

Exhibit A

Chapter I, Article 2 of the Zoning Code shall be amended where ~~strike through~~ text denotes text being removed, and underline text denotes text being added.

Chapter I In General

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).

Active Entertainment. A commercial use that provides interactive, participant-based amusement, recreation, or game-oriented activities for individual or group participation and is limited to a maximum of 15,000 square feet. Active Entertainment does not include spectator-oriented uses, live performance theaters, adult entertainment businesses, physical fitness facilities, or event centers.

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.

Amusement Center. A commercial use that provides interactive, participant-based amusement, recreation, or game-oriented activities for individual or group participation and is larger than 15,000 gross square feet. Amusement Center does not include spectator-oriented uses, live performance theaters, adult entertainment businesses, physical fitness facilities, or event centers.

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.

Artisan Studio. A workspace for the creation, display, and retail sale of artwork and hand crafted goods, including custom woodworking and furniture making, where products are primarily created by the artist or artisan on-site; excluding automotive repair and food related production. Examples include, but are not limited to, artist studios and workshops, photography studios and commercial photography, recording studios, music studios, galleries, and showroom.

Assembly use. A use conducted in a structure or outdoor venue for the purpose of gathering of persons for a civic, education, political, religious, or social function, or for the consumption or receipt of food and/or beverages.

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.

Carpport. 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.

Commercial Kitchen. A food preparation facility used by one or more food operators for the preparation, cooking, processing, packaging, and storage of food or beverages for off-site consumption, distribution, catering, wholesale, or other commercial purposes, with no on-site dining, retail sales, customer pick-up, or delivery service to the general public. A commercial kitchen may include catering kitchens, commissary kitchens, shared-use kitchens, and food production facilities, but does not include a restaurant, ghost kitchen, food hall, or other food service establishment where food orders are accepted from customers and fulfilled directly from the premises.

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.

Community Development Department. Refers to the Community Development Department of the City of Costa Mesa on or after July 1, 2026, and the Economic and Development Services Department and/or Development Services Department of the City of Costa Mesa prior to July 1, 2026.

Community Development Director. The director of the Community Development Department of the City of Costa Mesa, or his or her designee.

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 ministerial or discretionary review process of a development project granted by the planning division. ~~The processing of a development plan when authority for approval is vested in the planning division.~~

Development review, streamlined. The ministerial review process of a development project granted by the planning division that is a 'use by right' consistent with the applicable provisions of the Government Code.

Development services department. See Community Development Department.

Development services director. See Community Development Director.

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.

Electric vehicle charging station. As defined by Government Code Section 65850.7.

Electric vehicle supply equipment. The hardware, including connectors, fixtures, devices, and other components required to charge an electric vehicle.

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.

E-Sports or Electronic Sports. Means a participant-based organized competitive playing of video games using digital gaming platforms.

E-Sports Arena. A facility designed and operated primarily for organized E-sports competitions, tournaments, exhibitions, broadcasts, live-streaming events, or similar events where spectator viewing and attendance are the principal activities.

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~~ Community Development 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.

Event Center. A facility designed for assembly use and to accommodate organized events, competitions, ceremonies, meetings, entertainment, spectator viewing, or similar group activities. Event Centers are also referred to as Banquet Facilities, Assembly Halls, and Arenas.

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.

Fitness studios. Means an indoor commercial use of more than 5,000 square feet but less than 15,000 square feet that provides instructor-led instruction, training, or structured physical activity, either in a group setting or one-on-one, including, but not limited to: dance, martial arts, yoga, Pilates, high-intensity interval training (HIIT), circuit training, and similar small-group fitness activities. These uses are characterized by scheduled classes or training sessions and are limited in scale and intensity. This use does not include large health clubs, commercial gyms, indoor sports training facilities, or uses greater than 15,000 square feet of gross floor area.

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

Food Hall. A single, integrated food and beverage establishment, or restaurant, containing three or more independently operated food or beverage vendors or counters within a shared building or tenant space, with common customer seating, shared circulation, and shared amenities. A food hall may include accessory alcohol service, entertainment, retail, or event programming when allowed by applicable permits, but does not include ghost kitchen or commercial kitchen.

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.

Ghost Kitchen. A food preparation facility used by one or more food operators for the preparation of meals or beverages for off-site consumption through delivery, mobile ordering, or customer pick-up, with no dine-in restaurant service. A ghost kitchen may include multiple virtual restaurant brands, shared order fulfillment areas, delivery driver staging, and limited pick-up lobby areas, but does not include a catering kitchen, commercial kitchen, or food hall.

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 total horizontal area of all floors within the exterior walls of a structure. The following areas do not contribute to the building's occupancy or intensity of use and shall be excluded from the gross floor area calculation: garages or carports used for parking, elevator and stair shafts, mechanical shafts, pipe chases, equipment and mechanical rooms, electrical rooms, and other accessory storage, utility or service spaces, that are devoted exclusively to development operations and maintenance.

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.

Health Club. See Physical Fitness Facility.

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.

Individual counseling. A single-operator business that provides individual and/or family counseling and occupies no more than 500 square feet of total square footage, including but not limited to an office suite and corresponding proportion of any common waiting areas. Any counseling use with a floor area of more than 500 square feet shall be considered a group counseling use.

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.

Live/work unit. A type of mixed-use development with an integrated residence and working space that is occupied/utilized by a single household in a structure and that is located in a building that has been designed or structurally modified to accommodate joint residential occupancy and work activity.

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.

Mixed-use, horizontal. A mixed-use development project that combines residential and non-residential uses into a single project, where the uses are adjacent to one another, either in separate buildings on the same parcel or on adjoining parcels within the same development. Internal streets and pedestrian pathways physically and visually connect the separate but adjacent uses into one unified development.

Mixed-use, vertical. A mixed-use development project that combines residential and non-residential uses into a single project, where the uses are combined into one building. Typically, but not always, publicly accessible uses occupy the ground level, such as commercial, office, civic, education, or recreational uses, while private uses, such as residential dwelling units occupy the upper levels.

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. An open area that is designed and intended to be used for environmental, scenic, or recreational purposes. Open space shall be outdoors and generally open to the sky above except for unenclosed patios with solid or lattice roofs. Open space shall exclude streets, driveways, drive aisles, parking aisles, parking and loading areas, and other areas designed or intended for vehicular travel; trash/recycling areas; and areas under projections which are less than eight feet above grade. Open space areas shall only be counted once in satisfying required open space; and may count toward other site requirements such as landscaping if the open space also meets the criteria of those requirements.~~

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. A type of open space that is for the common leisure or recreational use of all residents of the dwelling units in a development project, such as a multifamily residential project, mixed-use development, planned development, or common interest development. Common open spaces may include, but are not limited to, terraces, courtyards, plazas, swimming pools, picnic/barbeque areas, sports courts, recreational areas, game areas, playgrounds, usable landscaped areas, such as lawns, or other similar common open space areas. Common open space areas shall be accessible to all residents of the dwelling units in a project.~~

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. A type of open space that is for the exclusive use of a single dwelling unit, which may include, but is not limited to, balconies, decks, terraces, patios, fenced/gated setbacks, and other similar private open space areas. Private open spaces shall be contiguous to and directly accessible from the dwelling unit.~~

Open space, publicly accessible. A type of open space that is privately-owned and maintained, but that is open and accessible to all residents, tenants, patrons, and the general public in a development project. Publicly accessible open space may include, but is not limited to, parks, plazas, courtyards, paseos, or other similar open space areas that allow for public leisure, recreation, and/or gathering.

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.

Personal Services. A commercial use that provides personal care, grooming, wellness, aesthetic, or convenience services directly to individuals. This category does not include group fitness uses, medical offices, or other uses involving medical diagnosis or clinical treatment.

Personal Services, Group. A commercial use that provides personal care, grooming, wellness, aesthetic, or convenience services directly to individuals that include group instruction or group setting. This category does not include group fitness uses, medical offices, or other uses involving medical diagnosis or clinical treatment.

Physical Fitness Facility. Means a facility, building, or portion thereof designed and operated for physical fitness, athletic training, sports instruction, exercise, recreation, or wellness activities conducted individually or in groups, with a gross floor area of 15,000 square feet or greater. Such facilities may include exercise equipment, fitness classes, courts, fields, training areas, locker rooms, spectator seating accessory to the primary use, and related support amenities. Also see Health Club.

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 ministerial or discretionary review, in accordance with Chapter III Planning Applications, 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 Community Development 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.

Rowhouse. ~~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. A building containing two or~~

~~more attached dwelling units that shares one or more walls with another dwelling unit located horizontally side by side, where each dwelling unit has its own individual entrance directly accessible from the exterior. Townhouses and rowhouses shall not refer to a building with vertically stacked dwelling units. See townhouse.~~

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 Fitness Studio. An indoor commercial use of up to 5,000 square feet that provides instructor-led instruction, training, or structured physical activity, either in a group setting or one-on-one, including, but not limited to: dance, martial arts, yoga, Pilates, high-intensity interval training (HIIT), circuit training, and similar small-group fitness activities. These uses are characterized by scheduled classes or training sessions and are limited in scale and intensity.

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 or townhome. A building containing two or more attached dwelling units that shares one or more walls with another dwelling unit located horizontally side by side, where each dwelling unit has its own individual entrance directly accessible from the exterior. Townhouses and rowhouses shall not refer to a building with vertically stacked dwelling units. 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. Also referred to as rowhouse.~~

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.

Zoning district, or base zoning district, means a residential, commercial, industrial, mixed-use, planned development, institutional, recreational, or overlay district established by Chapter II (Zoning Districts Established) of this Zoning Code within which certain provisions are established.

Zoning district, overlay. A zoning district that applies another set of zoning provisions to a specified area within an existing zoning district. When a property owner chooses to exercise provisions of the overlay, the overlay zone supersedes the zoning regulations of the base zoning district, unless otherwise indicated.

(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; Ord. 2025-07, 10-21-2025, Ord. No. 26-03, 04-07-26)

Chapter II of the Zoning Code shall be amended where ~~striethrough~~ text denotes text being removed, and underline text denotes text being added.

Chapter II ZONING DISTRICTS ESTABLISHED

§ 13-19. Purpose.

The intent of this chapter is to establish and state the purpose of the various zoning districts, as well as to describe their boundaries on the official zoning map.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-20. Zoning districts.

In order to classify, regulate, restrict and separate the uses of land and buildings, regulate the height and bulk of buildings and the area of yards and other open spaces about buildings, and regulate population density, the following classes of zones are established:

- (a) *R1 Single-Family Residential District.* This district is intended to promote the development of single-family detached units located on lots with a minimum lot size of 6,000 square feet, and a maximum density of 7.26 dwelling units per gross acre.
- (b) *R2-MD Multiple-Family Residential District, Medium Density.* This district is intended to promote the development of multi-family rental as well as ownership properties on lots with a minimum size of 12,000 square feet. The maximum density allowed is 3,630 square feet per dwelling unit, which equals 12 dwelling units per gross acre. Legal lots existing as of March 16, 1992 with a minimum lot area of 6,000 square feet up to 7,260 square feet are allowed two dwelling units.
- (c) *R2-HD Multiple-Family Residential District, High Density.* This district is intended to promote the development of multi-family rental as well as ownership dwelling units on lots with a minimum size of 12,000 square feet. The maximum density allowed is 3,000 square feet per dwelling unit, which equals 14.52 dwelling units per gross acre.
- (d) *R3 Multiple-Family Residential District.* Like the R2-MD and R2-HD districts, this district is intended to promote the development of multi-family rental as well as ownership dwelling units. The required minimum lot size is 12,000 square feet. The maximum density allowed is 2,178 square feet per dwelling unit, which equals 20 dwelling units per gross acre.
- (e) *AP Administrative and Professional District.* This district is intended to establish areas within which public administrative, professional and business offices may be located. It is the further purpose of this district to limit the intensity of use within the district to be compatible with the types of activities generally associated with office developments.
- (f) *CL Commercial Limited District.* This district is intended for unique areas of land which, due to the proximity of residential development or the potential for traffic circulation hazards, require special precautions to be taken to assure appropriate development.

The district is also intended for industrial areas where commercial uses must be considered according to their compatibility with existing or permitted industrial uses.

- (g) *C1 Local Business District*. This district is intended to meet the local business needs of the community by providing a wide range of goods and services in a variety of locations throughout the city. The permitted and conditional uses as well as development standards are aimed toward reducing impacts on surrounding properties especially in those areas where residential uses are in the vicinity.
- (h) *C2 General Business District*. This district is intended to provide for those uses which offer a wide range of goods and services which are generally less compatible with more sensitive land uses of a residential or institutional nature.
- (i) *C1-S Shopping Center District*. This district is intended for large commercial lots constructed as a unified and integrated development. It is the further purpose to provide a wide range of goods and services on a community and regional scale.
- (j) *TC Town Center District*. This district is intended to allow intensely developed mixed commercial and residential uses within a very limited geographical area bounded by Sunflower Avenue to the north, 1-405 to the south, Bristol Street to the west, and Avenue of the Arts to the east. Developments within this designation can range from one- and two-story office and retail buildings to mid- and high-rise buildings.
- (k) *P Off-Street Parking District*. This district is intended to allow parking lots, and buildings incidental to the operation of the parking lot.
- (l) *I & R Institutional and Recreational District*. This district is intended to allow land uses which provide recreation, open space, health and public service uses. Development in this designation may occur on either public or private property.
- (m) *I & R-S Institutional and Recreational School District*. This district is intended to allow public and private educational facilities on either public or private property.
- (n) *MG General Industrial*. This district is intended for a variety of industrial areas which contain a wide range of light and general industrial activities. Development standards and the approval of conditional uses shall be aimed toward eliminating possible hazards to adjoining properties, especially in those areas where residential uses are in the vicinity.
- (o) *MP Industrial Park*. This district is intended for large, concentrated industrial areas where the aim of development is to create a spacious environment in a park-like setting.
- (p) *PDR-LD Planned Development Residential—Low Density (up to 8 dwelling units per acre); PDR-MD Planned Development Residential—Medium Density (up to 12 dwelling units per acre); PDR-HD Planned Development Residential—High Density (up to 20 dwelling units per acre or higher pursuant to an adopted specific plan); PDR-NCM Planned Development Residential—North Costa Mesa (25 to 35 dwelling units per acre)*. These districts are intended to provide for excellence in the design of residential projects. Within the low-density zone typical designs include small-lot, single-family detached residential developments including clustered development, zero lot line development and conventional development.

Within the medium density, high density, and north Costa Mesa zones, site design could include single-and multiple-family residential developments containing any type or mixture of housing units, either attached or detached, including but not limited to clustered development, townhouses, patio houses, detached houses, duplexes, garden apartments, high rise apartments or common interest developments. Complementary nonresidential uses could also be included in the planned development.

- (q) *PDC Planned Development Commercial*. This district is intended for retail shops, offices and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions, and health clubs. These uses are intended to serve adjacent residential areas, as well as the entire community and region. Complementary residential uses could also be included in the planned development.
- (r) *PDI Planned Development Industrial*. This district is intended for large, concentrated industrial areas where the aim of development is to create a spacious environment in a park-like setting.
- (s) *MUOD Mixed-Use Overlay*. This district may overlay the R2-MD, R2-HD, R3, AP, CL, C1, C2, C1-S, MG, MP, PDR-HD, PDR-MD, PDC, PDI, TC, or I&R districts, and it is intended to allow for the development of residential only and/or a mix of residential with compatible nonresidential uses as mixed, integrated projects in vertical or horizontal mixed-use formats. This overlay district shall only be applied to the zoning map in conjunction with the adoption of an urban plan for the designated area. The urban plan is a regulating plan that shall define the unique characteristics of the overlay area, include a matrix of permitted, conditionally permitted, and prohibited uses and provide development standards. The provisions of the mixed-use overlay shall be activated by adoption of a master plan.
- ~~(t) *Institutional and Recreational Multi-Use District*. This district is intended to allow the integration of a variety of land uses and intensities. This zoning district category includes uses which are low to moderate in density and intensity and urban in character. The multi-use center designation is applicable only to the Fairview Development Center property at 2501 Harbor Boulevard.~~

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 05-3, § 1a., 2-7-05; Ord. No. 06-9, § 1a., 4-18-06; Ord. No. 07-2, § 1a.—c. 2-6-07; Ord. No. 16-09, § 2, 10-4-16)

§ 13-21. Overlay districts.

Overlay zoning districts may also be created in conjunction with special regulations.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-22. Zoning district boundaries.

The zoning districts listed in section 13-20, zoning districts, and the boundaries of each, are shown on the official zoning map, filed in the planning division. (Ord. No. 97-11, § 2, 5-5-97)

§ 13-23. Division of official zoning map.

The official zoning map may be subdivided into district maps, and such district maps may be separately used for amending the zoning map or for any official reference to the zoning map.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-24. Changes in boundaries.

All changes shall be made by ordinance adopting an amended zoning map, or part of the zoning map or district map.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-25. Uncertainty of boundaries.

Where uncertainty exists as to the boundaries of any zone shown on the zoning map, or any district map, the following rules shall apply:

- (a) When boundaries of zones are approximately following street, alley or lot lines, such lines shall be construed as the boundaries.
- (b) In the case of undivided properties, or property not yet subdivided, and a zone boundary divides the lot, the location of the zone boundary, unless indicated by dimensions, shall be determined by the use of the scale appearing on the zoning map.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-26. Limitation of land use.

No new building shall be erected, nor shall any building or land be used for any purpose except as provided and allowed for in this Zoning Code.

(Ord. No. 97-11, § 2, 5-5-97)

Chapter III of the Zoning Code shall be amended where ~~strikethrough~~ text denotes text being removed, and underline text denotes text being added.

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, except within setbacks adjacent to the public right of way.~~	~~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)~~(a) **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)~~(b) **Density bonus request or incentive.** Any request for incentives to produce lower income and senior housing per State Government Code section 65915.

~~(d)~~(c) **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)~~(1) 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. Construction of new residential building/s (including demolition and reconstruction of more than 50% of an existing building floor area) of three or more stories that qualifies as a 'use by right' must also comply with the applicable development standards in this Zoning Code and the City of Costa Mesa Multifamily Residential and Mixed-Use Objective Design Standards adopted by City Council.

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

(1) ~~Residential~~ Construction of new residential building/s (including demolition and reconstruction of more than 50% of an existing building floor area) of ~~three~~two or more stories. In any zone, residential construction of ~~two~~three or more stories that complies with the applicable development standards in this Zoning Code and the ~~forthcoming~~ Citywide Multifamily 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 nonresidential 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.

(e) **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.

(f) **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

<u>Standard</u>	<u>Deviation Range</u>
<u>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.</u>	<u>More than 20% but no more than 40%</u>
<u>Decrease in required rear yard depth.</u>	<u>More than 20% but no more than 40%</u>
<u>Decrease in required side yard width.</u>	<u>More than 20% but no more than 40%</u>
<u>Increase in maximum fence/wall height, except within setbacks adjacent to the public right-of-way.</u>	<u>More than 33 1/3 % but no more than 50%</u>
<u>Increase in depth of permitted projections into required yards.</u>	<u>More than 20% but no more than 40%</u>
<u>Deviation in sign area, height, setbacks, separation and other sign specifications</u>	<u>More than 10% but no more than 20%</u>
<u>Decrease in required distance between main structures</u>	<u>More than 20% but no more than 40%</u>
<u>Decrease in required distance between accessory and main structures</u>	<u>More than 20% but no more than 40%</u>

(f)(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, and 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~~Community Development ~~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~~Community Development ~~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, ~~and I&R-S, and I&R-MT~~ 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.

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

~~(h)~~(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, except within setbacks adjacent to the public right-of-way	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

(1) 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.

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

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

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

~~(i)~~(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.

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

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

~~(l)~~(m) (Reserved)

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

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

~~(o)~~(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.

~~(p)~~(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.

~~(q)~~(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.

~~(f)~~(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.

~~(s)~~(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	No	No	None	Planning Division	No
• Minor Modification					
• Tentative Parcel Map					
• <u>Density Bonus Request</u>	No	No	None	Planning Division	No
• Reasonable Accommodation					

• Lot Line Adjustment	No	No	None	Planning Division	No
• Tentative Parcel Map for Urban Lot Splits and Ministerial Small Lot Subdivisions	No	No	None	Planning Division	No
• Special Use Permit	Yes	Yes	None	Planning Division	No
• Major Modification	Yes	No	None	Zoning Administrator	Yes
• Minor Conditional Use Permit					
• Planned Signing Program					
• Mobile Home Park Conversion	Yes	Yes	Planning Division	Planning Commission	Yes
• Common Interest Development Conversion (Residential or Nonresidential)					
• Specific Plan Conformity Review (<u>excluding FDC-SP</u>)					
• ~~Tentative Parcel Map~~					
• Tentative Tract Map					
• Variance					
• Conditional Use Permit	Yes	Yes	Planning Division	Planning Commission (excepted where noted otherwise in this zoning code)	Yes
• ~~Density Bonus~~					
• Master Plan					
• Master Plan—Preliminary					
• 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.** Applicable r~~Review criteria for all ministerial or discretionary~~ planning applications shall consist of the following:

- (1) For discretionary planning applications, c~~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) For discretionary planning applications, s~~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 and mixed-use developments, consistency with any applicable design guidelines~~objective design standards~~ 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 discretionary 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)(3)~~ *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)(4)~~ *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)(5)~~ *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)(6)~~ *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)~~(7) *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)~~(8) *Reasonable Accommodation findings: Refer to Chapter IX, Article 15.*

~~(10)~~(9) *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~~ the zoning code, 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.~~

~~(14)~~(10) _____ *Rezone findings:* The proposed rezone is consistent with the Zoning Code and the general plan and any applicable specific plan.

~~(12)~~(11) _____ *Specific plan conformity review findings:* Refer to the applicable specific plan text.

~~(13)~~(12) _____ *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) Limits of exercising permits and approvals.

- 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:

- i. 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.
- ii. A certificate of occupancy has been issued.
- iii. The use is established and a business license has been issued.
- iv. 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 Community Development Director~~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 Community Development Director~~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 Community Development Director~~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 Community Development Director~~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 of the Zoning Code shall be amended where ~~strikethrough~~ text denotes text being removed, and underline text denotes text being added.

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, and I & R-S, ~~and I & R-~~
MLT

Overlay Zones: MUOD and RIOD

- (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~~ overlay zoning districts, please refer to the ~~appropriate urban plan text for additional regulations~~ applicable sections of the Zoning Code related to for 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-S ¹	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-S ¹	P
RESIDENTIAL USES																					
Boarding-house, large ²	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•
Boarding-house, small ²	•	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•
Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	•
Employee housing, six or fewer	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•
Group homes, seven or more	•	C ³	C ³	C ³	•	•	•	•	•	•	•	•	•	C ³	C ³	C ³	C ³	C ³	P	•	•
Group homes, six or fewer	S	S ³	S ³	S ³	•	•	•	•	•	•	•	•	S ³	S ³	S ³	S ³	S ³	S ³	P	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	•	P ⁴	•	•	•	•	•	•	P ⁴	P ⁴	•	•	•
Mobile home parks	•	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•
Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	•
Referral facility (Subject to the requirements of section 13-32.2, referral facility).	•	C ⁵	C ⁵	C ⁵	•	•	•	C ⁵	•	•	•	•	•	C ⁵	C ⁵	•	•	•	•	•	•
Residential care facility, seven or more	•	C ³	C ³	C ³	•	•	•	•	•	•	•	•	•	C ³	C ³	C ³	C ³	C ³	P	•	•
Residential care facility, six or fewer persons (State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•
Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	C ⁵	C ⁵	•	•	•	•	•	•	•	•	•	•	•	•	•
Single-family dwellings (single housekeeping units)	P ⁶	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•
Small lot subdivisions, residential	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Sober living homes, seven or more	•	C ³	C ³	C ³	•	•	•	•	•	•	•	•	•	C ³	C ³	C ³	C ³	C ³	P	•	•
Sober living homes, six or fewer	S ⁷	S ³	S ³	S ³	•	•	•	•	•	•	•	•	S ³	S ³	S ³	S ³	S ³	S ³	P	•	•
Supportive housing	P ⁹	P ^{8,9}	P ^{8,9}	P ^{8,9}	•	•	•	•	•	P ^{8,9}	•	•	P ^{8,9}	P ^{8,9}	P ^{8,9}	P ^{8,9}	P ^{8,9}	P ^{8,9}	•	•	•

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

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	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-S ¹	P
Transitional housing	P ⁹	P ⁹	P ⁹	P ⁹	•	•	•	•	•	P ⁹	•	•	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	•	•	•
ACCESSORY USES																					
Accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	P ⁵	P ⁵	P ⁵	P ⁵	•	•	•	•	•	P ⁵	•	•	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	•	•	•
Animals, keeping of	SEE TITLE 3, ANIMALS AND FOWL																				
Antennas: Amateur radio, Satellite dish, Communication	SEE CHAPTER IX, ARTICLE 2, ANTENNAS																				
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	•
Electric Vehicle Charging Station, Accessory Use (subject to the requirements of Chapter IV, 13-30)	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
Family day care—Large (7 to 14 children) (subject to the requirements of section 13-37, large family day care homes)	P ⁵	P ⁵	P ⁵	P ⁵	•	•	•	•	•	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	P ^{5, 10}	P ^{5, 10}	P	•	•
Family day care—Small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P ¹⁰	P ¹⁰	P	•	•
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 ¹⁰	P ¹⁰	•	•	•
Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	P ⁵	P ⁵	P ⁵	P ⁵	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ⁵	P ⁵	P ⁵	P ⁵	P ^{5, 10}	P ^{5, 10}	P ⁵	•	•
Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	P ⁵	P ⁵	P ⁵	P ⁵	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ^{5, 10}	P ⁵	P ⁵	P ⁵	P ⁵	P ^{5, 10}	P ^{5, 10}	P ⁵	•	•
Home occupations that generate traffic and do	MC ⁵	MC ⁵	MC ⁵	MC ⁵	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ⁵	MC ⁵	MC ⁵	MC ⁵	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	•	•

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

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	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-S ¹	P
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)																					
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 ⁵	MC ⁵	MC ⁵	MC ⁵	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	MC ⁵	MC ⁵	MC ⁵	MC ⁵	MC ^{5, 10}	MC ^{5, 10}	MC ^{5, 10}	•	•
Junior accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	P ⁵	P ⁵	P ⁵	P ⁵	•	•	•	•	•	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	•	•	•
Non-residential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Non-residential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Temporary real estate and construction offices (subject to the requirements of ch. IX, art. 10, temporary trailers)	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
INSTITUTIONAL AND RECREATIONAL USES																					
Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•
Christmas tree lots; pumpkin patches; fireworks stands; produce stands (subject to the	•	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	•	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	•

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

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	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-S ¹	P
requirements of title 9, chapter II, regulation of certain businesses)																					
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 ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	P ⁵	P ⁵	C ⁵	C ⁵	P ⁵	P ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	P ⁵	C ⁵	•
Civic and community clubs	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	C	•	•
Convalescent hospitals; nursing homes	•	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	P	•	•
Country clubs; golf courses	C	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	•	•	P	C	•
Crematories (See also Mortuary services)	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•
Emergency shelters	•	•	•	•	•	•	•	•	•	•	•	C ¹¹	•	•	•	•	•	P ¹¹	•	•	•
Fairgrounds; outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•
Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•
Libraries, privately-operated	C	C	C	C	•	•	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•
Mortuary services without crematories	•	•	•	•	C	C	C	C	C	•	C	C	•	•	•	•	•	•	C	•	•
Needle exchange program	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
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	•
Parks and playgrounds	C	C	C	C	•	•	•	•	•	C	•	•	C	C	C	C	C	C	P	P	•
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	•	•
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	•
Schools: trade and vocational; group counseling	•	•	•	•	•	MC	P	P	P	P	MC	MC	•	•	•	•	P	MC	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-S ¹	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-S ¹	P
Senior congregate care facility	•	C	C	C	C	C	C	C	C	C	•	•	•	C	C	C	C	•	C	•	•
SPECIAL SEASONAL EVENTS																					
Swap meets	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•
COMMERCIAL AND INDUSTRIAL USES																					
Active Entertainment (subject to the requirements of chapter IX, article 5, electronic game machines and Article 26, Active Entertainment)	•	•	•	•	P	P	P	P	P	P	MC	MC	•	P	P	P	P	P	•	•	•
Acupressure; massage (subject to the requirements of title 9, chapter ii, article 22, Massage establishments and practitioners)	•	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	•	•	•	•	•	•	P ⁵	•	•	•	•
Adult businesses (See Sexually-oriented businesses)																					
Aggregate batch plants; Rock or asphalt crushing; Sand blasting	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Ambulance services	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	•	MC	MC	•	•	•
Amusement centers (subject to the requirements of chapter IX, article 5, electronic game machines, and Article 26, Active Entertainment/ Amusement Center)	•	•	•	•	•	•	C ⁵	C ⁵	C ⁵	C ⁵	•	•	•	C ⁵	C ⁵	C ⁵	C ⁵	•	•	•	•
Animal hospitals; veterinary services (kenneling only when incidental to principal hospital use)	•	•	•	•	•	C	C	P	P	C	C	C	•	•	•	•	P	•	•	•	•
Animal shelters, pounds, kennels, training schools	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•
Antique malls	•	•	•	•	•	•	P	P	P	•	MC	MC	•	•	•	•	P	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-S ¹	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-S ¹	P
Artisan Studio	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	P	P	P	•	•	•
Auction houses	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•
Automobile (See Motor vehicle)																					
Banks; savings and loans; and other financial institutions	•	•	•	•	P	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•
Bars; nightclubs (See Establishments where food or beverages are served)																					
Billiards parlors	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	•	•	•
Botanical gardens; Zoos	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	C	•	•
Bowling centers	•	•	•	•	•	•	MC	MC	MC	MC	•	•	•	•	•	MC	MC	•	•	•	•
Building supplies; Hardware stores (retail)	•	•	•	•	•	•	P	P	P	•	•	•	•	P	P	P	P	•	•	•	•
Business services—See Offices																					
Cannabis and/or marijuana cultivation	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Cannabis and/or marijuana distributor	•	•	•	•	•	•	•	•	•	•	•	C ¹²	•	•	•	•	•	C ¹²	•	•	•
Cannabis and/or marijuana manufacturer or processor	•	•	•	•	•	•	•	•	•	•	•	C ¹²	•	•	•	•	•	C ¹²	•	•	•
Cannabis and/or marijuana research and development and/or testing laboratories	•	•	•	•	•	•	•	•	•	•	•	C ¹²	•	•	•	•	•	C ¹²	•	•	•
Cannabis and/or marijuana retail sales nonstorefront (deliveries)	•	•	•	•	•	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²	•	C ¹²	•	•	•	•	•	C ¹²	•	•	•
Cannabis and/or marijuana retail sales storefront	•	•	•	•	•	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²	•	•	•	•	•	•	•	•	•	•	•
Car washes	•	•	•	•	•	•	C	C	C	C	C	C	•	C	C	C	C	C	•	•	•
Carts— Outdoor retail sales in conjunction with an established business	•	•	•	•	•	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-S ¹	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-S ¹	P
Catering	•	•	•	•	•	MC	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•
Coffee roasting	•	•	•	•	•	•	•	•	•	•	MC	MC	•	•	•	•	•	•	•	•	•
Coffee roasting (in conjunction with establishments where food or beverages are served)	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	•	•	•
Commercial art; Graphic design	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•
Commercial testing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•
Computer and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•
Contracting; general contractors; operative builders	•	•	•	•	•	C	C	P	C	•	P	P	•	•	•	•	•	P	•	•	•
Convenience stores; mini-markets (subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini-markets)	•	•	•	•	•	•	C ⁵	C ⁵	C ⁵	C ⁵	•	•	•	•	C ⁵	C ⁵	C ⁵	•	•	•	•
Department stores (retail)	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•
Electric Vehicle Charging Station, Primary Use (subject to the requirements of Chapter IV, 13-30)	•	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
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 ⁵	MC ⁵	MC ⁵	MC ⁵	MC ⁵	MC ⁵	MC ⁵	•	MC ⁵	MC ⁵	MC ⁵	MC ⁵	MC ⁵	•	•	•
Engineering; architectural; and surveying services—See Offices																					
Entertainment, live or public	•	•	•	•	•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•

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

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	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-S ¹	P
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					•	•	•
Event Center (subject to the requirements of chapter IX, article 25, Event Center)	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	C	C	C	•	•	•
Flower stands—See also Carts	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•
Grocery stores—See also Supermarkets; excluding convenience stores; and liquor stores listed separately	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•
Hazardous waste facilities, off-site (subject to chapter IX article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	•	•	•	•	C ⁵	C ⁵	C ⁵	•	•
Heliports; Helistops	•	•	•	•	•	•	•	•	C	C	C	C	•	•	•	•	C	C	C	C	•
Hotels— Excluding motels listed separately	•	•	•	•	•	•	C	C	C	P	•	•	•	C	C	C	P	•	•	•	•
Landscape services (installation and maintenance)	•	•	•	•	•	MC	MC	P	P	•	P	P	•	•	•	•	•	P	•	•	•
Leather tanning and finishing	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	C	•	•	•
Limousine services	•	•	•	•	•	C	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•
Liquor stores (subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini- markets)	•	•	•	•	•	•	C ⁵	C ⁵	C ⁵	C ⁵	•	•	•	•	•	•	C ⁵	•	•	•	•
Lumber and building materials dealers, (wholesale)	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•
Manufacturing of chemical products, paints, pharmaceuticals, and plastics	•	•	•	•	•	•	•	•	•	•	C ⁵	C ⁵	•	•	•	•	•	C ⁵	•	•	•
Manufacturing of stone, clay, glass and concrete	•	•	•	•	•	•	•	•	•	•	P ⁵	P ⁵	•	•	•	•	•	P ⁵	•	•	•

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

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	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-S ¹	P
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																					
Manufacturing or processing of foods and beverages EXCEPT the following which are prohibited: • Meat and poultry packing plants • Grain mills • Sugar refining • Fats and oils processing mills • Seafood canneries and packaging (See also Breweries; Distilleries; Coffee roasting)	•	•	•	•	•	•	•	•	•	•	p ⁵	p ⁵	•	•	•	•	•	p ⁵	•	•	•
Manufacturing: Light EXCEPT the following which are prohibited: • Manufacture of fertilizer • Manufacture of products involving the use of explosives • Manufacture of rubber (including tires), steel	•	•	•	•	•	•	•	•	•	•	p ⁵	p ⁵	•	•	•	•	•	p ⁵	•	•	•
Massage— See also Acupressure (subject to the requirements of title 9,	•	•	•	•	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	•	•	•	•	•	•	p ⁵	•	•	•	•

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

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	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-S ¹	P
chapter II, article 22, massage establishments and practitioners)																					
Medical laboratories	•	•	•	•	MC	MC	P	P	P	P	MC	MC	•	•	•	•	MC	MC	•	•	•
Metal fabrication, welding, foundry, die casting (subject to subsection 13-54(a), performance standards)	•	•	•	•	•	•	•	•	•	•	P ⁵	P ⁵	•	•	•	•	•	•	•	•	•
Motels— (Subject to requirements of chapter IX, article 8, motels) Excluding Hotels listed separately	•	•	•	•	•	•	C ⁵	C ⁵	•	•	•	•	•	•	•	•	•	•	•	•	•
Motion picture and television studios	•	•	•	•	C	C	C	C	•	•	P	P	•	•	•	•	P	P	•	•	•
Motion picture theaters and other theaters not within 200 feet of residential zones	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•
Motion picture theaters and other theaters within 200 feet of residential zones	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	C	•	•	•	•
Motor oil, used— Collection facility (subject to the requirements of chapter IX, article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	P ⁵	P ⁵	P ⁵	•	P ⁵	P ⁵	•	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	•
Motor vehicle service stations	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•
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 ⁵	C ⁵	C ⁵	•	•	•	•	•	•	•	C ⁵	•	•	•	•
Motor vehicle, boat, and motorcycle retail sales, leasing, and rentals with	•	•	•	•	•	•	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-S ¹	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-S ¹	P
one or less outdoor display parking space and no service (subject to verification of parking availability)																					
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	.	.	.
Motor vehicle; boat; and motorcycle repair services (including body and paint work), not within 200 feet of residential zone (subject to subsection 13-54(b))	.	.	.	.	.	.	P	P	P	.	P	P	.	.	.	.	P	P	.	.	.
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	.	.	.
Nurseries (retail with no bulk fertilizer)	.	.	.	.	.	C	C	P	P	.	C	C	.	.	.	.	.	.	.	.	.
Offices: central administrative	.	.	.	.	P	P	P	P	P	P	P	P	.	.	.	.	P	P	.	.	.
Offices: engineering; architectural; and surveying services; management; consulting and public relations	.	.	.	.	P	P	P	P	P	P	P	P	.	MC	MC	MC	P	P	.	.	.
Offices: general; individual counseling	.	.	.	.	P	P	P	P	P	P	MC	MC	.	MC	MC	MC	P	P	.	.	.
Offices: medical and dental	.	.	.	.	P	P	P	P	P	P	.	.	.	MC	MC	MC	P	MC	MC	.	.
Offices: services to businesses such as bookkeeping and data processing	.	.	.	.	P	P	P	P	P	P	P	P	.	.	.	.	P	P	.	.	.
Off-street parking lots and structures including related maintenance	.	.	.	.	C	C	C	C	C	P	C	C	.	.	.	C	C	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-S ¹	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-S ¹	P
buildings																					
Off-street parking lots and structures, incidental uses within	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	MC	MC	MC	MC	MC	MC
Oil fields; oil wells (see chapter XIV, oil drilling)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Pawn shops	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•
Personal Service	•	•	•	•	P	P	P	P	P	P	P	P	•	P	P	P	P	MC	•	•	•
Personal Service with Group Instruction/Setting (see Chapter IX Article 24 Group Instruction/Setting including Studio and Fitness Uses)	•	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	•	P ⁵	P ⁵	P ⁵	P ⁵	MC	•	•	•
Photocopying; blueprinting and related services	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•
Photofinishing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•
Photofinishing stores	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	•	P	P	•	•	•
Physical fitness facilities	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•
Printing and publishing	•	•	•	•	•	•	MC	P	MC	MC	P	P	•	•	•	•	P	P	•	•	•
Recycling and collection facilities for nonhazardous materials	•	•	•	•	•	MC	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	MC	MC	•
Research and development laboratories— Other than cannabis and/or marijuana testing laboratories	•	•	•	•	C	C	C	P	C	C	P	P	•	•	•	•	•	P	•	•	•
Restaurants including Food Halls—See Establishments where food or beverages are served																					
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 ⁵	P ⁵	•	P	P	P	P	P ⁵	•	•	•

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

LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	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-S ¹	P
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	•	•	•
Retail: nonstore	•	•	•	•	P	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•
Rifle, pistol, and firing ranges	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	C	•	•
Sexually-oriented businesses (subject to the requirements of title 9, chapter IV and title 13, chapter IX, sexually- oriented businesses)	•	•	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	•	•	•	•	•	•	•	P ⁵	•	•	•	•
Smoking lounge (subject to chapter IX, article 19, smoking and vaping uses)	•	•	•	•	•	•	•	•	C ⁵	•	•	P ⁵	•	•	•	•	C ⁵	•	•	•	•
Smoking/ vaping retailer (subject to chapter IX, article 19, smoking and vaping uses)	•	•	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	•	•	•
Specialty stores	•	•	•	•	•	•	P	P	P	P	•	•	•	•	MC	MC	MC	•	•	•	•
Storage of chemicals and allied products (except as incidental use)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Storage of explosives	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Storage of fertilizer	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•
Storage of motor vehicles— Indoor only (not including impound yard)	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•
Storage of motor vehicles— Outdoor (not including impound yard)	•	•	•	•	•	•	C	C	C	•	MC	MC	•	•	•	•	C	MC	•	•	•
Storage of petroleum and coal products	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Storage of rock, sand, crushed aggregate and gravel	•	•	•	•	•	•	•	•	•	•	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-S ¹	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-S ¹	P
Studio Fitness Small and Fitness Studios etc. (See Chapter IX Article 24, Group Instruction/Setting including Studio and Fitness Uses)	•	•	•	•	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	•	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	•	•
Laundry, such as tailoring, laundromats, cleaning and garment services, not inclusive of on-site plants	•	•	•	•	•	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•
Supermarkets— See also Grocery stores	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•
Tattoo parlors	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•
Tire sales and installation not within 200 feet of residential zone	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•
Tire sales and installation within 200 feet of residential zone	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•
Tow companies with or without impound yard	•	•	•	•	•	•	C	C	C	•	MC	MC	•	•	•	•	•	MC	•	•	•
Transfer station for refuse, sewage treatment	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	C	C	•	•
Trucking: local and long distance	•	•	•	•	•	•	•	C	•	•	P	P	•	•	•	•	•	C	•	•	•
Warehouses, mini (subject to the requirements of chapter IX, article 7, mini-warehouses)	•	•	•	•	•	•	C ⁵	C ⁵	C ⁵	•	MC ⁵	MC ⁵	•	•	•	•	•	MC ⁵	•	•	•
Warehouses, public	•	•	•	•	•	•	C	C	C	•	P	P	•	•	•	•	•	P	•	•	•
Warehousing of durable and nondurable goods except livestock and poultry—See also Storage	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•
Wholesale trade of durable, nondurable goods, except livestock, poultry and perishable goods	•	•	•	•	•	MC	MC	P	P	P	P	P	•	P	P	P	P	P	•	•	•
Wholesale trade of motor	•	•	•	•	•	•	C	C	C	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-S ¹	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-S ¹	P
vehicles, boats and motorcycles with outdoor storage of vehicles																					
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	•	•	•

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 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.
- 3 Subject to the separation requirement set forth in sections 13-322(a)(3) and 13-323(b).
- 4 Low barrier navigation centers shall be permitted by-right provided they are consistent with the requirements in Government Code Sections 65660-65668.
- 5 This use is subject to the requirements of the referenced Municipal Code article or section.
- 6 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.
- 7 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).
- 8 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.
- 9 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.
- 10 If residential uses exist, accessory uses shall be permitted.
- 11 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.
- 12 Prohibited at the SoCo property, 3303 through 3323 Hyland Ave.

(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; Ord. No. 26-03, 4-07-26;

Chapter IX, Article 4 of the Zoning Code shall be repealed and replaced in its entirety as denoted below.

Chapter IX Special Land Use Regulations

Article 4 Density Bonuses and Other Incentives

§ 13-152.1 Purpose.

This article is adopted pursuant to California Government Code Sections 65915 through 65918, referred to herein as the State Density Bonus Law. The purpose of this article is to establish a density increase and incentive program for an eligible owner-occupied (for-sale) or renter-occupied (for-rent) housing development to create affordable housing opportunities and availability of housing for moderate-, low-, and very low-income households, senior citizens, and other groups as identified in State Density Bonus Law. All references to the Government Code or other state code in this article shall mean and include any successor and/or amended section thereto.

§ 13-152.2 Applicable zones.

This article shall be applicable in all zoning districts that allow for residential development.

§ 13-152.3 Qualifications.

All housing development projects that propose five or more residential dwelling units that qualify for a density increase and other incentives under Government Code Section 65915 shall be eligible for a density bonus unit increase (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth therein.

§ 13-152.4 Density increase and other incentives.

The City shall grant qualifying housing development projects or qualifying land transfers density bonuses, incentives or concessions as described in State Density Bonus Law.

§ 13-152.5 Application and Review.

An application for a density bonus or other incentive under this article shall be submitted to the Planning Division on the applicable form, in a manner prescribed by the Planning Division, to be processed concurrently with all other entitlements of the proposed housing development project. The application shall contain sufficient information to fully evaluate the request under the requirements of this article and applicable State law.

(a) *Application requirements.* The following are the minimum submittal requirements for a density bonus application.

- (1) Any applicant requesting a density bonus and any incentive(s), waiver(s), parking reduction(s), or commercial development bonus(es) provided by State Density Bonus Law shall submit a density bonus application, indicating intent to utilize State Density Bonus Law, as described below. The requests contained in the density bonus application shall be processed concurrently with a planning application. The applicant shall be informed whether the application is complete, consistent with Government Code Section 65943.
- (2) The density bonus application shall include the following information.

- a. Requested Density Bonus for a housing development.
 - i. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
 - ii. A summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, the number of density bonus units proposed, the total number of dwelling units proposed on the site, and the resulting density in units per acre. The applicable calculations used to determine these items shall be included in the summary table.
 - iii. A tentative map and/or preliminary site plan, and a floor plan, drawn to scale, showing the number and location of all proposed units, including the location of proposed affordable units and density bonus units.
 - iv. Demonstrate compliance with review requirements section 13-152.5(b)(5).
 - v. A description of project funding sources that have their own affordability restrictions, if any.
 - vi. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known. This information shall also be provided on the applicable supplemental application form as prescribed by the Planning Division.
 - vii. A description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low- or lower-income households in the five-year period preceding the date of submittal of the application.
 - viii. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915(g) can be met.
- b. *Requested Incentive(s) for a Housing Development.* If the application proposes one or more incentives for a housing development pursuant to State Density Bonus Law, the density bonus application shall include the following information for each incentive requested, shown on a site plan:
 - i. The City's usual development standard and the requested development standard or regulatory incentive.
 - ii. Except where mixed-use zoning is proposed as an incentive, reasonable documentation to show that any requested incentive will

result in identifiable and actual cost reductions to provide for affordable housing costs or rents.

- iii. Where mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the cost of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed use zoning will provide for affordable housing costs or rents.
- c. *Requested Waiver(s) for a Housing Development.* If an application proposes waivers of development standards for a housing development pursuant to State Density Bonus Law, the density bonus application shall include the following information for each waiver requested on each lot, shown on a site plan if appropriate:
 - i. The City's usual development standard and the requested development standard.
 - ii. Reasonable documentation that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915.
 - iii. *Requested Parking Reduction for a Housing Development.* In the event an application proposes a parking reduction for a housing development pursuant to Government Code Section 65915(p), a table showing parking required by the zoning regulations, parking proposed under Section 65915(p), and reasonable documentation that the project is eligible for the requested parking reduction.
 - iv. *Child Care Facility for a Housing Development.* If a density bonus or incentive is requested for a child care facility in a housing development, reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.
 - v. *Senior and Student Housing.* If a density bonus or incentive is requested for a senior or student housing development, reasonable documentation that all the requirements included in Government Code Section 65915(b) can be met.
 - vi. *Residential Common Interest Conversion.* If a density bonus or incentive is requested for a residential common interest conversion, reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.
- (3) Fee. Payment of any fee in an amount set by resolution of the City Council for staff time necessary to determine compliance of the Density Bonus Plan with State Density Bonus Law.
- (b) *Review requirements.* All requests for density bonuses, incentives, parking reductions, waivers, or commercial development bonuses shall be considered and acted upon by the

approval body with authority to approve the development within the timelines prescribed by Government Code Sections 65950 et seq., with right of appeal to the applicable approval authority identified in Planning Application Review Process Table 13-29(c).

(1) *Eligibility for Density Bonus(es), Incentive(s), Parking Reduction(s), and/or Waiver(s) for a Housing Development.* To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law, the staff report presented to the decision-making body shall state whether the application conforms to the following requirements of state law:

- a. The housing development provides the affordable units, senior housing, or housing for other groups, required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction, or waivers requested, including the replacement of units rented or formerly rented to low and very low income households as required by Government Code Section [65915\(c\)\(3\)](#).
- b. Any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section [65915\(k\)\(2\)](#).
- c. The development standards for which a waiver is requested would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section [65915](#).
- d. The housing development is eligible for any requested parking reductions under Government Code Section [65915\(p\)](#).
- e. If the density bonus is based all or in part on donation of land, all of the requirements included in Government Code Section [65915\(q\)](#) have been met.
- f. If the density bonus or incentive is based all or in part on the inclusion of a child care facility, all of the requirements included in Government Code Section [65915\(h\)](#) have been met.
- g. If the density bonus or incentive is based all or in part on the inclusion of senior and student housing development, all of the requirements included in Government Code Section 65915(b) have been met.
- h. If the density bonus or incentive is based all or in part on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in Government Code Section [65915.5](#) have been met.

(2) The decision-making body shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

- a. The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for affordable rents, as defined in Health and Safety Code Section 50053; or
- b. The proposed incentive would be contrary to state or federal law; or

- c. The proposed incentive would have a specific, adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.
- (3) The decision-making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
 - a. The proposed waiver would be contrary to state or federal law; or
 - b. The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or
 - c. The proposed waiver would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.
- (4) If any density bonus, incentive, parking reduction, or waiver is approved pursuant to this article, the applicant shall enter into an affordable housing agreement with the City described below.
 - a. The affordable housing agreement shall be in a form approved by the City Attorney, to be executed by the City Manager, to ensure that the requirements of this article are satisfied. A housing agreement required under this article shall guarantee the affordability of the affordable units for a minimum of 55 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. The housing agreement shall include but not be limited to the following:
 - i. Identify the type, income limits, maximum rent limits, size and location of each affordable unit;
 - ii. Specify phasing of the affordable units in relation to the market-rate units;
 - iii. A fair housing marketing plan for the process by which qualified households will be reviewed and selected to rent or purchase affordable units;
 - iv. Provisions for income certification and screening of potential owners or renters of the affordable units; and

- v. Monitoring and recordkeeping requirements as determined by the City and affordability restrictions on the transfer of property.
- b. Where a density bonus, waiver, or parking reduction is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the City, running with the land, in a form approved by the City Attorney, to be executed by the City Manager, to require that the housing development be operated as "housing for older persons" consistent with state and federal fair housing laws.
- c. The executed housing agreement shall be recorded against the property where the housing development project is located prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development project. The affordable housing agreement shall be binding on all future owners and successors in interest.

(5) Design and Quality.

- a. The City may not issue building permits for more than 50% of the market rate units until it has issued building permits for all of the affordable units, and the city may not approve any final inspections or certificates of occupancy for more than 50 percent of the market rate units until it has issued final inspections or certificates of occupancy for all of the affordable units.
- b. Affordable units shall be comparable in exterior appearance and overall quality of construction to market-rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City.
- c. The number of bedrooms of the affordable units shall at least equal the minimum number of bedrooms of the market-rate units and should be comparable to the average number of bedrooms in the market-rate units, and include comparable square feet by unit size.
- d. Affordable units shall be evenly distributed across all unit types, buildings, floors, and locations on the site, comparable to those of the market-rate units, subject to the review and approval by the Community Development Director.
- e. Affordable units shall have access to the same amenities as the market rate units included within the affordable ownership cost or affordable rent for the affordable unit. For example, residents of the affordable units shall not be excluded from common open space, parking, storage, and any other community facilities or amenities in the residential development project, nor shall household in affordable units be charged more than an affordable rent or an affordable cost, as defined in as defined in Section 50052.5 of the Health and Safety code, or for affordable rents, as defined in Section 50053 of the Health and Safety Code, for the use of such facilities and amenities.

13-152.6 Continued affordability.

Consistent with the provisions of State Density Bonus Law, prior to a density increase or other incentives being approved for a project, the City and the applicant shall record an affordable

housing agreement or covenant to be recorded against the residential development, all affordable units, and any site subject to the provisions of this article to ensure the continued availability of the affordable units as described under review requirements subsection (d).

13-152.7 Replacement Housing Requirements.

In accordance with California Government Code Section 66300.5 et seq., the City of Costa Mesa shall approve and issue a building permit for a housing development project which requires the demolition of one or more residential dwelling units when the project creates at least as many residential dwelling units of equivalent size as will be demolished.

13-152.8 Affordable Housing Units.

Affordable replacement units required by this article, or Section 13-158, may count toward any affordable housing units required in connection with the granting of a density bonus, or the requirements of the City's inclusionary housing program in Chapter XVII Affordable Housing Ordinance. The affordable requirements units shall be subject to a recorded affordable housing agreement as required by the City in Section 13-333 of this code.

13-152.9 Guidelines.

The Community Development Director may from time to time adopt "State Density Bonus Law Affordable Housing Guidelines" for the purpose of determining household income and affordable housing cost, determining buyer eligibility, monitoring, other relevant administrative provisions, providing guidance related to requirements under the article, and determining acceptable alternative means of compliances within the requirements of this article.

13-152.10 Interpretation.

If any portion of this article conflicts with State Density Bonus Law or other applicable state law, state law shall control. Any ambiguities in this section shall be interpreted to be consistent with State Density Bonus Law.

Chapter IX, Article 21 of the Zoning Code shall be amended where ~~strike through~~ text denotes text being removed, and underline text denotes text being added.

Chapter IX Special Land Use Regulations

Article 21 Location of Cannabis Distributing, Manufacturing, Research and Development, Testing Laboratories, Retail Storefront and Retail Nonstorefront Uses

§ 13-200.90. Purpose.

The purpose of this article is to regulate the location of and standards for cannabis distributing facilities, manufacturing sites, research and development laboratories, testing laboratories, retail storefront and retail non-storefront uses in order to promote the health, safety, morals and general welfare of the residents and the businesses within the city by maintaining local control over the ability to authorize and regulate the location of cannabis businesses.

(Ord. No. 16-15, § 5, 11-8-16; Ord. No. 18-04, § 4, 4-3-18; Ord. No. 21-08, § 1,6-15-21; Ord. No. 2024-03, 5/7/2024)

§ 13-200.91. Applicability.

- (a) Nothing in this article is intended, nor shall it be construed, to burden any defense to criminal prosecution under the Compassionate Use Act of 1996.
- (b) All the provisions of this article shall apply to all property, public and private, within the city.
- (c) All the provisions of this article shall apply indoors and outdoors.
- (d) Unless otherwise provided herein or in this title, the terms used in this article shall have the meaning ascribed to them in Title 9, Chapter VI of this Code.

(Ord. No. 16-15, § 5, 11-8-16; Ord. No. 18-04, § 4, 4-3-18; Ord. No. 21-08, § 1,6-15-21; Ord. No. 2024-03, 5/7/2024)

§ 13-200.92. Cannabis distributing facilities, manufacturing sites, research and development laboratories, and testing laboratories.

- (a) Cannabis distribution, manufacturing, research and development and testing is prohibited in all zone districts within the city, except for those portions of the manufacturing park (MP) and planned development industrial (PDI) zones that are located both north of South Coast Drive and west of Harbor Boulevard, excluding any portion of the South Coast Collection (the "Green Zone").
- (b) A conditional use permit shall be required and may be issued to allow the location of any business engaged in the distribution, manufacturing, researching and developing, or testing of cannabis in the MP or PDI zones pursuant to subsection (a) of this section, subject to the following conditions:

- (1) The requirements of Chapter III of this title have been met;
 - (2) The findings for granting a conditional use permit in accordance with section 13-29(g) are met;
 - (3) The applicant obtains a cannabis business license pursuant to Chapter VI of Title 9 of this Code; and
 - (4) The use is conducted in compliance with all applicable state and local laws.
- (c) No person shall engage in any use set forth in this article unless that use is specifically authorized by Chapter VI of Title 9 of this Code.

(Ord. No. 16-15, § 5, 11-8-16; Ord. No. 18-04, § 4, 4-3-18; Ord. No. 21-08, § 1, 6-15-21; Ord. No. 2024-03, 5/7/2024)

§ 13-200.93. Cannabis retail storefront and non-storefront uses.

- (a) Cannabis retail storefront uses are prohibited in all zone districts within the city, except for the commercial zone districts.
- (b) Cannabis retail non-storefront uses are prohibited in all zone districts within the city, except for the commercial zone districts and within the Green Zone.
- (c) The following planning application shall be required for cannabis retail uses:
 - (1) A conditional use permit shall be required for retail storefronts and non-storefronts; and
 - (2) An amendment to the approved conditional use permit shall be required for existing licensed cannabis distribution or manufacturing businesses to operate a retail non-storefront under the existing business and within the same licensed premise. The amendment shall be processed as a minor conditional use permit.
- (d) A conditional use permit may be issued to allow the location of a retail cannabis use pursuant to subsections (a) and (b) of this section, subject to the following conditions:
 - (1) The requirements of Chapter III of this title have been met;
 - (2) The findings for granting conditional use permit pursuant to section 13-29(g) are met;
 - (3) The applicant obtains a cannabis business licensed for the location pursuant to Chapter VI of Title 9 of this Code; and
 - (4) The use is conducted in compliance with all applicable state and local laws, regulations, and all applicable conditional use permit conditions of approval.
- (e) Cannabis retail storefront location.
 - (1) No cannabis retail storefront use shall be located within 1,000 feet from a K-12 school, playground, child daycare, homeless shelter, or youth center, that is in

operation at the time of submission of a completed cannabis business permit application, or within 250 feet from a property zoned for residential use;

- a. For the purpose of identifying separations from cannabis storefronts and properties zoned for residential use, properties zoned for residential use are within the following zoning districts: R1 Single-Family Residential District, R2-MD Multiple-Family Residential District, Medium Density, R2-HD Multiple-Family Residential District, High Density, R3 Multiple-Family Residential District, TC Town Center District, PDR-LD Planned Density Residential—Low Density, PDR-MD Planned Development Residential—Medium Density, PDR-HD Planned Development Residential—High Density, and PDR-NCM Planned Development Residential—North Costa Mesa.
 - b. Where a non-residential property was developed for residential or mixed residential use in accordance with an overlay, ~~urban plan~~, or specific plan, and the residential development and use remains, the property would be considered residential when establishing a separation from cannabis storefronts.
 - c. Where an overlay, ~~urban plan~~, or specific plan allows residential development on a property zoned for residential use, but residential development has not been constructed, such property would not be considered a property zoned for residential use pursuant to this provision.
 - d. Where a legal nonconforming residential unit or units have been developed on a property zoned for non-residential use, the property would not be considered residential when establishing a separation from cannabis storefronts.
- (2) All distances referenced in (e)(1) shall be measured in a straight line from the premises where the cannabis retail use is to be located to the closest property line of a K-12 school, playground, child daycare, homeless shelter, youth center or property zoned for residential use.
- a. For purposes of this subsection, the property line of a playground shall be a 30 foot radius from the exterior physical boundaries of the playground equipment area;
- (3) All distances shall be measured without regard to the boundaries of the city and and/or intervening structures or other barriers;
- (4) At a property as for which the zoning administrator, director or planning commission determines, based on a preponderance of the evidence, that unpermitted and/or illegal cannabis activity involving sales, delivery and/or dispensing has taken place at any time in the 365 days preceding an application under this article. If an unpermitted and/or illegal cannabis activity has existed on a property no cannabis business may be permitted on that property unless 365 days has elapsed since that unpermitted and/or illegal cannabis activity has vacated the property, and the owner of that property has compensated the city for any and all expenditure of public funds and resources, including all costs,

expenses (including, but not limited to, the salaries of peace and/or code enforcement officers) and/or attorney's fees, incurred in investigating, abating or attempting to abate the unpermitted use or uses, whether or not any type of civil, criminal or administrative proceedings have been commenced against the property, provided however if the owner of the property is required to evict that use, the 365 days shall begin to run from the date of the filing of an unlawful detainer complaint, in which case a permit may be issued after the 365 days had elapsed and that use is no longer occupying the property.

- (5) A determination and/or finding under subsection (e)(4) is subject to the appeal provisions of Chapter IX of Title 2 of this Code.
- (6) The nonconforming provisions contained in Chapter X of this Code pertain to cannabis uses except as follows:
 - a. When an approved retail cannabis storefront conditional use permit location which lawfully met separation requirements at the time of the submission of a cannabis business permit application for the subject property does not conform to the separation and the permitted cannabis retail operation is discontinued or abandoned for more than 180 days, or when a permitted cannabis use is replaced in whole or part for any period of time by any other use, the conditional use permit shall be null and void after the permittee has had an opportunity for a hearing before the issuing officer as provided in Chapter II of Title 9.
- (f) Retail storefront uses shall be subject to the following development standards in addition to those contained in Chapter VI of Title 9:
 - (1) Opaque window coverings unless required by the City for security purposes are prohibited;
 - (2) Permanent security or safety bars shall not be placed on any interior or exterior windows or door, unless required by the City for security purposes;
 - (3) Directional signage to the use including, but not limited to, A-frame signs, sandwich board signs, banners, or flags are prohibited;
 - (4) No use shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way;
 - (5) Uses shall comply with the landscaping requirements set forth in Chapter VII of this title including bringing the site landscaping into conformance when feasible as determined by the director;
 - (6) Parking requirements shall be subject to section 13-89;
 - (7) The hours of operation may be established as part of the planning application subject to the final review authority and may be more restrictive than those set forth in Chapter VI of Title 9. Modification of operation hours when

established as part of the planning application shall be subject to an amendment of the planning application;

- (8) Drive-through services or walk-up window services are prohibited;
 - (9) Outdoor seating or patio areas are prohibited;
 - (10) Special events that include live entertainment, dancing, and/or amplified music, or that are otherwise visible and/or audible from the public right-of-way, are prohibited;
 - (11) All cannabis products shall be secured after business hours in a locked container under 24-hour video surveillance; and
 - (12) For uses within 200 feet of a residential zone, all exterior lighting shall be shielded and/or directed away from residential areas. In addition, trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to adjacent residential areas.
- (g) Non-storefront uses shall be subject to the following development standards in addition to those contained in Chapter VI of Title 9:
- (1) Uses may operate independently from a retail storefront or as a part of, and in conjunction with, a permitted storefront, distribution, or manufacturing facility;
 - (2) Parking requirements shall be subject to section 13-89 and shall also include sufficient parking spaces for delivery vehicles;
 - (3) All deliveries to customers shall be completed by 10:00 p.m.; and
 - (4) The general public shall not be permitted to enter the premises of a non-storefront retail use.
- (h) Except as specifically authorized in this article, all other cannabis retail uses such as, but not limited to, lounges and cafes are expressly prohibited in the city.
- (i) No person shall engage in any use set forth in this article unless that use is specifically authorized by Chapter VI of Title 9 of this Code.
- (j) Any cannabis use, including, but not limited to, those involving sale, delivery and/ or dispensing, that is not permitted, licensed and otherwise in full compliance with all applicable provisions of this Code and state and local law, shall not be considered a legally non-conforming use pursuant to, and notwithstanding any contrary provisions of, Chapter IX of this title.

(Ord. No. 21-08, § 1, 6-15-21; Ord. No. 2024-03, 5/7/2024)

§ 13-200.94. Declaration of public nuisance.

Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this article, is hereby declared to be unlawful

and a public nuisance and may be abated by the city through civil and/or administrative proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

(Ord. No. 16-15, § 5, 11-8-16; Ord. No. 18-04, § 4, 4-3-18; Ord. No. 21-08, § 1, 6-15-21; Ord. No. 2024-03, 5/7/2024)

§ 13-200.95. Violations.

Violations of this article shall be punishable pursuant to the provisions of section 13-16 in addition to any other remedy available at law or in equity.

(Ord. No. 16-15, § 5, 11-8-16; Ord. No. 18-04, § 4, 4-3-18; Ord. No. 21-08, § 1, 6-15-21; Ord. No. 2024-03, 5/7/2024)

Chapter V, Article 2 of the Zoning Code shall be amended where ~~strike through~~ text denotes text being removed, and underline text denotes text being added.

Chapter V Development Standards

Article 2 Residential Common Interest Developments

§ 13-~~39~~41.1. Purpose.

The purpose of this article is to regulate the placement of residential common interest development projects and the conversion of existing apartments to common interest developments consistent with the type of ownership and occupancy of such projects pursuant to applicable laws for the general health, safety and welfare of the public.

(Ord. No. 07-17, § 1e., 10-2-07)

§ 13-~~40~~41.2. Planning applications required.

- (a) Residential common interest development projects are permitted in appropriate residential or planned development zones or the mixed-use overlay district, subject to the approval of the following planning application, as applicable. This requirement is in addition to other permits or certificates required by law.
- (1) All new residential common interest development projects shall be processed according to the ~~design review~~ procedures contained in Chapter III Planning Applications.
 - (2) Conversion of occupied or previously occupied apartment complexes to residential common interest development projects shall be subject to sections 13-41, residential common interest development standards and requirements and 13-42, residential common interest development conversions and shall be processed according to the residential common interest development conversion procedures contained in Chapter III Planning Applications.
 - (3) (Reserved)
 - (4) All residential common interest development projects require the approval of tentative or final tract or parcel maps as required by law. A tentative tract map or parcel map shall not be required until either ~~a design review or the residential common interest development conversion~~ has been approved; however, the map may be processed concurrently.
- (b) No person shall construct, sell, lease, convey, maintain or use a new or newly converted residential common interest development project within the city without first complying with the provisions of this article.

(Ord. No. 07-17, § 1e., 10-2-07)

§ 13-4141.3. Residential common interest development standards and requirements.

- (a) **Applicability.** The provisions of this section shall apply to all proposed new residential common interest development projects and the conversion of existing apartments to residential common interest developments.
- (b) **Development standards.** Table 13-41(b) identifies the development standards for residential common interest developments. Projects shall also comply with the applicable site, landscaping, parking, and subdivision requirements of this Zoning Code, including, but not limited to, Chapter V Development Standards, Chapter VI Off-Street Parking Standards, Chapter VII Landscaping Standards, and Chapter XI Subdivisions, as well as the Citywide Multifamily Residential and Mixed-Use Objective Design Standards. See also Article 9 General Site Improvement Standards of this chapter for additional requirements. Projects shall comply with all applicable standard plans and specifications and adopted city and state codes, as well as the following provisions:
 - (c) The location and orientation of all buildings shall be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, groves, waterways, scenic points, historic spots or landmarks, bluffs or slopes shall be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations.
 - ~~(d) All structures proposed to be constructed within a project shall conform to the following requirements:~~
 - ~~(e) Structures having dwelling units attached side by side shall avoid the long row effect by being composed of no more than six dwelling units. Alternative designs which accomplish the same purpose may be approved by the final review authority.~~
 - ~~(f) Structures having dwelling units attached side by side shall avoid the long row effect with a break in the facade by having an offset in the front building line of at least four feet for every two dwelling units within such structure. Alternate designs which accomplish the same purpose may be approved by the final review authority.~~
 - ~~(g) Consideration shall be given to the effect of proposed development on the light, air and privacy of adjacent properties.~~
 - ~~(h)~~(d) _____ Outside uncovered and unenclosed storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited unless specifically designated areas for the exclusive storage of such vehicles are set aside on the final master plan and provided for in the association's covenants, conditions, and restrictions. Where such areas are provided, they shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of six-foot high opaque fences and permanently maintained landscaping.
 - ~~(i) For high rise residential projects, see the North Costa Mesa Specific Plan for additional development standards.~~
 - ~~(j) The developer shall install an on site lighting system in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways~~

and walkways within the project and away from dwelling units and adjacent properties, and shall be of a type approved by the development service department.

(k)(e) _____ The development shall comply with the provisions of Chapter XI. Subdivisions, which may include, but are not limited to, land dedication and improvements, such as drainage improvements and payment of fees.

TABLE 13-41(b)		
RESIDENTIAL COMMON INTEREST DEVELOPMENT STANDARDS		
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS
Individual Dwelling Unit Minimum Lot Area	All zones: 3,000 square feet with an overall average of 3,500 square feet. The required common lot shall not be included in the calculation of lot area. Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.	No minimum requirement.
Common Lot Required	All projects shall be designed with a minimum of one lot to be held in common ownership and maintained by a homeowners association. This lot shall be used for common driveways, parking areas, and at least 10 feet of street setback landscaped areas.	
Maximum Number of Stories & Building Height	2 stories/27 feet, except as allowed in the Planned Development, or Town Center zoning districts, <u>or as allowed in section 13-41.5. Mesa West Residential Ownership Incentive Program.</u> Note: Lofts, as defined in section 13-6 , without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.	
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. In zoning districts where the maximum number of stories is two stories, attics above second stories shall be an integral part of the second story roofline and not appear as a 3rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.	
Maximum Density (based on gross acreage)	Same as underlying zoning district or as specified in an applicable specific plan.	
Minimum Open Space Development Lot	40% of total lot area. ~~Exception: For high-rise residential projects, see the North Costa Mesa Specific Plan.~~ <u>or as required in an applicable Specific Plan.</u>	
Individual Dwelling Unit Lot	40% overall, with a minimum 400 square-foot area with no dimension less than 15 feet.	Not applicable.

TABLE 13-41(b)**RESIDENTIAL COMMON INTEREST DEVELOPMENT STANDARDS**

STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS
Private Open Space	Same as individual dwelling unit lot above.	An adjoining patio required with no dimension less than 10 feet. <i>Exception:</i> Not applicable to high-rise residential projects in the North Costa Mesa Specific Plan.
Common Open Space	Common open space areas shall be designed and located within the development to allow maximum use by all residents. Enclosed buildings used for recreation or leisure facilities should not be used to satisfy more than 15 percent of required open space.	
Distance Between Buildings	10-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures	
Driveway Width	10-foot minimum, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit.	
Driveway Length	Straight-in driveways to garages shall have a minimum length of 19-feet from the ultimate property line.	
Storage	Not applicable.	Each unit shall be provided with 200 cubic feet of securable storage exterior to the unit. If this storage is provided within the garage or carport it shall be located at the front of the parking area so as not to obstruct the required clear dimensions of the covered parking space (per the City of Costa Mesa Parking Design Standards) at any point less than 4 feet above the finished surface level of the parking stall. <i>Exception:</i> Not applicable to high-rise residential projects in the North Costa Mesa Specific Plan.
Mechanical equipment, excluding antennas and flush-mounted solar panels on roofs	Roof-top location is prohibited.	Screening required from public rights-of-way and adjacent properties.

SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS AND STRUCTURES
 (Minimum distances given, unless otherwise noted. All setbacks from streets to development lots are measured from the ultimate property line shown on the Master Plan of Highways.)

TABLE 13-41(b)**RESIDENTIAL COMMON INTEREST DEVELOPMENT STANDARDS**

STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS
Front Development Lot	20 feet	20 feet
Individual Dwelling Unit Lot	None	Not applicable
Side (interior) Development Lot	5 feet	
Side (street side, if applicable) Development Lot	10 feet Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the property line.	
Rear (not abutting a publicly dedicated alley) Development Lot	20 feet for 2 story structures in R2-MD and R2-HD zones; 15 feet for 2 story structures in the R-3 zone. 10 feet for 1 story structures (15-foot maximum height) provided that maximum rear yard coverage is not exceeded. <i>Exception:</i> Rear yard coverage does not apply to the R-3 zone. <i>Note:</i> Accessory structures that do not exceed 15 feet in height may have a zero rear yard setback, except on corner lots. Corner lots in the R2-MD, R2-HD & R3 zones: a. Where the rear property line of a corner lot adjoins the side property line of another lot, no detached accessory structure shall be allowed on the corner lot, except within the rear quarter of the corner lot farthest from the side street. b. Where the rear property line of a corner lot abuts a public or private street, accessory structures shall maintain setbacks for main structures.	
Rear Yard Coverage (maximum) in the R2-MD and R2-HD zones	Main Buildings: 25% of rear yard area.* Accessory Buildings: 50% of rear yard area.* * Rear yard area equals lot width, measured from side property line to side property line, multiplied by 20 feet.	
Rear Abutting a Publicly Dedicated Alley	5 feet; however, garages may be required to set back further to ensure adequate back up distance. Rear Yard Coverage does not apply. <i>Note:</i> Accessory structures that do not exceed 15 feet in height may have a zero rear yard setback, except on corner lots where accessory structures shall maintain setbacks for main structures.	
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see section 13-34 BLUFF-TOP DEVELOPMENT).	
PROJECTIONS (maximum depth of projections given)		
Roof or Eaves Overhang; Awning	2 feet 6 inches into required side setback or building separation area. 5 feet into required front or rear setback.	

TABLE 13-41(b)**RESIDENTIAL COMMON INTEREST DEVELOPMENT STANDARDS**

SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)		OTHER UNITS
STANDARDS		
Open, unenclosed stairways	2 feet 6 inches into required setback or building separation area.	
Chimneys	2 feet above maximum building height.	
Fireplaces	2 feet into required setback or building separation area.	
PARKING (See CHAPTER VI)		
2-car garage required	Yes	Not required.
Automatic roll-up garage door with remote controlled door opener required	Yes	Yes, if garages are provided.
Location of Covered Parking	~~Required covered tenant parking shall be located within a reasonable distance of the unit it serves. Detached garages that are not located within a reasonable distance to the units they are intended to serve are prohibited.~~	
LANDSCAPING		
A detailed landscape plan prepared pursuant to CHAPTER VII LANDSCAPING STANDARDS shall be approved by the Planning Division prior to issuance of any building permits.		
Landscape parkways with a combined width of 10 feet, but not less than 3 feet on one side, shall be provided along the sides of interior private streets and/or common driveways. The parkway on the house side of private streets or common driveways shall be a minimum of 5 feet in width.		
SIGNS (See CHAPTER VIII)		
POOLS AND SPAS		
Above-ground pools and spas shall not be located in the required front yard setback from a public street and are subject to 5-foot side and 10-foot rear yard setbacks for main structures. Additional setbacks may be applicable pursuant to building code requirements.		
FENCES AND WALLS		
Fences and walls placed between the property line and required setback line for main buildings shall conform to the City's walls, fences, and landscaping standards. See ARTICLE 9 GENERAL SITE IMPROVEMENT STANDARDS of this chapter for further information.		
<u>MULTIFAMILY RESIDENTIAL AND MIXED-USE OBJECTIVE DESIGN STANDARDS</u>		
<u>Multifamily units (including townhouses) shall comply with the applicable requirements of the Citywide Multifamily Residential and Mixed-Use Objective Design Standards.</u>		

~~(f)~~(f) ***Documents required.***

- (1) A project may be approved subject to submission of all organizational documents setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, and common facilities pursuant to state law (Cal. Civ. Code §§ 1350-1359). No such documents shall be acceptable until approved by the city attorney as to legal form and effect, and by the planning division as to suitability for the proposed use of the open areas.
- (2) The developer shall file a declaration of covenants to be submitted with the application for approval, which will govern the association. The provisions shall include, but not be limited to, the following:
 - a. The homeowners' association shall be established prior to the sale of any unit(s).
 - b. Membership shall be mandatory for each owner and any successive owner.
 - c. Provisions to restrict parking upon other than approved and developed parking spaces and to require that garages be kept available for tenant parking shall be written into the covenants, conditions and restrictions for each project.
 - d. If the development is constructed in increments or phases which require one or more final maps, reciprocal covenants, conditions, and restrictions and reciprocal management and maintenance agreements shall be established which will cause a merging of increments as they are completed, and embody one homeowners' association with common areas for the total development.
 - e. The declaration of covenants shall contain language or provisions substantially as follows:
 - i. The covenants, conditions and restrictions of this declaration shall run to the City of Costa Mesa insofar as they shall apply to the maintenance of the "common areas" as herein defined.
 - ii. In the event the association or other legally responsible person(s) fail to maintain the common area in such manner as to cause same to constitute a public nuisance, the city may, upon proper notice and hearing, institute summary abatement procedures and impose a lien for the costs of such abatement upon the common area, individual units or the whole thereof as provided by law.

(Ord. No. 07-17, § 1e., 10-2-07; Ord. 2025-07, 10/21/2025)

§ 13-4241.4. Residential common interest development conversions – Additional standards.

(a) **Applicability.** The provisions of this section shall apply to all conversions of occupied or previously occupied apartments to residential common interest developments proposed on a real property within the appropriately zoned districts. These provisions are in addition to those set forth in section 13-41, residential common interest developments standards and requirements. To request a conversion, the applicant must provide evidence that the proposed project complies with the following requirement:

(1) If new or recent construction, the apartment complex has received final building permit approvals from the city.

(b) **City council findings.**

(1) The city council finds and declares that that the conversion of existing apartment buildings into common interest development projects may diminish the supply of rental housing and displace residents unreasonably.

(2) The city council further finds to avoid the foregoing problems and to reduce the displacement of long-term residents, particularly senior citizens and low-and moderate-income families and families with school-age children, the city council finds and declares it necessary and proper to regulate such conversions by the provisions herein for the health, safety, and welfare of the general public.

(3) The city council further finds it is the intent of these regulations to protect the interests of the community and prospective purchasers by requiring the applicant to provide certain information regarding the condition of the structure and to require reasonable improvements to ensure quality and to protect the health, safety, and general welfare of the public.

(4) The city council further finds that conversion of occupied or previously occupied residential apartments to condominiums (residential common interest developments) shall be prohibited from and after December 31, 2011, for any project which does not meet each and every development standard for common interest developments in place at the time of the proposed conversion, including by [but] specifically not limited to, number of parking spaces, on-site open space, landscaping and setbacks.

(c) **(Reserved)**

(d) **Inspection fee.** The applicant shall pay an inspection fee, established by the city council, to determine compliance of the existing units with all appropriate building codes as noted in section 13-42(f)(2).

(e) **Documents required.** The applicant shall submit the following documents in addition to those set forth in section 13-41(c) residential common interest developments. To the extent applicable, the following report requirements may be satisfied by submission of copies of similar reports filed with state agencies. The reports shall include information on what improvements, if any, shall be accomplished by the applicant and when such improvements shall be completed.

All improvements cited in the reports, whether required or voluntary, shall be placed as conditions of approval in conjunction with the approval of the request to convert apartments to a common interest development and shall be completed prior to recordation of the subdivision map.

- (1) *Tenant rights.* Written proof of compliance with the requirements of applicable state statutes regarding the rights of existing tenants of the project.
- (2) *Structural report.* A detailed structural report by a California-registered structural or civil engineer identifying the following information:
 - a. Date of original construction of all structures.
 - b. Any evidence of soils problems.
 - c. The condition of the building foundations, walls, ceilings, windows, doors, recreational facilities, parking facilities, and drainage facilities.
 - d. The condition of refuse disposal facilities; swimming pools, saunas/spas, fountains; fireplaces; and exterior lighting.
 - e. Compliance of all bedroom windows with the current California Building Code dimensions for emergency egress. Non-compliant windows shall be identified for replacement or other appropriate remediation.
 - f. Certification that all walls and floor/ceiling assemblies comply with current code requirements for sound transmission. Non-compliant walls and floor/ceiling assemblies shall be identified for replacement or other appropriate remediation.
 - g. Certification that the building's wood frames, sill plates, anchor bolts, connections, and foundation have been inspected and have a minimum life of 25 years and that all substandard elements have been identified for replacement or other appropriate remediation.
- (3) *Pest report.* A report by a California-licensed structural termite and pest control specialist certifying whether or not all attached or detached structures are free of infestation and structural damage caused by pests and/or dry rot. The report shall describe what procedures are necessary to eliminate infestation or damage, if present.
- (4) *Paint report.* A report by a California-licensed painting contractor verifying the condition of the paint on all building interior and exterior surfaces. A statement that new paint will be applied on all building interior and exterior surfaces may take place of the paint report. The statement shall include the brand name of the paint and the exterior colors to be used. For exterior surfaces, a minimum of three coats should be applied.
- (5) *Mold report.* A report by a California-licensed mold specialist certifying whether or not all attached or detached structures are free of mold. The report shall describe what procedures are necessary to eliminate mold, if present.

- (6) *Mechanical equipment report.* A report by a California-registered mechanical engineer certifying that all appliances and mechanical equipment for heating and cooling comply with the current California Mechanical Code. The proper measures to remediate any noncompliant appliances and mechanical equipment shall be identified.
 - (7) *Electrical report.* A report by a California-registered electrical engineer certifying that all electrical systems comply with the California Electrical Code. The proper measures to remediate the noncompliant system components shall be identified.
 - (8) *Plumbing report.* A report by a California-licensed plumbing contractor certifying that all plumbing systems comply with the current California Plumbing Code. All above ground plumbing that does not comply with the current code shall be identified for replacement. Included in this report shall be plumbing systems associated with any swimming pool, sauna, spa, and/or fountain. A camera test of the sewer lateral shall also be conducted under the direction of the applicable sanitary district, and any substandard sewer laterals shall be identified for replacement by the sanitary district. Onsite sewer clean-outs shall be indicated for installation pursuant to the direction of the applicable sanitary district.
 - (9) *Roof report.* A report by a California-licensed roofing contractor verifying that the roofs of all structures have an estimated remaining physical life of at least 25 years. A statement that new roof material will be applied may take place of the roof report. The statement shall include the specifications of the proposed roofing material.
 - (10) *Asbestos report.* A report by a California-licensed asbestos specialist indicating that the property does not pose any health hazards related to asbestos. The proper measures to remediate asbestos shall be identified, if necessary. This report is only required for buildings that were constructed prior to 1980.
- (f) **Review procedures.** The following are processing requirements in addition to those set forth in Chapter III Planning Applications.
- (1) Upon receipt of the application and all required documents, the planning division shall submit copies of applicable reports or documents to the fire department, building safety division and other appropriate departments.
 - (2) The ~~development services~~ Community Development Director shall require an inspection of all buildings and structures in the existing development. An inspection report shall be prepared at or under his/her direction identifying all items found to be in violation of current code requirements for such buildings or structures, or found to be hazardous.
 - (3) The fire marshal may inspect the project to determine the sufficiency of fire protection systems serving the project and report on any deficiencies.
 - (4) The planning division may submit copies of such documents required in subsection (e) to other departments for their review and requirements.

- (5) The planning division shall review the property report submitted by the applicant and may require its revision and resubmission if found inadequate in providing the required information.
- (6) The planning division shall keep and maintain the copies of all required reports, as public records, for no less than five years, and shall send copies to the California Real Estate Commissioner as may be required by law.
- (7) A final inspection report shall be made by the building official, upon request of the applicant, indicating the compliance with all the imposed requirements.

(g) **Approval criteria.**

- (1) The final review authority shall utilize the development standards and requirements of this article as criteria in the approval of the conversion as herein provided.
- (2) No residential common interest development conversion shall be approved until all required documents have been submitted, reviewed and found to comply with the provisions of applicable state law and this zoning code.
- (3) All dwelling units shall be required to comply with current requirements for energy insulation, sound transmission control, and fire detection systems.
- (4) The city council may adopt general standards that may be applied to residential common interest development conversion applications on a case-by-case basis. The final review authority may use these standards to impose conditions of approval on residential common interest development conversion applications to achieve the purpose of this article.

(h) **Conversion standards.** The project shall be brought into compliance with the following minimum construction standards, unless the building official approves an alternate method of construction. Prior to recordation of the subdivision map, applicable building permits shall be obtained, and all improvements shall be constructed, inspected, and receive final city approval for the required improvements in this section and for any health and safety code violations.

- (1) **Life safety standards.** The following improvements shall be provided in accordance with the provisions of the California Building Code or any successor statute or regulation, unless otherwise noted.
 - a. Draft stops shall be installed in conformance with the current California Building Code.
 - b. Each unit shall have access to the electrical branch circuits that serve the unit, and each unit shall have a minimum 100-amp service.
 - c. Smoke detectors shall be installed and operating. All existing hard-wired units shall be in working order and any additional smoke detectors that are required by code shall be installed.

- d. Ground fault circuit interrupter protection shall be provided where required by the currently adopted electrical code.
- e. Buildings that contain three or more stories or 16 or more dwelling units shall be provided with both a manual and an automatic fire alarm system in public areas.
- f. Doors opening into public corridors shall conform to code requirements, including being self-closing and latching.
- g. Interior doors opening into enclosed stairways shall be fire rated and self-closing and latching.
- h. All public corridors shall have illuminated exit signs indicating the path of travel along the exit system and emergency backup power shall be provided for the exit signs.
- i. Emergency backup power shall be provided for egress lighting in all public areas, including corridors, stairways, lobbies, attached parking garages and elevator cabs and shall provide a minimum illumination of one foot-candle at the floor level.
- j. When applicable, a means of two-way communication shall be provided between all elevator cabs and the outside of the elevator.
- k. Portable fire extinguishers shall be provided in accordance with the California Fire Code or any successor statute or regulation.

(2) **Plumbing requirements.** The following improvements shall be provided in accordance with the provisions of the California Plumbing Code or any successor statute or regulation.

- a. A temperature and pressure relief valve shall be provided for all water heaters.
- b. Water heaters shall be seismically braced with a minimum of two straps.
- c. Water heaters shall be properly vented to the outside and shall be provided with sufficient combustion air.
- d. Potable water shall have a backflow protection where necessary to prevent potential cross connection.
- e. Dishwashers shall be connected to the drainage system through an approved air gap fitting.

(3) **Security requirements.** The following improvements shall be provided in accordance with the provisions of the California Building Code or any successor statute or regulation.

- a. Openings into individual dwelling units shall comply with the security provisions.
- b. Doors will be equipped with appropriate deadbolt locks.
- c. Required egress windows in sleeping rooms shall not be blocked by a security grill or grate, unless it has an approved release device.

(4) **Compliance with zoning code provisions.** With the exception of density standards, the project shall comply with all requirements of this zoning code, including but not limited to building setbacks, distance between buildings, parking, open space, and landscaping requirements, unless any zoning code requirement is superseded by an adopted specific plan or ~~urban plan~~ overlay. The final review authority may approve a deviation from a zoning code standard in conjunction with the review of the conversion request, in conformance with the findings in section 13-29(g)(10) and provided that the following minimum standards are met.

- a. If existing onsite parking does not conform to current requirements, at a minimum two and one-half (2.5) parking spaces for every two- to three-bedroom units, and 1.5 parking spaces for every studio and/or one-bedroom unit shall be provided. Additionally, one covered space shall be assigned to each unit. In no circumstance shall approval of a conversion application result in fewer onsite parking spaces than the number of spaces that existed onsite prior to the application submittal.
- b. If existing onsite open space does not conform to current requirements for the development lot, at a minimum 30% of the total lot area shall qualify as open space.

(5) **Refurbishing and restorations.** All main buildings, structures, walls, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements as required by the final review authority shall be refurbished and restored as appropriate for a high standard of appearance, quality, and safety. Specific improvements include:

- a. Installation of all remedial improvements identified in the reports submitted pursuant to by section 13-42(e), documents required.
- b. Installation of appropriate improvements that ensure acceptable sound transmission levels between units in each building and between units and parking facilities in conformance with the current California Building Code.
- c. Installation of insulation in all walls and ceilings that has a minimum value of R-13 for walls and R-30 for ceilings.
- d. Replacement of all gas lines (both interior and exterior) that do not comply with current code and conduct appropriate pressure test.
- e. Provision of individual washer/dryer hook-ups for each unit.

- f. Installation of double-glazed, low-E windows and exterior doors.
 - g. Installation of new sinks, faucets, toilets, and tubs/showers. Low water flow plumbing fixtures are recommended.
 - h. Installation of new appliances. Energy-efficient appliances are recommended.
 - i. Install new stucco, paint, and flooring as needed.
 - j. Waterproofing all exterior landings, staircases, and balconies.
 - k. Installation of roof-top solar energy panels is encouraged.
- (6) **Condition of equipment and appliances.** The developer shall provide a one-year warranty to the buyer of each unit at the close of escrow on any appliance included in the unit as a condition of sale, including, but not limited to, dishwasher, garbage disposal, stove, oven, refrigerator, hot water tank, forced air unit, and air conditioner. At such time as the homeowners' association takes over management of the project, the developer shall provide written certification to the association that any improvements that are to be owned in common by the association, such as pools, spas, pool/spa equipment and any other appliances and mechanical equipment are in operable working condition. The developer shall also provide a one-year warranty on these appliances and mechanical equipment.
- (7) **Public report.** Prior to the submittal of the recorded subdivision map with the state department of real estate, the developer shall submit to the planning division a copy of the preliminary public report, which shall list all structural and site improvements that were made to the conversion project.
- (8) **Onsite utilities.** The developer shall underground all onsite utilities. In addition, all onsite utilities, such as gas, electricity, and water, shall be separately metered for each unit. Common areas may also require separate utility meters pursuant to the utility agency requirements.

(Ord. No. 07-17, § 1e., 10-2-07)

§ 13-41.5. Mesa West Residential Ownership Incentive Program.

(a) **Purpose.** The purpose of this section is to guide and incentivize the development of new common interest developments or conversion of existing multi-family residential properties into common interest developments located within the area defined for the purposes of applicability of the Mesa West Residential Ownership program ensuring such projects meet applicable standards that protect public health, safety, and welfare.

(b) Applicability.

(1) The provisions of this section shall apply to common interest development projects, including new construction and conversions of existing multi-family

residential developments to a common interest development, located within applicable area, as shown on Figure 13.41.5.

(2) Except as otherwise provided in this section, all provisions of this article shall apply. In the event of a conflict, the provisions of this section shall prevail.

(3) Where the provisions of this section conflict with the development standards of the applicable base zone, the provisions of this section shall prevail.

(c) **Program eligibility.** Applicants proposing ownership housing on parcels within Figure 13.41.5 boundaries with a zone of R2-MD, R2-HD, or R-3, may utilize the development standards contained in this subsection:

(1) *Minimum lot size.* Properties with a minimum lot size of one (1) acre may increase residential densities up to twenty (20) dwelling units per acre, unless superseded by State law. Lot consolidation may be utilized to achieve the one-acre minimum lot size.

(2) *Maximum Number of Stories & Building Height.* Properties may increase the allowed building height to three stories, or 45 feet.

(d) **Review process.**

(1) *Planning application requirements.* All proposed development projects utilizing this incentive program shall comply with and be processed according to the procedures contained in §13-41.2 (Planning Application Required).

(2) *Disclosure requirements.* As part of the application approval process, the City may apply conditions of approval requiring that Covenants, Conditions, and Restrictions (CC&R) disclose the existing noise environment and any odor-generating uses within and surrounding the development.

a. The CC&Rs disclosures shall be reviewed and approved by the City Attorney prior to recording. Any subsequent amendments related to these disclosures shall also require City Attorney approval.

b. A condition of approval may be included which would require that written notice of the existing noise or odor use within the development and a radius to be determined by the Community Development Director or their designee be distributed to prospective purchasers or tenants. Written notice shall be provided at least fifteen (15) days prior to the close of escrow or within three (3) days of executing a rental or lease agreement for tenants, whichever is longer.

c. The City Attorney's office shall determine the appropriate method for providing required disclosures, which may include a separate recorded document, CC&R provisions, or other legally binding mechanism. If

disclosures are required through a recorded instrument, they need not be repeated within the CC&Rs.

Figure 13.41.5. Mesa West Residential Ownership Program

Chapter V, Article I of the Zoning Code shall be amended where ~~striketrough~~ text denotes text being removed, and underline text denotes text being added.

Chapter V Development Standards

Article I Residential Districts

§ 13-31. Purpose.

The purpose of this article is to achieve the following:

- (a) Ensure adequate light, air, privacy and open space for each dwelling unit.
- (b) Minimize traffic congestion and avoid overloading of public services and utilities.
- (c) Protect residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke and other objectionable influences.
- (d) Locate development which retains the scale and character of existing residential neighborhoods and facilitates the upgrade of declining and mixed-density residential neighborhoods.
- (e) Provide for the creation and ministerial consideration of accessory dwelling units in the R1 (Single-Family Residential District) and R2-MD (Multiple-Family Residential District, Medium Density) at the allowable general plan density for the lot.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 18-03, § 4,1-16-18)

§ 13-32. Development standards.

Table 13-32 identifies development standards in the residential zones, with the exception of development standards for common interest developments (see Article 2, residential common interest developments. See also Article 9, general site improvement standards of this chapter for additional requirements for all the residential zones

**TABLE 13-32
RESIDENTIAL DEVELOPMENT STANDARDS**

STANDARDS	R1	R2-MD	R2-HD	R3
Minimum Lot Area	6,000 square feet	12,000 square feet	12,000 square feet	12,000 square feet
Minimum Lot Area for newly subdivided lots	6,000 square feet	12,000 square feet	12,000 square feet	12,000 square feet
Minimum Lot Width for newly subdivided lots	Interior lot: 50 feet Corner lot: 60 feet Note: All newly subdivided lots shall have frontage on a dedicated street equal to, or in excess of, the required minimum lot width. An exception to this requirement is when the existing R-1 lot (that is proposed to be subdivided) has an average depth that equals to or exceeds 200 feet		Interior lot: 100 feet Corner lot: 100 feet Note: All newly subdivided lots shall have frontage on a dedicated street equal to, or in excess of, the required minimum lot width; with the exception of common interest developments.	
Maximum Number of Stories & Building Height	2 stories/27 feet for residential land uses. The maximum number of stories and building height for nonresidential land uses shall be determined in conjunction with the conditional use permit review process. Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.			
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets, or operable windows. Attics above second stories shall be an integral part of the second story roofline and not appear as a third story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.			
Maximum Density (Based on gross acreage)	1 dwelling unit per 6,000 square feet (Note: Only 1 dwelling unit is permitted per lot.)	1 dwelling unit per 3,630 square feet 1 unit per 3,000 square feet for legal lots existing as of March 16, 1992, that are less than 7,260 square feet in area but not less than 6,000 square feet in area.	1 dwelling unit per 3,000 square feet	1 dwelling unit per 2,178 square feet
Minimum Open Space	40% of total lot area		40% of total lot area.	
Distance Between Buildings	10-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures			
Driveway width	For all individual driveways: 10-foot minimum width For lots less than 50 feet wide: 26-foot maximum width ¹ For lots greater than 50 feet wide: Driveway width shall be a maximum of 50 percent of the lot width, or a maximum 36-foot width, whichever is less. ¹		Same as R1, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit	
Driveway length	Straight-in driveways to garages shall have a minimum length of 19 feet from the ultimate property line.			
Storage	Not applicable.	Each unit shall be provided with 200 cubic feet of securable storage exterior to the unit. If this storage is provided within the garage or carport it shall be located so as not to obstruct the required clear dimensions of the covered parking space (per the City of Costa Mesa Parking Design Standards) at any point less than 4 feet above the finished surface level of the parking stall.		

**TABLE 13-32
RESIDENTIAL DEVELOPMENT STANDARDS**

STANDARDS	R1	R2-MD	R2-HD	R3
Mechanical equipment, excluding antennas and flush-mounted solar panels on roofs	Roof-top location is prohibited on single-family dwelling units. All other locations: Screening required from public rights-of-way and adjacent properties. Antennas are subject to Chapter IX, Article 2, antennas.			
SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS AND STRUCTURES (Minimum distances given, unless otherwise noted. All setbacks from streets are measured from the ultimate property line shown on the master plan of highways).				
Front	20 feet	20 feet	20 feet	20 feet
Side	Interior property line: 5 feet. Note: Accessory structures that do not exceed 6 1/2 feet in height in the R1 zone or 15 feet in height in the other residential zones may have a zero side setback. Property line abutting a public street: 10 feet. Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the property line. Property line abutting an alley: 5 feet			
Rear (not abutting a publicly dedicated alley)	20 feet for 2 story structures. 10 feet for 1 story structures (15 foot maximum height) provided that maximum rear yard coverage is not exceeded. Note: Accessory structures that do not exceed 6 1/2 feet in height in the R1 zone or 15 feet in height in the R2 zones may have a zero rear yard setback, except on corner lots in the R2 zones. Corner lots in the R2-MD, R2-HD & R3 zones: a. Where the rear property line of a corner lot adjoins the side property line of another lot, no detached accessory structure shall be allowed on the corner lot, except within the rear quarter of the corner lot farthest from the side street. b. Where the rear property line of a corner lot abuts a public or private street, accessory structures shall maintain setbacks for main structures.		15 feet for 2 story structures. 10 feet for 1 story structures (15-foot maximum height). Note: Accessory structures that do not exceed 15 feet in height may have a zero rear yard setback, except on corner lots (see R2-MD and R2-HD column for setbacks for corner lots).	
Rear yard coverage (maximum)	Rear (not abutting a publicly dedicated alley, street, or park): Main Buildings: 25% of rear yard area.* Accessory Buildings: 50% of rear yard area.* *Rear yard area equals lot width, measured from side property line to side property line, multiplied by 20 feet. Rear abutting a publicly dedicated alley, street, or park: Not applicable		Not applicable	
Rear abutting a publicly dedicated alley, street, or park	5 feet; however, garages may be required to setback further to ensure adequate back up distance. Rear Yard Coverage does not apply. Note: Accessory structures that do not exceed 6 1/2 feet in height in the R1 zone or 15 feet in height in the other residential zones may have a zero rear yard setback, except on corner lots in the R2 and R3 zones where accessory structures shall maintain setbacks for main structures.			
Bluff top setback	No building or structure closer than 10 feet from bluff crest (see section 13-34 BLUFF-TOP DEVELOPMENT).			
PROJECTIONS (Maximum depth of projections given)				

**TABLE 13-32
RESIDENTIAL DEVELOPMENT STANDARDS**

STANDARDS	R1	R2-MD	R2-HD	R3
Roof or eaves overhang; awning	2 feet 6 inches into required side setback or building separation area. 5 feet into required front or rear setback.			
Open, unenclosed stairways.	2 feet 6 inches into required setback or building separation area.			
Chimneys	2 feet above maximum building height.			
Fireplaces	2 feet into required setback or building separation area.			
PARKING STANDARDS (See Chapter VI).				
LANDSCAPING (See also Chapter VII).				
Landscaping Required.	All unpaved areas visible from the public right-of-way shall be landscaped and the landscaping shall be maintained in a healthy condition, free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation.		See Chapter VII, LANDSCAPING.	
SIGNS (See Chapter VIII).				
POOLS AND SPAS Above-ground pools and spas shall not be located in the required front yard setback from a public street and are subject to 5-foot side and 10-foot rear yard setbacks for main structures. Additional setbacks may be applicable pursuant to building code requirements.				
RAISED DECKS Any raised deck with a finished floor height of 18 inches or greater, as measured from finished grade, shall comply with the main building setback requirements for the underlying zone.				
FENCES AND WALLS Fences and walls placed between the property line and required setback line for main buildings shall conform [to] the city's walls, fences, and landscaping standards.				
See ARTICLE 9, GENERAL SITE IMPROVEMENT STANDARDS, of this chapter for further information.				
¹ The maximum driveway width standards are only applicable to the construction of new single-family residences.				

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-16, §§ 1f., g., 6-18-01; Ord. No. 02-4, § 1c, 3-18-02; Ord. No. 02-9, § 1a, 7-1-02; Ord. No. 03-8, § 4, 9-2-03; Ord. No. 05-3, § 1c., 2-7-05; Ord. No. 09-4, § 1b., 5-5-09; Ord. No. 21-20, § 1, 12-7-21; Ord. 2025-07, 10/21/2025)

§ 13-32.1. General group home standards.

The city council may adopt general standards that may be applied to group home applications on a case-by-case basis. The final review authority may use these standards to impose conditions upon discretionary approvals to achieve the purposes set forth in section 13-31 and to maintain neighborhood stability and cohesiveness by regulating transient residents.

(Ord. No. 00-5, § 1(c), 3-20-00)

§ 13-32.2. Referral facility.

The following standards are applicable to referral facilities:

- (a) No referral facility may be located within 500 feet of property that is as zoned as R-1 or PDR-LD, or within 500 feet of a school, park, place of worship, or licensed day care facility.
- (b) A referral facility must have a manager on site, 24 hours every day to ensure the orderly operation of the facility and its compliance with all applicable laws, regulations, and conditions.
- (c) No referral facility shall admit a resident who has been convicted of any crime involving physical force against a person, illegal possession of a weapon, possession, or use of a weapon in the commission of a crime, or a felony involving a controlled substance.

(Ord. No. 00-5, § 1(d), 3-20-00)

§ 13-33. Accessory buildings and structures.

- (a) Accessory buildings or structures constructed closer than 75 feet from the front property line or on the front one-half ($\frac{1}{2}$) of the lot, whichever is less, shall be reviewed by the planning division for adequate screening and compatibility with the main structure.
- (b) Underground structures including fallout shelters shall be allowed to be constructed on any part of the lot provided they are built below grade level.
- (c) Shipping containers are prohibited in residential zones.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 9, 3-2-98)

§ 13-34. Bluff-top development.

No building or structure shall be constructed closer than 10 feet from a bluff crest, unless permitted by a minor conditional use permit. Approval of the minor conditional use permit requires satisfaction that the building or structure will not:

- (a) Endanger stability of the slope;
- (b) Substantially interfere with access for fire protection; and
- (c) Detract from the visual identity and integrity of the bluffs.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 10, 3-2-98)

§ 13-35. Accessory dwelling units.

(a) *Purpose, general plan consistency, definitions.*

- (1) *Purpose and interpretation.* The intent of this section is to ensure that accessory dwelling units (ADUs) and Junior ADUs remain as an accessory uses in residential and mixed-use zones, that the structures on parcels are organized to accommodate an ADU and/or Junior ADU, and that such dwelling units do not adversely impact surrounding residents or the community. This section 13-35 is intended to retain the ability of the city to regulate ADUs in terms of design, aesthetics, massing and integration with existing structures and to comply with the requirements of state law. All references to the Government Code or other state codes in this section shall mean and include any successor and/or amended section thereto.
- (2) *General plan consistency.* In adopting these standards, the city recognizes that the approval of dwelling units may, in some instances, result in dwelling densities exceeding the maximum densities prescribed by the general plan. The city finds that this occurrence is consistent with the general plan, as allowed under state planning and zoning law applicable to ADUs, and that the amendment furthers the goals, objectives, and policies of the general plan housing element.
- (3) *Definitions.* For purpose of this section 13-35 only:
 - a. The terms "accessory dwelling unit" (ADU), "public transit," "passageway" and "tandem parking" all have the same meaning as that stated in the Government Code section 66313 ~~as that section may be amended from time to time.~~
 - b. "Junior ADU" shall have the same meaning as that stated in the Government Code section 66313(d) ~~as that section may be amended from time to time.~~
 - c. A structure is considered "existing" if a building permit was issued and finalized before an ADU or JADU application is submitted under this section.
 - d. The terms "single-family dwelling" and "multifamily dwelling" exclude all detached accessory structures.
 - e. The term "single-family dwelling" is a dwelling (excluding any ADU or Junior ADU) that is not attached to another dwelling. Single-family dwellings may include detached single-family homes where there is more than one primary dwelling on a lot.
 - f. A "multifamily dwelling" is a dwelling (excluding any ADU or Junior ADU) within a multifamily dwelling structure.
 - g. A "multifamily dwelling structure" is a structure which contains at least two lawful dwellings within the structure, excluding ADUs and Junior ADUs.

Storage rooms, boiler rooms, passageways, attics, basements, garages and other non-habitable spaces are considered within a "multifamily dwelling structure" if such non-habitable spaces are within the same structure as at least two other multifamily dwellings.

(b) *Accessory dwelling units.*

- (1) *Residential and mixed use zones only.* ADUs are permitted in single-family, multifamily, mixed-use zones (i.e., zones where single-family and/or multifamily dwellings are allowed), and within approved master plan sites with residential uses in other zones, and only on a legal lot with proposed or existing residential dwelling(s) which will remain on site. By way of illustration only, the zones where accessory dwellings are allowed are shown on the Citywide Land Use Matrix at section 13-30. If there is any conflict between the requirement that ADUs be approved in (and only in) zones where single-family and multifamily dwellings are allowed and the Land Use Matrix, the former shall control.
- (2) Reserved.
- (3) *Ministerial.* Any application for an ADU that meets the requirements of this section shall be approved ministerially by the city by applying the standards herein and without a public hearing or notice of decision or zoning approval. in compliance with The City shall determine application completeness and approve or deny the application with the procedures set forth in Government Code section 66317, including providing written notice if the application is incomplete or denied.-
- (4) *Maximum number of dwelling units.* The following is the maximum number of ADUs and or Junior ADUs allowed on any lot. Nothing in this section shall be construed to limit or prohibit the approval of ADUs authorized pursuant to Government Code sections 66314 and 66323, including ADUs either attached to, located within, detached from the proposed or existing primary dwelling(s) or located within an accessory structure, provided such units comply with applicable State law.
 - a. *Single-family.* One detached, ~~new construction~~ ADU, one conversion ADU, and one junior ADU or two detached ADUs and one conversion ADU may be permitted on a lot with a proposed or existing single-family dwelling subject to the following:
 1. Conversion within a single-family dwelling.
 - (i) An ADU and Junior ADU may be within the existing footprint of a lawful single-family dwelling. Alternatively, an ADU may be within a lawfully constructed existing detached accessory structure; in this case up to 150 square feet may be added beyond the physical dimensions of the existing accessory structure solely to accommodate ingress and egress to the ADU; and
 - (ii) ADUs and Junior ADUs must have independent exterior access from the single-family dwelling, and have side and

rear setbacks sufficient for fire safety, ~~and~~

2. ~~New ADU/JADUs construction (attached or detached). One Two new construction detached ADUs (both up to 800 square feet) or one attached ADU~~ may be permitted on a lot with proposed or existing single-family dwelling. ~~One new construction Junior ADU may be allowed on the lot if the Junior ADU is to be in a single-family dwelling that meets all applicable legal standards and there is no more than one detached ADU on the same property.~~
 - b. *Multifamily.* One ADU is allowed within new construction residences where, after construction, there will be at least two residences on the lot (e.g. detached residential structures, duplexes, apartments); up to two ADUs are allowed with such structures pursuant to subsection 2, below. For lots with an existing legal multifamily dwelling (e.g., a legal non-conforming multifamily dwelling), the applicant may have ADU(s) pursuant to the following:
 3. *Maximum ADUs within existing multifamily dwelling structure.* No more than 25%, with any partial unit rounded down) of the number of existing multifamily dwelling units on the lot, but at least one unit, shall be permitted as ADU(s) constructed within the enclosed non-livable space (e.g., a space in a dwelling not intended for human habitation, including living, sleeping, eating, cooking, or sanitation)) of the existing multifamily dwelling structures; or
 4. *Maximum detached ADUs.* No more than eight detached ADUs are permitted, provided that the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot. The units shall be detached from every residence on site (but need not be detached from each other) with the exception of one ADU, which may be attached to the multifamily dwelling structure. This section shall apply to detached structures that are converted and new construction detached ADUs. Conversion detached ADUs are not subject to height, setbacks, and maximum square footage; or
- (5) *Maximum size.*
- a. *Single-family.*
 1. Detached. For lots with a proposed or existing single-family dwelling, a detached ADU shall not have more than 1,200 square feet.
 2. Attached. An ADU attached to a single-family dwelling shall be no more than the greater of 50% of the square footage of the existing single-family dwelling or 1,000 square feet.
 - b. *Multifamily, new construction.*
 1. Detached. For lots with an existing legal multifamily dwelling structure the maximum square footage for a detached ADU is 850

square feet or 1,000 square feet for an ADU that provides more than one bedroom, except as allowed in Government Code section 66323; or

2. Attached. For lots with an existing legal multifamily dwelling structure, an attached ADU shall not exceed the greater of 1,000 square feet or 50% of the average floor area of the existing multiple family dwelling units.

(6) *Minimum size.*

- a. *ADUs may be efficiency units.* Notwithstanding the general limitation on efficiency units being no smaller than 220 square feet, ADUs may also be less than 220 square feet, provided that they are no smaller than 150 square feet, and comply with all other legal requirements.

(7) *Conversions of dwelling units.*

- a. *Total conversion of single-family dwelling.* An entire existing single-family dwelling may be converted to an ADU if the ADU complies with all applicable requirements of this section and a new single-family residence with a total gross floor area exceeding that of the ADU is constructed in full compliance with code requirements.
- b. *Partial conversion/addition.* A portion of the existing single-family or multifamily dwelling may be converted to an ADU with new additional square footage, which additional square footage shall comply with all standards applicable to the underlying zone, and all converted square footage shall comply with standards applicable to conversions. The maximum square footage of the ADU shall be based upon the size of the existing dwelling before construction of the ADU addition.

(8) *Short-term rentals prohibited.* An ADU shall not be rented for periods of less than 31 days.

(c) *Junior ADUs.*

- (1) *Rule.* Junior ADUs shall comply with the requirements of this subsection, in addition to the requirements of subsection (d) of this section 13-35.
- (2) *Maximum size.* A Junior ADU shall not exceed 500 square feet in gross floor area.
- (3) *Owner occupancy requirement.* ~~If a~~ The owner of a parcel proposed for a Junior ADU shall occupy as a primary residence either the primary dwelling unit or the Junior ADU has shared sanitation facilities with the existing dwelling, the owner of the parcel shall occupy as a primary resident either the primary dwelling unit or the Junior ADU. Owner-occupancy is not required if the owner is a governmental agency, land trust, or "housing organization" as that term is defined in Government Code section 65589.5(k)(2), ~~as that section may be amended from time to time.~~
- (4) *Short-term rentals prohibited.* A Junior ADU shall not be rented for periods of

less than 31 days unless otherwise authorized by ~~the municipal~~ this code.

- (5) *Location of Junior ADU.* A Junior ADU shall be entirely within an existing or proposed single-family dwelling, including an attached garage.
 - (6) *Kitchen requirements.* A Junior ADU shall include an efficiency kitchen, including a cooking facility with appliances, outlet for a small refrigerator, food preparation counter and storage cabinets that are of reasonable size in relation to the size of the Junior ADU.
 - (7) *Parking.* No additional parking is required beyond that already required for the primary dwelling.
 - (8) *Fire protection; utility service.* For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a Junior ADU shall not be considered a separate or new unit, unless the Junior ADU was constructed in conjunction with a new single-family dwelling. No separate connection between the Junior ADU and the utility shall be required for units created within a single-family dwelling, unless the Junior ADU is being constructed in connection with a new single-family dwelling.
 - (9) *Exterior and interior access.* The Junior ADU shall include an exterior entrance separate from the main entrance to the single-family dwelling. If the Junior ADU shares bathroom facilities with the main dwelling, the Junior ADU shall also have interior entry to the main dwelling's living area.
- (d) *Development standards and requirements.* The following development standards shall not apply to a unit built subject to Government Code section 66323(a), which includes: (1) all converted ADUs (converted accessory structures are eligible for a 150 square foot expansion for purposes of ingress and egress); (2) all converted Junior ADUs (JADUs); (3) maximum 800-square-foot, new-construction, detached ADUs with four-foot side and rear setbacks and height not exceeding 18 feet (two additional feet of height may be permitted to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary unit), with single-family primary dwellings; and (4) detached units with multifamily primary dwelling structures with four-foot side and rear setbacks and height not exceeding 18 feet (two additional feet of height may be permitted to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary units). Otherwise, all other ADUs must comply with the following requirements unless the below standards and requirements preclude the development of an 800 square foot ADU with four-foot side and rear setbacks:
- (1) *Ministerial project.* Any application for an ADU or Junior ADU that meets the requirements of this section or as permissible in Government Code section 66332 shall be approved without a public hearing.
 - (2) *Application by owner.* An application for a building permit for an ADU or Junior ADU building permit shall be made by the owner of the parcel on which the primary unit sits and shall be filed with the city on a city-approved application form and subject to the established fee set by city council resolution as it may be amended from time to time.

- (3) *Separate sale prohibited.* Except as otherwise provided by law, ADUs and Junior ADUs may not be sold or otherwise conveyed separate from the primary residence.
- (4) *Utilities.*
- a. All ADUs and Junior ADUs must be connected to public utilities (or their equivalent), including water, electric, and sewer services.
 - b. Except as provided in subsection c immediately below, the city may require the installation of a new or separate utility connection between the ADU and the utility. For Junior ADUs, see subsection (c)(8), above.
 - c. No separate connection between the ADU and the utility shall be required for units created within a single-family dwelling, unless the ADU is being constructed in connection with a new single-family dwelling.
 - d. Each ADU and Junior ADU shall have a separate mailing address as assigned by the city.
- (5) *Recorded covenants.* Prior to final inspection and occupancy of JADUs, the owner shall file with the county recorder, in a form approved by the city attorney, a covenant which does all of the following:
- a. Prohibit the sale of Junior ADU separate from the single-family residence; and
 - b. Unless subsequently prohibited by an amendment to state law, the JADU shall be considered legal only as long as either the primary residence or the JADU is occupied by the owner of record unless the owner is another governmental agency, land trust, or housing organization; and
 - c. Restrict the JADU to the maximum size allowed by Municipal Code section 13-35, as it may be amended from time to time; and
 - d. Confirm that the restrictions shall be binding upon any successor in ownership of the property, and lack of compliance shall result in legal action against the property owner for noncompliance.
- (6) *Passageway.* No passageway shall be required in conjunction with the construction of an ADU.
- (7) *Building permits required.* Applications for ADUs and Junior ADUs shall conform to the requirements for, and shall obtain, a building permit consistent with the requirements of Title 5 (Buildings and Structures). By way of reference only, current requirements generally require all dwellings to have no less than 220 square feet. Fire sprinklers shall not be required for ADUs or JADUs if they are not required for the primary residence. The construction of an ADU or JADU alone shall not trigger the requirement for sprinklers in the primary residence.
- (8) *Setbacks.*
- a. *None.* No setbacks are required for either: (1) those portions of ADUs that are

created by converting existing living area or existing accessory structures to a new ADU; or (2) constructing new ADUs in the same location, while not exceeding the existing dimensions of an existing structure, including height. Notwithstanding the foregoing, ADUs shall, at minimum, comply with setbacks that are sufficient for fire and life safety.

- b. *Other setbacks.* For all other ADUs, there shall be a minimum of setbacks of four feet from side and rear property lines and full compliance with all applicable front yard setbacks for the underlying zone (except as required by ~~(Cal. Gov't. Government Code, § sections 66321, subd. (b)(3))~~). Second floor ADUs shall provide setbacks in conformance with the underlying zone. All mechanical equipment associated with the ADU shall maintain the minimum setbacks.
 - c. *Distance between structures.* The minimum required distance between a detached ADU and the primary dwelling unit, and all other structures on the property, including garages, shall be six feet unless otherwise established by the California Building Code.
- (9) *Height.* Except as authorized in subsection b, below, in no event may any portion of a new construction ADU exceed 27 feet or two stories. Furthermore, except as authorized in subsection a and b, below, an ADU shall be entirely only on the first floor.
- a. *Second floor or two-stories.* An ADU on a lot which has an existing lawfully constructed dwelling, may be in whole or in part on a second floor, or be a two-story ADU, if all five of the following occur:
 - 1. All portions of the ADU structure on a second floor are at least 25 feet from the front property line; and
 - 2. Each stairwell for the ADU is interior or complies with subsection (10), below; and
 - 3. The second floor of any portion of the ADU, if built above a detached garage, does not exceed the footprint of the garage; and
 - 4. No windows are installed on the second floor on side elevations if such windows are within 25 feet of a neighboring dwelling and face the neighboring property unless such windows have a minimum sill height of at least five feet; and
 - 5. The second floor (or the entire two story ADU as applicable) meets the setbacks applicable to additions for the underlying zone.
 - b. *Within structure.* The ADU is built entirely within either:
 - 1. A proposed or existing lawfully constructed single-family dwelling, except that an external stairwell to the ADU which meets all requirements of this Code, including the requirements of subsection (10), below, may be constructed to allow access to the ADU; or
 - 2. The non-habitable space of an existing multifamily structure or within

an accessory structure on a lot with a multifamily structure.

(10) *Exterior stairways, balconies.*

- a. *Exterior stairways.* A new exterior stairway to a second-floor ADU shall not be located on a front facade within 20 feet of a property line abutting a public right of way. Second floor landings using an exterior stairway shall be kept to the minimum size required to comply with applicable codes. Stairways and landings shall incorporate screening materials ~~designed to eliminate views into abutting properties~~. Stairways and landings, which exceed building code minimum sizes, are prohibited. Stairways and landings shall not be counted toward residential open space requirements.
- b. *Balconies.* New balconies which face the street and are located at the front of the main residential structure are permitted provided that the balcony be set back a minimum of 20 feet from the front property line. On corner properties, balconies may face the side street provided that they maintain the setback for the underlying zone. Balconies within 25 feet of a neighboring residence shall incorporate screening to ensure there are no direct views into the abutting property. New construction balconies that are not facing the front of the property or a side street, are prohibited.
- c. *Roof decks.* No new roof decks are allowed for ADUs.

(11) *Architectural standards.*

- a. *Attached and detached ADUs.* Attached and detached ADUs shall have the same materials, finishes, and colors as the primary dwelling.
- b. *New construction Junior ADUs.* New construction Junior ADUs shall match exterior appearance with the primary unit in terms of materials, finishes, and colors within the same property on which it is proposed to be constructed.

(12) *Recommended garage conversion design considerations.*

- a. *Blank facade.* When a garage is converted to an ADU, if the facade of the converted garage is visible from a public right-of-way, the following design considerations are recommended:
 1. Be covered with landscaping that covers at least 50% of the wall, or
 2. Include openings of at least 10% of the facade with at least one door that complies with section (13) below or one window which matches the material and design of the existing windows on the residence.

(13) *Driveway removal.* If a driveway leading to a garage being converted to an ADU is removed, it must be replaced with landscaping or open space, and the curb cut and driveway apron must be removed and replaced with a curb and gutter and parkway which meets city standards. If a driveway is partially removed, the remaining driveway must provide the minimum parking dimensions per subsection (15) below.

(14) *Entry.* The entrance to an ADU or Junior ADU shall match the materials and color of the primary residence(s), not be located on the same building

elevation as the main entrance of the primary residence(s) and shall be located along the building side, rear, or within the interior of the property, unless the ~~economic and development services~~ Community Development ~~Director~~ approves an alternative configuration due to unique development circumstances.

(15) *Parking.*

- a. The owner may provide parking that is at least eight and a half (8.5) feet wide and 18 feet long and may be provided as:
 1. Tandem parking on an existing driveway in a manner that does not encroach onto a public sidewalk; or
 2. Within a setback area or in locations determined feasible by the city. Locations will be determined infeasible based upon specific site or regional topographical or fire and life safety conditions, or that such parking is not permitted anywhere else in the city.
- b. When any parking space or parking structure is converted or demolished in conjunction with the construction of an ADU or converted to an ADU, the off-street parking spaces do not have to be replaced, notwithstanding any other provision of this code to the contrary (e.g., the definition of "driveway" in section 13-6, Table 20-8(c) a driveway does not lose its status as a lawful "driveway" if it leads to a structure that was either converted from a garage into either an ADU or Junior ADU or demolished in conjunction with the construction of an ADU or Junior ADU. In no event shall the demolition of a parking space or parking structure be considered "in conjunction with" the construction of an ADU if the ADU will not be constructed within any portion of the footprint of the demolished garage.

(16) *Non-conforming.* The city shall not require, as a condition of a permit for an ADU or Junior ADU the correction of nonconforming development standards.

(17) *Open space and landscaping.* ADUs which exceed 800 square feet in gross floor area shall meet the open space requirements of section 13-32 and shall be subject to provide landscaping as required in section 13-106.

(Ord. No. 11-10, § 1, 9-20-11; Ord. No. 18-03, § 5, 1-16-18; Ord. No. 21-03, § 3, 3-2-21; Ord. No. 23-03, § 2, 2-21-23; Ord. 2025-02, 4/1/2025; Ord. 2025-07, 10/21/2025)

§ 13-36. Two-unit housing development.

(a) For purposes of this section, the following definition shall apply:

- (1) "Housing development" shall mean no more than two primary residential units within a single-family zone that meets the requirements of this section. The total number of units, including ADUs and JADUs, shall not exceed four.

(b) The city shall ministerially approve a housing development containing no more than two residential units if it meets the following requirements:

- (1) The parcel is located within a single-family residential zone.
- (2) The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
- (3) The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - b. Prime farmland or farmland of statewide importance as further defined in Government Code section 65913.4(a)(6)(B).
 - c. Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - d. A hazardous waste site that is listed pursuant to section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - e. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
 - f. A special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 1. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 2. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);

- g. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with 44 C.F.R. § 60.3(d)(3). If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
 - h. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(l).
 - i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with section 1900) of Division 2 of the Fish and Game Code).
 - j. Lands under a conservation easement.
- (4) The proposed housing development would not require demolition or alteration of any of the following types of housing:
- a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control by the city;
 - c. A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or
 - d. Housing that has been occupied by a tenant in the last three years.
- (5) Demolition of an existing unit shall not exceed more than 25% of the existing exterior structural walls unless the site has not been occupied by a tenant in the last three years.
- (c) *Standards and requirements.* Except where superseded by the following provisions, two-unit housing development pursuant to Government Code section 65852.21 shall comply with development standards applicable to the R1 Single-Family Residential District including, but not limited to, Section 13-32 of this code:
- (1) No setback shall be required for an existing structure or a structure

constructed in the same location and to the same dimensions as an existing structure.

- (2) Except for those circumstances described in subsection (c)(1) above, the setback for side and rear lot lines shall be four feet. The front setback shall be as set forth in the R-1 Single-Family Residential District standards.
 - (3) The applicant shall provide easements for the provision of public services and facilities as required.
 - (4) All lots shall have a minimum street frontage of 10 feet to provide for vehicular access, or 16-foot if the driveway serves two units. For a lot without physical street frontage, access to street frontage shall be provided by the granting of a duly recorded permanent easement for ingress and egress purposes in favor of the lot without physical street frontage.
 - (5) In order to preserve the city's inventory of on-street parking, existing and proposed development pursuant to Government Code section 65852.21 shall be limited to one driveway ingress/egress per resultant lot.
 - (6) Required off-street parking shall consist of at least one garage space per unit and the location and configuration of such parking shall be in compliance with the provisions of this code, except that no parking requirements shall be imposed in either of the following circumstances:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or
 - b. There is a car share vehicle located within one block of the parcel.
- (d) The city shall not require or deny an application based on any of the following:
- (1) The city shall not impose any objective zoning, subdivision, or design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet. If the city determines that the strict application of objective zoning, subdivisions or design standards would physically preclude the development of two units on a lot each with a minimum unit size of 800 square feet, the city may ministerially allow deviations from development standards generally applicable to the R-1 zoning district pursuant to city policies and/or regulations implementing this section if such deviation is in compliance with applicable building and fire code standards and regulations and if there are no other feasible means of complying with state law.
 - (2) The city shall not deny an application solely because it proposes adjacent or connected structure provided that that all building code

safety standards are met and they are sufficient to allow a separate conveyance.

(e) An applicant shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:

- (1) That the uses shall be limited to residential uses.
- (2) That the rental of any unit created pursuant to this section shall be for a minimum of 31 days.
- (3) That the maximum number of units to be allowed on the parcels is two, including, but not limited to, units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to section 13-35.

(f) The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(g) The provisions of this section supersede any contrary provisions contained elsewhere in this code.

(Ord. No. 21-20, § 1, 12-7-21; Ord. 2025-07, 10/21/2025)

§ 13-37. Large family day care homes.

Applications for large family day care homes shall be submitted to the planning division for development review per Chapter III, Planning Applications, prior to the commencement of the use. A large family day care home may only be permitted in a single-family dwelling and shall not be located within 700 feet of an existing large family day care home on the same street or block, unless the applicant applies for and obtains approval of a minor conditional use permit. Pursuant to section 1597.46 of the State Health and Safety Code, a large family day care home shall not be subject to provisions of the California Environmental Quality Act.

The city council may adopt general standards that may be applied to large family day care home applications on a case-by-case basis. The final review authority may use these standards to impose conditions upon the approval to achieve the purposes set forth in section 13-31 and to maintain neighborhood stability and cohesiveness.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 02-5, § 1a, 3-18-02)

§ 13-38. Additional property development standards for the multiple-family residential districts.

- (a) With the exception of projects in the R-1 Single-Family Residential District, if the proposed residential project is to be located in proximity to a freeway, major arterial, airport or any other source of significant noise, an acoustical evaluation of the working

drawings may be required to be submitted by an acoustical engineer for approval by the city. The noise levels shall certify that the construction will reduce interior noise levels to 45 CNEL and exterior noise levels to 65 CNEL.

(b) Windows above the first floor shall not directly align with windows of dwelling units on an abutting lot. Windows located within 20 feet of an adjacent dwelling unit shall be horizontally offset by a minimum of 12 inches (measured from the interior edge of the window) so as not to produce a direct line-of-sight into adjacent dwelling units unless use of privacy glass, clerestory windows with a minimum sill height of 5 feet, or glass block, or permanent landscaping is employed to block views.

~~(a) (Reserved)~~

(c) Additional conditions or special requirements may be reasonably applied by other city departments (e.g., fire department) to ensure that the proposed residential development is compatible and harmonious with existing developments in the vicinity, and to protect the public health, safety and general welfare. If such conditions are applied, the conditions must be fulfilled or a security posted to ensure completion of the conditions to the satisfaction of the appropriate department prior to final occupancy.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-16, § 1h., 6-18-01; Ord. No. 02-9, § 1b, 7-1-02)

§ 13-38.1. Affordable housing requirements for new residential developments.

For any proposed residential or mixed-use project with 50 or more dwelling units, the affordable housing requirements set forth in Chapter XVII (Affordable Housing Ordinance) shall apply unless otherwise exempted.

(Ord. No. 2024-02, 8/6/2024)

Chapter V, Article 2.5 of the Zoning Code shall be amended where ~~strike through~~ text denotes text being removed, and underline text denotes text being added.

Chapter V Development Standards

Article 2.5 Residential Small Lot Subdivisions

§ 13-42.1. Purpose.

The purpose of this article is to regulate development and subdivision of small lots within residential zoning districts and overlay districts where residential and live/work projects are permitted. The ownership and occupancy of these developments shall be subject to applicable laws for the general health, safety and welfare of the public. This type of subdivision is intended to provide flexible development standards and to promote a wider range of homeownership of individual lots in multiple-family residential districts.

(Ord. No. 14-04, § 2B, 4-1-14; Ord. No. 18-10, § 2, 9-18-18)

§ 13-42.2. Planning application required.

(a) Small lot subdivisions are permitted in appropriate residential districts and not in combination with other development standards in the overlays zones, subject to approval of the following planning application as may be applicable. This requirement is in addition to other permits or certificates required by law. All new small lot development projects shall be processed according to the ~~design review~~ procedures contained in ~~section 13-29~~ Chapter III (Planning Applications).

1. All new small lot development projects for three or more main dwelling units shall be processed according to the ~~design review~~ procedures contained in ~~section 13-29~~ Chapter III (Planning Applications). Projects with two main dwelling units being proposed or converted shall be processed ministerially subject to the development standards within this chapter and ~~the residential design guidelines as contained in the Two Unit Small Lot Ordinance Checklist~~.
2. All small lot development projects for three or more main dwelling units require approval of a tentative tract or parcel map as required by law. A tentative tract map or parcel map shall not be required until a ~~design~~ the applicable review according to Chapter III (Planning Applications) review has been approved; however, the map may be processed concurrently. Small lot development projects consisting of two main dwelling units shall be processed ministerially

(b) No person shall construct, sell, lease, convey, maintain or use a lot in a small lot subdivision project within the city without first complying with the provisions of this article.

(Ord. No. 14-04, § 2B, 4-1-14; Ord. No. 18-10, § 2, 9-18-18)

§ 13-42.3. Development standards and requirements.

- (a) Applicability. The provisions of this section shall apply to all new residential small lot subdivisions of 15 lots or less in multi-family zones and not in combination with other development standards in the overlays zones except as allowed in Table 13-42 below.
- (b) Development standards. Table 13-42 identifies the development standards for small lot subdivision developments. See also Article 9 general site improvement standards of this chapter for additional requirements. Projects shall comply with all applicable standard plans and specifications and adopted city and state codes, as well as the following provisions:
 - (1) The location and orientation of all buildings shall be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, groves, waterways, scenic points, historic spots or landmarks, bluffs or slopes shall be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations. Pre-existing development should guide the building setbacks and new development should preserve the existing character of the neighborhood.
 - (2) The site design must consider both the design elements of each unit and how these designs will enhance the overall neighborhood character and vitality of the street and sidewalk. Building setbacks and site planning must relate to surrounding built form, respecting the overall neighborhood character and existing topography. Additionally, each unit must exhibit a high level of design quality with well-articulated entries and façades, proportionate windows, quality building materials and contextual landscaping.
 - (3) All structures proposed to be constructed within a project shall conform to the following requirements:
 - a. Each unit shall be provided with direct pedestrian and vehicular access to a public street, or an alley or a common drive connecting to a public street/alley.
 - b. Structure shall be constructed to minimize impact of the proposed development on the light, air and privacy of adjacent properties.
 - (4) On-site lighting shall be provided in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties, and shall be of a type approved by the development services department.
 - (5) The development shall comply with the provisions of Chapter XI, subdivisions, which may include, but are not limited to, land dedication and improvements, such as drainage improvements and payment of fees.
 - (6) Outside uncovered and unenclosed storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited unless specifically designated areas for the exclusive storage of such vehicles are set aside on

the final master plan and provided for in the covenants, conditions, and restrictions. Where such areas are provided, they shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of six-foot high opaque fences and permanently maintained landscaping.

Table 13-42 SMALL LOT SUBDIVISION STANDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
Maximum Number of Stories & Building Height	2 stories/27 feet, except as allowed in <u>an applicable overlay district</u> ~~the Westside Overlay Districts~~ . Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. In zoning districts where the maximum number of stories is two stories, attics above second stories shall be an integral part of the second story roofline and not appear as a 3rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.
Maximum Density (based on gross acreage)	Same as underlying zoning district or as specified in an applicable specific plan.
Minimum Open Space (development lot)	35% of total lot area. No asphalt shall be permitted for paved areas. Parking and driveways shall consist of decorative concrete, pavers or other materials as deemed appropriate by the <u>Community Development Services</u> Director. This requirement may be decreased to a minimum of up to 30%, if the difference in the area is provided as additional open guest parking, located in a common area, and not exclusive for any specific unit.
Minimum Open Space (individual unit)	200 square feet with no dimension less than 10 feet.
Development Lot	Separately owned private property interests or any portion thereof, necessary or desirable for common use, are subject to recordation of an easement for reciprocal access and maintenance. All areas of a development with 5 or more parcels, subject to a reciprocal access and/or maintenance easement shall be maintained by an association that may be incorporated or unincorporated. The association may be referred to as a maintenance association.
Parking	• Three-bedroom or more units (including a den or home office) – 2 garage spaces and 2 open parking spaces. • Two-bedroom or less units (including a den) – 2 garage spaces and one open parking.

Table 13-42 SMALL LOT SUBDIVISION STANDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
	• No tandem parking is permitted for open or guest parking spaces. For developments with 5 or more units (up to 10 units) where open/guest parking spaces are provided in driveways in front of garages for exclusive use of that unit, one additional on-site guest parking shall be provided. Two additional open guest-parking shall be provided for developments with more than 10 units. • For all small lot developments subject to the provisions of this article, all open parking not located within an individual driveway shall be unassigned and nonexclusive.
Distance Between Buildings (development lot)	6 feet minimum
Driveway Width (development lot)	10-foot minimum, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit. Driveway width shall be a maximum of 26 feet for lots less than 50 feet wide and a maximum of 50% for lots greater than 50 feet wide.
Driveway Length	Straight-in driveways to garages shall have a minimum length of 19 feet from the ultimate public or private right-of-way. No driveways shall be more than 5 feet in length if parking is not provided in front of garage. Driveways accessing rear parcels shall be in compliance with the requirements of the Parking Design Standards, minimum separation between driveways and maximum 50% hardscape requirement.
Mechanical Equipment (excluding antennas and flush-mounted solar panels on roofs)	Roof-top location is prohibited unless completely screened from public rights-of-way and adjacent properties.
Development Lot Front Setback	20 feet
Development Lot Side yard Setback (interior)	5 feet
Development Lot Side Setback (street side, if applicable)	10 feet Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the ultimate public or private right-of-way.
Development Lot Rear yard Setback (interior)	15 feet

Table 13-42 SMALL LOT SUBDIVISION STANDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
Development Lot Rear Setback Abutting a Publicly Dedicated Alley	5 feet; however, garages may be required to be set back further to ensure adequate back up distance. Rear Yard Coverage does not apply.
Flag Lots and Alley Fronting Lots	Flag lots are required to be accessed with a minimum 16-foot wide driveway unless serving one unit in which case a minimum of driveway width of 10-feet shall be provided. Parcels with alley frontage should include a minimum 8-foot wide pedestrian access to the public street in the front. Parcels with frontage only on public alleys are prohibited.
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see section 13-34 Bluff-top development).
Roof or Eaves Overhang; Awning	2 feet 6 inches into required side setback or building separation area. 5 feet into required front or rear setback.
Open, Unenclosed Stairways	Not permitted
Chimneys	May extend 2 feet above maximum building height.
Fireplaces	2 feet into required setback of building separation area
Automatic Roll-Up Garage Doors	Required
Location of Open Parking	Guest parking shall be located within a reasonable distance of the unit it serves. Detached garages that are not located within a reasonable distance to the units they are intended to serve are prohibited.
Trash Storage	All units shall be provided with a small alcove inside or outside the unit to allow storage of at least three trash carts without encroaching into the garage space. All efforts shall be made to provide on-site trash service. Trash carts shall be stored on-site for trash pick up to the greatest extent possible.
Above-Ground Pools and Spas	Prohibited in front yards and subject to 5-foot side and rear setback from the main structures.
LANDSCAPING	
A detailed landscape plan prepared pursuant to Chapter VII Landscaping Standards shall be approved by the Planning Division prior to issuance of any building permits.	
SIGNS (See Chapter VIII).	
FENCES AND WALLS	

Table 13-42 SMALL LOT SUBDIVISION STANDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
Fences and walls placed between the property line and required setback line for main buildings shall conform to the city's walls, fences, and landscaping standards. See Article 9 General Site Improvement Standards of this chapter for further information.	
PREEXISTING DEVELOPMENT	
Small lot subdivisions and structures constructed, permitted or approved under the small lot ordinance prior to October 18, 2018, shall be considered conforming with regard to the above provisions.	
TWO UNIT CONVERSIONS	
Projects proposing to subdivide a property with two existing units shall comply with all development standards within this table.	

(c) Documents required.

- (1) Project approval is subject to submission of complete organizational documents setting forth a plan or manner of permanent care and maintenance of any open spaces, recreational areas and commonly used areas/facilities. No such documents shall be acceptable until approved by the city attorney as to legal form and effect, and by the planning division as to suitability for the proposed use of the open areas.
- (2) Prior to entering into a sales agreement for any property within a small lot subdivision, the developer shall disclose general information regarding the property to the future homebuyers, including, but not limited to, the following:
 - a. The type, thickness, and R-value of the insulation that has been installed in the home.
 - b. Any exposed hazards during and after construction (lead-based paint, asbestos, etc.).
 - c. Uses other than residential in proximity to the project.
 - d. Unusual adjacent zoning.
 - e. Distance to airport if within two miles.
 - f. Where soils, filled ground and geologic information is available.
 - g. Any special costs that will be incurred by the lot buyer as a result of the installation of a building foundation or any other construction due to unusual soil/geological conditions.
 - h. If there is fill in excess of two feet.
 - i. Schools servicing subdivision and any special conditions.

- j. Any unusual flooding conditions.
 - k. Conditions of approval by the city and any resale restrictions.
 - l. Dedications and easements.
 - m. Project phasing plan.
 - n. CC&Rs.
- (3) All small lot subdivisions shall file a declaration of covenants to be submitted with the application for approval. The declaration of covenants shall include, but not be limited to, the following provisions.
- a. The homeowners' association or a maintenance association (as applicable) shall be established prior to the sale of any unit(s).
 - b. Membership in the homeowners or maintenance association shall be mandatory for each owner and any successive owner.
 - c. Provisions to restrict parking upon other than approved and developed parking spaces and to require that garages be kept available for resident parking shall be written into the covenants, conditions and restrictions for each project.
 - d. If the development is constructed in increments or phases which require one or more final maps, reciprocal covenants, conditions, and restrictions and reciprocal management and maintenance agreements shall be established which will cause a merging of increments as they are completed, and embody one homeowners' association with common areas for the total development.
 - e. The declaration of covenants shall contain language or provisions substantially as follows:
 - i. "The covenants, conditions and restrictions of this declaration shall run to the City of Costa Mesa insofar as they shall apply to the maintenance of the "common areas" as herein defined."
 - ii. "In the event the association or other legally responsible person(s) fail to maintain the common area in such manner as to cause same to constitute a public nuisance, the city may, upon proper notice and hearing, institute summary abatement procedures and impose a lien for the costs of such abatement upon the common area, individual units or the whole thereof as provided by law."

(Ord. No. 14-04, § 2B., 4-1-14; Ord. No. 15-03, § 2, 4-21-15; Ord. No. 18-10, § 2, 9-18-18; Ord. No. 21-20, § 1, 12-7-21; Ord. 2025-07, 10/21/2025)

City of Costa Mesa

Article 11. Mixed-Use Overlay District

Chapter V. Development Standards

Title 13. Planning, Zoning, and Development

CITY COUNCIL DRAFT FOR ADOPTION

OCTOBER 20, 2026

Prepared for:



CITY OF COSTA MESA

77 Fair Dr, Costa Mesa, CA 92626

Contact: Michelle Halligan

Prepared by:

DUDEK

225 S. Lake Avenue Suite 225-M210

Pasadena, California 91101

Contact: Catherine Tang Saez

Table of Contents

SECTION	PAGE NO.
Article 11. Mixed-Use Overlay District (MUOD)	4
13-83.11.0. Purpose.	4
13-83.11.1. Applicability.	4
(a) Applicable properties.	4
(b) Relationship to underlying base zoning districts.	5
(c) Relationship to other overlay zoning districts and specific plans.	5
(d) Relationship to the Housing Element.	5
(e) Relationship to State Density Bonus Law.	5
(f) Conflicts with applicable requirements.	5
13-83.11.2. Procedures for Inclusion in the MUOD.	5
13-83.11.3. Review and Approval of MUOD projects.	6
(a) Project Review.	6
13-83.11.4. Fees and Off-Site Improvements for MUOD Projects.	6
(a) Special Fee Assessments.	6
(b) Off-Site Improvements.	6
13-83.11.5. Required Studies for MUOD Projects.	6
(a) Phase 1 Environmental Assessment.	6
(b) Traffic Study.	6
(c) Noise Study.	6
13-83.11.6. Permitted Uses for MUOD Projects.	7
(a) Permitted Uses.	7
13-83.11.7. Development Standards for MUOD Projects.	12
(a) Applicability.	12
(b) Exceptions and Additional Provisions.	16
13-83.11.8. Design Standards for MUOD Projects.	16
(a) Objective Design Standards.	16
13-83.11.9. Performance Standards for MUOD Projects.	17
(a) CEQA Mitigation Measures.	17
(b) Other Performance Standards.	17
13-83.11.10. Properties Identified in Housing Element.	17
(a) Purpose.	17
(b) Applicability.	17
(c) Severability and State Law Consistency.	18
(d) Definitions.	18
(e) Supersession of Overlay.	19

(f) Review and Approvals Procedure. 19

(g) Permitted Uses..... 20

(h) Development Standards..... 20

(i) Design Standards. 20

(j) Replacement of Protected Units. 21

TABLE(S)

Table 13-83.11.6. Permitted Uses in the MUOD 7

Table 13-83.11.7. Development Standards for MUOD Projects 13

FIGURE(S)

Figure 13.83.11.7. MUOD Sub-Areas..... **Error! Bookmark not defined.**

Article 11. Mixed-Use Overlay District (MUOD)

13-83.11.0. Purpose.

This Article establishes the Mixed-Use Overlay District (MUOD) to regulate areas appropriate for mixed-use development that integrate residential uses with compatible non-residential uses. It is the purpose and intent of this Article:

- (a) To meet General Plan goals to create new housing opportunities in predominately commercial and industrial areas by allowing mixed-use developments that exhibit excellence in design, site planning, integration of uses and structures, and protect the integrity of adjacent neighborhoods.
- (b) To implement the Housing Element by establishing zoning provisions for sites identified in the City's currently adopted Housing Element Sites Inventory to accommodate the City's lower-, moderate-, and above-moderate-income Regional Housing Needs Allocation (RHNA).
- (c) To satisfy the goals of the 2016 voter-approved Measure K to provide for future housing needs of workers, middle-class families, and seniors; maintain the character of Costa Mesa's single-family neighborhoods; protect the environment and open space; attract new businesses; and maintain local control.
- (d) To encourage vertical and horizontal mixed-use development projects that combines residential and compatible non-residential uses, including office, retail, business services, personal services, public spaces and uses, and other community amenities.
- (e) To encourage a variety of uses and development types, including reuse of existing structures, to create an active city life, enhance business vitality, and revitalize defined areas of the city.
- (f) Encourage the adaptive reuse of existing industrial or commercial structures into mixed-use developments, which would result in rehabilitated buildings and improvements to the area.
- (g) To satisfy the demand for a variety of housing types with a variety of amenities for a variety of demographics and needs, from the young to the elderly and singles to families.
- (h) To allow for the design of buildings that adds to the eclecticism of the city, while being complimentary and compatible to the existing character of the area in which they are located.
- (i) To allow residents of a live/work unit, including artists, designers, craftspeople, professionals and small-business entrepreneurs, to maintain a business and living space under common ownership.

13-83.11.1. Applicability.

(a) **Applicable properties.**

- (1) The MUOD shall apply to the properties depicted on the City's Zoning Map.

(b) Relationship to underlying base zoning districts.

- (1) The provisions of the underlying base zoning districts shall continue to apply to a property unless specifically superseded by a MUOD project when a property owner chooses to exercise provisions of this Article.

(c) Relationship to other overlay zoning districts and specific plans.

- (1) If applicable, the provisions of other zoning provisions, such as overlays, and specific plans, shall continue to apply to a property unless specifically superseded by a MUOD project when a property owner chooses to exercise provisions of this Article.

(d) Relationship to the Housing Element.

- (1) The MUOD shall apply to properties identified in the City's currently adopted Housing Element Sites Inventory pursuant to Section 13-83.11.10 (Properties Identified in Housing Element) and shall be subject to the provisions of this Article, unless exceptions are otherwise indicated.

(e) Relationship to State Density Bonus Law.

- (1) A MUOD project is eligible for a density bonus pursuant to CMMC Title 13, Article 4 (Density Bonuses and Other Incentives) of Chapter IX (Special Land Use Regulations).

(f) Conflicts with applicable requirements.

- (1) Unless otherwise specified, where the provisions of this Article differ from those in CMMC Title 13 (Zoning Code) and other City regulations, including the citywide objective design standards and specific plans, the provisions of this Article shall control. Where this Article is silent on a subject, the requirements of the Zoning Code shall remain applicable. This Article is subject to the requirements of state law, including but not limited to the Housing Accountability Act. To the extent that the provisions of this Article conflict with applicable state law, state law shall control.

13-83.11.2. Procedures for Inclusion in the MUOD.

For properties for which the MUOD does not currently apply, the following provisions apply:

- (a) **Process.** A request for inclusion in the MUOD and application of its provisions may be initiated by an application by a property owner made pursuant to CMMC Title 13, Chapter II (Zoning Districts Established).
- (b) **Consistency.** Application of the MUOD shall be consistent with the provisions of this Article and the General Plan.

13-83.11.3. Review and Approval of MUOD projects.

(a) Project Review.

- (1) All MUOD projects shall be subject to the applicable procedures pursuant to CMMC Title 13, Chapter III (Planning Applications).
- (2) **Exceptions for Housing Element Sites.** MUOD projects on properties identified in the City's currently adopted Housing Element Sites Inventory shall be subject to the applicable provisions in Section 13-83.11.10.

13-83.11.4. Fees and Off-Site Improvements for MUOD Projects.

(a) Special Fee Assessments.

- (1) Applicable MUOD projects shall be subject to the applicable special fee assessments pursuant to CMMC Title 13, Chapter XII (Special Fee Assessments).

(b) Off-Site Improvements.

- (1) Applicable MUOD projects shall provide off-site improvements within the public right-of-way as required by the City Engineer pursuant to CMMC Title 13, Article 9 (General Site Improvement Standards) of Chapter V (Development Standards), which may include, but is not limited to, sidewalks, parkways, trees, landscaping, utilities, and street lighting.

13-83.11.5. Required Studies for MUOD Projects.

(a) Phase 1 Environmental Assessment.

- (1) All MUOD projects shall be subject to a Phase 1 Environmental Assessment. The Phase 1 Environmental Assessment shall provide disclosure of and measures to remediate onsite hazardous conditions. If applicable, additional assessments may be required, in which case, the project shall comply with applicable remediation measures, if required. Where applicable, a letter of case closure shall be required from the County of Orange Health Care Agency for development sites.

(b) Traffic Study.

- (1) Applicable MUOD projects shall be subject to the traffic study requirements pursuant to CMMC Title 13, Article 3 (Transportation System Management) of Chapter XII (Special Fee Assessments).

(c) Noise Study.

- (1) Applicable MUOD projects shall be subject to a noise study prepared by a qualified acoustical consultant. Applicable MUOD projects include those abutting a freeway or within the Airport Planning Area, as defined by the Airport Environs Land Use Plan (AELUP) for John Wayne Airport. The noise study shall certify compliance with CMMC Title 13, Chapter XIII (Noise Control) and the AELUP.

13-83.11.6. Permitted Uses for MUOD Projects.

(a) **Permitted Uses.**

- (1) **Permitted Uses.** Table 13-83.11.6. establishes the permitted uses and uses subject to a Conditional Use Permit (C), Minor Conditional Use Permit (MC), or Special Use Permit (S) in the MUOD.
 - a. Notwithstanding Subsection (a)(1), if the underlying base zoning district establishes a less stringent permit requirement for a use pursuant to CMMC Title 13, Chapter IV Citywide Land Use Matrix, that permit requirement shall be used.
- (2) **Prohibited Uses.** Uses not listed in Table 13-83.11.6. are not permitted.
- (3) **Definitions.** Definitions of uses are established in CMMC Title 13, Article 2 (Definitions) of Chapter I (In General).
- (4) **Exceptions for Housing Element Sites.** MUOD projects on properties identified in the City's currently adopted Housing Element Sites Inventory shall be subject to the provisions in Section 13-83.11.10.
- (5) **Exceptions for properties located within the Airport Planning Area.** MUOD projects on properties located within the Airport Planning Area, as defined by the Airport Environs Land Use Plan (AELUP) for John Wayne Airport, shall comply with applicable requirements of the AELUP, unless overruled pursuant to state law.

Table 13-83.11.6. Permitted Uses in the MUOD

Table 13-83.11.6. Permitted Uses in the MUOD		
LAND USE	PERMIT REQUIREMENT	ADDITIONAL PROVISIONS
RESIDENTIAL USES (STAND-ALONE AND/OR AS PART OF A VERTICAL OR HORIZONTAL MIXED-USE DEVELOPMENT)		
• Common interest developments, residential	P	
• Low barrier navigation center	P ⁵	
• Multi-family dwellings	P	
• Supportive housing	p ³	
• Transitional housing	P ^{3,4}	
ACCESSORY USES (AS PART OF A VERTICAL OR HORIZONTAL MIXED-USE DEVELOPMENT)		
• Accessory dwelling unit (subject to the requirements of Chapter V, Section 13-35, Accessory Dwelling Units)	P ¹	
• Day care facilities (15 children or more) (see also Nursery schools)	C	

Table 13-83.11.6. Permitted Uses in the MUOD

Table 13-83.11.6. Permitted Uses in the MUOD		
LAND USE	PERMIT REQUIREMENT	ADDITIONAL PROVISIONS
Electric Vehicle Charging Station, Accessory Use (subject to the requirements of Chapter IV, 13-30)	P ¹	
Family day care—Large (7 to 14 children) (subject to the requirements of Section 13-37, Large Family Day Care Homes)	P ¹	
Family day care—Small (up to 8 children)	P	
Home occupations (subject to the requirements of Chapter IX, Article 6, Home Occupations)	P ^{1,2}	
Junior accessory dwelling unit (subject to the requirements of Chapter V, Section 13-35, Accessory Dwelling Units)	P ¹	
Temporary real estate and construction offices (subject to the requirements of Chapter IX, Article 10, Temporary Trailers)	P ¹	

NON-RESIDENTIAL USES (AS PART OF A LIVE/WORK UNIT)		
Artisan Studio	P	
Catering	P	
Commercial art; graphic design	P	
Computer and data processing	P	
Offices: central administrative	P	
Offices: engineering; architectural; and surveying services; management; consulting and public relations	P	
Offices: general; individual counseling	P	
Offices: medical and dental	MC	
Offices: services to businesses such as bookkeeping and data processing	P	
Personal Service	P	
Personal Service with Group Instruction/Setting (see Chapter IX Article 24 Group Instruction/Setting including Studio and Fitness Uses)	P ¹	
Photocopying; blueprinting and related services	P	
Printing and publishing	P	

Table 13-83.11.6. Permitted Uses in the MUOD

Table 13-83.11.6. Permitted Uses in the MUOD		
LAND USE	PERMIT REQUIREMENT	ADDITIONAL PROVISIONS
Retail: general— excluding antique malls, supermarkets, grocery stores, convenience stores; and liquor stores listed separately	C	
Retail: nonstore	P	
Studio Fitness—Small and Fitness Studios etc. (See Chapter IX, Article 24, Group Instruction/Setting including Studio and Fitness Uses)	MC ¹	
INSTITUTIONAL AND RECREATIONAL USES (AS PART OF A VERTICAL AND/OR HORIZONTAL MIXED-USE DEVELOPMENT)		
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)	P ¹	
Civic and community clubs	P	
Libraries, privately-operated	C	
Nursery schools—See also Day care facilities for 15 or more children	C	
Parks and playgrounds	P	
Public offices and facilities, such as city halls, courthouses, police/ fire stations, etc.	C	
Schools: primary, secondary and colleges	C	
Schools: trade and vocational; group counseling	C	
Senior congregate care facility	C	
COMMERCIAL AND INDUSTRIAL USES (AS PART OF A VERTICAL AND/OR HORIZONTAL MIXED-USE DEVELOPMENT)		
Active Entertainment (subject to the requirements of Chapter IX, Article 5, Electronic Game Machines and Article 26, Active Entertainment)	MC	
Acupressure; massage (subject to the requirements of Title 9, Chapter II, Article 22, Massage Establishments and Practitioners)	P ¹	

Table 13-83.11.6. Permitted Uses in the MUOD

Table 13-83.11.6. Permitted Uses in the MUOD		
LAND USE	PERMIT REQUIREMENT	ADDITIONAL PROVISIONS
• Amusement centers (subject to the requirements of Chapter IX, Article 5, Electronic Game Machines)	C ¹	
• Animal shelters, pounds, kennels, training schools	C	
• Antique malls	P	
• Artisan Studio	P	
• Auction houses	P	
• Banks; savings and loans; and other financial institutions	P	
• Billiards parlors	C	
• Bowling centers	C	
• Building supplies; hardware stores (retail)	P	
• Catering	P	
• Commercial art; graphic design	P	
• Computer and data processing	P	
• Convenience stores; mini-markets (subject to the requirements of Chapter IX, Article 16, Liquor Stores, Convenience Stores, and Mini-Markets)	C ¹	
• Department stores (retail)	P	
• Electric Vehicle Charging Station, Primary Use (subject to the requirements of Chapter IV, 13-30)	P ¹	
• 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 ¹	
• Entertainment, live or public	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT	
• Establishments where food or beverages are served	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED	
• Flower stands—see also Carts	MC	
• Grocery stores—see also Supermarkets; excluding convenience stores; and liquor stores listed separately	P	
• Hotels— Excluding motels listed separately	C	

Table 13-83.11.6. Permitted Uses in the MUOD

Table 13-83.11.6. Permitted Uses in the MUOD		
LAND USE	PERMIT REQUIREMENT	ADDITIONAL PROVISIONS
Laundry, such as tailoring, laundromats, cleaning and garment services not inclusive of on-site plants	P	
Liquor stores (subject to the requirements of Chapter IX, Article 16, Liquor Stores, Convenience Stores, and Mini-Markets)	C ¹	
Massage— See also Acupressure (subject to the requirements of Title 9, Chapter II, Article 22, Massage Establishments and Practitioners)	P ¹	
Motels— (Subject to requirements of Chapter IX, Article 8, Motels) Excluding Hotels listed separately	C ¹	
Motion picture theaters and other theaters not within 200 feet of residential zones	P	
Motion picture theaters and other theaters within 200 feet of residential zones	C	
Offices: central administrative	P	
Offices: engineering; architectural; and surveying services; management; consulting and public relations	P	
Offices: general; individual counseling	P	
Offices: medical and dental	P	
Offices: services to businesses such as bookkeeping and data processing	P	
Off-street parking lots and structures including related maintenance buildings	C	
Off-street parking lots and structures, incidental uses within	MC	
Personal Service	P	
Personal Service with Group Instruction/Setting (see Chapter IX, Article 24 Group Instruction/Setting including Studio and Fitness Uses)	P ¹	
Photocopying; blueprinting and related services	P	
Physical fitness facilities	C	
Printing and publishing	P	
Retail, incidental sales to the main use (subject to the requirements of section 13-54(a), incidental retail sales)	P ¹	

Table 13-83.11.6. Permitted Uses in the MUOD

Table 13-83.11.6. Permitted Uses in the MUOD		
LAND USE	PERMIT REQUIREMENT	ADDITIONAL PROVISIONS
Retail: general— excluding antique malls, supermarkets, grocery stores, convenience stores; and liquor stores listed separately	P	
Retail: nonstore	P	
Specialty stores	P	
Studio Fitness—Small and Fitness Studios etc. (See Chapter IX, Article 24, Group Instruction/Setting including Studio and Fitness Uses)	P ¹	
Supermarkets— see also Grocery stores	P	
Tattoo parlors	C	

NOTES

- 1 This use is subject to the requirements of the referenced Municipal Code article or section.
- 2 If residential uses exist, accessory uses shall be permitted.
- 3 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.
- 4 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.
- 5 Low barrier navigation centers shall be permitted by-right provided they are consistent with the requirements in Government Code Sections 65660-65668.

13-83.11.7. Development Standards for MUOD Projects.

(a) **Applicability.**

- (1) Table 13-83.11.7. establishes the development standards for all MUOD projects, The development standards in this Article shall supersede and prevail over any conflicting provisions of the underlying base zone and all other applicable zoning provisions, such as other overlays, and specific plans, unless alternative development standards have been established through a master plan in a Planned Development zone.
- (2) **Exceptions for Housing Element Sites.** MUOD projects on properties identified in the City's currently adopted Housing Element Sites Inventory shall be subject to the requirements of Table 13-83.11.7, with the exceptions and additional standards in Section 13-83.11.10.
- (3) **Exceptions for properties located within the Airport Planning Area.** MUOD projects on properties located within the Airport Planning Area, as defined by the Airport Environs Land Use Plan (AELUP) for John Wayne Airport, shall comply with applicable requirements of the AELUP, unless overruled pursuant to state law.

Table 13-83.11.7. Development Standards for MUOD Projects

Table 13-83.11.7. Development Standards for MUOD Projects			
DEVELOPMENT STANDARD			ADDITIONAL PROVISIONS IF APPLICABLE
RESIDENTIAL DENSITY STANDARDS ^{1,2}			
BY MUOD SUB-AREA	MINIMUM RESIDENTIAL FLOOR AREA	MAXIMUM RESIDENTIAL DENSITY	MUOD Sub-Areas and allowable maximum residential densities are depicted in Figure 13-83.11.7.
Mesa West Bluffs	Minimum 50 percent of the total floor area of a MUOD project shall be residential use	20-30 du/ac	
19 West		20-30 du/ac	
Newport Boulevard		30 du/ac	
Harbor Boulevard		30 du/ac	
SoBECA		40 du/ac	
North Costa Mesa		60 du/ac	
NON-RESIDENTIAL FLOOR AREA RATIO (FAR) STANDARDS			
Minimum FAR	None		
Maximum FAR	1.0 FAR		
BUILDING HEIGHT STANDARDS ^{1,2}			
BY MAXIMUM RESIDENTIAL DENSITY	MAXIMUM BUILDING HEIGHT		
	Residential-Only Building or Vertical Mixed-Use Building	Non-Residential Building	
20 du/ac	60 ft.	40 ft.	
30 du/ac			
40 du/ac			
60 du/ac	72 ft.		
90 du/ac	108 ft.		
SETBACK STANDARDS ³			
BY ABUTTING CONDITION	MINIMUM AND MAXIMUM SETBACK ⁴		
Front or side along a public street	Min. 10 ft. and max. 20 ft.		
Side or rear abutting alley	None		
Side or rear abutting:			
-Commercial or mixed-use zone	Min. 5 ft.		
-Residential zone	Min. 10 ft.		
-Industrial zone	Min. 20 ft.		
Side or rear abutting bluff crest	Min. 10 ft.		CMMC Title 13, Section 13-34 (Bluff-Top Development) of Chapter V (Development Standards)

Table 13-83.11.7. Development Standards for MUOD Projects

Table 13-83.11.7. Development Standards for MUOD Projects		
DEVELOPMENT STANDARD		ADDITIONAL PROVISIONS IF APPLICABLE
LOT STANDARDS		
Minimum lot size	None	
OFF-STREET PARKING STANDARDS		
Minimum parking for dwelling units (inclusive of live/work units)	None	CMMC Title 13, Chapter VI, Article 3 (Off-Street Parking Development Standards)
Minimum parking for non- residential uses	Subject to Table 13-89 (Non-Residential Parking Standards)	CMMC Title 13, Chapter VI, Article 2 (Off-Street Parking Non-Residential Districts) and Article 3 (Off-Street Parking Development Standards)
OPEN SPACE STANDARDS ⁵		
Usable common residential open space ⁶	Total area equivalent to min. 30% of lot	CMMC Title 13, Chapter VII (Landscaping Standards)
Usable private residential open space ⁷	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.	
Publicly accessible open space	Total area equivalent to the following min. percentages of total commercial floor area: • For 20,000 sq. ft. to less than 30,000 sq. ft. of commercial floor area: 2% • For 30,000 sq. ft. to less than 40,000 sq. ft of commercial floor area: 3% • For 40,000 sq. ft. to less than 50,000 sq. ft. of commercial floor area: 4% • For more than 50,000 sq. ft. of commercial floor area: 5%	
STORAGE STANDARDS		

Table 13-83.11.7. Development Standards for MUOD Projects

Table 13-83.11.7. Development Standards for MUOD Projects		
DEVELOPMENT STANDARD		ADDITIONAL PROVISIONS IF APPLICABLE
may be provided in a garage, carport, or other exterior or covered common area, but shall be located so as not to obstruct the required clear dimensions.		
SIGN STANDARDS		
Signs for MUOD projects shall be subject to the commercial zone requirements of Table 13-115 (Sign Regulations Permanent Signs).		
PROJECTION STANDARDS		
Facade details, such as cornices, belt courses, sills, trims, or similar details	Max. 18 in. into any required setback	
Awnings, trellises, roof eaves, or other overhangs	Max. 5 ft. into required front or side setback abutting a public street, or max. 2 ft. 6 in. into required side or rear setback along interior property line	
Facade projections, such as bay windows, porticos, porches, and open, unenclosed stairways, such as stoops	Max. 2 ft. 6 in. into any required setback	
Rooftop architectural features, such as chimneys, parapets, cupolas, skylights, or similar elements	Max. 2 ft. above max. building height	
Fireplaces	Max. 2 ft. into any required setback	
POOL/SPA STANDARDS		
Pools and spas in MUOD projects shall be prohibited in the front or side setback abutting a public street		
GENERAL SITE IMPROVEMENT STANDARDS		
MUOD projects are subject to the applicable general site improvement standards in CMMC Title 13, Article 9 (General Site Improvement Standards) of Chapter V (Development Standards)		

NOTES FOR TABLE 13-83.11.7

- 1 Exceptions for maximum residential density and maximum building height for Housing Element Sites. MUOD projects on properties identified in the City's currently adopted Housing Element Sites Inventory shall be subject to the provisions in Section 13-83.11.10.
- 2 Or as provided in an applicable specific plan, whichever is higher.
- 3 A minimum 50 feet buffer, where dwelling units cannot be located, extends from the property lines of the Cla-Val properties defined as Accessor Parcel Numbers 424-071-04, 05, 06, and 07. The buffer does not prohibit landscaping, parking, and structures not containing dwelling units including recreational facilities and common meeting rooms, from being located within 50 feet of Cla-Val property lines.
- 4 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.

- 5 Or as provided in an applicable specific plan.
- 6 All or a portion of the required usable common residential open space may be substituted by publicly accessible open space.
- 7 All or a portion of the required usable private open space may be substituted by usable common residential and/or publicly accessible open space.

(b) Exceptions and Additional Provisions.

- (1) Parking Reduction in Proximity to Transit.** Pursuant to Government Code § 65863.2, the required off-street vehicular parking may be waived for certain projects within one-half mile distance of public transit, as applicable.
- (2) Unbundled Parking.** If off-street vehicular parking is provided for dwelling units in a MUOD project with 16 or more dwelling units, the parking shall be unbundled from the dwelling units, such that parking is leased or sold separately from the dwelling unit rental or purchase fee. Residential tenants, including new tenants, shall have the right of first refusal to parking provided in the property. This provision shall not apply to the following:
 - a. A dwelling unit with an individual garage that is functionally a part of the dwelling unit, including, but not limited to, townhouses and rowhouses.
 - b. A housing development of which 100 percent of its units, exclusive of any manager's unit or units, are restricted by deed, regulatory restriction contained in an agreement with a governmental agency, or other recorded document as affordable housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code.
 - c. A housing development that receives low-income housing tax credits pursuant to Section 42 of the Internal Revenue Code (26 U.S.C. Sec. 42).
 - d. A residential unit that is leased to a tenant who receives a federal housing assistance voucher issued under Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f), including a federal Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher.
- (3) Shared Parking.** A reduction in total required parking for mixed-use projects shall be determined as outlined the "City of Costa Mesa Procedure for Determining Shared Parking Requirements" pursuant to CMMC Title 13, Article 2 (Non-Residential Districts) in Chapter VI (Off-Street Parking Standards).

13-83.11.8. Design Standards for MUOD Projects.

(a) Objective Design Standards.

- (1) All MUOD projects, inclusive of projects on properties identified in the City's currently adopted Housing Element Sites Inventory, shall be subject to the applicable City of Costa Mesa Multifamily Residential and Mixed-Use Objective Design Standards and shall serve as the sole design criteria for ministerial review for qualifying projects, consistent with Gov. Code §65583.2 and 65589.5,

unless alternative design standards have been established through a master plan in a Planned Development zone.

13-83.11.9. Performance Standards for MUOD Projects.

(a) CEQA Mitigation Measures.

- (1) **Applicability.** Except as provided Subsection (a)(2), MUOD projects shall be subject to the applicable mitigation measures identified in the City's final and adopted Neighborhoods Where We All Belong Zoning Updates and Housing Element Implementation Final Environmental Impact Report (EIR) Mitigation Monitoring and Reporting Program (MMRP).
- (2) **Ministerial Housing Projects Pursuant to State Law.** MUOD projects that qualify for ministerial approval pursuant to applicable state law, including, but not limited to, Government Code Section 65583.2(i) and 65913.4, and other provisions of state law requiring or authorizing ministerial approval of housing development projects, are ministerial actions and therefore are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15268 of the CEQA Guidelines (Title 14, California Code of Regulations). Accordingly, Subsection (a)(1) shall not apply to such ministerial housing projects except to the extent compliance with requirements of CMMC Title 5 (Buildings and Structures) or other applicable state or federal law applicable independent of CEQA.

(b) Other Performance Standards

- (1) MUOD projects with commercial uses shall be prohibited from operating outdoor activity between the hours of 10:00 p.m. and 7:00 a.m., inclusive of loading, unloading, and delivery of goods.

13-83.11.10. 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.
- (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.

- (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.

(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 City's currently adopted Housing Element Sites Inventory to accommodate the City's (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 City's currently adopted Housing Element Sites Inventory 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).
- (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.

- (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:

- i. **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 property's underlying base zone, specific plan, overlay, and all other applicable zoning provisions relating to minimum residential densities and capacities, minimum residential floor area, ministerial review and approval, permitted uses, unit caps, trip budgets, and maximum building heights. Notwithstanding the foregoing, to the extent an applicable specific plan allows for more permissive provisions, including greater maximum allowable residential densities and greater maximum building heights, projects on Lower-Income Housing Element Sites may utilize such standards in the specific plan.
- ii. **Ministerial Review and Approval.** Projects on Lower-Income Housing Element Sites shall be a Use by Right pursuant to Subsection (f)(1).
- iii. **Minimum Residential Floor Area.** Projects on Lower-Income Housing Element Sites shall satisfy the minimum residential floor area requirements established in Subsection (g)(3).
- iv. **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)(2)(ii) and (h)(2)(iii).

(f) Review and Approvals Procedure.

- (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) **Applicability.** MUOD projects on properties identified in the City's currently adopted Housing Element Sites Inventory shall be subject to the requirements of Table 13-83.11.7 with the exceptions and additional standards in Subsection (h), unless alternative design standards have been established through a master plan in a Planned Development zone.

(2) Density Standards

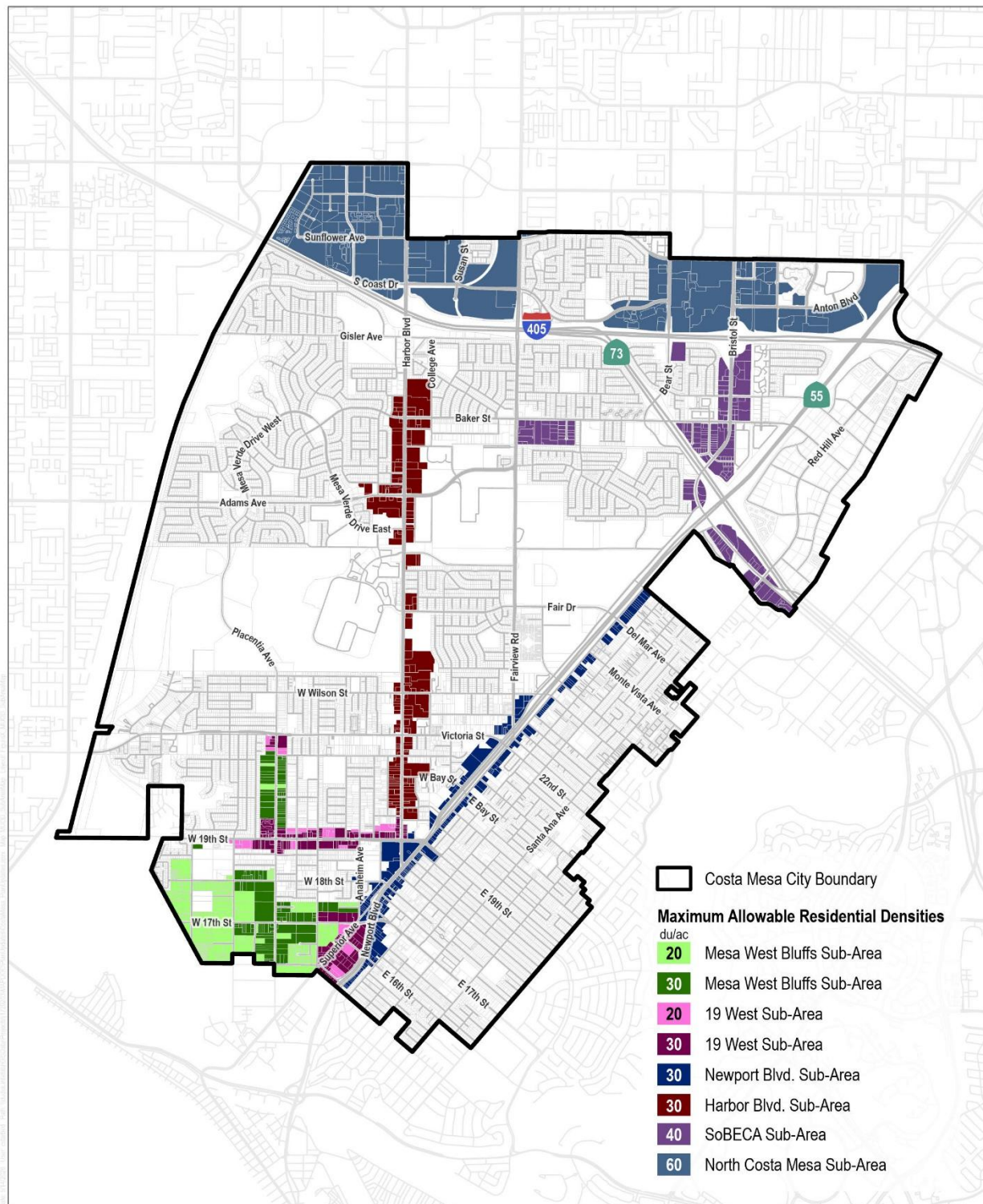
- i. **Maximum Densities.** Maximum residential densities shall be permitted as specified in the Housing Element Sites Inventory.
- ii. **Minimum Site Capacity for Lower-Income Housing Element Sites.** If the identified maximum density of a Lower-Income Housing Element Site does not allow at least 16 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).
- iii. **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).

(i) Design Standards.

- (1) All MUOD projects, inclusive of projects on properties identified in the City's currently adopted Housing Element Sites Inventory, shall be subject to the applicable City of Costa Mesa Multifamily Residential and Mixed-Use Objective Design Standards and shall serve as the sole design criteria for ministerial review, consistent with Gov. Code §65583.2 and 65589.5, unless alternative design standards have been established through a master plan in a Planned Development zone.

(j) 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.



SOURCE: City of Costa Mesa 2025, Open Street Map 2019



0 2,000 4,000 Feet

FIGURE 13.83.11.7

DRAFT Mixed Use Overlay District (MUOD) Sub-Area Map

City of Costa Mesa

Chapter V, Article 5.5 of the Zoning Code shall be amended where ~~strike through~~ text denotes text being removed, and underline text denotes text being added.

Chapter V Development Standards

Article 5.5 Non-Residential Common Interest Developments

§ 13-54.50. Purpose.

The purpose of this article is to regulate the placement of non-residential common interest development projects and the conversion of existing non-residential developments to common interest developments consistent with the form of ownership and occupancy of such projects pursuant to applicable laws for the general health, safety, and welfare of the public.

(Ord. No. 07-17, § 1f., 10-2-07)

§ 13-54.51. Planning application required.

- (a) Non-residential common interest development projects are permitted in appropriate commercial, industrial, or planned development zones, subject to the approval of the following planning application, as applicable. This requirement is in addition to other permits or certificates required by law.
- (1) All new non-residential common interest development projects shall be processed according to the ~~design review~~ procedures contained in Chapter III Planning Applications.
 - (2) Conversion of occupied or previously occupied non-residential developments to common interest development projects shall be subject to sections 13-54.52 non-residential common interest development standards and requirements and 13-54.53 non-residential common interest development conversions—additional standards and shall be processed according to the non-residential common interest development conversion procedures contained in Chapter III Planning Applications.
 - (3) All non-residential common interest development projects require the approval of tentative or final tract or parcel maps as required by law. A tentative tract map or parcel map shall not be required until ~~either a design review or non-residential common interest development conversion~~ the applicable procedures contained in Chapter III Planning Applications has been approved; however, the map may be processed concurrently.
- (b) No person shall construct, sell, lease, convey, maintain or use a non-residential common interest development project within the city without first complying with the provisions of this article.

(Ord. No. 07-17, § 1f., 10-2-07)

§ 13-54.52. Non-residential common interest development standards and requirements.

- (a) *Applicability.* The provisions of this section shall apply to all proposed new non-residential common interest development projects and the conversion of existing non-residential to common interest developments.
- (b) *City council finding.* The city council finds and declares it is the intent of these regulations to protect the interests of the community and prospective purchasers by requiring the applicant to provide certain information regarding the condition of the structure and to require reasonable improvements to ensure quality and to protect the health, safety, and general welfare of the public.
- (c) *Development standards.* The development standards of the applicable zoning district shall be applied to the common interest development, including the conversion of occupied or previously occupied projects (see section 13-54.53(h)(3)). Exception: Newly created individual unit lots shall be exempt from the development standard for minimum lot area for newly subdivided lots. See also Article 9 General Site Improvement Standards of this chapter for additional requirements. Projects shall comply with all applicable standard plans and specifications and adopted city and state codes, as well as the following provisions:
 - (1) All projects shall be designed with a minimum of one lot to be held in common ownership and maintained by a property owners association. This lot shall be used for common driveways, parking areas, and street setback landscaped areas.
 - (2) A detailed landscape plan prepared pursuant to Chapter VII Landscaping Standards shall be approved by the planning division prior to issuance of any building permits.
 - (3) Parking shall conform to Chapter VI Off-Street Parking Standards, a parking space allocation plan shall be submitted to the planning division in conjunction with application for a non-residential common interest development.
 - (4) The development shall comply with the provisions of Chapter XI. Subdivisions, which may include, but are not limited to, land dedication and improvements, such as drainage improvements, and payment of fees.
- (d) Documents required.
 - (1) A project may be approved subject to submission of all organizational documents setting forth a plan or manner of permanent care and maintenance of open spaces, parking areas and common facilities pursuant to state law. No such documents shall be acceptable until approved by the city attorney as to legal form and effect, and by the planning division as to suitability for the proposed use of the open areas.
 - (2) The developer shall file a declaration of covenants to be submitted with the application for approval, which will govern the association. The provisions shall include, but not be limited to, the following:

- a. The property owner's association shall be established prior to the sale of any unit(s).
- b. Membership shall be mandatory for each owner and any successive owner.
- c. Provisions to restrict parking upon other than approved as parking spaces shall be written into the covenants, conditions and restrictions for each project. Additionally, a clear designation of parking and signage rights shall be included and a method to resolving disagreements. The provisions shall include the following:
- d. "The City of Costa Mesa Zoning Code regulates the uses of property, allowable signage, and required parking. The City shall not issue a building permit or a sign permit unless it is first authorized by the property owner's association. This authorization shall be submitted with any application to the City. This provision may not be modified without the written consent of the City."
- e. If the development is constructed in increments or phases which require one or more final maps, reciprocal covenants, conditions, and restrictions and reciprocal management and maintenance agreements shall be established which will cause a merging of increments as they are completed, and embody one property owners' association with common areas for the total development.
- f. The declaration of covenants shall contain language or provisions substantially as follows:
 - i. "The covenants, conditions and restrictions of this declaration shall run to the City of Costa Mesa insofar as they shall apply to the maintenance of the "common areas" as herein defined."
 - ii. "In the event the association or other legally responsible person(s) fail to maintain the common area in such manner as to cause same to constitute a public nuisance, the City may, upon proper notice and hearing, institute summary abatement procedures and impose a lien for the costs of such abatement upon the common area, individual units or the whole thereof as provided by law."

(Ord. No. 07-17, § 1f., 10-2-07)

§ 13-54.53. Non-residential common interest development conversions—Additional standards.

- (a) *Applicability.* The provisions of this section shall apply to all conversions of occupied or previously occupied non-residential developments to common interest developments proposed on a real property within the appropriately zoned districts. These provisions are in addition to those set forth in section 13-54.52, non-residential common interest developments.

(b) ~~Restrictions in urban plan areas~~*the Mixed-Use Overlay District.* Conversions of occupied or previously occupied non-residential developments to common interest developments shall only be permitted in ~~an urban plan area~~*the mixed-use overlay district* if the final review authority finds and determines that the proposed conversion is consistent with the applicable mixed-use overlay ~~zoning-district regulations~~. ~~Specifically, the proposed conversion 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.~~

(c) *Inspection fee.* The applicant shall pay an inspection fee, established by the city council, to determine compliance of the existing units with all appropriate building codes, as noted in subsection (f)(2).

(d) *Documents required.* The applicant shall submit the following documents in addition to those set forth in section 13-54.52(c), non-residential common interest developments. To the extent applicable, the following report requirements may be satisfied by submission of copies of similar reports filed with state agencies. The reports shall include information on what improvements, if any, shall be accomplished by the applicant and when such improvements shall be completed. All improvements cited in the reports, whether required or voluntary, shall be placed as conditions of approval in conjunction with the approval of the request to convert to a common interest development, and the improvements shall be completed prior to recordation of the subdivision map.

(1) *Structural report.* A detailed structural report by a California-registered structural or civil engineer identifying the following information:

- a. Date of original construction of all structures.
- b. Any evidence of soils problems.
- c. The condition of the building foundations, walls, ceilings, windows, doors, parking facilities, drainage facilities, refuse disposal facilities; and exterior lighting.
- d. Certification that all walls and floor/ceiling assemblies comply with current code requirements for sound transmission. Non-compliant walls and floor/ceiling assemblies shall be identified for replacement or other appropriate remediation.
- e. Certification that the building's wood frames, sill plates, anchor bolts, connections, and foundation have been inspected and have a minimum life of 25 years and that all substandard elements have been identified for replacement or other appropriate remediation.

(2) *Pest report.* A report by a California-licensed structural termite and pest control specialist certifying whether or not all attached or detached structures are free of infestation and structural damage caused by pests and/or dry rot. The report shall describe what procedures would be necessary to eliminate infestation or damage, if present.

- (3) *Paint report.* A report by a California-licensed painting contractor verifying the condition of the paint on all building interior and exterior surfaces and an estimate of the remaining physical life of the paint. A statement that new paint will be applied on all building interior and exterior surfaces may take place of the paint report. The statement shall include the brand name of the paint and the exterior colors to be used. For exterior surface, a minimum of three colors should be applied.
 - (4) *Mold report.* A report by a California-licensed mold specialist certifying whether or not all attached or detached structures are free of mold. The report shall describe what procedures would be necessary to eliminate mold, if present.
 - (5) *Mechanical equipment report.* A report by a California-registered mechanical engineer certifying that all appliance and mechanical equipment for heating and cooling comply with the current California Mechanical Code. The proper measures to remediate any noncompliant appliances and mechanical equipment shall be identified.
 - (6) *Electrical report.* A report by a California-registered electrical engineer certifying that all electrical systems comply with the California Electrical Code. The proper measures to remediate the noncompliant system components shall be identified.
 - (7) *Plumbing report.* A report by a California-licensed plumbing contractor certifying that all plumbing systems comply with the current California Plumbing Code. All above ground plumbing that does not comply with the current code shall be identified for replacement. A camera test of the sewer lateral shall also be conducted under the direction of the applicable sanitary district, and any substandard sewer laterals shall be identified for replacement by the sanitary district. Onsite sewer clean-outs shall be indicated for installation pursuant to the direction of the applicable sanitary district.
 - (8) *Roof report.* A report by a California-licensed roofing contractor verifying that the roofs of all structures have an estimated remaining physical life of at least 25 years. A statement that new roof material will be applied may take place of the roof report. The statement shall include the specifications of the proposed roofing material.
 - (9) *Asbestos report.* A report by a California-licensed asbestos specialist indicating that the property does not pose any health hazards related to asbestos. The proper measures to remediate asbestos shall be identified, if necessary. This re
- (e) *Review procedures.* The following are processing requirements in addition to those set forth in Chapter III Planning Applications.
- (1) Upon receipt of the application and all required documents, the planning division shall submit copies of applicable reports or documents to the fire department, building safety division and other appropriate departments.
 - (2) The ~~dCommunity Development services_d~~Director shall require an inspection of all buildings and structures in the existing development. An inspection report shall be prepared at or under his/her direction identifying all items found to be in

violation of current code requirements for such buildings or structures, or found to be hazardous.

- (3) The fire marshal may inspect the project to determine the sufficiency of fire protection systems serving the project and report on any deficiencies.
- (4) The planning division may submit copies of such documents required in subsection (d) to other departments for their review and requirements.
- (5) The planning division shall review the property report submitted by the applicant and may require its revision and resubmission if found inadequate in providing the required information.
- (6) The planning division shall keep and maintain the copies of all required reports, as public records, for no less than five years, and shall send copies to the California Real Estate Commissioner as may be required by law.
- (7) A final inspection report shall be made by the building official, upon request of the applicant, indicating the compliance with all the imposed requirements.

(f) *Approval criteria.*

- (1) The final review authority shall utilize the development standards and requirements of this article as criteria in the approval of the conversion as herein provided.
- (2) No non-residential common interest development conversion shall be approved until all required documents have been submitted, reviewed and found to comply with the provisions of applicable state law and this Zoning Code.
- (3) All units shall be required to comply with current requirements for vibration transmission, energy insulation, sound transmission control (both interior and exterior), and fire detection systems.
- (4) Each unit shall be separately metered for gas, electricity, and water, unless the declaration of covenants provides for the association to take responsibility of the utilities.
- (5) The city council may adopt general standards that may be applied to non-residential common interest development conversion applications on a case-by-case basis. The final review authority may use these standards to impose conditions of approval on non-residential common interest development conversion applications to achieve the purpose of this article.

- (g) *Conversion standards.* The project shall be brought into compliance with the following minimum construction standards, unless the building official approves an alternate method of construction. Prior to recordation of the subdivision map, applicable building permits shall be obtained, and all improvements shall be constructed, inspected, and receive final city approval for the required improvements in this section and for any health and safety code violations.

(1) *Life safety standards.* The following improvements shall be provided in accordance with the provisions of the California Building Code or any successor statute or regulation, unless otherwise noted.

- a. Each unit shall have access to the electrical branch circuits that serve the unit.
- b. Smoke detectors shall be installed and operating. All existing hard-wired units shall be in working order and any additional smoke detectors that are required by code shall be located and installed.
- c. Ground fault circuit interrupter protection shall be provided where required by the currently adopted electrical code.
- d. Portable fire extinguishers shall be provided in accordance with the California Fire Code or any successor statute or regulation.

(2) *Plumbing requirements.* The following improvements shall be provided in accordance with the provisions of the California Plumbing Code or any successor statute or regulation.

- a. A temperature and pressure relief valve shall be provided for all water heaters.
- b. Water heaters shall be seismically braced with a minimum of two straps.
- c. Water heaters shall be properly vented to the outside and shall be provided with sufficient combustion air.
- d. Potable water shall have a backflow protection where necessary to prevent potential cross connection.

(3) *Compliance with Zoning Code provisions.* With the exception of building intensity (floor area ratio) standards, the project shall comply with all requirements of this Zoning Code, including but not limited to building setbacks, distance between buildings, parking, open space, and landscaping requirements, unless any Zoning Code requirement is superseded by an adopted specific plan or ~~urban plan overlay~~. The final review authority may approve a deviation from a Zoning Code standard in conjunction with the review of the conversion request, in conformance with the findings in section 13-29(g)(10).

(4) *Refurbishing and restorations.* All main buildings, structures, walls, fences, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements as required by the final review authority shall be refurbished and restored as appropriate for a high standard of appearance, quality, and safety. Specific improvements include:

- a. Installation of all remedial improvements identified in the reports submitted pursuant to by section 13-54.53(d), documents required.

- b. Installation of appropriate improvements that ensure acceptable sound transmission levels between units in each building in conformance with the current California Building Code.
- c. Replacement of all gas lines (both interior and exterior) that do not comply with current code and conduct appropriate pressure test.
- d. Installation of double-glazed, low-E windows and exterior doors.
- e. Installation of new sinks, faucets, toilets. Low water flow plumbing fixtures are recommended.
- f. Waterproof all exterior landings and staircases.

(Ord. No. 07-17, § 1f., 10-2-07)

Chapter V, Article 6 of the Zoning Code shall be amended where ~~strike through~~ text denotes text being removed, and underline text denotes text being added.

Chapter V Development Standards

Article 6 Planned Development

§ 13-55. Purpose.

It is the purpose and intent of this article to:

- (a) Provide a method by which appropriately located areas of the city can be developed utilizing more imaginative and innovative planning concepts than would be possible through strict application of existing zoning and subdivision regulations. It is intended that these developments will meet the broader goals of the general plan and Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures, and protection of the integrity of neighboring development.
- (b) Furthermore, it is the intention of the city to provide a more efficient use of land, additional alternative environments and the allocation and maintenance of more privately controlled and usable open space.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-56. Master plan required.

All development proposed in the planned development districts require approval of a master plan pursuant to Chapter III, Planning Applications. The final review authority for the master plan shall be the planning commission.

- (a) *Preliminary master plan.* At the applicant's option, a preliminary master plan may be processed in advance of the master plan pursuant to Chapter III, Planning Applications. The purpose of the preliminary master plan shall be to determine the general location, type, and intensities of uses proposed in large scale planned developments prior to the preparation and submittal of more detailed development plans. Preliminary master plans may also be used as the conceptual plan for long-term or phased planned developments.

Upon approval of the preliminary master plan, development plans for individual components or phases of the planned development shall be required and shall be processed according to the provisions for master plans in Chapter III, Planning Applications. The subsequent plans shall be consistent with the parameters and general allocation and intensity of uses of the approved preliminary master plan. At the time of approval of the preliminary master plan, the planning commission may determine that subsequent development plans may be approved by the zoning administrator. In such cases, development plans will be forwarded by the zoning administrator, upon an appeal filed pursuant to Title 2, Chapter IX, Appeal, Rehearing and Review Procedure, or upon motion by the planning commission or city council.

(b) *Amendments to the master plan.*

(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 engineering specifications 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 of character of the development;
- b. An increase in the overall density 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; or
- g. A reduction in required street pavement widths.

(2) *Major amendments.* Substantial amendments to the master plan encompassing one or more of the minor changes listed in subparagraphs (1)a. through (1)g., or any other 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.

(c) *Minor additions to an existing planned development.*

(1) *Residential buildings—Single-story additions.* Minor single-story additions to existing residential buildings not meeting the criteria below may be approved by minor modification if the planning division finds that the proposed construction does not materially affect the required open space, site coverage, or parking of the planned development.

- a. *Unenclosed patio covers.* Unenclosed patio covers in planned development residential zones, which meet the following setback criteria may be approved by the planning division:
 - 1. Side setback—Five feet or equivalent to main structure, whichever is less.
 - 2. Rear setback—Ten feet or five feet for small lot developments.

- b. *Enclosed patios and room additions.* Enclosed patios and room additions may be permitted pursuant to the parameters for such additions established in the master plan. In cases where the master plan does not include criteria for future enclosed patios and/or room additions, the addition may be permitted if the required open space percentage is met on the affected lot and the addition meets the setbacks established for patio covers with the exception of small lot developments for which the setback standards established in Table 13-58 shall be applied.

(2) *Residential buildings—Second story additions.* In cases where the master plan does not include criteria for future second-story additions, the planning division may approve any proposed second-story addition that meets the setback standards established in subsection (1) and all of the following criteria. Any second-story addition that does not meet all of the following criteria will be subject to ~~minor design review~~ the applicable procedures of Chapter III Planning Applications.

~~a. Complies with residential design guidelines adopted by the city council;~~
~~and~~

~~b.a.~~ Does not materially affect the required open space, site coverage, or parking of the planned development.

(3) *Nonresidential buildings.* Minor additions to existing nonresidential buildings 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 addition 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 addition is consistent with the floor area ratio and trip budget standards established by the general plan, as applicable.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-10, § 1c., 3-5-01; Ord. No. 03-8, § 8, 9-2-03; Ord. No. 05-2, § 1h., i., 2-22-05; Ord. No. 05-14, § 1a., 11-1-05; Ord. No. 06-22, § 1, 11-14-06)

§ 13-57. Site design concept.

A variety of building products are encouraged in the design of projects in the planned development zones, thereby maximizing project excellence. Complementary uses, as appropriate, are also encouraged.

(a) *Planned development residential.*

(1) Within the low density zone: Small-lot, single-family detached residential developments including clustered development, zero lot line development and conventional development are appropriate.

(2) Within the medium density, high density, and north Costa Mesa zones: Single- and multiple-family residential developments containing any type or mixture of

housing units, either attached or detached, including but not limited to, clustered development, townhouses, patio homes, detached houses, duplexes, garden apartments, and high rise apartments or common interest developments are appropriate.

- (3) As a complementary use, nonresidential use of a religious, educational, or recreational nature may be allowed if the planning commission finds the use to be compatible with the planned development residential project.
- (4) As a complementary use in the PDR-MD, PDR-HD and PDR-NCM zones, nonresidential uses of a commercial nature may be allowed if the planning commission finds the uses to be compatible with the planned development residential project and if the FAR does not exceed that established for the Neighborhood Commercial general plan land use designation.

(b) Planned development commercial.

- (1) Retail shops, offices and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions and health clubs are appropriate. These uses are intended to serve adjacent residential areas, as well as the entire community and region.
- (2) As complementary uses, residential (density maximum of 20 dwelling units per acre, unless otherwise noted in the general plan and/or specific plan) and industrial uses as well as other commercial and noncommercial uses of a similar or supportive nature to the uses noted in this subsection may be allowed if the planning commission approves the uses as compatible with the planned development commercial project based on compatible uses listed in the general plan for the applicable land use designation subject to FAR limits. For the 1901 Newport Plaza property, a site-specific FAR of 0.70 for the commercial component and site-specific density of 40 dwelling units per acre for the residential component were established for 1901 Newport Boulevard pursuant to general plan amendment GP-02-04.

(c) Planned development industrial.

- (1) Large industrial developments with ample open space and landscaping typifies projects in this district.
- (2) As complementary uses, nonindustrial uses of a commercial nature or residential nature (density maximum of 20 dwelling units per acre) may be allowed if the planning commission finds the uses to be compatible with the planned development Industrial project based on compatible uses listed in the general plan for the applicable land use designation subject to FAR limits.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 03-3, § 1, 4-21-03; Ord. No. 04-2, § 1, 2-2-04; Ord. No. 05-14, § 1b.—d., 11-1-05; Ord. No. 07-2, § 1g., 2-6-07)

§ 13-58. Development standards.

Table 13-58 identifies development standards in the planned development zones. See also Article 9, General Site Improvement Standards, of this chapter for additional requirements.

**TABLE 13-58
PLANNED DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Maximum Density per section 13-59 MAXIMUM DENSITY CRITERIA. (dwelling units per acre)	8	12	20 Note: See North Costa Mesa Specific Plan for exceptions. Note: The maximum density for 125 East Baker Street is 58 dwelling units per acre (C0-13-02). Note: The maximum density for 2277 Harbor Boulevard is 54 dwelling units per acre (C0-14-02). Note: The maximum density for 1683 Sunflower Avenue is 80 dwelling units per acre (R-20-01) and maximum 1,057	35	20 Note: The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre. See North Costa Mesa Specific Plan for exceptions. Note: No residential development is permitted within the 23.4-acre project site generally addressed as 1375 Sunflower Ave. and 3370 Harbor Blvd.	
Density in Mixed Use Projects	The density of the residential component of a mixed use Planned Development shall be calculated by dividing the total number of dwelling units proposed by that portion of the total site area 1 devoted to residential uses, including required parking, landscaping, open space, and driveways to serve the residential component. The density permitted within the residential component shall be determined by the criteria established in section 13-59 MAXIMUM DENSITY CRITERIA.					
Maximum Site Coverage ² NOTE: Site coverage of multi-story projects with integrated parking structures shall be based upon the usable floor area at the street or grade level, exclusive of parking areas, driveways, plazas, courtyards or pedestrian walkways.	Not applicable				30% outside the Downtown Redevelopment Project Area 35% within the Downtown Redevelopment Project Area	50%
Perimeter Open Space per section 13-61 PERIMETER OPEN SPACE CRITERIA.	20 feet abutting all public rights-of-way, excluding alleys (may be reduced in the PDC and PDR-NCM zones pursuant to section 13-61 PERIMETER OPEN SPACE CRITERIA).					
Open Space	45% of total site area ¹ , inclusive of Perimeter Open Space. See section 13-60 REQUIRED OPEN SPACE CRITERIA FOR PLANNED DEVELOPMENT		42% of total site area ¹ , inclusive of Perimeter Open Space. See section 13-60 REQUIRED OPEN SPACE CRITERIA FOR PLANNED DEVELOPMENT RESIDENTIAL. See North		See Perimeter Open Space and CHAPTER VI PARKING.	

**TABLE 13-58
PLANNED DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
	RESIDENTIAL.		Costa Mesa Specific Plan for exceptions.			
Bluff-top Setback.	No building or structure closer than 10 feet from bluff crest (see section 13-62(h) ADDITIONAL DEVELOPMENT STANDARDS).					
Maximum Floor Area Ratio	Refer to CHAPTER V, ARTICLE 8 FLOOR AREA RATIOS.					
Minimum Development Lot Area required for a rezone	1 acre					
PARKING (See Chapter VI).						
LANDSCAPING (See Chapter VII).						
SIGNS (See Chapter VIII).						
PROJECTIONS (Maximum depth of projections given)						
Roof or Eaves	2 feet 6 inches into required side setback or building separation area.					
Overhang; Awning	5 feet into required front or rear setback.					
Open, unenclosed stairways.	2 feet 6 inches into required setback area.					
Chimneys	2 feet above maximum building height.					
Fireplaces	2 feet into required setback or building separation area					
Uses Underroof	All nonresidential uses shall be conducted underroof except as allowed by a minor conditional use permit or as permitted elsewhere in this Zoning Code. Exceptions include sidewalk sales and parking lot sales which are allowed on the basis of a maximum of 4 sales per fiscal year with a maximum length of 3 days per sale and subject to obtaining a business permit.					
Outdoor Storage (incidental to main use)	Permitted in nonresidential areas of a planned development when: Storage does not interfere with required parking or vehicular access; storage is not in required setback area abutting a public right-of-way; storage does not decrease required landscaping; storage is completely screened from view from street or adjacent properties; and storage complies with all applicable codes and regulations including, but not limited to, the Uniform Fire Code. Shipping containers shall also comply with setback requirements for structures, floor area ratio standards, and parking requirements. A permanent foundation shall be required for shipping containers. Storage not meeting these criteria requires approval of a minor conditional use permit.					
Master Plan Required	Yes. Preliminary master plan is optional pursuant to section 13-56(a).					
Common Interest Developments	Permitted. Refer to Chapter V, Article 2, common interest developments. In any instance where the development standards in Chapter V, Article 2 conflict with the development standards in this article, the development standards in this article shall take precedence.					
SMALL LOT RESIDENTIAL PROJECTS						
Minimum Lot Size	5,000 square feet with an overall average of 5,500 square feet. The required perimeter open space and any common lot shall not be included in the calculation of lot size. Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.		3,000 square feet with an overall average of 3,500 square feet. The required perimeter open space and any common lot shall not be included in the calculation of lot size. Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.		Not applicable.	
Minimum Lot Width	40 feet					

**TABLE 13-58
PLANNED DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Maximum Number of Stories & Building Height	2 stories/27 feet Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.					
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. Attics above second stories shall be an integral part of the second story roofline and not appear as a 3rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.					
Private Open Space for Individual Dwelling Unit Lots	40% overall, with a minimum 400 square-foot area with no dimension less than 15 feet.					
Mechanical equipment, excluding antennas and flush-mounted solar panels on roofs	Roof-top location is prohibited.					
Minimum Front Setback for Individual Dwelling Unit Lots	5 feet <i>Exception:</i> If a sidewalk is provided along the front of the lot, the garage shall be set back less than 9 feet or more than 23 feet from the face of the street curb. If a sidewalk is not provided along the front of the lot, the garage shall be either setback 5 feet or more than 19 feet from the face of the street curb.					
Minimum Side Setback for Individual Dwelling Unit Lots	0 feet on one side; 10 feet combination of both sides.					
Minimum Rear Setback for Individual Dwelling Unit Lots	5 feet					
2-car garage required	Yes					

**TABLE 13-58
PLANNED DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Automatic Garage Door Opener	Required - if garage is set back less than 9 feet from the face of the street curb.					
Pools and Spas	Above-ground pools and spas shall not be located in the required front yard setback from a public street and are subject to 5-foot side and rear yard setbacks for main structures. Additional setbacks may be applicable pursuant to building code requirements.					
Notes:						
1	Site area is defined as the area equal to the original lot size, less the area occupied by adjacent dedicated streets.					
2	Site coverage is defined as that portion of the site area within planned development commercial and industrial projects occupied by buildings. Site coverage shall not include parking structures, surface parking lots, driveways, plazas, courtyards or sidewalks.					

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 14, 3-2-98; Ord. No. 01-16, § 1m., 6-18-01; Ord. No. 02-9, § 1f, 7-1-02; Ord. No. 04-4, § 3, 4-5-04; Ord. No. 05-3, § 1f., 2-7-05; Ord. No. 07-2, § 1h., 2-6-07; Ord. No. 14-06, § 1, 5-20-14; Ord. No. 16-13, § 3, 11-15-16; Ord. No. 2024-06, 6/18/2024)

§ 13-59. Maximum density criteria.

- (a) The provision of affordable housing shall be necessary to reach the maximum density for the North Costa Mesa residential district.
- (b) Density increments up to the maximum shown in Table 13-58 may be approved in order to provide an incentive for design excellence. Criteria for density increments include, but shall not be limited to, the following (except that criteria (6) through (10) shall not apply to small-lot, single-family development):
 - (1) Preservation of natural features that enhance the development and will benefit the community (including trees, scenic points, view corridors, historic buildings or locations, unique geological formations and other community assets).
 - (2) Provision of distinctive design, including site planning, structural design, architectural treatments, landscaping and integration into the community.
 - (3) Provision of usable open space in excess of the required amount.
 - (4) Enlargement of the required perimeter open space.
 - (5) Utilization of non-depletable energy sources for water heating and/or space heating.
 - (6) Provision of low and moderate income housing as a portion of the total development.
 - (7) Provision of all or part of the required parking within the principal structure(s) (i.e., subterranean, tuck under, etc.).
 - (8) Provision of facilities for the storage of recreational vehicles.
 - (9) Provision in the project's circulation system for the separation of pedestrian, vehicular and bicycle traffic through the inclusion of bicycle and pedestrian trails that link with citywide networks.
 - (10) Project location is adjacent to or within ¼ mile of a public transit facility or route.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-16, § 1n., 6-18-01)

§ 13-60. Required open space criteria for planned development residential.

- (a) The required open space shall be land areas that are not occupied by buildings, structures, parking areas, driveways, streets or alleys. Front entries or porches of less than 50 square feet, landscaped roof areas or roof decks may not be calculated as part of the required open space, except as allowed in the North Costa Mesa Specific Plan or as otherwise approved under subsection (e). The open space shall be devoted to landscaping, preservation of natural features, patios and recreational areas and facilities and not used for circulation purposes.

- (b) At least 50% of the required open space shall be designed for the common use of the residents of the planned development, except for small-lot, single-family development. In projects consisting of small-lot single-family common interest developments resulting in fewer than 12 units, the required perimeter landscape buffer required in Table 13-58 shall be the only open space required to be designed for common use. Additional common open space may be provided in the interior of such projects if such open space enhances the overall project design. The remaining required open space shall be equally provided to each dwelling unit.
- (c) In projects consisting of small-lot, single-family subdivisions resulting in 12 or more units, the required open space shall consist of the perimeter landscape buffer required in Table 13-58 and a common recreational open space area in the interior of the project to provide recreational facilities for children.
- (d) Common open space may be distributed throughout the planned development and need not be in a single large area.
- (e) With the exception of required perimeter open space, all or parts of the required common open space for multiple-story apartments or common interest developments may be provided on upper levels, where dwelling units have no ground floor access, or where for other reasons the planning commission finds that the provision of all or part of the required private open space in the aforementioned manner is impractical or undesirable. In all cases, each dwelling unit above the first floor shall be provided with a roof deck area or balcony of not less than 100 square feet. The required area may be provided in one or more roof decks or balconies. In all cases, each dwelling unit shall be provided with a private roof deck or balcony with no dimension less than five feet.
- (f) Landscape parkways with a combined width of 10 feet, but not less than three feet on one side, shall be provided along the sides of interior private streets and/or common driveways. The parkway on the house side of private streets or common driveways shall be a minimum of five feet in width.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-16, §§ 1.o., 1.p., 6-18-01; Ord. No. 05-14, § 1e., 11-1-05; Ord. No. 07-2, § 1i., 2-6-07; Ord. No. 21-20, § 1, 12-7-21)

§ 13-61. Perimeter open space criteria.

This area shall be kept free of buildings and structures and permanently maintained in landscaping. If the design of this buffer area enhances the overall development plan and is readily accessible to the residents of the planned development, it may be included as partial fulfillment of the common open space requirements listed in section 13-60 required open space criteria for planned development residential.

Exceptions:

- (a) In planned development commercial and planned development residential—North Costa Mesa districts, the required perimeter open space may include, in addition to landscaping, architectural features (such as arcades, awnings, and canopies) and hardscape features (such as paving, patios, planters, and street furniture) if the planning commission determines that:

- (1) These other features provide usable, visually interesting pedestrian amenities and facilitate pedestrian circulation;
 - (2) These additional features enhance the overall urban design concept of the planned development and promote the goals of the general plan, applicable specific plan, and/or redevelopment plan;
 - (3) Adequate landscaping is retained to shade the outdoor use areas and to complement the architecture and the design of buildings and pedestrian areas; and
 - (4) The design of the perimeter setback area will be compatible with contiguous development.
- (b) In planned development commercial and planned development residential—North Costa Mesa districts, buildings may encroach into the required perimeter open space if the planning commission determines that:
- (1) An adequate, well defined pedestrian circulation system is provided within the planned development;
 - (2) Pedestrian oriented landscaped and/or public use areas (plazas, patios, etc.) are provided within the planned development;
 - (3) The reduced open space area will not be detrimental to developments on contiguous properties;
 - (4) The reduced building setback will not deprive the street nor other properties of necessary light and air; and
 - (5) These additional features enhance the overall urban design concept of the planned development and promote the goals of the city's general plan, applicable specific plan and/or redevelopment plan.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 05-14, § 1f., 1g., 11-1-05)

§ 13-62. Additional development standards.

(a) *Maintenance of common facilities.*

- (1) A planned development shall be approved subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space, recreational vehicle storage areas, and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the city attorney as to legal form and effect, and the planning division as to suitability for the proposed use of the common space and subject facilities.

The declaration of covenants shall contain language or provisions substantially as follows:

- a. "The covenants, conditions and restrictions of this declaration shall run to the City of Costa Mesa insofar as they shall apply to the maintenance of the "common areas" as herein defined."
 - b. "In the event the association or other legally responsible person(s) fail to maintain the common area in such manner as to cause same to constitute a public nuisance, the city may, upon proper notice and hearing, institute summary abatement procedures and impose a lien for the costs of such abatement upon the common area, individual units or the whole thereof as provided by law."
- (2) The common open space, recreational vehicle storage areas and other facilities provided may be conveyed to a public agency or private association. If the common open space, recreational vehicle storage areas or recreational facilities are conveyed to a private association, the developer shall file as part of the aforementioned instruments a declaration of covenants and restrictions that will govern the association. The provisions shall include, but not be limited to the following:
- a. The private association must be established prior to sale of any unit(s).
 - b. Membership must be mandatory for the original buyer and any successive buyer.
 - c. The private association must be responsible for liability insurance, local taxes (if any) and the maintenance of common open space, recreational vehicle storage areas and other facilities.
 - d. Each member of the association shall be assessed a pro rata share of the costs incurred by the association.
 - e. The private association must be able to adjust any assessments to meet changed needs.
- (3) The planning commission may also require dedication of development rights or scenic easements to assure that common open space shall be maintained.

(b) *Traffic circulation.*

- (1) Primary vehicular access points to the planned development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian and bicycle traffic. Minor streets within the planned development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic.
- (2) Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, nonresidential and recreational facilities provided in or adjacent to the planned development. Where designated bicycle paths or trails exist adjacent to the planned development, safe, convenient access shall be provided. The planning commission may require, when necessary, pedestrian and/or bicycle

overpasses, underpasses or traffic signalization in the vicinity of schools, playgrounds, parks, shopping areas or other uses that may generate considerable pedestrian and/or bicycle traffic.

(c) *Streets.*

- (1) The design of public and private streets within a planned development shall reflect the nature and function of the street. Existing city standards of design and construction may be modified only as is deemed appropriate by the planning commission after recommendation by the city engineer, planning division, fire chief and police chief. Right-of-way, pavement and street widths may only be reduced by the planning commission where it is found that the final master plan for the planned development provides for the separation of vehicular and pedestrian traffic; that access for public safety and service vehicles is not impaired; and that adequate off-street parking has been provided.
- (2) All private streets within a planned development shall be dedicated to the city as utility easements where the easements are necessary.
- (3) All private streets shall be conveyed to a private association where one exists as established by subsection (a).
- (4) If the private association or person(s) owning the private streets in a planned development should in the future request that any private streets be changed to public streets, the private association or owner(s) shall agree that before consideration for acceptance by the city the private association or owner(s) will bear the full costs of reconstruction of any other action necessary to make the streets conform to the applicable standards for public streets. The private association or owner(s) shall also agree that these streets shall be made to conform and be dedicated to public use without compensation to the private association or owner(s).

(d) *Parking.*

- (1) Parking shall be provided per Chapter VI Off-Street Parking Standards. In addition, the planning commission may determine that storage areas for boats, trailers, campers and other recreational vehicles shall be required, where the necessity for such facilities has been demonstrated and where such facilities will preserve the required off-street parking for the use of automobiles.
- (2) Parking areas, covered or open, in any planned development shall be screened from view from any public right-of-way. (Exception: single-family, small lot subdivisions.)

(e) *Development standards for mixed use planned developments.*

- (1) Nonresidential development in planned development residential districts shall comply with the following criteria:

- a. Commercial components of planned development residential projects shall comply with the permitted uses, site coverage and parking requirements of the planned development commercial district.
- b. Commercial development within a planned development shall be located so as to be accessible in a manner that does not create traffic congestion or hazards to any street. Location, off-street parking and loading requirements shall be determined as appropriate to the particular planned development. Consideration shall be given to anticipated pedestrian, bicycle, and vehicular traffic, adjacent development that may provide multiple use of off-street parking facilities and the types of commercial use provided.
- c. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics and lighting shall be designed as integrated portions of the total planned development and shall protect the residential character.

(2) Complementary residential and industrial uses within the planned development commercial district shall comply with the permitted uses, density or site coverage, and parking requirements of the planned development residential and planned development industrial districts or any applicable specific plan.

(3) Complementary commercial and residential uses within the planned development industrial district shall comply with the permitted uses, site coverage or density, and parking requirements of the planned development commercial and the planned development residential districts.

(f) *Building spacing, setback, yard and building height requirements.*

(1) Each planned development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, landscaping and sound reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.

(2) Unless otherwise noted in this article, no specific yard, setbacks or building height requirements shall be imposed in the planned development district, except as provided in the master plan; provided, that the spirit and intent of this section and the planned development ordinance are met.

(g) *Noise attenuation.* When, in the opinion of the planning division, a proposed planned development may be situated in a noise environment, which will adversely affect future residents, an acoustical analysis shall be required. An acoustical evaluation of the working drawings of the proposed residential project shall be submitted to the planning division by a licensed acoustical engineer prior to the issuance of building permits. The engineer shall certify that the construction will reduce residential interior noise levels to 45 CNEL or less and residential exterior noise levels in common and private open space areas to 65 CNEL or less. An exception to the 65 CNEL exterior noise standard is for high-rise residential developments in the North Costa Mesa Specific Plan area. See Chapter XIII. Noise Control for additional information. Building occupancy will be granted

upon submittal of a field test report from a licensed acoustical engineer certifying that the above standards have been met. The method of field testing shall be approved by the planning division.

(h) *Bluff-top setback.* No building or structure shall be constructed closer than 10 feet from a bluff crest, unless it is determined that the building or structure will not:

- (1) Endanger stability of the slope;
- (2) Substantially interfere with access for fire protection; and
- (3) Detract from the visual identity and integrity of the bluffs.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 15, 3-2-98; Ord. No. 01-16, § 1q., 6-18-01; Ord. No. 05-14, § 1h.—j., 11-1-05; Ord. No. 07-2, § 1i., j., 2-6-07)

§ 13-63. Phased planned developments.

If the sequence of construction of various portions of the master plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction.

Chapter V, Article 9 of the Zoning Code shall be amended where ~~strike through~~ text denotes text being removed, and underline text denotes text being added.

Chapter V Development Standards

Article 9 General Site Improvement Standards

§ 13-70. Purpose.

The purpose of this article is to identify additional development standards for all zoning districts. The following standards shall apply to new developments and to major alterations, additions or improvements to existing developments that exceed 50% of the gross floor area of the existing improvements on the same site (an "existing development").

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-19, § 1, 8-20-01)

§ 13-70.1. Definitions.

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

Improvements. Any major alteration, addition or improvement to an existing development in an R1 zone that exceeds 50% of the gross floor area of the existing improvements on the same site.

Program. That particular portion(s) of the citywide missing sidewalk program adopted by the city council that specifically address missing sidewalks in R1 zones as such is incorporated in the city's annual parkway maintenance projects.

Sidewalk. A concrete walkway adjacent to the street and within the public right-of-way, used primarily for pedestrian traffic that is constructed pursuant to city's standard No. 411. The term "sidewalk" does not include a driveway approach, curb or gutter.

Street segment. That portion of a street lying between one street intersection and the next closest intersection.

(Ord. No. 01-19, § 1, 8-20-01)

§ 13-71. Utility requirements.

- (a) No utility equipment or facility such as gas meters, electrical meters, telephone pedestal mounted terminal boxes, surface mounted electrical transformers, fire hydrants or any other potential obstruction shall be located within the approved parking and/or turn radius area unless installed underground in a vault having an approved traffic lid. All such equipment or facilities located aboveground shall comply with the requirements and meet with the approval of the planning division and serving utility.
- (b) Installation or relocation of all utility equipment or facilities shall be performed in a manner so as to obscure the installation of said equipment or facility from view from any place on or off the property. The installation or relocation of the equipment or facility shall comply with the requirements and meet with the approval of the public utility and planning division.

- (c) Sewer and water system improvements shall comply with the requirements and meet with the approval of the serving utility.
- (d) As an additional requirement only for new developments, new construction or as a condition of approval of a new tract, a revised or reactivated tract or any parcel map, all utilities shall be installed underground on the building site in accordance with the serving utilities' rules, regulations and tariffs on file with the state public utilities commission. The Community & Development Services ~~Director~~ may waive the required undergrounding whenever it is found and determined that such installation is not practically feasible due to economic or technological factors found to exist at the site. Provided, however, that all required termination facilities on the structure and conduit, at least to the outer wall, at a point designated by the serving utility, shall be furnished and installed to facilitate future connection to an underground system.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-19, § 1, 8-20-01)

§ 13-72. Off-site improvement requirements.

- (a) All abutting public rights-of-way shall be fully improved to the ultimate right-of-way as required by the master plan of highways, adopted specific plans, or applicable standards and codes under the direction of the public services department except for the installation of sidewalks for existing single family residences in an R1 zone subject to section 13-72.1.
- (b) Portland cement concrete driveway approaches shall be installed per City of Costa Mesa Standard Plans. The size, type and location shall be approved by the transportation services engineer.
- (c) In cases where existing curb cuts will not be used, they shall be replaced with standard curb and gutter under the direction of the public services department.
- (d) Portland cement concrete sidewalks shall be installed per City of Costa Mesa Standard Plans under the direction of the public services department except for the installation of sidewalks for existing single-family residences in an R1 zone subject to section 13-72.1.
- (e) Prior to the issuance of a building permit, the developer shall obtain necessary street work permits authorizing construction as indicated in subsections (a), (b), (c), and (d).

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-19, § 1, 8-20-01)

§ 13-72.1. R1 sidewalk construction.

- (a) This section applies to existing single-family residences in R1 zones only. The purpose of this section is to provide alternatives to the requirement that owners of existing developments in an R1 zone install a sidewalk when they undergo major alterations, additions or improvements that would otherwise require installation of a sidewalk pursuant to section 13-72.
- (b) Nothing in this section shall prevent the city from using its own funds to install sidewalks on any street otherwise subject to this article.
- (c) An owner of a single-family residence in an R1 zone shall either:

- (1) Construct a sidewalk as required by section 13-72; or
 - (2) Pay to the city, an amount equal to the cost of sidewalk construction, in lieu of actual construction, as calculated by the city engineer. Said payment will be based on the average bid unit price accepted by the city for its annual parkway maintenance project and the actual linear feet of the property owner's front property line; or
 - (3) Satisfy the requirements of subdivision (d) hereinbelow.
- (d) Notwithstanding the city's goal of installing sidewalks in all R1 zones throughout the city, it is recognized that there may be neighborhoods in the city that desire to retain a more rural appearance.
- (1) Therefore, if an owner of a single-family residence in an R1 zone meets all of the following criteria at the time of application for a permit for construction of the improvement, the owner may "opt out" and will not be required to comply with the provisions of section 13-72.1(c)(1) or (2).
 - a. The property owner must submit a notarized written statement to the city clerk that includes signatures from at least 2/3 of the other property owners on his/her side of a street segment. The notarized statement shall be on a form provided by the city and shall acknowledge that the person signing the statement is the property owner, identified as the owner of record of said property as reflected in the most recent county assessor's parcel roll and that said property owner does not want sidewalks installed on their side of their street segment; and
 - b. There can be no more than 10% of the frontage of the side of the street segment in question improved with existing sidewalk within the public right-of-way.
 - (2) The city engineer or his designee shall establish a procedure to verify the information required by section 13-72.1(d) and monitor the properties that have qualified under the opt out provision of this chapter.
 - (3) No property owner on a side of street segment that has opted out pursuant to this section may obtain a permit for, or later decide to install a sidewalk on a property that has opted out, regardless of whether that property owner actually provided a signed statement unless that property owner has complied with subsection 13-72.1(d)(4) below.
 - (4) A property owner, may cancel his/her street segment's "opting out" of the sidewalk construction program and install a sidewalk adjacent to their property by obtaining notarized signatures from at least 2/3 of the property owners on their side of their street segment.
- (e) Any payment received by a property owner in lieu of actual construction pursuant to section 13-72.1(c)2 shall be placed in a separate account and, along with any interest

earnings on said account, be used solely to pay for the city's future construction of new sidewalks in R1 zones constructed pursuant to the city's program.

(Ord. No. 01-19, § 1, 8-20-01)

§ 13-73. Trash enclosures.

- (a) In nonresidential zones, trash enclosures shall be provided under the direction of the planning division. In residential zones, trash enclosures shall be required for residential projects of five or more dwelling units. Exceptions to the required trash enclosure in residential projects may be granted by the final review authority, and are subject to the following provisions:
 - (1) A written determination by the Costa Mesa Sanitary District and/or any contract trash collection service that on-site trash collection service can be provided to each individual dwelling unit;
 - (2) A recorded land use restriction prohibiting trash collection in the public right-of-way;
 - (3) Provision of an adequate on-site storage area for trash containers that is screened from on- and off-site views; garage storage of trash containers shall only be permitted if the storage does not affect the required vehicle storage area; and
 - (4) A limitation of no more than two trash containers per dwelling unit.
- (b) The design of trash enclosure(s) shall conform to city standards on file in the planning division.
- (c) Temporary receptacles, as approved by the public services department for the purposes of public participation in the collection of recyclable products, shall not be considered a trash bin, container or receptacle subject to the requirements of this section. For the purposes of this section, temporary shall mean a period, or periods, of time not exceeding 90 days during any twelve-month period.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 02-4, § 1h, 3-18-02; Ord. No. 03-5, § 1, 6-2-03)

§ 13-74. Elevation and screening requirements.

- (a) The finished elevations of all buildings, structures, walls and fences shall be approved by the planning division.
- (b) All trash containers and mechanical equipment, such as air conditioning compressors, duct work, and vents shall be screened from public rights-of-way and adjacent properties.
- (c) Temporary receptacles, as approved by the public services department for the purposes of public participation in the collection of recyclable products, shall not be considered a trash bin, container or receptacle subject to the requirements of this section. For the purposes of this section, temporary shall mean a period, or periods, of time not exceeding 90 days during any twelve-month period.

(d) Pipes and conduits including, but not limited to, plumbing pipes, vents, ducting, fire sprinkler systems and electrical conduits shall not be mounted on exterior walls and roofs.

(1) For existing pipes and conduits, painting to match the surrounding façade shall satisfy this requirement.

(2) If the wall, roof or other element(s) on which the pipe or conduit is located is structurally modified or demolished, the element(s) shall be relocated to conform with this standard.

(e) In residential zones, or in any zone adjacent to a residential development, ground mounted mechanical or electrical equipment proposed within eight feet of a neighboring property's windows or doors must comply with one of the mitigation methods listed below (subsections (e)(1) through (e)(3)):

(1) A minimum six foot-high block wall separates the equipment from the abutting property's window(s) and/or door(s) with a minimum separation of four feet between equipment and neighboring window(s) and/or door(s).

(2) The equipment does not generate more than 50 decibels (based on manufacturer specifications), is not greater than the minimum distance required by the building code and is setback at least five feet from between the equipment and neighboring window(s) and/or door(s).

(3) The equipment maintains the same setbacks and separations required for main structures.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 03-5, § 2, 6-2-03; Ord. 2025-07, 10/21/2025)

§ 13-75. Fences and walls.

(a) In residential zones, including planned development, except R-1:

(1) All interior property lines of the master development lot shall have six-foot high solid opaque walls or fences that conform to the city's walls, fences and landscaping standards.

(2) All exterior property lines of the master development lot shall have solid masonry walls that conform to the city's walls, fences and landscaping standards in respect to height and location as well as the following standards. The final review authority shall approve the wall location, height, masonry materials, and finish.

a. Only one type of wall design with the appropriate mix of masonry materials and finishes shall be permitted for the development lot.

b. Wall materials such as uncolored cinder block shall be treated with a decorative finish that complements and enhances the project and surrounding neighborhood.

- c. Exceptions to the requirements stated in subsections (a)(2)a through (a)(2)b may be approved by the final review authority. These exceptions may include, but are not limited to, combination masonry walls with vinyl fencing, stained/treated wood, wrought iron fencing, green wall, and green sustainable composite materials.
- d. The Community dDevelopment services dDirector shall review and approve any future additions to the exterior walls, after project completion, which shall be constructed of materials which are either identical and/or compatible with the original wall.

(b) In all residential zones, fences, walls and landscaping shall comply with the standards outlined in Figure 13-75(a).

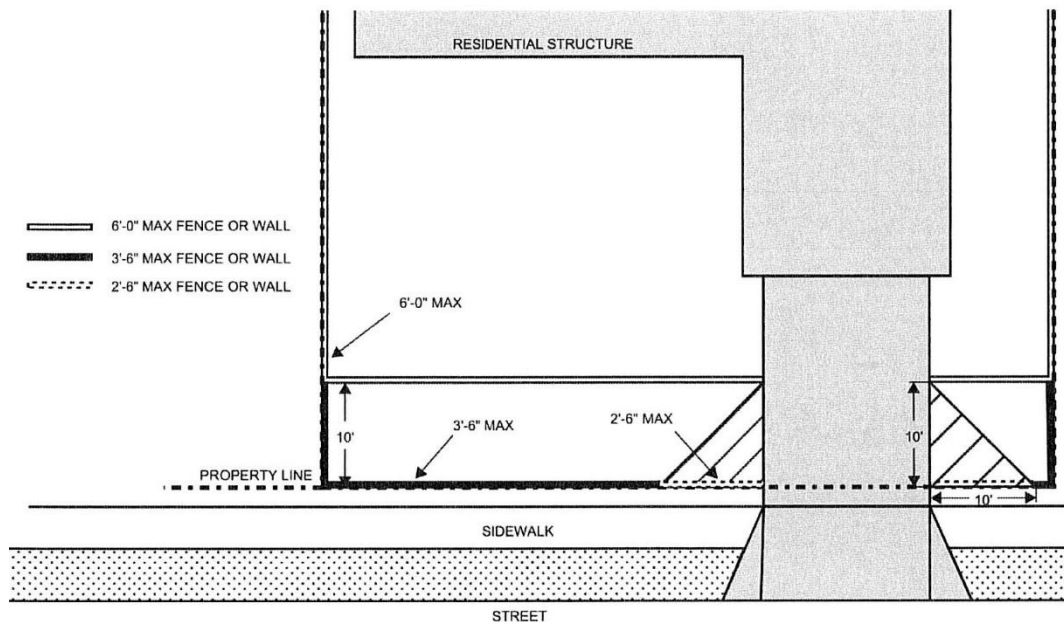
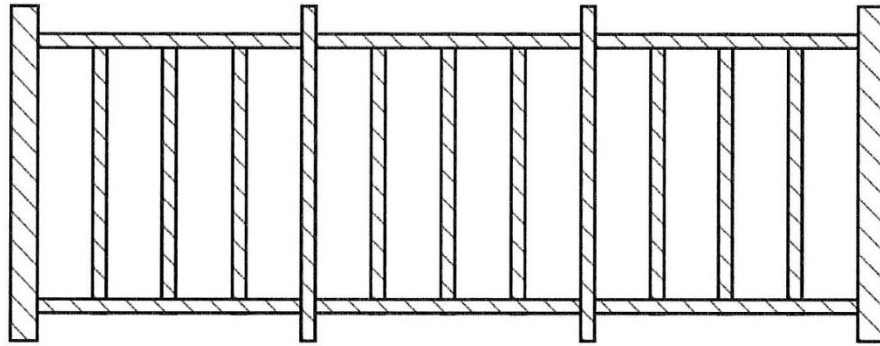


Figure 13-75(a)

- (c) On corner lots, wall and fences in excess of three and a half feet in height shall be set back five feet from the street side property line.
- (d) In commercial zones, including planned development: All interior property lines abutting residentially zoned property shall have solid masonry walls, at least six feet but no more than eight feet in height, unless an environmental study requires additional height.
- (e) In industrial zones, including planned development: A solid masonry wall, at least six feet in height shall be constructed along all property lines which abut a residential or commercial zone. The maximum wall height shall not exceed eight feet, unless an environmental study requires additional height.
- (f) Decorative details and lights such as finials, light fixtures, pilaster caps, pots and similar decorative items may extend no more than 12 inches above the maximum height limit.

Decorative items shall be limited to no more than one item for every six lineal feet of fence or wall. Decorative details are prohibited within visibility triangles.

- (g) In nonresidential zones, walls and fences within a landscape setback shall be a maximum of 40% solid. This shall be measured as illustrated in Figure 13-75(b).



Hatched elements shall be counted towards solid area

Figure 13-75(b)

- (h) If a fence or wall is constructed adjacent to a public street, the fence or wall shall be approved by the planning division in terms of its compatibility and harmony with the proposed building and site development and buildings and site developments existing or approved for the general neighborhood. For arterial streets that are adjacent to residential developments, new arterial walls shall comply with the city's streetscape and median development standards. No fence or wall located in any street setback shall obscure the required street setback landscaping in the commercial and industrial zones.
- (i) Fences, walls and landscaping located within a visibility triangle shall be limited to two and a half feet in height, as illustrated in Figure 13-75(c).

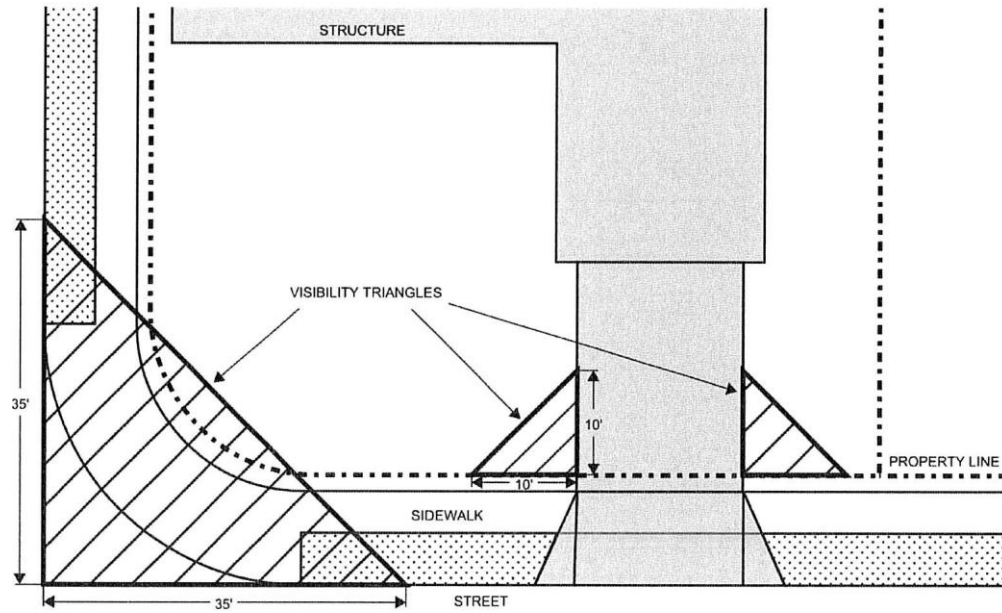


Figure 13-75(c)

- (j) In all zones, retaining walls shall comply with the standards outlined in figure 13-75(d).

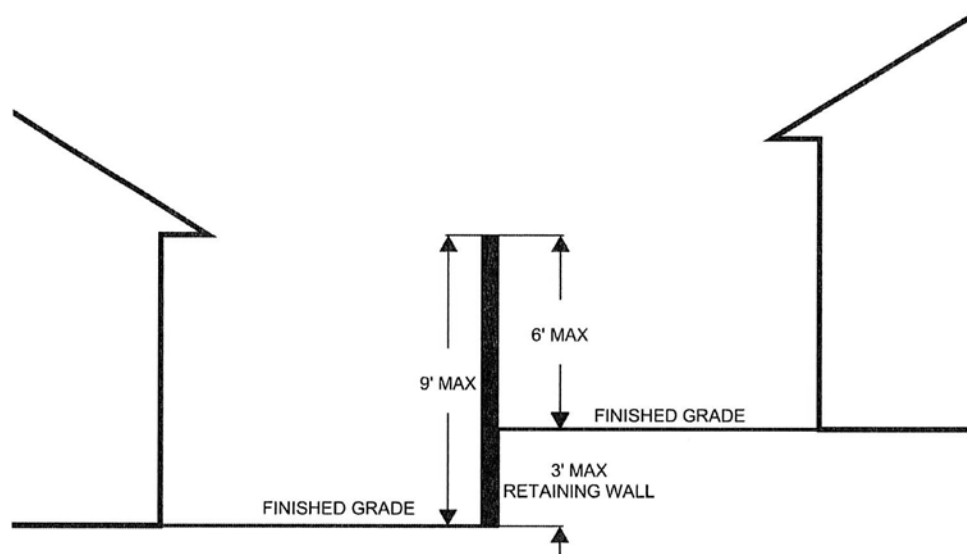


Figure 13-75(d)

- (k) Wall and fence heights shall be measured from the highest finished grade at the base of the wall or fence.
- (l) It is unlawful to construct, install, maintain or allow to exist any barbed wire, razor wire, concertina ribbon or similar item in any required setback abutting a public right-of-way, a required setback adjacent to a residential development or on a property with residential development. In all other locations, barbed wire, razor wire, concertina ribbon and similar items shall maintain a minimum vertical clearance of six feet eight inches from grade.

- (m) It is unlawful to install, maintain or allow to exist any electrified fence or any glass, nails or similar items embedded in walls or fences at any location.
- (n) *Chain link fences.* In all nonresidential zones, chain link fencing is prohibited in any required setback abutting a public right-of-way. In all residential zones, including planned developments, chain link fencing is prohibited in any area visible from a public street or alley.

Chain link fence removal. A property owner of any residential or planned development property that has an existing chain link fence visible from a public street or alley, shall remove the chain link fence at such time the property owner obtains a building permit, or cumulative building permits over a consecutive twelve-month period, for property improvements valued at \$30,000 or more. The chain link fence shall be completely removed prior to the finalization of the last building permit(s) that exceeds the \$30,000.00 valuation.

- (o) Security gates, in all zones, are subject to review and approval by the planning division in conjunction with the fire department and transportation division.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-16, § 1r., 6-18-01; Ord. No. 02-14, § 1a, 4-5-02; Ord. No. 05-3, § 1g., 2-7-05; Ord. No. 10-21, § 1, 1-4-11; Ord. 2025-07, 10/21/2025)

13-76. Right-of-way dedications.

- (a) Wherever acquisition of private property is deemed necessary for right-of-way improvement purposes pursuant to the master plan of highways or adopted standards and codes maintained by the public services department, the owner of the property shall be required to dedicate or make an irrevocable offer to dedicate the needed right-of-way in accordance with subsection (b) as a condition of issuance of a building permit or other permit authorizing expansion of the property's usage, or of approval for recordation of a subdivision map. For the purposes of this section, "expansion of property usage" means physical increase in structural area, or increase in land use intensity, likely to result in increased traffic generation. The amount of land to be dedicated shall be that existing between the centerline of the street or other right-of-way and the ultimate right-of-way established in the master plan of highways, the master plan of bikeways, an adopted specific or precise plan or an adopted street alignment plan.
- (b) Dedication shall be required for any project that will significantly increase the projected number of vehicle trip-ends per day. Allocation of trip-ends shall be based on a schedule of trip generation factors developed and maintained by the public services department. A significant increase in the projected number of vehicle trip ends per day shall be deemed to occur and dedication shall be required when any of the following circumstances exist:
 - (1) Where dedication may be required pursuant to provisions of the State Subdivision Map Act.
 - (2) Where the site is presently unimproved, vacant or not occupied and the project is likely to result in at least 200 trip-ends per day.

- (3) Where the existing use(s) on the site generates fewer than 5,000 vehicle trip-ends per day (24-hour period) and the project is likely to result in an increase of 30% or more, provided the increase is at least 200 trip-ends per day.
 - (4) Where the existing use(s) on the site generates between 5,000 and 15,000 vehicle trip-ends per day (twenty-four-hour period) and the project is likely to result in an increase of 20% or more in the number of vehicle trip-ends per day.
 - (5) Where the current use(s) on the site generates more than 15,000 vehicle trip-ends per day (twenty-four-hour period) and the project is likely to result in an increase of 10% or more in the number of vehicle trip-ends per day.
 - (6) Where the above criteria are not met but the public services director and the planning commission or the city council determines that the project will have a detrimental impact on pedestrian or vehicular traffic circulation, because of the nature of the proposed use, its location, or other circumstances applicable to the project site.
- (c) *Relief.* Whole or partial relief from the dedication requirements of this section may be granted by the planning commission or city council in conjunction with the review of any application which is subject to dedication. Relief may be granted only in the following circumstances:
- (1) When the amount of land needed for right-of-way improvement exceeds 15% of the existing gross lot area, relief may be granted for that portion in excess of 15%.
 - (2) When the decision-making body determines that the dedication requirement is not reasonably related to the project, dedication may be waived entirely or in part.
 - (3) When the dedication requirement is based on the projected number of trip-ends per day for a use not listed on the schedule of trip generation factors developed and maintained by the public services department, dedication may be waived if an independent traffic study, paid for by the applicant and prepared pursuant to procedures established by the public services department, states that the use will generate less traffic than the threshold needed to require dedication pursuant to subsection (b).

(Ord. No. 97-11, § 2, 5-5-97)

13-76.1. Objective Design Standards for Multifamily Residential and Mixed-Use Developments.

- (a) Multifamily residential and mixed-use development projects shall be subject to the additional applicable standards in the City of Costa Mesa Multifamily Residential and Mixed-Use Objective Design Standards. In the event of a conflict between this chapter and the Objective Design Standards, the more restrictive regulation shall prevail.

Chapter VI, Article 2 of the Zoning Code shall be amended where ~~strike through~~ text denotes text being removed, and underline text denotes text being added.

Chapter VI Off-Street Parking Standards

Article 2 Non-Residential Districts

§ 13-88. Purpose.

The purpose of this article is to establish parking requirements for all nonresidential zones, nonresidential components of the planned development residential zones and to mixed-use developments in all zones.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-89. Parking required.

The minimum amount of off-street parking as established in Table 13-89 shall be provided at the time:

- (a) Any building and/or structure is constructed;
- (b) Any building or structure is enlarged or increased in capacity by adding gross floor area, gross leasable area or seats;
- (c) A specific use is proposed for a building site; or
- (d) An existing use is changed to one which requires additional parking.
- (e) At all times, with the exception of the provisions of section 13-98, Declaration of land use restriction, parking shall be provided according to the requirements of Table 13-89.

TABLE 13-89 NON-RESIDENTIAL PARKING STANDARDS	
USE	PARKING RATIO PER GROSS FLOOR AREA (except as noted otherwise)
Retail; offices; central administrative offices; individual counseling; group counseling; artisan studio and retail commercial; small fitness studios; establishments where food or beverages are served with a maximum of 300 square feet of public area ¹	4 spaces per 1,000 square feet ²
Office buildings exceeding 2 stories in height and 100,000 square feet in area	3 spaces per 1,000 square feet
Banks; savings and loans; credit unions	5 spaces per 1,000 square feet with a minimum of 6 spaces
Medical and dental offices; acupressure; massage; personal services (non-group instruction/setting)	6 spaces per 1,000 square feet

**TABLE 13-89
NON-RESIDENTIAL PARKING STANDARDS**

USE	PARKING RATIO PER GROSS FLOOR AREA (except as noted otherwise)
Furniture and appliance stores with floor area greater than 5,000 square feet	2 spaces per 1,000 square feet with a minimum of 20 spaces
Churches; theaters; mortuaries; auditoriums; services and fraternal clubs and lodges; amphitheaters, event center, event venue, banquet facilities, assembly halls, and E-sports arena, and other similar places of assembly	Within the main auditorium or assembly area: 1 space for each 3 fixed seats or 1 space for every 35 square feet of seating area if there are no fixed seats. 18 lineal inches of bench shall be considered equal to 1 fixed seat.
Racquetball and tennis facilities	3 spaces per court plus parking required for incidental uses such as restaurants which shall be calculated as noted below
Establishments where food or beverages are served with more than 300 square feet of public area ^{1,4}	10 spaces per 1,000 square feet for the first 3,000 square feet; ² 12 spaces per 1,000 square feet for each additional 1,000 square feet above the first 3,000 square feet. ²
Health clubs; fitness studios and physical fitness facilities; skating rinks; active entertainment	Parking requirement is 10 spaces per 1,000 square feet (unless otherwise listed in this table). Accessory food or beverage service parking requirements shall be 4 spaces per 1,000 square feet: Total parking requirement shall be the sum of all uses combined, but the provisions of section 13-89.5 may be applied.
Bowling alleys	3 spaces per lane plus parking required for incidental uses such as restaurants which shall be calculated as noted under "Establishments where food or beverages are served"
Trade schools; business colleges; dancing and music academies	10 spaces per 1,000 square feet
Motels	1 space for each rentable unit without cooking facilities. Each rentable unit with cooking facilities shall be governed by residential parking standards
Hotels	1 space for each 2 rentable units plus 10 spaces per 1,000 square feet for the first 3,000 square feet, and 20 spaces per 1,000 square feet for each additional 1,000 square feet above the first 3,000 square feet for restaurant, banquet, meeting room and kitchen spaces
Establishments with live entertainment; i.e., go-go dancers, topless dancers, bikini dancers	1 parking space for each person for the first 100 persons as authorized by capacity signs posted by the fire department; 1 parking space for each 2 persons for every 101 to 300 persons as authorized by capacity signs posted; 1 parking space for each 3 persons for every 301 plus persons as authorized by capacity signs posted by the fire department.
Personal Service Group Instruction/Setting; Studios	Parking requirement is 10 spaces per 1,000 square feet
Commercial Kitchens	3 spaces per 1,000 square feet of gross leasable area
Ghost Kitchens	6 spaces per 1,000 square feet of gross leasable area

**TABLE 13-89
NON-RESIDENTIAL PARKING STANDARDS**

USE	PARKING RATIO PER GROSS FLOOR AREA (except as noted otherwise)
Shopping centers with a minimum of 600,000 square feet of contiguous gross leasable area:	
Main structure or group of abutting structures	
Retail	5 spaces per 1,000 square feet of gross leasable area
Establishments where food or beverages are served occupying 5% or less of the total contiguous gross leasable area	1 space per 1,000 square feet of gross leasable area
Establishments where food or beverages or served in excess of 5% of the total contiguous gross leasable area	5 spaces per 1,000 square feet of gross leasable area
Office Space occupying 10% or less of the total contiguous gross leasable area	None
Office Space in excess of 10% of the total contiguous gross leasable area	4 spaces per 1,000 square feet of gross leasable area
Theaters (cumulative)	
750 seats and less	5 spaces per 1,000 square feet of gross leasable area
More than 750 seats	5 spaces per 1,000 square feet of gross leasable area plus 3 spaces for each additional 100 seats
Uses within freestanding structures	
Establishments where food or beverages are served	10 spaces per 1,000 square feet of gross leasable area
All others	Pursuant to this table
Mixed use developments	When there are mixed uses within a single development which share the same parking facilities, the total requirement for parking should be determined as outlined in "City of Costa Mesa Procedure for Determining Shared Parking Requirements" which are included herein by this reference and which may be amended from time to time by resolution of the city council. A greater reduction in parking than would be allowed under this procedure may be approved by minor conditional use permit where it can be demonstrated that less parking is needed due to the hours of operation or other unusual features of the users involved. For mixed-use developments located in the mixed-use overlay ~~zone~~ district, refer to the applicable ~~urban plan for parking rates~~ <u>parking requirements in the mixed-use overlay district</u> .
Industrial	3 parking spaces shall be provided per 1,000 square feet of gross floor area for the first 25,000 square feet of building; 2 parking spaces shall be provided per 1,000 square feet of gross floor area between 25,000 and 50,000 square feet of building; and one and one-half parking spaces shall be provided per 1,000 square feet of gross floor area over 50,001 square feet of building.
Garden centers; plant nurseries	4 spaces per 1,000 square feet of gross floor area; and 2 spaces per 1,000 square feet of outdoor display area.
Smoking lounges	17 spaces per 1,000 square feet

Notes:

- 1 Establishments limited to seating for 12 or fewer persons prior to June 4, 1997, shall remain at that seating limit unless additional parking is provided pursuant to this Zoning Code.
- 2 The outdoor patio seating area(s) shall not be included in the floor area calculations for purposes of determining the required parking.
- 3 The final review authority may apply a maximum credit of one parking space due to the provision of bicycle racks. This credit shall only apply to the overall parking supply and not to multiple uses.
- 4 When the approval of a use permit is required, the final review authority may require additional parking spaces at a ratio not to exceed 30 spaces per 1,000 square feet of floor area of the entire building. Factors that may warrant additional parking include, but are not limited to, the provision of entertainment and/or dancing, or substantial ratio of floor area devoted to bar as compared to restaurant use. The maximum parking rate shall be applicable to uses that have substantially maximized the building's occupancy due to design and provision of concentrated uses.
- 5 The square footage of electrical and mechanical equipment and the surrounding three feet for clearance shall be excluded from the calculation of gross floor area for the purpose of determining parking requirements

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 16, 3-2-98; Ord. No. 02-4, § 1j, 3-18-02; Ord. No. 06-9, § 1g., 4-18-06; Ord. No. 12-4, § 1, 5-15-12; Ord. No. 15-10, § 2C, 9-15-15; Ord. No. 21-20, § 1, 12-7-21; Ord. No. 2024-01, 1/16/2024; Ord. 2025-07, 10/21/2025)

§ 13-89.5. Reduction in parking requirements.

Where it can be shown that the required parking for a nonresidential land use will substantially exceed the demand of the actual use, the zoning administrator may, by minor conditional use permit, allow a reduction in the amount of required parking. The zoning administrator may place the following conditions on the approval of the minor conditional use permit:

- (a) Allow such excess parking to be provided as landscaping, plazas, courtyards, or similar open space feature.
- (b) Require recordation of a land use restriction that restricts the future use of the property to ensure adequate parking availability.

(Ord. No. 99-15, § 2, 11-16-99)

§ 13-90. Parking for uses not specified.

The parking requirements for the uses not specified in Table 13-89 shall be determined by the planning division. The determination shall be based upon the requirements for the most comparable use specified in this chapter or other appropriate sources including but not limited to a parking study.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-91. General development standards.

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

(Ord. No. 97-11, § 2, 5-5-97)

Chapter VI, Article 1 of the Zoning Code shall be amended where ~~strike through~~ text denotes text being removed, and underline text denotes text being added.

Chapter VI Off-Street Parking Standards

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	<u>Open Parking Spaces</u>¹	Total Parking Spaces
2	Lots without garage access from alley: 2	4
	Lots with garage access from alley: 1	3
<u>Single-Family Detached Residence with 5 Bedrooms or More</u>²		
New Construction		
<u>Garage Parking Spaces</u>²	<u>Open Parking Spaces</u>^{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	
<u>TABLE 13-85(A)</u> <u>OFF-STREET PARKING STANDARDS FOR SINGLE-FAMILY DETACHED RESIDENCES IN R1 ZONE AND SMALL-LOT, DETACHED, RESIDENTIAL COMMON INTEREST DEVELOPMENTS</u>			
	<u>Garage Parking Spaces</u>	<u>Open Parking Spaces^{1,2}</u>	<u>Total Parking Spaces</u>
<u>Single-Family Detached Residence with 4 Bedrooms or Fewer</u>			
<u>Lots without garage access from alley</u>	<u>2</u>	<u>2</u>	<u>4</u>
<u>Lots with garage access from alley</u>	<u>2</u>	<u>1</u>	<u>3</u>
<u>Single-Family Detached Residence with 5 Bedrooms or More</u>			
<u>Lots without garage access from alley</u>	<u>3</u>	<u>2</u>	<u>5</u>
<u>Lots with garage access from alley</u>	<u>3</u>	<u>1</u>	<u>4</u>
<u>Detached Common Interest Developments Up to 2 Bedrooms</u>	<u>2</u>	<u>1</u>	<u>3</u>
<u>Detached Common Interest Developments with 3 Bedrooms or More</u>	<u>2</u>	<u>2</u>	<u>4</u>
<u>Bedroom Additions for Single-Family Detached Residence</u>	<u>None Required</u>		

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 ^{1,2,3,4,5}	MINIMUM OFF-STREET GUEST PARKING REQUIREMENT ^{5,6,7}
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. For residences requiring 2 or more parking spaces, parking may be provided in tandem for each unit. Guest parking shall not be provided in tandem.
- 5.6. 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.
- 6.7. 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)~~

§ 13-867. General development standards.

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

§ 13-87. Objective Design Standards for Multifamily Residential and Mixed-Use Developments.

Multifamily residential and mixed-use development projects shall be subject to the additional applicable standards in the City of Costa Mesa Multifamily Residential and Mixed-Use Objective Design Standards. In the event of a conflict between this chapter and the Objective Design Standards, the more restrictive regulation shall prevail.

(Ord. No. 97-11, § 2, 5-5-97)

Chapter VII of the Zoning Code shall be amended where ~~striketrough~~ text denotes text being removed, and underline text denotes text being added.

Chapter VII Landscaping Standards

§ 13-101. Purpose.

It is the purpose of this chapter to establish reasonable requirements and standards for the design, installation, water conservation, and maintenance of landscape and irrigation to:

- (1) Enhance the aesthetic appearance of the city by providing standards relating to quality, quantity, and functional aspects of landscaping for developments in all areas of the city.
- (2) Address water conservation measures through the landscape and irrigation design.
- (3) Encourage sustainable landscapes through landscape techniques that conserve, recycle, and reuse the resources that are invested in landscapes.
- (4) Encourage landscape design that protects public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, erosion, and unsightly conditions. This includes promoting the use of canopy trees in parking lots, and limiting the overall use of palm trees.
- (5) Deter graffiti on walls, break up continuous asphalt and/or concrete surfaces on existing properties, screen incompatible land uses, cool and shade vehicles and hardscape areas, preserve the integrity of neighborhoods, and enhance pedestrian and vehicular corridors.
- (6) Encourage applicants to take full advantage of the wide range of drought tolerant landscape materials and low water flow irrigation systems available within the framework established by this chapter.
- (7) Establish water efficient landscape regulations, pursuant to State Assembly Bill 1881 and as effective as the State Model Water Efficient Landscape Ordinance.
- (8) Promote the design, installation, and maintenance of landscaping in a manner that conserves regional water resources by ensuring that landscaping projects are not unduly water-needy and that irrigation systems are appropriately implemented to minimize water waste.
- (9) Refer to the "Water Efficient Landscape Guidelines" adopted by city council resolution to provide procedural and design guidance for project applicants for specified landscape installation or rehabilitation projects except for the R-1 (single-family residential) district.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-13, § 2, 9-20-99; Ord. No. 10-2, § 3a.,2-2-10)

§ 13-101.1. Applicability.

- (a) The provisions of this chapter apply to all zoning districts in the city, except in R-1 zones; however, landscaping in the R-1 zone is required to provide a combination of shrubs, ground cover and or trees in all visible landscape setbacks visible from public right-of-

way. Landscaping in the R-1 zone is exempt from the provisions of sections 13-106(a)(1) through 13-106(a)(4).

- (b) Landscaping and irrigation which is a part of a registered historical site, public park, or golf course facility, or new or rehabilitated cemeteries may be exempted from the provisions of this chapter when deemed necessary and appropriate by the planning division and consistent with the state's requirements.
- (c) The water efficient landscape guidelines shall apply to projects that meet the following criteria unless exempted pursuant to the water efficiency landscape guidelines:
 - (1) New landscape projects with an aggregate landscape area equal to or greater than 500 square feet, requiring a building permit or landscape permit, or plan check ~~or design review~~.
 - (2) Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet, requiring a building or landscape permit, or plan check ~~or design review~~.
 - (3) New or rehabilitated landscape projects with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in appendix A of the guidelines.
 - (4) New or rehabilitated projects using treated or untreated graywater or rainwater capture on site, any lot or parcels within the project that has less than 2,500 square feet of landscape area and meets the lot or parcel's landscape water requirement (estimated total water use) entirely with the treated or untreated graywater or though stored rainwater capture on site is subject only to appendix A of the guidelines.
- (d) This water efficient landscape ordinance does not apply to:
 - (1) Registered local or state historical sites; or
 - (2) Ecological restoration projects that do not require a permanent irrigation system.

(Ord. No. 99-13, § 2, 9-20-99; Ord. No. 10-2, § 3a., 2-2-10; Ord. No. 16-03, § 1, 3-1-16; Ord. No. 21-20, § 1, 12-7-21)

§ 13-102. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canopy trees. Deciduous and evergreen trees that have spreading branches, creating rounded or flattened-shaped crowns, and which provide shade from the sun. Canopy trees provide a better shade coverage than columnar-shaped trees or palms.

Compost. Biologically decomposed organic material which includes grass clippings, leaves and other garden debris and which may also contain vegetable and fruit refuse.

Deciduous. Any plant that sheds all of its leaves at one time each year (usually fall) is deciduous.

Drip line. The circle that could be drawn on the soil around a tree directly under the tips of its outermost branches.

Drought-tolerant plant material. Those plants that tolerate heavy clay to sandy soils with use of limited supplemental water. The plants are able to thrive with deep, infrequent watering once their root systems are established (three to 12 -month average time period). Plants include those that naturally grow in areas of limited natural water supply (native and non-native plant species) and are adaptable to weather and soil conditions prevalent in Costa Mesa.

Dry landscape materials. Substances originating from a living organism, such as mulch and ground bark, and natural landscape design elements, such as boulders and dry bed streams.

Espalier. A tree or shrub trained so that its branches grow in a flat pattern against a wall or fence, on a trellis, or along horizontal wires.

Evergreen. An evergreen plant never loses all its leaves at one time.

Hydroseeding. A commercial method of turf or groundcover seed application which is sprayed onto soil prepared for planting. Hydroseeding is a slurry of seeds, soil amendments, and fertilizer, and is usually used on large, open areas.

Invasive plants. Plants that have aggressive growing and/or rooting characteristics which allow the plants or their roots to penetrate into other planting areas, such as turf, and groundcover, or into hardscape areas, such as sidewalks, curbs, and streets (usually to compete for water).

Low water flow irrigation. A system of watering plant material using drip/trickle, reduced water emitting devices, low precipitation heads, soaker lines, or other similar mechanisms, which restricts the amount of water in gallons per minute to allow for deep percolation into the soil. The low water flow irrigation system, combined with watering practices outlined in this chapter, will reduce water loss through evaporation, wind drift and overwatering.

Mulch. Shredded or chipped wood from tree branches and trunks and from uncontaminated wood products or lumber; this material is often mixed with leaves and grass clippings for optimal effect.

Pruning. Skilled cuts, as defined by International Society of Arborists (ISA) standards, on established plants for purposes of maintaining plant health (removal of dead, diseased, or injured wood); controlling or directing growth; increasing quality or yield of flowers or fruit; or training young plants to position their main branches or to ensure strong structure. Pruning involves minor cutting to minimize plant decay, and to retain the natural shape of the plant, except as applied to formal hedges, espalier, and topiary.

Thinning. A form of pruning involving the removal of lateral branches at their point of origin or the shortening of a branch to a smaller later branch, in order to open the plant (usually a tree) to sunlight while accentuating its natural form.

Topiary. A technique of pruning and training shrubs and trees into formalized shapes resembling such things as animals and geometric figures.

Topping or heading back. A severe form of pruning, involving the cutting of current or one-year-old growth to a bud, or cutting older branches back to a stub or a tiny twig.

Turf (also known as lawn). A thick-matted groundcover material consisting of one or several types of grasses, which is grown on open space areas (for active or passive use) or as a groundcover. To look its best, and because most grasses withstand heavy foot-traffic, turf is usually kept mowed.

Uncontaminated wood products. Materials made from untainted or non-chemically treated wood or lumber that have been chipped or shredded into mulch or bark.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-13, § 2, 9-20-99)

§ 13-103. General provisions and submittal requirements.

(a) Requirements: Landscape and irrigation plans shall be required for all development projects requiring discretionary land use approval and for all city-initiated projects. For landscape projects subject to the water efficiency landscape guidelines, landscape plans shall be prepared and certified by a California licensed landscape architect.

(b) Process:

(1) The plans shall be submitted to and approved by the planning division prior to issuance of any building permits, and shall be prepared in accordance with requirements listed in this chapter, water efficiency landscape guidelines (as applicable), and the city's streetscape and median development standards, which are incorporated herein by this reference, and which may be amended from time to time by resolution of the city council. All unpaved areas shall be planted with an effective combination of trees, groundcover, turf, shrubbery and/or approved dry landscape materials.

(2) Landscape and irrigation plans shall be fully dimensioned and shall include, but shall not be limited to, the following:

- a. List of plants (common and Latin names).
- b. Plant size.
- c. Location.
- d. Irrigation plan.
- e. Hardscape (sidewalks, driveways, six-inch continuous concrete curbing).
- f. Water elements.
- g. Decorative features (boulders, sculptures, arbors, etc.).
- h. Planting and irrigation details.
- i. Maintenance information.

- j. Any other information deemed necessary by the planning division.
- (3) Modifications: Any modification to an approved landscape or irrigation plan must be approved by the planning division prior to installation of the landscaping or irrigation system.
- (4) Approval: All plan approvals by the planning division are subject to and dependent upon the applicant complying with all applicable ordinances, codes, regulations, and adopted policies. All landscape plans for projects subject to the water efficiency landscape guidelines shall be prepared under the direction of a California licensed landscape architect.
- (5) All landscaping and irrigation materials shall be properly installed, inspected, and maintained in a healthy condition, prior to release of building utilities or the issuance of a certificate of occupancy, whichever is applicable or occurs first. Final inspection approvals or occupancy clearance shall not be granted until all of the landscaping and irrigation are installed in accordance with the approved plans.
- (6) Conflicting code sections: When the provisions of this chapter conflict with other sections of the Municipal Code, the more stringent shall apply.

(Ord. No. 99-13, § 2, 9-20-99; Ord. No. 10-2, § 3c., 2-2-10)

§ 13-104. Landscape plan objectives.

- (a) Each landscape plan shall be compatible with the shape and topography of the site and architectural characteristics of structure(s) on the site. Each landscape plan shall be compatible with the character of adjacent landscaping, provided the quality of the adjacent landscaping meets the standard of these guidelines. However, it is not the intent of this section to require the use of identical plant materials or landscape designs. Where existing mature landscaping is in good, healthy condition, every effort shall be made to retain trees and mature landscaping.
- (b) Each landscape plan shall illustrate a concern for design elements such as balance, scale, texture, form, water conservation, and unity.
- (c) Each landscape plan shall address the functional aspects of landscaping such as grading, drainage, minimal runoff, erosion prevention, wind barriers, provisions for shade and reduction of glare, and water conservation. Each landscape plan shall demonstrate a concern for solar access, including exposure and shading of window areas.
- (d) Landscaping shall be used to relieve solid, unbroken elevations, soften continuous wall expanses and deter graffiti.
- (e) Landscaping shall be required to screen storage areas, trash enclosures, parking areas, public utilities, freeways, highways, and other similar land uses or elements which do not contribute to the enhancement of the surrounding area. Where possible, planting islands and perimeter landscaping shall be designed as concave-shaped swales instead of convex-shaped berms in order to capture runoff and reduce dependence on water. If mounding or berms are required as part of a project, the slopes shall not exceed a 3:1 (horizontal:vertical) ratio, nor shall they exceed three feet in height. Where plants are

required for screening, such screening shall consist of the use of evergreen shrubs (minimum five gallons), vines and/or evergreen trees closely spaced.

- (f) Water elements (pools, ponds, fountains, and other similar ornamental water features) incorporated into the project shall be of a design, shape, and size that minimizes water loss through evaporation. Recirculating water shall be used for decorative water features.
- (g) Landscape and irrigation plans shall be designed and implemented to meet the water conservation measures described in the water efficient landscape guidelines as applicable.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-13, § 2, 9-20-99; Ord. No. 10-2, § 3d., 2-2-10)

§ 13-105. Landscaping requirements.

- (a) All required setbacks abutting a public right-of-way shall be landscaped (except for walks and driveways which provide access from a public right-of-way).
- (b) Except in residential, and institutional and recreational zones, parking areas shall be landscaped pursuant to the following standards:

- (1) Commercial zones, including planned development commercial and commercial uses in the mixed-use overlay -district. Twenty-five square feet of irrigated landscaping shall be provided for each parking space provided other than spaces within a parking structure.

Exception: In the TC (Town Center) district, all parking areas not within parking structures shall be provided with irrigated landscaping at the rate of 15 square feet per parking space. Included in the required landscaping shall be one tree for every eight surface parking spaces.

- (2) Industrial zones, including planned development industrial. Fifteen square feet of irrigated landscaping shall be provided for each parking space provided other than spaces within a parking structure.

~~(2A) Mixed-use overlay zone. Landscaping should predominately consist of California native plants and should be provided as described in the appropriate urban plan document.~~

- (3) All zones. Landscaping shall be distributed throughout the parking area and shall be in addition to the required street setback landscaping.
 - (4) Parking structure landscape requirements. In lieu of the required square footage of landscaping per space, parking structures shall be developed with perimeter landscaping under the direction of the planning division. The landscaping shall consist of tall-growing canopy trees, with a tree size mix as follows: One tree for every 100 sq. ft. of perimeter landscape area: 30%, 15 gallon trees; 50%, 24-inch box trees; and 20%, 36-inch or greater box trees. In addition, landscaping shall be provided on the upper levels of parking structures with more than two parking levels, when these structures are visible from public streets. Perimeter planter boxes, with provisions for drainage, shall be permanently mounted or designed

into the structure, incorporating cascading plants. A drip irrigation system, on an automatic timer shall be used to irrigate the plant material.

- (c) Perimeter landscaping adjacent to property lines is encouraged in parking areas. Planter area curbs are encouraged to be used in place of wheel stops.
- (d) All landscaping shall be separated from parking and vehicular circulation areas by a raised, continuous six-inch Portland cement concrete curb. Alternative designs which accomplish the same purpose may be approved by the planning division.
- (e) The planning division may require landscaping in excess of the minimum area specified for a proposed development, provided the additional landscaping is necessary to:
 - (1) Screen adjacent uses from parking areas, activities, storage or structures that could cause a negative impact on adjacent uses based on aesthetics, noise, odors, etc.; or
 - (2) Provide landscaping that is compatible with neighboring uses; or
 - (3) Provide landscaping (shrub or vine) to deter placement of graffiti on walls.
- (f) Landscaping located in proximity to street intersections, or where a driveway intersects a sidewalk, shall conform to the walls, fences, and landscaping standards which are established by resolution of the city council.
- (g) It is unlawful to plant, maintain, or allow to exist any thorn-bearing plant material contiguous to any public right-of-way.
- (h) In all residential zones, except R-1, landscape parkways with a combined width of 10 feet, but not less than three feet on one side, shall be provided along the sides of interior private streets and/or common driveways. The parkway on the house side of private streets or common driveways shall be a minimum of five feet in width.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-13, § 2, 9-20-99; Ord. No. 01-16, § 1v., 6-18-01; Ord. No. 06-9, § 1h., 4-18-06; Ord. No. 21-20, § 1, 12-7-21)

§ 13-106. Required landscaping materials.

- (a) All required landscaped areas, including landscape areas within parking lots, shall consist of drought tolerant plan material and shall meet the following minimum requirements:
 - (1) Tree count. One tree (15 gallon or larger) shall be provided for every 200 square feet of landscaped area. Fifty percent of all trees shall be evergreen. Twenty-five percent of the required trees shall be 24 inch box or larger. Canopy trees for parking lot areas shall be included in the tree calculation. Canopy trees shall be installed throughout parking lot areas at the ratio of one tree per six parking spaces, with an average of 36 square feet of planter area provided per tree. Upon written request, the number of required trees may be reduced by the planning division when it is determined that an alternative design will meet the intent of section 13-104, landscape plan objectives.

Tree count exception: One tree (minimum 24 inch box or larger) shall be provided for every 300 square feet of landscaped area for automobile dealerships.

(2) Tree selection. Trees shall be selected based on their suitability and sustainability in tree wells, narrow planters, and medians. Trees shall also be selected on the basis of quality and diversity as indicated below:

- a. Twenty-four inch box trees shall be a minimum eight feet in height as measured from top of soil line in the box, and shall have a caliper of approximately three inches in diameter, 18 inches above the top of the root ball, or meeting with approval by the planning division. Selected trees shall be healthy, vigorous, and free from plant disease and insect pests. Selected trees shall be symmetrical and typical for variety and species. All trees shall have a normal and healthy root system free from being root bound. Fifteen gallon trees recently transplanted into 24 inch box, and 24 inch box recently transplanted into 36 inch box, and so forth, shall not be substituted for the required tree size.
- b. Trees shall be selected from either the city's recommended street tree palette (appendix B) or private property tree palette (appendix D), included in the streetscape and median development standards. Trees not selected from these sources shall be approved or disapproved by the planning division based on the objectives in this chapter.
- c. All trees shall be staked in accordance with standards contained in the streetscape and median development standards.
- d. At least two different tree species shall be identified on plans and installed as part of the project landscaping.
- e. Palm trees shall not be used in the landscaped street setback, except as an accent plant to highlight main driveway entrances, to accessorize the front of a building, or for unique or theme uses. Two palms shall constitute one tree in the ratio of required trees for required landscape areas. Palm trees shall not be used as a parking lot tree.

(3) Shrub count. One shrub shall be provided for every 25 square feet of open space. Sixty percent of the required shrubs shall be a minimum of five gallons. Upon written request, the number of required shrubs may be reduced by the planning division when it is determined that an alternative design will meet the objectives in this chapter.

(4) Groundcover. At least 70% of all landscaped areas containing trees and shrubs shall be underplanted with groundcover, with the remaining areas to incorporate a layer of uncontaminated compost or mulch as required per water efficient landscape guidelines. Decorative (commercial) bark is not acceptable. Groundcover shall be planted in a triangular-spaced pattern to ensure 100% coverage within one year of planting. A minimum two foot diameter clearance,

measured from each tree trunk, shall be maintained free of groundcover or turf. Uncontaminated shredded mulch or compost shall be applied and maintained in these areas.

- (5) Turf. Turf incorporated into the landscape design shall not exceed thresholds established by the guidelines, except for active play areas such as parks, sports fields and golf courses. All turf shall be of a drought tolerant variety. Redwood headerboard, or other material acceptable by the planning division, shall be installed to separate turf from planter and groundcover areas.
- (6) Water conservation. For projects that are subject to water efficient landscape guidelines, landscape and irrigation plans shall meet all the specified requirements.
- (b) Street trees located within the public parkway, or any public right-of-way, shall be approved by the public services department.
- (c) The plant material selected shall be suitable for the given soil and climate conditions. Plant selection shall take into consideration water conservation through appropriate use, and groupings of plants that are well adapted to particular sites and to particular watering needs, climatic, geological or topographical conditions.
- (d) Materials such as crushed rock, redwood chips, pebbles and stone are not satisfactory substitutes for live plant materials although their limited use may be approved by the planning division. Uncontaminated mulch, shredded bark, decomposed granite, or compost may be used to fulfill part of the groundcover requirement as noted in section 13-106(a). Uncontaminated mulch, shredded bark, and/or compost used as a groundcover shall maintain a consistent two inch minimum layer and provide complete coverage under shrubs and trees.
- (e) Artificial plants are prohibited, but artificial turf may be installed in up to 50% of the yard area visible from the public right-of-way subject to approval of the Planning Division.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-13, § 2, 9-20-99; Ord. No. 10-2, § 3e., 2-2-10; Ord. No. 16-03, § 2, 3-1-16; Ord. No. 21-20, § 1, 12-7-21)

§ 13-107. Irrigation requirements.

- (a) Irrigation and drip systems shall be provided in accordance with section 2.5 of the water efficient landscape guidelines. All landscaped areas as specified in the guidelines shall be provided with an approved irrigation system landscaped areas with an automatically time-controlled sprinkler system when the site is zoned commercial or industrial, or when the site is zoned residential and permits more than two dwelling units.
- (b) Irrigation system: The irrigation and/or drip system shall consist of underground piped water lines with low water flow sprinklers and/or a drip or trickle irrigation system as specified in the guidelines. The system chosen shall be designed to provide adequate coverage to all plant material, existing and proposed. Water meter and line sizes shall be calculated from total water demand, which should be, at least, the sum of the maximum irrigation demand and all building demand. Due to varying irrigation requirements, separate control valves and/or sprinkler/emitter heads shall be used when shrubs and turf all appear on the same landscape plan. The irrigation system shall be designed so

that overspray, runoff, and low-head drainage onto streets, sidewalks, windows, walls, and fences are minimized. Automatic systems for watering cycles shall be scheduled to maximize ground infiltration rates and further minimize runoff.

- (c) Acceptable watering time: Landscaped areas should be watered consistent with the requirements of the applicable water district to provide maximum benefit to the plant material and to reduce unnecessary water loss through drift and evaporation.
- (d) Reclaimed water systems: Irrigation systems for projects one acre or more in area shall use reclaimed water whenever such water is available to the site. The systems shall be subject to appropriate health standards and review by the applicable water agency.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-13, § 2, 9-20-99; Ord. No. 10-2, § 3f., 2-2-10; Ord. No. 16-03, § 3, 3-1-16)

§ 13-108. Landscape maintenance.

- (a) Responsibility of the property owner: The property owner is responsible for the maintenance of the landscaping on their property. Any dead, dying, or diseased trees, shrubbery, vines, groundcover, or turf, must be replaced within 60 days of written notice from the development services or public services departments. Tree stakes shall be removed when no longer needed to support the tree. Landscaping shall be maintained in an orderly and healthy condition. This shall include proper pruning according to International Society of Arborists (ISA) standards, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and application of appropriate quantities of water to all landscaped areas. Compost and/or mulch used as a groundcover shall maintain a consistent two-inch minimum layer over soil.
- (b) Tree pruning: Topping or heading back of trees are unacceptable pruning methods because the severity of this type of pruning will ruin the natural shape of ornamental trees, and will generate weak new growth which is prone to breaking. The damage created by topping or heading back is difficult to correct. Topping or heading back shall not be used in-lieu of pruning or thinning.
- (c) Tree removal: Trees shall not be destroyed or removed without prior city approval. Site plans which identify existing and replacement trees shall be submitted to the planning division for review, along with written request and justification for the removal. Additionally, the planning division may require a report prepared by a California licensed arborist. Where possible, and under the direction of the planning division, replacement trees shall be of a size consistent with that to be removed. Trees may be replaced upon approval of plans by the planning division.
- (d) Water conservation required: Landscape maintenance practices shall be employed which foster long term landscape water. The practices may include, but not be limited to, performing routine irrigation system repair and adjustments, scheduling irrigation based on the California Irrigation Management Information System, use of moisture-sensing or rain shut-off devices, conducting water audits and prescribing the amount of water applied per landscaped acre.
- (e) Violation of subsections (a) through (d) of this section shall be enforceable under section 1-33 of this Code, irrespective of the negligence or intent of the violator to cause, allow,

or facilitate the destruction, improper maintenance, or removal of any trees, landscaping or irrigation.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-13, § 2, 9-20-99)

§ 13-108.1. Objective Design Standards for Multifamily Residential and Mixed-Use Developments.

- (a) Multifamily residential and mixed-use development projects shall be subject to the additional applicable standards in the City of Costa Mesa Multifamily Residential and Mixed-Use Objective Design. In the event of a conflict between this chapter and the Objective Design Standards, the more restrictive regulation shall prevail.

Chapter VIII, Article 3 of the Zoning Code shall be amended where ~~striketrough~~ text denotes text being removed, and underline text denotes text being added.

Chapter VIII Signs

Article 3 Sign Regulations

§ 13-113. General requirements.

Unless otherwise provided in this chapter, erection, relocation or modification of all signs shall be in accordance with the requirements of this article, including the specific regulations listed in Table 13-115.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-114. Permits required.

Where indicated in Table 13-115 and section 13-118 the erection, relocation, or modification of signs shall require permits and payment of fees as described in Article 7, Administration and Enforcement, of this chapter. No permit shall be required under this chapter for maintenance of a sign or for change of copy on a changeable copy sign. The requirements of this chapter are in addition to the requirements of the Uniform Building Code, National Electrical Code and other applicable codes.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-10, § 3, 7-19-99)

§ 13-115. Signs regulations and design standards.

Table 13-115 indicates the maximum allowed area, height, number, and other design restrictions for both permanent and temporary signs.

**TABLE 13-115
SIGN REGULATIONS PERMANENT SIGNS**

	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
TOTAL SIGN AREA PER STREET FRONTAGE	Residential uses: 1.0 sq. ft per unit, not to exceed 90 sq. ft. (25 sq. ft. minimum for sites with 4 or more units). Permitted non-residential uses: 30 sq. ft. for sites less than 1 acre. 45 sq. ft. for sites of 1 acre or more. Total area of all permanent signs (freestanding signs and building signs) may not exceed TOTAL SIGN AREA PER STREET FRONTAGE. TOTAL SIGN AREA PER STREET FRONTAGE See section 13-116 for commercial or industrial signs located within 200 ft. of residentially-zoned property.	1.0 sq. ft. per ft. of lot width + 0.5 sq. ft. per ft. of lot depth		30 sq. ft. for sites less than 1 acre. 45 sq. ft. for sites of 1 acre or more.
FREESTANDING SIGNS PERMIT REQUIRED	Yes			
DEVELOPMENT STANDARDS	1. Must be located in landscaped planter equal to twice the sign area. 2. May not obstruct visibility for motorists or pedestrians at driveways or intersections. 3. May not obstruct visibility of legal signs on adjacent site(s). 4. May not consist of a pole sign with a visible cylindrical pole structure(s). 5. Planning Division may require freestanding signs to incorporate street address if address on building is not visible from public streets: 4 inches high minimum in residential zones; 8 inches high minimum in nonresidential zones. The address area, up to 6 sq. ft., is not counted against allowable sign area. Address must be integrated into the design of the sign and placed at such an elevation so as not to be obstructed by landscaping. 6. See section 13-116 if located within 200 ft. of residentially-zoned property.			
MAXIMUM AREA (not including street address)	30 sq. ft. (Includes both on-site and neighborhood identification signs.)	Total area of all freestanding signs may not exceed 50% of total allowed sign area per street frontage.		15 sq. ft.
MAXIMUM HEIGHT	7 ft.	12 ft.	7 ft.	
NUMBER & SEPARATION	300 ft. separation between freestanding signs on same site.			
ILLUMINATION	Exterior, or interior with opaque background. No flashing or blinking allowed.	No flashing or blinking allowed.		Exterior, or interior with opaque background. No flashing or blinking allowed.

**TABLE 13-115
SIGN REGULATIONS PERMANENT SIGNS**

	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
VERTICAL CLEARANCE	8 ft. minimum clearance over pedestrian circulation areas. 16 ft. minimum clearance over parking and vehicular circulation areas.			
FREEWAY-ORIENTED FREESTANDING SIGNS PERMIT REQUIRED	Prohibited	Yes	Prohibited	
MAXIMUM AREA AND HEIGHT	N/A	For commercial properties of one acre or more, within 300 feet of a freeway exit: One freeway-oriented sign may be allowed, not to exceed 230 sq. ft. and 32 ft. high.	N/A	
ILLUMINATION	N/A	No flashing or blinking	N/A	
VERTICAL CLEARANCE	N/A	8 ft. minimum clearance over pedestrian circulation areas. 16 ft. minimum clearance over parking and vehicular circulation areas.	N/A	
BUILDING WALL SIGNS PERMIT REQUIRED	Yes			
MAXIMUM AREA	Total area of all permanent building wall signage may not exceed TOTAL SIGN AREA PER STREET FRONTAGE	Each single tenant may be allowed a maximum of 1.5 sq. ft. of building wall signage per lineal foot of building frontage of the business. If the building frontage of any such use is less than 25 lineal feet, only one sign, having a maximum area of 25 square feet, may be permitted.		
ILLUMINATION	Exterior, or interior with opaque background. No flashing or blinking allowed.	No flashing or blinking allowed.		Exterior, or interior with opaque background. No flashing or blinking allowed.
NUMBER	N/A	Single tenant buildings: A maximum of three wall signs per street frontage. Multi-tenant buildings: One wall sign per business on each street frontage.		N/A

**TABLE 13-115
SIGN REGULATIONS PERMANENT SIGNS**

	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
		Exception: A tenant with more than 10,000 square feet of floor area in a multi-tenant building shall be permitted a maximum of three wall signs per business/street frontage. Buildings with more than 2 stories and 30 feet in height: No sign is permitted above the first floor of any building except for a single sign per street frontage on the uppermost portion of the building fascia identifying either the street address, name of the building, major tenant and/or logo. Street address up to 6 square feet per story shall not be counted toward allowable sign area.		
LOCATION	Signs may only be attached to a building wall abutting a public street or on-site parking area serving the subject building, unless otherwise approved by the Planning Division.			
VERTICAL CLEARANCE	Awning, canopy and projecting signs: 8 ft. minimum clearance over pedestrian circulation areas. 16 ft. minimum clearance over parking and vehicular circulation areas.			
MURALS AND SUPER GRAPHICS PERMIT REQUIRED	Yes			
DEVELOPMENT STANDARDS	Subject to approval by the Planning Division. The purpose of the Planning Division approval is to verify that it is not a sign.			
PAINTED WALL SIGNS PERMIT REQUIRED	Yes			
MAXIMUM AREA	Total area of painted wall signs may not exceed 10% of total allowed sign area per street frontage.			
PERMANENT WINDOW SIGNS PERMIT REQUIRED	Yes			
MAXIMUM AREA	1. 20% of contiguous window area maximum. 2. Window sign area in excess of the above maximum may be permitted if it can be shown that the merchandise offered for sale cannot be adequately displayed and, therefore, justifies substitution of additional window signage for merchandise display, subject to written approval by the Planning Division or Zoning Administrator. Total of permanent and temporary window sign area shall not exceed 50% of contiguous window area.			
CONVENIENCE SIGNS PERMIT REQUIRED	Yes			
DEVELOPMENT STANDARDS	1. 9 sq. ft. maximum per sign. 2. Not counted against allowable sign area. 3. Placement and height subject to approval of Planning Division.			
CONSTRUCTION SIGNS PERMIT REQUIRED	Yes			

**TABLE 13-115
SIGN REGULATIONS PERMANENT SIGNS**

	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
DEVELOPMENT STANDARDS	1. One per street frontage. 2. 64 sq. ft. maximum. 3. 16 ft. high maximum. 4. Must be removed within 1 year after installation, or within 30 days of final inspection, whichever occurs first. Construction signs in R-1 zoning districts shall be consistent with allowable real estate signs (One per street frontage, 5 sq. ft. maximum, and 6 ft. high maximum).			
REAL ESTATE SIGNS (No permits are required.)				
FOR SALE SIGNS	1. One per street frontage. 2. 5 sq. ft. maximum. 3. 6 ft. high maximum.	1. One per street frontage. 2. 32 sq. ft. maximum. 3. 12 ft. high maximum.		
OPEN HOUSE SIGNS	1. One per street frontage. 2. 3 sq. ft. maximum. 3. 5 ft. high maximum.	<u>Prohibited in commercial, industrial, and institutional zones.</u> <u>Permitted in the mixed-use overlay district.</u>		
NON-COMMERCIAL PORTABLE SIGNS ON PRIVATE PROPERTY	5 sq. ft. maximum per sign with a maximum 6-ft. height above grade for signs affixed in the ground.	5 sq. ft. maximum per sign with a maximum 6-ft. height above grade for signs affixed in the ground subject to the time periods set forth in section 13-123(a)(5).		
COMMERCIAL PORTABLE SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY	Subject to section 13-123.5.			
TEMPORARY WINDOW SIGNS (No permits are required.)	Prohibited	1. 20% of window area. 2. Window sign area in excess of the above maximum may be permitted if it can be shown that the merchandise offered for sale cannot be adequately displayed and, therefore, justifies substitution of additional window signage for merchandise display, subject to written approval by the Planning Division or Zoning Administrator. Total of permanent and temporary window sign area shall not exceed 50% of contiguous window area. 3. Time limit shall not exceed 60 days. ~~3-4.~~ <u>Prohibited for residential uses in the mixed-use overlay district.</u>		Prohibited
APARTMENT FLAGS (No permits are required.)	1. 1 per 60 ft. of lot frontage (minimum of 2). 2. 15 sq. ft. maximum. 3. 18 ft. high maximum. 4. Must be maintained in good condition; removed or replaced if torn, faded or dirty.	Prohibited		

TABLE 13-115 SIGN REGULATIONS PERMANENT SIGNS				
	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
OTHER FLAGS AND PENNANTS	Flags of a nation or the state shall be displayed in an appropriate manner consistent with state and federal law. Flags displaying products, logos and/or business names are prohibited. Pennants are prohibited.			
BALLOON SIGNS (less than 24 inches) (No permits are required)	Prohibited	Allowed, subject to the following: 1. May not extend beyond any property line or over any public-right-of-way, regardless of wind conditions. 2. Must be securely anchored. 3. May not be released into the air. 4. Metallic balloons are prohibited. 4.5. <u>Prohibited for residential uses in the mixed-use overlay district.</u>		Prohibited
INFLATABLE SIGNS (over 24 inches)	Prohibited			
BANNERS ON PRIVATE PROPERTY (Permit required) MAXIMUM AREA	0.5 ft. per unit. Maximum area: 100 sq. ft. per site.	0.5 sq. ft. per lineal foot of building frontage facing the street. Minimum entitlement: 25 sq. ft. per tenant. Maximum area: 75 sq. ft. per tenant.		
TIME LIMITS	A maximum display time of 60 days per calendar year. Exception: For residential developments of 100 units or more, a maximum display time of 120 days per calendar year.			
DEVELOPMENT STANDARDS	1. The entire surface of the banner must be securely affixed to either a building wall of the business being advertised (the building wall must abut a public street or on-site parking area serving the business being advertised), or to the sign face of a freestanding sign. 2. May not be attached to any staff, pole, line, framing, vehicle, or similar support. 3. May not project above roof. 4. Must be maintained in good condition; removed or replaced if torn, faded, or dirty. 5. Limit 1 banner per tenant or building occupant on each street frontage maximum. 6. Banners are permitted only as a means of temporary advertisement, such as for new businesses, grand openings, or similar special events, and may not be used as permanent signs. 7. Prior to the installation of a banner, a permit shall be obtained from the Planning Division. A city-issued decal shall be attached to face of the banner in the lower right-hand corner. The banner and any support elements shall be promptly removed at the expiration of the banner permit.			
BANNERS WITHIN THE PUBLIC RIGHT-OF-WAY	See section 13-118, street banners.			
TEMPORARY SIGNS ON PUBLIC PROPERTY PERMIT REQUIRED	Subject to section 13-118.1			
BANNERS ON PUBLIC BASEBALL AND/OR SOFTBALL FIELDS PERMIT REQUIRED	Subject to section 13-118.2			

TABLE 13-115 SIGN REGULATIONS PERMANENT SIGNS				
	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
NON-COMMERCIAL BANNERS ON PRIVATE PROPERTY (Permit required)				
MAXIMUM AREA	The greater of 0.5 sq. ft. per dwelling unit or 20 sq. ft. Maximum area: 100 sq. ft. per site.	0.5 sq. ft. per lineal foot of building frontage facing the street. Minimum entitlement: 25 sq. ft. per tenant. Maximum area: 75 sq. ft. per tenant.		
TIME LIMITS	A maximum display time of 60 days per calendar year. Exception: For residential developments of 100 units or more, a maximum display time of 120 days per calendar year.			
DEVELOPMENT STANDARDS	1. The entire surface of the banner must be securely affixed to either a building wall of the residence or business (the building wall must abut a public street or on-site parking area serving the residence or business), or to the sign face of a freestanding sign. 2. May not be attached to any staff, pole, line, framing, vehicle, or similar support. 3. May not project above roof. 4. Must be maintained in good condition; removed or replaced if torn, faded, or dirty. 5. Limit 1 banner per tenant or building occupant on each street frontage maximum. 6. A permit is required.			
SIGNAGE IN MIXED-USE OVERLAY DISTRICT	Refer to the appropriate urban plan for signage regulations in the mixed-use overlay district.			

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, §§ 20—22, 3-2-98; Ord. No. 99-10, § 4, 7-19-99; Ord. No. 02-8, § 1c, 4-15-02; Ord. No. 04-11, § 3, 10-18-04; Ord. No. 06-9, § 1i., 4-18-06; Ord. No. 10-20, § 1(Exh. A), 1-4-11; Ord. No. 11-11, § 1, 9-20-11; Ord. No. 16-04, § 3, 8-2-16; Ord. No. 18-02, § 3, 1-16-18; Ord. No. 19-08, § 2, 4-2-19; Ord. No. 21-20, § 1, 12-7-21)

§ 13-116. Signs adjacent to residential zones.

In commercial and industrial zones, all signs located within 200 feet of residentially-zoned property shall conform to the following restrictions:

- (a) Freestanding signs shall be limited to seven feet in height unless non-illuminated or placed in such a location that visibility from residentially-zoned property within 200 feet is completely obscured by permanent structures on the commercially- or industrially-zoned property.
- (b) Building signs shall be placed no higher than the first story level unless non-illuminated or located so as not to be visible from residentially-zoned property within 200 feet.
- (c) Signs that do not comply with the requirements of subsections (a) and (b) of this section may be authorized as part of a planned signing program, if the zoning administrator finds that the proposed sign(s) will not have adverse visual impacts on residentially-zoned property within 200 feet.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-117. Maintenance of permanent signs.

All signs shall be maintained in a safe, structurally sound condition and in good repair at all times. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. Defective, damaged or substantially deteriorated signs may be ordered to be repaired or abated as provided for in applicable codes and ordinances.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-118. Street banners.

Special event banners and holiday banners may be placed in the public right-of-way after obtaining the necessary approval as required by the applicable city council policy.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-118.1. Temporary signs on public property.

- (a) *Applicability.* The placement of temporary signs on public property shall be limited to only those signs that advertise city-sponsored or city-permitted events or activities. As used in this section, these include, but are not limited to, events or activities of Youth Program User Groups 1 and 3, as defined in the athletic field/ facility use and allocation policy.
- (b) *Permit required.* Temporary signs for city-sponsored events may be placed on public property after obtaining the necessary permit from the recreation manager.
- (c) *Standards.*
 - (1) Acceptable temporary sign location: Signs may be placed only on a building wall or perimeter wall or fence of the public property. The sign shall not project above the building parapet or the highest point of the roof or above the perimeter wall

and/or fence. The sign shall not be attached to any staff, pole, line, framing, vehicle or similar support.

- (2) Illumination: The sign shall not be illuminated.
- (3) Maximum size: The total signage shall not exceed 80 square feet and individual signs shall not exceed 40 square feet.
- (4) Number of signs: Limit one temporary sign per user group per street frontage at any given time.
- (5) Installation: The entire surface of the sign must be securely fastened to the building or perimeter wall and/or fence.
- (6) Maintenance required: The applicant shall maintain all signs in good condition, and the applicant shall remove or replace any sign that is torn, faded, dirty, or defaced, including by graffiti.
- (7) Installation period: Temporary signs may be displayed a maximum of 30 days. Specific dates and time for the signs' installation and removal may be subject to change by the city in order to minimize impacts to the public.
- (8) Sign removal: All signs that are not removed by the applicant by the approved removal date shall constitute a public nuisance subject to summary removal by the city.

(Ord. No. 04-11, § 4, 10-18-04; Ord. No. 09-14, § 1, 12-1-09)

§ 13-118.2. Banners on public baseball and softball fields.

- (a) *Applicability.* Only a youth program user groups 1 and 3 shall be able to request approval to install banners on a public baseball or softball field that has been permitted for their use by the city. Youth program user groups 1 and 3 are defined in the City of Costa Mesa Athletic Field/Facility Use and Allocation Policy.
- (b) *Permit required.* Banners may be placed on public baseball and/or softball fields after obtaining the necessary permit from the recreation manager.
- (c) *Standards.*
 - (1) Acceptable banner location: Banners shall only be displayed on the field's outfield fence and shall only face the field's interior.
 - (2) Banner composition: Banner copy and/or logos shall be limited to one side of the banner, and the banner shall be made of durable cloth, bunting, plastic, or similar material.
 - (3) Maximum size: Individual banners shall not exceed 40 square feet.
 - (4) Installation: The banner's surface must be tautly and securely fastened to the outfield fence of the field by a minimum of four contact points.

- (5) Maintenance required: The applicant shall maintain all banners in good condition, and the applicant shall remove or replace any banner that is torn, faded, dirty, or defaced, including by graffiti.
- (6) Installation period: Banners shall be installed no sooner than seven days prior to the baseball and/or softball season's commencement and shall be removed within seven days of the season's close. Specific dates and time for the banners' installation and removal may be subject to change by the city in order to minimize impacts to the public.
- (7) Banner removal: All banners that are not removed by the applicant by the approved removal date shall constitute a public nuisance subject to summary removal by the city.

(Ord. No. 04-11, § 5, 10-18-04; Ord. No. 09-14, § 1, 12-1-09)

§ 13-119. Billboards.

The area of any billboard that was legally erected before October 6, 1984, shall not be included in the calculation of sign area for the site on which it is located until any new building is placed or constructed on that site, after which the calculation of sign area shall include the area of all billboards on the site, regardless of time of construction.

(Ord. No. 97-11, § 2, 5-5-97)

Chapter XII, Article 4 of the Zoning Code shall be amended where ~~strike through~~ text denotes text being removed, and underline text denotes text being added.

Chapter XII Special Fee Assessments

Article 4 Park and Recreation Impact Fees

§ 13-276.1. Purpose.

The purpose of this article is to establish the procedures for the payment of parks and recreation impact fees in conjunction with the establishment of new residential units.

(Ord. No. 15-09, § 1, 9-2-15)

§ 13-276.2. Requirement.

- (a) Any party that creates a multi-family residential development (e.g., apartment, duplex, triplex, multiplex) for renter households (collectively, "apartments") and any party who creates any accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU), shall remit park fees as established in this article to provide park and recreational facilities to serve the future residents of such units.
- (b) The requirements of this article are in addition to any other applicable requirements of the municipal code, including Article 5 of Ch. XI, which sections relate to park/dedication fee requirements applicable to subdivisions.

(Ord. No. 15-09, § 1, 9-2-15; Ord. No. 21-03, § 6, 3-2-21)

§ 13-276.3. Relation of land required to population density.

Consistent with the general plan, it is hereby found and determined that the public interest, convenience, health, welfare and safety require that 4.26 acres of property for each 1,000 persons residing within the city be devoted to public park and recreational purposes.

(Ord. No. 15-09, § 1, 9-2-15; Ord. No. 21-03, § 6, 3-2-21)

§ 13-276.4. Population density.

For the purposes of this article, population density shall be established by resolution of the city council, utilizing the following classifications:

- (a) Apartments. Any building (or portion thereof) or collection of buildings which provide two or more self-contained dwelling units not designated for separate ownership (i.e., the units not legally subdivided for homeownership). Notwithstanding the foregoing, for purposes of this article, ADUs and JADUs are not considered "apartments."
- (b) Determination of the number of dwelling units. The total number of dwelling units shall be determined by the number of units proposed for construction. When the actual

number of units is unknown, the number of the units shall be based on the maximum number of units which are permitted by the general plan for the property at the time the tentative or parcel map is filed with the city.

(Ord. No. 15-09, § 1, 9-2-15; Ord. No. 21-03, § 6, 3-2-21)

§ 13-276.5 Park fee formula for apartments.

The amount of park fee for apartments required pursuant to this section shall be based on the following formula:

$$\text{FEE} = 4.26 (\text{A.D.F.} \times \text{D.U.} \times \text{P.C.}) / 1,000$$

Definition of terms:

FEE The maximum cost to be appraised for fee payment.

4.26 Number of acres per 1,000 persons.

A.D.F. Apartment density factor obtained from section 13-276.4 population density as applicable to the proposed development.

D.U. Number of dwelling units.

P.C. Proportionate cost is the sum of the weighted cost of park land acquisition per acre of land and cost of construction per acre of land.

(Ord. No. 15-09, § 1, 9-2-15; Ord. No. 21-03, § 6, 3-2-21)

§ 13-276.6.6. Amount of park fee for “apartments” and accessory dwelling units and junior accessory dwelling units.

(a) .

- 1) Fee resolutions. The fees authorized via this article shall be periodically established and/or adjusted via a resolution of the city council. Such fees shall comply with Government Code section 66000 et seq., and shall not exceed the amounts authorized by Government Code section 66000 et seq.
- 2) *ADU and JADU fees.* The fees for ADUs and JADUs shall take into consideration the fees charged for apartments, and shall not violate Government Code sections ~~65852.2~~ 66310-66342, as it may be amended from time to time.

(b) Nothing in this section shall prohibit the dedication and acceptance of land for park and recreation purposes where the developer proposes the dedication voluntarily and the land is accepted by the city council at its discretion. When land dedication is provided, it shall be accomplished consistent with applicable local ordinances, including any applicable requirements of the Subdivision Map Act.

(c) If the developer objects to the amount of the fee pursuant to this article, an appeal may be made to the city council by filing an application of appeal with the city clerk and payment of an appeal processing fee as determined by the city council. A notice of appeal shall be filed with the city clerk within seven days of payment of the fee. The

developer shall have the burden of proof in contesting the amount of the fee. Within 30 days of receipt of the notice of appeal, a public hearing on the appeal shall be held by the city council, and the decision shall be final and conclusive in determining the amount of the fee.

- (d) The fee shall be paid to the Community dDevelopment services dDepartment and shall be deposited and held in appropriate trust accounts and may be expended therefrom only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreation facilities to serve the development on which the fee is charged. Upon receipt of the fee, the Community dDevelopment services dDepartment shall issue a receipt, and the receipt shall be presented as proof of payment of the fee prior to the issuance of any permit for buildings and structures pursuant to this Zoning Code.
- (e) In order that the fees levied pursuant to subsection (a) keep pace with the cost of land, the fee schedule described in subsection (a) shall be periodically adjusted on a biennial basis, or as specified by city council by resolution. The fee schedule shall be adjusted consistent with applicable law.
- (f) Upon application to the Community dDevelopment services dDepartment, the payment of the fee may be deferred where the department makes the following findings:
 - 1) The developer has entered into a fee agreement with written evidence of adequate security to assure payment of the fee at a date prior to the issuance of a certificate of occupancy, and in a form approved by the city attorney; and
 - 2) The deferral of the fee shall not adversely impact the development of new or the rehabilitation of existing neighborhood or community park or recreational facilities to serve the development.

(Ord. No. 15-09, § 1, 9-2-15; Ord. No. 21-03, § 6, 3-2-21)\

§ 13-276.7. Procedure, credit.

- (a) Procedure. When fees are required, the same shall be deposited with the Community Development Services-Department prior to issuance of building permits.
- (b) Credit. Credit shall be granted for dwelling units demolished as a part of the development. This credit shall be limited to the number of units existing at the time of the approval of the project and shall not be transferred to other developments.

(Ord. No. 15-09, § 1, 9-2-15; Ord. No. 21-03, § 6, 3-2-21)

Chapter XIII of the Zoning Code shall be amended where ~~striethrough~~ text denotes text being removed, and underline text denotes text being added.

Chapter XIII Noise Control

§ 13-277. Purpose.

It is the city's purpose to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health, comfort, safety, peace and enjoyment and welfare of the citizenry, and in the public interest shall be regulated and systematically proscribed.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-278. Definitions.

The following words, phrases and terms as used in this chapter shall have the meaning indicated below:

Cumulative period. An additive period of time composed of individual time segments which may be continuous or interrupted.

Decibel (dB). A unit which denotes the ratio between two quantities which are proportional to power: The number of decibels corresponding to the ratio of two amounts of power is 10 times the logarithm to the base 10 of this ratio.

Emergency machinery, vehicle or work. Any machinery, vehicle or work used, employed or performed in an effort to protect, provide or restore safe conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

Exterior residential noise environment. The exterior environs of a residential development which include private yard of single-family residence, multi-family private patio or balcony which is served by means of exit from inside the dwelling, private balconies greater than six feet in depth, and common open space areas containing resident-serving amenities (i.e. pool, spa, tennis courts). Exception: For multi-family residential development or live/work units ~~approved pursuant to a master plan in a mixed-use overlay district where the base zoning district is nonresidential~~, the exterior residential noise environment does not include the following areas: Private balconies or patios regardless of size, private or community roof decks/roof terraces, internal courtyards and landscaped walkways that do not include resident-serving, active recreational uses such as community pool, spa, tennis courts, barbeque, and picnic areas.

Fixed noise source. A stationary device which creates sounds while fixed or motionless, including but not limited to industrial and commercial machinery and equipment, pumps, fans, compressors, generators, air conditioners and refrigeration equipment.

Grading. Any excavating or filling of earth material, or any combination thereof, conducted at a site to prepare the site for construction or other improvements.

Impact noise. The noise produced by the collision of one mass in motion with a second mass which may be either in motion or at rest.

Interior residential noise environment. The interior environs of a residential dwelling unit or live/work unit which includes all interior spaces such as, but not limited to, bathrooms, closets, corridors, kitchen, living room/family room, bedrooms, playroom, and office.

Mobile noise source. Any noise source other than a fixed noise source.

Noise level. The "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of 20 micronewtons per square meter. The unit of measurement shall be designated as dB(A).

Person. A person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

Residential property. A lot of real property which is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

Simple tone noise. A noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

Sound pressure level of a sound, in decibels. Twenty times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 06-9, § 1j., 4-18-06)

§ 13-279. Exceptions for construction.

The provisions of this chapter shall not apply to the following:

- (a) Emergency machinery, vehicles, or work; or
- (b) Construction equipment, vehicles, or work between the ~~following approved hours shown in Table 13-279~~, provided that all required permits for such construction, repair, or remodeling have been obtained from the appropriate city departments.

<u>TABLE 13-279</u>	
HOURS FOR CONSTRUCTION ACTIVITIES	
7:00 a.m. through 7:00 p.m.	Mondays through Fridays
9:00 a.m. through 6:00 p.m.	Saturdays
Prohibited all hours	Sundays and the following specified federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day

- (c) Waiver procedure. An applicant may request approval of a minor modification for a temporary waiver for construction equipment, vehicles, or work outside these permitted hours. The minor modification may be granted by the Community dDevelopment services dDirector or his/her designee. Any temporary waiver shall take into consideration the unusual circumstances requiring construction activity outside the permitted hours and the short-term impacts upon nearby residential and business communities.

Minor modification findings shall indicate whether or not the extended construction hours will be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the construction site.

Unless a temporary waiver is approved, construction activity outside the permitted hours shall still be subject to the city's noise regulations.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 10-3, § 1a., 2-16-10)

§ 13-280. Exterior noise standards.

- (a) The ~~following~~ noise standards in Table 13-280, unless otherwise specifically indicated, shall apply to all residential property within the city:

TABLE 13-280	
RESIDENTIAL EXTERIOR NOISE STANDARDS	
Noise Level	Time Period
55 dB(A)	7:00 a.m.—11:00 p.m.
50 dB(A)	11:00 p.m.—7:00 a.m.

In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by five dB(A).

- (b) It is unlawful for any person at any location within the city to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, when the foregoing causes the noise level, when measured on any other residential property, either within or outside the city, to exceed:

- (1) The noise standard for a cumulative period of more than 30 minutes in any hour;
- (2) The noise standard plus five dB(A) for a cumulative period of more than 15 minutes in any hour;
- (3) The noise standard plus 10 dB(A) for a cumulative period of more than five minutes in any hour;
- (4) The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour; or
- (5) The noise standard plus 20 dB(A) for any period of time.

- (c) In the event the ambient noise level exceeds any of the first four noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.
- (d) The exterior noise standards shown in subsection (a) shall not apply to the following exterior areas of multi-family residential development or live/work units located within a mixed-use overlay district ~~where the base zoning district is nonresidential, approved pursuant to a master plan, and subject to the land use regulations of an urban plan:~~
- (1) Private balconies or patios regardless of size;
 - (2) Private or community roof decks/roof terraces;
 - (3) Internal courtyards and landscaped walkways that do not include resident-serving, active recreational uses such as community pool, spa, tennis courts, barbeque, and picnic areas.
 - (4) In high-rise residential developments in the North Costa Mesa Specific Plan, the exterior noise standards shown in subsection (a) shall only apply to the common outdoor recreational amenity areas located on the ground level. Recreational amenity areas located above the ground level and private balconies and patios shall be exempt from this standard.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 06-9, § 1k., 4-18-06; Ord. No. 07-2, § 1m., 2-6-07)

§ 13-281. Interior noise standards.

- (a) ~~The following~~ interior noise standards in Table 13-281, unless otherwise specifically indicated, shall apply to all residential property within the city:

TABLE 13-281	
RESIDENTIAL INTERIOR NOISE STANDARDS	
Noise Level	Time Period
55 dB(A)	7:00 a.m.—11:00 p.m.
45 dB(A)	11:00 p.m.—7:00 a.m.

In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by five dB(A).

- (b) It is unlawful for any person at any location within the city to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, when the foregoing causes the noise level when measured within any other dwelling unit on any residential property, either within or outside the city, to exceed:
- (1) The interior noise standard for a cumulative period of more than five minutes in any hour;

(2) The interior noise standard plus five dB(A) for a cumulative period of more than one minute in any hour; or

(3) The interior noise standard plus 10 dB(A) for any period of time.

(c) In the event the ambient noise level exceeds either of the first two noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the third noise limit category the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-282. Noise near schools, hospitals, churches.

It is unlawful for any person to create, maintain or cause to be created or maintained any noise or sound which:

(a) Exceeds the noise standards specified in section 13-280, Exterior noise standards, near any school, hospital or church while it is in use, regardless of the zone within which it is located; or

(b) The noise level unreasonably interferes with the working of such installations or which disturbs or unduly annoys patients in a hospital, provided conspicuous signs are displayed in three separate locations within one-tenth of a mile indicating the presence of a school, church or hospital.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-283. Loud, unnecessary noise.

It is unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, regardless of whether the noise level exceeds the standards specified in section 13-280, Exterior noise standards, and section 13-281, Interior noise standards. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

(a) The level of noise;

(b) Whether the nature of the noise is usual or unusual;

(c) Whether the origin of the noise is natural or unnatural;

(d) The level and intensity of the background noise, if any;

(e) The proximity of the noise to residential sleeping facilities;

(f) The nature and zoning of the area within which the noise emanates;

(g) The density of the inhabitation of the area within which the noise emanates;

- (h) The time of the day and night the noise occurs;
- (i) The duration of the noise;
- (j) Whether the noise is recurrent, intermittent or constant;
- (k) Whether the noise is produced by a commercial or noncommercial activity; and
- (l) The density of the inhabitation of the area affected.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-284. Noise level measurement.

- (a) Any noise level measurement shall be performed using a sound level meter meeting American National Standard Institute's Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
- (b) Exterior measurements: The location selected for measuring exterior noise levels shall be at any point on the affected property.
- (c) Interior measurements: Interior noise measurements shall be made within the affected dwelling unit. The measurement shall be made at a point at least four feet from the wall, ceiling, or floor nearest the alleged offensive noise source and may be made with the windows of the affected unit open.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-285. Variance procedure.

- (a) The owner or operator of a noise source which violates any provision of this chapter may file an application with the Community & Development services ~~Director~~ for a variance from the provisions of this chapter. Variance applications shall be processed according to procedures set forth in Chapter III, Planning Applications. The application shall set forth all actions taken to comply with this chapter, the reasons immediate compliance cannot be achieved, a proposed method and time schedule for achieving compliance, and any other information requested by the director.
- (b) An applicant shall remain subject to prosecution under the terms of this chapter until a variance is granted.
- (c) All applications shall be evaluated with respect to time for compliance, subject to any conditions deemed reasonable to achieve maximum compliance with this chapter. Each variance granted shall set forth the approved method and time schedule for achieving compliance. Evaluation of the variance request shall include consideration of the magnitude of the noise nuisance; the uses of property affected by the noise; the time factors related to study, design, financing, and construction of remedial work; the economic factors related to age and useful life of equipment; and the general public interest and welfare.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-286. Violations.

- (a) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$1,000 and/or be imprisoned in the county jail for a period not exceeding six months. Each violation may instead be charged as an infraction.
- (b) Each time an offensive noise exceeds any one of the standards set forth in this chapter shall constitute a separate offense and be punishable as such.

(Ord. No. 97-11, § 2, 5-5-97)

§ 13-287. Nuisance declared.

It is determined that certain noise levels are detrimental to the public health, welfare and safety and contrary to public interest, and therefore the city council does ordain and declare that the creating or maintaining or causing or allowing to be created or maintained any noise in a manner prohibited by or not in conformity with the terms of this chapter is a public nuisance and shall be punishable as such and may be subject to abatement pursuant to Chapter I, General, Article 4, Enforcement.

(Ord. No. 97-11, § 2, 5-5-97)