ORDINANCE NO. 2026-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA AMENDING ARTICLE 2 AND ARTICLE 3, CHAPTER I; CHAPTER II; CHAPTER III; CHAPTER IV; ARTICLE 11, CHAPTER V; ARTICLE 1, CHAPTER VI; ARTICLE 8, CHAPTER IX; ARTICLE 15, CHAPTER IX; ARTICLE 18, CHAPTER IX; ARTICLE 3, CHAPTER XII; CHAPTER XV; AND CHAPTER XVI OF TITLE 13 (PLANNING, ZONING, AND DEVELOPMENT), OF THE COSTA MESA MUNICIPAL CODE TO REZONE SIXTH CYCLE (2021-2029) HOUSING ELEMENT SITES AND IMPLEMENT HOUSING ELEMENT PROGRAMS TO COMPLY WITH STATE LAW AND MAKE RELATED REVISIONS TO THE ZONING CODE

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, California Government Code Section 65580 et sec. (State Housing Element Law) requires each city and county to adopt a housing element that identifies and analyzes existing and projected housing needs within their jurisdiction and prepare goals, policies, programs, quantified objectives, and sites to further the development, improvement, and preservation of housing;

WHEREAS, the City's Sixth Cycle (2021-2029) Housing Element was adopted by the Costa Mesa City Council on February 1, 2022, through Resolution No. 2022-06 and amendments adopted on November 15, 2022, through Resolution No. 2022-67, and as revised as recently as March 1, 2023, to incorporate non-substantive changes as authorized by the City Council;

WHEREAS, the rezoning of Housing Element Opportunity Sites is necessary to establish the densities prescribed in the adopted Housing Element;

WHEREAS, the rezoning of Housing Element Opportunity Sites is exempt from Title 13, Chapter IX Special Land Use Article 22, An Ordinance to give the People of Costa Mesa Control of Their Future (Measure Y) pursuant to Costa Mesa Municipal Code Section 13-200.106(g);

WHEREAS, on November 29, 2023, the State of California Department of Housing and Community Development issued a letter to the City of Costa Mesa regarding Housing Element program implementation and describing the need for amendments to Costa Mesa Municipal Code Title 13 pertaining to Group Homes, single housekeeping units, and reasonable accommodations;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 9, 2026, with all persons having the opportunity to speak for and against the amendments;

WHEREAS, on February 9, 2026, the Planning Commission voted 6-1 to recommend the City Council adopt the amendments to Title 13 and coordinate with specific Housing Element Opportunity Site property owners and further review the North Costa Mesa Specific Plan for consistency with the proposed amendments;

WHEREAS, on March 17, 2026, the City Council held a duly noticed public hearing to give first reading to the proposed amendments to Title 13, with all persons having the opportunity to speak for and against the proposal at the public hearing;

WHEREAS, the City Council's motion to approve the amendments to Title 13 included direction to revise Section 13-83.58, "Properties identified in Housing Element", sub-section (b)(3), "Exception", of the Mixed-Use Overlay District (MUOD), to specify 18 properties removed from the Housing Element and/or the requirements of Section 13-83.58, thereby excluding those properties from the MUOD; remove parking minimums from sub-section (h)(2) and Table 13-83.58-A, and allow required usable common residential open space to be substituted by publicly accessible open space and required usable private open space to be substituted by usable common residential and/or publicly accessible open space;

WHEREAS, on April 7, 2026, the City Council held a duly noticed public hearing to give second reading to the proposed amendments to Title 13, with all persons having the opportunity to speak for and against the proposal at the public hearing;

WHEREAS, on November 15, 2022, the City Council adopted Resolution No. 2022-67, certifying and adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program that analyzed the candidate housing sites for the Sixth Cycle (2021-2029) Housing Element, which provided environmental clearance for the adoption of the Housing Element;

WHEREAS, the proposed amendments implement a schedule of actions contained in the approved Housing Element pursuant to Government Code Section 65583 and do not allow the construction of a distribution center, or oil and gas infrastructure, accordingly, the proposed amendments are statutorily exempt from

CEQA pursuant to Public Resources Code Section 21080.085(a) The proposed amendments to Title 13 implement a schedule of actions contained in the approved Housing Element pursuant to Government Code Section 65583 and do not allow the construction of a distribution center, or oil and gas infrastructure. Therefore, the proposed amendments are statutorily exempt from California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.085(a). In addition, the proposed amendments to Chapters I, III, IX, XV and XVI of Title 13 are exempt under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that these proposed Zoning Code amendments will have a significant effect on the environment.

Now, therefore, THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 13 of the Costa Mesa Municipal Code, Chapters I, III, IV, V, VI, IX, XII, XV, and XVI are hereby amended to read as set forth in Exhibit A, and Chapter II, the Official Zoning Map on file with the Planning Division, is hereby amended as depicted in Exhibit B, both attached hereto and incorporated herein by these references.

Section 2. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 3. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

Section 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED AND ADOPTED this 7th day of April, 2026.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 2026-03 was duly introduced for first reading at a regular meeting of the City Council held on the 17th day of March 2026, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the 7th day of April 2026, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: GAMEROS, MARR, REYNOLDS, CHAVEZ, AND STEPHENS.

NOES: COUNCIL MEMBERS: BULEY AND PETTIS.

ABSENT: COUNCIL MEMBERS: NONE.

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 7th day of April 2026.

Brenda Green, City Clerk

EXHIBIT A

Article 2
Definitions

§ 13-5. Purpose.

The intent of this article is to define certain words and phrases which are used in this Zoning Code. Additional definitions may also be given in conjunction with the special regulations contained in Chapter IX, Special Land Use Regulations, and Chapter XII, Special Fee Assessments.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-6. Definitions.

Abutting. Sharing a common boundary, of at least one point contiguous to, having district boundaries or lot lines in common (i.e., not separated by an alley, public or private right-of-way, or street).

Accessory building. A building or part of a building which is subordinate to, and the use of which is incidental to that of the main building or use on the same lot.

Accessory dwelling unit (ADU). See Chapter V, Article 2, section 13-35.

Accessory use. A use incidental and subordinate to and devoted exclusively to the main use of the land or building thereon that does not change the character of the structure or use.

Accessory use, residential. A use that is a part of, and clearly incidental and secondary to, a residence; located on the same lot as a residence; and that does not change the character of the residential use such as:

(a) Accessory dwelling unit (ADU)

(b) Home occupations

(c) Personal property sales (i.e., garage or yard sales).

Adjacent. Same as abutting, but also includes properties which are separated by a public right-of-way, not exceeding 120 feet in width.

Adult business. See Chapter IX, Special Land Use Regulations, Article 1, Adult Businesses, for specific definitions and terms.

Alcoholism or drug abuse recovery or treatment facility. Adult alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to section 11834.01 of the California Health and Safety Code. Alcoholism or drug abuse recovery or treatment facilities are a subset of residential care facilities.

Alteration (structure). Any construction, addition or physical change in the internal arrangement of rooms or the supporting members of a structure, or change in the appearance of any structure, except paint.

Ambient noise level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

Antenna. Any structure, including, but not limited to, a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction,

intended for the purpose of receiving or transmitting communication to or from another antenna, device or orbiting satellite, as well as supporting equipment necessary to install or mount the antenna.

Antenna, amateur radio. An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna, communication. All types of receiving and transmitting antennas, except satellite dish antennas and amateur radio antennas. Communication antenna includes, but is not limited to, cable television antennas, cellular radiotelephone cell antennas, FM digital communication antennas, microwave telephone communication antennas, and shortwave communication and other similar antennas.

Antenna height. The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

Antenna, satellite dish. An antenna intended for the purpose of receiving or transmitting communication to or from an orbiting satellite.

Antenna, whip. An antenna and its support structure consisting of a single, slender, rod-like element which is supported only at or near its base.

Apartment. A rental or lease dwelling having kitchen facilities in a structure designed or used to house at least one family, as the term "family" is defined in this Zoning Code.

Assembly use. A use conducted in a structure or portion of a structure for the purpose of a civic, education, political, religious, or social function or for the consumption or receipt of food and/or beverages. Assembly use includes, but is not limited to, churches and other places of religious assembly, mortuaries, primary and secondary schools, trade and vocational schools, colleges, amusement centers, billiards parlors, bowling centers, establishments where food or beverages are served, motion picture theaters, physical fitness facilities, skating rinks, and dance, martial arts, and music studios. Assembly use does not include sexually oriented businesses.

Association (homeowners'). The organization of persons who own a lot, parcel, area, airspace, or right of exclusive occupancy in a common interest development and who have interests in the control of common areas of such project.

Attached (structure). Any structure that has a wall or roof in common with another structure.

Attic. Any non-habitable area immediately below the roof and wholly or partly within the roof framing.

Awning. A roof-like cover that projects from the wall of a building for the purpose of shielding the sun or providing an architectural accent.

Basement. A space wholly or partially underground and having more than 1/2 of its height, measuring from floor to ceiling, below the average grade. If the finished floor level directly above the basement is more than four feet above grade at any point, the basement shall be considered a story.

Boardinghouse. A dwelling unit, other than a hotel, wherein rooms are rented under two or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the dwelling unit. Boardinghouse, small means two or fewer rooms being rented to a maximum of three occupants per dwelling unit. Boardinghouse, large means three to six rooms being rented to a maximum of six occupants per dwelling unit. Boardinghouses renting two or fewer rooms and having more than three occupants, or renting more than six rooms and/ or having

more than six occupants, per dwelling unit are prohibited.

Building. Any structure having roof and walls and requiring permanent location on the ground, built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building height. The distance from the finished grade (as defined in this section) to the highest point on the roof, including roof-top mechanical equipment and screening.

Building, main. The building or buildings within which the principal use permitted on the lot is conducted.

Carport. A permanent, roofed structure, not completely enclosed which is used for vehicle parking.

Central administrative office. An establishment primarily engaged in management and general administrative functions performed centrally for other establishments of the same company.

Churches and other places of religious assembly. A type of assembly use which has the principal purpose of religious worship and for which the primary space is a sanctuary. Religious activities and services held in the sanctuary are conducted at scheduled times. The use may also include accessory facilities in the same or separate building that includes classrooms, assembly rooms, restrooms, kitchen, and a library. Other uses such as, but not limited to, day care facilities, nursery schools, schools, retail sales, and services to businesses, are not considered a primary function of churches and other places of religious assembly.

Cigar bar. See Smoking lounge.

City. City of Costa Mesa.

Common area. Those portions of a project area which are designed, intended or used in common and not under the exclusive control or possession of owners or occupants of individual units in planned development projects or common interest developments.

Common interest development. A development as defined in State Civil Code section 1350, containing two or more common interest units, as defined in Civil Code section 783; a community apartment project, as defined in State Business and Professional Code section 11004, containing two or more rights of exclusive occupancy; and a stock cooperative, as defined in Business and Professional Code section 11003.2, containing two or more rights of exclusive occupancy.

Conditional use permit. A discretionary approval usually granted by the planning commission which allows a use or activity not allowed as a matter of right, based on specified findings.

Convenience stores, mini-markets. A retail store, generally less than 10,000 square feet in area, that sells a variety of convenience foods, beverages and non-food items. Fresh dairy products, produce and/or meat may be offered on a limited basis.

County. County of Orange.

Covered parking space. A garage, carport or parking space which is completely covered by a roof.

Density bonus. A minimum increase of 25% over the allowable residential dwelling unit density as specified by the zoning classification.

Development. The division of land into two or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Development review. The processing of a development plan when authority for approval is vested in the planning division.

Development services department means the Development Services Department of the City of Costa Mesa.

Development services director. The director of development services of the City of Costa Mesa, or his or her designee.

Disabled shall have the same meaning as handicapped.

Dormer. A vertical window in a projection built out from a sloping roof.

Driveway, common. A paved area for vehicle circulation and parking purposes which features joint use between two or more parties.

Driveway, individual. The paved area strictly leading to the garage/carport of a residence. This paved area serves vehicle parking purposes and does not extend beyond the garage/carport unless a curvilinear design is necessary for the turning radius.

Dwelling, single-family. "Dwelling, single-family" or "single-family dwelling" is a building of permanent character placed in a permanent location 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. (See Manufactured housing).

Dwelling, multi-family. "Dwelling, multi-family" or "multi-family dwelling" is a building or buildings of permanent character placed on one lot which is designed or used for residential occupancy by two or more families.

Dwelling unit. One or more rooms in any building designed for occupancy by one family, and containing one kitchen unit, including manufactured housing. (See Manufactured housing).

Easement. A grant of one or more property rights by the owner for use by the public, a corporation or another person or entity.

Efficiency unit. A dwelling unit for occupancy by no more than two persons conforming to California's Health and Safety Code § 17958.1 with a minimum floor area of 150 square feet that provides bathroom facilities and a partial kitchen equipped with a sink, cooking appliance, and refrigerator.

Electronic cigarette. An electronic and/or battery-operated device used to provide an inhalable dose of nicotine by delivering a vaporized solution. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed doctor.

Electronic game machine. Any electronic or mechanical device which upon insertion of a coin, slug, or token in any slot or receptacle attached to the device or connected therewith, operates, or which may be operated for use as a game, contest, or amusement through the exercise of skill or chance.

Emergency shelters. A facility that provides immediate and short-term housing for homeless persons that is limited to occupancy of six months or less. Supplemental services may include counseling and access to social programs. No individual or household may be denied to emergency shelter because of an inability to pay.

Employee housing. Shall have the same meaning as "employee housing" described in California Health and Safety Code Section 17021.5, and as set forth in California Health and Safety Code Section 17008 for farmworkers.

Entertainment (live). Any act, play, revue, pantomime scene, dance act, musical performance, or any combination thereof, performed by one or more persons whether or not they are compensated for the performance.

Establishment where food or beverages are served. Any commercial use that sells prepared food and/or beverages for consumption on site or off site, either solely or in conjunction with an ancillary or complementary use. Excluded from this definition are grocery stores, convenience stores, movie theaters, and other such uses, as determined by the development services director, where the sale of food or beverages is clearly incidental to the primary use. All establishments selling alcoholic beverages for consumption on-site are included within this definition

Fair housing laws. The Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, as each statute may be amended from time to time, and each statute's implementing regulations.

Family. One or more persons occupying one dwelling unit and living together as a single housekeeping unit.

Family day care home, large. A home which provides family day care to seven to 14 children as defined in section 1596.78 of the State Health and Safety Code.

Family day care home, small. A home which provides family day care to eight or fewer children as defined in section 1596.78 of the State Health and Safety Code.

Floor area ratio. The gross floor area of a building or project divided by the project lot area upon which it is located.

Garage. An accessory or attached enclosed building with doors, designed and/or used for vehicle parking.

Garage sale. An event for the purpose of selling or trading personal property. Garage sale includes yard sale.

General plan. The City of Costa Mesa General Plan as adopted or amended from time to time by the city council.

Grade. The lowest point of the finished surface elevation of either the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

Grade, finished. The surface of the ground at a stated location as it exists after completion of precise grading.

Grade, natural. The unaltered natural surface of the ground at a stated location.

Gross acreage. The total area within the lot lines of a lot of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot, and not including adjacent lands already dedicated for such purposes.

Gross floor area. The area of all floors within the walls of a structure except elevator and other vertical shafts (including stairwells) and elevator equipment areas.

Gross leasable area. The total floor area designed for tenant occupancy and exclusive use, including both owned and leased areas.

Group home. 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. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single

housekeeping unit; (3) any group home without an operator.

Guestroom. A room occupied or intended, arranged, or designed for occupancy by one or more guests.

Handicapped. As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

Hazardous materials. Any material of quantity, concentration, physical or chemical characteristics, that poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or environment; or any material requiring a Material Safety Data Sheet according to Title 8, section 339 of the State Code of Regulation.

Height. See Building height and Antenna height.

Home occupation. Any business or commercial use conducted within a dwelling unit.

Hookah lounge. See Smoking lounge.

Hotel. Any building or combination of buildings generally three or more stories in height containing six or more guest rooms offering transient lodging accommodations to the general public and providing incidental guest services such as food and beverage service, recreation facilities, retail services and banquet, reception and meeting rooms. Typically, room access is provided through a main or central lobby.

Household includes all the people occupying a dwelling unit, and includes people who live in different units governed by the same operator.

Integral facilities. Any combination of two or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one operation shall be referred to as integral facilities and shall be considered one facility for purposes of applying federal, state and local laws to its operation. Examples of such integral facilities include, but are not limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one licensed or unlicensed facility.

Integral uses. Any two or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one use for purposes of applying federal, state and local laws to its operation.

Intersection. The general area where two or more roadways join or cross.

Kitchen. Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and preparation of food.

Landscaping. Plant materials such as lawn, groundcover, trees and shrubs.

Loft. An intermediate floor placed within a room, where the clear height above and below the loft is not less than seven feet, and where the aggregate area of the loft does not exceed 1/3 of the area of the room in which it is located.

Lot.

(a) A parcel of real property when shown as a delineated parcel of land with a number or designation on a subdivision map or parcel map recorded in the office of the county recorder, and created in conformance with the Subdivision Map Act and applicable local ordinances.

(b) A parcel of real property when shown on a record of survey map or deed filed in the office of the county recorder, when such map or deed was filed as the result of and was made a condition of a lot division approved under the authority of prior ordinances.

Lot area. The total land area of a project after all required dedications or reservations for public improvements, including, but not limited to, streets, parks, schools, and flood control channels. This phrase does not apply in the planned development zones where the phrase "site area," as defined in Chapter V, Development Standards, is used.

Lot, corner. A lot abutting on and at the intersection of two or more streets which intersect at an angle that is equal to or less than 135 degrees.

Lot, depth. The average of the horizontal distance between the front and the rear lot lines.

Lot, development. The master lot or project site upon which a development will be constructed.

Lot, individual dwelling unit. An individual building site or lot within a development intended for construction of a single attached or detached dwelling unit.

Lot, interior. A lot abutting only one street, or a lot abutting two streets which intersect at an angle greater than 135 degrees.

Lot, width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the front building setback line.

Low barrier navigation center. Shall have the same meaning as “low barrier navigation center” as set forth in Government Code Section 65660.

Major modification. A discretionary entitlement, usually granted by the zoning administrator, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Manufactured housing. 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. For the purpose of this Zoning Code, a factory-built single-family structure that is manufactured under the authority of 42 U.S.C. section 5401, the National Manufactured Home Construction and Safety Standards Act, transportable in one or more sections, built on a permanent chassis and used as a place of human habitation, shall be considered a single-family home and shall be reviewed under the same standards as a sitebuilt structure.

Marijuana. Has the same definition as that set forth in California Health and Safety Code section 11018.

Marijuana cultivation and/or medical marijuana cultivation. The planting, growing, harvesting, drying or processing of marijuana plants or any part thereof for any purpose, including medical marijuana, and shall include both indoor and outdoor cultivation.

Master plan. The overall development plan for a parcel or parcels which is depicted in both a written and graphic format.

Master plan of highways. The graphic representation of the city's ultimate circulation system contained in the general plan. It illustrates the alignment of the major, primary, secondary and collector highways.

Median. A paved or planted area separating a parking area, street, or highway, into two or more lanes or directions of travel.

Medical marijuana. Marijuana used for medical purposes in accordance with California Health and Safety Code section 11362.5.

Medical marijuana dispensary. A facility or location where medical marijuana is cultivated or by any other means made available to and/or distributed by or to three or more of the following: a primary caregiver, a qualified patient, or a person with an identification card in strict accordance with State Health and Safety Code sections 11362.5 et seq., and 11362.7 et seq., which shall include, but not be limited to, any facility or location engaging in the retail sale, dispensation, or distribution of marijuana for medical purposes that does not have an active role in the cultivation of the marijuana product that it sells, dispenses, or distributes, or when its cultivation of the marijuana product is off-site from the facility or location for retail sale, dispensation, or distribution.

Minor conditional use permit. A discretionary approval granted by the zoning administrator which allows a use or activity not allowed as a matter of right, based on specified findings.

Minor modification. A discretionary entitlement granted by the planning division, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Mixed use development. The development of lot(s) or structure(s) with two or more different land uses such as, but not limited to a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Mobile home. See Manufactured housing.

Mobile home park. Any area or tract of land where two or more mobile home lots are rented or leased, held out for lease or rent, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobile homes. A mobile home park also means a mobile home development constructed according to the requirements of Part 2.1 (commencing with section 18200) of Division 13 of the State Health and Safety Code, and intended for use and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit development.

Motel. Any building or combination of buildings of one to three stories in height having six or more guest rooms with parking located convenient to the guest rooms and providing temporary lodging for automobile tourists and transient visitors. Typically, guest rooms have direct access to available parking without passing through a common lobby area. Motels also include auto courts, tourist courts, motor lodges, motor inns and motor hotels.

Municipal Code. City of Costa Mesa Municipal Code.

Open space. An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas; first floor decks; unenclosed patios with solid or lattice roofs; water courses; and surfaces covered by not more than five feet in depth by projections which are at least eight feet above grade.

Open space shall not include the following: driveways; parking lots; other surfaces designed or intended for vehicular travel; and upper floor decks, balconies or areas under projections which are less than eight feet above grade.

Open space, common. An area of land reserved primarily for the leisure and recreational use of all residents of a planned development or common interest development and owned in common by them, generally through a homeowners' association.

Open space, private. An area of land located adjacent to an individual dwelling unit, owned or leased and maintained by its residents, and reserved exclusively for their use.

Operator means a company, business or individual, including an in-house manager, who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and/or governing behavior of the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management and leasing of the property and that does not otherwise meet the definition of operator.

Organizational documents. The declaration of restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management or operation of all or any part of a project.

Parcel. Same as Lot.

Parkway. The area of a public street that lies between the curb and the adjacent property line or physical boundary definition, which is used for landscaping and/or passive recreational purposes.

Paved area. Ground surface covered with cobblestone, clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, or asphaltic or rubber mixture which may include sand, stone, or gravel as an ingredient to create a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered paved area.

Peak hour. The hour during the AM peak period (typically 7:00 a.m.—9:00 a.m.) or the PM peak period (typically 3:00 p.m.—6:00 p.m.) in which the greatest number of vehicle trips are generated by a given land use or are traveling on a given roadway.

Permitted use. Any use allowed in a land use zoning district without requiring a discretionary approval, and subject to the provisions applicable to that district.

Planned development. A land area which is developed as an integrated unit under single ownership or control and having planned development zoning designation.

Planning application. A broad term for any development project or land use which requires the discretionary review and approval of either the planning division, zoning administrator, planning commission, or city council. Planning applications include major modifications, conditional use permits, development reviews, variances, etc.

Planning division. The planning division of the development services department of the City of Costa Mesa.

Project. See Development.

Property line. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Property line, front. For interior lots, the narrowest property line of a lot abutting a public or private street. If two or more equal property lines are narrowest, the front shall be that property line across which the development takes its primary access (if the primary access is determined to be equal, there shall be two front property lines). However, for non-residentially zoned property, any property line abutting a public street designated as a secondary, primary or major street on the master plan of highways shall be deemed a front property line. A non-residentially zoned property shall have more than one front property line when it abuts more than one street designated as secondary, primary, or major on the master plan of highways.

For R-1 zoned property located on corner lots, the front property line may be the property

line towards which the front of the dwelling unit is oriented.

Property line, rear. The property line opposite the front property line. A corner lot with more than one front property line shall have more than one rear property line. Irregularly shaped lots may also have more than one rear property line.

Property line, side. Any property line which is not a front or rear property line.

Property line, ultimate. The boundary of a lot after the dedication of land for use as public right(s)-of-way, whether dedicated in fee or by easement. A setback is measured from the ultimate property line.

Public area. Establishments where food or beverages are served. That portion of an establishment reserved for the exclusive use of the public for the receipt or consumption of food and/or beverages. For the purpose of this Zoning Code, public area shall not include restrooms, kitchens, hallways or other areas restricted to employees only.

Public hearing. A public proceeding conducted for the purpose of acquiring information or evidence which may be considered in evaluating a proposed action, and which affords to any affected person or persons the opportunity to present their views, opinions, and information on such proposed applications. "Mandatory hearings" are those required to be held by law, and "discretionary hearings" are those which may be held within the sole discretion of the hearing body.

Public right-of-way. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

Recyclable materials. Reusable materials, including, but not limited to, metals, glass, plastic and paper which are intended for reuse, remanufacture or reconstruction. Recyclable materials do not include refuse, hazardous materials or hazardous waste.

Recycling. The process by which waste products are reduced to raw materials and transformed into new products.

Recycling and collection facility. A building or enclosed space used for the collection and processing of recyclable materials for preparation for shipment, or to an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing.

Referral facility. A residential care facility or a group home where one or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

Residential care facility. A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include, but may not be limited to, the following: intermediate care facilities for the developmentally disabled (Health & Safety Code §§ 1267.8,1267.9); community care facilities (Health & Safety Code § 1500 et seq.); residential care facilities for the elderly (Health & Safety Code § 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Safety Code § 1568.02); alcoholism and drug abuse facilities (Health & Safety Code §§ 11834.02—11834.30); pediatric day health and respite care facilities (Health & Safety Code § 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Safety Code §§ 1265—1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115—5120).

Residential, multi-family. Apartments, common interest developments, townhouses and

similar multiple-family residential developments, including detached single-family homes where there is more than one primary dwelling unit on a lot.

Residential, single-family. Detached single-family home where there is no more than one primary dwelling unit on a lot.

Room, bedroom. A fully-enclosed room designed or intended to be used for sleeping purposes within a residence that typically includes a closet and is separated from the other living spaces with a door.

Room, home office. A room designed and intended to be used for a household office or small business related activity within a residence. Within a single-family detached residence, this room is strictly not intended for sleeping purposes, and lacks direct access to a bathroom. The home office may also be referred to as a studio, den, study or library.

Senior congregate care facility. A structure(s) providing residence for 13 or more senior citizens with kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

Setback. The required distance that a building, structure, parking or other designated item must be located from a property line or lot line. A setback is measured from the ultimate property line.

Single housekeeping unit. The occupants of a dwelling unit have established ties and familiarity with each other, including joint use of and responsibility for common areas, which includes interaction with each other, shared meals, household activities, and expenses and responsibilities; where residency is mutually agreed by all residents, is not transitory in nature and the residential activities of the household are conducted on a not-for-profit basis.

Single room occupancy unit. A dwelling unit that serves as the primary residence of its occupant(s) and is offered on a monthly rental basis or longer. Single room occupancy units may contain kitchen and/or sanitary facilities. If the units do not contain kitchen and/or bathroom facilities, shared kitchen and/or bathroom facilities must be provided within the building.

Single room occupancy residential hotel. A residential hotel, allowed in certain commercial zones, that contains units designed for long-term occupancy by a single person, although double occupancy may be permitted.

Slope. The degree of deviation of a surface from the horizontal plane, usually expressed in percent or degrees.

Small lot subdivision. A residential development containing a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel and the land is subdivided into fee simple parcels containing each unit. Each individual lot is provided with either a direct access to public street/alley or an easement access through a recorded subdivision map.

Smoking lounge. Any facility or location whose business operation, whether as a primary use or an ancillary use, is characterized by the sale, offering, and/or preparation of smoking of tobacco, cigars, hookah, electronic cigarettes, or similar products, including but not limited to establishments known variously as hookah parlors, vaping lounges, or cigar bars.

Smoking/vaping retailer. A smoke shop, electronic cigarette retailer, vapor cigarette retailer, or any other retail business that sells tobacco, electronic cigarettes, and related products primarily for off-site consumption. Smoking/vaping retailers shall not include food or beverage service, outdoor seating, or an indoor seating area greater than 100 square feet in area.

Sober living home. 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; (3) any sober living home without an operator.

Specialty store. A retail store less than 3,000 square feet in area with hours of operation between 6:00 a.m. and 11:00 p.m. A specialty store offers a combination of foods and beverages for off-site use or consumption and provides for alcoholic beverage sales that are incidental to the primary use. No more than 10% of the total merchandise area of the retail floor may be devoted to display or sale of alcoholic beverages and only non-refrigerated alcoholic beverages may be offered. A specialty store must comply with the operational standards of section 13-200.72.

Specific plan. A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the city, consistent with the general plan and the provisions of State Government Code section 65450 et seq.

State. State of California.

Story. For purposes related to zoning regulations, a story is that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall constitute a story. An attic shall not be considered a story. A basement or cellar shall not be considered a story, if the finished floor level directly above the basement or cellar is less than four feet above finish grade at all locations. Any uncovered deck or activity area above the first story shall be considered a story.

Streamlined development review. The streamlined processing of a development plan when authority for approval is vested in the planning division.

Street. A public or private thoroughfare that provides primary access to adjacent land and local traffic movements. Streets do not include driveways which only provide access to parking areas.

Structure. Anything, including a building, located on the ground in a permanent location or attached to something having a permanent location on the ground.

Supportive housing. Housing with no limit on length of stay, that is occupied by the target population, as defined in Section 50675.14 of the California Health and Safety Code, and that is linked to on site or off site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Tandem parking. An arrangement of parking spaces one behind the other in a row of maximum two cars including one in the garage space. Tandem garage parking is defined as the placement of standard parking spaces one behind the other within the enclosed area of a garage.

Townhouse. A single-family attached dwelling unit located on an individual dwelling unit lot, and is part of a row of units that contains three or more dwelling units.

Transitional housing. A development with buildings configured as rental housing 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 shall be no less than six months. *Trip (vehicle).* A one-way vehicular journey either to or from a site, or totally within the site i.e. internal trip. Each trip has two trip ends, one at the beginning and the other at the destination.

Trip rate (vehicular). The anticipated number of vehicle trips to be generated by a specific land use type or land use classification. The trip rate is expressed as a given number of

vehicle trips for a given unit of development intensity (i.e., trip per unit, trip per 1,000 square feet, etc.).

Uncontrolled environment. A location where there is the exposure (to radiofrequency radiation) of individuals who have no knowledge or control of their exposure. The exposures may occur in living quarters or work places where there are no expectations that the exposure levels may exceed the exposure and induced current levels permitted for the general public.

Underroof. All of the area within the walls of the building that a roof covers. Areas under porches, roof overhangs, garage protrusions, breezeways and other similar architectural design features are not considered as underroof.

Unit. A particular building or structure, or portion thereof, that is designed, intended or used for exclusive occupancy, possession or control of individual owners or occupiers, whether or not they have interests in common areas of the project.

Use. The purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

Warehouse, mini. A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where at least one of the stalls or lockers has less than 500 square feet of floor area.

Warehouse, public. A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where all the stalls or lockers have more than 500 square feet of floor area.

Vacancy rate (common lot development conversion). The ratio of vacant apartments being offered for rent or lease in the City of Costa Mesa, shown as a percentage of the total number of apartments in the city.

Vape lounge. See Smoking lounge.

Vape shop. See Smoking/vaping retailer.

Variance. A discretionary entitlement, usually granted by the planning commission, which permits departure from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Yard. Any open space on a lot unoccupied and unobstructed from the ground upward, except an inside court.

Yard, front. The yard between the front line of a building and the front line of the lot upon which the building is located.

Yard, rear. The yard extending from the extreme rear line of the main building to the rear lot line on which the building is situated.

Yard, side. The yard extending from the front yard, or from the front lot line where no front yard is required, to the rear yard or rear lot line, between the side lot line and the nearest wall of the main building or any accessory structure attached thereto.

Zero lot line. The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 4, 3-2-98; Ord. No. 00-5, § 1(a), 3-20-00; Ord. No. 01-16, § 1a., 6-18-01; Ord. No. 05-11, § 2a., 7-19-05; Ord. No. 06-18, § 1, 9-5-06; Ord. No. 09-3, §§ 1a., b., 5-19-09; Ord. No. 09-4, § 1a., 5-5-09; Ord. No. 10-13, § 1, 10-19-10; Ord. No. 10-14, § 1, 11-16-10; Ord. No. 11-10, § 1,

9-20-11; Ord. No. 13-1, § 2A., 3-19-13; Ord. No. 13-05, § 1, 12-3-13; Ord. No. 14-04, § 2A., 4-1-14; Ord. No. 14-13, § 1, 10-21-14; Ord. No. 15-10, § 2A, 9-15-15; Ord. No. 15-11, § 1, 11-17-15; Ord. No. 16-01, § 1, 1-19-16; Ord. No. 18-03, § 2, 1-16-18; Ord. No. 21-03, § 3, 3-2-21; Ord. No. 21-20, § 1, 12-7-21)

Article 3
Review Authorities

§ 13-7. Purpose.
The purpose of this article is to establish the project review authority of the city council, the redevelopment agency, the planning commission, the zoning administrator and the planning division.
(Ord. No. 97-11, § 2, 5-5-97)

§ 13-8 City council.

The city council shall have final decision authority for appeals, final maps, specific plans, master plans in the town center and planned development districts, rezones, general plan amendments, density bonuses with financial incentives, Zoning Code amendments, improvement and development agreements, annexations and any action specified in this Zoning Code. The city council shall also be responsible for the acceptance of lands and/or improvements as may be proposed for dedication to the city, except deeds of dedication and parcel maps of four or fewer lots with no development agreements. The city council may impose conditions of approval.
(Ord. No. 97-11, § 2, 5-5-97)

§ 13-9 Redevelopment agency.

(a) Declaration of need of agency. It is hereby found and declared, pursuant to State Health and Safety Code section 33101, that there is a need for a redevelopment agency in the city, as such agency was created by section 33100, to function in the city, and the agency is hereby authorized to transact business and exercise all of the powers granted to it under the Community Redevelopment Law.

(b) Council declared agency. The five members of the city council are hereby declared to be the members of the redevelopment agency and are empowered to exercise all the rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in an agency.

(c) Term of agency members. Membership shall be for the period each councilmember serves in office, and shall automatically terminate at the time any councilmember no longer holds the office of councilmember. Any vacancy existing on the redevelopment agency shall be filled only by a duly elected sworn and acting city councilmember.
(Ord. No. 97-11, § 2, 5-5-97)

§ 13-10 Planning commission.

(a) Commission. Pursuant to the provisions of section 65101 of the Planning and Zoning Law of the California Government Code, there is hereby created a planning commission, which shall consist of seven members.

(b) Appointment and removal of commissioners. Each council member elected by district shall nominate a planning commission member, subject to approval by a majority vote of the entire city council. The mayor shall nominate a planning commission member, subject to approval by a majority vote of the entire city council. Planning commission members serve at the pleasure of the city council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire city council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.

(c) Residency. Each member of the planning commission must be a resident of the City of Costa Mesa at the time the member is nominated and appointed. If any member of the planning commission ceases to be a resident of the city that member's appointment will automatically terminate. The secretary of the planning commission shall immediately inform the city council of any such termination.

(d) Term. The term of each planning commission member shall expire on the date on which the second regular meeting in January is held immediately following expiration of the term of the council member or mayor who appointed that member, or until he or she is reappointed or replaced.

(e) Ex-officio member of commission. The director of development services and city attorney or designee shall attend the meetings of the planning commission and assist the commission in an advisory capacity as needed.

(f) Absence from commission meetings without cause. If a planning commission member is absent from three consecutive regular meetings of the commission, without cause, the office of the member shall be deemed to be vacant and the term of such member terminated. The secretary of the planning commission shall immediately inform the city council of such termination.

(g) Absence from commission meetings for cause. An absence due to illness or an unavoidable absence from the city and written notice thereof given to the secretary of the planning commission on or before the day of any regular meeting of the commission shall be deemed absence for cause.

(h) Councilmember ineligibility. No member of the city council shall be eligible for membership on the planning commission.

(i) Authority of the planning commission.

(1) The planning commission shall have the power, except as otherwise provided by law, to act on plans for the regulation of the future growth, development and beautification of the city, in respect to:

a. Public and private buildings and works, streets, parks, grounds and vacant lots.

b. The future growth and development of the city in order to secure sanitation, proper service of all public utilities, shipping and transportation facilities.

c. The location of any proposed buildings, structures, or works.

(2) The planning commission is authorized to act upon the following discretionary actions:

a. Recommend to the city council approval, conditional approval or denial of general plan amendments, specific plans, rezones, Zoning Code amendments, development agreements, density bonuses with public financial incentives, preliminary and final master plans, and any other action specified in this Zoning Code.

b. Recommend to the successor agency to the former redevelopment agency approval, conditional approval or denial of redevelopment actions, or adoption and/or amendments to a redevelopment plan.

c. Approve, conditionally approve or deny applications for conditional use permits, variances, tentative tract and parcel maps, density bonuses without public financial incentives, and any other action specified in this Zoning Code.

d. Perform other duties necessary to carry out the provisions reserved to the planning commission in Title 10 of the Municipal Code, the provisions of this Zoning Code and the provisions of the Planning, Zoning and Development Law of the State Government Code.

(j) Commission bylaws authorized. The planning commission shall have the power, except as otherwise provided by law, to adopt such bylaws as it may deem necessary to provide for:

(1) The time and place of meeting.

(2) The time and method of electing officers.

(3) Such other matters relative to the organization of the planning commission and methods of administration of its duties which are not otherwise provided for by statute or ordinance.

(k) Regular meeting of commission defined. A regular meeting as provided by law or by rule of the planning commission or any regularly advertised public hearing shall be deemed a regular meeting.
(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-12, § 1, 3-5-01; Ord. No. 02-4, § 1a, 3-18-02; Ord. No. 03-2, § 3, 3-3-03; Ord. No. 04-17, § 3, 1-3-05; Ord. No. 19-05, § 1, 4-2-19; Ord. No. 21-14, § 1, 8-3-21)

§ 13-11 Zoning administrator.

(a) The development services director or designee is authorized to act as the zoning administrator according to procedures set forth in the State Government Code.

(b) The zoning administrator is authorized to approve, conditionally approve, or deny the following discretionary planning applications. The zoning administrator may forward any action to the planning commission for review.

(1) Major modification;

(2) Minor conditional use permit;

(3) Lot line adjustment;

(4) Wireless telecommunications use permit (see section 19-15); and

(5) Any action specified in this Zoning Code.
(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

§ 13-12 Planning division.

The development services director or designees constitute the planning division. The planning division is authorized to act on and grant approvals of development reviews and minor modifications as described in Chapter III, Planning Applications, Wireless Telecommunications Use Permit (see section 19-15), and other duties as designated by the development services director, planning commission, city council and this Zoning Code.
(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

CHAPTER III
PLANNING APPLICATIONS

§ 13-27. Purpose.

The purpose of this chapter is to establish the parameters for the numerous types of discretionary planning applications and to identify processing procedures.
(Ord. No. 97-11, § 2, 5-5-97)

§ 13-28. Types.

(a) ***Major Modification.*** Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(a).

TABLE 13-28(a)
MAJOR MODIFICATIONS

Standard	Deviation Range
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of 19 feet from the front property line.	More than 20% but no more than 40%
Decrease in required rear yard depth.	More than 20% but no more than 40%
Decrease in required side yard width.	More than 20% but no more than 40%
Increase in maximum fence/wall height.	More than 33 1/3 % but no more than 50%
Increase in depth of permitted projections into required yards.	More than 20% but no more than 40%
Deviation in sign area, height, setbacks, separation and other sign specifications	More than 10% but no more than 20%
Decrease in required distance between main structures	More than 20% but no more than 40%
Decrease in required distance between accessory and main structures	More than 20% but no more than 40%

(b) ***Conditional use permit****.* Any use specified in this Zoning Code as requiring a conditional use permit.

(1) *Common interest development conversion.* For residential projects, a proposal to convert an occupied or previously occupied apartment complex to a residential common interest development project. To request a conversion for a newly constructed project, the apartment complex shall have received final building approval for occupancy. For non-residential projects, a proposal to convert an occupied or previously occupied non-residential complex to a non-residential common interest development. Non-residential includes industrial,

commercial, office, and/or mixed-use project.

(c) ***Density bonus or incentive.*** Any request for incentives to produce lower income and senior housing per State Government Code section 65915.

(d) ***Development review, streamlined.*** The following shall be subject to streamlined development review, if the project complies with applicable development standards in this Zoning Code and meets one of the following conditions:

(1) Residential construction of one story in the R1, R2-MD, R2-HD, and R3 zones.

(2) Residential uses permitted by right in the Zoning Code and qualifying for ministerial approval as a 'use by right' consistent with the applicable provisions of the Government Code.

(3) Additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones that comply with the applicable development standards in this Zoning Code and do not exceed 2,000 square feet or 50% of the existing building area, whichever is less, shall be subject to streamlined development review.

(e) ***Development review.*** The following shall be subject to development review:

(1) *Residential construction of two or more stories.* In any zone, residential construction of two or more stories that complies with the applicable development standards in this Zoning Code and the forthcoming Citywide Residential and Mixed-Use Objective Design Standards adopted by city council. Until such objective standards are adopted, projects shall be subject only to the objective development standards in this Zoning Code.

(2) *Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones that comply with the applicable development standards in this Zoning Code and exceed 2,000 square feet or 50% of the existing building area;* and,

(3) Any other use specified in this Zoning Code as requiring development review.

(f) ***Lot line adjustment.*** Any adjustment to an existing lot line between two lots, where the land taken from one lot is added to an abutting lot and/or where a greater number of lots than originally existed is not created. A lot line adjustment may be used to combine no more than four abutting lots.

(g) ***Master plan.*** Prior to development in the planned development (PD), town center (TC), shopping center (C1-S), and all types of institutional and recreational (I&R, I&R-S, and I&R-MLT) zoning districts, a master plan is required. Preliminary master plans are required in the TC and I&R-MLT zone, are optional in PD zones, and are not required in C1-S, I&R-S, and I&R zones.

(1) **Minor changes.** Minor changes in the location, siting or character of buildings and structures may be authorized by the planning division if required by the final engineering or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:

a. A change in the use or character of the development;

b. An increase in the overall density or floor area ratio of the development;

c. An increase in overall coverage of structures;

d. A reduction or change in character of approved open space;

e. A reduction of required off-street parking;

f. A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks;

g. A reduction in required street pavement widths;

h. An increase of more than six inches in building height; or

i. A decrease in building setback greater than can be approved by a minor modification by the development services director.

(2) **Major amendments.** Substantial amendments to the master plan encompassing one or more of the minor changes listed in subparagraphs (1)a. through (1)i., or any proposed change determined by the development services director as a major amendment, shall be subject to review and approval by the zoning administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the zoning administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the general plan, as applicable.

(3) **Minor amendments.**

a. Minor amendments to existing master plans in planned development zones are subject to section 13-56, master plan required.

b. Minor amendments to existing master plans in the TC, C1-S, MU, I&R, I&R-S, and I&R-MLT zones may be approved by development review if the planning division finds that the proposed construction does not materially affect required open space, floor area ratio, and parking requirements specified in the approved master plan. Furthermore, if the minor amendment results in an overall building square footage that exceeds the maximum building square footage allowed by the approved master plan, the planning division must find that the minor amendment is consistent with the floor area ratio and trip budget standards established by the general plan, as applicable.

(h) ***Minor conditional use permit.*** Any use or deviation from development standards specified in this Zoning Code as requiring a minor conditional use permit.

(i) ***Minor modification.*** Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(i).

TABLE 13-28(i) MINOR MODIFICATION	
Standard	**Deviation Range**
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of 19 feet from the front property line	20% or less
Decrease in required rear yard depth	20% or less
Decrease in required side yard width	20% or less
Increase in maximum fence/wall height	33 1/3 % or less
Decrease in five-foot setback on street side for fences/walls in excess of 36 inches on corner lots in multi-family residential zones	100% or less
Increase in depth of permitted projections into required yards	20% or less
Decrease in minimum driveway width for two or more dwelling units	to not less than 10 feet
Deviation in sign area, height, setbacks, separation and other sign specifications	10% or less
Decrease in required distance between main structures	20% or less
Decrease in required distance between accessory and main structures	20% or less
Decrease in minimum width and length of garage dimensions	5% or less

(2) *Minor building additions that encroach into required setbacks no further than the existing main structure, excluding architectural features.* However, no nonconforming setback width or depth may be decreased further, and the building addition shall comply with all other applicable sections of this Zoning Code and other codes.

(3) Fabric awnings that project no more than five feet from the building face.

(4) Minimum length of no less than 18 feet for driveways as measured from the ultimate property line.

(5) Any deviation from development standards specified in this Zoning Code as requiring a minor modification.

(j) ***Mobile home park conversion.*** Any conversion of an existing mobile home park to any other use permitted or conditionally permitted in the applicable zoning district.

(k) ***Planned signing program.*** A voluntary, optional alternative to the general sign regulations, except in the C1-S zone where it is required.

(l) ***Reasonable accommodation.*** As defined in section 13-200.62

(m) (Reserved)

(n) ***Rezone.*** Any proposed change to the official zoning map.

(o) ***Special use permit.*** Refer to Chapter XV of the Zoning Code.

(p) ***Specific plan conformity review.*** Any proposed action or land use which is required by the applicable specific plan to be reviewed for conformity with the purpose and intent of the plan.

(q) ***Tentative tract or parcel map (including vesting).*** Any proposed subdivision of land which is required by a provision of the Subdivision Map Act or this Zoning Code to file a tentative tract or parcel map.

(r) ***Variance.*** Any deviation from a development standard in this Zoning Code that is not specified as a minor modification or major modification, or a deviation that is not allowed by approval of conditional use permit, minor conditional use permit, or specific plan conformity procedure.

(s) ***Landmarks and historic districts located within the city.*** A person may request placement of a significant historic structure on the local Register of Historic Places subject to the criteria and procedures established in Chapter IX, Article 14, Historic

Preservation.

(t) ***Certificate of appropriateness.*** A certificate issued by the planning commission (or other commission/committee designated by the city council), approving plans, specifications, or statements of work for any proposed alteration, restoration, or rehabilitation, construction, relocation, or demolition, in whole or in part, of a "designated cultural resource" listed on the city's local Register of Historic Places.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-17, § 3, 11-15-99; Ord. No. 01-10, §§ 1a., 1b., 3-5-01; Ord. No. 01-16, § 1b., 6-18-01; Ord. No. 02-4, § 1m, 3-18-02; Ord. No. 03-4, § 1(a), 6-2-03; Ord. No. 03-8, §§ 1, 2, 9-2-03; Ord. No. 05-3, § 1b., 2-7-05; Ord. No. 05-2, § 1a.—c., 2-22-05; Ord. No. 06-9, § 1b., 4-18-06; Ord. No. 07-17, § 1a., b., 10-2-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 16-09, § 3, 10-4-16; Ord. No. 21-20, § 1, 12-7-21)

§ 13-29. Planning application review process.

(a) ***Application.***

(1) Application for any planning application shall be made to the planning division on the forms provided. Plans and information reasonably needed to analyze the application may be required. A list of required plans and information shall be available from the planning division.

(2) All applications shall be signed by the record owner of the real property to be affected. This requirement may be waived upon presentation of evidence substantiating the right of another person to file the application.

(b) ***Fees.*** The application shall be accompanied by all applicable processing fees as established by resolution of the city council.

(c) ***Public hearing.*** Upon receipt of a complete application for a planning application, the planning division shall fix a time and place of the public hearing if one is required pursuant to Table 13-29(c). For planning applications which require review by both the planning commission and city council, pursuant to Table 13-29(c), the final review authority shall hold a public hearing no more than 45 days from the receipt of the planning commission's recommendation.

TABLE 13-29(c) PLANNING APPLICATION REVIEW PROCESS					
Planning Applications	**Public Notice Required**	**Public Hearing Required**	**Recommending Authority**	**Final Review Authority**	**Notice of Decision**
Streamlined Development Review	No	No	None	Planning Division	No
Development Review Minor Modification	No	No	None	Planning Division	No
Reasonable Accommodation	No	No	None	Planning Division	No
Lot Line Adjustment	No	No	None	Planning Division	No
Special Use Permit	Yes	Yes	None	Planning Division	No
Major Modification Minor Conditional Use Permit Planned Signing Program	Yes	No	None	Zoning Administrator	Yes
Mobile Home Park Conversion Common Interest Development Conversion (Residential or Nonresidential) Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance	Yes	Yes	Planning Division	Planning Commission	Yes
Conditional Use Permit Density Bonus Master Plan Master Plan—Preliminary	Yes	Yes	Planning Division	Planning Commission (excepted where noted otherwise in this zoning code)	Yes
Rezone	Yes	Yes	Planning Commission	City Council	No
Local Register of Historic Places	No	No	Planning Commission or other commission/ committee as designated by the City Council	City Council	Yes
Certificate of Appropriateness	No	No	Planning Commission or other commission/ committee as designated by the City Council	Planning Commission or other commission/ committee as designated by the City Council	No

(d) ***Public notice.*** When required pursuant to Table 13-29(c), public notice shall be given as described in the following subsections. Public notices shall contain a general explanation of the proposed planning application and any other information reasonably needed to give adequate notice of the matter to be considered.

(1) *Mailed notice required.* Notices of the hearing shall be mailed to all property owners and occupants within a 500 foot radius of the project site, except for applications for the construction of a building(s) 150 feet or more in height which shall require a greater notice radius pursuant to Table 13-29(d):

TABLE 13-29(d)
MAILED NOTICE REQUIRED

Building Height in Feet	Notice Requirement
More than 150 and less than or equal to 225	700-foot radius
More than 225 and less than or equal to 300	900-foot radius
More than 300	1,100-foot radius

The required notice radius shall be measured from the external boundaries of the property described in the application. The notice shall be mailed no less than 10 days prior to the hearing or determination on the application. The planning division shall require mailing labels from the project applicant for this purpose. The mailing labels shall reflect the last known name and address of owner(s) as shown on the last equalized county assessment roll or by a more current listing.

(2) *On-site posting required.* Additional notice shall be provided by posting a notice on each street frontage of the project site, no less than 10 days prior to the date set for the hearing or determination on the application.

(3) *Newspaper publication.* When a public hearing is required, notice shall also be published once in the city in a newspaper of general circulation, no less than 10 days prior to the date set for the public hearing.

(e) ***Review criteria.*** Review criteria for all planning applications shall consist of the following:

(1) Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.

(2) Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.

(3) Compliance with any performance standards as prescribed elsewhere in this Zoning Code.

(4) Consistency with the general plan and any applicable specific plan.

(5) The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

(6) When more than one planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.

(7) For residential developments, consistency with any applicable design guidelines adopted by city council resolution.

(8) For affordable multi-family housing developments which include a minimum of 16 affordable dwelling units at no less than 20 dwelling units per acre, the maximum density standards of the general plan shall be applied, and the maximum density shall be permitted by right and not subject to discretionary review during the master plan application process.

(f) ***Conditions***. The final review authority pursuant to Table 13-29(c), may impose reasonable conditions to assure compliance with the applicable provisions of this Zoning Code, and to assure compatibility with surrounding properties and uses and to protect the public health, safety and general welfare. The final review authority may also require such written guarantees, cash deposits, recorded land use restrictions, etc., as may be necessary to assure compliance with the conditions.

(g) ***Findings***. When granting an application for any of the planning applications specified below, the final review authority shall find that the evidence presented in the administrative record substantially meets any required conditions listed below. Other findings may also be required pursuant to other provisions of this Zoning Code.

(1) Major modifications and variance findings:

a. Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.

b. The deviation granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.

c. The granting of the deviation 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.

(2) Conditional use permit and minor conditional use permit findings:

a. 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.

b. 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.

c. 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.

(3) Density bonus and concession or incentive findings:

a. The request is consistent with State Government Code section 65915 et. seq. regarding density bonuses and other incentives, the general plan, any applicable specific plan, and Chapter IX special regulations, Article 4 density bonuses and other incentives.

b. The requested density bonus and incentive or concession constitute the minimum amount necessary to provide housing at the target rents or sale prices and/or a child care facility.

c. The granting of the incentive or concession is required in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5 or for rents for the targeted units.

d. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code section 65589.5 upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

e. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(4) Lot line adjustment findings: The lot line adjustment and improvements are consistent with the general plan, any applicable specific plan and this Zoning Code.

(5) Master plan findings:

a. 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.

(6) Minor modification findings:

a. The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.

b. The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development.

(7) Mobile home park conversion findings:

a. The impacts of the conversion on the residents of the mobile home park have been duly considered as required by the State Government Code.

b. The proposed conversion project is consistent with the general plan, any applicable specific plan and this Zoning Code.

(8) Planned signing program findings:

a. The proposed signing is consistent with the intent of Chapter VIII, Signs, and the General Plan.

b. The proposed signs are consistent with each other in design and construction taking into account sign style and shape, materials, letter style, colors and illumination.

c. The proposed signs are compatible with the buildings and developments they identify taking into account materials, colors and design motif.

d. Approval does not constitute a grant of special privilege or allow substantially greater overall visibility than the standard sign provisions would allow.

(9) Reasonable Accommodation findings: Refer to Chapter IX, Article 15.

(10) Common interest development conversion findings:

a. The applicant has submitted an adequate and legally binding plan which addresses the displacement of long-term residents, particularly senior citizens and low- and moderate-income families and families with school-age children; and

b. The proposed common interest development conversion project conforms to adopted general plan policies and any applicable specific plan or urban plan, and if applicable, increases the supply of lower cost housing in the city and/or that the proposed conversion project fulfills other stated public goals.

c. The establishment, maintenance, or operation of the project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the surrounding neighborhood, nor will the project be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city.

d. The overall design and physical condition of the common interest development conversion project achieves a high standard of appearance, quality, and safety.

e. The proposed common interest development conversion project conforms to the Costa Mesa Zoning Code requirements.

f. For a proposed common interest development conversion project that does not conform to the zoning code requirements, the project due to its proportions and scale, design elements, and relationship to the surrounding neighborhood, is of continued value to the community and it contributes to defining and improving the community as a whole. Deviations from zoning code requirements are acceptable because it would be impracticable or physically impossible without compromising the integrity of the overall project to implement features that could result in conformance with current code requirements.

g. For a proposed common interest development conversion project located in an urban plan area, the proposed conversion is consistent with the applicable mixed-use overlay zoning district. Specifically, the proposed non-residential conversion project supports a mixed-use development or a similar land use that is not allowed in the base zoning district, or the proposed conversion project is a residential common interest development that is permitted by either the base or overlay zoning district.

(11) Rezone findings: The proposed rezone is consistent with the Zoning Code and the general plan and any applicable specific plan.

(12) Specific plan conformity review findings: Refer to the applicable specific plan text.

(13) Tentative parcel or tract map findings:

a. The creation of the subdivision and related improvements is consistent with the general plan, any applicable specific plan, and this Zoning Code.

b. The proposed use of the subdivision is compatible with the general plan.

c. The subject property is physically suitable to accommodate the subdivision in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the Zoning Code and general plan, and consideration of appropriate environmental information.

d. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by State Government Code section 66473.1.

e. The division and development will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.

f. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State Water Code section 13000).

(h) ***Decision.***

(1) After the public hearing, if required, the final review authority may approve, conditionally approve or deny any application for the planning application based upon the standards and intent set forth in the applicable provisions of this Zoning Code. In the case of a denial, the applicant shall be notified of the circumstances of the denial.

(2) For planning applications which require the planning commission to make a recommendation to the final review authority, the authority shall not approve any major change or additions in any proposed planning application until the proposed change or addition has been referred to the planning commission for a report, unless the change or addition was previously considered by the planning commission. It shall not be necessary for the planning commission to hold a public hearing to review the referral. Failure of the planning commission to report to the final review authority within 40 days after the referral shall be deemed approval of the proposed change or addition.

(i) ***Notice of decision.***

(1) Notice of the zoning administrator's decision shall be given within five days of the decision to the city council, planning commission and to any affected party requesting the notice. Any member of the planning commission or city council may request review of a zoning administrator's decision within seven days of the notice of the decision. No fee shall be charged for such review.

(2) Notice of the planning commission's decision shall be given within five days to the city council and to any affected party requesting the notice. Any member of the city council may request review of the decision within seven days of the notice of the decision. No fee shall be charged for such review.

(j) ***Appeals.*** Appeals of the final review authority shall be filed within seven days of the public hearing or the date of the notice of decision according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(k) ***Time limits and extensions.***

(1) Planning applications shall run with the land until revoked, except as provided in this section or in a condition imposed at the time of granting the planning application.

(2)

a. Unless otherwise specified by condition of approval, any permit or approval not exercised within 24 months from the actual date of review authority approval shall expire and become void, unless an extension of time is approved in compliance with paragraph (4) of this subsection;

b. The permit shall not be deemed "exercised" until at least one of the following has first occurred:

1. A building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the building official.

2. A certificate of occupancy has been issued.

3. The use is established and a business license has been issued.

4. A time extension has been granted in compliance with paragraph (3)

of this subsection.

(3) The time limits specified in paragraph (2) of this subsection shall not apply to preliminary master plans, except that the first phase of the final master plan must be approved within 24 months of the approved preliminary master plan. Time limits regarding the construction of improvements authorized by the approved final master plan for each phase of the project shall comply with the time limits established in paragraph (2).

(4) Extension of time.

a. *Filing and review of request.* No less than 30 days or more than 60 days before the expiration date of the permit, the applicant shall file a written request for an extension of time with the department, together with the filing fee established by resolution of the city council.

b. For extension requests not to exceed 180 days: The director of development services may extend the time for an approved permit or approval to be exercised. Only one request for an extension of 180 days may be approved by the director. Any subsequent extension requests shall be considered by the original approval authority.

c. For extensions requests of more than 180 days: The review authority for the original project shall consider the request to extend the time for an approved permit or approval to be exercised. A public hearing shall only be held if it was required on the original application. If notice was required for the original application, notice of the public hearing shall be given according to the procedures set forth in this chapter.

(5) Fees for extensions of time for planning applications may be established by resolution of the city council.

(6) Action on extension request. A permit or approval may be extended beyond the expiration of the original approval provided the director or the review authority finds that there have been no changes in the conditions or circumstances of the site, such as Zoning Code or General Plan amendment or other local and statewide regulations affecting the approved development standards, or project so that there would have been ground for denial of the original project or any changes to the General Plan and/or Zoning Code that would preclude approval of the same project at the time of the requested extension.

(7) Effect of expiration. After the expiration of the permit or approval, no further work shall be done on the site and no further use of the site shall occur until a new permit or approval, or other city permits or approvals are first obtained. Fees for extensions of time for planning applications may be established by resolution of the city council.

(l) ***Building permits/authority to proceed.*** No building permit or authority to proceed shall be granted until all required review and approval has been obtained and all

applicable appeal periods have expired.

(m) ***Compliance.*** Final occupancy shall not be granted unless the site development conforms to the approved set of building plans, applicable conditions of approval and code requirements.

(n) ***Reapplication.*** Upon final denial of any planning application, a new application for substantially the same planning application may not be filed within six months of the date of the denial. The development services director shall determine whether the new application is for a planning application which is substantially the same as a previously denied application. No decision of the development services director shall be effective until a period of seven days has elapsed following the written notice of a decision; an appeal of the decision shall be filed according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(o) ***Enforcement authority.***

(1) The planning commission may require the modification or revocation of any planning application and/or pursue other legal remedies as may be deemed appropriate by the city attorney, if the planning commission finds that the use as operated or maintained:

a. Constitutes a public nuisance as defined in State Civil Code Sections 3479 and 3480; or

b. Does not comply with the conditions of approval.

(2) The modification or revocation of any permit by the planning commission under this subsection shall comply with the notice and public hearing requirements set forth in subsections (c) and (d). The development services director may require notice for a development review or minor modification, if deemed appropriate.

(p) ***Amendment to a planning application****.* Any approved planning application may be amended by following the same procedure and fee schedule as required for the initial approval, with the exception of the following two instances:

(1) Minor amendments to conditional use permits shall be processed as minor conditional use permits; and

(2) Amendments to master plans which comply with section 13-28(f)(1) may be authorized by the planning division.

(q) ***Concurrent processing.*** Unless otherwise stated in this Zoning Code, applications for proposed projects which require two or more planning application approvals may be processed concurrently. Final project approval shall not be granted until all necessary approvals have been obtained.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 5—7, 3-2-98; Ord. No. 99-17, § 4, 11-15-99; Ord. No. 01-11, § 1a., 3-5-01; Ord. No. 01-16, §§ 1c.—e., 6-18-01; Ord. No.

03-8, § 3, 9-2-03; Ord. No. 05-2, § 1d., e., 2-22-05; Ord. No. 06-7, § 1a., 4-18-06; Ord. No. 06-9, § 1c., 4-18-06; Ord. No. 07-17, § 1c., d., 10-2-07; Ord. No. 09-13, § 1, 11-17-09; Ord. No. 17-12, § 1, 9-19-17; Ord. No. 18-06, § 1, 9-4-18; Ord. No. 21-20, § 1, 12-7-21)

CHAPTER IV
CITYWIDE LAND USE MATRIX

§ 13-30. Purpose.

The purpose of this chapter is to provide a comprehensive list of uses which are permitted, conditionally permitted, or prohibited in the various zoning districts, as represented by Table 13-30, Land Use Matrix. In evaluating a proposed use, the following criteria shall also be considered:

(a) Uses determined as permitted may be subject to a discretionary review when construction is proposed, pursuant to Chapter III, Planning Applications.

(b) Uses proposed in the planned development zones are subject to verification of consistency with the master plan adopted for planned development zones. A proposed use not expressly allowed by the adopted master plan may require additional discretionary review pursuant to Table 13-30, Land Use Matrix.

(c) All listed uses in the matrix are subject to verification of compliance with density and floor area ratio limits, parking requirements and performance standards which may, in certain cases, prevent the establishment of the use.

(d) Any proposed use not listed in the Land Use Matrix shall be reviewed by the development services director to determine its similarity to another listed use. If no substantial similarity exists, the proposed use shall require approval of a conditional use permit prior to establishment of the use.

(e) For the purpose of Table 13-30, Land Use Matrix, the various zoning districts are labeled as follows:

Residential zones: R1, R2-MD, R2-HD, and R3

Commercial zones: AP, CL, C1, C2, C1-S, and TC

Industrial zones: MG and MP

Planned Development Residential zones: PDR-LD, PDR-MD, PDR-HD, and PDR-NCM

Planned Development Commercial zone: PDC Planned Development

Industrial zone: PDI

The Parking zone: P

Institutional and Recreational zones: I & R, I & R-S, and I & R-MLT

(f) For zoning districts located in a specific plan area, please refer to the appropriate specific plan text to determine if any additional regulations related to land uses are applicable.

(g) For the mixed-use overlay district located in an urban plan area, please refer to the appropriate urban plan text for additional regulations related to development standards and allowable land uses as applicable.

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR - LD[1]	PDR - MD[1]	PDR - HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
RESIDENTIAL USES																						
1. Single-family dwellings (single housekeeping units)	P[4]	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	P	•
2. Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•
2.1 Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•
2.2 Small lot subdivisions, residential	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3. Mobile home parks	•	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•
4. Boarding-house, small[7]	•	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
5. Boarding-house, large[7]	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•	•
6. Residential care facility, six or fewer persons (State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	P	•
7. Group homes, six or fewer	S	S[6]	S[6]	S[6]	•	•	•	•	•	•	•	•	S[6]	S[6]	S[6]	S[6]	S[6]	S[6]	P	•	P	•
7.1 Sober living homes, six or fewer	S[5]	S[6]	S[6]	S[6]	•	•	•	•	•	•	•	•	S[6]	S[6]	S[6]	S[6]	S[6]	S[6]	P	•	•	•
8. Residential care facility, seven or more	•	C[6]	C[6]	C[6]	•	•	•	•	•	•	•	•	•	C[6]	C[6]	C[6]	C[6]	C[6]	P	•	•	•
9. Group homes, seven or more	•	C[6]	C[6]	C[6]	•	•	•	•	•	•	•	•	•	C[6]	C[6]	C[6]	C[6]	C[6]	P	•	•	•
9.1 Sober living homes, seven or more	•	C[6]	C[6]	C[6]	•	•	•	•	•	•	•	•	•	C[6]	C[6]	C[6]	C[6]	C[6]	P	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
10. Referral facility (Subject to the requirements of section 13-32.2, referral facility).	•	C[2]	C[2]	C[2]	•	•	•	C[2]	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	•	•
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Employee housing, six or fewer	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	P	•
Supportive housing	P[12]	P[11, 12]	P[11, 12]	P[11, 12]	•	•	•	•	•	P[11, 12]	•	•	P[11, 12]	P[11, 12]	P[11, 12]	P[11, 12]	P[11, 12]	P[11, 12]	•	•	P[11, 12]	•
Transitional housing	P[12]	P[12]	P[12]	P[12]	•	•	•	•	•	P[12]	•	•	P[12]	P[12]	P[12]	P[12]	P[12]	P[12]	•	•	P[12]	•
Low barrier navigation center	•	•	•	•	•	•	•	•	•	P[13]	•	•	•	•	•	•	P[13]	P[13]	•	•	P[13]	•
ACCESSORY USES																						
13. Animals, keeping of	SEE TITLE 3, ANIMALS AND FOWL																					
14. Antennas: Amateur radio, Satellite dish, Communication	SEE CHAPTER IX, ARTICLE 2, ANTENNAS																					
16. Day care facilities (15 children or more) (see also Nursery schools)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	•
17. Family day care—Large (7 to 14	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2,3]	P[2,3]	P	•	P[2]	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
children) (subject to the requirements of section 13-37, large family day care homes)																						
18. Family day care—Small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P[3]	P[3]	P	•	P[3]	•
19. Garage/yard sales—No more than 2 events permitted a year, not to exceed 3 consecutive days	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P[3]	P[3]	•	•	P[3]	•
21. Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	P[2]	P[2]	P[2]	P[2]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2]	P[2]	P[2]	P[2]	P[2,3]	P[2,3]	P[2]	•	P[2]	•
22. Home occupations that generate traffic and do not involve more than 1 customer/ client at a time or more than 8 customers/clients per day (subject to the requirements of ch. IX, article 6, home occupations)	MC[2]	MC[2]	MC[2]	MC[2]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2]	MC[2]	MC[2]	MC[2]	MC[2,3]	MC[2,3]	MC[2,3]	•	MC[2,3]	•
22.1 Non-residential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
21. Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	P[2]	P[2]	P[2]	P[2]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2]	P[2]	P[2]	P[2]	P[2,3]	P[2,3]	P[2]	•	P[2]	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
22. Home occupations that generate traffic and do not involve more than 1 customer/ client at a time or more than 8 customers/clients per day (subject to the requirements of ch. IX, article 6, home occupations)	MC[2]	MC[2]	MC[2]	MC[2]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2]	MC[2]	MC[2]	MC[2]	MC[2,3]	MC[2,3]	MC[2,3]	•	MC[2,3]	•
22.1 Non-residential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
22.2 Accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	P[2]	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	P[2]	•
22.3 Junior accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	P[2]	•
22.4 Temporary real estate and construction offices (subject to the requirements of ch. IX, art. 10, temporary trailers)	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]
INSTITUTIONAL AND RECREATIONAL USES																						
23. Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
24. Churches and other places of religious assembly (Subject to the requirements of article 4.5, development standards for churches and other places of religious assembly)	C[2]	C[2]	C[2]	C[2]	C[2]	C[2]	P[2]	P[2]	C[2]	C[2]	P[2]	P[2]	C[2]	C[2]	C[2]	C[2]	C[2]	C[2]	P[2]	C[2]	C[2]	•
25. Civic and community clubs	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	C	•	P	•
26. Convalescent hospitals; nursing homes	•	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	P	•	•	•
27. Country clubs; golf courses	C	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	•	•	P	C	•	•
28. Crematories (See also Mortuary services)	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•	•
29. Fairgrounds; outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•
31. Libraries, privately-operated	C	C	C	C	•	•	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•	•
31a. Marijuana and/or medical marijuana cultivation	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31b. Cannabis and/or marijuana distributer	•	•	•	•	•	•	•	•	•	•	•	C[9]	•	•	•	•	•	C[9]	•	•	•	
31c. Cannabis and/or marijuana manufacturer or processor	•	•	•	•	•	•	•	•	•	•	•	C[9]	•	•	•	•	•	C[9]	•	•	•	
31d. Cannabis and/or marijuana retail sales storefront	•	•	•	•	•	C[9]	C[9]	C[9]	C[9]	C[9]	•	•	•	•	•	•	•	•	•	•	•	

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
31e. Cannabis and/or marijuana retail sales nonstorefront (deliveries)	•	•	•	•	•	C[9]	C[9]	C[9]	C[9]	C[9]	•	C[9]	•	•	•	•	•	C[9]	•	•	•	•
31f. Cannabis and/or marijuana research and development and/or testing laboratories	•	•	•	•	•	•	•	•	•	•	•	C[9]	•	•	•	•	•	C[9]	•	•	•	
32. Mortuary services without crematories	•	•	•	•	C	C	C	C	C	•	C	C	•	•	•	•	•	•	C	•	•	•
32a. Needle exchange program	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
33. Nursery schools—See also Day care facilities for 15 or more children	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•
34. Parks and playgrounds	C	C	C	C	•	•	•	•	•	C	•	•	C	C	C	C	C	C	P	P	P	•
35. Public offices and facilities, such as city halls, courthouses, police/ fire stations, etc.	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	P	•	•	•
36. Schools: primary, secondary and colleges	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	•
37. Schools: trade and vocational; group counseling	•	•	•	•	•	MC	P	P	P	P	MC	MC	•	•	•	•	P	MC	P	P	•	•
38. Senior congregate care facility	•	C	C	C	C	C	C	C	C	C	•	•	•	C	C	C	C	•	C	•	•	•
39. Swap meets	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•	•
39a. Emergency shelters	•	•	•	•	•	•	•	•	•	•	•	C[10]	•	•	•	•	•	P[10]	•	•	•	•
SPECIAL SEASONAL EVENTS																						

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
41. Christmas tree lots; pumpkin patches; fireworks stands; produce stands (subject to the requirements of title 9, chapter II, regulation of certain businesses)	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•	P[2]	P[2]	P[2]	P[2]	•	•
COMMERCIAL AND INDUSTRIAL USES																						
42. Acupressure; massage (subject to the requirements of title 9, chapter ii, article 22, Massage establishments and practitioners)	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	P[2]	•	•	•	•	•
43. Adult businesses (See Sexually-oriented businesses)																						
44. Aggregate batch plants; Rock or asphalt crushing; Sand blasting	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
45. Ambulance services	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	•	MC	MC	•	•	•	•
46. Amusement centers (subject to the requirements of chapter IX, article 5, electronic game machines)	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	•	•
47. Animal hospitals; veterinary services (kenneling only when incidental to principal hospital use)	•	•	•	•	•	C	C	P	P	C	C	C	•	•	•	•	P	•	•	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR - LD[1]	PDR - MD[1]	PDR - HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
48. Animal shelters, pounds, kennels, training schools	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•	•
48a. Antique malls	•	•	•	•	•	•	P	P	P	•	MC	MC	•	•	•	•	P	MC	•	•	•	•
49. Artists, sculptors studios	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
50. Auction houses	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
51. Automobile (See Motor vehicle)																						
52. Banks; savings and loans; and other financial institutions	•	•	•	•	P	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
53. Bars; nightclubs (See Establishments where food or beverages are served)																						
54. Barber and beauty shops with accessory uses such as permanent make up, facials, and accessory massage	•	•	•	•	•	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
55. Billiards parlors	•	•	•	•	•	•	C	C	C	C	C	C	•	C	C	C	C	C	•	•	•	•
56. Botanical gardens; Zoos	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	C	•	•	•
57. Bowling centers	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	C	C	•	•	•	•	•
58. Breweries; Distilleries	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
60. Building supplies; Hardware stores (retail)	•	•	•	•	•	•	P	P	P	•	•	•	•	P	P	P	P	•	•	•	•	•
61. Business services—See Offices																						
62. Car washes	•	•	•	•	•	•	C	C	C	C	C	C	•	C	C	C	C	C	•	•	•	•
63. Carts— Outdoor retail sales in conjunction with an established business	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•	•
64. Catering	•	•	•	•	•	MC	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
65. Coffee roasting	•	•	•	•	•	•	•	•	•	•	MC	MC	•	•	•	•	•	•	•	•	•	•
66. Coffee roasting (in conjunction with establishments where food or beverages are served)	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	•	•	•	•
67. Commercial art; Graphic design	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
68. Commercial testing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
69. Computer and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
70. Contracting: general contractors; operative builders	•	•	•	•	•	C	C	P	C	•	P	P	•	•	•	•	•	P	•	•	•	•
71. Convenience stores; mini-markets (subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini-markets)	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	•	C[2]	C[2]	C[2]	•	•	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
72. Department stores (retail)	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•	•
73. Electronic game machines (four or more), incidental to the primary use, (subject to the requirements of chapter IX, article 5, electronic game machines)— Excluding amusement centers listed separately	•	•	•	•	•	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	•	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	•	•	•	•
74. Engineering; architectural; and surveying services— See Offices																						
75. Entertainment, live or public	•	•	•	•	•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT								•	•
76. Establishments where food or beverages are served	•	•	•	•	•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED							•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED						•	•	•	•
77. Exhibition of products produced on premises or available for wholesale distribution	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
78. Flower stands— See also Carts	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•	•
79. Furniture repair and refinishing with incidental sales	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•
80. Grocery stores— See also Supermarkets; excluding convenience stores; and liquor stores listed separately	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR - LD[1]	PDR - MD[1]	PDR - HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
81. Hazardous waste facilities, off-site (subject to chapter IX article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	C[2]	C[2]	•	•	•	•	C[2]	C[2]	C[2]	•	•	•
82. Heliports; Helistops	•	•	•	•	•	•	•	•	C	C	C	C	•	•	•	•	C	C	C	C	•	•
83. Hotels— Excluding motels listed separately	•	•	•	•	•	•	C	C	C	P	•	•	•	C	C	C	P	•	•	•	•	•
84. Landscape services (installation and maintenance)	•	•	•	•	•	MC	MC	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•
85. Laundry, cleaning and garment services, including plants	•	•	•	•	•	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
86. Leather tanning and finishing	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	C	•	•	•	•
87. Limousine services	•	•	•	•	•	C	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
88. Liquor stores (subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini- markets)	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	•	•	•	C[2]	•	•	•	•	•
89. Lumber and building materials dealers, (wholesale)	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
90. Manufacturing: Light EXCEPT the following which are prohibited: • Manufacture of fertilizer • Manufacture of products involving	•	•	•	•	•	•	•	•	•	•	P[2]	P[2]	•	•	•	•	•	P2	•	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
the use of explosives Manufacture of rubber (including tires), steel																						
91. Manufacturing of chemical products, paints, pharmaceuticals, and plastics	•	•	•	•	•	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	C[2]	•	•	•	•
92. Manufacturing of stone, clay, glass and concrete products EXCEPT the following which are prohibited: • Manufacture of flat glass • Manufacture of cement and structural clay products • Manufacture of concrete, gypsum and plaster products • Manufacture of abrasive and asbestos products • Manufacture of nonclay refractories and crucibles • Processing and preparation of clay, ceramic and refractory minerals	•	•	•	•	•	•	•	•	•	•	P[2]	P[2]	•	•	•	•	•	P[2]	•	•	•	•
93. Manufacturing or processing of foods and beverages EXCEPT the following which are prohibited: • Meat and poultry packing	•	•	•	•	•	•	•	•	•	•	P[2]	P[2]	•	•	•	•	•	P[2]	•	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
plants • Grain mills • Sugar refining • Fats and oils processing mills • Seafood canneries and packaging (See also Breweries; Distilleries; Coffee roasting)																						
94. Massage— See also Acupressure (subject to the requirements of title 9, chapter II, article 22, massage establishments and practitioners)	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	P[2]	•	•	•	•	•
95. Medical laboratories	•	•	•	•	MC	MC	P	P	P	P	MC	MC	•	•	•	•	MC	MC	•	•	•	•
96. Metal fabrication, welding, foundry, die casting (subject to subsection 13-54(a), performance standards)	•	•	•	•	•	•	•	•	•	•	P[2]	P[2]	•	•	•	•	•	•	•	•	•	•
97. Motels— (Subject to requirements of chapter IX, article 8, motels) Excluding Hotels listed separately	•	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	•	•	•	•	•	•	•	•	•
98. Motion picture and television studios	•	•	•	•	C	C	C	C	•	•	P	P	•	•	•	•	P	P	•	•	•	•
99. Motion picture theaters and other theaters not within 200 feet of residential zones	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•	•
100. Motion picture theaters and other	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	C	•	•	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
theaters within 200 feet of residential zones																						
101. Motor oil, used—Collection facility (subject to the requirements of chapter IX, article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	P[2]	P[2]	P[2]	•	P[2]	P[2]	•	•	•	•	P[2]	P[2]	P[2]	P[2]	•	•
102. Motor vehicle, boat, and motorcycle retail sales, leasing, rentals and service with two or more outdoor display parking spaces	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
103. Motor vehicle, boat, and motorcycle retail sales, leasing, and rentals with one or less outdoor display parking space and no service (subject to verification of parking availability)	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
104. Motor vehicle service stations	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•	•
105. Motor vehicle service stations with concurrent sale of alcoholic beverages (subject to requirements of chapter IX, article 3, concurrent sale of alcoholic beverages and motor vehicle fuel)	•	•	•	•	•	•	C[2]	C[2]	C[2]	•	•	•	•	•	•	•	C[2]	•	•	•	•	•
106. Motor vehicle; boat; and motorcycle repair services (including body and	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR - LD[1]	PDR - MD[1]	PDR - HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
paint work), not within 200 feet of residential zone (subject to subsection 13-54(b))																						
107. Motor vehicle; boat; and motorcycle repair services (including body and paint work), within 200 feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	C	C	C	•	C	C	•	•	•	•	C	C	•	•	•	•
108. Nurseries (retail with no bulk fertilizer)	•	•	•	•	•	C	C	P	P	•	C	C	•	•	•	•	•	•	•	•	•	•
109. Offices: central administrative	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
110. Offices: engineering; architectural; and surveying services; management; consulting and public relations	•	•	•	•	P	P	P	P	P	P	P	P	•	MC	MC	MC	P	P	•	•	•	•
111. Offices: general	•	•	•	•	P	P	P	P	P	P	MC	MC	•	MC	MC	MC	P	P	•	•	•	•
113. Offices: medical and dental	•	•	•	•	P	P	P	P	P	P	•	•	•	MC	MC	MC	P	MC	MC	•	•	•
114. Offices: services to businesses such as bookkeeping and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
115. Off-street parking lots and structures including related maintenance buildings	•	•	•	•	C	C	C	C	C	P	C	C	•	•	•	C	C	C	C	C	•	P
116. Off-street parking lots and structures,	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	MC	MC	MC	MC	MC	•	MC

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR - LD[1]	PDR - MD[1]	PDR - HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
incidental uses within																						
117. Oil fields; oil wells (see chapter XIV, oil drilling)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
118. Pawn shops	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•
119. Photocopying; blueprinting and related services	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
120. Photofinishing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
121. Photofinishing stores	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	•	P	P	•	•	•	•
122. Photography: Commercial	•	•	•	•	P	P	P	P	P	P	MC	MC	•	•	•	•	P	MC	•	•	•	•
123. Photography: portrait studio	•	•	•	•	P	P	P	P	P	P	•	•	•	•	•	•	P	MC	•	•	•	•
124. Physical fitness facilities	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
125. Printing and publishing	•	•	•	•	•	•	MC	P	MC	MC	P	P	•	•	•	•	P	P	•	•	•	•
126. Recording studios	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•
127. Recycling and collection facilities for nonhazardous materials	•	•	•	•	•	MC	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	MC	MC	•	•
128. Research and development laboratories— Other than cannabis and/or marijuana testing laboratories	•	•	•	•	C	C	C	P	C	C	P	P	•	•	•	•	•	P	•	•	•	
129. Restaurants— See Establishments where food or beverages are																						

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
served																						
130. Retail: general—Excluding antique malls, pawn shops, supermarkets, grocery stores, convenience stores; and liquor stores listed separately	•	•	•	•	•	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
131. Retail, incidental sales to the main use (subject to the requirements of section 13-54(a), incidental retail sales)	•	•	•	•	P	P	P	P	P	P	P[2]	P[2]	•	P	P	P	P	P[2]	•	•	•	•
132. Retail: nonstore	•	•	•	•	P	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
133. Rifle, pistol, and firing ranges	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	C	•	•	•
134. Sexually-oriented businesses (subject to the requirements of title 9, chapter IV and title 13, chapter IX, sexually-oriented businesses)	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	•	P[2]	•	•	•	•	•
135. Skating rinks	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	C	C	C	C	C	•	•
135a. Smoking lounge (subject to chapter IX, article 19, smoking and vaping uses)	•	•	•	•	•	•	•	•	C[2]	•	•	P[2]	•	•	•	•	C[2]	•	•	•	•	•
135b. Smoking/vaping retailer (subject to chapter IX, article 19, smoking and vaping	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
uses)																						
136. Storage of chemicals and allied products (except as incidental use)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
137. Storage of explosives	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
138. Storage of fertilizer	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•
139. Storage of motor vehicles— Outdoor (not including impound yard)	•	•	•	•	•	•	C	C	C	•	MC	MC	•	•	•	•	C	MC	•	•	•	•
139a. Storage of motor vehicles— Indoor only (not including impound yard)	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
140. Storage of petroleum and coal products	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
141. Storage of rock, sand, crushed aggregate and gravel	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•
142. Studios: dance; martial arts; music, etc.	•	•	•	•	•	•	P	P	P	MC	MC	MC	•	MC	MC	MC	P	MC	•	•	•	•
143. Supermarkets— See also Grocery stores	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•	•
143a. Specialty stores	•	•	•	•	•	•	P	P	P	P	•	•	•	•	MC	MC	MC	•	•	•	•	•
144. Tattoo parlors	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•	•
145. Tire sales and installation not within 200 feet of residential zone	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
146. Tire sales and installation within 200 feet of residential zone	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•
147. Tow companies with or without impound yard	•	•	•	•	•	•	C	C	C	•	MC	MC	•	•	•	•	•	MC	•	•	•	•
148. Transfer station for refuse, sewage treatment	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	C	C	•	•	•
149. Trucking: local and long distance	•	•	•	•	•	•	•	C	•	•	P	P	•	•	•	•	•	C	•	•	•	•
150. Warehouses, mini (subject to the requirements of chapter IX, article 7, mini- warehouses)	•	•	•	•	•	•	C[2]	C[2]	C[2]	•	MC[2]	MC[2]	•	•	•	•	•	MC[2]	•	•	•	•
151. Warehouses, public	•	•	•	•	•	•	C	C	C	•	P	P	•	•	•	•	•	P	•	•	•	•
152. Warehousing of durable and nondurable goods except livestock and poultry—See also Storage	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
153. Wholesale trade of motor vehicles, boats and motorcycles with outdoor storage of vehicles	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
154. Wholesale trade of motor vehicles, boats and motorcycles without outdoor storage of vehicles	•	•	•	•	•	MC	MC	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX
ZONES

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S1	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S1	I&RMLT[1]	P
155. Wholesale trade of durable, nondurable goods, except livestock, poultry and perishable goods	•	•	•	•	•	MC	MC	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•

Notes:

1	Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan. Residential uses shall not be permitted on any site or parcel of land on which residential uses are expressly prohibited by the general plan.
2	This use is subject to the requirements of the referenced Municipal Code article or section.
3	If residential uses exist, accessory uses shall be permitted.
4	For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C—Conditional Use Permit; MC—Minor Conditional Use Permit; P—Permitted; •—Prohibited; and S—Special Use Permit.
5	Six hundred fifty foot separation required between sober living homes, or from state licensed alcohol or drug abuse recovery or treatment facilities. CMMC 13-311(a)(10)(i).
6	Subject to the separation requirement set forth in sections 13-322(a)(3) and 13-323(b).
7	Small boardinghouses shall locate at least 650 feet from any other small boardinghouse. Large boardinghouses shall be located at least 1,000 feet away from any other boardinghouse.
8	Uses prohibited in the base zoning district of a mixed-use overlay zone shall also be prohibited in the overlay zone.
9	Prohibited at the SoCo property, 3303 through 3323 Hyland Ave.
10	Emergency shelters located on sites owned, controlled, and/or operated by the city in the MP and/or the PDI zone are a permitted use, not subject to a master plan requirement and the standards in section 13-200.79(1), (2), (4), (8), (10) and (13) do not apply to such uses.
11	Supportive housing, as defined in Government Code Section 65650, shall be permitted by-right in all zones where multifamily and mixed uses are permitted by-right, provided it is consistent with Government Code Sections 65650 – 65656.
12	Pursuant to Government Code Section 65583(c)(3), transitional and supportive Housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zoning district.
13	Low barrier navigation centers shall be permitted by-right provided they are consistent with the requirements in Government Code Sections 65660-65668.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-4, § 2, 2-2-98; Ord. No. 98-5, § 8, 3-2-98; Ord. No. 00-5, § 1(b), 3-20-00; Ord. No. 01-1, § 1, 1-15-01; Ord. No. 01-30, § 1a(Att. A), 1-7-02; Ord. No. 02-4, § 1b(Att. A), 3-18-02; Ord. No. 02-12, § 1c, 6-17-02; Ord. No. 05-2, § 1f.(Att. A), 2-22-05; Ord. No. 05-11, § 2b., 7-19-05; Ord. No. 06-2, § 1a., 2-7-06; Ord. No. 06-9, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 2-6-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2B., 3-19-13; Ord. No. 14-04, § 2B., 4-1-14; Ord. No. 14-13, 10-21-14; Ord. No. 15-06, §§ 1—3, 7-7-15; Ord. No. 15-10, § 2B, 9-15-15; Ord. No. 15-11, §§ 3—5, 11-17-15; Ord. No. 16-01, § 4, 1-19-16; Ord. No. 16-09, §§ 4, 5(Exh. A), 10-4-16; Ord. No. 16-13, § 2, 11-15-16; Ord. No. 16-15, § 5, 11-8-16; Ord. No. 18-03, § 3, 1-16-18; Ord. No. 18-04, § 3, 4-3-18; Ord. No. 19-13, § 3, 9-3-19; Ord. No. 19-15, § 1, 9-17-19; Ord. No. 21-03, § 4, 3-2-21; Ord. No. 21-08, § 1, 6-15-21; Ord. No. 21-20, § 1, 12-7

Article 11. Mixed-Use Overlay District (MUOD)

13-83.50. Purpose

13-83.51. Definitions

13-83.52. Mixed-use development types

13-83.53. Application review procedures in mixed-use overlay district

13-83.54. Mixed-use development standards

13-83.55. Mixed-use compatibility standards

13-83.56. Phase mixed-use developments

13-83.57. Harbor Mixed-Use Overlay

13-83.58. Properties identified in Housing Element

(a) **Purpose.**

(1) The purpose of this Section is to implement the City's currently adopted Housing Element by establishing zoning provisions for sites identified in the Housing Element Sites Inventory to accommodate the City's lower-, moderate-, and above-moderate-income Regional Housing Needs Allocation (RHNA) consistent with Government Code sections 65583 and 65583.2, Subsections (c), (h) and (i).

(b) **Applicability.**

(1) The provisions of this Section shall apply to all sites identified in the City's currently adopted Housing Element Sites Inventory to accommodate the City's RHNA, shown in the Housing Element as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA or any future adopted Housing Element Sites Inventory to accommodate the City's RHNA.

(2) **Previously Identified Sites**. The provisions of this Section shall also apply to any non-vacant Housing Element Site that was identified in a prior Housing Element and any vacant Housing Element Site that was identified in two or more consecutive prior Housing Elements, consistent with Government Code Section 65583.2 Subsection (c). Such sites shall be subject to the minimum density and by-right approval standards established in this Section. Such sites are identified in the City's currently adopted Housing Element Sites Inventory, shown as Table

B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA or any future adopted Housing Element Sites Inventory to accommodate the City's RHNA.

(3) **Exception.** The provisions of this Section shall not apply to residential projects, mixed-use projects, or other projects located within the boundaries of the Fairview Developmental Center Specific Plan or any of the following properties identified in Table B-6 of the Housing Element by address or APN:

- 610 W. 18th St. (HE Site 96)
- 3390 Harbor Blvd. (HE Site 134)
- 3390 Harbor Blvd. (HE Site 136)
- 3315 Fairview Rd. (HE Site 137)
- 1201 S. Coast Dr. (HE Site 138)
- 3400 Bristol St. (HE Site 139)
- 685 Sunflower Ave. (HE Site 140)
- 3410 Bristol St. (HE Site 141)
- 3333 Bristol St. (HE Site 145)
- APN: 412-491-11 (HE Site 146)
- 3333 Bristol St. (HE Site 147)
- 2180 Harbor Blvd. (HE Site 194)
- 2180 Harbor Blvd. (HE Site 195)
- APN: 140-041-83 (HE Site 198)
- 3333 Susan St. (HE Site 196)
- 1590 Adams Ave. (HE Site 203)
- 1590 Adams Ave. (HE Site 204)
- 3420 Bristol St. (HE Site 205)

(c) **Severability and State Law Consistency.**

(1) This Section is intended to be consistent with, and shall be interpreted and applied to comply with, all applicable requirements of State housing law, including Government Code Sections 65915(c)(3), 65583 and 65583.2 as those provisions may be amended from time to time, and any successor statutes. If any provision of this Section conflicts with State law, the applicable State law shall control.

(2) If any provision of this Section, or its application to any person or circumstance, is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect other provisions or applications of this Section that can be given effect without the invalid provision or application. The City Council declares that it would have adopted this Section and each provision, section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more provisions may be declared invalid or unenforceable.

(d) **Definitions**

(1) **"Housing Element Site"** means any site identified in the currently adopted Housing Element Sites Inventory to accommodate the City's (RHNA), shown in the Housing Element as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA.

(2) **"Lower-Income Household"** has the same meaning as defined in Health and Safety Code Section 50079.5.

(3) **"Lower-Income Housing Element Site"** means any Housing Element Site identified in the currently adopted Housing Element that accommodates any portion of the City's lower-income RHNA and subject to the requirements of Government Code Section 65583.2 (h) and (i), shown in the Housing Element as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA.

(4) **"Use by Right"** has the same meaning as in Government Code Section 65583.2 Subsection (i) and requires ministerial approval for multifamily housing developments in which at least 20 percent of the total number of units are affordable to lower-income households. "Use by Right" means that the review of an owner-occupied or renter-occupied multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(5) **"Prior Housing Element Site"** means any non-vacant Housing Element Site that was identified in the prior Housing Element and any vacant Housing Element Site that was identified in two or more consecutive prior Housing Elements. Such sites are identified in the City's currently adopted Housing Element Sites Inventory, shown as Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA.

(6) **"Protected Unit"** means any unit that, within the past five years, was occupied by a lower-income household regardless of whether the unit was deed-restricted or that was subject to an affordability covenant or rent control.

(e) **Supersession of Overlay**

(1) **For Lower-Income Housing Element Sites**:

- **Supersession of Other Zoning Provisions.** Projects on Lower-Income Housing Element Sites shall be governed by this Section, and the provisions in this Section shall supersede and prevail over any conflicting provisions of the underlying base zone, including, but not limited to, minimum residential floor area, minimum residential capacities and densities, unit caps, trip budgets (if applicable), ministerial review and approval requirements, and permitted uses, and all other applicable zoning provisions, such as other urban plans, overlays, and specific plans, and the provisions of this Article that apply to non-Lower-Income Housing Element sites. Notwithstanding the foregoing, to the extent an applicable Specific Plan allows for more permissive standards or greater heights, projects on Lower-Income Housing Element Sites may utilize such standards or heights.

- **Ministerial Review and Approval.** Projects on Lower-Income Housing Element Sites shall be a Use by Right pursuant to Subsection (f)(1).
- **Minimum Residential Floor Area.** Projects on Lower-Income Housing Element Sites shall satisfy the minimum residential floor area requirements established in Subsection (g)(3).
- **Minimum Residential Site Capacity and Density.** Projects on Lower-Income Housing Element Sites shall satisfy the minimum residential capacity and density requirements established in Subsection (h)(1)(ii) and (h)(1)(iii).

(f) **Review and Approvals Procedures**

(1) **Use by Right.** A project on a Lower-Income Housing Element Site that provides at least 20 percent of the total dwelling units affordable to Lower-Income Households shall be processed as a Use by Right, consistent with Government Code Section 65583.2(h) and (i). Such projects shall be subject only to ministerial review to verify compliance with all applicable objective design and development standards in accordance with a Streamlined Development Review process per CMMC Title 13, Chapter III (Planning Applications). A project that does not qualify as a Use by Right shall be processed in accordance with a Development Review process per CMMC Title 13, Chapter III (Planning Applications).

(2) **Subdivision.** Any subdivision of a Lower Income Housing Element Site shall comply with all applicable provisions of CMMC Title 13, Chapter XI (Subdivisions) and the Subdivision Map Act.

(g) **Permitted Uses**

(1) **Multi-Family Dwellings.** Multi-family dwellings shall be permitted on all Housing Element Sites subject to the requirements of this Section.

(2) **Non-Residential Uses.** Those non-residential uses permitted in Commercial Zones in accordance with CMMC Title 13, Chapter IV (Citywide Land Use Matrix) shall be permitted as part of mixed-use projects on all Housing Element Sites.

(3) **Mixed-Use on Lower-Income Housing Element Sites**. Mixed-use projects shall be permitted on Lower-Income Housing Element Sites so long as at least 50 percent of total floor area is provided as residential uses, consistent with Government Code Section 65583.2, Subsection (h)(1)(B).

(4) **Multi-Family Dwellings on Lower-Income Housing Element Sites**. Multi-family dwellings consisting of 100 percent residential uses shall be permitted on Lower-Income Housing Element Sites, consistent with Government Code Section 65583.2, Subsection (h)(1)(B).

(h) Development Standards

(1) Density Standards

- **Maximum Densities**. Maximum residential densities shall be permitted as specified in the Housing Element Sites Inventory.
- **Minimum Site Capacity for Lower-Income Housing Element Sites.** If the identified maximum density of a Lower-Income Housing Element Site does not allow at least 16 dwelling units on site, then the maximum density identified shall be waived, and the maximum number of dwelling units permitted shall be 16 dwelling units on site consistent with Government Code Section 65583.2 Subsection (h).
- **Minimum Densities for Lower-Income Housing Element Sites.** A project proposed on a Lower Income Housing Element Site shall meet a minimum density requirement of 20 units per acre, inclusive of Accessory Dwelling Units, consistent with Government Code Section 65583.2, Subsection (h).

(2) Off-Street Parking Standards

- **Residential Uses.** Minimum off-street parking requirements for multi-family dwellings on Housing Element sites are provided in Table 13-83.58-A. Minimum Off-Street Parking Requirements.
- **Non-Residential Uses.** Minimum off-street parking requirements for those permitted non-residential uses on Housing Element sites shall be subject to CMMC Title 13, Chapter VI (Off-Street Parking Standards).

Table 13-83.58-A. Off-Street Parking Standards for Residential Uses

TABLE 13-83.58-A. OFF-STREET PARKING STANDARDS		
Dwelling Unit Type	**Minimum Off-Street Parking Requirement**	**Minimum Off-Street Guest Parking Requirement**
Studio or 1-bedroom unit	No minimum	No minimum
2 or more bedrooms per unit	No minimum	No Minimum

(3) Development Standards

- Minimum and maximum requirements for building height, non-residential intensity, setbacks, lot coverage, and open space are provided in Table 13-83.58-B. Development Standards.

Table 13-83.58-B. Development Standards.

TABLE 13-83.58-B. DEVELOPMENT STANDARDS			
RESIDENTIAL DENSITY AND BUILDING HEIGHT STANDARDS			**ADDITIONAL PROVISIONS**
Min. Residential Density[1]	Max. Residential Density[2]	Max. Building Height	
20 du/ac	40 du/ac	60 ft.	
	50 du/ac		
	60 du/ac	72 ft.	
	90 du/ac	108 ft.	Or an applicable Specific Plan, whichever is higher

NON-RESIDENTIAL INTENSITY STANDARDS		**ADDITIONAL PROVISIONS**
Min. FAR	None	
Max. FAR	1.0	

SETBACK STANDARDS[3]		**ADDITIONAL PROVISIONS**
Front or side abutting a public street	Min. 10 ft. and max. 20 ft.	
Side or rear abutting alley	0 ft.	
Side or rear abutting:		
• Residential zone	20 ft.	
• Industrial use		
Side or rear abutting bluff crest	10 ft.	Section 13-34 (Bluff-Top Development) of Chapter V of Title 13 of the Costa Mesa Municipal Code

LOT STANDARDS		**ADDITIONAL PROVISIONS**
Min. lot size	None	
Max. lot coverage	90%	

OPEN SPACE STANDARDS		**ADDITIONAL PROVISIONS**
Usable common residential open space[4]	Total area equivalent to min. 30% of lot	Or as provided in an applicable Specific Plan
Usable private open space[5]	Min. 100 sq. ft./unit provided on the ground floor for dwelling units located on the ground floor, and min. 50 sq. ft./unit provided for dwelling units located above the ground floor	Or as provided in an applicable Specific Plan

Table 13-83.58-B. Development Standards.

TABLE 13-83.58-B. DEVELOPMENT STANDARDS		
RESIDENTIAL DENSITY AND BUILDING HEIGHT STANDARDS		ADDITIONAL PROVISIONS
Publicly accessible open space	Total area equivalent to min. 5% of commercial gross floor area for developments with a commercial gross floor area greater than 100,000 sq. ft.	

1 Based on the currently adopted Housing Element Sites Inventory.
2 Only applicable to Lower-Income Housing Element Sites and inclusive of Accessory Dwelling Units.
3 Minimum setbacks shall apply to all portions of a building or structure. Maximum setbacks along public streets shall only apply to a building or structure's ground floor, with exceptions for driveways, walkways, and open space.
4 All or a portion of the required usable common residential open space may be substituted by publicly accessible open space.
5 All or a portion of the required usable private open space may be substituted by usable common residential and/or publicly accessible open space.

(4) Objective Design Standards forthcoming.

- The City intends to prepare and adopt design standards to further guide the physical form and character of development on the rezoned sites. Until such standards are adopted, projects shall be subject only to the objective development standards contained in this Section. Upon adoption, the objective design standards shall apply to all projects subject to this Section and shall serve as the sole design criteria for ministerial review, consistent with Government Code Sections 65583.2 and 65589.5.

(i) Replacement of Protected Units

(1) **Demolition or Conversion of Protected Units.** Any project that involves the demolition or conversion of Protected Units, or that is located on a site where Protected Units were demolished or converted within the previous five years, shall comply with all applicable replacement housing, tenant protection, and right-of-return requirements under State Density Bonus Law, including Government Code Section 65915, Subsection (c)(3), and any successor statutes.

Article 1
Residential Districts

§ 13-84. Purpose.

The purpose of this article is to establish parking requirements for the residential zones. The provisions of this article shall apply to the R1, R2-MD, R2-HD and R3 zones, and to the residential portions of the planned development and Institutional and Recreational zones. Exception: These parking standards do not apply to high-rise residential developments in the North Costa Mesa Specific Plan; see the specific plan for applicable parking rates.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 07-2, § 1k., 2-6-07)

§ 13-85. Parking required.

In the residential districts, the following minimum off-street parking spaces shall be provided. The parking spaces shall provide safe and adequate ingress and egress and shall be maintained in connection with the building or structure and use of land.

(a) ***R1 zone and small-lot single-family common interest developments (excluding townhouses).*** Off-street parking in the form of a garage and open parking shall be provided as follows:

TABLE 13-85(A)
OFF-STREET PARKING STANDARDS FOR SINGLE-FAMILY DETACHED RESIDENCES IN R1 ZONE AND SMALL-LOT, DETACHED, RESIDENTIAL COMMON INTEREST DEVELOPMENTS

Single-Family Detached Residence with 4 Bedrooms or Fewer		
Garage Parking Spaces	**Open Parking Spaces[1]**	**Total Parking Spaces**
2	Lots without garage access from alley: 2	4
	Lots with garage access from alley: 1	3
Single-Family Detached Residence with 5 Bedrooms or More[2]		
New Construction		
Garage Parking Spaces[2]	**Open Parking Spaces[1,2]**	**Total Parking Spaces**
3	Lots without garage access from alley: 2	5
	Lots with garage access from alley: 1	4
Detached Common Interest Developments Up to 2 bedrooms		
2	1	3
Detached Common Interest Developments with 3 bedrooms or more		
2	2	4

[1] In R1 zones, required open parking may be provided in a garage or on a minimum 19-foot long, individual driveway leading to a garage. In common interest developments, required open parking may be provided on an

individual unit's driveway or within the common area. Open parking provided as tandem spaces is subject to approval of a minor conditional use permit.

2 For single-family detached residences with five bedrooms or more, tandem parking of up to two standard vehicles is permitted in the garage as it relates to new construction. Tandem garage parking for single-family detached residences shall exclusively consist of two standard parking spaces.

(1) Required garage dimensions. Each garage space shall have interior dimensions that are a minimum 10 feet wide by 20 feet long, unobstructed inside measurements. Each residence shall have no more than 700 square feet of garage area unless authorized by a minor conditional use permit.

(2) With approval of a minor modification, the planning division may allow the retention of an existing driveway access from a street to satisfy open parking requirements, at such time that garage access is proposed from an abutting alley.

(b) ***R2-MD, R2-HD, R3, PDR-LD, PDR-MD, PDR-HD, PDR-NCM and residential components of developments in the PDC and PDI zones.*** At the time of the construction of any building and/or when a structure is enlarged or increased by adding a bedroom(s), required parking shall be provided per Table 13-85. Exceptions:

(1) For lots that are zoned multiple-family residential and contain only one single-family detached residence, the parking requirements in Table 13-85(a) shall be applied.

(2) For individual lots in common-interest developments that contain only one single-family detached residence (excluding townhouses), the parking requirements in Table 13-85(a) shall be applied.

(c) ***Reduction of required parking prohibited.*** A property owner or property manager shall make available to tenants and guests the parking required by this subsection. No property owner or property manager shall lease, rent, sell, or otherwise make unavailable to residents and guests required parking. Furthermore, the rental of a dwelling unit shall be deemed to include the exclusive use of at least one covered parking space and equal access to the required open spaces reserved for residents.

(d) Parking for accessory dwelling units and junior accessory dwelling units shall be provided per the requirements of section 13-35.

TABLE 13-85 RESIDENTIAL PARKING STANDARDS			
Unit Size	Minimum Off-Street Parking Requirement [1, 2, 3, 4]		Minimum Off-Street Guest parking Requirement [5,6]
STUDIO OR 1 BEDROOM	1		0.25
2 BEDROOMS OR MORE	2		0.25

1 If covered parking for apartments is provided in a parking structure and there is more than one parking space in any parking structure, then there shall be no solid walls constructed to separate individual parking spaces.

2 If open tenant parking spaces are provided in a project, spaces shall be distributed throughout the project at convenient locations and shall be screened from view from any public right-of-way.

3 For projects with individual driveways that are at least 19 feet long and lead to a garage space(s) or a carport space(s), the driveway area may be used for satisfying tenant parking requirements.

4 Parking can be reduced by 0.25 space per unit for two bedroom and larger units if parking is provided within either a carport or a parking structure. For purposes of this section, a parking structure shall be defined as: a structure designed and constructed to provide covered automobile parking where parking spaces are located in a common area with no walls or other physical separations between spaces. Open parking requirements may be met by excess covered parking.

5 Guest parking shall be clearly marked and permanently maintained for individuals visiting within the development. Guest parking spaces shall not be allowed on individual driveways except for single family detached, townhomes, or duplexes, where the driveway is leading to a two-car garage.

6 Fractions equal to or above one-quarter (0.25) shall be rounded up.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-16, §§ 1s.—1u., 6-18-01; Ord. No. 02-4, § 1i, 3-18-02; Ord. No. 03-8, §§ 5—7, 9-2-03; Ord. No. 09-3, § 1c., 5-19-09; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 18-03, § 6, 1-16-18; Ord. No. 21-03, § 5, 3-2-21; Ord. No. 21-20, § 1, 12-7-21)

§ 13-86. Parking required in mixed-use overlay zone.

In the mixed-use overlay zone, residential parking rates are provided in the applicable urban plan.

(Ord. No. 06-9, § 1f., 4-18-06)

§ 13-87. General development standards.

General development standards for parking areas applicable to the residential zones are contained in Article 3, Development Standards, of this chapter.

(Ord. No. 97-11, § 2, 5-5-97)

Article 8
Motels

§ 13-172. Purpose and intent.

The purpose of this article is to establish operational and development standards, and requirements for motels which will ensure the continued availability of transient visitor and automobile tourist lodging within the city and to ensure the continued use of motels in the manner intended to provide such lodging.
(Ord. No. 14-11, § 1, 8-5-14)

§ 13-173. Definitions.

Long-term occupancy shall mean any occupancy in a motel in the city for a period exceeding 30 consecutive days or 30 days within any sixty-consecutive-day period.

Short-term occupancy shall mean any occupancy of a motel in the city for a period that does not fall within the definition of a long-term occupancy.
(Ord. No. 14-11, § 1, 8-5-14)

§ 13-174. Operational and development standards.

The following operational and development standards shall apply to all motels in the city and shall be included in conditions imposed upon the granting of any conditional use permit for such business, unless specifically modified by the conditional use permit:

(a) No property owner, motel operator or manager shall rent a room for a period that exceeds 30 consecutive days or 30 days within any sixty (6) consecutive day period, unless the property owner or motel operator has obtained a conditional use permit authorizing long-term occupancies pursuant to section 13-175.3.

(b) On-site management shall be available 24 hours a day.

(c) Each guest room shall be provided regularly-scheduled maid and housekeeping services. Such services shall be provided at least once every three days during any consecutive occupancy and at least once between each occupancy.

(d) In-room telephone service for emergency response purposes shall be provided in all guest rooms of the motel.

(e) Persons responsible for the renting of a room in any motel shall provide their name and permanent address, as verified by presentation of a valid driver's license or other valid identification, and the license number, state of license, make, model and year of any vehicle parked on-site or off-site. The registration information shall also include the dates of occupancy, length of stay and room rate. Such information shall be maintained for at least one year past the last day of stay of the guest.

(f) No room, suite or bed shall be assigned or rented more than once within any 24 hour period.

(g) The property owner/motel operator shall comply with the provisions of Chapter IV of Title 16 of the Costa Mesa Municipal Code pertaining to the operator's responsibility for the collection of transient occupancy tax.

(h) The business shall be conducted, at all times, in a manner that will allow the safe and quiet enjoyment of the surrounding neighborhood which includes, but is not limited to, security and operational measures to comply with this requirement.

(Ord. No. 14-11, § 1, 8-5-14)

§ 13-175. Application to existing businesses.

The requirements of this chapter, specifically including the long-term occupancy restrictions in section 13-174(a), shall apply to all motels in the city, whether it is new or was in existence prior to the effective date of this ordinance.

(Ord. No. 14-11, § 1, 8-5-14)

§ 13-175.1. Application to existing tenants.

(a) Nothing in this chapter shall require an existing tenant of a long-term occupancy, established prior to the effective date of this chapter, to move out of a unit they are already occupying. Those pre-existing long-term occupancies may continue pursuant to the terms of the existing lease or agreement, until that tenancy terminates by its own terms under the law.

(b) Whenever a long-term occupancy terminates, for whatever reason, the property owner/motel operator shall not re-lease that unit for a new long-term occupancy, except to the degree the motel will be in compliance with the requirements of this chapter.

(Ord. No. 14-11, § 1, 8-5-14)

§ 13-175.2. Procedure for compliance.

(a) Within 30 days of the effective date of this ordinance, the city shall notify the owners and operators of each motel in the city of the ordinance's adoption. The city shall send a copy of the ordinance, a "longterm occupancy form," and a schedule for compliance via certified return receipt mail. If a notice is returned, the city shall send the notice via standard U.S. mail.

(b) Within 30 days of the mailing of the notice in section 13-175.2(a), the property owner/motel operator shall submit a fully completed "long-term occupancy form" to the city that provides the total number of rooms used as long-term occupancies during the preceding 60 days; identify the long-term occupant by a valid driver's license or other valid identification; the make, year, and model of any vehicle parked on-site or off-site; and any other information to demonstrate compliance with the ordinance. If a property owner/motel operator fails to submit the long-term occupancy form, in addition to taking any other action authorized by law, the city shall estimate the total number of rooms used as long-term occupancies at zero.

(Ord. No. 14-11, § 1, 8-5-14)

§ 13-175.3. Conditional use permit for long-term occupancies.

A property owner/motel operator may apply for a conditional use permit authorizing the facility to exceed the long-term occupancy limits in section 13-174(a), subject to restrictions of the issuing authority. In order to be granted a conditional use permit under this section, the property owner/motel operator must demonstrate compliance with, and the city shall make a finding that, each of the following standards have been met:

(a) The motel must have a minimum of at least 75 rooms.

(b) Fireproof safety deposit boxes must be available to all occupants of the motel.

(c) Each guest room shall be provided regularly-scheduled maid, mail and housekeeping services. Such services shall be provided at least once every three days during any consecutive occupancy and at least once between each occupancy.

(d) Each room shall be a minimum of 375 square feet.

(e) The motel shall maintain on-site laundry services, available for use by guests.

(f) The proposed use is compatible with the surrounding neighborhood, uses, zoning and general plan.

(g) Each guest room shall have a fully equipped kitchen with an area for the preparation of food, and include the following: sink, cook top, oven and/or microwave oven, and refrigerator.

(Ord. No. 14-11, § 1, 8-5-14)

§ 13-175.4. Termination of tenancy.

(a) The provisions of this article shall not be used to terminate a tenancy in violation of the requirements of California Civil Code section 1940 et seq.

(b) When the conversion of motel to another use is proposed, the applicant shall comply with all applicable State and Federal laws related to the displacement and relocation of long-term occupants.

(Ord. No. 14-11, § 1, 8-5-14)

Title 13, Chapter IX, Article 15
Reasonable Accommodations

§ 13-200.60 Purpose.

It is the city's policy to provide reasonable accommodation in accordance with federal and state fair housing laws (42 USC § 3600 et seq., and Government Code § 12900 et seq.) for persons with disabilities seeking fair access to housing in the application of the city's zoning laws. The term "disability" as used in this article shall have the same meaning as the terms "disability" and "handicapped" as defined in the federal and state fair housing laws. The purpose of this article is to establish the procedure by which a person may request reasonable accommodation, and how the request is to be processed.

§ 13-200.61 Applicability.

Any person seeking approval to construct and/or modify residential housing for person(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities may apply for a reasonable accommodation to obtain relief from a Zoning Code provision, regulation, policy, or condition which causes a barrier to equal opportunity for housing.

§ 13-200.62 Reasonable Accommodations – Procedure.

(a) *Application required.* An application for a reasonable accommodation shall be filed and processed with the Planning Division. The application shall include the following information and be subject to the determinant factors required by this section.

(b) *Submittal requirements.* The application shall be made in writing, and shall include the following information:

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

(2) 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 individuals;

(3) Any other information that the director reasonably determines is necessary for evaluating the request for reasonable accommodation;

(4) Documentation that the applicant is: (a) an individual with a disability; (b) applying on behalf of one or more individuals with a disability; or (c) a developer or provider of housing for one or more individuals with a disability;

(5) The specific exception or modification to the zoning code provision, policy, or practices requested by the applicant;

(6) 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;

(7) Any other information that is reasonably necessary to determine whether the grounds for reasonable accommodation identified in subsection (e) of this section and the findings in subsection (f) of this section can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.

(c) *Fees.* No application fee is required.

(d) *Director action.* Within 60 days of receipt of a completed application, the director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. Any appeal to reasonable accommodation request denial or conditional approval shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for any other discretionary permit.

(e) *Grounds for reasonable accommodation.* The following factors shall be considered in determining whether to grant a requested accommodation:

(1) 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.

(2) 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.

a. 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.

b. In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, the degree of deviation from the City's General Plan, if any, 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.

(f) *Findings.* The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval. In making these findings, the director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

(1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.

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

(3) The requested accommodation 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. The determination of whether an accommodation poses an undue financial and administrative burden or whether a modification poses an undue financial and administrative burden must be made on a case-by-case basis and must consider various factors including:

a. The cost of the requested accommodation or the cost of a requested modification if the City is being requested to pay for the modification;

b. The financial resources of the person or persons who have a duty to provide the accommodation or the financial resources of the City if it is obligated to pay for the modification;

c. The benefits that a proposed alternative accommodation or modification would provide to the individual with a disability;

d. The availability of alternative accommodations or modifications that would effectively meet the disability-related needs of the individual with a disability;

(4) The requested accommodation demonstrates scale and intensity of use comparable to adjacent and nearby uses.

(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others. The assessment of whether the specific accommodation in question poses a direct threat to the health or safety of others or would cause substantial physical damage to the property of others must be based on objective evidence, and not unsubstantiated inferences. The evidence must be sufficiently recent as to be credible. The assessment must consider:

a. The nature, duration, and severity of the risk of a direct threat to the health and safety of others or of substantial physical damage to the property of others;

b. The likelihood that a direct threat to the health or safety of others or substantial physical damage to the property of others will actually occur; and

c. Whether there are any additional or alternative reasonable accommodations that will eliminate the direct threat to the health or safety of others or substantial physical damage to the property of others.

(6) If economic viability is raised by the applicant as part of the applicant's showing that the requested accommodation is necessary, then a finding that the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants generally, not just for that particular applicant.

(7) The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.

(g) The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:

(1) Whether the requested accommodation would fundamentally alter the character of the neighborhood.

(2) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

(3) Whether granting the requested accommodation would substantially undermine any express purpose of either the City's general plan or an applicable specific plan.

(4) Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

(5) Any other factors that would cause a fundamental alteration in the city's zoning program, as may be defined in the Fair Housing Law.

§ 13-200.63 Severability.

Should any section, subsection, clause, or provision of this article for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this article; it being hereby expressly declared that this article, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This article shall be prospective in application from its effective date.

Article 18
Emergency Shelters

§ 13-200.79. Purpose and intent.

The purpose of this article is to establish operational and development standards for emergency shelters to ensure that these uses are operated to address the homeless' needs and consistent with the requirements of sections 65582, 65583, and 65589.5 of the Government Code relating to local planning.

Development standards. The following development and operational standards shall apply to establishment of emergency shelters as defined by the Zoning Code; provided, however, that operational standards (1), (2), (4), (8), (10) and (13) shall not apply to emergency shelters owned, controlled and/or operated by the City of Costa Mesa.

(1) The maximum length of stay shall not exceed 120 days in a 365-day period.

(2) Each emergency shelter may have a maximum of 30 beds.

(3) Off-site parking shall be provided at a parking rate of one parking space per employee during the largest shift, provided that the amount of parking required does not exceed the amount of parking required for any other residential or non-residential uses within the same zone.

(4) Stays at an emergency shelter facility shall be limited to the hours of 5:00 p.m. and 8:00 a.m. the following day. Each emergency shelter shall provide an interior and exterior waiting area adequate to accommodate waiting clients and to prevent queuing into the public right-of- way. An exterior waiting area shall be physically separated and visually screened from the public right-of-way.

(5) The emergency shelter facility shall provide an on-site resident manager on site at all times.

(6) A minimum distance of 300 feet shall be maintained from another emergency shelter. The distance of separation shall be measured in a straight line between the property lines of each use without regard to intervening structures or objects.

(7) The shelter operator shall provide minimum exterior lighting in compliance with the city's security requirements.

(8) The shelter operator shall patrol a half-mile radius surrounding the shelter site during hours that the shelter is in operation to ensure that shelter clients and homeless individuals who have been denied access are not congregating in the neighborhood.

(9) An operations plan shall be submitted for review and approval by the development services director and police chief prior to operation of the emergency shelter. The plan shall include minimum provisions related to on-site security and safety, staff training, loitering control, client eligibility, counseling services, and indoor and outdoor management of the facility.

(10) No emergency shelter in the MP Industrial Park zone that is also located in an area subject to the jurisdiction of the airport land use commission shall commence operation until the commission either approves the action or permit pursuant to the procedures set forth in Public Utilities Code section 21676(b) or, if denied, the city overrules the commission's decision.

(Ord. No. 13-1, § 2C., 3-19-13; Ord. No. 19-15, § 2, 9-17-19)

Article 3

Transportation System Management

§ 13-271 Purpose.

The purpose of this article is to set forth the provisions for assuring an adequate transportation system in conjunction with new development.
(Ord. No. 97-11, § 2, 5-5-97)

§ 13-272 Definitions.

For the purpose of this article, the following definitions shall apply:

Development project. This article applies to the following development project approvals: general plan amendments, specific plans, master plans, rezones, development reviews, variances, use permits, major modifications, minor modifications and development agreements, unless otherwise exempted by section 13-276, Exemptions.

Intersection. The general area where two or more roadways join or cross.

Measurable traffic. A volume of traffic which will result in a 0.01 or greater increase in the peak period volume to capacity ratio at any given signalized intersection.

Potentially deficient intersection. An intersection identified in the general plan for which the standard level of service may not be feasible upon general plan buildout. The intersection volume to capacity ratios identified in the general plan shall not be exceeded for these intersections.

Pro rata. A proportionate share based on a development project's impacts.

Standard level of service. The standard level of service shall be level of service "D" or better (0.90 or less volume to capacity ratio) for all signalized arterial intersections within the city during peak hours Monday through Friday with the exception of those intersections identified as potentially deficient in the general plan. Levels of service shall be defined and computed using the Intersection Capacity Utilization (ICU) methodology.

Transportation demand management program. A series of required and/or voluntary actions which reduce the vehicle trip generation rate of a specific use or uses of land.
(Ord. No. 97-11, § 2, 5-5-97)

§ 13-273 Comprehensive transportation system improvement program.

(a) Purpose. The comprehensive transportation system improvement program shall be adopted by resolution of the city council which addresses the cumulative impacts of development in a defined impact area. This program shall mandate circulation improvements, including freeway improvements, to ensure that the master plan of highways is constructed and that the standard level of service is achieved and will be maintained at all intersections in the defined impact area in accordance with the general plan. For those intersections identified as potentially deficient, the program shall identify the maximum improvements feasible in accordance with the general plan. The program shall address the funding, construction and maintenance of transportation facilities to implement the master plan of highways. The program shall be updated on an annual basis.

(b) Relationship to development fee program. The comprehensive transportation system improvement program shall be utilized to determine the pro rata share of the cost of necessary improvements attributable to development projects as described in section 13-274, Development fee program.

(c) Development phasing and performance monitoring report. Each year the city shall prepare a development phasing and performance monitoring report which shall be used to update the comprehensive transportation system improvement program.

(d) Interim approval procedure. Until such time as this program is adopted, development projects not exempted pursuant to section 13-276, Exemptions, may be approved if the city adopts findings that the development projects are consistent with the provisions of this article. (Ord. No. 97-11, § 2, 5-5-97)

§ 13-274 Development fee program.

(a) Establishment of development impact fee program. A development impact fee program shall be established by resolution of the city council based on the comprehensive transportation system improvement program. The program shall set forth the basis for the fee as required by State Government Code section 66001. The program shall establish guidelines for payment, accounting, and refund of the fees collected as required by State Government Code Sections 66001, 66006 and 66007.

(b) Updates of fee. On an annual basis, the city council shall review this fee program, as required by State Government Code section 66002, to determine whether the fee amounts are reasonably related to the impacts of development projects and whether the described public facilities are still needed.

(c) Limited use of fees. The revenues raised by payment through this fee program shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

(1) Pay for the city's future construction of facilities or to reimburse the city for those facilities, described or listed in the program, constructed by the city with funds advanced by the city from other sources; or

(2) Reimburse developers who have been required or permitted to install such listed facilities to the extent the actual cost of the facilities installed by the developer exceeds the impact fee obligation of the development project.

(d) Developer construction of public facilities. Whenever the conditions of approval of a development project require direct construction of a public transportation facility (see section 13-275(c), Development project review procedures) described or listed in the comprehensive transportation system improvement program, a credit or reimbursement, as applicable, shall be given against the development impact fee, which would have been charged to the development project under the program, for actual construction costs incurred by the developer. The reimbursement and/or credit amount shall not include any improvements the city can require from the development project under the Subdivision Map Act, or the portion of the improvement deemed to be an on-site improvement that is not included in the comprehensive transportation system improvement program.

(e) Fee adjustments. A developer of any development project subject to the fee program provided in this article may apply to the city council for:

(1) A waiver of the fee, or portion of the fee, based upon adequate documentation of the absence of any reasonable relationship or nexus between the circulation impacts of that development project and either the amount of the fee charged or the type of facilities to be financed; or

(2) A reduction of the fee based upon the implementation of a transportation demand management program, as described in section 13-275(d), Development project review procedures.

(3) The application for a fee waiver shall be made in writing and filed with the city clerk not later than:

a. 10 days prior to the public hearing on the development permit application for the project; or

b. If no development permit is required, at the time of the filing of the request for a building permit.

(4) The application shall state in detail the factual basis for the claim of waiver. The city council shall consider the application at the public hearing on the permit application held within 60 days after the filing of the application. The decision of the city council shall be final. If a waiver is granted, any change in use or increase in building intensity within the development project shall invalidate the waiver of the fee, and the developer shall be obligated to pay the full amount of the fee attributed to the development project, including the change in use or increase in intensity, as provided by this article.

(f) Fee refunds. A refund shall be made when a building permit expires and no extensions have been granted for a development project for which the funds have been collected and the development project has not been constructed.

(g) Fees for phased development projects. Where there is a requirement imposed upon a phased development project pursuant to this article for the payment of traffic impact fees into a comprehensive transportation system improvement program, such fees may be payable on a pro rata basis as each phase of the project is completed, in conjunction with the improvements accomplished.
(Ord. No. 97-11, § 2, 5-5-97)

§ 13-275 Development project review procedures.

(a) Traffic study required. A traffic impact study shall be required for all development projects estimated by the public services director to generate 100 or more vehicle trip ends during a peak hour. Traffic studies may also be required for smaller projects at the discretion of the public services director. The cost of the study shall be paid for by the developer. The study area and number of intersections to be analyzed shall be determined by the public services director and the study area shall be reasonably related to the estimated impacts attributed to the development project. The traffic study shall also identify mitigation measures that are reasonably related to the development project's traffic impacts.

(b) Mitigation measures. Mitigation measures for development projects shall consist of either payment of a development impact fee and/or construction of circulation improvements. The necessary circulation improvements may be designed and constructed by the developer as determined by the city. These mitigation measures shall be incorporated as conditions of the development project's approval. Table 13-275 indicates the criteria for either requiring payment of a development impact fee and/or construction of circulation improvements.

(c) Approval criteria. A development project may be approved if as a condition of approval it is required to construct a circulation improvement and/or pay a development impact fee, as shown in Table 13-275, and if a finding is made that the development project's impacts will be mitigated at all affected intersections within three years of issuance of the first building permit for the development project, as described in subsection (b), unless additional right-of-way or coordination with other government agencies is required to complete the improvement. If right-of-way acquisition or coordination with other governmental agencies delays the improvement construction, appropriate measures shall be taken to ensure that the improvement construction occurs in a timely manner. Circulation improvements may be required sooner if, because of extraordinary traffic generation characteristics of the development project or extraordinary impacts to the surrounding circulation system, the circulation improvements are necessary to prevent significant adverse impacts. For phased development projects, the construction of circulation improvements may be phased as well based upon the findings of the traffic study.

When a development project affects a potentially deficient intersection, the development project's impacts shall be mitigated such that the intersection volume to capacity ratios identified in the general plan shall not be exceeded.

(d) Transportation demand management program. Where a transportation demand management program is used to reduce vehicle trips related to a development project, the program shall comply with the following:

(1) A conditional use permit for the development project and program must be approved by the planning commission consistent with the requirements of subsection (c). An annual report shall be prepared for the city at the expense of the property owner, to show whether the vehicle trip reduction identified in the program has been achieved and maintained.

(2) If the annual report demonstrates that the vehicle trip reductions identified in the program have not occurred, the conditional use permit shall be reevaluated and additional conditions imposed by the planning commission in order to meet the requirements of this article.

(3) The traffic impact development fees required under this article shall be based on the trip generation forecast without consideration of estimated reductions associated with a transportation demand management program. An application for a fee reimbursement may be approved by the city council pursuant to section 13-274(e), Development fee program, based upon documentation of average annual trip reduction over a three-year period as reported in the annual monitoring report referenced in section 13-273(c), Comprehensive transportation system improvement program.

(e) Change of use. Each development project approved under this article shall be reevaluated by the public services director when any change in use occurs which may increase the project's traffic generation. The purpose of this reevaluation is to assure that traffic capacity is available in the transportation system. Any increase in traffic generation by the change of use shall be subject to review by the appropriate reviewing authority who may impose additional conditions on the development project for the mitigation of the increased traffic generation.

TABLE 13-275 DEVELOPMENT IMPACT CRITERIA				
PROJECT DEVELOPMENT SIZE	**INTERSECTION CONDITION**	**ICU INCREASE[1]**	**MITIGATION MEASURE(S)**	**INTENT OF MITIGATION MEASURE(S)**
Projects generating less than 100 peak hour trip ends	Adequate (Standard Level of Service or better) OR Deficient (exceeds Standard Level of Service)	Less than 1%	Payment of impact fee	Contribute to implementation of the Comprehensive Transportation System Improvement Program
		1% or greater		
Projects generating 100 or more peak hour trip ends	Adequate (Standard Level of Service or better) OR Deficient (exceeds Standard Level of Service)	Less than 1%	Payment of impact fee	Contribute to implementation of the Comprehensive Transportation System Improvement Program
		1% or greater	Payment of impact fee and improvement construction by developer under conditions listed in footnote #2	Contribute to implementation of the Comprehensive Transportation System Improvement Program and mitigate development project's impacts

1 ICU = Intersection Capacity Utilization

2 When the project contributes 50% or more of the incremental impact at the intersection and all of the improvements identified in the general plan at the subject location are required as mitigation. If all of the improvements identified in the general plan are not required as mitigation, then only the improvements determined necessary by the public services director shall be constructed by the developer.
(Ord. No. 97-11, § 2, 5-5-97)

§ 13-276 Exemptions.

(a) Exempt development projects. Projects which fall within any of the categories listed below shall be exempt from the provisions of this article:

(1) Any residential construction that does not increase the number of permanent housing units on the lot where the construction takes place, such as remodeling or rebuilding an existing house or units. Second units are also exempt.

(2) Any industrial or commercial construction that neither increases the footprint nor square footage or changes the use on the lot where the construction takes place, such as remodeling or rebuilding an existing structure, and does not increase peak hour trip generation.

(3) Public benefit facilities limited to public libraries, public administration facilities, public parks, public utilities, schools and related facilities.

(4) Facilities serving the health and safety of the public, limited to hospitals, police, fire and safety facilities.
(Ord. No. 11-10, § 1, 9-20-11)

Title 13, Chapter XV,
Group Homes

§ 13-310Purpose.

This chapter is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs.

§ 13-311 Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(1) An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following:

i. The name, address, phone number and driver's license number of the owner/operator;

ii. If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:

a. Every general partner of the partnership,

b. Every owner with a controlling interest in the corporation,

c. The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder;

iii. The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;

iv. The name, address, phone number and driver's license number of the house manager;

v. A copy of the group home rules and regulations;

vi. Written intake procedures;

vii. The relapse policy;

viii. An affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home;

ix. Blank copies of all forms that all residents and potential residents are required to complete; and

x. A fee for the cost of processing of the application as set by resolution of the city council.

No person shall open a group home with an operator or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.

(2) The group home has six or fewer occupants, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has an accessory dwelling unit, occupants of both units will be combined to determine whether or not the limit of six occupants has been exceeded.

(3) The group home shall not be located in an accessory dwelling unit unless the primary dwelling unit is used for the same purpose.

(4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24 hour basis and who are responsible for the day-to-day operation of the group home.

(5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles.

(6) Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code section 1503.5 and section 80001(c)(3) of Title 22, California Code of Regulations.

(7) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.

(8) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.

(9) The property must be fully in compliance with all building codes, municipal code and zoning.

(10) At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall:

i. Notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the home;

ii. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;

iii. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;

iv. Provide the information obtained from paragraphs ii and iii of this subsection (a)(10) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;

v. Provided, however, that if the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the special use permit for that facility, the operator shall comply with paragraphs i through iv of this subsection (a)(10) as soon as possible.

(11) Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall also:

i. Make available to the occupant transportation to the address listed on the occupant's driver license, state-issued identification card, or the permanent address identified in the occupant's application or referral to the group home;

ii. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.

(12) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (a)(10) and (a)(11) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(11) of this section by providing remuneration to the occupant for the cost of transportation.

(13) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

i. The sober living home is not located within 650 feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.

ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or

Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least 90 days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

iv. The number of occupants subject to the sex offender registration requirements of Penal Code section 290 does not exceed the limit set forth in Penal Code section 3003.5 and does not violate the distance provisions set forth in Penal Code section 3003.

v. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.

vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

vii. The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

(15) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least 10 days prior to issuing a special use permit, the director shall cause a courtesy written notice to be mailed to the owner of record and occupants of all properties within 100 feet of the location of the group home. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be revoked upon a hearing, by the director if any of the following circumstances exist:

(1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;

(2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven to 10 years, to any of the following offenses:

i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last 10 years);

ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven years); or

iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last 10 years).

iv. The unlawful sale or furnishing of any controlled substances (last seven years).

(4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

(5) The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.

(6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one full year of sobriety.

ii. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

iii. The sober living home, as measured by the closest property lines, is located within 650 feet of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within 650 feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

(7) For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations, including, but not limited to, failure to comply with the provisions of subsections (a)(10) through (13).

(8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to section 13-200.62.

§ 13-312 Compliance.

(a) All group homes which are subject to this Chapter shall comply with the provisions hereof regardless of when they commenced operations.

§ 13-313 Severability.

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date.

Title 13, Chapter XVI,
Group Homes in the R2-MD, R2-HD and R3 Residential Zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones)

§ 13-320 Purpose.

This chapter is intended to preserve the residential character the City of Costa Mesa's residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things:

(a) Ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations;

(b) Limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate off-street parking;

(c) Providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a residential neighborhood; and

(d) To provide comfortable living environments that will enhance the opportunity for the handicapped, including recovering addicts to be successful in their programs.

§ 13-321 Definitions.

Property. For purposes of this chapter, "property" is defined as any single development lot that has been subdivided bearing its own assessor's parcel number or with an approved subdivision map or condominium map.

§ 13-322 Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six or fewer occupants.

(a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

(1) The application for and operation of the group home complies with subsections (a)(1), (a)(2) and (a)(4) through (a)(14) of section 13-311.

(2) The application includes a live scan of the house manager and/or operator of the group home.

(3) The group home or sober living home is at least 650 feet from any other property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line.

(b) The development services director may issue, revoke or deny a special use permit for a group home including a sober living home subject to this chapter pursuant to the procedures and requirements of section 13-311.

(c) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62.

§ 13-323 Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) with seven or more occupants.

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

(a) The requirements of Chapter III, Planning Applications, of this title have been met.

(b) The group home, residential care facility or state-licensed drug and alcohol treatment facility is at least 650 feet from any property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

(c) The applicant obtains an operator's permit as required by Article 23, Chapter 2 of Title 9, except that this requirement shall not apply to any state-licensed residential care facility, state licensed drug and alcohol treatment facility, or group home without an operator.

(d) The findings for granting a conditional use permit in accordance with subsection 13-29(g) are met.

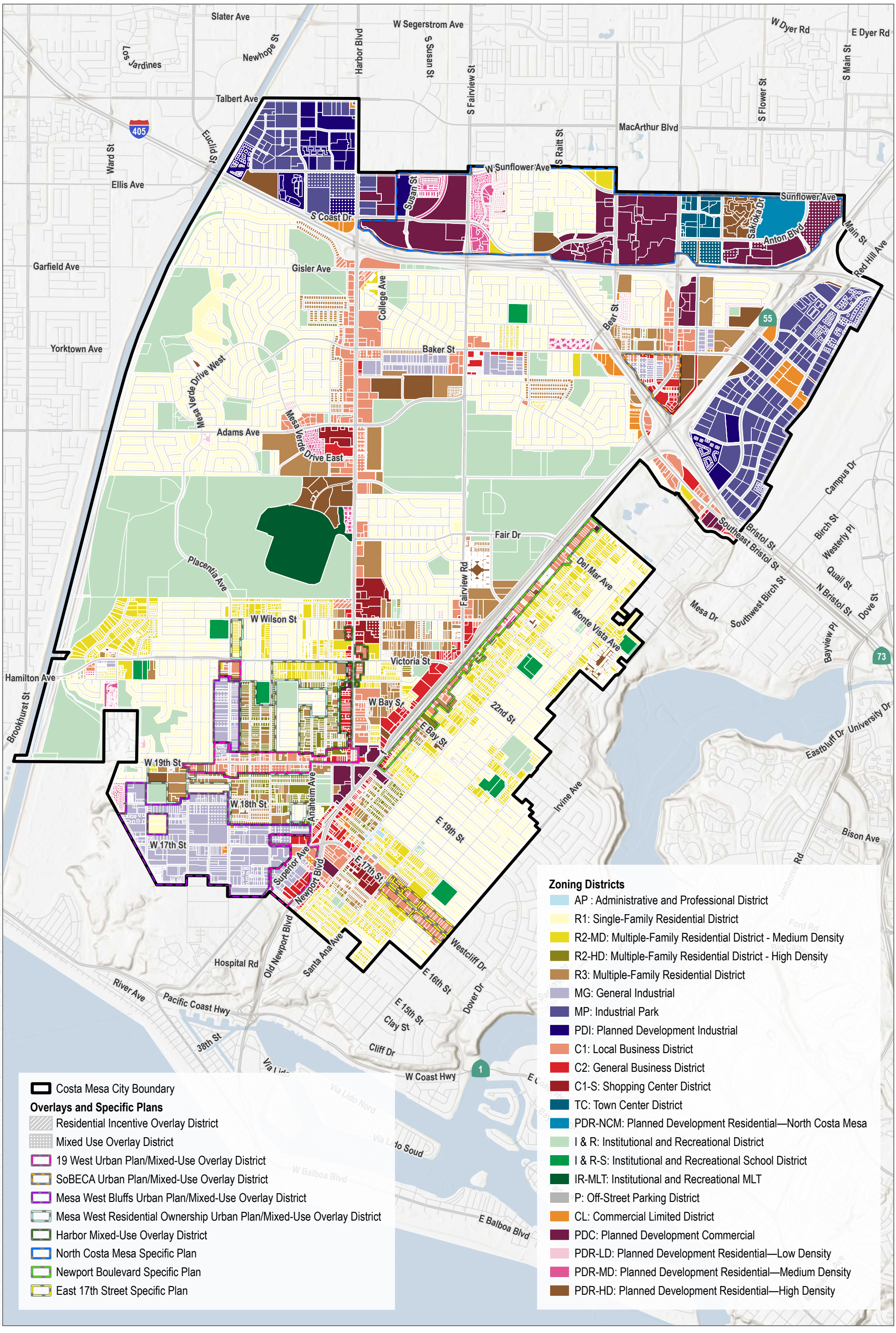
§ 13-324 Compliance.

(a) All group homes which are subject to this Chapter shall comply with the provisions hereof regardless of when they commenced operations.

§ 13-325 Severability.

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this chapter, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date.

EXHIBIT B



SOURCE: City of Costa Mesa, Orange County Sanitation District, Open Street Map

FOR DISCUSSION PURPOSES ONLY

DUDEK

0 0.25 0.5 Miles

Zoning Districts

Neighborhoods Where We All Belong Zoning Updates and Housing Element Implementation