



# PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 23, 2025

ITEM NUMBER: NB-1

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**SUBJECT: STUDY SESSION REGARDING THE 2025 ZONING CODE AMENDMENT PCTY-25-0001 FOR MINOR TECHNICAL UPDATES**

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

**PRESENTATION BY: CAITLYN CURLEY, ASSISTANT PLANNER, AND FROYLAN GARCIA, ASSISTANT PLANNER**

**FOR FURTHER INFORMATION CONTACT: CAITLYN CURLEY  
714-754-5692  
Caitlyn.Curley@costamesaca.gov**

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## **RECOMMENDATION:**

Staff recommends that the Planning Commission receive the staff presentation and provide feedback on the proposed Zoning Code Amendment.

## **APPLICANT OR AUTHORIZED AGENT**

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

## **BACKGROUND**

Periodic updates to the Zoning Code are a necessary component of proper city planning as cities update their Zoning Codes to meet State law, clarify code sections, align the Code to current practices and procedures and modify procedures to increase efficiency in entitlement and permit reviews. Most cities conduct a Zoning Code Amendment at least once annually. Moving forward, the Planning Division anticipates doing so as well, although additional Zoning Code Amendments may occur due to changes in State law. Zoning Code Amendments generally fall into three categories: compliance with State law (such as updating requirements for accessory dwelling units and density bonus), technical updates (such as clarifying language and codifying common practices) and policy updates (such as creating new procedures or adding an application type). Zoning Code Amendments allow the City to effectively, efficiently and accurately implement the Zoning Code and State law.

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

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

Since the early 2000s, the City has implemented staff-level procedures, called Zoning Administrator Determinations, that provide clarification or interpretations for sections of the Zoning Code that are ambiguous or for uses and developments that are not clearly regulated in the Code. Many of these Zoning Administrator Determinations are used regularly by Planning Staff in day-to-day operations and during plan check, such as the determination that establishes requirements for the placement of HVAC units (air conditioners) or pool equipment. Although these Zoning Administrator Determinations function similarly to other regulating documents such as the Zoning Code, keeping these procedures separate from the Zoning Code causes confusion and reduces transparency of City requirements and regulations. As stated previously, this Zoning Code Amendment adds several Zoning Administrator Determinations to the Zoning Code. In an effort to maintain a manageable quantity of items included in the Zoning Code Amendment, the Determinations selected for this amendment are those most commonly used in day-to-day operations. Future Zoning Code Amendments may include the codification of other Zoning Administrator Determinations that are used in more limited circumstances.

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

## **DESCRIPTION**

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

- Chapter I, Section 13-6: Definitions
- Chapter III, Section 13-28: Types
- Chapter IV, Section 13-30: Purpose
- Chapter V, Section 13-32: Development Standards
- Chapter V, Section 13-35: Accessory Dwelling Units
- Chapter V, Section 13-36: Two-Unit Housing Development
- Chapter V, Section 13-41: Residential Common Interest Development Standards and Requirements
- Chapter V, Section 13-42.3: Development Standards and Requirements
- Chapter V, Section 13-74: Elevation and Screening Requirements
- Chapter V, Section 13-75: Fences and Walls
- Chapter VI, Section 13-89: Parking Required
- Chapter VIII, Section 13-111: Definitions
- Chapter IX, Section 13-142: Development Standards
- Chapter X, Section 13-204: Nonconforming Provisions
- Chapter XII, Section 13-265.5: Parcel Maps for Urban Lot Splits

## **ANALYSIS**

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

### **Item 1: Fences and Walls**

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

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

Affected sections:

- 13-28: Types
- 13-75: Fences and Walls

## **Item 2: Group and Individual Counseling**

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

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

These Zoning Administrator determinations established a parking rate for group counseling of ten spaces for every 1,000 square feet of gross floor area and a parking rate of four spaces for every 1,000 square feet of gross floor area for individual counseling. It was also determined that the two types of counseling businesses would be permitted, conditionally permitted or prohibited based on their corresponding related use that appears in the land use matrix. Within the Zoning Code and Zoning Administrator Determinations, however, ambiguity still exists on the definition of a group counseling use compared to an individual counseling use. Regulating and defining these two uses are important from a land use standpoint because the two uses have very different traffic and parking demand patterns and can impact surrounding properties differently. For example, individual counseling generally consists of a client parking demand of one or two vehicles as families tend to carpool to sessions, or an individual client who would occupy only one car. Group counseling typically has a higher parking demand, as there are typically more clients occupying a business in a similar or larger amount of space and who typically drive individually to the location. These differences in parking demand and vehicle trips can result in a greater impact to surrounding properties for group counseling, compared to individual counseling uses.

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

Affected sections:

- Chapter I, Section 13-6: Definitions
- Chapter IV, Section 13-30: Purpose
- Chapter VI, Section 13-89: Parking Required

### **Item 3: Exposed Pipes and Conduits**

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

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

Affected sections:

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

### **Item 4: Antenna Screening**

In 2015, the Zoning Administrator made a determination related the screening of antenna and their support structures. The Zoning Administrator acknowledged that, while the Zoning Code is clear that antennas themselves must be screened, is it unclear if their support structures and equipment need to be screened as well. The Zoning Administrator determination clarified that both antenna and their support structures

need to be screened in order to lessen the visual impacts of the entire structure. While there are existing State and Federal laws related to antennas, including the Telecommunications Act of 1996 and AB 57. These laws do not preclude cities from requiring screening antennas, but do identify strict review timelines (also known as a “shot clock”) and parameters under which a telecommunications facility application could be denied (i.e. screening requirements cannot be the sole basis to deny an application). The proposed changes are consistent with some nearby cities, which require screening of all elements of the antenna.

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

Affected sections:

- Chapter IX, Section 13-142: Development Standards

### **Item 5: SB 9 Ordinance**

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

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

Affected sections:

- Chapter V, Section 13-36: Two-Unit Housing Development

- Chapter XII, Section 13-265.5: Parcel Maps for Urban Lot Splits
- Urgency Ordinance No. 2021-21

### **Item 6: Accessory Dwelling Units**

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

Affected sections:

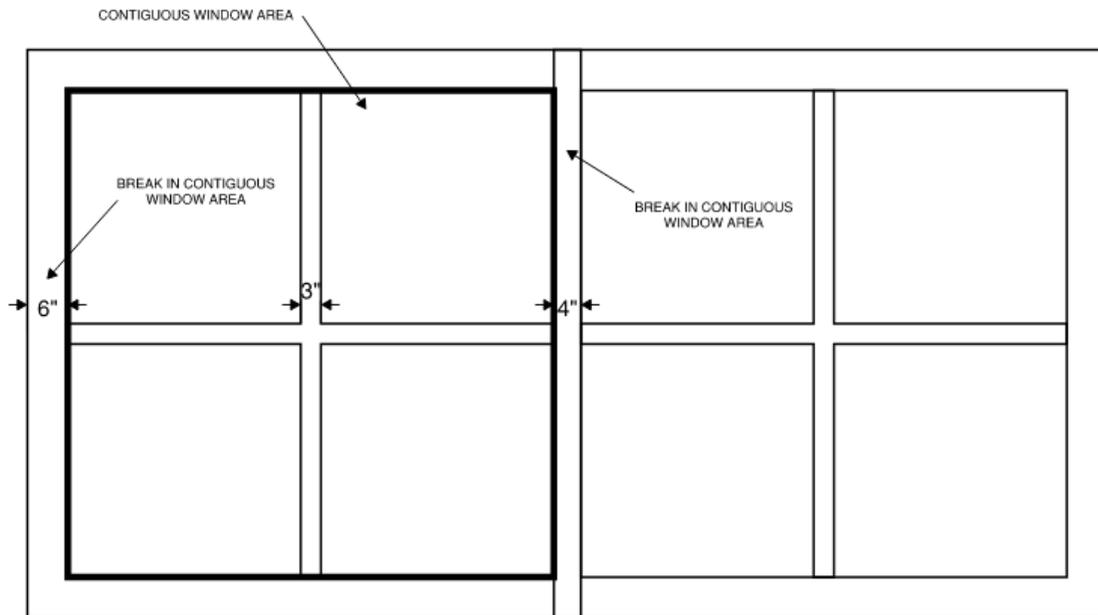
- Chapter V, Section 13-35: Accessory Dwelling Units

### **Item 7: Contiguous Window Area**

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

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

Figure 1: Example of Contiguous Window Area



Affected sections:

- Chapter VIII, Section 13-111: Definitions

### Item 8: Mechanical Rooms

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

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

Affected sections:

- Chapter VI, Section 13-89: Parking Required

## **Item 9: Screening of Ground Mounted Equipment**

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

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

Affected sections:

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

## **Item 10: Raised Decks**

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

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

Affected sections:

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

### **Item 11: Shared Parking Analysis**

Costa Mesa Municipal Code Table 13-89, Non-Residential Parking Standards, sets the parking requirement for mixed use developments on a case-by-case basis, as outlined in the "City of Costa Mesa Procedure for Determining Shared Parking Requirements," approved by the City Council under Resolution 85-56 in 1985. This procedure examines the parking demand hourly for each use within the mixed-use development, adds these numbers together, and establishes the parking demand as the highest of these totals. The resolution established the uses parking demand based on 1980's statistics and included then-common uses such as banks and offices, retail stores, restaurants, theaters and hotels, along with residential uses. In additional research, staff found that nearby cities typically use standard parking rates and do not factor in demand trends by hour.

This Zoning Code Amendment includes an updated shared parking demand table, based on current parking demand statistics established by industry professionals. The new table will also include uses not on the original table that have become common uses in the City. Studies show parking demand trends have changed since the 1980s, with modern patterns resulting in a lower overall parking demand than has been produced in the past. By updating the shared parking demand table to include current data and new uses, the City can provide more flexible parking requirements for mixed use developments, such as existing multi-tenant shopping centers and future new mixed-use development. Staff expects the new data to result in a lower calculated parking demand than previously used, therefore allowing new businesses to operate in the City, which can help attract more business to these centers, thereby revitalizing the City's many outdated shopping centers. The new, lower parking demand may also reduce the frequency of required parking deviations for a business to operate within the City, therefore removing a common hurdle to new businesses and further improving the City's business friendly practices. During this study session, staff will provide an overview of the challenges in current code and the process that will be conducted to update the shared parking table. Staff will bring the updated table to the Planning Commission when the Zoning Code Amendment will be formally considered for recommendation this summer.

### **GENERAL PLAN CONFORMANCE**

The proposed Zoning Code Amendment would continue to allow for orderly, high-quality development within Costa Mesa and encourage economic growth in the community. It would clarify regulations that maintain privacy for residential

neighborhoods and encourage good design throughout the City. The Zoning Code Amendment also provides allowances for development and redevelopment of properties to encourage new and existing businesses to operate within Costa Mesa. The implementation of objective standards included in the amendments provides support for development within the City and streamlines approval processes for building permits and entitlements. These amendments are “clean up” revisions in nature, and do not impose any substantial policy decisions or changes to the Zoning Code.

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

- Policy LU-3.10 Minimize effects of new development on the privacy and character of surrounding neighborhoods.
- Policy LU-6.2 Continue to promote and support the vitality of commercial uses to meet the needs of local residents and that support regional-serving commercial centers.
- Policy LU-6.7 Encourage new and retain existing businesses that provide local shopping and services.
- Policy LU-6.19 Provide flexibility and support for development of residential, office, small retail centers, and similar uses that would serve local residents and would also benefit from the high visibility along major corridors outside of significant commercial or industrial nodes.

## **ENVIRONMENTAL DETERMINATION**

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

## **NOTICE**

There is no public notice requirement for the Planning Commission Zoning Code Amendment Study Session. However, to encourage public engagement, the City provided the following informal outreach:

- The date and time of the study session was posted in the Daily Pilot newspaper.
- Information about the study session was shared via the City’s email distribution system.

## **CONCLUSION**

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

**ATTACHMENTS**

1. Tracked Changes Ordinance (Exhibit A)
2. Fences, Walls, and Landscaping handout