

RESOLUTION NO. 2026-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT PA-17-10 TO OPERATE A SOBER LIVING HOME UP TO 45 ADULTS WITHIN FIVE UNITS OPERATED BY OHIO HOUSE AT 115 EAST WILSON STREET, UNITS A THROUGH E

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

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

WHEREAS, the Applicant filed a request for a Reasonable Accommodation to allow this facility to be located within 650 feet of a property that contains a group home, sober living home or state-licensed drug and alcohol treatment facility; and an application requesting approval of Conditional Use Permit PA-17-10, a Conditional Use Permit to allow the subject sober living facility to serve up to 35 male adults with 10 live-in managers within five existing units, subsequently modified to 40 male adults with 5 live-in managers; and

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

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

WHEREAS, the City of Costa Mesa has found that congregating group homes, drug and alcohol treatment facilities and sober living homes in close proximity to each other does not provide disabled persons as defined in state and federal law with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living from which the FEHA and FHAA were designed to provide relief for the disabled, and which no reasonable person could contend provides a life in normal residential surroundings; and

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

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

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

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

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

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

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

WHEREAS, the Planning Commission voted 5-1, with one member absent, to uphold the Director's denial of the request for Reasonable Accommodation; and

WHEREAS, the Applicant appealed the Planning Commission's decision to deny a Reasonable Accommodation on September 29, 2025; and

WHEREAS, the appeal was initially scheduled for December 2, 2025, was duly-noticed and subsequently continued five times to dates certain (February 3, 2026, April 21, 2026, June 16, 2026, September 1, 2026, and October 20, 2026); and

WHEREAS, the appeal was scheduled for consideration at the October 6, 2026, City Council meeting, based on the recommendation to remand this matter back to the Director to reconsider the Reasonable Accommodation request, and new public noticing was thus completed; and

WHEREAS, the City Council voted 7-0, to remand the Reasonable Accommodation request to the Community Development Director for reconsideration and directed staff to notice a public hearing for October 20, 2026, to reconsider its previous action on the CUP in light of the Director's action on the Reasonable Accommodation request; and

WHEREAS, the Community Development Director approved the Reasonable Accommodation request on October 13, 2026; and

WHEREAS, a duly-noticed public hearing was scheduled for October 20, 2026, before the City Council, to hear the Conditional Use Permit; and

WHEREAS, a duly noticed public hearing was held by the City Council on October 20, 2026, with all persons having the opportunity to speak for and against the proposal; and

WHEREAS, on October 20, 2026, the City Council approved CUP PA-17-10 to allow a sober living home with seven or more persons; and

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa; and

WHEREAS, the City Council finds that the application meets the criteria for issuance of the CUP pursuant to CMMC section 13-323.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES as follows:

BE IT RESOLVED that based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained with Exhibit B, the City Council hereby **APPROVES Conditional Use Permit PA-17-10**.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Conditional Use Permit PA-17-10 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance with all applicable federal, State, and local laws, and conditions of the Operator's Permit. Any approval granted by this resolution shall be subject to review, modification, or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

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

PASSED AND ADOPTED this 20th day of October, 2026.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2026-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 20th day of October, 2026, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 21st day of October, 2026.

Brenda Green, City Clerk

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code section 13-29(g)(2) – “Conditional Use Permit Findings” because:

Finding: 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.

Facts in Support of Finding: Consistent. The facility consists of five units on five parcels with a common lot constituting a common interest development and accommodates up to 45 adults. The site satisfies all applicable development standards, with the exception of minimum lot width requirements. The site is surrounded by multi-family residential development and is adjacent to the commercial corridor along Newport Boulevard and the 55 Freeway; therefore, the proposed use is substantially compatible with development in the area and is not expected to be materially detrimental to surrounding properties.

Finding: 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.

Facts in Support of Finding: Consistent. The sober living home has operated at the subject property for more than 10 years without materially altering the surrounding neighborhood, and the use is subject to applicable regulations and conditions of approval intended to address potential operational impacts. Accordingly, granting the CUP is not expected to be materially detrimental to the health, safety, or general welfare of the public or injurious to property or improvements in the immediate neighborhood.

Finding: 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.

Facts in Support of Finding: Consistent. The proposed use is consistent with the General Plan designation for the property, which supports residential development and associated residential uses. The CUP would allow the continued operation of an existing residential use within the established residential development and would not introduce a use, density, or intensity inconsistent with the General Plan or any applicable specific plan.

- B. **Environmental Determination.** The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the

City's environmental review procedures. The City determined that the project is categorically exempt from CEQA under section 15301 for Existing Facilities.

- C. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. Once issued by the City, the owner shall maintain in good standing, an operator's permit as required by Article 23, Chapter 2 of Title 9.
 2. The total number of occupants in the sober living home shall be no more than 40 residents (8 per unit) with one resident manager per unit, for a total of up to 45 occupants in the five unit facility.
 3. The use shall be limited to the type of operation described in the staff report and applicant's project description submitted with the application as updated in the applicant's reasonable accommodation request, subject to conditions. Any change in the operational characteristics including, but not limited to, home rules and regulations, intake procedures or relapse policy, shall be subject to Community Development Department review and may require an amendment to the conditional use permit, subject to Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval Title 13, section 13-29(o).
 4. In the event that any legal action(s) are filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval, the City may elect to allow applicant, as the real party in interest in any such challenge, to defend the action(s) without active involvement of the City.
 5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented by the house manager to any authorized City official upon request during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Saturday). New business/property owners shall be notified of conditions of approval upon transfer of the business or ownership of land.
 6. The project is subject to compliance with all applicable Federal, State, and local laws.
 7. It shall be the applicant's responsibility to maintain current information on file with the City regarding the name, address and telephone number of the property manager and/or owner.

8. The property shall be maintained in accordance with landscape maintenance requirements contained in Costa Mesa Municipal Code section 13-108.
9. Each dwelling unit shall be limited to one mailbox and one meter for each utility.
10. The facility shall operate at all times in a manner that will allow the quiet enjoyment of the surrounding neighborhood consistent with Title 20 of the Costa Mesa Municipal Code. The applicant and/ or manager shall institute whatever measures are necessary to comply with this requirement.
11. If any building alterations are proposed, the applicant shall comply with requirements of the California Building Code as to design and construction.
12. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of this Permit.
13. Applicant shall provide neighbors with the telephone number of the on- site manager and/ or property owner, for the purposes of allowing neighbors to lodge complaints or describe concerns about the operation of the facility.
14. The sober living home shall not provide any of the following services as they are defined by section 10501 (a)(6) of Title 9, California Code of Regulations: detoxification; education counseling; individual or group counseling sessions; and treatment recovery or planning.
15. The applicant is responsible to ensure that occupants, if any, who are subject to the requirements of Health & Safety Code section 11590, et seq. Registration of Controlled Substance Offenders), Penal Code section 290, et seq. (Sex Offender Registration Act), and/ or any condition of probation or parole, are in compliance with any applicable requirements and conditions of their registration, probation and/ or parole while they are occupants or residents of the subject property.
16. The applicant shall post a copy of the Good Neighbor Policy in at least one highly visible location inside the facility and in at least one highly visible location in all side and rear yards.
17. Operator shall ensure that no trash and debris generated by residents is deposited onto the City's rights of way pursuant to section 8-32 of the Costa Mesa Municipal Code.

18. This CUP is subject to review if the applicant fails to comply with any of the conditions of approval listed in this resolution and/or the facility creates an excessive amount of calls for City services.
19. Pursuant to section 9-374 of the Costa Mesa Municipal Code, upon eviction from or involuntary termination of residency in a group home, the operator of the group home shall make available to the occupant transportation to the address listed on the occupant's driver's license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home. The group home may not satisfy this obligation by providing remuneration to the occupant for the cost of transportation.
20. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automobile parking.

CODE REQUIREMENTS

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

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| Plng. | 1. | Use shall comply with all requirements of Chapter XVI and Chapter II, Article 23 of the Costa Mesa Municipal Code for sober living homes in multi-family residential zones. |
| Bldg. | 2. | Comply with the requirements of the adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit |