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**From:** Shawnee Chisam <shawneefancy@yahoo.com>  
**Sent:** Wednesday, November 9, 2022 2:00 PM  
**To:** CITY CLERK  
**Subject:** Trenta

Good Afternoon,

I am writing regarding the approval of a permanent outdoor patio for dining and for Valet Parking for Trenta. This day and age, it is so nice to have a place to sit outside in the fresh air and also makes many feel more comfortable while dining. We are also so fortunate to live in a place with great weather most of the year and when I decide to go out to eat, outdoor dining is what I search for. I would love to see the patio become permanent for Trenta. Valet Parking is also convenient and safe for customers so I would hope this would be possible as well.

Thanks for your consideration from a Costa Mesa Resident.

Thanks,  
Shawnee Chisam

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**From:** Cheryl Bame <cheryl@bamepr.com>  
**Sent:** Wednesday, November 9, 2022 1:28 PM  
**To:** CITY CLERK  
**Subject:** Letter in Support of Trenta

Hello,

I am writing to you in support of Trenta to continue offering outdoor seating to its patrons a long with valet parking. There is not enough parking at the restaurant so it would be a safer option to continue.

We also love outdoor seating because it makes it a unique environment for our family to eat there.

Thank you,

Cheryl Bame  
442 Redlands Ave.  
Newport Beach

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**From:** Fiore, Erika (CAI - Irvine) <Erika.Fiore@coxautoinc.com>  
**Sent:** Wednesday, November 9, 2022 1:18 PM  
**To:** CITY CLERK  
**Subject:** Trenta

Hi,

We've been made aware that Trenta has a pending request for approval of their outdoor patio dining and valet parking. I'm writing in support of this request. Trenta's location and outdoor set up has been a blessing to so many local families and sports teams. We gather before and after games. It is an affordable, safe and accommodating setting for both young and old. The outdoor setting provides the much needed space for groups and valet parking would be especially helpful to provide a safe way for diners to arrive/depart the restaurant. Otherwise, there are few convenient, safe places to park and a valet service would keep this more organized and manageable for the surrounding neighbors, too.

We love that this is a local, independently-run small business and we hope that you will make the decision to approve the outdoor patio and valet service so that they may stay in business.

All the best,  
Erika

**Erika Fiore**  
Associate Vice President  
Enterprise Marketing Partnerships  
m: 949.295.0035  
Email: [erika.fiore@coxautoinc.com](mailto:erika.fiore@coxautoinc.com)  
**COX AUTOMOTIVE**  


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**From:** HEIDI ELLIS <heidimelton@aol.com>  
**Sent:** Wednesday, November 9, 2022 1:26 PM  
**To:** CITY CLERK  
**Subject:** Trenta outdoor dining

Hi there,

I'm a loyal customer at Trenta and love their restaurant. Their outdoor dining is how we fell in love with the restaurant. The ambience is amazing and the best way to enjoy cuisine in California with the good weather.

We would really like you to consider making this a permanent thing! The valet service makes it so easy to safely pull in and enjoy dinner without worrying about parking.  
Thank you for your consideration.

Heidi Ellis

Sent from my iPhone

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**From:** Kastell Group <bernice@kastellgroup.com>  
**Sent:** Wednesday, November 9, 2022 1:35 PM  
**To:** CITY CLERK  
**Subject:** Trenta pending approval

I'd love to express my thoughts on the permission for permanent outdoor dining and valet parking at Trenta.

We dine there fairly often . My mother who is 88 years old and has difficulty walking long distances would greatly benefit from a valet ( being that the parking is limited for handicap spaces) and parking in the surrounding area is limited. That provides a safer more enjoyable environment for the patrons of the restaurant.

Regarding the permanent outdoor seating . I think it is important because outbreaks Covid is now something that we will be living with going forward. Outdoor dining is a safer environment for all especially those that have compromised health. I see virtually no negative impact whatsoever on the surrounding community by granting permanent outdoor dining at Trenta.

We love a Trenta . The quality of the food and service staff is always top level . It's been a gift to have such a fantastic restaurant on that side of town. I'm a local real estate broker and sell many of the condos located directly behind the restaurant. All of our clients felt that having Trenta so conveniently close was a great asset to the community.

Please consider my comments and if you have any questions I'm available at 714-488-9381.

Here to Help,

*Bernice*



**Bernice DeVries**

BROKER / CA DRE #01276952

*Knowledge & Service You Can Trust*

✉ [bernice@kastellgroup.com](mailto:bernice@kastellgroup.com)

📞 714.488.9381 📞 866.336.0005 📞 949.209.4537

📍 1048 Irvine Ave #453, Newport Beach, CA 92660

🌐 [www.kastellgroup.com](http://www.kastellgroup.com)



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**From:** Matt Kipp <mjkipp@hotmail.com>  
**Sent:** Wednesday, November 9, 2022 1:42 PM  
**To:** CITY CLERK  
**Subject:** Trenta Pizza & Cucina / Permanent Outdoor Seating and Valet

We love Trenta Pizzeria!

Trenta a great restaurant for Costa Mesa and the ownership is truly passionate about what they do. The outdoor seating at Trenta provides a great dining experience and one that is relatively unique for the city. As a 22-year resident of Newport Beach, I love seeing what has happened to this area of Costa Mesa from the residential growth, but the supporting retail amenities must be embraced and expanded. Keeping Trenta's outdoor patio and accessibility to the restaurant with valet services only enhances the experience and draw there. Yes, the parking situation is not ideal for this property, but the valet service solves this by allowing for safe and easy access to the center. To lose all of that, would hinder the restaurant, its patrons and the character of what makes it so special. Frankly, I wish both Newport Beach and Costa Mesa could find more opportunities to allow for outdoor dining experiences like we have at Trenta. If these components are not approved, it would be a huge disappointment for the community that enjoys it! One of the main reasons we all live here is the weather and Trenta has found a great ability to capture that and provide a wonderful dining experience along the way!

Our family hopes the City of Costa Mesa can make the valet service and the outdoor dining a permanent staple at Trenta Pizza & Cucina!

Sincerely,

Matt Kipp

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**From:** Janet Stemler <janetsstemler@gmail.com>  
**Sent:** Wednesday, November 9, 2022 1:13 PM  
**To:** CITY CLERK  
**Cc:** Marco Palazzo  
**Subject:** Trenta restaurant

Costa Mesa

We very strongly support Trenta's requests for outdoor dining and valet parking. We enjoy eating outside and valet service would allow us easy access to the restaurant.

Trenta and particularly Marco Palazzo have contributed so much to our community. The city should absolutely support their business.

Sincerely

Janet Stemler

212 Kings Pl

Newport Beach, Ca. 92663

9492745264

Sent from my iPad

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**From:** dallenisme@gmail.com  
**Sent:** Wednesday, November 9, 2022 1:35 PM  
**To:** CITY CLERK  
**Subject:** Trenta Support

Dear City of Costa Mesa,

I am writing to show support for our local restaurant and the owner of Trenta restaurant. Over the past several years, we have watched a local businessman, Marco Palazzo invest and risk his money to open his dream business. It could not have been worse timing than to open a small restaurant and have the Covid pandemic take control of our lives. During that time, we watched the community band together and support this fantastic restaurant and person. One of the key elements to Trenta's success was the outdoor dining approval during Covid. Not only did this save the restaurant, it has created a great opportunity for people to dine outside in our beautiful city and experience a truly authentic Italian meal as if you were in another place. This has become a very popular addition to the inside dining and I hope you support and approve a permanent outdoor dining spot to them. In addition, I believe the use of a valet service will improve safety and the overall experience by not having headlights constantly shine on diners or the headache of finding local parking and walking. Parking is limited and I believe this is a very common sense approach in the overall support to this great venue. Marco supports our local community and kids and we should support him back.

Thank you for your consideration,  
Dave Allen

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**From:** Amy Cohen <acohen03@hotmail.com>  
**Sent:** Wednesday, November 9, 2022 1:11 PM  
**To:** CITY CLERK  
**Subject:** Trenta!!

Please continue to allow the beautiful outdoor dining space for Trenta!!! This hardworking restaurant has endured a pandemic and done an amazing job providing excellent service to the community!!! We love the environment and we are so grateful to have such an amazing Italian restaurant in our community!!!

Sent from my iPhone

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**From:** Gershon L Alaluf, DVM <doctorgisme@gmail.com>  
**Sent:** Wednesday, November 9, 2022 1:55 PM  
**To:** CITY CLERK  
**Subject:** Trenta Support

To Whom it May Concern

Trenta has become a staple restaurant in our community with amazing food and community support with fundraisers. I have never been there and the dining room has not been almost full to completely full. There is not a person you talk to that does not enjoy the food and ambiance that it offers.

The best part of Covid was restaurants offering all the outdoor dining. Laguna Beach (where my office is ) has made it permanent. We pay a ton of money to live in So Cal and put up with a lot of bureaucracy because we love the weather and the outdoors. Why can't this be a permanent option in Costa Mesa? Why are being shoved back indoors? Talk about social distancing not being followed while we are still under a state of emergency in California.

Also, valet parking is a must. There are usually families with young kids at this restaurant and valet parking will be a way to offer safety and help to those families. I wish more places in Costa Mesa offered valet parking including the grocery stores, Staples, and Ace Hardware. Most of the restaurants on 17th st offer Valet service so why can't Trenta?

I hope you realize that one neighbor is not the majority of Costa Mesa. The majority of Costa Mesa wants outdoor seating EVERYWHERE and VALET parking. We live in So Cal. So let's be So Cal!!!

All the best!

Gershon L. Alaluf, DVM, MBA  
Canyon Animal Hospital  
949-494-1076  
Brookfield Pet Hospital  
714-962-1369

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**From:** Caren Kelly <caren.kelly@gmail.com>  
**Sent:** Wednesday, November 9, 2022 8:14 PM  
**To:** CITY CLERK  
**Subject:** Trenta outside dining and valet parking

Dear Costa Mesa City Clerk,

I write to you requesting to make Trenta Pizza & Cucina's outdoor dining space permanent and to allow valet parking for their site.

Since COVID especially, Trenta has become a beloved neighborhood gathering place for our Newport-Mesa residents. They hire our local young people to work there, and Trenta serves as a place where families come to feel welcomed and included as part of the greater Costa Mesa, Newport Harbor, and water polo communities. We love the food and wine at Trenta, but it's the people - owners, staff, and patrons - that bring everyone together. These people live, work, and volunteer in our city. They are part of the fabric that makes Costa Mesa great! We are lucky to live in a place with such an incredible climate where we can enjoy outdoor dining year-round. Making the outdoor dining area permanent is imperative because without it, there is not enough space only inside to sustain the atmosphere and vibe that makes Trenta special.

Valet parking is also essential to the safety of patrons who want to dine at Trenta. Trenta is located along a busy stretch of Superior Ave. Cars flow quickly past the restaurant. It's dark in the 1600 block with minimal street lights and no available street parking. Even if people find parking down the street, the public must walk a distance along a busy street in the dark. Valet parking would ease patrons' minds about safely finding their way to and from their cars and would encourage more patronage at the restaurant.

Please approve the request for permanent outdoor dining space and valet parking to ensure the continued success of a Costa Mesa gem, Trenta Pizza & Cucina!  
WE LOVE TRENTA!!

Love,  
Caren Kelly  
Lifelong Newport-Mesa resident  
949.945.3303

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**From:** Daniel Stevens <Dan.Stevens@burnhamgibson.com>  
**Sent:** Wednesday, November 9, 2022 2:02 PM  
**To:** CITY CLERK  
**Subject:** Support of Trenta restaurant measures

Good afternoon City of Costa Mesa,

Trenta needs city approval for two measures: permanent outdoor patio dining and valet parking. As a member of the public, proud Newport Harbor water polo alum, and honestly, very full and satisfied connoisseur of the restaurant, I would strongly encourage and recommend that you **approve** these measures.

Trenta is a great restaurant run by truly amazing people. In fact, I would encourage you to take your families, before *or* after 11/15!

All my best,  
Dan

**Dan M. Stevens, CFP®, ChFC®, CRPC®**  
CERTIFIED FINANCIAL PLANNER™

**Burnham Gibson Wealth Advisors, A BRP Company**

2050 Main St., Suite 510, Irvine, CA 92614

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[dstevens@burnhamgibson.com](mailto:dstevens@burnhamgibson.com)

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**From:** Shelly Walshe <shellywalshe@gmail.com>  
**Sent:** Wednesday, November 9, 2022 2:04 PM  
**To:** CITY CLERK  
**Subject:** Outdoor dining

Our family would like to express our desire to see current and new restaurants to have the Covid outdoor dining permit be permanently extended. One of the very best outcomes of the pandemic is that we tried new things. Many of these innovations should continue. What a joy to dine outdoors, supporting blossoming businesses who were previously constrained by their indoor space. Our hope is the City Council will always vote in favor of small businesses who serve great food to our community by allowing outdoor dining.

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**From:** Ryan Tomalas, Esq. <rtomalas@gmail.com>  
**Sent:** Wednesday, November 9, 2022 2:22 PM  
**To:** CITY CLERK  
**Subject:** Message in support of Trenta Pizza & Cucina

To the Clerk of the City of Costa Mesa -

I am a longtime resident of Newport Beach (grew up on Lido Isle) and Costa Mesa (436 16th Place, CM for the past 14 years) and am writing to voice my strong support for Trenta Pizza & Cucina. It is my understanding that the CM City Council may not allow the outdoor dining option at Trenta to remain ... this would be a **mistake**.

Our family enjoyed our first meal at Trenta only days after they originally opened their doors ... Since that time it has become one of our very favorite places to dine with friends and family. In addition to the fabulous food, we LOVE the outdoor dining option that has been available since the COVID pandemic. (Since the pandemic, we still generally **prefer** to eat at outdoor and/or open-air restaurants and often actively choose dining locations based on that availability.) Moreover, the outdoor dining at Trenta adds to the charm of the dining experience and, from our perspective, is one of the things that actually "draws" us to Trenta (and by extension, to that part of Costa Mesa). The owners and management of Trenta have done a terrific job addressing the relatively difficult parking situation in that location by providing a parking attendant/monitor or valet option.

In closing, I urge the City Council to approve a permanent outdoor dining patio at Trenta.

Thank you,  
Ryan Tomalas, Esq.

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Ryan J. Tomalas, Esq.  
[rtomalas@gmail.com](mailto:rtomalas@gmail.com)

PS - Please use this link every time you shop at Amazon and help fund the technology program at Newport Heights Elementary School:  
[www.Amazon.com/?&tag=newpoheighfou-20](https://www.Amazon.com/?&tag=newpoheighfou-20)

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**From:** Jay Kunkle <jay@kunkleteam.com>  
**Sent:** Wednesday, November 9, 2022 2:34 PM  
**To:** CITY CLERK  
**Cc:** 'Jay Kunkle'  
**Subject:** Support approving permanent outdoor seating for Trenta Pizzeria in Costa Mesa  
  
**Importance:** High

As a Costa Mesa resident, I wanted to reach out to you to personally request that you approve the request from Trenta Pizzeria on Superior for permanent outdoor patio dining (that was granted temporarily during Covid) and that you approve Valet parking for the restaurant as well.

Trenta is a true community gem and loved and appreciated by many Costa Mesa and Newport residents. We love the outdoor seating and support the request to make it permanent.

Thank you,

Jay Kunkle & Family  
423 Magnolia Street  
Costa Mesa, CA 92627

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**From:** Hartel, Michael <Michael.Hartel@colliers.com>  
**Sent:** Wednesday, November 9, 2022 3:03 PM  
**To:** CITY CLERK  
**Subject:** Support for Trenta Pizzeria

Costa Mesa City Clerk

I am a long time resident of Newport Beach, my family has lived on the west side of the bay for + 25 years. We very much enjoy dining at Trenta – the authentic Italian ambiance and hospitality is unique to the area – we very much enjoy the open air outdoor dining - it really adds to the atmosphere and makes it extra fun and relaxing.

Lastly, the Valet Parking is very nice plus, the ability to step out of the car and go right and not have to worry about finding a parking space is not only very convenient buy it is an efficient use of my time and provides another level of security -

Thank you for your consideration of Trenta'e request – I support for Trenta the food is the best and Marco is awesome - nicest guy ever!

Sincerely,

**Michael Hartel**  
**415 Signal Road, Newport Beach Ca 92663**  
**(949)584-1199**

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**From:** Mesha Swart <mswart@arborrealestate.com>  
**Sent:** Wednesday, November 9, 2022 3:14 PM  
**To:** CITY CLERK  
**Subject:** Trenta Pizzeria - Outdoor Dining and Valet Parking

Dear City Clerk,

It has recently come to my attention that the outdoor dining currently in place at Trenta is at risk of being removed. The outdoor dining experience substantially increases the overall draw and appeal of the restaurant and removing it would be a loss to all of the loyal patrons. It also increases the restaurant capacity, making the restaurant more accessible to the community. Costa Mesa is already lacking in outdoor dining spaces and with our year round great weather, outdoor dining is a huge asset to our community. Please allow this to stay intact at Trenta. Furthermore, parking space can be a challenge at the establishment and allowing a valet station to operate would alleviate this issue.

Thank you for your consideration.

Mesha (a Costa Mesa resident and frequent Trenta patron)



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Mesha Swart

c. [949.400.4517](tel:949.400.4517)

[mswart@arborrealestate.com](mailto:mswart@arborrealestate.com)

CalDRE# 01502463

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**From:** Kastin Dick <kastinmd@gmail.com>  
**Sent:** Wednesday, November 9, 2022 3:16 PM  
**To:** CITY CLERK  
**Subject:** TRENTA!-please save outdoor dining

Hello, I am writing to beg for Trenta's outdoor dining to please be saved and kept as a dining option for us who love to dine there. It's a beautiful outdoor restaurant and such a wonderful establishment in our community. Please keep Trenta's outdoor dining open permanently so we can continue to enjoy it in our community. Valet parking would be an added bonus to add to the dining experience. We love Trenta and hope it will remain outdoors! Thank you very much!

~Kastin Dick

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~ Kastin

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**From:** sabrina ketchum <sabrinaketchum@me.com>  
**Sent:** Wednesday, November 9, 2022 3:24 PM  
**To:** CITY CLERK  
**Subject:** Support a local business

To Whom It May Concern,

I'd like to share my support for the restaurant Trena.

It is a wonderful business, not only with truly authentic food but with a fabulous atmosphere which attracts locals from all over Costa Mesa and Newport Beach.

The neighborhood / family feel is in large part due to the outdoor dining. I strongly urge you to allow them a permit to continue serving outdoors as well as offer valet parking.

As a former owner of a business on Monrovia Ave, I can not stress enough the allure of unique and local businesses in this area.

Trenta is a gem, please help them to stay in business and offer a wonderful Newport Mesa local favorite..

Thank you  
Sabrina Ketchum

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**From:** Joe Rogers <joe@lovebags.com>  
**Sent:** Wednesday, November 9, 2022 3:33 PM  
**To:** CITY CLERK  
**Subject:** TRENTA

To whom it may concern,

I own a small business in Costa Mesa called LOVE BAGS at 1599 Superior Ave STE A5. My business is a neighbor of TRENTA restaurant 1661 Superior Ave. I've heard there has been an objection to the outdoor patio and valet parking offered at TRENTA, and I personally would like to let you know that we strongly support TRENTA keeping the patio and valet parking. TRENTA has really upgraded our neighborhood with high quality dining and brought new life to this little section of town. As I'm sure you're aware, the homeless have taken over the streets in this part of town, so we really need thriving businesses like TRENTA to keep the integrity of the neighborhood and keep our little corner of the city thriving. TRENTA has been a fabulous addition to our street and really improves the quality of life here in westside Costa Mesa.

We love dining "al fresco" and the valet parking really helps keep the parking situation in order. I hope you can allow them to run their business as needed and keep this great addition to our neighborhood.

Respectfully,  
Joe Rogers  
(949) 887-5008



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**From:** gina.cereda@wellsfargoadvisors.com  
**Sent:** Wednesday, November 9, 2022 3:42 PM  
**To:** CITY CLERK  
**Cc:** unclesepo@yahoo.com  
**Subject:** Trenta comments

**Importance:** High

Just hearing about Trenta's patio being in jeopardy! Please don't take it away from the community! I find it be the most unique spot, best food, I see everyone in the community all the time! If you ask me, I think it's the best restaurant and space in Newport! Plus they have all the local kids work there, it is the best family spot ever! The valet helps the small parking spot issue, keep that! If someone is complaining about noise, that shocks me. There is not music or anything else loud. It's a high end pizzeria with the best pastas and salads to complement. Give them the space they need! If you make them a small venue again, it will be greatly missed. I can barely get into the place having the expanded patio available!!!

Gina and Jeff Cereda  
522 Riverside Avenue  
Newport Beach

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**From:** Christy Salem <christysalem@gmail.com>  
**Sent:** Wednesday, November 9, 2022 3:44 PM  
**To:** CITY CLERK  
**Subject:** For public hearing on 11/15/22- Comment in support of Trenta

Dear City Clerk,

Please accept this emailed written comment IN SUPPORT of Trenta to continue its outside patio dining area and establish it as permanent and valet parking services.

As you may know or not know, Trenta is owned and operated by a local resident that is very much part of our community. He has been coaching many athletes and helping them become outstanding citizens in our community to go on to do great things.

Additionally, Trenta is his passion and offers authentic Italian high quality food and a family oriented environment. Being able to sit and enjoy the patio dining experience I'm our beautiful community is one of the best things to offer with our amazing weather.

Also, being able to offer valet services makes going to a local establishment an easier choice when we know parking is not going to be a hassle and is a safer choice when not having to walk far in the dark and on unfamiliar streets.

Let's give all the help we can to those businesses that have made it through Covid, especially our local business owners that give back to the residents and kids of our community.

Thank you.

Christy Salem  
949-533-3525

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**From:** Kastin Dick <kastinmd@gmail.com>  
**Sent:** Wednesday, November 9, 2022 3:57 PM  
**To:** CITY CLERK  
**Subject:** TRENTA- Please keep outdoor dining!

Hello, I am writing to beg for Trenta's outdoor dining to please be saved and kept as a dining option for us who love to dine there. It's a beautiful outdoor restaurant and such a wonderful establishment in our community. Please keep Trenta's outdoor dining open permanently so we can continue to enjoy it in our community. Valet parking would be an added bonus to add to the dining experience. We love Trenta and hope it will remain outdoors! Thank you very much!  
~Kastin Dick

--



*Kastin*

Realtor  
DRE 01293689

ph: (949) 244.9551  
e: kastin@ehomesteam.com



4121 Westerly Pl. Ste 105  
Newport Beach, CA 92660

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**From:** Gordon Kljestan <gkljestan@lagalaxy.com>  
**Sent:** Wednesday, November 9, 2022 4:44 PM  
**To:** CITY CLERK  
**Subject:** Trenta Pizza Public Hearing

To whom it may concern,

I am a Costa Mesa resident residing in the 17 West community which is adjacent to Trenta. I'm in full support of Trenta and the listed items that are up for approval. Trenta and their owners and staff have been tremendously gracious, professional and needed. Their addition to our city and local neighborhood by providing great service, community and a place for all to gather to enjoy great food and drinks has been incredible.

Thanks for your time and support.

**Gordon Kljestan**  
*Senior Director, Player Personnel*  
**LA Galaxy**  
**M: 310.617.7010**

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**From:** Kelly Dan <kellykdan@gmail.com>  
**Sent:** Wednesday, November 9, 2022 5:19 PM  
**To:** CITY CLERK  
**Subject:** Trenta

Hello,

I'm writing to let you know how much we love Trenta restaurant and the outdoor eating! Please allow them to keep the patio - it's so nice to eat outside. We are lucky to live in an area where we have the weather to do so, it would be a shame not to use it! And please allow valet as it helps keep everyone safe.

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**From:** Corine Doughty <cdought@pacbell.net>  
**Sent:** Sunday, November 13, 2022 1:24 PM  
**To:** CITY CLERK  
**Cc:** tedbean@att.net; 'Phil Pagoria'  
**Subject:** Trenta Pizza Cucina Outdoor Use

Dear Mayor Stephens and Costa Mesa City Council Members,

I am writing this letter in support for Trenta Pizza and Cucina located at 1661 Superior Ave Ste D Costa Mesa, CA 92627 to continue providing outdoor dining to residents such as myself and the Westside Costa Mesa and Newport Beach community.

As President of the Park Lido Townhome Association, Trenta is a staple for our residents and homeowners. We can walk to the restaurant and bypass parking though parking is readily available through a partnership with the carwash. The atmosphere is phenomenal, food is outstanding, and their reputation is flawless. The revenue generated by the outdoor expansion has been a game changer for the owners of Trenta Pizza and Cucina.

Outdoor dining continues to serve as a lifeline for restaurants and our local community. Mayors, such as yourself and local leaders have helped our local community restaurant expand their outdoor capacity by allowing them to thrive and maintain employment for service workers, many of whom are middle- or low-income people of diverse backgrounds, allowing them to care for their families in a time of economic crisis. Additionally, the City of Costa Mesa would be supporting a minority owned business as well as supporting a thriving, hip restaurant for our local community.

Jot Condie, president and CEO of the California Restaurant Association, writes on January 11, 2022, in the Cal Matters Commentary the following:

***“Outdoor dining was a necessary response to help the California restaurant community survive during COVID-19. Once a reality, restaurants benefitted and patrons loved the novel, charming arrangements. Today, it is hard to imagine reverting back to the old way. But outdoor restaurant dining, still a lifeline to thousands of restaurants, is at risk.”***

In addition to being a healthier and less-risky option for diners, outdoor seating benefits customers and their business in many ways and Trenta’s continued success is contingent upon the ability to offer outdoor dining to our local community.

Benefits to allowing outdoor dining space include:

1. More revenue streams
2. Increased business revenue
3. Alignment with customer dining preferences
4. Appeal to pet owners
5. Increased marketing and brand recognition
6. Extra customer seating
7. Create multiple dining experiences
8. Improved foot traffic
9. Confidence of COVID weary patrons

10. Strategy for success should another disaster occur

If you have any additional questions, feel free to contact me at the number below or emails above.

Sincerely,

Corine Doughty  
Park Lido HOA, President  
407 Bolero Way, Newport Beach, CA 92663  
(949) 922-0756  
<https://www.linkedin.com/in/corine-doughty/>

Phil Pagoria  
Park Lido HOA, Vice President  
4310 Spindrift Way, Newport Beach, CA 92663

Ted Bean  
Park Lido HOA Secretary  
405 Bolero Way, Newport Beach, CA 92663

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**From:** Andrea Parks <andreamichelleparks@gmail.com>  
**Sent:** Friday, November 11, 2022 12:41 PM  
**To:** CITY CLERK  
**Subject:** Trenta 11/15 public hearing

I've had the pleasure of dining at Trenta many times over the last three years. It is the epitome of a community restaurant. They were flexible thru the pandemic and from what I've observed have always been considerate of their neighbors. I'm in favor of their expansion and hope the city finds the way to accommodate their needs.

Andrea Parks

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**From:** Anne Belden <annebelden4@gmail.com>  
**Sent:** Friday, November 11, 2022 3:35 PM  
**To:** CITY CLERK  
**Subject:** Trenta

To whom it may concern:

I wanted to express my thoughts on Trenta and how much they positively affect the city of Costa Mesa. Not only do they provide amazing food but they give great culture in a city that doesn't many authentic Italian restaurants. As someone who lived in Italy for years I appreciate their passion and attention to detail making it feel as though we are in Italy. They are incredibly welcoming, kind and we are lucky they are here.

Thank you for you time,

Anne Channels

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**From:** Claire Belden <clairebelden@hotmail.com>  
**Sent:** Friday, November 11, 2022 4:09 PM  
**To:** CITY CLERK  
**Subject:** Trenta Restaurant

To whom it may concern,

I am writing to tell you how much my husband and I enjoy Trenta restaurant. We have been loyal customers since Marco and Giorgio opened several years ago.

They serve the finest authentic Italian food in Orange County.

Costa Mesa is lucky to have an establishment such as Trenta in our neighborhood.

Not only do they serve consistently delicious food in a welcoming environment but survived very difficult times during the Covid debacle.

PLEASE do whatever you possible can to keep Trenta open for all of us locals to enjoy!!! ( I am a resident of 54 years and always recommend this restaurant as the best for Italian food!) Sincerely, Claire Belden

Sent from my iPhone

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**From:** Karen Ferraro <karenferraro1@yahoo.com>  
**Sent:** Thursday, November 10, 2022 7:41 AM  
**To:** CITY CLERK  
**Subject:** Trenta pizza

To whom it may concern in the clerk office,

I am a long time supporter of Trenta Pizza and Cucina. Since day one I have seen these men work tirelessly to create the business it is today. Even through COVID lockdown serving Pizza and toilet paper rolls to the community for pick up.

It is so unfair to this business to approve the patio and now the residential neighbors have a problem? They purchased homes next door to business and now it is a concern? How fair is that!?

I sincerely hope you approve this patio, they have done everything by the book and now are looking for the support of the city.

Thank you,

John and Karen ferraro

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**From:** Steve Horton/USA <Steve.Horton@cushwake.com>  
**Sent:** Thursday, November 10, 2022 8:31 AM  
**To:** CITY CLERK  
**Cc:** Francine Horton; Chase Horton  
**Subject:** Trenta - Outdoor Dining and Valet

We are full time residents of Newport beach(76 Linda Isle) and frequent Trenta.

Love their Pizza - Its the Best !

We strongly encourage you to allow them to maintain both their outdoor seating and valet parking.

As you know their current parking situation is limited and very tough.

The outdoor dining is a must as well.

Removing one or both of these would negatively impact our interest in continuing to patronize this establishment.

Please do the right thing.....support small business in Newport.

Pizza Pizza - OMG you gotta try their Pizza !!!!!

**Steve Horton**  
Executive Vice Chairman  
CA License #01127340

Direct: 408-615-3412  
Mobile: 408-726-1010

[steve.horton@cushwake.com](mailto:steve.horton@cushwake.com)  
300 Santana Row, Fifth Floor  
San Jose, CA 95128 | USA

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**From:** Mizuho Morrison <mizuhomorrison@gmail.com>  
**Sent:** Thursday, November 10, 2022 2:39 PM  
**To:** CITY CLERK  
**Subject:** Trenta Pizza & Cucina Support

To Whom it may concern,

It has come to my attention that **Trenta Pizza & Cucina** is seeking the city's approval for a permanent outdoor patio space as well as valet parking for their restaurant. As a homeowner and community member in the area who frequents this restaurant almost weekly, I wanted to extend my strong support for this proposal.

During Covid, Trenta worked very hard to not just stay open, but also created this outdoor space that allowed customers to enjoy a sense of normalcy, when many other businesses were closed. The outdoor space really grew on us, and now we actually prefer it, to sitting indoors. The outdoor dining atmosphere is warm, inviting and not loud. Paired together with some of the best Italian food you can find in Costa Mesa/Newport beach, this patio creates a fabulous al fresco dining experience!

Their parking situation however is admittedly very tricky and limited. For dining in and even for picking up to-go orders, can be a nuisance and certainly is suboptimal particularly with fast oncoming traffic.

As neighbors and fans of this business I wanted to extend my strong support for both retaining the outdoor dining space as well as implementation of valet parking. Businesses such as Trenta deserve to be supported by their community and I appreciate your consideration of these comments during your review.

Many thanks! ~Dr.Mizuho Morrison

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Dr. Mizuho M. Morrison  
Board Certified Emergency Physician  
Emergency Physician Specialist, Kaiser Permanente SoCal  
Clinical Faculty Emergency Medicine, Los Angeles County +USC Medical Center  
Twitter @mizuhomorrison

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**From:** Leslie D <lrosed@sbcglobal.net>  
**Sent:** Thursday, November 10, 2022 8:37 PM  
**To:** CITY CLERK  
**Subject:** Trenta restaurant

City Clerk,

This email is to support the approval of both outdoor dining and valet parking at Trenta on Superior Blvd in Costa Mesa.

My family has been patrons of Trenta since they opened and have loved it from the beginning. First, it's a unique restaurant with a special old world feel and charm that you just don't find in many restaurants in the area. There are too many fast food and chain restaurants serving below-average food or on the other end, over-priced restaurants with marginal food. Which is exactly why Trenta stands out so much. The food is fresh, traditional, and delicious, and the staff and owners are wonderful.

Part of that charm is the outdoor dining. We've been to Trenta literally dozens of times and we've only eaten inside twice. Mostly because we love the outdoor patio but on several occasions we never would have been able to dine at Trenta because the indoor setting space is small and they are always full.

We enjoy the patio because it's set off the street, is in a safe location (especially for families with children), less noise and car exhaust, and has plenty of seating. Many other restaurants in Costa Mesa along 17th street have their patio literally on the street and aren't as pleasant.

Please approve and allow Trenta to keep their outdoor space, it's a much needed option in Costa Mesa and without it would mean many of us patrons would be turned away due to the limited indoor dining space and parking.

In addition, I also understand they have requested valet parking approval. This is another much needed attribute for customers. The current parking lot is a shared space with the other businesses. As a result there have been several occasions when we have been unable to find a parking spot in their lot and have had to park on the street or across the street. Not long ago my husband had to park across the street which is a serious danger given there are no cross walks or lights close by. We've seen people run across the street and fearful they would be hit. As you may know, cars travel at high speeds on Superior. If someone was hit trying to cross, it would be extremely serious and I know the owners at Trenta would not want that to happen to their customers because they didn't provide enough parking. Having approved valet parking will be a much safer solution for customers, and considerate to the other shops/businesses in the same center. As a guest, I would rather know my car is safely parked nearby than my husband or another customer unsafely crossing a busy street to reach their car.

Thank you for your consideration.

I urge you to approve both outdoor dining and valet parking for Trenta. This is a gem in Costa Mesa and refusal of either or both requests would be serious harm to the well-being of both the restaurant and it's customers.

Leslie Dethloff

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**From:** Marisa Tatum <marisatatum@gmail.com>  
**Sent:** Thursday, November 10, 2022 10:05 PM  
**To:** CITY CLERK  
**Subject:** Trenta

Hello!

I am writing in support of our beloved restaurant Trenta. Please, as a frequent diner at this restaurant, I beg of you to allow for them to have outdoor seating as well as valet service. There aren't many unique and excellent restaurants in Newport Beach so it would be a shame to impose any restrictions on the absolute best. Please do right by these incredible owners who work tirelessly to provide incredible food and a beautiful ambiance for locals to eat at. We need to encourage the good in this town! It's what makes Newport such a great place to live.

Best,

Marisa C. Tatum

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**From:** Erika Harvey <eharvey@nutrition21.com>  
**Sent:** Friday, November 11, 2022 11:53 AM  
**To:** CITY CLERK  
**Subject:** Trenta

To whom this may concern,

I have become aware that Trenta's outdoor seating may be taken away, so I am writing to share that this is really disappointing to hear for my family. Trenta holds a special place in our hearts, and we have enjoyed many lovely meals in their outdoor seating area. We especially enjoy the outdoor seating for many reasons, including that it allows us to comfortably eat without the extra concerns of being in close contact indoors with other people. The last few years have been challenging for many with the pandemic, and to have an amazing restaurant available with outdoor seating is one of the highlights that we loved over the years. Covid and other viruses are still going strong, and we would much rather eat where we feel more comfortable and safe. Also, we are very blessed to have year round weather here in southern California to enjoy our meals outdoors. Lastly, and very importantly, Trenta is a small business that was able to survive during the pandemic, while many did not. Taking away their outdoor seating will significantly reduce the amount of customers that they are able to serve, so I feel it is important for our community to support them, and to continue to enjoy their amazing restaurant as we have for years now.

Sincerely,

**Erika Harvey**

Nutrition21, Key Accounts Manager, West Coast

Phone: (949) 378-0604 | Email: [eharvey@Nutrition21.com](mailto:eharvey@Nutrition21.com)

[www.Nutrition21.com](http://www.Nutrition21.com) | 250 Pehle Ave, Suite 200, Saddle Brook, NJ 07663

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**From:** Karin Bevier-Yurkovich <karin@livih.com>  
**Sent:** Friday, November 11, 2022 12:29 PM  
**To:** CITY CLERK  
**Subject:** PA-21-07 & ZA-19-50

To whom it may concern:

I am writing in regards to PA-21-07 & ZA-19-50.

I am a neighbor directly behind the proposed restaurant "Trenta" which is asking for the Conditional permit for permanent outdoor seating. I would like to express how wonderful it has been to have this amazing restaurant in our neighborhood.

I kindly ask that you grant them the permit as it has been a great addition for all but one neighbor which has been complaining about numerous unwarranted issues in our neighborhood. Besides the one complaining neighbor, the neighbors really enjoy being able to walk over to one of the best Italian restaurants in Orange County. Not to mention the owners are always there to greet the customers and are an amazing addition to our community.

Thank you.

Karin & Daniellle Bevier-Yurkovich

1677 Monarch  
Costa Mesa, CA 92627

949.463.2462

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**From:** Andrea Parks <andreamichelleparks@gmail.com>  
**Sent:** Friday, November 11, 2022 12:41 PM  
**To:** CITY CLERK  
**Subject:** Trenta 11/15 public hearing

I've had the pleasure of dining at Trenta many times over the last three years. It is the epitome of a community restaurant. They were flexible thru the pandemic and from what I've observed have always been considerate of their neighbors. I'm in favor of their expansion and hope the city finds the way to accommodate their needs.

Andrea Parks

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**From:** Anne Belden <annebelden4@gmail.com>  
**Sent:** Friday, November 11, 2022 3:35 PM  
**To:** CITY CLERK  
**Subject:** Trenta

To whom it may concern:

I wanted to express my thoughts on Trenta and how much they positively affect the city of Costa Mesa. Not only do they provide amazing food but they give great culture in a city that doesn't many authentic Italian restaurants. As someone who lived in Italy for years I appreciate their passion and attention to detail making it feel as though we are in Italy. They are incredibly welcoming, kind and we are lucky they are here.

Thank you for you time,

Anne Channels

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**From:** Claire Belden <clairebelden@hotmail.com>  
**Sent:** Friday, November 11, 2022 4:09 PM  
**To:** CITY CLERK  
**Subject:** Trenta Restaurant

To whom it may concern,

I am writing to tell you how much my husband and I enjoy Trenta restaurant. We have been loyal customers since Marco and Giorgio opened several years ago.

They serve the finest authentic Italian food in Orange County.

Costa Mesa is lucky to have an establishment such as Trenta in our neighborhood.

Not only do they serve consistently delicious food in a welcoming environment but survived very difficult times during the Covid debacle.

PLEASE do whatever you possible can to keep Trenta open for all of us locals to enjoy!!! ( I am a resident of 54 years and always recommend this restaurant as the best for Italian food!) Sincerely, Claire Belden

Sent from my iPhone

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**From:** Jake Winkle <jakewinkle@gmail.com>  
**Sent:** Friday, November 11, 2022 6:21 PM  
**To:** CITY CLERK  
**Subject:** Trenta support

I wanted to write in support of Trenta restaurant.

We have been going there since its inception, and have found it to be one of our absolute favorite places , not only in Costa Mesa , but all of Orange County.

The two owners are more present than any other restaurant we frequent , and it's obvious they care .

This restaurant is a staple in Costa Mesa and we support them not only keeping the existing outdoor patio , but future expansion if necessary.

Thank You

Jake W. Winkle  
Winkle Custom Homes  
949.873.3125  
Jakewinkle@gmail.com

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**From:** Michael LeSieur <mikelesieur@mac.com>  
**Sent:** Monday, November 14, 2022 8:48 PM  
**To:** CITY CLERK  
**Subject:** Trenta Pizza & Cucina

Dear Costa Mesa City Council - I am writing to you in earnest defense of one of Costa Mesa's most loved restaurants, Trenta Pizza & Cucina, and their efforts to retain outdoor seating and valet parking. In their short time in operation, Trenta has become a beloved dining establishment and a thriving member of the Costa Mesa business community. The owners of Trenta have helped transform a bleak industrial street by providing a top-rated destination point for date nights, family occasions, and dinners with friends. On a personal level, our family returns again and again for multiple events at Trenta and, every time, the owners have made each night feel extremely special. And it's not just us - this is a sentiment I hear over and over from friends, family, and acquaintances who have all had the exact same experience when dining at Trenta. This is a restaurant that is truly loved by everyone and the value-add that Trenta has contributed to the Costa Mesa/Newport community is undeniable. Trenta is a beloved institution and if Costa Mesa is a city that truly supports its small businesses and fosters entrepreneurship, then I urge you to vote for Trenta's efforts to retain the outdoor dining and valet parking that is so central to their success. The complaints of one disgruntled opponent should not deny the city and Trenta's dedicated owners from their right to thrive as a business and provide a much-valued dining experience to the community.

The citizens of Costa Mesa and Newport Beach will be forever grateful to the Costa Mesa City Council for allowing one of the city's most beloved eating establishments to continue operating at full capacity!

Sincerely,

Michael LeSieur

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**From:** Andrew's Gmail <andrewtbelden@gmail.com>  
**Sent:** Sunday, November 13, 2022 4:28 PM  
**To:** CITY CLERK  
**Subject:** Trenta Restaurant

To whom it may concern,

I am writing to tell you how much my wife and I enjoy Trenta restaurant. We have been loyal customers since Marco and Giorgio opened several years ago.

They serve the finest authentic Italian food in Orange County. Costa Mesa is lucky to have an establishment such as Trenta in our neighborhood. Not only do they serve consistently delicious food in a welcoming environment but survived very difficult times during Covid.

PLEASE do everything in your power to keep Trenta open for all of us Costa Mesa resident to enjoy!!! ( I am a resident of 36 years and always recommend this restaurant as the best for Italian food!)

Best regards,  
Andrew Belden  
949-233-1787

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**From:** Gmail <scottriedl@gmail.com>  
**Sent:** Sunday, November 13, 2022 6:52 PM  
**To:** CITY CLERK  
**Subject:** Trenta

We are regular customers at Trenta and support them. They are a great staple in Costa Mesa, we absolutely love their outdoor seating, and valet parking would be a great asset to a great business. Please keep our favorite restaurant running at its best and make the outdoor seating a permanent fixture.

Thank you,

Scott Riedl

Sent from my iPhone

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**From:** Patrick <patrick\_weston@yahoo.com>  
**Sent:** Sunday, November 13, 2022 7:39 PM  
**To:** CITY CLERK  
**Subject:** Trenta Pizza and Cucina

## To Whom It May Concern:

Our family has been eating at Trenta since it opened. This restaurant has become a cherished fixture of the community. There is not a time we have eaten there without running into friends. While we have always enjoyed dining at Trenta, the additional outdoor dining has only enhanced the dining experience. The outdoor dining only accentuates this authentic Italian Restaurant.

The only challenge of the restaurant is parking. The addition of valet parking, like many restaurants in the area, would alleviate this.

Thank you,

Patrick Weston

Sent from my iPhone

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**From:** Kimberly Robertson <kimberlyrobertson@mac.com>  
**Sent:** Monday, November 14, 2022 6:59 AM  
**To:** CITY CLERK  
**Subject:** Trenta Outdoor Seating and Valet Parking

Dear City Clerk,

We are frequent diners at the wonderful Italian restaurant, Trenta in Costa Mesa. We not only appreciate their delicious food but love that we can bring our large family or meet several friends there for dinner. The outdoor seating has made it so much easier for our larger groups. We don't have to wait for a table and we can comfortably seat our larger parties outdoors. Even when its just me and my husband, or me and my mother having dinner at Trenta we have preferred the al fresco dining.

We are grateful for the valet parking. Superior is a busy street and we would rather not be driving in and out of the drive way and all around searching for a place to park.

Please allow Trenta to keep their outdoor seating as well as the valet parking.

Thank you for your consideration.

Most sincerely,



Kim Robertson  
[kimberlyrobertson@mac.com](mailto:kimberlyrobertson@mac.com)  
(714) 273-2995

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**From:** Annie Clougherty <annie.clougherty@compass.com>  
**Sent:** Monday, November 14, 2022 9:09 AM  
**To:** CITY CLERK; Joseph Clougherty  
**Subject:** Trenta parking and valet SUPPORT

To whom it may concern,

We are community members and have been dining at Trenta since it opened. The owner, Marco is an outstanding community member who employs our youth in their first jobs and is also a coach for Newport Harbor Water Polo Club. Not only is the food amazing and the service, but Trenta truly is a neighborhood establishment that is adored and loved by all that go. We can attest that in the last few years, supporting our local business and community makes the Newport Mesa area better than anything else.

Making the outdoor area permanent would be a great thing for the community and adding valet service. That parking lot would benefit from a valet service and we are in support of Marco and his restaurant making these permanent.

Sincerely,  
Annie and J.D. Clougherty  
Newport Mesa Residents since 2005

**Annie Clougherty**

[About the Annie Clougherty Team](#)

[Watch our latest videos on YouTube](#)

[www.annieclougherty.com](http://www.annieclougherty.com)

Cell: 949-375-3037

CalDRE#: 01716801

341 Bayside Drive

Newport Beach, CA 92660

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**Annie  
Clougherty  
Team**

**Ranked Top 1.5% in the Nation**

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Over \$500 million in career sales



COMPASS

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**From:** Daphne Felicitas <daphnefelicitas@gmail.com>  
**Sent:** Monday, November 14, 2022 1:00 PM  
**To:** CITY CLERK  
**Cc:** Andy Felicitas  
**Subject:** Support for Trenta Pizza Cucina | Hearing on 11/15/22

Hello Ms. Brenda Green (City Clerk),

My husband, Andy Felicitas, and I would like to express our support for Trenta Pizza Cucina and their application for permanent outdoor seating and off-site valet parking.

Since moving to our neighborhood (17 West) in 2019, Trenta has been a staple for us, our neighborhood and our community. They have been such an amazing part of what we love about where we live - the great food, the personal connections with the management and staff, and a place where we can bring our family and friends for a delicious meal with great service. The extension of their outdoor seating has been wonderful for us as patrons and we would love for this to continue.

We support Trenta in their application and encourage you to approve!

Thank you,  
Daphne Felicitas  
Resident of 17 West

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**From:** Katelyn Phenicie <katelyn.phenicie@gmail.com>  
**Sent:** Monday, November 14, 2022 1:42 PM  
**To:** CITY CLERK  
**Subject:** Trenta Pizza Public Hearing Comment

Dear City Council,

I am writing to comment on the upcoming public hearing regarding the proposed project at Trenta Pizza.

I live less than a five minute drive from Trenta and it is my favorite restaurant in the world. The outdoor patio is absolutely charming and a real treat for locals to enjoy the beautiful Southern California weather. My entire family and all of my local friends (as well as many non-local friends) have enjoyed meals on the outdoor seating area that is being considered for permanent use. The ambiance is unique and elevates the dining options that are available in Costa Mesa. We love it! I recommend and hope you strongly consider allowing the patio to be a permanent option. Please keep the citizens happy!

Furthermore, I would also like there to be valet parking. Valet parking is very common in Costa Mesa as it is convenient for customers at many restaurants and Trenta customers deserve the same convenience. It would be a shame for people to not be able to enjoy Trenta and everything it has to offer because they could not find parking.

Thank you for your time and consideration.

Sincerely,

Katelyn Phenicie

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**From:** Andrea Bell <andreapb@uci.edu>  
**Sent:** Monday, November 14, 2022 2:04 PM  
**To:** CITY CLERK  
**Subject:** Support for local restaurant

Costa Mesa City Council

I am writing in with my strong support for Trenta restaurant located on Placentia Avenue. I understand they are having difficulty obtaining needed permits for parking and licensing and will be addressing this at the meeting tomorrow night, November 15, 2022. This is the type of business our city needs. They provide locals and visitors with delicious food and a great gathering place. Additionally they provide employment for our local adults and youth. We, as a city, should be encouraging these small businesses, not making it difficult for them to succeed. I hope that the city council will do right by these owners and support and encourage them by approving their requests.

Regards,  
Andrea

Andrea Bell  
2165 Canyon Drive  
Costa Mesa, CA 92627

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**From:** stan hatch <stanhatch63@gmail.com>  
**Sent:** Monday, November 14, 2022 2:52 PM  
**To:** CITY CLERK  
**Subject:** trenta public hearing issue

i am the long time homeowner at 1543 orange ave. i walk to trenta to dine at least once every 2 weeks minimum.

i strongly urge that the outdoor seating at trenta be allowed permanently. the restaurant and especially the outdoor seating enriches my life and enhances the neighborhood. it was a wonderful way to deal with the covid dining restrictions and continues to be most enjoyable.

stan hatch  
714.624.7965

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**From:** Ron D. <rdion1964@gmail.com>  
**Sent:** Monday, November 14, 2022 8:21 PM  
**To:** CITY CLERK  
**Subject:** Trenta- public hearing 11/15

Marco and his partners and staff have created an amazing restaurant experience in a marginal area on Superior that is nothing but a huge improvement for the area. It is a great neighborhood restaurant. The outdoor seating is much needed and is a great dining experience 95% of the time with our great weather. Parking has been an issue, with us parking several blocks away and having to cross Superior on foot. Please support and approve their request for continued outdoor seating and valet parking. Thank you.

Ron Dethloff  
949-683-5353

Sent from Ron's iPhone.

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**CITY OF COSTA MESA  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Costa Mesa City Council at its regular meeting at City Hall Council Chambers, 77 Fair Drive, Costa Mesa, California and virtual locations on **Tuesday, November 15, 2022 at 7:00 P.M.**, or as soon as possible thereafter as the matter shall be heard, to consider:

**Application No.:** PA-21-07 & ZA-19-50 (ZA-17-16 A1)

**Applicant/Agent:** Marco Palazzo (with Trenta Pizza)/126 Properties LLC & 1645 Superior Ave LLC

**Site Address:** 1661 Superior Avenue, Unit C & D and 1645 Superior Avenue

**Zone:** MG (General Industrial)

**Description:** The proposed project involves the following:

1. Planning Application 21-07 is a request for a Conditional Use Permit to permanently allow outdoor seating for the Trenta Pizza Cucina restaurant located at 1661 Superior Avenue and to allow off-site valet parking at 1645 Superior Avenue for the restaurant, and
2. Zoning Application 19-50 (ZA-17-16 A1) is a request to amend the previously-approved Minor Conditional Use Permit for the restaurant.

The Planning Commission approved the project at its September 12, 2022 meeting on a 6-1 vote. Subsequent to the Planning Commission's approval, the decision was appealed by an owner/occupant of a property located within 500 feet of the project site.

**Environmental Determination:** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

**Public Comments:** Members of the public wishing to participate in the meeting may find instructions to participate on the agenda. Members of the public may also submit written comments via email to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) and they will be provided to the City Council, made available to the public, and will be part of the meeting record. Any written communications, photos, or other materials for copying and distribution to the City Council that are 10 pages or less, can be e-mailed to [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov), submitted to the City Clerk's Office on a flash drive, or mailed to the City Clerk's Office. Kindly submit materials to the City Clerk **AS EARLY AS POSSIBLE, BUT NO LATER THAN 12:00 p.m.** on the day of the hearing, **November 15, 2022**. All materials, 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 note that materials submitted by the public that are deemed appropriate for general audiences will not be redacted in any way and will be posted online as submitted, including any personal contact information. For further assistance, contact the City Clerk's Office at (714) 754-5225. The City Council agenda and related documents may also be viewed on the City's website at <http://costamesaca.gov>, 72 hours prior to the public hearing date. **IF THE AFOREMENTIONED ACTION IS CHALLENGED IN COURT**, the challenge may be limited to only those issues raised at the public hearing described in the notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Brenda Green, City Clerk, City of Costa Mesa

Published November 4, 2022

I like Trenta its OK  
EDS

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**From:** Megan Gess <mngess1@gmail.com>  
**Sent:** Tuesday, November 15, 2022 11:37 AM  
**To:** CITY CLERK  
**Subject:** Support for Trenta

To whom it may concern:

We 100% support Trenta. We love the food, the atmosphere and the community at Trenta. We almost always run into someone we know there. It is also a true community, with both the owners and the guests having close ties to the community. That is so incredibly unusual these days, and we would hate to lose that.

PLEASE approve the permanent outdoor seating area and valet parking, so that more in our community can experience what Trenta has to offer.

Best,  
Megan & Brent Gess  
121 Via Undine  
Newport Beach, CA 92663

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**From:** Todd Bradfield <toddbradfield@hotmail.com>  
**Sent:** Tuesday, November 15, 2022 9:15 AM  
**To:** CITY CLERK  
**Subject:** Support for Trenta

Good Morning,

I am writing to support the Restaurant Trenta, and how outdoor dining is a wonderful experience and we hope that outdoor dining will be kept permanently.

Also, by adding valet parking it would alleviate the parking problem and also make it safer.

Trenta is the most authentic Italian Restaurant we have experience in Orange County and Marco is such a wonderful, owner/host.

Please keep the outdoor dining and add valet parking to the restaurant.

Thank you so much,

Todd Bradfield

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-----Original Message-----

From: David Loaiza <twodc1@msn.com>

Sent: Tuesday, November 15, 2022 6:28 AM

To: DRAPKIN, SCOTT <SCOTT.DRAPKIN@costamesaca.gov>

Subject: Trenta cucins

City of Costa Mesa,

I would like to address the city of Costa Mesa and its concerns regarding the restaurant business of Trenta.

As I understand, the city had approved the restaurant's permit for outdoor seating. As a resident of the city of Costa Mesa since 1994, my wife and I are grateful for this allowance. I have never understood why an area with the wonder of our weather did not have more outdoor or rooftop eateries. So thank you for helping to make this a permanent situation. With the outdoor seating, I feel like I am sitting in my own- or a good friend's- backyard enjoying an evening of good food. In addition, the owners and staff continue to this feeling of dining with family and friends.

I also understand due to the success of the establishment, parking needs to be addressed. The valet service would be preferred and therefore has been approved. As long as this parking is available and convenient, it would be my opinion to allow the valet parking situation to become permanent as well.

I have resided in Costa Mesa but also do business in South Orange County for 33 years. I have referred numerous customers and friends to Trenta and therefore, to the city of Costa Mesa and learn that it is wonderful for dining and entertainment experiences.

I am requesting that the city of Costa Mesa approve the permanency of the outdoor dining and the valet parking for Trenta.

Thank you for your consideration and approval.

Sincerely,

David Loaiza

Sent from my iPhone

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**From:** Alex Shapirshteyn <alexshapirshteyn@yahoo.com>  
**Sent:** Tuesday, November 15, 2022 10:27 AM  
**To:** CITY CLERK  
**Subject:** Trenta Pizzeria public hearing

Hello. Our names are Mr. Alex and Anna Shapirshteyn. My wife and I and our two boys are frequent clients of Trenta pizzeria. We enjoyed the delicious Italian cuisine and friendly atmosphere with an excellent service which it provides to its customers. Their outdoor seating is an essentially a way to offer the diners a chance to have a mental vacation from their usual surroundings. One can relax, unwind in the fresh air, and head back to work or home with a natural mood boost. Also, the valet parking is a great way not to worry where to park your car, since parking in the area is hard to find and could be a big problem. Please, we are ask of you to grant the very needed outside patio seating and valet parking to Trenta pizzeria, so that we can continue to enjoy our favorite restaurant. Thank you very much.

[Sent from Yahoo Mail for iPhone](#)

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**From:** Dr. Paul M. Johnson <pmjdds@gmail.com>  
**Sent:** Tuesday, November 15, 2022 10:41 AM  
**To:** CITY CLERK  
**Subject:** Trenta Restruant

I am a long time patron of Trenta restruant and have always enjoyed the outside patio and as a handicapped person I appreciate their valet parking. It is a small restruant and every popular as iy serves the best Italian food in town. I hope you grant the request of Trenta

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**From:** Melissa Wackerman <melissawackerman@gmail.com>  
**Sent:** Tuesday, November 15, 2022 11:12 AM  
**To:** CITY CLERK  
**Cc:** Bob Wackerman  
**Subject:** Notice of Public Hearing Submission for 11/15/22 at 7:00pm App No: PA-21-07 & ZA-19-50

To the Members of Costa Mesa City Council:

We are writing in support of Trenta Pizza Cucina restaurant's application which will permanently allow outdoor seating and off-site valet parking. Trenta Pizza and its owners have been an incredible asset to the area where we live. They are tremendously respectful of the neighborhood and provide a gathering space that was highly needed in the area.

My husband and I live adjacent to the Trenta center in Superior Pointe with our bedroom looking over the space. We are well within the 500 ft boundary of Trenta. It is a lovely view and we so appreciate the aesthetics and seeing our neighbors and community dining together al fresco! The noise level has NEVER been an issue. The off-site valet parking is a nice safety measure since the parking lot is not large and provides a convenience to guests and employment to our local community. We live in an urban setting where street noise, pedestrians and businesses coexist. We chose this property to take advantage of the conveniences of this lifestyle and want them to continue.

As this zoning application was already approved, we are in FULL SUPPORT of this decision by the Council to permit the use of outdoor seating and respectfully request that they deny the appeal. Please continue to support this small business which is a valued community asset (and a delicious place to dine and gather)!

Sincerely,

Melissa & Bob Wackerman

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**From:** Mary Helen Beatificato <mh@nsightrecovery.com>  
**Sent:** Monday, November 14, 2022 11:47 AM  
**To:** STEPHENS, JOHN; MARR, ANDREA; CHAVEZ, MANUEL; GAMEROS, LOREN; HARLAN, JEFFREY; HARPER, DON; REYNOLDS, ARLIS; CITY CLERK; GREEN, BRENDA  
**Cc:** LE, JENNIFER; BARLOW, KIMBERLY HALL; CityManager  
**Subject:** [NOENCRYPT] Agenda Item #3 - City of Costa Mesa's 6th Cycle (2021-2029) Draft Housing Element  
**Attachments:** HCD Letter November 2022.pdf; Enclosures for HCD Letter November 2022.pdf

Attached please find comments on Agenda Item #3 for tomorrow's meeting.

Thank you in advance.

Mary Helen

Best regards,

*Mary Helen Beatificato*

CEO & General Counsel  
Call or Text: (949) 214-8618



**Nsight Psychology & Addiction**  
4000 Birch Street, Suite 112  
Newport Beach, CA 92660  
[www.NsightRecovery.com](http://www.NsightRecovery.com)

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Mary Helen Beatificato  
Direct Dial: (714) 662-4663  
E-mail: ocesq@mac.com

November 14, 2022

**VIA E-MAIL**

Paul McDougall  
Senior Program Manager  
Paul.McDougall@hcd.ca.gov

Marisa Prasse  
Senior Housing Policy Specialist  
Marisa.Prasse@hcd.ca.gov

Re: City of Costa Mesa's 6th Cycle (2021-2029) Draft Housing Element  
Continued Noncompliance with HCD's Comments on Housing for People with  
Disabilities, Reasonable Accommodation Procedure, and Definition of "Family"

Dear Mr. McDougall and Ms. Prasse:

As you may recall, my company (Insight Psychology and Addiction, Inc. d/b/a "Nsight Psychology & Addiction") provides supportive housing for adults transitioning from 24-hour psychiatric care to community living<sup>1</sup> in a multifamily residential zoning district in the City of Costa Mesa ("City" or "Costa Mesa"). We have submitted at least two previous written comments on the City's 6th Cycle (2021-2029) Draft Housing Element that outline the ways the City's group home regulations and reasonable accommodation procedures violate state and federal fair housing and disability discrimination laws and California's Housing Element Law. Copies of those letters (without their attachments) are enclosed for ease of reference.

As set forth in more detail in my previous submittals, regardless of the representations Costa Mesa makes in the current version of its Draft Housing Element, the practical reality is that its housing regulations make it virtually impossible for my company (or any other housing provider) to provide shared housing for people with disabilities who do not require (nor want) state-licensed care and supervision. This unnecessary constraint on a much-needed type of housing is grounded in fear and animosity about people with disabilities and an unfounded misconception that their inclusion will somehow detract from the residential character of neighborhoods and make those neighborhoods less desirable places to live. Nothing could be further from the truth.

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<sup>1</sup> "Community living" means being able to live where and with whom one chooses, such as living alone, living with loved ones, or living with housemates/roommates.

We are deeply grateful that the Department of Housing and Community Development ("HCD") is diligently reviewing Costa Mesa's Draft Housing Element and listening to our concerns. Unfortunately, the City has not done the same. Its revised Draft Housing Element continues to largely ignore HCD's comments relating to "Housing for Persons with Disabilities" that your office has now provided to Costa Mesa in two comment letters (dated December 3, 2021 and April 5, 2022 respectively). HCD's most recent comment letter is enclosed, as well as relevant excerpts of the City's revised Draft Housing Element.

This letter summarizes the key problems with Costa Mesa's revised Draft Housing Element's analysis and programs related to its: (I) reasonable accommodation procedure, (II) definition of "family"; and (III) group home regulations. This is in addition to the problems I previously raised in my January 27, 2022 letter on the February 2022 Housing Element, which is included as Enclosure 2.

### **I. Reasonable Accommodation Procedure**

HCD's Apr. 5, 2022 Letter, Comment A.4 (p. 4) (Enclosure 3):

Direct quote:

HCD's prior review found the City's reasonable accommodation procedure contains potential constraints. For example, while HCD agrees that local actions must be consistent with the general plan, the purpose of the procedure is to provide exception in land use, including the general plan, so persons with disabilities can enjoy access to housing. Further, the housing element, including provisions for reasonable accommodation and obligations to affirmatively further fair housing (AFFH), are also part of the general plan. In response, the element does not appear to agree the procedure contains constraints but commits (Program 2N) to review and revise the ordinance to comply with state and federal fair housing laws, which casts uncertainty on what will be revised. As a result, ***Program 2N should be revised to provide certainty and specific commitment to revise the ordinance and ensure a process that promotes housing access for persons with disabilities.*** For example, the Program could commit to revise the procedure with parameters on what will be achieved through revisions such as promoting access to housing for persons with disabilities, addressing constraints such as approval findings and establishing objective standards (e.g., health and safety) and guidance to promote certainty on how approval findings will be implemented.

(Emphasis added.)

Problems with Revised Draft Housing Element (Enclosures 4 & 5):

Revised Program 2N simply says the City will “review and *consider* revisions to its Reasonable Accommodation process to be consistent with State and federal fair housing requirements.” (Enclosure 5, p. 4-11 [emphasis added].) Contrary to HCD’s direction, Program 2N does not “*provide certainty*” nor a “*specific commitment to revise* the ordinance and ensure a process that promotes housing access for persons with disabilities.” (Enclosure 3, p. 4 [emphasis added].)

Moreover, revised Program 2N would give the City *two years* (starting with final adoption of the Housing Element) for this “review,” and if the City finds problems, an additional *one year* to revise its procedure. (Enclosure 5, p. 4-12.) Costa Mesa should not need *three years* to align its Reasonable Accommodation process with State and federal disability discrimination and fair housing laws. As set forth in detail in Nsight’s January 27, 2022 comment letter (Enclosure 2, pp. 13-15), Costa Mesa should already know that its Reasonable Accommodation procedure (Costa Mesa Municipal Code [“CMMC”] §§ 13-200.60 to 13.300.63) violates federal and state fair housing and disability discrimination laws in numerous respects. (See, e.g., 28 C.F.R. § 35.130(b)(7); 28 C.F.R. § 35.150(a)(3).) Nsight’s real world experience trying to navigate this process is outlined in detail in Nsight’s prior comment letters. (Enclosures 1 and 2.)

As discussed in HCD’s April comment letter, the Reasonable Accommodation process must have both the intent and effect of “promoting access to housing for persons with disabilities.” (Enclosure 3, p. 4) Costa Mesa’s current procedure does the opposite — it makes it nearly impossible for a person with a disability to obtain a reasonable accommodation.

Solution:

Program 2N should require the City to actually amend (not “consider” amending) its reasonable accommodation process *within 12 months* to do all of the following:

1. Specify that City staff will assist requesters with the submittal process (e.g., requesters who are not able to write may make verbal requests) (see CMMC § 13-200.62(a)-(b));
2. Clarify that requesters do not need to provide any medical information or documentation as part of their submittal for a disability-related accommodation request (see CMMC § 13-200.62(b)(2), (4));
3. Remove open-ended submittal requirements (see CMMC § 13-200.62(b)(3), (7));
4. To protect the requesters’ privacy, provide an appeal procedure that does not require any noticed public hearings or meetings of any kind that are open to the public (see CMMC § 13-200.62(d));
5. Remove the “Grounds for reasonable accommodation” and “Findings” subsections (CMMC § 13-200.62(e)-(g)) entirely and replace them with a procedure that places the burden on the requester to establish the request is “reasonable” and “necessary” and, if the requester makes those showings, places the burden on the City to establish granting the

request is an “undue burden,” “fundamental alteration,” or “direct threat,” and specify that the City ***must grant the request*** unless it makes one or more of these findings.

## II. Definition of “Family”

HCD’s Apr. 5, 2022 Letter, Comment A.4 (p. 4):

Direct quote:

HCD’s prior review found the zoning code defines single housekeeping unit with multiple restrictions that may act as constraints on housing for persons with disabilities. In response, the element concludes the definition of family and single housekeeping unit do not touch on whether members are with a disability and is not intended to discriminate against persons with disabilities. However, ***the element provides no analysis to support this conclusion and should include a program to address the constraint.*** Please see HCD’s prior review for additional information.

(Emphasis added.)

Problems with Revised Draft Housing Element (Enclosures 4 & 5):

The revised Draft continues to “provide[] ***no analysis*** to support” the City’s conclusion that its definition of “single housekeeping unit” does not “touch on whether members are disabled or not” and “is not intended to discriminate against persons with disabilities.” (Enclosure 4, p. 3-35 [emphasis added].) Instead, it adds Program 2O that would merely require the City to “review and consider revisions to its zoning code” to “provide greater flexibility in consideration of accommodating a variety of household situations...” (Enclosure 5, p. 4-12.) It makes ***no commitment*** to actually “address the constraint.”

Moreover, like revised Program 2N (discussed above), Program 2O would give the City ***two years*** (starting with final adoption of the Housing Element) for this “review,” and if the City finds problems, an additional ***one year*** to revise its definition. (Enclosure 5, p. 4-12.) Again, Costa Mesa should not need ***three years*** to align its definition of “single housekeeping unit” with State and federal disability discrimination and fair housing laws.

As set forth in detail in Nsight’s January 27, 2022 comment letter (Enclosure 2, pp. 15-16), Costa Mesa’s current definition of “single housekeeping unit” blatantly discriminates against people with disabilities who rely on shared housing. Nsight’s experience confirms that Costa Mesa is relying on this definition to impose heightened permit and separation requirements on shared housing for people with disabilities that Costa Mesa does not impose on any other household. The end result is that people with disabilities who rely on shared housing (like Nsight’s residents) are excluded from Costa Mesa’s residential zones.

Solution:

Program 2O should require the City to actually amend (not “consider” amending) its definition of “single housekeeping unit” *within 12 months* to remove arbitrary constraints on shared housing for people with disabilities. For example, “single housekeeping unit” could simply be defined as “the occupant(s) of a dwelling unit.”

### III. Group Homes

HCD’s Apr. 5, 2022 Letter, Comment A.4 (p. 4):

Direct quote:

The element includes various conclusions and statements about the City’s zoning code and group homes, but it still must *analyze the exclusion of these housing types from some residential zones and use permit and other requirements, including enforcement as constraints on housing for persons with disabilities* and add or modify programs as appropriate. Based on a complete analysis, the element should add or modify program. Please see HCD’s prior review for additional information.

(Emphasis added.)

Problems with Revised Draft Housing Element (Enclosures 4 & 5):

Nsight’s January 27, 2022 comment letter (Enclosure 2, pp. 6-10) outlines numerous problems with the February 2022 Housing Element’s analysis of the City’s group home regulations. The revised Draft does not address any of these problems. Moreover, contrary to HCD’s direction, the revised Draft does not “analyze the exclusion of these housing types from some residential zones and use permit and other requirements, including enforcement as constraints on housing for persons with disabilities.”

The revised Draft now acknowledges that, unlike other households, group homes of any size require approval of a *fully discretionary* land use entitlement (i.e., a special use permit, a conditional use permit, or a master plan) in *all* of the City’s zoning districts. (Enclosure 4, pp. 3-20 to 3-21; see generally Enclosure 4, p. 3-18, Table 3-9.) The fees for these approvals range from \$5,500 to \$9,000. (Enclosure 4, pp. 3-36 to 3-37, Table 3-13.) Conditional use permits and master plans require noticed public hearings before the City’s Planning Commission. (Enclosure 4, p. 3-42, Table 3-16.) Special use permits require a noticed public hearing before the City’s Planning Division.<sup>2</sup> (CMMC § 13-29, Table 13-29(c).) This highly-public process subjects applicants to scathing vitriol and “outs” their residents’ status as people with disabilities. Because these are discretionary approvals based on highly subjective findings, there is no certainty that the City will

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<sup>2</sup> The revised Draft does not address the special use permit requirement anywhere in its discussion of “Local Processing and Permit Procedures.” (Enclosure 4, p. 3-41 to 3-26.)

approve an application for shared housing at the end of this process. The revised Draft does not analyze (or address) how these “permit and other requirements, including enforcement” act as a constraint on shared housing for people with disabilities. It does not even mention the City’s operator’s permit or separation requirements for group homes.

In the absence of this analysis, the revised Draft claims Costa Mesa “has more Certified & Licensed group home facilities (in number and per capita) than the surrounding Orange County jurisdictions.” (Enclosure 4, p. 3-21.) As discussed in detail in Nsight January 27, 2022 comment letter (Enclosure 2, pp. 9-10), this is an example of Costa Mesa treating group homes and state-licensed facilities as if they are interchangeable. They are not. Different types of group homes and facilities provide different levels of care to clinically distinct populations. Even if Costa Mesa has a sufficient number of one type of group home (e.g., state-licensed facilities), it could still have a *shortage* of another type of group home that meets a different need (e.g., transitional housing for people with psychiatric illness who do not need addiction care). Moreover, the reason Costa Mesa has state-licensed facilities has nothing to do with Costa Mesa’s housing regulations. The State has exempted state-licensed facilities from local regulation. If State-licensed facilities are sited in Costa Mesa, it is *in spite of* Costa Mesa’s regulations (not *because of* them).

Finally, the revised Draft adds Program 2P that — like revised Program 2N and new Program 2O — would merely require the City to “review and consider revisions to its zoning code applicable to group homes.” (Enclosure 5, p. 4-12.) Again, it makes *no commitment* to actually amend the zoning code to remove this constraint. And like revised Program 2N and new Program 2O, Program 2P would give the City *two years* (starting with final adoption of the Housing Element) for this “review,” and if the City finds problems, an additional *one year* to revise its group home regulations. (Enclosure 5, p. 4-12.) Again, Costa Mesa should not need *three years* to align its regulations with State and federal disability discrimination and fair housing laws.

Solution:

Program 2P should require the City to repeal its group home regulations *within 12 months*. Costa Mesa’s housing should treat group homes the same way it treats other households in the same zones in the same structures. If multi-family housing is permitted by right, a household comprised of shared housing for people with disabilities in a multi-family structure should be permitted by right as well.

\* \* \*

My company’s experience navigating Costa Mesa’s group home regulations and reasonable accommodation procedure proves all of your office’s concerns are valid. For the sake of my residents and others like them whose lives depend on shared housing, we respectfully request HCD decline to certify Costa Mesa’s Housing Element until it approves a draft that addresses your office’s concerns.

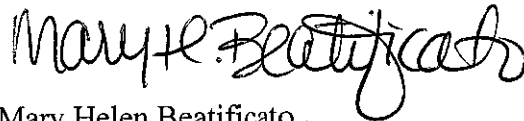
November 14, 2022

Page 7

Thank you very much for your time and attention to this matter. Please feel free to contact me if you have any questions.

Very truly yours,

Nsight Psychology & Addiction



Mary Helen Beatificato

Enclosures:

1. Nsight's January 18, 2022 Email Commenting on Housing Element Update
2. Nsight's January 27, 2022 Letter Commenting on Housing Element Update (without attachments)
3. HCD's April 5, 2022 Letter Commenting on Housing Element Update
4. Revised Draft Housing Element – Chapter 3 (excerpts)
5. Revised Draft Housing Element – Chapter 4 (excerpts)

cc: City Clerk (cityclerk@costamesaca.gov)  
Honorable Members of the City Council (constituentservices@costamesaca.gov)  
Mayor John Stephens (john.stephens@costamesaca.gov)  
Mayor Pro Tem Andrea Marr (Andrea.Marr@costamesaca.gov)  
Councilmember Manuel Chavez (Manuel.Chavez@costamesaca.gov)  
Councilmember Loren Gameros (Loren.Gameros@costamesaca.gov)  
Councilmember Jeffrey Harlan (Jeffrey.Harlan@costamesaca.gov)  
Councilmember Don Harper (Don.Harper@costamesaca.gov)  
Councilmember Arlis Reynolds (Arlis.Reynolds@costamesaca.gov)  
Director of Economic and Development Services (jennifer.le@costamesaca.gov)  
City Manager (citymanager@costamesaca.gov)  
City Attorney (kimberly.barlow@costamesaca.gov)



**From:** Mary Helen Beatificato <mh@nsightrecovery.com>  
**Sent:** Tuesday, January 18, 2022 11:35 AM  
**To:** CITY CLERK  
**Cc:** Marisa.Prasse@hcd.ca.gov; HousingElements@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov; Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov; Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov; Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov  
**Subject:** [NOENCRYPT] PUBLIC HEARING ITEM #1 - CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)

To the Mayor and Honorable Members of the City Council,

In connection with tonight's public hearing on the City's Housing Element Update, I am writing to express concerns about the Costa Mesa's group home regulations and reasonable accommodation process and share my experience with you as an illustration of how these regulations are a very real barrier to the provision of housing for people with disabilities.

Since early 2015, my company (Insight Psychology and Addiction, Inc.) has been providing supportive housing in a six-unit apartment building in a multi-family residential zoning district in Costa Mesa. In late 2015 (i.e., after my company had already started providing its supportive housing), the City adopted its group home regulations for multi-family zoning districts that purport to apply retroactively to existing group homes. Those regulations are codified in Chapters XV and XVI of Title 13 of the Costa Mesa Municipal Code (starting at § 13-310). Costa Mesa also adopted "operator's permit" requirements for providers of group housing, which are codified in Article 23 of Chapter II of Title 9 of the Costa Mesa Municipal Code (starting at § 9-370).

The type of housing my company provides is exceptionally rare and desperately needed. We provide supportive housing to adults with mental health disabilities, like PTSD, bipolar disorder, anxiety, and depression. Our supportive housing is not a sober living home. Most of our residents are "stepping down" from in-patient psychiatric treatment and learning how to live independently. We provide a crucial step between in-patient care and independent living. We are the only supportive housing of this kind in the region. Our residents would not be eligible to live in a sober living home (nor would they want to).

After the City adopted its new group home regulations, City staff informed me I would need a conditional use permit if I wanted to continue providing this supportive housing. I promptly applied for the permit. It took the City two and a half years to process my application (September 2016 through July of 2018), and then the City told me it planned to deny my application because my supportive housing is within 650 feet (measured "as the crow flies" from outer property lines) from new group homes that opened after my housing in unincorporated Orange County (i.e., outside Costa Mesa City limits).

I asked the City to relax its separation requirement for my supportive housing (which pre-dates the City's group home regulations and the new group homes in unincorporated County territory) as a disability-related "reasonable accommodation." The City's process for evaluating reasonable accommodation requests is in Article 15 of Chapter IX of Title 13 of the Costa Mesa Municipal Code (starting at § 13.200.60) puts the burden on the individual making the request to prove up a number of different "findings," many of which are on subjects that are exclusively within the City's knowledge and control (e.g., requiring *the applicant* to prove the accommodation "will not impose an undue financial or administrative burden *on the city*" [emphasis added]). The full list of findings is in Costa Mesa Municipal Code Section 13-200.62(f). Even though it seemed like this was designed to be an impossible task, I followed the City's procedure and submitted a formal



request for a “reasonable accommodation” on August 3, 2018. On April 5, 2019, the City’s Zoning Administrator denied my request for a reasonable accommodation because he said, based on my letter, he could not make all eight of the findings required by CMMC § 13-200.62(f). The Zoning Administrator’s denial was largely based on his misconception that the housing my company provides is a sober living home, or that the needs of my residents could be met by the City’s sober living homes). That is patently false. In fact, I provided detailed reasons why sober living homes cannot meet the needs of the individuals who reside in Nsight’s supportive housing.

I appealed the Zoning Administrator’s denial of my accommodation request to the Costa Mesa Planning Commission and Costa Mesa City Council. Both bodies held duly-noticed public hearings on my appeals where they sent mailers to all residents within 500 feet of my supportive housing. At those public hearings, members of the community did not hide their fears and prejudices about group housing for people with disabilities. Most of the speakers had no direct experience with my supportive housing (which had already been operating for three years with no code enforcement complaints at the time of the hearings). The Planning Commission and City Council denied my appeals, and the City ordered me to cease operating my supportive housing within 30 days. As a last resort, I filed a legal action that is still pending. Our trial date is April 5, 2022.

There is no question that the City’s group home regulations have had their intended effect of reducing the numbers of group homes for people with disabilities in Costa Mesa. The City posts spreadsheets on its website tracking the group homes it has successfully closed (links below).

- City approved sober living/group homes - <https://app.smartsheet.com/b/publish?EQBCT=f6f1941be3624556ab1b03e829df4639>
- State approved facilities (DHSC) - <https://app.smartsheet.com/b/publish?EQBCT=5fc6477aa1974f16b790242bbd936b8c>
- Application Status - <https://app.smartsheet.com/b/publish?EQBCT=c24b90faafff4b0680b6e86564927908>
- Group homes cited - <https://app.smartsheet.com/b/publish?EQBCT=aff3877f2ef54eb285196f94a1607cd9>
- Operators that have closed - <https://app.smartsheet.com/b/publish?EQBCT=664bc6e0f3354741801736f60b3ce47c>
- Locations under review - <https://app.smartsheet.com/b/publish?EQBCT=5459f35580524b4ab147a085d7720b0c>

The City’s data shows it has issued *hundreds of citations* for violations of its group home regulations (see “Group homes cited” link) and *closed more than 80 group homes* (see “Operators that have closed” link). Of *sixty-six applications* for group home permits (conditional use permits/CUPs and special use permits/SUPs), the City has *only approved one* (see “Application Status” link).

The City’s regulations have had a devastating impact on the availability of shared housing for people with disabilities. Between 2017 (when grace periods ended and the City started enforcing its group home ordinances in earnest) and 2021, the City has lost *more than 70%* of its group home beds:

Group Home Beds*	2014	2017	2021
Beds in the Single Family Residential Zone	386	425	183
Beds in Multi-Family Residential Zones	762	1,273	296**

Beds in Other Zones	76	82	0
<b>TOTAL BEDS</b>	<b>1,224</b>	<b>1,780</b>	<b>479</b>

\* All of these figures come from the City's own data, which Insight provided to the City in connection with its summary judgment motion in its legal action against Costa Mesa.

\*\* This figure and the grand total include the 30 beds Insight is currently providing. Closing Insight's housing will therefore, result in a loss of 6.26% of the City's total beds (i.e., 30 of 479 is 6.26%).

**The City's Housing Element Update does not address or mitigate these barriers.** It does not address the comments the City received from the California Department of Housing and Community Development (HCD) on December 3, 2021. HCD's comment letter instructed the City to provide "specific analysis of any potential constraint, including considering public comments and add or modify programs as appropriate." The draft Housing Element Update does not do this.

It is essential that the City Council listen to the needs of the people with disabilities who rely on shared housing and the providers of shared housing as it updates its Housing Element. If I can be of any assistance, please do not hesitate to contact me directly.

Sincerely,

Mary Helen Beatificato

Best regards,

*Mary Helen Beatificato*

CEO & General Counsel

Call or Text: (949) 214-8618



**Nsight Psychology & Addiction**

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Enclosure 2

January 27, 2022

To: Paul.McDougall@hcd.ca.gov; Marisa.Prasse@hcd.ca.gov

RE: City of Costa Mesa's 6th Cycle (2021-2029) Draft Housing Element

Dear Mr. McDougall and Ms. Prasse,

The City of Costa Mesa's Draft Housing Element update for the Sixth Cycle (2021-2029) does not address the comments relating to "Housing for Persons with Disabilities" that the California Department of Community Development ("HCD") provided to Costa Mesa in your letter, dated December 3, 2021. (Attachment 1.) We (and others) raised this issue through written comments before the City Council's January 11, 2022, public hearing on the draft Housing Element update. (Attachment 3.) City staff and the City Council did not address (or even acknowledge) our comment letters during the public hearing.

**Insight's Housing in Costa Mesa**

As you may recall, my company (Insight Psychology and Addiction, Inc.) provides supportive housing for adults transitioning from 24-hour psychiatric care to community living (i.e., being able to live where and with whom one chooses, such as living alone, living with loved ones, or living with housemates/roommates). Our housing is located in one of Costa Mesa's multifamily residential zoning districts. At the time we established our housing (which consists of six units, each with six or fewer beds), it was permitted by right.

The purpose of our housing is to foster autonomy in the least restrictive environment possible. For this reason, our Costa Mesa housing does not provide any licensable services on site and, therefore, is not required to obtain — nor eligible for — any state licenses. Although there is a desperate unmet need for this type of transitional supportive housing, there is no other housing like it in Orange County. (See Attachment 6, pp. 64, 67-68, ¶¶ 20-21, 37-40.) We are not a sober living home. We are not a licensed residential care facility. Costa Mesa created definitions of "family" and "single housekeeping unit" that are designed to ensure our residents could never qualify. (See Attachment 12, pp. 94, 101.)

4000 Birch Street, Suite 112A • Newport Beach, CA 92660

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17412232.3 a01/26/22 Tel: 888-256-2201 or 949-216-3851 Fax: 949-203-0402 • www.NsightRecovery.com

### **Costa Mesa's Group Home Regulations**

In late 2015, Costa Mesa adopted group home regulations and operator's permit requirements for "group homes" in multifamily zones. The express purpose of the City's group home regulations is to address a perceived "proliferation" of a narrow subset of group homes — i.e., sober living homes. (Attachment 4, p. 2, last recital.) Costa Mesa did not perform any technical studies or other formal analysis for its group home regulations (Attachment 12, p. 56), and Costa Mesa's Director of Economic and Development Services (Jennifer Le) acknowledges its group home regulations were largely based on "unsubstantiated citizen complaints." (Attachment 13, p. 6, ¶ 16.)

### **Impact of Group Home Regulations on Shared Housing for People with Disabilities**

The City's group home regulations set out to reduce the number of group homes in the City, and they are working as designed. They have had a drastic impact on the City's stock of shared housing for people with disabilities:

<b>Group Home Beds*</b>	<b>2014</b>	<b>2017</b>	<b>2021</b>
Beds in the Single Family Residential Zone	386	425	183
Beds in Multi-Family Residential Zones	762	1,273	296**
Beds in Other Zones	76	82	0
<b>TOTAL BEDS</b>	<b>1,224</b>	<b>1,780</b>	<b>479</b>

\* All of these figures come from the City's own data, which Insight provided to the City in connection with its summary judgment motion in its legal action against Costa Mesa. (See Attachments 19, 20, and 21; see also Attachment 13 [Exhibit 2 – 2014 data]; Attachment 13 [Exhibit 3 – 2017 data]; Attachments 14-18 [2021 data].)

\*\* This figure and the grand total include the 30 beds my company is currently providing. Closing Insight's housing will therefore, result in a further loss of 6.26% of the City's total beds (i.e., 30 of 479 is 6.26%).

### **Impact of Group Home Regulations on Insight's Housing**

My company's experience navigating Costa Mesa's group home regulations is a case-in-point on why the City has lost so many of its group homes and has not replaced them with new operators. Even though our housing is a lawful preexisting use, Costa Mesa's group home regulations purport to require it to obtain a conditional use permit (CUP) and require it to comply with the City's 650-foot separation requirement (i.e., group homes cannot be located within 650 feet of a state-licensed facility or another group home). City staff told us our housing **cannot obtain a CUP** because it is 476 feet and 636 feet respectively from state-licensed residential drug or alcohol treatment facilities that are located outside Costa Mesa's jurisdiction in unincorporated

Orange County. Notably, our housing was there first, but that was irrelevant to the City. (Attachment 9, p. 41].)

We applied for a reasonable accommodation asking the City to relax its separation requirement in this instance to allow us to continue providing this much-needed housing. (Attachment 6.) We told the City there is no other housing like ours in Orange County. (Attachment 6, pp. 6, 12; Attachment 9, p. 23.) We told the City we cannot feasibly move our housing to another location. (Attachment 9, p. 32.) We pointed out that we'd been providing our housing for more than three years with no code enforcement complaints. (Attachment 9, p. 33-37, 40.) We offered to stipulate to conditions of approval to address the City's stated concerns (e.g., limiting occupancy, limiting vehicles). (Attachment 8, pp. 39-40; Attachment 9, p. 29.) Nevertheless, Costa Mesa **denied** our accommodation request to relax the separation requirement because, in their words, "[i]t doesn't meet the separation requirement." (Attachment 9, p. 70, lines 14-17.)

The process took **more than three years** (October of 2016 through November of 2019). We spent **hundreds of hours** on submittals and **thousands of dollars** on application fees and mailing labels. We endured **two vicious public hearings**, one for the Planning Commission and one for the City Council. Before both hearings, the City sent mailers to the owners and occupants of all of the properties within 500 feet of our housing and published notice on its website and in the newspaper identifying our housing as a "group home" and, in doing so, "outing" our residents' disabilities to their neighbors and the community as a whole. At those hearings, public commenters did not hide their fear and animosity about people with disabilities. (See, e.g., Attachment 9, p. 53, lines 22-23 ["... somebody is mentally disabled does not belong in a neighborhood next door to me or any of us in this room."]; id., at p. 54, lines 17-22 ["... mentally ill cannot associate with our children, neighbors. They are just having a ... disability that can be helped only in a mental institution."].) It wasn't just me who had to withstand this cruelty — two of my former residents attended the Planning Commission hearing, and one of my former residents attended the City Council hearing. (Attachment 8, pp. 74-77 ["When you say no to Nsight, you're saying no to a woman like me..."]; Attachment 9, pp. 59-60.)

Our request was doomed from the start. The City has since acknowledged that there was never any possibility the City would relax the separation requirement for us because the Council had previously given "very clear direction that they didn't want to have any kind of deviation from the 650-foot separation, no matter what type of group home it was." (Attachment 11, p. 112, lines 22-25.) Indeed, even though more than twenty preexisting group homes have requested the City relax the separation requirement to allow them to continue providing housing, Costa Mesa has **never** approved such a request for a group home that required a CUP. (Attachment 22.)

### **Litigation Regarding Costa Mesa's Group Home Regulations**

In March of 2020, my company and one of our former residents filed a legal action against the City of Costa Mesa alleging its actions with respect to Insight violate a variety of fair housing and disability discrimination laws — *Insight Psychology and Addiction, Inc. v. City of Costa Mesa*, United States District Court for the Central District of California, Case No. 8:20-cv-00504-JVS-JDE. Our trial date is April 5, 2022, and we currently have cross motions for summary judgment pending (with a hearing date of February 14, 2022).

Contrary to the City's claims in its revised Housing Element update, the City's group home regulations have **not** been "upheld by numerous courts in both state and federal court." (Attachment 2, p. 3-21.) Conspicuously, the City's proposed changes to its Housing Element update do not cite any legal decisions upholding its (or any other agency's) group home regulations. There are numerous decisions finding similar regulations in other cities discriminatory, such as *Pacific Shores Properties, LLC v. City of Newport Beach*, 730 F.3d 1142, 1165 (9th Cir. 2013) ("Subjecting an entity protected by anti-discrimination laws to a permit or registration requirement, when the requirement is imposed for a discriminatory purpose, has obvious adverse impacts upon that entity ... This would be true even if such permits were granted freely, which is decidedly not the case here.")

In fact, a recent United States District Court decision denied Costa Mesa's motion for summary judgment in an action brought by an operator of a sober living home (Ohio House, LLC). With respect to that disparate treatment claim, the Court found:

... Ohio House has presented evidence from which ***a reasonable jury could conclude that there are no set of circumstances under which the Regulations would be valid.*** For instance, if the fact-finder accepts Ohio House's claim that the Regulations are impermissibly discriminatory under a disparate treatment theory, they could conclude that this would be true in every circumstance. This is especially true because ***the City has not identified any circumstances under which the Regulations would be permissible*** if Ohio House otherwise proves its discrimination claim.

(Attachment 5, p. 16 [emphasis added].) The legality of the Costa Mesa's group home regulations are very much in question.

### **Unrefuted Expert Analysis Shows Disparate Impact**

In connection with Insight's legal action, Insight retained a well-respected demographer and statistician (Ann Moss Joyner of the Cedar Grove Institute for Sustainable Communities) to analyze the impacts of Costa Mesa's group home regulations. To Insight's knowledge, no one has done this before (including the City). Ms. Moss Joyner prepared a detailed report. (Attachment 23.) Her conclusions are on pages 88-89. Among other things, Ms. Moss Joyner concluded:

- I find that the City's zoning regulations on Group Homes and boardinghouses reduce the availability of housing for people with disabilities in ways that they do not restrict the availability of housing for the population at large living in dwellings that are less likely to house people with disabilities (e.g. single family and multifamily housing).

...



- I find that the City set out to reduce the presence of existing Group Homes in the City and did this by its use of its Zoning Code, its Special and Conditional Use Permit process, its Reasonable Accommodation process, and its implementation practices, all of which reduced the availability of Group Homes as supportive housing for those with disabilities.
- I find that the City's Zoning Code, its Special and Conditional Use Permit process, its Reasonable Accommodation process, and its implementation of implementation practices made it more difficult to site Group Homes than to provide housing for the residents of the City without disabilities (e.g. single family and multifamily housing).

...

Taken together, all of the analysis above shows that the City set out to reduce the purported "overconcentration" of Group Homes without providing a mechanism whereby there were sufficient sites wherein Group Homes that serve residents with varied kinds of disabilities might locate within the City with City approval. Thus, the result is a severe reduction in the availability of supportive housing for residents with disabilities in Costa Mesa and – without Insight's supportive housing – no transitional community supportive housing for those with mental health disabilities.

(Attachment 23, p. 89.) Insight provided this report to the City in July of 2021. After that, the City had two months to retain its own expert to peer review Ms. Moss Joyner's findings and prepare a rebuttal report. Insight does not know what effort, if any, the City made to find an expert to review Ms. Moss Joyner's findings, but what is clear is that ***the City has never provided a rebuttal report.*** To Insight's knowledge, Ms. Moss Joyner is the only expert who has ever analyzed the impacts of Costa Mesa's group home regulations.

### **Housing Element Update**

Costa Mesa's housing regulations must proactively account for the needs of residents with disabilities. Its housing element must include "[a]n analysis of any special housing needs, such as those of ... persons with disabilities." Gov. Code § 65583(a)(7). Its zoning actions are "null and void" if they deny "to any individual or group of individuals the enjoyment of a residence ... because of ... [disability]." *Id.*, at § 65008(a)(1)(B). Even if the City claims its group home regulations are ***intended*** to "benefit" people with disabilities (which Insight disputes), this Housing Element update requires Costa Mesa to take stock and meaningfully analyze whether its group home regulations are ***actually*** benefitting people with disabilities who rely on shared housing. They are not. They have resulted in the loss of more than 70% of the City's group home beds since 2017. (See Attachments 20-21.)



Insight, its residents, operators of many other group homes, their residents, and disability rights advocates have been ringing the alarm bell for years that there are serious problems with Costa Mesa's group home regulations. The City has ignored us.

Your office's December 3, 2021 comment letter told the City in no uncertain terms that it needs to undertake a "specific analysis of these and any other constraints, including their enforcement and considering public comments, for impacts on housing for persons with disabilities and add or modify programs as appropriate." (Attachment 1, p. 8.) Instead of providing the "specific analysis" HCD and the Housing Element Law requires, Costa Mesa's revised Housing Element update adds superficial language that, in many instances, is demonstrably false:

Additional Language in Housing Element Update	Insight's Response
<b>Group Homes</b>	
<p>"Although there are several different housing types outlined in the zoning code including group homes, the City's zoning code does not exclude group homes or more specifically housing for disabled people from any residential zones in the City. On the contrary, disabled individuals can live in any residential property in the City." (Attachment 2, p. 3-21.)</p>	<p>Many people with disabilities (including residents of our housing) cannot "live in any residential property in the City." This is no different than telling individuals who rely on wheelchairs they can live in "any residential property" without regard to whether the property has wheelchair access. As a result of our residents' disabilities, they need shared housing — it is therapeutic for individuals transitioning from inpatient psychiatric hospitals to have housemates going through similar experiences they can confide in. As a result of their disabilities, they do not have the ability to arrange this housing for themselves (e.g., find an available unit, furnish it, set up utilities, find roommates with similar disabilities, etc.). They need someone (in this case, Insight) to make those arrangements for them.</p> <p>Importantly, the City's Zoning Code does not allow group homes in the exact same places it allows single and multi-family dwellings. To illustrate, if Insight stopped providing its shared housing for people with disabilities (which the City deems an unpermitted "group home"), the City would permit (by right) the <i>same six units</i> to be used for apartment rentals for the <i>same number of occupants</i> (or more) with the <i>same number of vehicles</i> (or more) with no requirements for length of tenancy. If our units were used for apartment rentals, they would not need a CUP or</p>

Additional Language in Housing Element Update	Insight's Response
	operator's permit. There would be no separation requirements.
<p>"The city's code provisions regarding group homes have been upheld by numerous courts in both state and federal court." (Attachment 2, p. 3-21.)</p>	<p>This is false. See Attachment 5 for an example of a recent Federal Court decision that held "a reasonable jury could conclude that there are no set of circumstances under which the Regulations would be valid."</p>
<p>The group home regulations are "intended to and actually protective of persons with disabilities." (Attachment 2, p. 3-21.)</p>	<p>The Housing Element Law requires the City to evaluate the <b>actual results</b> of its housing regulations (not their intended results). Costa Mesa's group home regulations have resulted in a loss of more than 70% of its group home beds. (See Attachments 20-21; see also Attachment 13 [Exhibit 3 – 2017 data] and Attachments 14-21 [2021 data].) At a minimum, the Housing Element Law requires the City to investigate whether its own actions are a constraint of shared housing for people with disabilities. Based on Insight's experience navigating the City's group home regulations, and the City's own data, the obvious, unavoidable answer is yes.</p>
<p>"Group homes are intended to be integrated into residential communities for the benefit of both the disabled and the non-disabled." (Attachment 2, p. 3-21.)</p>	<p>The City's SUP, CUP, operator's permit, and separation requirements make it exceptionally difficult to site group homes in the City's residential zoning districts. They have not resulted in group homes being "integrated into residential communities." There were substantially more group homes in residential communities before the City adopted its group home regulations than there are now. The only areas where the City's zoning purports to permit group homes by right are <b>institutional</b> districts (where the Land Use Element of the City's General Plan outright prohibits residential uses).</p>
<p>"The City's code protects the disabled from being forced to live in multiple adjoining properties clustered together -- institutionalized settings -- in crammed quarters, subject to eviction without warning and left vulnerable and homeless in a</p>	<p>"Multiple adjoining properties clustered together" is not an "institutionalized setting[]." It is simply medium or high density housing (e.g., apartment rentals or condos). The City's zoning allows this kind of housing <b>by right</b> for multi-family units. It should do the same for group homes.</p>

Additional Language in Housing Element Update	Insight's Response
<p>City far from their actual homes.” (Attachment 2, p. 3-21.)</p>	<p>Other than the occupancy standards in the State Housing Code, the City has no constraints on the occupancy of a single-family or multi-family household. If any household (group home or not) has “crammed quarters,” the City could address this by enforcing the State’s occupancy limits. Insight’s housing, for instance, does not have more than two residents per bedroom.</p> <p>Any eviction could result in homelessness, but the City does not regulate evictions for other types of rental housing. Moreover, if the City is concerned about “eviction[s] without warning,” it’s regulations should preserve pre-existing group homes (not prohibit them). Instead, the City’s group home regulations have resulted in numerous “eviction[s] without warning.” They have resulted in the closure of more than 80 group homes with no protection or transition plan for the residents of those homes. For example, after the City denied Insight’s CUP and accommodation request, the City ordered us to “cease and desist” from providing housing within 30 days. The City was not concerned about what would happen to our residents if we closed.</p>
<p>“It also preserves the very character of residential neighborhoods which make them desirable places to live, by preventing unreasonably increased traffic, noise, parking difficulties, and drug-related activity when residents relapse during the recovery process.” (Attachment 2, p. 3-21.)</p>	<p>The City did no studies to determine if group homes have a greater impact on traffic, noise, parking, etc. than other types of housing. (Attachment 12, p. 56.)</p> <p>The City’s assumption that there is more “drug-related activity” in a group home than any other type of household is based on prejudice about people in recovery. The City has no data that shows group homes generate more drug-related calls for service than other types of residences.</p> <p>Finally, it is incredibly disappointing that the City’s Housing Element would say group homes detract from the residential character of neighborhoods or make them less desirable places to live. The residents of group homes want to live in residential neighborhoods just as much as the residents of other households. The</p>



Additional Language in Housing Element Update	Insight's Response
	City has no data showing property values or rental values decreased in neighborhoods with group homes.
<p>“The recovery community, including industry associations like Sober Living Network and the National Alliance for Recovery Residences, acknowledged these issues, and recommend that group recovery homes – including sober living homes – adopt model operational standards to ensure proper care of their residents. Costa Mesa’s code does exactly that, regulating <i>operators</i>, not disabled individuals, and ensuring the disabled safe and appropriate residential environments.” (Attachment 2, p. 3-21.)</p>	<p>Even if this is true, the “model operational standards” of the “recovery community” would not be appropriate for every type of group home. The residents of Insight’s housing are not in the “recovery community.” They are a <i>clinically distinct population</i> with different needs (e.g., they would not benefit from Big Book study or 12-step meetings).</p> <p>Simply put, you cannot have one set of “model operational standards” for every type of group home. If there are to be operational standards, the operators (or the pertinent industry) are in a better position than the City to determine what those standards should be.</p>
<p>“Numerous group homes for the disabled, including sober living homes have been approved and operate throughout the City. There is no shortage of options for those seeking to live in a recovery home in low or high density areas of the City.” (Attachment 2, p. 3-21.)</p>	<p>The City’s data reports that, as of April of 2021, it has only approved 16 group homes, and at least five of those approvals (more than 30%) pre-date the City’s group home regulations. Of the 67 group homes that applied for CUPs, the City has only approved one. That is an approval rate of less than 1.5%. (Attachment 23, p. 20; see also Attachment 14.)</p>
<p>“There is no shortage of options for those seeking to live in a recovery home in low or high density areas of the City.” (Attachment 2, p. 3-21.)</p>	<p>Costa Mesa’s approach to group homes it treats all group homes, sober living homes, and state-licensed facilities as if they are interchangeable. They are not. Different types of group homes and facilities provide different levels of care to clinically distinct populations. Even if the City had a sufficient number of one type of group home (e.g., sober living homes), it could still have a <i>shortage</i> of another type of group home that meets a different need (e.g., transitional housing for people with psychiatric illness who do not need addiction care). Claiming “there is no shortage of options” for people with disabilities who rely on shared housing ignores overwhelming evidence in the record from group home operators, their residents, and</p>

Additional Language in Housing Element Update	Insight's Response
	disability rights advocates that there is a dire shortage of housing for certain groups.
<p>“... the City does not regulate state licensed homes of six or fewer residents, as that is permitted by state law.” (Attachment 2, p. 3-21.)</p>	<p>This is another example of Costa Mesa treating all group homes, sober living homes, and state-licensed facilities as if they are interchangeable. Our residents do not need (nor want) to live in a state-licensed home. The purpose of our Costa Mesa housing is to foster autonomy in the least restrictive environment possible. State-licensed homes provide a higher level of care that would defeat the core purpose of our housing.</p> <p>Importantly, Costa Mesa’s group home regulations prohibit group homes within 650 feet of state-licensed facilities, so the location of these facilities (which the City cannot regulate if they have 6 beds or less) inherently impacts where group homes can be sited. For example, our housing is located within 650 feet of state-licensed facilities that opened <i>after</i> we had already been operating (and are outside Costa Mesa’s jurisdictional boundaries), but the existence of these new facilities is the reason the City is telling us we need to shutter our housing.</p> <p>The City’s group home regulations prioritize state-licensed facilities to the detriment of group homes. The result is that the City may have a sufficient amount of state-licensed facilities to meet the needs of its community, but it suffers from a dearth of group homes.</p>
<p><b>SOLUTION:</b> Costa Mesa’s Housing Element update should include a program that requires the City to repeal its group home regulations <i>by a specified deadline</i>. Costa Mesa’s housing should treat group homes the same way it treats other households in the same zones in the same structures. If multi-family housing is permitted by right, a household comprised of shared housing for people with disabilities in a multi-family structure should be permitted by right as well.</p>	
<p><b>Transitional Housing</b></p>	
<p>“Currently, the city permits transitional housing in consistent with the development standards and</p>	<p>Costa Mesa’s Zoning Code definition of “transitional housing” (CMMC § 13-6) is very similar to the definition in the Housing Element Law (Gov. Code §</p>

Additional Language in Housing Element Update	Insight's Response
<p>regulations of the type of unit it is proposed as; for example, if a transitional housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a SFU. The City has identified Program 2J to update the zoning code to acknowledge transitional housing distinctively in the City's land use matrix, consistent with state law." (Attachment 2, p. 3-21.)</p>	<p>65582(j)). There are many types of shared housing for people with disabilities that do not meet the Housing Element Law's definition of "transitional housing," e.g., because their length of tenancy is not necessarily six months or longer. Insight's housing is transitional (i.e., it is a safe place for psychiatric patients to transition to community living), but it does not qualify as "transitional housing" under this definition because there is no requirement that residents live there for six months or longer.</p> <p>Moreover, Costa Mesa's Zoning Code does not define or use the term "single-family unit" or "SFU," but its definitions of "family" and "single housekeeping unit" <b>preclude</b> "transitional housing" (as defined) from qualifying as either a "family" or a "single housekeeping unit" for a variety of reasons.</p> <p>Residents of "transitional housing":</p> <ul style="list-style-type: none"> <li>• Will not have "established ties and familiarity with each other;</li> <li>• Will not necessarily "share meals", "household activities", and "responsibilities";</li> <li>• Probably will not share "expenses";</li> <li>• Probably will not have control over who becomes a member of the household;</li> <li>• Probably will not share a lease agreement;</li> <li>• May have locks on their bedroom doors; and</li> <li>• May have separate food storage facilities.</li> </ul> <p>Many providers of transitional housing do not operate on a "nonprofit basis."</p> <p>If a provider of transitional housing has more than one unit or operation in Costa Mesa, it is considered an "integral facility" (see CMMC §13-6) which results in a "rebuttable presumption" that its housing is not a</p>

Additional Language in Housing Element Update	Insight's Response
	<p>single housekeeping unit. Costa Mesa outright prohibits group homes from operating as "integral facilities." (See CMMC §§ 9-374(b)(4), 13-311(a)(7).)</p> <p>Even if the tenancies of transitional housing are 6+ months, it is not clear that the City would consider this "fairly stable as opposed to transient." The City's Zoning Code does not define "transient."</p> <p>This means that, unless transitional housing is state-licensed and has six beds or less (in which case, State law requires Costa Mesa to treat it the same as a single-family residence), Costa Mesa will regulate it as a "group home" with: (1) discretionary permit requirements (i.e., SUP and CUP); (2) operator permit requirements; (3) separation requirements; and (4) an outright prohibition on "integral facilities (as broadly defined by Costa Mesa's Zoning Code). This is a constraint on transitional housing for all of the reasons discussed above.</p>
<p><b>SOLUTION:</b> At a minimum, Program 2J should require Costa Mesa to amend its definition of "transitional housing" <i>by a specific deadline</i> to ensure that "transitional housing" is not treated differently from other households (e.g., single-family dwellings," "multi-family dwellings," "common interest developments," etc.), regardless of whether the "transitional housing" meets the City's definition of "family" and/or "single housekeeping unit."</p>	
<p><b>Supportive Housing</b></p>	
<p>"Currently, the city permits supportive housing in consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a supportive housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a single family unit. The City has identified Program 2J to update the zoning code to acknowledge supportive housing distinctively in</p>	<p>Costa Mesa's Zoning Code definition of "supportive housing" (CMMC § 13-6) is very similar to the definition in the Housing Element Law (Gov. Code § 65582(g)). There are many types of shared housing for people with disabilities that do not meet the Housing Element Law's definition of "supportive housing," e.g., because it does not restrict occupancy to the "target population" (as defined in § 65582(i)). Insight's housing is a supportive community, but it does not qualify as "supportive housing" under this definition. Although Insight's housing is affordable (\$1,500/month), it does not limit eligibility to "persons with low incomes." Although virtually all</p>



Additional Language in Housing Element Update	Insight's Response
<p>the City's land use matrix, consistent with state law." (Attachment 2, p. 3-22.)</p>	<p>residents receive psychiatric services off site, Insight's housing is not "linked to an onsite or offsite service."</p> <p>Under Costa Mesa's Zoning Code, "supportive housing" cannot qualify as a "single-family unit" (which we infer means "family" or "single housekeeping unit") for all of the reasons discussed in the previous row. As with transitional housing, this means that, unless supportive housing is state-licensed and has six beds or less (in which case, State law requires Costa Mesa to treat it the same as a single-family residence), Costa Mesa will regulate it as a "group home" with: (1) discretionary permit requirements (i.e., SUP and CUP); (2) operator permit requirements; (3) separation requirements; and (4) an outright prohibition on "integral facilities (as broadly defined by Costa Mesa's Zoning Code). This is a constraint on supportive housing for all of the reasons discussed above.</p>
<p><b>SOLUTION:</b> At a minimum, Program 2J should require Costa Mesa to amend its definition of "supportive housing" <i>by a specific deadline</i> to ensure that "supportive housing" is not treated differently from other households (e.g., single-family dwellings," "multi-family dwellings," "common interest developments," etc.), regardless of whether the "supportive housing" meets the City's definition of "family" and/or "single housekeeping unit."</p>	
<p><b>Reasonable Accommodations</b></p>	
<p>"The inherent constraints of any reasonable accommodation process are that the accommodation must be both 'reasonable' and 'necessary.' Each of these concepts are unavoidably subjective in some ways and entail a highly specific inquiry into a particular, typically unique, set of circumstances. The examples offered by HCD in its comments on the draft element reference consideration of General Plan consistency, for example. A General Plan and evaluation of uses as</p>	<p>Costa Mesa's "Reasonable Accommodation" procedure (CMMC §§ 13-200.60 to 13.300.63) blatantly violates federal and state fair housing and disability discrimination laws. (See, e.g., 28 C.F.R. § 35.130(b)(7); 28 C.F.R. § 35.150(a)(3).)</p> <p>Its submittal requirements alone (CMMC §13-200.62(a)-(b)) require a level of sophistication, time, and resources that will deter or disqualify a broad range of people with disabilities from even applying. For example, requiring the request to be submitted "in writing" disqualifies individuals who cannot write. The submittal requirements also include unrestricted catchalls allowing the Director and Hearing Officer to</p>



Additional Language in Housing Element Update	Insight's Response
<p>consistent or inconsistent with the General Plan may be a constraint, but both a General Plan and acting consistently with the General Plan are obligations imposed on the City by State law. Similarly, impacts to individuals and properties in the vicinity of any requested deviation from standards is a routine and appropriate factor to review in determining whether a particular accommodation requested is reasonable under all the circumstances presented. Nevertheless, the City has established Program 2N and has committed to review and revise its reasonable accommodation procedures to be consistent with the requirements of State law as needed, and to consider public comments to determine whether revisions can be made to minimize constraints in the process.” (Attachment 2, p. 3-34.)</p>	<p>demand “[a]ny other information” they determine is necessary. In my company’s case, staff used this process to justify invasive and burdensome demands into my company’s proprietary business operations, which we provided because we had no other choice.</p> <p>The City will not grant an accommodation request unless the Director can make eight separate findings (CMMC § 13-200.62(f)), and contrary to Federal and State law, the City <i>puts the burden on the requester</i> to prove up <i>all eight</i> findings. (Attachment 8, pp. 27-28].) For example, the City’s Code requires it to deny an accommodation request unless the requester can prove (among other things) that the request “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.” (CMMC § 13-200.62(f)(3).) This is an impossible task for most (if not all) requesters. It requires requesters to <i>prove a negative</i> (i.e., that granting their request will not result in an fundamental alternation or an undue burden), and the information needed to even begin this analysis is exclusively within the City’s control. That is why State and Federal law requires agencies <i>to grant</i> an accommodation request unless the agency can prove doing so would be an undue burden or fundamental alteration. (28 C.F.R. § 35.130(b)(7); 28 C.F.R. § 35.150(a)(3).)</p>
<p><b><u>SOLUTION:</u></b> Program 2N should require the City to amend its reasonable accommodation process <i>by a specified deadline</i> to do all of the following:</p> <ol style="list-style-type: none"> <li>1. Specify that City staff will assist requesters with the submittal process (e.g., requesters who are not able to write may make verbal requests) (see CMMC § 13-200.62(a)-(b));</li> <li>2. Clarify that requesters do not need to provide any medical information or documentation as part of their submittal for a disability-related accommodation request (see CMMC § 13-200.62(b)(2), (4));</li> <li>3. Remove open-ended submittal requirements (see CMMC § 13-200.62(b)(3), (7));</li> </ol>	

Additional Language in Housing Element Update	Insight's Response
	<p>4. To protect the requesters' privacy, provide an appeal procedure that does not require any noticed public hearings or meetings of any kind that are open to the public (see CMMC § 13-200.62(d));</p> <p>5. Remove the "Grounds for reasonable accommodation" and "Findings" subsections (CMMC § 13-200.62(e)-(g)) entirely and replace them with a procedure that places the burden on the requester to establish the request is "reasonable" and "necessary" and, if the requester makes those showings, places the burden on the City to establish granting the request is an "undue burden," "fundamental alteration," or "direct threat," and specify that the City <i>must grant the request</i> unless it makes one or more of these findings.</p>
<p><b>Definition of Family</b></p> <p>"The courts have clearly distinguished between single housekeeping units and those of a more transient nature, such as boarding homes, motels, etc. The City's code does not restrict single housekeeping units to those who are related, but does properly define a single housekeeping unit consistently with the law. State zoning law allows the city to establish zones of different residential density, such as R-1 (single family residential), R-2 (two unit/family residential), multi-family, mixed use, etc. The City's definition of family does not touch on whether the members are disabled or not, is not based on and is not intended to discriminate against any based on different levels of ability or disability." (Attachment 2, p. 3-34)</p>	<p>The City's residential zones regulate density of housing units (i.e., how many housing units can be on an acre) without regard to <i>who</i> lives in them or <i>how many</i> occupants live in them (subject to the State's occupancy limits). In contrast, the City's definition of "single housekeeping unit" has nothing to do with density. It regulates the occupants' relationships with each other (e.g., whether they have "established ties and familiarity with each other) and how they manage their household (e.g., whether they share common areas, meals, household activities, expenses, responsibilities, etc.). This definition also regulates the business operations of the housing provider — the "residential activities of the household" must be "conducted on a nonprofit basis."</p> <p>There are many households in Costa Mesa that would not meet all of the City's requirements for "single housekeeping units." For example, rental properties are not typically "conducted on a nonprofit basis." The purpose of rental properties is to draw income. Costa Mesa has no concerns about the inherently profit-driven nature of the housing market unless the property is a "group home." As another example, many blood-related households do not share meals or chores, but that result in Costa Mesa imposing heightened permitting requirements for them. The City only invokes its requirements for "single housekeeping unit" to exclude (or impose onerous</p>

Additional Language in Housing Element Update	Insight's Response
	<p>permitting requirements) on shared housing for people with disabilities (i.e., group homes).</p>
<p><b>SOLUTION:</b> Add a Program requiring the City to amend its definition of “single housekeeping unit” <i>by a specified deadline</i> to remove arbitrary constraints on shared housing for people with disabilities. For example, “single housekeeping unit” could simply be defined as “the occupant(s) of a dwelling unit.”</p>	

### **Conclusion**

In December of 2020, the City of Encinitas adopted group home regulations that Encinitas explicitly modeled after Costa Mesa’s regulations. In March of 2021, HCD sent Encinitas a Notice of Violation outlining the numerous ways Encinitas’s regulations failed to protect people with disabilities. (Attachment 24.) HCD’s Notice of Violation to Encinitas hit the nail on the head. My company’s experience navigating Costa Mesa’s group home regulations prove all of HCD’s concerns were valid. For the sake of our residents and others like them whose lives depend on shared housing, we respectfully request HCD provide the same direction to Costa Mesa.

Sincerely,

  
Mary Heleh Beatificato

Attachments:

1. HCD's Comment Letter on Costa Mesa's Housing Element Update, December 3, 2021
2. Redline of Costa Mesa's Housing Element Update (Excerpts), January 18, 2022
3. Written Comments for Costa Mesa's City Council's Public Hearing on Housing Element Update, January 11, 2022
4. Costa Mesa Ordinance No. 14-13
5. Order on Cross Motions for Summary Judgment in *Ohio House, LLC v. City of Costa Mesa*, United States District Court for the Central District of California Case No. 8:19-cv-1710-JVS (GJSx), January 12, 2022
6. Insight's Request for a Reasonable Accommodation, August 3 10, 2018
7. Declaration of Carla DiCandia, Senior Outreach Manager for Oceanview Adult Psychiatric Hospital, December 5, 2021
8. Transcript of the Planning Commission Hearing on Insight's Appeal, August 12, 2019
9. Transcript of the City Council Hearing on Insight's Appeal, November 5, 2019
10. City Council Resolution Denying Insight's Appeal, November 5, 2019
11. Transcript of the Deposition of Willa Bouwens-Killeen, Costa Mesa's Zoning Administrator at the time of Insight's Appeals (Excerpts), October 27, 2021
12. Transcript of the Deposition of Jennifer Le, Costa Mesa's Director of Economic and Development Services (Excerpts), November 4, 2021
13. Declaration of Jennifer Le, Costa Mesa's Director of Economic and Development Services, December 6, 2021
14. 2021 Smartsheet – Application Status
15. 2021 Smartsheet – City Approved Sober Living/Group Homes
16. 2021 Smartsheet – DHCS Facilities
17. 2021 Smartsheet – Closed Operations
18. 2021 Smartsheet – Group Homes Cited
19. 2014 Data on Costa Mesa Group Homes
20. 2017 Data on Costa Mesa Group Homes
21. 2021 Date on Costa Mesa Group Homes
22. Chart of Outcomes of Group Homes' Reasonable Accommodation Requests
23. Disparate Effect Analysis: Costa Mesa California Group Homes Zoning Policies and Action, by Ann Moss Joyner, July 26, 2021
24. HCD's Notice of Violation to City of Encinitas, March 25, 2021



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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April 5, 2022

Lori Ann Farrell Harrison, City Manager  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

Dear Lori Ann Farrell Harrison:

**RE: City of Costa Mesa's 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of Costa Mesa's (City) housing element adopted on February 2, 2022 and received for review on February 4, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Disability Rights California, Costa Mesa Affordable Housing Coalition, Kennedy Commission, Nsight and Californians for Homeownership pursuant to Government Code section 65585, subdivision (c).

The adopted element addresses many statutory requirements described in HCD's prior December 3, 2022 review; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of this statutory deadline, then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and dedication Jennifer Le, Scott Drapkin and the rest of the City's housing element team provided during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need assistance, please contact me at [Paul.McDougall@hcd.ca.gov](mailto:Paul.McDougall@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF COSTA MESA

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. Housing Needs, Resources, and Constraints**

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

While the element includes a general summary of outreach and includes some additional data related to disparities in access to opportunity, it largely was not revised to address HCD's findings related to the following:

- Enforcement
- Integration and Segregation (please see finding related to income and persons with disabilities)
- Racial/Ethnic Areas of Concentration of Poverty (R/ECAP) and Areas of Affluence (RCAA)
- Disproportionate Housing Need including Displacement Risk (please see finding related to overpayment, overcrowding, housing conditions and homelessness)
- Local Data and Knowledge, and Other Relevant Factors
- Goals, Actions, Metrics, and Milestones

Please see HCD's prior review which details the necessary revisions.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

*Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Extremely Low-income (ELI) Households: While the element includes some analysis of the existing housing needs of ELI households, it must still identify the projected housing need for ELI households as describe in HCD’s prior review.

Housing Conditions: The element describes the age of the housing stock and includes some information on code enforcement. However, the element must still include an estimate of the number of units in need of rehabilitation and replacement. This analysis could address housing conditions at a neighborhood or area level to address requirements related to the assessment of fair housing (See above). Please see HCD’s prior review for additional information.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Suitability of Nonvacant Sites: While the element includes some additional information on development potential based on existing versus allowable intensities and a brief housing market analysis, it must still provide supporting information to demonstrate the similarity between redevelopment trends and identified sites. Please see HCD’s prior review for additional information.

In addition, as noted in the prior review, because the housing element relies upon nonvacant sites to accommodate more than 50 percent of the regional housing needs allocation (RHNA) for lower-income households, it must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA. Based on a cursory review of the adoption resolution (Resolution Number 2022-06), findings were not made regarding existing uses. Future re-adoption of the housing element must contain the appropriate findings. HCD will provide samples under separate cover.

Small Sites: The element includes some analysis of small sites and the potential for consolidation and notes Policy 2.10 in the land use element of the general plan. However, Policy 2.10 appears oriented toward single family lots and does not provide clear mechanisms for promoting lot consolidation. As a result, the element should include a program with specific commitment and timing to establish incentives and promote lot consolidation, including outreach with property owners.

Large Sites: Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. For example, typical developments with units affordable to lower income households consist of 50 to 150 units. Several sites identified far exceed this typical range. HCD’s prior review found the element should demonstrate the potential for larger sites to be developed as



assumed in the planning period, including affordability. In response, the element now describes expressed interest in developing housing in the planning period and absence of explicit caps on affordability. However, the element should still describe how these larger sites facilitate affordability in the planning period, particularly given typical ranges for affordable developments. Further, the element must include a program to facilitate the assumed affordability on larger sites and, similar to Program 3B (Fairview Development Center), should consider alternative actions if the sites are not developed in the planning period as assumed, especially related to affordability.

Environmental Constraints: While the element now generally describes potential environmental constraints related to fire and flooding, it must still describe any other known environmental or other conditions that could impact housing development on identified sites in the planning period.

Accessory Dwelling Units (ADUs): HCD's prior review found the element should reconcile 2020 numbers with HCD's records (19 ADUs) and rescale assumptions based on permitted units and other relevant factors and add or modify programs as appropriate. In response, the element now assumes 70 ADUs per year (adjusted from over 100 ADUs per year). However, these adjusted assumptions are not supported by analysis and programs. First, the element must still reconcile 2020 numbers (27 ADUs) with HCD records. Second, recent trends (20 ADUs per year since 2018) do not support a four-fold increase. While the element notes the uptick (41 ADUs in 2021), it should rescale assumptions to a more appropriate number around 40 to 50 ADUs per year.

Electronic Site Inventory: As noted in the prior review, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element now includes some discussion related to available acreage and proximity to transportation and services; but it should still clarify emergency shelters are permitted without discretionary action; discuss the presence of reuse opportunities; and analyze any conditions inappropriate for human habitation.
  - *Permanent Supportive Housing:* The element was not revised to address this finding. Please see HCD's prior review for additional information.
4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Processing and Permit Procedures: The element now describes approval bodies for various entitlements and indicates typical multifamily developments are subject to Planning Commission approval. In addition, as noted in the prior review, the analysis should address the typical number of public hearings, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing and approval certainty.

Housing for Persons with Disabilities:

- *Reasonable Accommodation*: HCD's prior review found the City's reasonable accommodation procedure contains potential constraints. For example, while HCD agrees that local actions must be consistent with the general plan, the purpose of the procedure is to provide exception in land use, including the general plan, so persons with disabilities can enjoy access to housing. Further, the housing element, including provisions for reasonable accommodation and obligations to affirmatively further fair housing (AFFH), are also part of the general plan. In response, the element does not appear to agree the procedure contains constraints but commits (Program 2N) to review and revise the ordinance to comply with state and federal fair housing laws, which casts uncertainty on what will be revised. As a result, Program 2N should be revised to provide certainty and specific commitment to revise the ordinance and ensure a process that promotes housing access for persons with disabilities. For example, the Program could commit to revise the procedure with parameters on what will be achieved through revisions such as promoting access to housing for persons with disabilities, addressing constraints such as approval findings and establishing objective standards (e.g., health and safety) and guidance to promote certainty on how approval findings will be implemented.
- *Definition of Family*: HCD's prior review found the zoning code defines single housekeeping unit with multiple restrictions that may act as constraints on housing for persons with disabilities. In response, the element concludes the definition of family and single housekeeping unit do not touch on whether members are with a disability and is not intended to discriminate against persons with disabilities. However, the element provides no analysis to support this conclusion and should include a program to address the constraint. Please see HCD's prior review for additional information.
- *Group Homes*: The element includes various conclusions and statements about the City's zoning code and group homes, but it still must analyze the exclusion of these housing types from some residential zones and use permit and other requirements, including enforcement as constraints on housing for persons with disabilities and add or modify programs as appropriate. Based on a complete analysis, the element should add or modify program. Please see HCD's prior review for additional information.

## **B Housing Programs**

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the*

*administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

As noted in the prior review, to have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines and specific commitment. In response to add discrete timelines, the element, for several actions, now commits to review or evaluate programs annually. However, an annual review does not result in a beneficial impact or a housing outcome. Programs should have specific commitment with discrete timing to achieve a housing outcome in the planning period. For example, Program 1A (Owner Occupied Housing Rehabilitation) should at least annually market information on the program, describe when the City will evaluate effectiveness and make adjustments and could commit to process a target number of applications per year. Please see HCD's prior review for additional programs to be revised.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

- Shortfall of Adequate Sites: As noted in the prior review, programs to rezone sites and accommodate a shortfall of adequate sites (3C and 3D) must be revised to address all requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i) and commit to allowable densities, minimum acreage to be rezoned, number of shortfall units and amending any caps on residential development. In response, the element now states rezoning is not necessary to accommodate a shortfall of adequate sites. However, the element does not demonstrate how this conclusion is derived. The element should either demonstrate how adequate sites are demonstrated based on existing zoning, including development standards or revise programs as described in HCD's prior review.
- Program 3B (Fairview Development Center): While the Program now commits to negotiate an agreement and alternative actions, it should also commit to facilitate development as appropriate, including zoning, incentives, expedited processing and

similar actions and include timing for when alternative actions will be completed if necessary.

- Large and Small Sites: As noted in Finding A3, programs should be added or modified to ensure availability and affordability of development in the planning period as anticipated in the sites inventory.

3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

ELI Households: Program 2L is now revised to subsidize processing fees when funding is available and promote the benefits of the program. However, the Program should also commit to additional actions to assist in the development of housing for ELI households. The Program should commit to proactively reach out to developers at least annually and ongoing to identify development opportunities, adopt priority processing and streamlined review, grant concessions and incentives and assist, support or pursue funding applications at least annually and ongoing throughout the planning period.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings A4, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition, Program 3G now includes a specific schedule of actions to, among other things, engage the community, propose a ballot measure, adopt an inclusionary ordinance (exempting affordable housing proposals) and prepare planning amendments to meet the RHNA. However, the Program should also commit to adopt the various planning amendments, alternative actions if the appropriate zoning is not complete and provide parameters that the ballot measure or other actions will be undertaken to address this fundamental constraint to housing development (in addition to RHNA requirements).

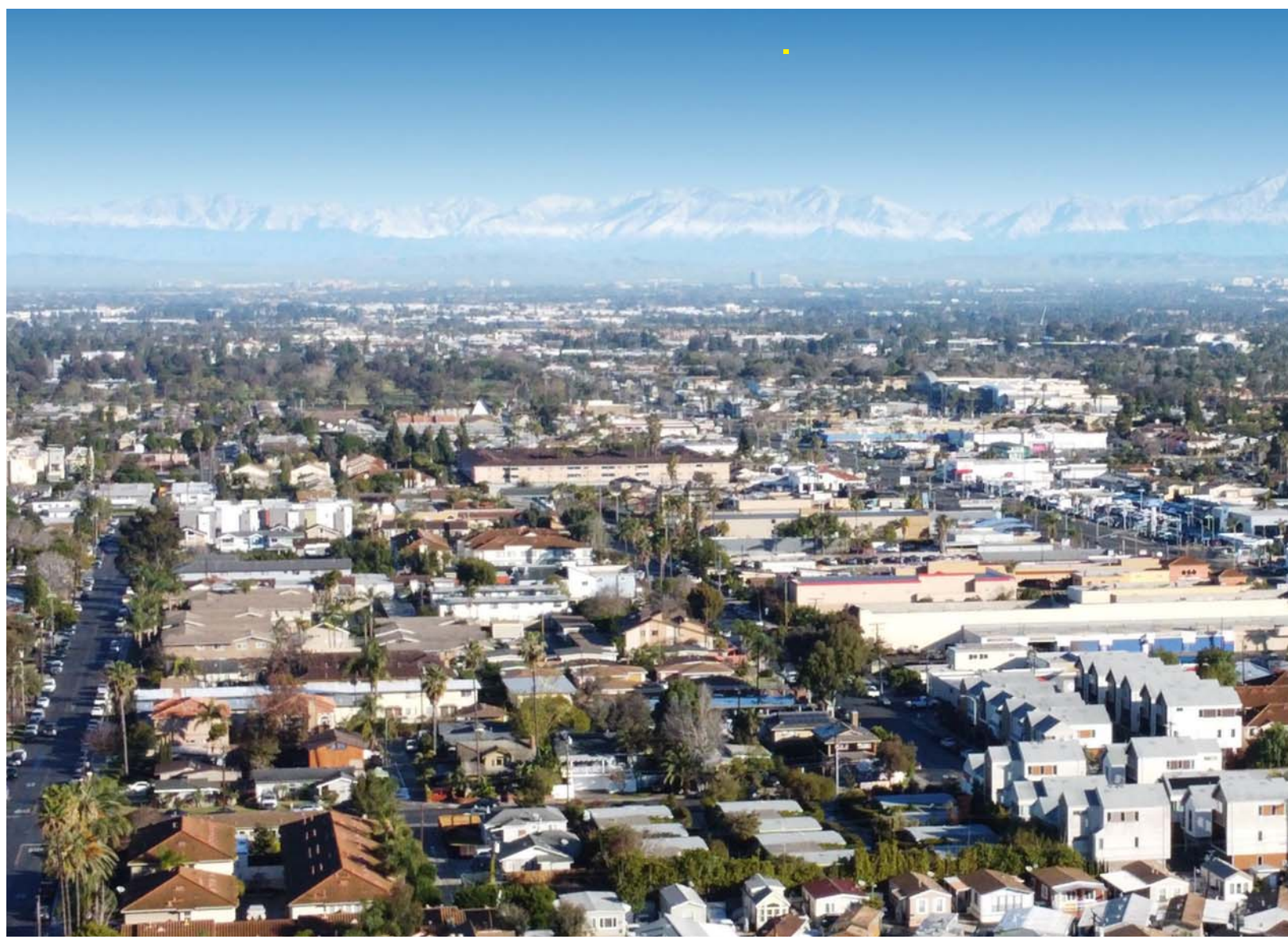
5. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A1, the element requires a complete analysis of AFFH. Depending upon the results of that analysis, the City must revise or add programs.



# Chapter 3

*Housing Constraints, Resources, and  
Affirmatively Furthering Fair Housing*





**Program 2M** is included in **Chapter 4: Housing Plan** to review and revise the City's residential off-street parking standards for multi-family residential projects in an effort to facilitate the development of multi-family developments, and specifically affordable housing projects.

#### 4. Variety of Housing Types Permitted

California Housing Element Law mandates jurisdictions must make sites available through zoning and development standards to promote the development of a variety of housing types for all socioeconomic levels of the populations. Housing types include single-family homes, multi-family housing, accessory dwelling units, factory-built homes, mobile-homes, employee and agricultural work housing, transitional and supportive housing, single-room occupancy (SROs), and housing for persons with disabilities. **Table 3-9** shows the various housing types permitted throughout the City of Costa Mesa.

Table 3-9: Housing Types Permitted in Costa Mesa																		
Housing Types	Zones																	
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.	
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R	I&R-MLT
Single-Family	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	P
Multi-Family	-	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Accessory Dwelling Unit	P	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Common Interest Development	-	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Small Lot Subdivision, Residential	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile Home Park	-	C	C	C	-	-	-	-	-	-	C	C	C	C	C	C	-	-
Boarding House, Small (1)	-	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	-
Boarding House, Large (1)	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	-	-
Residential Care Facility, 6 or Fewer Persons	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	P	P



Table 3-9: Housing Types Permitted in Costa Mesa

Housing Types	Zones																
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R
Residential Care Facility, 7 or More	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	C
Group Homes, 6 or Fewer Persons	S	S	S	S	-	-	-	-	-	-	S	S	S	S	S	S	P
Group Homes, 7 or More	<u>S</u>	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	P
Sober Living Homes, 6 or Fewer Persons	S	S	S	S	-	-	-	-	-	-	S	S	S	S	S	S	P
Sober Living Homes, 7 or More	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	P
Referral Facility	-	C	C	C	-	C	-	-	-	-	-	C	C	-	-	-	-
Single Room Occupancy Residential Hotel (SRO)	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-
Emergency Shelters	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	-
Low Barrier Navigation Centers	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Farmworker Housing	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Source: City of Costa Mesa Zoning Code

Notes: (1) Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse.

P – Permitted

C – Conditional Use Permit

S – Special Use Permit





Table 3-9: Housing Types Permitted in Costa Mesa

Housing Types	Zones																
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R I&R-MLT
(-) – Prohibited																	

### Single-Family Dwelling

The Costa Mesa Zoning Code defines a Single-Family Dwelling as a building of permanent character 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. A single-family dwelling may be attached or detached from another single-family dwelling, including but not limited to an accessory dwelling unit. Single Family dwelling units are permitted in the R1, R2-MD, R2-HD, and R3 residential zones, as well as the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, PDI, and I&R-MLT zones.

### Multi-Family Dwelling

A Multi-Family Dwelling is a building of a permanent character which is designed or used for residential occupancy or two or more families. This housing designation may include, duplexes, triplexes, fourplexes, and apartments. The building is typically owned by a single person or agency and rented out to tenants. Each dwelling unit within the structure is occupied by a single housekeeping unit. Multifamily dwelling units are permitted in the R2-MD, R2-HD, and R3 residential zones, the TC commercial zone, and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI zones, and the I&R-MLT Institution zone.

### Accessory Dwelling Unit (ADU)

An ADU is a second dwelling unit established in conjunction with and subordinate to the single-family dwelling unit existing on the property. The ADU may be a studio with no bedroom or contain any number of bedrooms and it may be attached to the single-family dwelling unit or detached and located on the same lot. An ADU may also be referred to as an “accessory apartment”, “granny unit”, “granny flat”, or “in-law apartment”. Refer to Costa Mesa City Ordinance 2021-03 for ADU-specific development standards. Accessory dwelling units are permitted in all zones where single-family residential units are also permitted.

### Common Interest Development

The City Zoning Code defines Common Interest Developments as containing 2 or more common interest units, which may include, but is not limited to, a community apartment project, rights of exclusive occupancy, a stock cooperative, and/or exclusive occupancy. Common interest developments are permitted in all zones where multifamily developments and units are permitted.

### Small Lot Subdivision, Residential





A Small Lot Subdivision refers to a residential development that contains a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel. In a small lot subdivision, the land is subdivided into fee simple parcels containing each unit and each individual lot is provided with either a direct access to a public street/alley or an easement access through a recorded subdivision map. Small Lot subdivision projects are permitted in the R2-MD, R2-HD, and R3 residential zones.

### **Manufactured Housing**

Manufactured housing includes 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. A factory-built structure is considered a single-family home and shall be reviewed under the same standards as a site-built structure if it is manufactured under the authority of 42 U.S.C. section 5401 - National Manufactured Housing Construction and Safety Standards Act. Mobile homes are permitted conditionally in the R2-MD, R2-HD, R3 residential zones and PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, [and PDI zones.](#)

### **Boarding House**

A Boarding House is a residence or dwelling, other than a hotel, wherein rooms are rented under 2 or more separate written or oral rental agreements, leases, or subleases. The property owner, agent, or rental manager may or may not reside on the property. A small boarding house rents 2 or less rooms, while a large boarding house rents out 3 to 6 rooms. The City of Costa Mesa prohibits boarding houses that rent more than 6 rooms. Small boarding house developments are permitted in all zones where manufactured/mobile homes are permitted, and large boarding house developments are conditionally permit in these zones.

### **Residential Care Facility**

In Costa Mesa, a Residential Care Facility must be licensed by the State to provide care, services, or treatment to persons living in supportive community residential setting. Residential care facilities may include, but may not be limited to: intermediate care facilities for the developmentally disabled; community care facilities; residential care facilities for the elderly; residential care facilities for the chronically ill; alcoholism and drug abuse facilities; pediatric day health and respite care facilities; residential health care facilities, including congregate living health facilities; family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children. Residential care facilities are permitted in all residential, planned development, and institutional zones.

### **Group Homes**

A Group Home is 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 State licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. [Group homes are allowed in all residential zoning districts through a conditional or special use permit.](#) Small group homes are permitted with a special use permit in residential and planned development zones, and they are permitted as a primary use in institutional zones [subject to consistency with an adopted Master Plan.](#) Large group homes are conditionally permitted in residential and planned



development zones and are permitted as a primary use in the institutional zones subject to consistency with an adopted Master Plan.

Although there are several different housing types outlined in the zoning code including group homes, the City's zoning code does not exclude group homes or more specifically housing for disabled people from any residential zones in the City. On the contrary, disabled individuals can live in any residential property in the City. The city's code provisions regarding group homes have been upheld by numerous courts in both state and federal court and have been found to be intended to and actually protective of persons with disabilities. Group homes are intended to be integrated into residential communities for the benefit of both the disabled and the non-disabled. The City's code protects the disabled from being forced to live in multiple adjoining properties clustered together -- institutionalized settings -- in cramped quarters, subject to eviction without warning and left vulnerable and homeless in a City far from their actual homes. It also preserves the very character of residential neighborhoods which make them desirable places to live, by preventing unreasonably increased traffic, noise, parking difficulties, and drug-related activity when residents relapse during the recovery process. The recovery community, including industry associations like Sober Living Network and the National Alliance for Recovery Residences, acknowledged these issues, and recommend that group recovery homes – including sober living homes – adopt model operational standards to ensure proper care of their residents. Costa Mesa's code does exactly that, regulating *operators*, not disabled individuals, and ensuring the disabled safe and appropriate residential environments. Numerous group homes for the disabled, including sober living homes have been approved and operate throughout the City. There is no shortage of options for those seeking to live in a recovery home in low or high density areas of the City. Further, the City does not regulate state licensed homes of six or fewer residents, as that is preempted by state law.

Based on California Health and Human Services (CHHS) data shown below, Costa Mesa has more Certified & Licensed group home facilities (in number and per capita) than the surrounding Orange County jurisdictions. Under the current regulations, there are significant portions of the City that can accommodate additional facilities. Per capita estimates are shown below (based on 2021 US Census population estimates).

- Costa Mesa: 55 Certified and Licensed Facilities (1 per 2,013 residents)
- Newport Beach: 35 Certified and Licensed Facilities (1 per 2,422 residents)
- Huntington Beach: 42 Certified and Licensed Facilities (1 per 2,777 residents)
- Fountain Valley: 16 Certified and Licensed Facilities (1 per 3,530 residents)
- Irvine: 5 Certified and Licensed Facilities (1 per 61,806 residents)
- Santa Ana: 28 Certified and Licensed Facilities (1 per 11,051 residents)

Notwithstanding, the City has included **Program 2P** in the Housing Element to review and consider revisions to its zoning code and application procedures applicable to group homes to promote objectivity and greater approval certainty.



### **Transitional Housing**

The Costa Mesa Zoning Code defines Transitional Housing as a development with buildings configured as rental 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 may not be less than 6 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. Currently, the city permits transitional housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a transitional housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a SFU. The City has identified **Program 2J** to update the zoning code to acknowledge transitional housing distinctively in the City's land use matrix, consistent with state law.

### **Supportive Housing**

Supportive Housing includes housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing their 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. Currently, the city permits supportive housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a supportive housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a single family unit. The City has identified **Program 2J** to update the zoning code to acknowledge supportive housing distinctively in the City's land use matrix, consistent with state law.

### **Referral Facility**

A Referral Facility or a group home may include one or more person who resides there pursuant to a court order or directive from an agency in the criminal justice system. Referral facilities are conditionally permitted in the R2-MD, R2-HD, and R3 residential zones, the PDR-MD, PDR-HD Planned Development zones and the C2 commercial zone.

### **Single Room Occupancy Residential Hotel (SRO)**

An SRO is permitted in certain commercial zones and contains units designed for long-term occupancy by a single person. Double occupancy may be permitted. SROs are conditionally permitted in the C1 and C2 commercial zones.

### **Emergency Shelter**

An emergency shelter provides temporary housing and food for individuals in need or disaster victims. The shelters may be operated by a public or non-profit organization. Emergency shelters are permitted by-right



- Encourage appropriate interplay between policies that apply particularly to the Costa Mesa Theater Arts District and those policies that evolve in the City of Costa Mesa to serve regional needs.
- Improve communication and cooperation among area property owners in monitoring and fostering design and development within the district.

## ***8. Housing for Persons with Disabilities***

Both the Federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act require governments to make reasonable accommodations (that is, modifications or exceptions) in their zoning laws and other land use regulations to afford disabled persons an equal opportunity to housing. State law also requires cities to analyze potential and actual constraints to the development, maintenance, and improvement of housing for persons with disabilities.

The Housing Element Update must also include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities. The analysis of constraints must touch upon each of three general categories: 1) zoning/land use; 2) permit and processing procedures; and 3) building codes and other factors, including design, location, and discrimination, which could limit the availability of housing for disabled persons.

### **Reasonable Accommodation**

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices, and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the Zoning Code to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

The Reasonable Accommodations Chapter of the City of Costa Mesa's Municipal Code identifies the applicability and procedures needed to obtain relief from a Zoning Code provision, regulation, policy, or condition which may cause a barrier to equal opportunity for housing. This regulation applies to any person seeking approval to construct and/or modify residential housing for persons(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities.

An application for a reasonable accommodation must be submitted to the City of Costa Mesa's Planning Division and requires approval by the Development Services Director within 60 days of the application being deemed complete. A denied application may be appealed to the Planning Commission and is subject to the notice, review, approval, and appeal procedures prescribed for any other discretionary permit. There are no fees associated with the application and it must include:

- The zoning code provision, regulation, policy, or condition from which accommodation is being requested;





- 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 individual;
- Any other information that the Director reasonably determines is necessary for evaluating the request;
- Documentation that the applicant is either an individual with a disability, applying on behalf of one or more individuals with a disability, or a developer or provider of housing for one or more individuals with a disability;
- The specific exception or modification to the zoning code provision, policy, or practices requested;
- 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; and
- Any other information that the hearing officer reasonably concludes is necessary to determine whether the grounds for reasonable accommodation can be made, so long as any request for information regarding the disability of the individual(s) benefited complies with fair housing law protections and the privacy rights of the individual(s) affected.

The following factors are considered during the review of the application:

- 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.
- 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.
  - 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.
  - In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, whether granting the request would be consistent with the City's General Plan, 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.

The inherent constraints of any reasonable accommodation process are that the accommodation must be both "reasonable" and "necessary." Each of these concepts are unavoidably subjective in some ways and entail a highly specific inquiry into a particular, typically unique, set of circumstances. The examples offered by HCD in its comments on the draft element reference consideration of General Plan consistency, for



example. A General Plan and evaluation of uses as consistent or inconsistent with the General Plan may be a constraint, but both a General Plan and acting consistently with the General Plan are obligations imposed on the City by State law. Similarly, impacts to individuals and properties in the vicinity of any requested deviation from standards is a routine and appropriate factor to review in determining whether a particular accommodation requested is reasonable under all the circumstances presented. Nevertheless, the City has established **Program 2N** and has committed to review and revise its reasonable accommodation procedures to be consistent with the requirements of State law as needed, and to consider public comments to determine whether revisions can be made to minimize constraints in the process.

### **Definition of Family**

Under the right of privacy, the California Constitution prohibits a restrictive definition of “family” which limits the number of unrelated persons and differentiates between related and unrelated individuals living together. The City of Costa Mesa’s Municipal Code defines the term “family” as one or more persons occupying one dwelling unit and living together as a single housekeeping unit. The City also defines a “single housekeeping unit” as occupants which have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities. Membership in the single housekeeping unit must be fairly stable as opposed to transient, the members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. The City also includes that there is a rebuttable presumption that integral facilities do not constitute single housekeeping units.

The City’s Municipal Code provides the following indicators that a household is not operating a single housekeeping unit:

- 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; and/or
- Members of the household have separate food storage facilities, such as separate refrigerators.

The Courts have clearly distinguished between single housekeeping units and those of a more transient nature, such as boarding homes, motels, etc. The City’s code does not restrict single housekeeping units to those who are related, but does properly define a single housekeeping unit consistently with the law. State zoning law allows the city to establish zones of different residential density, such as R-1 (single family residential), R-2 (two unit/family residential), multi-family, mixed use, etc. The City’s definition of family does not touch on whether the members are disabled or not, is not based on and is not intended to discriminate against any based on different levels of ability or disability. The City has added Program 2O to review and revised the definition of single-housekeeping unit (which is language within the definition of family) to provide greater flexibility in consideration of accommodating a variety of household situations for related and unrelated individuals living together.



## 9. Development Fees

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law. Development fees can be a constraint to the maintenance, improvement, and development of housing because the added costs for developers results in higher housing unit costs. Development fees are, however, necessary to provide planning and public services. **Table 3-13** provides the planning processing fees and **Table 3-14** provides the engineering fees.

Table 3-13: Planning Processing Fees				
Review Process				Fee
ABC License Review				\$500
Administrative Adjustment				\$3,800
Address / Address Change				\$200
Appeal	Planning Commission Decision	Located within 500 ft. of project site		\$1,220
		Located greater than 500 ft. of project site		\$3,825
	Non-Planning Commission Decision	Located within 500 ft. of project site		\$690
		Located greater than 500 ft. of project site		\$3,825
Banner Permit				\$25
CC&Rs Review				\$1,000
Certificate of Appropriateness				\$7,500
Certificate of Compliance				\$1,500
Conditional Use Permit				\$7,500
Conditional Use Permit – Measure X				\$27,508
Density Bonus Review				\$12,000
Design Review		Minor		\$1,500
		Major		\$3,800
Designating a Cultural Resource				No fee
Development Agreement				Time and materials with \$20,000 min. deposit
Development Agreement		Planning Commission Review		\$1,425
Annual Review		City Council Review		\$1,875
Development Review (Staff)				\$1,500
Environmental Review / CEQA				Total consultant contract estimates plus 10%
Flood Zone Determination Letter				\$250
Gate Permits				\$500
General Plan Amendment Screening				\$5,000
General Plan Amendment				\$12,000
Home Occupation Permit (Planning Review)				\$100
Land Use Restriction				\$500
Lot Line Adjustment				\$1,500



Table 3-13: Planning Processing Fees		
Review Process		Fee
Master Plan		\$9,000
Master Plan Amendment	Minor Change	\$1,250
	Minor Amendment	\$6,000
	Major Amendment	\$7,500
Minor Modification		\$500
Minor Conditional Use Permit		\$3,800
Minor Design Review		\$1,500
Mixed-Use Development Plan Screening		\$5,000
Mobile Home Park Applications	Mobile Home Park Conversion	\$7,500
	Tenant Relocation (Staff Review)	\$5,000
	Tenant Relocation (Third Party Review)	Total consultant contract estimates plus 10%
Off-Site Hazardous Waste Facility	Notice of Intent	\$5,000
	Conditional Use Permit	\$12,000
	Local Assessment Committee (Formation and Convening)	\$5,000
Planned Signing Program		\$1,500
Plan Check	Commercial	\$250
	Industrial	\$250
	Residential – Minor, 4 or Less	\$250
	Residential – Major, 5 or More	\$500
	Landscape Plan Only	\$500
Pre-Application Review		\$1,500
Public Entertainment Permit		\$1,500
Public Notice (500-Foot Radius and Newspaper Publishing)		\$1.00 per mailing address plus publishing costs
Reasonable Accommodation		No fee
Renewal/Time Extension	Director Action	\$500
	Zoning Administrator Action	\$2,500
	Planning Commission Action	\$3,800
Residential and Non-Residential Common Interest Development Conversion		\$7,500 plus \$115 per unit for required building inspection
Rezone		\$10,000
Second-Story Notification		\$500
Shared Parking Approval		\$500
Small Cell Facility Encroachment Permit – Planning Review		\$1,000
Special Use Permit		\$5,500
Specific Plan / Amendment		\$12,000
Specific Plan Conformity Review		\$9,000
Tentative Tract Map		\$6,000
Tentative Parcel Map		\$3,800





Table 3-13: Planning Processing Fees	
Review Process	Fee
Tree Removal Review / Tree Replacement Plan	\$500
Urban Master Plan Screening	\$10,000
Use Determination Letter	\$500
Variance	\$7,500
Zoning Verification Letter	\$250
<i>Source: City of Costa Mesa Planning Processing Fee Schedule (2019)</i>	

Table 3-14: Engineering Fees	
Type	Fee
Drainage Fee	\$6,283 - \$11,309 per acre + storm drain upgrade
Final Map Check Fee	\$90/hour
Off-Site Plan Check	\$90/hour
Street Improvement Plan Check Fee	\$90/hour
Deposit/bond – Off-Site Work	Twice the amount of the cost estimate of off-site work
Construction Access Permit	\$230
Curb and Gutter Permit	\$365
Driveway Approach	\$425
Sidewalk Approach	\$380
Wheelchair Ramp	\$365
Public Right-of-Way Inspection	\$125/hour
<i>Source: City of Costa Mesa Development Fees (2019)</i>	

The City of Costa Mesa assesses impact fees on a project-by-project basis, taking into account the number of units proposed in the development and the impact these units may have on the local school district, parkland, circulation in the area, and sewage and water infrastructure. **Table 3-15** provides the development impact fees as they relate to the development of housing in Costa Mesa.

Table 3-15: Development Impact Fees	
Use	Fee
<b>Newport-Mesa Unified School District</b>	
Residential Developer Fees	\$1.84 per sq.ft. (additions under 500 sq.ft. may be exempt)
<b>Transportation</b>	
Low Density Residential (9.41 ADT)	\$235 per net trip
Medium Density Residential (7.5 ADT)	\$235 per net trip
High Density Residential (6.85 ADT)	\$235 per net trip
<b>Parkland</b>	
Single-Family Residential	\$13,572 per dwelling unit
Multi-Family Residential	\$13,829 per dwelling unit
Apartment	\$5,000 per dwelling unit
<b>Costa Mesa Sanitary District</b>	
Small New Development Plan Check	\$420



Table 3-15: Development Impact Fees		
Use		Fee
Large New Development Plan Check		\$1,260
Single Family Residential	1 Bedroom	\$3,083
	2 Bedrooms	\$4,029
	3 bedrooms	\$4,973
	4 Bedrooms	\$5,918
	5+ Bedrooms	\$6,912
Multi-Family Residential	Studio	\$1,591
	1 Bedroom	\$2,486
	2 Bedrooms	\$3,482
	3 bedrooms	\$4,426
	4+ Bedrooms	\$5,371
<b>San Juan Hill Trans. Corridor Agency</b>		
Single-Family Residential		\$4,448 per dwelling unit
Multi-Family Residential		\$2,595 per dwelling unit
<b>Mesa Water District</b>		
Service Establishment Fee		\$20/account
<i>Sources: City of Costa Mesa and Other Agencies Development Fees (2019)</i> <i>Newport-Mesa Unified School District Developer Fees</i> <i>CMSD Sewer Connection Fees (2020)</i>		

The development fees associated with each project is dependent on the housing type, density, intensity of use, and location. In addition to these direct fees, the total cost of development is contingent on the project meeting the City's policies and standards, as well as the project applicant submitting necessary documents and plans in a timely manner.

The estimated total development and impact fees for a typical single-family residential project, assuming it is not part of a subdivision and is consistent with existing city policies and regulations, can range from \$40,069 to \$45,069. Estimated total development and impact fees for a typical multi-family residential project with ten units, assuming it is consistent with existing city policies and regulations range from \$303,008 to \$308,008.

These estimates are illustrative in nature and actual costs are contingent upon unique circumstance inherent in individual development project applications. Considering the cost of land in Costa Mesa, and the International Code Council (ICC) estimates for cost of labor and materials, the combined costs of permits and fees range from approximately 3.98 percent to 4.48 percent of the direct cost of development for a single-family residential project and 4.27 percent to 4.34 percent for a multi-family residential project. Direct costs do not include, landscaping, connection fees, on/off-site improvements, shell construction or amenities. The percentage of development and impact fees charged by the City may be smaller if all direct and indirect costs are included.

## 10. On-/Off-Site Improvements



Green Building Standards Code, and California Referenced Standards Code. These are considered to be the minimum necessary to protect the public health, safety, and welfare of the City's residents. In compliance with State law, the California Building Standards Code is revised and updated every three (3) years. The newest edition of the California Building Standards Code is the 2019 edition with an effective date of January 1, 2020.

Code enforcement is conducted by the City and is based on systematic enforcement in areas of concern and on a complaint basis throughout the city. The Code Enforcement Division works with property owners and renters to assist in meeting State health and safety codes. The Code Enforcement Division investigates complaints regarding violations of the Costa Mesa Municipal Codes. The City's caseload is complaint-based, and deals with issues such as unpermitted structures, poor property maintenance, debris accumulation, and inappropriate storage of vehicles or materials with the intention and goal of working with the community to help resolve issues through voluntary compliance. On average, there are 1,292 total code enforcement cases generated per year.

## ***12. Local Processing and Permit Procedures***

The development community commonly cites the permit processing time as a contributor to the high cost of housing. Depending on the magnitude and complexity of the development proposal, the time that elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review on a proposed project include the completeness of the development application and the responsiveness of developers to staff comments and requests for information. Approval times are substantially lengthened for projects that are not exempt from the California Environmental Quality Act (CEQA), require rezoning or general plan amendments, or encounter community opposition. Applicants for all permits or reviews are recommended to request a pre-application meeting with the respective department to: confirm City requirements as they apply to the proposed project; review the City's review process, possible project alternatives or revisions; and identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.

The typical proposal for a single-family or multi-family residential development entitlement review is provided below:

- New single-family residences that comply with development standards are processed through the normal plan check process. Planning staff is the approval body for single-family developments and do not require public hearings.
- New multi-family developments (with 3 or fewer units) that comply with development standards are processed through the normal plan check process. Planning staff is the approval body for these type of developments (staff report written and posted online) and do not require public hearings. Approximate processing time to get to a decision is typically 6–8 weeks; following planning approval, the project would go through normal plan check process.
- New multi-family developments (with 3 or more units) that comply with development standards are processed through the Design Review application process. The Planning Commission is the



approval body for these types of developments, with a public hearing before the 7-member commission. Approximate processing time is 8–12 weeks; following planning commission approval, the project would go through normal plan check process.

All permit applications are first reviewed by City Staff for completeness, and discretionary applications must then receive a recommendation through a staff report prior to a review by the appropriate authority. Various applications may also require public noticing and a public hearing. **Table 3-16** identifies the appropriate review process for each planning permit application.

Table 3-16: Planning Application Review Process					
Planning Application	Public Notice Required	Public Hearing Required	Recommending Authority	Final Review Authority	Notice of Decision
Development Review	No	No	None	Planning Division	No
Minor Modification					
Lot Line Adjustment	No	No	None	Planning Division	No
Administrative Adjustment	Yes	No	None	Zoning Administrator	Yes
Minor Conditional Use Permit					
Minor Design Review					
Planned Signing Program					
Design Review	Yes	Yes	Planning Division	Planning Commission	Yes
Mobile Home Park Conversion					
Common Interest Development Conversion					
Specific Plan Conformity Review					
Tentative Parcel Map					
Tentative Tract Map					
Variance	Yes	Yes	Planning Division	Planning Commission <sup>(1)</sup>	Yes
Conditional Use Permit					
Density Bonus					
Master Plan					
Master Plan – Preliminary	Yes	Yes	Planning Commission	Redevelopment Agency	Yes
Redevelopment Action					
Rezone					
Local Register of Historic Places					
Certificate of Appropriateness	No	No	Planning Commission <sup>(3)</sup>	Planning Commission <sup>(3)</sup>	No
Note: (1) Except where noted otherwise in the Zoning Code. (2) If located in a redevelopment project area, the Redevelopment Authority is the recommending authority. (3) Or other commission/committee as designated by the City Council. Source: City of Costa Mesa Municipal Code Section 13-29. Planning Application Review Process					

**Table 3-17** shows recent projects which received entitlement approval and the date applicants submitted for building permits. As shown, the gap between planning approval and building submittal ranges from about one week to a little over a year. Applicants may submit for building permits directly after the appeal



period ends (the appeal period is seven days). Timing of submittals is dependent on applicants and may vary based on unique situations unrelated to City processes.

Table 3-17: Residential Project Entitlements			
Application Reference	Entitlement Approval	Building Permit Submittal	Description
DR-18-13	09/10/2018	06/04/2019 (9 months)	Development Review for the construction of a new two-story residence with an attached two-car garage.
DR-18-07	10/02/2018	10/11/2018 (after end of appeal period)	Development Review for the demolition of an existing single-story residence, and the construction of a new, two-story 2,523 sq. ft.
DR-18-12	10/04/2018	11/02/2018 (1 month)	Development Review for a new, two-story single family residence (3,121 sq. ft.) with 4 bedrooms, 4.5 bathrooms and an attached two-car garage.
DR-18-16	01/07/2019	01/22/2019 (2 weeks)	Development Review for the demolition of an existing attached garage structure and 2nd floor deck, to be replaced with a new garage and 425 sq. ft. master bedroom above. Interior work is limited to the 2nd floor master bedroom only
DR-19-03	06/26/2019	08/24/2020 (1 year 2 months) *	Development Review to construct a new two-story residential unit (ADU) which consists of 1 bed, kitchen, family room, parlor and 2 baths. Total square footage is 1,196 sq. ft. Includes a new three car garage.
* The COVID-19 may have played a factor in delay of submitted plans. The City also had to adapt to taking in plans electronically.			

Between 2017 and April 2022, the Planning Commission reviewed a total of 35 projects proposing 152 total housing units. The average entitlement processing for these projects was an average of 175 days from submittal (less than six months) to final entitlement approval with projects typically being approved in one hearing (only seven of the 35 projects had more than one hearing and none of the projects required more than two hearings). The City's entitlement processing fees are flat rate fees, with any costs associated with project delays resulting from the costs associated with holding the land. All but three of the proposed projects received approval. The following details the reasoning behind the denial of the three projects (eight total units):

- **PA-16-68** (March 2017): 2-unit Small Lot Subdivision project  
Project did not meet the Residential Design Guidelines and was not compatible with the surrounding properties due to the large mass and scale of structures, lack of open space, and the side entryway design which resulted in a project closed itself off from the neighborhood.
- **PA-16-20/ T-18034** (March 2018): Master Plan for 5-unit live/work development  
Proposed Master Plan does not meet the goals of the General Plan, 19 West Urban Plan and the Zoning Code in terms of design, site planning, integration of uses and structures and protection of the integrity of neighboring development. The project did not comply with live/work development standards such as setbacks and parking standards and the deviations from objective Code





requirements requested by the applicant would have resulted in a project that was inconsistent with the purpose and intent of the General Plan and Urban Plan for the area.

- PA-18-36/ ZA-18-40 (October 2018): Proposal does not meet minimum lot size development standards; applicant requested a Variance for ADU on an R1 property. Variance findings could not be made. ADU development standards have since been modified to remove minimum lot size requirements.

### ***Development Reviews***

A Development Review is the processing of a development plan when authority is vested in the Planning Division. The following are subject to development review:

- **Single-Story Residential Construction:** In the R2-MD, R2-HD, and R3 zones, any single-story construction of 2 or fewer new single-story dwelling units. Exception: New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the Planning Division.
- **Two-Story Residential Construction:** In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are 2 or fewer dwelling units or any second-story addition on a lot with more than 2 dwelling units that complies with any residential design guidelines adopted by City Council.
- Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones. However, building additions that do not exceed 2,000 square feet or 50 percent of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review.
- Lot Line Adjustments.
- Any other uses specified in the City's Zoning Code as requiring development review.

### ***13. Applicable Residential Entitlement Approval Findings***

Indicated below are the applicable approval findings specified in the Costa Mesa Municipal Code for various residential project entitlements. In order to reduce processing time, and set clear application expectations, staff is trained to provide developers and applicants guidance for compliance with satisfying required findings. This guidance comes in the form of preliminary application reviews, creating and distributing residential development hand-outs (such as specific Residential Design Guidelines and FAQs), planning counter discussions, providing applicants with examples of successful project application submittals and various other types of staff/applicant assistance. In addition, the Planning Commission is regularly trained on the importance of adequately evaluating project findings and offerings project design modifications/solutions for project approval when the Commission believes that the findings are not being satisfied. As indicated further in this Section, very few residential projects have been denied in the last five years, which is an indicator of success for the aforementioned staff and Planning Commission residential development efforts.

**Conditional Use Permit Findings.**

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

**Design Review Findings.**

- 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;
- 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; and
- 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.

**Master Plan Findings.**

- 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;
- 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; and
- 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.

In its analysis, Costa Mesa reviewed the approval findings listed above that are applicable to residential projects and found that some contain language which may be interpreted broadly. For example, the first Master Plan finding requires that projects exhibit excellence in design. The master plan process applies to



specific areas of the City where flexibility in development standards is offered through the master plan process due to unique circumstances in the area and to promote revitalization and flexibility necessary to accommodate differing types of residential development within the city. As it is a process used to modify approved development standards, the City reviews development project Master Plans to promote a high quality of life for future residents at all income levels, as well as compatibility with surrounding development. Further, no project has been denied on the basis of not being able to meet these specific findings. Nevertheless, the City understands that approval findings should be clear to applicants and strives to promote quality development within the community. In an effort to further clarify this process, **Program 3S** requires the City to review all findings and revise those findings which are capable of being interpreted broadly, with the goal of improving housing cost, supply, timing of approvals, or approval certainty.

## C. Infrastructure Constraints

Another factor that may constrain new residential construction is the requirement and cost to provide adequate infrastructure (major and local streets; water and sewer lines; and street lighting) needed to serve new residential development. In most cases, where new infrastructure is required, it is funded by the developer and then dedicated to the City, which is then responsible for its maintenance. Because the cost of these facilities is generally borne by developers, it increases the cost of new construction, with much of that increased cost often “passed on” as part of home rental or sales rates.

### 1. Water Supply

The Mesa Water District is responsible for providing safe, local, and reliable water to 110,000 customers in Costa Mesa, as well as some parts of Newport Beach and unincorporated areas of Orange County. Mesa Water pumps water from Orange County’s groundwater basin, which is located beneath north-central Orange County between Irvine and the Los Angeles County border and from Yorba Linda to the Pacific Ocean. The groundwater basin derives its water from the Santa Ana River and imported water from the Metropolitan Water District of Southern California. Mesa Water does not depend on other water sources, however, water from Northern California and the Colorado River can be imported as necessary.

In addition to Mesa Water District, a small portion of the City to the east, south of the John Wayne Airport, receives its water from the Irvine Ranch Water District (IRWD). Approximately 50 percent of the IRWD water supply is derived from the Orange County Groundwater Basin. The remaining amount comes from recycled water (23 percent) and potable water imported from MWD (27 percent).

### 2. Water Production

The independent special district pumps, treats, and delivers about 5 billion gallons of drinking water to homes and businesses per year. The system includes 317 miles of pipeline, 7 wells, 2 reservoirs and the Mesa Water Reliability Facility (MWRF/ “Murph”). The MWRF features 2 deep-water wells, a million-gallon reservoir and nanofiltration technology for water treatment.<sup>1</sup>

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<sup>1</sup> Mesa Water District





Of the fair housing impediments listed in the Regional AI, the City of Costa Mesa was identified as experiencing the following local contributing factors as impediments to fair housing choice:

- Housing Discrimination
- Racial and Ethnic Segregation
- Unfair Lending
- Overcrowding

Local contributing factors are detailed further below in Section E.4 “Assessment of Contributing Factors to Fair Housing.”

### **Fair Housing Issues**

Within the legal framework of federal and state laws and based on the guidance provided by the HUD Fair Housing Planning Guide, impediments to fair housing choice can be defined as:

- Any actions, omissions, or decisions taken because of age, race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor which restrict housing choices or the availability of housing choices; or
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of age, race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor.

As a part of the 2019-2024 AI, the County identified fair housing impediments including the following:

- Housing Discrimination
- Reasonable Accommodations
- Density Bonus Incentive
- Zoning
- Affordable Homeownership
- Racial and Ethnic Segregation
- Unfair Lending
- Discriminatory Advertising
- Cost Burden
- Accessibility

### **Fair Housing Laws**

All jurisdictions across California are subject to a number of fair housing laws. The following section details how the City of Costa Mesa maintains compliance with the listed laws. More specific laws are detailed throughout this Chapter 3 (such as Senate Bill 330 and Assembly Bill 686), and programs in the Housing Plan specify which Legislature is addressed.

- **California Fair Employment and Housing Act (FEHA):** The FEHA provides employees with protection from discrimination, retaliation, and harassment in employment, as well as protects tenants or homeowners from discrimination from landlords, real estate agents, home sellers, builders, and mortgage lenders. The City reviews fair housing complaints and lending patterns – details on both are provided within this Affirmatively Furthering Fair Housing section. The City also implements and updates programs to promote fair and equal access to housing. Lastly, the City continues to review standards and requirements that may constrain equal access to housing and the development of affordable housing.
- **Government Code Section 65008:** This Legislature protects lower- and moderate-income households and persons experiencing homelessness from discrimination that inhibits affordable



units and emergency shelters. The following programs address the development of affordable units and emergency shelters: Programs 2B, 2J, 4A, 4B, 4C, 4E, and 4F.

- **Government Code Section 8899.50:** This Legislature establishes the requirement for jurisdictions to administer programs and activities that affirmatively further fair housing. Program 4A establishes actions the City will commit to throughout the 6<sup>th</sup> Planning Cycle to affirmatively further fair housing.
- **Government Code Section 11135:** This legislation protects residents of the State of California from discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation. Through the Housing Element, the City assesses potential constraints that inhibit all residents from accessing housing and resources. The Housing Plan contains a number of programs that provide for greater access to a variety of housing types for all income levels, promotion of information and resources to special needs groups, and continued review of City permits and processing for streamlining and removal of constraints.
- **Government Code Section 65863 (No-Net-Loss Law):** This Legislature establishes guidance on No-Net-Loss requirements. Jurisdictions are required to maintain adequate sites to accommodate its RHNA at each income category throughout the entirety of the Planning Cycle. Program 3A is included to address the requirements of this Legislature.
- **Density Bonus Law:** The City has an adopted Density Bonus Ordinance. Program 2I is included in the Housing Plan to ensure the Ordinance maintains compliance with State Density Bonus Law. Chapter 3.B.2 provides details on incentives and concessions granted to qualifying projects through the Density Bonus Ordinance.
- **Housing Element Law:** All California jurisdictions are required to adequately plan for the needs of their current and future population. All policies and programs included in the Housing Plan are included to maintain compliance with all California housing laws and to comply with the California State Department of Housing and Community Development's requirements for Housing Elements.

### **Lending Patterns**

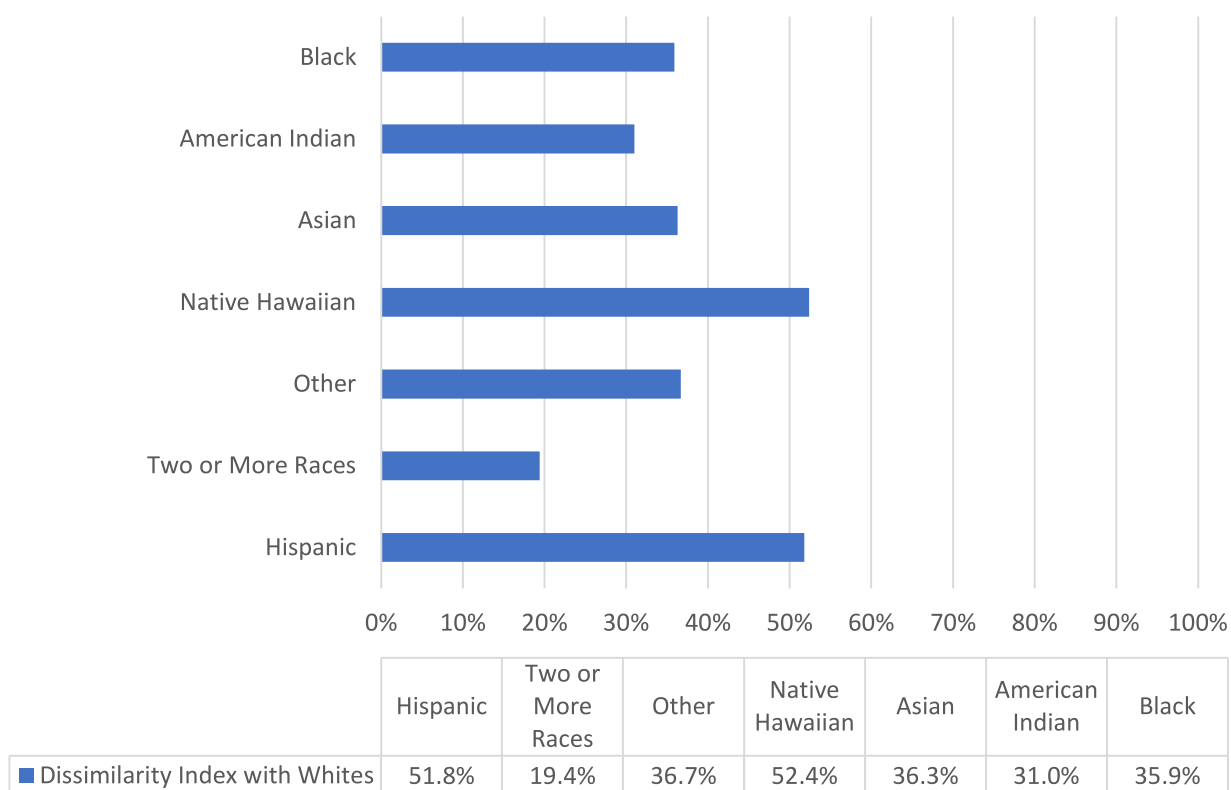
Availability of financing affects a person's ability to purchase or improve a home. The analysis of the lending patterns and practices within a community or city help to identify persons who regularly experience disproportionate roadblocks to home ownership. **Table 3-18** below identifies the lending patterns by race and ethnicity, as well as income category for the Anaheim-Santa Ana-Irvine MSA. According to the data, applicant in the highest income category were more likely to have a loan approved, compared to applicants in the lower income categories where approval rates were consistently under 55 percent. Additionally, within each income category, applicants who identified as White consistently had higher rates of approval than applicant of color. Overall, applicants who identified as Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and Black/African American had the lowest rates of loan approval in all income categories.



achieve a more integrated community. For instance, 52.4 percent of the Native Hawaiian population would need to move into predominantly White census tract areas to achieve “perfect” integration, or 51.8 percent of the Hispanic population would need to move into predominantly White census tract areas for perfect integration.

As indicated above, a score of 60 or higher indicates a highly similar and segregated area. The City does not have any racial or ethnic groups with scores higher than 60. However, scores above 30 indicate moderate levels of segregation. It is important to note the areas where moderate segregation occurs in order for Costa Mesa to understand any additional disparities in access to opportunities or housing, as well as identify lack of resources for the communities. In the City of Costa Mesa, all racial and ethnic groups, except for those who identify as two or more races, show a score of 30 or greater dissimilarity index. The City of Costa Mesa is committed to furthering fair housing access and increasing fair housing opportunities to communities of color.

**Figure 3-4: Dissimilarity Index with White Population in Costa Mesa**



Source: Census Scope, Social Science Data Analysis Network

### Disability

In 1988, Congress added protections against housing discrimination for persons with disabilities through the FHA, which protects against intentional discrimination and unjustified policies and practices with disproportionate effects. The FHA also includes the following unique provisions to persons with disabilities: (1) prohibits the denial of requests for reasonable accommodations for persons with disabilities if necessary, to afford an individual equal opportunity to use and enjoy a dwelling; and (2) prohibits the denial of reasonable modification requests. With regards to fair housing, persons with disabilities have special



housing needs because of the lack of accessible and affordable housing, and the higher health costs associated with their disability. In addition, many may be on fixed incomes that further limit their housing options.

Table 3-28 provides data for persons with disabilities in Costa Mesa, Orange County, and across California; Figure 3-15 also maps out populations with disabilities throughout the City. There are five census tracts that report 10 to 20 percent of the population with a disability. These tracts are located the center of the City in the south-western region. The central census tracts include the Fairview Developmental Center and a senior living development (Azulon at Mesa Verde). The census tracts in the south-western region also include a senior living development (Vivante Newport Mesa). These may contribute to the higher occurrence of persons with disabilities.

Regarding access to community resources and services, the central census tracts are located near community parks, fire and police services, grocery stores and commercial uses, and medical offices. Public transit runs directly between both central census tracts along Harbor Boulevard, as well as Fairview Road. The south-western census tracts are also located near community parks, grocery stores and commercial uses, medical offices, and they have access to public transit along Placentia Avenue, 19<sup>th</sup> Avenue, and Victoria Street.

It is the policy and practice of the City to take all reasonable steps to ensure its services, programs and activities are accessible to all members of the public including persons with disabilities. The City's leadership team and accessibility experts work to ensure all departments comply with this policy by carrying out the following functions:

- Provide technical assistance to support City departments in complying with federal, state, and local disability access laws.
- Assist departments and divisions in evaluating their facilities, programs, services, and activities to ensure provision of reasonable accommodations to people with disabilities.
- Facilitate the resolution of grievances filed against the City of Costa Mesa that allege noncompliance with disability access laws.

Additionally, the City is concerned with public right-of-way access for everyone including people with disabilities. Staff is aware of pedestrian mobility concerns for people with various disabilities. The following information describes department programs available to the public:

- **Curb Ramp Program** – The City administers the Sidewalk Accessibility Curb Ramp Program by identifying locations and managing the installation of curb ramps throughout the city. These ramps provide safer and easier pedestrian access to sidewalks, particularly for persons with disabilities. All newly constructed ramps comply with the current Americans with Disabilities Act standards.
- **Contractual Services** – The City utilizes contractual services to install curb ramps each year through the ongoing capital-funded program. Along with these ongoing City-funded installation projects, the program also assists and coordinates installation projects with a variety of other programs and construction projects.





- City Staff also utilize a priority approach to select locations for new ramps. Installation project priorities are based on the following criteria:
  - Known routes used, and requests by persons with disabilities
  - Known locations in the walking route to school plans
  - Known routes to senior and community centers and around parks
  - Requests from the community
  - Mobility Access Analysis for People with Disabilities
  - Upon request, staff conducts a study of obstructions blocking pedestrian or wheelchair travel.

Costa Mesa residents with disabilities living in the five census tracts listed above may also benefit from regional resources. The Regional Center of Orange County provide services to person with developmental disabilities, including: housing options, employment opportunities, prenatal diagnostic evaluations, as well as services for early intervention, therapy, respite care, childcare, adult day programs, transportation, medical and dental, and recreation. The following lists a number of additional agencies and organizations and the services they provide for Costa Mesa residents:

- **Dayle McIntosh Center** - Provides support services, advocacy, transition services, information and referral, peer support, housing assistance, health care access and more.
- **Employment Development Department** - The California State Disability Insurance Program (SDI) provides short term Disability Insurance (DI) and Paid Family Leave (PFL) wage replacement benefits to eligible workers who need time off work.
- **Family Caregiver Resource Center** - Assists families who are coping with the physical, emotional, and financial responsibilities of caregiving.
- **Help Me Grow** - Connects families with developmental, behavioral or learning concerns to resources in the community for children birth to 6 years of age.
- **In Home Supportive Services (IHSS)** - Provides supportive services to aged, blind, and disabled persons who are limited in their ability to care for themselves and cannot live safely at home without help.
- **Lions Sight and Hearing Foundation of Southern California** - Provides hearing aids and common eye surgeries Income qualifications apply.
- **Orange County Deaf Equal Access Foundation** - Provides services to deaf and hard of hearing community including employment assistance, information and referral, advocacy, peer counseling, independent living, communication assistance (info@ocdeaf.org).
- **Protection and Advocacy Inc. (PAI)** - Provides legal representation in response to rights/violations for persons with disabilities.
- **Rehabilitation Institute of Southern California** - Programs which increase the ability of disabled individuals to function at home and at school, on the job, and in the community.
- **St. Jude Brain Injury Network** - Assist persons with a traumatic brain injury to attain access into gainful employment, appropriate community reintegration programs, accessible housing, and research-related education.



Costa Mesa children with disabilities living in the five census tracts listed above also have access to assessments/evaluations and education plans through the Newport-Mesa Unified School District Harper Assessment Center, as well as individual and family counseling, suicide prevention services, and residential services through the South Coast Community Services Student Assistance Program (SAP). Acuity Behavior Solutions provides a variety of Applied Behavioral Analysis techniques for children and teens with autism in Orange County, this includes: play-based applied behavior analysis services, individual in-home therapy, and social skills groups for children and teens.

### **Income**

Government Code Section 65008 provides protection against the discrimination of lower- and moderate-income households that inhibits affordable housing development. As detailed in Chapter 2.C.2, the City of Costa Mesa is made up of households earning a variety of income levels. **Table 2-12** shows over a quarter of Costa Mesa households earn less than 50 percent of the area median family income (AMFI) and just under 40 percent earn over \$100,000. **Figures 3-5a** and **3-5b** provide mapping of median incomes and poverty status across the City and in surrounding communities.

**Figure 3-5a** illustrates a greater tendency for lower median incomes towards the center of the City with higher median incomes along the City's western, northern, and eastern edges. When considering zoning, block groups with lower median incomes generally overlap with zones that allow for multi-family housing development at higher densities. In comparison, block groups with higher median incomes tend to be zoned for single-family residential. This shows lower income households have a greater ability to afford apartments and condominiums over single-family residences. Chapter 2.F.5 also indicates the housing market for single-family residences is more difficult to access for households not earning an above moderate income.

**Figure 3-5b** illustrates poverty status by census tract. The data is similar to that of Figure 3-5a as it shows higher concentrations of poverty towards the City's southern and central region. There is one census tract (636.05) that reports 30 to 40 percent of its population falling under the poverty line. This census tract is further detailed in the following section as an area of high segregation and poverty; however, the data is dated 2019 and does not reflect recent development and financing. While the area is identified as high segregation and poverty, it has seen much redevelopment over recent years and the median home value according to 2020 ACS 5-Year Estimates is \$922,500. The median contract rent for the census tract is \$1,665, and the median household income is \$71,150. **Program 4I** is included in the Housing Plan to specifically address the high segregation and poverty finding for census tract 636.05 by partnering with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.

Furthermore, the Appendix B Sites Analysis includes the identification of a number of sites throughout the entirety of the City so as to provide for future residential development at a variety of densities. This is intended to allow for a variety of housing types affordable to all income categories. Sites were selected based on the availability of land, property owner and developer interest, and access to transportation, resources, and services. A number of sites are located in areas that report both high and lower median



Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix		
Fair Housing Issue	Contributing Factors	Priority
Racial and Ethnic Segregation	<ol style="list-style-type: none"> <li>1. Census tract 636.05 is identified as a High Segregation and Poverty area. It is also rated the lowest ROI score for people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life.</li> <li>2. Ten census tracts are identified as Racially Concentrated Areas of Affluence.</li> <li>3. The Hispanic population experiences higher levels of poverty according to HUD Opportunity Indicators.</li> </ol>	<p>High</p> <p><b>PROGRAM 4A: Fair Housing</b> – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate racial and ethnic segregation, and outreach specifically to low and very low-income residents as wells considered targeted outreach to residents with moderate and high levels of segregation.</p> <p><b>PROGRAM 4I: Partnerships with Local Organizations and Community Groups</b> – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.</p>
Housing Discrimination	<ol style="list-style-type: none"> <li>1. The 2020 AI identified housing discrimination as an impediment to fair housing choice in the City.</li> </ol>	<p>Medium</p> <p><b>PROGRAM 4A: Fair Housing</b> – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive</p>



Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix

<u>Fair Housing Issue</u>	<u>Contributing Factors</u>	<u>Priority</u>	<u>Programs</u>
			<p>communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate housing discrimination, as well as continue contracting with the Fair Housing Foundation.</p> <p><b><u>PROGRAM 4I: Partnerships with Local Organizations and Community Groups</u></b> – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.</p>
<u>Unfair Lending</u>	<p>1. The Lending Analysis identified lower rates of home loan approval for moderate, low, and very low-income residents. Applicants who identified as Black experienced both lower rates of home loan approval and purchase and higher rates of home loan denial, indicating disparity in access to funding.</p>	<u>Medium</u>	<p><b><u>PROGRAM 4A: Fair Housing</u></b> – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate unfair lending, as well as continue</p>





Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
Access to Opportunity	<ol style="list-style-type: none"> <li>Two census tracts in the City's southern region are rated the lowest ROI score for people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life.</li> <li>Three census tracts are identified as Low Resource areas and one is identified as High Segregation and Poverty according to TCAC data.</li> <li>Four census tracts are identified as having the lowest TCAC Education Outcomes.</li> </ol>	High	<p>providing important ownership information on the City's website.</p> <p><b>PROGRAM 4I: Partnerships with Local Organizations and Community Groups</b> – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.</p>
Environmental Conditions	<ol style="list-style-type: none"> <li>All racial and ethnic groups have low environmental health indices according to HUD Opportunity Indicators.</li> <li>Census tract 636.05 has a CalEnviroScreen 3.0 environmental burden of 81 to 90 percent.</li> </ol>	Medium	<p><b>PROGRAM 4I: Partnerships with Local Organizations and Community Groups</b> – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.</p>
Availability of Accessible Housing for Persons with Disabilities	<ol style="list-style-type: none"> <li>Five census tracts reporting 10 to 20 percent of their population having at least one disability.</li> <li>Approximately 86 percent of housing units were built prior to 1989 before the Fair Housing Act and State laws regarding accessibility requirements</li> </ol>	High	<p><b>PROGRAM 1A: Owner-Occupied Housing Rehabilitation</b> – This program may be used to assist qualified property owners in improving single-family residential properties, including: health and safety repairs such as mechanical,</p>



Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix

Fair Housing Issue	Contributing Factors	Priority	Programs
	for persons with disabilities were adopted.		<p>plumbing, electrical, roofing, security, medical emergency requirements, and/or aid the mobility of the physically disabled and/or elderly.</p> <p><b><u>PROGRAM 2C: Supportive Services for Persons with Special Needs</u></b> – The City will promote information and outreach to local organizations regarding the availability of CDBG funds for special needs populations to secure decent housing and supportive services.</p> <p><b><u>PROGRAM 2F: Persons with Physical and Developmental Disabilities</u></b> – The City will take actions to accommodate ADA retrofit efforts, ADA compliance and/or other measures to facilitate access to adequate housing for persons with disabilities.</p> <p><b><u>PROGRAM 2N: Reasonable Accommodation</u></b> – The City will outreach to local organizations to promote access to housing for persons with disabilities and address potential constraints, and review and revise its reasonable accommodations process to be</p>



Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
			consistent with State and federal housing requirements.
Need for affordable housing in new developments.	<ol style="list-style-type: none"> <li>Ten census tracts are identified as Racially Concentrated Areas of Affluence.</li> <li>Eight census tracts with 40 to 60 percent overpayment by homeowners and five census tracts 60 to 80 percent overpayment by renters.</li> <li>Three census tracts with overcrowding greater than 20 percent.</li> <li>Six census tracts reporting Stable/Advanced Exclusive affordability, one census tract reporting Becoming Exclusive, and nine census tracts reporting At Risk of Becoming Exclusive according to the Urban Displacement Project.</li> </ol>	High	<p><b>PROGRAM 2A: Inclusionary Housing Ordinance</b> – The City will consider the adoption of an inclusionary zoning ordinance within 12 months of adoption of the 6<sup>th</sup> Cycle Housing Element.</p> <p><b>PROGRAM 2B: Affordable Housing Development</b> – The City will seek funding, coordinate outreach, provide incentives, and publish informational materials to facilitate and promote the development of affordable housing units.</p>
Displacement Risk	<ol style="list-style-type: none"> <li>One census tract reporting Advanced Gentrification and two census tracts reporting Low-Income/Susceptible to Displacement according to the Urban Displacement Project.</li> <li>A total of 75 assisted affordable units at risk of becoming market-rate between 2021 and 2031.</li> </ol>	High	<p><b>PROGRAM 1C: Monitoring and Preservation of At-Risk Housing Units</b> – The City will regularly monitor units that have the potential to convert to market-rate, and work with property owners on potential contract and funding extensions.</p>



# Chapter 4

## *Housing Plan*





in the base zoning, a relaxed parking standard, as well as the ability to deviate from development standards. Currently, the maximum number of concessions a project can receive through density bonus is three.

**Objectives:**

- Evaluate and update the Density Bonus Ordinance to comply with State Density Bonus Law.

**Timeframe:** Within 24 months of final adoption of the 2021-2029 Housing Element Update.

**Responsible Agency:** City of Costa Mesa Economic and Development Services Department/Planning Division

**Funding Source:** In Kind/General Fund

**PROGRAM 2J: Transitional and Supportive Housing**

California Government Code Section 65583(c)(3) requires transitional and supportive housing to be permitted in all residential zoning districts under the same restrictions as other residential dwellings of the same type in the same zone. Government Code Section 65651(a) also requires permanent supportive housing to be permitted by-right in zones where multi-family and mixed-use development is permitted, including non-residential zones permitting multi-family uses if they meet the Government Code Section requirements.

**Objectives:**

- Amend the Zoning Code to include transitional and permanent supportive housing within the City's land use matrix in compliance with Senate Bill 2 and Government Code Section 65651
- Monitor the inventory of sites appropriate to accommodate transitional and supportive housing.
- Proactively engage relevant organizations to meet the needs of persons experiencing homelessness and extremely low-income residents.

**Timeframe:** Within 24 months of final adoption of the 6<sup>th</sup> Cycle Housing Element.

**Responsible Agency:** City of Costa Mesa Economic and Development Services Department/Planning Division

**Funding Source:** In Kind

**PROGRAM 2K: Planning Application Fees**

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law. Development fees are necessary to implement planning, zoning and building safety laws and to provide the public services and infrastructure necessary to serve City residents. This program seeks to avoid application fees creating constraints to the development of affordable housing.

**Objectives:**

- Review planning application fees, with a special focus on the density bonus fee, and update the fee(s) to avoid creating a constraint to the development of affordable housing.

**Timeframe:** Within 24 months of final adoption of the 6<sup>th</sup> Cycle Housing Element.

**Responsible Agency:** City of Costa Mesa Economic and Development Services Department/Planning Division

**Funding Source:** In Kind/General Fund

**PROGRAM 2L: Development of Housing for Extremely Low and Lower-Income Households**





The City recognizes the importance of supporting the development of housing for low and extremely low income households. It is a primary goal of the Housing Element to increase the feasibility of development of housing for extremely low and low income households.

#### **Objectives:**

- Subsidize up to 100 percent of the City’s application processing fees for qualifying developments where all units are affordable to 80 percent AMI or lower, as funding is available.
- Annually promote the benefits of this program to the development community by posting information on its webpage and creating a handout to be distributed with land development applications regarding development opportunities and incentives.
- Proactively reach out to developers at least once annually to identify and promote development opportunities.
- Adopt priority processing and streamlined review for developments with units affordable to lower income households.
- Support funding development applications throughout the planning period for projects proposing units affordable to lower income households.

**Timeframe:** As funding is available, promote the program and outreach; adopt priority processing and other incentives within 24 months of final adoption of the 6<sup>th</sup> Cycle Housing Element.

**Responsible Agency:** City of Costa Mesa Economic and Development Services Department/Planning Division

**Funding Source:** In Kind/General Fund

#### **PROGRAM 2M: Parking Standards for Residential Developments**

The City’s residential off-street parking requirements are provided in Section 3.B.3 of this Housing Element. Parking requirements ensure that there is adequate parking provided for residents and for guests in both single-family and multi-family residences. This program seeks to avoid potential constraints due to parking requirements to facilitate the development of multi-family developments, and specifically affordable housing projects.

#### **Objectives:**

- Review and revise the Zoning Code’s requirements for residential off-street parking for multi-family projects to facilitate the development of multi-family housing, and specifically affordable housing.

**Timeframe:** Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.

**Responsible Agency:** City of Costa Mesa Economic and Development Services Department/Planning Division

**Funding Source:** In Kind/General Fund

#### **PROGRAM 2N: Reasonable Accommodation**

The City has completed an analysis of its Reasonable Accommodation process in Section 3 of this Housing Element. By the nature of Reasonable Accommodation requests and the range of potential modifications that could need to be accommodated, the City has to evaluate each request individually. This process is described within the City’s Zoning Code and persons may contact the City’s planning department for assistance with requests. The City will review and consider revisions to its Reasonable Accommodation process to be consistent with State and federal fair housing requirements.

**Objectives:**

- Review and revise the Reasonable Accommodation procedure to promote access to housing for persons with disabilities, address potential constraints and establish potential objective standards, and provide guidance and amend as necessary to promote greater certainty on how approval findings will be implemented.
- Meet with local organizations and developers to promote access to housing for persons with disabilities and address potential constraints.

**Timeframe:** Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.

Annually review and, if necessary, revise the reasonable accommodations procedures. Annually meet with local organizations and housing developers to promote access to housing for persons with disabilities and address potential constraints.

**Responsible Agency:** City of Costa Mesa Economic and Development Services Department/Planning Division

**Funding Source:** In Kind/General Fund

**PROGRAM 20: Definition of Single Housekeeping Unit**

The City's definitions of "family" and "single housekeeping unit" within the zoning code do not differentiate between related and unrelated individuals, or between disabled and non-disabled individuals, living together. Notwithstanding, in order to promote flexibility to accommodate residents with different living conditions, the City will review and consider revisions to its zoning code per the objectives below.

**Objectives:**

- Review and revise the definition of "single housekeeping unit" within the zoning code to provide greater flexibility in consideration of accommodating a variety of household situations for related and unrelated individuals living together.

**Timeframe:** Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.

**Responsible Agency:** City of Costa Mesa Economic and Development Services Department/Planning Division

**Funding Source:** In Kind/General Fund

**PROGRAM 2P: Group Homes**

The City has completed an analysis of its regulations applicable to group homes in **Section 3** of this Housing Element. Group homes are allowed in all residential zoning districts through a conditional or special use permit. The City will review and consider revisions to its zoning code applicable to group homes per the objectives below.

**Objectives:**

- Review and revise the City's zoning code and application procedures applicable to group homes to promote objectivity and greater approval certainty.

**Timeframe:** Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.

**Responsible Agency:** City of Costa Mesa Economic and Development Services Department/Planning Division

**Funding Source:** In Kind/General Fund



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**From:** Costa Mesa First <costamesa1st@gmail.com>  
**Sent:** Monday, November 14, 2022 4:31 PM  
**To:** LE, JENNIFER  
**Cc:** STEPHENS, JOHN; CHAVEZ, MANUEL; HARLAN, JEFFREY; MARR, ANDREA; REYNOLDS, ARLIS; CITY CLERK; GAMEROS, LOREN; HARPER, DON  
**Subject:** Costa Mesa Housing Element Update - 11/15/22 City Council Meeting - Agenda Item No. PH-3  
**Attachments:** Letter re Housing Element Update.pdf

Hi Ms. Le,

On behalf of Costa Mesa First, attached is a letter from Rick Huffman and me with respect to the Housing Element update. Please feel free to contact us should you have any questions, or if you can answer any of our questions prior to the City Council meeting.

--

Cynthia McDonald  
Assistant Treasurer  
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COSTA MESA



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November 14, 2022

VIA EMAIL

Ms. Jennifer Le  
Director of Economic and  
Development Services  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

Dear Ms. Le:

We appreciate the revisions to the Sixth Cycle Housing Element ("HE") by Staff and the Consultant. It appears that this version of the HE is responsive to all the requests of the California Department of Housing and Community Development ("HCD"). We are glad that the City is trying to satisfy the HCD, but why was this document not submitted prior to the deadline required to meet October 15 certification?

Outreach on the HE was mostly done during COVID and in no way could be considered "robust." We realize that the City was under a time deadline, however, since the HE is out of compliance, it is appropriate to take some extra time to engage the residents in the land use changes contemplated by the HE.

On April 27, 2021, there was a Joint City Council and Planning Commission Study Session on the HE. On Page 14 of the Staff Report for that meeting, under the heading "Future Planning and Visioning Efforts," it states:

"Implementation of the Housing Element's goals, policies and housing programs will require future General Plan Amendments and rezoning actions which will be accompanied by ongoing in-depth community outreach and visioning exercises. Community visioning is critical to neighborhood planning and necessary to envision how housing opportunity areas identified in a Housing Element will translate into well-designed, high quality, compatible housing projects that fit into the context of their surroundings. Staff have already secured \$500,000 in LEAP grant funds to pursue these efforts and will launch those programs following Housing Element adoption as the next step in a larger community conversation surrounding housing in Costa Mesa."

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Ms. Jennifer Le  
Director of Economic and  
Development Services  
City of Costa Mesa  
November 14, 2022  
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In the following Section (Next Steps) it states:

“Concurrently, staff will move ahead with exploring the creation of a Citizen Advisory Committee to discuss Measure Y.”

Program 3G in Chapter 4 indicates that a community visioning process will take three years to complete. When will it begin? What is the status of the LEAP funds? Looking at the 2022-2023 City Budget, we do not see a line item for those funds. Were they spent? If so, on what, and what was achieved?

Will the Citizen Advisory Committee be convened? Commissioner Erath asked about the status of the Citizen Advisory Committee at the April 2021 meeting, and the City Attorney responded “No, we have not formally proceeded to create the Citizen Advisory Committee, although we are in that process.” The City Council’s Housing Ad Hoc Committee was a group that met mostly out of the public’s eye and no minutes of its private meetings were kept. There is no evidence of a broad sampling of community and stakeholder input on the subject of Measure Y or any other subject of meetings. Therefore, the Housing Ad Hoc Committee cannot be considered a replacement for the Measure Y Citizen Advisory Committee that would take input from any member of the public, nonprofit organization, or any other stakeholders specifically on the subject of Measure Y. That Committee needs to be convened as soon as possible. In addition, this needs to be a program in Chapter 4 of the HE.

The following are specific comments and questions about the current draft of the HE documents:

Chapter 4, Program 2A: The City needs to state its commitment to the adoption of an inclusionary housing ordinance (“IHO”). In prior cycles, very few affordable units have been built, and the State has mandated that the City demonstrate it is planning for more affordable units. To simply “consider adoption of an inclusionary housing ordinance” is unacceptable. The City has already hired a consultant to evaluate and make recommendations regarding the structure of an IHO. There is no reason to spend those funds only to kill the IHO.

Chapter 4, Program 3B: Fairview Developmental Center (“FDC”) is a large parcel that, when developed, could greatly affect adjacent neighborhoods. We understand that the City is contemplating the adoption of a specific plan that would include mixed-use and mixed income development. We believe a more substantial plan needs to be developed to minimize impacts while maximizing economic benefits, and that plan could be established in the three years the City anticipates it would take to rezone the property. While the State has required that affordable housing and open space be prioritized, it is critical that the City engage residents and stakeholders in a broad and valid community visioning process similar to what the County of Sonoma did in connection with the redevelopment of the Sonoma Developmental Center. Engaging the public through a citizens and stakeholder advisory/visioning committee that meets in public versus an ad hoc Council committee is preferred. Transparency in the visioning effort and the creation of the specific plan is essential.

Chapter 4, Programs 3C and 3D: It is not clear whether the City intends to increase the allowable density on all the parcels located within the Specific Plans, Urban Plans and Overlays, or if it intends to increase the allowable density only on the sites identified on the Sites Inventory. In the case of (1) the North Costa Mesa Specific Plan, the City intends to increase the density of all parcels within that Specific Plan to 90 du/ac, (2) the SoBECA Urban Plan, the City intends to increase the density of the entire urban plan area to 60 du/ac, and (3) the Harbor Mixed Use Overlay, the City intends to increase the density of the entire overlay to 50 du/ac. Please clarify whether these are the only areas where the density on all parcels will be increased. Also, with respect to the North Costa Mesa Specific Plan, what is contemplated by amending the boundary of that Specific Plan? Will it include the One Metro West project? Will any of the other Specific Plans, Urban Plans or Overlays have their boundaries increased? In addition, please explain why the 19 West and SoBECA Urban Plans development standards will be updated to facilitate “allowable” densities but the Mesa West Bluff Urban Plan and Harbor Mixed Use Overlay will have their development standards updated to facilitate “maximum” densities. Is there a difference, and if so, what is it?

Chapter 4, Program 3G: Why is it “not clear how the City-wide vote requirement affects the associated rezones and revisions to existing specific plans, urban plans and overlays included as program actions within the Housing Element”? It is the responsibility of the City to follow its own laws. Specifically, Section 13-200.102(j) of the Costa Mesa Municipal Code states “If Costa Mesa itself initiates the change, it shall be deemed the proponent for the purposes of this article.” Instead of looking to circumvent Measure Y, the City should put the zoning changes and revisions to the specific plans, urban plans, and overlays to a vote of the Costa Mesa electorate. Item 6 of the table in Program 3G states that the City will request an opinion from the State Attorney General’s Office as to the City’s options should there be a continued shortfall of sites after a Ballot Measure vote. Does this refer to Measure K or some other ballot measure? How many measures does the City intend to put on the ballot trying to get around the citizens’ right to vote? Also, what is meant by providing the City Council “greater discretion” in approving housing? What is limiting the City Council from using its discretion now? The City should be upholding its laws, not seeking advice on how to circumvent them. All of this contradicts the concept of creating a Citizen Advisory Committee tasked with discussing Measure Y and advising the City Council on needed improvements to the ordinance.

Chapter 4, Programs 3I and 3J: Why is there mention of the potential of a 17th Street Corridor Area when there have been no sites identified in the Adequate Sites Inventory? The same is true of parcels along Newport Boulevard. We view this as politicization of the HE. It is the same as the horse-swapping of parcels that took place at the City Council meeting on August 2 when East 17th Street was removed from the Measure K map, and other corridors were substituted due to the political sensitivity of Eastside Costa Mesa. We also note that the Objective for this program is to promote “quality residential development”, but the word “quality” is not used to describe the housing promoted by Programs 3C and 3D. Does the City not want quality residential development throughout the City?

Ms. Jennifer Le  
Director of Economic and  
Development Services  
City of Costa Mesa  
November 14, 2022  
Page 4

Chapter 4, Program 3Q: Please identify the “several candidate housing sites” that the City feels could be consolidated to facilitate the development of housing.

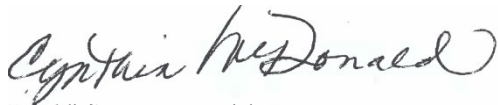
Appendix B, Section 2: We believe the reference to Table B-5 in the second line of this Section should be Table B-6.

Thank you for your consideration and we look forward to your answers to our questions.

Very truly yours,



Richard J. Huffman, II  
Treasurer



Cynthia McDonald  
Assistant Treasurer

cc: Lori Ann Farrell Harrison, City Manager  
Mayor John Stephens  
City Council Members Manuel Chavez, Loren Gameros, Jeffrey Harlan, Don Harper,  
Andrea Marr, and Arlis Reynolds

Costa Mesa First's mission is to educate Costa Mesans about planning policies in Costa Mesa so they make knowledgeable choices when voting. We encourage residents to choose walkable, bikeable and inclusive neighborhoods, and the land use and transportation policies and investments needed to make Costa Mesa flourish. Our primary objective is to require Costa Mesa's leaders to put the residents of Costa Mesa first.

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**From:** Zeenat Hassan <Zeenat.Hassan@disabilityrightsca.org>  
**Sent:** Monday, November 14, 2022 4:22 PM  
**To:** CITY CLERK; STEPHENS, JOHN; MARR, ANDREA; HARPER, DON; GAMEROS, LOREN; CHAVEZ, MANUEL; REYNOLDS, ARLIS; HARLAN, JEFFREY  
**Cc:** Autumn Elliott; HousingElements@hcd.ca.gov; marissa.prasse@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov; Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov; Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov; Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov  
**Subject:** DRC comments on public hearing Item #3 - Housing Element Update  
**Attachments:** 2022.11.15 DRC comment on PH item #3 - 6th cycle HE update.pdf

Good afternoon,

For tomorrow's City Council meeting, please see attached DRC's public comments on public hearing item #3: Costa Mesa's 6<sup>th</sup> Cycle Housing Element Update.

Thank you,

**Zeenat Hassan** (she/her)  
Staff Attorney 2, Civil Rights Practice Group  
Disability Rights California  
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Website: [www.disabilityrightsca.org](http://www.disabilityrightsca.org) | [www.disabilityrightsca.org/espanol](http://www.disabilityrightsca.org/espanol)

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November 15, 2022

### ***Sent via email only***

City Council  
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Costa Mesa, CA 92626  
[cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

Re: PUBLIC HEARING ITEM #3 – CITY OF COSTA MESA 2021-2029  
(6<sup>TH</sup> CYCLE) HOUSING ELEMENT UPDATE

To Mayor John Stephens and the Honorable Members of the City Council:

Disability Rights California (DRC) urges the City Council not to approve the revised Housing Element presented at today's public hearing because it continues to disregard HCD's instruction to conduct an analysis of how the City's zoning code and specific ordinances create barriers to housing for people with disabilities. DRC is a non-profit agency established under federal law to protect, advocate for, and advance the human, legal, and service rights of Californians with disabilities.<sup>1</sup> Housing justice is a core component of DRC's work, as people with disabilities face significant barriers to accessing and maintaining stable housing. These barriers

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<sup>1</sup> Disability Rights California provides services pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15001, PL 106-402; the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. § 10801, PL 106-310; the Rehabilitation Act, 29 U.S.C. § 794e, PL 106-402; the Assistive Technology Act, 29 U.S.C. § 3011, 3012, PL 105-394; the Ticket to Work and Work Incentives Improvement Act, 42 U.S.C. § 1320b-20, PL 106-170; the Children's Health Act of 2000, 42 U.S.C. § 300d-53, PL 106-310; and the Help America Vote Act of 2002, 42 U.S.C. § 15461-62, PL 107-252; as well as under California Welfare and Institutions Code §§ 4900 et seq.

include discriminatory zoning codes and land use policies. We share the concerns raised by HCD about the City's discriminatory ordinances and urge the City to commit in its Housing Element to taking corrective actions.

**The City's Housing Element still leaves out the impacts of its ordinances on people with disabilities.**

The City's Housing Element continues to disregard issues raised by HCD in its reviews of prior drafts of the Housing Element. This comment letter focuses on three of these issues that affect the disability community:

- 1) The City's reasonable accommodation process violates fair housing laws by considering inappropriate factors;
- 2) The City's definition of "single housekeeping unit" discriminates against people with disabilities; and
- 3) The City's zoning code imposes discriminatory barriers on housing for people with disabilities.

In its December 3, 2021 letter to the City, HCD explained that the City's Housing Element must include an analysis of how the City's reasonable accommodation process, definition of "single housekeeping unit," and zoning code act as constraints on housing for people with disabilities. HCD further instructed the City to develop programs to remove each constraint.

The City revised its Housing Element but refused to complete the analysis required by HCD, despite receiving public comments from DRC and other stakeholders that explained exactly how the City's ordinances created barriers to housing for people with disabilities and how to remove those barriers. HCD reviewed the City's revised Housing Element and sent a second letter on April 5, 2022 notifying the City that it still needed to conduct an analysis of how its ordinances act as constraints on housing for people with disabilities.

The Housing Element presented to the City Council today indicates that the City disagrees with HCD's assessment of its Housing Element and is disinclined to make changes to its ordinances. The "analysis" of each constraint concludes that the ordinances do not conflict with fair housing law, and each program commits only to "reviewing" the ordinance—not to changing it. This approach undermines the purpose of the Housing

Element: to plan for the housing needs of all segments of a community, including people with disabilities. The City's refusal to acknowledge and address the harmful impacts of its ordinances sends a message to people with disabilities that they are not welcome in Costa Mesa. We urge the City to fulfill its duty to the community by revising the Housing Element to include an analysis of constraints to housing for people with disabilities and a plan with concrete steps to address those constraints.

**The City must commit to revising its reasonable accommodation ordinance to bring it into compliance with fair housing laws.**

As noted by HCD in its December 3, 2021 letter, the City's reasonable accommodation process "contains several additional factors that the City may consider in its review of an application [...] that may act as constraints." HCD instructed the City to include in its Housing Element "specific analysis of any potential constraint, including considering public comments and add or modify programs as appropriate." The City failed to do this in its revised Housing Element, prompting HCD to note in its April 5, 2022 letter: "[The revised Housing Element] does not appear to agree the procedure contains constraints but commits (Program 2N) to review and revise the ordinance to comply with state and federal fair housing laws, which casts uncertainty on what will be revised. As a result, Program 2N should be revised to provide certainty and specific commitment to revise the ordinance and ensure a process that promotes housing access for persons with disabilities."

The Housing Element presented at today's public hearing continues to cast uncertainty on what, if anything, will be revised. The City received public comments from DRC and others on how its reasonable accommodation process creates barriers to housing for people with disabilities. The Housing Element makes no mention of any of those comments and omits any consideration of the constraints discussed in those comments. The City's analysis finds no fault with the ordinance and instead adopts Program 2N: "The City will review and consider revisions to its Reasonable Accommodation process to be consistent with State and federal fair housing requirements." The City commits to a review of the ordinance within 24 months of final adoption of the Housing Element Update.

Program 2N is insufficient to remove the constraints caused by the City's reasonable accommodation ordinance. Two years is a long time to wait for

a review that could be done now using the public comments submitted to the City (and that should have been done already per the directions from HCD). Further, there is no commitment to change the parts of the ordinance that create constraints on housing. Given the City's apparent position that its ordinance does not conflict with fair housing laws, we have no confidence that the City will make any changes when it eventually gets around to analyzing the ordinance in 24 months. The City should revise its Housing Element to include a thorough analysis of its reasonable accommodation ordinance—one that engages with the public comments submitted by stakeholders—and revise Program 2N to include commitments to changing the specific components of the ordinance that violate fair housing laws and create barriers to housing for people with disabilities.

**The City must amend its definition of “single-housekeeping unit” to avoid discrimination against people with disabilities.**

HCD's December 3, 2021 letter notes that the City's definition of single-housekeeping unit includes “multiple restrictions that may act as constraints on housing for persons with disabilities.” These restrictions include the requirement to establish ties and familiarity, sharing expenses and responsibilities, and stable membership. HCD directed the City to include in its revised Housing Element a specific analysis of any potential constraint, including the consideration of public comments. The City declined to do so, prompting HCD to find in its April 5, 2022 letter: “[The revised Housing Element] concludes the definition of family and single housekeeping unit do not touch on whether members are with a disability and is not intended to discriminate against persons with disabilities. However, the element provides no analysis to support this conclusion and should include a program to address the constraint.”

As with its handling of the reasonable accommodation ordinance, the Housing Element presented at today's hearing declines to conduct any real analysis, refuses to consider and respond to public comments submitted, and concludes that the City's ordinance does not violate fair housing laws. The City merely proposes Program 2O to “review and consider revisions to its zoning code” within 24 months of final adoption of the Housing Element Update.

As with Program 2N, Program 2O provides nothing about what, if anything, the City will revise. The City gives itself two years to begin an analysis that

should already be done in the Housing Element, and it makes no commitment to changing the issues raised by fair housing advocates. This approach suggests an unwillingness by the City to amend its ordinances to better meet the housing needs of its disabled residents. We urge the City to revise its Housing Element to include a meaningful analysis of how its definition of single-housekeeping unit impacts people with disabilities—including consideration of public comments already submitted on this issue—and revise 2O to include specific commitments on the changes the City will make to its ordinance.

**The City's zoning code discriminates against people with disabilities by restricting their ability to live in residential zones.**

In its December 3, 2021 letter, HCD noted that the City's zoning code "appears to isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors. [...] The element should include specific analysis of these and any other constraints, including their enforcement and considering public comments, for impacts on housing for persons with disabilities and add or modify programs as appropriate." As with the reasonable accommodation ordinance and the definition of single-housekeeping unit, the City declined to heed HCD's directions, prompting HCD to state in its April 5, 2022 letter: "The element includes various conclusions and statements about the City's zoning code and group homes, but it still must analyze the exclusion of these housing types from some residential zones and use permit and other requirements, including enforcement as constraints on housing for people with disabilities and add or modify programs as appropriate."

As with the reasonable accommodation process and the definition of single-housekeeping unit discussed above, the Housing Element presented at today's hearing continues to lack the requisite analysis of how the City's zoning code acts as a constraint on housing for people with disabilities—despite receiving public comments from DRC and others on how these constraints operate. The City has instead adopted Program 2P which, like Programs 2N and 2O, promises to review the zoning code within 24 months of final adoption of the Housing Element Update. Like Programs 2N and 2O, Program 2P provides no information about what, if anything, the City will amend in its zoning code. The Housing Element makes clear that the City does not believe its zoning code discriminates against people with disabilities. Yet, the Housing Element is devoid of any analysis that explains the basis for that conclusion, and it does not

respond to the public comments submitted on this issue. The City's analysis seems to be that because a substantial number of one type of housing for people with disabilities exists (licensed facilities), the City's zoning code cannot possibly discriminate against people with disabilities. That analysis completely ignores the impact that its zoning code has on a different type of housing for people with disabilities: supportive or transitional housing in a shared home that does not require a license from the state. The City's assertion that group homes are permitted in residential zones is disingenuous because that permission is predicated on obtaining a special use permit or a conditional use permit. Those permits are difficult to obtain, even when requested as a reasonable accommodation, because the City's handling of those requests conflicts with fair housing laws. We urge the City to revise its Housing Element to include a thorough analysis of how its zoning code impacts different types of housing for people with disabilities, particularly group homes. The City's analysis should engage with, and respond to, public comments submitted to the City about this exact issue. Moreover, the City should revise Program 2P to include specific commitments on what the City will change in its zoning code to remove barriers to housing for people with disabilities.

## **Conclusion**

Throughout the Housing Element, the City makes statements about housing for people with disabilities that are disingenuous. For example, the City's assertion that people with disabilities "can live in any residential property in the City" (page 3-21) is patently untrue. People with disabilities cannot live in any of the dozens of shared homes that the City has ordered to close for violating its (discriminatory) zoning code regarding "group homes." Similarly, the City's statement that "there are no current fair housing lawsuits within Costa Mesa" (page 3-60) is equally untrue. In context, we assume that what the City meant to say is that *the City* has not initiated any fair housing lawsuits through its partnership with the Fair Housing Foundation. But, as written, this statement is a lie. Costa Mesa is currently the subject of a fair housing lawsuit centered on precisely the same issues the City refuses to address in its Housing Element: Its reasonable accommodation process, its definition of single-housekeeping unit, and its zoning code as a whole discriminate against people with disabilities. We know this for a fact because Disability Rights California is representing one of the plaintiffs in that fair housing lawsuit.

The City's refusal to acknowledge that its local ordinances create barriers to housing for people with disabilities—and its refusal to then address those barriers—hollows out the City's commitment to serving all segments of its community. We hope that the City will use the Housing Element Update as an opportunity to plan for the elimination of biases against the disability community that are baked into its zoning code and explore ways to make Costa Mesa a more accessible, welcoming place to live for its disabled residents.

Sincerely,



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Litigation Counsel

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