

**RESOLUTION NO. PC-2025-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA UPHOLDING THE DIRECTOR'S DENIAL OF A REASONABLE ACCOMMODATION REQUEST TO DEVIATE FROM CERTAIN REQUIREMENTS OF THE ZONING CODE TO OPERATE A SOBER LIVING HOME; OPERATED BY OHIO HOUSE AT 115 EAST WILSON STREET, UNITS A THROUGH E**

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

WHEREAS, The Ohio House (the "Applicant") currently operates sober living home serving more than six persons at 115 East Wilson Street, Units A through E;

WHEREAS, the Applicant filed a request for a Reasonable Accommodation seeking relief from the definition of "single housekeeping unit" in order to exempt the site from the Conditional Use Permit requirement; and in the alternative, a request to allow the sober living home to be located within 650 feet from another sober living home;

WHEREAS, the City of Costa Mesa recognizes that while not in character with residential neighborhoods, when operated responsibly, group homes, including sober living homes and drug and alcohol treatment facilities, provide a societal benefit by providing disabled persons as defined by state and federal law the opportunity to live in residential neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions; therefore, providing greater access to residential zones to group homes, including sober living homes and drug and alcohol treatment facilities, than to boardinghouses or any other type of group living provides a benefit to the City and its residents;

WHEREAS, the City of Costa Mesa has adopted standards for the operation of group homes, residential care facilities and state-licensed drug and alcohol facilities that are intended to provide opportunities for disabled persons, as defined by state and federal law to enjoy comfortable accommodations in a residential setting;

WHEREAS, the City of Costa Mesa has found that congregating group homes, drug and alcohol treatment facilities and sober living homes in close proximity to each other does not provide disabled persons as defined in state and federal law with an opportunity to "live in normal residential surroundings," but rather places them into living environments

bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide relief from for the disabled, and which no reasonable person could contend provides a life in a normal residential surrounding;

WHEREAS, the City of Costa Mesa has determined that a separation requirement for such facilities will still allow for a reasonable market for the purchase and operation of group homes, drug and alcohol treatment and sober living facilities within the City and still result in preferential treatment for group homes, sober living facilities and drug and alcohol treatment facilities in that non-disabled individuals in a similar living situation (i.e., in boardinghouse-style residences) have fewer housing opportunities than disabled persons;

WHEREAS, the City of Costa Mesa has determined that a group home, sober living home or state-licensed drug and alcohol treatment facility shall be operated on a single parcel of land;

WHEREAS, the Applicant filed a Reasonable Accommodation application with the City's Director of Economic and Development Services (the "Director") requesting relief from the definition of "single housekeeping unit" in order to exempt the site from the Conditional Use Permit requirement; and in the alternative, a request to allow the sober living home to be located within 650 feet from another sober living home;

WHEREAS, the request for a Reasonable Accommodation application was processed in the time and manner prescribed by federal, state and local laws, and the Director denied the request for the Reasonable Accommodation in a letter dated July 2, 2025;

WHEREAS, the Applicant appealed the Director's decision to deny a Reasonable Accommodation on July 9, 2025;

WHEREAS, a duly-noticed public hearing was scheduled for September 22, 2025, before the Planning Commission to hear the conditional use permit and the appeal of the Director's denial of the Reasonable Accommodation request; and

WHEREAS, a duly-noticed public hearing was held by the Planning Commission on September 22, 2025 with all persons having the opportunity to speak for and against the proposal.

NOW, THEREFORE, the Planning Commission hereby **UPHOLDS THE DIRECTOR'S DENIAL** of the Applicant's request for Reasonable Accommodation.

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

**PASSED AND ADOPTED this 22nd day of September, 2025.**

---

Jeffrey Harlan, Chair  
Costa Mesa Planning Commission

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

I, Carrie Tai, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2025- was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on September 22, 2025, by the following votes:

AYES:           COMMISSIONERS:

NOES:           COMMISSIONERS:

ABSENT:        COMMISSIONERS:

ABSTAIN:       COMMISSIONERS:

---

Carrie Tai, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2025-

## EXHIBIT A

### FINDINGS

The City's evidence consists of a staff report with attachments. The staff report provided the factual background, legal analysis and the City's analysis supporting the denial of the Applicant's request for a Reasonable Accommodation based on the Applicant not meeting its burden to demonstrate compliance with all required findings per the Costa Mesa Municipal Code (CMMC).

- A. The subject property is located approximately 550 feet from a sober living home at 165 East Wilson Street. The City approved a Conditional Use Permit (CUP) in 2016 for this licensed facility (PA-16-03). The Applicant applied for Reasonable Accommodation on May 2, May 6, and June 2, 2025 to allow the subject sober living home to be located within 650 feet of the existing sober living home. The applicant's request for a Reasonable Accommodation to allow this sober living home to be located within 650 feet of the sober living home was denied by the Director of Economic and Development Services on July 2, 2025. The applicant appealed the request on July 9, 2025.
- B. The Application does not meet the findings required by Costa Mesa Municipal Code Section 13-200.62(f) "**Reasonable Accommodation Findings**" because:

***Finding: "The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling."***

**Facts in Support of Finding:** The City recognizes that, while not in character with the residential neighborhoods, when operated responsibly, group homes, including sober living homes, provide a societal benefit by providing disabled persons the opportunity to live in residential neighborhoods. Certain of these facilities provide recovery programs for individuals attempting to overcome their drug and alcohol addictions. The City has established separation criteria to ensure that an overconcentration of group homes, sober living homes and licensed drug and alcohol treatment facilities does not occur in any neighborhood, thereby, preserving the residential character for all who choose to reside there.

The application established that the waiver of the separation requirement would allow one or more individuals who are recovering from drug and alcohol abuse to enjoy the use of these dwellings. However, approval of the request is not necessary to allow one or more individuals who are disabled to enjoy the use of a dwelling within the City.

The operation of a sober living home with a regular resident load of 30-45 occupants is inconsistent with the City's definition of a single housekeeping unit. The City has established procedures to allow group homes in residential neighborhoods; allowing a group to be considered a single housekeeping unit is not necessary to allow the disabled to reside in residential neighborhoods.

The City has adopted standards for group homes, sober living homes and licensed treatment facilities in residential zones to ensure the disabled have the opportunity to live in a typical residential neighborhood. The permit process ensures that group homes, sober living homes and licensed treatment facilities comply with the City's standards. The City specifically required all existing group homes to comply with the new regulations within one year. The applicant's letter failed to provide a basis to "grandfather" this facility, which was not in conformance with existing zoning requirements, when all other facilities in operation at the time the regulations were adopted are and were also required to comply.

***Finding: "The requested accommodation is consistent with surrounding uses in scale and intensity of use."***

**Facts in Support of Finding:** The subject property does not operate as a single housekeeping unit, or even five single housekeeping units, making it dissimilar to the composition of households on surrounding properties. The facility is occupied solely by adults at a higher occupancy than is typical in Costa Mesa. The nature of the occupancy is transient. With a regular resident load of 30-45 residents and 10 onsite managers, the facility provides opportunities for parking conflicts with owners of nearby properties who also rely on on-street parking. The City's intent in adopting its group home regulations was to ensure an overconcentration of group homes did not occur in any neighborhood. The facility would contribute to overconcentration given that it includes five units on five individual lots.

Additionally, the applicant has not demonstrated any actual change in operations since its inception or since the last request was made. The operation continues to function as a business hosting a transient population rather than as a single housekeeping unit. As outlined in the request itself, the units do not "operate" like single housekeeping units because single housekeeping units do not function as businesses.

Ohio House residents are required to submit to drug testing, sign admission agreements with restrictions on activities, comply with curfews, and attend mandatory meetings. They do not control who moves in or out of the home, and they share chores only because contracts obligate them to do so. These conditions are imposed by management, not by the residents themselves, and are inconsistent with the characteristics of a genuine household.

With a regular occupancy of 30–45 men, the scale and intensity of the Ohio House is far greater than that of typical single-family residences in the surrounding neighborhood. The level of activity and institutional oversight distinguishes the use from the character of nearby households. While letters of support have been submitted, including two from 115 E. Wilson, Unit C, two from 115 E. Wilson, Unit D, and one from 165 E. Wilson, Unit A (where a CUP had been issued to a different operator), these submissions do not alter the conclusion.

For these reasons, the Ohio House does not operate like a single housekeeping unit or that it is consistent with surrounding residential uses in scale and intensity. Therefore, the request does not satisfy this finding.

***Finding: "Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability and equal opportunity to live in a residential setting."***

**Facts in Support of Finding:** No evidence has been submitted to indicate that the number of group homes and sober living homes existing or potentially allowed in compliance with the City's standards is inadequate.

***Finding: "The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program."***

**Facts in Support of Finding:** Title 13, Chapter XVI of the CMMC established requirements for sober living homes, group homes, and licensed drug and alcohol treatment facilities in multi-family zoning districts that otherwise qualify as more restricted boardinghouses. The City Council reduced the higher separation standard applicable to boardinghouses to 650 feet between group homes, sober living homes, and licensed drug and alcohol treatment facilities. Part of the intent of these requirements is to ensure that businesses such as group homes, sober living homes and licensed drug and alcohol treatment facilities do not occupy a disproportionate number of homes in any residential neighborhood, and to avoid overconcentration in any area. The City also sought to ensure that disabled persons, including those recovering from addiction, can reside in a comfortable residential environment versus in an institutional setting. The City determined that congregating group homes, sober living homes and licensed drug and alcohol treatment facilities in close proximity to each other does not provide the disabled with an opportunity to "live in normal residential surroundings" but, rather, places them into living environments bearing more in common with the types of institutional/campus/dormitory living from which the state and federal laws were designed to provide disabled persons relief. The subject property consists of five units on five individual lots, which already contributes to an overconcentration of sober living homes in the area. The site's proximity to another sober living home serving more than six adults contributes to an overconcentration of sober living homes in this neighborhood. Granting the accommodation to consider this facility as a single housekeeping unit and/or waiving the separation standard will result in an overconcentration of sober living homes in this area and would be in conflict with the fundamental intent of the City's zoning program.

- C. When the City adopted Title 13, Chapter XVI of the CMMC (Ordinance 15-11), it specifically included provisions requiring all existing group home operators, who were not in compliance with existing zoning requirements, to come into compliance with the new regulations within one year of their adoption. The ordinance did not create

or recognize any nonconforming uses. Given the intent of the ordinance, it is not appropriate to grant the Reasonable Accommodation to allow the subject facility, which was not in compliance with existing zoning requirements, to be "grandfathered" and exempted from compliance with current regulations.

- D. The Applicants have not stated any factual change in circumstances related to operation of the properties since the previous Reasonable Accommodation requests were made and have already litigated the issue of Reasonable Accommodation under both state and federal law. The Ninth Circuit Court of Appeals decision in *Ohio House, LLC v. City of Costa Mesa*, Case No. 22-56181, issued April 24, 2025, in upholding the City's prior denial of the requested accommodations, held *inter alia* that the City's zoning scheme provides a more than equal opportunity to use and to enjoy housing to the disabled, and that the requested accommodations would result in a fundamental alteration of the City's zoning scheme.
- E. The Costa Mesa Planning Commission has denied the requested Reasonable Accommodation. Pursuant to Public Resources Code Section 21080(b) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- F. The project site is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.