of building.	
		4 spaces per 1,000 square feet of gross floor area; and 2 spaces per 1,000 square feet of outdoor display area.	
Sm	Smoking lounges 17 spaces per 1,000 square feet		
No	otes:		
1	Establishments limited to seating for 12 or fewer persons prior to June 4, 1997, shall remain at that seating limit unless additional parking is provided pursuant to this Zoning Code.		
2	The outdoor patio seating area(s) shall not be included in the floor area calculations for purp	oses of determining the required parking.	
3	The final review authority may apply a maximum credit of one parking space due to the provision of bicycle racks. This credit shall only apply to the overall parking supply and not to multiple uses.		
	When the approval of a use permit is required, the final review authority may require additional parking spaces at a ratio not to exceed 30 spaces per 1,000 square feet of floor area of the entire building. Factors that may warrant additional parking include, but are not limited to, the provision of entertainment and/or dancing, or substantial ratio of floor area devoted to bar as compared to restaurant use. The maximum parking rate shall be applicable to uses that have substantially maximized the building's occupancy due to design and provision of concentrated uses.		
	When the approval of a use permit is required, the final review authority may require additional parking spaces at a ratio not to exceed 30 spaces per 1,00 square feet of floor area of the entire building. Factors that may warrant additional parking include, but are not limited to, the provision of entertainment and/or dancing, or substantial ratio of floor area devoted to bar as compared to restaurant use. The maximum parking rate shall be applicable to uses that have substantially maximized the building's occupancy due to design and provision of concentrated uses.		
<u>5</u>	The square footage of electrical and mechanical equipment and the surrounding three feet for clearance shall be excluded from the calculation of gross floor area for the purpose of determining parking requirements		

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 16, 3-2-98; Ord. No. 02-4, § 1j, 3-18-02; Ord. No. 06-9, § 1g., 4-18-06; Ord. No. 12-4,

Section 13-111 Definitions.

As used in this chapter, the following terms shall have the meanings set forth below:

Advertising statuary. An imitation, representation or similitude of a person or thing which is sculptured, molded, modeled, or cast in any solid or plastic substance, material, or fabric and used for commercial purposes.

Area (of sign). The area included within the outer dimensions of a sign. The area of multiple face signs and advertising statuary shall mean one-half the total surface area. In the case of "skeleton letters" or other signs placed on a wall without any border, the area shall be the sum of the areas of each letter or figure. The area of each letter or figure shall be computed by enclosing the letter or figure within sets of parallel lines.

Balloon sign. Any inflatable object having no dimension that exceeds 24 inches, including, but not limited to, objects made of plastic, cloth, rubber, or canvas, having the shape of any object, and regardless of whether or not it contains copy.

Banner, flag, or pennant. Any cloth, bunting, plastic, paper, or similar material used for advertising purposes on private property and not within the public right-of-way. Flags of a nation or of the State of California, displayed as such in an appropriate manner, are excepted from these regulations. See also street banner.

Billboard. A sign that advertises a business, product, service or activity which is not available at or is not conducted on the premises on which the sign is located.

Changeable copy sign. A sign whose copy consists of nonelectronic detachable lettering or numbers that must be manually installed, usually on a series of parallel tracks, including, but not limited to, service station price signs and theater marquees.

Commercial portable sign. Any sign which can be moved from place to place which is not permanently affixed to the ground or to a building used for commercial purposes. The term portable sign includes, but is not limited to, any sign affixed to an automobile, truck, trailer, or other vehicle where such sign solicits patronage to a specific business by means of parking such a vehicle primarily for the purpose of advertising such business. The term portable sign shall also include a sign posted in or on a vehicle parked on public or private property without written consent of the property owner, advertising that vehicle for sale.

Construction site sign. A sign located on a construction site used to identify the name of the future site occupant and which may include the names, addresses, and telephone numbers of businesses directly related to the construction project, including but not limited to the architect, engineer, contractor and financing entity.

Contiguous window area. Total surface area of a window or individual window panes separated only by vertical or horizontal mullions that are three inches wide or less. Window areas separated by columns, wide mullions or other elements greater than three inches in width are not considered contiguous. Window area is not considered

contiguous if it is located on a separate façade.

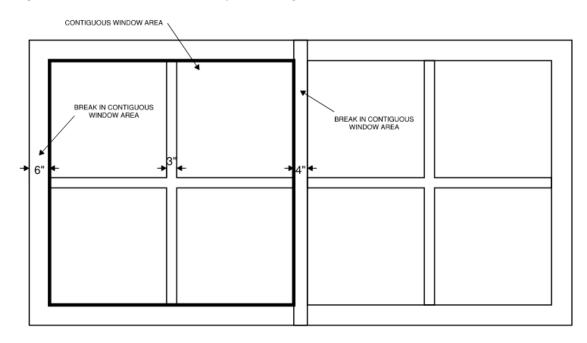


Figure 13-111(a)

Convenience sign. A sign, not larger than nine square feet, providing directional information and designed to be viewed on site or adjacent to the site by pedestrians and/or motorists. The term convenience sign shall also include electronic time/temperature signs.

Electronic changeable copy sign. A sign that uses video displays, lamps, fiber optics, light-emitting diodes (LED's) liquid crystal displays, plasma displays, or any other mechanical or light emitting medium to convey messages, movement, or animation imagery during or between messages.

For sale sign. A real estate sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease or rent.

Freestanding sign. A sign supported permanently upon the ground by poles, braces or other supports, and not attached to any building.

Governmental sign. A sign installed by the city or other public agency pursuant to city approval, including, but not limited to, signs for motorist or pedestrian safety.

Height (of sign). The vertical distance from grade to the highest point of the sign or sign structure.

Illegal sign. Any sign installed or modified in violation of the Costa Mesa Municipal Code at the time the sign was installed or modified.

Illumination exterior. Illumination cast on a sign from an exterior source, such as a floodlight.

Illumination interior. Illumination generated from the interior of a sign.

Illumination interior with opaque background. Interior illumination of a sign where the background of the sign face is opaque and only the copy is illuminated.

Inflatable sign. Any inflatable object having any dimension in excess of 24 inches, including, but not limited to, objects made of plastic, cloth, rubber, or canvas, having the shape of any object, and regardless of whether or not it contains copy.

Mural or super graphic. A large image, picture, or design painted on or affixed to the exterior of a building or structure. A mural or super graphic is a sign only if it is related by language and/or logo to the advertisement of any product or service or the identification of any business.

Neighborhood identification sign. A sign identifying the entrance to a residential area consisting of five or more acres.

Non-commercial banner, flags, or pennants. Any cloth, bunting, plastic, paper, or similar material which is not used for advertising purposes on private property and not within the public right-of-way. Examples of non-commercial banners generally include, but are not limited to, signs that espouse a political or religious viewpoint, and signs commenting on public official(s) or matter(s) of public discourse.

Non-commercial portable sign. Any sign which can be moved from place to place which is not permanently affixed to the ground or to a building which is not used for commercial purposes. Examples of noncommercial signs generally include, but are not limited to, signs that espouse a political or religious viewpoint, and signs commenting on public official(s) or matter(s) of public discourse.

Nonconforming sign. A sign which was legally installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this chapter.

Open house sign. A real estate sign with the words "Open House" as the primary copy for the premises on which the sign is located.

Painted wall sign. Any sign painted directly on the exterior surface of a building or structure, except awnings or canopies. (See "mural or super graphic").

Permanent window sign. A sign that is placed on or behind a window for a period of time in excess of 60 days. Paper or cardboard signs, or signs painted directly onto the surface of a window are not considered permanent window signs regardless of the duration of display.

Public baseball/softball field. Any baseball and/or softball field owned, rented, or leased by the city or used by the city under a joint use agreement.

Public property. Any building, park, grounds, structures, or other real property (collectively referred to as "property" for the purpose of this definition) owned,

rented, or leased by the city not within the public right-of-way or any such property used by the city under a joint use agreement. For the purposes of this definition, public property does not include public baseball and softball fields.

Public right-of-way. Any public sidewalk, street, alley or highway improved to allow vehicular and pedestrian access and adjacent city landscape areas including trees therein, traffic control devices, street name signs, fire hydrants and other structures, under the ownership and jurisdiction of the city or the state.

Real estate sign. A temporary sign placed for the purposes of advertising the premises on which the sign is located as either for sale, lease or rent, and includes for sale sign and open house sign.

Sign. Any medium for visual communication, including its copy, structure and component parts, which is used or intended to be used to attract attention to, or identify, or advertise a business, product, service, activity, or location or to provide information. "Sign" includes statuary and graphic wall designs used for advertising purposes. "Sign" includes billboards, but does not include handbills.

Site. One or more parcels of land identified by the assessor's records and for which an integrated building development exists or has been proposed.

Street. A public or private alley, street or highway improved to allow vehicular access.

Street banner. Any cloth, bunting, plastic, paper, or similar material used for advertising purposes on a light standard within the public right-of-way.

Temporary window sign. A non-illuminated sign placed on or behind a window for a period of time not in excess of 60 days for the purpose of advertising special sales, prices, products or services, including paper or cardboard signs, or signs painted directly onto the surface of a window.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-10, § 1, 7-19-99; Ord. No. 02-8, § 1a, 4-15-02; Ord. No. 04-11, §§ 1, 2, 10-18-04; Ord. No. 11-11, § 1, 9-20-11; Ord. No. 16-04, § 2, 8-2-16; Ord. No. 18-02, § 2, 1-16-18)

Section 13-142 Development standards.

Table 13-142 identifies the development standards for antennas. Proposed antennas not in compliance with the applicable development standards shall require the approval of a minor conditional use permit pursuant to section 13-144, Minor conditional use permit requirements.

TABLE 13-142 ANTENNA DEVELOPMENT STANDARDS				
STANDARDS	SATELLITE DISH	AMATEUR RADIO	COMMUNICATION	
Maximum Height (measured fr	om the property's grade to the highest poin	t of the antenna)		
Residential Zone or	15 feet	75 feet	30 feet	
Nonresidential Zone Adjacent				
to a Residential Zone:				
Other Nonresidential Zone:	Not to exceed allowable building height	Same as above	Same as above	
Front Yard Location Permitted		No		
	cks apply to antenna support structure and to			
Residential Zone:	Side: Comply with setbacks for accessory structures, with a minimum setback of 5 feet. Rear: Ground-mounted antenna support structures may be located in a required rear yard if located as far forward as possible from the rear property line. Minimum of 5 feet for arrays and projections attached to the antenna support structure.			
Nonresidential Zone:	Side and Rear: Comply with setbacks for main structures, with a minimum setback of 5 feet. Exception: Side and/or Rear, when adjacent to a Residential Zone: Minimum of 5 feet from the residential property line. Additionally, the antenna support structure shall be located as far as possible from the residential property line.			
Roof-mounted Location	Shall be located on the portion of the roof farthest from any adjacent street, residential zone (if applicable), bluff, and/or park, whichever location will result in the least visual impact.			
Maximum Number	One Exception: Legally subdivided	One antenna support structure in	One antenna support structure	
Residential Zone or	residential units in small lot subdivision	excess of 30 feet.		
	projects, and units in Planned Unit	One whip antenna in excess of 30		
to a Residential Zone:	Development projects with individual lots,	feet.		
	shall each be allowed one satellite dish	Note: There is no limit on the number of antennas which do not		
	antenna unless otherwise prohibited.	exceed 30 feet in height.		
Other Nonresidential Zone:	No regulation	No regulation	No regulation	
Maximum Diameter	10 feet	Any dish-shaped element attached		
Residential Zone or	To leet		it in excess of 2 feet in diameter that is	
Nonresidential Zone adjacent		attached to an antenna shall require approval of a minor conditional use permit		
to a Residential Zone:		and comply with the satellite dish antenna development standards regarding maximum height (applicable to dish element only) diameter, screening and materials, as applicable.		
Other Nonresidential Zone:			P feet in diameter shall comply with the	
satellite dish antenna development standards regarding maximu				
	(applicable to dish element only) and materials.			
Screening Required	Screening, either partial or total, may be	Ground-mounted: No regulation.	Ground-mounted:	
Residential Zone or	required by the planning division when the		Screening either partial or total, may <u>shall</u>	

TABLE 13-142 ANTENNA DEVELOPMENT STANDARDS				
STANDARDS	SATELLITE DISH	AMATEUR RADIO	COMMUNICATION	
Nonresidential Zone adjacent to a Residential Zone:	The screening may consist of a solid, opaque fence, wall, vegetation, landscaping and/or any other material deemed acceptable by the planning division.	lessen visual impacts on the	be required by the planning division when the antenna and support structures/equipment is visible from off site. Roof-mounted: Screening may be required if necessary to lessen visual impacts, under the direction of the planning division.	
Other Nonresidential Zone:	No regulation		Same as above	
Color	All antennas visible from off-site shall be finished in a color deemed unobtrusive to the neighborhood in which it is located, under the direction of the planning division.			
Signs	No sign of any kind shall be posted or displa	yed on any antenna.		
Radiofrequency (RF) Radiation	requency (RF) Radiation No transmitting antenna or facility, except as categorically excluded by the Federal Communication Commission, shall exceed the radiofrequency (RF) radiation and maximum permissible exposure (MPE) limits for electrical and magnetic field strength and power density established by the National Council on Radiation Protection and Measurements (NCRP) and the 1992 ANSI/IEEE for an "uncontrolled environment." It shall be the responsibility of the applicant to provide evidence of compliance with applicable standards.			
Wiring	All electrical and antenna wiring shall be encased in tubing or other devices acceptable to the planning division and/or concealed to the maximum extent feasible to minimize visual impact.			
Materials	When the antenna exceeds 6 feet in height above grade, the dish-shaped element shall be of a mesh construction. Not applicable.			
Other Requirements	Ground-mounted antennas shall not reduce the area required for parking, internal circulation or other development standards in this Zoning Code. All antennas shall be permanently mounted, and no antenna may be installed on a portable or movable structure.			

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 23, 3-2-98; Ord. No. 21-20, § 1, 12-7-21)

Section 13-265.5 Parcel Maps for Urban Lot Splits.

- (a) Definitions. For purposes of this section, the following definition shall apply:
 - (1) "Urban lot split" means a lot split of a single-family residential lot into two parcels that meets the requirements of this section.
- (b) The city shall ministerially approve a parcel map for a lot split that meets the following applicable requirements:
 - (1) The parcel is located within a single-family residential zone.
 - (2) The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
 - (3) The parcel map divides an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.
 - (4) Both newly created parcels are no smaller than 1,200 square feet.
 - (5) The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - b. Prime farmland or farmland of statewide importance as further defined in Government Code section 65913.4(a)(6)(B).
 - c. Wetlands as defined in the Unites States Fish and Wildlife Service Manual, Part 660 FW 2(June 21, 1993).
 - d. A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
 - e. A hazardous waste site that is listed pursuant to Government Code section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - f. A delineated earthquake fault zone as determined by the State Geologist

in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.

- g. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - 1. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - 2. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
- h. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
- i. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).
- j. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with section 1900) of Division 2 of the Fish and Game Code).

- k. Lands under a conservation easement.
- (6) The proposed lot split would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control by the city;
 - c. A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or
 - d. Housing that has been occupied by a tenant in the last three years.
- (7) The lot split does not create more than two units on a parcel, including any accessory dwelling units or junior accessory dwelling units.
- (c) Standards and Requirements. Except where superseded by the following provisions or state law, Parcel Maps for Urban Lot Splits pursuant to Government Code Section 66411.7 shall comply with the development standards applicable to the R1 Single-Family Residential District including but not limited to Section 13-32 of this code:
 - (1) The lot split conforms to all applicable objective requirements of the Subdivision Map Act and Title 13 of this code, except as the same are modified by this section.
 - (2) No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
 - (3) Except for those circumstances described in section C2 above, the setback for side and rear lot lines shall be four feet. The front setback shall be as set forth in the R-1 Single-Family Residential District standards.
 - (4) The applicant shall provide easements for the provision of public services and facilities as required.
 - (5) Units constructed on sites created pursuant to Government Code Section 66411.7 shall adhere to the following:
 - a. All new development shall be constructed, in accordance with code standards and design guidelines applicable to the R1 Single-Family Residential District.
 - b. Each unit which is attached to an existing or proposed dwelling shall have

the same design, materials, finishes, and colors as the attached dwelling and shall be in accordance with code standards and design guidelines applicable to the R1 Single-Family Residential District.

- c. Any proposed detached units on the same lot shall be compatible in exterior appearance with an existing unit in terms of design, materials, finishes, and colors within the same property on which it is proposed to be constructed, in accordance with code standards and design guidelines applicable to the R1 Single-Family Residential District.
- (6) All lots shall have a minimum street frontage of ten feet to provide for vehicular access, or 16-foot frontage if the driveway serves two units. For a lot without physical street frontage, access to street frontage shall be provided by the granting of a duly recorded permanent easement for ingress and egress purposes in favor of the lot without physical street frontage.
- (7) In order to preserve the City's inventory of on-street parking, existing and proposed development pursuant to Government Code section 66411.7 shall be limited to one driveway ingress/egress per resultant lot.
- (8) Required off-street parking shall be limited to consist of at least one garage parking space per unit and the location and configuration of such parking shall be in compliance with the standards set forth in this code, except that no parking requirements shall be imposed in either of the following circumstances:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or
 - b. There is a car share vehicle located within one block of the parcel.
- (d) The city shall not deny an application based on any of the following:
 - (1) The city shall not require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.
 - (2) The city shall not impose any objective zoning, subdivision, or design standards that would have the effect of physically precluding the creation of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet. If the city determines that the strict application of objective zoning, subdivisions or design standards would physically preclude the development of two units on a lot each with a minimum unit size of 800 square feet, the city may ministerially allow deviations from development standards generally applicable to the R-1 zoning district pursuant to city policies and/or regulations implementing this section if such deviation is in

- compliance with applicable building and fire code standards and regulations and if there are no other feasible means of complying with state law.
- (3) The city shall not require the correction of nonconforming zoning provisions as a condition for the lot split.
- (4) The city shall not deny an application solely because it proposes an adjacent or connected structure provided that all building code safety standards are met and they are sufficient to allow a separate conveyance.
- (e) An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:
 - (1) That applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval. This requirement does not apply when the applicant is a "community land trust" or a "qualified nonprofit corporation" as the same are defined in the Revenue and Taxation Code.
 - (2) That the uses shall be limited to residential uses.
 - (3) That any rental of any unit created by the lot split shall be for a minimum of thirty-one days.
 - (4) That the maximum number of units to be allowed on the parcels is two four, including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to section 13-36.
- (f) The city may deny the lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (g) This section shall not apply to:
 - (1) Any parcel which has been established pursuant to a lot split in accordance with this section; or
 - (2) Any parcel where the owner of the parcel being subdivided or any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this section. For purposes of this section, it will be assumed that where a lot owner purchased the property from an adjacent owner who subdivided his property pursuant to this division within five years of the lot split, the owner is acting in concert with the then owner of the adjacent lot. However, acting in concert is not limited to this situation.

(h) The provisions of this section supersede any contrary provisions contained elsewhere in this code.

ATTACHMENT 3

Table 1. Proposed Hourly Adjustments for City of Costa Mesa Procedure for Determining Shared Parking Requirements

City Identified Land Use	Office <25,000 SF		Office > 25,000 SF		Grocery Store		Departm	ent Store	Other	Retail	Medical/Dental Offices		
Time	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	
6:00 AM	0.03	0	0.03	0	0.07	0.05	0.17	0.17	0	0	0	0	
7:00 AM	0.14	0.2	0.14	0.2	0.22	0.22	0.37	0.37	0	0	0.07	0.1	
8:00 AM	0.48	0.6	0.48	0.6	0.32	0.32	0.47	0.47	0.19	0	0.93	0.95	
9:00 AM	0.88	0.8	0.88	0.8	0.55	0.55	0.67	0.67	0.33	0.38	0.93	0.95	
10:00 AM	1	0.9	1	0.9	0.65	0.65	0.77	0.77	0.47	0.55	1	1	
11:00 AM	0.96	1	0.96	1	0.72	0.72	0.88	0.88	0.55	0.66	1	1	
NOON	0.79	0.9	0.8	0.9	0.87	0.87	1	1	0.89	0.85	0.54	0.65	
1:00 PM	0.82	0.8	0.82	0.8	0.92	0.92	1	1	1	1	0.93	0	
2:00 PM	0.95	0.6	0.95	0.6	0.96	0.96	1	1	0.73	0.96	1	0	
3:00 PM	0.91	0.4	0.91	0.4	0.97	0.97	1	1	0.73	0.79	1	0	
4:00 PM	0.79	0.2	0.8	0.2	1	1	0.96	0.96	0.66	0.66	0.93	0	
5:00 PM	0.56	0.1	0.56	0.1	1	1	0.87	0.87	0.7	0.64	0.87	0	
6:00 PM	0.23	0.05	0.24	0.05	0.97	0.97	0.77	0.77	0.75	0.67	0.67	0	
7:00 PM	0.14	0	0.14	0	0.79	0.79	0.62	0.62	0.7	0.7	0.3	0	
8:00 PM	0.05	0	0.05	0	0.52	0.52	0.47	0.47	0.54	0.7	0.15	0	
9:00 PM	0.03	0	0.03	0	0.33	0.33	0.32	0.32	0.48	0.51	0	0	
10:00 PM	0.01	0	0.01	0	0.2	0.2	0.12	0.12	0	0	0	0	
11:00 PM	0	0	0	0	0.07	0.07	0.08	0.08	0	0	0	0	
MIDNIGHT	0	0	0	0	0.07	0.07	0.05	0.05	0	0	0	0	

City Identified Land Use	Restaurants with Less than 300 SF of Public Area		Fast Food w/ Drive Thru		Restaurants Without Breakfast			ants With kfast		And clubs	Breweries And Distilleries		
Time	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	
6:00 AM	0.07	0.06	0	0	0	0	0.28	0.15	0	0	0	0	
7:00 AM	0.11	0.11	0	0	0.03	0.03	0.53	0.31	0	0	0	0	
8:00 AM	0.21	0.21	0	0	0.07	0.04	0.64	0.51	0	0	0	0	
9:00 AM	0.31	0.31	0	0	0.11	0.08	0.77	0.72	0	0	0	0	
10:00 AM	0.58	0.58	0.2	0	0.26	0.11	0.87	0.91	0	0	0	0	
11:00 AM	0.87	0.87	0.4	0.5	0.47	0.23	0.91	0.91	0	0	0	0	
NOON	1	1	1	0.84	0.77	0.54	1	1	0	0	0.56	0.47	
1:00 PM	1	1	0.93	1	0.77	0.58	0.91	0.87	0.01	0.01	0.54	0.69	
2:00 PM	0.91	0.91	0.8	0.94	0.69	0.49	0.56	0.69	0.01	0.01	0.56	0.78	
3:00 PM	0.61	0.61	0.53	0.64	0.45	0.49	0.49	0.44	0.01	0.01	0.61	0.88	
4:00 PM	0.56	0.56	0.33	0.64	0.54	0.49	0.49	0.49	0.02	0.02	0.66	0.94	
5:00 PM	0.61	0.61	0.4	0.59	0.79	0.66	0.77	0.64	0.03	0.04	0.85	0.97	
6:00 PM	0.86	0.86	0.37	1	0.96	0.91	0.82	0.73	0.28	0.29	0.98	1	
7:00 PM	0.81	0.81	0.2	0.72	1	0.96	0.82	0.73	0.54	0.54	1	0.94	
8:00 PM	0.51	0.51	0.33	0.72	1	1	0.82	0.69	0.77	0.77	0.95	0.86	
9:00 PM	0.31	0.31	0.2	0.61	1	0.91	0.62	0.36	1	1	0.76	0.79	
10:00 PM	0.21	0.21	0	0	0.96	0.91	0.56	0.3	1	1	0	0.58	
11:00 PM	0.11	0.11	0	0	0.76	0.89	0.74	0.21	0.76	1	0	0	
MIDNIGHT	0.07	0.07	0	0	0.26	0.5	0.26	0.13	0.51	1	0	0	

City Identified Land Use			Experiential Retail - Closes Before 11 PM and No Alcohol		Studios, Dance, Marital Arts, Music, Etc.		Movie Theaters		Auditoriums		Health Clubs	
Time	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday Weekend		Weekday Weekend		Weekday	Weekend
6:00 AM	0	0	0	0.01	0.7	0.79	0	0	0	0	0.7	0.79
7:00 AM	0	0	0	0.01	0.42	0.45	0	0	0.02	0.02	0.42	0.45
8:00 AM	0	0	0	0.01	0.42	0.36	0	0	0.02	0.02	0.42	0.36
9:00 AM	0.01	0.01	0.02	0.03	0.7	0.5	0	0	0.05	0.04	0.7	0.5
10:00 AM	0.01	0.01	0.3	0.3	0.7	0.36	0	0	0.05	0.04	0.7	0.36
11:00 AM	0.01	0.01	0.68	0.69	0.8	0.5	0.01	0	0.05	0.04	0.8	0.5
NOON	0.01	0.01	0.86	0.87	0.61	0.5	0.22	0.21	0.06	0.06	0.61	0.5
1:00 PM	0.01	0.01	0.91	0.91	0.7	0.31	0.46	0.46	0.06	0.32	0.7	0.31
2:00 PM	0.01	0.01	0.95	0.96	0.7	0.26	0.55	0.55	0.06	0.73	0.7	0.26
3:00 PM	0.01	0.01	0.95	0.96	0.7	0.31	0.56	0.56	0.06	0.73	0.7	0.31
4:00 PM	0.02	0.02	0.91	0.9	0.8	0.56	0.56	0.56	0.06	0.06	0.8	0.56
5:00 PM	0.05	0.05	0.95	0.96	0.91	1	0.63	0.62	0.06	0.06	0.91	1
6:00 PM	0.3	0.3	1	1	1	0.95	0.63	0.62	0.2	0.18	1	0.95
7:00 PM	0.55	0.55	0.95	0.96	0.89	0.61	0.81	0.81	0.39	0.38	0.89	0.61
8:00 PM	0.78	0.78	0.91	0.91	0.78	0.31	1	1	1	1	0.78	0.31
9:00 PM	1	1	0.66	0.66	0.67	0.1	1	1	1	1	0.67	0.1
10:00 PM	1	1	0.1	0.1	0.34	0.02	0.81	1	0.06	0.05	0.34	0.02
11:00 PM	1	1	0	0.01	0.11	0.02	0.65	0.8	0.02	0.02	0.11	0.02
MIDNIGHT	1	1	0	0.01	0	0	0.41	0.5	0.01	0.01	0	0

City Identified Land Use	Event Centers		Banks/Savings and Loans/Credit Unions		Furniture And Appliance Stores With Greater Than 5,000 Sf of Floor Area		Motels		Hotels		Residential	
Time	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday Weekend		Weekday Weekend		Weekday	Weekend
6:00 AM	0	0.01	0	0	0.17	0.17	1	0.9	0.84	0.84	1	1
7:00 AM	0	0.01	0	0	0.22	0.22	0.85	0.7	0.87	0.87	0.87	0.95
8:00 AM	0	0.01	0.54	0.49	0.37	0.37	0.65	0.6	0.91	0.91	0.79	0.88
9:00 AM	0.02	0.03	0.94	0.62	0.57	0.57	0.55	0.5	0.83	0.83	0.73	0.81
10:00 AM	0.3	0.3	1	0.84	0.87	0.62	0.45	0.4	0.74	0.74	0.68	0.74
11:00 AM	0.68	0.69	0.71	1	0.99	0.82	0.35	0.35	0.74	0.74	0.59	0.71
NOON	0.86	0.87	0.71	0.94	1	0.96	0.3	0.3	0.7	0.7	0.6	0.71
1:00 PM	0.91	0.91	0.71	0	0.99	1	0.3	0.3	0.7	0.7	0.59	0.7
2:00 PM	0.95	0.96	0.83	0	0.98	0.96	0.35	0.35	0.74	0.74	0.6	0.71
3:00 PM	0.95	0.96	0.71	0	0.92	0.96	0.35	0.4	0.74	0.74	0.61	0.73
4:00 PM	0.91	0.9	0.88	0	0.87	0.82	0.45	0.5	0.74	0.74	0.66	0.75
5:00 PM	0.95	0.96	1	0	0.82	0.77	0.6	0.6	0.79	0.79	0.77	0.81
6:00 PM	1	1	0	0	0.77	0.77	0.7	0.7	0.79	0.79	0.85	0.85
7:00 PM	0.95	0.96	0	0	0.62	0.82	0.75	0.8	0.77	0.77	0.94	0.87
8:00 PM	0.91	0.91	0	0	0.52	0.92	0.9	0.9	0.81	0.81	0.96	0.92
9:00 PM	0.66	0.66	0	0	0.32	0.72	0.95	0.95	0.85	0.85	0.98	0.95
10:00 PM	0.1	0.1	0	0	0.12	0.12	1	1	0.85	0.85	0.99	0.96
11:00 PM	0	0.01	0	0	0	0	1	1	0.88	0.88	1	0.98
MIDNIGHT	0	0.01	0	0	0	0.07	1	1	0.88	0.88	1	1

RESOLUTION NO. 85-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING SHARED PARKING REQUIREMENTS FOR THE CITY OF COSTA MESA.

WHEREAS, the planning Commission and City Council have reviewed a report prepared by Staff concerning shared parking; and

WHEREAS, studies conducted by the Urban Land Institute and others indicate how peak parking demand for different uses varies by hour, day and month; and

WHEREAS, these study results can be used to predict combined peak parking demand for mixed use projects;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa that the "City of Costa Mesa Procedure for Determining Shared Parking Requirements" as set forth in Exhibit A, attached, is hereby adopted for the City of Costa Mesa and will become effective on the effective date of Ordinance 85-20.

PASSED AND ADOPTED this 17th day of June, 1985.

Mayor of the City of Costa Mesa

ATTEST:

74.2

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss

CITY OF COSTA MESA)

I, EILEEN P. PHINNEY, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. 85-56 was duly and regularly passed and adopted by said City Council at a regular meeting thereof, held on the 17th day of June, 1985.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 18th day of June, 1985.

City Clerk and ex-officio Clerk of the City Council of the City of Costa Me:

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EXHIBIT A

CITY OF COSTA MESA PROCEDURE FOR

DETERMINING SHARED PARKING REQUIREMENTS

- 1. Determine peak parking requirements for each use in the development according to standards in the Costa Mesa Municipal Code.
- 2. Using the following table, determine the hourly and daily parking requirement for each use:

		Ba	nks			Theaters							HOTEL						
		and Office		and Retail Office		Resta	urant	a	and		ential	Quest		Restaurant/		Conference/			
								Cinemas				Rooms		Lounge		Convention			
		Week	Week	Week	week	Week	Week	Week	Week	Week	Week	Week	Week	Week	Week				
		days	ends	days	ends	days	ends	days	ends	days	ends	days	ends	days	ends				
6:00	200	3%	_	_	_	_	_	_	_	100%	100%	100%	90%	20%	20%	_			
7:00		20	3%	8%	3%	2%	2%	_	_	87	95	85	70	20	20	-			
8:00		63	10	17	10	5	3	_	_	79	88	65	60	20	20	50%			
9:00		93	13	40	30	10	6	_	_	73	81	55	50	20	20	100			
10:00		100	13	65	45	20	8	_	_	68	74	45	40	20	20	100			
11:00		100	17	83	73	30	10	_	_	59	71	35	35	30	30	100			
Noon		90	17	92	85	50	30	23%	30%	60	71	30	30	50	30	100			
1:00	rm	90	13	95	95	70	45	53	70	59	70	30	30	70	45	100			
2:00		97	10	92	100	60	45	53	70	60	71	35	35	60	45	100			
3:00		93	7	90	100	60	45	53	70	61	73	35	40	55	45	100			
4:00		77	ż	83	90	50	45	53	70	66	75	45	50	50	45	100			
5:00		47	á	75	75	70	60	53	70	77	81	60	60	70	60	100			
6:00		23	3	78	65	90	90	61	80	85	85	70	70	90	90	100			
7:00		7	3	85	60	100	95	68	90	94	87	75	80	100	95	100			
8:00		7	3	83	55	100	100	76	100	96	92	90	90	100	100	100			
9:00		ż		58	40	100	100	76	100	98	95	95	95	100	100	100			
10:00		3	_	30	38	90	95	76	100	99	96	100	100	90	95	50			
11:00		_	_	12	13	70	85	61	80	100	98	100	100	70	85	_			
Midni		_	-	-	-	50	70	53	70	100	100	100	100	50	70	-			

- 3. Determine the total demand for the development by hour and day by totaling the appropriate figures for each use.
- 4. The parking requirement for the development shall be equal to the highest total found under 3 above.

Exhibit "A" Resolution No. 85-56 Page 1 of 1

0-4-6

Resclution 85-56



ZONING ADMINISTRATOR DETERMINATION No. 08-3

SUBJECT: TEMPORARY WINDOW SIGN AREA

CMMC:

TABLE 13-115

DATE:

APRIL 28, 2008

BACKGROUND

This determination supercedes the Zoning Administrator Determination issued on January 15, 2001.

Table 13-115 limits temporary window signs in commercial and industrial zones to a maximum of 20% of <u>contiguous window area.</u> "Contiguous window area" is further defined below.

DETERMINATION

Contiguous window area includes window panes separated only by mullions and shall be considered as a single window area, of which 20% may be covered by temporary signs for a period not to exceed 60 days. For example, a building with 10 window panes separated by mullions would be allowed to display temporary windows on 20% of that window area—whether that is 20% of each individual pane or any other combination totaling 20% of the total contiguous window area.

Windows that are separated from other windows by solid walls are not contiguous window areas.

Please note that an increase in allowable temporary window sign area may be approved by the Zoning Administrator as specified in Table 13-115.

KIMBERLY BRANDT, AICP



ZONING ADMINISTRATOR DETERMINATION No. 08-5

SUBJECT: COUNSELING (INCLUDING GROUP COUNSELING)

CMMC SEC: TABLES 13-30 AND 13-89

DATE:

MAY 19, 2008

BACKGROUND

This determination supercedes the Zoning Administrator Determination issued on October 8, 2004.

There is a need to clarify the treatment of counseling offices under the Land Use Matrix (Table 13-30) and parking requirements (Table 13-89) of the zoning code. Uses in question include career and vocational counseling; marriage, family, and child counseling (MFCC); psychologists; psychiatrists; substance abuse counseling; and similar services. Counseling may be provided on an individual, family, or group basis.

DETERMINATION

Individual and family counseling services will be classified as "general office" uses, and not as "medical offices." This is because many, if not most, counseling services are provided by professionals without medical credentials — thus, technically not "medical" uses — and because of differences in operational characteristics (number of clients/patients being served simultaneously, number of clients/patients in waiting rooms, number of exam or treatment rooms, number of support personnel, etc.). Thus, individual and family counseling will be a permitted use where general offices are permitted and a conditional use where general offices are conditional uses.

Parking requirements for individual and family counseling services will be the same as for "general office" uses – currently 4 spaces per 1,000 sq. ft. of gross floor area.

Group counseling services will (except in I&R and I&R-S zones) be classified in the same way as "trade and vocational schools," which is a listed use (currently #37) in Table 13-30. This determination is in accordance with Section 13-30(d) which allows a use that is not listed (group counseling) to be treated in the same way as a substantially similar use. Operational characteristics common to both group

counseling and trade/vocational schools include groups of people arriving and departing at the same times, assembling for approximately hour-long sessions, and having similar staffing levels. Thus, group counseling would be a permitted use in most commercial zones, and a minor conditional use in industrial zones. However, unlike trade and vocational schools, group counseling, would not be permitted in I&R and I&R-S zones, unless it's part of the approved institutional use (e.g., hospital, school, church).

Parking requirements for group counseling services will be the same as for "trade schools, business colleges, dancing and music academies" – currently 10 spaces per 1,000 sq. ft. of gross floor area. Where hours of operation or other unique operating characteristics indicate that a lower parking requirement would be sufficient, a minor conditional use permit may be processed, in accordance with Section 13-89.5.

Planners should use their discretion in cases where an office which primarily provides individual or family counseling may hold <u>occasional</u> group sessions.

KIMBERLY BRANDT, AICP



ZONING ADMINISTRATOR DETERMINATION No. 08-12

SUBJECT:

EXPOSED PIPES AND CONDUIT

CMMC:

SECTION 13-74(a)

DATE:

AUGUST 28, 2008

BACKGROUND

This determination supercedes the Zoning Administrator Memorandum issued on August 12, 2003.

On rare occasions, individuals faced with replumbing their homes or businesses will choose to mount the new piping on the exterior wall surface, instead of within the walls. Also, surface-mounted conduit is sometimes used for new electrical services or circuits, and fire sprinkler supply lines are frequently mounted to the exterior of commercial and industrial buildings. The Plumbing Code does not specifically prohibit installation of piping on exterior wall surfaces.

Costa Mesa Municipal Code Section 13-74(a) specifies that the finished elevations of all building and structures shall be approved by the Planning Division. Various development standards in the Zoning Code articulate the objective of preserving and enhancing aesthetics and/or protecting against unsightliness.

DETERMINATION

To ensure against unsightly interruption of exterior building elevations, plumbing pipes (water and gas), vents, ducting, fire control or fire sprinkler systems, and electrical conduit shall not be mounted on exterior wall surfaces where visible from off site or from adjacent buildings, private yards, or common spaces on the same property. Exceptions may be allowed with specific prior approval by the Zoning Administrator. Approval, if granted, will be limited to specials circumstances where it is impractical to conceal pipes or conduit within walls and may be conditioned to require pipes or conduits to be enclosed in a soffit or chase, or otherwise screened from view.

KIMBERLY BRAND(T,)AIC



SUBJECT:

ANTENNA HEIGHT AND SCREENING

REQUIREMENTS

CMMC SEC:

CHAPTER IX, ARTICLE 2

TABLE 13-142

DATE:

JUNE 22, 2015

BACKGROUND

Table 13-142, Antenna Development Standards, identifies the development standards for antennas. Proposed antennas not in compliance with the applicable development standards shall require approval of a MCUP.

The purpose of this Zoning Administrator Determination is to describe how these development standards are applied to **both** the antenna and associated support structure with regard to maximum allowable height and screening requirements.

DETERMINATION

Code indicates that the maximum height is "measured from the property's grade to the highest point of the antenna." Therefore, the overall height needs to include both the antenna and associated antenna support structure.

Code also indicates that screening is required in certain circumstances. Any reference to "screening required" within the Code shall apply not only to the antenna itself but also any associated antenna support structure upon which the antenna is either placed or contained. The purpose of the screening requirement is to lessen visual impacts of the entire structure; therefore, screening applies to the entire structure and not limited to the component antenna(s) only.

WILLA BOUWENS-KILLEEN, AICP

Zoning Administrator

CLAIRE L. FLYNN, AICP

Asst. Development Svcs. Director



ZONING ADMINISTRATOR DETERMINATION No. 17- 01

SUBJECT:

DEDUCTION OF SQUARE FOOTAGE OF MECHANICAL

AND ELECTRICAL ROOMS FROM GROSS AREA

CALCULATED FOR NONRESIDENTIAL USES

CMMC SEC:

TITLE 13, CHAPTER VI, ARTICLE 2

DATE:

JANUARY 18, 2017

BACKGROUND

A Zoning Administrator interpretation has been made to allow for the exclusion of square footage used for mechanical and electrical equipment rooms when calculating the number of parking spaces required for a nonresidential use.

Costa Mesa Municipal Code determines the number of parking spaces for any nonresidential use by calculating parking demand using the parking ratio per gross floor area. Gross floor area is defined by the Zoning Code as: The area of all floors within the walls of a structure except elevator and other vertical shafts (including stairwells) and elevator equipment areas. Neither the definition of gross floor area nor the zoning code as a whole addresses mechanical or electrical rooms that are enclosed rooms permanently used for the sole purpose of siting or maintaining mechanical or electrical equipment.

DETERMINATION

Since the space used for mechanical and electrical equipment is space not occupied by employees or patrons during the operation of a nonresidential use it should have no impact on parking for the use. Consequently, the square footage used for calculating the number of parking spaces for a nonresidential may be gross floor area minus the square footage used for electrical or mechanical equipment rooms.

WILLA BOUWENS-KILLEEN, AICP



SUBJECT:

PLACEMENT GUIDELINES FOR MECHANICAL OR

ELECTRICAL EQUIPMENT, SUCH AS HVACS OR

POOL EQUIPMENT IN RESIDENTIAL ZONES.

CMMC SEC:

13-32

DATE:

February 7, 2017

BACKGROUND

Costa Mesa Municipal Code is silent on ground mounted placement of mechanical and electrical equipment. The mechanical and electrical equipment may not be aesthetically appealing and/or produce a persistent noise which may create a nuisance for abutting neighbors. To ensure that installation of mechanical or electrical equipment like HVACs or pool equipment do not cause a nuisance to abutting properties or the neighborhood in general, guidelines are provided below.

DETERMINATION

In determining the appropriateness of a proposed location for electrical or mechanical equipment on a residential property the following guidelines apply:

- 1. All equipment must be screened from view for abutting property owners and from the public right of way.
- 2. All equipment must be outside of the front setback of the development lot.
- 3. Mechanical/electrical equipment proposed within 10 feet of a neighboring property's window(s) or door(s) is subject to meeting one of the mitigation methods listed below (3a-3c) or obtaining written consent from the abutting neighbor. In special cases when none of these options apply, a City planner may make a determination that the proposed location is the best potential location for the equipment and add special noise mitigating or screening conditions.

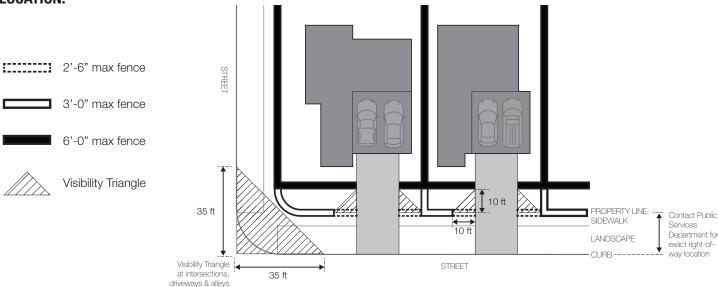
- a) A minimum six-foot-high block wall separates the equipment from the abutting property's window(s) and/or door(s) with a minimum separation of 5 feet between equipment and window(s)/door(s).
- b) The equipment does not generate more than 50 decibels and is setback at least 5 feet between equipment and window(s)/door(s).
- c) The equipment maintains the same setbacks and separations required for main structures.

WILLA BOUWENS-KILLEEN, AICP

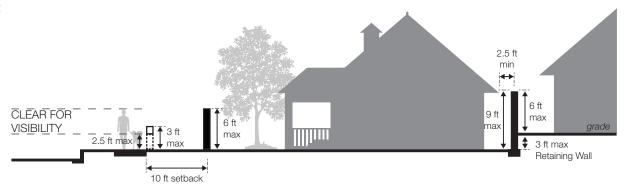
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WALLS, FENCES, AND LANDSCAPING

LOCATION:



HEIGHT:



RESIDENTIAL ZONES:

- Height of walls, fences, and landscaping shall conform with the Visibility Triangle to allow for visibility at intersections and driveways.
- Corner / street cutoffs may be increased or decreased by staff due to street design / configuration.
- Any walls or fences exceeding the maximum specificied height limits require discretionary review.
- Check with the Building & Safety Division for any additional requirements.
- EXCEPTION for R2-MD, R2-HD, R-3 Zones: On corner lots, wall and fences in excess of 36 inches in height shall be set back 5 feet from the street side property line.

COMMERCIAL / INDUSTRIAL ZONES:

• No fence or wall shall obscure the setback landscaping required adjacent to a public right-of-way unless approved by a specific entitlement.

ALL ZONES:

- Fence or walls constructed adjacent to a public street shall be reviewed for compatibility / harmony with surrounding buildings and site developments.
- For corner lots, the narrowest street frontage is the front of the property.