



# PLANNING COMMISSION AGENDA REPORT

MEETING DATE: SEPTEMBER 22, 2025      ITEM NUMBER PH-2

**SUBJECT:** AN APPEAL OF THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION (PRAC-25-0002) FOR RELIEF FROM CERTAIN LAND USE REQUIREMENTS OF THE ZONING CODE TO OPERATE A SOBER LIVING HOME; OPERATED BY THE OHIO HOUSE AT 115 EAST WILSON STREET, UNITS A THROUGH E

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

**PRESENTATION BY:** VICTOR MENDEZ, SENIOR PLANNER

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## **RECOMMENDATION:**

Staff recommends the Planning Commission:

1. Adopt a Resolution to uphold the Economic and Development Services Director's denial of the Reasonable Accommodation request.

## **APPLICANT OR AUTHORIZED AGENT:**

The applicants are The Ohio House, LLC, George Castaneda, Diego Blake, Garey Miller, Kayl McReynolds, and Robert Palmer.

## **PLANNING APPLICATION SUMMARY**

Location:	115 East Wilson St # A - E	Applications Number(s):	PRAC-25-0002
Request:	Appeal the Economic and Development Services Director's denial of the request for a reasonable accommodation to allow sober living home to be within 650 feet of another group home or sober living home and be exempted from a Conditional Use Permit.		

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone:	R2-MD – Multiple-Family Residential, Medium Density	North:	PDR-MD (Planned Development Residential-Medium Density) – developed with apartments (across Wilson Street)
General Plan:	Commercial Residential	South:	R2-MD (Multiple-Family Residential, Medium Density) developed with residential uses
Lot Dimensions:	66' x 323'	East:	R2-MD (Multiple-Family Residential, Medium Density) developed with residential uses
Lot Area:	21, 362 SF (0.49 acres)	West:	C1 (Local Business) developed with commercial uses (across alley)
Existing Development:	The project site is currently developed with five, two-story, four-bedroom residences each with an attached two-car garage and two open parking spaces in the driveways leading to the garages.		

### **DEVELOPMENT STANDARDS COMPARISON**

DEVELOPMENT STANDARD	CODE REQUIREMENT	EXISTING
<b>Lot Size:</b>		
Lot width	100 FT	66 FT <sup>2</sup>
Lot Area	12,000 SF	21,362
<b>Density:</b>		
Zone/General Plan	1 dwelling unit (DU) / 3,630 SF 5 DUs	1 DU / 4,272 SF 5 DUs
<b>Building Coverage:</b>		
Residences/garages	N/A	41% (8,741 SF)
Driveway	N/A	9% (1,979 SF)
Open Space	40% (8,545 SF)	50% (10,642 SF)
<b>TOTAL</b>	N/A	100% (21,362 SF)
<b>Building Height:</b>		
	2 stories/27 feet	2 stories/26 feet
<b>Building Separation:</b>		
	10 FT	10 FT
<b>Setbacks (East Wilson considered the front):</b>		
Front	20 FT	5 FT
Side – Left	5 FT	5 FT
Side - Right	5 FT	9 FT 6 IN
Rear	20 FT	21 FT
<b>Parking:</b>		

Covered Parking	10	10
Open Parking	10	10
<b>TOTAL</b>	<b>20</b>	<b>20</b>
<b>Driveway Width:</b>	10 FT	16 FT
<b>Vehicular Backup:</b>	25 FT	25 FT
<sup>1</sup> Project approved under PA-02-48/T-16448 as a residential common interest development in 2003.		
<sup>2</sup> Property existing at this non-conforming width when PA-02-48 was approved.		
Environmental Determination: Exempt – Section 15301, Existing Facilities		
Final Action: Planning Commission		

## **EXECUTIVE SUMMARY**

The Ohio House, LLC, together with the tenants located at 115 East Wilson Street, Units A-E, has filed an appeal to the Planning Commission challenging the Economic and Development Services Director's denial of their requests for reasonable accommodation. The appeal seeks relief from the City's definition of "single housekeeping unit" as well as

a reduction in the required 650-foot separation from another group home or sober living home. The project site currently has a General Plan land use designation of Commercial Residential and is zoned R2-MD (Multiple-Family Residential, Medium Density).

The Ohio House has operated a sober living home at this location since 2016. The home is a five-unit common interest development that accommodates up to 45 adults; with each of the five detached units housing seven adults and a maximum of two resident managers. Pursuant to Costa Mesa Municipal Code (CMMC) Section 13-323, group homes serving seven or more residents may be permitted on sites zoned for multi-family development, subject to approval of a Conditional Use Permit (CUP). The CMMC also requires a 650-foot separation from any property that contains a group home, sober living home or state-licensed drug and alcohol treatment facility.

Because the subject property is located within 550 feet of a City-approved sober living home with an existing CUP (PA-16-03) at 165 East Wilson Street, approval of the requested reasonable accommodation would result in a fundamental alteration of the zoning program, including an overconcentration of group homes, sober living homes and drug and alcohol treatment facilities in a residential neighborhood and the related effects of such overconcentration. Combined with a regular resident load of 30-45 persons and other factors outlined below, the Director could not conclude that the Ohio House operates as a single housekeeping unit for purposes of granting the requested accommodation.

Staff recommends that the Planning Commission uphold the Director's denial of the Reasonable Accommodation request.

## **SETTING**

The subject site is located on East Wilson Street between Newport Boulevard and Elden Avenue. The site consists of five adjacent lots with a total combined area of 0.49 acres (see Exhibit 1). The property is zoned R2-MD (Multiple-Family Residential, Medium Density) and has a General Plan Land Use Designation of Commercial Residential. Multi-family residential uses that are also zoned R2-MD, abut the site to the east and south; multi-family residential uses under a PDR-MD (Planned Development Residential – Medium Density) zone exist across East Wilson Street to the north; with a commercial center zoned C1 (Local Business District) existing across the alley to the west of the subject property.

**Exhibit 1**    Vicinity & Location



The site is currently developed with five detached, two-story, four-bedroom residences, each featuring an attached two-car garage and two additional open parking spaces in the driveway. The residences are situated on five individual lots, with a common lot forming part of a common interest development.

Access to the site is currently provided by an alley, which connects East Wilson Street and 23<sup>rd</sup> Street. Nearby development includes multi-family residential uses to the east, north and south;; and a commercial center across the alley to the west.

## **BACKGROUND**

The existing five-unit common interest development on the subject property was approved in 2003, with final building occupancy granted in 2006. Each individual lot is separately owned; however, each individual lot owner is also part owner of a commonly-held lot and is part of a joint homeowners association.

The Ohio House has operated a sober living home on this property since 2015. This facility houses up to 45 adults and a maximum of two resident managers in each of the five units. Pursuant to Costa Mesa Municipal Code Section 13-323, group homes serving seven or more residents may be permitted on sites zoned for multi-family development, subject to approval of a conditional use permit (CUP).

A sober living home is a sub-type of a group home. Article 2 of Section 13-6 (Definitions) defines a group home and sober living homes as follows:

*“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 licensed or unlicensed) constitutes a single facility whether the facility occupies one or more dwelling units.”*

*“Sober living homes means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.”*

The CMMC requires that a group home, residential care facility, or state-licensed drug and alcohol treatment facility (with 7 or more occupants) be at least 650 feet from another property that contains a group home, sober living home or state-licensed drug and alcohol treatment facility. The subject property is located within 550 feet of a City-approved sober living home with an existing CUP (PA-16-03) at 165 East Wilson Street.

In May 2017, CMMC Section 13-323(b) was amended by Ordinance 17-05 to add an exception to the 650-foot separation requirement for group homes, residential care facilities, and state-licensed drug and alcohol treatment facilities. The amendment allows approval of a group home, residential care facility or state-license drug and alcohol treatment facility within 650 feet of another unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

On October 27, 2017, the City received a request from the applicant’s attorney for Reasonable Accommodation to allow the facility to continue operating without complying with the Zoning Code, including the separation requirement. The request argued that the facility was a legal nonconforming use predating the 2015 Group Home Ordinance and that each unit functioned as a single housekeeping unit.

On November 27, 2017, the Economic and Development Services Director denied the request; the applicant filed an appeal of that decision on November 29, 2017. This request, denial, and appeal are included as attachments as part of the February 11, 2019, Planning Commission staff report.

On February 11, 2019<sup>1</sup>, the Planning Commission voted unanimously to uphold the Director’s denial of the Reasonable Accommodation request and to deny CUP PA-17-10. The adopted Resolution (PA-17-10) is provided as Attachment 7. The full staff report, minutes, and meeting video are also available on the City’s website.

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<sup>1</sup> The February 11, 2019 staff report and meeting video can be viewed links below:  
**Report:** <http://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2019/2019-02-11/PH-1.pdf>  
**Video:** [https://costamesa.granicus.com/player/clip/3324?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3324?view_id=10&redirect=true)

<sup>2</sup> The August 6, 2019 staff report and meeting video can be viewed links below:  
**Report:** <http://ftp.costamesaca.gov/costamesaca/council/agenda/2019/2019-08-06/PH-2.pdf>  
**Video:** [https://costamesa.granicus.com/player/clip/3436?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3436?view_id=10&redirect=true)



On February, 19, 2019, the applicant appealed the Planning Commission's decision. In his appeal, the applicant stated his disagreement with the City's "arbitrary and restrictive requirements" including the separation requirements as well as requesting "a lower occupancy at each home, as articulated at the Planning Commission hearing on February 11, 2019."

On August 6, 2019<sup>2</sup>, the City Council upheld the decision of the Planning Commission to deny a Reasonable Accommodation request and to deny CUP PA-17-10 to allow a sober living home operated by Ohio House.

The 2022 U.S. District Court judgment in *Ohio House, LLC v. City of Costa Mesa* upheld the City's 2017 denial, finding no unlawful discrimination even in light of the 2020 FEHA amendments. As such, the request was additionally barred by res judicata and collateral estoppel.

Subsequently, on April 24, 2023, the City received a request from the applicant's attorney for a Reasonable Accommodation to allow Ohio House LLC to continue its operation of a sober living home. This was essentially the same request made by Ohio House in 2017. The stated basis for the renewed request was a purported "change in the law" resulting from the 2020 revisions to the regulations of the Fair Employment and Housing Commission (FEHC) under the California Fair Employment and Housing Act (FEHA).

On June 21, 2023, the Director of Economic and Development Services denied the Reasonable Accommodation request, noting no new facts or circumstances were presented. .

On April 24, 2025, the Ninth Circuit Court of Appeals upheld the District Court's 2022 judgment in favor of the City.

On May 2, May 6, and June 2, 2025, The Ohio House, LLC submitted its third request for Reasonable Accommodation to continue operating a sober living home at 115 E. Wilson St., Units A–E. The request cites alleged material changes in circumstances since prior denials, including the 2022 California Housing and Community Development Department (HCD) Group Home Technical Advisory, the City's adopted housing element, the California Attorney General's amicus brief in related federal litigation, a 2023 HCD letter, and a claimed reduction in sober living homes within the City.

On July 2, 2025, the Economic and Development Services Director denied the Reasonable Accommodation request. As set forth in the Director's denial, the Ninth Circuit recently upheld the City's prior denials after considering the same alleged changes in circumstances, and that decision also has *res judicata* effect. In addition, the requested accommodation would fundamentally alter the City's zoning scheme—which courts have held is lawful and already provides disabled individuals with equal housing opportunity—and Ohio House does not operate as a bona fide single housekeeping unit under the City's code.

On July 9, 2025, The Ohio House, LLC, along with several residents, appealed the Director's decision, alleging violations of state law, fair housing requirements, and City planning policies.

## **Standard of Review**

### ***Group Homes***

Pursuant to CMMC Sections 13-322 and 13-323, group homes in multi-family and certain Planned Development zones are reviewed under two primary permitting processes—Special Use Permit (SUP) and Conditional Use Permit (CUP)—depending on occupancy.

A SUP applies to group homes, including sober living homes, with six or fewer residents in the (R2-MD) Multiple-Family Residential, Medium Density; (R2-HD) Multiple-Family Residential, High Density; (R3) Multiple-Family Residential; (PDR-LD) Planned Development Residential—Low Density; (PDR-MD) Planned Development Residential—Medium Density; (PDR-HD) Planned Development Residential—High Density; (PDR-NCM) Planned Development Residential—North Costa Mesa; (PDC) Planned Development Commercial; and (PDI) Planned Development Industrial zoning district. These are assessed for compliance with targeted operational standards in the City's Municipal Code, such as background checks for managers, adherence to a minimum 650-foot separation from similar facilities, and other neighborhood compatibility and safety measures. The review is administrative, handled by the Economic and Development Services Department, and applicants may request a "Reasonable Accommodation" if flexibility is warranted under state or federal housing laws.

A CUP, on the other hand, is required for group homes, state-licensed residential care facilities, or state-licensed drug and alcohol treatment facilities with seven or more residents in the (R2-MD) Multiple-Family Residential, Medium Density; (R2-HD) Multiple-Family Residential, High Density; (R3) Multiple-Family Residential; (PDR-LD) Planned Development Residential—Low Density; (PDR-MD) Planned Development Residential—Medium Density; (PDR-HD) Planned Development Residential—High Density; (PDR-NCM) Planned Development Residential—North Costa Mesa; (PDC) Planned Development Commercial; and (PDI) Planned Development Industrial zoning district. Similar to SUPs, CUP applications must also meet the minimum 650-foot separation requirement between facilities, unless a Reasonable Accommodation is granted. CUPs undergo a higher level of discretionary review—typically by the Planning Commission—which includes public hearings and more comprehensive findings. This process not only considers compliance with zoning and spacing standards, but also evaluates potential cumulative impacts, over-concentration, and long-term neighborhood compatibility.

The applicant's Reasonable Accommodation request was submitted without an accompanying CUP application.

### ***Reasonable Accommodation Requests***

Pursuant to CMMC Title 13 Article 15, Costa Mesa's Reasonable Accommodations policy ensures fair access to housing for persons with disabilities by providing relief from zoning



regulations that create barriers. Applicants seeking Reasonable Accommodation must demonstrate that the requested modification is necessary to afford equal opportunity to use and enjoy housing, and that the accommodation is reasonable, meaning it does not impose an undue financial or administrative burden on the City. Reasonable accommodation requests that fundamentally alter the City's zoning program are not required to be granted.

The Director reviews applications based on specific findings, including whether the accommodation is for a protected disability, necessary for equal housing opportunity, consistent with surrounding uses, and does not threaten public health or safety. Additionally, the Director evaluates if the accommodation would create a fundamental change the City's zoning scheme, considering factors including but not limited to increased change to the character of the neighborhood, traffic, parking impacts, noise, or institutionalization effects.

If the request is denied, the applicant may appeal following the City's procedures.

#### Appeal and Call to Review Procedures

CMMC Title 2 Chapter IX establishes the City's appeal and review procedures. The CMMC allows any affected or interested person to appeal a project within specified periods. In this case, the Director's denial of the reasonable accommodation request was subject to a seven-day appeal period. Pursuant to the CMMC, when the Director renders the decision, the appeal is heard by the Planning Commission.

The CMMC specifies that the appeal hearing shall consist of a new (i.e., de novo) hearing on the matter by the Planning Commission, which shall be based on the following: (a) relevant evidence, including staff reports, etc., submitted at the time of the prior decision and at the appeal hearing, and (b) findings, if any, and decision of the Director.

In accordance with CMMC § 2-303(6), the applicant from the original decision bears the burden of proof at the appeal hearing to demonstrate that the approval action should be granted.

#### REQUEST

The applicant requests the following Reasonable Accommodations:

- **CMMC § 13-6** - Relief from the strict definition of "single housekeeping unit" so the Wilson Street residents qualify as exempt from the CUP requirement under CMMC § 13-323(b).
- **Alternatively, CMMC § 13-323(b)** – A 100-foot reduction in the 650-foot separation requirement due to an existing City-permitted sober living home at 165 E. Wilson Street, located 550 feet away. If granted, they request the City reconsider its prior denial of CUP application PA-17-10 for the sober living home.

#### DESCRIPTION

The existing five-unit common interest development consists of five lots and one common lot. Pursuant to the CMMC, “property” is defined as any single development lot that has been subdivided, bearing its own assessor’s parcel number or with an approved subdivision or condominium map. The CMMC specifies that group homes and facilities providing drug and alcohol treatment in residential areas shall only occupy a single parcel. The subject site consists of five, approximately 2,400-square-foot, two-story units on individual lots ranging in size from approximately 3,800 square feet to 4,900 square feet. Each unit contains four bedrooms and three bathrooms. The five lots are held together by a common lot and is, therefore, considered a common interest development.

## **ANALYSIS**

### **Facility Description**

This development was approved as a five-unit common interest development in 2003. Each individual lot is separately owned; however, each individual lot owner is also part owner of a commonly-held lot and is part of a joint homeowners association. In addition, the application is for the operation of one facility by a single operator. Each lot contains a two-story residence. This facility serves up to 35 residents with up to two resident managers per unit, for a total of up to 45 residents in the five-unit facility.

With the exception of the lot width, this project satisfied all development standards when it was approved in 2003; those same development standards still apply. As currently required for detached units, a two-car garage with space for two open parking spaces in the driveway leading to the garage exists for each of the five units, for a total of 20 parking spaces (10 covered and 10 open). Consequently, with the exception of the non-conforming minimum lot width requirements, all applicable standards for developing five common interest, multiple family residential units are met on this property.

Each of the five units contains four bedrooms and three bathrooms, as well as a kitchen, family room, and living/dining room. Pursuant to previous reports, it appears that each of the five units houses up to seven residents and two managers; however, the applicant’s submitted information has been inconsistent (as noted below). The number of bedrooms, beds, bathrooms, and persons per room for each unit is provided in Table 1 below:

**Table 1 – Unit Breakdown**

<b>Unit</b>	<b>Bedrooms</b>	<b>Beds<sup>1</sup></b>	<b>Bathrooms</b>	<b>Total Rooms<sup>2</sup></b>	<b>Persons per room<sup>3</sup></b>
A	4	8 to 9	3	6	1.3 to 1.5
B	4	8 to 9	3	6	1.3 to 1.5
C	4	8 to 9	3	6	1.3 to 1.5
D	4	8 to 9	3	6	1.3 to 1.5
E	4	8 to 9	3	6	1.3 to 1.5
<b>Totals:</b>	20	40 to 45	15	30	1.3 to 1.5

<sup>1</sup> Applicant’s information is incomplete; cannot confirm if 8 or 9 beds per unit are provided

<sup>2</sup> Number of bedrooms combined with family room and living/dining room

<sup>3</sup> Based on seven residents plus one to two beds for live-in managers per unit

### ***Required Separation***

CMMC Title 13 Chapter XVI 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 a lesser 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 that the state and federal laws were designed to provide disabled persons relief from.

The subject property is within 650 feet of a sober living home approved by the City in 2016 under CUP PA-16-03. Therefore, the proposed facility does not meet the separation standards required by the Zoning Code.

### ***Separation Conflict Map***

The CMMC requires a separation of 650 feet between group homes, sober living homes, residential care facilities and state-licensed drug and alcohol treatment facilities.

The attached separation map indicates that there is one facility within 650 feet of the subject property. The sober living home at 165 East Wilson Street was approved by the City in 2016 under PA-16-03. For further details, please refer to Table 2 below.

**Table 2 – Separation Map Summary**

<b>Location</b>	<b>Status</b>
165 East Wilson Street	Sober living home approved by the City in 2016 as PA-16-03, serving 11 residents, including one live-in house manager. This facility is shown as a separation conflict on the map.

### ***Overcrowding***

The existing five-unit common interest development houses 30 to 45 adults (35 residents along with live-in managers). The proposed occupancy of 1.3 to 1.5 persons per room

constitutes overcrowding pursuant to the Housing Element of the General Plan, page HOU-23, which states:

Overcrowding is defined as a housing unit occupied by more than one person per room. A severely overcrowded housing unit is one with more than 1.5 persons per room. A room is defined as a bedroom, living room, dining room, or finished recreation room, but excludes a kitchen or bathroom.

This definition is consistent with the Federal HUD standards, which generally define “overcrowding” to mean housing units with 1.01 or more persons per room (see 42 USCS § 5302(a)(10)). Under this standard, all five units would be overcrowded.

### ***Overconcentration Pursuant to CMMC 13-323(b)***

Pursuant to Section 13-323(b) of the CMMC, a group home, residential care facility or state-licensed drug and alcohol treatment facility shall be located a minimum of 650 feet of another property containing a similar use, as measured from property line to property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

This section allows the Planning Commission and the City Council to approve deviations to the separation requirement where the evidence shows that such location will not result in an over-concentration. Should the Planning Commission be unable to make all findings necessary to grant a Reasonable Accommodation, (e.g., if the finding that accommodation is “necessary” and “reasonable” within the meaning of the federal and state fair housing laws cannot be made), the Planning Commission retains the ability to waive the separation requirement if supported by the evidence.

However, the City has consistently maintained that the 650 foot separation is fundamental to the City's zoning scheme and reducing it would change the essential nature of the scheme, which is already designed to provide a beneficial opportunity to disabled persons and intended to protect the disabled from living in an institutional setting and instead maintaining the residential character for all their residents.

## **FINDINGS**

Pursuant to Title 13, Section 13-200.62(f), Findings, of the CMMC, the Planning Commission may uphold the Economic and Development Services Director’s denial of the Reasonable Accommodation request, if it determines that the application does not meet each of the of the Reasonable Accommodation Findings. See further discussion below.

### **Reasonable Accommodations Findings:**

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

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.

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

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.

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

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.

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

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.

## **ENVIRONMENTAL DETERMINATION**

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, Existing Facilities.

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.

## **ALTERNATIVES**

The Planning Commission may take the following actions:

1. *Uphold the Director's denial of the Reasonable Accommodation request.*
2. *Reverse the Director's decision and approve the Reasonable Accommodation request.* The Planning Commission could approve either of the Reasonable Accommodation requests, provide facts in support of the approval, and direct staff to incorporate the findings into a Resolution.

## **LEGAL REVIEW**

The draft Resolution and this report have been approved as to form by the City Attorney's Office.

## **PUBLIC NOTICE**

Pursuant to Title 13, Section 13-29(d) of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site on Wednesday, September 10, 2025. The required notice radius is measured from the external boundaries of the property.
2. **On-site posting.** A public notice was posted on each street frontage of the project site on Thursday, September 11, 2025.

3. **Newspaper publication.** A public notice was published once at least 10 days before the Planning Commission meeting in the Daily Pilot newspaper on Friday, September 12, 2025.

As of the date this report was circulated, no written public comments have been received. Any public comments received prior to the September 22, 2025, Planning Commission meeting will be provided separately.

## **CONCLUSION**

The applicant has requested a Reasonable Accommodation to allow a sober living home to be within 650 feet of a property that contains a sober living home. The applicant has failed to demonstrate that all of the required findings can be made, and the requested accommodation would result in a fundamental alteration of the City's zoning program. Therefore, staff recommends the Planning Commission uphold the Director's denial of the Reasonable Accommodation decision.

## **ATTACHMENTS**

1. Draft Resolution – Upholding the denial of the Reasonable Accommodation request
2. Reasonable Accommodation request dated May 2, May 6, June 2, 2025
3. Reasonable Accommodation Denial dated July 2, 2025
4. Appeal of Reasonable Accommodation Denial dated July 9, 2025
5. Reasonable Accommodation Denial dated June 21, 2023
6. Resolution – PA-17-10 (Denied)
7. Vicinity Map
8. Separation Map
9. Plans
10. Founders' Letters