

Zoning Code Amendment

City Council Meeting
September 16, 2025



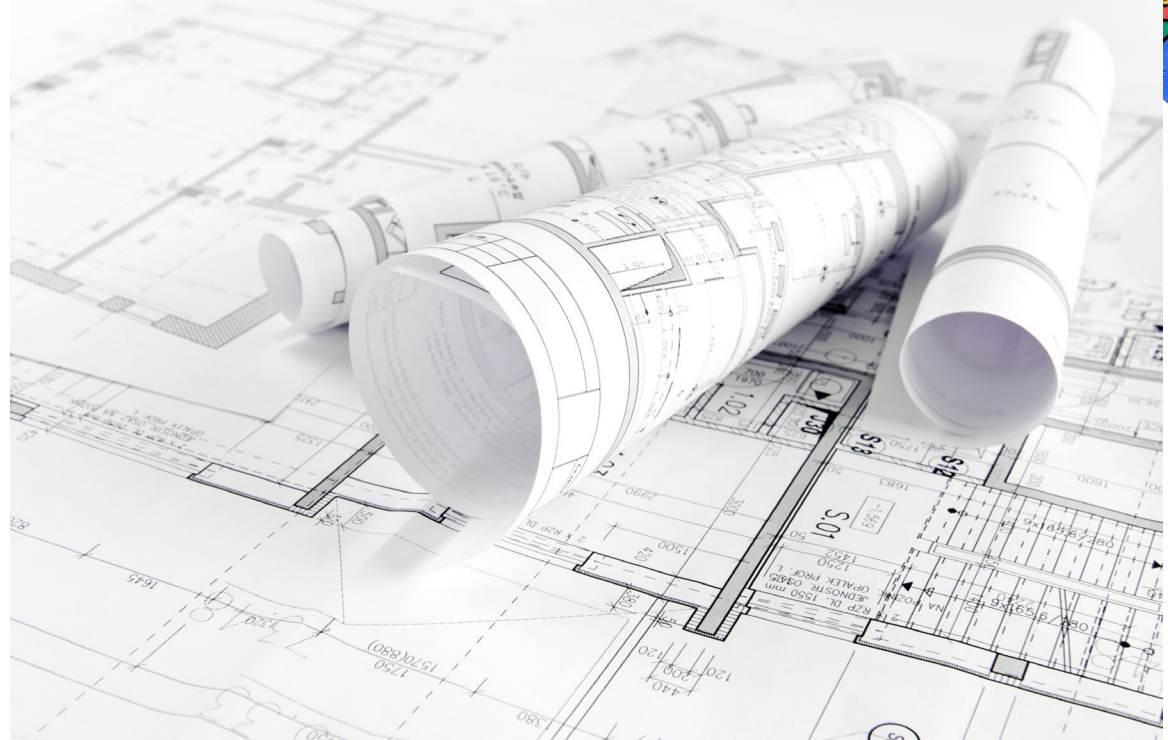
Background

- This Zoning Code Amendment provides technical updates to:
 - Comply with state law
 - Codify Zoning Administrator determinations
 - Codify policies like the Walls, Fences and Landscaping Standards
 - Make minor clarifications
- A necessary component of good planning practice



Zoning Administrator Determinations

- Procedures that provide interpretations to address ambiguity in the Zoning Code.
- Determinations are used by staff daily to review projects.
- Approves staff-level discretionary applications and can make interpretations of the Zoning Code.



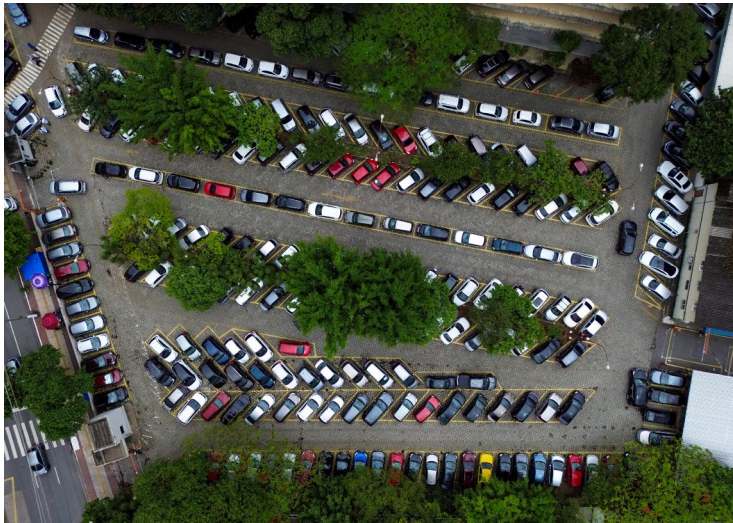
Summary of Zoning Code Amendments

1. **Fences and Walls** – Adds external walls and fences policies to the Zoning Code.
2. **Individual and Group Counseling** – Adds policies and regulations regarding individual and group counseling.
3. **Exposed Pipes and Conduits** – Provides standards for the location and screening of pipes and conduits.
4. **Antenna Screening** – Provides standards for the screening of cell site equipment.
5. **Senate Bill 9 (SB 9) Ordinance**– Codifies the SB 9 ordinance and provides minor clarifications to meet State law.

Summary of Zoning Code Amendments

6. **Accessory Dwelling Units** – Provides minor updates to the 2025 ordinance to meet state law.
7. **Contiguous Window Area** – Clarifies the definition of “contiguous window area.”
8. **Mechanical Rooms** – Exempts mechanical rooms from floor area for the purpose of calculating required parking.
9. **Screening of Ground Mounted Equipment** – Adds standards for the location and screening of ground mounted mechanical equipment.
10. **Raised Decks** – Requires raised deck over 30 inches in height to be located outside of all setbacks.

Amendment 11: Shared Parking Requirements



- Zoning Code requires minimum parking requirements for all uses.
- Zoning Code requires a development with multiple tenants to use the shared parking table.
- The current shared parking table was approved in 1985. Development patterns, tenant uses and driving trends have changed over the past 40 years.
- Zoning Code allows updates to the shared parking table by Resolution.
- Many benefits to shared parking including maximizing efficiency.



Proposed Updates

- Updated hourly adjustments to reflect current peak parking demand for each use.
- Used most current industry standards sources:
 - Institute (ULI) Shared Parking, 3rd Edition
 - ULI obtains data from empirical sources
 - Institute of Transportation Engineers (ITE) Parking Generation, 6th Edition
 - ITE obtains data from site-specific case studies
- Updated data for the original 14 uses and provided data for 12 additional new uses; 26 total uses list.



Planning Commission Action and Comments

- June 23, 2025 – PC conducted Study Session

- Commissioner and public comments included clarifications on walls and fences amendment.

July 28, 2025 – PC recommended approval of amendments 1 – 10 (11 continued)

- Changes to staff recommendations included modifications to group counseling.
- Commissioner comments included concerns about parking requirements

- August 25, 2025 – PC recommended approval of item 11 (Shared Parking Requirements)

- Commissioner comments included concerns about parking requirements.

General Plan Conformance

The amendments align with several policies of the General Plan, including:

- Productive use of space
- Conserving land resources
- Allow additional tenants





Recommendation

Planning Commission recommends the City Council:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.174 and CEQA Guidelines Section 15061(b)(3).
2. Give First Reading to the Ordinance approving Code Amendment PCTY-25-0001, amending Title 13 of the Costa Mesa Municipal Code (Zoning Code) pertaining to minor technical updates.
3. Adopt the Resolution updating the City of Costa Mesa Procedure for Determining Shared Parking Requirements.



**EXCEPTION TO THE 180-DAY WAIT PERIOD FOR
REHIRE OF BATTALION CHIEF WILLIAM KERSHAW**

**September 16, 2025
City Council Meeting**



Background

- Battalion Chief William Kershaw retired from the City of Costa Mesa on September 9, 2025 after 37 years of service.
- Mr. Kershaw possesses extensive experience and institutional knowledge and his continued services are necessary due to critical and immediate needs for project support in the City's Fire and Rescue Department.

Analysis

- Section 7522.56 of the Government Code requires that post-retirement employment commence no earlier than 180 days after the retirement date.
- A public agency may hire a retired annuitant prior to the expiration of the 180 days if the appointment is necessary to fill a critically needed position.
- A recruitment to fill the Battalion Chief position was conducted and the position will be filled in September.

Analysis (continued)

- Continued services are imperative for project support at the management level including:
 - ✓ Computer Aided Dispatch/Records Management System integration and updates including the recent changes to National Fire Incident Reporting System & National Emergency Response Information System
 - ✓ Fire & Rescue Department's Accreditation Process with the Center for Public Safety Excellence /Commission on Fire Accreditation International
 - ✓ Radio frequency templates and programming support
 - ✓ The Emergency Communications Center transition/integration in collaboration with the CMPD.





Recommendation

- Adopt a resolution granting an exception to the 180-day wait period pursuant to Government Code Sections 7522.56 and 21224.
- This item supports the City Council's Plan goal to Recruit and Retain High Quality Employees.





Adoption of the MOUs for CMPA, CMPMA, CMFA & CMFMA

**September 16, 2025
City Council Meeting**



Background

- The current Memoranda of Understanding (MOU) for CMFA and CMFMA were approved by City Council on February 20, 2024 and are scheduled to expire on June 30, 2027.
- The Letter of Agreements for CMPA and CMPMA were approved by the City Council on June 17, 2025 and the pending MOUs are scheduled to expire on June 30, 2026.
- Each MOU/Agreement includes language stating that the parties can agree to update language that is outdated or needs modification.
- The Human Resources Division collaborated with each group regarding updating language in the current and new MOUs.



MOU Updates – Special Compensation

- **Government Code Section 20636** defines “compensation earnable” for CalPERS “Classic Members” as the pay rate and special compensation of the member.
- **Government Code Section 7522.34** and California Code of Regulations defines “pensionable compensation” for CalPERS “New Members”
- **CCR Section 571** requires all items of special compensation be contained in a written labor policy and include the conditions of payment.
- Some examples of special compensation include:
 - Bilingual Pay
 - Holiday Pay
 - Special Assignment Pay
 - Education Pay
 - Certification Pay
 - Recruitment and Retention Pay

MOU Updates

- The new MOU for CMPA and CMPMA and the updated MOU for CMFA and CMFMA include:
 - Language updates for special compensation items for compliance with the Public Employees' Retirement Law, Public Employees' Pension Reform Act of 2013, California Government code and Title 2 of the California Code of Regulations.
 - Incorporation of negotiated provisions per previous Side Letters and the current Letters of Agreement for CMPA and CMPMA.
 - General language updates for provisions that may have been outdated, needed modification, or for consistency amongst groups with agreement from the associations.





Recommendation

- Adopt the new Memoranda of Understanding for CMPA and CMPMA and the revised Memoranda of Understanding for CMFA and CMFMA.
- There is no additional fiscal impact as the language updates are administrative in nature.
- This item supports the City Council's Plan goals to Recruit and Retain High Quality Employees and Strengthen the Public's Safety and Improve the Quality of Life.





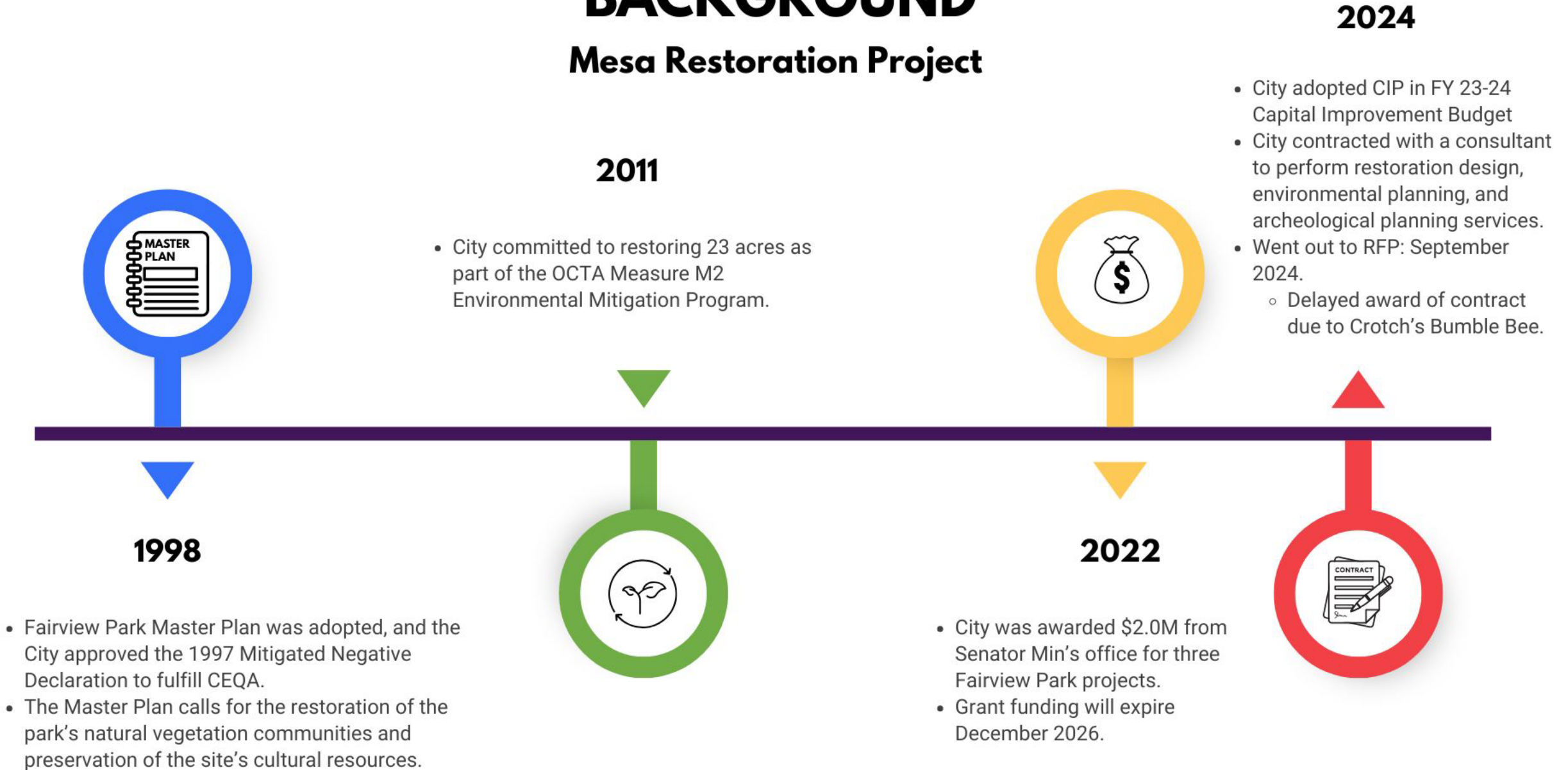
Professional Services Agreement With Endemic Environmental Services Inc. for the Fairview Park Mesa Restoration Project

September 16, 2025
City Council Meeting



BACKGROUND

Mesa Restoration Project

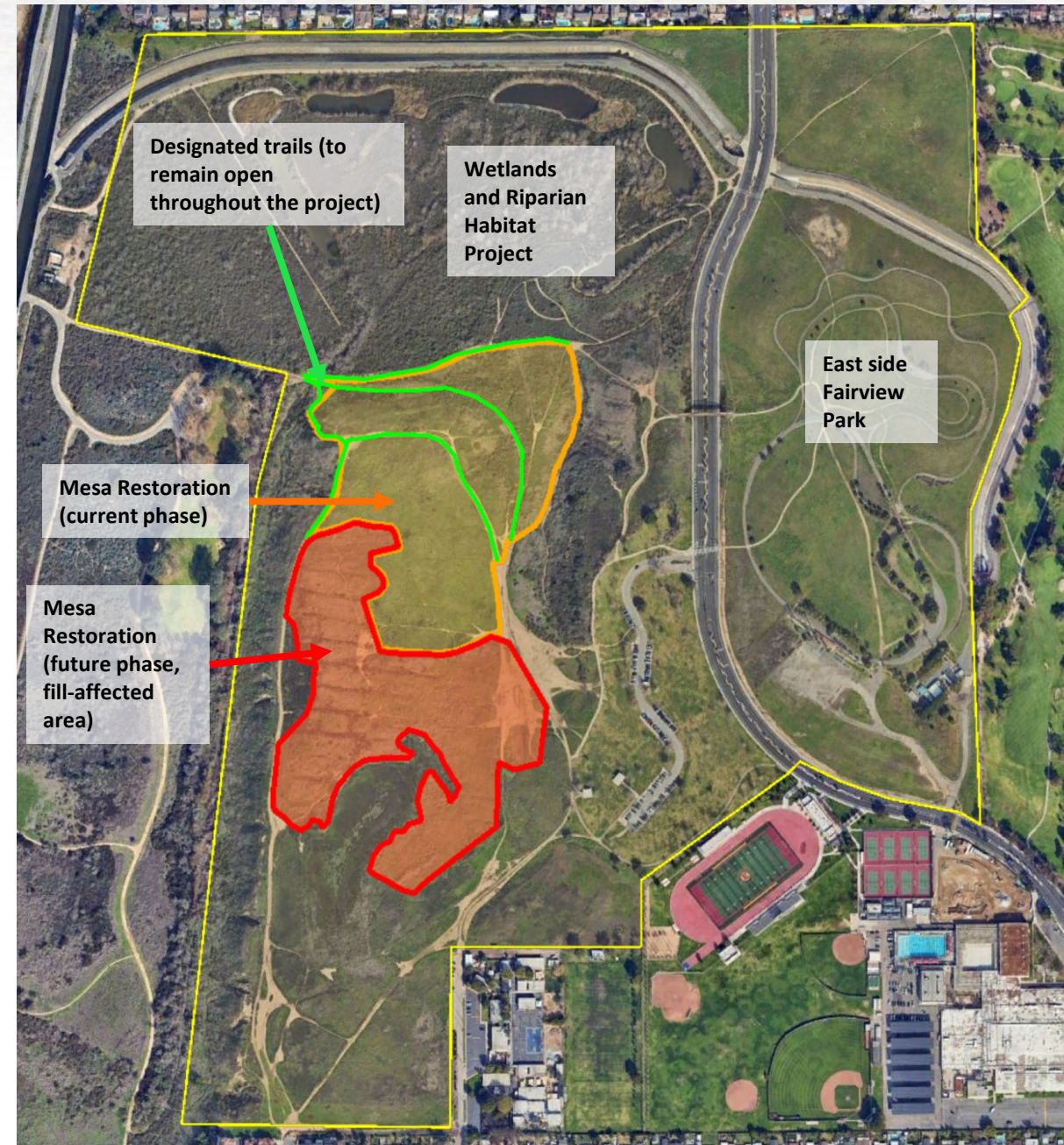


Mesa Restoration Project

- Addresses Mesa area of Fairview Park
- Restore indigenous plant communities of the Mesa
- Preserve and protect the CA-ORA-58 Archeological Resources site
- Remove unsuitable fill debris on the Mesa which degrades the site
- Project aligns with the Fairview Park Master Plan
- Addresses OCTA Mitigation requirements

Project Scope

- Site Protection, Initial Dethatch, Cultural Resources Protection Monitoring, Temporary Irrigation Installation
- Native Revegetation Buffer and Drainages in Container Planting, Irrigation, and Maintenance
- Weed Management Buffer Weed Maintenance
- Pre-Seed Installation Adaptive Weed Management
- Maintenance After Native Seed Installation
- Biological Monitoring and Reporting through 2032





Project Map

Fairview Park Coastal Sage Scrub & Flower Fields Habitat Restoration & Enhancement Project (Total 15.35 ac.)

Habitat Restoration Areas


Map Code | Vegetation Community Common Name


 1 | Black Sage Scrub (6.17 acres)

 2 | Fiddleneck – Phacelia Fields (5.74 acres)

Habitat Enhancement Areas

Map Code | Vegetation Community Common Name


 6 | California Sagebrush – California Buckwheat Scrub (0.1 acres)


 7 | Purple Sage Scrub (1.17 acres)


From the total 11.91 acres of Habitat Restoration in Areas 1 and 2, a net of 9.5 acres will provide the outstanding restoration required for the OCTA Wetlands & Riparian Habitat Project to benefit the OCTA EMP M2 Program.

Revegetation and Weed Management Buffer Areas

Map Code | Buffer Area (Vegetation Community Common Name)

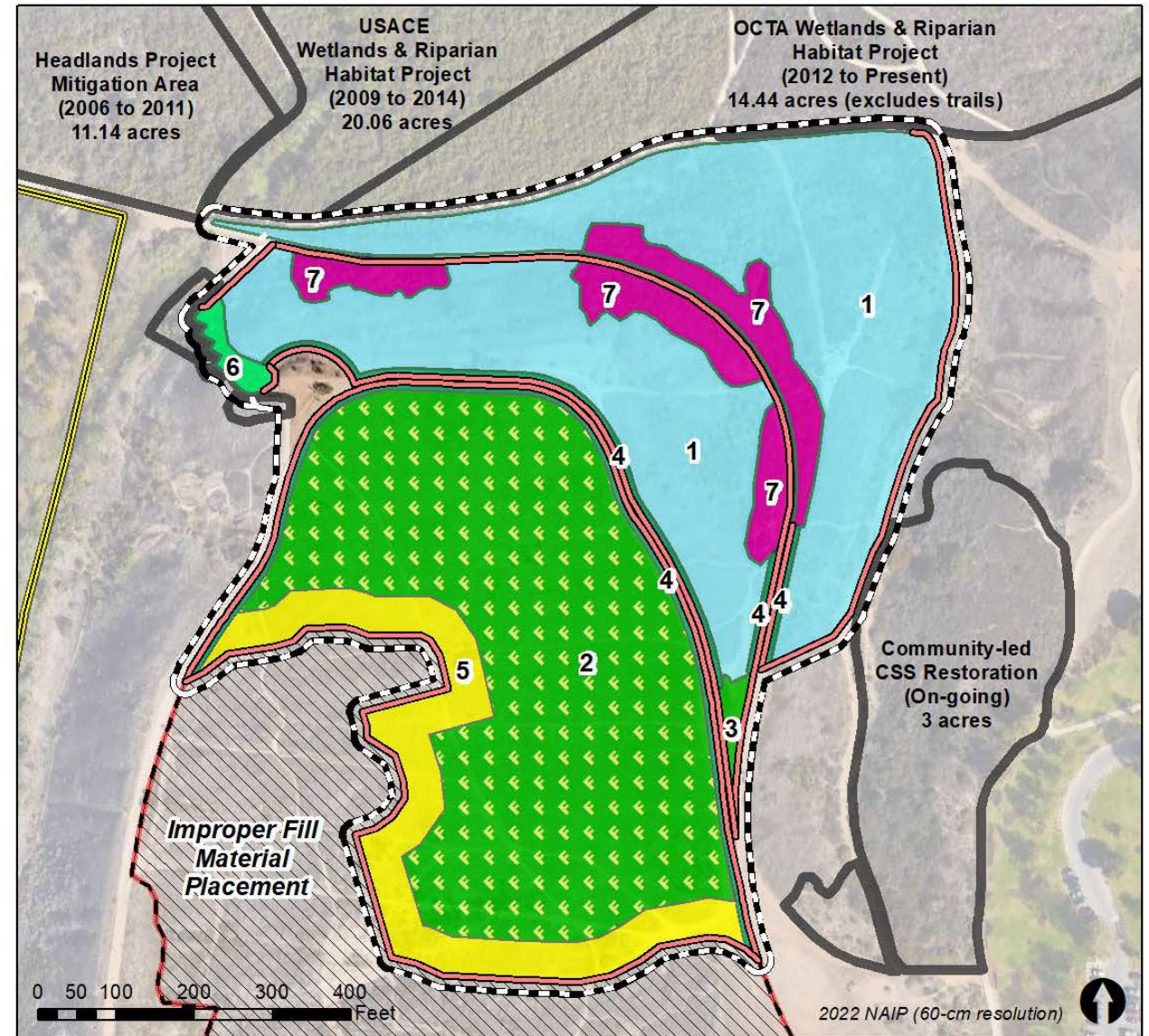
 3 | Native Revegetation Buffer (Fiddleneck – Phacelia Fields) (0.09 acres)

 4 | Native Revegetation Buffer (Black Sage Scrub) (0.61 acres)

 5 | Weed Management Buffer and Seed Enhancement (Fiddleneck – Phacelia Fields) (1.47 acres)

 Fairview Park Boundary

 Temporary Fence (6,400 feet)



Contractor Selection

- September 10, 2024
 - City released the RFP for implementation of the Fairview Park Mesa Restoration and Monitoring Plan.
- Endemic Environmental Services Inc. was determined to be the most qualified firm.
- Notable Projects:
 - Orange County Water District Prado Basin Sediment Demonstration Project for Habitat Restoration
 - Los Alamitos Southern Tarplant Enhancement Plan Solar Development Project - Joint Forces Training Base
 - Fairview Park Wetlands Restoration and Biological Management

Recommendation

1. Approve the Addendum (Attachment 2) to the 1997 Initial Study/Mitigated Negative Declaration for Fairview Park to address new information regarding biological resources pertinent to the project.
2. Award a Professional Services Agreement (PSA) to Endemic Environmental Services, Inc. for a term of 7 years for professional habitat restoration and monitoring services for the Fairview Park Mesa Restoration Project in an amount not-to-exceed \$1,311,062.
3. Authorize a ten percent (10%) contingency in the amount of \$131,106 for any unforeseen costs that may arise.
4. Authorize the City Manager and the City Clerk to execute the PSA and future amendments to the agreement within City Council-authorized limits.

Proposed Hourly Adjustments for City of Costa Mesa Procedure for Determining Shared Parking Requirements

City Identified Land Use	Office < 25,000 SF		Office >= 25,000 SF		Grocery Store		Department/Super Store		Other Retail		Medical/Dental Offices	
City Parking Ratios	4 parking spaces / 1,000 SF		4 parking spaces / 1,000 SF		4 parking spaces / 1,000 SF		4 parking spaces / 1,000 SF		4 parking spaces / 1,000 SF		6 parking spaces / 1,000 SF	
Time	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
6:00 AM	3%	0%	3%	0%	7%	5%	15%	17%	0%	0%	0%	0%
7:00 AM	14%	2%	14%	2%	22%	22%	33%	37%	0%	0%	7%	4%
8:00 AM	48%	6%	48%	6%	32%	32%	42%	47%	19%	0%	93%	41%
9:00 AM	88%	8%	88%	8%	55%	55%	60%	67%	33%	38%	93%	41%
10:00 AM	100%	9%	100%	9%	65%	65%	69%	77%	47%	55%	100%	43%
11:00 AM	96%	10%	96%	10%	72%	72%	79%	88%	55%	66%	100%	43%
NOON	79%	9%	80%	9%	87%	87%	89%	100%	89%	85%	54%	28%
1:00 PM	82%	8%	82%	8%	92%	92%	89%	100%	100%	100%	93%	0%
2:00 PM	95%	6%	95%	6%	96%	96%	89%	100%	73%	96%	100%	0%
3:00 PM	91%	4%	91%	4%	97%	97%	89%	100%	73%	79%	100%	0%
4:00 PM	79%	2%	80%	2%	100%	100%	86%	96%	66%	66%	93%	0%
5:00 PM	56%	1%	56%	1%	100%	100%	78%	87%	70%	64%	87%	0%
6:00 PM	23%	1%	24%	1%	97%	97%	69%	77%	75%	67%	67%	0%
7:00 PM	14%	0%	14%	0%	79%	79%	55%	62%	70%	70%	30%	0%
8:00 PM	5%	0%	5%	0%	52%	52%	42%	47%	54%	70%	15%	0%
9:00 PM	3%	0%	3%	0%	33%	33%	29%	32%	48%	51%	0%	0%
10:00 PM	1%	0%	1%	0%	20%	20%	11%	12%	0%	0%	0%	0%
11:00 PM	0%	0%	0%	0%	7%	7%	7%	8%	0%	0%	0%	0%
MIDNIGHT	0%	0%	0%	0%	7%	7%	4%	5%	0%	0%	0%	0%

City Identified Land Use	Restaurants with Less than 300 SF of Public Area		Fast Food w/ Drive Thru		Restaurants Without Breakfast		Restaurants With Breakfast		Bars And Nightclubs		Breweries And Distilleries	
City Parking Ratios	4 parking spaces / 1,000 SF		10 parking spaces / 1,000 SF		10 parking spaces / 1,000 SF		10 parking spaces / 1,000 SF		10 parking spaces / 1,000 SF		10 parking spaces / 1,000 SF	
Time	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
6:00 AM	7%	6%	0%	0%	0%	0%	28%	15%	0%	0%	0%	0%
7:00 AM	11%	11%	0%	0%	3%	3%	53%	31%	0%	0%	0%	0%
8:00 AM	21%	21%	0%	0%	6%	4%	64%	50%	0%	0%	0%	0%
9:00 AM	31%	31%	0%	0%	10%	8%	77%	71%	0%	0%	0%	0%
10:00 AM	57%	58%	20%	0%	23%	11%	87%	90%	0%	0%	0%	0%
11:00 AM	85%	87%	40%	50%	41%	23%	91%	90%	0%	0%	0%	0%
NOON	98%	100%	100%	84%	67%	54%	100%	98%	0%	0%	56%	47%
1:00 PM	98%	100%	93%	100%	67%	58%	91%	85%	1%	1%	54%	69%
2:00 PM	89%	91%	80%	94%	60%	49%	56%	68%	1%	1%	56%	78%
3:00 PM	60%	61%	53%	64%	39%	49%	49%	44%	1%	1%	61%	88%
4:00 PM	55%	56%	33%	64%	47%	49%	49%	48%	1%	2%	66%	94%
5:00 PM	60%	61%	40%	59%	69%	66%	77%	63%	3%	4%	85%	97%
6:00 PM	84%	86%	37%	100%	84%	91%	82%	72%	25%	29%	98%	100%
7:00 PM	80%	81%	20%	72%	87%	96%	82%	72%	47%	54%	100%	94%
8:00 PM	50%	51%	33%	72%	87%	100%	82%	68%	67%	77%	95%	86%
9:00 PM	31%	31%	20%	61%	87%	91%	62%	36%	87%	100%	76%	79%
10:00 PM	21%	21%	0%	0%	84%	91%	56%	29%	87%	100%	0%	58%
11:00 PM	11%	11%	0%	0%	67%	89%	74%	21%	66%	100%	0%	0%
MIDNIGHT	7%	7%	0%	0%	23%	50%	26%	13%	44%	100%	0%	0%

City Identified Land Use	Active Entertainment - Open After 11 PM and/or Serves Alcohol		Active Entertainment - Closes Before 11 PM and No Alcohol		Studios, Dance, Marital Arts, Music, Etc.		Movie Theaters		Auditoriums		Health Clubs/Physical Fitness Facilities	
City Parking Ratios	4 parking spaces / 1,000 SF		4 parking spaces / 1,000 SF		10 parking spaces / 1,000 SF		1 space/ 3 fixed seats or 1 space/ 35 square feet of seating area if there are no fixed seats		1 space/ 3 fixed seats or 1 space/ 35 square feet of seating area if there are no fixed seats		10 parking spaces / 1,000 SF	
Time	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
6:00 AM	0%	0%	0%	1%	70%	65%	0%	0%	0%	0%	70%	65%
7:00 AM	0%	0%	0%	1%	42%	37%	0%	0%	2%	2%	42%	37%
8:00 AM	0%	0%	0%	1%	42%	29%	0%	0%	2%	2%	42%	29%
9:00 AM	0%	1%	2%	3%	70%	41%	0%	0%	4%	4%	70%	41%
10:00 AM	0%	1%	24%	30%	70%	29%	0%	0%	4%	4%	70%	29%
11:00 AM	0%	1%	56%	69%	80%	41%	0%	0%	4%	4%	80%	41%
NOON	0%	1%	71%	87%	61%	41%	14%	21%	6%	6%	61%	41%
1:00 PM	1%	1%	75%	91%	70%	25%	29%	46%	6%	32%	70%	25%
2:00 PM	1%	1%	79%	96%	70%	21%	35%	55%	6%	73%	70%	21%
3:00 PM	1%	1%	79%	96%	70%	25%	36%	56%	6%	73%	70%	25%
4:00 PM	2%	2%	75%	90%	80%	46%	36%	56%	6%	6%	80%	46%
5:00 PM	4%	5%	79%	96%	91%	82%	40%	62%	6%	6%	91%	82%
6:00 PM	26%	30%	83%	100%	100%	78%	40%	62%	18%	18%	100%	78%
7:00 PM	49%	55%	79%	96%	89%	50%	52%	81%	36%	38%	89%	50%
8:00 PM	69%	78%	75%	91%	78%	25%	64%	100%	93%	100%	78%	25%
9:00 PM	89%	100%	54%	66%	67%	9%	64%	100%	93%	100%	67%	9%
10:00 PM	89%	100%	8%	10%	34%	2%	52%	100%	5%	5%	34%	2%
11:00 PM	89%	100%	0%	1%	11%	2%	42%	80%	2%	2%	11%	2%
MIDNIGHT	89%	100%	0%	1%	0%	0%	26%	50%	1%	1%	0%	0%

City Identified Land Use	Event Centers		Banks/Savings and Loans/Credit Unions		Furniture And Appliance Stores With Greater Than 5,000 Sf of Floor Area		Hotels ¹	
City Parking Ratios	12.33 parking spaces / 1,000 SF		5 parking spaces / 1,000 SF		2 parking spaces / 1,000 SF		1 parking spaces / 2 units	
Time	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
6:00 AM	0%	1%	0%	0%	15%	17%	84%	84%
7:00 AM	0%	1%	0%	0%	20%	22%	87%	87%
8:00 AM	0%	1%	54%	39%	33%	37%	91%	91%
9:00 AM	2%	3%	94%	49%	51%	57%	83%	83%
10:00 AM	24%	30%	100%	67%	78%	62%	74%	74%
11:00 AM	56%	69%	71%	79%	89%	82%	74%	74%
NOON	71%	87%	71%	74%	90%	96%	70%	70%
1:00 PM	75%	91%	71%	0%	89%	100%	70%	70%
2:00 PM	79%	96%	83%	0%	88%	96%	74%	74%
3:00 PM	79%	96%	71%	0%	83%	96%	74%	74%
4:00 PM	75%	90%	88%	0%	78%	82%	74%	74%
5:00 PM	79%	96%	100%	0%	74%	77%	79%	79%
6:00 PM	83%	100%	0%	0%	69%	77%	79%	79%
7:00 PM	79%	96%	0%	0%	56%	82%	77%	77%
8:00 PM	75%	91%	0%	0%	47%	92%	81%	81%
9:00 PM	54%	66%	0%	0%	29%	72%	85%	85%
10:00 PM	8%	10%	0%	0%	11%	12%	85%	85%
11:00 PM	0%	1%	0%	0%	0%	0%	88%	88%
MIDNIGHT	0%	1%	0%	0%	0%	7%	88%	88%

¹ Apply the corresponding Land Use category for ancillary hotel uses.

City Identified Land Use	Residential: Studio		Residential: 1 Bedroom		Residential: 2 Bedroom		Residential: 3 Bedrooms or more	
City Parking Ratios	1 covered, 0.5 open, 0.5 guest parking spaces / unit		1 covered, 1 open, 0.5 guest parking spaces / unit		1 covered, 1.5 open, 0.5 guest parking spaces / unit		1 covered, 2.5 open, 0.5 guest parking spaces / unit	
Time	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
6:00 AM	81%	77%	81%	77%	87%	83%	90%	85%
7:00 AM	73%	75%	74%	76%	78%	80%	81%	81%
8:00 AM	65%	71%	66%	71%	70%	75%	72%	77%
9:00 AM	57%	67%	58%	67%	61%	70%	62%	72%
10:00 AM	53%	63%	53%	63%	56%	66%	57%	67%
11:00 AM	49%	62%	49%	62%	52%	65%	53%	66%
NOON	45%	61%	45%	61%	47%	64%	48%	65%
1:00 PM	45%	60%	45%	60%	47%	63%	48%	64%
2:00 PM	45%	59%	45%	59%	47%	62%	48%	63%
3:00 PM	49%	50%	49%	50%	52%	52%	53%	53%
4:00 PM	53%	54%	53%	54%	56%	57%	57%	58%
5:00 PM	59%	53%	60%	53%	62%	54%	63%	54%
6:00 PM	66%	52%	66%	51%	68%	51%	68%	51%
7:00 PM	74%	62%	74%	61%	74%	59%	75%	58%
8:00 PM	78%	70%	78%	70%	79%	68%	79%	67%
9:00 PM	82%	79%	82%	79%	83%	77%	84%	76%
10:00 PM	91%	87%	91%	87%	93%	86%	93%	86%
11:00 PM	90%	89%	91%	89%	93%	89%	95%	89%
MIDNIGHT	90%	93%	90%	93%	94%	96%	96%	97%