



# **CITY OF COSTA MESA**

## **PLANNING COMMISSION**

### **Agenda**

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**Monday, February 9, 2026**

**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.

**TRANSLATION SERVICES AVAILABLE / SERVICIOS DE TRADUCCIÓN DISPONIBLE**  
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Members of the public are welcome to speak during the meeting when the Chair opens the floor for public comment. There is no need to register in advance or complete a comment card. When it's time to comment, line up at one of the two podiums in the room and wait for your turn. Each speaker will have up to 3 minutes (or as directed) to address the Commission.

To maintain a respectful and orderly atmosphere during the meeting, attendees shall refrain from using horns or amplified speakers. Signs and props may be brought into the Chamber, provided they do not exceed 11 inches by 18 inches in size and do not hinder the visibility of other attendees. The possession of poles, sticks, or stakes is strictly prohibited.

All attendees must remain seated while in the chamber until instructed by the Presiding Officer to approach and line up for public comment. To ensure safety and maintain order during the proceedings, standing or congregating in the aisles or foyer is strictly prohibited.

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- During the Public Comment Period, use the "raise hand" feature located in the participants' window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

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During the Public Comment Period, press \*9 to add yourself to the queue and wait for city staff to announce your name/phone number and press \*6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

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](mailto: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](mailto: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.

Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.

All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to [PCPublicComments@costamesaca.gov](mailto:PCPublicComments@costamesaca.gov) NO LATER THAN 12:00 Noon on the date of the meeting.

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.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

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>.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

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**PLANNING COMMISSION REGULAR MEETING****FEBRUARY 9, 2026 – 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:**

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the Planning Commission, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion. The public can make this request via email at PCPublicComments@costamesaca.gov and should include the item number to be addressed. Items removed from the Consent Calendar will be discussed and voted upon immediately following Planning Commission action on the remainder of the Consent Calendar

**1. JANUARY 26, 2026 UNOFFICIAL MEETING MINUTES 26-137****RECOMMENDATION:**

Planning Commission approve the regular meeting minutes of January 26, 2026.

**Attachments:** [January 26, 2026 Unofficial Meeting Minutes](#)

**PUBLIC HEARINGS:**

1. **INTRODUCTION OF A ZONING CODE AMENDMENT TO REZONE 26-138 SIXTH CYCLE (2021-2029) HOUSING ELEMENT SITES, IMPLEMENT SPECIFIC HOUSING ELEMENT PROGRAMS TO ENCOURAGE AND FACILITATE HOUSING DEVELOPMENT PER STATE REQUIREMENTS, AND A RESOLUTION TO AMEND THE NORTH COSTA MESA SPECIFIC PLAN FOR CONSISTENCY WITH THE HOUSING ELEMENT SITES REZONING (PCTY-25-0008 AND PSPA-26-0001)**

**RECOMMENDATION:**

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.085(a) (SB 131); and
2. Recommend that the City Council adopt an Ordinance amending the following chapters in Title 13 of the Costa Mesa Municipal Code (Zoning Code): a. Chapter I, Article 2, Definitions b. Chapter I, Article 3, Review Authorities c. Chapter III, Planning Applications d. Chapter IV, Citywide Land Use Matrix e. Chapter V, Development Standards, Article 11, Mixed-Use Overlay District f. Chapter VI, Article 1, Residential Districts g. Chapter IX, Article 8, Motels -2- h. Chapter IX, Article 15, Reasonable Accommodations i. Chapter IX, Article 18, Emergency Shelters j. Chapter XII, Article 3, Transportation System Management k. Chapter XV, Group Homes l. Chapter XVI, Group Homes in the R2-MD, R2-HD and R3 Residential Zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones)
3. Recommend that the City Council adopt a Resolution or an Ordinance approving an amendment to the North Costa Mesa Specific Plan for consistency with the application of the Mixed-Use Overlay District on Housing Element Opportunity Sites

**Attachments:** [Agenda Report](#)

- [1. Draft Rezoning Resolution](#)
- [2. Draft NCMSP Resolution](#)
- [3. Strikethrough Amendments](#)
- [4. Housing Element and Measure K Sites Map](#)
- [5. Title 9 Group Homes Strikethrough](#)

**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](mailto:planninginfo@costamesaca.gov)



# CITY OF COSTA MESA

77 Fair Drive  
Costa Mesa, CA 92626

## Agenda Report

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**File #:** 26-137

**Meeting Date:** 2/9/2026

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**TITLE:**

JANUARY 26, 2026 UNOFFICIAL MEETING MINUTES

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

**RECOMMENDATION:**

Planning Commission approve the regular meeting minutes of January 26, 2026.



## **REGULAR PLANNING COMMISSION MONDAY, JANUARY 26, 2026 - MINUTES**

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

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

### **ROLL CALL**

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

Absent: Commissioner Robert Dickson

**ANNOUNCEMENTS AND PRESENTATIONS:** None.

### **PUBLIC COMMENTS - MATTERS NOT LISTED ON THE AGENDA:**

Wendy Simone expressed ongoing concerns regarding noise impacts from the gym located at 140 17th Street. She stated that although recent City actions temporarily reduced noise levels, loud bass vibrations have resumed, beginning as early as 5:15 a.m. She described continued negative impacts on sleep and overall well-being. Ms. Simone noted that residents have been told by the business owner to move if they are dissatisfied with the noise. She requested that the City take further enforcement action to address ongoing noise disturbances affecting multiple nearby residents.

### **PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Martinez announced an upcoming Vernal Pool Walk at Fairview Park, hosted by the City in partnership with Endemic Environmental, scheduled for Saturday, January 31 at 9:00 a.m. He encouraged interested parties to RSVP and contact Parks and Recreation for additional information. Commissioner Martinez also requested a staff update on the City's pre-approved ADU program, noting that the website previously indicated availability in early 2025 and expressing interest in an updated timeline.

Commissioner Andrade thanked City staff for providing and sharing essential bilingual resources supporting local community aid efforts in response to recent ICE activity, including access to legal aid, food assistance, and general information, and emphasized the importance of supporting Costa Mesa's immigrant communities. She encouraged the public to participate through volunteering or donations and highlighted the County's Point-in-Time Count, a biannual effort to assess homelessness, noting opportunities for community members to volunteer in Costa Mesa to support unhoused residents.

Commissioner Klepeck expressed enthusiasm about returning for the first meeting of the year, noted the strong audience attendance, and shared anticipation for the work ahead in the coming year.

Vice Chair Zich expressed frustration regarding the ongoing noise complaints related to the gym discussed during public comment, stating that he believes the issue has a simple and unresolved solution. He noted that the business's existing Conditional Use Permit does not address noise impacts and that the City's current noise ordinance focuses on decibel levels without addressing sound frequencies such as bass or high-pitched noise. Vice Chair Zich suggested that closing the business's rear door could significantly mitigate the issue and questioned why the City has been unable to reach an agreement with the property owner or modify the permit accordingly. He offered to participate in discussions with the property owner to help resolve the matter and indicated that continued inaction would likely result in recurring public complaints.

Chair Harlan welcomed everyone back for the new year and expressed hope that attendees enjoyed the holiday season. In response to the public comment regarding ongoing noise issues, he agreed that the matter should be solvable, acknowledged that conditions had temporarily improved, and encouraged the speaker to continue providing updates to the Planning Commission. He also advised engaging the City Council and elected representatives to further involve them in efforts to work with staff toward a resolution.

## **CONSENT CALENDAR:**

### **1. DECEMBER 08, 2025, UNOFFICIAL MEETING MINUTES**

#### **MOVED/SECOND: MARTINEZ/ ZICH**

**MOTION:** to approve Consent Calendar.

**The motion carried by the following roll call vote:**

**Ayes:** Chair Harlan, Vice Chair Zich, Commissioner Andrade, Commissioner Klepck, Commissioner Martinez, Commissioner Rojas

**Nays:** None

**Absent:** Commissioner Dickson

**Recused:** None

**Motion carried:** 6-0-1

**ACTION:**

Planning Commission approved consent calendar items.

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

**PUBLIC HEARINGS:**

**1. CONDITIONAL USE PERMIT PCUP-25-0014 TO CONVERT TWO EXISTING TWO-STORY OFFICE BUILDINGS INTO A CHURCH ("GRACE FELLOWSHIP CHURCH") FACILITY AT 3146 AND 3152 RED HILL AVENUE**

One ex-parte communication reported.

Presentation by Assistant Planner, Jeffery Rimando.

Anthony Massaro stated he read and agreed to the conditions if approval.

Public comments:

None.

Motion Discussion:

During discussion, clarification was provided regarding proposed revisions to a condition of approval, with a request to replace references to an outdoor activity area with language permitting a non-conditioned interior activity area. It was suggested that unrelated language concerning parking and street circulation be removed, as it was not applicable. It was noted that any outdoor events could be addressed separately through special event permit regulations, and consensus was reached to incorporate the revised language as a friendly amendment.

**MOVED/SECOND: MARTINEZ/DICKSON**

**MOTION:** Move staff's recommendation with a revision to Condition of Approval No. 5 to remove references to an outdoor activity area and add language permitting a non-conditioned interior play area is permitted.

**Ayes:** Chair Harlan, Vice Chair Zich, Commissioner Andrade, Commissioner Klepack, Commissioner Rojas, Commissioner Martinez

**Nays:** None

**Absent:** Commissioner Dickson

**Recused:** None

**Motion carried:** 6-0-1

**ACTION:**

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-25-0014 based on findings of fact and subject to conditions of approval.

**2. THREE-YEAR TIME EXTENSION FOR ZA-22-08, WHICH ALLOWED A MAJOR AMENDMENT TO THE AVENUE OF THE ARTS HOTEL MASTER PLAN (PA-16-50) AT 3350 AVENUE OF THE ARTS**

One ex-parte communication reported.

Presentation by Senior Planner, Chris Yeager.

Paul Stanford stated he read and agreed to the conditions if approval.

Public comments:

None.

Motion Discussion:

Commissioners expressed support for the project. Comments noted appreciation for the project's progression, the applicant's thorough presentation and continued commitment to the City, and the project's importance to the South Coast Metro area and the City's economic health, particularly within the resort and hospitality sector.

**MOVED/SECOND: MARTINEZ/ANDRADE**

**MOTION:** To move staff recommendations.

**Ayes:** Chair Harlan, Vice Chair Zich, Commissioner Andrade, , Commissioner Klepack, Commissioner Martinez, Commissioner Rojas

**Nays:** None

**Absent:** Commissioner Dickson

**Recused:** None

**Motion carried:** 6-0-1

**ACTION:**

The Planning Commission adopted a resolution to:

1. Adopt a Resolution approving a three-year extension of time for ZA-22-08, which allowed a major amendment to the Avenue of the Arts Hotel Master Plan (PA-16-50), and
2. Determine that Pursuant to CEQA Guidelines Section 15168(c), no subsequent or supplemental EIR is required, and the previously certified EIR adequately addresses the environmental impacts of the proposed project

**OLD BUSINESS:**

**1. CONDITIONAL USE PERMIT (PA-21-34) CONDITION OF APPROVAL NO. 31 - SIX-MONTH REVIEW ("420 FLOWER FACTORY")**

Presentation by Assistant Planner, Jeffrey Rimando.

Public comments:

None.

**MOVED/SECOND: MARTINEZ/ANDRADE**

**MOTION:** To move staff recommendation.

**Ayes:** Chair Harlan, Vice Chair Zich, Commissioner Andrade, Commissioner Klepack, Commissioner Rojas, Commissioner Martinez

**Nays:** None

**Absent:** Commissioner Dickson

**Recused:** None

**Motion carried:** 6-0-1

**ACTION:**

The Planning Commission received staff presentation.

**NEW BUSINESS:**

**2. HOUSING ELEMENT IMPLEMENTATION (NEIGHBORHOODS WHERE WE ALL BELONG) PUBLIC ENGAGEMENT UPDATE**

Presentation by Senior Planner, Michelle Halligan.

Commissioners engaged in extensive discussion with staff regarding proposed zoning code amendments related to housing element sites, including updating parking requirements to comply with State law, creating a new section of the City's Mixed-Use Overlay District that would apply to Housing Element sites and reflect recent case law, CEQA clearance for Housing Element site rezoning via a new exemption (Senate Bill 131), and the City's efforts to obtain Housing and Community Development (HCD) certification. Staff explained that the

amendments are intended to ensure compliance with state law, implement the City's Housing Element programs, reduce regulatory barriers, streamline housing development, and provide environmental clearance. Staff will continue to conduct public outreach, study options for allowing more development on non-Housing Element Measure K sites, and prepare an Environmental Impact Report for a potential Measure K rezoning to prepare the City for future RHNA cycles. Discussion included the use of overlays, confirmation that non-Housing Element site Measure K rezonings in the future would not mandate residential development, distinctions between streamlined and standard development review processes, density calculations and rounding of units, potential use of density bonus law, and parking minimum requirements in light of state preemption in some areas served by public transit (AB 2097). Commissioners also questioned proposed Mixed-Use Overlay District setbacks, open space requirements, and other design standards, with staff noting development standards for Housing Element sites were designed to encourage and facilitate housing development at the densities prescribed in the Housing Element, technical assistance from HCD, and public feedback emphasizing setbacks for open space and pedestrian-oriented design.

Public comments:

Cynthia McDonald expressed concern that the proposed rezoning amendments represent the beginning of significant upzoning and land use changes, raising issues related to traffic, air quality, infrastructure, public services, and long-term fiscal impacts, as well as potential weakening of voter-approved protections. The speaker also cited a lack of transparency, limited public outreach and notification, and the increased use of by-right approvals without public hearings, and urged the City to provide clearer information and meaningful public participation.

Speaker two expressed support for adding new housing in the City and inquired whether there are plans to improve accessibility through bike lanes or other public infrastructure. The speaker did not provide additional comments.

Commission Discussion:

Commissioners discussed walkability and active transportation, with staff explaining that the proposed residential and mixed-use development standards are intended to support more walkable neighborhoods, including opportunities for tree canopy along public streets, bike infrastructure, and integration with commercial uses, and noting the City's ongoing active transportation efforts. Commissioners then provided comments on the proposed amendments, expressing an interest in establishing consistency between heights and other development standards on Housing Element sites and (to be established later) non-Housing Element Measure K sites, flexibility in setbacks and open space,

concerns regarding parking requirements a potential barrier to affordability, and the importance of development quality alongside housing production. Additional comments expressed concern that the proposed amendments are primarily driven by state mandates rather than community input, emphasized the need for transparency, outreach, and neighborhood compatibility, and urged consistency between development standards proposed for Housing Element sites and what may be proposed on non-Housing Element Measure K sites in the near future.

**MOVED/SECOND: MARTINEZ/ANDRADE**

**MOTION:** To move staff recommendation.

**Ayes:** Chair Harlan, Commissioner Andrade, Commissioner Klepack, Commissioner Rojas, Commissioner Martinez

**Nays:** Vice Chair Zich

**Absent:** Commissioner Dickson

**Recused:** None

**Motion carried:** 5-1-1

**ACTION:**

The Planning Commission received staff presentation.

**REPORT - PUBLIC WORKS** - Mr. Yang reported that the City hosted a community bike skills workshop at City Hall on January 24, with strong participation from families learning bicycle riding and safety skills. Staff also provided updates on ongoing construction, including roadway striping on Fairview Road south of Fair Drive following recent paving, with landscaping and new pedestrian crossings at Valley Forge planned in the coming months and completion anticipated in May. In addition, construction on the Adams Avenue Bike Facility Project is scheduled to begin in February, which will enhance pedestrian and bicycle travel and improve roadway lighting, with short-term traffic impacts expected during construction.

**REPORT - DEVELOPMENT SERVICES** - Director Tai reported on recent City Council actions and departmental updates. Staff noted that at the January 20 City Council meeting, amendments to the Small Lot Ordinance were introduced for first reading, which would allow two-lot subdivisions in the R2 and R3 zones to be processed ministerially, consistent with allowances in other residential zones, with a second reading scheduled for February 3. Staff also reported that City Council conducted an urban plan screening for a proposed 38-unit live/work and residential project at 1626 Placentia, which is expected to be submitted as a formal application and brought forward to the Planning Commission. Additional updates included an upcoming City Council presentation on the Climate Action and Adaptation Plan process, a potential rescheduling of the Ohio House appeal with continued updates to be provided, and an update on pre-approved accessory dwelling unit plans, noting that 13 prototype applications are currently under building review, with plans to post approved prototypes on the City's website once permits are finalized.

**REPORT - ASSISTANT CITY ATTORNEY - None.**

**ADJOURNMENT AT 8:33 p.m.**

Submitted by:

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CARRIE TAI, SECRETARY  
COSTA MESA PLANNING COMMISSION

DRAFT



# CITY OF COSTA MESA

77 Fair Drive  
Costa Mesa, CA 92626

## Agenda Report

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File #: 26-138

Meeting Date: 2/9/2026

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**TITLE:**

**INTRODUCTION OF A ZONING CODE AMENDMENT TO REZONE SIXTH CYCLE (2021-2029) HOUSING ELEMENT SITES, IMPLEMENT SPECIFIC HOUSING ELEMENT PROGRAMS TO ENCOURAGE AND FACILITATE HOUSING DEVELOPMENT PER STATE REQUIREMENTS, AND A RESOLUTION TO AMEND THE NORTH COSTA MESA SPECIFIC PLAN FOR CONSISTENCY WITH THE HOUSING ELEMENT SITES REZONING (PCTY-25-0008 AND PSPA-26-0001)**

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

**PRESENTED BY:** **MICHELLE HALLIGAN, SENIOR PLANNER AND ANNA MCGILL, ADVANCE PLANNING MANAGER**

**CONTACT INFORMATION:** **MICHELLE HALLIGAN, 714-754-5608;**  
**Michelle.Halligan@costamesaca.gov**

**RECOMMENDATION:**

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.085(a) (SB 131); and
2. Recommend that the City Council adopt an Ordinance amending the following chapters in Title 13 of the Costa Mesa Municipal Code (Zoning Code): a. Chapter I, Article 2, Definitions b. Chapter I, Article 3, Review Authorities c. Chapter III, Planning Applications d. Chapter IV, Citywide Land Use Matrix e. Chapter V, Development Standards, Article 11, Mixed-Use Overlay District f. Chapter VI, Article 1, Residential Districts g. Chapter IX, Article 8, Motels -2- h. Chapter IX, Article 15, Reasonable Accommodations i. Chapter IX, Article 18, Emergency Shelters j. Chapter XII, Article 3, Transportation System Management k. Chapter XV, Group Homes l. Chapter XVI, Group Homes in the R2-MD, R2-HD and R3 Residential Zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones)
3. Recommend that the City Council adopt a Resolution or an Ordinance approving an amendment to the North Costa Mesa Specific Plan for consistency with the application of the Mixed-Use Overlay District on Housing Element Opportunity Sites



# PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 9, 2026

ITEM NUMBER: PH-1

**SUBJECT: INTRODUCTION OF A ZONING CODE AMENDMENT TO REZONE SIXTH CYCLE (2021-2029) HOUSING ELEMENT SITES, IMPLEMENT SPECIFIC HOUSING ELEMENT PROGRAMS TO ENCOURAGE AND FACILITATE HOUSING DEVELOPMENT PER STATE REQUIREMENTS, AND A RESOLUTION TO AMEND THE NORTH COSTA MESA SPECIFIC PLAN FOR CONSISTENCY WITH THE HOUSING ELEMENT SITES REZONING (PCTY-25-0008 AND PSPA-26-0001)**

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

**PRESENTATION BY: MICHELLE HALLIGAN, SENIOR PLANNER AND ANNA  
MCGILL, ADVANCE PLANNING MANAGER**

**FOR FURTHER  
INFORMATION  
CONTACT:** **MICHELLE HALLIGAN  
714-754-5608  
[Michelle.Halligan@costamesaca.gov](mailto:Michelle.Halligan@costamesaca.gov)**

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## **RECOMMENDATION:**

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.085(a) (SB 131); and
2. Recommend that the City Council adopt an Ordinance amending the following chapters in Title 13 of the Costa Mesa Municipal Code (Zoning Code):
  - a. Chapter I, Article 2, Definitions
  - b. Chapter I, Article 3, Review Authorities
  - c. Chapter III, Planning Applications
  - d. Chapter IV, Citywide Land Use Matrix
  - e. Chapter V, Development Standards, Article 11, Mixed-Use Overlay District
  - f. Chapter VI, Article 1, Residential Districts
  - g. Chapter IX, Article 8, Motels

- h. Chapter IX, Article 15, Reasonable Accommodations
  - i. Chapter IX, Article 18, Emergency Shelters
  - j. Chapter XII, Article 3, Transportation System Management
  - k. Chapter XV, Group Homes
  - l. Chapter XVI, Group Homes in the R2-MD, R2-HD and R3 Residential Zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones)
3. Recommend that the City Council adopt a Resolution or an Ordinance approving an amendment to the North Costa Mesa Specific Plan for consistency with the application of the Mixed-Use Overlay District on Housing Element Opportunity Sites; and

**APPLICANT OR AUTHORIZED AGENT:**

The subject amendments to the Zoning Code, Zoning Map, and North Costa Mesa Specific Plan to implement programs of the City of Costa Mesa Sixth Cycle (2021-2029) Housing Element is a City-initiated request.

**BACKGROUND:**

On December 8, 2025, staff presented an update to the Planning Commission regarding the potential approach to rezoning Housing Element sites. The update included an overview of Senate Bill (SB) 131, which established new California Environmental Quality Act (CEQA) statutory exemptions effective July 1, 2025, for specific housing and infrastructure projects. With input from HCD, City staff determined that under SB 131, carrying out actions in the approved Housing Element, such as amending the Zoning Code and North Costa Mesa Specific Plan to accommodate the Regional Housing Needs Assessment (RHNA), would be exempt from CEQA.

- December 8, 2025, Agenda Report and Attachments:  
<https://costamesa.legistar.com/LegislationDetail.aspx?ID=7773717&GUID=27C0C59C-E645-40FE-9970-1CF616A43895>

On January 26, 2026, the Planning Commission held a Study Session to discuss the draft rezoning of Housing Element sites, including within the North Costa Mesa Specific Plan, and draft amendments to Title 13 of the Costa Mesa Municipal Code (Zoning Code) to implement Housing Element programs, encourage and facilitate housing development, and comply with State law. During the study session, staff confirmed that implementing actions in the City's Housing Element, such as amending the Zoning Code and North Costa Mesa Specific Plan to accommodate housing, would be exempt from CEQA. Accordingly, the NWWAB rezoning effort will be bifurcated and structured into two simultaneous work streams: one work stream

focusing on expediting the rezoning of Housing Element sites, and a second work stream focusing on creating residential development opportunities on non-Housing Element Measure K sites on the City's original NWWAB timeline.

- January 26, 2026, Agenda Report and Attachments:  
<https://costamesa.legistar.com/LegislationDetail.aspx?ID=7826361&GUID=F156048D-17ED-4207-AD1F-00C34ADD4BC9>

## **DESCRIPTION**

The City is actively implementing programs identified in the adopted Sixth Cycle (2021-2029) Housing Element and is working toward certification by the California Department of Housing and Community Development (HCD). Rezoning Housing Element Opportunity Sites is a key component required to achieve certification.

The proposed Zoning Code amendments would establish a new section of the Mixed-Use Overlay District (MOUD) to apply to all Housing Element Opportunity Sites except the Fairview Developmental Center, amend specific definitions related to housing including group homes and sober living homes, add land uses to the Land Use Matrix, streamline specific application procedures, reduce select residential parking minimums, align the City's motel conversion termination of tenancy procedures with State and Federal law, and update the City's regulations pertaining to group homes, reasonable accommodation, and emergency shelters. Additional amendments to those areas of the Zoning Code are proposed to provide clarity, internal consistency, and remove outdated text.

The proposed rezoning also includes an amendment to the North Costa Mesa Specific Plan to reflect the application of the MOUD to Housing Element Opportunity Sites within that planning area.

The Housing Element Opportunity Sites are outlined in red in Attachment 4, Housing Element and Measure K Sites Map. The non-Housing Element Measure K sites shown in Attachment 4 would be rezoned on the original NWWAB timeline following additional public outreach and study.

## **ANALYSIS:**

### **Zoning Code Amendments**

#### ***Mixed-Use Overlay District***

Per California Government Code Section 65583, cities and counties must identify adequate zoning and site capacity to accommodate their Regional Housing Needs Allocation. In Costa Mesa, rezoning is necessary to establish adequate residential

development capacity and a buffer of additional capacity to address California Government Code Section 65863 "no net loss" provisions that require jurisdictions to maintain capacity throughout the planning period.

To increase the development capacity of Housing Element Opportunity Sites, staff proposes to amend the City's Zoning Map and MUOD. The proposed amendment would create a new section of the MUOD, Section 13-83.58, Properties Identified in Housing Element, to be applied to all Housing Element Opportunity Sites, except the Fairview Developmental Center. The new section of the MUOD specifically establishes development criteria on Housing Element Opportunity Sites to encourage and facilitate residential development subject to the following:

- Densities ranging from 20 units per acre up to the specific site density identified in the Housing Element (40, 50, and 90 units per acre);
- Basic objective design standards such as height and minimum setbacks that can accommodate the Housing Element-identified densities; and
- Ministerial review and approval procedures consistent with State law.

Additionally, amendments to the North Costa Mesa Specific Plan only pertaining to Housing Element Opportunity Sites within the North Costa Mesa Specific Plan are necessary for consistency with the Housing Element and amended MUOD.

To comply with state law (AB 1397), the amendment to the MUOD would allow "by-right" (ministerial) approval for projects on Housing Element Opportunity Sites that include at least 20 percent lower-income units. If adopted, the new section of the MUOD, along with an amendment to the Zoning Map, would constitute the rezoning of Housing Element Opportunity Sites, except for the Fairview Developmental Center site which will be subject to a new specific plan, and is undergoing a separate process under state law. The updated Zoning Map (Attachment 1, Exhibit M), new MUOD section (Attachment 1, Exhibit E), and amendments to the North Costa Mesa Specific Plan (Attachment 2, Exhibit A) would implement Housing Element Programs 2N, 3C, and 3D. See Attachment 3, Exhibit E for the strikethrough version of the proposed amendments to the MUOD.

### ***Planning Applications***

California Government Code Section 65583 mandates that cities and counties address governmental constraints to housing construction such as removing restrictive zoning and lengthy planning application processing. The proposed amendments to Title 13, Chapter III, Planning Applications, will create a new "Streamline Development Review" process for the ministerial review of residential uses that are permitted by right under State law, projects that are one story in the R1, R2-MD, R2-HD, and R3 zones, and small commercial/mixed-use additions. For

qualifying applications, Planning Division will conduct an expedited review against objective standards only.

As proposed, mixed-use applications would be no longer subject to the discretionary process of a Master Plan application and Master Plan screening before the City Council. This amendment is anticipated to expedite the approval of mixed-use applications, which is an important component of Housing Element implementation strategy given that all Housing Element Opportunity Sites would be rezoned to be within a new section of the MUOD.

The proposed amendments, seen in Attachment 1, Exhibit C and in strikethrough format in Attachment 3, Exhibit C would remove Design Review and Minor Design Review. Currently, construction that results in three or more dwelling units must complete a subjective design review process which does not align with State housing law. Applications for two-story residential development that do not currently conform to adopted residential design guidelines are subject to a subjective minor design review. As proposed, those projects would be processed through the standard Development Review and if varying from objective standards, would need a Major Modification or Minor Modification for approval. As proposed, the review of design will be accomplished through the Streamline Development Review and Development Review processes, with a focus on objective design standards. Additional objective design standards beyond those adopted today are forthcoming as part of the NWWAB effort.

The proposed changes would:

- Establish a new ministerial approval process called Streamline Development Review, applicable to:
  - Projects where 20 percent of the units are affordable to lower income households;
  - Residential uses permitted by-right consistent with State law;
  - One-story residential construction in the R1, R2-MD, R2-HD, and R3 zones; and
  - Limited commercial building additions.
- Replace the discretionary Design Review and Minor Design Review procedures in with staff-level objective review procedures; and
- Encourage MUOD applications by removing the Master Plan requirement for projects within that district.

Overall, the proposed amendments to Chapter III, Planning Applications are intended to reduce governmental constraints to residential and mixed-use development and shift the City's review framework away from subjectivity and toward objective

standards. These amendments partially implement Housing Element Program 3S and would further encourage and facilitate residential and mixed-use development.

### **Definitions**

Zoning Code Chapter 1, Article 2, Definitions establishes the meaning of certain words and phrases which are used in this Zoning Code. Amendments include adding a definition of "employee housing" per California's Employee Housing Act (in California Health and Safety Code Sections 17000-17011) and adding a definition of "efficiency unit" that complies with Health & Safety Code § 17958.1. Other amendments include updating the definitions of group home, single housekeeping unit, single residential occupancy unit, sober living home, supportive housing, and transitional housing to meet State regulations and implement certain Housing Element Programs. Additionally, the name "administrative adjustment" is proposed to change to "major modification" for consistency with proposed changes in Chapter III, Planning Applications. The definitions amendments shown in Attachment 3, Exhibit A implement Housing Element Programs 2J, 2N, 2O, 2P, and 3F.

### ***Subsequent Administrative Adjustment References***

Update the reference to "administrative adjustment" to "major modification" in Chapter I Section 13-11, Zoning Administrator, Review Authorities (Attachment 3, Exhibit B), and in Chapter XII Section 13-272, Transportation System Management, Definitions (Attachment 3, Exhibit J), for consistency with the amendment to the naming convention in Chapter III Planning Applications (Attachment 3, Exhibit C).

### ***Land Use Matrix***

Amendments to Title 13, Chapter IV, Citywide Land Use Matrix, are proposed for consistency with amendments to the Definitions chapter related to housing and to allow a "low barrier navigation center" use by right per Government Code Section 65660. The table and footnotes are proposed to be updated to add employee housing, supportive housing, transitional housing, and low barrier navigation center uses. These amendments implement Housing Element Programs 2J and 4E.

Other amendments would clean-up the code by removing typographical errors, unnecessary "reserved" and "reserved for future use" categories, as well as "incidental residential use that includes a toilet in combination with a bathtub or shower..." as it is now covered by the accessory dwelling unit use in the Accessory Uses section of the matrix. See Attachment 3, Exhibit D for the strikethrough version of the amendments to the Land Use Matrix.

At this time, an update of the order and numbering of uses in the Land Use Matrix is not proposed because the Planning Division is in the process of preparing an overhaul to the formatting and organization, anticipated to be brought forward to the Planning Commission in Spring 2026.

### ***Off-Street Residential Parking Standards***

The City has been collaborating with HCD to assess if the adopted residential parking minimums meet State requirements and do not unduly burden residential development. The proposed update to Table 13-85(A) would remove the requirement to add parking for bedroom additions in single-family residential units per Assembly Bill 1308, which became effective on January 1, 2025.

Following technical assistance from HCD, Table 13-85 is proposed to be updated to have multifamily units with 3 or more bedrooms subject to the same parking requirements as multifamily units with 2 or more bedrooms (2 off-street spaces and at least 0.25 off-street guest spaces). Opportunities for unbundled parking was briefly discussed at the January 26, 2026, Planning Commission study session. Staff has been exploring potential options for unbundled parking and plans to include these proposed revisions as part of the broader Neighborhoods Where We All Belong zoning code updates.

These changes implement Housing Element Program 2M. See Attachment 3, Exhibit F for the strikethrough version of these amendments.

### ***Motel Conversions***

Costa Mesa has successfully converted multiple motels to affordable housing units through Project Homekey, a program administered by HCD, and funded by State and Federal resources. As proposed, Title 13, Chapter IX Special Land Use Regulations, Article 8 Motels would be updated to specify that in the motel conversion process, termination of tenancy procedures would follow the requirements of the funding source (State and Federal law). This amendment partially implements Program 3F. See Attachment 3, Attachment G.

### ***Reasonable Accommodation***

The City has reviewed its Reasonable Accommodation procedures and proposed updates to promote access to housing for persons with disabilities and potential constraints. The proposed revisions include removal of Finding 7 and key revisions to Findings 3, 4 and 5 to provide greater certainty and objectivity in the procedures and process. These changes implement Housing Element Program 2N. See Attachment 3, Exhibit H for the strikethrough version of these amendments.

## ***Emergency Shelters***

Cities and counties are limited in the scope of regulating how emergency shelters are operated by California Health and Safety Code Sections 50801 and 50801.5. Title 13, Chapter IX Special Land Use Regulations, Article 18 Emergency Shelters, is proposed to be amended to clarify parking requirements and remove regulations pertaining to the towing of vehicles and denying occupancy on conditions related to alcohol and narcotics. This amendment would implement Housing Element Program 4G. See Attachment 3, Exhibit I.

## ***Group Homes***

In response to Housing Element Program 2P, the City has reviewed its zoning code and application procedures applicable to group homes to promote greater objectivity and approval certainty, similar to other residential uses on the same zoning district. Proposed revisions include additional clarity to the group homes and sober living homes definitions (also noted in the definitions analysis section) and revisions to require the Special use permit process only for Group Homes that have an operator, including removal of parking requirements not required for similar uses, requirement for a hearing for consistency with other ministerial applications and reducing the courtesy notice requirement from 500 feet to 100 feet. Finally, revisions to the compliance section reflect current applicability to all group homes, as the prior grandfathering provisions are no longer relevant. These changes implement Housing Element Program 2P. See Attachment 3, Exhibits K and L.

Additional revisions to Title 9 Licenses and Business Regulations, Chapter II, Regulation of Certain Business, Article 23, Group Homes, for consistency with the revisions to Title 13, Chapter XV are included in Attachment 5 for informational purposes, since these revisions do not amend the Zoning Code. These revisions will be brought to the City Council for action, along with the proposed Zoning Code amendments.

## ***North Costa Mesa Specific Plan Amendment***

Several properties within the boundary of the North Costa Mesa Specific Plan are Housing Element Opportunity Sites. As such, the Specific Plan is proposed to be amended for consistency with the rezoning of Housing Element Opportunity Sites via the application of the new MUOD. Housing Element Program 3C calls for the amendment of the North Costa Mesa Specific Plan to permit residential development on Housing Element Opportunity Sites at a density of 90 dwelling units per acre. To implement this program, the following actions are proposed and illustrated in Attachment 2, Exhibit A, and in strikethrough format in Attachment 3, Exhibit M:

- Add a new section specific to Housing Element Opportunity Sites reflecting the application of the new MUOD, with a density up to 90 dwelling units per acre and a minimum of 50% residential development;
- Update Figure 2, General Plan Land Use Designation, and Figure 3, Zoning;
- Update Table 1, General Plan Designations to include the MUOD;
- Update the Building Heights text to specify that maximum building heights apply unless a proposed project is utilizing the MUOD on a qualifying property (MUOD height limits would apply); and
- Update Table 2, Maximum Building Heights to reference the MUOD.

## **Fiscal Impact Analysis**

The City anticipates the proposed rezoning actions, coupled with streamlined planning application processing, will generate an increase in residential and mixed-use development through ministerial approvals. With the proposed transition to staff-level, ministerial review processes, staff anticipates a reduction in processing time and associated discretionary review tasks. At the same time, it is important to ensure that staff time spent on reviewing housing projects against the zoning code and objective development standards is still accounted for in accordance with cost recovery practices. As a result, the fees currently charged for housing projects will need to be reevaluated by the City Council to ensure that they appropriately align with the staff resources needed for ministerial review. For smaller housing projects, it is anticipated that there will be a straight flat fee, but for larger projects, staff anticipates a cost-recovery deposit where staff time spent on reviewing the project is appropriately tracked and charged.

State housing laws limit discretionary review for housing projects, particularly for Housing Element sites, that qualify for by-right or streamlined approval. Without being able to require conditions of approval or a Development Agreement, staff are in discussion with other departments about exploring development impact fees. While the impacts of individual projects on public services and facilities may be incremental, the cumulative effect of new development over time could be substantial. To ensure that new development contributes its fair share toward the cost of public services and facilities, additional analysis, potentially through a nexus study, is warranted. This analysis would provide the necessary technical support to establish new impact fees (such as for Police and Fire services) or update existing impact fees.

## **GENERAL PLAN CONFORMANCE**

The proposed Zoning Code amendments and North Costa Mesa Specific Plan amendment are consistent with the City's General Plan, including amendments to the Land Use Element adopted by the City Council and effective on November 4, 2025. The proposed amendments are in conformance with the City's General Plan including:

- HOU-2.1 Facilitate the development of housing that meets the needs of all segments of the population including affordable housing and households with specialized needs.
- HOU-2-4 Encourage housing programs and future actions that address the need for affordable housing options as well as the housing needs of Costa Mesa's senior resident population and the large households population.
- HOU-3.1 Encourage the conversion of existing marginal, underutilized, or vacant motels, commercial, and/or industrial land to residential, where feasible and consistent with environmental conditions that are suitable for new residential development.
- HOU-3.2 Encourage the development of well-planned and designed residential or mixed-use projects which, through vertical or horizontal integration, provide for the development of compatible residential, commercial, industrial, institutional, or public uses within a single project, neighborhood, or geographic area within the City.
- HOU-3.5 Encourage residential and mixed-use development along transportation routes and major commercial/mixed use corridors.
- HOU-4.3 Encourage and support the construction, maintenance and preservation of residential developments which will meet the needs of families and individuals with specialized housing requirements, including those with developmental disabilities.
- 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 needs of the business and residential segments of the community.
- Policy LU-1.2 Balance economic gains from new development while reserving the character and densities of residential neighborhoods.
- Policy LU-1.3 Strongly encourage the development of residential uses and owner-occupied housing (single-family detached residences, condominiums, townhouses) where feasible to improve the balance between rental and ownership housing opportunities.
- Policy LU-1.5 Maintain a land use structure that strives to balance jobs and housing with available infrastructure and public and human services.
- Policy LU-2.9 Require appropriate building setbacks, structure orientation, and placement windows to consider the privacy of adjacent residential structures within the same project and on adjacent properties.
- 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.
- Policy LU-3.4 Ensure that residential densities can be supported by the infrastructure and are compatible with existing residential neighborhoods in the surrounding area.
- Policy LU-3.5 Provide opportunities for the development of well-planned and designed projects which, through vertical or horizontal integration, provide for

the development of compatible residential, commercial, industrial, institutional, or public uses within a single project or neighborhood.

- Policy LU-3.9 Locate high-intensity developments or high-traffic-generating uses away from low-density residential in order to buffer the more sensitive land uses from the potentially adverse impacts of the more intense development or uses.
- Policy LU-3.10 Minimize effects of new development on the privacy and character of surrounding neighborhoods.
- Policy LU-5.7 Encourage new development that is organized around compact, walkable, mixed-use neighborhoods and districts to conserve open space resources, minimize infrastructure costs, and reduce reliance on the automobile.

## **ENVIRONMENTAL DETERMINATION**

On November 15, 2022, the Costa Mesa City Council adopted Resolution No. 2022-67, certifying and adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program that analyzed the candidate housing sites for the 6th Cycle (2021-2029) Housing Element. The Mitigated Negative Declaration provided environmental clearance for the adoption of the Housing Element but did not study and mitigate the potential impacts of the rezoning actions. When the Professional Service Agreement for the Rezoning Program was signed in March 2025, an Environmental Impact Report was determined to be necessary for the rezoning to comply with CEQA. However, on July 1, 2025, a new statutory CEQA exemption, known as SB 131 or Public Resources Code Section 21080.085(a), went into effect, providing a CEQA exemption for rezoning actions needed to implement Housing Elements. The City's proposed amendments implement a schedule of actions contained in the approved Housing Element pursuant to Government Code Section 65583 and do not allow the construction of a distribution center, or oil and gas infrastructure. Therefore, the proposed amendments are statutorily exempt from California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.085(a).

## **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 Zoning Code sections and Specific Plan or removal of items from the amendments provided that the revisions are internally consistent and consistent with the General Plan and State law.
2. **Continue the Ordinance and Resolution 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.

## **PUBLIC NOTICE**

Pursuant to California Government Code Section 65854 (amended by Assembly Bill 2904 in 2025) public notification for amending the Zoning Map and Zoning Code has been completed no less than 20 days prior to the date of the public hearing:

1. On-site posting. A public notice was posted at City Hall and on the City's website on January 15, 2026.
2. Newspaper publication. A public notice was published in the Daily Pilot newspaper on January 16, 2026.

Additionally, information about the rezoning for the February 9, 2026, Planning Commission meeting, including a link to the draft amendments was distributed via email to the project interest list on January 15, 2026, January 21, 2026, and February 5, 2026.

## **CONCLUSION/NEXT STEPS**

The City of Costa Mesa continues to make progress toward achieving its housing goals, accommodating the RHNA, and obtaining Housing Element certification from HCD. Amending the Zoning Map and Zoning Code to apply the MUOD to Housing Element Opportunity Sites, streamlining application processing, updating definitions, the Land Use Matrix, specific residential parking standards, and regulations related to motel conversions, reasonable accommodation, group homes, and emergency shelters, as well as amending the North Costa Mesa Specific Plan for consistency, are critical steps in the compliance process.

Other important next steps for the Neighborhoods Where We All Belong effort include conducting additional public outreach during the first week of March 2026 and continuing the analysis of potential impacts on the environment through the Environmental Impact Report process. Staff will continue to update the Planning Commission and community on project progress through the project website, [www.costamesaneighborhoods.com](http://www.costamesaneighborhoods.com), emails to the interest list, and study sessions.

## **ATTACHMENTS**

Attachment 1 Draft Planning Commission Resolution Title 13 Amendment

Exhibit A: Chapter 1, Article 2, Definitions

Exhibit B: Chapter I, Article 3, Review Authorities

Exhibit C: Chapter III, Planning Applications

Exhibit D: Chapter IV, Citywide Land Use Matrix

Exhibit E: Chapter V, Development Standards, Article 11 Mixed-Use Overlay District  
Exhibit F: Chapter VI, Article 1, Residential Districts  
Exhibit G: Chapter IX, Article 8, Motels  
Exhibit H: Chapter IX, Article 15, Reasonable Accommodations  
Exhibit I: Chapter IX, Article 18, Emergency Shelters  
Exhibit J: Chapter XII, Article 3, Transportation System Management  
Exhibit K: Chapter XV, Group Homes  
Exhibit L: Chapter XVI, Group Homes in the R2-MD, R2-HD and R3 Residential Zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones)  
Exhibit M (Draft Zoning Map)

Attachment 2 Draft Planning Commission Resolution North Costa Mesa Specific Plan Amendment

Exhibit A: Draft North Costa Mesa Specific Plan Amendment (cover page through page 21)

Attachment 3 Strikethrough format of the proposed Zoning Code amendments and North Costa Mesa Specific Plan amendment

Exhibit A: Chapter 1, Article 2, Definitions  
Exhibit B: Chapter I, Article 3, Review Authorities  
Exhibit C: Chapter III, Planning Applications  
Exhibit D: Chapter IV, Citywide Land Use Matrix  
Exhibit E: Chapter V, Development Standards, Article 11 Mixed-Use Overlay District  
Exhibit F: Chapter VI, Article 1, Residential Districts  
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Exhibit I: Chapter IX, Article 18, Emergency Shelters  
Exhibit J: Chapter XII, Article 3, Transportation System Management  
Exhibit K: Chapter XV, Group Homes  
Exhibit L: Chapter XVI, Group Homes in the R2-MD, R2-HD and R3 Residential Zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones)  
Exhibit M: North Costa Mesa Specific Plan (cover through page 21)

Attachment 4 Map of Housing Element Opportunity Sites and Measure K Sites

Attachment 5 Draft Title 9 Amendment to be Considered by City Council

**RESOLUTION NO. PC-2026-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPT AN ORDINANCE TO AMEND TO TITLE 13 OF THE CITY'S MUNICIPAL CODE (PLANNING, ZONING, AND DEVELOPMENT) TO REZONE HOUSING ELEMENT OPPORTUNITY SITES AND IMPLEMENT SPECIFIC HOUSING ELEMENT PROGRAMS (PCTY-2025-0008)**

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

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

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

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

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

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

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

WHEREAS, this Ordinance would amend the following Chapters in Title 13 of the Costa Mesa Municipal Code to implement Housing Element programs and comply with State law:

- a<sub>1</sub> Chapter I, Article 2, Definitions
- i<sub>1</sub> Chapter I, Article 3. Review Authorities
- j<sub>1</sub> Chapter III, Planning Applications
- l<sub>1</sub> Chapter IV, Citywide Land Use Matrix
- n<sub>1</sub> Chapter V Development Standards, Article 11 Mixed-Use Overlay District
- s<sub>1</sub> Chapter VI, Article 1, Residential Districts
- t<sub>1</sub> Chapter IX, Article 8, Motels
- u<sub>1</sub> Chapter IX, Article 15, Reasonable Accommodations
- v<sub>1</sub> Chapter IX, Article 18, Emergency Shelters
- {<sub>1</sub> Chapter XII, Article 3, Transportation System Management
- |<sub>1</sub> Chapter XV, Group Homes
- }{<sub>1</sub> Chapter XVI, Group Homes in the R2-MD, R2-HD and R3 Residential Zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones)}

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

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

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

WHEREAS, the proposed amendments implement a schedule of actions contained in the approved Housing Element pursuant to Government Code Section 65583 and do not allow the construction of a distribution center, or oil and gas infrastructure, accordingly, the proposed amendments are statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.085(a) (an exemption also known as SB 131);

WHEREAS, the CEQA statutory exemption for this proposal reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record the Planning Commission, in its independent judgement, hereby **RECOMMENDS APPROVAL** of the Zoning Code amendments incorporated herein as Attachment 1 Exhibits A through M:

- Exhibit A: Chapter 1, Article 2, Definitions;
- Exhibit B: Chapter I, Article 3, Review Authorities;
- Exhibit C: Chapter III, Planning Applications;
- Exhibit D: Chapter IV, Citywide Land Use Matrix;
- Exhibit E: Chapter V, Development Standards, Article 11 Mixed-Use Overlay District, Properties Identified in Housing Element;
- Exhibit F: Chapter VI, Article 1, Residential Districts;
- Exhibit G: Chapter IX, Article 8, Motels;
- Exhibit H: Chapter IX, Article 15, Reasonable Accommodations;
- Exhibit I: Chapter IX, Article 18, Emergency Shelters;
- Exhibit J: Chapter XII, Article 3, Transportation System Management;
- Exhibit K: Chapter XV, Group Homes;
- Exhibit L: Chapter XVI, Group Homes in the R2-MD, R2-HD and R3 Residential Zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones); and
- Exhibit M: Zoning Districts Map.

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, and in compliance with all applicable federal, state, and local laws.

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

**PASSED AND ADOPTED this 9th day of February, 2026.**

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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-2026-\_\_ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on February 9, 2026 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

---

Carrie Tai, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2026\_\_

**Article 2**  
**Definitions**

**§ 13-5. Purpose.**

The intent of this article is to define certain words and phrases which are used in this Zoning Code. Additional definitions may also be given in conjunction with the special regulations contained in Chapter IX, Special Land Use Regulations, and Chapter XII, Special Fee Assessments.

(Ord. No. 97-11, § 2, 5-5-97)

**§ 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.

*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.

*Efficiency unit.* A dwelling unit for occupancy by no more than two persons conforming to California's Health and Safety Code § 17958.1 with a minimum floor area of 150 square feet that provides bathroom facilities and a partial kitchen equipped with a sink, cooking appliance, and refrigerator.

*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.

*Employee housing.* Shall have the same meaning as "employee housing" described in California Health and Safety Code Section 17021.5, and as set forth in California Health and Safety Code Section 17008 for farmworkers.

*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; (3) any group home without an operator.

*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.

*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.

*Low barrier navigation center.* Shall have the same meaning as "low barrier navigation center" as set forth in Government Code Section 65660.

*Major modification.* 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.

*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, including an in-house manager, who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and/or 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 major modifications, 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 §§ 11834.02—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 joint use of and responsibility for common areas, which includes interaction with each other, shared meals, household activities, and expenses and responsibilities; where residency is mutually agreed by all residents, is not transitory in nature and the residential activities of the household are conducted on a not-for-profit basis.

*Single room occupancy unit.* A dwelling unit that serves as the primary residence of its occupant(s) and is offered on a monthly rental basis or longer. Single room occupancy units may contain kitchen and/or sanitary facilities. If the units do not contain kitchen and/or bathroom facilities, shared kitchen and/or bathroom facilities must be provided within the building.

*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; (3) any sober living home without an operator.

**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.

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

**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, as defined in Section [50675.14](#) of the California Health and Safety Code, 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.

**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. **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)

**Article 3**  
**Review Authorities**

**§ 13-7. Purpose.**

The purpose of this article is to establish the project review authority of the city council, the redevelopment agency, the planning commission, the zoning administrator and the planning division.

(Ord. No. 97-11, § 2, 5-5-97)

**§ 13-8 City council.**

The city council shall have final decision authority for appeals, final maps, specific plans, master plans in the town center and planned development districts, rezones, general plan amendments, density bonuses with financial incentives, Zoning Code amendments, improvement and development agreements, annexations and any action specified in this Zoning Code. The city council shall also be responsible for the acceptance of lands and/or improvements as may be proposed for dedication to the city, except deeds of dedication and parcel maps of four or fewer lots with no development agreements. The city council may impose conditions of approval.

(Ord. No. 97-11, § 2, 5-5-97)

**§ 13-9 Redevelopment agency.**

(a) Declaration of need of agency. It is hereby found and declared, pursuant to State Health and Safety Code section 33101, that there is a need for a redevelopment agency in the city, as such agency was created by section 33100, to function in the city, and the agency is hereby authorized to transact business and exercise all of the powers granted to it under the Community Redevelopment Law.

(b) Council declared agency. The five members of the city council are hereby declared to be the members of the redevelopment agency and are empowered to exercise all the rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in an agency.

(c) Term of agency members. Membership shall be for the period each councilmember serves in office, and shall automatically terminate at the time any councilmember no longer holds the office of councilmember. Any vacancy existing on the redevelopment agency shall be filled only by a duly elected sworn and acting city councilmember.

(Ord. No. 97-11, § 2, 5-5-97)

**§ 13-10 Planning commission.**

(a) Commission. Pursuant to the provisions of section 65101 of the Planning and Zoning Law of the California Government Code, there is hereby created a planning commission, which shall consist of seven members.

(b) Appointment and removal of commissioners. Each council member elected by district shall nominate a planning commission member, subject to approval by a majority vote of the entire city council. The mayor shall nominate a planning commission member, subject to approval by a majority vote of the entire city council. Planning commission members serve at the pleasure of the city council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire city council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.

(c) Residency. Each member of the planning commission must be a resident of the City of Costa Mesa at the time the member is nominated and appointed. If any member of the planning commission ceases to be a resident of the city that member's appointment will automatically terminate. The secretary of the planning commission shall immediately inform the city council of any such termination.

(d) Term. The term of each planning commission member shall expire on the date on which the second regular meeting in January is held immediately following expiration of the term of the council member or mayor who appointed that member, or until he or she is reappointed or replaced.

(e) Ex-officio member of commission. The director of development services and city attorney or designee shall attend the meetings of the planning commission and assist the commission in an advisory capacity as needed.

(f) Absence from commission meetings without cause. If a planning commission member is absent from three consecutive regular meetings of the commission, without cause, the office of the member shall be deemed to be vacant and the term of such member terminated. The secretary of the planning commission shall immediately inform the city council of such termination.

(g) Absence from commission meetings for cause. An absence due to illness or an unavoidable absence from the city and written notice thereof given to the secretary of the planning commission on or before the day of any regular meeting of the commission shall be deemed absence for cause.

(h) Councilmember ineligibility. No member of the city council shall be eligible for membership on the planning commission.

(i) Authority of the planning commission.

(1) The planning commission shall have the power, except as otherwise provided by law, to act on plans for the regulation of the future growth, development and beautification of the city, in respect to:

- a. Public and private buildings and works, streets, parks, grounds and vacant lots.
- b. The future growth and development of the city in order to secure sanitation, proper service of all public utilities, shipping and transportation facilities.
- c. The location of any proposed buildings, structures, or works.

(2) The planning commission is authorized to act upon the following discretionary actions:

- a. Recommend to the city council approval, conditional approval or denial of general plan amendments, specific plans, rezones, Zoning Code amendments, development agreements, density bonuses with public financial incentives, preliminary and final master plans, and any other action specified in this Zoning Code.
- b. Recommend to the successor agency to the former redevelopment agency approval, conditional approval or denial of redevelopment actions, or adoption and/or amendments to a redevelopment plan.

c. Approve, conditionally approve or deny applications for conditional use permits, variances, tentative tract and parcel maps, density bonuses without public financial incentives, and any other action specified in this Zoning Code.

d. Perform other duties necessary to carry out the provisions reserved to the planning commission in Title 10 of the Municipal Code, the provisions of this Zoning Code and the provisions of the Planning, Zoning and Development Law of the State Government Code.

(j) Commission bylaws authorized. The planning commission shall have the power, except as otherwise provided by law, to adopt such bylaws as it may deem necessary to provide for:

(1) The time and place of meeting.

(2) The time and method of electing officers.

(3) Such other matters relative to the organization of the planning commission and methods of administration of its duties which are not otherwise provided for by statute or ordinance.

(k) Regular meeting of commission defined. A regular meeting as provided by law or by rule of the planning commission or any regularly advertised public hearing shall be deemed a regular meeting.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-12, § 1, 3-5-01; Ord. No. 02-4, § 1a, 3-18-02; Ord. No. 03-2, § 3, 3-3-03; Ord. No. 04-17, § 3, 1-3-05; Ord. No. 19-05, § 1, 4-2-19; Ord. No. 21-14, § 1, 8-3-21)

### **§ 13-11 Zoning administrator.**

(a) The development services director or designee is authorized to act as the zoning administrator according to procedures set forth in the State Government Code.

(b) The zoning administrator is authorized to approve, conditionally approve, or deny the following discretionary planning applications. The zoning administrator may forward any action to the planning commission for review.

(1) Major amendment;

(2) Minor conditional use permit;

(3) Lot line adjustment;

(4) Wireless telecommunications use permit (see section 19-15); and

(5) Any action specified in this Zoning Code.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

### **§ 13-12 Planning division.**

The development services director or designees constitute the planning division. The planning division is authorized to act on and grant approvals of development reviews and minor modifications as described in Chapter III, Planning Applications, Wireless Telecommunications Use Permit (see section 19-15), and other duties as designated by the development services director, planning commission, city council and this Zoning Code.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

**CHAPTER III**  
**PLANNING APPLICATIONS**

**§ 13-27. Purpose.**

The purpose of this chapter is to establish the parameters for the numerous types of discretionary planning applications and to identify processing procedures.

(Ord. No. 97-11, § 2, 5-5-97)

**§ 13-28. Types.**

(a) **Major Modification.** 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)**  
**MAJOR MODIFICATIONS**

<b>Standard</b>	<b>Deviation Range</b>
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.	More than 33 1/3 % but no more than 50%
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) **Development review, streamlined.** The following shall be subject to streamlined development review, if the project complies with applicable development standards in this Zoning Code and meets one of the following conditions:
  - (1) Residential construction of one story in the R1, R2-MD, R2-HD, and R3 zones.
  - (2) Residential uses permitted by right in the Zoning Code and qualifying for ministerial approval as a 'use by right' consistent with the applicable provisions of the Government Code.
  - (3) Additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones that comply with the applicable development standards in this Zoning Code and do not exceed 2,000 square feet or 50% of the existing building area, whichever is less, shall be subject to streamlined development review.
- (e) **Development review.** The following shall be subject to development review:
  - (1) *Residential construction of two or more stories.* In any zone, residential construction of two or more stories that complies with the applicable development standards in this Zoning Code and the forthcoming Citywide Residential and Mixed-Use Objective Design Standards adopted by city council. Until such objective standards are adopted, projects shall be subject only to the objective development standards in this Zoning Code.
  - (2) *Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones that comply with the applicable development standards in this Zoning Code and exceed 2,000 square feet or 50% of the existing building area; 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), 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 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.

(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 modification.** Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(i).

**TABLE 13-28(i)**  
**MINOR MODIFICATION**

<b>Standard</b>	<b>Deviation Range</b>
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	20% or less
Decrease in required rear yard depth	20% or less
Decrease in required side yard width	20% or less
Increase in maximum fence/wall height	33 1/3 % or less
Decrease in five-foot setback on street side for fences/walls in excess of 36 inches on corner lots in multi-family residential zones	100% or less
Increase in depth of permitted projections into required yards	20% or less
Decrease in minimum driveway width for two or more dwelling units	to not less than 10 feet
Deviation in sign area, height, setbacks, separation and other sign specifications	10% or less
Decrease in required distance between main structures	20% or less
Decrease in required distance between accessory and main structures	20% or less
Decrease in minimum width and length of garage dimensions	5% or less

- (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.

- (j) **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.
- (k) **Planned signing program.** A voluntary, optional alternative to the general sign regulations, except in the C1-S zone where it is required.
- (l) **Reasonable accommodation.** As defined in section 13-200.62
- (m) (Reserved)
- (n) **Rezone.** Any proposed change to the official zoning map.
- (o) **Special use permit.** Refer to Chapter XV of the Zoning Code.
- (p) **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.
- (q) **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.
- (r) **Variance.** Any deviation from a development standard in this Zoning Code that is not specified as a minor modification or major modification, or a deviation that is not allowed by approval of conditional use permit, minor conditional use permit, or specific plan conformity procedure.
- (s) **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.

(t) ***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)

### **§ 13-29. Planning application review process.**

(a) ***Application.***

- (1) Application for any planning application shall be made to the planning division on the forms provided. Plans and information reasonably needed to analyze the application may be required. A list of required plans and information shall be available from the planning division.
- (2) All applications shall be signed by the record owner of the real property to be affected. This requirement may be waived upon presentation of evidence substantiating the right of another person to file the application.

(b) ***Fees.*** The application shall be accompanied by all applicable processing fees as established by resolution of the city council.

(c) ***Public hearing.*** Upon receipt of a complete application for a planning application, the planning division shall fix a time and place of the public hearing if one is required pursuant to Table 13-29(c). For planning applications which require review by both the planning commission and city council, pursuant to Table 13-29(c), the final review authority shall hold a public hearing no more than 45 days from the receipt of the planning commission's recommendation.

**TABLE 13-29(c)**  
**PLANNING APPLICATION REVIEW PROCESS**

<b>Planning Applications</b>	<b>Public Notice Required</b>	<b>Public Hearing Required</b>	<b>Recommending Authority</b>	<b>Final Review Authority</b>	<b>Notice of Decision</b>
Streamlined Development Review	No	No	None	Planning Division	No
Development Review Minor Modification	No	No	None	Planning Division	No
Reasonable Accommodation	No	No	None	Planning Division	No
Lot Line Adjustment	No	No	None	Planning Division	No
Special Use Permit	Yes	Yes	None	Planning Division	No
Major Modification Minor Conditional Use Permit Planned Signing Program	Yes	No	None	Zoning Administrator	Yes
Mobile Home Park Conversion Common Interest Development Conversion (Residential or Nonresidential) Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance	Yes	Yes	Planning Division	Planning Commission	Yes
Conditional Use Permit Density Bonus Master Plan Master Plan—Preliminary	Yes	Yes	Planning Division	Planning Commission (excepted where noted otherwise in this zoning code)	Yes
Rezone	Yes	Yes	Planning Commission	City Council	No
Local Register of Historic Places	No	No	Planning Commission or other commission/committee as designated by the City Council	City Council	Yes
Certificate of Appropriateness	No	No	Planning Commission or other commission/committee as designated by the City Council	Planning Commission or other commission/committee as designated by the City Council	No

(d) **Public notice.** When required pursuant to Table 13-29(c), public notice shall be given as described in the following subsections. Public notices shall contain a general explanation of the proposed planning application and any other information reasonably needed to give adequate notice of the matter to be considered.

(1) *Mailed notice required.* Notices of the hearing shall be mailed to all property owners and occupants within a 500 foot radius of the project site, except for applications for the construction of a building(s) 150 feet or more in height which shall require a greater notice radius pursuant to Table 13-29(d):

TABLE 13-29(d) MAILED NOTICE REQUIRED	
Building Height in Feet	Notice Requirement
More than 150 and less than or equal to 225	700-foot radius
More than 225 and less than or equal to 300	900-foot radius
More than 300	1,100-foot radius

The required notice radius shall be measured from the external boundaries of the property described in the application. The notice shall be mailed no less than 10 days prior to the hearing or determination on the application. The planning division shall require mailing labels from the project applicant for this purpose. The mailing labels shall reflect the last known name and address of owner(s) as shown on the last equalized county assessment roll or by a more current listing.

(2) *On-site posting required.* Additional notice shall be provided by posting a notice on each street frontage of the project site, no less than 10 days prior to the date set for the hearing or determination on the application.

(3) *Newspaper publication.* When a public hearing is required, notice shall also be published once in the city in a newspaper of general circulation, no less than 10 days prior to the date set for the public hearing.

(e) **Review criteria.** Review criteria for all planning applications shall consist of the following:

- (1) Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.
- (2) Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.
- (3) Compliance with any performance standards as prescribed elsewhere in this Zoning Code.
- (4) Consistency with the general plan and any applicable specific plan.

- (5) The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
- (6) When more than one planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.
- (7) For residential developments, consistency with any applicable design guidelines adopted by city council resolution.
- (8) For affordable multi-family housing developments which include a minimum of 16 affordable dwelling units at no less than 20 dwelling units per acre, the maximum density standards of the general plan shall be applied, and the maximum density shall be permitted by right and not subject to discretionary review during the master plan application process.

(f) **Conditions.** The final review authority pursuant to Table 13-29(c), may impose reasonable conditions to assure compliance with the applicable provisions of this Zoning Code, and to assure compatibility with surrounding properties and uses and to protect the public health, safety and general welfare. The final review authority may also require such written guarantees, cash deposits, recorded land use restrictions, etc., as may be necessary to assure compliance with the conditions.

(g) **Findings.** When granting an application for any of the planning applications specified below, the final review authority shall find that the evidence presented in the administrative record substantially meets any required conditions listed below. Other findings may also be required pursuant to other provisions of this Zoning Code.

- (1) Major modifications and variance findings:
  - a. Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.
  - b. The deviation granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
  - c. The granting of the deviation 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.
- (2) Conditional use permit and minor conditional use permit findings:
  - a. 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.

- b. Granting the conditional use permit or minor 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.
- c. Granting the conditional use permit or minor 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.

(3) Density bonus and concession or incentive findings:

- a. The request is consistent with State Government Code section 65915 et. seq. regarding density bonuses and other incentives, the general plan, any applicable specific plan, and Chapter IX special regulations, Article 4 density bonuses and other incentives.
- b. The requested density bonus and incentive or concession constitute the minimum amount necessary to provide housing at the target rents or sale prices and/or a child care facility.
- c. The granting of the incentive or concession is required in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5 or for rents for the targeted units.
- d. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code section 65589.5 upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- e. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(4) Lot line adjustment findings: The lot line adjustment and improvements are consistent with the general plan, any applicable specific plan and this Zoning Code.

(5) Master plan findings:

- a. The master plan meets the broader goals of the general plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.

(6) Minor modification findings:

- a. The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.
- b. The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development.

(7) Mobile home park conversion findings:

- a. The impacts of the conversion on the residents of the mobile home park have been duly considered as required by the State Government Code.
- b. The proposed conversion project is consistent with the general plan, any applicable specific plan and this Zoning Code.

(8) Planned signing program findings:

- a. The proposed signing is consistent with the intent of Chapter VIII, Signs, and the General Plan.
- b. The proposed signs are consistent with each other in design and construction taking into account sign style and shape, materials, letter style, colors and illumination.
- c. The proposed signs are compatible with the buildings and developments they identify taking into account materials, colors and design motif.
- d. Approval does not constitute a grant of special privilege or allow substantially greater overall visibility than the standard sign provisions would allow.

(9) Reasonable Accommodation findings: Refer to Chapter IX, Article 15.

(10) Common interest development conversion findings:

- a. The applicant has submitted an adequate and legally binding plan which addresses the displacement of long-term residents, particularly senior citizens and low- and moderate-income families and families with school-age children; and

- b. The proposed common interest development conversion project conforms to adopted general plan policies and any applicable specific plan or urban plan, and if applicable, increases the supply of lower cost housing in the city and/or that the proposed conversion project fulfills other stated public goals.
- c. The establishment, maintenance, or operation of the project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the surrounding neighborhood, nor will the project be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city.
- d. The overall design and physical condition of the common interest development conversion project achieves a high standard of appearance, quality, and safety.
- e. The proposed common interest development conversion project conforms to the Costa Mesa Zoning Code requirements.
- f. For a proposed common interest development conversion project that does not conform to the zoning code requirements, the project due to its proportions and scale, design elements, and relationship to the surrounding neighborhood, is of continued value to the community and it contributes to defining and improving the community as a whole. Deviations from zoning code requirements are acceptable because it would be impracticable or physically impossible without compromising the integrity of the overall project to implement features that could result in conformance with current code requirements.
- g. For a proposed common interest development conversion project located in an urban plan area, the proposed conversion is consistent with the applicable mixed-use overlay zoning district. Specifically, the proposed non-residential conversion project supports a mixed-use development or a similar land use that is not allowed in the base zoning district, or the proposed conversion project is a residential common interest development that is permitted by either the base or overlay zoning district.

(11) Rezone findings: The proposed rezone is consistent with the Zoning Code and the general plan and any applicable specific plan.

(12) Specific plan conformity review findings: Refer to the applicable specific plan text.

(13) Tentative parcel or tract map findings:

- a. The creation of the subdivision and related improvements is consistent with the general plan, any applicable specific plan, and this Zoning Code.
- b. The proposed use of the subdivision is compatible with the general plan.

- c. The subject property is physically suitable to accommodate the subdivision in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the Zoning Code and general plan, and consideration of appropriate environmental information.
- d. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by State Government Code section 66473.1.
- e. The division and development will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.
- f. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State Water Code section 13000).

(h) ***Decision.***

- (1) After the public hearing, if required, the final review authority may approve, conditionally approve or deny any application for the planning application based upon the standards and intent set forth in the applicable provisions of this Zoning Code. In the case of a denial, the applicant shall be notified of the circumstances of the denial.

(2) For planning applications which require the planning commission to make a recommendation to the final review authority, the authority shall not approve any major change or additions in any proposed planning application until the proposed change or addition has been referred to the planning commission for a report, unless the change or addition was previously considered by the planning commission. It shall not be necessary for the planning commission to hold a public hearing to review the referral. Failure of the planning commission to report to the final review authority within 40 days after the referral shall be deemed approval of the proposed change or addition.

(i) ***Notice of decision.***

- (1) Notice of the zoning administrator's decision shall be given within five days of the decision to the city council, planning commission and to any affected party requesting the notice. Any member of the planning commission or city council may request review of a zoning administrator's decision within seven days of the notice of the decision. No fee shall be charged for such review.
- (2) Notice of the planning commission's decision shall be given within five days to the city council and to any affected party requesting the notice. Any member of the city council may request review of the decision within seven days of the notice of the decision. No fee shall be charged for such review.

(j) ***Appeals.*** Appeals of the final review authority shall be filed within seven days of the public hearing or the date of the notice of decision according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(k) ***Time limits and extensions.***

- (1) Planning applications shall run with the land until revoked, except as provided in this section or in a condition imposed at the time of granting the planning application.
- (2)
  - a. Unless otherwise specified by condition of approval, any permit or approval not exercised within 24 months from the actual date of review authority approval shall expire and become void, unless an extension of time is approved in compliance with paragraph (4) of this subsection;
  - b. The permit shall not be deemed "exercised" until at least one of the following has first occurred:
    1. A building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the building official.
    2. A certificate of occupancy has been issued.
    3. The use is established and a business license has been issued.
    4. A time extension has been granted in compliance with paragraph (3)

of this subsection.

- (3) The time limits specified in paragraph (2) of this subsection shall not apply to preliminary master plans, except that the first phase of the final master plan must be approved within 24 months of the approved preliminary master plan. Time limits regarding the construction of improvements authorized by the approved final master plan for each phase of the project shall comply with the time limits established in paragraph (2).
- (4) Extension of time.
  - a. *Filing and review of request.* No less than 30 days or more than 60 days before the expiration date of the permit, the applicant shall file a written request for an extension of time with the department, together with the filing fee established by resolution of the city council.
  - b. For extension requests not to exceed 180 days: The director of development services may extend the time for an approved permit or approval to be exercised. 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.
  - c. For extensions requests of more than 180 days: The review authority for the original project shall consider the request to extend the time for an approved permit or approval to be exercised. A public hearing shall only be held if it was required on the original application. If notice was required for the original application, notice of the public hearing shall be given according to the procedures set forth in this chapter.
- (5) Fees for extensions of time for planning applications may be established by resolution of the city council.
- (6) Action on extension request. A permit or approval may be extended beyond the expiration of the original approval provided the director or the review authority finds that there have been no changes in the conditions or circumstances of the site, such as Zoning Code or General Plan amendment or other local and statewide regulations affecting the approved development standards, or project so that there would have been ground for denial of the original project or any changes to the General Plan and/or Zoning Code that would preclude approval of the same project at the time of the requested extension.
- (7) Effect of expiration. After the expiration of the permit or approval, no further work shall be done on the site and no further use of the site shall occur until a new permit or approval, or other city permits or approvals are first obtained. Fees for extensions of time for planning applications may be established by resolution of the city council.

(1) ***Building permits/authority to proceed.*** No building permit or authority to proceed shall be granted until all required review and approval has been obtained and all

applicable appeal periods have expired.

- (m) **Compliance.** Final occupancy shall not be granted unless the site development conforms to the approved set of building plans, applicable conditions of approval and code requirements.
- (n) **Reapplication.** Upon final denial of any planning application, a new application for substantially the same planning application may not be filed within six months of the date of the denial. The development services director shall determine whether the new application is for a planning application which is substantially the same as a previously denied application. No decision of the development services director shall be effective until a period of seven days has elapsed following the written notice of a decision; an appeal of the decision shall be filed according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.
- (o) **Enforcement authority.**
  - (1) The planning commission may require the modification or revocation of any planning application and/or pursue other legal remedies as may be deemed appropriate by the city attorney, if the planning commission finds that the use as operated or maintained:
    - a. Constitutes a public nuisance as defined in State Civil Code Sections 3479 and 3480; or
    - b. Does not comply with the conditions of approval.
  - (2) The modification or revocation of any permit by the planning commission under this subsection shall comply with the notice and public hearing requirements set forth in subsections (c) and (d). The development services director may require notice for a development review or minor modification, if deemed appropriate.
- (p) **Amendment to a planning application.** Any approved planning application may be amended by following the same procedure and fee schedule as required for the initial approval, with the exception of the following two instances:
  - (1) Minor amendments to conditional use permits shall be processed as minor conditional use permits; and
  - (2) Amendments to master plans which comply with section 13-28(f)(1) may be authorized by the planning division.
- (q) **Concurrent processing.** Unless otherwise stated in this Zoning Code, applications for proposed projects which require two or more planning application approvals may be processed concurrently. Final project approval shall not be granted until all necessary approvals have been obtained.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 5—7, 3-2-98; Ord. No. 99-17, § 4, 11-15-99; Ord. No. 01-11, § 1a., 3-5-01; Ord. No. 01-16, §§ 1c.—e., 6-18-01; Ord. No.

03-8, § 3, 9-2-03; Ord. No. 05-2, § 1d., e., 2-22-05; Ord. No. 06-7, § 1a., 4-18-06; Ord. No. 06-9, § 1c., 4-18-06; Ord. No. 07-17, § 1c., d., 10-2-07; Ord. No. 09-13, § 1, 11-17-09; Ord. No. 17-12, § 1, 9-19-17; Ord. No. 18-06, § 1, 9-4-18; Ord. No. 21-20, § 1, 12-7-21)

## **CHAPTER IV**

### **CITYWIDE LAND USE MATRIX**

#### **§ 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.

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&R-LT <sup>1</sup>	P	
RESIDENTIAL USES																							
1. Single-family dwellings (single housekeeping units)	P <sup>4</sup>	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	P	•	
2. Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•	
2.1 Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•	
2.2 Small lot subdivisions, residential	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
3. Mobile home parks	•	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	
4. Boarding-house, small <sup>7</sup>	•	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•	
5. Boarding-house, large <sup>7</sup>	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•	•	
6. Residential care facility, six or fewer persons (State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	P	•	•	
7. Group homes, six or fewer	S	S <sup>6</sup>	S <sup>5</sup>	S <sup>6</sup>	•	•	•	•	•	•	•	•	S <sup>6</sup>	S <sup>5</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	P	•	P	•	
7.1 Sober living homes, six or fewer	S <sup>5</sup>	S <sup>6</sup>	S <sup>5</sup>	S <sup>6</sup>	•	•	•	•	•	•	•	•	S <sup>6</sup>	S <sup>5</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	P	•	•	•	
8. Residential care facility, seven or more	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	•	•	•	•	•	•	•	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	P	•	•	•	
9. Group homes, seven or more	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	•	•	•	•	•	•	•	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	P	•	•	•	
9.1 Sober living homes, seven or more	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	•	•	•	•	•	•	•	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	P	•	•	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
10. Referral facility (Subject to the requirements of section 13-32.2, referral facility).	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	C <sup>2</sup>	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•	
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	
Employee housing, six or fewer	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	P	•	
Supportive housing	P <sup>12</sup>	P <sup>11,12</sup>	P <sup>11,12</sup>	P <sup>11,12</sup>	•	•	•	•	•	P <sup>11,12</sup>	•	•	P <sup>11,12</sup>	P <sup>11,12</sup>	P <sup>11,12</sup>	P <sup>11,12</sup>	P <sup>11,12</sup>	P <sup>11,12</sup>	•	•	P <sup>11,12</sup>	•	
Transitional housing	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	•	•	•	•	•	P <sup>12</sup>	•	•	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	•	•	P <sup>12</sup>	•	
Low barrier navigation center	•	•	•	•	•	•	•	•	•	P <sup>13</sup>	•	•	•	•	•	P <sup>13</sup>	P <sup>13</sup>	•	•	P <sup>13</sup>	•	P <sup>13</sup>	
ACCESSORY USES																							
13. Animals, keeping of																							
14. Antennas: Amateur radio, Satellite dish, Communication																							
16. Day care facilities (15 children or more) (see also Nursery schools)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
17. Family day care—Large (7 to 14	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2,3</sup>	P	•	P <sup>2</sup>	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
children) (subject to the requirements of section 13-37, large family day care homes)																							
18. Family day care—Small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P <sup>3</sup>	P <sup>3</sup>	P	•	P <sup>3</sup>	•	
19. Garage/yard sales—No more than 2 events permitted a year, not to exceed 3 consecutive days	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P <sup>3</sup>	P <sup>3</sup>	•	•	P <sup>3</sup>	•	
21. Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2,3</sup>	P <sup>2</sup>	•	P <sup>2</sup>	•								
22. Home occupations that generate traffic and do not involve more than 1 customer/ client at a time or more than 8 customers/clients per day (subject to the requirements of ch. IX, article 6, home occupations)	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2,3</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	•	MC <sup>2,3</sup>	•								
22.1 Non-residential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
21. Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2,3</sup>	P <sup>2</sup>	•	P <sup>2</sup>	•								

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P		
22. Home occupations that generate traffic and do not involve more than 1 customer/ client at a time or more than 8 customers/clients per day (subject to the requirements of ch. IX, article 6, home occupations)	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2,3</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	•	MC <sup>2,3</sup>	•									
22.1 Non-residential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
22.2 Accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	P <sup>2</sup>	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	P <sup>2</sup>	•	
22.3 Junior accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	P <sup>2</sup>	•	
22.4 Temporary real estate and construction offices (subject to the requirements of ch. IX, art. 10, temporary trailers)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>						
INSTITUTIONAL AND RECREATIONAL USES																								
23. Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM-LT <sup>1</sup>	P	
24. Churches and other places of religious assembly (Subject to the requirements of article 4.5, development standards for churches and other places of religious assembly)	C <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•						
25. Civic and community clubs	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	C	C	P	P	•
26. Convalescent hospitals; nursing homes	•	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•
27. Country clubs; golf courses	C	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	•	•	P	C	•	•	
28. Crematories (See also Mortuary services)	•	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•	•
29. Fairgrounds; outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•
31. Libraries, privately-operated	C	C	C	C	•	•	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•	•	
31a. Marijuana and/or medical marijuana cultivation	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31b. Cannabis and/or marijuana distributor	•	•	•	•	•	•	•	•	•	•	•	•	C <sup>9</sup>	•	•	•	•	•	C <sup>9</sup>	•	•	•	•
31c. Cannabis and/or marijuana manufacturer or processor	•	•	•	•	•	•	•	•	•	•	•	•	C <sup>9</sup>	•	•	•	•	•	C <sup>9</sup>	•	•	•	•
31d. Cannabis and/or marijuana retail sales storefront	•	•	•	•	•	•	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	•	•	•	•	•	•	•	•	•	•	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
31e. Cannabis and/or marijuana retail sales nonstorefront (deliveries)	•	•	•	•	•	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	•	C <sup>9</sup>	•	•	•	•	•	•	C <sup>9</sup>	•	•	•	•	
31f. Cannabis and/or marijuana research and development and/or testing laboratories	•	•	•	•	•	•	•	•	•	•	•	•	C <sup>9</sup>	•	•	•	•	C <sup>9</sup>	•	•	•	•	
32. Mortuary services without crematories	•	•	•	•	•	C	C	C	C	•	C	C	•	•	•	•	•	•	C	•	•	•	
32a. Needle exchange program	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
33. Nursery schools—See also Day care facilities for 15 or more children	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•		
34. Parks and playgrounds	C	C	C	C	•	•	•	•	•	C	•	•	C	C	C	C	C	C	P	P	P	•	
35. Public offices and facilities, such as city halls, courthouses, police/ fire stations, etc.	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	P	•	•	•	
36. Schools: primary, secondary and colleges	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	•	
37. Schools: trade and vocational; group counseling	•	•	•	•	•	MC	P	P	P	P	MC	MC	•	•	•	•	•	P	MC	P	P	•	•
38. Senior congregate care facility	•	C	C	C	C	C	C	C	C	•	•	•	C	C	C	C	C	C	•	C	•	•	•
39. Swap meets	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•	•
39a. Emergency shelters	•	•	•	•	•	•	•	•	•	•	•	•	C <sup>10</sup>	•	•	•	•	•	P <sup>10</sup>	•	•	•	•
SPECIAL SEASONAL EVENTS																							

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&RM-S1	I&RM-LT <sup>1</sup>	P	
41. Christmas tree lots; pumpkin patches; fireworks stands; produce stands (subject to the requirements of title 9, chapter II, regulation of certain businesses)	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•					
COMMERCIAL AND INDUSTRIAL USES																							
42. Acupressure; massage (subject to the requirements of title 9, chapter ii, article 22, Massage establishments and practitioners)	•	•	•	•	•	P <sup>2</sup>	•	•	•	•	•	•	P <sup>2</sup>	•	•	•	•	•					
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	•	•	•	•	•
46. Amusement centers (subject to the requirements of chapter IX, article 5, electronic game machines)	•	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	
47. Animal hospitals; veterinary services (kenneling only when incidental to principal hospital use)	•	•	•	•	•	C	C	P	P	C	C	C	•	•	•	•	P	•	•	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P
48. Animal shelters, pounds, kennels, training schools	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•	•
48a. Antique malls	•	•	•	•	•	•	P	P	P	•	MC	MC	•	•	•	•	P	MC	•	•	•	•
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)																						
52. Banks; savings and loans; and other financial institutions	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•
53. Bars; nightclubs (See Establishments where food or beverages are served)																						
54. Barber and beauty shops with accessory uses such as permanent make up, facials, and accessory massage	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•
55. Billiards parlors	•	•	•	•	•	•	•	C	C	C	C	C	•	C	C	C	C	C	C	•	•	•
56. Botanical gardens; Zoos	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•	•	•	•	•	C	•	•
57. Bowling centers	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•	•	•	C	C	•	•	•
58. Breweries; Distilleries	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
60. Building supplies; Hardware stores (retail)	•	•	•	•	•	•	P	P	P	•	•	•	•	P	P	P	P	•	•	•	•	•	
61. Business services—See Offices																							
62. Car washes	•	•	•	•	•	•	C	C	C	C	C	C	•	C	C	C	C	•	•	•	•	•	
63. Carts— Outdoor retail sales in conjunction with an established business	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	MC	MC	MC	
64. Catering	•	•	•	•	•	•	MC	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	
65. Coffee roasting	•	•	•	•	•	•	•	•	•	•	•	MC	MC	•	•	•	•	•	•	•	•	•	
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	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	
68. Commercial testing laboratories	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	P	•	•	•	
69. Computer and data processing	•	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	
70. Contracting: general contractors; operative builders	•	•	•	•	•	C	C	P	C	•	P	P	•	•	•	•	•	P	•	•	•	•	
71. Convenience stores; mini-markets (subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini-markets)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
72. Department stores (retail)	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	P	•	•	•	•	•	•	
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	•	•	•	•	•	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	•	•	•	•	
74. Engineering; architectural; and surveying services— See Offices																							
75. Entertainment, live or public	•	•	•	•	•	•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	
76. Establishments where food or beverages are served	•	•	•	•	•	•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED							•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED							•	
77. Exhibition of products produced on premises or available for wholesale distribution	•	•	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•
78. Flower stands— See also Carts	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	•	•
79. Furniture repair and refinishing with incidental sales	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•	•
80. Grocery stores— See also Supermarkets; excluding convenience stores; and liquor stores listed separately	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P
81. Hazardous waste facilities, off-site (subject to chapter IX article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•
82. Heliports; Helistops	•	•	•	•	•	•	•	•	•	C	C	C	•	•	•	•	C	C	C	C	•	•
83. Hotels— Excluding motels listed separately	•	•	•	•	•	•	•	C	C	C	P	•	•	•	C	C	P	•	•	•	•	•
84. Landscape services (installation and maintenance)	•	•	•	•	•	•	MC	MC	P	P	•	P	P	•	•	•	•	P	•	•	•	•
85. Laundry, cleaning and garment services, including plants	•	•	•	•	•	•	P	P	P	P	P	P	•	P	P	P	P	P	P	•	•	•
86. Leather tanning and finishing	•	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	C	•	•	•	•
87. Limousine services	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
88. Liquor stores (subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini- markets)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	C <sup>2</sup>	•	•	•	•	•
89. Lumber and building materials dealers, (wholesale)	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	P	•	•	•	•
90. Manufacturing: Light EXCEPT the following which are prohibited: • Manufacture of fertilizer • Manufacture of products involving	•	•	•	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	P2	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
the use of explosives																							
Manufacture of rubber (including tires), steel																							
91. Manufacturing of chemical products, paints, pharmaceuticals, and plastics	•	•	•	•	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	C <sup>2</sup>	•	•	•	•	
92. Manufacturing of stone, clay, glass and concrete 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	•	•	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	P <sup>2</sup>	•	•	•	•	
93. Manufacturing or processing of foods and beverages EXCEPT the following which are prohibited: • Meat and poultry packing	•	•	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	P <sup>2</sup>	•	•	•	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P
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 requirements of title 9, chapter II, article 22, massage establishments and practitioners)	•	•	•	•	•	P <sup>2</sup>	•	•	•	•	•	P <sup>2</sup>	•	•	•	•	•					
95. Medical laboratories	•	•	•	•	•	MC	MC	P	P	P	MC	MC	•	•	•	MC	MC	•	•	•	•	•
96. Metal fabrication, welding, foundry, die casting (subject to subsection 13-54(a), performance standards)	•	•	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	•	•	•	•	•
97. Motels— (Subject to requirements of chapter IX, article 8, motels) Excluding Hotels listed separately	•	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•
98. Motion picture and television studios	•	•	•	•	•	C	C	C	C	•	P	P	•	•	•	P	P	•	•	•	•	•
99. Motion picture theaters and other theaters not within 200 feet of residential zones	•	•	•	•	•	•	•	P	P	P	P	•	•	•	•	P	•	•	•	•	•	•
100. Motion picture theaters and other	•	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	C	•	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
theaters within 200 feet of residential zones																							
101. Motor oil, used—Collection facility (subject to the requirements of chapter IX, article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	P <sup>2</sup>	P <sup>2</sup>	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•		
102. Motor vehicle, boat, and motorcycle retail sales, leasing, rentals and service with two or more outdoor display parking spaces	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•	
103. Motor vehicle, boat, and motorcycle retail sales, leasing, and rentals with one or less outdoor display parking space and no service (subject to verification of parking availability)	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	
104. Motor vehicle service stations	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•	•	
105. Motor vehicle service stations with concurrent sale of alcoholic beverages (subject to requirements of chapter IX, article 3, concurrent sale of alcoholic beverages and motor vehicle fuel)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•	C <sup>2</sup>	•	•	•	•	•	
106. Motor vehicle; boat; and motorcycle repair services (including body and	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
paint work), not within 200 feet of residential zone (subject to subsection 13-54(b))																							
107. Motor vehicle; boat; and motorcycle repair services (including body and paint work), within 200 feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	C	C	C	•	C	C	•	•	•	•	C	C	•	•	•	•	
108. Nurseries (retail with no bulk fertilizer)	•	•	•	•	•	•	C	C	P	P	•	C	C	•	•	•	•	•	•	•	•	•	
109. Offices: central administrative	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	
110. Offices: engineering; architectural; and surveying services; management; consulting and public relations	•	•	•	•	•	P	P	P	P	P	P	P	•	MC	MC	MC	P	P	•	•	•	•	
111. Offices: general	•	•	•	•	•	P	P	P	P	P	P	MC	MC	•	MC	MC	MC	P	P	•	•	•	
113. Offices: medical and dental	•	•	•	•	•	P	P	P	P	P	P	•	•	•	MC	MC	MC	P	MC	MC	•	•	
114. Offices: services to businesses such as bookkeeping and data processing	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	
115. Off-street parking lots and structures including related maintenance buildings	•	•	•	•	•	C	C	C	C	P	C	C	•	•	•	C	C	C	C	C	•	P	
116. Off-street parking lots and structures,	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	•	•	MC	MC	MC	MC	MC	MC	MC	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM-LT <sup>1</sup>	P	
incidental uses within																							
117. Oil fields; oil wells (see chapter XIV, oil drilling)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
118. Pawn shops	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•	
119. Photocopying; blueprinting and related services	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	
120. Photofinishing laboratories	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	P	•	•	•	
121. Photofinishing stores	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	•	P	P	•	•	•	•	
122. Photography: Commercial	•	•	•	•	•	P	P	P	P	P	MC	MC	•	•	•	•	P	MC	•	•	•	•	
123. Photography: portrait studio	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	•	P	MC	•	•	•	•	
124. Physical fitness facilities	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•	
125. Printing and publishing	•	•	•	•	•	•	MC	P	MC	MC	P	P	•	•	•	•	P	P	•	•	•	•	
126. Recording studios	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•	
127. Recycling and collection facilities for nonhazardous materials	•	•	•	•	•	MC	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	MC	MC	•	•	
128. Research and development laboratories— Other than cannabis and/or marijuana testing laboratories	•	•	•	•	•	C	C	C	P	C	C	P	P	•	•	•	•	P	•	•	•	•	
129. Restaurants— See Establishments where food or beverages are																							

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P
served																						
130. Retail: general— Excluding antique malls, pawn shops, supermarkets, grocery stores, convenience stores; and liquor stores listed separately	•	•	•	•	•	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
131. Retail, incidental sales to the main use (subject to the requirements of section 13-54(a), incidental retail sales)	•	•	•	•	•	P	P	P	P	P	P <sup>2</sup>	P <sup>2</sup>	•	P	P	P	P	P <sup>2</sup>	•	•	•	•
132. Retail: nonstore	•	•	•	•	•	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
133. Rifle, pistol, and firing ranges	•	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	C	•	•
134. Sexually- oriented businesses (subject to the requirements of title 9, chapter IV and title 13, chapter IX, sexually-oriented businesses)	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	•	•	P <sup>2</sup>	•	•	•	•	
135. Skating rinks	•	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•	C	C	C	C	C	•
135a. Smoking lounge (subject to chapter IX, article 19, smoking and vaping uses)	•	•	•	•	•	•	•	•	C <sup>2</sup>	•	•	P <sup>2</sup>	•	•	•	•	C <sup>2</sup>	•	•	•	•	•
135b. Smoking/ vaping retailer (subject to chapter IX, article 19, smoking and vaping	•	•	•	•	•	P <sup>2</sup>	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•				

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM-LT <sup>1</sup>	P	
uses)																							
136. Storage of chemicals and allied products (except as incidental use)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
137. Storage of explosives	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
138. Storage of fertilizer	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•	
139. Storage of motor vehicles— Outdoor (not including impound yard)	•	•	•	•	•	•	C	C	C	•	MC	MC	•	•	•	•	C	MC	•	•	•	•	
139a. Storage of motor vehicles— Indoor only (not including impound yard)	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•	
140. Storage of petroleum and coal products	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
141. Storage of rock, sand, crushed aggregate and gravel	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•	
142. Studios: dance; martial arts; music, etc.	•	•	•	•	•	•	P	P	P	MC	MC	MC	•	MC	MC	MC	P	MC	•	•	•	•	
143. Supermarkets— See also Grocery stores	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	MC	•	•	•	•	
143a. Specialty stores	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•	•	
144. Tattoo parlors	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•	•	
145. Tire sales and installation not within 200 feet of residential zone	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P
146. Tire sales and installation within 200 feet of residential zone	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•
147. Tow companies with or without impound yard	•	•	•	•	•	•	C	C	C	•	MC	MC	•	•	•	•	MC	•	•	•	•	•
148. Transfer station for refuse, sewage treatment	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	C	C	•	•	•	•
149. Trucking: local and long distance	•	•	•	•	•	•	•	•	•	C	•	•	P	P	•	•	•	•	•	C	•	•
150. Warehouses, mini (subject to the requirements of chapter IX, article 7, mini-warehouses)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	MC <sup>2</sup>	MC <sup>2</sup>	•	•	•	•	MC <sup>2</sup>	•	•	•	•	•
151. Warehouses, public	•	•	•	•	•	•	C	C	C	•	P	P	•	•	•	•	P	•	•	•	•	•
152. Warehousing of durable and nondurable goods except livestock and poultry—See also Storage	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	P	•	•	•	•	•
153. Wholesale trade of motor vehicles, boats and motorcycles with outdoor storage of vehicles	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
154. Wholesale trade of motor vehicles, boats and motorcycles without outdoor storage of vehicles	•	•	•	•	•	•	MC	MC	P	P	P	P	P	•	P	P	P	P	P	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P
155. Wholesale trade of durable, nondurable goods, except livestock, poultry and perishable goods	•	•	•	•	•	MC	MC	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•

**Notes:**

1	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.
4	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.
10	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.
11	Supportive housing, as defined in Government Code Section 65650, shall be permitted by-right in all zones where multifamily and mixed uses are permitted by-right, provided it is consistent with Government Code Sections 65650 – 65656.
12	Pursuant to Government Code Section 65583(c)(3), transitional and supportive Housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zoning district.
13	Low barrier navigation centers shall be permitted by-right provided they are consistent with the requirements in Government Code Sections 65660-65668.

(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., 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

## Article 11. Mixed-Use Overlay District (MUOD)

### 13-83.50. Purpose

### 13-83.51. Definitions

### 13-83.52. Mixed-use development types

### 13-83.53. Application review procedures in mixed-use overlay district

### 13-83.54. Mixed-use development standards

### 13-83.55. Mixed-use compatibility standards

### 13-83.56. Phase mixed-use developments

### 13-83.57. Harbor Mixed-Use Overlay

### 13-83.58. Properties identified in Housing Element

#### (a) Purpose.

- (1) The purpose of this Section is to implement the City's currently adopted Housing Element by establishing zoning provisions for sites identified in the Housing Element Sites Inventory to accommodate the City's lower-, moderate-, and above-moderate-income Regional Housing Needs Allocation (RHNA) consistent with Government Code sections 65583 and 65583.2, Subsections (c), (h) and (i).

#### (b) Applicability.

- (1) The provisions of this Section shall apply to all sites identified in the City's currently adopted Housing Element Sites Inventory to accommodate the City's RHNA, shown in the Housing Element as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA or any future adopted Housing Element Sites Inventory to accommodate the City's RHNA.
- (2) **Previously Identified Sites.** The provisions of this Section shall also apply to any non-vacant Housing Element Site that was identified in a prior Housing Element and any vacant Housing Element Site that was identified in two or more consecutive prior Housing Elements, consistent with Government Code Section 65583.2 Subsection (c). Such sites shall be subject to the minimum density and by-right approval standards established in this Section. Such sites are identified in the City's currently adopted Housing Element Sites Inventory, shown as Table

B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA or any future adopted Housing Element Sites Inventory to accommodate the City's RHNA.

(3) **Exception.** The provisions of this Section shall not apply to residential projects or mixed-use projects having residential units located within the boundaries of the Fairview Development Center Specific Plan.

(c) **Severability and State Law Consistency.**

(1) This Section is intended to be consistent with, and shall be interpreted and applied to comply with, all applicable requirements of State housing law, including Government Code Sections 65915(c)(3), 65583 and 65583.2 as those provisions may be amended from time to time, and any successor statutes. If any provision of this Section conflicts with State law, the applicable State law shall control.

(2) If any provision of this Section, or its application to any person or circumstance, is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect other provisions or applications of this Section that can be given effect without the invalid provision or application. The City Council declares that it would have adopted this Section and each provision, section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more provisions may be declared invalid or unenforceable.

(d) **Definitions**

(1) **"Housing Element Site"** means any site identified in the currently adopted Housing Element Sites Inventory to accommodate the City's (RHNA), shown in the Housing Element as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA.

(2) **"Lower-Income Household"** has the same meaning as defined in Health and Safety Code Section 50079.5.

(3) **"Lower-Income Housing Element Site"** means any Housing Element Site identified in the currently adopted Housing Element that accommodates any portion of the City's lower-income RHNA and subject to the requirements of Government Code Section 65583.2 (h) and (i), shown in the Housing Element as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA.

(4) **"Use by Right"** has the same meaning as in Government Code Section 65583.2 Subsection (i) and requires ministerial approval for multifamily housing developments in which at least 20 percent of the total number of units are affordable to lower-income households. "Use by Right" means that the review of an owner-occupied or renter-occupied multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(5) **“Prior Housing Element Site”** means any non-vacant Housing Element Site that was identified in the prior Housing Element and any vacant Housing Element Site that was identified in two or more consecutive prior Housing Elements. Such sites are identified in the City’s currently adopted Housing Element Sites Inventory, shown as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA.

(6) **“Protected Unit”** means any unit that, within the past five years, was occupied by a lower-income household regardless of whether the unit was deed-restricted or that was subject to an affordability covenant or rent control.

(e) **Supersession of Overlay**

(1) **For Lower-Income Housing Element Sites:**

- i. **Supersession of Other Zoning Provisions.** Projects on Lower-Income Housing Element Sites shall be governed by this Section, and the provisions in this Section shall supersede and prevail over any conflicting provisions of the underlying base zone, including, but not limited to, minimum residential floor area, minimum residential capacities and densities, ministerial review and approval requirements, and permitted uses, and all other applicable zoning provisions, such as other urban plans, overlays, and specific plans, and the provisions of this Article that apply to non-Lower-Income Housing Element sites.
- ii. **Ministerial Review and Approval.** Projects on Lower-Income Housing Element Sites shall be a Use by Right pursuant to Subsection (f)(1).
- iii. **Minimum Residential Floor Area.** Projects on Lower-Income Housing Element Sites shall satisfy the minimum residential floor area requirements established in Subsection (g)(3).
- iv. **Minimum Residential Site Capacity and Density.** Projects on Lower-Income Housing Element Sites shall satisfy the minimum residential capacity and density requirements established in Subsection (h)(1)(ii) and (h)(1)(iii).

(f) **Review and Approvals Procedures**

(1) **Use by Right.** A project on a Lower-Income Housing Element Site that provides at least 20 percent of the total dwelling units affordable to Lower-Income Households shall be processed as a Use by Right, consistent with Government Code Section 65583.2(h) and (i). Such projects shall be subject only to ministerial review to verify compliance with all applicable objective design and development standards in accordance with a Streamlined Development Review process per CMMC Title 13, Chapter III (Planning Applications). A project that does not qualify as a Use by Right shall be processed in accordance with a

Development Review process per CMMC Title 13, Chapter III (Planning Applications).

(2) **Subdivision.** Any subdivision of a Lower Income Housing Element Site shall comply with all applicable provisions of CMMC Title 13, Chapter XI (Subdivisions) and the Subdivision Map Act.

(g) **Permitted Uses**

- (1) **Multi-Family Dwellings.** Multi-family dwellings shall be permitted on all Housing Element Sites subject to the requirements of this Section.
- (2) **Non-Residential Uses.** Those non-residential uses permitted in Commercial Zones in accordance with CMMC Title 13, Chapter IV (Citywide Land Use Matrix) shall be permitted as part of mixed-use projects on all Housing Element Sites.
- (3) **Mixed-Use on Lower-Income Housing Element Sites.** Mixed-use projects shall be permitted on Lower-Income Housing Element Sites so long as at least 50 percent of total floor area is provided as residential uses, consistent with Government Code Section 65583.2, Subsection (h)(1)(B).
- (4) **Multi-Family Dwellings on Lower-Income Housing Element Sites.** Multi-family dwellings consisting of 100 percent residential uses shall be permitted on Lower-Income Housing Element Sites, consistent with Government Code Section 65583.2, Subsection (h)(1)(B).

(h) **Development Standards**

(1) **Density Standards**

- i. **Maximum Densities.** Maximum residential densities shall be permitted as specified in the Housing Element Sites Inventory.
- ii. **Minimum Site Capacity for Lower-Income Housing Element Sites.** If the identified maximum density of a Lower-Income Housing Element Site does not allow at least 16 dwelling units on site, then the maximum density identified shall be waived, and the maximum number of dwelling units permitted shall be 16 dwelling units on site consistent with Government Code Section 65583.2 Subsection (h).
- iii. **Minimum Densities for Lower-Income Housing Element Sites.** A project proposed on a Lower Income Housing Element Site shall meet a minimum density requirement of 20 units per acre, inclusive of Accessory Dwelling Units, consistent with Government Code Section 65583.2, Subsection (h).

**(2) Off-Street Parking Standards**

- i. **Residential Uses.** Minimum off-street parking requirements for multi-family dwellings on Housing Element sites are provided in Table 13-83.58-A. Minimum Off-Street Parking Requirements.
- ii. **Non-Residential Uses.** Minimum off-street parking requirements for those permitted non-residential uses on Housing Element sites shall be subject to CMMC Title 13, Chapter VI (Off-Street Parking Standards).

**Table 13-83.58-A. Off-Street Parking Standards for Residential Uses**

TABLE 13-83.58-A. OFF-STREET PARKING STANDARDS		
Dwelling Unit Type	Minimum Off-Street Parking Requirement	Minimum Off-Street Guest Parking Requirement
Studio or 1-bedroom unit	1 space per unit	0.25 space per unit
2 or more bedrooms per unit	2 spaces per unit	0.25 space per unit

**(3) Development Standards**

- i. Minimum and maximum requirements for building height, non-residential intensity, setbacks, lot coverage, and open space are provided in Table 13-83.58-B. Development Standards.

**Table 13-83.58-B. Development Standards.**

TABLE 13-83.58.B. DEVELOPMENT STANDARDS		
RESIDENTIAL DENSITY AND BUILDING HEIGHT STANDARDS		ADDITIONAL PROVISIONS
Min. Residential Density <sup>1</sup>	Max. Residential Density <sup>2</sup>	Max. Building Height
20 du/ac	40 du/ac	60 ft.
	50 du/ac	
	60 du/ac	
	90 du/ac	
NON-RESIDENTIAL INTENSITY STANDARDS		ADDITIONAL PROVISIONS
Min. FAR	None	
Max. FAR	1.0	
SETBACK STANDARDS <sup>3</sup>		ADDITIONAL PROVISIONS
Front or side abutting a public street	Min. 10 ft. and max. 20 ft.	

**Table 13-83.58-B. Development Standards.**

<b>TABLE 13-83.58.B. DEVELOPMENT STANDARDS</b>			
<b>RESIDENTIAL DENSITY AND BUILDING HEIGHT STANDARDS</b>		<b>ADDITIONAL PROVISIONS</b>	
Side or rear abutting alley		0 ft.	
Side or rear abutting:			
• Residential zone	20 ft.		
Side or rear abutting bluff crest		10 ft.	
		Section 13-34 (Bluff-Top Development) of Chapter V of Title 13 of the Costa Mesa Municipal Code	
<b>LOT STANDARDS</b>		<b>ADDITIONAL PROVISIONS</b>	
Min. lot size	None		
Max. lot coverage	90%		
<b>OPEN SPACE STANDARDS</b>		<b>ADDITIONAL PROVISIONS</b>	
Usable common residential open space	Total area equivalent to min. 30% of lot		
Usable private open space	Min. 100 sq. ft./unit provided on the ground floor for dwelling units located on the ground floor, and min. 50 sq. ft./unit provided for dwelling units located above the ground floor		
Publicly accessible open space	Total area equivalent to min. 5% of commercial gross floor area for developments with a commercial gross floor area greater than 100,000 sq. ft.		

1 Based on the currently adopted Housing Element Sites Inventory

2 Only applicable to Lower-Income Housing Element Sites and inclusive of Accessory Dwelling Units.

3 Minimum setbacks shall apply to all portions of a building or structure. Maximum setbacks along public streets shall only apply to a building or structure's ground floor, with exceptions for driveways, walkways, and open space.

**(4) Objective Design Standards forthcoming.**

- i. The City intends to prepare and adopt design standards to further guide the physical form and character of development on the rezoned sites. Until such standards are adopted, projects shall be subject only to the objective development standards contained in this Section. Upon adoption, the objective design standards shall apply to all projects subject to this Section and shall serve as the sole design criteria for ministerial review, consistent with Government Code Sections 65583.2 and 65589.5.

(i) **Replacement of Protected Units**

(1) **Demolition or Conversion of Protected Units.** Any project that involves the demolition or conversion of Protected Units, or that is located on a site where Protected Units were demolished or converted within the previous five years, shall comply with all applicable replacement housing, tenant protection, and right-of-return requirements under State Density Bonus Law, including Government Code Section 65915, Subsection (c)(3), and any successor statutes.

**Article 1**  
**Residential Districts**

**§ 13-84. Purpose.**

The purpose of this article is to establish parking requirements for the residential zones. The provisions of this article shall apply to the R1, R2-MD, R2-HD and R3 zones, and to the residential portions of the planned development and Institutional and Recreational zones. Exception: These parking standards do not apply to high-rise residential developments in the North Costa Mesa Specific Plan; see the specific plan for applicable parking rates.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 07-2, § 1k., 2-6-07)

**§ 13-85. Parking required.**

In the residential districts, the following minimum off-street parking spaces shall be provided. The parking spaces shall provide safe and adequate ingress and egress and shall be maintained in connection with the building or structure and use of land.

(a) **R1 zone and small-lot single-family common interest developments (excluding townhouses).** Off-street parking in the form of a garage and open parking shall be provided as follows:

<b>TABLE 13-85(A)</b> <b>OFF-STREET PARKING STANDARDS FOR SINGLE-FAMILY DETACHED RESIDENCES IN R1 ZONE AND SMALL-LOT, DETACHED, RESIDENTIAL COMMON INTEREST DEVELOPMENTS</b>		
<b>Single-Family Detached Residence with 4 Bedrooms or Fewer</b>		
<b>Garage Parking Spaces</b>	<b>Open Parking Spaces<sup>1</sup></b>	<b>Total Parking Spaces</b>
2	Lots without garage access from alley: 2	4
	Lots with garage access from alley: 1	3
<b>Single-Family Detached Residence with 5 Bedrooms or More<sup>2</sup></b>		
<b>New Construction</b>		
<b>Garage Parking Spaces<sup>2</sup></b>	<b>Open Parking Spaces<sup>1,2</sup></b>	<b>Total Parking Spaces</b>
3	Lots without garage access from alley: 2	5
	Lots with garage access from alley: 1	4
<b>Detached Common Interest Developments Up to 2 bedrooms</b>		
2	1	3
<b>Detached Common Interest Developments with 3 bedrooms or more</b>		
2	2	4

<sup>1</sup> In R1 zones, required open parking may be provided in a garage or on a minimum 19-foot long, individual driveway leading to a garage. In common interest developments, required open parking may be provided on an

individual unit's driveway or within the common area. Open parking provided as tandem spaces is subject to approval of a minor conditional use permit.

- 2 For single-family detached residences with five bedrooms or more, tandem parking of up to two standard vehicles is permitted in the garage as it relates to new construction. Tandem garage parking for single-family detached residences shall exclusively consist of two standard parking spaces.
  - (1) Required garage dimensions. Each garage space shall have interior dimensions that are a minimum 10 feet wide by 20 feet long, unobstructed inside measurements. Each residence shall have no more than 700 square feet of garage area unless authorized by a minor conditional use permit.
  - (2) With approval of a minor modification, the planning division may allow the retention of an existing driveway access from a street to satisfy open parking requirements, at such time that garage access is proposed from an abutting alley.

(b) ***R2-MD, R2-HD, R3, PDR-LD, PDR-MD, PDR-HD, PDR-NCM and residential components of developments in the PDC and PDI zones.*** At the time of the construction of any building and/or when a structure is enlarged or increased by adding a bedroom(s), required parking shall be provided per Table 13-85. Exceptions:

- (1) For lots that are zoned multiple-family residential and contain only one single-family detached residence, the parking requirements in Table 13-85(a) shall be applied.
- (2) For individual lots in common-interest developments that contain only one single-family detached residence (excluding townhouses), the parking requirements in Table 13-85(a) shall be applied.

(c) ***Reduction of required parking prohibited.*** A property owner or property manager shall make available to tenants and guests the parking required by this subsection. No property owner or property manager shall lease, rent, sell, or otherwise make unavailable to residents and guests required parking. Furthermore, the rental of a dwelling unit shall be deemed to include the exclusive use of at least one covered parking space and equal access to the required open spaces reserved for residents.

(d) Parking for accessory dwelling units and junior accessory dwelling units shall be provided per the requirements of section 13-35.

**TABLE 13-85 RESIDENTIAL PARKING STANDARDS**

Unit Size	Minimum Off-Street Parking Requirement <sup>1,2,3,4</sup>		Minimum Off-Street Guest parking Requirement <sup>5,6</sup>
STUDIO OR 1 BEDROOM	1		0.25
2 BEDROOMS OR MORE	2		0.25

- 1 If covered parking for apartments is provided in a parking structure and there is more than one parking space in any parking structure, then there shall be no solid walls constructed to separate individual parking spaces.
- 2 If open tenant parking spaces are provided in a project, spaces shall be distributed throughout the project at convenient locations and shall be screened from view from any public right-of-way.
- 3 For projects with individual driveways that are at least 19 feet long and lead to a garage space(s) or a carport space(s), the driveway area may be used for satisfying tenant parking requirements.
- 4 Parking can be reduced by 0.25 space per unit for two bedroom and larger units if parking is provided within either a carport or a parking structure. For purposes of this section, a parking structure shall be defined as: a structure designed and constructed to provide covered automobile parking where parking spaces are located in a common area with no walls or other physical separations between spaces. Open parking requirements may be met by excess covered parking.
- 5 Guest parking shall be clearly marked and permanently maintained for individuals visiting within the development. Guest parking spaces shall not be allowed on individual driveways except for single family detached, townhomes, or duplexes, where the driveway is leading to a two-car garage.
- 6 Fractions equal to or above one-quarter (0.25) shall be rounded up.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-16, §§ 1s.—1u., 6-18-01; Ord. No. 02-4, § 1i, 3-18-02; Ord. No. 03-8, §§ 5—7, 9-2-03; Ord. No. 09-3, § 1c., 5-19-09; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 18-03, § 6, 1-16-18; Ord. No. 21-03, § 5, 3-2-21; Ord. No. 21-20, § 1, 12-7-21)

**§ 13-86. Parking required in mixed-use overlay zone.**

In the mixed-use overlay zone, residential parking rates are provided in the applicable urban plan.

(Ord. No. 06-9, § 1f., 4-18-06)

**§ 13-87. General development standards.**

General development standards for parking areas applicable to the residential zones are contained in Article 3, Development Standards, of this chapter.

(Ord. No. 97-11, § 2, 5-5-97)

**Article 8**  
**Motels****§ 13-172. Purpose and intent.**

The purpose of this article is to establish operational and development standards, and requirements for motels which will ensure the continued availability of transient visitor and automobile tourist lodging within the city and to ensure the continued use of motels in the manner intended to provide such lodging.

(Ord. No. 14-11, § 1, 8-5-14)

**§ 13-173. Definitions.**

*Long-term occupancy* shall mean any occupancy in a motel in the city for a period exceeding 30 consecutive days or 30 days within any sixty-consecutive-day period.

*Short-term occupancy* shall mean any occupancy of a motel in the city for a period that does not fall within the definition of a long-term occupancy.

(Ord. No. 14-11, § 1, 8-5-14)

**§ 13-174. Operational and development standards.**

The following operational and development standards shall apply to all motels in the city and shall be included in conditions imposed upon the granting of any conditional use permit for such business, unless specifically modified by the conditional use permit:

- (a) No property owner, motel operator or manager shall rent a room for a period that exceeds 30 consecutive days or 30 days within any sixty (6) consecutive day period, unless the property owner or motel operator has obtained a conditional use permit authorizing long-term occupancies pursuant to section 13-175.3.
- (b) On-site management shall be available 24 hours a day.
- (c) Each guest room shall be provided regularly-scheduled maid and housekeeping services. Such services shall be provided at least once every three days during any consecutive occupancy and at least once between each occupancy.
- (d) In-room telephone service for emergency response purposes shall be provided in all guest rooms of the motel.
- (e) Persons responsible for the renting of a room in any motel shall provide their name and permanent address, as verified by presentation of a valid driver's license or other valid identification, and the license number, state of license, make, model and year of any vehicle parked on-site or off-site. The registration information shall also include the dates of occupancy, length of stay and room rate. Such information shall be maintained for at least one year past the last day of stay of the guest.
- (f) No room, suite or bed shall be assigned or rented more than once within any 24 hour period.
- (g) The property owner/motel operator shall comply with the provisions of Chapter IV of Title 16 of the Costa Mesa Municipal Code pertaining to the operator's responsibility for the collection of transient occupancy tax.

(h) The business shall be conducted, at all times, in a manner that will allow the safe and quiet enjoyment of the surrounding neighborhood which includes, but is not limited to, security and operational measures to comply with this requirement.

(Ord. No. 14-11, § 1, 8-5-14)

### **§ 13-175. Application to existing businesses.**

The requirements of this chapter, specifically including the long-term occupancy restrictions in section 13-174(a), shall apply to all motels in the city, whether it is new or was in existence prior to the effective date of this ordinance.

(Ord. No. 14-11, § 1, 8-5-14)

#### **§ 13-175.1. Application to existing tenants.**

(a) Nothing in this chapter shall require an existing tenant of a long-term occupancy, established prior to the effective date of this chapter, to move out of a unit they are already occupying. Those pre-existing long-term occupancies may continue pursuant to the terms of the existing lease or agreement, until that tenancy terminates by its own terms under the law.

(b) Whenever a long-term occupancy terminates, for whatever reason, the property owner/motel operator shall not re-lease that unit for a new long-term occupancy, except to the degree the motel will be in compliance with the requirements of this chapter.

(Ord. No. 14-11, § 1, 8-5-14)

#### **§ 13-175.2. Procedure for compliance.**

(a) Within 30 days of the effective date of this ordinance, the city shall notify the owners and operators of each motel in the city of the ordinance's adoption. The city shall send a copy of the ordinance, a "longterm occupancy form," and a schedule for compliance via certified return receipt mail. If a notice is returned, the city shall send the notice via standard U.S. mail.

(b) Within 30 days of the mailing of the notice in section 13-175.2(a), the property owner/motel operator shall submit a fully completed "long-term occupancy form" to the city that provides the total number of rooms used as long-term occupancies during the preceding 60 days; identify the long-term occupant by a valid driver's license or other valid identification; the make, year, and model of any vehicle parked on-site or off-site; and any other information to demonstrate compliance with the ordinance. If a property owner/motel operator fails to submit the long-term occupancy form, in addition to taking any other action authorized by law, the city shall estimate the total number of rooms used as long-term occupancies at zero.

(Ord. No. 14-11, § 1, 8-5-14)

#### **§ 13-175.3. Conditional use permit for long-term occupancies.**

A property owner/motel operator may apply for a conditional use permit authorizing the facility to exceed the long-term occupancy limits in section 13-174(a), subject to restrictions of the issuing authority. In order to be granted a conditional use permit under this section, the property owner/motel operator must demonstrate compliance with, and the city shall make a finding that, each of the following standards have been met:

- (a) The motel must have a minimum of at least 75 rooms.
- (b) Fireproof safety deposit boxes must be available to all occupants of the motel.
- (c) Each guest room shall be provided regularly-scheduled maid, mail and housekeeping services. Such services shall be provided at least once every three days during any consecutive occupancy and at least once between each occupancy.
- (d) Each room shall be a minimum of 375 square feet.
- (e) The motel shall maintain on-site laundry services, available for use by guests.
- (f) The proposed use is compatible with the surrounding neighborhood, uses, zoning and general plan.
- (g) Each guest room shall have a fully equipped kitchen with an area for the preparation of food, and include the following: sink, cook top, oven and/or microwave oven, and refrigerator.

(Ord. No. 14-11, § 1, 8-5-14)

#### **§ 13-175.4. Termination of tenancy.**

- (a) The provisions of this article shall not be used to terminate a tenancy in violation of the requirements of California Civil Code section 1940 et seq.
- (b) When the conversion of motel to another use is proposed, the applicant shall comply with all applicable State and Federal laws related to the displacement and relocation of long-term occupants.

(Ord. No. 14-11, § 1, 8-5-14)

**Title 13, Chapter IX, Article 15  
Reasonable Accommodations****§ 13-200.60 Purpose.**

It is the city's policy to provide reasonable accommodation in accordance with federal and state fair housing laws (42 USC § 3600 et seq., and Government Code § 12900 et seq.) for persons with disabilities seeking fair access to housing in the application of the city's zoning laws. The term "disability" as used in this article shall have the same meaning as the terms "disability" and "handicapped" as defined in the federal and state fair housing laws. The purpose of this article is to establish the procedure by which a person may request reasonable accommodation, and how the request is to be processed.

**§ 13-200.61 Applicability.**

Any person seeking approval to construct and/or modify residential housing for person(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities may apply for a reasonable accommodation to obtain relief from a Zoning Code provision, regulation, policy, or condition which causes a barrier to equal opportunity for housing.

**§ 13-200.62 Reasonable Accommodations – Procedure.**

- (a) *Application required.* An application for a reasonable accommodation shall be filed and processed with the Planning Division. The application shall include the following information and be subject to the determinant factors required by this section.
- (b) *Submittal requirements.* The application shall be made in writing, and shall include the following information:
  - (1) The zoning code provision, regulation, policy, or condition from which accommodation is being requested;
  - (2) The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individuals;
  - (3) Any other information that the director reasonably determines is necessary for evaluating the request for reasonable accommodation;
  - (4) Documentation that the applicant is: (a) an individual with a disability; (b) applying on behalf of one or more individuals with a disability; or (c) a developer or provider of housing for one or more individuals with a disability;
  - (5) The specific exception or modification to the zoning code provision, policy, or practices requested by the applicant;
  - (6) Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence;

(7) Any other information that is reasonably necessary to determine whether the grounds for reasonable accommodation identified in subsection (e) of this section and the findings in subsection (f) of this section can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.

(c) *Fees.* No application fee is required.

(d) *Director action.* Within 60 days of receipt of a completed application, the director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. Any appeal to reasonable accommodation request denial or conditional approval shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for any other discretionary permit.

(e) *Grounds for reasonable accommodation.* The following factors shall be considered in determining whether to grant a requested accommodation:

(1) Is the requested accommodation necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling? To determine whether the accommodation is necessary, the director may consider, among other things: The nature of the disability including the special needs created by the disability, the physical attributes and setting of the property and structures, the potential benefit that can be accomplished by the requested accommodation, and alternative accommodations that may provide a comparable level of benefit.

(2) Is the requested accommodation reasonable? A requested accommodation is not reasonable if it would impose an undue financial or administrative burden on the City. It is also not reasonable if it would fundamentally alter a City program, such as the City's zoning scheme.

a. In considering the financial or administrative burden on the City, the director may consider, among other things, the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it.

b. In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, the degree of deviation from the City's General Plan, if any, the purpose and nature of the particular zoning district, and with nearby uses. The director may also consider whether the requested accommodation would potentially have adverse external impacts on properties in the vicinity.

(f) *Findings.* The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval. In making these findings, the director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

(1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.

- (2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
- (3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law. The determination of whether an accommodation poses an undue financial and administrative burden or whether a modification poses an undue financial and administrative burden must be made on a case-by-case basis and must consider various factors including:
  - a. The cost of the requested accommodation or the cost of a requested modification if the City is being requested to pay for the modification;
  - b. The financial resources of the person or persons who have a duty to provide the accommodation or the financial resources of the City if it is obligated to pay for the modification;
  - c. The benefits that a proposed alternative accommodation or modification would provide to the individual with a disability;
  - d. The availability of alternative accommodations or modifications that would effectively meet the disability-related needs of the individual with a disability;
- (4) The requested accommodation demonstrates scale and intensity of use comparable to adjacent and nearby uses.
- (5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others. The assessment of whether the specific accommodation in question poses a direct threat to the health or safety of others or would cause substantial physical damage to the property of others must be based on objective evidence, and not unsubstantiated inferences. The evidence must be sufficiently recent as to be credible. The assessment must consider:
  - a. The nature, duration, and severity of the risk of a direct threat to the health and safety of others or of substantial physical damage to the property of others;
  - b. The likelihood that a direct threat to the health or safety of others or substantial physical damage to the property of others will actually occur; and
  - c. Whether there are any additional or alternative reasonable accommodations that will eliminate the direct threat to the health or safety of others or substantial physical damage to the property of others.
- (6) If economic viability is raised by the applicant as part of the applicant's showing that the requested accommodation is necessary, then a finding that the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants generally, not just for that particular applicant.

(7) The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.

(g) The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:

- (1) Whether the requested accommodation would fundamentally alter the character of the neighborhood.
- (2) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
- (3) Whether granting the requested accommodation would substantially undermine any express purpose of either the City's general plan or an applicable specific plan.
- (4) Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.
- (5) Any other factors that would cause a fundamental alteration in the city's zoning program, as may be defined in the Fair Housing Law.

**§ 13-200.63 Severability.**

Should any section, subsection, clause, or provision of this article for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this article; it being hereby expressly declared that this article, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This article shall be prospective in application from its effective date.

**Article 18  
Emergency Shelters****§ 13-200.79. Purpose and intent.**

The purpose of this article is to establish operational and development standards for emergency shelters to ensure that these uses are operated to address the homeless' needs and consistent with the requirements of sections 65582, 65583, and 65589.5 of the Government Code relating to local planning.

*Development standards.* The following development and operational standards shall apply to establishment of emergency shelters as defined by the Zoning Code; provided, however, that operational standards (1), (2), (4), (8), (10) and (13) shall not apply to emergency shelters owned, controlled and/or operated by the City of Costa Mesa.

- (1) The maximum length of stay shall not exceed 120 days in a 365-day period.
- (2) Each emergency shelter may have a maximum of 30 beds.
- (3) Off-site parking shall be provided at a parking rate of one parking space per employee during the largest shift, provided that the amount of parking required does not exceed the amount of parking required for any other residential or non-residential uses within the same zone.
- (4) Stays at an emergency shelter facility shall be limited to the hours of 5:00 p.m. and 8:00 a.m. the following day. Each emergency shelter shall provide an interior and exterior waiting area adequate to accommodate waiting clients and to prevent queuing into the public right-of-way. An exterior waiting area shall be physically separated and visually screened from the public right-of-way.
- (5) The emergency shelter facility shall provide an on-site resident manager on site at all times.
- (6) A minimum distance of 300 feet shall be maintained from another emergency shelter. The distance of separation shall be measured in a straight line between the property lines of each use without regard to intervening structures or objects.
- (7) The shelter operator shall provide minimum exterior lighting in compliance with the city's security requirements.
- (8) The shelter operator shall patrol a half-mile radius surrounding the shelter site during hours that the shelter is in operation to ensure that shelter clients and homeless individuals who have been denied access are not congregating in the neighborhood.
- (9) An operations plan shall be submitted for review and approval by the development services director and police chief prior to operation of the emergency shelter. The plan shall include minimum provisions related to on-site security and safety, staff training, loitering control, client eligibility, counseling services, and indoor and outdoor management of the facility.
- (10) No emergency shelter in the MP Industrial Park zone that is also located in an area subject to the jurisdiction of the airport land use commission shall commence operation until the commission either approves the action or permit pursuant to the procedures set forth in Public Utilities Code section 21676(b) or, if denied, the city overrules the commission's decision.

## **Article 3**

### **Transportation System Management**

#### **§ 13-271 Purpose.**

The purpose of this article is to set forth the provisions for assuring an adequate transportation system in conjunction with new development.

(Ord. No. 97-11, § 2, 5-5-97)

#### **§ 13-272 Definitions.**

For the purpose of this article, the following definitions shall apply:

**Development project.** This article applies to the following development project approvals: general plan amendments, specific plans, master plans, rezones, development reviews, variances, use permits, major modifications, minor modifications and development agreements, unless otherwise exempted by section 13-276, Exemptions.

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

**Measurable traffic.** A volume of traffic which will result in a 0.01 or greater increase in the peak period volume to capacity ratio at any given signalized intersection.

**Potentially deficient intersection.** An intersection identified in the general plan for which the standard level of service may not be feasible upon general plan buildout. The intersection volume to capacity ratios identified in the general plan shall not be exceeded for these intersections.

**Pro rata.** A proportionate share based on a development project's impacts.

**Standard level of service.** The standard level of service shall be level of service "D" or better (0.90 or less volume to capacity ratio) for all signalized arterial intersections within the city during peak hours Monday through Friday with the exception of those intersections identified as potentially deficient in the general plan. Levels of service shall be defined and computed using the Intersection Capacity Utilization (ICU) methodology.

**Transportation demand management program.** A series of required and/or voluntary actions which reduce the vehicle trip generation rate of a specific use or uses of land.  
(Ord. No. 97-11, § 2, 5-5-97)

#### **§ 13-273 Comprehensive transportation system improvement program.**

(a) **Purpose.** The comprehensive transportation system improvement program shall be adopted by resolution of the city council which addresses the cumulative impacts of development in a defined impact area. This program shall mandate circulation improvements, including freeway improvements, to ensure that the master plan of highways is constructed and that the standard level of service is achieved and will be maintained at all intersections in the defined impact area in accordance with the general plan. For those intersections identified as potentially deficient, the program shall identify the maximum improvements feasible in accordance with the general plan. The program shall address the funding, construction and maintenance of transportation facilities to implement the master plan of highways. The program shall be updated on an annual basis.

(b) Relationship to development fee program. The comprehensive transportation system improvement program shall be utilized to determine the pro rata share of the cost of necessary improvements attributable to development projects as described in section 13-274, Development fee program.

(c) Development phasing and performance monitoring report. Each year the city shall prepare a development phasing and performance monitoring report which shall be used to update the comprehensive transportation system improvement program.

(d) Interim approval procedure. Until such time as this program is adopted, development projects not exempted pursuant to section 13-276, Exemptions, may be approved if the city adopts findings that the development projects are consistent with the provisions of this article. (Ord. No. 97-11, § 2, 5-5-97)

### **§ 13-274 Development fee program.**

(a) Establishment of development impact fee program. A development impact fee program shall be established by resolution of the city council based on the comprehensive transportation system improvement program. The program shall set forth the basis for the fee as required by State Government Code section 66001. The program shall establish guidelines for payment, accounting, and refund of the fees collected as required by State Government Code Sections 66001, 66006 and 66007.

(b) Updates of fee. On an annual basis, the city council shall review this fee program, as required by State Government Code section 66002, to determine whether the fee amounts are reasonably related to the impacts of development projects and whether the described public facilities are still needed.

(c) Limited use of fees. The revenues raised by payment through this fee program shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

(1) Pay for the city's future construction of facilities or to reimburse the city for those facilities, described or listed in the program, constructed by the city with funds advanced by the city from other sources; or

(2) Reimburse developers who have been required or permitted to install such listed facilities to the extent the actual cost of the facilities installed by the developer exceeds the impact fee obligation of the development project.

(d) Developer construction of public facilities. Whenever the conditions of approval of a development project require direct construction of a public transportation facility (see section 13-275(c), Development project review procedures) described or listed in the comprehensive transportation system improvement program, a credit or reimbursement, as applicable, shall be given against the development impact fee, which would have been charged to the development project under the program, for actual construction costs incurred by the developer. The reimbursement and/or credit amount shall not include any improvements the city can require from the development project under the Subdivision Map Act, or the portion of the improvement deemed to be an on-site improvement that is not included in the comprehensive transportation system improvement program.

(e) Fee adjustments. A developer of any development project subject to the fee program provided in this article may apply to the city council for:

- (1) A waiver of the fee, or portion of the fee, based upon adequate documentation of the absence of any reasonable relationship or nexus between the circulation impacts of that development project and either the amount of the fee charged or the type of facilities to be financed; or
- (2) A reduction of the fee based upon the implementation of a transportation demand management program, as described in section 13-275(d), Development project review procedures.
- (3) The application for a fee waiver shall be made in writing and filed with the city clerk not later than:
  - a. 10 days prior to the public hearing on the development permit application for the project; or
  - b. If no development permit is required, at the time of the filing of the request for a building permit.
- (4) The application shall state in detail the factual basis for the claim of waiver. The city council shall consider the application at the public hearing on the permit application held within 60 days after the filing of the application. The decision of the city council shall be final. If a waiver is granted, any change in use or increase in building intensity within the development project shall invalidate the waiver of the fee, and the developer shall be obligated to pay the full amount of the fee attributed to the development project, including the change in use or increase in intensity, as provided by this article.

(f) Fee refunds. A refund shall be made when a building permit expires and no extensions have been granted for a development project for which the funds have been collected and the development project has not been constructed.

(g) Fees for phased development projects. Where there is a requirement imposed upon a phased development project pursuant to this article for the payment of traffic impact fees into a comprehensive transportation system improvement program, such fees may be payable on a pro rata basis as each phase of the project is completed, in conjunction with the improvements accomplished.

(Ord. No. 97-11, § 2, 5-5-97)

### **§ 13-275 Development project review procedures.**

- (a) Traffic study required. A traffic impact study shall be required for all development projects estimated by the public services director to generate 100 or more vehicle trip ends during a peak hour. Traffic studies may also be required for smaller projects at the discretion of the public services director. The cost of the study shall be paid for by the developer. The study area and number of intersections to be analyzed shall be determined by the public services director and the study area shall be reasonably related to the estimated impacts attributed to the development project. The traffic study shall also identify mitigation measures that are reasonably related to the development project's traffic impacts.
- (b) Mitigation measures. Mitigation measures for development projects shall consist of either payment of a development impact fee and/or construction of circulation improvements. The necessary circulation improvements may be designed and constructed by the developer as determined by the city. These mitigation measures shall be incorporated as conditions of the development project's approval. Table 13-275 indicates the criteria for either requiring payment of a development impact fee and/or construction of circulation improvements.

(c) Approval criteria. A development project may be approved if as a condition of approval it is required to construct a circulation improvement and/or pay a development impact fee, as shown in Table 13-275, and if a finding is made that the development project's impacts will be mitigated at all affected intersections within three years of issuance of the first building permit for the development project, as described in subsection (b), unless additional right-of-way or coordination with other government agencies is required to complete the improvement. If right-of-way acquisition or coordination with other governmental agencies delays the improvement construction, appropriate measures shall be taken to ensure that the improvement construction occurs in a timely manner. Circulation improvements may be required sooner if, because of extraordinary traffic generation characteristics of the development project or extraordinary impacts to the surrounding circulation system, the circulation improvements are necessary to prevent significant adverse impacts. For phased development projects, the construction of circulation improvements may be phased as well based upon the findings of the traffic study.

When a development project affects a potentially deficient intersection, the development project's impacts shall be mitigated such that the intersection volume to capacity ratios identified in the general plan shall not be exceeded.

(d) Transportation demand management program. Where a transportation demand management program is used to reduce vehicle trips related to a development project, the program shall comply with the following:

(1) A conditional use permit for the development project and program must be approved by the planning commission consistent with the requirements of subsection (c). An annual report shall be prepared for the city at the expense of the property owner, to show whether the vehicle trip reduction identified in the program has been achieved and maintained.

(2) If the annual report demonstrates that the vehicle trip reductions identified in the program have not occurred, the conditional use permit shall be reevaluated and additional conditions imposed by the planning commission in order to meet the requirements of this article.

(3) The traffic impact development fees required under this article shall be based on the trip generation forecast without consideration of estimated reductions associated with a transportation demand management program. An application for a fee reimbursement may be approved by the city council pursuant to section 13-274(e), Development fee program, based upon documentation of average annual trip reduction over a three-year period as reported in the annual monitoring report referenced in section 13-273(c), Comprehensive transportation system improvement program.

(e) Change of use. Each development project approved under this article shall be reevaluated by the public services director when any change in use occurs which may increase the project's traffic generation. The purpose of this reevaluation is to assure that traffic capacity is available in the transportation system. Any increase in traffic generation by the change of use shall be subject to review by the appropriate reviewing authority who may impose additional conditions on the development project for the mitigation of the increased traffic generation.

**TABLE 13-275**  
**DEVELOPMENT IMPACT CRITERIA**

PROJECT DEVELOPMENT SIZE	INTERSECTION CONDITION	ICU INCREASE <sup>1</sup>	MITIGATION MEASURE(S)	INTENT OF MITIGATION MEASURE(S)
Projects generating less than 100 peak hour trip ends	Adequate (Standard Level of Service or better) OR Deficient (exceeds Standard Level of Service)	Less than 1%	Payment of impact fee	Contribute to implementation of the Comprehensive Transportation System Improvement Program
	Standard Level of Service	1% or greater		
Projects generating 100 or more peak hour trip ends	Adequate (Standard Level of Service or better) OR Deficient (exceeds Standard Level of Service)	Less than 1%	Payment of impact fee	Contribute to implementation of the Comprehensive Transportation System Improvement Program
	Standard Level of Service	1% or greater	Payment of impact fee and improvement construction by developer under conditions listed in footnote #2	Contribute to implementation of the Comprehensive Transportation System Improvement Program and mitigate development project's impacts

1 ICU = Intersection Capacity Utilization

2 When the project contributes 50% or more of the incremental impact at the intersection and all of the improvements identified in the general plan at the subject location are required as mitigation. If all of the improvements identified in the general plan are not required as mitigation, then only the improvements determined necessary by the public services director shall be constructed by the developer.

(Ord. No. 97-11, § 2, 5-5-97)

### **§ 13-276 Exemptions.**

(a) Exempt development projects. Projects which fall within any of the categories listed below shall be exempt from the provisions of this article:

(1) Any residential construction that does not increase the number of permanent housing units on the lot where the construction takes place, such as remodeling or rebuilding an existing house or units. Second units are also exempt.

(2) Any industrial or commercial construction that neither increases the footprint nor square footage or changes the use on the lot where the construction takes place, such as remodeling or rebuilding an existing structure, and does not increase peak hour trip generation.

(3) Public benefit facilities limited to public libraries, public administration facilities, public parks, public utilities, schools and related facilities.

(4) Facilities serving the health and safety of the public, limited to hospitals, police, fire and safety facilities.

(Ord. No. 11-10, § 1, 9-20-11)

**Title 13, Chapter XV,  
Group Homes****§ 13-310 Purpose.**

This chapter is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs.

**§ 13-311 Special use permit required.**

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

- (1) An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following:
  - i. The name, address, phone number and driver's license number of the owner/operator;
  - ii. If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:
    - a. Every general partner of the partnership,
    - b. Every owner with a controlling interest in the corporation,
    - c. The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder;
  - iii. The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;
  - iv. The name, address, phone number and driver's license number of the house manager;
  - v. A copy of the group home rules and regulations;
  - vi. Written intake procedures;

- vii. The relapse policy;
- viii. An affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home;
- ix. Blank copies of all forms that all residents and potential residents are required to complete; and
- x. A fee for the cost of processing of the application as set by resolution of the city council.

No person shall open a group home with an operator or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.

- (2) The group home has six or fewer occupants, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has an accessory dwelling unit, occupants of both units will be combined to determine whether or not the limit of six occupants has been exceeded.
- (3) The group home shall not be located in an accessory dwelling unit unless the primary dwelling unit is used for the same purpose.
- (4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24 hour basis and who are responsible for the day-to-day operation of the group home.
- (5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles.
- (6) Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code section 1503.5 and section 80001(c)(3) of Title 22, California Code of Regulations.
- (7) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.
- (8) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.
- (9) The property must be fully in compliance with all building codes, municipal code and zoning.
- (10) At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall:
  - i. Notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the home;

- ii. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;
- iii. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
- iv. Provide the information obtained from paragraphs ii and iii of this subsection (a)(10) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;
- v. Provided, however, that if the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the special use permit for that facility, the operator shall comply with paragraphs i through iv of this subsection (a)(10) as soon as possible.

(11) Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall also:

- i. Make available to the occupant transportation to the address listed on the occupant's driver license, state-issued identification card, or the permanent address identified in the occupant's application or referral to the group home;
- ii. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.

(12) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (a)(10) and (a)(11) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(11) of this section by providing remuneration to the occupant for the cost of transportation.

(13) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- i. The sober living home is not located within 650 feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.
- ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or

Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

- iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least 90 days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.
- iv. The number of occupants subject to the sex offender registration requirements of Penal Code section 290 does not exceed the limit set forth in Penal Code section 3003.5 and does not violate the distance provisions set forth in Penal Code section 3003.
- v. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.
- vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.
- vii. The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

(15) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least 10 days prior to issuing a special use permit, the director shall cause a courtesy written notice to be mailed to the owner of record and occupants of all properties within 100 feet of the location of the group home. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be revoked upon a hearing, by the director if any of the following circumstances exist:

- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;
- (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
- (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven to 10 years, to any of the following offenses:
  - i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last 10 years);
  - ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven years); or
  - iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last 10 years).
  - iv. The unlawful sale or furnishing of any controlled substances (last seven years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- (5) The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.
- (6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:
  - i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one full year of sobriety.
  - ii. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
  - iii. The sober living home, as measured by the closest property lines, is located within 650 feet of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within 650 feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.
- (7) For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations, including, but not limited to, failure to comply with the provisions of subsections (a)(10) through (13).

(8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to section 13-200.62.

**§ 13-312 Compliance.**

(a) All group homes which are subject to this Chapter shall comply with the provisions hereof regardless of when they commenced operations.

**§ 13-313 Severability.**

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date.

**Title 13, Chapter XVI,  
Group Homes in the R2-MD, R2-HD and R3 Residential Zones and the PDR-LD, PDR-MD,  
PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones)**

**§ 13-320 Purpose.**

This chapter is intended to preserve the residential character the City of Costa Mesa's residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things:

- (a) Ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations;
- (b) Limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate off-street parking;
- (c) Providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a residential neighborhood; and
- (d) To provide comfortable living environments that will enhance the opportunity for the handicapped, including recovering addicts to be successful in their programs.

**§ 13-321 Definitions.**

Property. For purposes of this chapter, "property" is defined as any single development lot that has been subdivided bearing its own assessor's parcel number or with an approved subdivision map or condominium map.

**§ 13-322 Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six or fewer occupants.**

- (a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:
  - (1) The application for and operation of the group home complies with subsections (a)(1), (a)(2) and (a)(4) through (a)(14) of section 13-311.
  - (2) The application includes a live scan of the house manager and/or operator of the group home.
  - (3) The group home or sober living home is at least 650 feet from any other property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line.

- (b) The development services director may issue, revoke or deny a special use permit for a group home including a sober living home subject to this chapter pursuant to the procedures and requirements of section 13-311.
- (c) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62.

**§ 13-323 Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) with seven or more occupants.**

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

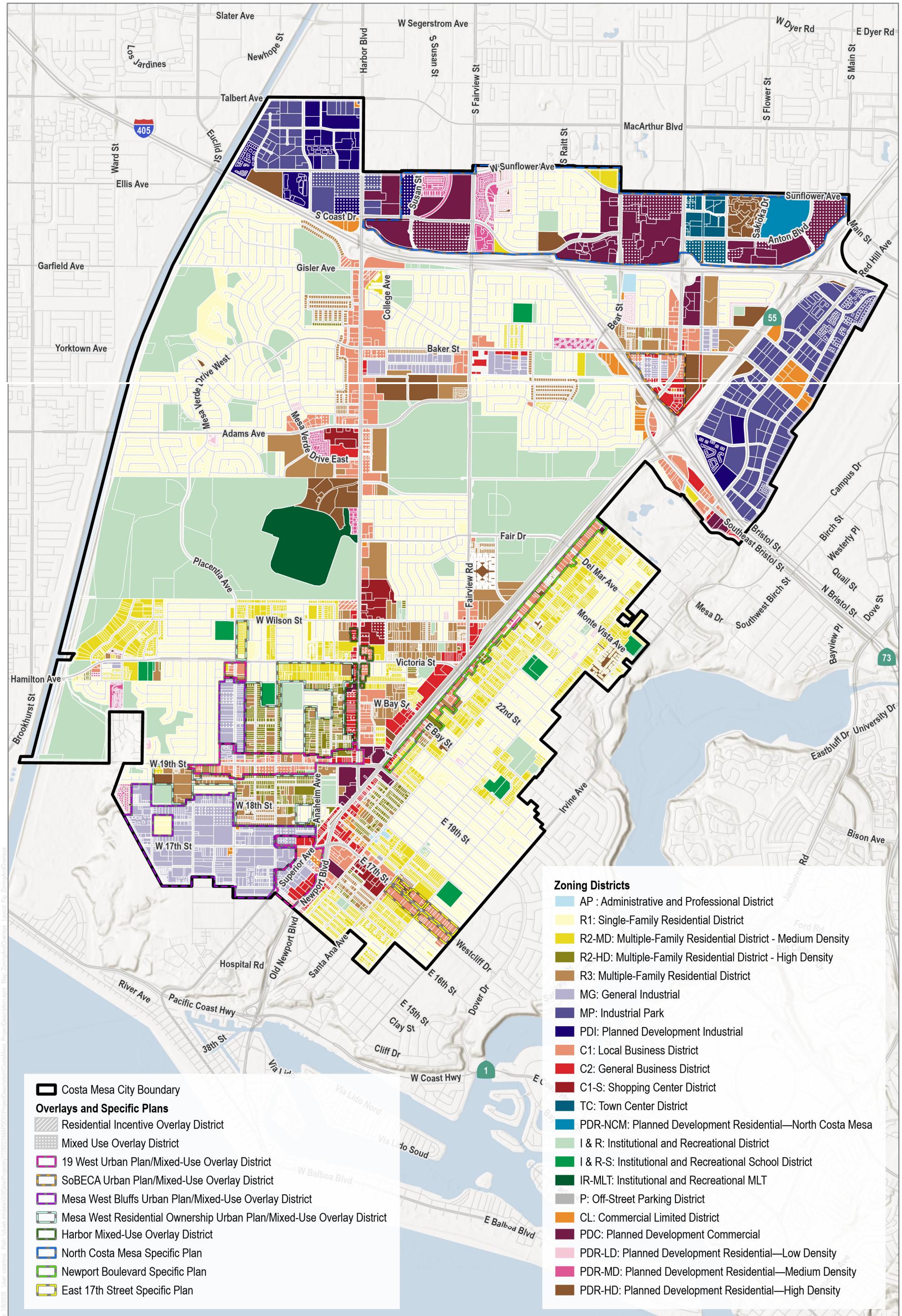
- (a) The requirements of Chapter III, Planning Applications, of this title have been met.
- (b) The group home, residential care facility or state-licensed drug and alcohol treatment facility is at least 650 feet from any property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.
- (c) The applicant obtains an operator's permit as required by Article 23, Chapter 2 of Title 9, except that this requirement shall not apply to any state-licensed residential care facility, state licensed drug and alcohol treatment facility, or group home without an operator.
- (d) The findings for granting a conditional use permit in accordance with subsection 13-29(g) are met.

**§ 13-324 Compliance.**

- (a) All group homes which are subject to this Chapter shall comply with the provisions hereof regardless of when they commenced operations.

**§ 13-325 Severability.**

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this chapter, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date.



SOURCE: City of Costa Mesa, Orange County Sanitation District, Open Street Map

0 0.25 0.5 Miles

Neighborhoods Where We All Belong Zoning Updates and Housing Element Implementation

Zoning Districts

**RESOLUTION NO. PC-2026-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPT AN AMENDMENT TO THE NORTH COSTA MESA SPECIFIC PLAN FOR CONSISTENCY WITH AMENDMENTS TO COSTA MESA MUNICIPAL CODE TITLE 13, CHAPTER V DEVELOPMENT STANDARDS, MIXED-USE OVERLAY DISTRICT, TO REZONE HOUSING ELEMENT OPPORTUNITY SITES WITHIN THE NORTH COSTA MESA SPECIFIC PLAN AREA (PSPA-26-0001)**

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

WHEREAS, the City Council of the City of Costa Mesa adopted the 2015-2035 General Plan, a long-range comprehensive guide for the orderly development of Costa Mesa, on June 21, 2016;

WHEREAS, the City Council of the City of Costa Mesa adopted the North Costa Mesa Specific Plan by Resolution No. 94-67 in July 1994;

WHEREAS, the North Costa Mesa Specific Plan provides additional planning guidelines and standards for several large development areas located in North Costa Mesa;

WHEREAS, by its very nature, the North Costa Mesa Specific Plan needs to be updated and refined to account for existing and projected community needs;

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

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

WHEREAS, this Resolution would establish the applicable standards in Section 13-83.58 "Properties Identified in the Housing Element" of the Costa Mesa Municipal Code as the

prevailing planning, zoning, and development standards for any Lower-Income Housing Element Site within the North Costa Mesa Specific Plan;

WHEREAS, North Costa Mesa Specific Plan amendment would allow the Mixed-Use Overlay District to supersede the base zoning and Specific Plan allowances on Lower-Income Housing Element Opportunity Sites pursuant to concurrently proposed new Costa Mesa Municipal Code Section 13-83-58(e);

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

WHEREAS, adoption of a specific plan amendment is considered a legislative action subject to the discretionary approval of the City Council;

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

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

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

WHEREAS, the proposed amendments implement a schedule of actions contained in the approved Housing Element pursuant to Government Code Section 65583 and do not allow the construction of a distribution center, or oil and gas infrastructure, accordingly, the proposed amendments are statutorily exempt from California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.085 (an exemption also known as SB 131);

WHEREAS, the CEQA statutory exemption for this proposal reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record the Planning Commission, in its independent judgement, hereby RECOMMENDS APPROVAL of the North Costa Mesa Specific Plan amendment incorporated herein as Exhibit A.

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, and in compliance with all applicable federal, state, and local laws.

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

**PASSED AND ADOPTED this 9th day of February, 2026.**

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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-2026-\_\_ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on February 9, 2026 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

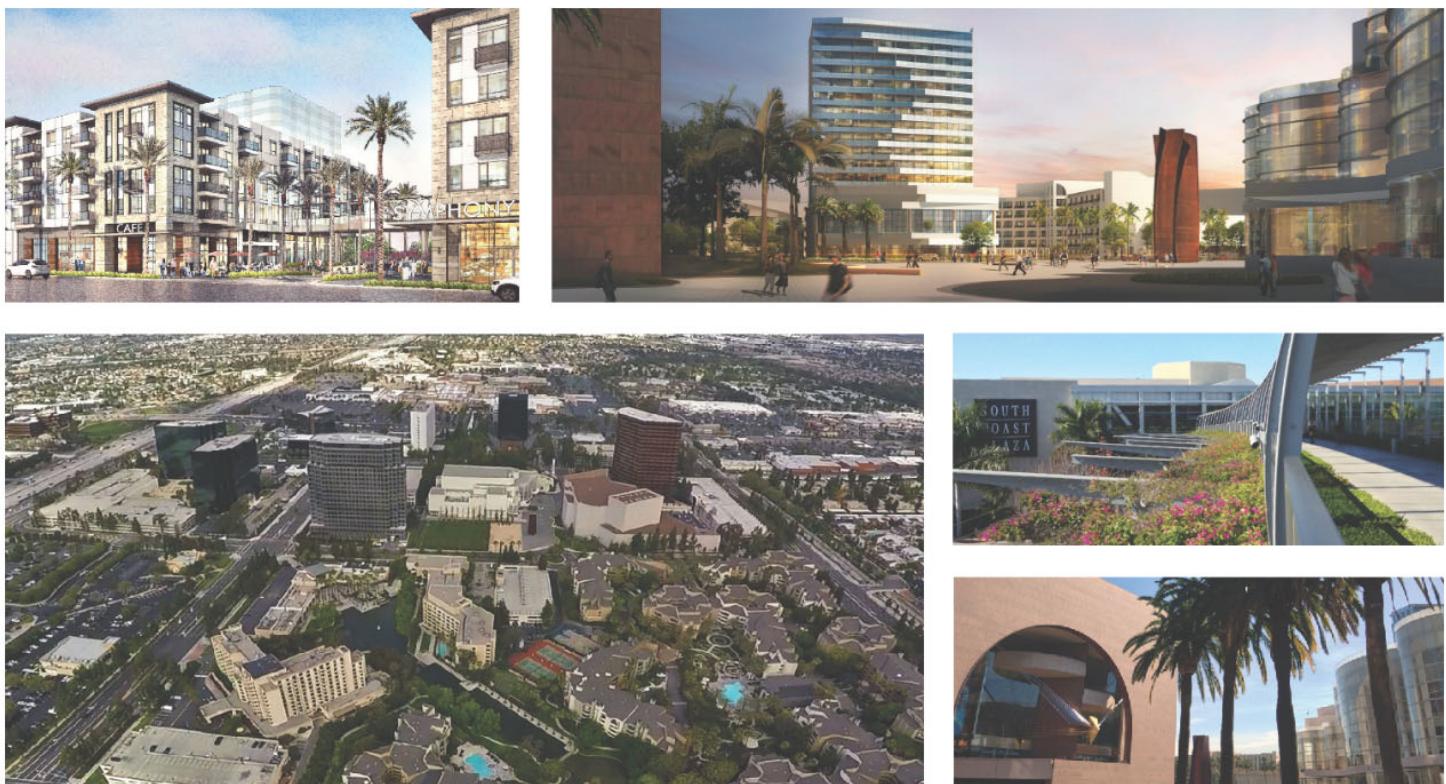
ABSTAIN: COMMISSIONERS

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Carrie Tai, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2026\_\_

# NORTH COSTA MESA SPECIFIC PLAN



City of Costa Mesa  
Development Services Department  
77 Fair Drive  
Costa Mesa, 92628

Updated: Month 2026

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## SUMMARY OF NORTH COSTA MESA SPECIFIC PLAN AMENDMENTS

The North Costa Mesa Specific Plan was adopted by the Costa Mesa City Council in July 1994. Since adoption, the plan has been amended. The following table provides a list and a brief description of the amendment(s).

AMENDMENT #	DATE OF ADOPTION	DESCRIPTION OF AMENDMENT
SP-98-04	April 19, 1999	Created a site-specific FAR of 0.72 for South Coast Metro Center (Area 6).
SP-99-02	July 3, 2000	Increased the site-specific FAR to 0.79 for South Coast Metro Center (Area 6).
SP-00-01	February 5, 2001	Created a new Cultural Arts Center designation and corresponding FAR of 1.77 for South Coast Plaza Town Center (Area 4).
SP-00-02	November 19, 2001	Increased the size of Area 1, and amended land use designations, floor area ratio, and trip budgets for Segerstrom Home Ranch (Area 1)
SP-02-01	July 1, 2002	Updated regulations to be consistent with 2000 General Plan.
SP-03-02	November 17, 2003	Amended acreage and building square footage allocation in Area 1 sub-areas.
SP-03-01	February 2, 2004	Incorporated the Theater and Arts District Plan into the plan.
SP-06-01	March 27, 2006	Amendment to the Theater and Arts District Plan regarding financing.
SP-06-02	January 16, 2007	Amendment to allow high-rise residential development in Sub-areas 4, 5, and 6 in this specific plan.
SP-07-01	November 20, 2007	Amendment to allow high-rise residential development for Wyndham Boutique Hotel / High-Rise residential project at 3350 Avenue of the Arts, Area 5.
SP-11-01	September 20, 2011	Amendment to Sakioka Lot 2
SP-15-01	October 20, 2015	Clarifying language to South Coast Plaza Town Center
SP-16-01	September 06, 2016	Updating Home Ranch, 3350 Avenue of the Arts and Sakioka Lot 2 per 2015-2035 General Plan Update
PSPA-26-0001	Month Day, 2026	Amendment to reflect General Plan Land Use Element and Mixed-Use Overlay District Amendments, including identified Housing Element sites, and corresponding General Plan Land Use Map and City's Zoning Map.



## North Costa Mesa Specific Plan



SP-94-01

# NORTH COSTA MESA SPECIFIC PLAN

**PREPARED BY:**

**City of Costa Mesa Planning Division**

**July 1994**

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## North Costa Mesa Specific Plan

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## 1.0 INTRODUCTION

### ***Authority and Scope***

This specific plan has been prepared for a portion of North Costa Mesa in accordance with the California Government Code Section 65450 et seq. The plan area encompasses 423 acres and is an established area of the City with many identifiable and diversified components, including the urban mixed use development of South Coast Plaza Town Center. There is still, however, a considerable amount of undeveloped land within the plan area that prompts the need for this specific plan.

The 1990 General Plan, adopted on March 16, 1992, specifies the land use designations and accompanying residential densities and commercial and industrial intensities for the plan area, as well as numerous policies that are relevant or specific to North Costa Mesa. In 2001, the City of Costa Mesa 2000 General Plan was adopted, which was primarily a technical update of the 1990 General Plan. (See Appendix C for a listing of relevant General Plan policies). It is the intent of this specific plan to implement the policies of the General Plan through the adoption of development standards. These standards recognize the development potential of the plan area and the need to sensitively integrate new development with the surrounding areas, and, therefore, promote both resident and business community confidence in the long-term vision for the plan area.

Specific issues that are addressed in this plan are as follows:

- Land Use Compatibility/Integration
- Building Heights
- Nonconformity
- Density Bonuses
- Circulation
- Urban Rail Transit
- Parks and Recreation
- Fire Protection Services

### ***Specific Plan Contents***

This specific plan provides a comprehensive review and analysis of the plan area. Section 2 provides an overview of the plan area's development setting. In Section 3, the development issues that will present a challenge to future development of each subarea are identified, and Section 4 provides the development standards which address these issues. Finally, Section 5 discusses the specific plan's implementation on timing.

## 2.0 DEVELOPMENT SETTING

### *Location*

The North Costa Mesa plan area comprises the northernmost portion of the City of Costa Mesa, i. e., that area north of the San Diego Freeway (I-405) and generally east of Harbor Boulevard. South Coast Drive and Sunflower Avenue generally form the northern boundary of the plan area and the Costa Mesa Freeway (SR-55) is the eastern border. Costa Mesa's surrounding cities include Fountain Valley and Huntington Beach to the west, Santa Ana to the north and east, Irvine to the east, and Newport Beach to the south. Major regional facilities include John Wayne Airport to the southeast of the plan area. See Figure 1.

Figure 2 indicates the existing land uses as well as the eight subareas the plan area has been divided into for analysis purposes.

## Location Map

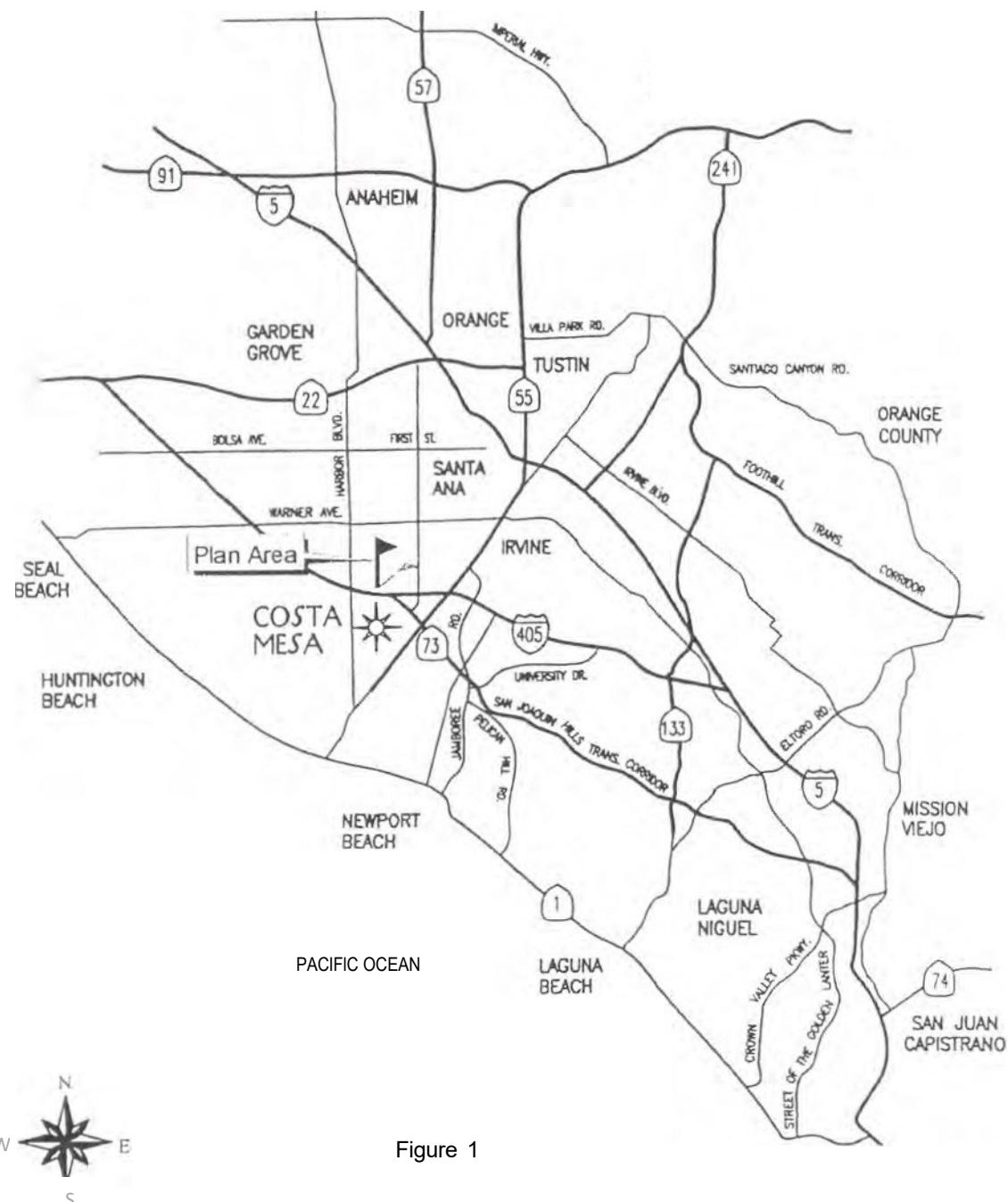
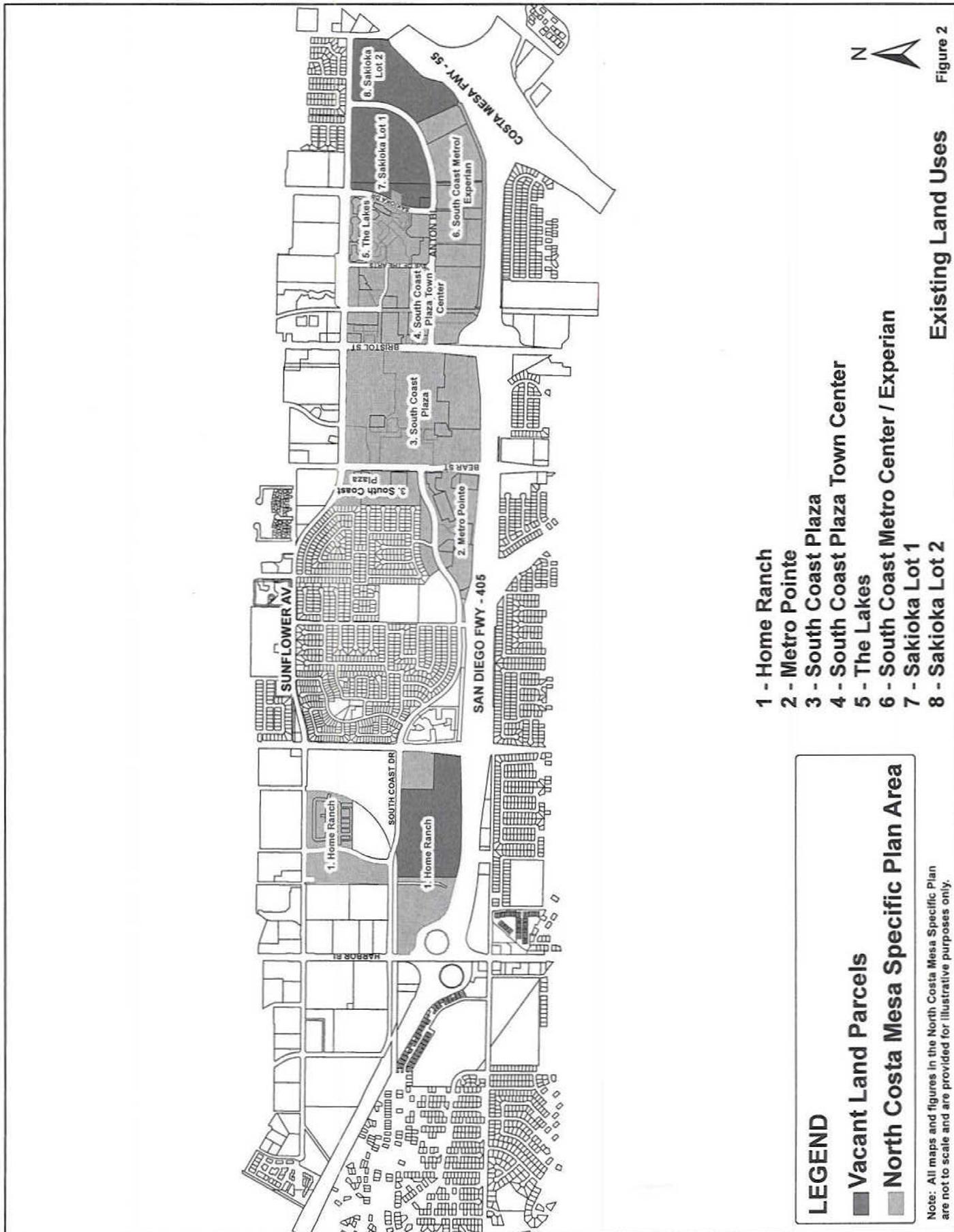


Figure 1

### NORTH COSTA MESA SPECIFIC PLAN



### ***Existing General Plan and Zoning Designations***

Figure 3 indicates the General Plan land use designations for the area of the City north of the I-405, and Figure 4 indicates the accompanying zoning designations. Table 1 summarizes the development parameters of the General Plan land use designations, and the compatible zoning districts.

As shown in Table 1, the General Plan establishes Floor Area Ratios (FARs) for all non-residential land use designations. The FAR is used to determine the maximum amount of building that is allowed on a lot or parcel. Several land use categories in the plan area contain stepped FARs which are tied to the traffic characteristics of the proposed land use. Residential density is measured in dwelling units per acre. Trip budgets have also been established for properties in the plan area designated as Urban Center Commercial, Cultural Arts Center, or Regional Commercial in the plan area. The industrial portion of Home Ranch also has a trip budget. When applicable, the FAR, or in the case of residential, dwelling units per acre, and trip budget work in concert to ensure that building intensity and trip generation do not exceed the capacity of the circulation system in the plan area. The trip budget for individual properties is given in Section 3.

The lowest FARs are found in the Neighborhood Commercial designation as well as in the residential, industrial and public-semi land use designations. The highest FARs are allowed in the Regional Commercial, Cultural Arts Center, and Urban Center Commercial land use designations. The General Plan does not allow the established floor area ratio to be exceeded in any instance.

Trip budgets are calculated on a square footage basis for commercial, industrial, residential, and institutional land uses. As with FARs, trip budgets cannot be exceeded. The General Plan, however, does allow for the transfer of trip budgets in the plan area in the following circumstances:

1. The combination and/or transfer of trips shall only be allowed in the area of the City that is north of the I-405 and east of Harbor Boulevard, and shall be limited to parcels within a one-mile radius of each other.
2. Trip budget transfers shall be evaluated in the review and approval of a planned development or master plan project. Sufficient conditions of approval shall be applied to the master plan or development plan to ensure long-range control over subsequent phases of development.
3. The combination and/or transfer of trips shall not result in any greater impacts on the surrounding circulation system than would occur if each Traffic Analysis Zone (TAZ) was developed independently. (Consult with the Planning Division for a figure depicting TAZs)
4. For the combination and/or transfer of trips between TAZs, such combination and/or transfer of trips shall not exceed the total trip budget of all parcels involved if each were developed independently according to the FAR and trip generation rates provided herein.

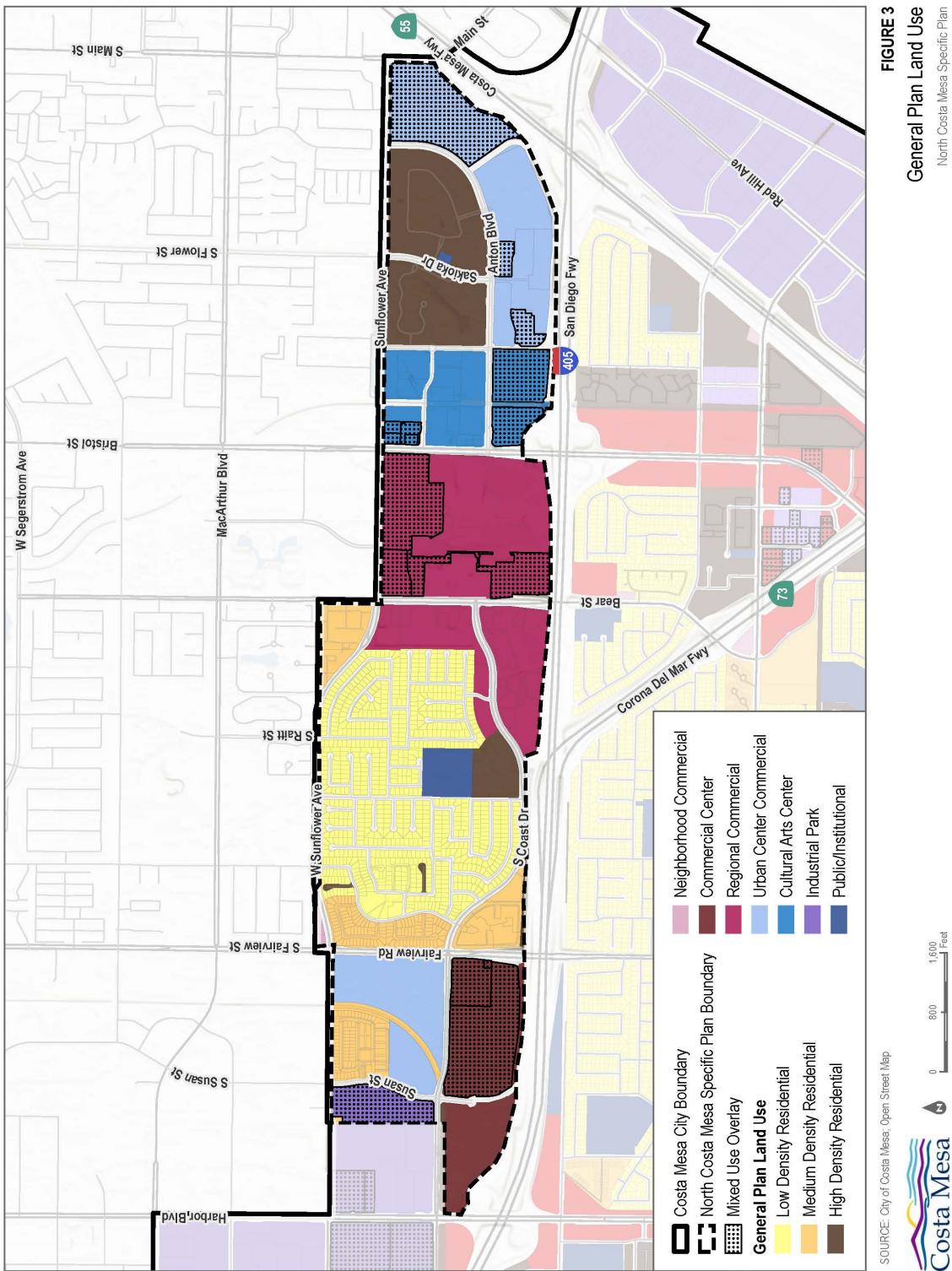
5. The combination and/or transfer of trips shall not allow development intensities which result in abrupt changes in scale or intensity within the project or between the project and surrounding land uses.
6. Approval of the master plan or development plan shall be conditioned to ensure compliance with the above criteria and to preclude future overdevelopment on portions of the project or properties from which trip budgets were transferred.
7. Trip budget transfers shall be recorded against the properties.

Therefore, if a property is underdeveloped in terms of its trip budget, there is the possibility that the "excess" trips could be transferred to another parcel to augment its trip budget.

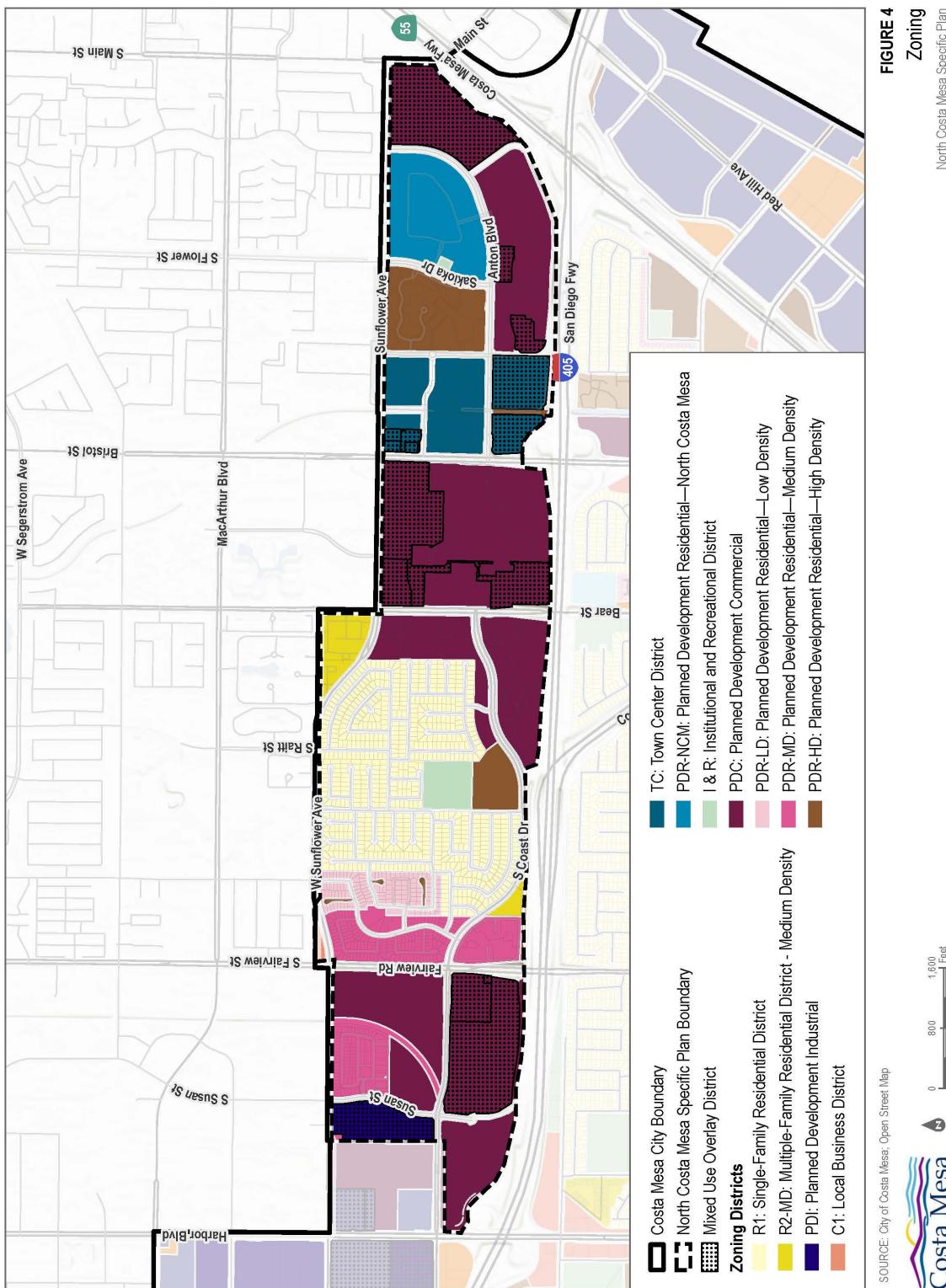
It should be noted that all the Planned Development (PD), Town Center (TC), and Shopping Center (C1-S) zones require Planning Commission review and approval of the land use mix and building location.

### ***Mixed-Use Overlay District and Properties identified in the Housing Element***

In 2026, this specific plan was amended for consistency with an amendment to the City's Zoning Map, which resulted in the rezoning of several properties in the plan area to encourage and facilitate residential and mixed-use development. While base zoning districts remain the same, the Mixed-Use Overlay District (MUOD) was applied to several parcels in the PDC, I&R, PDR-HD, TC, C1, and PDI zoning districts within the plan area. The MUOD is an overlay district and shall only apply to the parcels identified in the City's Zoning Map. This specific plan shall continue to apply to a property unless specifically superseded by a MUOD project when a property owner chooses to exercise provisions of Article 11 (Mixed-Use Overlay District) of Chapter V (Development Standards) of Title 13 (Planning and Development) of the Costa Mesa Municipal Code on a qualifying property. However, it should be noted that projects identified on Lower-Income Housing Element Sites shall be governed by Section 13-83.58.e, (Supersession of Overlay) of Article 11, and the provisions of that Section shall supersede and prevail over any conflicting provisions of the underlying base zone, including, but not limited to, minimum residential densities and capacities, minimum residential floor area, ministerial review and approval, and permitted uses, and all other applicable zoning provisions, such as other urban plans, overlays, and specific plans, including this specific plan.



Updated Month 2026



Updated Month 2026

**Table 1- General Plan Designations North Costa Mesa Specific Plan**

GENERAL PLAN DESIGNATION	TYPICAL USES	RESIDENTIAL DENSITY	FLOOR AREA RATIO	COMPATIBLE ZONING
Low Density Residential	Single family detached and attached units, granny units, accessory apartments, family day care	Less than or equal to 8 units per acre.	0.15 high traffic 0.25 moderate traffic 0.35 low traffic	R1, POR-LD, I &R
Medium Density Residential	Single-family attached units, multiple family units, senior congregate care facilities, convalescent hospitals, and group residential homes. Ancillary commercial uses are permitted the planned development zone.	Less than or equal to 12 units per acre	0.15 high traffic 0.25 moderate traffic 0.35 low traffic	R1, R2-MD, PDR-MD, <u>MUMUOD</u> , I&R
High Density Residential	Multiple family units, senior congregate care facilities, convalescent hospitals and group residential homes. Ancillary commercial uses are permitted in the planned development zones.	Less than or equal to 20 units per acre: except the density in the PDR-NCM zone is 25 to 35 units per acre. See also The Lakes for site-specific density.	0.15 high traffic 0.25 moderate traffic 0.35 high traffic	R2-HD,R3, PDR-HD, PDR-NCM, <u>MUMUOD</u> , I&R
Commercial Center	Major shopping, service, and office facilities designated serve city-wide and regional markets.	Less than or equal to 20 units/acre	0.25 high traffic 0.35 moderate traffic 0.45 low traffic 0.75 very low traffic <i>Except that Home Ranch has a site-specific FAR</i> 0.37 for the IKEA portion of the project and 0.64 for the office portion	C1, C2, C1-S, PDC, AP, P, CL
Regional Commercial	Regional scale uses including major department stores, specialty retail outlets, restaurants, offices, and	Less than or equal to 20 units/acre	0.652 South Coast Plaza (east of Bear Street) 0.89 South Coast Plaza (west of Bear Street)	PDC
Urban Center Commercial	Intensively developed mixed commercial including offices, retail shops, restaurants, and hotels. Residential uses are also permitted pursuant to the North Costa Mesa Specific Plan	Less than or equal to 20 units/acre. Exceptions: South Coast Metro Center (Area 6) has a site specific density of 100 units per acre; Sakioka Lot 2 may be up to 28 units/ac for mixed- use development.	South Coast Metro Center (Area 6) has a site- specific FAR of 0.79 Sakioka Lot 2 (Area 8) has a maximum site- specific FAR of 1.0.	PDC,TC
Cultural Arts Center	Mixed commercial, residential, office and cultural uses.	—	1.77 See also the South Coast Plaza Town Center discussion regarding the FAR.	TC
Industrial Park	Wide variety of industrial and compatible office and support commercial uses.	Less than or equal to 20 units/acre	0.20 high traffic 0.30 moderate traffic 0.40 low traffic 0.75 very low traffic	MP, POI, CL
Public and Semi-Public	Parks, hospitals, schools, religious facilities, fairgrounds, and public facilities.	—	0.25	I& R, I&R-S, P
Mixed Use Overlay	Housing, such as multifamily dwellings, blending residential uses into key areas that are served by various shopping, convenience, employment, and community- serving uses.	Less than or equal to 90 units/acre	1.0	MUOD

Updated Month 2026

### ***Land Use Compatibility/Integration***

The plan area and its immediate surroundings contain a variety of land uses that range from single family residential homes to high-rise offices which provide a good mix of housing opportunities, commercial goods and services, entertainment, and employment opportunities in a relatively small geographical area. This mix allows people the opportunity to live near their jobs, and gives residents and employees a full range of commercial services near their homes or jobs. This reduces traffic congestion and improves air quality. Mass transit opportunities are also more easily developed in this type of community setting.

Several General Plan policies support the development of mixed-use projects along or near transit routes as a means to improve air quality and reduce traffic congestion.<sup>1</sup> Mixed use projects also add variety and interest to an area by supporting day and evening activities. The South Coast Plaza Town Center, South Coast Metro Center, and The Lakes projects currently provide the opportunity to live, work, shop and be entertained within a compact and pleasant urban environment.

The benefits of having a mix of land uses in an area can quickly be lost if there is not enough forethought in the design and location of diverse uses. Common problems include tall buildings overshadowing adjacent buildings and outdoor areas, late night commercial uses affecting residential areas, heavy truck or automobile traffic affecting access to residential areas, inadequate parking availability, and incompatible land uses being located adjacent to one another. Residential areas are particularly sensitive land uses, but commercial and/or industrial uses may also be impacted by inappropriate siting of land uses. Figure 5 highlights the location of existing and future residential areas. In 2006, this specific plan was amended to allow high-rise residential development in Areas 4, 5, and 6. See Section 3.0 for additional discussion.

It should also be noted that a residential component could be incorporated into any Planned Development Zone in the plan area (see Figure 4 for Zoning). New commercial and industrial developments anticipated by the General Plan are also shown in Figure 5.

### **Noise**

A major concern related to land use compatibility is noise. The City of Costa Mesa uses the Community Noise Equivalent Level (CNEL) to measure and regulate noise. The City's maximum acceptable exterior noise level for residential areas is 65 CNEL. The plan area's primary source of noise is vehicular and two major sources are the 1-405 to the south and the Costa Mesa Freeway to the east. Likewise, the plan area's major streets are another source of noise. Appendix A provides a list of the existing and General Plan build-out CNEL levels in the plan area.

New residential development as well as other sensitive land uses shall be required to comply with the General Plan and zoning ordinance standard of 65 CNEL for exterior recreation areas and 45 CNEL for interior areas. However, for high-rise residential developments, the exterior standard of 65 CNEL only applies to common outdoor recreation/amenity areas that are located at the ground level. Recreation/amenity areas located above the ground floor and private patios and balconies are exempt from the 65 CNEL requirement due to the urbanized

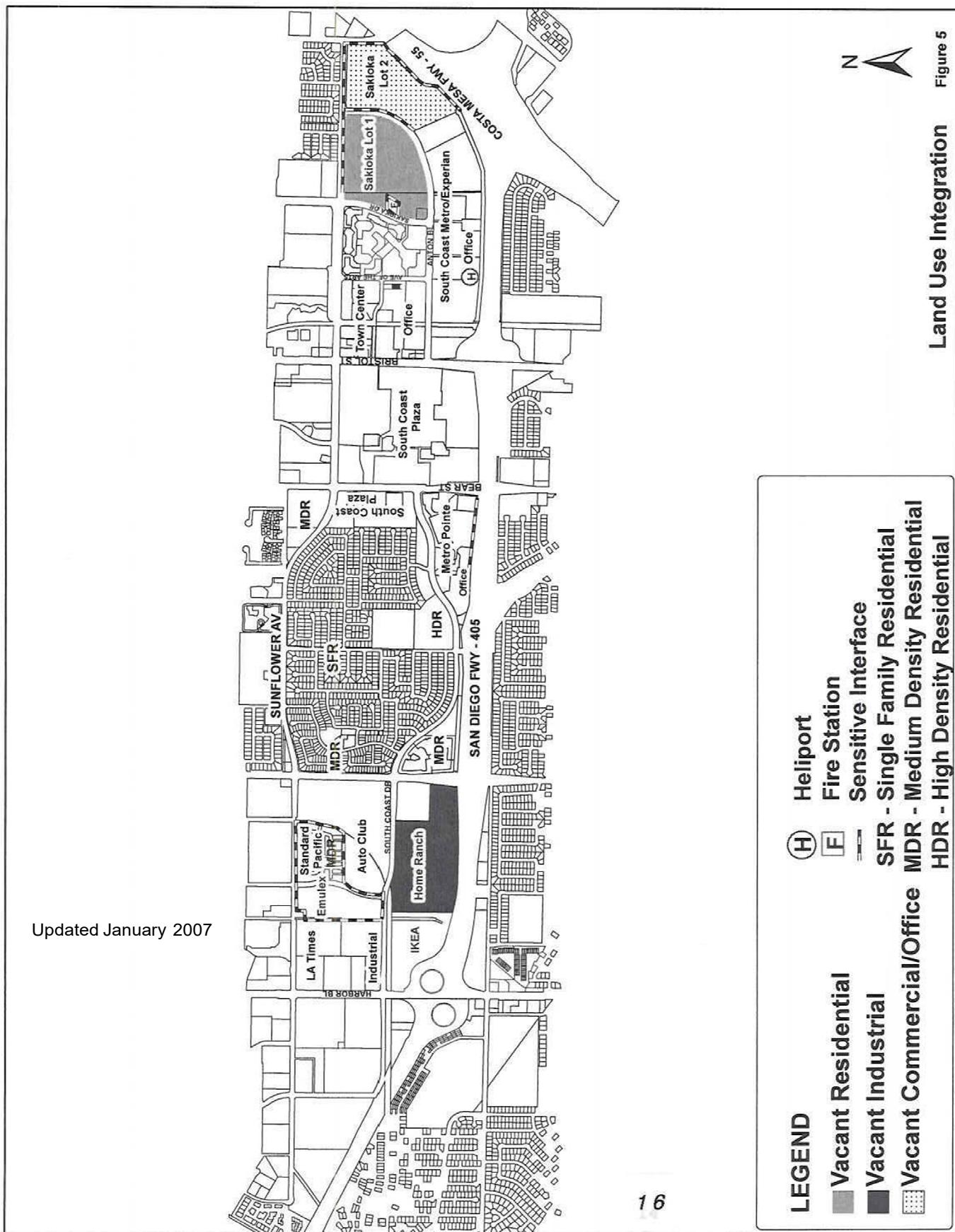
nature of the overall setting. Mitigation measures may be used in order to achieve these noise levels.

John Wayne Airport is located to the east of the plan area. Although the 60 CNEL contour encompasses the area generally east of Avenue of the Arts, the 65 CNEL contour is outside of the plan area, and therefore does not impact existing or future land uses. One heliport is located in the plan area in South Coast Metro Center atop the building located at 555 Anton Boulevard.

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<sup>1</sup>See Policies LU-1A.1, LU-1F.5, and CIR 1A.9 in Appendix C.

Updated January 2007



### ***Building Heights***

Existing building heights in the plan area vary from single story single family homes to twenty-one story office buildings. Generally, the high-rise office buildings are located in the South Coast Plaza Town Center and South Coast Metro Center areas; the Metro Pointe area has approval for additional buildings that include two fifteen story buildings. The buildings at South Coast Plaza and Crystal Court vary from one to three stories in height.

The General Plan does not establish a general limit on building heights north of the I-405 but rather contains two policies that provide guidelines for determining the appropriate building height. Policy LU-1C.1 permits the construction of buildings over two stories or 30 feet only when it can be shown that the building height will not impact surrounding developments. Policy LU-1C.3 prohibits the construction of buildings that present a hazard to air navigation at John Wayne Airport as determined by the Federal Aviation Agency.<sup>2</sup>

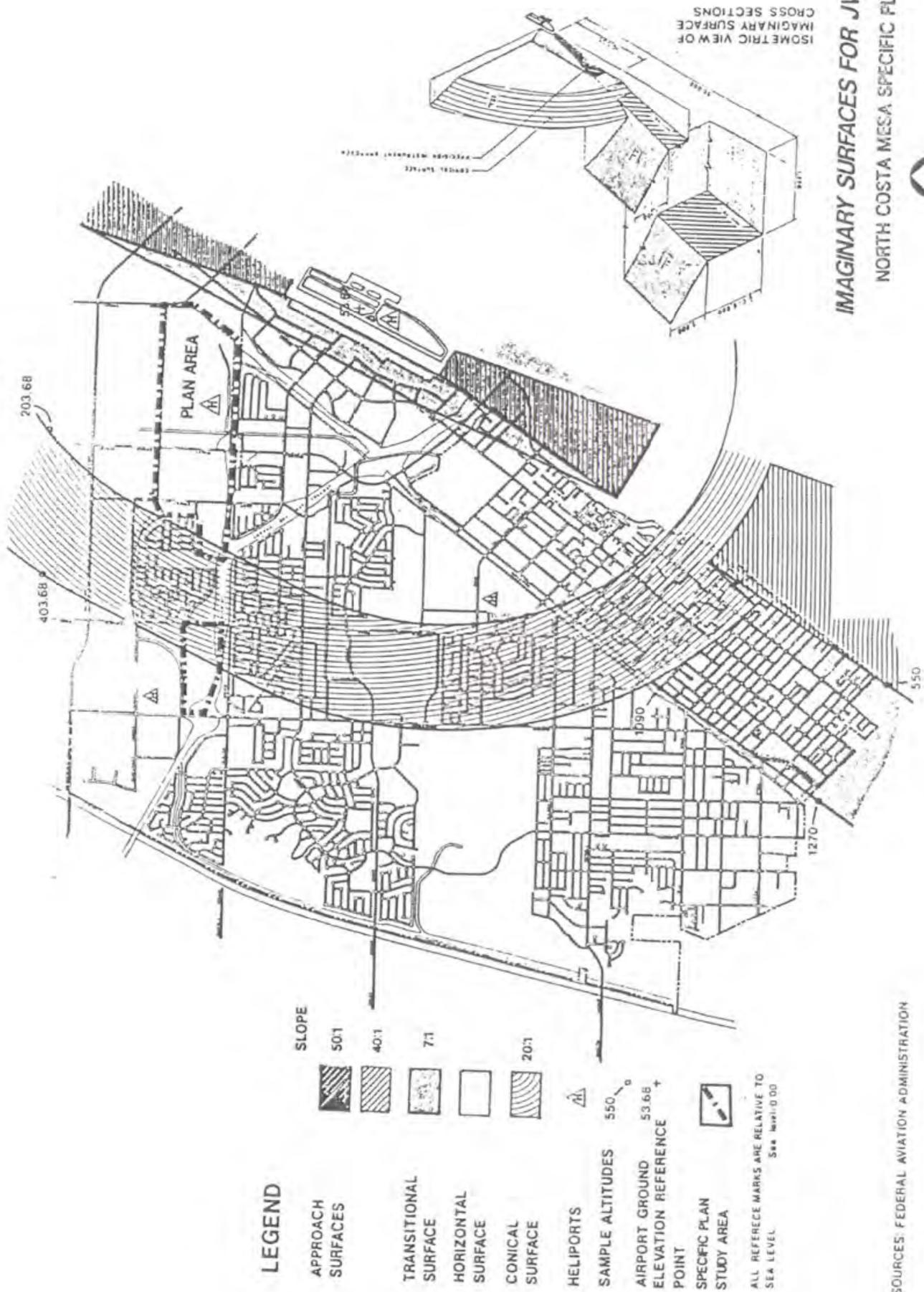
Policy LU-1C.3 is particularly relevant to the plan area, since the portion of the plan area generally east of the Metro Pointe property is within the imaginary horizontal surface of John Wayne Airport. Beyond the horizontal surface for another 4,000 feet is the imaginary conical surface. See Figure 6. These imaginary surfaces are the trigger for requiring special studies and review by the Airport Land Use Commission for Orange County and the FAA. It should be noted that a number of existing buildings in South Coast Plaza Town Center encroach within the imaginary horizontal surface; however, each was determined not to pose a hazard to the airport's operations and were required to install obstruction lighting.

Building heights in North Costa Mesa have created public controversy in the past, especially in the Home Ranch area where high-rise development approvals were overturned by the voters in 1988. Table 2 specifies the maximum building heights for the plan area and shall continue to apply to a property unless specifically superseded by a MUOD project when a property owner chooses to exercise provisions of Article 11 (Mixed-Use Overlay District) of Chapter V (Development Standards) of Title 13 (Planning and Development) of the Costa Mesa Municipal Code on a qualifying property; these building height standards recognized existing patterns and surrounding land uses. Any new building proposed at 3 stories or more should require a shade and shadow impact analysis in relation to surrounding land uses.

It should be noted that Home Ranch has a specific height limitation of five stories and only in the center of the property. Any additional height above five stories (75 feet) would require a General Plan amendment. Exhibit 11b depicts the height limitations for Home Ranch.

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<sup>2</sup>See Appendix C for full text of Policies LU-1C.1 and LU-1C.3.



SOURCES: FEDERAL AVIATION ADMINISTRATION

<b>Table 2- Maximum Building Heights</b> <b>North Costa Mesa Specific Plan</b>		
<b>SUB-AREA</b>	<b>MAXIMUM BUILDING HEIGHT<sup>1,2</sup></b>	<b>NOTES</b>
AREA 1 Home Ranch	Varies	See Exhibit 11b.
AREA 2 Metro Pointe	30 feet-north of South Coast Drive (approx. 2 stories)  90 feet-south of South Coast Drive (approx. 6 stories)	Current development agreement allows buildings up to 15  Buildings above 173 feet in height will require a determination of no hazard by the FAA.
AREA 3 South Coast Plaza and Crystal Court	85 feet (approx. 4 stories)	None
AREA 4 SCP Town Center	315 feet (approx. 25 stories)	Buildings above 173 feet in height will require a determination of no hazard by the FAA.
AREA 5 The Lakes	Mid-rise Residential-90 feet (approx. 6 stories)  High-rise Residential - 280 feet (approximately 26 stories) Commercial- 110 feet (approximately 11 stories)	Buildings above 173 feet in height will require a determination of no hazard by the FAA.
AREA 6 South Coast Metro	Varies-See Table 6B.	Buildings above 173 feet in height will require a determination of no hazard by the FAA.  Buildings which encroach into the setback for Anton cannot exceed 30 feet (approx. 2 stories) within the
AREA 7 Sakioka Lot 1	60 feet (approx. 4 stories)	Buildings which encroach into the setback for Anton Blvd. and/or Sakioka Dr. cannot exceed 30 feet (approx. 2 stories) within the setback area.
AREA 8 Sakioka Lot 2	North of collector street- 60 feet (approx.4 stories) South of collector street- 180 feet (approx. 12 stories)	Buildings above 173 feet in height will require a determination of no hazard by the FAA.  Buildings which encroach into the setback for Anton cannot exceed 30 feet (approx. 2 stories) within the setback area.

1. All building height measurements reference the height above grade- not mean sea level.  
 2. The maximum building heights specified in this Specific Plan shall continue to apply to a property unless specifically superseded by a MUOD project when a property owner chooses to exercise provisions of Article 11 (Mixed-Use Overlay District) of Chapter V (Development Standards) of Title 13 (Planning and Development) of the Costa Mesa Municipal Code on a qualifying property.

**Article 2  
Definitions**

**§ 13-5. Purpose.**

The intent of this article is to define certain words and phrases which are used in this Zoning Code. Additional definitions may also be given in conjunction with the special regulations contained in Chapter IX, Special Land Use Regulations, and Chapter XII, Special Fee Assessments.

(Ord. No. 97-11, § 2, 5-5-97)

**§ 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.

*Efficiency unit.* A dwelling unit for occupancy by no more than two persons conforming to California's Health and Safety Code § 17958.1 with a minimum floor area of 150 square feet that provides bathroom facilities and a partial kitchen equipped with a sink, cooking appliance, and refrigerator.

*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.

*Employee housing.* Shall have the same meaning as “employee housing” described in California Health and Safety Code Section 17021.5, and as set forth in California Health and Safety Code Section 17008 for farmworkers.

*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; (3) any group home without an operator.

*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.

*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.

*Low barrier navigation center.* Shall have the same meaning as "low barrier navigation center" as set forth in Government Code Section 65660.

*Major modification.* 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.

*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, including an in-house manager, who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and/or 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 adjustmentsmajor modifications, 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 §§ 11834.02—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, which includes interaction with each other, shared meals, household activities, and expenses and responsibilities; where residency is mutually agreed by all residents, is not transitory in nature 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 not-for-profit 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 unit.* A dwelling unit that serves as the primary residence of its occupant(s) and is offered on a monthly rental basis or longer. Single room occupancy units may contain kitchen and/or sanitary facilities. If the units do not contain kitchen and/or bathroom facilities, shared kitchen and/or bathroom facilities must be provided within the building.

*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; (3) any sober living home without an operator.

*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.

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

*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, as defined in Section 50675.14 of the California Health and Safety Code, 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, 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.~~

*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)

**Article 3**  
**Review Authorities**

**§ 13-7. Purpose.**

The purpose of this article is to establish the project review authority of the city council, the redevelopment agency, the planning commission, the zoning administrator and the planning division.

(Ord. No. 97-11, § 2, 5-5-97)

**§ 13-8 City council.**

The city council shall have final decision authority for appeals, final maps, specific plans, master plans in the town center and planned development districts, rezones, general plan amendments, density bonuses with financial incentives, Zoning Code amendments, improvement and development agreements, annexations and any action specified in this Zoning Code. The city council shall also be responsible for the acceptance of lands and/or improvements as may be proposed for dedication to the city, except deeds of dedication and parcel maps of four or fewer lots with no development agreements. The city council may impose conditions of approval.

(Ord. No. 97-11, § 2, 5-5-97)

**§ 13-9 Redevelopment agency.**

(a) Declaration of need of agency. It is hereby found and declared, pursuant to State Health and Safety Code section 33101, that there is a need for a redevelopment agency in the city, as such agency was created by section 33100, to function in the city, and the agency is hereby authorized to transact business and exercise all of the powers granted to it under the Community Redevelopment Law.

(b) Council declared agency. The five members of the city council are hereby declared to be the members of the redevelopment agency and are empowered to exercise all the rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in an agency.

(c) Term of agency members. Membership shall be for the period each councilmember serves in office, and shall automatically terminate at the time any councilmember no longer holds the office of councilmember. Any vacancy existing on the redevelopment agency shall be filled only by a duly elected sworn and acting city councilmember.

(Ord. No. 97-11, § 2, 5-5-97)

**§ 13-10 Planning commission.**

(a) Commission. Pursuant to the provisions of section 65101 of the Planning and Zoning Law of the California Government Code, there is hereby created a planning commission, which shall consist of seven members.

(b) Appointment and removal of commissioners. Each council member elected by district shall nominate a planning commission member, subject to approval by a majority vote of the entire city council. The mayor shall nominate a planning commission member, subject to approval by a majority vote of the entire city council. Planning commission members serve at the pleasure of the city council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire city council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.

(c) Residency. Each member of the planning commission must be a resident of the City of Costa Mesa at the time the member is nominated and appointed. If any member of the planning commission ceases to be a resident of the city that member's appointment will automatically terminate. The secretary of the planning commission shall immediately inform the city council of any such termination.

(d) Term. The term of each planning commission member shall expire on the date on which the second regular meeting in January is held immediately following expiration of the term of the council member or mayor who appointed that member, or until he or she is reappointed or replaced.

(e) Ex-officio member of commission. The director of development services and city attorney or designee shall attend the meetings of the planning commission and assist the commission in an advisory capacity as needed.

(f) Absence from commission meetings without cause. If a planning commission member is absent from three consecutive regular meetings of the commission, without cause, the office of the member shall be deemed to be vacant and the term of such member terminated. The secretary of the planning commission shall immediately inform the city council of such termination.

(g) Absence from commission meetings for cause. An absence due to illness or an unavoidable absence from the city and written notice thereof given to the secretary of the planning commission on or before the day of any regular meeting of the commission shall be deemed absence for cause.

(h) Councilmember ineligibility. No member of the city council shall be eligible for membership on the planning commission.

(i) Authority of the planning commission.

(1) The planning commission shall have the power, except as otherwise provided by law, to act on plans for the regulation of the future growth, development and beautification of the city, in respect to:

- a. Public and private buildings and works, streets, parks, grounds and vacant lots.
- b. The future growth and development of the city in order to secure sanitation, proper service of all public utilities, shipping and transportation facilities.
- c. The location of any proposed buildings, structures, or works.

(2) The planning commission is authorized to act upon the following discretionary actions:

- a. Recommend to the city council approval, conditional approval or denial of general plan amendments, specific plans, rezones, Zoning Code amendments, development agreements, density bonuses with public financial incentives, preliminary and final master plans, and any other action specified in this Zoning Code.
- b. Recommend to the successor agency to the former redevelopment agency approval, conditional approval or denial of redevelopment actions, or adoption and/or amendments to a redevelopment plan.

c. Approve, conditionally approve or deny applications for conditional use permits, variances, tentative tract and parcel maps, density bonuses without public financial incentives, and any other action specified in this Zoning Code.

d. Perform other duties necessary to carry out the provisions reserved to the planning commission in Title 10 of the Municipal Code, the provisions of this Zoning Code and the provisions of the Planning, Zoning and Development Law of the State Government Code.

(j) Commission bylaws authorized. The planning commission shall have the power, except as otherwise provided by law, to adopt such bylaws as it may deem necessary to provide for:

(1) The time and place of meeting.

(2) The time and method of electing officers.

(3) Such other matters relative to the organization of the planning commission and methods of administration of its duties which are not otherwise provided for by statute or ordinance.

(k) Regular meeting of commission defined. A regular meeting as provided by law or by rule of the planning commission or any regularly advertised public hearing shall be deemed a regular meeting.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-12, § 1, 3-5-01; Ord. No. 02-4, § 1a, 3-18-02; Ord. No. 03-2, § 3, 3-3-03; Ord. No. 04-17, § 3, 1-3-05; Ord. No. 19-05, § 1, 4-2-19; Ord. No. 21-14, § 1, 8-3-21)

### **§ 13-11 Zoning administrator.**

(a) The development services director or designee is authorized to act as the zoning administrator according to procedures set forth in the State Government Code.

(b) The zoning administrator is authorized to approve, conditionally approve, or deny the following discretionary planning applications. The zoning administrator may forward any action to the planning commission for review.

(1) Major amendmentAdministrative adjustment;

(2) Minor conditional use permit;

(3) Lot line adjustment;

(4) Wireless telecommunications use permit (see section 19-15); and

(5) Any action specified in this Zoning Code.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

### **§ 13-12 Planning division.**

The development services director or designees constitute the planning division. The planning division is authorized to act on and grant approvals of development reviews and minor modifications as described in Chapter III, Planning Applications, Wireless Telecommunications Use Permit (see section 19-15), and other duties as designated by the development services director, planning commission, city council and this Zoning Code.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

**CHAPTER III**  
**PLANNING APPLICATIONS**

**§ 13-27. Purpose.**

The purpose of this chapter is to establish the parameters for the numerous types of discretionary planning applications and to identify processing procedures.  
(Ord. No. 97-11, § 2, 5-5-97)

**§ 13-28. Types.**

(a) ***Administrative adjustment******Major Modification***. 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 ADJUSTMENTS/MAJOR MODIFICATIONS**

<b>Standard</b>	<b>Deviation Range</b>
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.	More than 33 1/3 % but no more than 50%
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) **Development review, streamlined.** The following shall be subject to streamlined development review, if the project complies with applicable development standards in this Zoning Code and meets one of the following conditions: **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.

(d)

- (1) Residential construction of one story in the R1, R2-MD, R2-HD, and R3 zones.
- (2) Residential uses permitted by right in this Zoning Code and qualifying for ministerial approval as a 'use by right' consistent with State the applicable provisions of the Government Code.
- (3) Additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones that comply with the applicable development standards in this Zoning Code and do not exceed 2,000 square feet or 50% of the existing building area, whichever is less, shall be subject to streamlined development review.

(e) **Development review.** The following shall be subject to development review:

- (1) Two-story Residential construction of two or more stories. In the R2-MD, R2-HD, and R3 zones any zone, any two-story residential construction of two or more stories 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 the applicable development standards in this Zoning Code and the forthcoming Citywide Residential and Mixed-Use Objective Design Standards any residential design guidelines adopted by city council. Until such objective standards are adopted, projects shall be subject only to the objective development standards in this Zoning Code.
- (2) Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones that comply with the applicable development standards in this Zoning Code and exceed 2,000 square feet or 50% of the existing building area. 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 be subject to streamlined 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;

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- 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)(i) **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**

<b>Standard</b>	<b>Deviation Range</b>
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	20% or less
Decrease in required rear yard depth	20% or less
Decrease in required side yard width	20% or less
Increase in maximum fence/wall height	33 1/3 % or less
Decrease in five-foot setback on street side for fences/walls in excess of 36 inches on corner lots in multi-family residential zones	100% or less
Increase in depth of permitted projections into required yards	20% or less
Decrease in minimum driveway width for two or more dwelling units	to not less than 10 feet
Deviation in sign area, height, setbacks, separation and other sign specifications	10% or less
Decrease in required distance between main structures	20% or less
Decrease in required distance between accessory and main structures	20% or less
Decrease in minimum width and length of garage dimensions	5% or less

- (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)(j) **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.

(k)(l) **Planned signing program.** A voluntary, optional alternative to the general sign regulations, except in the C1-S zone where it is required.

(m)(l) **Reasonable accommodation.** As defined in section 13-200.62

(n)(m) (Reserved)

(o)(n) **Rezone.** Any proposed change to the official zoning map.

(p)(o) **Special use permit.** Refer to Chapter XV of the Zoning Code.

(q)(p) **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)(q) **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)(r) **Variance.** Any deviation from a development standard in this Zoning Code that is not specified as a minor modification or ~~administrative adjustment~~major modification, or a deviation that is not allowed by approval of conditional use permit, minor conditional use permit, or specific plan conformity procedure.

(t)(s) **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)(t) ***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)

### **§ 13-29. Planning application review process.**

(a) ***Application.***

- (1) Application for any planning application shall be made to the planning division on the forms provided. Plans and information reasonably needed to analyze the application may be required. A list of required plans and information shall be available from the planning division.
- (2) All applications shall be signed by the record owner of the real property to be affected. This requirement may be waived upon presentation of evidence substantiating the right of another person to file the application.

(b) ***Fees.*** The application shall be accompanied by all applicable processing fees as established by resolution of the city council.

(c) ***Public hearing.*** Upon receipt of a complete application for a planning application, the planning division shall fix a time and place of the public hearing if one is required pursuant to Table 13-29(c). For planning applications which require review by both the planning commission and city council or ~~or redevelopment agency~~, pursuant to Table 13-29(c), the final review authority shall hold a public hearing no more than 45 days from the receipt of the planning commission's recommendation.

**TABLE 13-29(c)**  
**PLANNING APPLICATION REVIEW PROCESS**

Planning Applications	Public Notice Required	Public Hearing Required	Recommending Authority	Final Review Authority	Notice of Decision
Streamlined Development Review	No	No	None	Planning Division	No
Development Review Minor Modification	No	No	None	Planning Division	No
Reasonable Accommodation	No	No	None	Planning Division	No
Lot Line Adjustment	No	No	None	Planning Division	No
Special Use Permit	Yes	Yes	None	Planning Division	No
<u>Administrative Adjustment Major Modification</u> Minor Conditional Use Permit Minor Design Review Planned Signing Program	Yes	No	None	Zoning Administrator	Yes
Design Review Mobile Home Park Conversion Common Interest Development Conversion (Residential or Nonresidential) Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance	Yes	Yes	Planning Division	Planning Commission	Yes
Conditional Use Permit Density Bonus Master Plan Master Plan—Preliminary	Yes	Yes	Planning Division	Planning Commission (excepted where noted otherwise in this zoning code)	Yes
Redevelopment Action	Yes	Yes	Planning Commission	Redevelopment Agency	Yes
Rezone	Yes	Yes	Planning Commission; and, if located in a redevelopment project area, the Redevelopment Agency	City Council	No
Local Register of Historic Places	No	No	Planning Commission or other commission/committee as designated by the City Council	City Council	Yes
Certificate of Appropriateness	No	No	Planning Commission or other commission/committee as designated by the City Council	Planning Commission or other commission/committee as designated by the City Council	No

(d) **Public notice.** When required pursuant to Table 13-29(c), public notice shall be given as described in the following subsections. Public notices shall contain a general explanation of the proposed planning application and any other information reasonably needed to give adequate notice of the matter to be considered.

(1) *Mailed notice required.* Notices of the hearing shall be mailed to all property owners and occupants within a 500 foot radius of the project site, except for applications for the construction of a building(s) 150 feet or more in height which; ~~these the applications pursuant to Table 13-29(d)~~ shall require a greater notice radius pursuant to Table 13-29(d):

<u>TABLE 13-29(d)</u> <u>MAILED NOTICE REQUIRED</u>	
<b>Building Height in Feet</b>	<b>Notice Requirement</b>
More than 150 and less than or equal to 225	700-foot radius
More than 225 and less than or equal to 300	900-foot radius
More than 300	1,100-foot radius

The required notice radius shall be measured from the external boundaries of the property described in the application. The notice shall be mailed no less than 10 days prior to the hearing or determination on the application. The planning division shall require mailing labels from the project applicant for this purpose. The mailing labels shall reflect the last known name and address of owner(s) as shown on the last equalized county assessment roll or by a more current listing.

(2) *On-site posting required.* Additional notice shall be provided by posting a notice on each street frontage of the project site, no less than 10 days prior to the date set for the hearing or determination on the application.

(3) *Newspaper publication.* When a public hearing is required, notice shall also be published once in the city in a newspaper of general circulation, no less than 10 days prior to the date set for the public hearing.

(e) **Review criteria.** Review criteria for all planning applications shall consist of the following:

- (1) Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.
- (2) Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.
- (3) Compliance with any performance standards as prescribed elsewhere in this Zoning Code.
- (4) Consistency with the general plan and any applicable specific plan.

- (5) The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
- (6) When more than one planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.
- (7) For residential developments, consistency with any applicable design guidelines adopted by city council resolution.
- (8) For affordable multi-family housing developments which include a minimum of 16 affordable dwelling units at no less than 20 dwelling units per acre, the maximum density standards of the general plan shall be applied, and the maximum density shall be permitted by right and not subject to discretionary review during the design review or master plan application process.

(f) **Conditions.** The final review authority pursuant to Table 13-29(c), may impose reasonable conditions to assure compliance with the applicable provisions of this Zoning Code, and to assure compatibility with surrounding properties and uses and to protect the public health, safety and general welfare. The final review authority may also require such written guarantees, cash deposits, recorded land use restrictions, etc., as may be necessary to assure compliance with the conditions.

(g) **Findings.** When granting an application for any of the planning applications specified below, the final review authority shall find that the evidence presented in the administrative record substantially meets any required conditions listed below. Other findings may also be required pursuant to other provisions of this Zoning Code.

- (1) Administrative adjustmentMajor modifications and variance findings:
  - a. Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.
  - b. The deviation granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
  - c. The granting of the deviation 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.
- (2) Conditional use permit and minor conditional use permit findings:
  - a. 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.

- b. Granting the conditional use permit or minor 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.
- c. Granting the conditional use permit or minor 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.

(3) Density bonus and concession or incentive findings:

- a. The request is consistent with State Government Code section 65915 et. seq. regarding density bonuses and other incentives, the general plan, any applicable specific plan, and Chapter IX special regulations, Article 4 density bonuses and other incentives.
- b. The requested density bonus and incentive or concession constitute the minimum amount necessary to provide housing at the target rents or sale prices and/or a child care facility.
- c. The granting of the incentive or concession is required in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5 or for rents for the targeted units.
- d. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code section 65589.5 upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- e. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(4) Lot line adjustment findings: The lot line adjustment and improvements are consistent with the general plan, any applicable specific plan and this Zoning Code.

(5) Master plan findings:

- a. The master plan meets the broader goals of the general plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.
- b. ~~Master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district.~~
- c. ~~As applicable to affordable multi-family housing developments, the~~

~~project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very low income households, as defined by the California Department of Housing and Community Development. The project includes long term affordability covenants in compliance with state law.~~

(6) Minor modification findings:

- a. The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.
- b. The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development.

(7) Mobile home park conversion findings:

- a. The impacts of the conversion on the residents of the mobile home park have been duly considered as required by the State Government Code.
- b. The proposed conversion project is consistent with the general plan, any applicable specific plan and this Zoning Code.

(8) Planned signing program findings:

- a. The proposed signing is consistent with the intent of Chapter VIII, Signs, and the General Plan.
- b. The proposed signs are consistent with each other in design and construction taking into account sign style and shape, materials, letter style, colors and illumination.
- c. The proposed signs are compatible with the buildings and developments they identify taking into account materials, colors and design motif.
- d. Approval does not constitute a grant of special privilege or allow substantially greater overall visibility than the standard sign provisions would allow.

(9) Reasonable Accommodation findings: Refer to Chapter IX, Article 15.

(10) Common interest development conversion findings:

- a. The applicant has submitted an adequate and legally binding plan which addresses the displacement of long-term residents, particularly senior citizens and low- and moderate-income families and families with school-age children; and

- b. The proposed common interest development conversion project conforms to adopted general plan policies and any applicable specific plan or urban plan, and if applicable, increases the supply of lower cost housing in the city and/or that the proposed conversion project fulfills other stated public goals.
- c. The establishment, maintenance, or operation of the project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the surrounding neighborhood, nor will the project be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city.
- d. The overall design and physical condition of the common interest development conversion project achieves a high standard of appearance, quality, and safety.
- e. The proposed common interest development conversion project conforms to the Costa Mesa Zoning Code requirements.
- f. For a proposed common interest development conversion project that does not conform to the zoning code requirements, the project due to its proportions and scale, design elements, and relationship to the surrounding neighborhood, is of continued value to the community and it contributes to defining and improving the community as a whole. Deviations from zoning code requirements are acceptable because it would be impracticable or physically impossible without compromising the integrity of the overall project to implement features that could result in conformance with current code requirements.
- g. For a proposed common interest development conversion project located in an urban plan area, the proposed conversion is consistent with the applicable mixed-use overlay zoning district. Specifically, the proposed non-residential conversion project supports a mixed-use development or a similar land use that is not allowed in the base zoning district, or the proposed conversion project is a residential common interest development that is permitted by either the base or overlay zoning district.

(11) Rezone findings: The proposed rezone is consistent with the Zoning Code and the general plan and any applicable specific plan.

(12) Specific plan conformity review findings: Refer to the applicable specific plan text.

(13) Tentative parcel or tract map findings:

- a. The creation of the subdivision and related improvements is consistent with the general plan, any applicable specific plan, and this Zoning Code.
- b. The proposed use of the subdivision is compatible with the general plan.

- c. The subject property is physically suitable to accommodate the subdivision in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the Zoning Code and general plan, and consideration of appropriate environmental information.
- d. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by State Government Code section 66473.1.
- e. The division and development will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.
- f. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State Water Code section 13000).

(14) Design review and minor design review findings:

- a. ~~The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the residential design guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.~~
- b. ~~The visual prominence associated with the construction of a two-story house or addition in a predominantly single story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.~~
- c. ~~As applicable to affordable multi family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.~~

(h) ***Decision.***

- (1) After the public hearing, if required, the final review authority may approve, conditionally approve or deny any application for the planning application based upon the standards and intent set forth in the applicable provisions of this Zoning Code. In the case of a denial, the applicant shall be notified of the circumstances of the denial.

(2) For planning applications which require the planning commission to make a recommendation to the final review authority, the authority shall not approve any major change or additions in any proposed planning application until the proposed change or addition has been referred to the planning commission for a report, unless the change or addition was previously considered by the planning commission. It shall not be necessary for the planning commission to hold a public hearing to review the referral. Failure of the planning commission to report to the final review authority within 40 days after the referral shall be deemed approval of the proposed change or addition.

(i) ***Notice of decision.***

(1) Notice of the zoning administrator's decision shall be given within five days of the decision to the city council, planning commission and to any affected party requesting the notice. Any member of the planning commission or city council may request review of a zoning administrator's decision within seven days of the notice of the decision. No fee shall be charged for such review.

(2) Notice of the planning commission's ~~and/or redevelopment agency's~~ decision shall be given within five days to the city council and to any affected party requesting the notice. Any member of the city council may request review of the decision within seven days of the notice of the decision. No fee shall be charged for such review.

(j) ***Appeals.*** Appeals of the final review authority shall be filed within seven days of the public hearing or the date of the notice of decision according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(k) ***Time limits and extensions.***

(1) Planning applications shall run with the land until revoked, except as provided in this section or in a condition imposed at the time of granting the planning application.

(2)

a. Unless otherwise specified by condition of approval, any permit or approval not exercised within 24 months from the actual date of review authority approval shall expire and become void, unless an extension of time is approved in compliance with paragraph (4) of this subsection;

b. The permit shall not be deemed "exercised" until at least one of the following has first occurred:

1. A building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the building official.
2. A certificate of occupancy has been issued.
3. The use is established and a business license has been issued.
4. A time extension has been granted in compliance with paragraph (3)

of this subsection.

- (3) The time limits specified in paragraph (2) of this subsection shall not apply to preliminary master plans, except that the first phase of the final master plan must be approved within 24 months of the approved preliminary master plan. Time limits regarding the construction of improvements authorized by the approved final master plan for each phase of the project shall comply with the time limits established in paragraph (2).
- (4) Extension of time.
  - a. *Filing and review of request.* No less than 30 days or more than 60 days before the expiration date of the permit, the applicant shall file a written request for an extension of time with the department, together with the filing fee established by resolution of the city council.
  - b. For extension requests not to exceed 180 days: The director of development services may extend the time for an approved permit or approval to be exercised. 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.
  - c. For extensions requests of more than 180 days: The review authority for the original project shall consider the request to extend the time for an approved permit or approval to be exercised. A public hearing shall only be held if it was required on the original application. If notice was required for the original application, notice of the public hearing shall be given according to the procedures set forth in this chapter.
- (5) Fees for extensions of time for planning applications may be established by resolution of the city council.
- (6) Action on extension request. A permit or approval may be extended beyond the expiration of the original approval provided the director or the review authority finds that there have been no changes in the conditions or circumstances of the site, such as Zoning Code or General Plan amendment or other local and statewide regulations affecting the approved development standards, or project so that there would have been ground for denial of the original project or any changes to the General Plan and/or Zoning Code that would preclude approval of the same project at the time of the requested extension.
- (7) Effect of expiration. After the expiration of the permit or approval, no further work shall be done on the site and no further use of the site shall occur until a new permit or approval, or other city permits or approvals are first obtained. Fees for extensions of time for planning applications may be established by resolution of the city council.

(1) ***Building permits/authority to proceed.*** No building permit or authority to proceed shall be granted until all required review and approval has been obtained and all

applicable appeal periods have expired.

- (m) **Compliance.** Final occupancy shall not be granted unless the site development conforms to the approved set of building plans, applicable conditions of approval and code requirements.
- (n) **Reapplication.** Upon final denial of any planning application, a new application for substantially the same planning application may not be filed within six months of the date of the denial. The development services director shall determine whether the new application is for a planning application which is substantially the same as a previously denied application. No decision of the development services director shall be effective until a period of seven days has elapsed following the written notice of a decision; an appeal of the decision shall be filed according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.
- (o) **Enforcement authority.**
  - (1) The planning commission may require the modification or revocation of any planning application and/or pursue other legal remedies as may be deemed appropriate by the city attorney, if the planning commission finds that the use as operated or maintained:
    - a. Constitutes a public nuisance as defined in State Civil Code Sections 3479 and 3480; or
    - b. Does not comply with the conditions of approval.
  - (2) The modification or revocation of any permit by the planning commission under this subsection shall comply with the notice and public hearing requirements set forth in subsections (c) and (d). The development services director may require notice for a development review or minor modification, if deemed appropriate.
- (p) **Amendment to a planning application.** Any approved planning application may be amended by following the same procedure and fee schedule as required for the initial approval, with the exception of the following two instances:
  - (1) Minor amendments to conditional use permits shall be processed as minor conditional use permits; and
  - (2) Amendments to master plans which comply with section 13-28(f)(1) may be authorized by the planning division.
- (q) **Concurrent processing.** Unless otherwise stated in this Zoning Code, applications for proposed projects which require two or more planning application approvals may be processed concurrently. Final project approval shall not be granted until all necessary approvals have been obtained.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 5—7, 3-2-98; Ord. No. 99-17, § 4, 11-15-99; Ord. No. 01-11, § 1a., 3-5-01; Ord. No. 01-16, §§ 1c.—e., 6-18-01; Ord. No.

03-8, § 3, 9-2-03; Ord. No. 05-2, § 1d., e., 2-22-05; Ord. No. 06-7, § 1a., 4-18-06; Ord. No. 06-9, § 1c., 4-18-06; Ord. No. 07-17, § 1c., d., 10-2-07; Ord. No. 09-13, § 1, 11-17-09; Ord. No. 17-12, § 1, 9-19-17; Ord. No. 18-06, § 1, 9-4-18; Ord. No. 21-20, § 1, 12-7-21)

## **CHAPTER IV**

### **CITYWIDE LAND USE MATRIX**

#### **§ 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.

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&R-LT <sup>1</sup>	P
RESIDENTIAL USES																						
1. Single-family dwellings (single housekeeping units)	P <sup>4</sup>	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	P	•
2. Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•
2.1 Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•
2.2 Small lot subdivisions, residential	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3. Mobile home parks	•	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•
4. Boarding-house, small <sup>7</sup>	•	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
5. Boarding-house, large <sup>7</sup>	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•	•
6. Residential care facility, six or fewer persons (State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	P	•	•
7. Group homes, six or fewer	S	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	•	•	•	•	•	•	•	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	P	•	P	•
7.1 Sober living homes, six or fewer	S <sup>5</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	•	•	•	•	•	•	•	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	P	•	•	•
8. Residential care facility, seven or more	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	•	•	•	•	•	•	•	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	P	•	•	•
9. Group homes, seven or more	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	•	•	•	•	•	•	•	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	P	•	•	•
9.1 Sober living homes, seven or more	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	•	•	•	•	•	•	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	P	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
10. Referral facility (Subject to the requirements of section 13-32.2, referral facility).	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	C <sup>2</sup>	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•	•	
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	
<u>Employee housing, six or fewer</u>	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	•	•	P	P	•	
<u>Supportive housing</u>	P <sup>12</sup>	P <sup>11,12</sup>	P <sup>11,12</sup>	P <sup>11,12</sup>	•	•	•	•	•	P <sup>11,12</sup>	•	•	P <sup>11,12</sup>	P <sup>11,12</sup>	P <sup>11,12</sup>	P <sup>11,12</sup>	P <sup>11,12</sup>	•	•	P <sup>11,12</sup>	P <sup>11,12</sup>	•	
<u>Transitional housing</u>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	•	•	•	•	•	P <sup>12</sup>	•	•	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	•	•	P <sup>12</sup>	P <sup>12</sup>	•	
<u>Low barrier navigation center</u>	•	•	•	•	•	•	•	•	•	P <sup>13</sup>	•	•	•	•	•	P <sup>13</sup>	P <sup>13</sup>	•	•	P <sup>13</sup>	P <sup>13</sup>	•	
<b>ACCESSORY USES</b>																							
12. Reserved for future use.																							
13. Animals, keeping of																							
14. Antennas: Amateur radio, Satellite dish, Communication																							
15. Reserved for future use																							
15.1 Incidental residential use that includes a toilet in combination with a bathtub or shower. This applies to an accessory use contained in a detached structure, or	P	P	P	P	P	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	•

SEE TITLE 3, ANIMALS AND FOWL

SEE CHAPTER IX, ARTICLE 2, ANTENNAS

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
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 Nursery schools)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	•
17. Family day care—Large (7 to 14 children) (subject to the requirements of section 13-37, large family day care homes)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2,3</sup>	P	•	P <sup>2</sup>	•	
18. Family day care—Small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	•	P	P	P	P <sup>3</sup>	P <sup>3</sup>	P	•	P <sup>3</sup>	•	
19. Garage/yard sales—No more than 2 events permitted a year, not to exceed 3 consecutive days	P	P	P	P	•	•	•	•	•	•	•	•	•	P	P	P	P <sup>3</sup>	P <sup>3</sup>	•	•	P <sup>3</sup>	•	
20. Reserved for future use.																							
21. Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2,3</sup>	P <sup>2</sup>	•	P <sup>2</sup>	•								
22. Home occupations that generate traffic and do not involve more than 1 customer/ client at a time or more than 8 customers/clients per day (subject to the	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2,3</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	•	MC <sup>2,3</sup>	•								

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
requirements of ch. IX, article 6, home occupations)																							
22.1 Non-residential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
21. Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2,3</sup>	P <sup>2</sup>	•	P <sup>2</sup>	•									
22. Home occupations that generate traffic and do not involve more than 1 customer/ client at a time or more than 8 customers/clients per day (subject to the requirements of ch. IX, article 6, home occupations)	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2,3</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	•	MC <sup>2,3</sup>	•									
22.1 Non-residential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
22.2 Accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	P <sup>2</sup>	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	P <sup>2</sup>	•	
22.3 Junior accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	P <sup>2</sup>	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&RM-S1	I&RM-LT <sup>1</sup>	P	
units)																							
22.4 Temporary real estate and construction offices (subject to the requirements of ch. IX, art. 10, temporary trailers)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>											
INSTITUTIONAL AND RECREATIONAL USES																							
23. Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•
24. Churches and other places of religious assembly (Subject to the requirements of article 4.5, development standards for churches and other places of religious assembly)	C <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•							
25. Civic and community clubs	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	C	C	P	•	
26. Convalescent hospitals; nursing homes	•	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•
27. Country clubs; golf courses	C	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	•	•	P	C	•	•	
28. Crematories (See also Mortuary services)	•	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	C	•	•	•	
29. Fairgrounds; outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM-LT <sup>1</sup>	P	
31. Libraries, privately-operated	C	C	C	C	•	•	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•	•	
31a. Marijuana and/or medical marijuana cultivation	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
31b. Cannabis and/or marijuana distributor	•	•	•	•	•	•	•	•	•	•	•	C <sup>9</sup>	•	•	•	•	C <sup>9</sup>	•	•	•	•	•	
31c. Cannabis and/or marijuana manufacturer or processor	•	•	•	•	•	•	•	•	•	•	•	C <sup>9</sup>	•	•	•	•	C <sup>9</sup>	•	•	•	•	•	
31d. Cannabis and/or marijuana retail sales storefront	•	•	•	•	•	•	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	•	•	•	•	•	•	•	•	•	•	•	
31e. Cannabis and/or marijuana retail sales nonstorefront (deliveries)	•	•	•	•	•	•	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	•	C <sup>9</sup>	•	•	•	C <sup>9</sup>	•	•	•	•	•	
31f. Cannabis and/or marijuana research and development and/or testing laboratories	•	•	•	•	•	•	•	•	•	•	•	•	C <sup>9</sup>	•	•	•	•	C <sup>9</sup>	•	•	•	•	•
32. Mortuary services without crematories	•	•	•	•	•	•	C	C	C	C	C	•	•	•	•	•	•	•	•	C	•	•	•
32a. Needle exchange program	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
33. Nursery schools—See also Day care facilities for 15 or more children	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•	
34. Parks and playgrounds	C	C	C	C	•	•	•	•	•	C	•	•	C	C	C	C	C	C	P	P	P	•	
35. Public offices and facilities, such as city halls, court-houses, police/ fire stations, etc.	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	P	•	•	•	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&RM-S1	I&RM-LT <sup>1</sup>	P	
36. Schools: primary, secondary and colleges	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	•
37. Schools: trade and vocational; group counseling	•	•	•	•	•	MC	P	P	P	P	MC	MC	•	•	•	•	P	MC	P	P	•	•	
38. Senior congregate care facility	•	C	C	C	C	C	C	C	C	C	•	•	•	C	C	C	•	C	•	•	•	•	
39. Swap meets	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•	•
39a. Emergency shelters	•	•	•	•	•	•	•	•	•	•	•	•	C <sup>10</sup>	•	•	•	P <sup>10</sup>	•	•	•	•	•	•
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 <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•					
COMMERCIAL AND INDUSTRIAL USES																							
42. Acupuncture; massage (subject to the requirements of title 9, chapter II, article 22, Massage establishments and practitioners)	•	•	•	•	•	P <sup>2</sup>	•	•	•	•	•	•	P <sup>2</sup>	•	•	•	•	•					
43. Adult businesses (See Sexually-oriented businesses)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
44. Aggregate batch plants; Rock or asphalt	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&RM-S1	I&RM-LT <sup>1</sup>	P	
crushing; Sand blasting																							
45. Ambulance services	•	•	•	•	•	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 <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	
47. Animal hospitals; veterinary services (kenneling only when incidental to principal hospital use)	•	•	•	•	•	C	C	P	P	C	C	C	•	•	•	P	•	•	•	•	•	•	
48. Animal shelters, pounds, kennels, training schools	•	•	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	C	•	•	
48a. Antique malls	•	•	•	•	•	•	•	P	P	P	P	P	MC	MC	•	•	•	P	MC	•	•	•	
49. Artists, sculptors studios	•	•	•	•	•	P	P	P	P	P	P	P	P	P	•	•	•	P	P	•	•	•	
50. Auction houses	•	•	•	•	•	•	•	C	C	C	C	C	C	C	•	•	•	C	C	•	•	•	
51. Automobile (See Motor vehicle)																							
52. Banks; savings and loans; and other financial institutions	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•
53. Bars; nightclubs (See Establishments where food or beverages are served)																							
54. Barber and beauty shops with accessory uses such as permanent make up,	•	•	•	•	•	P	P	P	P	P	P	•	•	•	P	P	P	P	P	P	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
facials, and accessory massage																							
55. Billiards parlors	•	•	•	•	•	•	C	C	C	C	C	•	•	C	C	C	C	C	•	•	•	•	
56. Botanical gardens; Zoos	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	•	C	•	•	
57. Bowling centers	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	C	C	•	•	•	•	•	
58. Breweries; Distilleries	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	•	•	•	•	•	•	•	
59. Reserved																							
60. Building supplies; Hardware stores (retail)	•	•	•	•	•	•	P	P	P	•	•	•	•	P	P	P	P	•	•	•	•	•	
61. Business services—See Offices																							
62. Car washes	•	•	•	•	•	•	C	C	C	C	C	•	C	C	C	C	C	•	•	•	•	•	
63. Carts— Outdoor retail sales in conjunction with an established business	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	MC	MC	MC	
64. Catering	•	•	•	•	•	•	MC	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	
65. Coffee roasting	•	•	•	•	•	•	•	•	•	•	MC	MC	•	•	•	•	•	•	•	•	•	•	
66. Coffee roasting (in conjunction with establishments where food or beverages are served)	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	MC	MC	MC	
67. Commercial art; Graphic design	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&RM-S1	I&RM-LT <sup>1</sup>	P		
68. Commercial testing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•	•	
69. Computer and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	•	
70. Contracting: general contractors; operative builders	•	•	•	•	•	C	C	P	C	•	P	P	•	•	•	•	•	P	•	•	•	•	•	
71. Convenience stores; mini-markets (subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini-markets)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	
72. Department stores (retail)	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•	•	•	
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	•	•	•	•	•	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	•	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	•	•	•	•	•	
74. Engineering; architectural; and surveying services— See Offices																								
75. Entertainment, live or public	•	•	•	•	•	•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	•	
76. Establishments where food or beverages are served	•	•	•	•	•	•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED							•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED							•	•	
77. Exhibition of products produced on	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
premises or available for wholesale distribution																							
78. Flower stands— See also Carts	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	MC	•	•	•
79. Furniture repair and refinishing with incidental sales	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•	•
80. Grocery stores— See also Supermarkets; excluding convenience stores; and liquor stores listed separately	•	•	•	•	•	•	P	P	P	•	•	•	•	MC	MC	MC	•	•	•	•	•	•	•
81. Hazardous waste facilities, off-site (subject to chapter IX article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	
82. Heliports; Helistops	•	•	•	•	•	•	•	•	•	•	C	C	C	•	•	•	C	C	C	C	•	•	•
83. Hotels— Excluding motels listed separately	•	•	•	•	•	•	•	•	•	C	C	C	P	•	•	C	C	C	P	•	•	•	•
84. Landscape services (installation and maintenance)	•	•	•	•	•	MC	MC	P	P	•	P	P	•	•	•	•	P	•	•	•	•	•	•
85. Laundry, cleaning and garment services, including plants	•	•	•	•	•	P	P	P	P	P	P	P	•	P	P	P	P	P	P	•	•	•	•
86. Leather tanning and finishing	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	C	•	•	•	•	•
87. Limousine services	•	•	•	•	•	C	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•	•
88. Liquor stores (subject to the requirements of	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	C <sup>2</sup>	•	•	•	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
chapter IX, article 16, liquor stores, convenience stores, and mini- markets)																							
89. Lumber and building materials dealers, (wholesale)	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•	•
90. Manufacturing: Light EXCEPT the following which are prohibited: • Manufacture of fertilizer • Manufacture of products involving the use of explosives Manufacture of rubber (including tires), steel	•	•	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	P2	•	•	•	•	•	•
91. Manufacturing of chemical products, paints, pharmaceuticals, and plastics	•	•	•	•	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	C <sup>2</sup>	•	•	•	•	•	•
92. Manufacturing of stone, clay, glass and concrete 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	•	•	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	P <sup>2</sup>	•	•	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P	
asbestos products • Manufacture of nonclay refractories and crucibles • Processing and preparation of clay, ceramic and refractory minerals																							
93. Manufacturing or processing of foods and 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)	•	•	•	•	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	•	•	•	P <sup>2</sup>	•	•	•	•	
94. Massage— See also Acupressure (subject to the requirements of title 9, chapter II, article 22, massage establishments and practitioners)	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	P <sup>2</sup>	•	•	•	•						
95. Medical laboratories	•	•	•	•	•	MC	MC	P	P	P	MC	MC	•	•	•	•	MC	MC	•	•	•	•	
96. Metal fabrication, welding, foundry, die casting (subject to subsection 13-54(a), performance standards)	•	•	•	•	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	•	•	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P
97. Motels—(Subject to requirements of chapter IX, article 8, motels) Excluding Hotels listed separately	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	•
98. Motion picture and television studios	•	•	•	•	•	C	C	C	•	•	P	P	•	•	•	•	P	P	•	•	•	•
99. Motion picture theaters and other theaters not within 200 feet of residential zones	•	•	•	•	•	•	•	P	P	P	•	•	•	•	•	•	P	•	•	•	•	•
100. Motion picture theaters and other theaters within 200 feet of residential zones	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	C	•	•	•	•	•
101. Motor oil, used—Collection facility (subject to the requirements of chapter IX, article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	P <sup>2</sup>	P <sup>2</sup>	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•
102. Motor vehicle, boat, and motorcycle retail sales, leasing, rentals and service with two or more outdoor display parking spaces	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	C	C	•	•	•	•
103. Motor vehicle, boat, and motorcycle retail sales, leasing, and rentals with one or less outdoor display parking space and no service (subject to verification of parking availability)	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&RM-S1	I&RM-LT <sup>1</sup>	P
104. Motor vehicle service stations	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•	•
105. Motor vehicle service stations with concurrent sale of alcoholic beverages (subject to requirements of chapter IX, article 3, concurrent sale of alcoholic beverages and motor vehicle fuel)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•	C <sup>2</sup>	•	•	•	•	•
106. Motor vehicle; boat; and motorcycle repair services (including body and paint work), not within 200 feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
107. Motor vehicle; boat; and motorcycle repair services (including body and paint work), within 200 feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	C	C	C	•	C	C	•	•	•	•	C	C	•	•	•	•
108. Nurseries (retail with no bulk fertilizer)	•	•	•	•	•	•	C	C	P	P	•	C	C	•	•	•	•	•	•	•	•	•
109. Offices: central administrative	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
110. Offices: engineering; architectural; and surveying services; management; consulting and public relations	•	•	•	•	•	P	P	P	P	P	P	P	•	MC	MC	MC	P	P	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P
111. Offices: general	•	•	•	•	P	P	P	P	P	P	MC	MC	•	MC	MC	MC	P	P	•	•	•	•
112. Reserved																						
113. Offices: medical and dental	•	•	•	•	P	P	P	P	P	P	P	•	•	•	MC	MC	MC	P	MC	MC	•	•
114. Offices: services to businesses such as bookkeeping and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
115. Off-street parking lots and structures including related maintenance buildings	•	•	•	•	C	C	C	C	C	P	C	C	•	•	•	C	C	C	C	C	•	P
116. Off-street parking lots and structures, incidental uses within	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	MC	MC	MC	MC	MC	•	MC
117. Oil fields; oil wells (see chapter XIV, oil drilling)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
118. Pawn shops	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•
119. Photocopying; blueprinting and related services	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	P	P	•	•	•	•	•
120. Photofinishing laboratories	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•
121. Photofinishing stores	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	P	P	•	•	•	•	•
122. Photography: Commercial	•	•	•	•	•	P	P	P	P	P	P	P	MC	MC	•	•	•	P	MC	•	•	•
123. Photography: portrait studio	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	P	MC	•	•	•	•	•
124. Physical fitness facilities	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•	C	C	•	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P
125. Printing and publishing	•	•	•	•	•	•	MC	P	MC	MC	P	P	•	•	•	•	P	P	•	•	•	•
126. Recording studios	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•
127. Recycling and collection facilities for nonhazardous materials	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	MC	MC	MC	•
128. Research and development laboratories—Other than cannabis and/or marijuana testing laboratories	•	•	•	•	•	C	C	C	P	C	C	P	P	•	•	•	•	P	•	•	•	•
129. Restaurants—See Establishments where food or beverages are served																						
130. Retail: general—Excluding antique malls, pawn shops, supermarkets, grocery stores, convenience stores; and liquor stores listed separately	•	•	•	•	•	•	P	P	P	P	P	•	•	P	P	P	P	P	P	•	•	•
131. Retail, incidental sales to the main use (subject to the requirements of section 13-54(a), incidental retail sales)	•	•	•	•	•	P	P	P	P	P	P	P <sup>2</sup>	P <sup>2</sup>	•	P	P	P	P	P	P <sup>2</sup>	•	•
132. Retail: nonstore	•	•	•	•	•	P	P	P	P	P	P	P	P	•	P	P	P	P	P	P	•	•
133. Rifle, pistol, and firing ranges	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	C	•
134. Sexually-oriented businesses (subject to the	•	•	•	•	•	P <sup>2</sup>	•	•	•	•	•	•	P <sup>2</sup>	•	•	•	•	•				

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&RM-S1	I&RM-LT <sup>1</sup>	P	
requirements of title 9, chapter IV and title 13, chapter IX, sexually-oriented businesses)																							
135. Skating rinks	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	C	C	C	C	C	•	•	
135a. Smoking lounge (subject to chapter IX, article 19, smoking and vaping uses)	•	•	•	•	•	•	•	•	•	C <sup>2</sup>	•	•	P <sup>2</sup>	•	•	C <sup>2</sup>	•	•	•	•	•	•	
135b. Smoking/vaping retailer (subject to chapter IX, article 19, smoking and vaping uses)	•	•	•	•	•	P <sup>2</sup>	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•						
136. Storage of chemicals and allied products (except as incidental use)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
137. Storage of explosives	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
138. Storage of fertilizer	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	
139. Storage of motor vehicles—Outdoor (not including impound yard)	•	•	•	•	•	•	•	•	•	C	C	C	MC	MC	•	•	•	C	MC	•	•	•	
139a. Storage of motor vehicles—Indoor only (not including impound yard)	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	
140. Storage of petroleum and coal products	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
141. Storage of rock, sand, crushed aggregate and gravel	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&RM-S1	I&RM-LT <sup>1</sup>	P
142. Studios: dance; martial arts; music, etc.	•	•	•	•	•	•	P	P	P	MC	MC	MC	•	MC	MC	MC	P	MC	•	•	•	•
143. Supermarkets—See also Grocery stores	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•	•
143a. Specialty stores	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	•	•	•	•	•	•
144. Tattoo parlors	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•	•
145. Tire sales and installation not within 200 feet of residential zone	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
146. Tire sales and installation within 200 feet of residential zone	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	MC	MC	•	•	•	•	•
147. Tow companies with or without impound yard	•	•	•	•	•	•	C	C	C	•	MC	MC	•	•	•	•	MC	•	•	•	•	•
148. Transfer station for refuse, sewage treatment	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	C	C	•	•	•	•
149. Trucking: local and long distance	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	C	•	•	•	•	•
150. Warehouses, mini (subject to the requirements of chapter IX, article 7, mini-warehouses)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	MC <sup>2</sup>	MC <sup>2</sup>	•	•	•	•	MC <sup>2</sup>	•	•	•	•	•
151. Warehouses, public	•	•	•	•	•	•	C	C	C	•	P	P	•	•	•	•	P	•	•	•	•	•
152. Warehousing of durable and nondurable goods except livestock and poultry—See also Storage	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	P	•	•	•	•	•

**TABLE 13-30**  
**CITY OF COSTA MESA LAND USE MATRIX**  
**ZONES**

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC <sup>1</sup>	MG	MP	PDR - LD <sup>1</sup>	PDR - MD <sup>1</sup>	PDR - HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S1	I&RM LT <sup>1</sup>	P
153. Wholesale trade of motor vehicles, boats and motorcycles with outdoor storage of vehicles	•	•	•	•	•	•	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•	•
154. Wholesale trade of motor vehicles, boats and motorcycles without outdoor storage of vehicles	•	•	•	•	•	•	MC	MC	P	P	P	P	•	P	P	P	P	P	•	•	•	•
155. Wholesale trade of durable, nondurable goods, except livestock, poultry and perishable goods	•	•	•	•	•	•	MC	MC	P	P	P	P	•	P	P	P	P	P	•	•	•	•

**Notes:**

- 1 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.
- 4 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.
- 10 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.

11	<u>Supportive housing, as defined in Government Code Section 65650, shall be permitted by-right in all zones where multifamily and mixed uses are permitted by-right, provided it is consistent with Government Code Sections 65650 – 65656.</u>
12	<u>Pursuant to Government Code Section 65583(c)(3), transitional and supportive Housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zoning district.</u>
13	<u>Low barrier navigation centers shall be permitted by-right provided they are consistent with the requirements in Government Code Sections 65660-65668.</u>

(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., 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

**DRAFT**

## Article 11. Mixed-Use Overlay District (MUOD)

### **13-83.50. Purpose**

### **13-83.51. Definitions**

### **13-83.52. Mixed-use development types**

### **13-83.53. Application review procedures in mixed-use overlay district**

### **13-83.54. Mixed-use development standards**

### **13-83.55. Mixed-use compatibility standards**

### **13-83.56. Phase mixed-use developments**

### **13-83.57. Harbor Mixed-Use Overlay**

### **13-83.58. Properties identified in Housing Element**

#### **(a) Purpose.**

- (1) The purpose of this Section is to implement the City's currently adopted Housing Element by establishing zoning provisions for sites identified in the Housing Element Sites Inventory to accommodate the City's lower-, moderate-, and above-moderate-income Regional Housing Needs Allocation (RHNA) consistent with Government Code sections 65583 and 65583.2, Subsections (c), (h) and (i).**

#### **(b) Applicability.**

- (1) The provisions of this Section shall apply to all sites identified in the City's currently adopted Housing Element Sites Inventory to accommodate the City's RHNA, shown in the Housing Element as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA or any future adopted Housing Element Sites Inventory to accommodate the City's RHNA.**
- (2) Previously Identified Sites. The provisions of this Section shall also apply to any non-vacant Housing Element Site that was identified in a prior Housing Element and any vacant Housing Element Site that was identified in two or more consecutive prior Housing Elements, consistent with Government Code Section 65583.2 Subsection (c). Such sites shall be subject to the minimum density and by-right approval standards established in this Section. Such sites are identified in the City's currently adopted Housing Element Sites Inventory, shown as Table**

B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA or any future adopted Housing Element Sites Inventory to accommodate the City's RHNA.

(3) **Exception.** The provisions of this Section shall not apply to residential projects or mixed-use projects having residential units located within the boundaries of the Fairview Development Center Specific Plan.

(c) **Severability and State Law Consistency.**

(1) This Section is intended to be consistent with, and shall be interpreted and applied to comply with, all applicable requirements of State housing law, including Government Code Sections 65915(c)(3), 65583 and 65583.2 as those provisions may be amended from time to time, and any successor statutes. If any provision of this Section conflicts with State law, the applicable State law shall control.

(2) If any provision of this Section, or its application to any person or circumstance, is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect other provisions or applications of this Section that can be given effect without the invalid provision or application. The City Council declares that it would have adopted this Section and each provision, section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more provisions may be declared invalid or unenforceable.

(d) **Definitions**

(1) **"Housing Element Site"** means any site identified in the currently adopted Housing Element Sites Inventory to accommodate the City's (RHNA), shown in the Housing Element as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA.

(2) **"Lower-Income Household"** has the same meaning as defined in Health and Safety Code Section 50079.5.

(3) **"Lower-Income Housing Element Site"** means any Housing Element Site identified in the currently adopted Housing Element that accommodates any portion of the City's lower-income RHNA and subject to the requirements of Government Code Section 65583.2 (h) and (i), shown in the Housing Element as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA.

(4) **"Use by Right"** has the same meaning as in Government Code Section 65583.2 Subsection (i) and requires ministerial approval for multifamily housing developments in which at least 20 percent of the total number of units are affordable to lower-income households. "Use by Right" means that the review of an owner-occupied or renter-occupied multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(5) **“Prior Housing Element Site”** means any non-vacant Housing Element Site that was identified in the prior Housing Element and any vacant Housing Element Site that was identified in two or more consecutive prior Housing Elements. Such sites are identified in the City’s currently adopted Housing Element Sites Inventory, shown as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA.

(6) **“Protected Unit”** means any unit that, within the past five years, was occupied by a lower-income household regardless of whether the unit was deed-restricted or that was subject to an affordability covenant or rent control.

(e) **Supersession of Overlay**

(1) **For Lower-Income Housing Element Sites:**

- i. **Supersession of Other Zoning Provisions.** Projects on Lower-Income Housing Element Sites shall be governed by this Section, and the provisions in this Section shall supersede and prevail over any conflicting provisions of the underlying base zone, including, but not limited to, minimum residential floor area, minimum residential capacities and densities, ministerial review and approval requirements, and permitted uses, and all other applicable zoning provisions, such as other urban plans, overlays, and specific plans, and the provisions of this Article that apply to non-Lower-Income Housing Element sites.
- ii. **Ministerial Review and Approval.** Projects on Lower-Income Housing Element Sites shall be a Use by Right pursuant to Subsection (f)(1).
- iii. **Minimum Residential Floor Area.** Projects on Lower-Income Housing Element Sites shall satisfy the minimum residential floor area requirements established in Subsection (g)(3).
- iv. **Minimum Residential Site Capacity and Density.** Projects on Lower-Income Housing Element Sites shall satisfy the minimum residential capacity and density requirements established in Subsection (h)(1)(ii) and (h)(1)(iii).

(f) **Review and Approvals Procedures**

(1) **Use by Right.** A project on a Lower-Income Housing Element Site that provides at least 20 percent of the total dwelling units affordable to Lower-Income Households shall be processed as a Use by Right, consistent with Government Code Section 65583.2(h) and (i). Such projects shall be subject only to ministerial review to verify compliance with all applicable objective design and development standards in accordance with a Streamlined Development Review process per CMMC Title 13, Chapter III (Planning Applications). A project that does not qualify as a Use by Right shall be processed in accordance with a

Development Review process per CMMC Title 13, Chapter III (Planning Applications).

(2) **Subdivision.** Any subdivision of a Lower Income Housing Element Site shall comply with all applicable provisions of CMMC Title 13, Chapter XI (Subdivisions) and the Subdivision Map Act.

(g) **Permitted Uses**

(1) **Multi-Family Dwellings.** Multi-family dwellings shall be permitted on all Housing Element Sites subject to the requirements of this Section.

(2) **Non-Residential Uses.** Those non-residential uses permitted in Commercial Zones in accordance with CMMC Title 13, Chapter IV (Citywide Land Use Matrix) shall be permitted as part of mixed-use projects on all Housing Element Sites.

(3) **Mixed-Use on Lower-Income Housing Element Sites.** Mixed-use projects shall be permitted on Lower-Income Housing Element Sites so long as at least 50 percent of total floor area is provided as residential uses, consistent with Government Code Section 65583.2, Subsection (h)(1)(B).

(4) **Multi-Family Dwellings on Lower-Income Housing Element Sites.** Multi-family dwellings consisting of 100 percent residential uses shall be permitted on Lower-Income Housing Element Sites, consistent with Government Code Section 65583.2, Subsection (h)(1)(B).

(h) **Development Standards**

(1) **Density Standards**

- i. **Maximum Densities.** Maximum residential densities shall be permitted as specified in the Housing Element Sites Inventory.
- ii. **Minimum Site Capacity for Lower-Income Housing Element Sites.** If the identified maximum density of a Lower-Income Housing Element Site does not allow at least 16 dwelling units on site, then the maximum density identified shall be waived, and the maximum number of dwelling units permitted shall be 16 dwelling units on site consistent with Government Code Section 65583.2 Subsection (h).
- iii. **Minimum Densities for Lower-Income Housing Element Sites.** A project proposed on a Lower Income Housing Element Site shall meet a minimum density requirement of 20 units per acre, inclusive of Accessory Dwelling Units, consistent with Government Code Section 65583.2, Subsection (h).

**(2) Off-Street Parking Standards**

- i. **Residential Uses.** Minimum off-street parking requirements for multi-family dwellings on Housing Element sites are provided in Table 13-83.58-A. Minimum Off-Street Parking Requirements.
- ii. **Non-Residential Uses.** Minimum off-street parking requirements for those permitted non-residential uses on Housing Element sites shall be subject to CMMC Title 13, Chapter VI (Off-Street Parking Standards).

**Table 13-83.58-A. Off-Street Parking Standards for Residential Uses**

<b>TABLE 13-83.58-A. OFF-STREET PARKING STANDARDS</b>		
<b>Dwelling Unit Type</b>	<b>Minimum Off-Street Parking Requirement</b>	<b>Minimum Off-Street Guest Parking Requirement</b>
Studio or 1-bedroom unit	1 space per unit	0.25 space per unit
2 or more bedrooms per unit	2 spaces per unit	0.25 space per unit

**(3) Development Standards**

- i. Minimum and maximum requirements for building height, non-residential intensity, setbacks, lot coverage, and open space are provided in Table 13-83.58-B. Development Standards.

**Table 13-83.58-B. Development Standards.**

<b>TABLE 13-83.58.B. DEVELOPMENT STANDARDS</b>		
<b>RESIDENTIAL DENSITY AND BUILDING HEIGHT STANDARDS</b>		<b>ADDITIONAL PROVISIONS</b>
<u>Min. Residential Density<sup>1</sup></u>  <u>20 du/ac</u>	<u>Max. Residential Density<sup>2</sup></u>  <u>40 du/ac</u> <u>50 du/ac</u> <u>60 du/ac</u> <u>90 du/ac</u>	<u>Max. Building Height</u>  <u>60 ft.</u> <u>72 ft.</u> <u>108 ft.</u>
<b>NON-RESIDENTIAL INTENSITY STANDARDS</b>		<b>ADDITIONAL PROVISIONS</b>
<u>Min. FAR</u>	<u>None</u>	
<u>Max. FAR</u>	<u>1.0</u>	
<b>SETBACK STANDARDS<sup>3</sup></b>		<b>ADDITIONAL PROVISIONS</b>
<u>Front or side abutting a public street</u>	<u>Min. 10 ft. and max. 20 ft.</u>	

**Table 13-83.58-B. Development Standards.**

<b>TABLE 13-83.58.B. DEVELOPMENT STANDARDS</b>		
<b>RESIDENTIAL DENSITY AND BUILDING HEIGHT STANDARDS</b>		<b>ADDITIONAL PROVISIONS</b>
<u>Side or rear abutting alley</u>	<u>0 ft.</u>	
<u>Side or rear abutting:</u>		
• <u>Residential zone</u>	<u>20 ft.</u>	
• <u>Industrial use</u>		
<u>Side or rear abutting bluff crest</u>	<u>10 ft.</u>	<u>Section 13-34 (Bluff-Top Development) of Chapter V of Title 13 of the Costa Mesa Municipal Code</u>
<b>LOT STANDARDS</b>		<b>ADDITIONAL PROVISIONS</b>
<u>Min. lot size</u>	<u>None</u>	
<u>Max. lot coverage</u>	<u>90%</u>	
<b>OPEN SPACE STANDARDS</b>		<b>ADDITIONAL PROVISIONS</b>
<u>Usable common residential open space</u>	<u>Total area equivalent to min. 30% of lot</u>	
<u>Usable private open space</u>	<u>Min. 100 sq. ft./unit provided on the ground floor for dwelling units located on the ground floor, and min. 50 sq. ft./unit provided for dwelling units located above the ground floor</u>	
<u>Publicly accessible open space</u>	<u>Total area equivalent to min. 5% of commercial gross floor area for developments with a commercial gross floor area greater than 100,000 sq. ft.</u>	

- 1 Based on the currently adopted Housing Element Sites Inventory
- 2 Only applicable to Lower-Income Housing Element Sites and inclusive of Accessory Dwelling Units.
- 3 Minimum setbacks shall apply to all portions of a building or structure. Maximum setbacks along public streets shall only apply to a building or structure's ground floor, with exceptions for driveways, walkways, and open space.

**(4) Objective Design Standards forthcoming.**

- i. The City intends to prepare and adopt design standards to further guide the physical form and character of development on the rezoned sites. Until such standards are adopted, projects shall be subject only to the objective development standards contained in this Section. Upon adoption, the objective design standards shall apply to all projects subject to this Section and shall serve as the sole design criteria for ministerial review, consistent with Government Code Sections 65583.2 and 65589.5.

(i) **Replacement of Protected Units**

(1) **Demolition or Conversion of Protected Units.** Any project that involves the demolition or conversion of Protected Units, or that is located on a site where Protected Units were demolished or converted within the previous five years, shall comply with all applicable replacement housing, tenant protection, and right-of-return requirements under State Density Bonus Law, including Government Code Section 65915, Subsection (c)(3), and any successor statutes.

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**Article 1**  
**Residential Districts**

**§ 13-84. Purpose.**

The purpose of this article is to establish parking requirements for the residential zones. The provisions of this article shall apply to the R1, R2-MD, R2-HD and R3 zones, and to the residential portions of the planned development and Institutional and Recreational zones. Exception: These parking standards do not apply to high-rise residential developments in the North Costa Mesa Specific Plan; see the specific plan for applicable parking rates.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 07-2, § 1k., 2-6-07)

**§ 13-85. Parking required.**

In the residential districts, the following minimum off-street parking spaces shall be provided. The parking spaces shall provide safe and adequate ingress and egress and shall be maintained in connection with the building or structure and use of land.

(a) ***R1 zone and small-lot single-family common interest developments (excluding townhouses).*** Off-street parking in the form of a garage and open parking shall be provided as follows:

**TABLE 13-85(A)**  
**OFF-STREET PARKING STANDARDS FOR SINGLE-FAMILY DETACHED RESIDENCES IN R1 ZONE AND SMALL-LOT, DETACHED, RESIDENTIAL COMMON INTEREST DEVELOPMENTS**

<b><u>Single-Family Detached Residence with 4 Bedrooms or Fewer</u></b>		
<b><u>Garage Parking Spaces</u></b>	<b><u>Open Parking Spaces<sup>1</sup></u></b>	<b><u>Total Parking Spaces</u></b>
2	Lots without garage access from alley: 2	4
	Lots with garage access from alley: 1	3
<b><u>Single-Family Detached Residence with 5 Bedrooms or More<sup>2</sup></u></b>		
<b><u>New Construction</u></b>		
<b><u>Garage Parking Spaces<sup>2</sup></u></b>	<b><u>Open Parking Spaces<sup>1,2</sup></u></b>	<b><u>Total Parking Spaces</u></b>
3	Lots without garage access from alley: 2	5
	Lots with garage access from alley: 1	4
<b><u>Bedroom Additions</u></b>		
<b><u>Garage Parking Spaces</u></b>	<b><u>Open Parking Spaces<sup>1,2</sup></u></b>	<b><u>Total Parking Spaces</u></b>
2	Lots without garage access from alley: 2	4
	Lots with garage access from alley: 1	3
<b><u>Detached Common Interest Developments Up to 2 bedrooms</u></b>		

2	1	3
<b><u>Detached Common Interest Developments with 3 bedrooms or more</u></b>		
2	2	4

- 1 In R1 zones, required open parking may be provided in a garage or on a minimum 19-foot long, individual driveway leading to a garage. In common interest developments, required open parking may be provided on an individual unit's driveway or within the common area. Open parking provided as tandem spaces is subject to approval of a minor conditional use permit.
- 2 For single-family detached residences with five bedrooms or more, tandem parking of up to two standard vehicles is permitted in the garage as it relates to new construction. Tandem garage parking for single-family detached residences shall exclusively consist of two standard parking spaces.
  - (1) Required garage dimensions. Each garage space shall have interior dimensions that are a minimum 10 feet wide by 20 feet long, unobstructed inside measurements. Each residence shall have no more than 700 square feet of garage area unless authorized by a minor conditional use permit.
  - (2) ~~Application to an existing residence. The off street parking requirements stated above shall not be applied to an existing residence at the time the residence is increased in size and/or the number of bedrooms is increased unless the total number of bedrooms is increased to five or more bedrooms including a home office as defined in section 13-06.~~
  - (3) ~~(2)~~ With approval of a minor modification, the planning division may allow the retention of an existing driveway access from a street to satisfy open parking requirements, at such time that garage access is proposed from an abutting alley.

(b) ***R2-MD, R2-HD, R3, PDR-LD, PDR-MD, PDR-HD, PDR-NCM and residential components of developments in the PDC and PDI zones.*** At the time of the construction of any building and/or when a structure is enlarged or increased by adding a bedroom(s), required parking shall be provided per Table 13-85. Exceptions:

- (1) For lots that are zoned multiple-family residential and contain only one single-family detached residence, the parking requirements in Table 13-85(a) shall be applied.
- (2) For individual lots in common-interest developments that contain only one single-family detached residence (excluding townhouses), the parking requirements in Table 13-85(a) shall be applied.

(c) ***Reduction of required parking prohibited.*** A property owner or property manager shall make available to tenants and guests the parking required by this subsection. No property owner or property manager shall lease, rent, sell, or otherwise make unavailable to residents and guests required parking. Furthermore, the rental of a dwelling unit shall be deemed to include the exclusive use of at least one covered parking space and equal access to the required open spaces reserved for residents.

(d) Parking for accessory dwelling units and junior accessory dwelling units shall be provided per the requirements of section 13-35.

**TABLE 13-85 RESIDENTIAL PARKING STANDARDS**

<u>UNIT SIZE</u> <u>Unit Size</u>	<u>TENANT</u> <u>COVERED</u> <u>PARKING</u> <u>Minimum</u> <u>Off-Street Parking</u> <u>Requirement</u> <small>1,2,3,4</small>	<u>TENANT</u> <u>OPEN</u> <u>PARKING</u> <small>2,3,4,6</small>	<u>Minimum Off-Street</u> <u>Guest parking</u> <u>Requirement</u> <small>GUEST</small> <u>PARKING</u> <small>5,6</small>
<u>BACHELOR</u>	4	0.5	0.5
<u>STUDIO OR 1</u> <u>BEDROOM</u>	1	1.0	0.25
<u>2 BEDROOMS</u> <u>OR MORE</u>	24	1.5	0.25
<u>3 BEDROOMS</u> <u>OR MORE</u>	4	2.5	0.5

- 1 If covered parking for apartments is provided in a parking structure and there is more than one parking space in any parking structure, then there shall be no solid walls constructed to separate individual parking spaces.
- 2 Open If open tenant parking spaces required by this section are provided in a project, spaces shall be distributed throughout the project at convenient locations and shall be screened from view from any public right-of-way. Open tenant parking may be provided as covered parking.
- 3 For projects with individual driveways that are at least 19 feet long and lead to a garage space(s) or a carport space(s), the driveway area may be used for satisfying tenant open-parking requirements.
- 4 Open Parking can be reduced by 0.25 space per unit for one two bedroom and larger units if the covered parking is provided within either a carport or a parking structure. For purposes of this section, a parking structure shall be defined as: a structure designed and constructed to provide covered automobile parking where parking spaces are located in a common area with no walls or other physical separations between spaces. Open parking requirements may be met by excess covered parking.
- 5 Guest parking shall be clearly marked and permanently maintained for individuals visiting within the development. Guest parking spaces shall not be allowed on individual driveways except for single family detached, townhomes, or duplexes, where the driveway is leading to a two-car garage. Guest parking may be reduced to one quarter (0.25) space per unit for each unit above 50 in a large residential development.
- 6 Fractions equal to or above one-quarter (0.25) shall be rounded up. For rounding purposes, the tenant parking requirements shall be added together; guest parking shall be rounded up separately.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-16, §§ 1s.—1u., 6-18-01; Ord. No. 02-4, § 1i, 3-18-02; Ord. No. 03-8, §§ 5—7, 9-2-03; Ord. No. 09-3, § 1c., 5-19-09; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 18-03, § 6, 1-16-18; Ord. No. 21-03, § 5, 3-2-21; Ord. No. 21-20, § 1, 12-7-21)

**§ 13-86. Parking required in mixed-use overlay zone.**

In the mixed-use overlay zone, residential parking rates are provided in the applicable urban plan.

(Ord. No. 06-9, § 1f., 4-18-06)

**§ 13-87. General development standards.**

General development standards for parking areas applicable to the residential zones are contained in Article 3, Development Standards, of this chapter.

(Ord. No. 97-11, § 2, 5-5-97)

**Article 8**  
**Motels****§ 13-172. Purpose and intent.**

The purpose of this article is to establish operational and development standards, and requirements for motels which will ensure the continued availability of transient visitor and automobile tourist lodging within the city and to ensure the continued use of motels in the manner intended to provide such lodging.

(Ord. No. 14-11, § 1, 8-5-14)

**§ 13-173. Definitions.**

*Long-term occupancy* shall mean any occupancy in a motel in the city for a period exceeding 30 consecutive days or 30 days within any sixty-consecutive-day period.

*Short-term occupancy* shall mean any occupancy of a motel in the city for a period that does not fall within the definition of a long-term occupancy.

(Ord. No. 14-11, § 1, 8-5-14)

**§ 13-174. Operational and development standards.**

The following operational and development standards shall apply to all motels in the city and shall be included in conditions imposed upon the granting of any conditional use permit for such business, unless specifically modified by the conditional use permit:

- (a) No property owner, motel operator or manager shall rent a room for a period that exceeds 30 consecutive days or 30 days within any sixty (6) consecutive day period, unless the property owner or motel operator has obtained a conditional use permit authorizing long-term occupancies pursuant to section 13-175.3.
- (b) On-site management shall be available 24 hours a day.
- (c) Each guest room shall be provided regularly-scheduled maid and housekeeping services. Such services shall be provided at least once every three days during any consecutive occupancy and at least once between each occupancy.
- (d) In-room telephone service for emergency response purposes shall be provided in all guest rooms of the motel.
- (e) Persons responsible for the renting of a room in any motel shall provide their name and permanent address, as verified by presentation of a valid driver's license or other valid identification, and the license number, state of license, make, model and year of any vehicle parked on-site or off-site. The registration information shall also include the dates of occupancy, length of stay and room rate. Such information shall be maintained for at least one year past the last day of stay of the guest.
- (f) No room, suite or bed shall be assigned or rented more than once within any 24 hour period.
- (g) The property owner/motel operator shall comply with the provisions of Chapter IV of Title 16 of the Costa Mesa Municipal Code pertaining to the operator's responsibility for the collection of transient occupancy tax.

(h) The business shall be conducted, at all times, in a manner that will allow the safe and quiet enjoyment of the surrounding neighborhood which includes, but is not limited to, security and operational measures to comply with this requirement.

(Ord. No. 14-11, § 1, 8-5-14)

### **§ 13-175. Application to existing businesses.**

The requirements of this chapter, specifically including the long-term occupancy restrictions in section 13-174(a), shall apply to all motels in the city, whether it is new or was in existence prior to the effective date of this ordinance.

(Ord. No. 14-11, § 1, 8-5-14)

#### **§ 13-175.1. Application to existing tenants.**

(a) Nothing in this chapter shall require an existing tenant of a long-term occupancy, established prior to the effective date of this chapter, to move out of a unit they are already occupying. Those pre-existing long-term occupancies may continue pursuant to the terms of the existing lease or agreement, until that tenancy terminates by its own terms under the law.

(b) Whenever a long-term occupancy terminates, for whatever reason, the property owner/motel operator shall not re-lease that unit for a new long-term occupancy, except to the degree the motel will be in compliance with the requirements of this chapter.

(Ord. No. 14-11, § 1, 8-5-14)

#### **§ 13-175.2. Procedure for compliance.**

(a) Within 30 days of the effective date of this ordinance, the city shall notify the owners and operators of each motel in the city of the ordinance's adoption. The city shall send a copy of the ordinance, a "longterm occupancy form," and a schedule for compliance via certified return receipt mail. If a notice is returned, the city shall send the notice via standard U.S. mail.

(b) Within 30 days of the mailing of the notice in section 13-175.2(a), the property owner/motel operator shall submit a fully completed "long-term occupancy form" to the city that provides the total number of rooms used as long-term occupancies during the preceding 60 days; identify the long-term occupant by a valid driver's license or other valid identification; the make, year, and model of any vehicle parked on-site or off-site; and any other information to demonstrate compliance with the ordinance. If a property owner/motel operator fails to submit the long-term occupancy form, in addition to taking any other action authorized by law, the city shall estimate the total number of rooms used as long-term occupancies at zero.

(Ord. No. 14-11, § 1, 8-5-14)

#### **§ 13-175.3. Conditional use permit for long-term occupancies.**

A property owner/motel operator may apply for a conditional use permit authorizing the facility to exceed the long-term occupancy limits in section 13-174(a), subject to restrictions of the issuing authority. In order to be granted a conditional use permit under this section, the property owner/motel operator must demonstrate compliance with, and the city shall make a finding that, each of the following standards have been met:

- (a) The motel must have a minimum of at least 75 rooms.
- (b) Fireproof safety deposit boxes must be available to all occupants of the motel.
- (c) Each guest room shall be provided regularly-scheduled maid, mail and housekeeping services. Such services shall be provided at least once every three days during any consecutive occupancy and at least once between each occupancy.
- (d) Each room shall be a minimum of 375 square feet.
- (e) The motel shall maintain on-site laundry services, available for use by guests.
- (f) The proposed use is compatible with the surrounding neighborhood, uses, zoning and general plan.
- (g) Each guest room shall have a fully equipped kitchen with an area for the preparation of food, and include the following: sink, cook top, oven and/or microwave oven, and refrigerator.

(Ord. No. 14-11, § 1, 8-5-14)

#### **§ 13-175.4. Termination of tenancy.**

- (a) The provisions of this article shall not be used to terminate a tenancy in violation of the requirements of California Civil Code section 1940 et seq.
- (b) When the conversion of motel to another use is proposed, the applicant shall comply with all applicable State and Federal laws related to the displacement and relocation of long-term occupants.

(Ord. No. 14-11, § 1, 8-5-14)

**Title 13, Chapter IX, Article 15  
Reasonable Accommodations****§ 13-200.60 Purpose.**

It is the city's policy to provide reasonable accommodation in accordance with federal and state fair housing laws (42 USC § 3600 et seq., and Government Code § 12900 et seq.) for persons with disabilities seeking fair access to housing in the application of the city's zoning laws. The term "disability" as used in this article shall have the same meaning as the terms "disability" and "handicapped" as defined in the federal and state fair housing laws. The purpose of this article is to establish the procedure by which a person may request reasonable accommodation, and how the request is to be processed.

**§ 13-200.61 Applicability.**

Any person seeking approval to construct and/or modify residential housing for person(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities may apply for a reasonable accommodation to obtain relief from a Zoning Code provision, regulation, policy, or condition which causes a barrier to equal opportunity for housing.

**§ 13-200.62 Reasonable Accommodations – Procedure.**

- (a) *Application required.* An application for a reasonable accommodation shall be filed and processed with the Planning Division. The application shall include the following information and be subject to the determinant factors required by this section.
- (b) *Submittal requirements.* The application shall be made in writing, and shall include the following information:
  - (1) The zoning code provision, regulation, policy, or condition from which accommodation is being requested;
  - (2) The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individuals;
  - (3) Any other information that the director reasonably determines is necessary for evaluating the request for reasonable accommodation;
  - (4) Documentation that the applicant is: (a) an individual with a disability; (b) applying on behalf of one or more individuals with a disability; or (c) a developer or provider of housing for one or more individuals with a disability;
  - (5) The specific exception or modification to the zoning code provision, policy, or practices requested by the applicant;
  - (6) Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence;

(7) Any other information that ~~the hearing officer reasonably concludes is reasonably necessary to determine whether the findings~~ ~~grounds for reasonable accommodation identified in required by subsection (e) of this section and the findings in subsection (f) of this section~~ can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.

(c) *Fees.* No application fee is required.

(d) *Director action.* Within 60 days of receipt of a completed application, the director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. Any appeal to reasonable accommodation request denial or conditional approval shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for any other discretionary permit.

(e) *Grounds for reasonable accommodation.* The following factors shall be considered in determining whether to grant a requested accommodation:

(1) Is the requested accommodation necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling? To determine whether the accommodation is necessary, the director may consider, among other things: The nature of the disability including the special needs created by the disability, the physical attributes and setting of the property and structures, the potential benefit that can be accomplished by the requested accommodation, and alternative accommodations that may provide a comparable level of benefit.

(2) Is the requested accommodation reasonable? A requested accommodation is not reasonable if it would impose an undue financial or administrative burden on the City. It is also not reasonable if it would fundamentally alter a City program, such as the City's zoning scheme.

a. In considering the financial or administrative burden on the City, the director may consider, among other things, the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it.

b. In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, ~~the degree of deviation from whether granting the request would be consistent with the City's General Plan, if any,~~ with the purpose and nature of the particular zoning district, and with nearby uses. The director may also consider whether the requested accommodation would potentially have adverse external impacts on properties in the vicinity.

(f) *Findings.* The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval. In making these findings, the director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

(1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.

(2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law. The determination of whether an accommodation poses an undue financial and administrative burden or whether a modification poses an undue financial and administrative burden must be made on a case-by-case basis and must consider various factors including:

- a. The cost of the requested accommodation or the cost of a requested modification if the City is being requested to pay for the modification;
- b. The financial resources of the person or persons who have a duty to provide the accommodation or the financial resources of the City if it is obligated to pay for the modification;
- c. The benefits that a proposed alternative accommodation or modification would provide to the individual with a disability;
- d. The availability of alternative accommodations or modifications that would effectively meet the disability-related needs of the individual with a disability;

(4) The requested accommodation is consistent with surrounding uses in demonstrates scale and intensity of use comparable to adjacent and nearby uses.

(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others. The assessment of whether the specific accommodation in question poses a direct threat to the health or safety of others or would cause substantial physical damage to the property of others must be based on objective evidence, and not unsubstantiated inferences. The evidence must be sufficiently recent as to be credible. The assessment must consider:

- a. The nature, duration, and severity of the risk of a direct threat to the health and safety of others or of substantial physical damage to the property of others;
- b. The likelihood that a direct threat to the health or safety of others or substantial physical damage to the property of others will actually occur; and
- c. Whether there are any additional or alternative reasonable accommodations that will eliminate the direct threat to the health or safety of others or substantial physical damage to the property of others.

(6) If economic viability is raised by the applicant as part of the applicant's showing that the requested accommodation is necessary, then a finding that the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants generally, not just for that particular applicant.

(7) ~~Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.~~

(8) The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.

(g) The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:

- (1) Whether the requested accommodation would fundamentally alter the character of the neighborhood.
- (2) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
- (3) Whether granting the requested accommodation would substantially undermine any express purpose of either the City's general plan or an applicable specific plan.
- (4) Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.
- (5) Any other factors that would cause a fundamental alteration in the city's zoning program, as may be defined in the Fair Housing Law.

#### **§ 13-200.63 Severability.**

Should any section, subsection, clause, or provision of this article for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this article; it being hereby expressly declared that this article, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This article shall be prospective in application from its effective date.

**Article 18**  
**Emergency Shelters****§ 13-200.79. Purpose and intent.**

The purpose of this article is to establish operational and development standards for emergency shelters to ensure that these uses are operated to address the homeless' needs and consistent with the requirements of sections 65582, 65583, and 65589.5 of the Government Code relating to local planning.

*Development standards.* The following development and operational standards shall apply to establishment of emergency shelters as defined by the Zoning Code; provided, however, that operational standards (1), (2), (4), (8), (10) and (13) shall not apply to emergency shelters owned, controlled and/or operated by the City of Costa Mesa.

- (1) The maximum length of stay shall not exceed 120 days in a 365-day period.
- (2) Each emergency shelter may have a maximum of 30 beds.
- (3) Off-site parking shall be provided at a parking rate of one parking space per four beds ~~or one space per employee during the largest shift, provided that the, whichever is higher, amount of parking required does not exceed the amount of parking required for any other residential or non-residential uses within the same zone.~~
- (4) Stays at an emergency shelter facility shall be limited to the hours of 5:00 p.m. and 8:00 a.m. the following day.
- (5) ~~Nonoperational and unregistered vehicles shall not be kept on site. Towing shall be the responsibility of the shelter operator.~~
- (6) Each emergency shelter shall provide an interior and exterior waiting area adequate to accommodate waiting clients and to prevent queuing into the public right-of-way. An exterior waiting area shall be physically separated and visually screened from the public right-of-way.
- (7) The emergency shelter facility shall provide an on-site resident manager on site at all times.
- (8) A minimum distance of 300 feet shall be maintained from another emergency shelter. The distance of separation shall be measured in a straight line between the property lines of each use without regard to intervening structures or objects.
- (9) The shelter operator shall provide minimum exterior lighting in compliance with the city's security requirements.
- (10) The shelter operator shall patrol a half-mile radius surrounding the shelter site during hours that the shelter is in operation to ensure that shelter clients and homeless individuals who have been denied access are not congregating in the neighborhood.
- (11) ~~Alcohol and narcotics use and consumption are prohibited within the facility and on the property.~~
- (12) An operations plan shall be submitted for review and approval by the development services director and police chief prior to operation of the emergency shelter. The plan shall include minimum provisions related to on-site security and safety, staff training, loitering control, client eligibility, counseling services, and indoor and outdoor

management of the facility.

(13)(10) No emergency shelter in the MP Industrial Park zone that is also located in an area subject to the jurisdiction of the airport land use commission shall commence operation until the commission either approves the action or permit pursuant to the procedures set forth in Public Utilities Code section 21676(b) or, if denied, the city overrules the commission's decision.

(Ord. No. 13-1, § 2C., 3-19-13; Ord. No. 19-15, § 2, 9-17-19)

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## Article 3

### Transportation System Management

#### **§ 13-271 Purpose.**

The purpose of this article is to set forth the provisions for assuring an adequate transportation system in conjunction with new development.

(Ord. No. 97-11, § 2, 5-5-97)

#### **§ 13-272 Definitions.**

For the purpose of this article, the following definitions shall apply:

**Development project.** This article applies to the following development project approvals: general plan amendments, specific plans, master plans, rezones, development reviews, variances, use permits, ~~major modifications~~ administrative adjustments, minor modifications and development agreements, unless otherwise exempted by section 13-276, Exemptions.

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

**Measurable traffic.** A volume of traffic which will result in a 0.01 or greater increase in the peak period volume to capacity ratio at any given signalized intersection.

**Potentially deficient intersection.** An intersection identified in the general plan for which the standard level of service may not be feasible upon general plan buildout. The intersection volume to capacity ratios identified in the general plan shall not be exceeded for these intersections.

**Pro rata.** A proportionate share based on a development project's impacts.

**Standard level of service.** The standard level of service shall be level of service "D" or better (0.90 or less volume to capacity ratio) for all signalized arterial intersections within the city during peak hours Monday through Friday with the exception of those intersections identified as potentially deficient in the general plan. Levels of service shall be defined and computed using the Intersection Capacity Utilization (ICU) methodology.

**Transportation demand management program.** A series of required and/or voluntary actions which reduce the vehicle trip generation rate of a specific use or uses of land.

(Ord. No. 97-11, § 2, 5-5-97)

#### **§ 13-273 Comprehensive transportation system improvement program.**

(a) **Purpose.** The comprehensive transportation system improvement program shall be adopted by resolution of the city council which addresses the cumulative impacts of development in a defined impact area. This program shall mandate circulation improvements, including freeway improvements, to ensure that the master plan of highways is constructed and that the standard level of service is achieved and will be maintained at all intersections in the defined impact area in accordance with the general plan. For those intersections identified as potentially deficient, the program shall identify the maximum improvements feasible in accordance with the general plan. The program shall address the funding, construction and maintenance of transportation facilities to implement the master plan of highways. The program shall be updated on an annual basis.

(b) Relationship to development fee program. The comprehensive transportation system improvement program shall be utilized to determine the pro rata share of the cost of necessary improvements attributable to development projects as described in section 13-274, Development fee program.

(c) Development phasing and performance monitoring report. Each year the city shall prepare a development phasing and performance monitoring report which shall be used to update the comprehensive transportation system improvement program.

(d) Interim approval procedure. Until such time as this program is adopted, development projects not exempted pursuant to section 13-276, Exemptions, may be approved if the city adopts findings that the development projects are consistent with the provisions of this article. (Ord. No. 97-11, § 2, 5-5-97)

### **§ 13-274 Development fee program.**

(a) Establishment of development impact fee program. A development impact fee program shall be established by resolution of the city council based on the comprehensive transportation system improvement program. The program shall set forth the basis for the fee as required by State Government Code section 66001. The program shall establish guidelines for payment, accounting, and refund of the fees collected as required by State Government Code Sections 66001, 66006 and 66007.

(b) Updates of fee. On an annual basis, the city council shall review this fee program, as required by State Government Code section 66002, to determine whether the fee amounts are reasonably related to the impacts of development projects and whether the described public facilities are still needed.

(c) Limited use of fees. The revenues raised by payment through this fee program shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

(1) Pay for the city's future construction of facilities or to reimburse the city for those facilities, described or listed in the program, constructed by the city with funds advanced by the city from other sources; or

(2) Reimburse developers who have been required or permitted to install such listed facilities to the extent the actual cost of the facilities installed by the developer exceeds the impact fee obligation of the development project.

(d) Developer construction of public facilities. Whenever the conditions of approval of a development project require direct construction of a public transportation facility (see section 13-275(c), Development project review procedures) described or listed in the comprehensive transportation system improvement program, a credit or reimbursement, as applicable, shall be given against the development impact fee, which would have been charged to the development project under the program, for actual construction costs incurred by the developer. The reimbursement and/or credit amount shall not include any improvements the city can require from the development project under the Subdivision Map Act, or the portion of the improvement deemed to be an on-site improvement that is not included in the comprehensive transportation system improvement program.

(e) Fee adjustments. A developer of any development project subject to the fee program provided in this article may apply to the city council for:

(1) A waiver of the fee, or portion of the fee, based upon adequate documentation of the absence of any reasonable relationship or nexus between the circulation impacts of that development project and either the amount of the fee charged or the type of facilities to be financed; or

(2) A reduction of the fee based upon the implementation of a transportation demand management program, as described in section 13-275(d), Development project review procedures.

(3) The application for a fee waiver shall be made in writing and filed with the city clerk not later than:

- 10 days prior to the public hearing on the development permit application for the project; or
- If no development permit is required, at the time of the filing of the request for a building permit.

(4) The application shall state in detail the factual basis for the claim of waiver. The city council shall consider the application at the public hearing on the permit application held within 60 days after the filing of the application. The decision of the city council shall be final. If a waiver is granted, any change in use or increase in building intensity within the development project shall invalidate the waiver of the fee, and the developer shall be obligated to pay the full amount of the fee attributed to the development project, including the change in use or increase in intensity, as provided by this article.

(f) Fee refunds. A refund shall be made when a building permit expires and no extensions have been granted for a development project for which the funds have been collected and the development project has not been constructed.

(g) Fees for phased development projects. Where there is a requirement imposed upon a phased development project pursuant to this article for the payment of traffic impact fees into a comprehensive transportation system improvement program, such fees may be payable on a pro rata basis as each phase of the project is completed, in conjunction with the improvements accomplished.

(Ord. No. 97-11, § 2, 5-5-97)

### **§ 13-275 Development project review procedures.**

(a) Traffic study required. A traffic impact study shall be required for all development projects estimated by the public services director to generate 100 or more vehicle trip ends during a peak hour. Traffic studies may also be required for smaller projects at the discretion of the public services director. The cost of the study shall be paid for by the developer. The study area and number of intersections to be analyzed shall be determined by the public services director and the study area shall be reasonably related to the estimated impacts attributed to the development project. The traffic study shall also identify mitigation measures that are reasonably related to the development project's traffic impacts.

(b) Mitigation measures. Mitigation measures for development projects shall consist of either payment of a development impact fee and/or construction of circulation improvements. The necessary circulation improvements may be designed and constructed by the developer as determined by the city. These mitigation measures shall be incorporated as conditions of the development project's approval. Table 13-275 indicates the criteria for either requiring payment of a development impact fee and/or construction of circulation improvements.

(c) Approval criteria. A development project may be approved if as a condition of approval it is required to construct a circulation improvement and/or pay a development impact fee, as shown in Table 13-275, and if a finding is made that the development project's impacts will be mitigated at all affected intersections within three years of issuance of the first building permit for the development project, as described in subsection (b), unless additional right-of-way or coordination with other government agencies is required to complete the improvement. If right-of-way acquisition or coordination with other governmental agencies delays the improvement construction, appropriate measures shall be taken to ensure that the improvement construction occurs in a timely manner. Circulation improvements may be required sooner if, because of extraordinary traffic generation characteristics of the development project or extraordinary impacts to the surrounding circulation system, the circulation improvements are necessary to prevent significant adverse impacts. For phased development projects, the construction of circulation improvements may be phased as well based upon the findings of the traffic study.

When a development project affects a potentially deficient intersection, the development project's impacts shall be mitigated such that the intersection volume to capacity ratios identified in the general plan shall not be exceeded.

(d) Transportation demand management program. Where a transportation demand management program is used to reduce vehicle trips related to a development project, the program shall comply with the following:

(1) A conditional use permit for the development project and program must be approved by the planning commission consistent with the requirements of subsection (c). An annual report shall be prepared for the city at the expense of the property owner, to show whether the vehicle trip reduction identified in the program has been achieved and maintained.

(2) If the annual report demonstrates that the vehicle trip reductions identified in the program have not occurred, the conditional use permit shall be reevaluated and additional conditions imposed by the planning commission in order to meet the requirements of this article.

(3) The traffic impact development fees required under this article shall be based on the trip generation forecast without consideration of estimated reductions associated with a transportation demand management program. An application for a fee reimbursement may be approved by the city council pursuant to section 13-274(e), Development fee program, based upon documentation of average annual trip reduction over a three-year period as reported in the annual monitoring report referenced in section 13-273(c), Comprehensive transportation system improvement program.

(e) Change of use. Each development project approved under this article shall be reevaluated by the public services director when any change in use occurs which may increase the project's traffic generation. The purpose of this reevaluation is to assure that traffic capacity is available in the transportation system. Any increase in traffic generation by the change of use shall be subject to review by the appropriate reviewing authority who may impose additional conditions on the development project for the mitigation of the increased traffic generation.

**TABLE 13-275**  
**DEVELOPMENT IMPACT CRITERIA**

PROJECT DEVELOPMENT SIZE	INTERSECTION CONDITION	ICU INCREASE <sup>1</sup>	MITIGATION MEASURE(S)	INTENT OF MITIGATION MEASURE(S)
Projects generating less than 100 peak hour trip ends	Adequate (Standard Level of Service or better) OR Deficient (exceeds Standard Level of Service)	Less than 1%	Payment of impact fee	Contribute to implementation of the Comprehensive Transportation System Improvement Program
		1% or greater		
Projects generating 100 or more peak hour trip ends	Adequate (Standard Level of Service or better) OR Deficient (exceeds Standard Level of Service)	Less than 1%	Payment of impact fee	Contribute to implementation of the Comprehensive Transportation System Improvement Program
		1% or greater	Payment of impact fee and improvement construction by developer under conditions listed in footnote #2	Contribute to implementation of the Comprehensive Transportation System Improvement Program and mitigate development project's impacts

1 ICU = Intersection Capacity Utilization

2 When the project contributes 50% or more of the incremental impact at the intersection and all of the improvements identified in the general plan at the subject location are required as mitigation. If all of the improvements identified in the general plan are not required as mitigation, then only the improvements determined necessary by the public services director shall be constructed by the developer.

(Ord. No. 97-11, § 2, 5-5-97)

### **§ 13-276 Exemptions.**

(a) Exempt development projects. Projects which fall within any of the categories listed below shall be exempt from the provisions of this article:

(1) Any residential construction that does not increase the number of permanent housing units on the lot where the construction takes place, such as remodeling or rebuilding an existing house or units. Second units are also exempt.

(2) Any industrial or commercial construction that neither increases the footprint nor square footage or changes the use on the lot where the construction takes place, such as remodeling or rebuilding an existing structure, and does not increase peak hour trip generation.

(3) Public benefit facilities limited to public libraries, public administration facilities, public parks, public utilities, schools and related facilities.

(4) Facilities serving the health and safety of the public, limited to hospitals, police, fire and safety facilities.

(Ord. No. 11-10, § 1, 9-20-11)

**Title 13, Chapter XV,  
Group Homes****§ 13-310 Purpose.**

This chapter is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs.

**§ 13-311 Special use permit required.**

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

- (1) An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following:
  - i. The name, address, phone number and driver's license number of the owner/operator;
  - ii. If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:
    - a. Every general partner of the partnership,
    - b. Every owner with a controlling interest in the corporation,
    - c. The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder;
  - iii. The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;
  - iv. The name, address, phone number and driver's license number of the house manager;
  - v. A copy of the group home rules and regulations;
  - vi. Written intake procedures;

- vii. The relapse policy;
- viii. An affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home;
- ix. Blank copies of all forms that all residents and potential residents are required to complete; and
- x. A fee for the cost of processing of the application as set by resolution of the city council.

No person shall open a group home with an operator or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.

- (2) The group home has six or fewer occupants, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has an secondary accessory dwelling unit, occupants of both units will be combined to determine whether or not the limit of six occupants has been exceeded.
- (3) The group home shall not be located in an accessory secondary dwelling unit unless the primary dwelling unit is used for the same purpose.
- (4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24 hour basis and who are responsible for the day-to-day operation of the group home.
- (5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. ~~Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within 500 feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.~~
- (6) Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code section 1503.5 and section 80001(c)(3) of Title 22, California Code of Regulations.
- (7) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.
- (8) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.
- (9) The property must be fully in compliance with all building codes, municipal code and zoning.
- (10) At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall:

- i. Notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the home;
- ii. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;
- iii. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
- iv. Provide the information obtained from paragraphs ii and iii of this subsection (a)(10) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;
- v. Provided, however, that if the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the special use permit for that facility, the operator shall comply with paragraphs i through iv of this subsection (a)(10) as soon as possible.

(11) Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall also:

- i. Make available to the occupant transportation to the address listed on the occupant's driver license, state-issued identification card, or the permanent address identified in the occupant's application or referral to the group home;
- ii. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.

(12) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (a)(10) and (a)(11) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(11) of this section by providing remuneration to the occupant for the cost of transportation.

(13) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- i. The sober living home is not located within 650 feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.

- ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.
- iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least 90 days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.
- iv. The number of occupants subject to the sex offender registration requirements of Penal Code section 290 does not exceed the limit set forth in Penal Code section 3003.5 and does not violate the distance provisions set forth in Penal Code section 3003.
- v. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.
- vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.
- vii. The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

(15) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least 10 days prior to issuing a special use permit, the director shall cause a courtesy written notice to be mailed to the owner of record and occupants of all properties within 5100 feet of the location of the group home. Prior to issuance of the special use permit,

~~the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that if any of the following circumstances exist:~~

- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;
- (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
- (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven to 10 years, to any of the following offenses:
  - i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last 10 years);
  - ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven years); or
  - iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last 10 years).
  - iv. The unlawful sale or furnishing of any controlled substances (last seven years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- (5) The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.
- (6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:
  - i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one full year of sobriety.
  - ii. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
  - iii. The sober living home, as measured by the closest property lines, is located within 650 feet of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within 650 feet of an existing sober living home this shall

not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

- (7) For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations, including, but not limited to, failure to comply with the provisions of subsections (a)(10) through (13).
- (8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to section 13-200.62.

#### **§ 13-312 Compliance.**

- (a) All group homes which are subject to this Chapter shall comply with the provisions hereof regardless of when they commenced operations. Existing group homes must apply for a special use permit within 90 days of the effective date of this chapter.
- (b) Group homes that are in existence upon the effective date of this chapter shall have one year from the effective date of this chapter to comply with its provisions, provided that any existing group home, which is serving more than six residents, must first comply with the six resident maximum.
- (c) Existing group homes obligated by a written lease exceeding one year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one additional years grace period pursuant to planning division approval.

#### **§ 13-313 Severability.**

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date.

**Title 13, Chapter XVI,  
Group Homes in the R2-MD, R2-HD and R3 Residential Zones and the PDR-LD, PDR-MD,  
PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones)**

**§ 13-320 Purpose.**

This chapter is intended to preserve the residential character the City of Costa Mesa's residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things:

- (a) Ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations;
- (b) Limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate off-street parking;
- (c) Providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a residential neighborhood; and
- (d) To provide comfortable living environments that will enhance the opportunity for the handicapped, including recovering addicts to be successful in their programs.

**§ 13-321 Definitions.**

Property. For purposes of this chapter, "property" is defined as any single development lot that has been subdivided bearing its own assessor's parcel number or with an approved subdivision map or condominium map.

**§ 13-322 Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six or fewer occupants.**

- (a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:
  - (1) The application for and operation of the group home complies with subsections (a)(1), (a)(2) and (a)(4) through (a)(14) of section 13-311.
  - (2) The application includes a live scan of the house manager and/or operator of the group home.
  - (3) The group home or sober living home is at least 650 feet from any other property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line.

- (b) The development services director may issue, revoke or deny a special use permit for a group home including a sober living home subject to this chapter pursuant to the procedures and requirements of section 13-311.
- (c) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62.

**§ 13-323 Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) with seven or more occupants.**

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

- (a) The requirements of Chapter III, Planning Applications, of this title have been met.
- (b) The group home, residential care facility or state-licensed drug and alcohol treatment facility is at least 650 feet from any property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.
- (c) The applicant obtains an operator's permit as required by Article 23, Chapter 2 of Title 9, except that this requirement shall not apply to any state-licensed residential care facility, or state licensed drug and alcohol treatment facility, or group home without an operator.
- (d) The findings for granting a conditional use permit in accordance with subsection 13-29(g) are met.

**§ 13-324 Compliance.**

- (a) All group homes which are subject to this Chapter shall comply with the provisions hereof regardless of when they commenced operations. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six or fewer occupants that are in existence upon the effective date of this section may continue to operate subject to the following:
  - (1) A complete application for a special use permit is filed within 90 days of the effective date of this chapter; and
  - (2) The group home is in full compliance with all of the conditions of this chapter within one year of its effective date. Notwithstanding the foregoing, existing group homes obligated by a written lease exceeding one year from the effective date of the chapter, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one additional years grace period pursuant to planning division approval.

(b) Group homes, state licensed residential care facilities and state licensed drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) with seven or more occupants that are in existence upon the effective date of this chapter may continue to operate subject to the following:

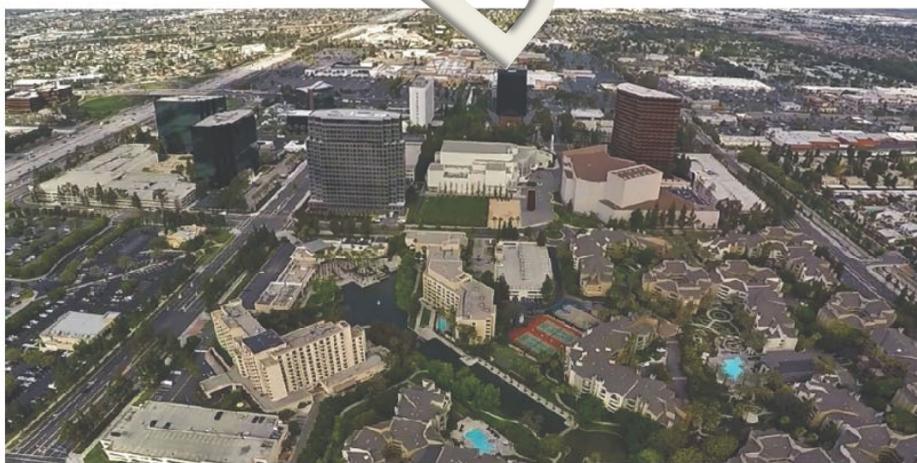
- (1) The operator of a group home obtains an operator's permit pursuant to section 9-372 et seq., within 120 days from the effective date of this chapter; and
- (2) The group home, state licensed residential care facility and/or state licensed drug and alcohol treatment facility is in full compliance with all conditions of this chapter, including obtaining a conditional use permit, within one year from the effective date of this chapter. Notwithstanding the foregoing, an existing group home, state licensed residential care facility and/or state licensed drug and alcohol treatment facility obligated by a written lease exceeding one year from the effective date of the chapter, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one additional years grace period pursuant to planning division approval.

#### **§ 13-325 Severability.**

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this chapter, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date.

# NORTH COSTA MESA SPECIFIC PLAN

DRAFT



City of Costa Mesa  
Development Services Department  
77 Fair Drive  
Costa Mesa, 92628

Updated: Month 2026

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## SUMMARY OF NORTH COSTA MESA SPECIFIC PLAN AMENDMENTS

The North Costa Mesa Specific Plan was adopted by the Costa Mesa City Council in July 1994. Since adoption, the plan has been amended. The following table provides a list and a brief description of the amendment(s).

AMENDMENT #	DATE OF ADOPTION	DESCRIPTION OF AMENDMENT
SP-98-04	April 19, 1999	Created a site-specific FAR of 0.72 for South Coast Metro Center (Area 6).
SP-99-02	July 3, 2000	Increased the site-specific FAR to 0.79 for South Coast Metro Center (Area 6).
SP-00-01	February 5, 2001	Created a new Cultural Arts Center designation and corresponding FAR of 1.77 for South Coast Plaza Town Center (Area 4).
SP-00-02	November 19, 2001	Increased the size of Area 1, and amended land use designations, floor area ratio, and trip budgets for Segerstrom Home Ranch (Area 1)
SP-02-01	July 1, 2002	Updated regulations to be consistent with 2000 General Plan.
SP-03-02	November 17, 2003	Amended acreage and building square footage allocation in Area 1 sub-areas.
SP-03-01	February 2, 2004	Incorporated the Theater and Arts District Plan into the plan.
SP-06-01	March 27, 2006	Amendment to the Theater and Arts District Plan regarding financing.
SP-06-02	January 16, 2007	Amendment to allow high-rise residential development in Sub-areas 4, 5, and 6 in this specific plan.
SP-07-01	November 20, 2007	Amendment to allow high-rise residential development for Wyndham Boutique Hotel / High-Rise residential project at 3350 Avenue of Arts, Area 5.
SP-11-01	September 20, 2011	Amendment to Sakioka Lot 2
SP-15-01	October 20, 2015	Clarifying language to South Coast Plaza Town Center
SP-16-01	September 06, 2016	Updating Home Ranch, 3350 Avenue of the Arts and Sakioka Lot 2 per 2015-2035 General Plan Update
<u>PSPA-26-0001</u>	<u>Month Day, 2026</u>	<u>Amendment to reflect General Plan Land Use Element and Mixed-Use Overlay District Amendments, including identified Housing Element sites, and corresponding General Plan Land Use Map and City's Zoning Map.</u>

DRAFT

SP-94-01

# NORTH COSTA MESA SPECIFIC PLAN

**PREPARED BY:**

**City of Costa Mesa Planning Division**

**July 1994**

Adopted by Resolution #94-67  
Amended April 1999  
Amended July 2000  
Amended February 2001  
Amended November 2001  
Amended July 2002  
Amended November 2003  
Amended February 2004  
Amended March 2006  
Amended January 2007  
Amended November 2007  
Amended September 2011  
Amended October 2015  
Amended September 2016  
Amended Month 2026

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## 1.0 INTRODUCTION

### ***Authority and Scope***

This specific plan has been prepared for a portion of North Costa Mesa in accordance with the California Government Code Section 65450 et seq. The plan area encompasses 423 acres and is an established area of the City with many identifiable and diversified components, including the urban mixed use development of South Coast Plaza Town Center. There is still, however, a considerable amount of undeveloped land within the plan area that prompts the need for this specific plan.

The 1990 General Plan, adopted on March 16, 1992, specifies the land use designations and accompanying residential densities and commercial and industrial intensities for the plan area, as well as numerous policies that are relevant or specific to North Costa Mesa. In 2001, the City of Costa Mesa 2000 General Plan was adopted, which was primarily a technical update of the 1990 General Plan. (See Appendix C for a listing of relevant General Plan policies). It is the intent of this specific plan to implement the policies of the General Plan through the adoption of development standards. These standards recognize the development potential of the plan area and the need to sensitively integrate new development with the surrounding areas, and, therefore, promote both resident and business community confidence in the long-term vision for the plan area.

Specific issues that are addressed in this plan are as follows:

- Land Use Compatibility/Integration
- Building Heights
- Nonconformity
- Density Bonuses
- Circulation
- Urban Rail Transit
- Parks and Recreation
- Fire Protection Services

### ***Specific Plan Contents***

This specific plan provides a comprehensive review and analysis of the plan area. Section 2 provides an overview of the plan area's development setting. In Section 3, the development issues that will present a challenge to future development of each subarea are identified, and Section 4 provides the development standards which address these issues. Finally, Section 5 discusses the specific plan's implementation on timing.

## 2.0 DEVELOPMENT SETTING

### *Location*

The North Costa Mesa plan area comprises the northernmost portion of the City of Costa Mesa, i. e., that area north of the San Diego Freeway (I-405) and generally east of Harbor Boulevard. South Coast Drive and Sunflower Avenue generally form the northern boundary of the plan area and the Costa Mesa Freeway (SR-55) is the eastern border. Costa Mesa's surrounding cities include Fountain Valley and Huntington Beach to the west, Santa Ana to the north and east, Irvine to the east, and Newport Beach to the south. Major regional facilities include John Wayne Airport to the southeast of the plan area. See Figure 1.

Figure 2 indicates the existing land uses as well as the eight subareas the plan area has been divided into for analysis purposes.

## Location Map

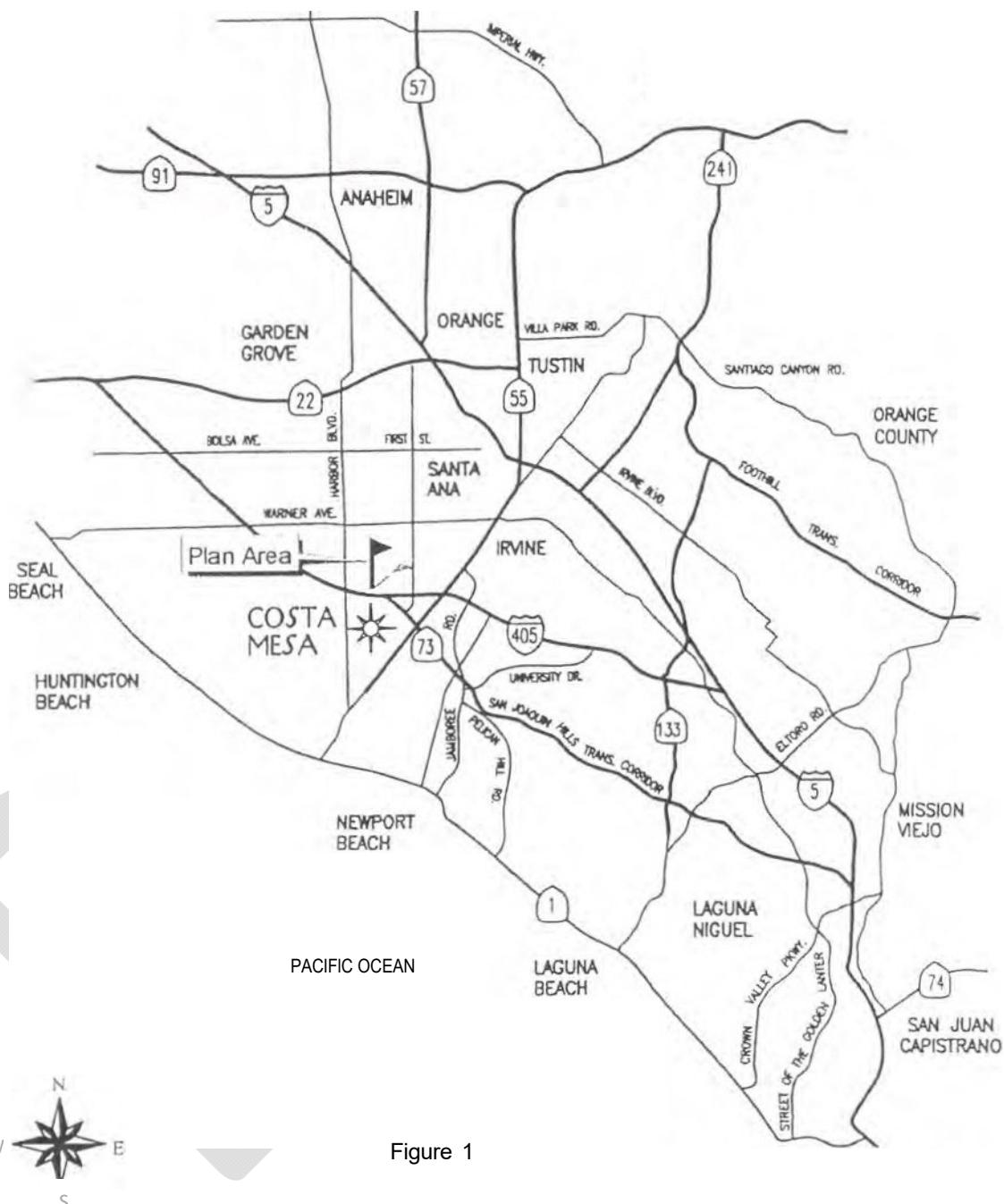
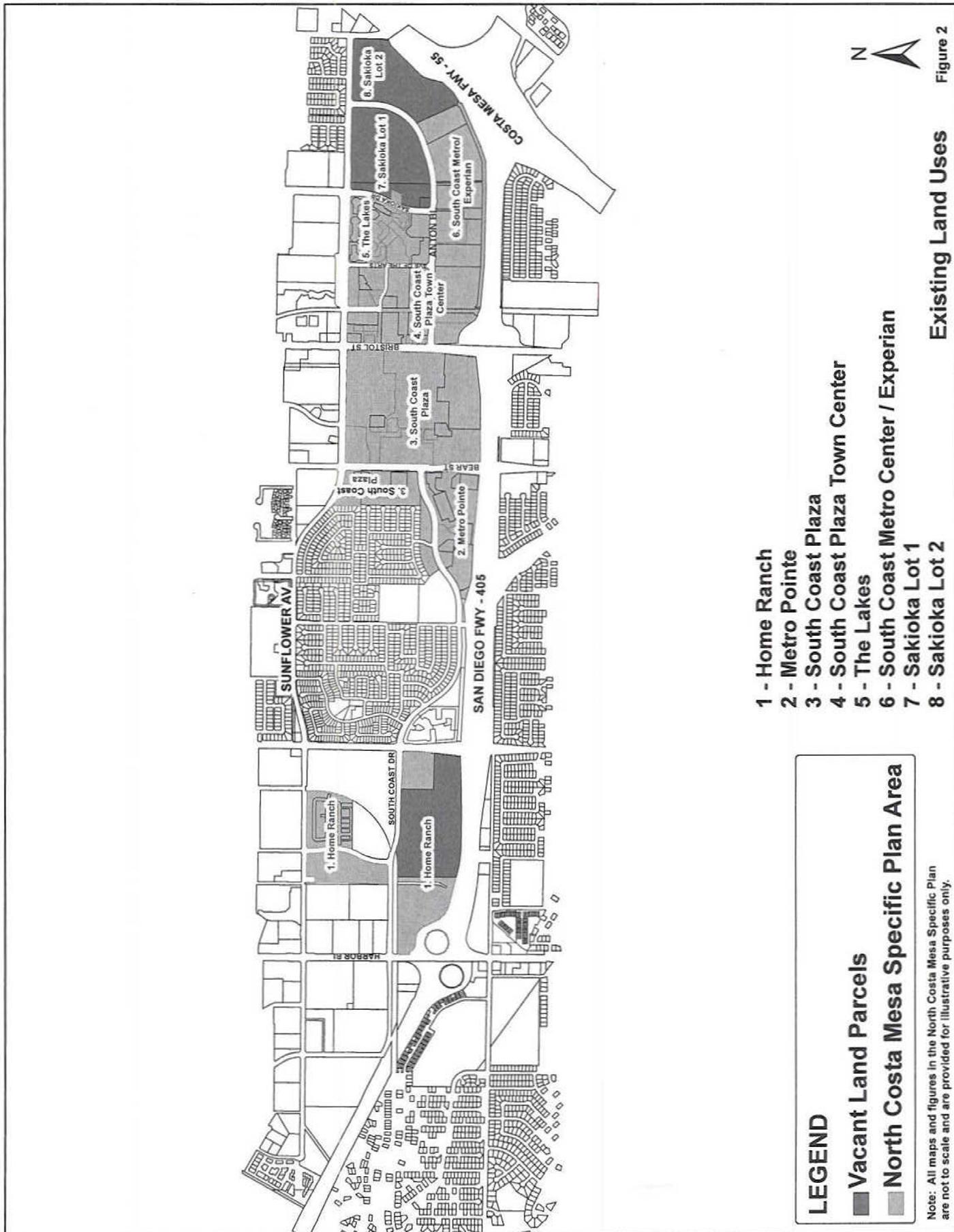


Figure 1

### NORTH COSTA MESA SPECIFIC PLAN



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Figure 2

### ***Existing General Plan and Zoning Designations***

Figure 3 indicates the General Plan land use designations for the area of the City north of the I-405, and Figure 4 indicates the accompanying zoning designations. Table 1 summarizes the development parameters of the General Plan land use designations, and the compatible zoning districts.

As shown in Table 1, the General Plan establishes Floor Area Ratios (FARs) for all non-residential land use designations. The FAR is used to determine the maximum amount of building that is allowed on a lot or parcel. Several land use categories in the plan area contain stepped FARs which are tied to the traffic characteristics of the proposed land use. Residential density is measured in dwelling units per acre. Trip budgets have also been established for properties in the plan area designated as Urban Center Commercial, Cultural Arts Center, or Regional Commercial in the plan area. The industrial portion of Home Ranch also has a trip budget. When applicable, the FAR, or in the case of residential, dwelling units per acre, and trip budget work in concert to ensure that building intensity and trip generation do not exceed the capacity of the circulation system in the plan area. The trip budget for individual properties is given in Section 3.

The lowest FARs are found in the Neighborhood Commercial designation as well as in the residential, industrial and public-semi land use designations. The highest FARs are allowed in the Regional Commercial, Cultural Arts Center, and Urban Center Commercial land use designations. The General Plan does not allow the established floor area ratio to be exceeded in any instance.

Trip budgets are calculated on a square footage basis for commercial, industrial, residential, and institutional land uses. As with FARs, trip budgets cannot be exceeded. The General Plan, however, does allow for the transfer of trip budgets in the plan area in the following circumstances:

1. The combination and/or transfer of trips shall only be allowed in the area of the City that is north of the I-405 and east of Harbor Boulevard, and shall be limited to parcels within a one-mile radius of each other.
2. Trip budget transfers shall be evaluated in the review and approval of a planned development or master plan project. Sufficient conditions of approval shall be applied to the master plan or development plan to ensure long-range control over subsequent phases of development.
3. The combination and/or transfer of trips shall not result in any greater impacts on the surrounding circulation system than would occur if each Traffic Analysis Zone (TAZ) was developed independently. (Consult with the Planning Division for a figure depicting TAZs)
4. For the combination and/or transfer of trips between TAZs, such combination and/or transfer of trips shall not exceed the total trip budget of all parcels involved if each were developed independently according to the FAR and trip generation rates provided herein.

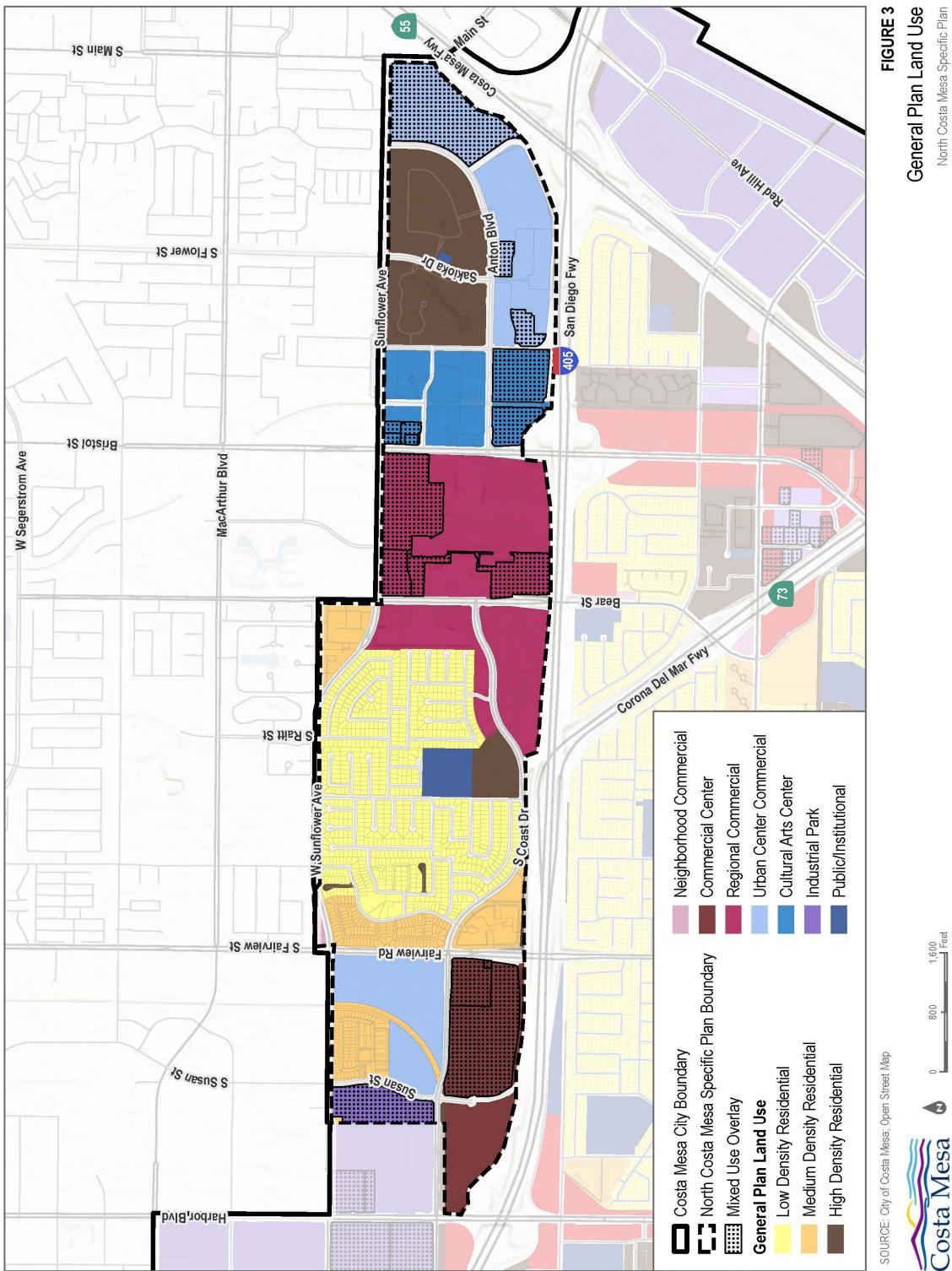
5. The combination and/or transfer of trips shall not allow development intensities which result in abrupt changes in scale or intensity within the project or between the project and surrounding land uses.
6. Approval of the master plan or development plan shall be conditioned to ensure compliance with the above criteria and to preclude future overdevelopment on portions of the project or properties from which trip budgets were transferred.
7. Trip budget transfers shall be recorded against the properties.

Therefore, if a property is underdeveloped in terms of its trip budget, there is the possibility that the "excess" trips could be transferred to another parcel to augment its trip budget.

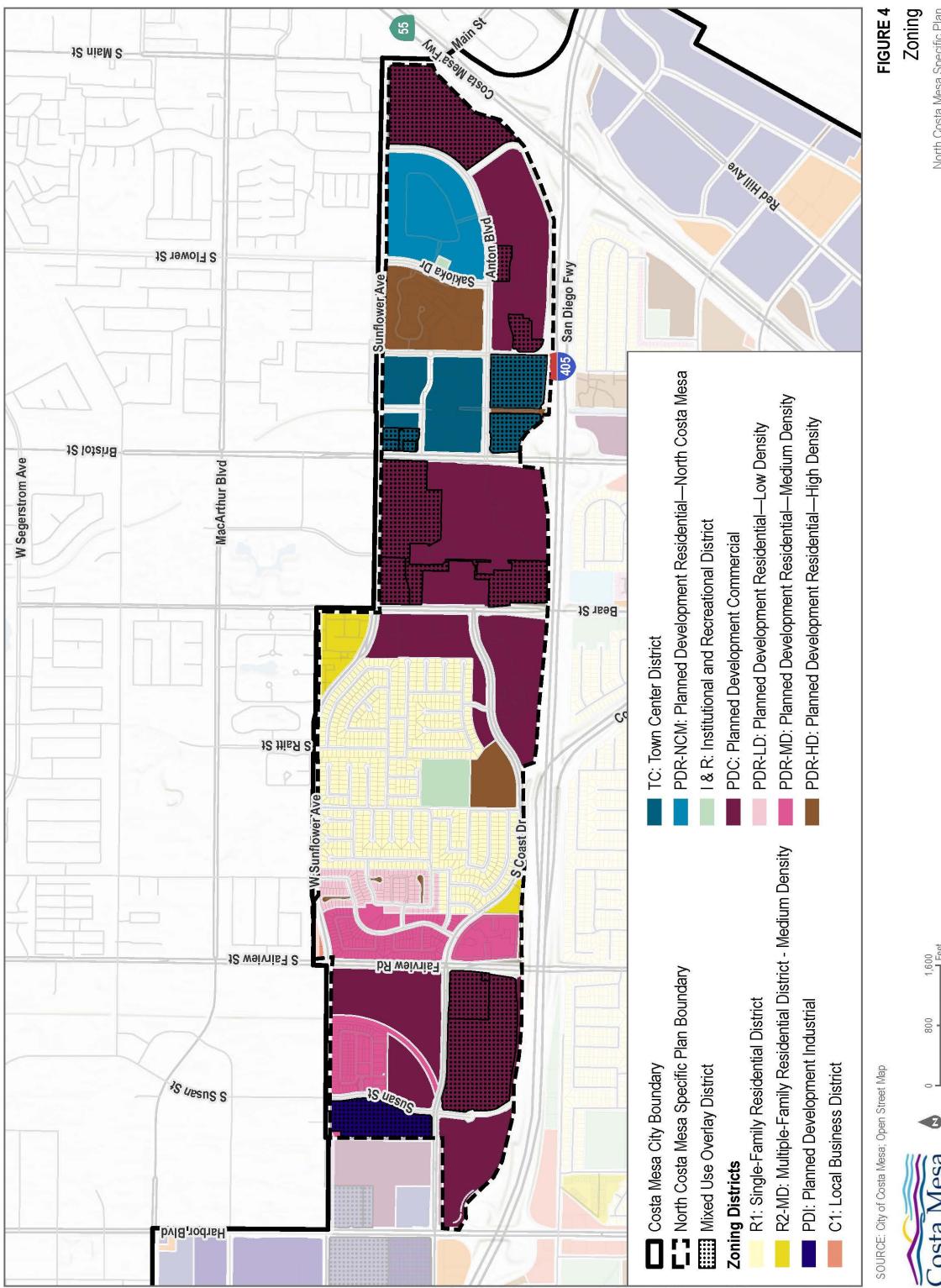
It should be noted that all the Planned Development (PD), Town Center (TC), and Shopping Center (C1-S) zones require Planning Commission review and approval of the land use mix and building location.

#### **Mixed-Use Overlay District and Properties identified in the Housing Element**

In 2026, this specific plan was amended for consistency with an amendment to the City's Zoning Map, which resulted in the rezoning of several properties in the plan area to encourage and facilitate residential and mixed-use development. While base zoning districts remain the same, the Mixed-Use Overlay District (MUOD) was applied to several parcels in the PDC, I&R, PDR-HD, TC, C1, and PDI zoning districts within the plan area. The MUOD is an overlay district and shall only apply to the parcels identified in the City's Zoning Map. This specific plan shall continue to apply to a property unless specifically superseded by a MUOD project when a property owner chooses to exercise provisions of Article 11 (Mixed-Use Overlay District) of Chapter V (Development Standards) of Title 13 (Planning and Development) of the Costa Mesa Municipal Code on a qualifying property. However, it should be noted that projects identified on Lower-Income Housing Element Sites shall be governed by Section 13-83.58.e, (Supersession of Overlay) of Article 11, and the provisions of that Section shall supersede and prevail over any conflicting provisions of the underlying base zone, including, but not limited to, minimum residential densities and capacities, minimum residential floor area, ministerial review and approval, and permitted uses, and all other applicable zoning provisions, such as other urban plans, overlays, and specific plans, including this specific plan.



Updated Month 2026



Updated Month 2026

Table 1- General Plan Designations

## North Costa Mesa Specific Plan

GENERAL PLAN DESIGNATION	TYPICAL USES	RESIDENTIAL DENSITY	FLOOR AREA RATIO	COMPATIBLE ZONING
Low Density Residential	Single family detached and attached units, granny units, accessory apartments, family day care	Less than or equal to 8 units per acre.	0.15 high traffic 0.25 moderate traffic 0.35 low traffic	R1, POR-LD, I &R
Medium Density Residential	Single-family attached units, multiple family units, senior congregate care facilities, convalescent hospitals, and group residential homes. Ancillary commercial uses are permitted in the planned development zone.	Less than or equal to 12 units per acre	0.15 high traffic 0.25 moderate traffic 0.35 low traffic	R1, R2-MD, PDR-MD, <u>MUMUOD</u> , I&R
High Density Residential	Multiple family units, senior congregate care facilities, convalescent hospitals and group residential homes. Ancillary commercial uses are permitted in the planned development zones.	Less than or equal to 20 units per acre: except the density in the PDR-NCM zone is 25 to 35 units per acre. See also The Lakes for site-specific density.	0.15 high traffic 0.25 moderate traffic 0.35 high traffic	R2-HD,R3, PDR-HD, PDR-NCM, <u>MUMUOD</u> , I&R
Commercial Center	Major shopping, service, and office facilities designated serve city-wide and regional markets.	Less than or equal to 20 units/acre	0.25 high traffic 0.35 moderate traffic 0.45 low traffic 0.75 very low traffic <i>Except that Home Ranch has a site-specific FAR</i> 0.37 for the IKEA portion of the project and 0.64 for the office portion	C1, C2, C1-S, PDC, AP, P, CL
Regional Commercial	Regional scale uses including major department stores, specialty retail outlets, restaurants, offices, and hotels.	Less than or equal to 20 units/acre	0.652 South Coast Plaza (east of Bear Street) 0.89 South Coast Plaza (west of Bear Street)	PDC
Urban Center Commercial	Intensively developed mixed commercial including offices, retail shops, restaurants, and hotels. Residential uses are also permitted pursuant to the North Costa Mesa Specific Plan	Less than or equal to 20 units/acre. Exceptions: South Coast Metro Center (Area 6) has a site specific density of 100 units per acre; Sakioka Lot 2 (Area 8) has a maximum site- specific FAR of 1.0.	South Coast Metro Center (Area 6) has a site- specific FAR of 0.79 Sakioka Lot 2 (Area 8) has a maximum site- specific FAR of 1.0.	PDC,TC
Cultural Arts Center	Mixed commercial, residential, office and cultural uses.	—	1.77 See also the South Coast Plaza Town Center discussion regarding the FAR.	TC
Industrial Park	Wide variety of industrial and compatible office and support commercial uses.	Less than or equal to 20 units/acre	0.20 high traffic 0.30 moderate traffic 0.40 low traffic 0.75 very low traffic	MP, POI, CL
Public and Semi-Public	Parks, hospitals, schools, religious facilities, fairgrounds, and public facilities.	—	0.25	I& R. I&R-S, P
<u>Mixed Use Overlay</u>	<u>Housing, such as multifamily dwellings, blending residential uses into key areas that are served by various shopping, convenience, employment, and community-serving uses.</u>	<u>Less than or equal to 90 units/acre</u>	<u>1.0</u>	<u>MUOD</u>

Updated Month 2026

### ***Land Use Compatibility/Integration***

The plan area and its immediate surroundings contain a variety of land uses that range from single family residential homes to high-rise offices which provide a good mix of housing opportunities, commercial goods and services, entertainment, and employment opportunities in a relatively small geographical area. This mix allows people the opportunity to live near their jobs, and gives residents and employees a full range of commercial services near their homes or jobs. This reduces traffic congestion and improves air quality. Mass transit opportunities are also more easily developed in this type of community setting.

Several General Plan policies support the development of mixed-use projects along or near transit routes as a means to improve air quality and reduce traffic congestion.<sup>1</sup> Mixed use projects also add variety and interest to an area by supporting day and evening activities. The South Coast Plaza Town Center, South Coast Metro Center, and The Lakes projects currently provide the opportunity to live, work, shop and be entertained within a compact and pleasant urban environment.

The benefits of having a mix of land uses in an area can quickly be lost if there is not enough forethought in the design and location of diverse uses. Common problems include tall buildings overshadowing adjacent buildings and outdoor areas, late night commercial uses affecting residential areas, heavy truck or automobile traffic affecting access to residential areas, inadequate parking availability, and incompatible land uses being located adjacent to one another. Residential areas are particularly sensitive land uses, but commercial and/or industrial uses may also be impacted by inappropriate siting of land uses. Figure 5 highlights the location of existing and future residential areas. In 2006, this specific plan was amended to allow high-rise residential development in Areas 4, 5, and 6. See Section 3.0 for additional discussion.

It should also be noted that a residential component could be incorporated into any Planned Development Zone in the plan area (see Figure 4 for Zoning). New commercial and industrial developments anticipated by the General Plan are also shown in Figure 5.

### **Noise**

A major concern related to land use compatibility is noise. The City of Costa Mesa uses the Community Noise Equivalent Level (CNEL) to measure and regulate noise. The City's maximum acceptable exterior noise level for residential areas is 65 CNEL. The plan area's primary source of noise is vehicular and two major sources are the 1-405 to the south and the Costa Mesa Freeway to the east. Likewise, the plan area's major streets are another source of noise. Appendix A provides a list of the existing and General Plan build-out CNEL levels in the plan area.

New residential development as well as other sensitive land uses shall be required to comply with the General Plan and zoning ordinance standard of 65 CNEL for exterior recreation areas and 45 CNEL for interior areas. However, for high-rise residential developments, the exterior standard of 65 CNEL only applies to common outdoor recreation/amenity areas that are located at the ground level. Recreation/amenity areas located above the ground floor and private patios and balconies are exempt from the 65 CNEL requirement due to the urbanized

nature of the overall setting. Mitigation measures may be used in order to achieve these noise levels.

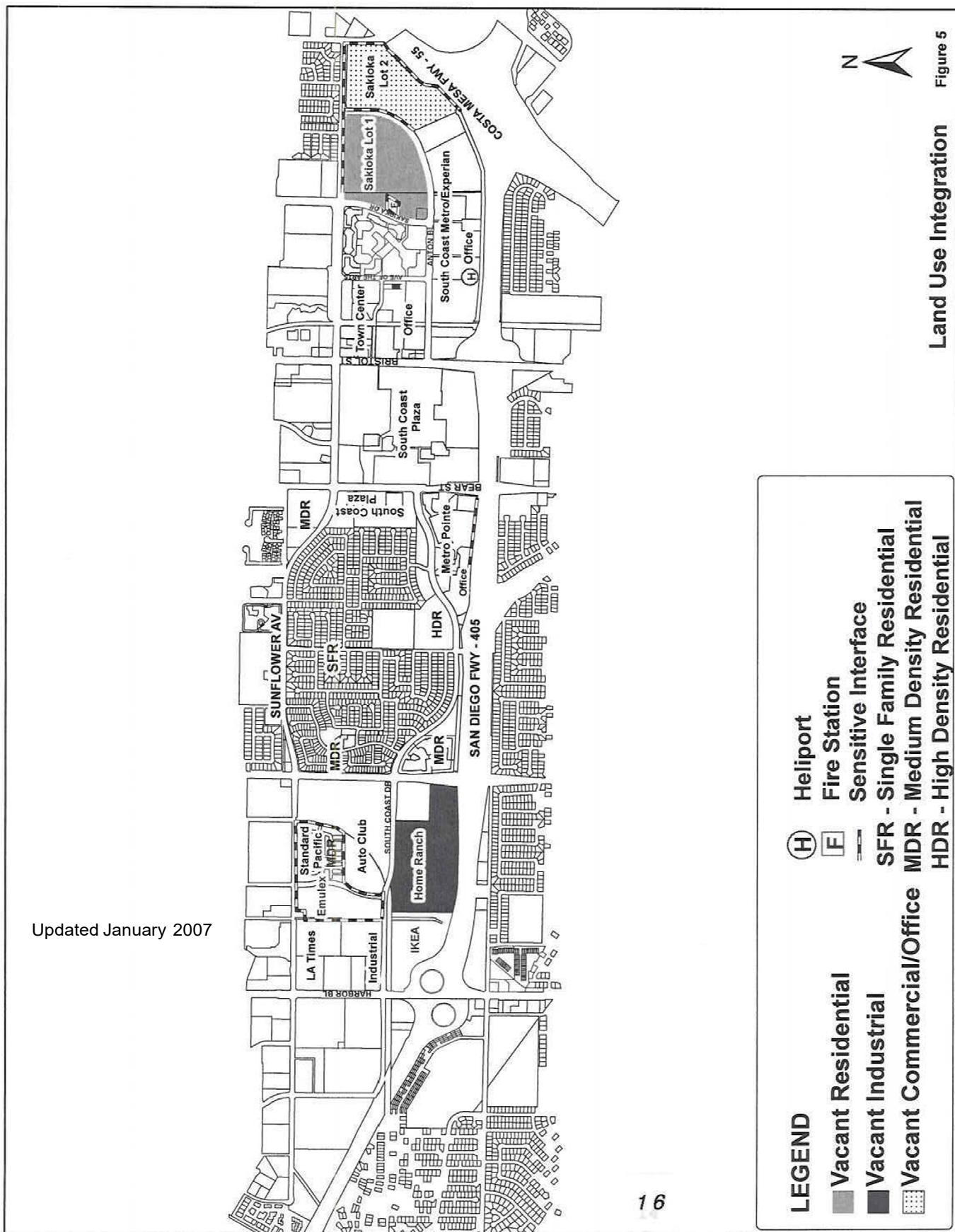
John Wayne Airport is located to the east of the plan area. Although the 60 CNEL contour encompasses the area generally east of Avenue of the Arts, the 65 CNEL contour is outside of the plan area, and therefore does not impact existing or future land uses. One heliport is located in the plan area in South Coast Metro Center atop the building located at 555 Anton Boulevard.

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<sup>1</sup>See Policies LU-1A.1, LU-1F.5, and CIR 1A.9 in Appendix C.

Updated January 2007

**DRAFT**



## ***Building Heights***

Existing building heights in the plan area vary from single story single family homes to twenty-one story office buildings. Generally, the high-rise office buildings are located in the South Coast Plaza Town Center and South Coast Metro Center areas; the Metro Pointe area has approval for additional buildings that include two fifteen story buildings. The buildings at South Coast Plaza and Crystal Court vary from one to three stories in height.

The General Plan does not establish a general limit on building heights north of the I-405 but rather contains two policies that provide guidelines for determining the appropriate building height. Policy LU-1C.1 permits the construction of buildings over two stories or 30 feet only when it can be shown that the building height will not impact surrounding developments. Policy LU-1C.3 prohibits the construction of buildings that present a hazard to air navigation at John Wayne Airport as determined by the Federal Aviation Agency.<sup>2</sup>

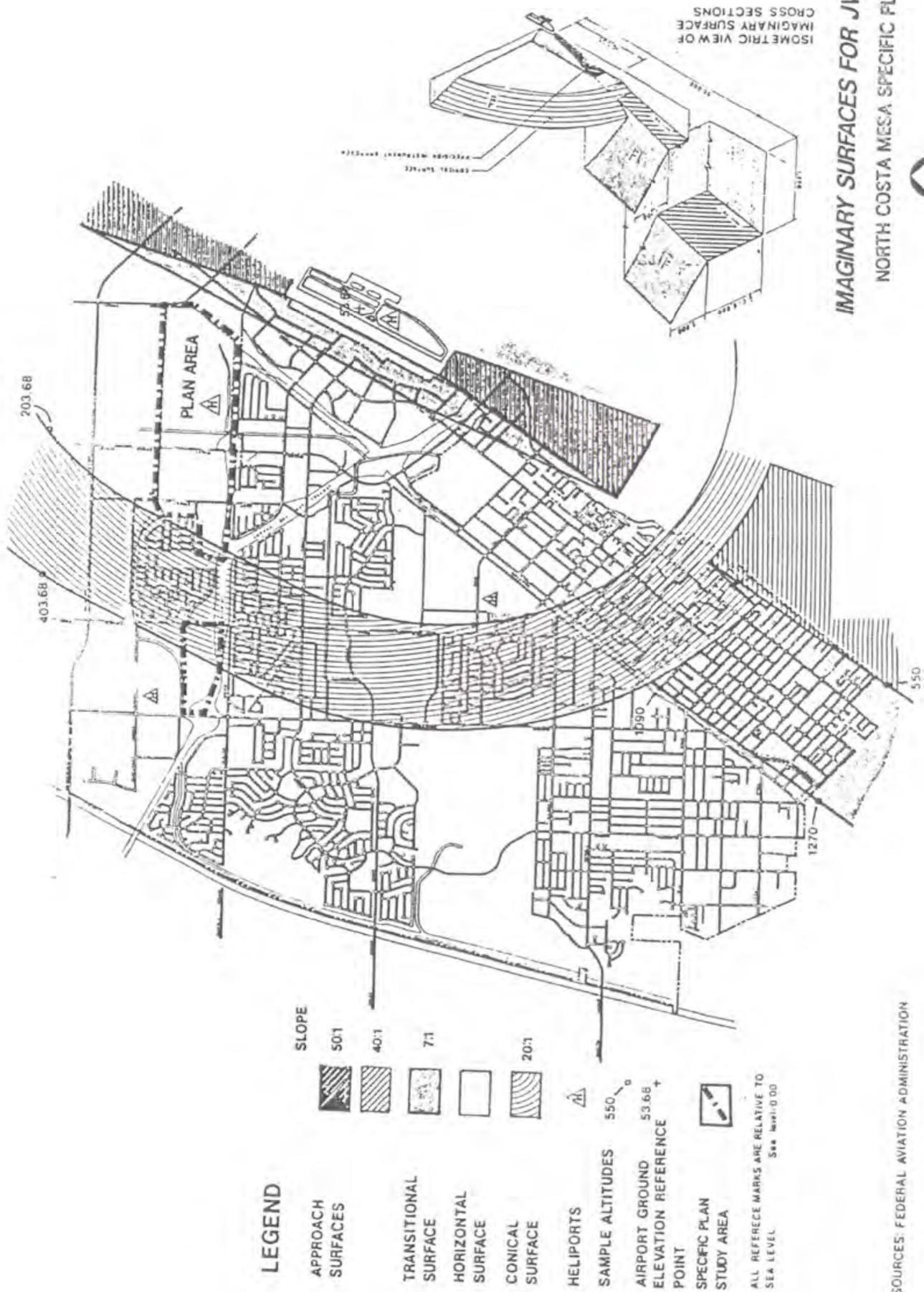
Policy LU-1C.3 is particularly relevant to the plan area, since the portion of the plan area generally east of the Metro Pointe property is within the imaginary horizontal surface of John Wayne Airport. Beyond the horizontal surface for another 4,000 feet is the imaginary conical surface. See Figure 6. These imaginary surfaces are the trigger for requiring special studies and review by the Airport Land Use Commission for Orange County and the FAA. It should be noted that a number of existing buildings in South Coast Plaza Town Center encroach within the imaginary horizontal surface; however, each was determined not to pose a hazard to the airport's operations and were required to install obstruction lighting.

Building heights in North Costa Mesa have created public controversy in the past, especially in the Home Ranch area where high-rise development approvals were overturned by the voters in 1988. Table 2 specifies the maximum building heights for the plan area and shall continue to apply to a property unless specifically superseded by a MUOD project when a property owner chooses to exercise provisions of Article 11 (Mixed-Use Overlay District) of Chapter V (Development Standards) of Title 13 (Planning and Development) of the Costa Mesa Municipal Code on a qualifying property; these building height standards recognized existing patterns and surrounding land uses. Any new building proposed at 3 stories or more should require a shade and shadow impact analysis in relation to surrounding land uses.

It should be noted that Home Ranch has a specific height limitation of five stories and only in the center of the property. Any additional height above five stories (75 feet) would require a General Plan amendment. Exhibit 11b depicts the height limitations for Home Ranch.

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<sup>2</sup>See Appendix C for full text of Policies LU-1C.1 and LU-1C.3.

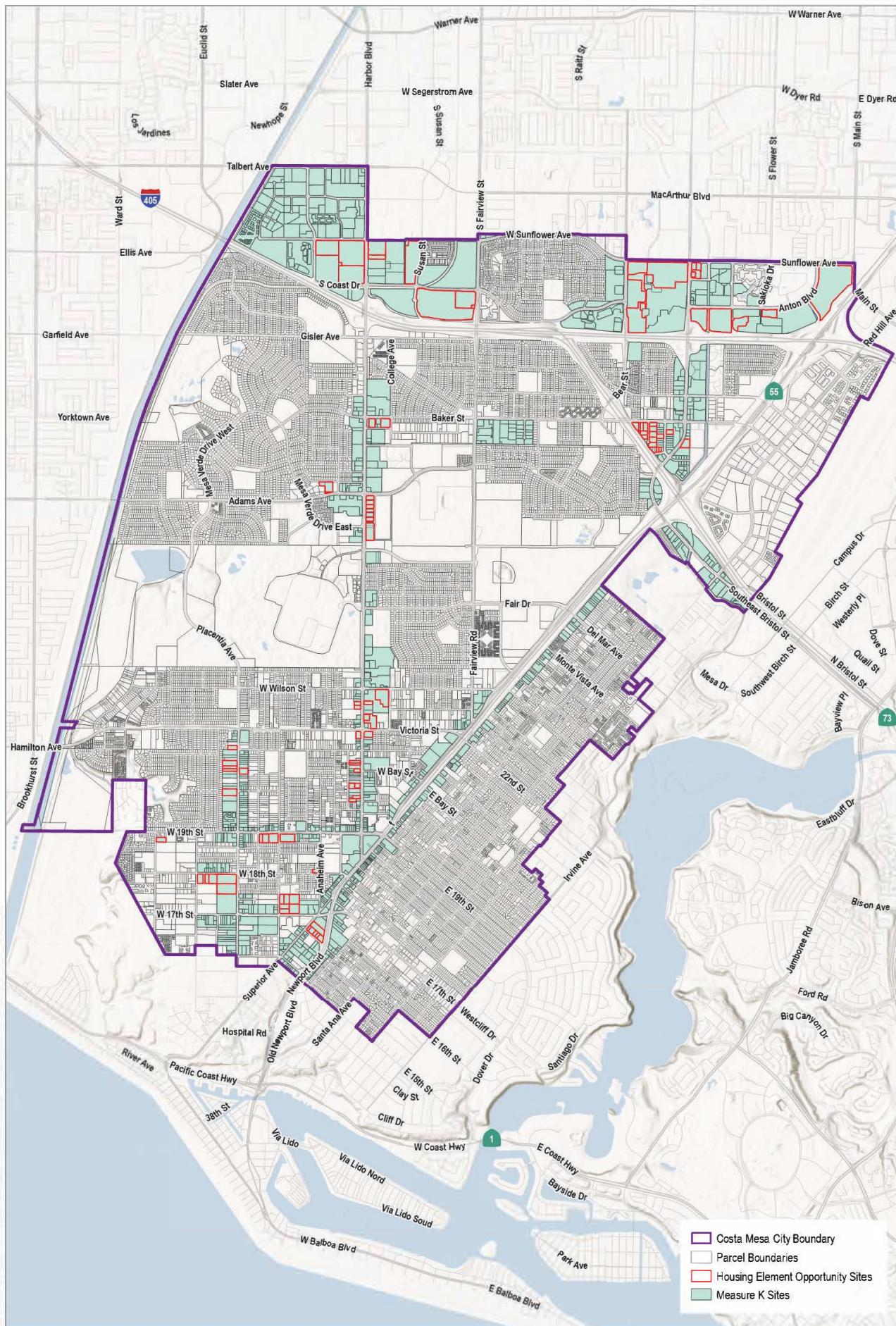


SOURCES: FEDERAL AVIATION ADMINISTRATION

**Table 2- Maximum Building Heights  
North Costa Mesa Specific Plan**

SUB-AREA	MAXIMUM BUILDING HEIGHT <sup>1,2</sup>	NOTES
AREA 1 Home Ranch	Varies	See Exhibit 11b.
AREA 2 Metro Pointe	30 feet-north of South Coast Drive (approx. 2 stories)  90 feet-south of South Coast Drive (approx. 6 stories)	Current development agreement allows buildings up to 15  Buildings above 173 feet in height will require a determination of no hazard by the FAA.
AREA 3 South Coast Plaza and Crystal Court	85 feet (approx. 4 stories)	None
AREA 4 SCP Town Center	315 feet (approx. 25 stories)	Buildings above 173 feet in height will require a determination of no hazard by the FAA.
AREA 5 The Lakes	Mid-rise Residential-90 feet (approx. 6 stories)  High-rise Residential - 280 feet (approximately 26 stories) Commercial- 110 feet (approximately 11 stories)	Buildings above 173 feet in height will require a determination of no hazard by the FAA.
AREA 6 South Coast Metro	Varies-See Table 6B.	Buildings above 173 feet in height will require a determination of no hazard by the FAA.  Buildings which encroach into the setback for Anton cannot exceed 30 feet (approx. 2 stories) within the
AREA 7 Sakioka Lot 1	60 feet (approx. 4 stories)	Buildings which encroach into the setback for Anton Blvd. and/or Sakioka Dr. cannot exceed 30 feet (approx. 2 stories) within the setback area.
AREA 8 Sakioka Lot 2	North of collector street- 60 feet (approx.4 stories) South of collector street- 180 feet (approx. 12 stories)	Buildings above 173 feet in height will require a determination of no hazard by the FAA.  Buildings which encroach into the setback for Anton cannot exceed 30 feet (approx. 2 stories) within the setback area.

1. All building height measurements reference the height above grade- not mean sea level.
2. The maximum building heights specified in this Specific Plan shall continue to apply to a property unless specifically superseded by a MUOD project when a property owner chooses to exercise provisions of Article 11 (Mixed-Use Overlay District) of Chapter V (Development Standards) of Title 13 (Planning and Development) of the Costa Mesa Municipal Code on a qualifying property.



SOURCE City of Costa Mesa, Orange County Sanitation District, Open Street Map

## Housing Element and Measure K Sites Map

Neighborhoods Where We All Belong Zoning Updates and Housing Element Implementation

**Title 9, Chapter II, Article 23,  
Group Homes****§ 9-370 Definitions.**

The definitions set forth in Title 13 of this Code shall apply to the provisions of this article unless otherwise provided for herein.

**§ 9-371 Zoning requirements.**

In addition to the requirements of this article, all group homes subject to this article shall comply with the requirements set forth in Chapter XVI of Title 13 of this Code.

**§ 9-372 Operator's permit required.**

It is unlawful for any person to operate, or to permit any person to operate, a group home on any property located within the R2-MD, R2-HD, R3, PDR-LD, PDR-MD and/or PDR-HD zone, without a valid permit issued for that group home pursuant to the provisions of this article.

**§ 9-373 Exceptions.**

The requirements of this article shall not apply to:

- (a) A group home that has six or fewer occupants, not counting a house manager, and that is in compliance with the applicable provisions of Chapters XV and XVI of Title 13 of this Code;
- (b) A state licensed alcoholism or drug abuse recovery or treatment facility; or
- (c) A state licensed residential care facility.

**§ 9-374 Requirements for issuance of operator's permit.**

- (a) The owner/operator shall submit an application to the director that provides the following information:
  - (1) The name, address, phone number and driver's license number of the owner/operator;
  - (2) If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:
    - i. Every general partner of the partnership;
    - ii. Every owner with a controlling interest in the corporation; and
    - iii. The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder.
  - (3) The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license

and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;

- (4) The name, address, phone number and driver's license number of the house manager;
- (5) A copy of the group home rules and regulations;
- (6) Written intake procedures;
- (7) The relapse policy;
- (8) An affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home;
- (9) Blank copies of all forms that all residents and potential residents are required to complete; and
- (10) A fee for the cost of processing of the application as set by resolution of the city council.

(b) *Requirements for operation of group homes.*

- (1) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24 hour basis and who are responsible for the day-to-day operation of the group home.
- (2) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. ~~Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within 500 feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.~~
- (3) Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code section 1503.5 and section 80001(c)(3) of Title 22, California Code of Regulations.
- (4) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.
- (5) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.
- (6) At least 48 hours prior to eviction from or involuntary termination of residency in a group home, the operator thereof shall:
  - i. Notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the home;
  - ii. Contact the Orange County Health Care Agency OC Links Referral Line or other entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;

- iii. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, determine the services available therefrom; and
- iv. Provide the information obtained from paragraphs ii and iii of this subsection (b)(6) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the city and obtain the occupant's signed acknowledgement thereon;
- v. Provided, however, that if the occupant's behavior results in immediate termination of residency pursuant to rules approved by the city as part of the special use permit for that facility, the operator shall comply with paragraphs i though iv of this subsection (b)(6) as soon as possible.

(7) Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall also:

- i. Make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home;
- ii. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.

(8) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (a)(6) and (a)(7) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(7) by providing remuneration to the occupant for the cost of transportation.

(9) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

(10) The property must be fully in compliance with all building codes, municipal code and zoning.

(11) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- i. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.
- ii. The sober living home's rules and regulations must prohibit the use of any alcohol or any nonprescription drugs at the sober living home or by any recovering addict

either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be readmitted for at least 90 days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

- iii. The number of occupants subject to the sex offender registration requirements of Penal Code section 290 does not exceed the limit set forth in Penal Code section 3003.5 and does not violate the distance provisions set forth in Penal Code section 3003.
- iv. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.
- v. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.
- vi. The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

(c) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to Article 15 of Chapter IX of Title 13 of this Code.

(d) The operator's permit shall be issued by the director if the applicant is in compliance, or, where applicable, has agreed to comply, with the requirements of subsections (a) and (b) above.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.
- (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment,

embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

- (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven to 10 years, to any of the following offenses:
  - i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last 10 years);
  - ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven years); or
  - iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last 10 years).
  - iv. The unlawful sale or furnishing of any controlled substances (last seven years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- (5) The owner/operator accepts residents, other than a house manager, who are not disabled or handicapped as defined by the FHAA and FEHA.
- (6) An operator's permit for a sober living home shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following additional circumstances:
  - i. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
  - ii. For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations.

#### **§ 9-375 Transfer of operator's permit.**

- (a) An operator's permit shall not be valid for a location other than the property for which it is issued, unless and until the transfer of the permit is approved by the director pursuant to the requirements of section 9-374.
- (b) An operator's permit may not be transferred to any other person or entity. No operator's permit issued pursuant to this article shall be transferred or assigned or authorize any person or entity other than the person or entity named in the permit to operate the group home named therein.

#### **§ 9-376 Revocation of operator's permit.**

An operator's permit may be revoked upon a hearing by the director pursuant to section 9-120 for failing to comply with the terms of the permit and/or for failing to comply with the applicable provisions of section 9-374.

**§ 9-377 Reapplication after denial or revocation.**

- (a) An applicant for an operator's permit whose application for such an operator's permit has been denied may not reapply for such an operator's permit for a period of six months from the date such notice of denial was issued.
- (b) A holder of an operator's permit that has been cancelled, revoked or otherwise invalidated may not reapply for an operator's or a user's permit for a period of six months from the date that such revocation, cancellation or invalidation became final.

**§ 9-378 Compliance.**

A group home that is subject to the provisions of this article that is in existence as of the effective date of this ordinance shall have 120 days to comply with the provisions of this article.

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