

**RESOLUTION NO. PC-2025-06**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA, CALIFORNIA APPROVING  
CONDITIONAL USE PERMIT PCUP-23-0003 FOR A 47-UNIT  
SINGLE ROOM OCCUPANCY MOTEL CONVERSION AT 2205  
HARBOR BOULEVARD**

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

WHEREAS, Planning Application PCUP-23-0003 was filed by Michael Schafer, authorized agent for the applicant, Ahura Investments requesting approval to allow an existing motel to be converted into a furnished 47-unit Single Room Occupancy residential development including 42 single occupancy units, 4 double occupancy units, and 1 managers unit;

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

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

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

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PCUP-23-0003 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PCUP-23-0003 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change

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

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

**PASSED AND ADOPTED this 28th day of April, 2025.**

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Jeffrey Harlan, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )ss  
CITY OF COSTA MESA )

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2025-06 was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on April 28, 2025 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Scott Drapkin, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2025-06

## EXHIBIT A

### **FINDINGS**

- A. The proposed project complies with Conditional Use Permit Findings, Costa Mesa Municipal Code Section 13-29(g) because:

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

**Facts in Support of Findings:** The proposed use would not involve any expansion or additional square footage to the existing motel. The use complements the surrounding commercial uses in that it will provide additional residential opportunities for employees in the area. The use would be compatible with the surrounding area in that adequate buffering has been provided to neighboring residential uses including the existing eight-foot block wall, proposed screening vegetation, limited hours on the common patio, and the relocation of the trash enclosure away from the neighboring mobile home park. Lastly, the project includes conditions of approval to ensure use/neighborhood compatibility including compliance with the operational plan.

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

**Facts in Support of Finding:** Granting the approval will not be detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood in that modifications to the existing structures are minor and would require compliance with applicable building and fire codes. The use is substantially similar to the existing motel use in that the space will be used to house people, albeit as a primary residence instead of a motel. The Police Department has also reviewed the proposed use and has no objections to the approval of the application.

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

**Facts in Support of Finding:** The use would be compatible with the existing uses in the surrounding area and meets the intent of the General Plan's General Commercial Land Use Designation and City Council Policy 500-05 in that commercial uses like motels may be permitted, and, subject to the approval of a conditional use permit, motels may be converted into SRO developments in commercial zones. Furthermore, the proposed project is

consistent with General Plan Land Use Policies LU-1.1 and LU-1.5 and Housing Element Policy 2.1 as indicated above.

- B. Pursuant to Senate Bill 166 [Government Code Section 65863], the “No Net Loss Law” was amended to ensure that housing development opportunities remain available throughout the housing element planning period to accommodate a jurisdiction’s regional housing needs assessment (RHNA). One aspect of this amended legislation requires that “If the city approves a development of a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element’s remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category”:

**Facts in Support of Findings:** • The proposed SRO Development project includes a total of 47 units, exceeding the City’s Housing Element RHNA Sites Inventory capacity of 28 units for the subject site. However, according to the City’s adopted Housing Element “Sites Analysis” (Appendix B), the property is identified with providing five very-low-income units, three low-income units, five moderate income units and 15 above moderate units. The proposed SRO development project includes 46 very-low-income units, no low-income units, no moderate-income units and only one above-moderate unit (the manager’s unit), therefore is deficient three low-income units, five moderate-income units and 14 above moderate units. Although the development, as proposed, would be deficient for low-income, moderate-income units and above-moderate income units (as specified in the City Housing Element “Sites Analysis”), the City’s Housing Element includes a 49 unit surplus of low income units, a 1,149 surplus of moderate income units, and a 1,064 surplus of above-moderate units; therefore, a finding can be made that the City’s adopted Housing Element’s remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level.

- C. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities. The site is located in an urbanized area that is fully developed and does not contain any sensitive species or habitats. This project site contains two existing buildings, and the application does not include any new square footage. The project would result in interior improvements to adequately address operation and safety concerns. Exterior improvements consist of painting, landscaping, and the removal of the pool. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a cumulative environmental impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact any historic resources.

- D. The project is subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

- Plng.
1. Approval of Planning Application PCUP-23-0003 is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
  2. The conditions of approval for PCUP-23-0003 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  3. The applicant shall defend, with attorneys of City's choosing, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section.
  4. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
  5. Unit address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
  6. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

7. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
8. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
9. Street address shall be visible from the public street and shall be displayed on the complex identification sign. If there is no complex identification sign, the street address may be displayed on the fascia adjacent to the main entrance or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Street address numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.
10. Once the use is legally established, the planning/zoning application herein approved shall be valid until revoked. The Director of Economic & Development or designee may refer the planning/zoning application to the Planning Commission for modification or revocation at any time if any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
11. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
12. Circulation and parking spaces shall be repainted and installed subject to the applicable City's standards at the direction of the Transportation division of the Public Works Department.
13. Prior to the issuance of Building Permits, the Applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Development Services Department. The Lighting Plan shall demonstrate compliance with the following: (a) Lighting design and layout shall limit spill light to no more than 0.5 foot candle at the property line of the surrounding neighbors, consistent with the level of lighting that is deemed necessary for safety and security purposes on site. (b) Glare shields may be required for select light standards.
14. The parking area and pedestrian paths shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the site.



15. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute appropriate security and operational measures are necessary to comply with this requirement.
16. The common patio area shall be closed and unused from 10 p.m. to 7 a.m.
17. Any graffiti painted or marked upon the premises shall be removed or painted over within 24 hours of being applied.
18. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
19. The applicant shall maintain free of litter all areas of the premises under which applicant has control.
20. Prior to final building inspection, a bicycle rack shall be installed in a location such that it is functional, accessible and visible to the user.
21. The use shall operate in compliance with the Operational Plan. Any alterations to the plan shall be reviewed and approved by the Director of Economic and Development Services prior to initiating any changes.
22. All landscaping shall be maintained and remain in healthy condition. No trees shall be removed without prior City approval. Landscaping materials shall be replaced if the landscaping dies.
23. Each unit shall be provided with a minimum 40 cubic feet of storage and a minimum 10 cubic foot locker.
24. Prior to the issuance of building permits, the applicant shall indemnify the City for providing reduced parking pursuant to AB 2097 on a City approved form.
25. All units rented shall be the tenant's primary residence and units shall be rented for terms no less than one month.
26. An annual report shall be submitted to the City on a City approved form outlining compliance with the affordability requirements. The form shall include all tenants, income levels, lease length, and rental rates (including utilities).
27. The landscape and irrigation plan shall include evergreen shade trees with a minimum box size of 24" within the front landscaped setback subject to the direction of the Planning Division.
28. Smoking shall not occur on the property outside of approved smoking areas.
- BLDG 29. Comply with the requirements of the adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, California Existing Building Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance. Requirements for accessibility to sites, facilities, buildings and

- elements by individuals with disability shall comply with Chapter 11B of the California Building Code and California Existing Building Code.
- TRAN 30. Fulfill mitigation of off-site traffic impacts at the time of issuance of Building Permit by submitting the required Traffic Impact Fee to the Transportation Division under the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based on the average daily trip generation rate of 4.81 trip ends per dwelling unit for the proposed project. It includes a credit for any previously existing use. At the current rate, the Traffic Impact Fee is estimated at \$4,332.00. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of the Building Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
- ENG 31. At the time of development submit for approval an Offsite Improvement Plan to the Engineering Division prepared by a registered Civil Engineer that shows parkway improvements and pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C.
32. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then reconstruct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Improvement Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches.
33. Obtain a permit from the City of Costa Mesa, Engineering Division and remove existing parking space along Harbor Boulevard frontage and replace with landscape per Costa Mesa's Streetscape and Median Development Standards.
34. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any curb depressions that will not be used and replace with full height curb.
35. Comply with streetscape & median development standards and landscape the parkway per City of Costa Mesa's Streetscape and Median Development Standards, Section 3.0 "Public Rights-of-Way and Parkways-General Criteria".
36. Submit an Erosion Control Plan to the City of Costa Mesa Engineering Division for review and approval associated with any onsite grading work.
37. Submit required cash deposit or surety bond to guarantee construction of off-site street improvements at time of permit issuance per Section 15-32, CMMC and as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.
- FIRE 38. Applicant shall submit differed submittals for underground plans and fire sprinkler plans.
39. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue including, but not limited to, install extinguishers in common areas at the direction of the Fire Department.

## **CODE REQUIREMENTS**

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

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| Plng | <ol style="list-style-type: none"><li>1. Development shall comply with all the requirements of Municipal Code and City Council Policy 500-05 relating to SRO developments.</li><li>2. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.</li><li>3. The location and height of walls, fences, and landscaping shall comply with Code requirements, as well as any visibility standards for traffic safety related to ingress and egress.</li><li>4. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be <u>prohibited</u> on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.</li><li>5. Prior to the issuance of building permits, the applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.</li><li>6. All new on-site utility services shall be installed underground.</li><li>7. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.</li><li>8. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.</li><li>9. A detailed landscape and irrigation plan, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108 and the City's Water Efficient Landscape Guidelines, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.</li><li>10. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.</li></ol> |
| Bldg | <ol style="list-style-type: none"><li>11. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of California Building Code 705.8</li></ol>  |

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|       | 12. | Maximum allowable area of new and additions shall be determined in accordance with the applicable provisions of California Building Code sec. 506.2  |
|       | 13. | Change of occupancy shall comply with the Existing Building Code.  |
| Trans | 14. | All parking stalls shall comply with the Parking Design Guidelines for commercial parking.   |
|       | 15. | Provide 25' min distance from far side of drive aisle for all 90-degree parking spaces, covered or uncovered to provide adequate space for turning movements.  |
|       | 16. | Provide parking stall dimensions on plan, indicate areas where a 2' overhang is required for compliance with parking stall length requirements.  |
|       | 17. | Submit an off-site improvement plan showing: The construction of a commercial drive approaches per City Standards. Relocation of any utility boxes or utilities conflicting with the new drive approach. Close the southernmost drive approach with full height curb and gutter per City Standards |
| Fire  | 18. | Comply with the California Fire Code as adopted and amended by the City of Costa Mesa.   |

### **SPECIAL DISTRICT REQUIREMENTS**

The requirements of the following special districts are hereby forwarded to the applicant.

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| Sani.  | 1. | The applicant shall contact Costa Mesa Sanitary District at (949) 654-8400 for any additional district requirements  |
| AQMD   | 2. | Applicant shall contact the Air Quality Management District (AQMD) at (800) 28-7664 for potential additional conditions of development or for additional permits required by AQMD.   |
| Water  | 3. | Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.             |
| School | 4. | Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits.   |
| State  | 5. | Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information. |