Kimley»Horn

Memorandum

March 10, 2023

To: Department of Housing and Community Development
Division of Housing Policy Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833

From: Nick Chen, AICP
Project Manager, Kimley-Horn

RE: Submission of the City of Costa Mesa's Adopted 2021-2029 6th Cycle Housing Element

On behalf of the City of Costa Mesa, we are pleased to resubmit the enclosed 6th Cycle (2021-2029) Housing Element to the State Department of Housing and Community Development (HCD) for third review for certification. The attached Housing Element was adopted locally by the Costa Mesa City Council on February 1, 2022 and then reviewed by City Council on November 15, 2022 after a seven day public review period. This draft is in response to HCD's January 20 2023 findings letter.

This electronic submittal of the documents contains a redline version showing the changes from the previous HCD submittal. This includes additional analysis, clarification, added sections, and added programs.

The Housing Element includes:

- Chapter 1: Introduction
- Chapter 2: Community Profile
- Chapter 3: Housing Constraints, Resources, and Affirmatively Furthering Fair Housing
- Chapter 4: Housing Plan
- Appendix A: Review of Past Performance
- Appendix B: Candidate Sites Analysis
- Appendix C: Summary of Community Engagement
- Appendix D: Glossary of Housing Terms

The City of Costa Mesa looks forward to working with HCD towards certification of the 2021-2029 Housing Element enclosed with this letter. As indicated by HCD, several prominent funding sources depend on the City having a certified Housing Element, including an approximately $800,000 SB 2 allocation which funds operation of the City's homeless shelter. The City of Costa Mesa is eager to work with HCD to address any remaining comments in a timely manner to attain certification. If you have any questions, please feel free to contact Jennifer Le at (714) 754-5617 or via email at jennifer.le@costamesaca.gov.

Sincerely,

Kimley»Horn



Nick Chen, AICP
Kimley-Horn

On behalf of:
Jennifer Le
Director, Economic and Development Services

City of Costa Mesa

Housing Element

2021-2029

REVISED MARCH 2023

Table of Contents

CHAPTER 1: INTRODUCTION
A. Role of the Housing Element 1-1
B. State Policy and Authorization 1-1
1. Background 1-1
2. State Requirements 1-1
3. Regional Housing Needs Assessment 1-3
4. Relationship to Other General Plan Elements 1-4
5. Public Participation 1-4
6. Data Sources 1-5
7. Housing Element Organization 1-6

CHAPTER 2: COMMUNITY PROFILE
A. Population Characteristics 2-1
1. Population Growth 2-1
2. Age Characteristics 2-2
3. Race/Ethnicity Characteristics 2-3
B. Economic Characteristics 2-5
1. Employment and Wage Scale 2-5
2. Regional Affordable Housing Rates 2-7
C. Household Characteristics 2-9
1. Household Type and Size 2-9
2. Household Income 2-11
D. Housing Problems and Housing Needs 2-13
1. Overcrowding 2-14
2. Overpayment (Cost Burden) for Housing In Relation to Income 2-16
E. Special Needs Groups 2-18
1. Seniors 2-19
2. Persons with Physical and Developmental Disabilities 2-20
3. Large Households 2-22
4. Single-Parent Households 2-24
5. Farmworkers 2-24
6. Extremely Low-income Households and Poverty Status 2-25
7. Persons Experiencing Homelessness 2-27
8. Students 2-28
F. Housing Stock Characteristics 2-29
1. Housing Growth 2-29
2. Housing Type 2-29
3. Housing Availability and Tenure 2-30
4. Housing Age and Condition 2-32
5. Housing Costs and Affordability 2-34
G. Community Profile Summary 2-39

CHAPTER 3: HOUSING CONSTRAINTS, RESOURCES, AND FAIR HOUSING
A. Nongovernmental Constraints 3-2
1. Land Costs and Construction Costs 3-2
2. Available Financing 3-3
3. Economic Constraints 3-5
4. Applicant Requests to Develop Below the Maximum Density 3-5

B. Governmental Constraints 3-6
1. Land Use Controls 3-6
Overlay Districts 3-6
2. State Density Bonus Law 3-8
Concessions and Incentives 3-11
Compliance with State Law 3-11
3. Residential Development Standards 3-12
Yard Requirements 3-14
Site Coverage and FAR 3-14
Open Space 3-14
Maximum Building Heights 3-14
Parking Standards 3-15
4. Variety of Housing Types Permitted 3-17
Single-Family Dwelling 3-19
Multi-Family Dwelling 3-19
Accessory Dwelling Unit (ADU) 3-19
Common Interest Development 3-19
Small Lot Subdivision, Residential 3-19
Manufactured Housing 3-20
Boarding House 3-20
Residential Care Facility 3-20
Group Homes 3-20
Transitional Housing 3-22
Supportive Housing 3-22
Referral Facility 3-22
Single Room Occupancy Residential Hotel (SRO) 3-22
Emergency Shelter 3-22
Farmworker Housing 3-25
Low Barrier Navigation Centers 3-25
5. Planned Development 3-26
Site Design Concept 3-27
6. Growth Management Measures - Measure Y 3-28
7. Specific Plans 3-29
East 17th Street Specific Plan 3-29
Newport Boulevard Specific Plan 3-29
North Costa Mesa Specific Plan 3-30
Costa Mesa Theater and Arts District Plan 3-32
8. Housing for Persons with Disabilities 3-33
Reasonable Accommodation 3-33
Definition of Family 3-35
9. Development Fees 3-36
10. On-/Off-Site Improvements 3-39
Subdivision Improvements 3-40
11. Building Codes and Enforcement 3-40
12. Local Processing and Permit Procedures 3-41
Development Reviews 3-44
13. Applicable Residential Entitlement Approval Findings 3-44
Conditional Use Permits 3-45
Design Review Findings 3-45
Master Plan Findings 3-45
C. Infrastructure Constraints 3-46

1. Water Supply 3-46
2. Water Production 3-46
3. Water Quality 3-47
4. Wastewater 3-47
5. Fire and Emergency Services 3-47
Fire Administration Division 3-48
Operations Division 3-48
Community Risk Reduction Division 3-48
6. Police Services 3-49
Administration Division 3-49
Field Operations Division 3-50
Support Services Division 3-50
D. Environmental Constraints 3-50
1. Geologic and Seismic Hazards 3-51
2. Mineral Resources 3-51
3. Seismic Hazards 3-51
4. Flood Hazards 3-52
5. Dam Inundation 3-54
6. Sea Level Rise 3-54
7. Fire Hazards 3-54
E. Affirmatively Furthering Fair Housing (AFFH) 3-56
1. Needs Assessment 3-56
Analysis of Impediments Outreach FY 2019-2024 3-56
Fair Housing Issues 3-57
Fair Housing Laws 3-57
Lending Patterns 3-58
Hate Crimes 3-60
Fair Housing Enforcement and Outreach Capacity 3-60
2. Analysis of Federal, State, and Local Data and Local Knowledge 3-62
Summary of Local Data 3-62
Integration and Segregation Patterns and Trends 3-65
Racially or Ethnically Concentrated Areas of Poverty (R/ECAP) 3-73
Racially or Ethnically Concentrated Areas of Affluence 3-77
Disparities in Access to Opportunity 3-79
California Tax Credit Allocation Committee (TCAC) Opportunity Area Maps 3-85
Opportunity Areas – Education 3-88
Opportunity Indicators 3-90
Access to Transit 3-91
Environmental Justice 3-92
3. Discussion of Disproportionate Housing Needs 3-96
Existing Needs 3-95
Future Growth Need 3-109
4. Displacement Risk 3-109
Urban Displacement 3-109
SB 330 3-115
5. Summary of Fair Housing Analysis 3-116
6. Assessment of Contributing factors to Fair Housing in Costa Mesa 3-117
Regionally Identified Contributing Factors 3-117
Locally Identified Contributing Factors 3-118
7. Analysis of Sites Pursuant to AB 686 3-119
8. Analysis of Fair Housing Priorities and Goals 3-130

F. Housing Resources 3-136
1. Regional Housing Needs Allocation 3-136
Future Housing Needs 3-136
Residential Sites Inventory 3-137
Adequacy of Sites for RHNA 3-137
Summary of Sites Inventory and RHNA Obligations 3-145
G. Financial Resources 3-146
1. Section 8 Housing Choice Voucher, CDBG and HOME Funds 3-146
Community Development Block Grants (CDBG) 3-146
HOME Investment Partnership Program (HOME) 3-147
2. Opportunities for Energy Conservation 3-147
Energy Use and Providers 3-147
Energy Conservation 3-147

CHAPTER 4: HOUSING PLAN
Regional Housing Needs Assessment 4-2
A. Guiding Principles 4-2
B. Housing Goals 4-4
C. Housing Policies and Programs 4-4
POLICIES HOU-1 4-4
HOUSING GOAL 1 IMPLEMENTATION ACTIONS 4-5
POLICIES HOU-2 4-6
HOUSING GOAL 2 IMPLEMENTATION ACTIONS 4-6
POLICIES HOU-3 4-13
HOUSING GOAL 3 IMPLEMENTATION ACTIONS 4-13
POLICIES HOU-4 4-26
HOUSING GOAL 4 IMPLEMENTATION ACTIONS 4-26
D. Summary of Quantified Objectives 4-33

APPENDICES
APPENDIX A: REVIEW OF PAST PERFORMANCE
APPENDIX B: SITES ANALYSIS
APPENDIX C: SUMMARY OF COMMUNITY ENGAGEMENT
APPENDIX D: GLOSSARY OF HOUSING TERMS

EXECUTIVE SUMMARY

PURPOSE

The Housing Element plans for future housing opportunities within the City of Costa Mesa while also addressing housing needs within the community. This is the 6th cycle of the Housing Element and is for the planning period from 2021 to 2029.

HOUSING ELEMENT UPDATE GUIDING PRINCIPLES

The City of Costa Mesa followed certain "guiding principles" in developing its approach and strategy for accommodating future housing growth. These guiding principles assist with implementation of the housing goals, policies and programs and will aid overall decision making. The guiding principles are rooted in community engagement and local knowledge and input into the planning process. The guiding principles are as follows:

The City will plan for future housing primarily along major commercial, industrial, and mixed use corridors within Costa Mesa that are compatible with growth, while preserving established residential neighborhoods.

Each neighborhood, community, and district within Costa Mesa has its own unique characteristics and needs. Future housing growth will build upon Costa Mesa's history and complement the diversity and unique characteristics that already exist within each area.

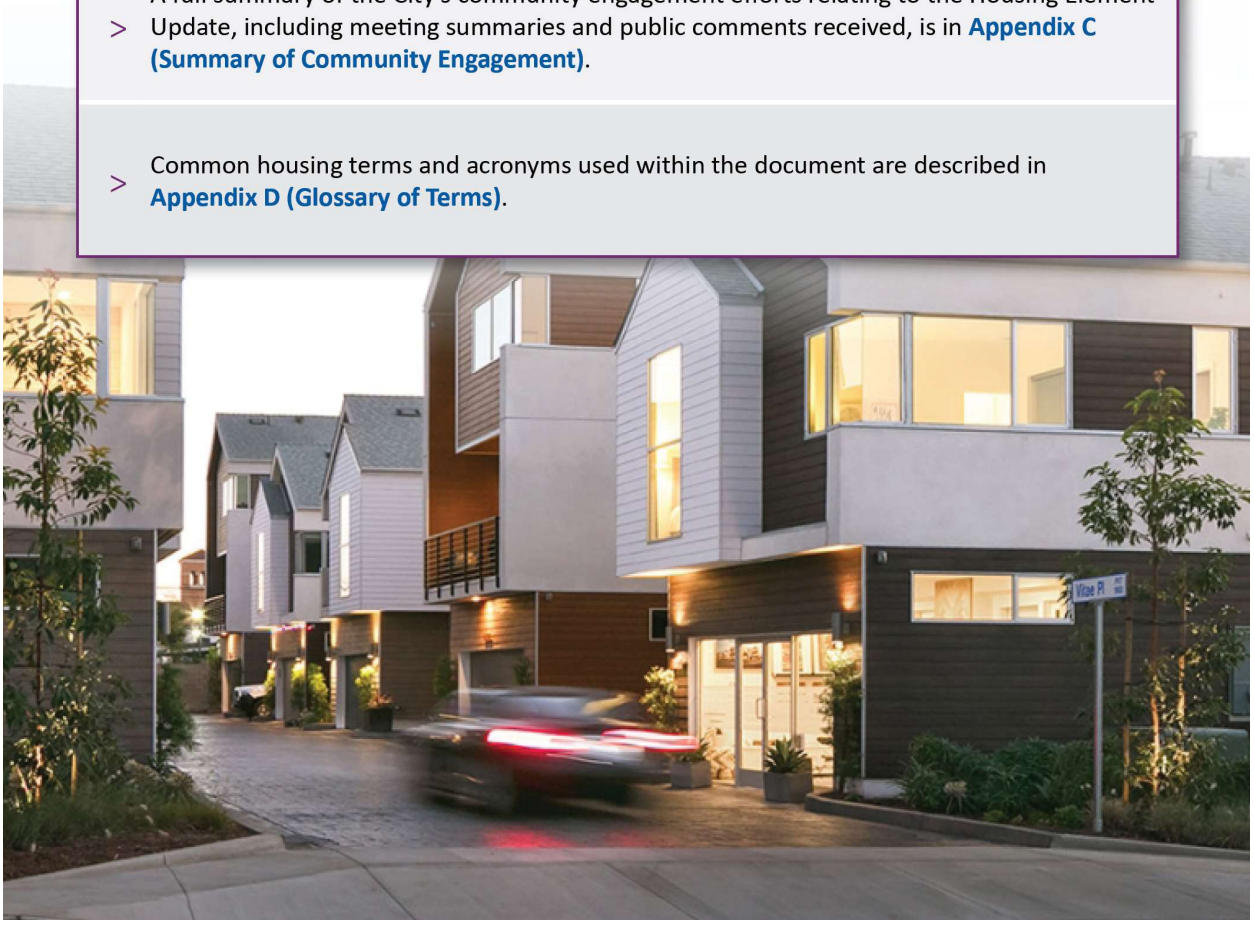
The City will plan for a diverse range of housing forms, types, and densities to address the housing needs of an inclusive and diverse community and provide housing opportunities that meet the needs of all residents, including low-income households, seniors, multi-generational families, larger households and special needs groups.



"HOW TO" GUIDE TO THE HOUSING ELEMENT

The City of Costa Mesa's Housing Element contains a lot of information relating to housing. The guide below is designed to help users navigate to the section of the document that contains the relevant information for each user's needs.

- Demographic information relating to housing, population, and family trends can be found in **Section 2 (Community Profile)**.
- **Section 3 (Constraints, Resources, and Fair Housing)** contains an overview of the City of Costa Mesa's 6th Cycle Candidate Sites Inventory and strategy. A more detailed analysis, including maps and a list of candidate housing sites by Assessor Parcel Number (APN) can be found in **Appendix B (Sites Analysis)**.
- A discussion of potential housing constraints, including governmental, non-governmental, and other constraints, is located in **Section 3**.
- The City's Action Plan to address and facilitate housing growth is located in **Section 4 (Housing Plan)**.
- A full summary of the City's community engagement efforts relating to the Housing Element Update, including meeting summaries and public comments received, is in **Appendix C (Summary of Community Engagement)**.
- Common housing terms and acronyms used within the document are described in **Appendix D (Glossary of Terms)**.



Chapter 1

Introduction

A. Role of the Housing Element

The Housing Element is one of the seven State mandated elements included in the City of Costa Mesa's General Plan. The purpose of the Housing Element is to identify a high-level strategy and blueprint for addressing the City's existing and projected housing needs over the eight-year planning cycle. It contains a detailed work program of the City's housing goals, policies, quantified objectives, and actions or programs for the preservation, improvement, and development of housing for a sustainable future.

Each eight-year planning cycle, the City is allocated a specific number of housing units called the Regional Housing Needs Allocation (RHNA) determined by the Southern California Association of Governments (SCAG). The RHNA quantifies future housing growth within a City. Through research and analysis, the Housing Element identifies potential candidate housing sites and establishes the City's official housing policies and programs to accommodate the City's RHNA allocation. As part of the Housing Element, focus areas and corridors are identified where future housing may be appropriate. Candidate housing sites within those areas are identified in order to show that the City has or will have sufficient land with the appropriate zoning to facilitate the development of housing by the private market in sufficient quantity to meet its RHNA allocation. The Housing Element is not a document that lays out specifically where future housing must go nor does it mandate housing construction. The Housing Element is an important tool for the City of Costa Mesa to plan for and accommodate current and future housing growth within the community, over the eight-year planning cycle (2021-2029).

B. State Policy and Authorization

1. Background

As a mandated element of the Costa Mesa General Plan, the Housing Element must meet all requirements of existing state laws. Goals, programs and policies, and quantified objectives developed within the Housing Element are consistent with state law and are implemented within a designated timeline to ensure the City accomplishes the identified actions as well as maintains compliance with state law. The California Department of Housing and Community Development (HCD) reviews each Housing Element for substantial compliance with state law. HCD's review is required before a local government can adopt its housing element as part of its overall General Plan.

2. State Requirements

California State Housing Element Law (California Government Code Article 10.6) establishes the requirements for the Housing Element. California Government Code Section 65588 requires that local governments review and revise the Housing Element of their comprehensive General Plans no less than once every eight years.

The California Legislature identifies overall housing goals for the State to ensure every resident has access to housing and a suitable living environment; Section 65580 of the California Government Code states the following Housing Element goals:

a. *The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.*
b. *The early attainment of this goal requires cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians in all economic levels.*
c. *The provisions of housing affordable to low- and moderate-income households requires the cooperation of all levels of the government.*
d. *Local and State governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for housing needs of all economic segments of the community. The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.*

Table 1-1 summarizes State Housing Element requirements and identifies location in this document where these requirements are addressed.

Table 1-1: Housing Element Requirements

Housing Element Requirement(s)	Gov. Code Section	Reference in Housing Element
Analysis of employment trends.	Section 65583.a	Chapter 2.B.1
Projection and quantification of existing and projected housing needs for all income groups.	Section 65583.a	Chapter 3.F
Analysis and documentation of the City's housing characteristics, including cost for housing compared to ability to pay, overcrowding, and housing condition.	Section 65583.a	Chapter 2.C, D, F
An inventory of land suitable for residential development including vacant sites and sites having redevelopment potential.	Section 65583.a	Chapter 3.F.1
Analysis of existing and potential governmental constraints upon the maintenance, improvement or development of housing for all income levels.	Section 65583.a	Chapter 3.B
Analysis of existing and potential nongovernmental (private sector) constraints upon maintenance, improvement or development of housing for all income levels.	Section 65583.a	Chapter 3.B
Analysis concerning the needs of the homeless.	Section 65583.a	Chapter 2.E.8
Analysis of special housing needs: handicapped, elderly, large families, farm workers, and female-headed households.	Section 65583.a	Chapter 2.E
Analysis of opportunities for energy conservation with respect to residential development.	Section 65583.a	Chapter 3.G.2
Identification of Publicly-Assisted Housing Developments.	Section 65583.a	Chapter 3.E.3
Identification of Units at Risk of Conversion to Market Rate Housing.	Section 65583.a	Chapter 3.E.3

Table 1-1: Housing Element Requirements		
Housing Element Requirement(s)	**Gov. Code Section**	**Reference in Housing Element**
Identification of the City's goal relative to the maintenance, improvement, and development of housing.	Section 65583.a	Chapter 4
Analysis of quantified objectives and policies relative to the maintenance, improvement, and development of housing.	Section 65583.b	Chapter 4
Identification of adequate sites that will be made available through appropriate action with required public services and facilities for a variety of housing types for all income levels.	Section 65583.c(1)	Appendix B
Identification of strategies to assist in the development of adequate housing to meet the needs of low and moderate-income households.	Section 65583.c(2)	Chapter 3.E.1, 2, 3
Description of the Public Participation Program in the formulation of Housing Element Goals, Policies, and Programs.	Section 65583.d	Appendix C
Description of the Regional Housing Needs Assessment (RHNA) prepared by the Southern California Association of Governments.	Section 65583.e	Chapter 3.F
Analysis of Fair Housing, including Affirmatively Furthering Fair Housing.	Section 8899.50	Chapter 3.E
Review of the effectiveness of the past Element, including the City's accomplishments during the previous planning period.	Section 65583.f	Appendix A
Source: State of California, Department of Housing and Community Development.		

Costa Mesa's current Housing Element was adopted in January 2014 for the 5th cycle for the 2014 - 2021 planning period. The 6th Cycle Housing Element will plan for the 2021-2029 planning period. Multiple amendments have been made to Housing Element law since the adoption of the City's 5th Cycle Housing Element; such amendments and subsequent housing laws change the required analysis, reporting and policies contained in the Housing Element. The contents of this updated Housing Element comply with these amendments to state housing law and all other federal, state and local requirements.

3. Regional Housing Needs Assessment

California's Regional Housing Needs Assessment (RHNA) is the basis for determining future housing need, by income category, within the state and is based on growth in population, households, and employment. The statewide RHNA is determined under the administration of the Department of Housing and Community Development (HCD). The quantified housing need is then allocated among the state's 18 Metropolitan Planning Organizations (MPOs). For the City of Costa Mesa's case, this agency is the Southern California Association of Governments (SCAG).

In accordance with Section 65583 of the California Government Code, SCAG then delegates a "fair share" of housing need to its member jurisdictions. The City of Costa Mesa's RHNA allocation is divided amongst four income categories, which are benchmarked on the County of Orange's median income for a family of

four. Table 1-2 below identifies the four income categories by which the City's RHNA allocation is divided. For the 2021-2029 planning period the City of Costa Mesa is allocated a total of 11,760 units as shown below.

Table 1-2: RHNA Income Categories		
Income Category	Percent of Median Family Income (MFI)	Costa Mesa's RHNA Allocation for the 2021-2029 Planning Period
Very Low Income	0-50% MFI	2,919 units
Low Income	51-80% MFI	1,794 units
Moderate Income	81-120% MFI	2,088 units
Above Moderate Income	>120% MFI	4,959 units
	Total	11,760 units

4. Relationship to Other General Plan Elements

The goals, policies, actions, and programs within the Housing Element relate directly to, and are consistent with, all other elements in the City's General Plan. The City's Housing Element identifies programs and resources required for the preservation, improvement, and development of housing to meet the existing and projected needs of its population.

The Housing Element works in tandem with development policies contained in the Land Use Element, most recently amended in 2018. The Land Use Element establishes the location, type, intensity and distribution of land uses throughout the City, and defines the land use build-out potential. By designating residential development, the Land Use Element places an upper limit on the densities and types of housing units constructed in the City. The Land Use Element also identifies lands designated for a range of other uses, including employment creating uses, open space, and public uses. The presence and potential for jobs affects the current and future demand for housing at the various income levels in the City.

The City's Transportation Element also affects the implementation of the Housing Element. The Transportation chapter establishes policies for a balanced circulation system in the City. Costa Mesa's Circulation Element establishes policies governing the system of roadways, intersections, bike paths, pedestrian ways, and other components of the circulations system, which collectively provide for the movement of persons and goods throughout the City. Consequently, the Housing Element must include policies and incentives that consider the types of infrastructure essential for residential housing units in addition to mitigating the effects of growth in the City.

The Housing Element has been reviewed for consistency with the City's other Community Plan Chapters, and the policies and programs in this Element are consistent with the policy direction contained in other parts of the General Plan. As portions of the General Plan are amended in the future, the Housing Element will be reviewed to ensure that internal consistency is maintained.

5. Public Participation

Public participation is a vital component of the Housing Element update process. Public engagement creates opportunities for community members to provide their input and feedback, information which then directs the Housing Element's goals, policies and programs. Section 65583 of the Government Code requires local governments to make diligent and continued efforts to achieve public participation of all

economic segments of the community. Meaningful community participation ensures that a variety of stakeholders and community members are offered a platform to engage in the City's planning process.

The City of Costa Mesa engaged in an extensive community outreach process as part of the development of the 6th Cycle Housing Element. The outreach plan focused on reaching as many segments of the population as possible through a series of citywide meetings, district-specific meetings, focused group meetings, and meetings with topical experts in the area of housing. These efforts were complemented by a series of online presentations, handouts, and community surveys.

Outreach for the 6th Cycle Housing Element to the community are outlined in detail in Appendix C: Summary of Community Outreach, and includes the following actions:

- Housing Element Update webpage with all housing materials available in English and Spanish, located at : www.costamesaca.gov/housing-element-update
- Virtual Townhall Meetings
- District Specific Meetings
- Stakeholder Meetings
- Online Community Survey
- City Council and Planning Commission Study Sessions

As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have previously been provided to each member of the City Council.

Appendix C contains a summary of all public comments regarding the Housing Element received by the City during the update process.

[Note: This section to be updated prior to adoption to include additional public meetings and outreach.]

6. Data Sources

The data used for the completion of this Housing Element comes from a variety of sources. These include, but are not limited to:

- 2000 and 2010 Census
- American Community Survey
- Regional Analysis of Impediments to Fair Housing (AI)
- Point-in-Time Homeless Census by the Regional Task Force on the Homeless, 2020
- Home Mortgage Disclosure Act (HMDA) lending data
- California Department of Economic Development
- California Employment Development Division Occupational Wage data, 2020
- Department of Housing and Urban Development, Comprehensive Housing Affordability Strategy (CHAS), 2013-2017

The data sources represent the best data available at the time this Housing Element Update was prepared. The original source documents contain the assumptions and methods used to compile the data.

7. Housing Element Organization

This Housing Element represents the City's policy program for the 2021-2029 6th Planning Period. The Housing Element is comprised of the following Chapters:

Chapter 1: Introduction contains as summary of the content, organization, and statutory considerations of the Housing Element;

Chapter 2: Community Profile contains an analysis of the City's population, household and employment base, and the characteristics of the housing stock;

Chapter 3: Housing Constraints, Resources, and Fair Housing examines governmental and non-governmental constraints on production, maintenance, and affordability of housing and provides a summary of housing resources, including sites identification and funding and financial considerations;

Chapter 4: Policy Plan addresses Costa Mesa's identified housing needs, including housing goals, policies, and programs.

Appendices provides various appendices with supplementary background resources including:

- Appendix A – Review of Past Performance of 5th Cycle Programs
- Appendix B – Summary of Adequate Sites Analysis
- Appendix C – Summary of Outreach
- Appendix D – Glossary of Housing Terms

Chapter 2

Community Profile



Community Profile

This Community Profile for the City of Costa Mesa provides an overview of the City's housing and population conditions. The Community Profile serves as the foundation for the 2021-2029 Housing Element's policies. It describes and assesses the factors and characteristics that contribute to the supply and demand for housing in Costa Mesa. Specifically, the Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. The Community Profile provides baseline analysis to inform the goals, programs, and policies, included in the Housing Element.

The data used for this Community Profile has been collected using the most current available data from the Southern California Association of Governments (SCAG), 2010 U.S. Census, 2010-2018 U.S. Census American Community Survey (ACS), the California Department of Finance, the California Employment Development Department, the California Department of Education and other relevant available real estate and market data.

A. Population Characteristics

Population characteristics directly impact the current and future housing demand in a community. The type and extent of housing needs is often influenced by population growth, age composition of the community and the mix of race/ethnicity. These factors also determine the ability of the local population to afford housing costs. The following section describes and analyzes various population characteristics and local trends that affect housing needs.

1. Population Growth

Table 2-1 compares Costa Mesa's forecasted population growth from 2010 to 2040 to the surrounding cities. The U.S. Census reported a population of 109,960 in 2010. Costa Mesa's population represents 3.7 percent of the total Orange County population.

Table 2-1 estimates a 2010-2040 population growth of 5.8 percent, or 6,440 persons. Population growth estimates for Orange County anticipated an increase of 8.7 percent between 2010 to 2020. A 5.8 percent growth is projected for Orange County between 2020 and 2040. Costa Mesa's estimated future population growth rate during that time period is lower than surrounding cities. For example, Irvine's population is estimated to increase 10.5% through 2040 and Newport Beach's population is estimated to increase 3.8% over that same period. This is compared to 2.2% growth in Costa Mesa between 2020 and 2040.

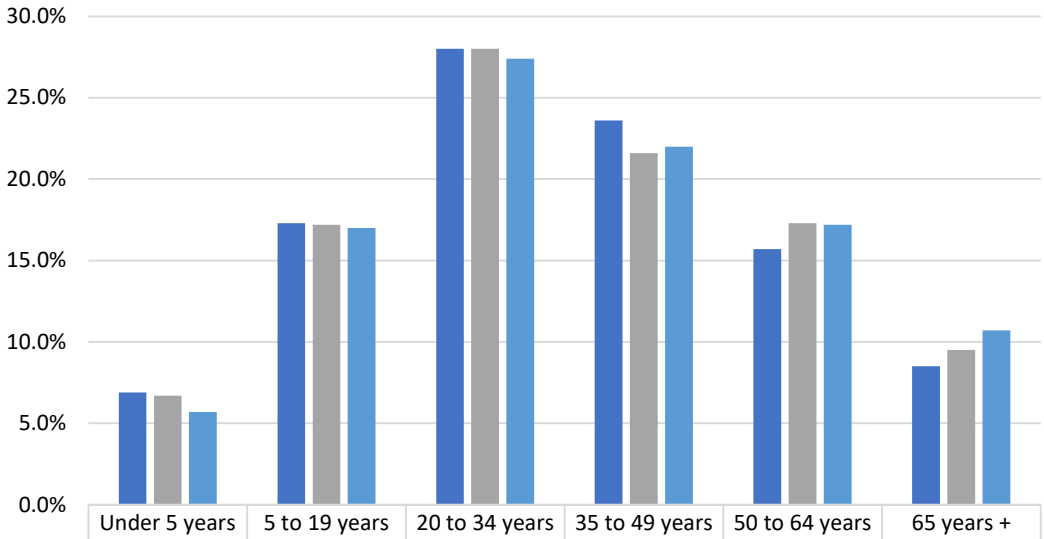
Table 2-1: Population Growth Forecast, 2010-2040							
Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010-2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
Costa Mesa	**109,960**	**111,200**	**113,900**	**116,500**	**116,400**	**3.6%**	**2.2%**
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%
Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.							

2. Age Characteristics

Age composition of a community is a consideration when evaluating housing need – housing demand within the local real estate market may be influenced by the unique preferences of certain age groups. For example, young adults and seniors may favor apartments, low to moderate-cost condominiums, and smaller or more affordable single-family units. Young adults and seniors tend to have comparatively lower or fixed incomes and may have a smaller family size. In comparison, the middle-aged demographic typically represents the largest portion of local home buyers.

As these age cohorts move through different stages of life, housing needs and preferences will likely change. Creating a well-balanced community that provides for the individual housing needs of its residents will consider the changing housing needs of the current and projected future population.

Figure 2-1: Age Distribution in Costa Mesa, 2010-2018



	Under 5 years	5 to 19 years	20 to 34 years	35 to 49 years	50 to 64 years	65 years +
2010	6.90%	17.30%	28.00%	23.60%	15.70%	8.50%
2015	6.70%	17.20%	28.00%	21.60%	17.30%	9.50%
2018	5.70%	17.00%	27.40%	22.00%	17.20%	10.70%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.

Figure 2-1 shows age distribution of Costa Mesa residents from 2010 to 2018. Young adults 20 to 34 years were estimated to represent the largest age group in Costa Mesa in 2018 (27.4 percent). Children aged 5 years and under were estimated to represent 5.7 percent of the City's population in 2018. Seniors aged 65 years and over experienced the largest percent change of all age groups between 2010 and 2018 (a 2.2% increase).

These data shown in Figure 2-1 indicate a slight aging trend in the City of Costa Mesa, with some decreases in the population aged 34 years and under and a larger increase for persons aged over 50 years. The population aged 65 and over experienced the most growth. An aging population may result in changing needs for different housing types, amenities, and accessibility to local services.

Table 2-2 displays estimated age characteristics in 2018 for Costa Mesa, Orange County, and adjacent cities. Persons aged 25 to 44 represent the largest population age group in Costa Mesa. Teenagers aged 15 to 17 represent the smallest age group in Costa Mesa (3.2 percent of the total population). Just under 11 percent of Costa Mesa's population are persons aged 65 years or older.

Table 2-2: Age Distribution by Jurisdiction, 2018

Jurisdiction	Under 5	5 to 14	15 to 17	18 to 24	25 to 44	45 to 64	65 years +
Newport Beach	3.9%	10%	3.5%	6.3%	23.4%	30.2%	22.7%
Costa Mesa	**5.7%**	**11.4%**	**3.2%**	**9.6%**	**35.2%**	**24.3%**	**10.7%**
Irvine	6.4%	12.4%	3.6%	13%	30.8%	23.9%	9.9%
Santa Ana	7.5%	15.2%	4.4%	11.3%	30.9%	22.1%	8.6%
Huntington Beach	5.2%	10.9%	3.5%	7.6%	27%	29%	16.9%
Orange County	6.0%	12.5%	4%	9.5%	27.4%	26.6%	13.9%

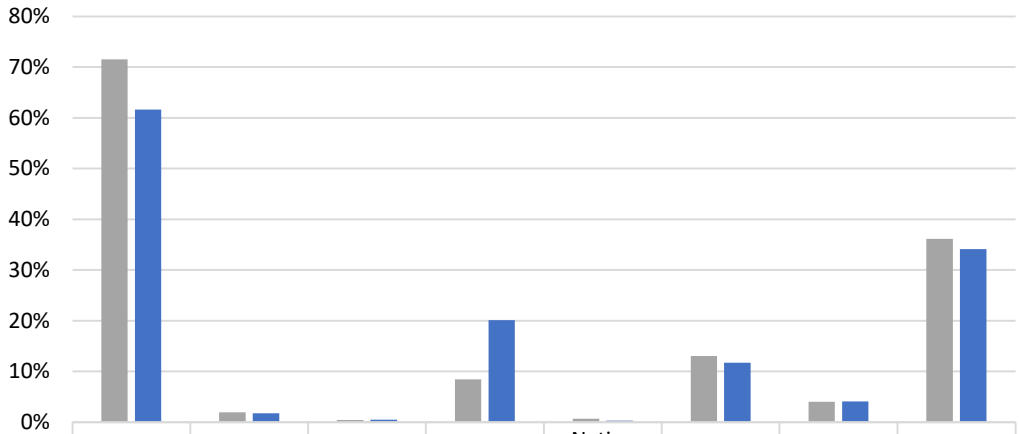
Source: American Community Survey, 5-Year Estimates, 2018

3. Race/Ethnicity Characteristics

Different racial and ethnic groups often represent a variety of household characteristics, income levels, and cultural backgrounds which may influence housing needs, housing choices, and housing types. Various cultures may also influence preferences for specific types of housing that need to be considered in future housing needs of a community.

Figure 2-2 and Table 2-3 compare racial and ethnic composition between Costa Mesa, adjacent communities, and Orange County. The White population represents the largest racial group (71.6 in Costa Mesa). The smallest racial groups, each representing less than 1 percent of the City and County populations, are the American Indian/Alaska Natives and the Native Hawaiian/other Pacific Islanders. The Asian population in Costa Mesa represents 8.4 percent of the total population, compared to 20.1 percent of the total Orange County population. Persons identifying as of Hispanic or Latino origin represent 36.1 percent of entire Costa Mesa's population, compared to 34.1 percent in Orange County. Persons identifying as being of Hispanic or Latino origin may be from any race. This is not additive to the racial composition information shown in Figure 2-2.

Figure 2-2: Percentage of Racial and Ethnic Composition, 2018



	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races	Hispanic or Latino
Costa Mesa	71.6%	1.9%	0.4%	8.4%	0.7%	13.0%	4.0%	36.1%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%

Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-3: Racial and Ethnic Composition, 2018

Jurisdiction	White	Black	American Indian and Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Some Other Race	Two or More Races	Persons of Hispanic or Latino Origin (of any race)
Newport Beach	85.3%	0.8%	0.3%	8.3%	0.2%	2.1%	3.1%	9%
Costa Mesa	**71.6%**	**1.9%**	**0.4%**	**8.4%**	**0.7%**	**13%**	**4%**	**36.1%**
Irvine	47.6%	1.9%	0.2%	42.3%	0.2%	2.8%	5.2%	10.3%
Santa Ana	44.2%	1.1%	0.6%	11.8%	0.2%	40.1%	1.9%	76.8%
Huntington Beach	72.4%	1.4%	0.6%	12.1%	0.4%	7.7%	5.4%	20.0%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%

Source: American Community Survey, 5-Year Estimates, 2018.

Demographic analysis includes evaluating demographic changes over time. The U.S. Census and ACS report little change in racial and ethnic composition in Costa Mesa between 2010 and 2018, as displayed in **Table 2-4**. The greatest percent change was an increase of about 2 percent of the Hispanic and Latino population, regardless of race. The population of persons who identify as two or more races rose by 1.6 percent. The White population experienced the greatest percent decrease between 2010 and 2015 at 5.6 percent. In 2018 the White population increased by 5 percent. Those identifying as Some Other Race increased by 4 percent in 2015 and then decrease by 5.2 percentage points in 2018.

Table 2-4: Racial and Ethnic Composition, 2010-2018					
Race/Ethnicity	2010	2015	2018	Percent Change 2010 to 2015	Percent Change 2015 to 2018
White	72.3%	66.7%	71.6%	-5.6%	4.9%
Black	1.2%	1.6%	1.9%	0.4%	0.3%
American Indian and Alaska Native	0.4%	0.3%	0.4%	-0.1%	0.1%
Asian	9%	9%	8.4%	0%	-0.6%
Native Hawaiian or Other Pacific Islander	0.6%	0.5%	0.7%	-0.1%	0.2%
Some Other Race	14.1%	18.2%	13%	4.1%	-5.2%
Two or More Races	2.4%	3.6%	4%	1.2%	0.4%
Hispanic or Latino	34.2%	35.7%	36.1%	1.5%	0.4%
Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.					

B. Economic Characteristics

Economic characteristics of a community provide valuable insight into a community's ability to access the housing market. Different job types, income levels and the number of workers in a household could also affect housing affordability and choice. Therefore, a healthy balance between jobs and housing is important when evaluating the economic characteristics of a community.

1. Employment and Wage Scale

The SCAG Growth Forecast Report estimates employment growth for the City of Costa Mesa and nearby cities, as summarized in Table 2-5. From 2012 to 2040, Orange County forecasts a net gain of 373,000 new jobs – a 23.2 percent increase over 28 years. Santa Ana and Newport Beach are estimated to experience the smallest percent growth of approximately 7 percent. Irvine has the fastest growing job market with an estimated increase of almost 40 percent, or 95,600 new jobs. In contrast, Costa Mesa has a forecasted employment growth of 9.9 percent through 2040.

Table 2-6 shows how employment has changed amongst different sectors for Costa Mesa residents between 2010 and 2018. In 2010, the majority of the working population in the City was employed in education services, health care, and social assistance. In 2018, the majority of employed persons were estimated to be in the professional, scientific, management, and administrative services sector. This sector is estimated to have increased by 2.7 percent between 2010 and 2018. Agriculture, forestry, fishing and hunting, and mining represents the sector with the lowest rates of employment for all cities in Orange County.

Table 2-5: Employment Growth Trends, 2012-2040								
Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	# Change 2012-2040	Total % Change
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100	4.1%
Costa Mesa	**84,600**	**89,600**	**92,700**	**93,200**	**5.9%**	**4.0%**	**8,600**	**10.2%**
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600	42.6%
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200	7.2%
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200	14.8%
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000	24.4%
Source: *SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.*								

Table 2-6: Employment in Costa Mesa by Sector, 2018					
Industry Sector	2010		2018		Percent Change 2010-2018
	# of people employed	% of City Employment	# of people employed	% of City Employment	
Agriculture, forestry, fishing and hunting, and mining	231	0.4%	557	0.9%	0.5%
Construction	3,831	6.4%	3,783	5.9%	-0.5%
Manufacturing	5,768	9.6%	5,869	9.2%	-0.4%
Wholesale trade	2,562	4.3%	2,005	3.2%	-1.1%
Retail trade	6,643	11.1%	7,224	11.3%	0.2%
Transportation and warehousing, and utilities	1,493	2.5%	1,850	2.9%	0.4%
Information	1,385	2.3%	1,216	1.9%	-0.4%
Finance and insurance, and real estate and rental leasing	6,076	10.2%	5,713	9%	-1.2%
Professional, scientific, management, and administrative services	9,150	15.3%	11,436	17.9%	2.7%
Education services, health care, and social assistance	10,210	17.1%	10,360	16.3%	-0.8%
Arts, entertainment, recreation, accommodation, and food services	7,828	13.1%	8,623	13.5%	0.5%
Other services (except public administration)	3,582	6%	3,698	5.8%	-0.2%
Public Administration	1,126	1.9%	1,406	2.2%	0.3%
Total	**59,885**	**100.0%**	**63,740**	**100.0%**	**6.4%**
Source: American Community Survey, 5-Year Estimates, 2010 and 2018.					

The unemployment rate is essential to understand the current and projected housing needs and affordability. According to the 2018 ACS survey data in Table 2-7, Costa Mesa was estimated to have an unemployment rate of 4.8 percent, or 4,445 individuals unemployed in the City. This percentage is slightly less than Orange County's rate of 5.1 percent.

Table 2-7: Unemployment Rate, 2018	
Jurisdiction	**Unemployment Rate***
Newport Beach	3.4%
Costa Mesa	**4.8%**
Irvine	4.9%
Santa Ana	5.6%
Huntington Beach	4.3%
Orange County	5.1%
*Population 16 years and over *Source: American Community Survey, 5-Year Estimates, 2018.*	

Table 2-7 shows approximately 4.8 percent of the population in Costa Mesa was estimated to be without work in 2018 and would therefore be more likely to need affordable housing options.

2. Regional Affordable Housing Rates

Income levels can determine affordability and choice of housing types offered in Costa Mesa. According to SCAG's Regional Housing Needs Assessment (RHNA), housing needs are defined by the following four income categories:

- Very Low Income (less than 50 percent of the Orange County's median family income)
- **Low Income** (50-80 percent of Orange County's median family income)
- **Moderate Income** (81-120 percent of Orange County's median family income)
- **Above Moderate Income** (120 percent and above of Orange County's median family income)

Included in the very low-income category is the extremely low-income group. Extremely low incomes are less than 30 percent of the County's median family income. Orange County's 2020 median family income, based on an assumed family of four, is $103,000. Table 2-8 provides a summary of median salary by occupation in Costa Mesa in 2018.

Table 2-8: Median Salary by Occupation in Costa Mesa, 2018	
Occupation	**Salary**
Management	$84,842
Legal	$154,293
Computer and Mathematical	$73,170
Architecture and Engineering	$93,000
Healthcare Practitioners and Technical	$84,833
Business and Financial Operations	$66,708
Life, Physical and Social Sciences	$75,833
Construction and Extraction	$31,719
Education, Training and Library	$52,786
Installation, Maintenance and Repair	$42,193
Community and Social Service	$63,750
Arts, Design, Entertainment, Sports and Media	$62,693
Office and Administration Support	$47,958
Protective Services	$31,979
Healthcare Support	$28,243
Sales	$57,677
Production	$41,490
Transportation	$31,950
Material Moving	$27,401
Building, Grounds Cleaning, and Maintenance	$25,534
Farming, Fishing and Forestry	$31,090
Food Preparation and Serving Related	$26,465
Personal Care and Service	$34,167
Source: American Community Survey, 5-Year Estimates, 2018.	

C. Household Characteristics

A household is defined by the U.S. Census as all persons who occupy a housing unit. This may include single persons living alone, families related through marriage, blood or adoption, domestic partnerships and unrelated individuals living together. Not all housing is considered a housing unit including, nursing facilities, residential care facilities, dormitories, and other group living; the persons living with them also do not constitute a household.

Information on household characteristics assists in understanding growth and determining the housing needs of a community. Income and affordability are best measured at the household level. The special needs of certain groups, such as large families, single parent households, or low, very low, and extremely low-income households must also be assessed to identify potential housing needs. For example, if a city has a predominately aging population of homeowners who may have fixed incomes, the City may consider implementing a home rehabilitation or maintenance assistance program to assist in deferred maintenance due to lack of disposable income.

1. Household Type and Size

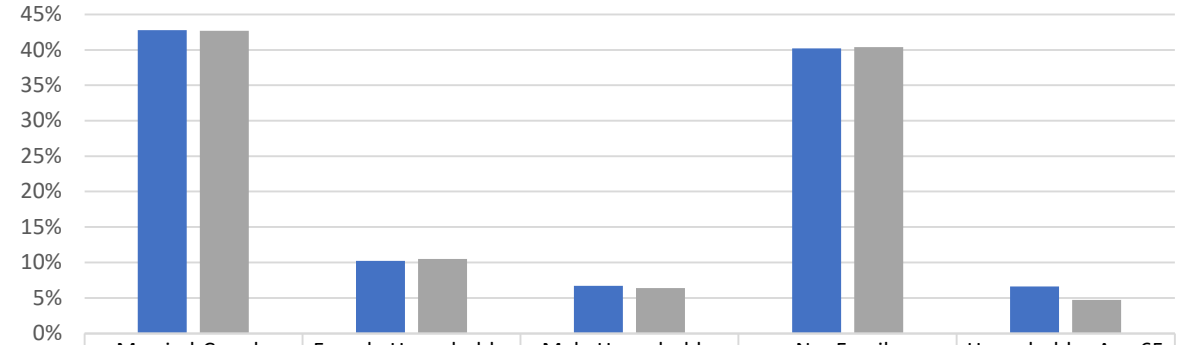
The City of Costa Mesa had an estimated 41,019 households in 2018. Married-couple families are the largest household type in Costa Mesa, representing 42.8 percent of the City's population **(Table 2-9)**. The percentage is lower by comparison to nearby cities. Just under 55 percent of all Orange County residents live in married-couple households. Households of this type typically occupy single family residences with multiple bedrooms. Non-family households are the second largest household type in Costa Mesa, representing 40.2 percent of all households. When combined with senior householders over the age of 65 and living alone, (as shown in **Figure 2-3**), it represents 46.8 percent of all households. Persons aged 65 or older tend to occupy apartments or smaller age-centric living.

Table 2-9: Household Characteristics by Jurisdiction, 2018

Jurisdiction	Married-couple Family Households		Female Household, No Spouse Present		Non-Family Household[1]		Total Households	
	2010	2018	2010	2018	2010	2018	2010	2018
Newport Beach	44.8%	50.1%	5.7%	4.9%	46.7%	42.5%	37,803	37,870
Costa Mesa	**42.7%**	**42.8%**	**10.5%**	**10.2%**	**40.4%**	**40.2%**	**40,104**	**41,019**
Irvine	52.8%	54.2%	9.3%	8.8%	34.0%	33.2%	71,680	95,371
Santa Ana	53.7%	54.3%	16.3%	18.0%	19.5%	18.7%	74,381	76,521
Huntington Beach	48.7%	48.9%	10.0%	10.8%	36.4%	35.1%	75,220	76,821
Orange County	54.2%	54.7%	11.4%	11.8%	29.0%	28.2%	984,503	1,032,373

1. A nonfamily household consists of a householder living alone (a one-person household) or where the householder shares the home exclusively with people to whom he/she is not related.
Source: American Community Survey, 5-Year Estimates, 2018.

Figure 2-3: Costa Mesa Household Characteristics, 2010 and 2018



	Married-Couple Households	Female Households, No Spouse Present	Male Households, No Spouse Present	NonFamily Households	Householder Age 65 or above
2018	42.8%	10.2%	6.7%	40.2%	6.6%
2010	42.7%	10.5%	6.4%	40.4%	4.7%

Source: American Community Survey, 5-Year Estimates, 2010 and 2018.

Table 2-10 summarizes changes in household types between 2010 and 2018. Over this time period, households in Costa Mesa increased by 915. The changes in household types have remained generally constant for all housing types. The two largest percent changes between 2010 and 2018 were a 0.3% decrease for female households and a 0.3% increase for male households.

Table 2-10: Changes in Household Types, 2010-2018

Household Types	2010	Percent	2015	Percent	2018	Percent
Married-couple Family Households	17,127	42.7%	17,039	41.7%	17,568	42.8%
Female Household, No Spouse Present	4,196	10.5%	4,746	11.6%	4,191	10.2%
Male Household, No Spouse Present	2,564	6.4%	2,371	5.8%	2,751	6.7%
Nonfamily Household	16,217	40.4%	16,752	41%	16,509	40.2%
Total Households	**40,104**	**100%**	**40,908**	**100%**	**41,019**	**100%**

Source: American Community Survey, 5-Year Estimates, 2010, 2015, 2018.

Table 2-11: Average Household Size

Jurisdiction	Average Persons per Household
Newport Beach	2.3
Costa Mesa	**2.7**
Irvine	2.7
Santa Ana	4.3
Huntington Beach	2.6
Orange County	3.0

Source: American Community Survey, 5-Year Estimates, 2018.

The average household size in Costa Mesa is estimated to be 2.7 persons per household, as shown in Table 2-11. This is less than Orange County's average household size of 3.0 persons per household. Of Costa Mesa's adjacent communities, the smallest average household size is in Newport Beach (2.3 persons per household), and the largest household size is in Santa Ana (4.3 persons per household).

2. Household Income

Household income is directly connected to housing affordability and housing choice. As household income increases, it is more likely that the household can afford market rate housing units, larger units, and/or pursue ownership opportunities. As household income decreases, households may spend a disproportionate amount of their income on housing. State and federal guidance suggests that households paying more than 30 percent of their income for housing are considered overpaying. Household income and overpayment influences a household's housing cost burden and may influence increased incidences of overcrowding and substandard living conditions in the area. A high housing cost burden may also influence a household's available income for reinvestment in the local economy, education, and other similar investments.

The data for Table 2-12 comes from the Department of Housing and Urban Development (HUD)'s 2020 Comprehensive Housing Affordability Strategy (CHAS) estimates which are based on 2013-2017 American Community Survey (ACS) data and area median family income (AMFI). A total of 52.8 percent of the Costa Mesa population qualify for the moderate-income category. About 29 percent qualify for very low or extremely low income - this is about 11,842 Costa Mesa households that make less than $42,699 annually.

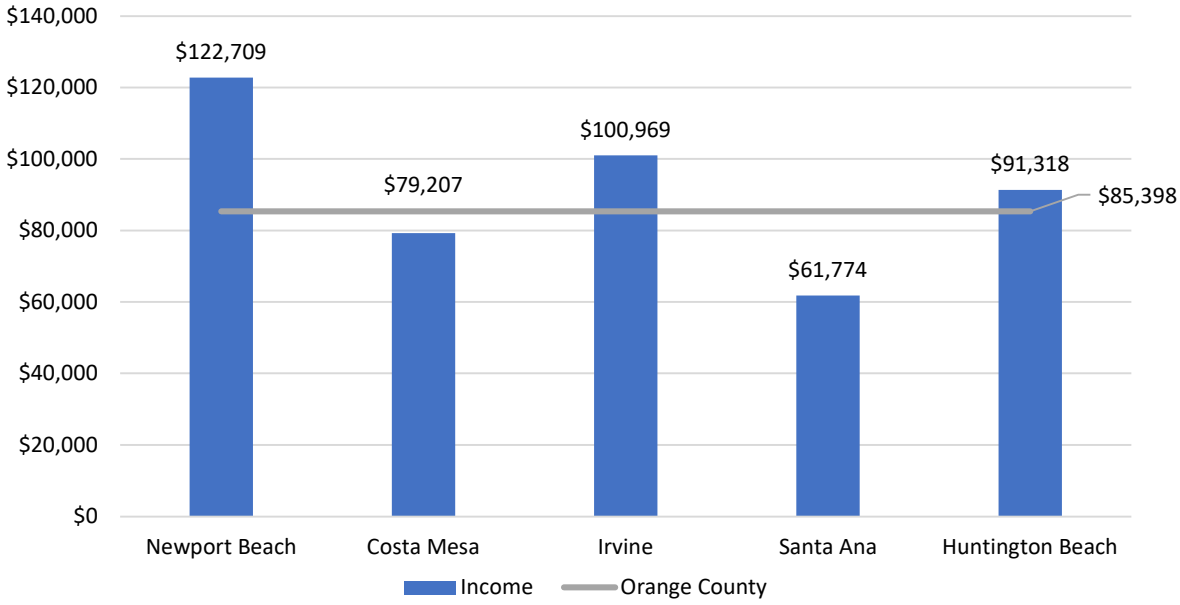
Table 2-12: Households by Income Category, 2020

Income Category (% of Orange County's AMFI)	No. of Households	Percent
Extremely Low (30% AMFI or less)	6,610	16.3%
Very Low (31 to 50% AMFI)	5,220	12.9%
Low (51 to 80% AMFI)	7,325	18.1%
Moderate or Above (over 80% AMFI)	21,405	52.8%
Total	**40,555**	**100%**

Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017.

The median household income in Costa Mesa is $6,191 lower than Orange County's median household income. Figure 2-4 compares Costa Mesa's median household income to that of Orange County and the City's neighboring communities. This figure shows that Costa Mesa households have a lower median household income comparatively.

Figure 2-4: Median Household Income by City, 2018



Source: American Community Survey, 5-Year Estimates, 2018.

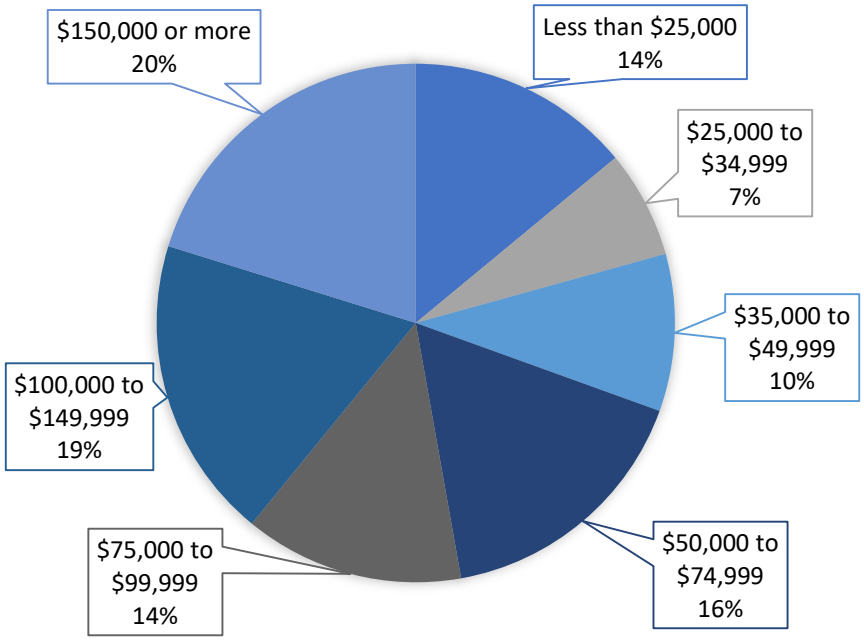
Table 2-13 presents the median income for Costa Mesa and its adjacent cities in comparison to the regional median for Orange County in 2018. Costa Mesa households have a median income 7.2 percent below the regional median. The City's median household income is higher than that of Santa Ana at $61,774. Aside from Costa Mesa and Santa Ana, the other nearby cities have a median income above the regional median. Newport Beach has a significantly higher median household income at $122,709 annually, approximately and 64.5 percent higher than the Costa Mesa's median household income.

Table 2-13: Median Household Income, 2018

Jurisdiction	Median Income	Percent Above/Below Regional Median
Newport Beach	$122,709	43.7%%
Costa Mesa	**$79,207**	**-7.2%**
Irvine	$100,969	18.2%
Santa Ana	$61,774	-27.7%
Huntington Beach	$91,318	6.9%
Orange County	$85,398	--

Source: American Community Survey, 5-Year Estimates, 2018.

Figure 2-5: Costa Mesa Income Breakdown by Income Category



Source: American Community Survey, 5-Year Estimates, 2018.

D. Housing Problems and Housing Needs

The 2020 Comprehensive Housing Affordability Strategy (CHAS) provides detailed information on housing needs by income level for different types of households in Costa Mesa. The most recent available CHAS data for Costa Mesa was published in August 2020 and is based on 2013-2017 American Community Survey (ACS) data (Table 2-14). Housing problems considered by CHAS include:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (housing units with more than one person per room – excluding bathrooms and kitchens);
- Housing cost burdens, including utilities, exceeding 30 percent of gross income; and
- Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

The types of housing problems in Costa Mesa vary according to household income, housing type, and tenure. Renters make up the greatest percentage of households at about 60 percent. Renters experiencing at least one of the four housing problems listed above represent 33.4 percent of all households and about 55 percent of all renters. Households who do not have any of the four housing problems are similar for both owners and renters (25.7 percent and 26.6 percent, respectively). For the City as a whole, 46.5 percent of households have at least one of the four housing problems.

The severe housing problems category relates to the livability of a residence and critically affects the quality of life of the occupants. These are important to analyze as it may reveal an aging housing stock, as well as a need for affordable housing. Severe housing problems include incomplete kitchen facilities, incomplete plumbing facilities, more than 1.5 persons per room (rate of severe overcrowding), and a cost burden greater than 50 percent of a household's annual income. Table 2-14 shows that at 70.6 percent or the

majority of Costa Mesa households do not have any of the four severe housing problems. However, 28.2 percent of households do experience at least one of these problems. Renters with at least one severe housing problem represent 21.5 percent of all Costa Mesa households. Owners with at least one severe housing problem represent 6.7 percent of all households.

Table 2-14: Housing Assistance Needs of Lower Income Households, 2013-2017

Housing Problem Overview*	Owner	% of total HH	Renter	% of total HH	Total	% of total HH
Household has at least 1 of 4 Housing Problems	5,330	13.1%	13,540	33.4%	18,870	46.5%
Household has none of 4 Housing Problems	10,425	25.7%	10,785	26.6%	21,210	52.3%
Cost Burden not available, no other problems	95	0.2%	380	0.9%	475	1.2%
Total	**15,850**	**39.0%**	**24,705**	**60.9%**	**40,555**	**100.0%**
Severe Housing Problem Overview**	**Owner**	**% of total HH**	**Renter**	**% of total HH**	**Total**	**% of total HH**
Household has at least 1 of 4 Severe Housing Problems	2,720	6.7%	8,715	21.5%	11,435	28.2%
Household has none of 4 Severe Housing Problems	13,040	32.2%	15,610	38.5%	28,650	70.6%
Cost Burden not available, no other problems	95	0.2%	380	0.9%	475	1.2%
Total	**15,855**	**39.1%**	**24,705**	**60.9%**	**40,560**	**100.0%**

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.
** The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%.*
*** The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1.5 persons per room, and cost burden greater than 50%.*

1. Overcrowding

"Overcrowding" is generally defined as a housing unit occupied by more than one person per room in a house (including living room and dining rooms, but excluding hallways, kitchen, and bathrooms). An overcrowded household results from either a lack of affordable housing and/or a lack of housing units of adequate size. The combination of lower incomes and high housing costs can result in households living in overcrowded housing conditions. Additionally, overcrowding can indicate that a community does not have an adequate supply of affordable housing, especially for larger families.

Overcrowded and severely overcrowded households can contribute to neighborhood deterioration. This can be due to more intensive use leading to excessive wear and tear, and/or the potential cumulative

overburdening of community infrastructure and service capacity. Generally, overcrowding in neighborhoods could contribute to overall decline in social cohesion and environmental quality. Such decline may spread geographically and impact the quality of life, the economic value of property, and the vitality of commerce within a city.

Table 2-15 summarizes the overcrowding condition in Costa Mesa. Data from the 2018 ACS reports an estimated 6 percent overcrowded housing units and 3 percent severely overcrowded housing units. About 1 percent of owner-occupied housing units are overcrowded and just under 8 percent of renter-occupied housing units are overcrowded. Renters living in overcrowded housing units represent 5.1 percent of all occupied housing units and renters living in severely overcrowded housing units represent 2.8 percent of all occupied housing units.

Table 2-15: Overcrowding by Tenure, 2018

Tenure	Overcrowded Housing Units (1.0 to 1.50 persons/room)		Severely Overcrowded Housing Units (>1.51 persons/room)		Total Overcrowded Occupied Housing Units	
	Count	Percent of Total Occupied Housing Units	Count	Percent of Total Occupied Housing Units	Count	Percent of Total Occupied Housing Units
Owner Occupied	361	0.9%	74	0.2%	435	1.1%
Renter Occupied	2,082	5.1%	1,169	2.8%	3,251	7.9%
Total	**2,443**	**6%**	**1,243**	**3%**	**3,686**	**9%**

Source: American Community Survey, 5-Year Estimates, 2018.

Costa Mesa has one of the largest estimated percentages of renters living in overcrowded housing units compared to nearby cities and Orange County (Table 2-16). With 88 percent of renter-occupied housing units overcrowded, Costa Mesa is slightly less than Newport Beach; however, Newport Beach reports 505 overcrowded renter-occupied units while Costa Mesa reports 3,251. Santa Ana has the lowest percentage of renters living in overcrowded units, but at 27 percent it has the highest rate of owner-occupied housing units experiencing overcrowding (15 percent more than Costa Mesa). Overcrowding in Costa Mesa is 12 percent below the regional percentage for owners and 12 percent above the regional percentage for renters. In comparison, Costa Mesa has one of the lowest rates of overcrowding in owner-occupied housing units (12 percent) behind Newport Beach. Table 2-17 shows the combination of renter occupied and owner occupied indicating that the City of Costa Mesa has the second highest rate of overcrowding in this area of Orange County (9 percent) which is 0.1 percent above the regional total.

Table 2-16: Overcrowded Housing Units by Tenure, 2018				
Jurisdiction	Owner Occupied Overcrowded Units (>1.0 persons/room)		Renter Occupied Overcrowded Units (>1.0 persons/room)	
	Count	Percent of Total Overcrowded Units	Count	Percent of Total Overcrowded Units
Newport Beach	65	11%	505	89%
Costa Mesa	**435**	**12%**	**3,251**	**88%**
Irvine	958	16%	4,921	84%
Santa Ana	6,470	27%	17,375	73%
Huntington Beach	557	20%	2,291	80%
Orange County	21,800	24%	69,713	76%
Source: American Community Survey, 5-Year Estimates, 2018.				

Table 2-17: Overcrowded Housing Units		
Jurisdiction	**Total Overcrowded Units**	**Percent of Jurisdiction's Total Housing Units**
Newport Beach	570	1.5%
Costa Mesa	3,686	9%
Irvine	5,879	6.2%
Santa Ana	23,845	31.2%
Huntington Beach	2,848	3.7%
Orange County	91,513	8.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

2. Overpayment (Cost Burden) for Housing In Relation to Income

Overpayment is an important consideration when evaluating housing need and affordability. State and federal guidance suggests that households paying more than 30 percent of their income for housing are considered overpaying. Overpayment for housing can cause an imbalance for overall household budgets.

Table 2-18 and Table 2-19 provides a summary of housing overpayment in Costa Mesa and a comparative analysis between homeowners and renters. In general, renters are more prone to overpayment than homeowners due to lower incomes that do not allow them to qualify for purchasing a home with a fixed mortgage payment or at an affordable price. In Costa Mesa, 48.8 percent of renters are estimated to spend more than 30 percent of their income on housing. In comparison, 31.8 percent of homeowners spend that same amount. For renters, as their household income rises so does their ability to afford rent. Renters who earn an Area Median Family Income (AMFI) of 30 percent or less have much greater cost burdens than homeowners with the same income; 17.5 percent of renters spend 30 percent or more of their income and 16.3 percent spend over 50 percent. By comparison, homeowners who also earn an AMFI of 30 percent or less, 7.3 percent spend 30 percent of more of their income on housing and 6.2 percent spend over 50 percent. Table 2-18 also shows that homeowners who earn a low to moderate income are the most likely to experience a cost burden of 30 percent or more.

Table 2-18: Summary of Housing Overpayment for Homeowners				
Income by Cost Burden*	Cost Burden > 30%	% of Owner HH	Cost Burden > 50%	% of Owner HH
Household Income is less-than or = 30%	1,165	7.3%	990	6.2%
Household Income >30% to less-than or = 50% AMFI	770	4.9%	505	3.2%
Household Income >50% to less-than or = 80% AMFI	1,230	7.8%	540	3.4%
Household Income >80% to less-than or = 100% AMFI	670	4.2%	185	1.2%
Household Income >100% AMFI	1,200	7.6%	115	0.7%
Total	**5,035**	**31.8%**	**2,335**	**14.7%**

* Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.
Note: AMFI = Area Median Family Income, this is the median family income calculated by HUD for each jurisdiction, to determine Fair Market Rents (FMRs) and income limits for HUD programs. AMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.
Source: Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.

Table 2-19: Summary of Housing Overpayment for Renters				
Income by Cost Burden	Cost Burden > 30%	% of Renter HH	Cost Burden > 50%	% of Renter HH
Household Income is less-than or = 30%	4,325	17.5%	4,020	16.3%
Household Income >30% to less-than or = 50% AMFI	3,390	13.7%	1,790	7.2%
Household Income >50% to less-than or = 80% AMFI	3,100	12.5%	605	2.4%
Household Income >80% to less-than or = 100% AMFI	725	2.9%	15	0.1%
Household Income >100% AMFI	505	2.0%	10	0.0%
Total	**12,045**	**48.8%**	**6,440**	**26.1%**

Source: Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.

E. Special Needs Groups

State law recognizes certain households may have more difficulty in finding adequate and affordable housing due to special circumstances. Special needs populations include seniors, persons with disabilities, female-headed households, large households, and farm workers. Based on the analysis included within this section the City of Costa Mesa has developed Program 2C which describes how the City will expend available CDBG funds to support residents with special housing needs.

Special circumstances may be related to one's employment and income, family characteristics, disability and household characteristics, or other factors. Consequently, certain Costa Mesa residents may experience higher incidences of housing overpayment (cost burden), overcrowding, or other housing problems. The special needs groups analyzed in the Housing Element include the elderly, persons with disabilities (including persons with developmental disabilities), individuals experiencing homelessness, single parents, large households, and farmworkers (Table 2-20). These groups may also overlap, for example some elderly people may have a disability of some type. The majority of these special needs groups could be assisted by an increase in affordable housing.

The following sections provide a detailed discussion of the housing needs facing each particular group in Costa Mesa as well as programs and services available to address their housing needs.

Table 2-20: Special Needs Groups in Costa Mesa

Special Needs Groups	# of People or Households	Percent of Total Households	Percent of Total Population
Senior Population	12,138 people	--	10.7%
Senior Headed Households	9,757 people	--	8.6%
Seniors Living Alone	3,075 households	7.5%	--
Persons with Disabilities	9,224 people	--	8.1%
Large Households (5 or more persons per household)	3,926 households	9.6%	--
Single-Parent Households	3,787 households	9.2%	--
Single-Parent, Female Headed Households with Children (under 18 years)	2,304 households	5.7%	--
People Living in Poverty[1]	14,554 people	--	12.9%
Farmworkers	557 people	--	0.5%
Migrant Farmworkers	340 people	--	--
Seasonal Farmworkers	666 people	--	--
Permanent Farmworkers	1,106 people	--	--
Persons Experiencing Homelessness	193 people	--	0.2%

1. The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty.
Source: American Community Survey, 5-Year Estimates, 2018; Orange County Point in Time County /Homeless Count, 2019.

1. Seniors

The senior population is generally defined as those over 65 years of age. Seniors have a high likelihood of limited and fixed incomes, higher health care costs, greater mobility challenges and self-care limitations, transit dependency, and commonly live alone. Specific housing needs of the senior population include affordable housing, supportive housing, co-living, multi-generational settings such as Accessory Dwelling Units and other housing options that include a planned service component.

Table 2-21 shows that Costa Mesa has a lower senior population compared to some nearby cities and Orange County, in general. Seniors over the age of 65 comprise 10.7 percent of the Costa Mesa population. Costa Mesa seniors represent a greater population percentage than those in Irvine (9.9 percent) and Santa Ana (8.6 percent). Newport Beach has the largest senior population of the area compared at 22.7 percent (12 percent more than Costa Mesa). The senior population of the County of Orange (13.9 percent) is 3.2 percent greater than that of Costa Mesa.

Table 2-21: Persons Age 65 and Over in Costa Mesa

Jurisdiction	Population Count	Percent
Newport Beach	19,574	22.7%
Costa Mesa	**12,138**	**10.7%**
Irvine	26,228	9.9%
Santa Ana	28,621	8.6%
Huntington Beach	34,002	16.9%
Orange County	440,488	13.9%

Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-22 illustrates the tenure of senior households in the City of Costa Mesa. The majority of senior households are owner-occupied with 58.8 percent of all senior households.

Table 2-22: Senior Households by Tenure

Tenure	Senior Households	Percent of Total Senior Households
Owner Occupied	5,143	58.8%
Renter Occupied	3,611	41.2%
Total	**8,754**	**100.0%**

Source: American Community Survey, 5-Year Estimates, 2019.

Federal housing data defines the household type as 'elderly family' if it consists of two persons with either or both age 62 or over. Table 2-23 summarizes the income and tenure of elderly family households in Costa Mesa. Of elderly households in Costa Mesa, 24.5 percent earn less than 30 percent of the surrounding area income, 39.4 percent earn less than 50 percent of the surrounding area.

Table 2-23: Elderly Households by Income and Tenure				
Income Category, relative to surrounding area	Owner	Renter	Total	Percent of Total Elderly Households
Extremely Low (30% HAMFI or less)	905	955	1,860	24.5%
Very Low (30% to 50% HAMFI)	840	290	1,130	14.9%
Low (50% to 80% HAMFI)	1,090	555	1,645	21.7%
Moderate (80% to 100% HAMFI)	465	195	660	8.7%
Above Moderate (100% HAMFI or more)	1,720	580	2,300	30.3%
Total	5,020	2,575	7,595	--
Source: HUD CHAS, 2012-2016, (Reported by the Southern California Association of Governments Per-Certified Local Housing Data for 2021).				

In addition to overpayment problems faced by seniors due to their relatively fixed incomes, seniors may be faced with various disabilities. In 2018, the American Community Survey (ACS) 5-year estimate reported 4,064 Costa Mesa seniors with a disability. Among these disabilities, the most common were ambulatory disabilities, independent living disabilities and hearing disabilities. Based on this analysis, the City has developed Program 2D to identify opportunities for Senior Housing developments within Costa Mesa. Actions include outreach and collaboration with the senior housing development community to understand needs and opportunities.

2. Persons with Physical and Developmental Disabilities

Physical and developmental disabilities may hinder access to traditionally designed housing units. Physical, mental, and/or developmental disabilities may deprive a person from earning an income, restrict one's mobility, or make self-care difficult. Some residents may also have disabilities that require living in a supportive or institutional setting. Thus, persons with disabilities generally have special housing needs that must be provided with the City's housing stock.

No current comparisons of disability with income, household size, or race/ethnicity are available. However, it is reasonable to assume that a substantial portion of persons with disabilities would have annual incomes within Federal and State income limits, especially households not in the labor force. Furthermore, lower income persons with disabilities are likely to require housing assistance and services. Housing needs for disabled persons are further compounded by costly design issues and location factors such as proximity to transit, medical services, and retail. For example, special needs households with wheelchair-bound or semi-ambulatory individuals may require ramps, holding bars, special bathroom designs, wider doorways, lower cabinets, elevators, and other interior and exterior design features.

The 2018 ACS identifies six disability types: hearing disability, vision disability, cognitive disability, ambulatory disability, self-care disability, and independent living disability. The Census and the ACS provides clarifying questions to determine persons with disabilities and to differentiate between disabilities. The ACS defines a disability as a report of one of the six disabilities identified by the following questions:

- **Hearing Disability**: Is this person deaf or does he/she have serious difficulty hearing?
- **Visual Disability**: Is this person blind or do they have serious difficulty seeing even when wearing glasses?
- **Cognitive Difficulty**: Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?
- **Ambulatory Difficulty**: Does this person have serious difficulty walking or climbing stairs?
- **Independent Living Difficulty**: Because of a physical, mental, or emotional condition, does this person have difficulty doing errands alone such as visiting a doctor's office or shopping?

Table 2-24: Disability Status in Costa Mesa

Disability Type	Under 18 with a Disability	18 to 64 with a Disability	65 years and Over with a Disability	Total	Percent of Population with Disability	Percent of Total Population
Population with a Hearing Difficulty	93	904	1,592	**2,589**	28.1%	2.3%
Population with a Vision Difficulty	112	894	905	**1,911**	20.7%	1.7%
Population with a Cognitive Difficulty	371	2,159	1,489	**4,019**	43.6%	3.6%
Population with an Ambulatory Difficulty	48	1,670	2,571	**4,289**	46.5%	3.8%
Population with a Self-care Difficulty	96	591	1,069	**1,756**	19%	1.6%
Population with an Independent Living Difficulty	--	1,403	1,993	**3,396**	36.8%	3%
Total	**535**	**4,625**	**4,064**	**9,224***	**100%***	**8.2%***

Source: American Community Survey, 5-Year Estimates, 2018.
**This number may include persons reporting having one or more disabilities. Percentages include persons reporting having more than one disability and are not additive.*

State law requires that the Housing Element discuss the housing needs of persons with developmental disabilities. As defined by federal law, "developmental disability" means a severe, chronic disability of an individual that:

- Is attributed to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self- sufficiency; and
- Reflects the individual's need for a combination and sequence of special, interdisciplinary, generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

Per Section 4512 of the Welfare and Institutions Code, a "developmental disability" means a disability that originates before an individual attains the age of 18, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. A developmental disability includes intellectual disability, cerebral palsy, epilepsy, and autism. This term also includes disabling conditions found to be closely related to intellectual disability or to require treatment like that required for individuals with intellectual disability. This term does not include other handicapping conditions that are solely physical in nature.

According to the Regional Center of Orange County's (RCOC) *Total Annual Expenditures and Authorized Services for Fiscal Year 2019-2020*, a total of 25,163 individuals living in Orange County received services. RCOC represents the fifth largest regional center in California and has over 300 service coordinators. Diagnosis reported by the individuals who received services include 37.6 percent with an intellectual disability, 31 percent with Autism, 2.5 percent with Cerebral Palsy, 1 percent with Epilepsy, 3.9 percent with a Category 5 disability, and 24.1 percent reported "Other". Of those who received services, 31.6 percent reported their race as White, 16 percent reported Asian, 16.1 percent reported Other Ethnicity or Race/Multi-Cultural, and 2 percent reporter Black/African American. Approximately 34 percent of those who received services also reported their ethnicity as Hispanic or Latino. Ages of the 25,163 individuals includes 21.1 percent 2 years or younger, 39.9 percent 3 to 21 years, and 39 percent over the age of 22. The majority of those who received services lived at the home of a parent or guardian (82.3 percent), but 6.8 percent live in a Community Care Facility and 5.6 percent live in Independent Living or Supported Living.

People with developmental disabilities may live and work independently within a conventional housing environment. Individuals with more severe developmental disabilities may require a supervised group living environment. The most severely affected individuals may require an environment where medical attention and physical therapy services are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for persons with developmental disabilities is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

There are several housing types and assistance programs appropriate for people living with a development disability: rent subsidized homes, licensed single-family homes, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 (veterans) homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of housing opportunities represent some of the types of considerations that are important in serving the needs of this group. Incorporating 'barrier-free' design in all new, multi-family housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for residents with disabilities. Special consideration should also be given to the affordability of housing as people with disabilities may be living on a fixed income.

3. Large Households

Large households are defined as those consisting of five or more members. These households comprise a special need group because many communities have a limited supply of adequately sized and affordable housing units. To save for other basic necessities such as food, clothing, and medical care, it is common for lower income large households to reside in smaller units with a low number of bedrooms, which may result in overcrowding and can contribute to fast rates of deterioration.

Securing housing large enough to accommodate all members of a household is generally more challenging for renters as multi-family rental units are generally physically smaller with limited bedrooms than single-family ownership units. While apartment complexes offering two and three bedrooms are common, apartments with four or more bedrooms are rare; housing units with 4 or more bedrooms account for approximately 15 percent of housing units in the City. Therefore, it is more likely that large households will experience overcrowding in comparison to smaller households. Additionally, single-family homes with higher bedroom counts, whether rental or ownership units, are rarely affordable to lower income households in the region.

According to the 2018 ACS 5-year estimates, there is a much greater amount of large renter households than large owner-occupied households (**Table 2-25**). Approximately, 63 percent of large households are renter households, of which 56 percent are 5-person households. As **Table 2-25** also shows a reverse relation between household size and overcrowding; as the total number of large households decreases, the household size increases. Therefore, 58.3 percent of large households are 5-person households compared to 17.1 percent 7-person households.

Table 2- 25: Large Households by Tenure in Costa Mesa

Household Size	Owner		Renter		Total	
	Count	Percent	Count	Percent	Count	Percent
5-Person Household	944	62.1%	1,441	56%	2,385	58.3%
6-person household	278	18.3%	728	28.3%	1,006	24.6%
7-or-more person Households	298	19.6%	402	15.6%	700	17.1%
Total	**1,520**	**37.2%**	**2,571**	**62.8%**	**4,091**	**100%**

Source: American Community Survey, 5-Year Estimates, 2018

Table 2-26 provides comparisons of large households between Costa Mesa and its neighboring cities. At ten percent, Costa Mesa has a lower total number of large households than Orange County (14.2 percent). Of the neighboring cities, Santa Ana has the greatest number of large households (25 percent more than Costa Mesa). In comparison, Costa Mesa has approximately 5 percent more large households than Newport Beach. While lower than the County percentage as a whole, ten percent of the total households containing five or more persons is a large portion of the Costa Mesa community. In response, **Program 2E** describes actions the City will take to encourage the development of additional housing options for large-family households.

Table 2-26: Percent of Large Households by Jurisdiction

	5-Person Households	6-Person Households	7-or-More Person Households	Total Large Households
Newport Beach	3.6%	1.3%	0.3%	5.1%
Costa Mesa	**5.8%**	**2.5%**	**1.7%**	**10.0%**
Irvine	5.3%	1.9%	0.6%	7.8%
Santa Ana	14.2%	9.4%	11.4%	35.0%
Huntington Beach	5.3%	1.6%	0.9%	7.8%
Orange County	7.9%	3.5%	2.8%	14.2%

Source: American Community Survey, 5-Year Estimates, 2018.

4. Single-Parent Households

Single-parent households often require special consideration and assistance due to their greater need for affordable and accessible day care, health care, and other supportive services. Many female-headed households with children are susceptible to having lower incomes than similar two-parent households.

Table 2-27 shows a breakdown of single parent households and poverty status. Of the single parent households in Costa Mesa, the majority are estimated to be female households with no spouse present (60.7 percent) and 39.3 percent are estimated to be male households with no spouse present. With 3,110 single parent households, Costa Mesa is only 0.2 percentage points over Orange County's percentage. Over a quarter of these Costa Mesa single-parent households live under the poverty line (27.4 percent).

Table 2-27: Single Parent Households in Costa Mesa

Jurisdiction	Single Parent-Male, No Spouse Present		Single Parent-Female, No Spouse Present		Single Parent Households Living in Poverty		Single Parent Households	Percent of Total Households
	Count	% of Single Parent HH	Count	% of Single Parent HH	Count	% of Single Parent HH	Count	Percent
Costa Mesa	1,223	39.3%	1,887	60.7%	851	27.4%	3,110	7.6%
Orange County	22,456	29.5%	53,659	70.5%	22,999	30.2%	76,115	7.4%

Source: American Community Survey, 5-Year Estimates, 2018.

5. Farmworkers

Farmworkers are traditionally defined as persons whose primary incomes are earned through permanent or seasonal agricultural labor. Permanent farm laborers work in the fields, processing plants, or support activities on a generally year-round basis. When workload increases during harvest periods, the labor force is supplemented by seasonal workers, often supplied by a labor contractor. For some crops, farms may hire migrant workers, defined as those whose travel prevents them from returning to their primary residence every evening. Farm workers have special housing needs because they earn lower incomes than many other workers and move throughout the year from one harvest location to the next.

The United States Department of Agriculture, National Agriculture Statistics provides data on hired farm labor across the United States. The data is compiled at both a State and County level. Within Orange County, a total of 99 farms reportedly hired 1,772 workers in 2017. Permanent workers, those who work 150 days or more, represent the largest category of workers with 1,106 workers (62 percent). A total of 666 workers (38 percent) are considered seasonal and work less than 150 days. Orange County reported 340 migrant workers (19 percent) with full time hired labor in 2017. In addition, the County reported 176 unpaid workers.

The median annual salary for the agriculture, forestry, fishing, hunting, and mining industry in Costa Mesa is $31,023, which is 36 percent of the Orange County median income and is considered as a very-low income (2018).

6. Extremely Low-Income Households and Poverty Status

Extremely low-income households are those which earn less than 30 percent of the AMFI. The 2013-2017 Comprehensive Housing Affordability Strategy (CHAS) indicates that there are approximately 6,610 extremely low-income households in Costa Mesa. Table 2-8 identifies occupations with salaries that could qualify as extremely low-income, these include: healthcare support; material moving; building, grounds cleaning, and maintenance; food preparation and serving related.

Extremely low-income households represent approximately 16.3 percent of all Costa Mesa households. Of these households, 76.5 percent are renters and 23.5 percent are homeowners. Extremely low-income renter households represent about 20.5 percent of Costa Mesa renter households, and extremely low-income owner households represent about 9.8 percent of Costa Mesa owner households.

Table 2-28 illustrates the tendencies for extremely low-income households to experience housing problems and cost burdens. The housing problems identified by CHAS include the following:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (housing units with more than one person per room);
- Housing cost burdens, including utilities, exceeding 30 percent of gross income; or
- Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

As the table shows, over double the percent of renters experience housing problems and cost burdens than homeowner. Cost burdens over 50 percent are more common than over 30 percent for both extremely low-income renter and owner households. In total, 13.8 percent of all Costa Mesa households earn an extremely low-income and experience at least one housing problem and 12.4 percent spend over half of their income on housing.

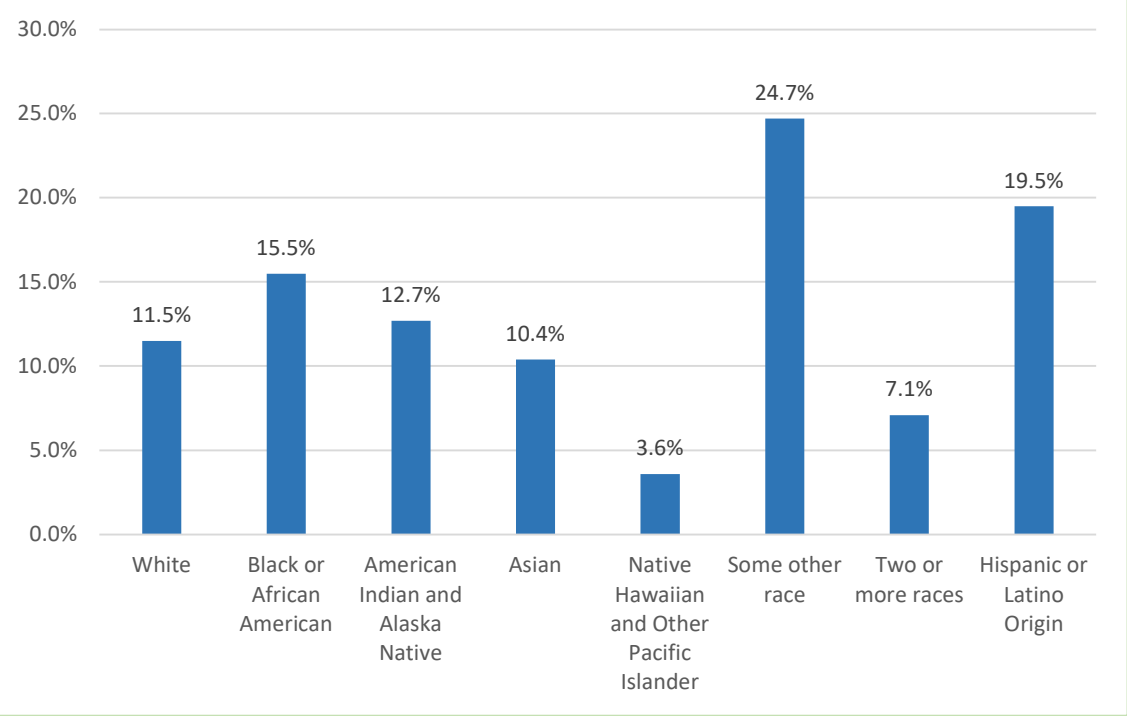
Table 2-28: Housing Needs of Extremely Low-Income Households

Housing Problems	Renter Households		Owner Households		Total Households	
	Count	% of Renter HH	Count	% of Owner HH	Count	% of Total HH
Household has at least 1 of 4 housing problem	4,400	17.8%	1,210	7.6%	5,610	13.8%
Cost burden > 30%	4,325	17.5%	1,165	7.3%	5,495	13.5%
Cost Burden > 50%	4,020	16.3%	990	6.2%	5,015	12.4%

Source: Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.

Figure 2-6 compares poverty levels by race and ethnicity in order to identify disparities amongst people in Costa Mesa. Residents who report Some Other Race have the highest percentage of poverty in the City (24.7 percent). About 20 percent of people living under the poverty line are of Hispanic or Latino origin. Combined, the Black and American Indian/Alaska Native populations account for 28.2 percent of those below the poverty level, despite representing a total of just 2.3 percent of the entire population. Native Hawaiian and other Pacific Islander community members have the lowest percentage of poverty, but only represent 0.7 percent of the total City population. The White population is the largest racial group in the City and is estimated to have one of the lower poverty percentages at 11.5 percent.

Figure 2-6: Percent below Poverty Level, by Race and Hispanic or Latino Origin



Source: American Community Survey, 5-Year Estimates, 2018.

Projected Need

To calculate the future needs of extremely low-income households, the City assumes 50 percent of its very low-income RHNA are extremely low-income households. The City was allocated a very low-income RHNA of 2,919 units; as such, the extremely low-income unit need is projected to be 1,459 units.

To address the unique needs of extremely low-income households, the City has included programs in the Housing Plan that seek to provide a variety of housing types that may provide services for extremely low-income households facing other challenges, as well as facilitate the development of new affordable units. Programs that directly address the needs of extremely low-income households include:

- **Program 2J: Transitional and Supportive Housing** will amend the land use matrix to comply with SB 2, create an inventory of sites appropriate for the development of transitional and supportive housing units, and collaborate with organizations on addressing the needs of persons experiencing homelessness and extremely low-income residents.
- **Program 2L: Development of Housing for Extremely Low- and Lower-Income Households** will facilitate the development of housing for extremely low- and lower-income households by subsidizing up to 100 percent of the of the City's application processing fees for qualifying developments where all units are affordable to 80% AMI or lower (when funding is available), and promote the benefits of this program to the development community.

7. Persons Experiencing Homelessness

Throughout the Southern California region, homelessness has become an increasingly important issue. Factors contributing to the rise in homelessness include increased unemployment and underemployment, limited affordable housing available to lower and moderate-income persons (especially extremely low-income households), reductions in public subsidies to lower income persons, and legislative impacts pertaining to the behavioral health system of care and correctional reform mandates.

State law mandates that cities address the special needs of persons experiencing homelessness within their jurisdictional boundaries. "Homelessness" as defined by the U.S. Department of Housing and Urban Development (HUD) has recently been updated to include the following descriptions:

- People who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided. The only significant change from existing practice is that people will be considered homeless if they are exiting an institution where they resided for up to 90 days (previously 30 days) and were in shelter or a place not meant for human habitation immediately prior to entering that institution.
- People who are losing their sleeping quarters, which may include a motel or hotel or a doubled-up situation, within 14 days and lack resources or support networks to remain in housing. HUD had previously allowed people who were being displaced within 7 days to be considered homeless. The proposed regulation also describes specific documentation requirements for this category.
- Families with children or unaccompanied youth who are unstably housed and likely to continue in that state. This category applies to families with children or unaccompanied youth who have not had a lease or ownership interest in a housing unit in the last 60 or more days, have had two or more moves in the last 60 days, and who are likely to continue to be unstably housed because of disability or multiple barriers to employment.
- People who are fleeing or attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain other permanent housing. This category is similar to the current practice regarding people who are fleeing domestic violence.

This definition does not include persons living in substandard housing (unless it has been officially condemned); persons living in overcrowded housing (for example, doubled up with others); persons being discharged from mental health facilities (unless the person was homeless when entering and is considered to be homeless at discharge); or persons who may be at risk of homelessness (for example, living temporarily with family or friends.)

The Point in Time Count is required to be conducted every two years by the local Continuum of Care (CoC) jurisdiction led by the County of Orange Health Care Agency in accordance with the U.S. Department of Housing and Urban Development (HUD) guidelines to provide information on where individuals experiencing homelessness are located in the county. On January 22, 2019, 1,167 volunteers across Orange County counted 6,860 individuals experiencing homelessness; of those, 2,899 were sheltered and 3,961 were unsheltered. The 2021 Point in Time count was deferred to the COVID-19 pandemic and is anticipated to occur in January 2022. The 2019 Point In Time Count individual city results are shown in Table 2-29. Costa Mesa reported a total of 193 individuals experiencing homelessness (187 unsheltered and 6 sheltered); this represents 2.8 percent of the total homeless population for Orange County. This percentage is greater than that of the neighboring cities of Newport Beach and Irvine as both counted under 2 percent.

Santa Ana reported the largest population of people experiencing homelessness as a quarter of the total number for Orange County reside there (23 percent more than Costa Mesa).

Table 2-29: Homeless Count by Jurisdiction – January 22, 2019

Jurisdiction	Unsheltered	Sheltered	Total	% of County
Newport Beach	64	0	64	0.9%
Costa Mesa	**187**	**6**	**193**	**2.8%**
Irvine	127	3	130	1.9%
Santa Ana	830	939	1,769	25.8%
Huntington Beach	289	60	349	5.1%
Orange County	3,961	2,899	6,860	100%

Source: Orange County Point in Time Count, Everyone Counts Report 2019.

The City of Costa Mesa opened an emergency Bridge Shelter at a temporary location in April 2019 with 50 beds, while constructing a permanent shelter location with 72 beds which opened in April 2021. The Bridge Shelter assists persons experiencing homeless with temporary housing along with a variety of programs including:

- Collaborative Case Management
- Housing Related Support Services (including Coordinated Entry System housing assignments, Housing Search Assistance, linking clients to rental assistance programs and other general housing services)
- Legal Services
- Basic Needs (including food, clothing, and housing/emergency services)
- Social Services
- Transportation

The permanent Bridge Shelter publishes bi-weekly reports in which they regularly assist approximately 60 to 110+ persons over a two-week span.

8. Students

The need for student housing is another factor that affects housing demand. Student housing often only produces a temporary housing need based on the duration of the educational institution. The impact upon housing demand is important in areas that surround universities and colleges. Costa Mesa is home to a number of private and public universities and colleges. Located in Costa Mesa are Vanguard University (2,200 students), California Southern University (online), and Orange Coast Community College (24,000 students). Orange Coast Community College is primarily a commuter school serving students local to the south Orange County area. During pre-pandemic conditions when classes were fully in person, OCC had approximately 20,000 students, 39.1% of which were full-time. As OCC had very little on-campus housing, the majority of students commuted into campus. While data is not readily available, it is a fair assumption that the majority of these students live at home with family and do not require separate housing. OCC has recently built on-campus housing which may house up to 800 students.

Typically, students are low-income and may therefore require affordable housing options, especially within easy commuting distance from campuses. To reduce living cost, students may seek shared housing situations to decrease expenses, which may lead to overcrowding. Affordable housing may also influence choices students make after graduating, which may affect the region's economy. College graduates provide a specialized pool of skilled labor that contributes to the region's economy; however, the lack of affordable housing may lead to their departure from the region.

F. Housing Stock Characteristics

Characteristics of the housing stock (growth, type, availability and tenure, age and condition, housing costs, and affordability) may affect the housing needs for the community. This section details the Costa Mesa housing stock characteristics to identify how well the current housing stock meets the needs of its current and future residents.

1. Housing Growth

According to the American Community Survey (ACS), between 2010 and 2018 the Costa Mesa housing stock grew by 0.6 percent, or 1,233 units, as shown in Table 2-30. This is the smallest percent increase for the area. The City of Irvine experienced the largest housing surge of the area during this time with an addition of 25,250 more units (an increase of 30.4 percent more than Costa Mesa). Orange County as a whole saw an increase of 4.6 percent of its total housing stock.

Table 2-30: Housing Unit Growth Trends, 2010-2018

Jurisdiction	2010	2015	2018	Percent Change 2010 to 2015	Percent Change 2015 to 2018
Newport Beach	43,503	43,690	44,801	0.4%	2.5%
Costa Mesa	**42,867**	**43,030**	**43,100**	**0.4%**	**0.2%**
Irvine	76,184	91,938	101,434	20.7%	10.3%
Santa Ana	77,796	77,192	78,597	-0.8%	1.8%
Huntington Beach	79,166	78,252	81,396	-1.2%	4.0%
Orange County	1,042,254	1,064,642	1,091,376	2.1%	2.5%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.

2. Housing Type

Table 2-31 is a breakdown of housing units in the City by type in comparison to Orange County. Costa Mesa is estimated to be predominantly made up of multi-family housing (50.3 percent). The City has an estimated 37.7 percent single-family detached housing and 9.6 percent attached single-family units. This differs from the rest of the region as Orange County reports an estimated 50.7 percent single-family detached units and 34.3 percent multi-family housing. The percentage of mobile homes in Costa Mesa is estimated to be comparable to that of Orange County (2.4 percent and 2.8 percent, respectively). Single-family attached units are less prevalent in Costa Mesa (9.6 percent) than County as a whole (12.2 percent).

Table 2-31: Total Housing Units by Type								
Jurisdiction	Single- Family Detached		Single-Family Attached		Multi-Family		Mobile Homes*	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Costa Mesa	**16,236**	**37.7%**	**4,119**	**9.6%**	**21,692**	**50.3%**	**1,053**	**2.4%**
Orange County	553,164	50.7%	133,326	12.2%	374,176	34.3%	30,710	2.8%

*Includes mobile homes, boats, RVs, vans, etc.
Source: American Community Survey, 5-Year Estimates, 2018.

3. Housing Availability and Tenure

Housing tenure and vacancy rates generally influence the supply and cost of housing. Housing tenure defines if a unit is owner-occupied or renter-occupied, and it relates to the availability of housing product types and length of tenure. The tenure characteristics in a community can indicate aspects of the housing market such as affordability, household stability, and availability of unit types, among others. Tenure distribution may correlate with household income, composition, and age of the householder.

In 2018, owner-occupied housing units accounted for 40.4 percent of the housing stock and 59.6 percent were rental occupied units (Table 2-32). At 88.7 percent, the large majority of single-family units are owner-occupied. Multi-family housing units are conversely predominantly occupied by renters (77.1 percent). Mobile homes in Costa Mesa are estimated to be occupied by mostly owners than renters (4.6 percent and 0.8 percent, respectively).

Table 2-32: Occupied Housing Units by Type and Tenure					
Tenure	Single-Family Detached	Single-Family Attached	Multi-Family	Mobile Homes	Total Occupied Units
Owner Occupied	76.1%	12.6%	6.6%	4.6%	40.4%
Renter Occupied	14.1%	7.9%	77.1%	0.8%	59.6%

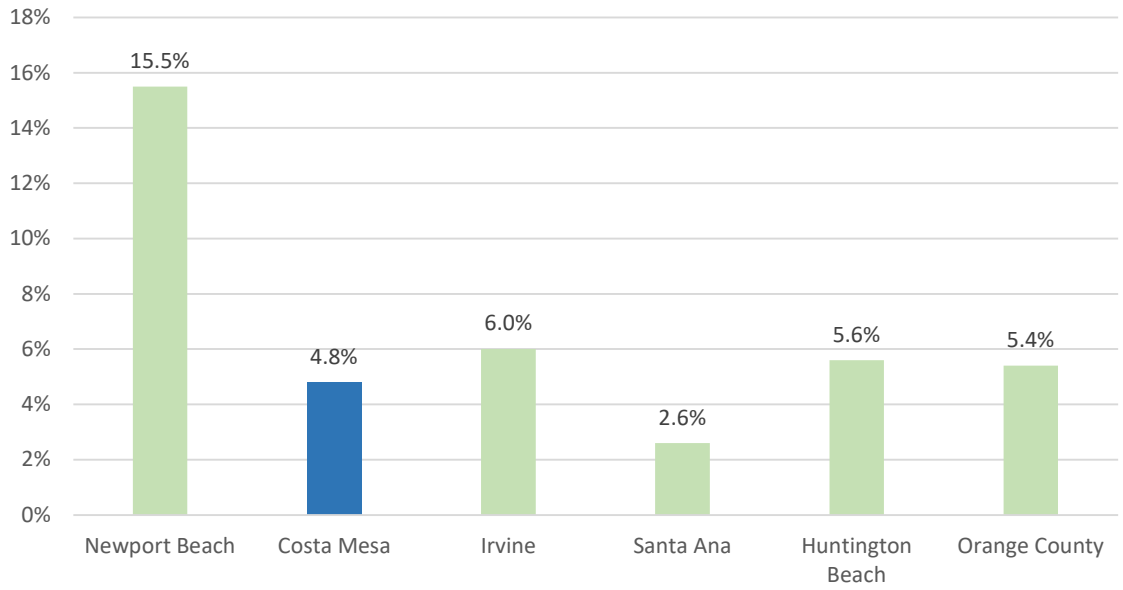
Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-33 compares estimated average household sizes and tenure amongst cities surrounding Costa Mesa. Aside from Santa Ana, all of the cities included below have household sizes that are below that of Orange County and fairly similar amongst owner-occupied households. The average household size for Santa Ana is estimated to be nearly double that of the other cities for both renters and owners and is an average of about 1.6 persons per household more than Costa Mesa. Figure 2-7 illustrates vacancy rates by city and shows that Costa Mesa has the second lowest vacancy rate in the area (4.8 percent). Orange County's vacancy rate is 0.6 percent above that of Costa Mesa.

Table 2-33: Average Household Size by Tenure, 2018			
Jurisdiction	Owner Occupied Household Size	Renter Occupied Household Size	Average Household Size
Newport Beach	2.46	2.02	2.27
Costa Mesa	**2.8**	**2.66**	**2.71**
Irvine	2.81	2.61	2.7
Santa Ana	4.28	4.32	4.3
Huntington Beach	2.58	2.62	2.6
Orange County	2.99	3.06	3.02
Source: American Community Survey, 5-Year Estimates, 2018.			

Vacancy rates may reveal the degree of housing choice available. High vacancy rates generally indicate low demand and/or high supply conditions in the housing market. Low vacancy rates typically indicate high demand and/or low supply conditions in the housing market. Too low of a vacancy rate can force prices up making it more difficult for lower and moderate-income households to find housing. Vacancy rates between two to three percent are usually considered healthy for housing that is owned, and rates of five to six percent are usually considered healthy for rental housing. Costa Mesa's vacancy rate indicates a healthy demand for housing within the City and a potential lack of available housing units at all income categories.

Figure 2-7: Vacancy Rates by Jurisdiction, 2018



Source: American Community Survey, 5-Year Estimates, 2018.

Based on 2018 ACS estimates, the most common reason for vacancies in Costa Mesa is due to units being up for rent (37.8 percent), as shown in Table 2-34. Another 566 units (31.5 percent) are vacant in the City because they are for seasonal, recreational, or occasional use. Homes that have been sold and are not yet occupied represent the lowest vacancy type (4.1 percent).

Table 2-34: Vacant Housing Units by Type in Costa Mesa		
Type of Housing	Estimate	Percent
For rent	786	37.8%
Rented, not occupied	191	9.2%
For sale only	115	5.5%
Sold, not occupied	86	4.1%
For seasonal, recreational, or occasional use	656	31.5%
Other vacant	247	11.9%
Total	**2,081**	**100%**
Source: American Community Survey, 5-Year Estimates, 2018.		

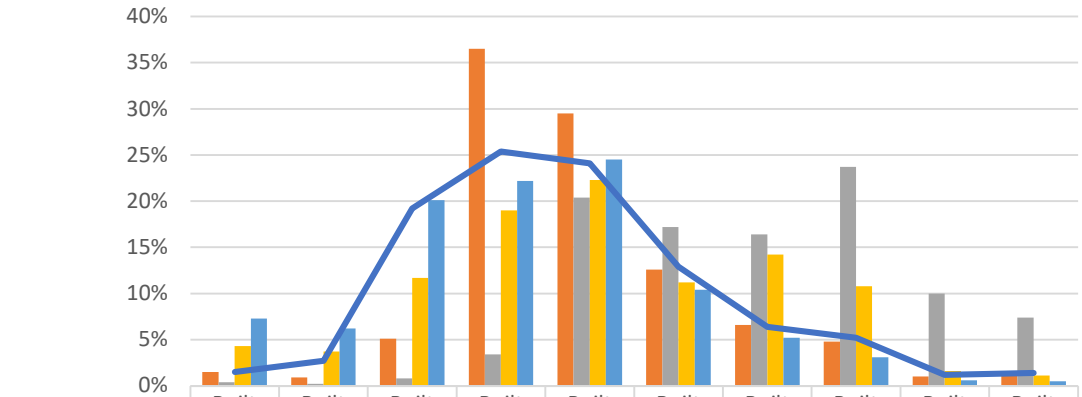
4. Housing Age and Condition

Housing age can be an important indicator of housing condition within a community. For example, housing that is over 30 years old may be in need of rehabilitation, such as a new roof, seismic retrofit, foundation, plumbing, etc. Many federal and state programs use housing age as one factor to determine housing rehabilitation needs.

Figure 2-8 shows the City of Costa Mesa's housing stock was mostly built prior to 1990 and is therefore more likely in need of certain renovations. Almost a quarter of the housing stock was built around the time the City was incorporated in 1953. About 2.6 percent of housing stock was built after 2010. In comparison to neighboring cities, the Cities of Costa Mesa, Huntington Beach, and Santa Ana experienced their peak unit growths between 1950 and 1979. Newport Beach experienced a growth similar to Costa Mesa until 1990 when Newport Beach housing unit growth picked up again. Unlike Costa Mesa, the City of Irvine experienced a housing boom in 1970 through 2009, and it continued building units at a greater rate than the other cities past 2014.

Much of Costa Mesa's housing stock is greater than 30 years old. Many of these houses may have experienced some level of housing renovations since initial construction, but in general an aging housing stock may indicate the potential for substandard housing conditions or a housing stock in need of rehabilitation or maintenance. The City tracks code enforcement cases due to substandard housing conditions and has established a quantified target objective in Chapter 4 for housing rehabilitation goals over the next 8 years.

Figure 2-8: Age distribution of Housing Stock



	Built 1939 or earlier	Built 1940 to 1949	Built 1950 to 1959	Built 1960 to 1969	Built 1970 to 1979	Built 1980 to 1989	Built 1990 to 1999	Built 2000 to 2009	Built 2010 to 2013	Built 2014 or later
Huntington Beach	1.5%	0.9%	5.1%	36.5%	29.5%	12.6%	6.6%	4.8%	1.0%	1.4%
Irvine	0.4%	0.2%	0.8%	3.4%	20.4%	17.2%	16.4%	23.7%	10.0%	7.4%
Newport Beach	4.3%	3.7%	11.7%	19.0%	22.3%	11.2%	14.2%	10.8%	1.6%	1.1%
Santa Ana	7.3%	6.2%	20.1%	22.2%	24.5%	10.4%	5.2%	3.1%	0.6%	0.5%
Costa Mesa	1.5%	2.7%	19.2%	25.4%	24.1%	12.9%	6.4%	5.2%	1.2%	1.4%

Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-35 provides estimations on the number of units with substandard living conditions (lacking complete plumbing or kitchen facilities or having no telephone service available). In total, 2.4 percent of Costa Mesa units are considered substandard.

Table 2-35: Costa Mesa Units with Substandard Housing Conditions

Housing Condition	Estimate	Percent of Total Housing Units
Lacking complete plumbing facilities	79	0.2%
Lacking complete kitchen facilities	325	0.8%
No telephone service available	613	1.5%
Total	**1,017**	**2.4%**

Source: American Community Survey, 5-Year Estimates, 2018.

Additionally, proactively surveying the City's housing conditions is a primary component of the City's Code Enforcement efforts. The City's Community Improvement Division (Code Enforcement) employs approximately one-dozen full-time code enforcement officers that regularly survey the City's residential neighborhood housing conditions relating to rehabilitation and replacement. According to the Community Improvement Division Manager, rarely does any of the City's housing stock reach a condition that requires replacement (less than approximately one property per year). However, City staff confirmed, based on the 2021-2022 Annual Action Plan there are approximately 88 units in need of rehabilitation annually. This estimate was compiled based on a combination of code enforcement data (based on a review of total

project cases) and data from the City's Street Outreach Team and Housing and Community Development Team and represents approximately 1.6% of the total dwelling units within the City.

With the exception of relatively new housing communities recently developed in the City, the City's Community Improvement Division indicates that the City's residential areas require varying levels of proactive housing condition monitoring, with generally the older residential areas in the City being more prone to substandard housing conditions. These substandard housing conditions include but are not limited to, illegal and unsightly outdoor storage, common areas littered with trash and debris, vegetation overgrowth, and poor overall residential structure maintenance. According to City records, residential properties located in Shalimar neighborhood, Coolidge Avenue/Fillmore Way neighborhood, Mission Drive/Mendoza Drive neighborhood, and the neighborhood located on Wilson Street between Placentia Avenue and Harbor Boulevard require greater attention. For these and other neighborhoods, the City hosts "Community Clean-up Days" where community members and residents are organized to assist in neighborhood clean-up efforts. These efforts include City staff assistance, large dumpster rentals and donations from community businesses and no-profit community groups to support clean-up and rehabilitation efforts. They are held on a weekend day and publicized several weeks in advance by City newsletters and direct communication to community stakeholders. City-sponsored residential neighborhood clean-up events occur multiple times per year.

Also, in monitoring the City's housing stock in regard to the need for housing rehabilitation or replacement, both the City's Code Enforcement team and the City's Building Inspection team proactively and reactively engage in surveying the City's housing conditions as they perform their regular inspections. Housing and building code enforcement not only helps to ensure the habitability of specific properties, but also helps to keep surrounding homes and neighborhoods safe. For a home that shows clear signs of neglect, for example, the City will reach out to the tenant and owner and connect these individuals to resources such as local and regional grants and/or loans, or community service groups that are available to provide rehabilitation assistance. These proactive inspections of the City's housing stock lead to earlier detection of substandard housing conditions and ultimately improve local neighborhoods overall.

5. Housing Costs and Affordability

Housing costs reflect the supply and demand of housing in a community. This section summarizes the cost and affordability of the Costa Mesa housing stock.

The median home value in Costa Mesa is estimated to be $707,600, as shown in Table 2-36. This is $54,700 above the median home value for Orange County and comparable to the home values in Irvine and Huntington Beach. The City of Santa Ana has the lowest home value at $455,300 and the City of Newport Beach has the greatest median home value at $1,787,300.

Table 2-36: Median Home Value by Jurisdiction	
Jurisdiction	Median Home Value
Newport Beach	$1,787,300
Costa Mesa	**$707,600**
Irvine	$797,100
Santa Ana	$455,300
Huntington Beach	$728,200
Orange County	$652,900
Source: American Community Survey, 5-Year Estimates, 2018.	

Table 2-37 outlines the average monthly price of rent by number of bedrooms in Costa Mesa and how it has changed between 2017 and 2020. This data is provided by the Zillow Rent Index Report for Costa Mesa and shows that all units experienced increases in rates in the last three years; for example, one-bedroom rentals rose by 5.1 percent. The price per square foot saw a much greater increase for the three types of units, with 17.9 percent being the greatest increase for 3- or more bedroom units. This may indicate a higher demand and a need to plan for housing for large families within Costa Mesa.

Table 2-37: Average Monthly Rental Rates, 2017-2020					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	$2,055	$2,077	$2,091	$2,159	5.1%
2 bedrooms	$2,553	$2,582	$2,579	$2,649	3.8%
3 Bedrooms	$3,027	$3,044	$3,097	$3,160	4.4%
Price per Square Foot					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	$2.48	$2.57	$2.97	$2.83	14.1%
2 bedrooms	$2.20	$2.25	$2.32	$2.36	7.3%
3+ Bedrooms	$1.95	$2.15	$2.25	$2.30	17.9%
Source: Zillow Rent Index Report, January 2017-2020, accessed August 17, 2020.					

Housing affordability can be inferred by comparing the cost of renting or owning a home in the City with the maximum affordable housing costs for households at different income levels. Taken together, this information can generally show who can afford what size and type of housing and indicate the type of households most likely to experience overcrowding and overpayment.

The Federal Department of Housing and Urban Development (HUD) conducts annual household income surveys nationwide to determine a household's eligibility for federal housing assistance. Based on this survey, the California Department of Housing and Community Development (HCD) developed income limits, based on the Area Median Family Income (AMFI), which can be used to determine the maximum price that could be affordable to households in the upper range of their respective income category. Households in the lower end of each category can afford less by comparison than those at the upper end. The maximum affordable home and rental prices for residents in Orange County are shown in Table 2-38 and Table 2-39.

The data shows the maximum amount that a household can pay for housing each month without incurring a cost burden (overpayment). This amount can be compared to current housing asking prices (Table 2-36) and market rental rates (Table 2-37) to determine what types of housing opportunities a household can afford.

Extremely Low-Income Households

Extremely low-income households earn less than 30 percent of the County AMFI – up to $26,950 for a one-person household and up to $41,550 for a five-person household in 2020. Extremely low-income households cannot afford market-rate rental or ownership housing in Costa Mesa without assuming a substantial cost burden. An extremely low-income household at the maximum income limit can afford to pay approximately $1,039 in monthly rent, depending on household size.

Very Low-Income Households

Very low-income households earn between 31 percent and 50 percent of the County AMFI – up to $44,850 for a one-person household and up to $69,200 for a five-person household in 2020. A very low-income household cannot afford market-rate rental or ownership housing in Costa Mesa without assuming a substantial cost burden. A very low-income household at the maximum income limit can afford to pay approximately $1,121 to $1,730 in monthly rent, depending on household size. Given the high cost of housing in Costa Mesa, persons or households of very low-income could not afford to rent or purchase a home in the City.

Low-Income Households

Low-income households earn between 51 percent and 80 percent of the County's AMFI - up to $71,750 for a one-person household and up to $110,650 for a five-person household in 2020. The affordable home price for a low-income household at the maximum income limit ranges from $308,500 to $454,000. Based on the asking prices of homes for sale in 2020 (Table 2-36), ownership housing would not be affordable to low-income households. A one-person low-income household could afford to pay up to $1,794 in rent per month and a five-person low-income household could afford to pay as much as $2,766. Low-income households in Costa Mesa would not be able to afford to rent apartment units.

Moderate Income Households

Persons and households of moderate income earn between 81 percent and 120 percent of the County's AMFI – up to $133,500, depending on household size in 2020. The maximum affordable home price for a moderate-income household is $377,000 for a one-person household and $558,600 for a five-person family. Moderate income households in Costa Mesa would not be able to purchase a home in the City. In comparison to neighboring cities, at this affordable range, moderate income households would only be able to purchase a home in Santa Ana. The maximum affordable rent payment for moderate income households is between $2,163 and $3,338 per month. Appropriately sized market-rate rental housing is generally affordable to households in this income group.

Table 2-37: Affordable Housing Costs in Orange County, 2020						
Annual Income		Mortgage	Utilities^1	Tax and Insurance	Total Affordable Monthly Housing Cost	Affordable Purchase Price
Extremely Low-income (30% of AMFI)						
1-Person	$26,950	$455	$118	$101	$674	$99,990
2-Person	$30,800	$504	$151	$116	$770	$110,500
3-Person	$34,650	$539	$197	$130	$866	$118,000
4-Person	$38,450	$574	$243	$144	$961	$125,800
5-Person	$41,550	$594	$289	$156	$1,039	$130,200
Very Low-Income (50% of AMFI)						
1-Person	$44,850	$835	$118	$168	$1,121	$183,000
2-Person	$51,250	$938	$151	$192	$1,281	$205,500
3-Person	$57,650	$1,028	$197	$216	$1,441	$225,400
4-Person	$64,050	$1,118	$243	$240	$1,601	$245,000
5-Person	$69,200	$1,182	$289	$260	$1,730	$259,000
Low-income (80% AMFI)						
1-Person	$71,750	$1,407	$118	$269	$1,794	$308,500
2-Person	$82,000	$1,592	$151	$308	$2,050	$349,100
3-Person	$92,250	$1,763	$197	$346	$2,306	$386,500
4-Person	$102,450	$1,934	$243	$384	$2,561	$424,000
5-Person	$110,650	$2,062	$289	$415	$2,766	$452,000
Moderate Income (120% AMFI)						
1-Person	$86,500	$1,720	$118	$324	$2,163	$377,000
2-Person	$98,900	$1,951	$151	$371	$2,473	$427,800
3-Person	$111,250	$2,167	$197	$417	$2,781	$475,000
4-Person	$123,600	$2,384	$243	$464	$3,090	$522,700
5-Person	$133,500	$2,548	$289	$501	$3,338	$558,600

Source: Orange County Housing Authority, 2020 Utility Allowance Schedule and California Department of Housing and Community Development, 2020 Income Limits and Kimley Horn and Associates Assumptions: 2020 HCD income limits; 30% gross household income as affordable housing cost; 15% of monthly affordable cost for taxes and insurance; 10% down payment; and 4.5% interest rate for a 30-year fixed-rate mortgage loan. Utilities based on Orange County Utility Allowance.

1. *Utilities includes basic electric, water, sewer/trash, refrigerator, and stove.*

Table 2-38: Affordable Monthly Housing Cost for Renters, 2020				
Annual Income		Rent	Utilities^1	Total Affordable Monthly Housing Cost
Extremely Low-income (30% of AMFI)				
1-Person	$26,950	$556	$118.00	$674
2-Person	$30,800	$619	$151.00	$770
3-Person	$34,650	$669	$197.00	$866
4-Person	$38,450	$718	$243.00	$961
5-Person	$41,550	$750	$289.00	$1,039
Very Low-income (50% of AMFI)				
1-Person	$44,850	$1,003	$118.00	$1,121
2-Person	$51,250	$1,130	$151.00	$1,281
3-Person	$57,650	$1,244	$197.00	$1,441
4-Person	$64,050	$1,358	$243.00	$1,601
5-Person	$69,200	$1,441	$289.00	$1,730
Low-income (80% AMFI)				
1-Person	$71,750	$1,676	$118.00	$1,794
2-Person	$82,000	$1,899	$151.00	$2,050
3-Person	$92,250	$2,109	$197.00	$2,306
4-Person	$102,450	$2,318	$243.00	$2,561
5-Person	$110,650	$2,477	$289.00	$2,766
Moderate Income (120% AMFI)				
1-Person	$86,500	$2,045	$118.00	$2,163
2-Person	$98,900	$2,322	$151.00	$2,473
3-Person	$111,250	$2,584	$197.00	$2,781
4-Person	$123,600	$2,847	$243.00	$3,090
5-Person	$133,500	$3,049	$289.00	$3,338

Source: Orange County Housing Authority, 2020 Utility Allowance Schedule and California Department of Housing and Community Development, 2020 Income Limits and Kimley Horn and Associates Assumptions: 2020 HCD income limits; 30% gross household income as affordable housing cost; 15% of monthly affordable cost for taxes and insurance; 10% down payment; and 4.5% interest rate for a 30-year fixed-rate mortgage loan. Utilities based on Orange County Utility Allowance.

1. Utilities includes basic electric, water, sewer/trash, refrigerator, and stove.

This analysis shows that the moderate- and lower-income households in Costa Mesa generally cannot afford to own a home in Costa Mesa based on for sale housing costs. Lower income households generally cannot afford to rent or own in Costa Mesa based on for sale housing costs and rental prices. Long term, this trend may result in increased instances of overcrowding, an increased number of households with a high housing cost burden, and residents moving out of Costa Mesa for ownership opportunities.

G. Community Profile Summary

The Community Profile provides an analysis of the Costa Mesa population and housing stock for policy considerations within this Housing Element. The Costa Mesa community's housing needs are directly correlated to the demographic composition of the population and the conditions of existing housing within the City. The data analyzed in this Community Profile sets the baseline for the Housing Element goals, policies, and programs which are uniquely adapted to fit the needs of Costa Mesa.

The City will need to consider the following findings, but not limited to, based on the data presented in this Community Profile:

- The Costa Mesa population is showing aging trends – housing goals should consider the needs of seniors who may have less flexible income, need accessibility accommodations, or may seek assisted living options. **The City has established Housing Program 2D to address this finding.**
- Over a quarter of the Costa Mesa population identifies as Hispanic or Latino – housing needs should account for possible cultural needs such as larger or multigenerational housing units. Additionally, housing information should be made available in Spanish to assist in the location of appropriate housing within the community. **The City has established Housing Programs 2E and 4A to address this finding.**
- Approximately 47 percent of the Costa Mesa population earn a lower income, indicating that production of and access to affordable housing including affordable rental options and entry level home ownership facilitation should be considered. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Approximately 48.8 percent of renters and 31.8 percent of homeowners are estimated to spend more than 30 percent of their income on housing, indicating a high housing cost burden overall with a higher proportion of renters compared to owners experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Based on for sale and rental housing prices, a moderate-income household cannot afford to own a home in Costa Mesa, while lower income households cannot afford to own or rent in Costa Mesa without experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- The majority of housing units in Costa Mesa were built over 30 years ago – households in older homes may benefit from assistance in renovating their homes and ensuring safe living environments with access to all utilities. **The City has established Housing Programs 1A and 1B to address this finding.**
- Costa Mesa has a relatively low vacancy rate, indicating high demand for housing and low availability of housing units within the City. **The City has established Housing Programs 2B and 3A to address this finding.**
- 46.5 percent of Costa Mesa households have at least one of the four identified housing problems, which include:
    - Units with physical defects (lacking complete kitchen or bathroom);
    - Overcrowded conditions (housing units with more than one person per room – excluding bathrooms and kitchens);

- Housing cost burdens, including utilities, exceeding 30 percent of gross income; and
- Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

The City has established Housing Programs 1A, 1B, and 4A to address this finding.

The Housing Element's **Chapter 4: Housing Plan** provides goals, policies, and programs for the City of Costa Mesa based on the findings of this analysis. Policies established in the Housing Plan implement the goals and programs of the Housing Element and are reviewed on yearly-basis to identify progress and success.

Chapter 3

Housing Constraints, Resources, and Fair Housing

Housing Constraints

A variety of factors could affect the number, type, and affordability of housing and housing development in a community. Governmental housing constraints are often specific to the requirements and regulations local governments enforce. Governmental constraints in Costa Mesa may include land use controls, residential development standards, development and permitting fees, and permitting processes, amongst other constraints. Nongovernmental and market constraints are directly related to the conditions of the local and regional construction and the development market. Nongovernmental constraints in Costa Mesa may include the cost of land, construction costs, including materials and labor, availability of financing, and the local economic conditions. These factors could incentivize or create barriers for the maintenance and addition of housing in Costa Mesa, and predominantly affordable housing. The focus of this section is recognizing the existing constraints. The following sections will analyze the extent of each constraint on housing development.

A. Nongovernmental Constraints

Nongovernmental constraints are those associate with external market costs and rely predominantly on the economy and cost of land and construction. The availability and cost of land, labor costs, as well as financing, may pose barriers for housing developers and can often deter the development of housing, specifically affordable housing. The following sections highlights the primary market factors that affect the production of housing in Costa Mesa.

1. Land Costs and Construction Costs

Construction costs vary widely according to the type of development, with multi-family housing generally less expensive to construct than single-family homes due to square footage. However, there is wide variation within each construction type, depending on the size of the unit and the number and quality of amenities provided. An indicator of construction costs is Building Valuation Data compiled by the International Code Council (ICC). The ICC updates the estimated cost of construction at six-month intervals and provides estimates for the average cost of labor and materials for typical Type V-A wood-frame housing. Estimates are based on "good-quality" construction, providing for materials and fixtures well above the minimum required by state and local building codes. In August 2020, the ICC estimated that the average per square-foot cost for good-quality housing was approximately $118.57 for multi-family housing, $131.24 for single-family homes, and $148.44 for residential care/assisted living facilities. Construction costs for custom homes and units with extra amenities, run even higher. Construction costs are also dependent upon materials used and building height, as well as regulations set by the City's adopted Building Code. For example, according to the ICC, an accessory dwelling unit (ADU) or converting a garage using a Type V-B wood framed unit would costs about $123.68 per square foot. Although construction costs are a significant portion of the overall development cost, they are typically consistent throughout the region and, especially when considering land costs, are not considered a major constraint to housing production in Costa Mesa.

Land costs can also pose a significant constraint to the development of affordable and middle-income housing and represents a significant cost component in residential development. Land costs may vary depending on whether the site is vacant or has an existing use that must be removed. Similarly, site constraints such as environmental issues (e.g., steep slopes, soil stability, seismic hazards, flooding, and contamination) can also be factored into the cost of land. A September 2020 web search for vacant lots for sale in the City of Costa Mesa returned three lots for sale ranging in size from 0.23 acres at $749,000 to 1.03 acres at $2,000,000. Based on current prices of for sale lots, the vacant lots cost an estimated average price per square foot of $68, or about 2.9 million dollars per acre.

Costa Mesa has the lowest cost of land in comparison to the neighboring cities of Santa Ana, Huntington Beach, and Irvine, based on an October 2020 Zillow search for vacant lots. The cost of land in these cities range from $73 per square to $304 per square foot. However, the cost of land in Costa Mesa is still very expensive and though it is consistent with neighboring jurisdictions and the region, it may create a constraint to the development of housing, specifically affordable housing. The City cannot control the cost of land in Costa Mesa or the region, however Chapter 4 of this Housing Element outlines programs and policies to work with developers and interested parties to increase affordable housing options in the City.

2. Available Financing

The availability of financing in a community depends on a number of factors, including the type of lending institutions active in a community, lending practices, rates and fees charged, laws and regulations governing financial institutions, and equal access to such loans. Additionally, availability of financing affects a person's ability to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary concern in a review of lending activity is to determine whether home financing is available to all residents of a community, regardless of income, sex, race, or ethnicity. The data presented in this section include the disposition of loan applications submitted to financial institutions for home purchase, home improvement, and refinancing in the Anaheim-Santa Ana-Irvine MSA.

Table 3-1 below displays the disposition of loan applications for the Anaheim-Santa Ana-Irvine MSA, per the 2016 Home Mortgage Discloser Act report. According to the data, applicants in the 120% MSA/MD median income or more had the highest rates of loans approved. Of that income category, applicants who reported White had the highest percentage of approval and the number of applications. Applicants in the less than 50% of the MSA/MD median income categories were showed higher percentages of denied loans than loans originated. According to the data, applicants who reported white were, on average, more likely to be approved for a loan than another race or ethnicity.

Given the relatively high rates of approval for home purchase, improvement, and refinance loans, home financing is generally available and not considered to be a significant constraint to the provision and maintenance of housing in Costa Mesa.

Table 3-1: Disposition of Loan Applications by Race/Ethnicity– Anaheim-Santa Ana-Irvine MSA				
Applications by Race/Ethnicity	Percent Approved	Percent Denied	Percent Other	Total (Count)
LESS THAN 50% OF MSA/MD MEDIAN				
American Indian and Alaska Native	26.2%	52.3%	23.1%	65
Asian	33.9%	42.5%	26.7%	1,382
Black or African American	41.6%	33.7%	25.8%	89
Native Hawaiian or other Pacific Islander	25.0%	44.2%	30.8%	52
White	45.6%	31.2%	26.1%	5,240
Hispanic or Latino	37.9%	38.2%	26.8%	1,566
50-79% OF MSA/MD MEDIAN				
American Indian and Alaska Native	38.1%	34.0%	29.9%	97
Asian	53.3%	25.3%	29.4%	3,153
Black or African American	43.4%	19.1%	41.4%	152
Native Hawaiian or other Pacific Islander	49.4%	39.8%	16.9%	83
White	54.5%	23.3%	27.6%	8,677
Hispanic or Latino	47.6%	27.7%	29.3%	3,245
80-99% OF MSA/MD MEDIAN				
American Indian and Alaska Native	51.4%	25.7%	31.4%	35
Asian	59.5%	19.2%	29.3%	1,495
Black or African American	52.9%	22.1%	30.9%	68
Native Hawaiian or other Pacific Islander	43.5%	13.0%	43.5%	23
White	61.9%	17.2%	26.1%	3,873
Hispanic or Latino	54.0%	21.4%	29.1%	1,347
100-119% OF MSA/MD MEDIAN				
American Indian and Alaska Native	48.9%	22.7%	29.5%	88
Asian	62.3%	15.6%	28.8%	4,820
Black or African American	55.6%	20.1%	28.6%	234
Native Hawaiian or other Pacific Islander	49.4%	27.6%	31.0%	87
White	66.2%	13.8%	25.1%	12,607
Hispanic or Latino	60.8%	16.4%	26.8%	3,398
120% OR MORE OF MSA/MD MEDIAN				
American Indian and Alaska Native	59.2%	13.0%	32.0%	169
Asian	62.8%	12.9%	29.0%	17,800
Black or African American	57.7%	17.3%	27.2%	624
Native Hawaiian or other Pacific Islander	64.2%	11.4%	26.8%	254
White	68.3%	11.3%	24.9%	49,811
Hispanic or Latino	64.6%	13.3%	26.7%	6,095
Source: Consumer Financial Protection Bureau, Disposition of loan applications, by Ethnicity/Race of applicant, 2019.				

3. Economic Constraints

Market forces on the economy and the trickle-down effects on the construction industry can act as a barrier to housing construction and especially to affordable housing construction. It is estimated that housing price and development costs will continue to increase in the City and the region. Moving into 2020, the economy was growing, California was seeing a 1.6 percent growth in jobs from 2019 and experiencing all-time lows for unemployment rates. COVID-19 had stalled much of the economy in early 2020, however, as the California economy regains momentum, housing stock and prices in the Costa Mesa community remain stable. A housing market analysis by Redfin reports the number of homes sold in August 2020 experienced a 16.1% growth in year-over-year trends and over doubled since the low in May 2020. The same report shows that the median sale price of homes in Costa Mesa is the largest it has been in five years, except for a peak in February 2021; the median number of days on the market was 41 in August 2020 in contrast to 86.5 in at the start of the year.

A 2020 California Association of Realtors (CAR) report found that homes on the market in Orange County experienced a 10.2 percent year to year increase and cost an average of $915,000 in September 2020; over $250,000 higher than the Southern California median home price in the same month ($656,750). According to the CAR First Time Buyer Housing Affordability Index, the median value of a home in Orange County is $730,150 with monthly payments (including taxes and insurance) of $3,690, requiring an average qualifying income of $110,700.

Costa Mesa's home value index ($881,064), which includes single-family residences and condos, has been on a steady increase since Spring 2012, according to Zillow data from September 2020. According to Zillow, this value is seasonally adjusted to remove outliers and only includes the middle price-tier of homes. Costa Mesa home values have gone up 4.9 percent over the past year and Zillow predicts they will rise 4.8 percent within the next year. Orange County by comparison has a median home value index of $775,797, which is $105,267 less than Costa Mesa. Due to the high costs and increasing values, the cost of land and home prices in Costa Mesa may be considered a constraint to the development of and access to housing, particularly affordable housing.

4. Applicant Requests to Develop Below the Maximum Density

The City does not typically receive request to develop below the maximum density permitted for residential projects. Based on review of past projects and discussions with the development community, the existing development standards have not proved to be a constraint to meeting the maximum density. Programs 3B and 3C within the Housing Plan call for revisions to the development standards associated with the North Costa Mesa Specific Plan and the City's Urban Plans and Overlays, including the maximum density permitted. These densities are higher than what is currently permitted within Costa Mesa (with the exception of some areas in the North Costa Mesa Specific Plan where densities have exceeded 90 du/ac for specific projects). Until those zoning changes are made to permit the higher densities identified in the housing element, the City will not be able to evaluate potential requests to develop below the maximum density. The City has committed to working with the community, including the local development community, to create development standards which promote development consistent with the identified densities.

B. Governmental Constraints

In addition to market constraints, local policies and regulations also affect the price and availability of housing and the provision of affordable housing. For example, State and Federal regulations affect the availability of land for housing and the cost of housing production, making it difficult to meet the demand for affordable housing and limiting supply in a region. Regulations related to environmental protection, building codes, and other related topics have significant, often adverse, impacts on housing cost and availability.

While the City of Costa Mesa has no control over State and Federal Laws that affect housing, local laws including land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other factors can constrain the maintenance, development, and improvement of housing as well as, create barriers to housing development.

1. Land Use Controls

Cities in California are required by Law to prepare a comprehensive, long term General Plan to guide future development. The Land Use Element of the General Plan establishes permitted land uses and development density throughout the City of Costa Mesa. These land uses provide for a wide variety of housing types throughout the City, while also ensuring compatibility between neighboring uses. The following lists the land uses that permit residential developments and the maximum allowable density:

- Low-Density Residential: 8 dwelling units per acre
- Medium-Density Residential: 12 dwelling units per acre
- High-Density Residential: 20 dwelling units per acre
- Commercial-Residential: 12 to 17.4 dwelling units per acre
- Urban Center Commercial: 20 dwelling units per acre / 80 dwelling units per acre
- Multi-Use Center: 6 dwelling units per acre / 40 dwelling units per acre

Overlay Districts

Overlay districts are created in order to incentivize particular development types in an area and/or to implement a Master Plan's strategies and goals. Overlay districts are applied to the Zoning Map and provide a development option in addition to the underlying zoning regulations as they often require stricter and/or more specific standards. An overlay district could also be created to administer the goals of a Master Plan. There are four overlay districts in Costa Mesa, which are detailed below.

Residential Incentive Overlay

The Residential Incentive Overlay District is intended to create opportunities for residential development at strategic locations along Harbor Boulevard and Newport Boulevard. The designation allows for development of new higher-density residential uses in areas where limited residential with lower densities are currently allowed. Small-lot single-family subdivisions are also appropriate in the designated areas. The Residential Incentive Overlay also expands development opportunities on residential and commercial

properties which are not currently developed to their full potential or supporting outdated buildings and underperforming uses.

The following are required for developments in the Residential Incentive Overlay District:

Residential Incentive Development Plan Screening Application – To provide initial feedback to developers, all residential and development projects proposed in this district must submit a screening application for review and approval by the City Council.

Master Plan – All developments proposed in this district require approval of a master plan by the Planning Commission. The master plan must be consistent with the General Plan and meet the intent and purpose of the overlay district. The project must include adequate resident-serving amenities in the common open space areas and private open space area; this may include patios, balconies, roof terraces, walkways, and landscaped areas. The project must be consistent with the compatibility standards for residential development in that it provides adequate protection for residents from excessive noise, odors, vibration, light and glare, and toxic emanations. The residences must have adequate separation and screening from adjacent commercial uses through site planning considerations, structural features, landscaping, and perimeter walls.

Development Standards – This overlay designation allows for developments that meet the following:

- **Minimum Lot Area:** 0.5 acres
- **Maximum Height**: 4 stories (not including permitted roof top terraces)
- **Maximum Density**: 40 units per acre
- **Minimum Open Space**: 40% of total site area
- **Common Open Space**: 50% of required open space. Recreational facilities for children are required for residential projects with 12 or more units.
- **Front Setback**: 20 feet
- **Side Setback**: 20 feet (30 feet minimum for 4-story developments abutting R2-MD zones)
- **Rear Setback:** 20 feet (30 feet minimum for 4-story developments abutting R2-MD zones)

SoBECA Mixed-Use Overlay

The SoBECA Overlay District establishes provisions for mixed-use development, including live/work development, in the 39-acre SoBECA plan area (located west of the Costa Mesa Freeway, east of the Corona Del Mar Freeway, and south of the San Diego Freeway). This overlay district allows for high-density residential developments with a maximum unit cap and is intended to allow a mix of housing, eclectic retail/services, creative studios, and entertainment/restaurant uses that attract local residents and visitors.

Development Standards – This overlay designation allows for developments that meet the following:

- **Maximum Density:** 40 units per acre
- **Maximum Residential Cap:** 450 units within the SoBECA Urban Plan

Harbor Mixed-Use Overlay

The Harbor Mixed-Use overlay district applies to select areas along Harbor Boulevard and between Wilson Street and 19th Street. The district is intended to introduce a diverse mix of uses to create a more integrated, walkable, and complementary balance of creative commercial and office spaces, neighborhood-serving retail and commercial services, and residential uses along the southern portion of Harbor Boulevard that intersects 19th Street. Since this overlay applies to a commercial corridor and is considered an extension of the 19 West Urban Plan (see below), Live/Work developments are not permitted in this overlay district. The provisions of the 19 West Urban Plan applies to the overlay district.

Development Standards – This overlay designation allows for developments that meet the following:

- **Maximum Density:** 20 units per acre
- **Maximum FAR:** 1.25 for commercial and residential mixed uses
  Maximum Building Height: 4 stories

Westside Urban Plans

In 2005, the City of Costa Mesa approved three strategies based on the Westside Revitalization Oversight Committee's (WROC) Final Report and Implementation Plan. Together these strategies make up the Westside Urban Plans and include the following three urban plans and their individual goals:

19 West Urban Plan – Improve the Urban Plan area by providing visual enhancement and facilitating development of mixed-use urban villages along the specified areas of West 17th Street, West 19th Street, and Superior Avenue.

Mesa West Bluffs Urban Plan – Improve the Urban Plan area by providing visual enhancement and encouraging the development of live/work units or residential development within the plan area.

Mesa West Residential Ownership Urban Plan – Encourage the development of new owner-occupied condominiums and clustered homes by allowing a higher density than currently zoned.

These plans aim to attract investments and improvements to the west side of Costa Mesa and avoids strict architectural guidelines to welcome flexible projects. These three plans provide a framework for major private market reinvestment and improvements for the Westside.

2. State Density Bonus Law

Density bonuses are another way to increase the number of dwelling units allowed in a residentially zoned area. The City of Costa Mesa does not have its own Density Bonus Ordinance but defers to the Government Code Section 65915. However, the City's Zoning Code identifies the purpose of a density bonus as providing incentives for the production of affordable housing, senior housing, and childcare facilities in compliance with State Government section 65915.

The City of Costa Mesa must grant one density bonus to housing developments which contain at least one of the following (excluding any units permitted by the density bonus awarded):

- 10 percent of the total units of a housing development for lower income households;
- 5 percent of the total units of a housing development for very low-income households;
- A senior citizen housing development or a mobile home park that limits residents based on age requirements for housing for older persons; or
- 10 percent of the total dwelling units in a common interest development for persons and families of moderate income, provide that all units the development are offered to the public for purchase;

In addition, a housing development which is awarded a density bonus must maintain an affordable cost for very low- and low-income rental units for a minimum of 55 years. Additional years may be required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

The following provides the density bonus to be calculated for very low-income, low-income, and moderate-income households:

Table 3-2: Density Bonus for Very Low-Income Households	
Percent Very Low-Income Units	Percent Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

Table 3-3: Density Bonus for Low-Income Households	
Percent Low-Income Units	Percent Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

Table 3-4: Density Bonus for Moderate-Income Households	
Percent Moderate-Income Units	Percent Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

In addition, the Government Code states that when an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with these subdivisions, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density for the entire development, as shown in Table 3-5. This increase may be added to the density bonuses listed above but may not exceed 35 percent.

Table 3-5: Density Bonus for Land Donation	
Percent Very Low-Income	Percent Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

Concessions and Incentives

According to the State Government Code section 65915, an applicant for a density bonus may submit a proposal for a specific concession or incentive; a waiver or reduction of development standards may not affect the number of incentives or concessions to which the applicant is entitled. The following concessions and incentives must be provided to eligible applicants:

- One incentive or concession for projects that include 10 percent of the total units for lower income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common interest development.
- Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common interest development.
- Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families with moderate income in a common interest development.

Compliance with State Law

Until 2021, under Government Code Section 65915, known as the Density Bonus Law, the maximum bonus was 35%. California state law AB 2345 states that all jurisdictions in California are required to process

projects proposing up to 50% additional density, as long as those projects provide the additional Below Market Rate units (units affordable to low and very low-income households) in the original proposed project, unless the locality already allows a bonus above 35%. The City's Density Bonus program allows a maximum of 35% density increase; however, AB 2345 requires an allowance of up to 50% density bonus when the base BMR is proposed. The City has included a program in Chapter 4: Housing Plan to update the City's Development Code in compliance with state legislation.

3. Residential Development Standards

The City of Costa Mesa established four residential districts to provide a range of housing types. These standards and regulations are intended to create the highest quality residential development, minimize land use conflicts, encourage the maintenance of residential neighborhoods, and implement the goals of the City's General Plan. In addition to residential districts, Costa Mesa also includes three types of mixed-use designations to bring together residential and commercial developments.

- Single-Family Residential District (R1) – Single-Family Residential is intended to promote the development of single-family detached units on lots measuring at least 6,000 square feet. The maximum density is 7.26 dwelling units per gross acre.
- Multiple-Family Residential District, Medium Density (R2-MD) – Medium Density Multiple-Family Residential is intended to promote the development of multi-family properties on lots measuring a minimum of 12,000 square feet. The maximum density is 3,630 square feet per dwelling unit / 12 dwelling units per gross acre.
- Multiple-Family Residential District, High Density (R2-HD) – High Density Multiple-Family Residential is intended to promote the development of multi-family properties with a minimum of 12,000 square feet. The maximum density is 3,000 square feet per dwelling unit / 14.25 dwelling units per gross acre.
- Multiple-Family Residential District (R3) – Multiple-Family Residential is intended to promote the development of multi — family properties with a minimum of 12,000 square feet. The maximum density is 2,178 square feet per dwelling unit / 20 dwelling units per gross acre.
- Town Center District (TC) – Town Center is intended to allow intensely developed mixed commercial and residential uses within a limited geographical area located between Sunflower Avenue, I-405, Bristol Street, and Avenue of the Arts. Developments can range from one- to two-story office and retail buildings to mid- and high-rise buildings, including residential.
- Planned Development Commercial (PDC) – Planned Development Commercial 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 area and the entire community and region. Complementary residential uses may also be included in the planned development.
- Institutional and Recreational Multi-Use District – Institutional and Recreational Multi-Use is only applicable to the Fairview Development Center and is intended to allow the integration of a variety of land uses and intensities at a low to moderate density and intensity.

As mentioned above, the City of Costa Mesa's Zoning Code establishes standards which regulate development throughout the City. The development standards include minimum requirements for lot size, width, building setbacks, and open space. **Table 3-6** provides the development standards applicable to each zoning district in Costa Mesa that permit residential development.

Table 3-6: Development Standards in Costa Mesa - Dimensions

Zone	Dimensions		Min. Yard Setbacks (ft)			Construction Standards		
	Min. Lot Size (square feet)	Min. Lot Width (feet)	Front (feet)	Side (feet)	Rear (feet)	Max. Height*	Min. Open Space (square feet)	Max. Density
Residential Districts								
R1	6,000 sq.ft.	Interior Lot: 50 ft. Corner Lot: 60 ft.	20 ft.	5 ft. (3)	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU (1) per 6,000 sq.ft.
R2-MD	12,000 sq.ft.	100 ft.	20 ft.	5 ft. (3)	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU per 3,630 sq.ft.(2)
R2-HD	12,000 sq.ft.	100 ft.	20 ft.	5 ft. (3)	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU per 3,000 sq.ft.
R3	12,000 sq.ft.	100 ft.	20 ft.	5 ft. (3)	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU per 2,178 sq.ft.
Planned Development Standards								
PDR-LD	5,500 sq.ft.	40 ft.	5 ft. (7)	0-10ft. (8)	5 ft.	27 ft.	45% (6)	8 DUs per acre
PDR-MD	5,500 sq.ft.	-	5 ft.	0-10ft. (8)	5 ft.	27 ft.	45%	12 DUs per acre
PDR-HD	3,000 sq.ft.	-	5 ft.	0-10ft. (8)	5 ft.	27 ft.	42%	20 DUs per acre (4)
PDR-NCM	3,000 sq.ft.	-	-	-	-	-	42%	35 DUs per acre
PDC	N/A	-	-	-	-	-	-	20 DUs per acre (5)
PDI	N/A	-	-	-	-	-	-	N/A

Note:
(1): Dwelling Unit
(2): 1 unit per DU for legal lots existing as of March 16, 1992, that are less than 7,260 sq.ft. in area but not less than 6,000 sq.ft. in area.
(3) Accessory structures that do not exceed 6.5 feet in height in the R1 zone or 15 feet in height in other residential zones may have a zero-side setback. Property line abutting a public street: 10 feet. Property line abutting an alley: 5 feet.
(4): See North Costa Mesa Specific Plan for exceptions. The maximum density for 125 East Baker Street is 58 dwelling units per acre (C0-13-02). The maximum density for 2277 Harbor Boulevard is 54 dwelling units per acre (C0-14-02).
(5): The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre. See North Costa Mesa Specific Plan for exceptions. No residential development is permitted within the 23.4-acre project site generally addressed as 1375 Sunflower Ave. and 3370 Harbor Blvd.
(6): See section 13-60 required open space criteria for planned development residential.
(7): For individual DUs.
(8): feet on one side; 10 feet combination of both sides.
Source: City of Costa Mesa Zoning code

Yard Requirements

Yards provide light and air, pedestrian and vehicular circulation, emergency access, and general aesthetic improvements. The Costa Mesa Zoning Code establishes setback requirements in order to maintain yard area. Minimum setback requirements are consistent in residential districts, 5 feet, but they differ depending on type development in mixed-use districts. While it is possible that setback requirements may pose a constraint on reaching maximum permitted density in some cases, there is enough flexibility in the current ordinances that setback requirements do not constitute a significant constraint on residential development.

Site Coverage and FAR

The City of Costa Mesa establishes site coverage requirements in order to maintain bulk, mass, and intensity of use. Site coverage is not used towards planning residential districts in Costa Mesa as open space and setback requirements ensure structures are located within an area of a lot to avoid massing and excessive density. Site coverage is considered in mixed-use developments when combined with commercial uses.

Floor Area Ratio (FAR) refers to the gross floor area allowed on a site divided by the total gross area of the site. FAR requirements limit the usable floor area to limit the bulk of a building in comparison to the land, other buildings, and public facilities in the area.

Open Space

Open space is used in conjunction with site coverage to control intensity of use and provide for an area that is intended to add light and air. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational area, playgrounds, fountains, swimming pools, and wooded areas. Also included are unenclosed patios, water courses, and surfaces covered by no more than 5 feet in depth by projections which are at least 8 feet above ground. Driveways, parking lots, surfaces designed for vehicular access, upper floor decks, balconies, and areas under projections which are less than 8 feet above ground are not considered open space.

Maximum Building Heights

A structure's height is defined by the Zoning Code as the distance from the grade to the highest point on the roof, including roof-top mechanical equipment and screening. A standard 27 feet maximum height is established for two-story residential developments in Costa Mesa in order to maintain compatibility with existing and proposed developments, however a planned development is permitted to be developed up to four stories. The City's General Plan and Zoning Code permit up to four stories south of the 405 Freeway through planned development and in many of the City's urban plan and overlay areas where higher densities are allowed, as well as additional height north of the 405 Freeway in the North Costa Mesa Specific Plan area. Per the City's development standards shown in Table 3-6, a 2-story 14,400 square-foot multi-family development on a 12,000 square-foot lot could develop up to 14 potential 1,000 square-foot units, all while meeting the City's setback, open space, and height requirements. The City's 27-foot height limit for all residential developments does not pose a constraint to meeting the City's established densities and is not considered a constraint to the development of housing.

Parking Standards

The City of Costa Mesa mandates parking requirements be applied to all developments in the City. Table 3-7 provides the required parking for all housing types. The Zoning Code further identifies the number of parking spaces that must be covered and those that can remain uncovered. These requirements ensure that there is adequate parking provided for residents and for guests in both single-family and multi-family residences.

Table 3-7: Parking Requirements for Residential Uses

Unit Type		Number of Spaces Required
Single-Family Detached with 4 Bedrooms or Less	Without garage access from alley	4
	With garage access from alley	3
Single-Family Detached with 5 Bedrooms of More	Without garage access from alley	5
	With garage access from alley	4
Multi-Family Residential	Bachelor/Studio	2
	1 Bedroom	2.5
	2 Bedrooms	3
	3 Bedrooms or more	4

Source: City of Costa Mesa Zoning Code

The cost associated with garage parking construction can be viewed as a constraint to affordable housing development, especially for multi-family housing. However, Costa Mesa's parking regulations differ depending on the number of bedrooms proposed per unit. Affordable housing projects that qualify for a density bonus may also request application for additional incentives which can be provided in the form of reduction of parking requirements. While off-street parking requirements can affect planned residential density, particularly for small lots and in-fill areas, this potential constraint is mitigated by the flexible standards shown above.

Furthermore, in comparison to neighboring jurisdictions (Table 3-8), the City of Costa Mesa has similar parking requirements. Where Costa Mesa differs in single-family parking requirements is in its count of open/driveway parking spaces. The City of Costa Mesa specifically requires 2 spaces in a garage and 2 spaces on a driveway for a single-family detached residence with 4 bedrooms or less; the other cities only provide requirements for the number of vehicles that must be included in a garage. In addition, the other cities require guest parking as a percentage of the total number of units or required spaces, while Costa Mesa requires a set number per unit.

Table 3-8: Parking Standards of Neighboring Communities

Unit Type	Number of Spaces Required
City of Newport Beach	
Accessory Dwelling Unit	1 parking space, with exceptions [(1)]
Junior Accessory Dwelling Unit	No additional parking required
Single-Unit Dwellings – Attached	2 per unit in a garage
Single-Unit Dwellings – Detached and less than 4,000 sq. ft. of floor area	2 per unit in a garage

Table 3-8: Parking Standards of Neighboring Communities		
Unit Type		Number of Spaces Required
City of Newport Beach		
Single-Unit Dwellings – Detached and 4,000 sq. ft. of floor area		3 per unit in a garage
Single-Unit Dwellings – Balboa Island		2 per unit in a garage
Multi-Unit Dwellings – 3 units		2 per unit covered, plus guest parking 1-2 units, no guest parking required 3 units, 1 guest parking space
Multi-Unit Dwellings – 4 units or more		2 per unit covered, plus 0.5 space per unit for guest parking
Two-Unit Dwellings		2 per unit; 1 in a garage and 1 covered or in a garage
Live/Work Units		2 per unit in a garage, plus 2 for guest/customer parking
Senior Housing – Market Rate		1.2 per unit
Senior Housing – Affordable		1 per unit
City of Irvine		
Single Family	1-3 bedrooms	2 spaces
	4+ bedrooms	3 spaces + visitor parking (2)
Attached Ownership	Studio	1 space + visitor parking (2)
	1 bedroom	1.5 spaces + visitor parking (2)
	2 bedroom	2 spaces + visitor parking (2)
Attached Rental	Studio	1 space + visitor parking (2)
	1 bedroom	1.4 spaces + visitor parking (2)
	2 bedroom	1.6 spaces + visitor parking (2)
	3 bedroom	2 spaces + visitor parking (2)
City of Fountain Valley		
Single-family, detached: up to 4 bedrooms		2 stalls in a garage
Single-family, detached: 5+ bedrooms or homes larger than 4,000 sq. ft.		3 stalls in a garage
Single-family, detached		Same as single-family, detached
Mobile home park		2 covered for unit, plus 0.2 visitor stall/unit provided independent of the unit
Accessory dwelling unit		No parking required beyond that which is required for the primary residence. Pursuant to California Government Code Section 65852.2, replacement parking cannot be required if an existing garage is converted to an ADU.
Multi-family: duplex, condos, other attached dwellings	1 bedroom or less	1 covered stall + 0.5 uncovered + 25% of total required spaces for visitor parking
	2 bedrooms	1 covered stall + 1 uncovered + 25% of total required spaces for visitor parking
	3 bedrooms	2 covered stall + 0.5 uncovered + 25% of total required spaces for visitor parking
	More than 3 bedrooms	2 covered stall + 0.5/room over 3 uncovered + 25% of total required spaces for visitor parking

Note:
1. Parking is waived for ADUs if the property is within ½ mile walking distance to transit (including ferry); within an architecturally or historically significant district; on-street parking permits are required and not provided to the occupant of the ADU; or within one block of a car-share vehicle pick-up/drop-off location
2. Visitor parking: 0.7 space/unit if project has resident garages or 0.4 spaces/unit if the project has resident carports.

Source: City of Newport Beach, Irvine, and Fountain Valley Municipal Codes

Program 2M is included in **Chapter 4: Housing Plan** to review and revise the City's residential off-street parking standards for multi-family residential projects in an effort to facilitate the development of multi-family developments, and specifically affordable housing projects.

4. Variety of Housing Types Permitted

California Housing Element Law mandates jurisdictions must make sites available through zoning and development standards to promote the development of a variety of housing types for all socioeconomic levels of the populations. Housing types include single-family homes, multi-family housing, accessory dwelling units, factory-built homes, mobile-homes, employee and agricultural work housing, transitional and supportive housing, single-room occupancy (SROs), and housing for persons with disabilities. **Table 3-9** shows the various housing types permitted throughout the City of Costa Mesa.

Table 3-9: Housing Types Permitted in Costa Mesa

Housing Types	Zones																	
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.	
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R	I&R-MLT
Single-Family	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	P
Multi-Family	-	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Accessory Dwelling Unit	P	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Common Interest Development	-	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Small Lot Subdivision, Residential	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile Home Park	-	C	C	C	-	-	-	-	-	-	C	C	C	C	C	C	-	-
Boarding House, Small (1)	-	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	-
Boarding House, Large (1)	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	-	-
Residential Care Facility, 6 or Fewer Persons	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	P	P

Table 3-9: Housing Types Permitted in Costa Mesa																		
Housing Types	Zones																	
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.	
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R	I&R-MLT
Residential Care Facility, 7 or More	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	C	-
Group Homes, 6 or Fewer Persons	S	S	S	S	-	-	-	-	-	-	S	S	S	S	S	S	P	P
Group Homes, 7 or More	S	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	P	-
Sober Living Homes, 6 or Fewer Persons	S	S	S	S	-	-	-	-	-	-	S	S	S	S	S	S	P	-
Sober Living Homes, 7 or More	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	P	-
Referral Facility	-	C	C	C	-	C	-	-	-	-	-	C	C	-	-	-	-	-
Single Room Occupancy Residential Hotel (SRO)	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-
Emergency Shelters	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	-	-
Low Barrier Navigation Centers	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Farmworker Housing	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Source: City of Costa Mesa Zoning Code

Notes: (1) Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse.

P – Permitted

C – Conditional Use Permit

S – Special Use Permit

Table 3-9: Housing Types Permitted in Costa Mesa																		
Housing Types	Zones																	
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.	
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R	I&R-MLT
(-) – Prohibited																		

Single-Family Dwelling

The Costa Mesa Zoning Code defines a Single-Family Dwelling as a building of permanent character 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. A single-family dwelling may be attached or detached from another single-family dwelling, including but not limited to an accessory dwelling unit. Single Family dwelling units are permitted in the R1, R2-MD, R2-HD, and R3 residential zones, as well as the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, PDI, and I&R-MLT zones.

Multi-Family Dwelling

A Multi-Family Dwelling is a building of a permanent character which is designed or used for residential occupancy or two or more families. This housing designation may include, duplexes, triplexes, fourplexes, and apartments. The building is typically owned by a single person or agency and rented out to tenants. Each dwelling unit within the structure is occupied by a single housekeeping unit. Multifamily dwelling units are permitted in the R2-MD, R2-HD, and R3 residential zones, the TC commercial zone, and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI zones, and the I&R-MLT Institution zone.

Accessory Dwelling Unit (ADU)

An ADU is a second dwelling unit established in conjunction with and subordinate to the single-family dwelling unit existing on the property. The ADU may be a studio with no bedroom or contain any number of bedrooms and it may be attached to the single-family dwelling unit or detached and located on the same lot. An ADU may also be referred to as an "accessory apartment", "granny unit", "granny flat", or "in-law apartment". Refer to Costa Mesa City Ordinance 2021-03 for ADU-specific development standards. Accessory dwelling units are permitted in all zones where single-family residential units are also permitted.

Common Interest Development

The City Zoning Code defines Common Interest Developments as containing 2 or more common interest units, which may include, but is not limited to, a community apartment project, rights of exclusive occupancy, a stock cooperative, and/or exclusive occupancy. Common interest developments are permitted in all zones where multifamily developments and units are permitted.

Small Lot Subdivision, Residential

A Small Lot Subdivision refers to a residential development that contains a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel. In a small lot subdivision, the land is subdivided into fee simple parcels containing each unit and each individual lot is provided with either a direct access to a public street/alley or an easement access through a recorded subdivision map. Small Lot subdivision projects are permitted in the R2-MD, R2-HD, and R3 residential zones.

Manufactured Housing

Manufactured housing includes 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. A factory-built structure is considered a single-family home and shall be reviewed under the same standards as a site-built structure if it is manufactured under the authority of 42 U.S.C. section 5401 - National Manufactured Housing Construction and Safety Standards Act. Mobile homes are permitted conditionally in the R2-MD, R2-HD, R3 residential zones and PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI zones.

Boarding House

A Boarding House is a residence or dwelling, other than a hotel, wherein rooms are rented under 2 or more separate written or oral rental agreements, leases, or subleases. The property owner, agent, or rental manager may or may not reside on the property. A small boarding house rents 2 or less rooms, while a large boarding house rents out 3 to 6 rooms. The City of Costa Mesa prohibits boarding houses that rent more than 6 rooms. Small boarding house developments are permitted in all zones where manufactured/mobile homes are permitted, and large boarding house developments are conditionally permit in these zones.

Residential Care Facility

In Costa Mesa, a Residential Care Facility must be licensed by the State to provide care, services, or treatment to persons living in supportive community residential setting. Residential care facilities may include, but may not be limited to: intermediate care facilities for the developmentally disabled; community care facilities; residential care facilities for the elderly; residential care facilities for the chronically ill; alcoholism and drug abuse facilities; pediatric day health and respite care facilities; residential health care facilities, including congregate living health facilities; family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children. Residential care facilities are permitted in all residential, planned development, and institutional zones.

Group Homes

A Group Home is 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 State licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Group homes are allowed in all residential zoning districts through a conditional or special use permit. Small group homes are permitted with a special use permit in residential and planned development zones, and they are permitted as a primary use in institutional zones subject to consistency with an adopted Master Plan. Large group homes are conditionally permitted in residential and planned

development zones and are permitted as a primary use in the institutional zones subject to consistency with an adopted Master Plan.

Although there are several different housing types outlined in the zoning code including group homes, the City's zoning code does not exclude group homes or more specifically housing for disabled people from any residential zones in the City. On the contrary, disabled individuals can live in any residential property in the City. The city's code provisions regarding group homes have been upheld by numerous courts in both state and federal court and have been found to be intended to and actually protective of persons with disabilities. Group homes are intended to be integrated into residential communities for the benefit of both the disabled and the non-disabled. The City's code protects the disabled from being forced to live in multiple adjoining properties clustered together -- institutionalized settings -- in crammed quarters, subject to eviction without warning and left vulnerable and homeless in a City far from their actual homes. It also preserves the very character of residential neighborhoods which make them desirable places to live, by preventing unreasonably increased traffic, noise, parking difficulties, and drug-related activity when residents relapse during the recovery process. The recovery community, including industry associations like Sober Living Network and the National Alliance for Recovery Residences, acknowledged these issues, and recommend that group recovery homes – including sober living homes – adopt model operational standards to ensure proper care of their residents. Costa Mesa's code does exactly that, regulating *operators*, not disabled individuals, and ensuring the disabled safe and appropriate residential environments. Numerous group homes for the disabled, including sober living homes have been approved and operate throughout the City. There is no shortage of options for those seeking to live in a recovery home in low or high density areas of the City. Further, the City does not regulate state licensed homes of six or fewer residents, as that is preempted by state law.

Based on California Health and Human Services (CHHS) data shown below, Costa Mesa has more Certified & Licensed group home facilities (in number and per capita) than the surrounding Orange County jurisdictions. Under the current regulations, there are significant portions of the City that can accommodate additional facilities. Per capita estimates are shown below (based on 2021 US Census population estimates).

- Costa Mesa: 55 Certified and Licensed Facilities (1 per 2,013 residents)
- Newport Beach: 35 Certified and Licensed Facilities (1 per 2,422 residents)
- Huntington Beach: 42 Certified and Licensed Facilities (1 per 2,777 residents)
- Fountain Valley: 16 Certified and Licensed Facilities (1 per 3,530 residents)
- Irvine: 5 Certified and Licensed Facilities (1 per 61,806 residents)
- Santa Ana: 28 Certified and Licensed Facilities (1 per 11,051 residents)

Notwithstanding, the City has included **Program 2P** in the Housing Element to review and consider revisions to its zoning code and application procedures applicable to group homes to promote objectivity and greater approval certainty.

Transitional Housing

The Costa Mesa Zoning Code defines Transitional Housing as a development with buildings configured as rental 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 may not be less than 6 months. Transitional housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses. Currently, the city permits transitional housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a transitional housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a SFU. The City has identified **Program 2J** to update the zoning code to acknowledge transitional housing distinctively in the City's land use matrix, consistent with state law.

Supportive Housing

Supportive Housing includes housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing their ability to live and, when possible, work in the community. Supportive housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses. Currently, the city permits supportive housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a supportive housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a single family unit. The City has identified **Program 2J** to update the zoning code to acknowledge supportive housing distinctively in the City's land use matrix, consistent with state law.

Referral Facility

A Referral Facility or a group home may include one or more person who resides there pursuant to a court order or directive from an agency in the criminal justice system. Referral facilities are conditionally permitted in the R2-MD, R2-HD, and R3 residential zones, the PDR-MD, PDR-HD Planned Development zones and the C2 commercial zone.

Single Room Occupancy Residential Hotel (SRO)

An SRO is permitted in certain commercial zones and contains units designed for long-term occupancy by a single person. Double occupancy may be permitted. SROs are conditionally permitted in the C1 and C2 commercial zones.

Emergency Shelter

An emergency shelter provides temporary housing and food for individuals in need or disaster victims. The shelters may be operated by a public or non-profit organization. Emergency shelters are permitted by-right

in the PDI Zone. Emergency shelters are also permitted in the MP Zone with approval of a Conditional Use Permit. All emergency shelters are subject to the following development standards (City-owned emergency shelters are exempt from certain provisions):

- The maximum length of stay may not exceed 120 days in a 365-day period.
- Each emergency shelter may have a maximum of 30 beds.
- Off-site parking must be provided at a parking rate of 1 parking space per 4 beds or one 1 space per employee, whichever is higher. In comparison to the Cities of Newport Beach, Huntington Beach, and Irvine, Costa Mesa's emergency shelter parking requirements are lowest and therefore not considered a constraint.
- Stays at an emergency shelter facility shall be limited to the hours of 5:00 p.m. and 8:00 a.m. the following day.
- Nonoperational and unregistered vehicles may not be kept on site.
- Each emergency shelter will provide an interior and exterior waiting area adequate to accommodate waiting clients and to prevent queuing into the public right-of-way. An exterior waiting area must be physically separated and visually screened from the public right-of-way.
- The emergency shelter facility will provide an on-site resident manager on site at all times.
- A minimum distance of 300 feet must be maintained from another emergency shelter. The distance of separation shall be measured in a straight line between the property lines of each use without regard to intervening structures or objects.
- The shelter operator shall provide minimum exterior lighting in compliance with the city's security requirements.
- The shelter operator shall patrol a half-mile radius surrounding the shelter site during hours that the shelter is in operation to ensure that shelter clients and homeless individuals who have been denied access are not congregating in the neighborhood.
- Alcohol and narcotics use, and consumption are prohibited within the facility and on the property.
- An operations plan will be submitted for review and approval by the development services director and police chief prior to operation of the emergency shelter. The plan must include minimum provisions related to on-site security and safety, staff training, loitering control, client eligibility, counseling services, and indoor and outdoor management of the facility.

In April 2021, the City of Costa Mesa completed the construction of its permanent Bridge Shelter within the City. The Costa Mesa City Council purchased the Airway property in March of 2019 and completed $4.5 million worth of capital improvements to convert the 26,000-square-foot industrial warehouse to a 12,000-square-foot 72-bed shelter with a 14,000-square-foot tenant space. The permanent Bridge Shelter was built in coordination with the neighboring City of Newport Beach who made a one-time payment of $1.4 million in capital costs as well as $200,000 in furniture, fixtures, and equipment for the site. Additionally, Newport Beach will provide $1 million annually for 20 set-aside beds.

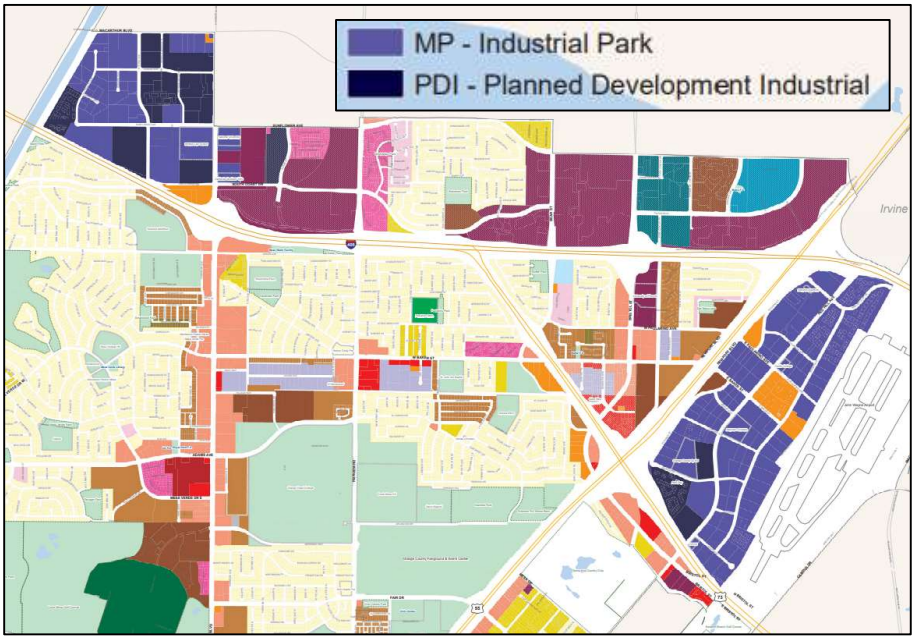
Construction of the Bridge Shelter, as well as the organization and operation of the temporary Bridge Shelter at Lighthouse Church, represent the Costa Mesa's commitment to assisting those residents currently experiencing homelessness. With the shelter in full operation, the City is now able to assist up to

72 residents at one time. This multi-year effort is a tremendous step towards helping to house residents within the City of Costa Mesa who may need assistance and transition to more permanent housing. The City also provides services and assistance to residents of the Bridge Shelter.

In addition, a total of 294 parcels (483.5 total acres and an average parcel size of 1.6 acres) are zoned MP and 150 parcels (168.7 total acres and an average parcel size of 1.1 acres) are zoned PDI which allows for the development of emergency shelters by-right without discretionary approval. Additionally, the Bridge Shelter parcel is approximately 1.3 acres large – which is similar to the average size of other parcels in the MP and PDI zones. These parcels currently include industrial uses such as light manufacturing, warehousing, and logistics centers, office buildings, schools, churches, civic uses and surface parking lots. There are two areas of the City with a mix of PDI and MP zoning – these include the area between John Wayne Airport and the 55 Freeway and the area to the north-west of the City between the 405 Freeway and W MacArthur Boulevard. Parcels located in these PDI and MP zones are all located approximately within a half-mile of a transit stop. In the area closest to John Wayne Airport, the 71 OCTA line runs through Red Hill Avenue. In the area closest to W MacArthur Boulevard, OCTA lines 43, 76, and 37 run along Harbor Boulevard and W MacArthur Boulevard.

Based on CalEnviroScreen 4.0, there are 3 hazardous waste generators within the MP and PDI zones in the north-west portion of the City and 4 near the north-east portion of the City as shown in **Figure 3-1b**. These generators are light industrial uses and do not create an environment unfit for human habitation. Located in close proximity to the area are existing and new housing units. In fact, residential development is allowed in certain industrial zones in the City pursuant to residential overlay zoning and subject to an adopted master plan. As such, the hazardous waste generators identified by CalEnviroScreen 4.0 do not pose a threat to the development and use of future emergency shelters in the area.

Figure 3-1a: Map of MP Zones in Costa Mesa



Source: City of Costa Mesa, Zoning Code Map.

Figure 3-1b: Map of Hazardous Waste Generators



Source: CalEnviroScreen 4.0, Hazardous Waste.

Farmworker Housing

California Health and Safety Code Sections 17021.5 and 17021.6 require agricultural employee housing to be permitted by-right, without a conditional use permit (CUP), in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds. The Costa Mesa Municipal Code does not address Farmworker Housing by definition. A program is included in **Chapter 4: Housing Plan** to ensure the City's development standards allow Farmworker Housing by-right, without a CUP, in single-family zones for six or fewer persons.

Low Barrier Navigation Centers

AB 101 states that "Low Barrier Navigation Center developments are essential tools for alleviating the homelessness crisis in this state." Low Barrier Navigation Centers are defined as a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. Low Barrier Navigation Centers are required as a use by right in areas zoned for mixed uses and nonresidential zones permitting multifamily uses if it meets specified requirements. The Costa Mesa Municipal Code does not address Low Barrier Navigations Centers by

definition. A program is included in Chapter 4: Housing Plan to ensure the City's development standards allow Low Barrier Navigation Centers by-right in all zones that permit mixed-uses and non-residential uses.

5. Planned Development

The intent and purposed of Planned Developments are to 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 developments. Additional standards for PDs may be found in Chapter V. Article 6 of the City's Zoning Code.

All PDs require approval through a Master Plan and must be reviewed and approved by the Planning Commission. The following provides the process by which PDs may be reviewed:

Preliminary Master Plan: a preliminary master plan may be processed in advance of the master plan to determine the general location, type, and intensities of uses proposed in large scale planned developments prior to the preparation and submittal or more detailed development plans. Preliminary master plans may also be used as conceptual plans for long-term or phased PDs.

Upon approval of the preliminary master plan, development plans for individual components or phases of the PD are required and will be processed according to the provisions for master plans. Subsequent plans must 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 or upon motion by the Planning Commission or City Council.

Amendments to the Master Plan: 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 change in the use of character of the development;
- An increase in the overall density of the development;
- An increase in overall coverage of structures;
- A reduction or change in character of approved open space;
- A reduction of required off-street parking;
- A detrimental alteration to the pedestrian, vehicular and bicycle circulation, and utility networks; or
- A reduction in required street pavement widths.

Major changes involving substantial amendments to the master plan encompassing one or more of the minor changes listed above, 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. 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.

Minor Additions to an Existing PD:

- *Residential buildings—Single-story additions*: Minor single-story additions to existing residential buildings not meeting the criteria below may be approved by a Minor Modification application if the Planning Division finds that the proposed construction does not materially affect the required open space, site coverage, or parking of the PD.
- *Unenclosed patio covers*: Unenclosed patio covers in planned development residential zones, which meet the setback criteria may be approved by the Planning Division:
- *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.
- *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. Any second-story addition that does not meet all of the following criteria will be subject to Minor Design Review: complies with residential design guidelines adopted by the City Council, and does not materially affect the required open space, site coverage, or parking of the planned development.
- *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. 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.

Site Design Concept

To maintain similar development designs and intensities within the different residential zones in the Costa Mesa, the City encourages the following standards and housing types:

Low-Density Zone: Small-lot, single-family detached residential developments including clustered development, zero lot line development and conventional development are appropriate.

Medium-Density and High-Density Zone, and North Costa Mesa Zones: Single- and multi-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.

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 PD residential project.

As a Complementary Use in PDR-MD, PDR-HD, PDR-NCM Zones: nonresidential uses of a commercial nature may be allowed if the Planning Commission finds the uses to be compatible with the PD residential project and if the FAR does not exceed that established for the Neighborhood Commercial General Plan Land Use designation.

6. Growth Management Measures - Measure Y

Growth management measures allow cities to grow in a responsibly and orderly manner, however, if overly restrictive, these measures can produce constraints to the development of housing, specifically affordable and accessible housing.

In 2016, residents of Costa Mesa voted to pass Measure Y: An Initiative to Require Voter Approval on Certain Development Projects. The Measure amended the Costa Mesa Municipal Code to require voter approval of any projects involving certain legislative actions (i.e. projects that amend, change, or replace the General Plan, the Zoning Code, a specific plan, or an overlay plan) which:

- Add 40 or more dwelling units;
- Generates more than 200 additional average daily trips (ADT);
- Increases the volume/capacity of an intersection based on specified formulas;
- Changes the intersection capacity utilization or level of service (LOS) based on specified formulas;
- Adds 10,000 square feet of retail, office, or other nonresidential uses; and/or
- Where the proposed project, combined with other projects within 8 years and a half-mile of each other, meet the above criteria.

Voter approval is also required for projects involving the above listed legislative actions which involve:

- Changes from public uses to private uses under special circumstances;
- Land designated as utility right-of-way under specified circumstances;
- Land donated, bequeathed, or otherwise granted to the City;
- Land used or designated for Costa Mesa school property; and/or
- Land owned, controlled, or managed by the City.

Any of these proposed changes as listed above are required to be approved by the Costa Mesa voters through a special or general election after the City Council has approved the project. Applicants may choose to put their project on a General Election which could result in timing delays to the project as those typically only occur in June and November of even numbered years or may pay for a Special Election to occur. Special Elections typically cost approximately $200,000, a cost which must be paid for by the developer. This can be a significant capital investment that may return uncertain election results (even if a project is approved

by the City Council through an entitlement process). This process may discourage developers from pursuing housing development projects and particularly affordable housing projects.

The precise impact on development projects depends heavily on the type of project, number of residential units, and funding sources. The City has not had a project go through the entire Measure Y process to date. While the exact cost and impact is not known, it can be assumed based on the analysis above that the Measure Y process adds time to the entitlement schedule and potentially additional costs if a Special Election is required. Program 3G discusses specific actions the City will take to address Measure Y in the context of the Housing Element and making sites available to accommodate the City's RHNA.

7. Specific Plans

The purpose of a Specific Plan is to implement the goals and objectives of a city's General Plan in a more focused and detailed manner that is area and project specific. The Specific Plan promotes an enhanced aesthetic level throughout the project/community. Specific Plans can contain their own development standards and requirements that may be more restrictive than those defined for a city as a whole.

East 17th Street Specific Plan

The East 17th Street Specific Plan encompasses approximately 33 acres along 17th Street, east of Santa Ana Avenue and west of Irvine Avenue. The area is designated for General Commercial by the General Plan Land Use Element and contains a mix of office and commercial uses.

The intent and purpose of the specific plan is to provide a good transition to neighboring residential areas by alleviating the problems generated by the proximity of commercial and residential uses in the area. In order to do this, the City adopted the following development standards:

- Properties on the south side of the 400 block of the Specific Plan area must maintain a 10-foot landscape buffer and properties on the north side of the 400 block must maintain a 5-foot landscape buffer.
- A Conditional Use Permit is required to permit any development over 2 stories / 30 feet. Developments over 4 stories are prohibited.

Newport Boulevard Specific Plan

The Newport Boulevard Specific Plan was prepared in order to address the development issues that resulted from the completion of the Costa Mesa Freeway. The intent and purpose of this specific plan is to encourage viable commercial businesses along Newport Boulevard, as well as to encourage marginal uses to redevelop. The Newport Boulevard Specific Plan added the "Commercial-Residential" land use designation to allow for a mix of residential and commercial zoning, which would otherwise only occur in Planned Development zoning districts. Maximum residential density ranges from 12 units to 17.4 units per acre through the specific plan area; Table 3-10 below provides the permitted densities.

The Commercial-Residential land use designation is intended to allow commercial uses which serve and complement the residential neighborhoods to the east and within the specific plan. Appropriate uses

include markets, drug stores, retail shops, financial institutions, service establishments and support office uses. Single room occupancy hotels are also permitted in this area. The location of these uses near residential neighborhoods is further intended to reduce the need for longer vehicle trips to areas of more intense commercial activity in order to obtain goods or services.

Table 3-10: Permitted Residential Density		
Lot Size	Street Frontage	Allowable Density
40,000 square feet	120 feet	1 unit/ 3,630 square feet (Medium density at 12 units per acre)
60,000 square feet	150 feet	1 unit/ 3,000 square feet (High density at 14.5 units per acre)
80,000 square feet	180 feet	1 unit/2,500 square feet (High density at 17.4 units per acre)
Source: Newport Boulevard Specific Plan SP-96-01 (1996)		

North Costa Mesa Specific Plan

The North Costa Mesa Specific Plan encompasses 423 acres north of the San Diego Freeway and was adopted in 1994 and last updated in 2016. A specific plan was developed to set standards and strategies for the development of two large areas of undeveloped land in this area. The intent of the specific plan is to implement the policies of the General Plan in a manner that seamlessly integrates a variety of uses and considers the impact of new development on surrounding areas.

Table 3-11 provides the permitted land uses and densities within the specific plan areas, and Table 3-12 provides the maximum building heights allowed.

Table 3-11: Permitted Land Uses and Development Standards				
Land Use Designation	**Typical Uses**	**Zoning Districts**	**Residential Density**	**FAR**
Low Density Residential	Single family detached and attached units, granny units, accessory apartments, family day care	R1, PDR-LD, I&R	≤ 8 units per acre	0.15 high traffic 0.25 moderate traffic 0.35 low traffic
Medium Density Residential	Single-family attached units, multiple family units, senior congregate care facilities, convalescent hospitals, and group residential homes. Ancillary commercial uses are permitted the planned development zones.	R1, R2-MD, PDR-MD, MU, I&R	≤ 12 units per ace	0.15 high traffic 0.25 moderate traffic 0.35 low traffic
High Density Residential	Multiple family units, senior congregate care facilities, convalescent hospitals and group residential homes. Ancillary commercial uses are permitted in the planned development zones.	R2-HD, R3, PDR-HD, PDR-NCM, MU, I&R	≤ 20 units per acre (except the density in PDR-NCM zone is 25-35 units per acre)	0.15 high traffic 0.25 moderate traffic 0.35 low traffic
Commercial Center (1)	Major shopping, service, and office facilities designated serve city-wide and regional markets.	C1, C2, C1-S, PDC, AP, P, CL	≤ 20 units per acre	0.25 high traffic 0.35 moderate traffic 0.45 low traffic 0.75 very low traffic
Regional Commercial	Regional scale uses including major department stores, specialty retail outlets, restaurants, offices, and hotels.	PDC	≤ 20 units per acre	0.652 South Coast Plaza (east of Bear Street) 0.89 South Coast Plaza (west of Bear Street)
Urban Center Commercial	Intensively developed mixed commercial including offices, retail shops, restaurants, and hotels. Residential uses are also permitted pursuant to the North Costa Mesa Specific Plan	PDC, TC	≤ 20 units per acre	See Note 2.
Industrial Park	Wide variety of industrial and compatible office and support commercial uses.	MP, POI, CL	≤ 20 units per acre	0.20 high traffic 0.30 moderate traffic 0.40 low traffic 0.75 very low traffic

Notes:
(1) Home Ranch has a site-specific FAR: 0.37 for the IKEA portion of the project and 0.64 for the office portion
(2) South Coast Metro Center (Area 6) has a site- specific FAR of 0.79. Sakioka Lot 2 (Area 8) has a maximum site- specific FAR of 1.0.
Source: North Costa Mesa Specific Plan (2016)

Table 3-12: Maximum Building Height – North Costa Mesa Specific Plan	
Sub-Are	**Max. Building Height**
Area 1 – Home Ranch	Varies [1]
Area 2 – Metro Pointe	30 feet / 2 stories [2][3] (North of South Coast Drive) 90 feet / 6 stories [2][3] (South of South Coast Drive)
Area 3 – South Coast Plaza and Crystal Court	85 feet / 4 stories
Area 4 – SCP Town Center	315 feet / 25 stories [2]
Area 5 – The Lakes	90 feet / 6 stories [2] (Mid-Rise Residential) 280 feet / 26 stories [2] (High-Rise Residential)
Area 6 – South Coast Metro	Varies [2][4]
Area 7 – Sakioka Lot 1	60 feet / 4 stories [4]
Area 8 – Sakioka Lot 2	60 feet / 4 stories [2][4] (North of Collector Street) 180 feet / 12 stories [2][4] (South of Collector Street)
Notes: (1) See North Costa Mesa Specific Plan. (2) Buildings above 173 feet in height will require a determination of no hazard by the FAA. (3) Current development agreement allows buildings up to 15 stories. (4) Buildings which encroach into the setback for Anton Blvd. and/or Sakioka Dr. cannot exceed 30 feet (approx. 2 stories) within the setback area. *Source: North Costa Mesa Specific Plan (2016)*	

Costa Mesa Theater and Arts District Plan

The Costa Mesa Theater and Art District includes 54 acres of land located east of Bristol Street, south of Sunflower Avenue, west of Avenue of the Arts, and north of the San Diego Freeway. The specific plan area includes high-rise office buildings, cultural facilities, hotels, restaurants, and other commercial uses; it neighbors high-density residential developments. The goals of the plan are to:

- Create a strong sense of place and awareness of a coherent identity for the Costa Mesa Theater and Arts District that will recognize existing cultural and corporate resources in the area and successfully integrate new resources as they are developed.
- Assist pedestrians and vehicle operators in reaching their destinations quickly and easily, and, once they are in the area, make information available that highlights additional points of attraction throughout the district.
- Inform local, regional, national, and international communities about the Costa Mesa Theater and Arts District.
- Support occasional programs and installations in the Costa Mesa Theater and arts District that will recognize the importance of culture and the arts in daily life.

- Encourage appropriate interplay between policies that apply particularly to the Costa Mesa Theater Arts District and those policies that evolve in the City of Costa Mesa to serve regional needs.
- Improve communication and cooperation among area property owners in monitoring and fostering design and development within the district.

8. Housing for Persons with Disabilities

Both the Federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act require governments to make reasonable accommodations (that is, modifications or exceptions) in their zoning laws and other land use regulations to afford disabled persons an equal opportunity to housing. State law also requires cities to analyze potential and actual constraints to the development, maintenance, and improvement of housing for persons with disabilities.

The Housing Element Update must also include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities. The analysis of constraints must touch upon each of three general categories: 1) zoning/land use; 2) permit and processing procedures; and 3) building codes and other factors, including design, location, and discrimination, which could limit the availability of housing for disabled persons.

Reasonable Accommodation

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices, and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the Zoning Code to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

The Reasonable Accommodations Chapter of the City of Costa Mesa's Municipal Code identifies the applicability and procedures needed to obtain relief from a Zoning Code provision, regulation, policy, or condition which may cause a barrier to equal opportunity for housing. This regulation applies to any person seeking approval to construct and/or modify residential housing for persons(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities.

An application for a reasonable accommodation must be submitted to the City of Costa Mesa's Planning Division and requires approval by the Development Services Director within 60 days of the application being deemed complete. A denied application may be appealed to the Planning Commission and is subject to the notice, review, approval, and appeal procedures prescribed for any other discretionary permit. There are no fees associated with the application and it must include:

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

- The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individual;
- Any other information that the Director reasonably determines is necessary for evaluating the request;
- Documentation that the applicant is either an individual with a disability, applying on behalf of one or more individuals with a disability, or a developer or provider of housing for one or more individuals with a disability;
- The specific exception or modification to the zoning code provision, policy, or practices requested;
- Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence; and
- Any other information that the hearing officer reasonably concludes is necessary to determine whether the grounds for reasonable accommodation can be made, so long as any request for information regarding the disability of the individual(s) benefited complies with fair housing law protections and the privacy rights of the individual(s) affected.

The following factors are considered during the review of the application:

- Is the requested accommodation necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling? To determine whether the accommodation is necessary, the director may consider, among other things: The nature of the disability including the special needs created by the disability, the physical attributes and setting of the property and structures, the potential benefit that can be accomplished by the requested accommodation, and alternative accommodations that may provide a comparable level of benefit.
- Is the requested accommodation reasonable? A requested accommodation is not reasonable if it would impose an undue financial or administrative burden on the City. It is also not reasonable if it would fundamentally alter a City program, such as the City's zoning scheme.
    - In considering the financial or administrative burden on the City, the director may consider, among other things, the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it.
    - In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, whether granting the request would be consistent with the City's General Plan, with the purpose and nature of the particular zoning district, and with nearby uses. The director may also consider whether the requested accommodation would potentially have adverse external impacts on properties in the vicinity.

The inherent constraints of any reasonable accommodation process are that the accommodation must be both "reasonable" and "necessary." Each of these concepts are unavoidably subjective in some ways and entail a highly specific inquiry into a particular, typically unique, set of circumstances. The examples offered by HCD in its comments on the draft element reference consideration of General Plan consistency, for

example. A General Plan and evaluation of uses as consistent or inconsistent with the General Plan may be a constraint, but both a General Plan and acting consistently with the General Plan are obligations imposed on the City by State law. Similarly, impacts to individuals and properties in the vicinity of any requested deviation from standards is a routine and appropriate factor to review in determining whether a particular accommodation requested is reasonable under all the circumstances presented. Nevertheless, the City has established **Program 2N** and has committed to review and revise its reasonable accommodation procedures to be consistent with the requirements of State law as needed, and to consider public comments to determine whether revisions can be made to minimize constraints in the process.

Definition of Family

Under the right of privacy, the California Constitution prohibits a restrictive definition of "family" which limits the number of unrelated persons and differentiates between related and unrelated individuals living together. The City of Costa Mesa's Municipal Code defines the term "family" as one or more persons occupying one dwelling unit and living together as a single housekeeping unit. The City also defines a "single housekeeping unit" as occupants which have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities. Membership in the single housekeeping unit must be fairly stable as opposed to transient, the members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. The City also includes that there is a rebuttable presumption that integral facilities do not constitute single housekeeping units.

The City's Municipal Code provides the following indicators that a household is not operating a single housekeeping unit:

- The occupants do not share a lease agreement or ownership of the property;
- Members of the household have separate, private entrances from other members;
- Members of the household have locks on their bedroom doors; and/or
- Members of the household have separate food storage facilities, such as separate refrigerators.

The Courts have clearly distinguished between single housekeeping units and those of a more transient nature, such as boarding homes, motels, etc. The City's code does not restrict single housekeeping units to those who are related, but does properly define a single housekeeping unit consistently with the law. State zoning law allows the city to establish zones of different residential density, such as R-1 (single family residential), R-2 (two unit/family residential), multi-family, mixed use, etc. The City's definition of family does not touch on whether the members are disabled or not, is not based on and is not intended to discriminate against any based on different levels of ability or disability. The City has added **Program 2O** to review and revised the definition of single-housekeeping unit (which is language within the definition of family) to provide greater flexibility in consideration of accommodating a variety of household situations for related and unrelated individuals living together.

9. Development Fees

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law. Development fees can be a constraint to the maintenance, improvement, and development of housing because the added costs for developers results in higher housing unit costs. Development fees are, however, necessary to provide planning and public services. Table 3-13 provides the planning processing fees and Table 3-14 provides the engineering fees.

Table 3-13: Planning Processing Fees

Review Process			Fee
ABC License Review			$500
Administrative Adjustment			$3,800
Address / Address Change			$200
Appeal	Planning Commission Decision	Located within 500 ft. of project site	$1,220
		Located greater than 500 ft. of project site	$3,825
	Non-Planning Commission Decision	Located within 500 ft. of project site	$690
		Located greater than 500 ft. of project site	$3,825
Banner Permit			$25
CC&Rs Review			$1,000
Certificate of Appropriateness			$7,500
Certificate of Compliance			$1,500
Conditional Use Permit			$7,500
Conditional Use Permit – Measure X			$27,508
Density Bonus Review			$12,000
Design Review	Minor		$1,500
	Major		$3,800
Designating a Cultural Resource			No fee
Development Agreement			Time and materials with $20,000 min. deposit
Development Agreement Annual Review	Planning Commission Review		$1,425
	City Council Review		$1,875
Development Review (Staff)			$1,500
Environmental Review / CEQA			Total consultant contract estimates plus 10%
Flood Zone Determination Letter			$250
Gate Permits			$500
General Plan Amendment Screening			$5,000
General Plan Amendment			$12,000
Home Occupation Permit (Planning Review)			$100
Land Use Restriction			$500
Lot Line Adjustment			$1,500

Table 3-13: Planning Processing Fees		
Review Process		Fee
Master Plan		$9,000
Master Plan Amendment	Minor Change	$1,250
	Minor Amendment	$6,000
	Major Amendment	$7,500
Minor Modification		$500
Minor Conditional Use Permit		$3,800
Minor Design Review		$1,500
Mixed-Use Development Plan Screening		$5,000
Mobile Home Park Applications	Mobile Home Park Conversion	$7,500
	Tenant Relocation (Staff Review)	$5,000
	Tenant Relocation (Third Party Review)	Total consultant contract estimates plus 10%
Off-Site Hazardous Waste Facility	Notice of Intent	$5,000
	Conditional Use Permit	$12,000
	Local Assessment Committee (Formation and Convening)	$5,000
Planned Signing Program		$1,500
Plan Check	Commercial	$250
	Industrial	$250
	Residential – Minor, 4 or Less	$250
	Residential – Major, 5 or More	$500
	Landscape Plan Only	$500
Pre-Application Review		$1,500
Public Entertainment Permit		$1,500
Public Notice (500-Foot Radius and Newspaper Publishing)		$1.00 per mailing address plus publishing costs
Reasonable Accommodation		No fee
Renewal/Time Extension	Director Action	$500
	Zoning Administrator Action	$2,500
	Planning Commission Action	$3,800
Residential and Non-Residential Common Interest Development Conversion		$7,500 plus $115 per unit for required building inspection
Rezone		$10,000
Second-Story Notification		$500
Shared Parking Approval		$500
Small Cell Facility Encroachment Permit – Planning Review		$1,000
Special Use Permit		$5,500
Specific Plan / Amendment		$12,000
Specific Plan Conformity Review		$9,000
Tentative Tract Map		$6,000
Tentative Parcel Map		$3,800

Table 3-13: Planning Processing Fees	
Review Process	**Fee**
Tree Removal Review / Tree Replacement Plan	$500
Urban Master Plan Screening	$10,000
Use Determination Letter	$500
Variance	$7,500
Zoning Verification Letter	$250
Source: City of Costa Mesa Planning Processing Fee Schedule (2019)	

Table 3-14: Engineering Fees	
Type	**Fee**
Drainage Fee	$6,283 - $11,309 per acre + storm drain upgrade
Final Map Check Fee	$90/hour
Off-Site Plan Check	$90/hour
Street Improvement Plan Check Fee	$90/hour
Deposit/bond – Off-Site Work	Twice the amount of the cost estimate of off-site work
Construction Access Permit	$230
Curb and Gutter Permit	$365
Driveway Approach	$425
Sidewalk Approach	$380
Wheelchair Ramp	$365
Public Right-of-Way Inspection	$125/hour
Source: City of Costa Mesa Development Fees (2019)	

The City of Costa Mesa assesses impact fees on a project-by-project basis, taking into account the number of units proposed in the development and the impact these units may have on the local school district, parkland, circulation in the area, and sewage and water infrastructure. Table 3-15 provides the development impact fees as they relate to the development of housing in Costa Mesa.

Table 3-15: Development Impact Fees	
Use	**Fee**
Newport-Mesa Unified School District	
Residential Developer Fees	$1.84 per sq.ft. (additions under 500 sq.ft. may be exempt)
Transportation	
Low Density Residential (9.41 ADT)	$235 per net trip
Medium Density Residential (7.5 ADT)	$235 per net trip
High Density Residential (6.85 ADT)	$235 per net trip
Parkland	
Single-Family Residential	$13,572 per dwelling unit
Multi-Family Residential	$13,829 per dwelling unit
Apartment	$5,000 per dwelling unit
Costa Mesa Sanitary District	
Small New Development Plan Check	$420

Table 3-15: Development Impact Fees		
Use		**Fee**
Large New Development Plan Check		$1,260
Single Family Residential	1 Bedroom	$3,083
	2 Bedrooms	$4,029
	3 bedrooms	$4,973
	4 Bedrooms	$5,918
	5+ Bedrooms	$6,912
Multi-Family Residential	Studio	$1,591
	1 Bedroom	$2,486
	2 Bedrooms	$3,482
	3 bedrooms	$4,426
	4+ Bedrooms	$5,371
San Juaquin Hill Trans. Corridor Agency		
Single-Family Residential		$4,448 per dwelling unit
Multi-Family Residential		$2,595 per dwelling unit
Mesa Water District		
Service Establishment Fee		$20/account
Sources: City of Costa Mesa and Other Agencies Development Fees (2019) *Newport-Mesa Unified School District Developer Fees* *CMSD Sewer Connection Fees (2020)*		

The development fees associated with each project is dependent on the housing type, density, intensity of use, and location. In addition to these direct fees, the total cost of development is contingent on the project meeting the City's policies and standards, as well as the project applicant submitting necessary documents and plans in a timely manner.

The estimated total development and impact fees for a typical single-family residential project, assuming it is not part of a subdivision and is consistent with existing city policies and regulations, can range from $40,069 to $45,069. Estimated total development and impact fees for a typical multi-family residential project with ten units, assuming it is consistent with existing city policies and regulations range from $303,008 to $308,008.

These estimates are illustrative in nature and actual costs are contingent upon unique circumstance inherent in individual development project applications. Considering the cost of land in Costa Mesa, and the International Code Council (ICC) estimates for cost of labor and materials, the combined costs of permits and fees range from approximately 3.98 percent to 4.48 percent of the direct cost of development for a single-family residential project and 4.27 percent to 4.34 percent for a multi-family residential project. Direct costs do not include, landscaping, connection fees, on/off-site improvements, shell construction or amenities. The percentage of development and impact fees charged by the City may be smaller if all direct and indirect costs are included.

10. On-/Off-Site Improvements

Site improvements in the City consist of those typically associated with development for on-site improvements (street frontage improvements, curbs, gutters, sewer/water, and sidewalks), and off-site improvements caused by project impacts (drainage, parks, traffic, schools, and sewer/water). Because residential development cannot take place without the addition of adequate infrastructure, site improvement requirements are considered a regular component of development of housing within the City and may also influence the sale or rental price of housing. The majority of cost associated with on and off-site improvements is undertaken by the City and recovered in the City's development and impact fees.

The Costa Mesa Municipal Code requires that all abutting public rights-of-way must be fully improved to the full extent possible as required through the Master Plan of Highways, adopted specific plans, or applicable code sections as directed by the Public Services Department. On-site improvements may include, but are not limited to, curbs, gutters, sewers/water, sidewalks, and undergrounding utility lines for housing developments with at least five units. For example, a project may be accompanied by a condition to upgrade an existing sidewalk. Larger multi-family residential developments may also be conditioned to improve an intersection as a response to the change in traffic patterns. The required public improvements standards are used to ensure that the existing roadways adjacent to new residential construction maintain or provide the appropriate right-of-way. Street work permits are required to authorize construction in these areas.

On- and off-site improvements in Costa Mesa do not pose a constraint the development of housing. Although these improvements create an additional cost, they also ensure adequate services and infrastructure for residents and existing uses. In addition, the improvements are site and project specific. A multi-family project may require the addition of a sidewalk at a specific site, while the same project may not in a different location.

Subdivision Improvements

Title 13 Chapter XI of the Costa Mesa Municipal Code establishes on- and off-site improvements required for subdivisions. The Code states that subdividers must agree to improve all land dedicated for streets, highways, public ways, and easements as a condition precedent to acceptance and approval of a final map. The improvements must include grading, surfacing, sidewalks, curbs, gutters, culverts, bridges, storm drains, water mains, and service connections to the property line with cutoff valves, sanitary sewers, and other structures or improvements which may be required by ordinance for the general use of the lot in the subdivision and for local neighborhood traffic and drainage needs.

Subdivision improvements may add development costs for developers. However, these subdivision improvements are consistent with that of neighboring communities. Additionally, all improvements required add to the livability, safety, and resources of future housing units. Such requirements do not pose an unreasonable constraint to development.

11. Building Codes and Enforcement

The City of Costa Mesa's construction codes are based upon the California Code of Regulations, Title 24 that includes the California Administrative Code, Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Historical Building Code, Fire Code, Existing Building Code,

Green Building Standards Code, and California Referenced Standards Code. These are considered to be the minimum necessary to protect the public health, safety, and welfare of the City's residents. In compliance with State law, the California Building Standards Code is revised and updated every three (3) years. The newest edition of the California Building Standards Code is the 2019 edition with an effective date of January 1, 2020.

Code enforcement is conducted by the City and is based on systematic enforcement in areas of concern and on a complaint basis throughout the city. The Code Enforcement Division works with property owners and renters to assist in meeting State health and safety codes. The Code Enforcement Division investigates complaints regarding violations of the Costa Mesa Municipal Codes. The City's caseload is complaint-based, and deals with issues such as unpermitted structures, poor property maintenance, debris accumulation, and inappropriate storage of vehicles or materials with the intention and goal of working with the community to help resolve issues through voluntary compliance. On average, there are 1,292 total code enforcement cases generated per year.

12. Local Processing and Permit Procedures

The development community commonly cites the permit processing time as a contributor to the high cost of housing. Depending on the magnitude and complexity of the development proposal, the time that elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review on a proposed project include the completeness of the development application and the responsiveness of developers to staff comments and requests for information. Approval times are substantially lengthened for projects that are not exempt from the California Environmental Quality Act (CEQA), require rezoning or general plan amendments, or encounter community opposition. Applicants for all permits or reviews are recommended to request a pre-application meeting with the respective department to: confirm City requirements as they apply to the proposed project; review the City's review process, possible project alternatives or revisions; and identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.

The typical proposal for a single-family or multi-family residential development entitlement review is provided below:

- New single-family residences that comply with development standards are processed through the normal plan check process. Planning staff is the approval body for single-family developments and do not require public hearings.
- New multi-family developments (with 3 or fewer units) that comply with development standards are processed through the normal plan check process. Planning staff is the approval body for these type of developments (staff report written and posted online) and do not require public hearings. Approximate processing time to get to a decision is typically 6–8 weeks; following planning approval, the project would go through normal plan check process.
- New multi-family developments (with 3 or more units) that comply with development standards are processed through the Design Review application process. The Planning Commission is the

approval body for these types of developments, with a public hearing before the 7-member commission. Approximate processing time is 8–12 weeks; following planning commission approval, the project would go through normal plan check process.

All permit applications are first reviewed by City Staff for completeness, and discretionary applications must then receive a recommendation through a staff report prior to a review by the appropriate authority. Various applications may also require public noticing and a public hearing. Table 3-16 identifies the appropriate review process for each planning permit application.

Table 3-16: Planning Application Review Process

Planning Application	Public Notice Required	Public Hearing Required	Recommending Authority	Final Review Authority	Notice of Decision
Development Review	No	No	None	Planning Division	No
Minor Modification					
Lot Line Adjustment	No	No	None	Planning Division	No
Administrative Adjustment	Yes	No	None	Zoning Administrator	Yes
Minor Conditional Use Permit					
Minor Design Review					
Planned Signing Program					
Design Review	Yes	Yes	Planning Division	Planning Commission	Yes
Mobile Home Park Conversion					
Common Interest Development Conversion					
Specific Plan Conformity Review					
Tentative Parcel Map					
Tentative Tract Map					
Variance					
Conditional Use Permit	Yes	Yes	Planning Division	Planning Commission (1)	Yes
Density Bonus					
Master Plan					
Master Plan – Preliminary					
Redevelopment Action	Yes	Yes	Planning Commission	Redevelopment Agency	Yes
Rezone	Yes	Yes	Planning Commission (2)	City Council	No
Local Register of Historic Places	No	No	Planning Commission (3)	City Council	Yes
Certificate of Appropriateness	No	No	Planning Commission (3)	Planning Commission (3)	No

Note:
(1) Except where noted otherwise in the Zoning Code.
(2) If located in a redevelopment project area, the Redevelopment Authority is the recommending authority.
(3) Or other commission/committee as designated by the City Council.
Source: City of Costa Mesa Municipal Code Section 13-29. Planning Application Review Process

Table 3-17 shows recent projects which received entitlement approval and the date applicants submitted for building permits. As shown, the gap between planning approval and building submittal ranges from about one week to a little over a year. Applicants may submit for building permits directly after the appeal

period ends (the appeal period is seven days). Timing of submittals is dependent on applicants and may vary based on unique situations unrelated to City processes.

Table 3-17: Residential Project Entitlements			
Application Reference	Entitlement Approval	Building Permit Submittal	Description
DR-18-13	09/10/2018	06/04/2019 (9 months)	Development Review for the construction of a new two-story residence with an attached two-car garage.
DR-18-07	10/02/2018	10/11/2018 (after end of appeal period)	Development Review for the demolition of an existing single-story residence, and the construction of a new, two-story 2,523 sq. ft.
DR-18-12	10/04/2018	11/02/2018 (1 month)	Development Review for a new, two-story single family residence (3,121 sq. ft.) with 4 bedrooms, 4.5 bathrooms and an attached two-car garage.
DR-18-16	01/07/2019	01/22/2019 (2 weeks)	Development Review for the demolition of an existing attached garage structure and 2nd floor deck, to be replaced with a new garage and 425 sq. ft. master bedroom above. Interior work is limited to the 2nd floor master bedroom only
DR-19-03	06/26/2019	08/24/2020 (1 year 2 months) *	Development Review to construct a new two-story residential unit (ADU) which consists of 1 bed, kitchen, family room, parlor and 2 baths. Total square footage is 1,196 sq. ft. Includes a new three car garage.
** The COVID-19 may have played a factor in delay of submitted plans. The City also had to adapt to taking in plans electronically.*			

Between 2017 and April 2022, the Planning Commission reviewed a total of 35 projects proposing 152 total housing units. The average entitlement processing for these projects was an average of 175 days from submittal (less than six months) to final entitlement approval with projects typically being approved in one hearing (only seven of the 35 projects had more than one hearing and none of the projects required more than two hearings). The City's entitlement processing fees are flat rate fees, with any costs associated with project delays resulting from the costs associated with holding the land. All but three of the proposed projects received approval. The following details the reasoning behind the denial of the three projects (eight total units):

- PA-16-68 (March 2017): 2-unit Small Lot Subdivision project
  Project did not meet the Residential Design Guidelines and was not compatible with the surrounding properties due to the large mass and scale of structures, lack of open space, and the side entryway design which resulted in a project closed itself off from the neighborhood.
- PA-16-20/ T-18034 (March 2018): Master Plan for 5-unit live/work development
  Proposed Master Plan does not meet the goals of the General Plan, 19 West Urban Plan and the Zoning Code in terms of design, site planning, integration of uses and structures and protection of the integrity of neighboring development. The project did not comply with live/work development standards such as setbacks and parking standards and the deviations from objective Code

requirements requested by the applicant would have resulted in a project that was inconsistent with the purpose and intent of the General Plan and Urban Plan for the area.

- PA-18-36/ ZA-18-40 (October 2018): Proposal does not meet minimum lot size development standards; applicant requested a Variance for ADU on an R1 property. Variance findings could not be made. ADU development standards have since been modified to remove minimum lot size requirements.

Development Reviews

A Development Review is the processing of a development plan when authority is vested in the Planning Division. The following are subject to development review:

- Single-Story Residential Construction: In the R2-MD, R2-HD, and R3 zones, any single-story construction of 2 or fewer new single-story dwelling units. Exception: New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the Planning Division.
- Two-Story Residential Construction: In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are 2 or fewer dwelling units or any second-story addition on a lot with more than 2 dwelling units that complies with any residential design guidelines adopted by City Council.
- Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones. However, building additions that do not exceed 2,000 square feet or 50 percent of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review.
- Lot Line Adjustments.
- Any other uses specified in the City's Zoning Code as requiring development review.

13. Applicable Residential Entitlement Approval Findings

Indicated below are the applicable approval findings specified in the Costa Mesa Municipal Code for various residential project entitlements. In order to reduce processing time, and set clear application expectations, staff is trained to provide developers and applicants guidance for compliance with satisfying required findings. This guidance comes in the form of preliminary application reviews, creating and distributing residential development hand-outs (such as specific Residential Design Guidelines and FAQs), planning counter discussions, providing applicants with examples of successful project application submittals and various other types of staff/applicant assistance. In addition, the Planning Commission is regularly trained on the importance of adequately evaluating project findings and offerings project design modifications/solutions for project approval when the Commission believes that the findings are not being satisfied. As indicated further in this Section, very few residential projects have been denied in the last five years, which is an indicator of success for the aforementioned staff and Planning Commission residential development efforts.

Conditional Use Permit Findings.

- 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;
- 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; and
- 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.

Design Review Findings.

- The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the residential design guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features;
- The visual prominence associated with the construction of a two-story house or addition in a predominantly single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls; and
- As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

Master Plan Findings.

- 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;
- Master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district; and
- As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

In its analysis, Costa Mesa reviewed the approval findings listed above that are applicable to residential projects and found that some contain language which may be interpreted broadly. For example, the first Master Plan finding requires that projects exhibit excellence in design. The master plan process applies to

specific areas of the City where flexibility in development standards is offered through the master plan process due to unique circumstances in the area and to promote revitalization and flexibility necessary to accommodate differing types of residential development within the city. As it is a process used to modify approved development standards, the City reviews development project Master Plans to promote a high quality of life for future residents at all income levels, as well as compatibility with surrounding development. Further, no project has been denied on the basis of not being able to meet these specific findings. Nevertheless, the City understands that approval findings should be clear to applicants and strives to promote quality development within the community. In an effort to further clarify this process, **Program 3S** requires the City to review all findings and revise those findings which are capable of being interpreted broadly, with the goal of improving housing cost, supply, timing of approvals, or approval certainty.

C. Infrastructure Constraints

Another factor that may constrain new residential construction is the requirement and cost to provide adequate infrastructure (major and local streets; water and sewer lines; and street lighting) needed to serve new residential development. In most cases, where new infrastructure is required, it is funded by the developer and then dedicated to the City, which is then responsible for its maintenance. Because the cost of these facilities is generally borne by developers, it increases the cost of new construction, with much of that increased cost often "passed on" as part of home rental or sales rates.

1. Water Supply

The Mesa Water District is responsible for providing safe, local, and reliable water to 110,000 customers in Costa Mesa, as well as some parts of Newport Beach and unincorporated areas of Orange County. Mesa Water pumps water from Orange County's groundwater basin, which is located beneath north-central Orange County between Irvine and the Los Angeles County border and from Yorba Linda to the Pacific Ocean. The groundwater basin derives its water from the Santa Ana River and imported water from the Metropolitan Water District of Southern California. Mesa Water does not depend on other water sources, however, water from Northern California and the Colorado River can be imported as necessary.

In addition to Mesa Water District, a small portion of the City to the east, south of the John Wayne Airport, receives its water from the Irvine Ranch Water District (IRWD). Approximately 50 percent of the IRWD water supply is derived from the Orange County Groundwater Basin. The remaining amount comes from recycled water (23 percent) and potable water imported from MWD (27 percent).

2. Water Production

The independent special district pumps, treats, and delivers about 5 billion gallons of drinking water to homes and businesses per year. The system includes 317 miles of pipeline, 7 wells, 2 reservoirs and the Mesa Water Reliability Facility (MWRF/ "Murph"). The MWRF features 2 deep-water wells, a million-gallon reservoir and nanofiltration technology for water treatment. [1]

[1] Mesa Water District

3. Water Quality

Mesa Water provides safe, drinking water to the community and is considered the most efficient water provider of the 10 Orange County water districts. The water is naturally filtrated through sand and gravel as the Orange County groundwater basin is replenished from the Santa Ana River. Before it enters the distribution system, the water is treated and disinfected with chloramines, which include chlorine and ammonia. In addition to the groundwater, Mesa Water also uses source water from the MWRF, which is safe to drink prior to treatment but has an amber tint. Nanofiltration technology is used to remove the tint prior to adding it to the water supply. [1]

In the event of an emergency, Mesa Water would be provided with water from the Municipal Water District of Orange County (MWDOC), which sources its water from the State Water Project and the Colorado River. The imported water is filtered at Metropolitan's Diemer and Weymouth Filtration Plants where the water is also disinfected with chloramines.

According to Mesa Water District and the City of Costa Mesa Conservation Element, access to water does pose a constraint to the development of housing in the City. Mesa Water District has adopted and regularly updates an Urban Water Management Plan in order to ensure an adequate supply of water for the following 5 years, and the District continuously maintains the reservoir, water mains, and wells. Through continued community outreach and water conservation strategies, the City and the District are able to conserve more water than before – customers have reduced their water usage by 20 percent since 2015[2].

4. Wastewater

Wastewater includes used water, solids, storm water, surface water, groundwater infiltration, and used water from industrial processes, which flows to a treatment plant. Costa Mesa Sanitary District (CMSD) oversees 224.2 miles of gravity sewer mains and, as of 2019, a total of 47,471 connections to single-family residences, multi-family residences, commercial properties, and industrial properties. The District continuously cleans the collection system and uses closed circuit televising (CCTV) to identify problems and ensure quick maintenance. Twenty (20) sewer pumps are located throughout the collection system to maintain gravity flow and continuously report data to the headquarters. Standby generators and bypass pumps are also used in case of emergency. Wastewater collected by CMSD is sent to and treated at the Orange County Sanitation District (OCSD)[3].

Wastewater does not pose a constraint on the development of housing in the City. Given the sufficient infrastructure, access to services, and continuous maintenance, CMSD is confident it can continue to serve the Costa Mesa community through the addition of more housing. Furthermore, CMSD has developed a Sewer Management Plan which ensures the District avoids sewage spills and maintains adequate facilities.

5. Fire and Emergency Services

The City of Costa Mesa's Fire & Rescue Department aims to protect life, property, and the environment using highly trained professionals committed to service excellence. Across six fire stations and City Hall, the

[2] Mesa Water District

[3] Costa Mesa Sanitary District

Department has 94 full-time employees, 84 sworn positions, ten non-sworn positions, and the equivalent of one full-time position with part-time staff to provide 24-hour protection and response to the community's residents, businesses, and visitors. The Costa Mesa Fire & Rescue Department is an "all-risk" and “all-hazard” organization.

Fire Administration Division

The Fire Administration Division provides direction for strategic, operational, and emergency planning through the following:

- Establish policies and procedures;
- Coordinate internal functions of all divisions, programs, and external functions with other City departments and community organizations;
- Develop and manage the budget;
- Coordinate ordering and purchasing;
- Manage the Department's human resources;
- Coordinate additional functions and performs duties as delegated by the City Manager or the City Council;
- Continue to manage and safeguard the City’s rights for local control, including the Emergency Medical Services (EMS) system, as expressly guaranteed by the Health & Safety Code Section 1797.201.

Operations Division

This Division manages Fire, Rescue, and Emergency Medical Services and maintains constant readiness to answer calls for assistance. The Division is tasked with responding to fire, rescue, and environmental emergencies that threaten life, health, and property. The Division also provides fire cause and origin determinations, life and safety inspections, and educational programs. To support these services, the Division offers the following services: emergency planning, communications, training and education, equipment maintenance and repair, supplies, records, and quality control.

Community Risk Reduction Division

This Division works to prevent and reduce risks to the community by enforcing protections standards and fire and life safety codes through fire prevention, planning, and code enforcement. The Department achieves such goals by doing the following:

- Reviewing building construction plans;
- Conducting building construction and business inspections;
- Investigating citizen complaints;
- Monitoring the City's hazardous materials disclosure program as Certified Unified Program Agency (CUPA) liaison to the Orange County Environmental Health Division;
- Providing training to department personnel regarding fire and life safety codes; and
- Assisting professional trades with technical fire code requirements and department public education efforts.

Community risk reduction and fire prevention strategies are critical components for new development projects and throughout the life of the building. During the entitlement and pre-construction phases of a new building or tenant improvement project, the CRR team applies the California Fire Code (CFC) and locally adopted amendments to building and fire system plan review to ensure conformance to state and international standards. Once plans are reviewed and approved and building permits are issued, Fire Protection Specialists perform technical inspections and acceptance tests of fire protection systems and building construction for Fire & Life Safety compliance. After the Certificate of Occupancy is issued for a new building or tenant improvement, Annual Operational Fire Permits are issued based on the hazard of the use, and Company Inspections are conducted to complete emergency response pre-planning operations and verify ongoing compliance with the CFC.

Fire and Emergency Services provide sufficient services which would not cause a strain on the Department's ability to respond to community emergencies. The City recognizes in its General Plan Safety Element that additional emergency services and funding will be required as the population ages and additional residents and employees come to the City; however, this is addressed and maintained in the Safety Element's goals and policies. The existing six facilities are spread out throughout the City in such a way to provide the fastest service possible; the Department aims to respond to at least 80 percent of emergency calls within 5 minutes. In addition, no part of Costa Mesa lies within a State Responsibility Area (SRA), which indicates a fire hazard area, nor the very High Fire Severity Zone[4].

6. Police Services

The Police Department is tasked with protecting life and property while preserving the peace. As of 2020, the department has 215 full-time positions, of which 138 are sworn and 77 are professional staff. Full-time staffing is composed of 13 management positions, 32 supervisory, and 170 line-level positions. Part-time staffing consists of 21.21 full-time equivalents. The department is comprised of three divisions and each division is further split into bureaus and units.

The three divisions are as follows:

- Police Administration
- Police Field Operations
- Police Support Services

Administration Division

The Administration Division is responsible for the department's overall direction and planning with input from other divisions; provides advice to the city manager and the City Council on public safety issues; manages the department budget and financial planning; oversees the department's Volunteer Program and Citizens' Academy through the Crime Prevention Unit; maintains and updates the department's policy and procedures manual; coordinates and disseminates information to the media; provides internal investigation services through the Professional Standards Unit; and supervises training and recruitment. Administration is comprised of the following bureaus and units:

[4] Costa Mesa Safety Element

- Professional Standards
- Public Affairs & Crime Prevention
- Training & Recruitment
- The Office of Emergency Management (OEM)

Field Operations Division

The Field Operations Division provides public safety services through both geographic-based and community-oriented policing. In January 2008, the Costa Mesa Police Department (CMPD) implemented geographic-based policing, which divided the City into two areas, based upon calls for service and geographical boundaries. Each area is overseen by a lieutenant who is the designated area commander for either Area 1 or Area 2. The area commanders are responsible for the delivery of police services to the communities within the designated geographical area. Field Operations is comprised of three bureaus:

- Patrol Services
- Traffic Safety
- Field Operations Administration

Within the three bureaus, there are various specialized units that provide specific police services. They include Patrol, Traffic Safety, Community Policing Unit, South Coast Plaza Detail, K9 Unit, Reserve Program and Park Rangers.

Support Services Division

The Support Services Division is responsible for specialized investigations and provides essential logistical support services to the Police Department. It is responsible for computer-related activities associated with the 24-hour operation of the City's public safety computer system; and responsible for the research and development of numerous programs, including safety equipment, new laws and regulations, and policy development. Support Services is comprised of the following bureaus:

- Investigative Services Bur
- Records and Evidence
- Telecommunications

The City contracts with G4S Secure Solutions (USA) Inc. for jail services and the City of Huntington Beach for airborne law enforcement services.

D. Environmental Constraints

The City of Costa Mesa contains a variety of natural landscapes and environmental features, which may cause constraints to the development of housing. The City is located approximately one mile from the Pacific Ocean, directly alongside the Santa Ana River, and atop an uplifted mesa. As with most of California cities, the City of Costa Mesa sits along major fault lines. In total, the City is susceptible to a variety of environmental hazards that could affect housing, including fires, flooding, and geological and seismic hazards. However, no known environmental or other conditions pose a constraint to or preclude development of housing on identified sites during the planning period.

1. Geologic and Seismic Hazards

According to the Costa Mesa Safety Element of the General Plan, geologic risks are defined as those associated with geological hazards such as seismically induced surface rupture, ground shaking, ground failure, tsunamis, seiches and dam failure, and slope instability leading to mudslides, landslides, and subsidence. The specific geological hazards that may affect the development of housing the City are detail below.

2. Mineral Resources

The City is located over portions of the West Newport Oil Field, particularly on the west side. The Safety Element of the General Plan identifies 15 active oil wells located west of Irvine Avenue, east of the City boundary with Huntington Beach, north of 16th Street, and south of Baker Street. Another 132 oil wells exist in the City; however, they are either plugged and abandoned, idle, or buried.

In addition to oil, peat deposits have been found adjacent to the Santa Ana River. While the quantity does not justify extraction, it is an unstable base for construction and requires removal prior to development. This may create a constraint to the development of housing as it creates additional costs to remove the peat deposits.

3. Seismic Hazards

The City of Costa Mesa is located near several active earthquake faults such as the Newport-Inglewood Fault Zone and the San Joaquin Hills Fault Zone, which would prove the most damaging to the City in the event of an earthquake. Other faults such as the San Andreas, Whittier, Elsinore, Palos Verdes, and Puente Hills Faults are located further away and would potentially cause less direct damage to the City's infrastructure, depending on the magnitude of the quake. The Safety Element notes indirect impact to the City resulting from a severe quake of one of these faults, particularly the San Andreas Fault, includes the need to provide aid, an infusion of households seeking housing, and mass care and sheltering services.

The General Plan Safety Element defines ground shaking as resulting from seismic activity which may be intensified depending on the recorded magnitude and duration of the quake, proximity to the ruptured fault, and the presence of deeper soft soils below the ground surface. The Newport-Inglewood Fault runs directly through the City; the largest quake from this fault was in 1933 at a recorded magnitude of 6.3 on the Richter scale. The San Joaquin Hills Fault is located near Huntington Beach and it is estimated a rupture of this blind thrust fault could result in a magnitude 7.3 quake. The third most likely seismic hazard to the City of Costa Mesa is from the San Andreas Fault, which is expected to produce a magnitude 6.8 to 8 quake in the near future. While the fault is located approximately 48 miles from the City, a quake from the fault may result in simultaneous ruptures of nearby faults. The Safety Element notes a major earthquake occurs on this zone approximately every 145 years; 2002 marked 145 years since the last major rupture.

Given the extent of seismically active areas in California, any new residential structures will face potential hazards. The location of the City of Costa Mesa on relatively flat land improves enable it to provide a safer location for development in comparison to neighboring cities with steep slopes or along the Pacific Ocean.

Therefore, seismic activity in Costa Mesa does not create a burden or constraint to the development of housing.

4. Flood Hazards

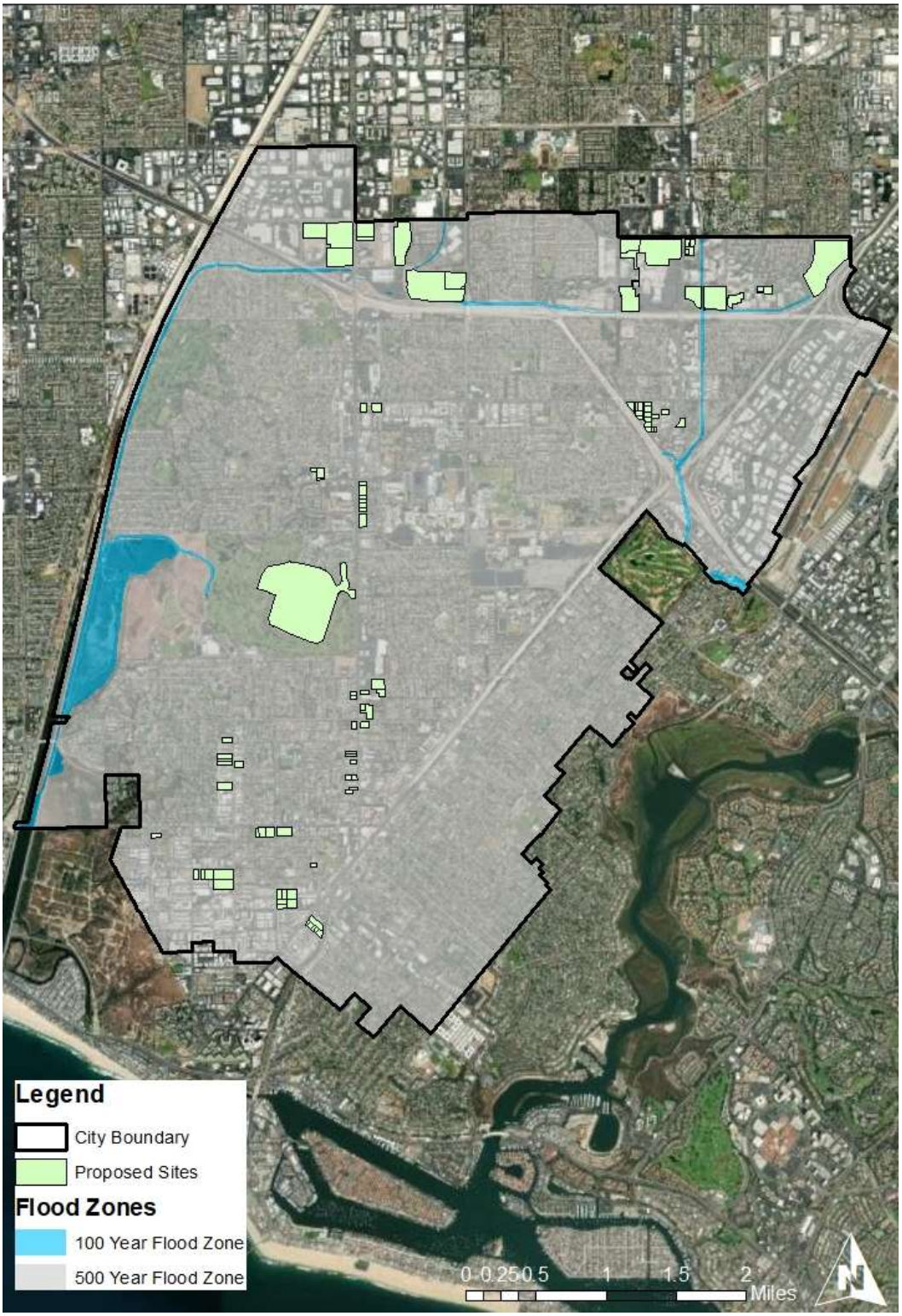
The City of Costa Mesa and surrounding areas are, like most of Southern California, subject to unpredictable seasonal rainfall, and every few years the region is subjected to periods of intense and sustained precipitation that result in flooding. Flooding can be a destructive natural hazard and is a recurring event. A flood is any relatively high streamflow overtopping the natural or artificial banks in any reach of a stream. The City of Costa Mesa's Safety Element Identifies 100-year and 500-year flood zones in the City. Federal Emergency Management Agency (FEMA) flood zones are geographic areas that the FEMA has defined according to varying levels of flood risk. Each zone reflects the severity or type of flooding in the area.[5] The 100-year flood zone are areas with a one percent annual chance of flooding, the 500-year flood zones are areas with a 0.2 percent annual chance of flooding. The City's Safety Element cites 100-year floods as potentially having low impacts on the City with minimal flooding in the channels adjacent to Talbert Nature Preserve. A 500-year flood would pose flooding dangers to the northern and western boundaries of the City.

With increased development, there is also an increase in impervious surfaces, such as asphalt. Water that used to be absorbed into the ground becomes runoff to downstream areas. However, various flood control measures help mitigate flood damage in the City, including reservoirs in the San Joaquin Hills and Santa Ana Mountain foothills, and channel alterations for the Santa Ana River. These structures help regulate flow in the Santa Ana River, San Diego Creek, and smaller streams and hold back some of the flow during intense rainfall period that could otherwise overwhelm the storm drain system in Costa Mesa.

Figure 3-2 illustrates the flood zones within the City of Costa Mesa in relation to the proposed sites selected for future housing. There are two housing sites that are adjacent to a 100-year flood zone channel running between the two sites. The majority of the sites are located within the 500-year flood zone. The 500-year flood zone is considered an area of minimal flood hazard and does not present a constraint on the development of housing as the sites are located within an existing developed context. Additionally, all housing sites are serviced by the City's emergency services.

[5] FEMA Flood Zone Designations, Natural resources Conservation Service – Field Office Technical Guides

Figure 3-2: Flood Zones and Identified Sites Map



Sources: FEMA, Flood Zones SCAG, published by Southern California Association of Governments, 2019, accessed December 2021.

5. Dam Inundation

Costa Mesa and numerous other Orange County cities are protected from flooding by both the Santiago Creek Dam and the Prado Dam. The Santiago Creek Dam serves to protect from flooding of the Irvine Lake, approximately 15 miles from the City. While it historically provided irrigation for agriculture, the water is now protected within the reservoir and downstream flow only occurs from seepage and storm water. The Prado Dam is located approximately 30 miles from the City and is continuously improved and maintained by the U.S. Army Corps of Engineers. Recent improvements to the dam have added 190 years of protection. However, should failure occur to either of the dams, flooding would likely occur in the northern and western portions of the City. Such a flood would cause varying degrees of damage to structures north of the San Diego Freeway (I-405) and up to approximately one-mile east of the Santa Ana River. The threat of flooding in these areas due to dam failure is a constraint on the development of housing.

6. Sea Level Rise

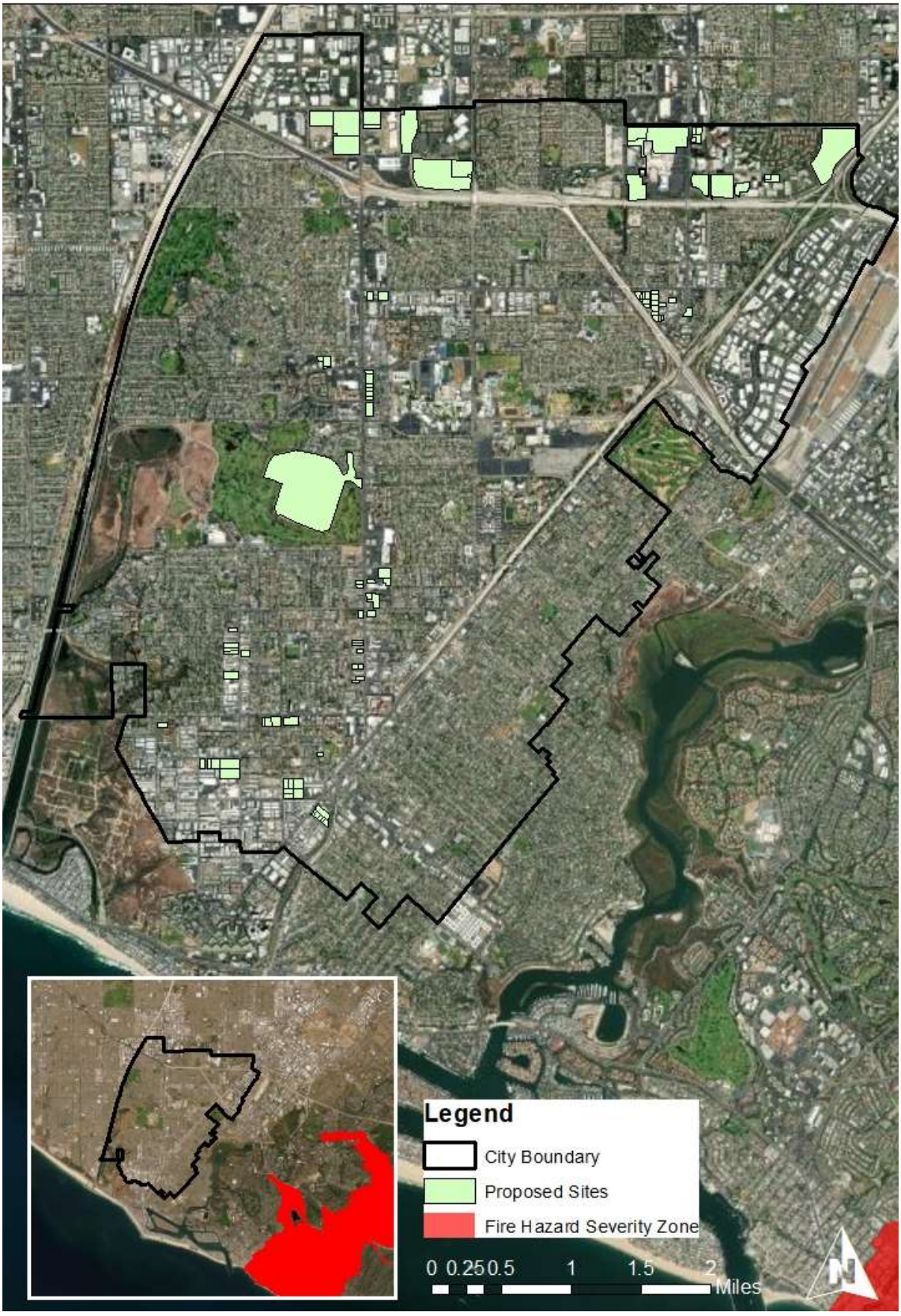
Sea level rise is an important consequence of anthropogenic climate change – resulting from human activity – to coastal communities. Sea level rise may affect Costa Mesa through flooding in low-lying areas, water infiltration into sanitary sewer and storm drain systems, and earthquake-induced tsunami flooding. The City's location along the Santa Ana River places it at risk of these impacts; the City's Safety Element identifies areas to the west of the City, near Talbert Regional Park and Fairview Park, that will become inundated by unimpeded Pacific coastal flooding under a scenario of 100-year flood with a 55-inch (1.4 meters) sea level rise. A 100-year flood risk does not pose significant risk to developments in the City and would likely result in flooding within the channels adjacent to the Talbert Nature Preserve; however, a 500-year flood event would cause significant flooding in the northern and west regions of the City and therefore poses a minimal constraint on housing development. The potential hazard is minimal as the chances of a 500-year floor occurring each year is 0.2 percent.

7. Fire Hazards

The Costa Mesa Safety Element determines the fire hazard severity of an area by the amount and type of vegetation, slope gradient, and weather. Wildfires are particularly prone during late summer and early fall, and during Santa Ana wind events. The Department of Forestry and Fire Protection (Cal Fire) does not list any area within Costa Mesa as a Very High Fire Hazard Severity Zone. The most likely fire risk within the City comes from urban and grassland fires in open spaces, such as Talbert Regional Park. A direct threat from fire is not a significant risk for housing development in Costa Mesa; poor air quality from local and State fires, however, may pose significant health risks to the Costa Mesa population.

Figure 3-3 maps the fire hazard severity zones identified within the City in relation to the proposed sites for future housing. Based on the map there are no fire hazard severity zones within the City of Costa Mesa. As there are no fire hazard severity zones identified within the City, fire is not considered a major hazard or constraint to the development of housing.

Figure 3-3: Fire Hazard Severity Zones and Proposed Sites



Source: VHFHSV in LRA, Cal Fire, November 2011.

E. Affirmatively Furthering Fair Housing (AFFH)

Beginning January 1, 2019, AB 686 established new requirements for all California jurisdictions to ensure that local laws, programs, and activities affirmatively further fair housing. All Housing Elements due on or after January 1, 2021, must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Further Fair Housing Final Rule of July 16, 2015.

Fair housing is a condition in which individuals of similar income levels in the same housing market have like ranges of choice available to them regardless of race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor. Under State law, affirmatively further fair housing means "taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. These characteristics can include, but are not limited to race, religion, sec, marital status, ancestry, national origin, color, familiar status, or disability.

The Analysis of Impediments to Fair Housing Choice (Impediments Analysis), prepared for the County of Orange, examines local housing conditions, economics, policies, and practices in order to ensure that housing choices and opportunities for all residents are available in an environment free from discrimination. The (Impediments Analysis) assembles fair housing information, identifies any existing impediments that limit housing choice, and proposes actions to mitigate those impediments. The Regional (Impediments Analysis) examines fair housing issues in the County's unincorporated areas and cooperating cities from 2020 to 2024, it includes additional fair housing issues and data for the City of Costa Mesa.

1. Needs Assessment

The (Impediments Analysis) contains a Countywide analysis of demographic, housing, and specifically fair housing issues in the City of Costa Mesa. The City's demographic and income profile, household and housing characteristics, housing cost and availability, and special needs populations were discussed in the previous Chapter 2: Community Profile.

Analysis of Impediments Outreach FY 2019-2024

As a part of the Regional Analysis for the County, a series of outreach workshops and events were hosted, including the following:

- Outreach by the Lawyers' Committee to tenants, landlords, homeowners, fair housing organizations, civil rights and advocacy organizations, legal services provers, social services providers, housing developers, and industry groups;
- Stakeholder and focus group meetings organized by the Lawyers' Committee in Mission Viejo, Westminster/Garden Grove, Santa Ana, and Fullerton;
- Community meetings across Orange County with additional outreach to members of protected classes, including the Latino and Vietnamese communities; and
- Virtual public hearings and City Council meetings.

Of the fair housing impediments listed in the Regional AI, the City of Costa Mesa was identified as experiencing the following local contributing factors as impediments to fair housing choice:

- Housing Discrimination
- Racial and Ethnic Segregation
- Unfair Lending
- Overcrowding

Local contributing factors are detailed further below in Section E.4 "Assessment of Contributing Factors to Fair Housing."

Fair Housing Issues

Within the legal framework of federal and state laws and based on the guidance provided by the HUD Fair Housing Planning Guide, impediments to fair housing choice can be defined as:

- Any actions, omissions, or decisions taken because of age, race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor which restrict housing choices or the availability of housing choices; or
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of age, race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor.

As a part of the 2019-2024 AI, the County identified fair housing impediments including the following:

- Housing Discrimination
- Reasonable Accommodations
- Density Bonus Incentive
- Zoning
- Affordable Homeownership
- Racial and Ethnic Segregation
- Unfair Lending
- Discriminatory Advertising
- Cost Burden
- Accessibility

Fair Housing Laws

All jurisdictions across California are subject to a number of fair housing laws. The following section details how the City of Costa Mesa maintains compliance with the listed laws. More specific laws are detailed throughout this Chapter 3 (such as Senate Bill 330 and Assembly Bill 686), and programs in the Housing Plan specify which Legislature is addressed.

- **California Fair Employment and Housing Act (FEHA):** The FEHA provides employees with protection from discrimination, retaliation, and harassment in employment, as well as protects tenants or homeowners from discrimination from landlords, real estate agents, home sellers, builders, and mortgage lenders. The City reviews fair housing complaints and lending patterns – details on both are provided within this Affirmatively Furthering Fair Housing section. The City also implements and updates programs to promote fair and equal access to housing. Lastly, the City continues to review standards and requirements that may constrain equal access to housing and the development of affordable housing.
- **Government Code Section 65008:** This Legislature protects lower- and moderate-income households and persons experiencing homelessness from discrimination that inhibits affordable

units and emergency shelters. The following programs address the development of affordable units and emergency shelters: Programs 2B, 2J, 4A, 4B, 4C, 4E, and 4F.

- **Government Code Section 8899.50:** This Legislature establishes the requirement for jurisdictions to administer programs and activities that affirmatively further fair housing. Program 4A establishes actions the City will commit to throughout the 6th Planning Cycle to affirmatively further fair housing.
- **Government Code Section 11135:** This legislation protects residents of the State of California from discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation. Through the Housing Element, the City assesses potential constraints that inhibit all residents from accessing housing and resources. The Housing Plan contains a number of programs that provide for greater access to a variety of housing types for all income levels, promotion of information and resources to special needs groups, and continued review of City permits and processing for streamlining and removal of constraints.
- **Government Code Section 65863 (No-Net-Loss Law):** This Legislature establishes guidance on No-Net-Loss requirements. Jurisdictions are required to maintain adequate sites to accommodate its RHNA at each income category throughout the entirety of the Planning Cycle. Program 3A is included to address the requirements of this Legislature.
- **Density Bonus Law:** The City has an adopted Density Bonus Ordinance. Program 2I is included in the Housing Plan to ensure the Ordinance maintains compliance with State Density Bonus Law. Chapter 3.B.2 provides details on incentives and concessions granted to qualifying projects through the Density Bonus Ordinance.
- **Housing Element Law:** All California jurisdictions are required to adequately plan for the needs of their current and future population. All policies and programs included in the Housing Plan are included to maintain compliance with all California housing laws and to comply with the California State Department of Housing and Community Development's requirements for Housing Elements.

Lending Patterns

Availability of financing affects a person's ability to purchase or improve a home. The analysis of the lending patterns and practices within a community or city help to identify persons who regularly experience disproportionate roadblocks to home ownership. **Table 3-18** below identifies the lending patterns by race and ethnicity, as well as income category for the Anaheim-Santa Ana-Irvine MSA. According to the data, applicant in the highest income category were more likely to have a loan approved, compared to applicants in the lower income categories where approval rates were consistently under 55 percent. Additionally, within each income category, applicants who identified as White consistently had higher rates of approval than applicant of color. Overall, applicants who identified as Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and Black/African American had the lowest rates of loan approval in all income categories.

Table 3-18: Disposition of Loan Applications by Race/Ethnicity– Anaheim-Santa Ana-Irvine MSA				
Applications by Race/Ethnicity	Percent Approved	Percent Denied	Percent Other	Total (Count)
LESS THAN 50% OF MSA/MD MEDIAN				
American Indian and Alaska Native	26.2%	52.3%	23.1%	65
Asian	33.9%	42.5%	26.7%	1,382
Black or African American	41.6%	33.7%	25.8%	89
Native Hawaiian or other Pacific Islander	25.0%	44.2%	30.8%	52
White	45.6%	31.2%	26.1%	5,240
Hispanic or Latino	37.9%	38.2%	26.8%	1,566
50-79% OF MSA/MD MEDIAN				
American Indian and Alaska Native	38.1%	34.0%	29.9%	97
Asian	53.3%	25.3%	29.4%	3,153
Black or African American	43.4%	19.1%	41.4%	152
Native Hawaiian or other Pacific Islander	49.4%	39.8%	16.9%	83
White	54.5%	23.3%	27.6%	8,677
Hispanic or Latino	47.6%	27.7%	29.3%	3,245
80-99% OF MSA/MD MEDIAN				
American Indian and Alaska Native	51.4%	25.7%	31.4%	35
Asian	59.5%	19.2%	29.3%	1,495
Black or African American	52.9%	22.1%	30.9%	68
Native Hawaiian or other Pacific Islander	43.5%	13.0%	43.5%	23
White	61.9%	17.2%	26.1%	3,873
Hispanic or Latino	54.0%	21.4%	29.1%	1,347
100-119% OF MSA/MD MEDIAN				
American Indian and Alaska Native	48.9%	22.7%	29.5%	88
Asian	62.3%	15.6%	28.8%	4,820
Black or African American	55.6%	20.1%	28.6%	234
Native Hawaiian or other Pacific Islander	49.4%	27.6%	31.0%	87
White	66.2%	13.8%	25.1%	12,607
Hispanic or Latino	60.8%	16.4%	26.8%	3,398
120% OR MORE OF MSA/MD MEDIAN				
American Indian and Alaska Native	59.2%	13.0%	32.0%	169
Asian	62.8%	12.9%	29.0%	17,800
Black or African American	57.7%	17.3%	27.2%	624
Native Hawaiian or other Pacific Islander	64.2%	11.4%	26.8%	254
White	68.3%	11.3%	24.9%	49,811
Hispanic or Latino	64.6%	13.3%	26.7%	6,095
Source: Consumer Financial Protection Bureau, Disposition of loan applications, by Ethnicity/Race of applicant, 2019.				

Hate Crimes

Hate crimes are violent acts against people, property, or organizations because of the group to which they belong or identify with. The Federal Fair Housing Act makes it illegal to threaten, harass, intimidate, or act violently toward a person who has exercised their right to free housing choice. In Orange County, there were a total of 9 hate crimes reported in 2019. Table 3-19 below identifies the reported hate crimes in Costa Mesa between 2014 and 2019. Data for hate crimes reported in Costa Mesa was not available by bias for the years 2014-2016 and 2018. However, in 2017 and 2019 a total of 5 hate crimes were reported in the City, all of which were motivated by race, ethnicity, or ancestry.

Table 3-19: Reported Hate Crimes by Bias Motivation for City of Costa Mesa (2014-2019)

Year	Race/Ethnicity/ Ancestry	Religion	Sexual Orientation	Disability	Gender	Gender Identity	Total
2014	NA	NA	NA	NA	NA	NA	0
2015	NA	NA	NA	NA	NA	NA	0
2016	NA	NA	NA	NA	NA	NA	0
2017	2	0	0	0	0	0	2
2018	NA	NA	NA	NA	NA	NA	0
2019	3	0	0	0	0	0	3
2020	7	0	1	0	0	0	8
Total	**12**	**0**	**1**	**0**	**0**	**0**	**13**

Source: Federal Bureau of Investigation, Uniform Crime Reporting. Hate Crime Statistics Report, 2014, 2015, 2016, 2017, 2018, and 2019.

Fair Housing Enforcement and Outreach Capacity

The City of Costa Mesa utilizes the Fair Housing Foundation. The Fair Housing Foundation was formed in 1964 to support and promote freedom of residence through education, advocacy, and litigation, to ensure that all persons have the opportunity to secure safe and decent housing that they desire and can afford. The Fair Housing Foundation is dedicated to eliminating discrimination in housing and promoting equal access to housing choices for everyone.

The City of Costa Mesa has identified the following goals regarding fair housing in collaboration with the Fair Housing Foundation:

- Provide fair housing education and information to apartment managers and homeowner associations on why denial of reasonable modifications/accommodations is unlawful.
- Conduct multi-faceted fair housing outreach to tenants, landlords, property owners, realtors, and property management companies. Methods of outreach may include workshops, informational booths, presentations to community groups, and distribution of multi-lingual fair housing literature.

There are no current fair housing lawsuits within Costa Mesa. The City analyzed data from the Costa Mesa Fair Housing Action Plan from the 2016/2017 reporting period to 2020/2021 and found the following relating to outreach and engagement, property management trainings, fair housing issues, and fair housing allegations as well as how they were resolved:

Fair Housing Action Plan 2016/2017 Summary:

- The Fair Housing Foundation (FHF) conducted 2 tenant & 2 landlord workshops.
- FHF conducted 2 certificate property managers training.
- FHF provided fair housing related serves to 204 unduplicated households: 77.5% of calls came from tenants, 6.4% from property owners & 5.4% from landlords/managers.
- FHF addressed 230 housing issues; top 3 issues were habitability (21%), notices (27%) & lease terms & rent increase (tied at 8% each).
- 18 fair housing allegations were received by FHF regarding mental & physical disability (14) familial status (3), race (2) & gender (1). 11 allegations were resolved via counseling & 7 cases opened; no evidence was found to sustain 4 allegation, 1 investigation was inconclusive, 1 allegation was sustained & 1 case is pending.
- FHF provided over 4,600 pieces of fair housing literature in English, Spanish and Vietnamese.

Fair Housing Action Plan 2017/2018 Summary:

- The Fair Housing Foundation (FHF) conducted 2 tenant & 2 landlord workshops.
- FHF conducted 2 certificate property managers training.
- FHF provided fair housing related serves to 206 unduplicated households: 82.5% of calls came from tenants, 4.9% from property owners & 5.8% from landlords/managers.
- FHF addressed 241 housing issues; top 3 issues were notices (22%) habitability (20%) & deposits (12.5%).
- 12 fair housing allegations were received by FHF regarding mental & physical disability (10) familial status (1) & race (1). 7 allegations were resolved via counseling & 5 cases opened; no evidence was found to sustain 2 allegations 1 investigation was inconclusive & 1 case is pending.
- FHF provided over 3,700 pieces of fair housing literature in English, Spanish and Vietnamese.

Fair Housing Action Plan 2018/2019 Summary:

- The Fair Housing Foundation (FHF) conducted 1 tenant & 1 landlord workshop.
- FHF conducted 1 certificate property managers training.
- FHF provided fair housing related serves to 178 unduplicated households: 86.0% of calls came from tenants, 2.8% from property owners & 3.9% from landlords/managers.
- FHF addressed 198 housing issues; top 3 issues were habitability (27%), notices (21%) & deposits (9%).
- 19 fair housing allegations were received by FHF regarding mental & physical disability (14), gender (1), race (2), national origin (1), & sexual orientation (1). 16 allegations were resolved via counseling & 3 cases opened; no evidence was found to sustain 1 allegation. Allegations were sustained in 2 cases and resolved through conciliation and education.
- FHF provided over 1,600 pieces of fair housing literature in English, Spanish and Vietnamese.

Fair Housing Action Plan 2019/2020 Summary:

- The Fair Housing Foundation (FHF) conducted 1 Fair Housing Workshop.
- FHF provided fair housing related serves to 153 unduplicated households: 91.5% of calls came from tenants, 3.2% from property owners & .6% from landlords/managers.
- FHF addressed 167 housing issues; top 3 issues were habitability (22.1%), notices (14.3%) & lease terms (8.9%).

- 14 fair housing allegations were received by FHF regarding mental & physical disability (12), national origin (1), & familial status (1). 11 allegations were resolved via counseling & 3 cases opened; no evidence was found to sustain 1 allegation. Allegations were sustained in 2 cases and resolved through conciliation and education.
- FHF provided over 2,803 pieces of fair housing literature in English, Spanish and Vietnamese.

Fair Housing Action Plan 2020/2021 Summary:

- The Fair Housing Foundation (FHF) conducted 5 Fair Housing Workshop.
- FHF provided fair housing related serves to 173 unduplicated households: 82.6% of calls came from tenants, 1.7% from property owners & 7.5% from landlords/managers.
- FHF addressed 183 housing issues; top 3 issues were habitability (15.3%), eviction (14.7%) & notices (10.9%).
- 21 fair housing allegations were received by FHF regarding mental & physical disability (10), Age (1), Gender (1), Martial Status (1), national origin (2), familial status (1), Race (4), Source of Income (1). 13 allegations were resolved via counseling & 8 cases opened; no evidence was found to sustain 4 allegations. Allegations were inconclusive in 1 case, allegations were sustained in 3 cases and resolved through conciliation.
- FHF provided over 2,812 pieces of fair housing literature in English, Spanish and Vietnamese.

As noted, the City tracks fair housing cases reported as well as how they were resolved (if resolved) annually through completion of the City of Costa Mesa Fair Housing Action Plan. In addition, as the City updates its Specific Plans, additional outreach will occur to collect feedback from the community and identify rehabilitation and enforcement needs and priorities.

2. Analysis of Federal, State, and Local Data and Local Knowledge

Summary of Local Data

As a part of the Housing Element Update for 2021-2029, the City of Costa Mesa implemented a thorough and expansive outreach program. The program intended to gather a deeper understanding of housing concerns and issues, challenges, and opportunities to housing, and gain insight and feedback from residents and the community on housing in Costa Mesa. As a part of the outreach program, the City hosted the following:

- Virtual townhall community meeting #1 – November 18, 2020
- Online community survey – November 19, 2020
- Subject matter expert meetings – February 9-11, 2021
- District specific meetings – February 18 and 18, 2021
- Targeted focus group meetings – throughout the update 202-2021
- Virtual townhall community meeting #2 – September 2, 2021

During the outreach program the City gathered input and ideas from the public. Key feedback or concerns related to fair housing, which were identified during engagement, include the following:

- Accessory Units should be affordable to lower income households
- The City needs more housing
- There should be more bike lanes to support active transportation
- Housing should be focused on increasing quality of life for residents

- More education about affordable housing to increase public awareness and public opinion
- Need supportive services along with housing
- Overcrowding often occurs and there need to be opportunity for multigenerational living
- Senior housing should be prioritized, followed by housing for persons with disabilities
- More affordable housing near transit and jobs
- Overall need for more affordable housing for residents of Costa Mesa, both for renters and owners

In addition to the fair housing and housing accessibility related concerns, a large percentage of residents were not interested in increasing the housing stock in Costa Mesa. Many residents identified a desire and interest to keep Costa Mesa lower density for single-family homes, a disinterest in ADUs and objections to growth in affordable housing stock.

Historical Impediments to Local Housing Choices and Mobility

Local impediments to housing choices and mobility have been considered as a part of the Housing Element Update for 2021-2029. For example, the City's previous land use and zoning provisions include certain regulations that are considered restrictive in regard to increasing the development of housing units in the City. The City's parking standards for multi-family development requires parking relating to "tenant covered parking," "tenant open parking" and "guest parking," and in certain bedroom configurations, the City's multi-family parking standards require up to four parking spaces per unit (Housing Program 2M is included to "review and revise the Zoning Code's requirements for residential off-street parking for multi-family projects to facilitate the development of multi-family housing, and specifically affordable housing.") Additionally, the City's adopted Specific Plans and Urban Plans include density standards that if increased would allow for greater housing choices in the City and housing located closer to job centers (Housing Program 3C and 3D have been included to amend the City's specific plan and urban plans to increase densities to meet that City's RHNA). Also, in 2016, residents of Costa Mesa voted to pass Measure Y: An Initiative to Require Voter Approval on Certain Development Projects. One of the provisions of this measure requires voter approval for changes in zoning and/or land use that would increase housing within an area by 40 or more residential units. Such a vote may discourage developers from pursuing housing development projects and particularly affordable housing projects (the Housing Element includes Program 3G to take steps to identify and address specific ways in which the City-wide vote process functions as a constraint to housing compliance, the City's housing goals, and other shared community goals).

Lastly, the City has focused in the past on transportation investments related primarily to mobility of single-occupant vehicles (SOVs) instead of multi-modal transportation which available generally to all demographic segments. However, the City now focuses on multi-modal circulation investments such as transportation projects related to traffic calming to increase pedestrian and bike safety, and enhancements to existing sidewalks and the provision of new sidewalks and bike paths and facilities to encourage walkability/bikability in the City.

Past Community Development Action Analysis - Urban Plan Development

As the Costa Mesa community has changed over time from a primarily suburban community within larger Orange County to a mixed use community that includes urban, semi-urban and suburban neighborhoods, the City began to modify its land use plans and zoning to promote mixed use, mixed income walkable residential communities. The first overlay districts, adopted by the City in April 2006, were the SoBECA Urban Plan district and three Westside Residential Urban Plans. These plans served as "overlay zones" and

established provisions for mixed-use development and residential development in the mixed-use overlay areas. The Urban Plans resulted from the collaboration of a 40-member Westside Revitalization Oversight Committee (WROC) appointed in 2003 by the City Council. The Urban Plans followed previous efforts to revitalize the Westside and create an artist village around Bristol Street by other committees.

The intent of the various Westside Urban Plans was to provide an incentive for redevelopment of marginal commercial and industrial properties in an area of the City that was closest to the beach. The 19th West and Mesa West Bluffs plans were developed to provide for a variety of land uses such as mixed use, live/work and residential lofts and to create ownership opportunities on the Westside.

The Mesa West Residential Ownership Overlay was intended to redevelop older rental residential structures with new ownership properties. The overlay allowed for development up to the High Density Residential General Plan capacity regardless of the residential zoning and to allow development up to three-stories in height.

The SoBECA overlay was intended to allow a mix of housing, eclectic retail/service, creative studios and entertainment/restaurant uses that attract local residents and visitors.

Since 2006, the majority of projects in the Westside of the City have been approved under the Urban Plans/overlay districts. Over time, some concerns have been expressed that development under the urban plans has changed the character of neighborhoods and encouraged new development that in some cases removed and replaced existing older housing stock with residential ownership opportunities that were less affordable to existing residents of the area. There is a perception that this has resulted in increased property values limiting the opportunity to consolidate smaller parcels into larger development lots. While much of the development pursuant to the urban plans in the last decade replaced industrial uses and resulted in remediation of a number of brownfield sites, concerns have, nonetheless, arisen regarding the concept of these Urban Plans. The following are concerns that have been expressed regarding implementation of the Urban Plans/overlay districts and potential actions to address these concerns:

Table 3-20: Feedback on the Implementation of the Urban Plans/Overlay Districts

Concern	Remedial Action
Increased density and proximity to single family residences	Modify the boundaries to allow an appropriate transition between the overlay zones and R1 zones
Limited open space / park access	The 2015 amendment requires a minimum of 30-percent open space and inclusion of common recreational areas to promote quality living environments
No variety in products (all 3-4 stories with multiple living levels - not conducive to all ages)	Modify standards to require a mix of two-story and three-story product types
Parking - live/works are used as residential uses but with less parking	Increase guest parking requirement and require the same parking ratio for live/work and residential loft development consistent with residential standards based on number of bedrooms
Saturation of market for live/work products	The majority of new development on the Westside are live/work units; require a mix of live/work and residential lofts, and two-story residential product types
Proximity of residential uses to existing industrial uses	CC&Rs and homebuyer notices provide advance notification to the buyers regarding potential noise

	nuisance impacts associated with living in a mixed use urban environment. Additional buffer may be needed between residential and major industrial uses
Privacy Impacts	Three-story in proximity to single story and two-story development must demonstrate minimal privacy impacts; roof decks and balconies should face project interiors
Increased Height - Live/work development are allowed to be four stories or a maximum 60 feet in height; the amendment in 2015 allowed rooftops to be counted toward open space requirement and not considered a story	Rooftops should be considered as stories to improve neighborhood compatibility. The 30-percent open space requirement should not include roof tops and focus on ground floor amenities to promote quality living environments.

The overlay plans have been amended periodically since adoption to address changes in market demands, land use patterns, and community concerns as identified above. The 6th cycle housing element proposes amendments which respond to community needs and the community's need for a range of housing types and more housing opportunities affordable at all income levels.

Integration and Segregation Patterns and Trends

Race and Ethnicity

The dissimilarity index is the most used measure of segregation between two groups, reflecting their relative distributions across neighborhoods (as defined by census tracts). The index represents the percentage of the minority group that would have to move to new neighborhoods to achieve perfect integration of that group. An index score can range in value from 0 percent, indicating complete integration, to 100 percent, indicating complete segregation. An index number above 60 is considered to show high similarity and a segregated community.

It is important to note that segregation is a complex topic, difficult to generalize, and is influenced by many factors. Individual choices can be a cause of segregation, with some residents choosing to live among people of their own race or ethnic group. For instance, recent immigrants often depend on nearby relatives, friends, and ethnic institutions to help them adjust to a new country.[6] Alternatively, when white residents leave neighborhoods that become more diverse, those neighborhoods can become segregated. Other factors, including housing market dynamics, availability of lending to different ethnic groups, availability of affordable housing, and discrimination can also cause residential segregation.

Figure 3-4 shows the dissimilarity between each of the identified race and ethnic groups and Costa Mesa's White population. The White population within Costa Mesa makes up the majority of the City's population at approximately 71 percent according to 2019 American Community Survey (ACS) estimates.

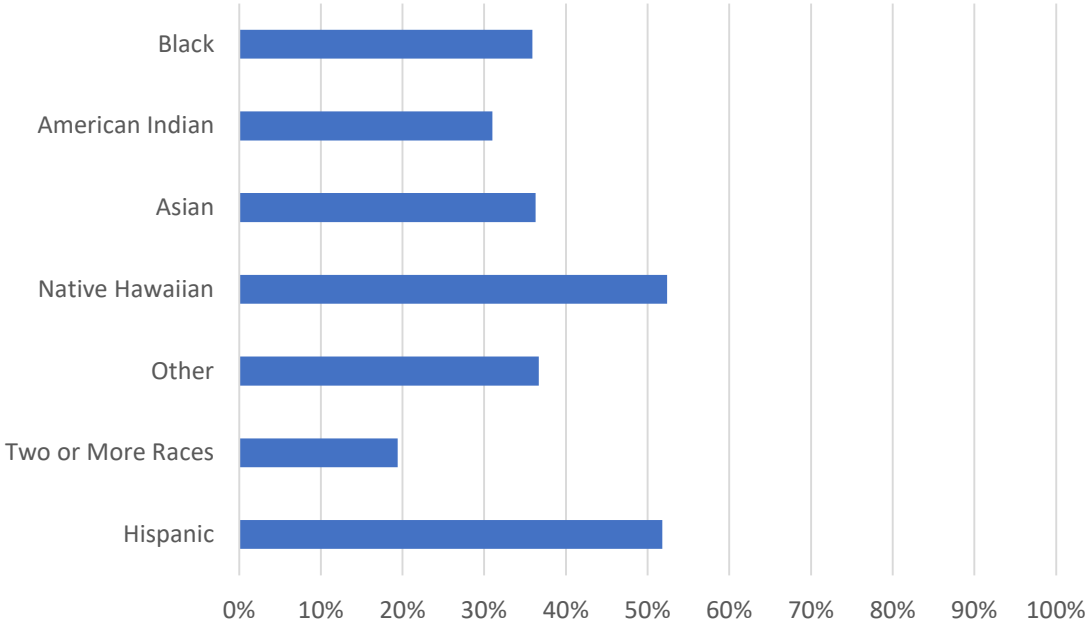
The higher scores shown in the figure below, directly indicate higher levels of segregation among those race and ethnic groups. The race and ethnic groups with the high scores were Native Hawaiian (52.4 percent) and Hispanic (51.8 percent). These scores correlate directly with the percentage of people within that racial or ethnic group that would need to move into a predominantly White census tract in order to

[6] Allen, James P. and Turner, Eugene. "Changing Faces, Changing Places: Mapping Southern California". California State University, Northridge, (2002).

achieve a more integrated community. For instance, 52.4 percent of the Native Hawaiian population would need to move into predominantly White census tract areas to achieve "perfect" integration, or 51.8 percent of the Hispanic population would need to move into predominantly White census tract areas for perfect integration.

As indicated above, a score of 60 or higher indicates a highly similar and segregated area. The City does not have any racial or ethnic groups with scores higher than 60. However, scores above 30 indicate moderate levels of segregation. It is important to note the areas where moderate segregation occurs in order for Costa Mesa to understand any additional disparities in access to opportunities or housing, as well as identify lack of resources for the communities. In the City of Costa Mesa, all racial and ethnic groups, except for those who identify as two or more races, show a score of 30 or greater dissimilarity index. The City of Costa Mesa is committed to furthering fair housing access and increasing fair housing opportunities to communities of color.

Figure 3-4: Dissimilarity Index with White Population in Costa Mesa



	Hispanic	Two or More Races	Other	Native Hawaiian	Asian	American Indian	Black
Dissimilarity Index with Whites	51.8%	19.4%	36.7%	52.4%	36.3%	31.0%	35.9%

Source: Census Scope, Social Science Data Analysis Network

Disability

In 1988, Congress added protections against housing discrimination for persons with disabilities through the FHA, which protects against intentional discrimination and unjustified policies and practices with disproportionate effects. The FHA also includes the following unique provisions to persons with disabilities: (1) prohibits the denial of requests for reasonable accommodations for persons with disabilities if necessary, to afford an individual equal opportunity to use and enjoy a dwelling; and (2) prohibits the denial of reasonable modification requests. With regards to fair housing, persons with disabilities have special

housing needs because of the lack of accessible and affordable housing, and the higher health costs associated with their disability. In addition, many may be on fixed incomes that further limit their housing options.

Table 3-28 provides data for persons with disabilities in Costa Mesa, Orange County, and across California; Figure 3-15 also maps out populations with disabilities throughout the City. There are five census tracts that report 10 to 20 percent of the population with a disability. These tracts are located the center of the City in the south-western region. The central census tracts include the Fairview Developmental Center and a senior living development (Azulon at Mesa Verde). The census tracts in the south-western region also include a senior living development (Vivante Newport Mesa). These may contribute to the higher occurrence of persons with disabilities.

Regarding access to community resources and services, the central census tracts are located near community parks, fire and police services, grocery stores and commercial uses, and medical offices. Public transit runs directly between both central census tracts along Harbor Boulevard, as well as Fairview Road. The south-western census tracts are also located near community parks, grocery stores and commercial uses, medical offices, and they have access to public transit along Placentia Avenue, 19th Avenue, and Victoria Street.

It is the policy and practice of the City to take all reasonable steps to ensure its services, programs and activities are accessible to all members of the public including persons with disabilities. The City's leadership team and accessibility experts work to ensure all departments comply with this policy by carrying out the following functions:

- Provide technical assistance to support City departments in complying with federal, state, and local disability access laws.
- Assist departments and divisions in evaluating their facilities, programs, services, and activities to ensure provision of reasonable accommodations to people with disabilities.
- Facilitate the resolution of grievances filed against the City of Costa Mesa that allege noncompliance with disability access laws.

Additionally, the City is concerned with public right-of-way access for everyone including people with disabilities. Staff is aware of pedestrian mobility concerns for people with various disabilities. The following information describes department programs available to the public:

- Curb Ramp Program – The City administers the Sidewalk Accessibility Curb Ramp Program by identifying locations and managing the installation of curb ramps throughout the city. These ramps provide safer and easier pedestrian access to sidewalks, particularly for persons with disabilities. All newly constructed ramps comply with the current Americans with Disabilities Act standards.
- Contractual Services – The City utilizes contractual services to install curb ramps each year through the ongoing capital-funded program. Along with these ongoing City-funded installation projects, the program also assists and coordinates installation projects with a variety of other programs and construction projects.

- City Staff also utilize a priority approach to select locations for new ramps. Installation project priorities are based on the following criteria:
    - Known routes used, and requests by persons with disabilities
    - Known locations in the walking route to school plans
    - Known routes to senior and community centers and around parks
    - Requests from the community
    - Mobility Access Analysis for People with Disabilities
    - Upon request, staff conducts a study of obstructions blocking pedestrian or wheelchair travel.

Costa Mesa residents with disabilities living in the five census tracts listed above may also benefit from regional resources. The Regional Center of Orange County provide services to person with developmental disabilities, including: housing options, employment opportunities, prenatal diagnostic evaluations, as well as services for early intervention, therapy, respite care, childcare, adult day programs, transportation, medical and dental, and recreation. The following lists a number of additional agencies and organizations and the services they provide for Costa Mesa residents:

- Dayle McIntosh Center - Provides support services, advocacy, transition services, information and referral, peer support, housing assistance, health care access and more.
- Employment Development Department - The California State Disability Insurance Program (SDI) provides short term Disability Insurance (DI) and Paid Family Leave (PFL) wage replacement benefits to eligible workers who need time off work.
- Family Caregiver Resource Center - Assists families who are coping with the physical, emotional, and financial responsibilities of caregiving.
- Help Me Grow - Connects families with developmental, behavioral or learning concerns to resources in the community for children birth to 6 years of age.
- In Home Supportive Services (IHSS) - Provides supportive services to aged, blind, and disabled persons who are limited in their ability to care for themselves and cannot live safely at home without help.
- Lions Sight and Hearing Foundation of Southern California - Provides hearing aids and common eye surgeries Income qualifications apply.
- Orange County Deaf Equal Access Foundation - Provides services to deaf and hard of hearing community including employment assistance, information and referral, advocacy, peer counseling, independent living, communication assistance (info@ocdeaf.org).
- Protection and Advocacy Inc. (PAI) - Provides legal representation in response to rights/violations for persons with disabilities.
- Rehabilitation Institute of Southern California - Programs which increase the ability of disabled individuals to function at home and at school, on the job, and in the community.
- St. Jude Brain Injury Network - Assist persons with a traumatic brain injury to attain access into gainful employment, appropriate community reintegration programs, accessible housing, and research-related education.

Costa Mesa children with disabilities living in the five census tracts listed above also have access to assessments/evaluations and education plans through the Newport-Mesa Unified School District Harper Assessment Center, as well as individual and family counseling, suicide prevention services, and residential services through the South Coast Community Services Student Assistance Program (SAP). Acuity Behavior Solutions provides a variety of Applied Behavioral Analysis techniques for children and teens with autism in Orange County, this includes: play-based applied behavior analysis services, individual in-home therapy, and social skills groups for children and teens.

Income

Government Code Section 65008 provides protection against the discrimination of lower- and moderate-income households that inhibits affordable housing development. As detailed in Chapter 2.C.2, the City of Costa Mesa is made up of households earning a variety of income levels. **Table 2-12** shows over a quarter of Costa Mesa households earn less than 50 percent of the area median family income (AMFI) and just under 40 percent earn over $100,000. **Figures 3-5a** and **3-5b** provide mapping of median incomes and poverty status across the City and in surrounding communities.

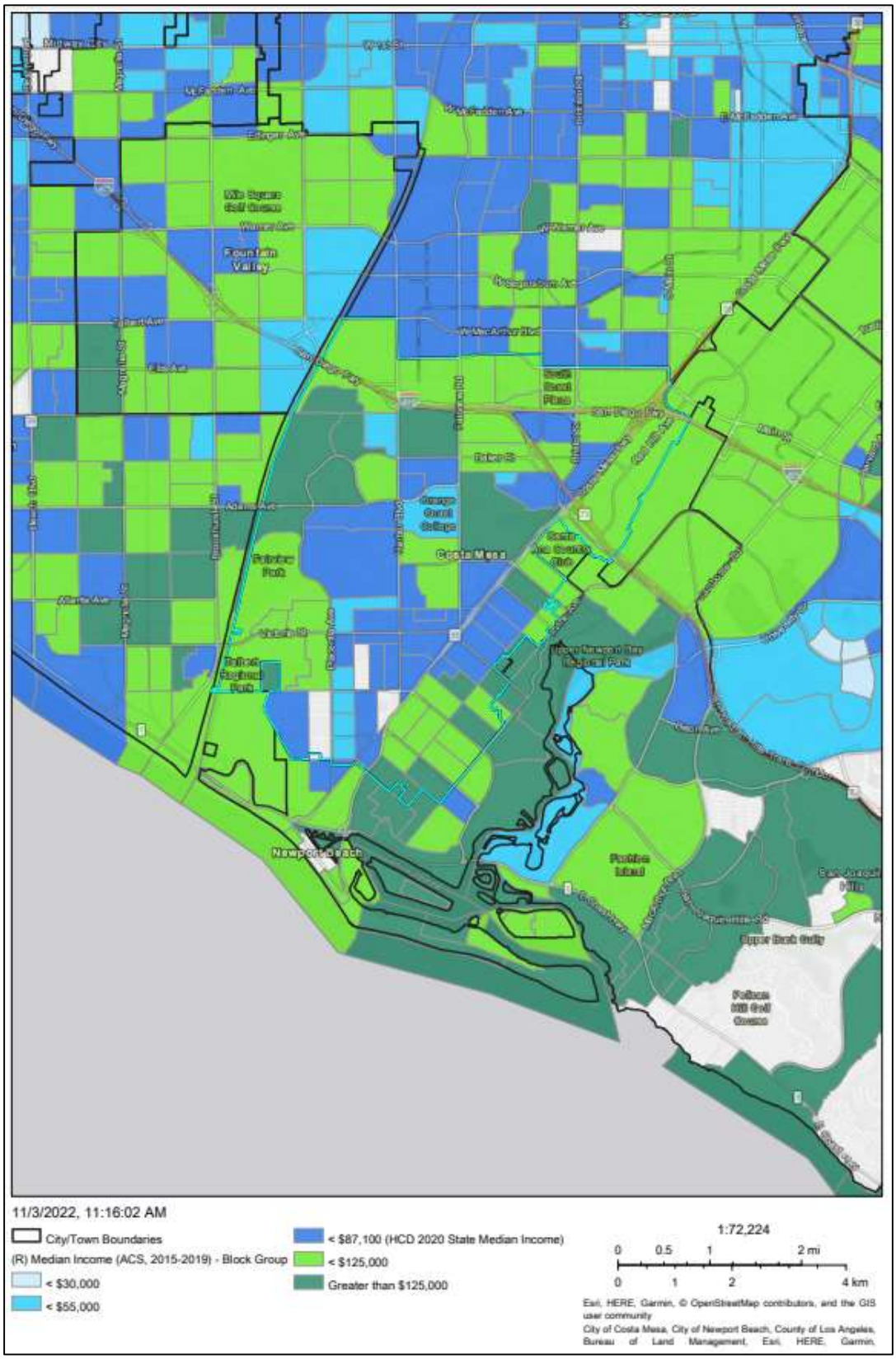
Figure 3-5a illustrates a greater tendency for lower median incomes towards the center of the City with higher median incomes along the City's western, northern, and eastern edges. When considering zoning, block groups with lower median incomes generally overlap with zones that allow for multi-family housing development at higher densities. In comparison, block groups with higher median incomes tend to be zoned for single-family residential. This shows lower income households have a greater ability to afford apartments and condominiums over single-family residences. Chapter 2.F.5 also indicates the housing market for single-family residences is more difficult to access for households not earning an above moderate income.

Figure 3-5b illustrates poverty status by census tract. The data is similar to that of Figure 3-5a as it shows higher concentrations of poverty towards the City's southern and central region. There is one census tract (636.05) that reports 30 to 40 percent of its population falling under the poverty line. This census tract is further detailed in the following section as an area of high segregation and poverty; however, the data is dated 2019 and does not reflect recent development and financing. While the area is identified as high segregation and poverty, it has seen much redevelopment over recent years and the median home value according to 2020 ACS 5-Year Estimates is $922,500. The median contract rent for the census tract is $1,665, and the median household income is $71,150. **Program 4I** is included in the Housing Plan to specifically address the high segregation and poverty finding for census tract 636.05 by partnering with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.

Furthermore, the Appendix B Sites Analysis includes the identification of a number of sites throughout the entirety of the City so as to provide for future residential development at a variety of densities. This is intended to allow for a variety of housing types affordable to all income categories. Sites were selected based on the availability of land, property owner and developer interest, and access to transportation, resources, and services. A number of sites are located in areas that report both high and lower median

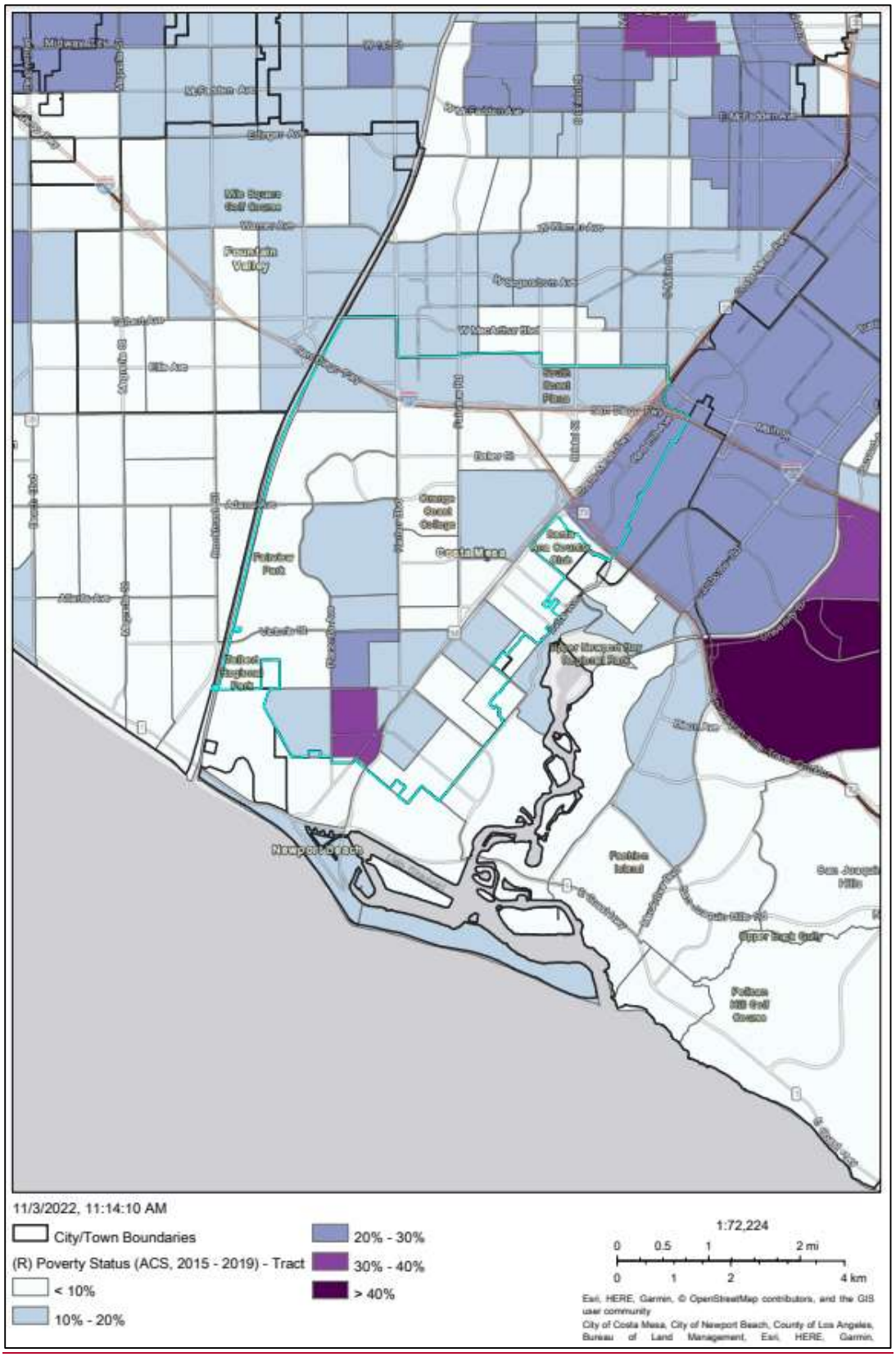
incomes, as shown in Figure 3-5a, so as to provide for future affordable units in areas where existing communities may benefit from and in areas of high opportunity. More details on the sites selection are provided in **Appendix B**.

Figure 3-5a: Income Segregation – Median Income



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-5b: Income Segregation – Poverty Status



Source: California Department of Housing and Community Development – AFFH Data Viewer

Racially or Ethnically Concentrated Areas of Poverty (R/ECAP)

To assist communities in identifying racially/ethnically concentrated areas of poverty (R/ECAPs), HUD has developed a census tract-based definition of R/ECAPs. The definition involves a racial/ethnic concentration threshold and a poverty test. The racial/ethnic concentration threshold is straightforward: RECAPs must have a non-white population of 50 percent or more. Regarding the poverty threshold, Wilson (1980) defines neighborhoods of extreme poverty as census tracts with 40 percent or more of individuals living at or below the poverty line. Because overall poverty levels are substantially lower in many parts of the country, HUD supplements this with an alternate criterion. Thus, a neighborhood can be a R/ECAP if it has a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower.

Location of residence can have a substantial effect on mental and physical health, education opportunities, and economic opportunities. Urban areas that are more residentially segregated by race and income tend to have lower levels of upward economic mobility than other areas. Research has found that racial inequality is thus amplified by residential segregation. However, these areas may also provide different opportunities, such as ethnic enclaves providing proximity to centers of cultural significance, or business, social networks, and communities to help immigrants preserve cultural identify and establish themselves in new places. Overall, it is important to study and identify these areas in order to understand patterns of segregation and poverty in a City.

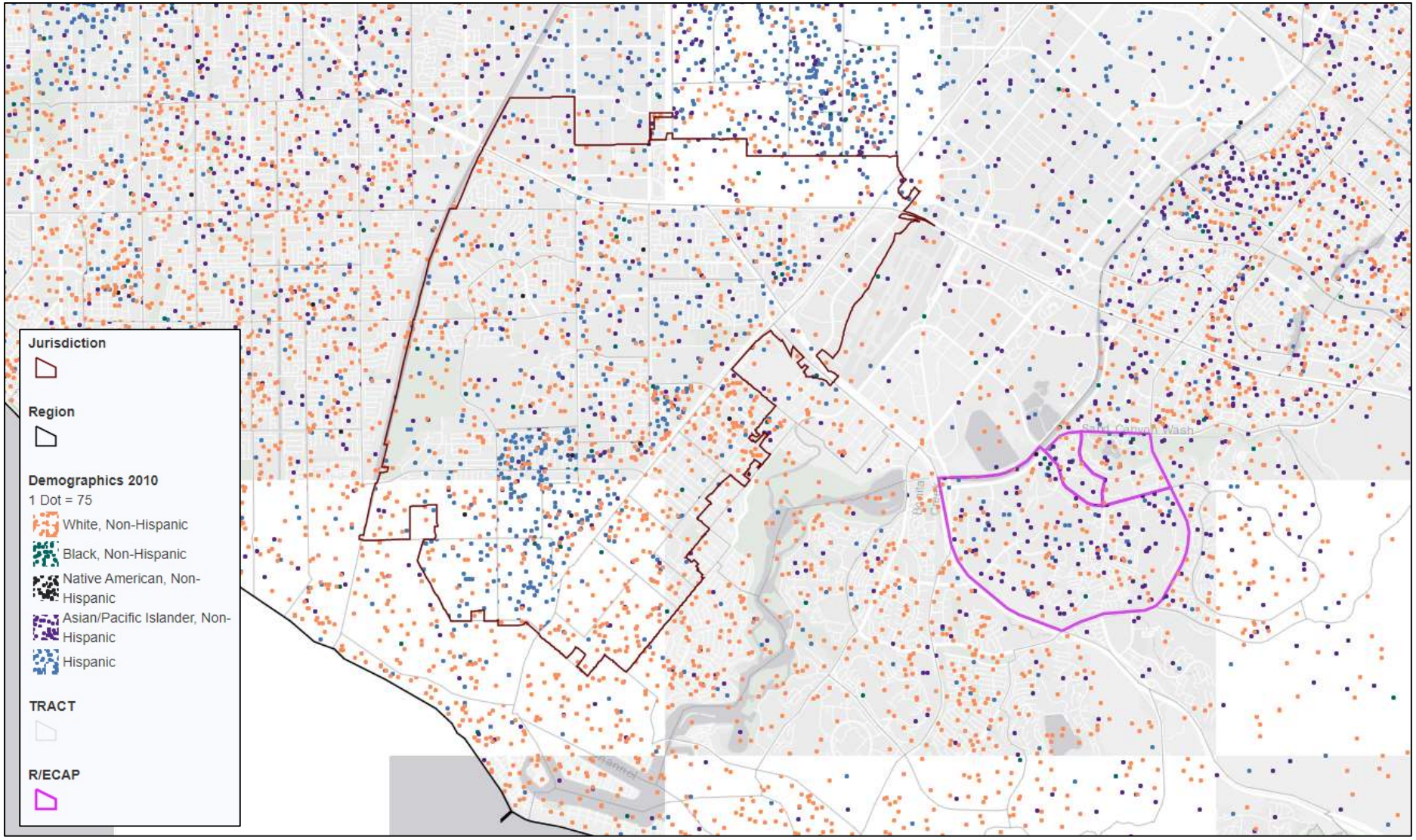
Figure 3-6 below displays the R/ECAP analysis of the Costa Mesa area. The low poverty index captures the depth and intensity of poverty in a given neighborhood. The index uses both family poverty rates and public assistance receipt, in the form of cash-welfare, such as Temporary Assistance for Needy Families (TANF). The poverty rate and public assistance for neighborhoods are determined at the census tract level, and the higher the score, the less exposure to poverty in a neighborhood. HUD provides data for the entire Orange County region, and not Costa Mesa specific, as shown in the map. Figure 3-6a shows that Costa Mesa has a pocket of concentrated Hispanic population towards the southern central region of the City. The eastern region of the City is shown to be mostly made up of concentrated White, Non-Hispanic, population. There is also a minor concentration of Hispanic and Native American, Non-Hispanic, populations in the SoBECA area of Northern Costa Mesa.

While there are no R/ECAP areas within the City, Figure 3-6a shows one in the nearby City of Irvine surrounding the University of California – Irvine campus. According to the AI, it is likely that they qualify as R/ECAPs due to the high proportions of students. In addition, the figure shows a large concentration of Hispanic population directly north of Costa Mesa in the City of Santa Ana. The City of Costa Mesa is committed to increasing housing mobility opportunities for persons outside of the City and in Orange County as a whole. Chapter 4: Housing Plan of this Housing Element outlines housing opportunity, affordable housing, and fair housing strategies to increase opportunities to all households.

Additionally, Figure 3-6b displays the data for TCAC areas of high segregation and poverty. The maps shows that there is one census tract that is designated as high segregation and poverty (census tract: 636.05). Areas that are identified as high segregation and poverty are consistent with the standards for both poverty (30% of the population below the federal poverty line) and racial segregation (overrepresentation of people of color relative to the county).

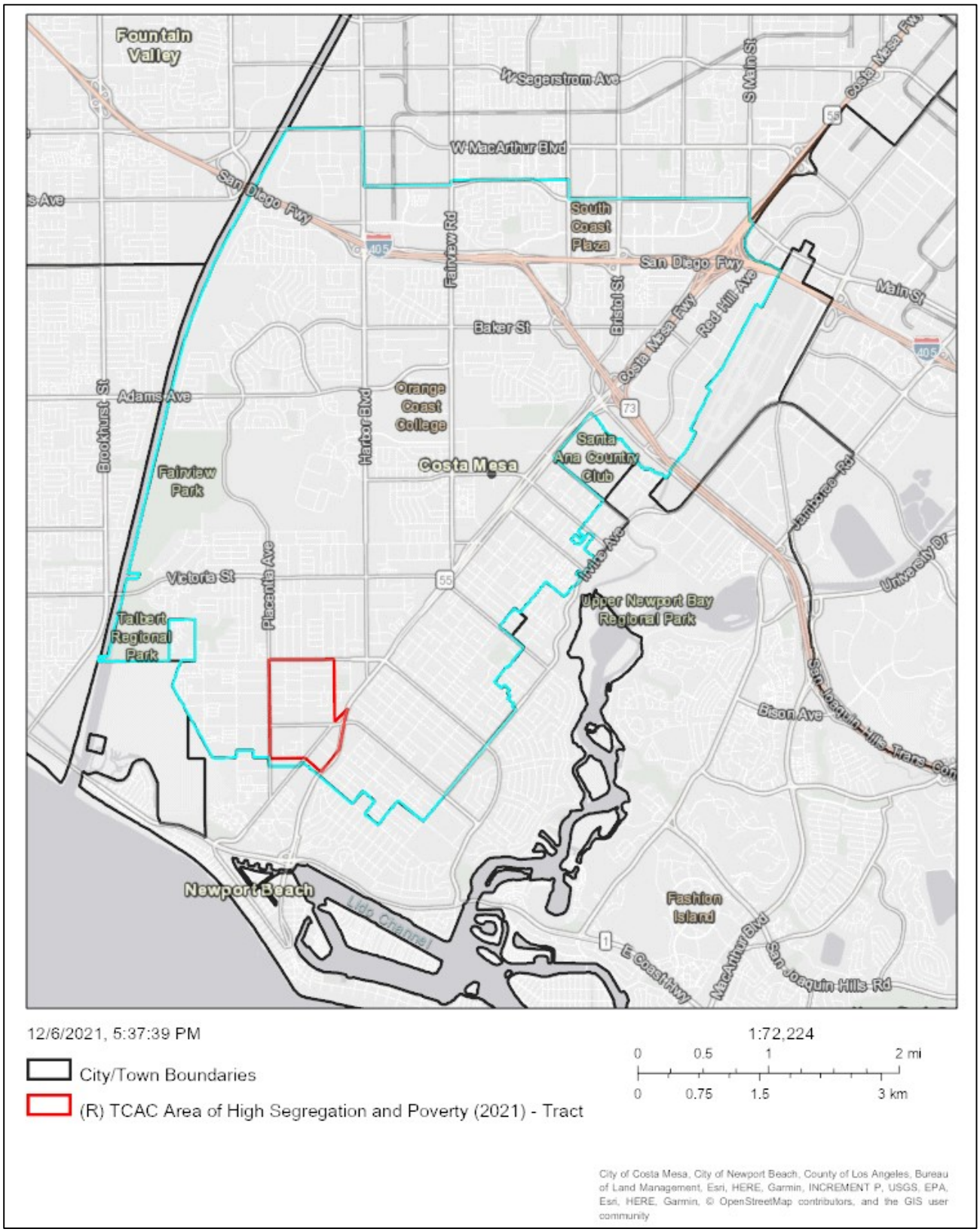
Census tract 636.05 is generally located in the southwestern portion of the City. This tract contains 3 different Costa Mesa City Council Districts - Districts 4, 5, and 6. The zoning designations within this tract is majority industrial (MG, General Industrial) and high density residential (R2-HD and R3), with commercial corridors along Newport Boulevard and 19th Street. The general Westside area also has 3 adopted urban plans, which do not change the underlying zoning of the property but allows for the development of live/work units and/or residential development. Since the adoption of the urban plans in 2006, the City has approved 541 newly constructed units, which includes the subject census tract.

Figure 3-6a: R/ECAP Areas, Costa Mesa



Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool, Data Versions: AFFHT0006, April 28, 2021

Figure 3-6b: TCAC Area of High Segregation and Poverty



Source: California Department of Housing and Community Development – AFFH Data Viewer

Racially or Ethnically Concentrated Areas of Affluence

Racially or Ethnically Concentrated Areas of Poverty have long been analyzed and reviewed as a contributing factor to segregation. However, patterns of segregation in the United States show that of all racial groups, the White population is the most severely insulated (separated from other racial groups).[7] Research also identifies segregation of affluence to be greater than the segregation of poverty. Racial and economic segregation can have significant effects on respective communities, including but not limited to, socioeconomic disparities, educational experiences and benefits, exposure to environmental conditions and crime, and access to public goods and services.

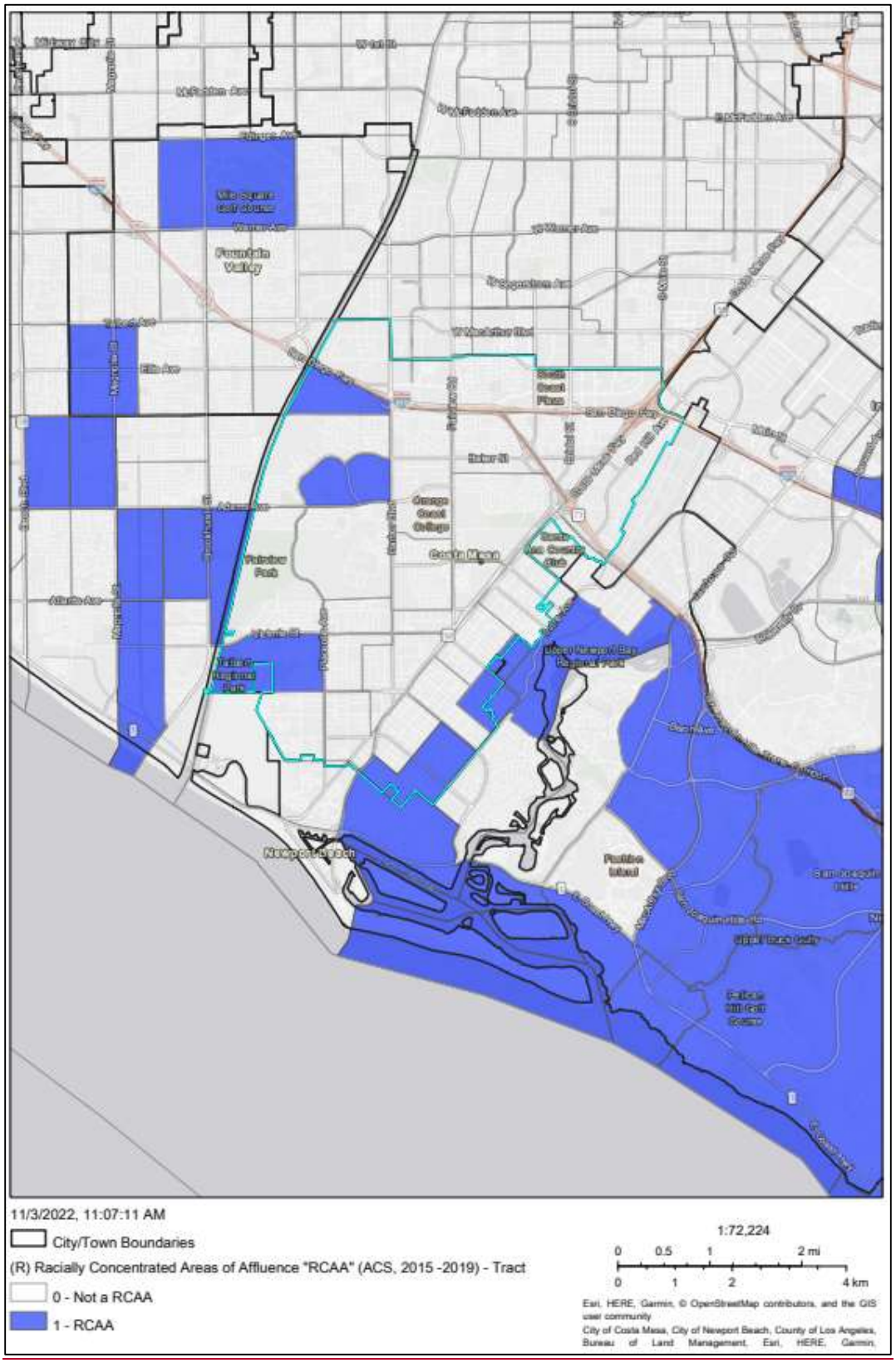
Data used in the analysis of Racially Concentrated Areas of Affluence (RCAA) comes from the 2015-2019 ACS and measured at the census track level. The definition for an RCAA is a census tract in which 80 percent or more of the population is White and a median income of at least $125,000. The nationwide RCAA analysis identifies the following:

- RCAA tracts have more than twice the median household income of the average tract in their metro area.
- Poverty rates in RCAAs are significantly lower and are, on average about 20 percent of a typical tract.
- RCAAs tracts are more income homogenous than R/ECAPs.
- The average RCAA is about 57 percent affluent, whereas the average R/ECAP had a poverty rate of 48 percent.
- The typical RCAA tract has a rate of affluence 3.2 times that of a typical tract, whereas R/ECAPs on average had a poverty rate 3.2 times that of a typical tract.

Overall, RCCAs may represent a public policy issue to the extent that they have been created and maintained through exclusionary and discriminatory land use and development practices. Postwar patterns of suburbanization in many metropolitan areas were characterized by White communities erecting barriers to affordable housing and engaging in racially exclusionary practices. Figure 3-7 illustrates five RCAAs mostly along the City's edges. As noted above, these areas overlap with the presence of single-family neighborhoods. Table 3-21 displays the RCAAs for Costa Mesa, and Table 3-22 shows local (Costa Mesa) and regional (Orange County) context for the median household incomes of White residents.

[7] Racially Concentrated Areas of Affluence: A Preliminary Investigation. University of Minnesota. Edwards Goets, Damiano, Williams. 2019.

Figure 3-7: Racially Concentrated Areas of Affluence, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Table 3-21: RCCAs - Median Household Income by Race by Census Tract, Costa Mesa		
Census Tract	Percent Population White	Median Income
Census Tract 638.05	69.5%	$122,750
Census Tract 636.01	62.3%	$120,057
Census Tract 638.02	65.5%	$118,000
Census Tract 631.02	81.6%	$127,153
Census Tract 631.03	75.3%	$131,477
Source: (U.S. Census Bureau) from HCD AFFH Data Viewer, Accessed November 3, 2022.		

Table 3-22: RCCAs - Median Household Income by Race, Costa Mesa and Orange County				
Race	Costa Mesa		Orange County	
	Median Income	Population	Median Income	Population
White	$91,959[1]	72.2%	$98,535[1]	64.3%
All Households	$90,370	--	$94,441	--
Notes: 1. Median income in the past 12 months (in 2020 inflation-adjusted dollars) *Source: American Community Survey, 5-Year Estimates, 2020.*				

Disparities in Access to Opportunity

The UC Davis Center for Regional Change and Rabobank partnered to develop the Regional Opportunity Index (ROI) intended to help communities understand local social and economic opportunities. The goal of the ROI is to help target resources and policies toward people and places with the greatest need to foster thriving communities. The ROI incorporates both "people" and "place components, integrating economic, infrastructure, environmental, and social indicators into a comprehensive assessment of the factors driving opportunity."

The ROI: People is a relative measure of people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life as follows:

- **Education Opportunity**: Assesses people's relative success in gaining educational assets, in the form of a higher education, elementary school achievement, and regular elementary school attendance.
- **Economic Opportunity**: Measures the relative economic well-being of the people in a community, in the form of employment and income level.
- **Housing Opportunity**: Measures the relative residential stability of a community, in the form of homeownership and housing costs.
- **Mobility/Transportation Opportunity**: Contains indicators that assess a community's relative opportunities for overcoming rural isolation.
- **Health/Environment Opportunity**: Measures the relative health outcomes of the people within a community, in the form of infant and teen health and general health.
- **Civic Life Opportunity**: A relative social and political engagement of an area, in the form of households that speak English and voter turnout.

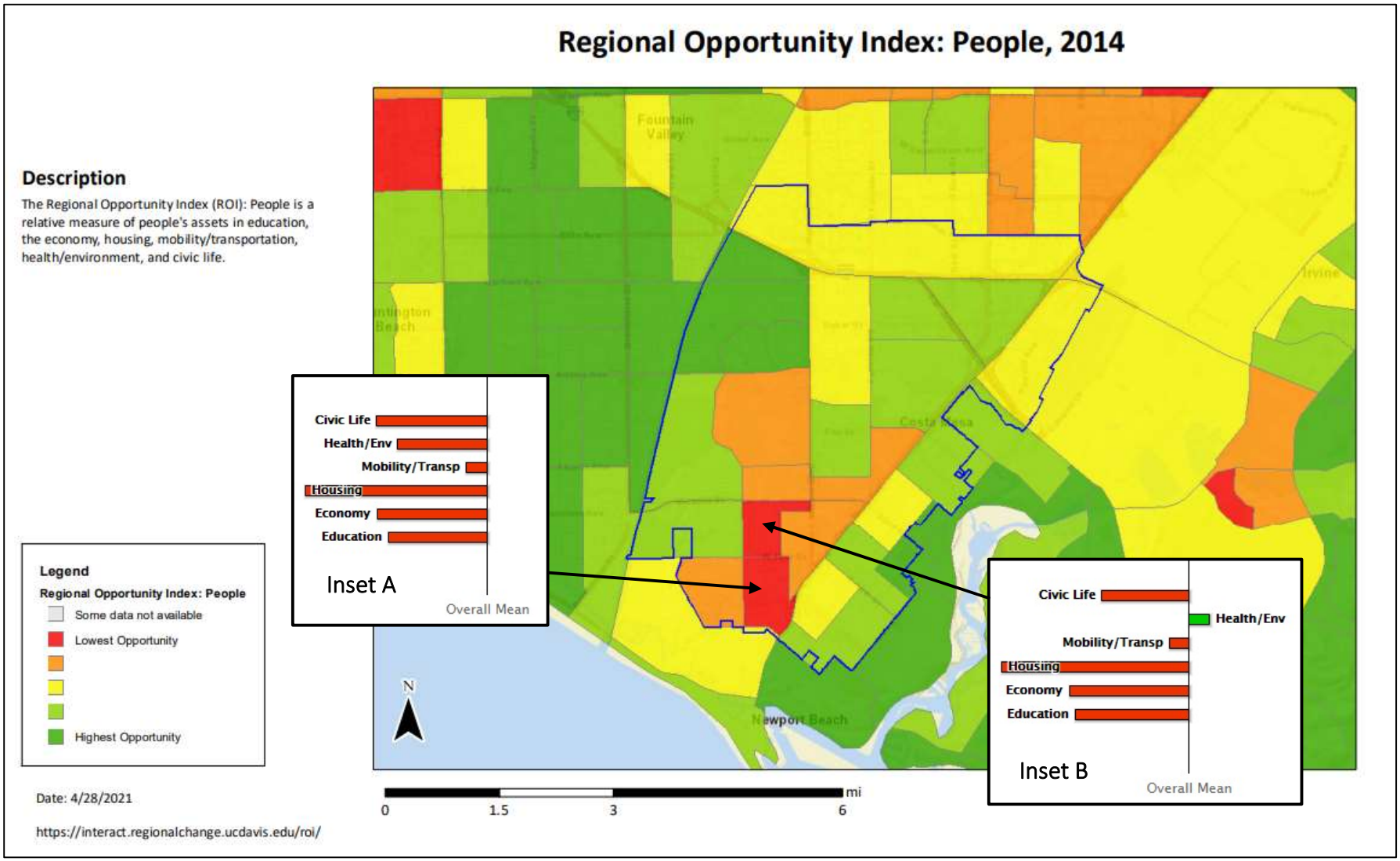
The ROI: Place is a relative measure of an area's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life.

- **Education Opportunity**: Assesses a census tract's relative ability to provide educational opportunity, in the form of high-quality schools that meet the basic educational and social needs of the population.
- **Economic Opportunity**: Measures the relative economic climate of a community, in the form of access to employment and business climate.
- **Housing Opportunity**: Measures relative availability of housing in a community, in the form of housing sufficiency and housing affordability.
- **Health/Environment Opportunity**: A relative measure of how well communities meet the health needs of their constituents, in the form of access to health care and other health-related environments.
- **Civic Life Opportunity**: Measures the relative social and political stability of an area, in the form of neighborhood stability (living in same residence for one year) and US citizenship.

Figure 3-8 shows the ROI: People classifications throughout the City, the "ROI: People" data identifies the achievement levels that persons living within these census tracts have attained. As the figure shows, classifications vary greatly throughout Costa Mesa. The City has areas of high opportunity to the west and east of the City, but also has areas classified as the low opportunity in the southern and central regions of the City. Persons living in the areas identified as low opportunity "people" are considered to have low achievement opportunities for economic, health, and housing. The figure shows one census tract, identified as **Inset B**, where the general attainment for education, transportation, housing, economic opportunity, or jobs was low the residents living in this tract. Further analysis shows the census tract, identified as **Inset A**, has overall very low levers of education, economic, housing, transportation, and civic life attainment among residents. Low attainment levels may project generational poverty, lower levels of upward mobility, and increased challenges accessing essential resources and opportunities. Increase housing opportunities and access, specifically affordable housing, in this area can provide stability, safety, and important resources to a community. The City of Costa Mesa has identified portions of this area to accommodate future growth for low and very low-income housing.

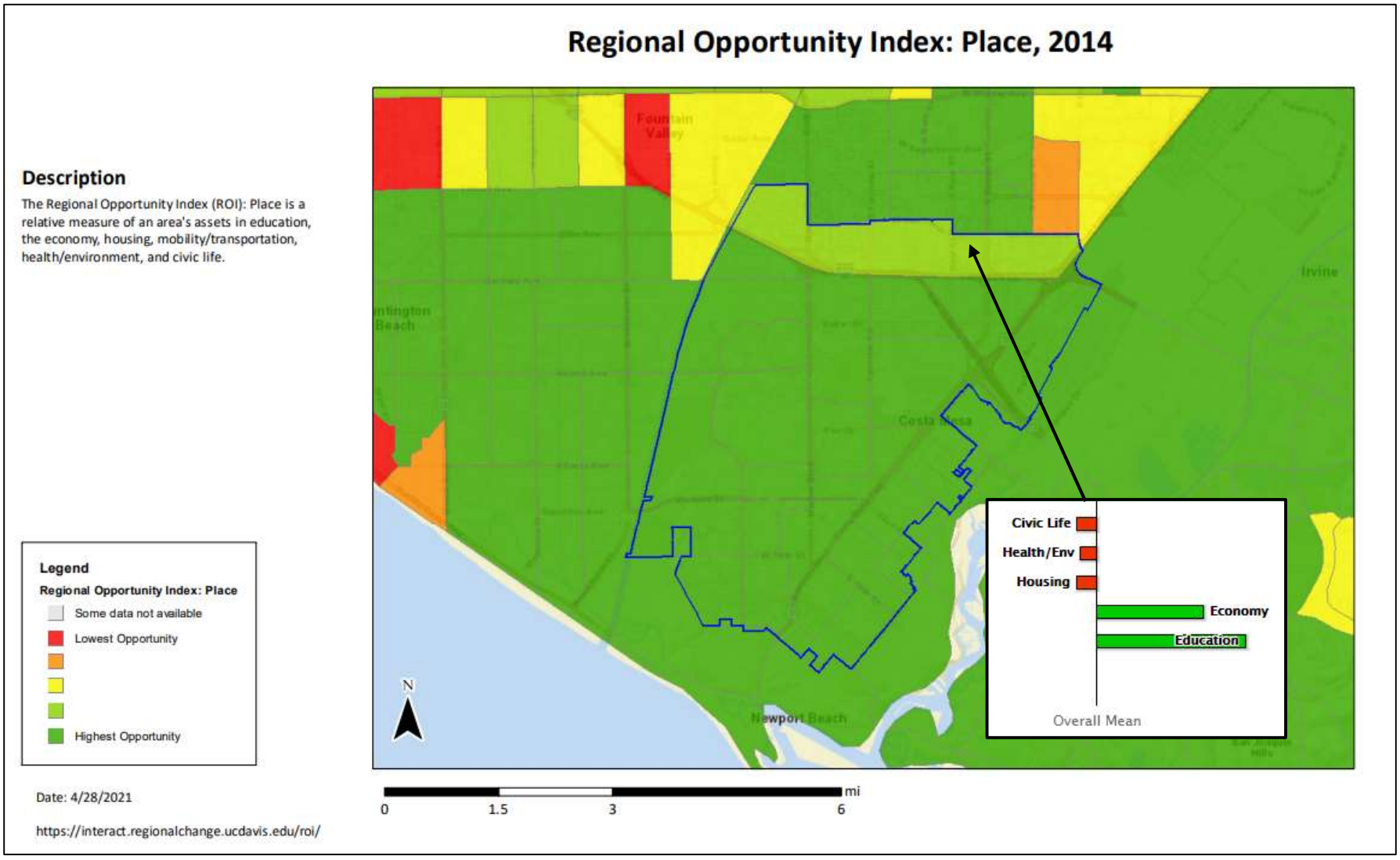
Figure 3-9 displays opportunities provided within each census tracts. The map shows that most of the City is classified as high opportunity. High opportunity areas mean that individual census tracts provide the necessary and essential resources for housing, economic or job opportunity, quality education and educational services, safe and affordable transportation, and quality civic and environmental life. Utilizing areas which provide important and essential resources, to increase housing opportunities can help to break cycles of poverty and increase overall community health. The City of Costa Mesa has identified housing opportunity sites to accommodate the RHNA in a variety of high opportunity areas.

Figure 3-8: Regional Opportunity Index, People – City of Costa Mesa



Source: UC Davis Center for Regional Change and Rabobank, 2014.

Figure 3-9: Regional Opportunity Index, Place – City of Costa Mesa

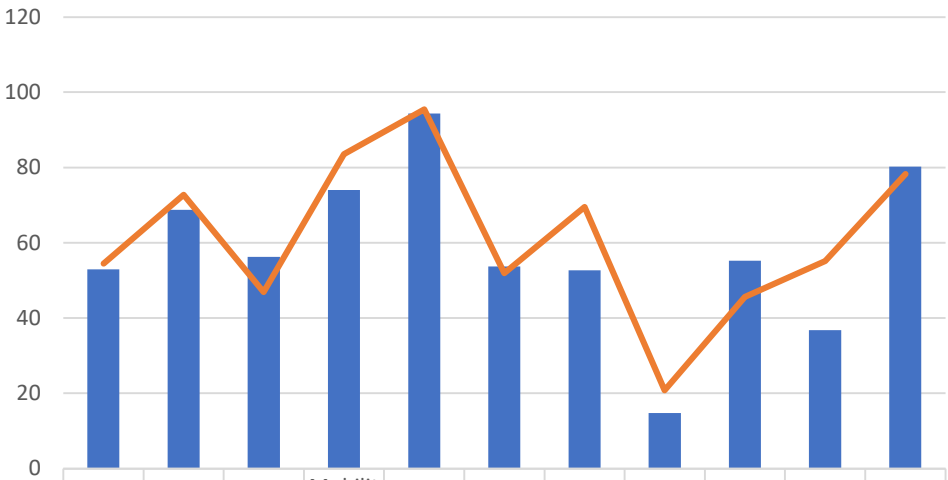


Source: UC Davis Center for Regional Change and Rabobank, 2014.

Additionally, **Table 3-23** and **Figure 3-10** below display the data for Regional Opportunity Index in Costa Mesa overall compared to the State of California. The data shows the following key findings:

- Costa Mesa residents reportedly have lower math and English proficiency levels; however, they have higher rates of college education, high school graduation, UC/CSU eligibility.
- The economic conditions in Costa Mesa are high. There is a higher rate of high-quality employment amongst residents and higher minimum basic income than the State. There are many jobs available, and that trend continues to increase.
- Costa Mesa households are predominantly renter households. Housing adequacy is the same for the City and the State, but homes in Costa Mesa are reportedly less affordable.
- The City reports high rates of available vehicles per household, as well as commute time. Costa Mesa residents spend more time traveling to and from work than residents across the State.
- Despite lower air quality reports, Costa Mesa residents have high access to medical and health care, as well as access to supermarkets.
- Costa Mesa residents have high rates of English fluency, despite slightly lower rates of citizenship.

Figure 3-10: Regional Opportunity Index, Costa Mesa and California



	Education: People	Economy: People	Housing: People	Mobility/Trans: People	Health/Env: People	Civic Life: People	Education: Place	Economy: Place	Housing: Place	Health/Env: Place	Civic Life: Place
Statewide Average	52.95	68.74	56.26	74.02	94.31	53.7	52.68	14.77	55.19	36.73	80.19
City of Costa Mesa	54.44	72.78	46.85	83.51	95.51	51.87	69.51	20.83	45.61	55.11	78.24

Source: UC Davis Center for Regional Change and Rabobank, 2014.

Table 3-23: Opportunity Indicators, Costa Mesa and California			
ROI Indicator		Costa Mesa	California
Education	**People**		
	College Educated Adults	**45%**	38%
	Math Proficiency	**67%**	70%
	English Proficiency	**63%**	65%
	Elementary Truancy	**24%**	24%
	Place		
	High School Graduation Rate	**93%**	83%
	UC/CSU Eligibility	**53%**	41%
	Teacher Experience	**66%**	36%
	High School Discipline Rate	**8%**	6%
Economic	**People**		
	Employment Rate	**92%**	89%
	Minimum Basic Income	**66%**	64%
	Place		
	Job Availability	**1291.12**	701.75
	Job Quality	**50%**	40%
	Job Growth	**4%**	3%
	Bank Accessibility	**0.38**	0.24
Housing	**People**		
	Home Ownership	**39%**	55%
	Housing Cost Burden	**50%**	52%
	Place		
	Housing Adequacy	**91%**	91%
	Housing Affordability	**0.14**	0.19
Mobility	**People**		
	Vehicle Availability	**88%**	86%
	Commute Time	**73%**	60%
	Internet Access	**4.81**	4
Health/Environmental	**Place**		
	Infant Health	**96%**	95%
	Birth to Teens	**5%**	7%
	Years of Life Lost	**25.68**	29.84
	Place		
	Air Quality	**9.35**	10.01
	Prenatal Care	**91%**	83%
	Access to Supermarket	**65%**	53%
	Health Care Availability	**3.63**	1.76
Civic Life	**People**		
	Voting Rates	**27%**	31%
	English Speakers	**91%**	88%
	Place		
	US Citizenship	**81%**	83%
	Neighborhood Stability	**83%**	85%
Source: UC Davis Center for Regional Change and Rabobank, 2014.			

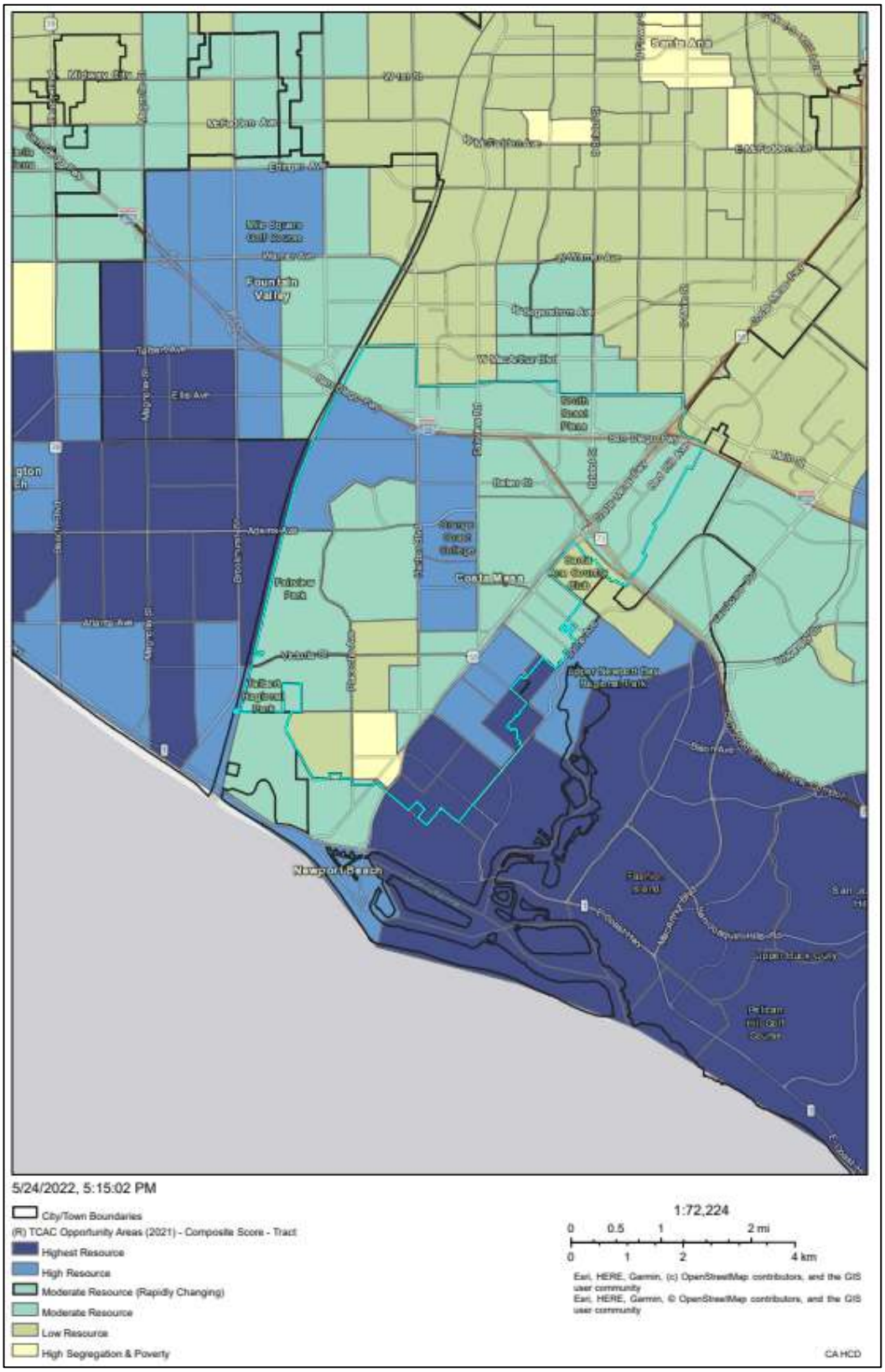
California Tax Credit Allocation Committee (TCAC) Opportunity Area Maps

The Department of Housing and Community Development together with the California Tax Credit Allocation Committee established the California Fair Housing Task Force to provide research, evidence-based policy recommendations, and other strategic recommendations to HCD and other related state agencies/departments to further the fair housing goals (as defined by HCD). The Task force developed the TCAC/HCD Opportunity Area Maps to understand how public and private resources are spatially distributed. The Task force defines opportunities as pathways to better lives, including health, education, and employment. Overall, opportunity maps are intended to display which areas, according to research, offer low-income children and adults the best chance at economic advancement, high educational attainment, and good physical and mental health.

According to the Task Force's methodology, the tool allocates the 20 percent of the tracts in each region with the highest relative index scores to the "Highest Resource" designation and the next 20 percent to the "High Resource" designation. Each region then ends up with 40 percent of its total tracts as "Highest" or "High" resource. These two categories are intended to help State decision-makers identify tracts within each region that the research suggests low-income families are most likely to thrive, and where they typically do not have the option to live—but might, if given the choice. As shown in **Figure 3-11a** below, much of Costa Mesa is classified moderate to high resource areas with pockets of low resource areas in the southwest region of the City. Costa Mesa has one area identified in **Figure 3-11b** classified as high segregation and poverty in the southern area of the City – census tract 636.05. This census tract includes industrial, residential, and retail/commercial uses, as well as the Costa Mesa Senior Center and new Superior Pointe and 17 West residential developments. While the area is identified as high segregation and poverty, it has seen much redevelopment over recent years and the median home value according to 2020 ACS 5-Year Estimates is $922,500. The median contract rent for the census tract is $1,665, and the median household income is $71,150.

The City of Costa Mesa is committed to exploring programs and avenues to increase housing access and opportunity to both existing residents, future residents, and households in nearby areas. **Program 2L** is included in the **Housing Plan** to facilitate access to funding, priority processing, and outreach for lower income households, including those located in census tract 636.05. **Program 4I** is also included to specifically address the high segregation and poverty finding for census tract 636.05 by partnering with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.

Figure 3-11a: TCAC/HCD Opportunity Map – Costa Mesa and Surrounding Region



Source: California Tax Credit Allocation Committee and Department of Housing and Community Development, 2021.

Figure 3-11b: TCAC/HCD Opportunity Map – High Segregation and Poverty (2021)



Source: California Tax Credit Allocation Committee and Department of Housing and Community Development, 2021.

Opportunity Areas – Education

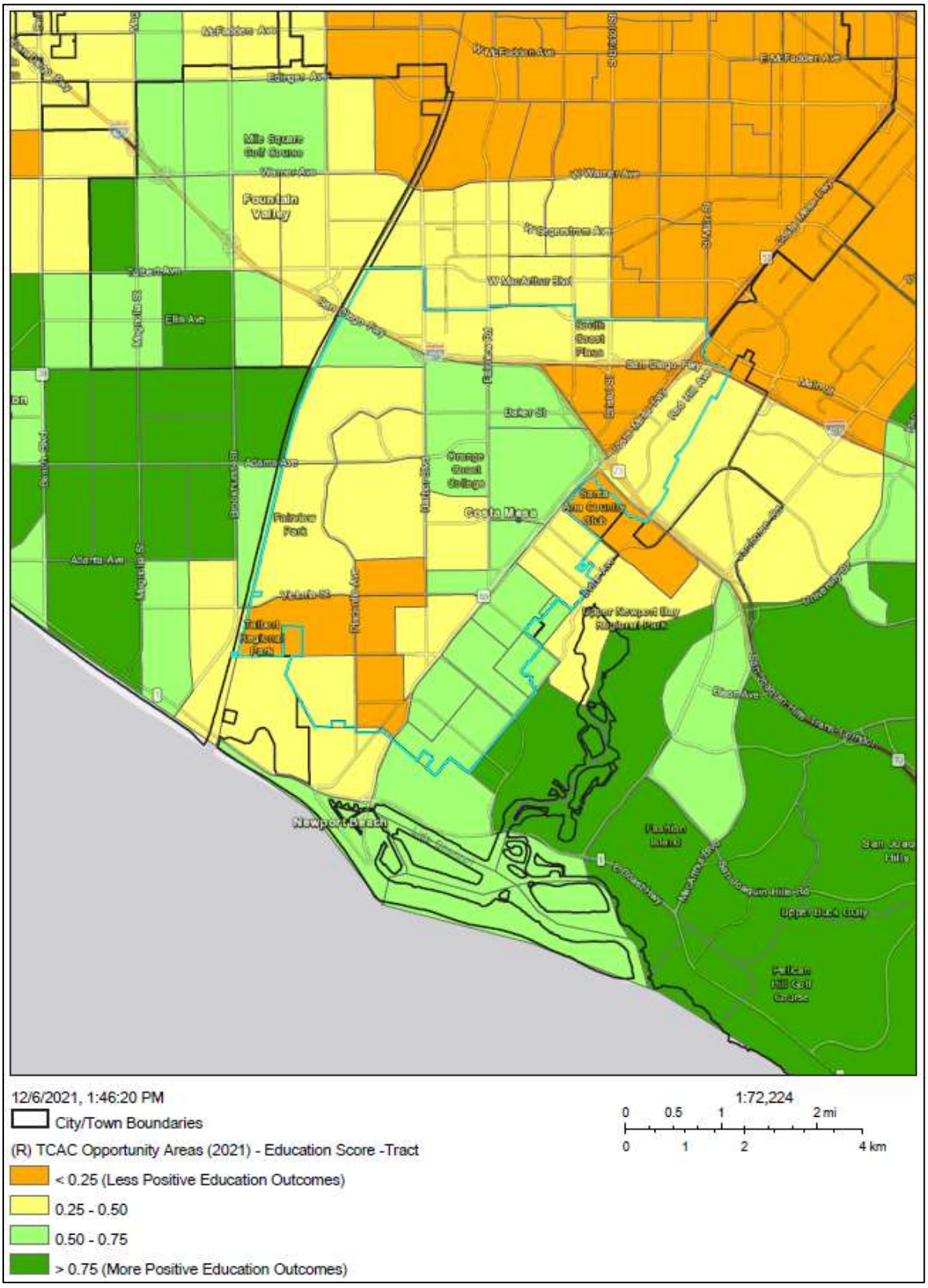
The TCAC/HCD Opportunity Area Maps include education data, as illustrated in **Figure 3-12**. This data represents opportunity levels based on the following four factors:

- Math proficiency – Percentage of 4th graders who meet or exceed math proficiency standards.
- Reading proficiency – Percentage of 4th graders who meet or exceed literacy standards.
- High school graduation rates – Percentage of high school cohort that graduated on time.
- Student poverty rate – Percentage of students not receiving free or reduced-price lunch.

As **Figure 3-12** shows, the City has a variety of education outcome scores. The more positive education outcomes are located over East Side Costa Mesa, east of the 55 Freeway, as well as over the neighborhoods south of the 405-freeway and in the center of the City. The area of the City west of Harbor Boulevard and north of Fairview Park are rated moderate for educational outcomes. West Side Costa Mesa in the City's south-western region has the lowest educational outcome.

Title 1 schools receive additional government funding to assist their lower-income student base who are at risk of falling behind. Within Newport-Mesa Unified School District, there are a total of 10 elementary schools, 2 middle schools, and 2 high schools. The following 3 elementary schools are Title 1 schools: Davis Elementary School, Heinz Kaiser Elementary School, and Woodland Elementary School. Davis Elementary School is located in the center of Costa Mesa just north of the OC Fairgrounds and Heinz Kaiser and Woodland Elementary Schools are both located in East Side Costa Mesa between the 55 Freeway and the Upper Newport Bay State Marine Conservation Area.

Figure 3-12: TCAC/HCD Opportunity Map – Education



Source: California Department of Housing and Community Development – AFFH Data Viewer

Opportunity Indicators

Opportunity indicators also help inform communities about disparities in access to opportunity. The Department of Housing and Urban Development (HUD) developed the opportunity indicators to help inform communities about disparities in access to opportunity, the scores are based on nationally available data sources and assess resident's access to key opportunity assets in the City. Table 3-24 provides the index scores (ranging from zero to 100) for the following opportunity indicator indices:

- **Low Poverty Index:** The low poverty index captures poverty in a given neighborhood. The poverty rate is determined at the census tract level. The higher the score, the less exposure to poverty in a neighborhood.
- **School Proficiency Index:** The school proficiency index uses school-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing elementary schools. The higher the score, the higher the school system quality is in a neighborhood.
- **Labor Market Engagement Index:** The labor market engagement index provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood. This is based upon the level of employment, labor force participation, and educational attainment in a census tract. The higher the score, the higher the labor force participation and human capital in a neighborhood.
- **Transit Trips Index:** This index is based on estimates of transit trips taken by a family that meets the following description: a three-person single-parent family with income at 50% of the median income for renters for the region (i.e. the Core-Based Statistical Area (CBSA)). The higher the transit trips index, the more likely residents in that neighborhood utilize public transit.
- **Low Transportation Cost Index:** This index is based on estimates of transportation costs for a family that meets the following description: a three-person single-parent family with income at 50 percent of the median income for renters for the region/CBSA. The higher the index, the lower the cost of transportation in that neighborhood.
- **Jobs Proximity Index:** The jobs proximity index quantifies the accessibility of a given residential neighborhood as a function of its distance to all job locations within a region/CBSA, with larger employment centers weighted more heavily. The higher the index value, the better the access to employment opportunities for residents in a neighborhood.
- **Environmental Health Index:** The environmental health index summarizes potential exposure to harmful toxins at a neighborhood level. The higher the index value, the less exposure to toxins harmful to human health. Therefore, the higher the value, the better the environmental quality of a neighborhood, where a neighborhood is a census block-group.

Table 3-24 below displays the opportunity indices by race and ethnicity for persons in Costa Mesa. According to the data, there is some poverty among the population of Costa Mesa, across all racial/ethnic groups. There are higher levels of poverty among the Hispanic and Native American populations. All racial/ethnic groups in Costa Mesa experience levels of environmental health below 50, meaning all residents are exposed to a higher degree of environmental pollutants. Otherwise, the data shows the City has high marks for school proficiency, labor market, transit, transportation cost, and job proximity.

Table 3-24: Opportunity Indicators, City of Costa Mesa							
(Costa Mesa, CA CDBG) Jurisdiction	Low Poverty Index	School Proficiency Index	Labor Market Index	Transit Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
Total Population							
White, Non-Hispanic	60.10	72.71	73.56	89.69	81.33	83.04	28.03
Black, Non-Hispanic	55.04	70.24	69.80	90.47	83.27	83.47	25.72
Hispanic	40.06	60.53	56.72	90.42	83.05	78.57	30.24
Asian or Pacific Islander, Non-Hispanic	61.51	71.28	73.20	90.57	82.88	87.44	22.65
Native American, Non-Hispanic	53.54	70.81	68.03	90.49	82.74	81.69	28.26
Population Below Federal Poverty Line							
White, Non-Hispanic	53.85	69.80	68.91	90.07	82.43	80.51	28.58
Black, Non-Hispanic	61.70	78.78	82.00	91.46	84.89	87.37	19.50
Hispanic	33.36	56.69	51.57	90.56	83.60	78.70	31.40
Asian or Pacific Islander, Non-Hispanic	55.36	71.81	73.29	90.38	83.08	84.52	24.46
Native American, Non-Hispanic	50.53	67.96	56.06	91.85	77.66	85.70	19.03
Source: Department of Housing and Urban Development, Affirmatively Furthering Fair Housing Online Mapping tool, Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA							

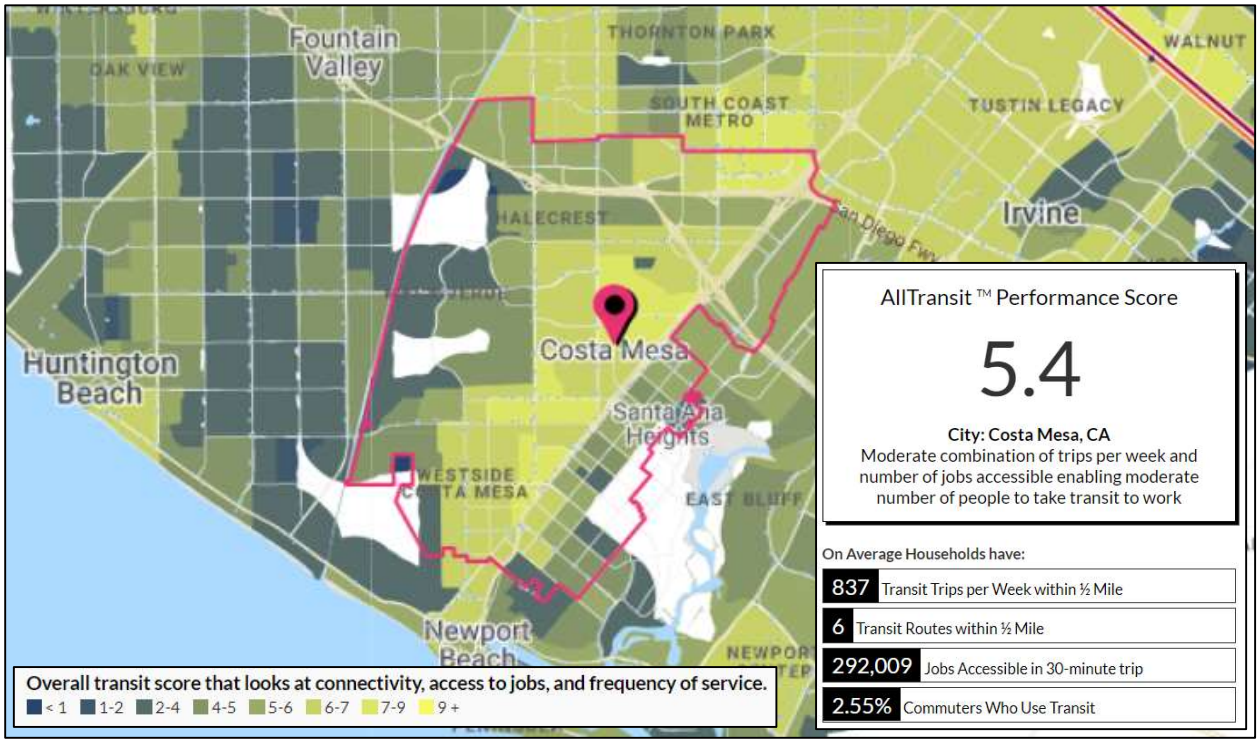
Access to Transit

Transit explores metrics that reveal the social and economic impact of transit, specifically looking at connectivity, access to jobs, and frequency of service. According to the data provided, Costa Mesa scored a 5.4 AllTransit performance score, illustrating a moderate combination of trips per week and number of jobs accessible that enable a moderate number of people to take transit to work. In comparison to neighboring cities – Huntington Beach scores a 4.4, Irvine scored a 3.6, Santa Ana scored a 6.6, and Newport Beach scored a 3.9. Access to transportation increases both the economic and environmental/health opportunities. Additionally, AllTransit provides the following data for Costa Mesa transportation:

- 98.8% of jobs are located within ½ of transit.
- 99,721 customer households have access to a business within a 30-minute transit commute.
- 2.29% of workers walk to work and 1.43% bike to work
- There are no households within a ½ miles of high frequency transit.
- On average, there are 6 transit routes within ½ of a block group on average.

Table 3-25: Opportunity Indicator – Transit					
Jurisdiction	AllTransit Performance Score	Transit Trips Per Week within 1/2 Mile	Jobs Accessible in 30-min trip	Commuters Who Use Transit	Transit Routes within 1/2 Mile
Costa Mesa	5.4	837	292,009	2.55%	6
Orange County	4.2	528	172,595	2.28%	4
Source: AllTransit Fact Sheet, Costa Mesa, 2021.					

Figure 3-13: All Transit Performance Score – Costa Mesa



Source: AllTransit Fact Sheet, 2021.

Environmental Justice

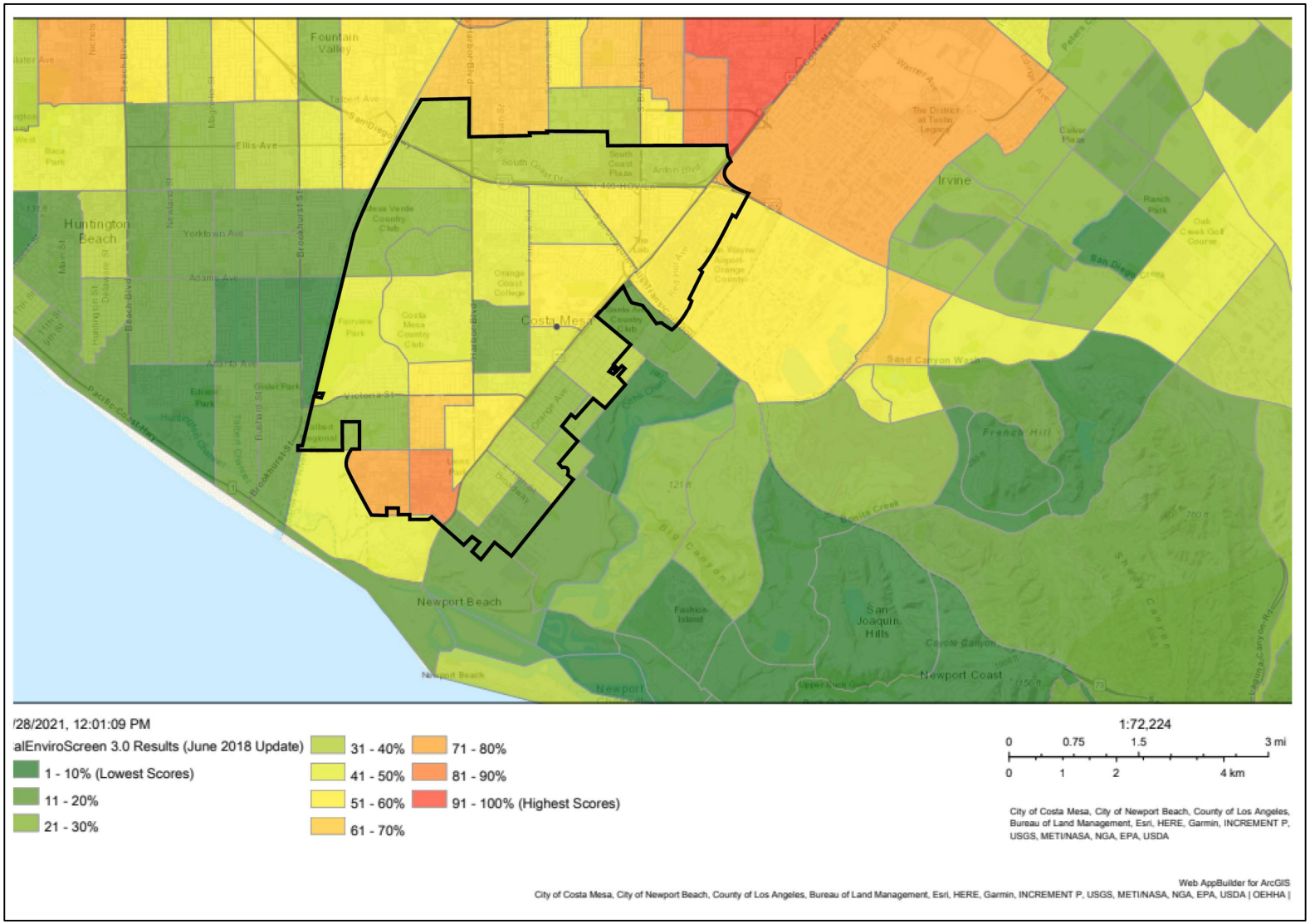
The California Office of Environmental Health Hazard Assessment (OEHHA) developed a screening methodology to help identify California communities disproportionately burdened by multiple sources of pollution called the California Communities Environmental Health Screening Tool (CalEnviro Screen). In addition to environmental factors (pollutant exposure, groundwater threats, toxic sites, and hazardous materials exposure) and sensitive receptors (seniors, children, persons with asthma, and low birth weight infants), CalEnviro Screen also takes into consideration socioeconomic factors. These factors include educational attainment, linguistic isolation, poverty, and unemployment. Research has shown a heightened vulnerability of people of color and lower socioeconomic status to environmental pollutants. Figure 3-14 below displays mapped results for the CalEnviro Screen in Costa Mesa and the Orange County region. The map shows that Costa Mesa is primarily moderate-scoring, with a few low-scoring census tracts and a couple high-scoring census tracts. High scores signify high levels of pollution burdens and low scores signify

low levels of pollution. Table 3-26 and 3-27 below identifies the CalEnviro Screen scores for the highest and lowest scoring census tracts in Costa Mesa, respectively.

Table 3-26: CalEnviro Screen 3.0 – Highest Scoring Census Tract (6059063605)			
Pollutant	**Percentile***	**Health Risk/Burden**	**Percentile***
Ozone	40	Asthma	47
PM 2.5	53	Low Birth Weight	78
Diesel	51	Cardiovascular Rate	33
Pesticides	0	Education	92
Toxic Releases	85	Linguistic Isolation	76
Traffic	58	Poverty	88
Drinking Water	10	Unemployment	76
Cleanups	98	Housing Burden	74
Groundwater Threats	92		
Hazardous Waste	93		
Impaired Water	0		
Solid Waste	53		
*Percentile derived using a weighted scoring system to determine average pollution burden/ socioeconomic scores relative to other census tracts. *Source: CalEnviro Screen 3.0 Map Tool, June 2018 Update. Accessed April 28, 2021.*			

Table 3-27: CalEnviro Screen 3.0 – Lowest Scoring Census Tract (6059063905)			
Pollutant	**Percentile***	**Health Risk/Burden**	**Percentile***
Ozone	40	Asthma	33
PM 2.5	53	Low Birth Weight	11
Diesel	46	Cardiovascular Rate	24
Pesticides	0	Education	27
Toxic Releases	89	Linguistic Isolation	22
Traffic	47	Poverty	34
Drinking Water	10	Unemployment	13
Cleanups	44	Housing Burden	59
Groundwater Threats	25		
Hazardous Waste	63		
Impaired Water	0		
Solid Waste	0		
*Percentile derived using a weighted scoring system to determine average pollution burden/ socioeconomic scores relative to other census tracts. *Source: CalEnviro Screen 3.0 Map Tool, June 2018 Update. Accessed May 24, 2021.*			

Figure 3-14: CalEnviro Screen, Costa Mesa (2018)



Source: CalEnviro Screen 3.0 Map Tool, June 2018 Update. Accessed April 28, 2021.

3. Discussion of Disproportionate Housing Needs

The analysis of disproportionate housing needs within Costa Mesa evaluates existing housing need, need of the future housing population, and units within the community at-risk of converting to market-rate.

Existing Needs

As described in **Section 3.G.1** of this Housing Element, the Orange County Housing Authority (OCHA) administers Section 8 Housing Choice vouchers within the City of Costa Mesa. For the 2020 year, there were a total of 561 Section 8 voucher holders within the community: 110 for persons with disabilities, 394 for seniors, and 54 families with at least one dependent.

Housing Needs in Costa Mesa

A variety of factors affect housing needs for different households. Most commonly, disability, household income, and household characteristics shape the type and size of housing needed, as well as accessibility based on existing units in a City. **Table 3-28** through **3-35** display data for demographic characteristics of Costa Mesa, as compared to Orange County and the State of California. Additional detailed analysis of the Costa Mesa community is provided in **Chapter 2: Community Profile**.

Table 3-28 displays the data for persons with disabilities in the City, County, and State. Overall, about 10.6 percent of the California population has at least one disability. Orange County and the City of Costa Mesa both have lower percentages by about 2 percent less persons with disabilities. Ambulatory, Independent Living, and Cognitive Difficulties are the top three most common disabilities for all three jurisdictions, in order starting from most common. These figures may be reflective of disabilities commonly found amongst the senior population. Each of reasonable accommodation procedures and opportunity for accessible housing can provide increased housing security for the population with disabilities.

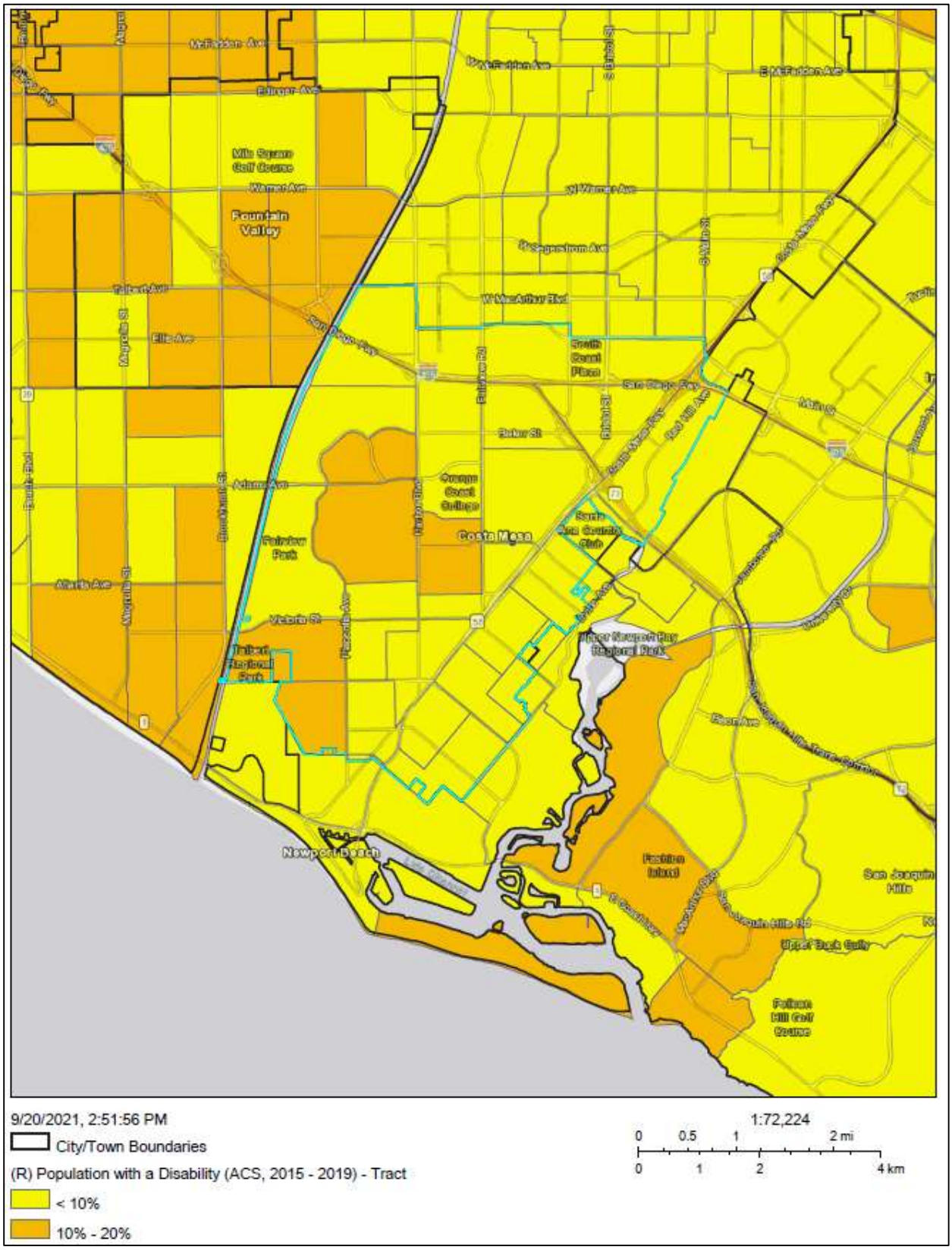
Table 3-28: Population by Disability Type by Geography, 2019

Disability Type	Costa Mesa	Orange County	California
Hearing Difficulty	2.4%	2.5%	2.9%
Vision Difficulty	1.6%	1.5%	2%
Cognitive Difficulty	3.4%	3.4%	4.3%
Ambulatory Difficulty	4.3%	4.5%	5.8%
Self-Care Difficulty	1.7%	2.2%	2.6%
Independent Living Difficulty	3.8%	4.3%	5.5%
Total with a Disability*	**8.3%**	**8.5%**	**10.6%**

* Total of noninstitutionalized population with at least one disability.
Source: American Community Survey, 5-Year Estimates, 2019.

Figure 3-15 shows the population with a disability throughout the City. As illustrated, the majority of the City has census tracts that report less than 10 percent of a disabled population. There are a few census tracts with a population of 10 to 20 percent reporting at least one disability.

Figure 3-15: Population with a Disability, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Table 3-29 and 3-30 displays household type and income data for the State, County, and City. Overall, Orange County has the largest percentage of family households (71.7 percent) and Costa Mesa has the smallest with about 10 percent less. Costa Mesa has the lowest percentage of female households without a spouse. Non-family households represent the largest household type in Costa Mesa at 40.5 percent, which is about 9 percent more than California and 12 percent more than Orange County. About 40 percent households in both the State and the County have at least one person above the age of 60, while there are about 30 percent of households in Costa Mesa with at least one person over the age of 60. Different household types have varying housing needs – senior households may benefit from reasonable accommodation procedures and being located near medical facilities, single-parent households may benefit from affordable housing options due to limited income, and family households may benefit from larger housing units located near community areas and schools.

Table 3-29: Population by Familial Status by Geography, 2019

Familial Status	Costa Mesa	Orange County	California
Family Households	59.5%	71.7%	68.7%
Married-Couple Family Households	43.2%	54.9%	49.8%
With Related Children Under 18	29.3%	34.1%	34%
Female Households, No Spouse	10.1%	11.5%	13%
Non-Family Households	40.5%	28.3%	31.3%
Households with One or More People 60 Years+	29.5%	39.9%	39.1%
Total Households	**40,986**	**1,037,492**	**13,044,266**

Source: American Community Survey, 5-Year Estimates, 2019.

Table 3-30 provides a breakdown on incomes for the State, County, and City. The majority of households in each region earn between $100,000 and $200,000 annually. Orange County has the highest median income at $90,234, about $6,000 more than for Costa Mesa and $15,000 more than for California as a whole.

Table 3-30: Households by Income by Geography, 2019

Household Income	Costa Mesa	Orange County	California
Less than $10,000	4.5%	4.2%	4.8%
$10,000-$14,999	2.3%	2.7%	4.1%
$15,000-$24,999	5.6%	5.6%	7.5%
$25,000-$34,999	6%	6%	7.5%
$35,000-$49,999	9.5%	8.8%	10.5%
$50,000-$74,999	15.8%	14.6%	15.5%
$75,000-$99,999	13.9%	12.8%	12.4%
$100,000-$149,999	19.9%	18.6%	16.6%
$150,000-$199,999	10%	11.1%	8.9%
$200,000 or More	12.4%	15.5%	12.2%
Median Income	**$84,138**	**$90,234**	**$75,235**

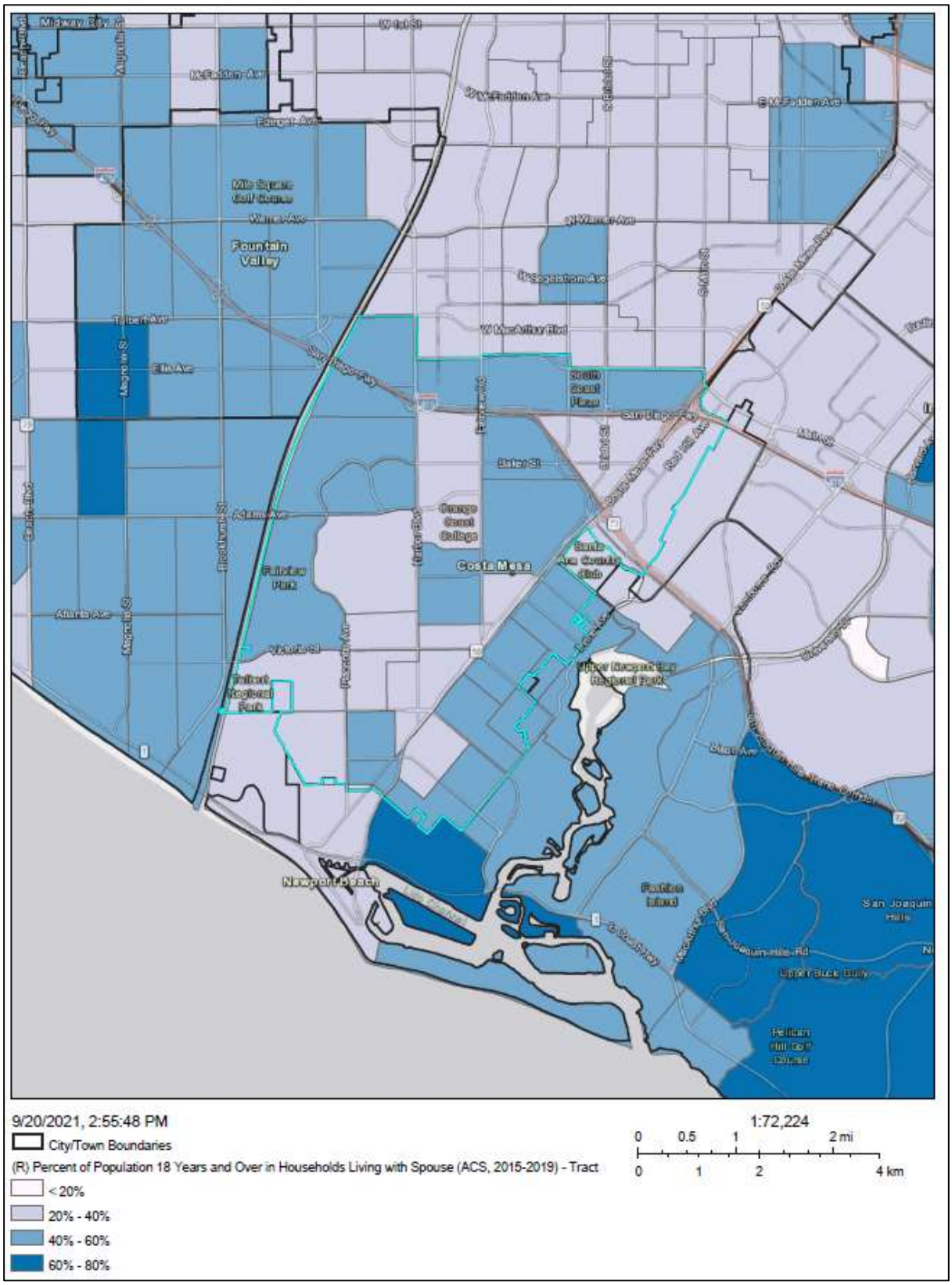
Source: American Community Survey, 5-Year Estimates, 2019.

Figure 3-16 below shows the City has varying rates of married-couple households throughout its different census tracts. In general, the map shows the eastern and western edges of the City, which are predominantly single-family neighborhoods, have the highest rates of married-couple households (40-60 percent). Towards the center of the City, census tracts report approximately 20 to 40 percent married-couple households.

When compared to Figure 3-17, the census tracts with the highest rates of married-couple households overlap with the highest rates of children living in married-couple family households. Costa Mesa has a generally high propensity of children living in married-couple family households throughout most census tracts. In comparison to neighboring communities, however, Costa Mesa has less census tracts with children in married-couple family households.

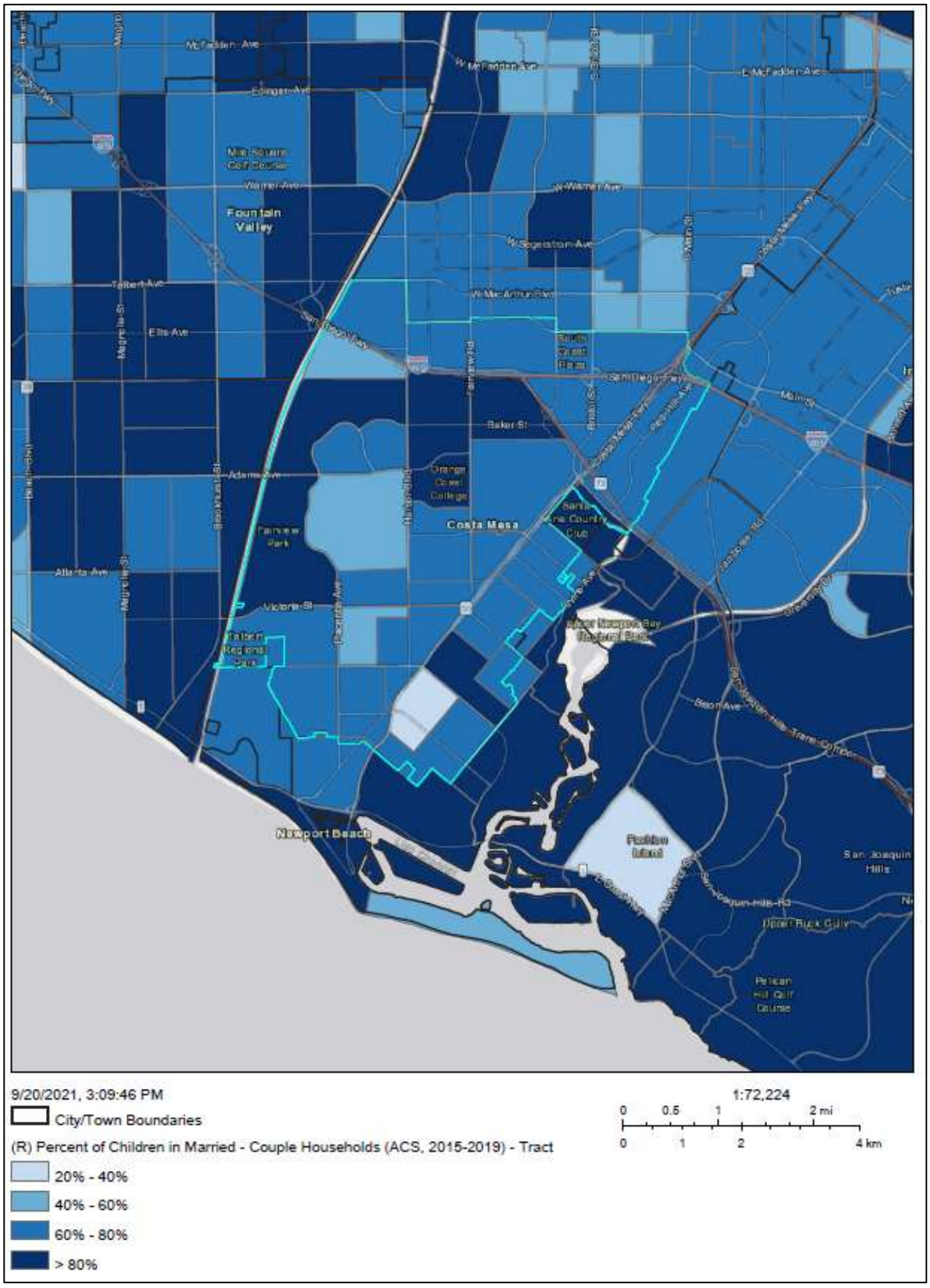
Figure 3-18 shows the City, as with its neighboring communities, has very low rates of children living in female-headed households with no spouse present. Most of the City reports approximately 20 percent of less, except for a census tract towards the southern edge of the City which reports 40 to 60 percent of children living in female-headed households. This same census tract is also one of two which reports 20 to 40 percent of its population over the age of 18 living alone, as illustrated in Figure 3-19. The rest of the City has fairly low rates of individuals living alone, with the remaining census tracts reporting less than 20 percent.

Figure 3-16: Married-Couple Households, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-17: Children in Married-Couple Households, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-18: Children in Female-Headed Households, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-19: Individuals Living Alone, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Table 3-31 displays data for households experiencing overpayment or cost burden in the State, County, and City. Housing cost burden can cause mainly displacement, which may create limited access to essential goods and community, as well as employment by potentially increasing commute times. The percentages of households that experience a cost burden greater than 30 percent is overall similar amongst the State, County, and City. Costa Mesa experiences higher rates of cost burden than the County by about two percent. The City also has the largest percentage of households with a cost burden over 50 percent at about 21.6 percent, compared to about 19 percent in both the State and County. Increased opportunity for affordable housing and housing assistance funds help to prevent cost burden on households.

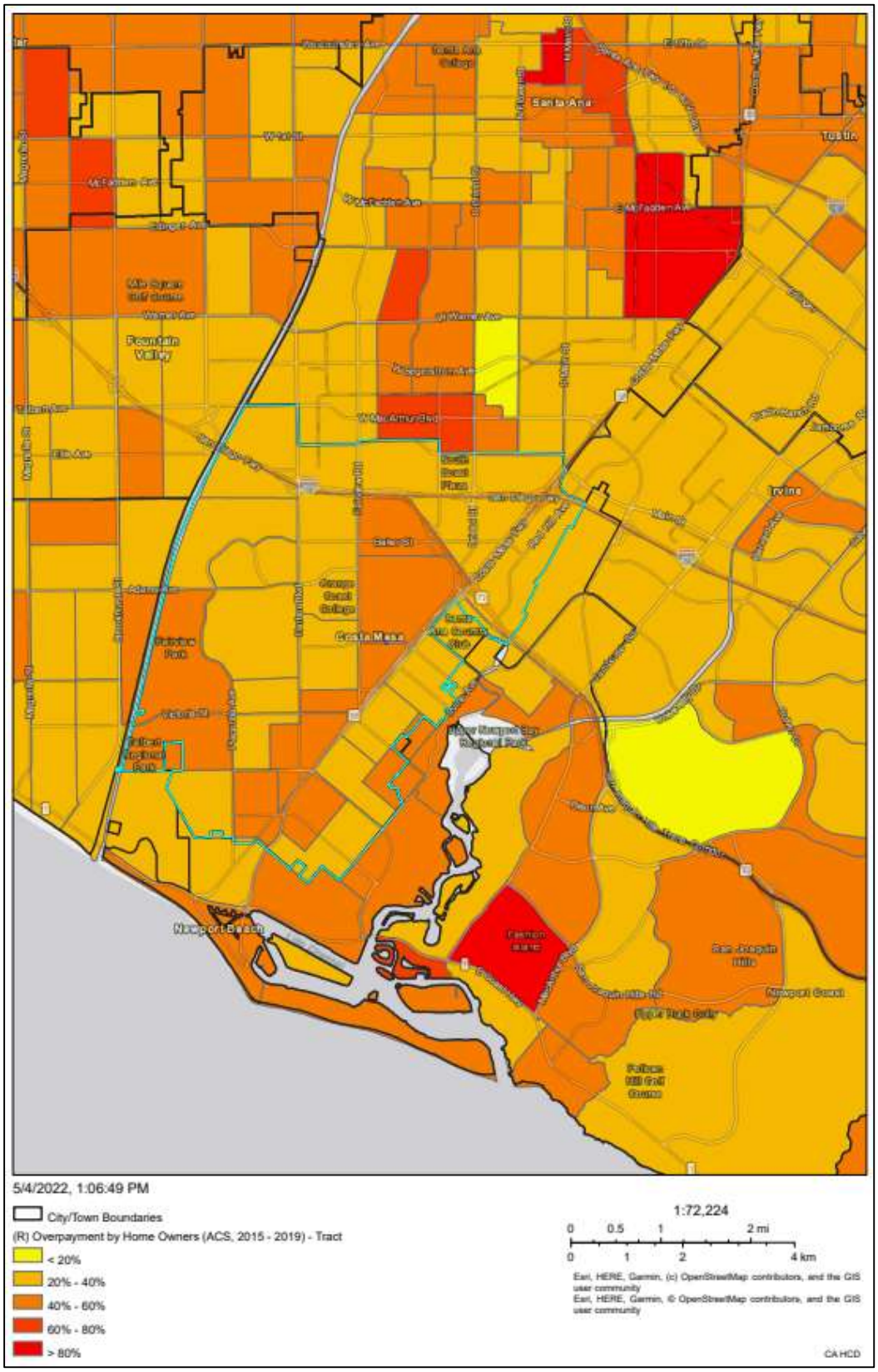
Table 3-31: Household Overpayment by Geography, 2019

Overpayment	Costa Mesa	Orange County	California
Cost Burden > 30%	42.1%	40.5%	40.1%
Cost Burden > 50%	21.6%	19.3%	19.4%
Cost Burden Not Available	1.3%	1.4%	1.4%

Source: HUD Consolidated Planning/CHAS Data, 2013-2017.

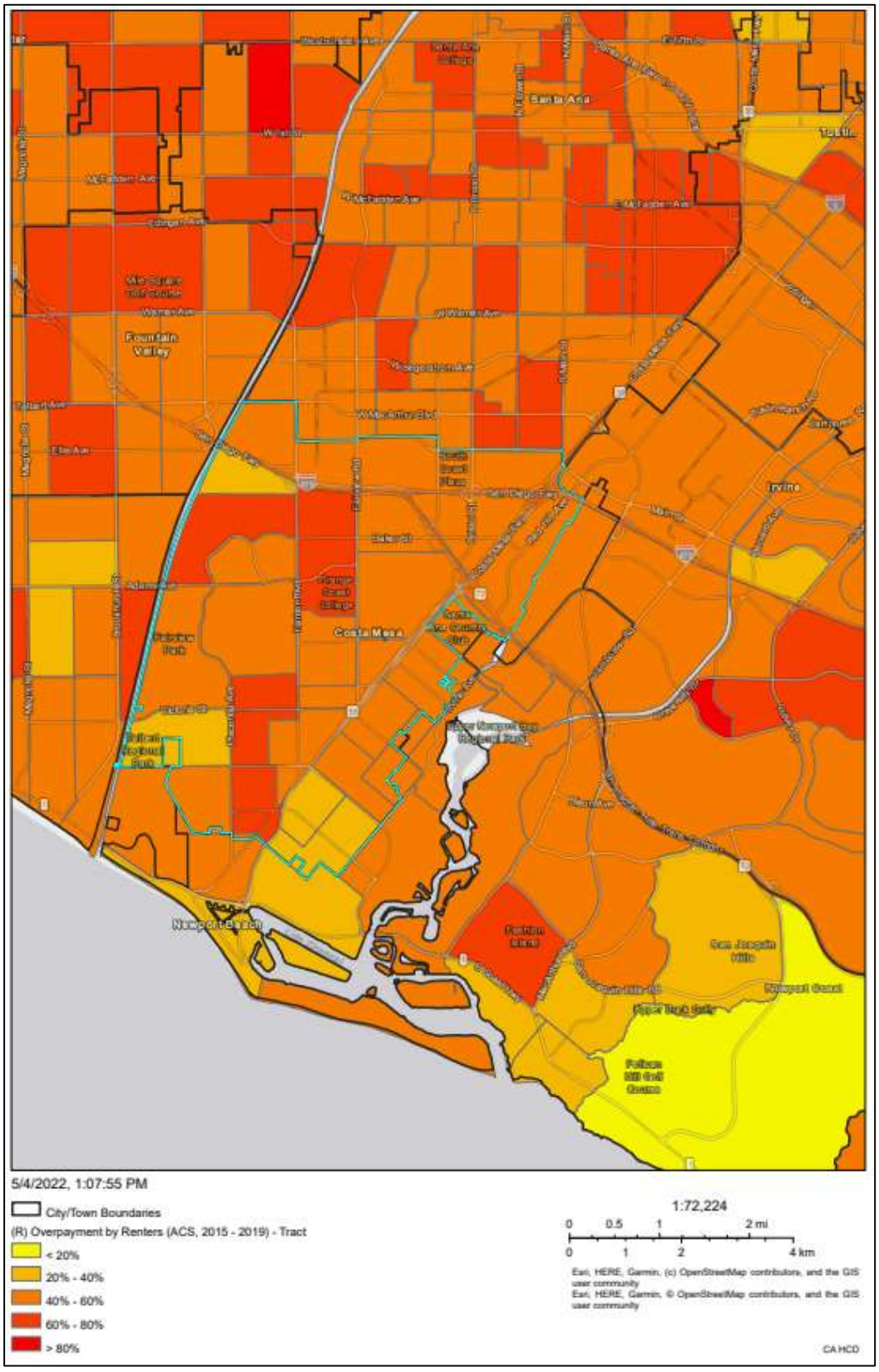
Figure 3-20 shows household overpayment for homeowners and Figure 3-21 shows household overpayment for renters. As illustrated, overpayment disproportionately affects Costa Mesa renters compared to homeowners. Overpayment for homeowners is greater in census tracts along the 55 Freeway. Overpayment for renters is higher to the south of the City in census tracts along Placentia Avenue and to the north in Mesa Verde and along Harbor Boulevard.

Figure 3-20: Overpayment by Homeowners, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-21: Overpayment by Renters, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Table 3-32 displays data for household tenure (homeowners and renters) for the State, County, and City. Homeownership is a crucial foundation for households with low incomes to build strength, stability, and independence. The opportunity for transition into the homebuyer's market is important in a healthy housing market. Table 3-32 shows that the City of Costa Mesa has a much lower percentage of homeowners than the County and State, reporting about 38 percent, compared to 57 percent in the County and 55 percent in the State. Costa Mesa also has higher rates of renter at 62 percent, compares to 43 percent in the County and 45 percent in the State.

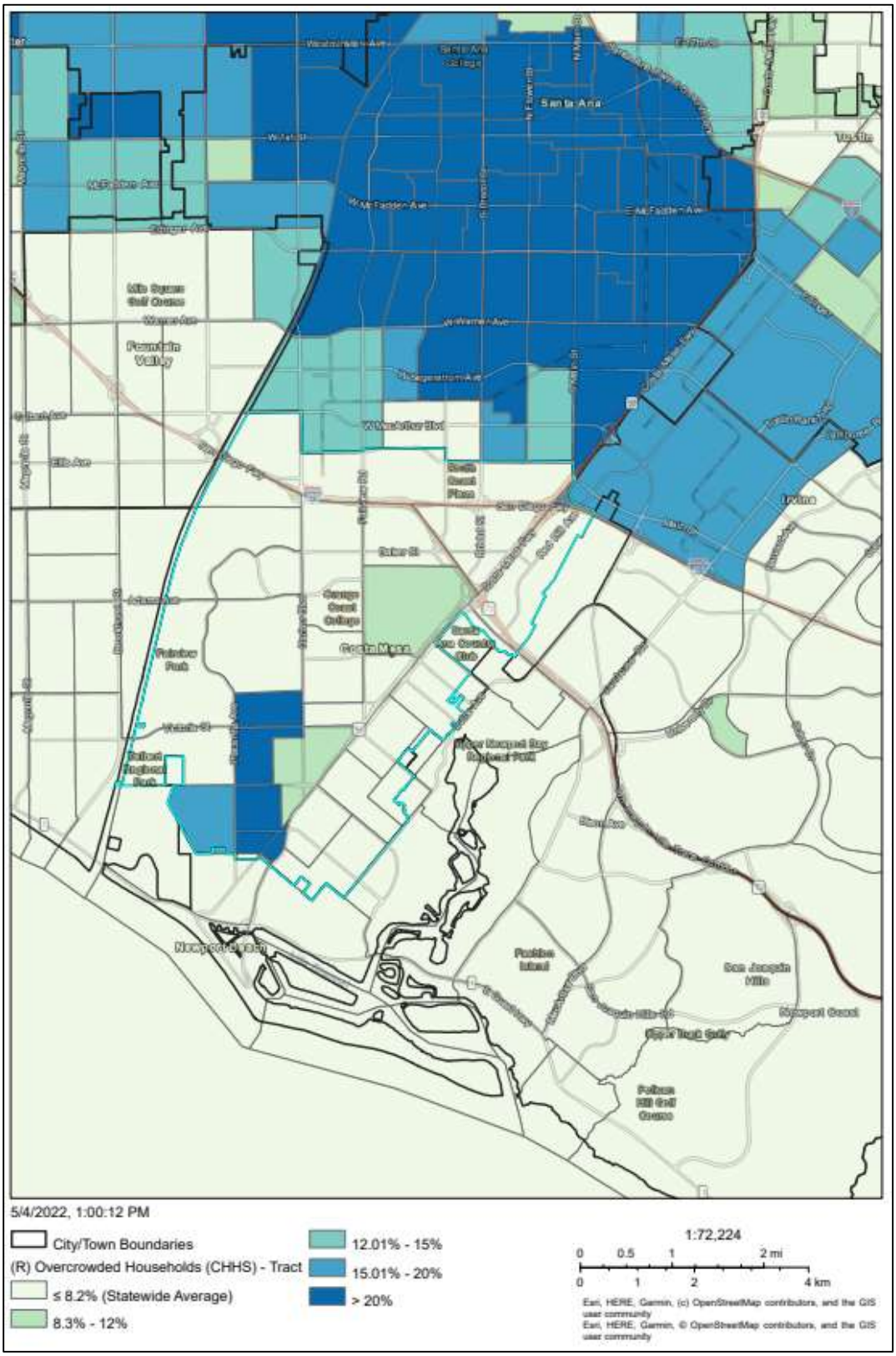
Table 3-32: Households by Tenure by Geography, 2019			
Household Tenure	Costa Mesa	Orange County	California
Owner Households	38.3%	57.4%	54.8%
Renter Households	61.7%	42.6%	45.2%
Total Occupied Housing Units	**40,986**	**1,037,492**	**13,044,266**
Source: American Community Survey, 5-Year Estimates, 2019.			

Additionally, Table 3-33 displays data for overcrowding. Overcrowding is defined as between 1.01 and 1.5 persons per bedroom in a household, and severe overcrowding is defined as more than 1.51 persons per bedroom. Overcrowding often occurs when nonfamily members combine incomes to live in one household, such as college students and roommates. Overcrowding also occurs when there are not enough size-appropriate housing options for large or multigenerational households. The City has the lowest percentages of owner-occupied households with overcrowded and severely overcrowded households compared to the County and State. Renters in Costa Mesa are disproportionately affected by overcrowding when compare to homeowners. Overall, across all three regions, owners were less affected by overcrowding and severe overcrowding.

Figure 3-22 also shows overcrowded households within the City. The figure shows three census tracts with over 20 percent of overcrowded households along Placentia Avenue west of the 55 Freeway.

Table 3-33: Households by Overcrowding by Geography, 2019			
Overcrowding and Tenure	Costa Mesa	Orange County	California
Owner Households			
Overcrowded	0.6%	1.5%	1.6%
Severely Overcrowded	0.2%	0.6%	0.6%
Renter Households			
Overcrowded	5.3%	4.2%	3.6%
Severely Overcrowded	2.7%	2.6%	2.4%
Source: American Community Survey, 5-Year Estimates, 2019.			

Figure 3-22: Overcrowded Households, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Housing Stock in Costa Mesa

Table 3-34 and 3-35 display comparative housing stock data for the State, County, and City. Table 3-20 below shows data for occupied housing units by type. A variety of housing stock provides increased opportunity in communities for different size and household types. The majority of housing stock in Costa Mesa is multi-unit developments (50.6 percent for 2 or more units). Single-family housing units represent about 48 percent of the housing stock in Costa Mesa. Comparatively, single family units represent about 63 percent and 64 percent of the housing stock in the County and the State, respectively.

Table 3-34: Occupied Housing Units by Type by Geography, 2019			
Housing Unit Type	Costa Mesa	Orange County	California
1-Unit, Detached	37.9%	50.6%	57.7%
1-Unit, Attached	9.2%	12.3%	7.0%
2 Units	2.9%	1.6%	2.4%
3 or 4 Units	9.6%	6.9%	5.5%
5 to 9 Units	9.4%	6.7%	6.0%
10 to 19 Units	9.1%	5.4%	5.2%
20 or More Units	19.6%	13.7%	12.3%
Mobile Home	2.2%	2.7%	3.7%
Boat, RV, Van, etc.	0.2%	0.1%	0.1%
Source: American Community Survey, 5-Year Estimates, 2019.			

Table 3-35 below displays housing stock by year built for the City, County, and State. Older housing units generally require more upkeep, regular maintenance, and can cause a cost burden on both renters and homeowners. The majority of Costa Mesa's housing stock (68.2 percent) was built during a housing boom between 1950 and 1979. The trend is similar for the County and State, with majority of units built between 1980 and 2013. Overall, increased numbers of older housing can lead to displacement, cost burden, and substandard living conditions. An analysis of the housing stock in provided in **Chapter 2: Costa Mesa Community Profile**.

Table 3-35: Housing Unit by Year Built by Geography, 2019			
Year Built	Costa Mesa	Orange County	California
Built 2014 or later	2.6%	2.7%	1.7%
Built 2010 to 2013	1.0%	2.0%	1.7%
Built 2000 to 2009	5.2%	8.3%	11.2%
Built 1990 to 1999	6.3%	11.7%	10.9%
Built 1980 to 1989	12.3%	14.9%	15.0%
Built 1970 to 1979	23.6%	23.3%	17.6%
Built 1960 to 1969	26.7%	19.5%	13.4%
Built 1950 to 1959	17.9%	13.0%	13.4%
Built 1940 to 1949	3.1%	2.1%	5.9%
Built 1939 or earlier	1.3%	2.5%	9.1%
Source: American Community Survey, 5-Year Estimates, 2019.			

Future Growth Need

The City's future growth need is based on the RHNA production of 2,919 very low and 1,794 low-income units within the 2021-2029 planning period. Appendix B of this Housing Elements shows the City's ability to meet its 2021-2029 RHNA need at all income levels. This demonstrates the City's ability to accommodate the anticipated future affordable housing needs of the community.

4. Displacement Risk

The potential for economic displacement risk can result from a variety of factors, including large-scale development activity, neighborhood reinvestment, infrastructure investments, and changes in local and regional employment opportunity. Economic displacement can be an inadvertent result of public and private investment, where individuals and families may not be able to keep pace with increased property values and market rental rates.

Urban Displacement

The Urban Displacement Project developed a neighborhood change database to map neighborhood transformations and identify areas vulnerable to gentrification and displacement. This data was developed to assist local decision makers and stakeholders better plan for existing communities and provide additional resources to areas in need or at-risk of displacement and gentrification. Table 3-36 provides the criteria used to identify each displacement typology and the total number of Costa Mesa Census Tracts that currently fall within each category.

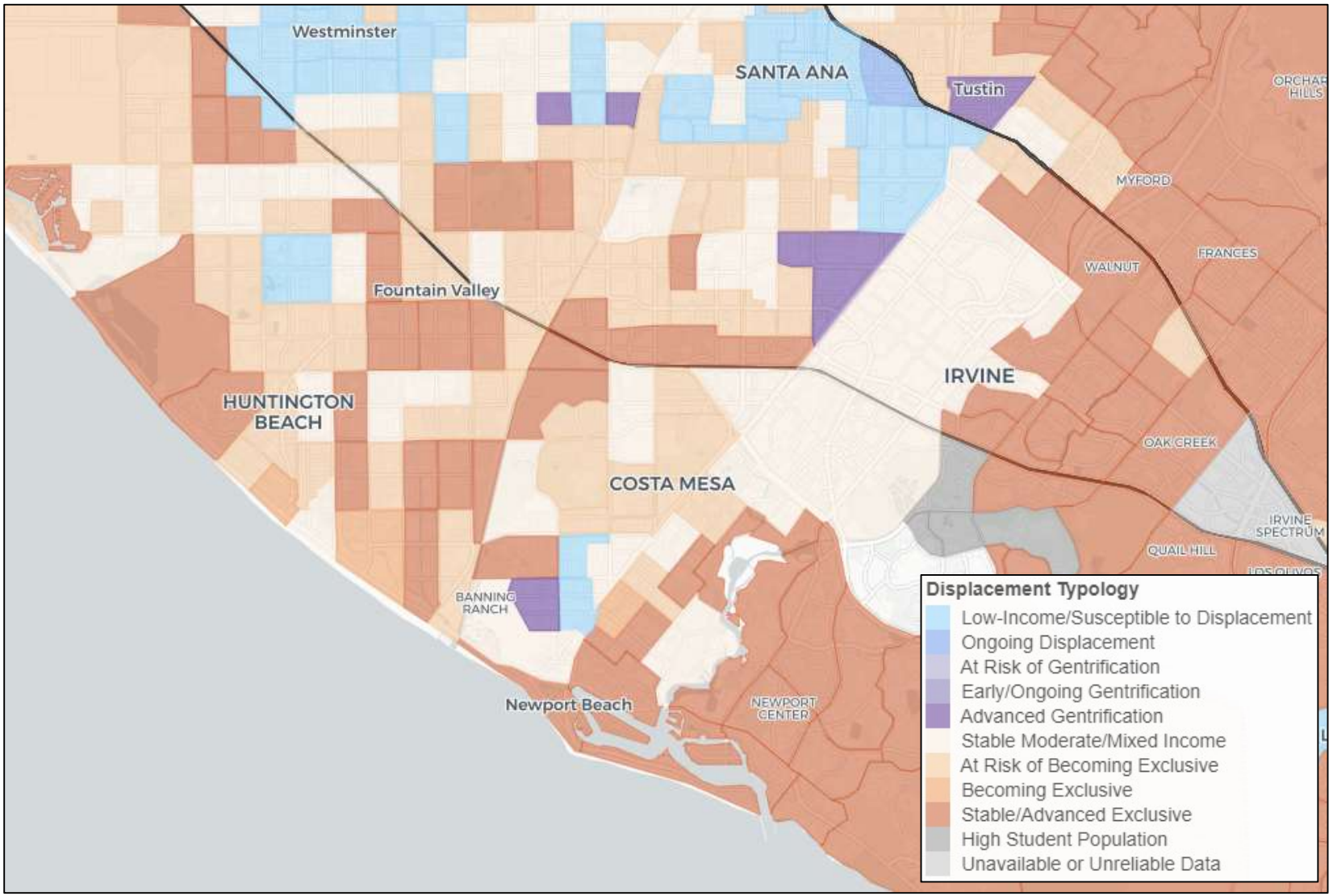
Table 3-36: Displacement Typology Criteria and Costa Mesa Census Tracts

Modified Types and Criteria	Census Tracts
Low-Income/Susceptible to Displacement • Low or mixed low-income tract in 2018.	6059063701 6059063605
Ongoing Displacement of Low-Income Households • Low or mixed low-income tract in 2018. • Absolute loss of low-income households, 2000-2018.	--
At Risk of Gentrification • Low or mixed low-income tract in 2018. • Housing affordable to low or mixed low-income households in 2018. • Didn't gentrify 1990-2000 OR 2000-2018. • Marginal change in housing costs OR Zillow home or rental value increases in the 90th percentile between 2012-2018. • Local and nearby increases in rent were greater than the regional median between 2012-2018 OR the 2018 rent gap is greater than the regional median rent gap.	--
Early/Ongoing Gentrification • Low or mixed low-income tract in 2018. • Housing affordable to moderate or mixed moderate-income households in 2018. • Increase or rapid increase in housing costs OR above regional median change in Zillow home or rental values between 2-12-2018. • Gentrified in 1990-2000 or 2000-2018.	--
Advanced Gentrification • Moderate, mixed moderate, mixed high, or high-income tract in 2018. • Housing affordable to middle, high, mixed moderate, and mixed high-income households in 2018.	6059063604

Table 3-36: Displacement Typology Criteria and Costa Mesa Census Tracts		
Modified Types and Criteria	**Census Tracts**	
• Marginal change, increase, or rapid increase in housing costs. • Gentrified in 1990-2000 or 2000-2018.		
Stable Moderate/Mixed Income • Moderate, mixed moderate, mixed high, or high-income tract in 2018.	6059062610 6059063908 6059063902 6059063803	6059063702 6059063201 6059063101
At Risk of Becoming Exclusive • Moderate, mixed moderate, mixed high, or high-income tract in 2018. • Housing affordable to middle, high, mixed moderate, and mixed high-income households in 2018. • Marginal change or increase in housing costs.	6059063903 6059063904 6059063102 6059063906 6059063905	6059063808 6059063802 6059063807 6059063202
Becoming Exclusive • Moderate, mixed moderate, mixed high, or high-income tract in 2018. • Housing affordable to middle, high, mixed moderate, and mixed high-income households in 2018. • Rapid increase in housing costs. • Absolute loss of low-income households, 2000-2018. • Declining low-income in-migration rate, 2012-2018. • Median income higher in 2018 than in 2000.	6059063301	
Stable/Advanced Exclusive • High-income tract in 2000 and 2018 • Affordable to high or mixed high-income households in 2018. • Marginal change, increase, or rapid increase in housing costs.	6059063907 6059063805 6059063806	6059063601 6059063302 6059063103
Source: Urban Displacement Project, University of California Berkeley (2021).		

Table 3-36 and Figure 3-23 both show the City is mostly made up of census tracts which are currently identified as "exclusive" or are in the process/at-risk of becoming exclusive. These areas overlap with most of the City's single-family neighborhoods. Two census tracts on the west-side of Costa Mesa and to the east of Placentia Avenue are currently identified as low-income and susceptible to displacement. The south-western-most census tract to the west of Placentia Avenue is categorized as "Advanced Gentrification", signifying a rapid increase in housing cost over the past few years.

Figure 3-23: Urban Displacement Project - Gentrification and Displacement



Source: Urban Displacement Project, University of California Berkeley (2021).

Inventory of Assisted Affordable Housing

Affordable covenants help to ensure that certain housing units remain affordable for an extended period of time. Covenants provide lasting affordable options to low and very low-income households in a community. Table 3-37 below provides a list of 1,144 housing units with affordability covenants, of which 75 housing units are at-risk of converting to market-rate between 2021 and 2031.

Jurisdictions are required by State Housing Element Law to analyze government-assisted housing that is eligible to convert from lower income to market rate housing over the next 10 years. State law identifies housing assistance as a rental subsidy, mortgage subsidy or mortgage insurance to an assisted housing development. Government assisted housing may convert to market rate housing for several reasons, including expiring subsidies, mortgage repayments, or expiration of affordability restrictions. Consistent with the requirements to analyze the impacts of the potential conversion of these units to market-rate units, this section provides an analysis of preservation of assisted housing units at-risk of conversion.

Table 3-37: Affordable Housing Units in Costa Mesa with Covenants

Name of Project	Address	Target Group	Potential Expiration	Funding	Target Income Level	Assisted Units
Casa Bella	1844 Park Ave.	Senior	2025	HUD Section 8	Very Low	75
Bethel Towers	678 W. 19th St.	Senior	2067	LIHTC	Low	53
St. John's Manor	2031 Orange Ave.	Senior	5/2062	HUD Section 8, HOME, Costa Mesa Redevelopment, Federal Rental Rehab	Very Low	36
Costa Mesa Family Village	2015 -2019 Pomona Ave. 755-771 W. 20th St. 1924-1932 Wallace Ave.	General	12/2038	Costa Mesa Redevelopment Ground Lease	Very Low/Low	72
Park Place Village (SRO)	1662 Newport Blvd.	General	Perpetuity	Land Use Restriction	Very Low	60
Costa Mesa Village (SRO)	2450 Newport Blvd.	General	Perpetuity	OC Housing Authority, Costa Mesa Redevelopment	Very Low	96
Newport Senior Village (SRO)	2080 Newport Blvd.	Senior	Perpetuity	Land Use Restriction	Very Low/Low	91
HOME Rehabilitation Project #1	734-744 James Street	General	4/2049	HOME	Very Low/Low	11
HOME Rehabilitation Project #3A	745 W. 18th Street	General	5/2056	HOME	Very Low/Low	3
HOME Rehabilitation Project #6	717-721 James Street	General	6/2058	HOME, Federal Rental Rehab	Very Low/Low	8
HOME Rehabilitation Project #3B	707-711 W. 18th Street	General	5/2056	Costa Mesa Redevelopment	Very Low/Low	8
Other Density Bonus Units	Scattered	General	Various	Land Use Restriction	Very Low/Low/	156

Table 3-37: Affordable Housing Units in Costa Mesa with Covenants						
Name of Project	Address	Target Group	Potential Expiration	Funding	Target Income Level	Assisted Units
					Moderate	
Harbor Village	2501 Harbor	Developmentally Disabled and General	Perpetuity	State-Owned	Very Low/Low/ Moderate	550
					TOTAL	1,144
					TOTAL UNITS AT-RISK	75

Sources:
1. *U.S. Department of Housing and Urban Development.*
2. *California Housing Partnership Corporation.*
3. *City of Costa Mesa, 2013*

Cost of Preservation of Units

While there are many options to preserving units including providing financial incentives to project owners to extend lower income use restrictions, purchasing affordable housing units by a non-profit or public agency, or providing local subsidies to offset the difference between the affordable and market rate units, the strategy considered below is to provide local rental subsidy to residents. The rent subsidy would provide financial assistance to residents if their affordable units converted to market rate. To determine the subsidy needed, Fair Market Rents were compared to market rate rents.

Table 3-38: Estimated Monthly Subsidy to Preserve "At-Risk" Units						
Unit Size	Monthly Rents		Number of Units At-Risk	Difference	Monthly Subsidy	Annual Subsidy
	Fair Market Rents[1]	Market Rate[2]				
Efficiency	$1,716	$2,293	0	$577	$0	$0
1-Bedroom	$1,905	$2,707	75	$802	$60,150	$721,800
2-Bedroom	$2,324	$3,352	0	$1,028	$0	$0
3-Bedroom	$3,178	$3,712	0	$534	$0	$0
4-Bedroom	$3,674	N/A	0	$0	$0	$0
					TOTAL	$721,800

Source:
1. HUD FY 2022 Fair Market Rent Documentation System – Santa Ana-Anaheim-Irvine, CA HUD Metro FMR Area
2. Kimley-Horn and Associate Analysis – based on apartments listed for rent across ten properties on September 22, 2021.

Cost of Replacement of Units

The City of Costa Mesa can also consider the cost of replacing the units with new construction. Construction cost estimates include all hard and soft costs associated with construction in addition to per unit land costs. The analysis assumes the replacement units are apartments with concrete block with steel frame buildings and parking provided on-site. Square footage estimates are based on estimated size of units to be replaced and assume housing units are developed on multi-family zoned properties. Land costs have been determined on a per unit basis.

Table 3-39: Replacement Cost by Unit Type of At-Risk Units					
Size of Unit	Cost Per Square Foot[1]	Average Square Foot/Unit[2]	Replacement Cost/Unit[3]	Number of Units	Total Replacement Cost
Efficiency	131.24	508	$66,670	0	$0
1-Bedroom	131.24	761	$99,874	75	$7,490,523
2-Bedroom	131.24	1,080	$141,739	0	$0
3-Bedroom	131.24	1,390	$182,424	0	$0
4-Bedroom	131.24	N/A	N/A	0	$0
				TOTAL	$7,490,523

Source:
1. International Code Council – August 2020 Report.
2. Kimley-Horn and Associate Analysis – based on apartments listed for rent across ten properties on September 22, 2021.
3. Includes financing and land acquisition costs of $30,000 per unit.

Resources for Affordable Housing Units

A variety of programs exist to help cities acquire, replace, or subsidize at-risk affordable housing units. The following summarizes financial resources available:

- Community Development Block Grant (CDBG) – CDBG funds are awarded to cities on a formula basis for housing activities. The primary objective of the CDBG program is the development of viable communities through the provision of decent housing, a suitable living environment and economic opportunity for principally low- and moderate-income persons. Eligible activities include administration, fair housing, energy conservation and renewable energy sources, assistance for economic development, public facilities and improvements and public services.
- HOME Investment Partnership – Local jurisdictions can receive funds by formula from the Department of Housing and Urban Development (HUD) to increase the supply of decent, safe, sanitary, and affordable housing to lower income households. Eligible activities include housing acquisition, rehabilitation, and development, homebuyer assistance, and rental assistance.
- Section 8 Rental Assistance Program – The Section 8 Rental Assistance Program provides rental assistance payments to owners of private, market rate units on behalf of very low-income tenants, senior citizens, disabled and/or handicapped persons, and other individuals for securing affordable housing.
- Section 202/811 Program – Non-profit and consumer cooperatives can receive no-interest capital advances from HUD under the Section 202 program for the construction of very low-income rental housing with the availability of supportive services for seniors and persons with disabilities. These funds can be used in conjunction with Section 811, which can be used to develop group homes, independent living facilities and immediate care facilities. The capital advance funding can also provide project rental assistance for the properties developed using the funds. Eligible activities include acquisition, rehabilitation, new construction, and rental assistance.
- California Housing Finance Agency (CalHFA) Multifamily Programs – CalHFA's Multifamily Programs provide permanent financing for the acquisition, rehabilitation, and preservation of new construction of rental housing that includes affordable rents for low- and moderate-income

families and individuals. One of the programs is the Preservation Loan program which provides acquisition/rehabilitation and permanent loan financing designed to preserve or increase the affordability status of existing multifamily housing projects.

- Low-Income Housing Tax Credit (LIHTC) – This program provides tax credits to individuals and corporations that invest in low-income rental housing. Tax credits are sold to those with high tax liability and proceeds are used to create housing. Eligible activities include new construction, rehabilitation, and acquisition of properties.
- California Community Reinvestment Corporation (CCRC) – The California Community Reinvestment Corporation is a multifamily affordable housing lender whose mission is to increase the availability of affordable housing for low-income families, seniors, and residents with special needs by facilitating private capital flow from its investors for debt and equity to developers of affordable housing. Eligible activities include new construction, rehabilitation, and acquisition of properties.

Qualified Entities for Preservation of Affordable Housing Units

The following organizations may potentially assist in preserving future at-risk units:

- Jamboree Housing Corporation
- Irvine Housing Opportunities, Inc.
- Bridge Housing Corporation
- The Irvine Company
- Orange County Housing Authority
- Housing Corporation of America
- Southern California Housing Development Corporation
- Century Housing

Quantified Objectives

Housing Element law requires that cities establish the maximum number of units that can be preserved over the planning period. The City's objective it to preserve the 75 affordable housing units "at-risk" of converting to market rate through policy programs provided in Chapter 4: Housing Plan.

SB 330

Effective January 1, 2020, Senate Bill 330 (SB 330) aims to increase residential unit development, protect existing housing inventory, and expedite permit processing. Under this legislation, municipal and county agencies are restricted in ordinances and polices that can be applied to residential development. The revised definition of "Housing Development" now contains residential projects of two or more units, mixed-use projects (with two-thirds of the floor area designated for residential use), transitional, supportive, and emergency housing projects. SB330 sets a temporary 5-year prohibition of residential density reduction associated with a "housing development project", from January 1, 2020, to January 1, 2025. For example, during this temporary prohibition, a residential triplex cannot be demolished and replaced with a duplex as this would be a net loss of one unit.

The City is committed to making diligent efforts to engage underrepresented and disadvantaged communities in studying displacement.

5. Summary of Fair Housing Analysis

The analysis conducted in this section regarding fair housing issues within Costa Mesa yielded the following conclusions:

- The dissimilarity analysis shows that nearly all racial and ethnic groups experience moderate to high segregation in the City of Costa Mesa. The Native Hawaiian and the Hispanic population experience the highest levels of segregation, meaning that to create a more integrated city, more than 45 percent of each respective population would need to move into a predominantly white census tract.
- There are no racially or ethnically concentrated census tracts (RECAPs) within Costa Mesa as identified by HUD. This indicates that there are no census tracts within the City with a non-white population of 50 percent or more or any census tracts that have a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan area. However, there is one area identified as high segregation and poverty.
- The data shows that Costa Mesa has ten block groups which meet the criteria for racially concentrated areas of affluence (RCAA). RCAAs are areas which the population is predominantly white with an income over $125,000 or higher.
- The UC Davis Regional Opportunity Index shows that the majority of residents within Costa Mesa have a moderate to high level of achievement and attainment. However, there are two census tracts in the south western portion of the City which show the lowest levels of attainment and achievement for residents, these areas also overlap with the high segregation and poverty area identified by the TCAC map (Figure 3-5b).
- The UC Davis Regional Opportunity Index (ROI)shows that the majority of residents within Costa Mesa have the highest level of access to opportunity throughout the City. Additional analysis of the ROI maps show that the northern portion of the City has moderate to lower levels of access to affordable or appropriate housing.
- The City provides moderate transit trip opportunity, a score of 5.4. Additionally, about 98.8% of all City jobs are within ½ mile of transit but just under 3 percent of the working population uses public transit as a primary source of transportation.
- The City has demonstrated the ability to meet the anticipated future affordable housing needs of the community through the designation of sites to meet the very low and low income RHNA need (Appendix B: Candidate Sites and Housing Resources). These sites are dispersed throughout the community and are identified on sites with high opportunity for residential development.
- There are 75 current units with affordable covenants at risk of converting to market rate before the year 2029 in the City.
- The CalEnviro Screen mapping tool (2018) identified most of the City as “moderate” to “low to moderate” scoring, indicating moderate exposure to harmful pollutants. Additionally, the area which is identified as high segregation and poverty is the highest scoring census tract on the CalEnviro Screen map, indicating high exposure to harmful pollutants.

6. Assessment of Contributing factors to Fair Housing in Costa Mesa

Regionally Identified Contributing Factors

As identified by the AI and the above analysis the City of Costa Mesa experiences the following local contributing factors to fair housing:

- Housing Discrimination – The 2020 AI identified housing discrimination as an impediment to fair housing choice in the City. The AI reports that 609 households in Costa Mesa received fair housing services relating to general housing issues and discrimination allegations. The Fair Housing Foundation (FHF) received 65 housing discrimination inquiries with 9 based on physical or mental disability, 8 related to race, 2 related to national origin, 2 related to gender, 1 related to sexual orientation, and 5 related to familial status.
    - Through CDBG funding the City contracts with the Fair Housing Foundation to provide educational and support services to persons who experience housing discrimination in Costa Mesa. Services include: 1) responding to discrimination inquiries and complaints through screening and counseling, 2) documenting discrimination complaints by opening fair housing cases, 3) investigating discrimination complaints through extensive testing, and 4) resolving discrimination complaints through conciliation, mediation, administrative agency referrals, and litigation.
- Racial and Ethnic Segregation – The Analysis above identifies moderate segregation through the dissimilarity index analysis. Persons who identify as Hispanics, Asian, Native Hawaiian, American Indian, and Black experience over 30 percent dissimilarity with the white population in Costa Mesa. Additionally, while the R/ECAP analysis did not identify R/ECAPs in the City, there are two racially and ethnic concentrated areas of poverty near the City consisting of primarily Hispanic and Asian population.
    - During the AI report period, the City distributed literature on fair housing in English, Spanish, and Vietnamese to target neighborhoods and in conjunction with other neighborhood improvement efforts. This information was also provided at workshop events, at community centers, and at City Hall.
    - The City will continue to outreach specifically to low and very low-income residents as wells considered targeted outreach to residents with moderate and high levels of segregation,
- Unfair Lending – The Lending Analysis identifies lower rates of home loan approval for moderate, low, and very low-income residents. Additionally, applicants in Costa Mesa who identify as Black experience both lower rates of home loan approval and purchase and higher rates of home loan denial, indicating disparity in access to funding.
    - Currently, the City does not offer homebuyer assistance, but the AI reports that information on housing rehab programs are available on the City's website. The City will continue to provide important ownership information on the City's website. Costa Mesa recognizes that an educated community is an empowered commitment and will considered target education and outreach about loan purchase to residents.
- Overcrowding – the Analysis of Existing Housing Needs in Costa Mesa identified a significantly higher percentage of renters who experience overcrowding in the City than in the County and the

State. Overcrowding can be an indicator of multi-generational living, however in renter ship it is often an indicator that there are not sufficient affordable housing options causing residents to increase the number of persons per unit to lower the overall cost of housing. Overcrowding may also indicate a lack of adequate housing unit types available to residents with large families. While the City does not build housing, they will work with developers and interested parties to increase feasibility and opportunities for both affordable housing and multigenerational housing.

Locally Identified Contributing Factors

There are a number of factors and elements that contribute to and cause fair housing issues. The following lists a number of contributing factors within the City of Costa Mesa:

- **Community Opposition –** As a part of the Housing Element Update, the City hosted a variety of community engagement opportunities to gather feedback and input related housing needs. A large number of community members identified an overall objection to new housing in the City, specifically higher income housing. Traditionally, affordable housing and higher density residential projects receive community pushback or opposition. However, outreach and education can help to shift negative views of additional housing in a positive manner.

- **Lack of Investment in Specific Neighborhoods –** The TCAC map identified census tract: 06059063605 as an area of high segregation and poverty (**Figure 3-5b**); meaning the demographics of this tract are consistent with the standards for both poverty (30% of the population below the federal poverty line) and racial segregation. Additionally, this census tract is scored as lowest opportunity in civic life, health, mobility, housing, economy, and education by the UC Davis ROI: People (**Figure 3-8**), which is a relative measure of people's assets in a census tract. While the area was scored as low opportunity for resident assets, it was scored highest opportunity for Place (**Figure 3-9**), meaning the geographic area has high assets and opportunity in education, economic, housing, mobility, health and civic life. The census tract is also identified as having less positive educational outcomes by the TCAC-Education map (**Figure 3-12**) and the highest exposure to harmful pollutants according to the CalEnviro Screen (**Figure 3-14**). Combined data shows that conditions in this area may exacerbate existing segregation trends, low opportunity for community and resident enhancement and upward mobility and that there may be overall lack of public investment in the area.

- **Displacement of Residents Due to Economic Pressures –** The data in the RCAA analysis (**Figures 3-6** through **3-7**) show that there are ten census tracts which meet the criteria for a racially concentrated area of affluence (RCAA). The definition for an RCAA is a census tract in which 80 percent or more of the population is White and has a median income of at least $125,000. The RCAAs are located in the highest resource and highest opportunity areas and are also within areas with the lowest exposure to harmful pollutants. If RCAA expand and gentrification occurs across the city, lower income households are at risk of displacement due to economic pressures and potential changing or increasing costs in housing and essential retail.

7. Analysis of Sites Pursuant to AB 686

AB 686 requires that jurisdictions identify sites throughout the community in a manner that is consistent with its duty to affirmatively further fair housing. The site identification requirement involves not only an analysis of site capacity to accommodate the RHNA (provided in **Appendix B**), but also whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

Figures 3-24 through 3-29 below identify the sites to accommodate future housing, as identified in the adequate sites analysis, overlaid on demographic data using the 2019 American Community Survey 5-Years Estimates.

- Figure 3-24 – Costa Mesa Proposed RHNA Sites, Hispanic/Latino, 2019
- Figure 3-25– Costa Mesa Proposed RHNA Sites, Non-White Population, 2019
- Figure 3-26 – Costa Mesa Proposed RHNA Sites, Low and Moderate Income, 2019
- Figure 3-27 – Costa Mesa Proposed RHNA Sites, R/ECAP Areas, 2019
- Figure 3-28 – Costa Mesa Proposed RHNA Sites, RCAAs, 2019
- Figure 3-29 – Costa Mesa Proposed RHNA Sites, TCAC Opportunity Areas, 2019

Figure 3-24 shows the proposed candidate sites to meet the RHNA for Costa Mesa in relation to the location of residents of Hispanic origin. These sites take into consideration access to vital goods, services, and public transportation and are therefore ideal areas for the City to focus much of its future housing growth. It is anticipated that accessory dwelling unit (ADU) growth, including growth for affordable ADUs, will occur in the less dense areas of the community. Figure 3-24 shows the following findings:

- 22 proposed sites to accommodate the RHNA allocation (totaling 10,385 potential units, or 62.3% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic which is less than 20 percent. Of those units, 2,028 are proposed as affordable to low and very low incomes.
- 29 proposed sites to accommodate the RHNA allocation (totaling 3,594 potential units, or 21.6% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic between 20 and 40 percent. Of those units, 1,288 are proposed as affordable to low and very low incomes.
- 29 proposed sites to accommodate the RHNA allocation (totaling 1,697 potential units, or 10.2% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic between 40 and 60 percent. Of those units 524 are proposed as affordable to low and very low incomes.
- 7 proposed sites to accommodate the RHNA allocation (totaling 207 potential units, or 1.2% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic between 60 and 80 percent. Of those units, 58 are proposed as affordable o low and very low incomes.
- 10 proposed sites to accommodate the RHNA allocation (totaling 790 potential units, or 4.7% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic greater than 80 percent. Of those units, 229 are proposed as affordable to low and very low incomes.

The data shows that the proposed candidate sites to meet the very low and low-income RHNA allocation are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. The distribution of potential units does not disproportionately impact areas with larger concentrations of the Hispanic population.

Figure 3-24: Sites Proposed to Accommodate RHNA and Percent Population Hispanic, Costa Mesa

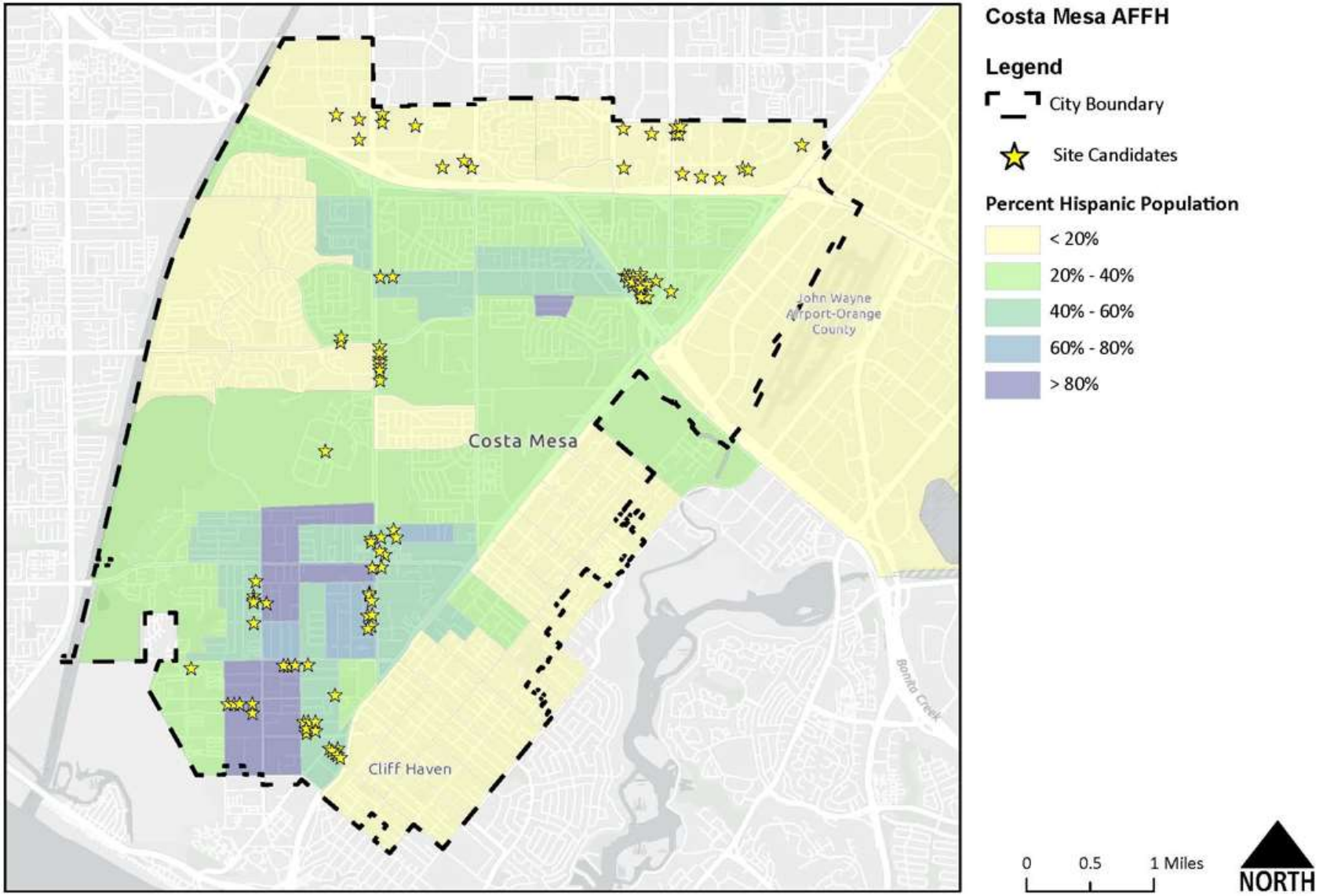


Figure 3-25 shows the proposed candidate sites to meet the RHNA for Costa Mesa in relation with census data showing the percentage of the population within each block group that is Non-white. Figure 3-25 shows the following findings:

- 56 proposed sites to accommodate the RHNA allocation (totaling 14,222 potential units, or 85.3% of the total potential units) are located within block groups that have a percentage of the population that identifies as Non-White between 40 and 60 percent. Of those units, 3,849 are proposed as affordable to low and very low incomes.
- 24 proposed sites to accommodate the RHNA allocation (totaling 1,454 potential units, or 8.7% of the total potential units) are located within block groups that have a percentage of the population that identifies as Non-White between 60 and 80 percent. Of those units, 455 are proposed as affordable to low and very low incomes.
- 17 proposed sites to accommodate the RHNA allocation (totaling 997 potential units, or 6.0% of the total potential units) are located within block groups that have a percentage of the population that identifies as Non-White greater than 80 percent. Of those units, 287 are proposed as affordable to low and very low incomes.

The data shows that the proposed candidate sites to meet the very low and low-income RHNA allocation are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. The distribution of potential units does not disproportionately impact areas with larger concentrations of Non-white populations.

Figure 3-25: Proposed Sites to Accommodate RHNA and Percent Population Non-White, Costa Mesa

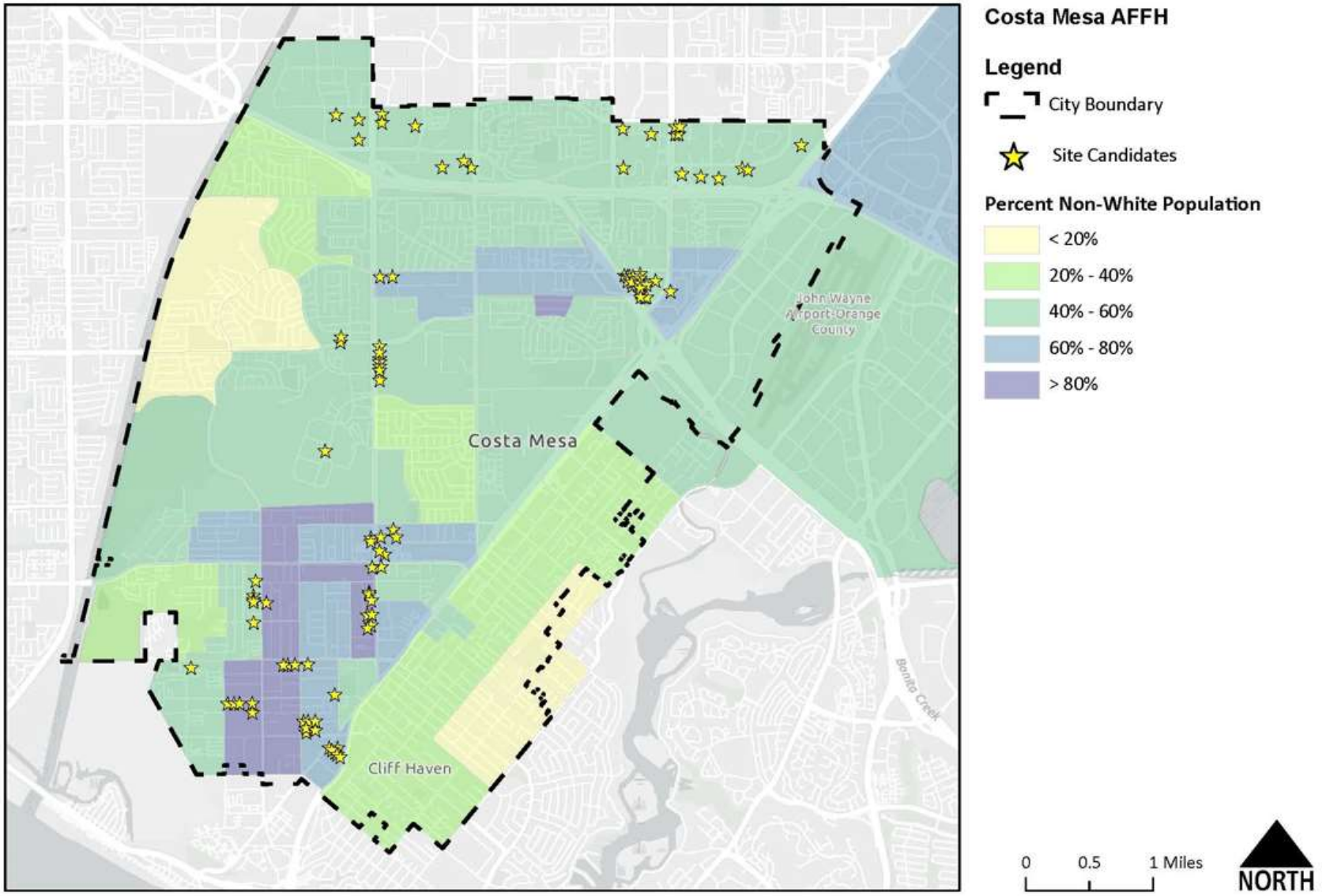


Figure 3-26 shows location of proposed candidate sites to meet the RHNA for Costa Mesa in in comparison with census data showing the percentage of the population within each block group who is categorized as low income or moderate by the American Community Survey. Figure 3-26 shows the following findings:

- 25 proposed sites to accommodate the RHNA allocation (totaling 10,499 potential units, or 63.0% of the total potential units) are located within block groups that have a percentage of the population that identifies as low-and moderate-income between 25 and 50 percent. Of those units, 2,522 are proposed as affordable to low and very low incomes.
- 53 proposed sites to accommodate the RHNA allocation (totaling 4,989 potential units, or 29.9% of the total potential units) are located within block groups that have a percentage of the population that identifies as low-and moderate-income between 50 and 75 percent. Of those units, 1,728 are proposed as affordable to low and very low incomes.
- 19 proposed sites to accommodate the RHNA allocation (totaling 1,185 potential units, or 7.1% of the total potential units) are located within block groups that have a percentage of the population that identifies as low-and moderate-income greater than 75 percent. Of those units, 341 are proposed as affordable to low and very low incomes.

The data shows that the proposed candidate sites to meet the very low and low-income RHNA allocation are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. The distribution of potential units provides increased opportunities for low-income housing in areas with higher rates of low-income persons.

Figure 3-26: Proposed Sites to Accommodate RHNA and Percent Population Low and Moderate-Income, Costa Mesa



Figure 3-27 shows proposed candidate sites to meet RHNA for Costa Mesa in relation with data showing R/ECAP areas within the City. R/ECAPs are racially or ethnically concentrated areas of poverty; they are marked in red hatchings. The goal of the AB 686 analysis is to analyze how the sites identified to accommodate the RHNA allocation may exacerbate or mitigate existing fair housing issues. Figure 3-24 shows there are no R/ECAPs located within the City of Costa Mesa; therefore, no proposed candidate sites are located in a R/ECAP.

Figure 3-28 shows proposed candidate sites to meet RHNA in relation with data showing RCAA areas within the City. RCAAs are racially or ethnically concentrated areas of affluence, they are identified as areas with a median household income greater than $125,000 and a white population of 80 percent of higher. Figure 3-25 shows there are no RCAAs in Costa Mesa; however, there are RCAAs just outside the City's boundaries in Newport Beach.

Figure 3-29 shows proposed candidate sites to meet RHNA for Costa Mesa in relation with the TCAC/HCD Opportunity Areas within the City. TCAC is the California Tax Credit Allocation Committee/Housing and Community Development Opportunity Area Maps which show how resources are spatially distributed throughout the City.

Figure 3-29 shows the following findings:

- 17 proposed sites to accommodate the RHNA allocation (totaling 899 potential units, or 5.4 percent of the total potential units) are located within High Segregation & Poverty Resource areas. Of those units, 298 are affordable to low and very low income groups.
- 10 proposed sites to accommodate the RHNA allocation (totaling 696 potential units, or 4.2 percent of the total potential units) are located within Low Resource areas. Of those units, 200 are affordable to low and very low income groups.
- 56 proposed sites to accommodate the RHNA allocation (totaling 14,227 potential units, or 85.3 percent of the total potential units) are located within Moderate Resource areas. Of those units, 3,850 are affordable to low and very low income groups.
- 5 proposed sites to accommodate the RHNA allocation (totaling 273 potential units, or 1.6 percent of the total potential units) are located within Moderate Resource (Rapidly Changing) areas. Of those units, 78 are affordable to low and very low income groups.
- 9 proposed sites to accommodate the RHNA allocation (totaling 578 potential units, or 3.5 percent of the total potential units) are located within High Resource areas. Of those units, 165 are affordable to low and very low income groups.

Figure 3-27: Proposed Sites to Accommodate RHNA and Racially/Ethnically Concentrated Areas of Poverty, Costa Mesa

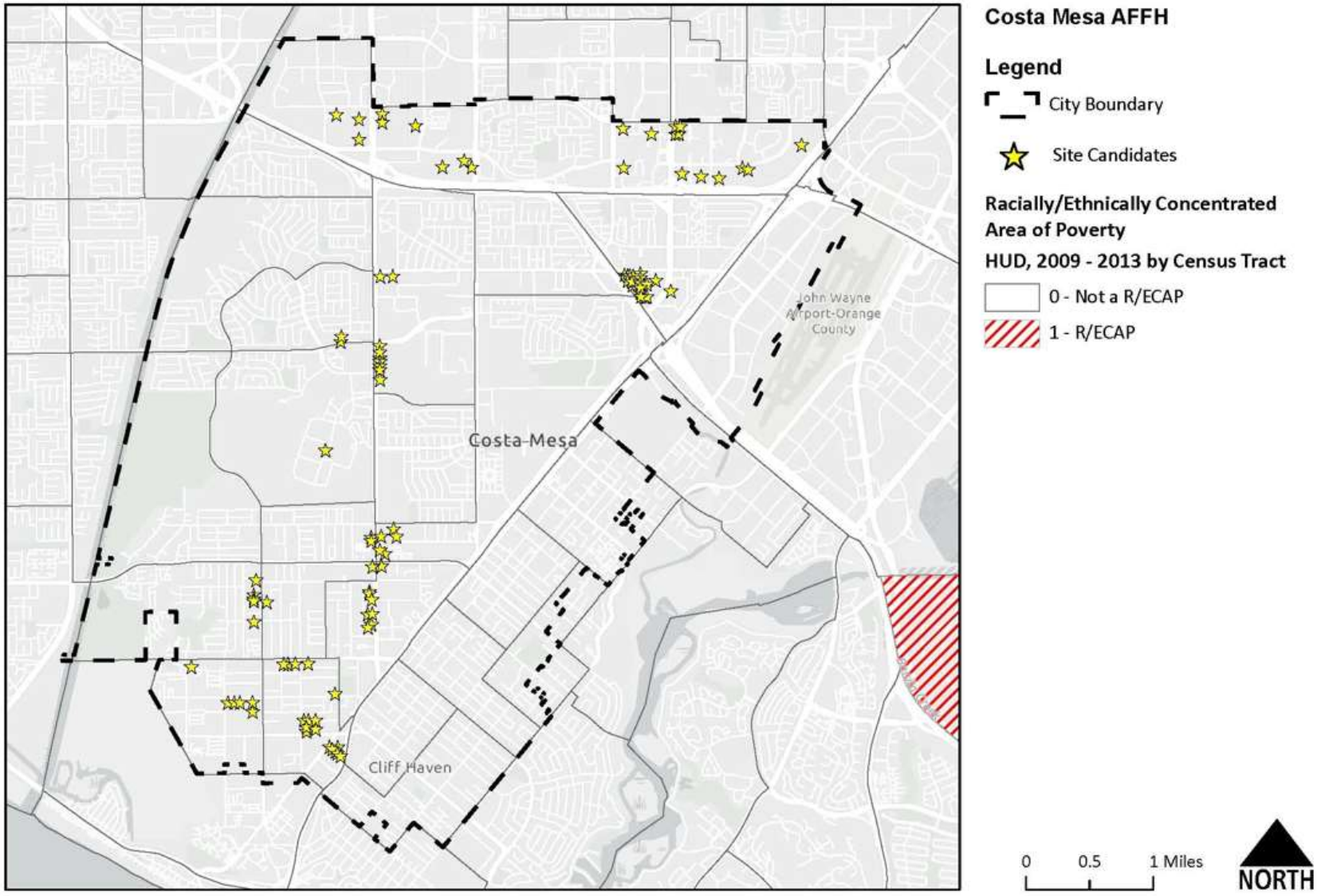


Figure 3-28: Proposed Sites to Accommodate RHNA and Racially/Ethnically Concentrated Areas of Affluence, Costa Mesa

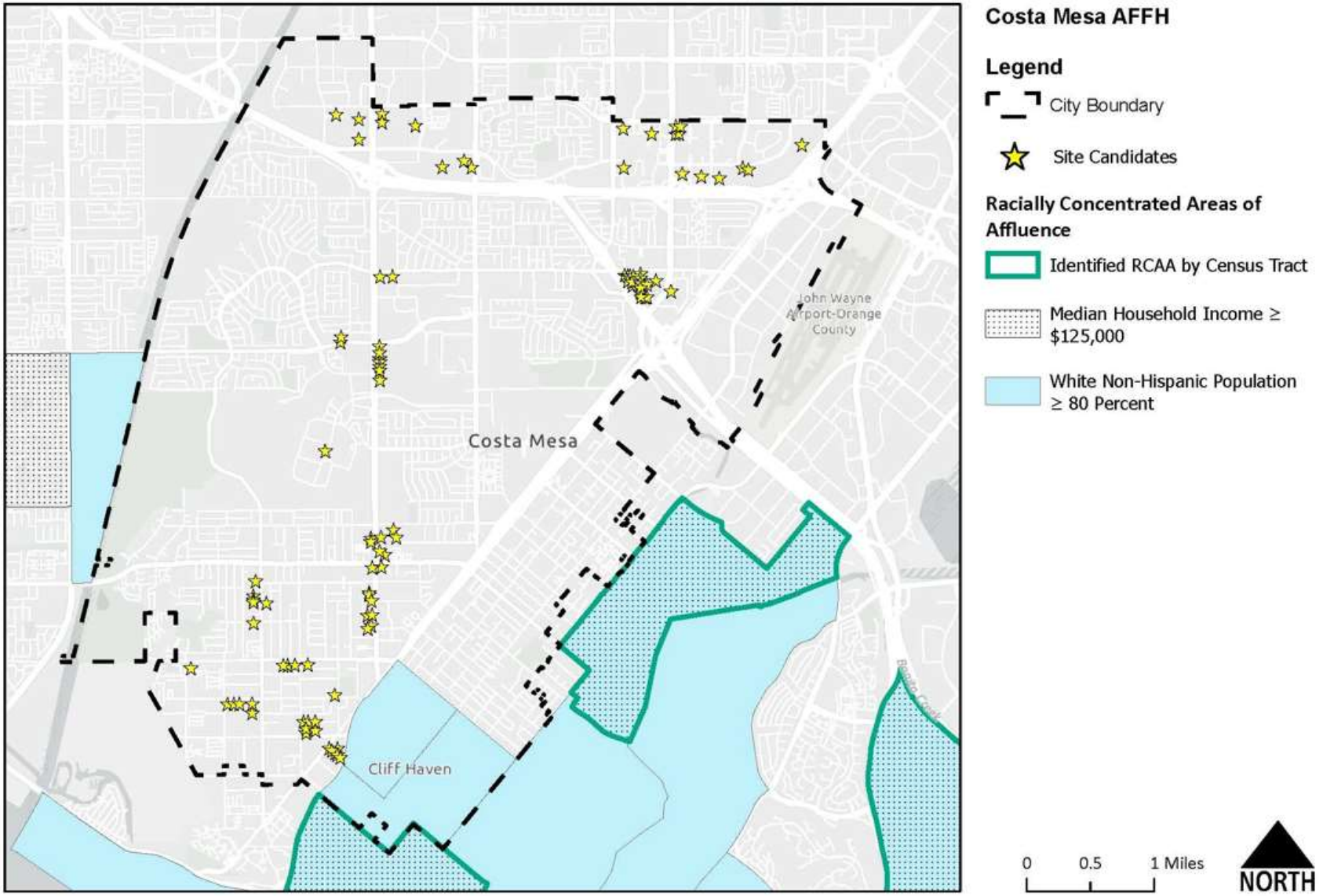
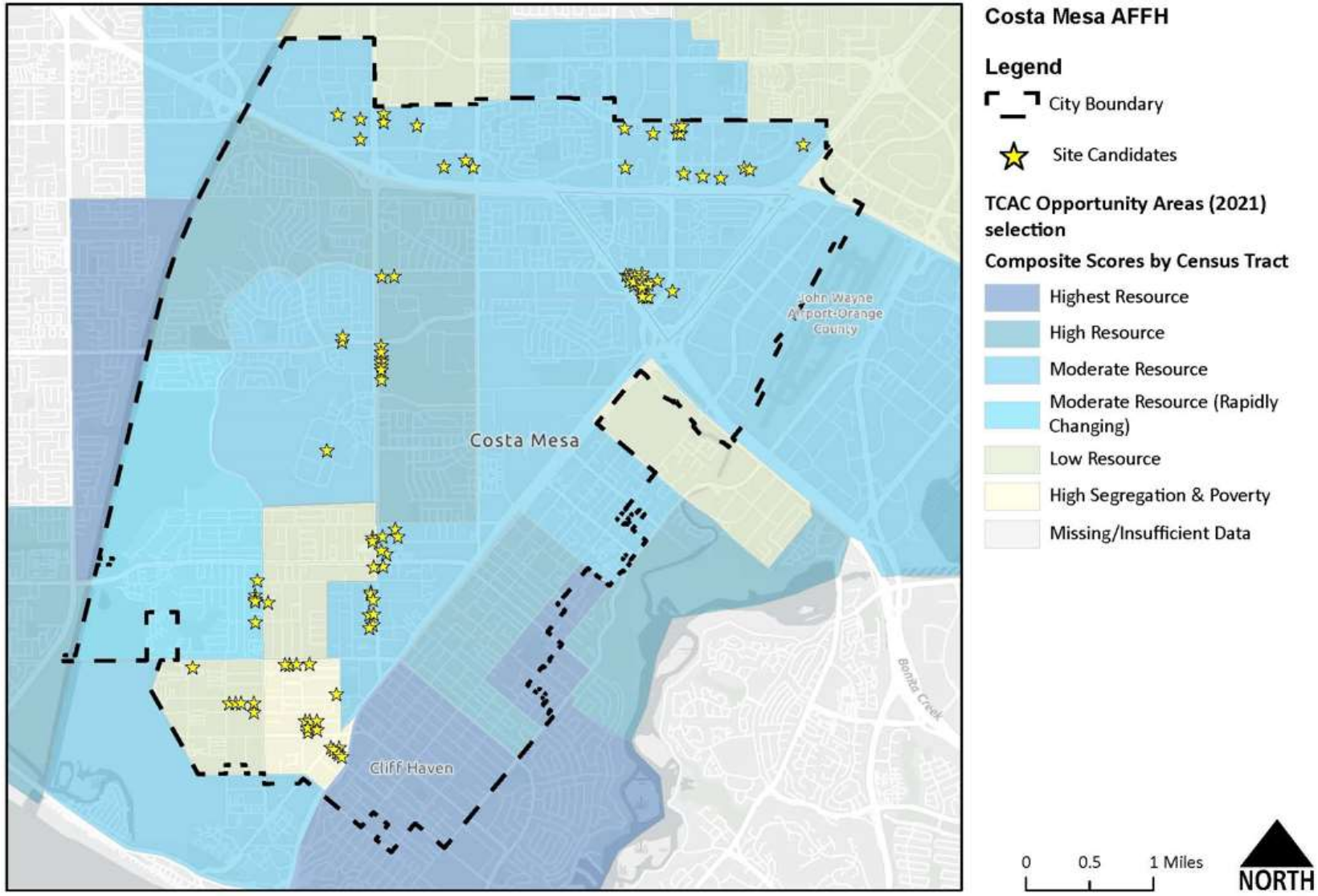


Figure 3-29: Proposed Sites to Accommodate RHNA and TCAC Opportunity Areas, Costa Mesa



8. Analysis of Fair Housing Priorities and Goals

To enhance mobility and promote inclusion for protected classes, the chief strategy included in this Housing Element is to provide sites suitable for affordable housing in high-resource, high-opportunity areas, as demonstrated by the analysis of the housing resource sites contained in Chapter 3: Housing Resources. Other programs that affirmatively further fair housing and implement the AI's recommendations include:

- PROGRAM 2A: Inclusionary Housing Ordinance
- PROGRAM 2B: Affordable Housing Development
- PROGRAM 2C: Supportive Services for Persons with Special Needs
- PROGRAM 2D: Facilitate Development of Senior Housing Options
- PROGRAM 2E: Encourage Development of Housing Options for Large-Family Households
- PROGRAM 2F: Persons with Physical and Developmental Disabilities
- PROGRAM 2H: Farmworker Housing
- PROGRAM 4A: Fair Housing
- PROGRAM 4B: Rental Housing Assistance
- PROGRAM 4D: Fair Housing Assistance
- PROGRAM 4E: Low Barrier Navigation Centers
- PROGRAM 4F: Homeless Shelter

The following table also lists fair housing issues identified and relevant programs included in the Housing Plan addressing each.

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
Racial and Ethnic Segregation	1. Census tract 636.05 is identified as a High Segregation and Poverty area. It is also rated the lowest ROI score for people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life. 2. Ten census tracts are identified as Racially Concentrated Areas of Affluence. 3. The Hispanic population experiences higher levels of poverty according to HUD Opportunity Indicators.	High	**PROGRAM 4A: Fair Housing** – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate racial and ethnic segregation, and outreach specifically to low and very low-income residents as wells considered targeted outreach to residents with moderate and high levels of segregation. **PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Housing Discrimination	1. The 2020 AI identified housing discrimination as an impediment to fair housing choice in the City.	Medium	**PROGRAM 4A: Fair Housing** – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
			communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate housing discrimination, as well as continue contracting with the Fair Housing Foundation. **PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Unfair Lending	1. The Lending Analysis identified lower rates of home loan approval for moderate, low, and very low-income residents. Applicants who identified as Black experienced both lower rates of home loan approval and purchase and higher rates of home loan denial, indicating disparity in access to funding.	Medium	**PROGRAM 4A: Fair Housing** – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate unfair lending, as well as continue

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
			providing important ownership information on the City's website.
Access to Opportunity	1. Two census tracts in the City's southern region are rated the lowest ROI score for people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life. 2. Three census tracts are identified as Low Resource areas and one is identified as High Segregation and Poverty according to TCAC data. 3. Four census tracts are identified as having the lowest TCAC Education Outcomes.	High	**PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Environmental Conditions	1. All racial and ethnic groups have low environmental health indices according to HUD Opportunity Indicators. 2. Census tract 636.05 has a CalEnviroScreen 3.0 environmental burden of 81 to 90 percent.	Medium	**PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Availability of Accessible Housing for Persons with Disabilities	1. Five census tracts reporting 10 to 20 percent of their population having at least one disability. 2. Approximately 86 percent of housing units were built prior to 1989 before the Fair Housing Act and State laws regarding accessibility requirements	High	**PROGRAM 1A: Owner-Occupied Housing Rehabilitation** – This program may be used to assist qualified property owners in improving single-family residential properties, including: health and safety repairs such as mechanical,

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
	for persons with disabilities were adopted.		plumbing, electrical, roofing, security, medical emergency requirements, and/or aid the mobility of the physically disabled and/or elderly. **PROGRAM 2C: Supportive Services for Persons with Special Needs** – The City will promote information and outreach to local organizations regarding the availability of CDBG funds for special needs populations to secure decent housing and supportive services. **PROGRAM 2F: Persons with Physical and Developmental Disabilities** – The City will take actions to accommodate ADA retrofit efforts, ADA compliance and/or other measures to facilitate access to adequate housing for persons with disabilities. **PROGRAM 2N: Reasonable Accommodation** – The City will outreach to local organizations to promote access to housing for persons with disabilities and address potential constraints, and review and revise its reasonable accommodations process to be

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
			consistent with State and federal housing requirements.
Need for affordable housing in new developments.	1. Ten census tracts are identified as Racially Concentrated Areas of Affluence. 2. Eight census tracts with 40 to 60 percent overpayment by homeowners and five census tracts 60 to 80 percent overpayment by renters. 3. Three census tracts with overcrowding greater than 20 percent. 4. Six census tracts reporting Stable/Advanced Exclusive affordability, one census tract reporting Becoming Exclusive, and nine census tracts reporting At Risk of Becoming Exclusive according to the Urban Displacement Project.	High	**PROGRAM 2A: Inclusionary Housing Ordinance** – The City will consider the adoption of an inclusionary zoning ordinance within 12 months of adoption of the 6th Cycle Housing Element. **PROGRAM 2B: Affordable Housing Development** – The City will seek funding, coordinate outreach, provide incentives, and publish informational materials to facilitate and promote the development of affordable housing units.
Displacement Risk	1. One census tract reporting Advanced Gentrification and two census tracts reporting Low-Income/Susceptible to Displacement according to the Urban Displacement Project. 2. A total of 75 assisted affordable units at risk of becoming market-rate between 2021 and 2031.	High	**PROGRAM 1C: Monitoring and Preservation of At-Risk Housing Units** – The City will regularly monitor units that have the potential to convert to market-rate, and work with property owners on potential contract and funding extensions.

F. Housing Resources

1. Regional Housing Needs Allocation

This section of the Housing Element provides an overview of the resources available to the City to meet the Regional Housing Needs Allocation (RHNA). The City of Costa Mesa is required to plan for the following 2021-2029 RHNA allocation:

Future Housing Needs

Future housing need refers to the share of the regional housing need that has been allocated to the City. The State Department of Housing and Community Development (HCD) has supplied a regional housing goal to the Southern California Association of Governments (SCAG). SCAG was then required to allocate the housing goal to each jurisdiction within the region through a RHNA Plan. In allocating the region's future housing needs to jurisdictions, SCAG is required to take the following factors into consideration pursuant to Section 65584 of the State Government Code:

- Market demand for housing;
- Employment opportunities;
- Availability of suitable sites and public facilities;
- Commuting patterns;
- Type and tenure of housing;
- Loss of units in assisted housing developments;
- Over-concentration of lower income households; and
- Geological and topographical constraints.

HCD, through a determination process, allocates units to each region across California. It is then up to each region to determine a methodology and process for allocating units to each jurisdiction within that region. SCAG adopted its Regional Housing Needs Allocation (RHNA Plan) in March 2021. This RHNA covers an 8-year planning period (starting in 2021) and addresses housing issues that are related to future growth in the region. The RHNA allocates to each city and county a "fair share" of the region's projected housing needs by household income group. The major goal of the RHNA is to assure a fair distribution of housing among cities and counties within the SCAG region, so that every community provides an opportunity for a mix of housing for all economic segments.

Costa Mesa's share of the SCAG regional growth allocation is 11,760 new units for the current planning period (2021-2029). **Table 3-41: Housing Needs for 2021-2029,** indicates the City's RHNA need for the stated planning period.

Table 3-41: Housing Needs for 2021-2029		
Income Category	Percent of Median Family Income (MFI)	Costa Mesa's RHNA Allocation for the 2021-2029 Planning Period
Very Low Income	0-50% MFI	2,919 units
Low Income	51-80% MFI	1,794 units
Moderate Income	81-120% MFI	2,088 units
Above Moderate Income	>120% MFI	4,959 units
	TOTAL	11,760 units

Residential Sites Inventory

Appendix B of the Housing Element includes the required site analysis tables and site information for the vacant and non-vacant properties to meet the City's RHNA need through the 2021-2029 planning period. The following discussions summarize the City's site inventory and adequate sites identification strategy.

Adequacy of Sites for RHNA

The City of Costa Mesa conducted a thorough analysis of all parcels within the City to determine which areas may have the most realistic potential to redevelop for residential uses within the planning period. The analysis included an in depth look at the following site characteristics for each parcel within the inventory:

- Address
- Ownership
- Zoning (including Specific Plan areas, Urban Plans, and Overlays, if applicable)
- Size (Net developable acres removing known development constraints)
- Density
- Vacancy status
- Previous Housing Element identification
- Potential Development Capacity (Dwelling Units) by income category
- Description of existing use

Most sites identified meet AB 1397 requirements for size as well as infrastructure requirements for available utility service. There is a further analysis regarding consolidation of small sites as well as the development potential of large sites within Appendix B.

The City of Costa Mesa has a total 2021-2029 RHNA allocation of 11,760 units. The Housing Element update lists sites, including accessory dwelling units, that can accommodate approximately 17,531 additional units. Table 3-42 shows a summary of the City's overall capacity to accommodate its RHNA. Overall, the City has adequate capacity to accommodate its 2021-2029 RHNA with a 149% buffer in excess of the City's RHNA need.

Table 3-42: Summary of RHNA Status and Sites Inventory					
	Very Low Income*	Low Income	Moderate Income*	Above Moderate Income	Total
RHNA (2021-2029)	2,919	1,794	2,088	4,959	11,760
Units Constructed in Projection Period (Begins June 31, 2021)	3	19	9	8	39
Remaining Unmet RHNA	2,916	1,775	2,079	4,951	11,721
Sites Inventory					
Fairview Developmental Center	575	345	690	690	2,300
Sakioka Lot 2	120	60	120	900	1,200
Home Ranch	221	110	221	1,663	2,215
Senior Center Housing Project	40	20	0	0	60
Pacific Arts Plaza and Town Center	53	27	53	402	535
Total Potential Capacity - Existing Sites	**1,009**	**562**	**1,084**	**3,655**	**6,310**
Overlays, Specific Plans, and Urban Plans					
North Costa Mesa Specific Plan	1,201	695	1,269	3,265	6,435
SoBECA Urban Plan	128	70	141	383	732
Mesa West Bluff Urban Plan	195	109	208	555	1,071
19 West Urban Plan	115	64	123	335	640
Harbor Mixed Use Overlay	270	151	286	778	1,485
Total Potential Capacity - Overlays, Specific Plans, and Urban Plans	**1,909**	**1,089**	**2,027**	**5,316**	**10,363**
Projected ADU Construction					
Projected ADU Construction	97	168	117	8	391
Sites Inventory Total					
Total Units towards RHNA	3,015	1,819	3,228	8,979	17,042
Total Capacity Over RHNA Categories	103%	102%	155%	181%	145%
*The City's Extremely Low Income (ELI) housing need is assumed to be 50% of the very low RHNA need for the planning period.					

Projects in the Pipeline

Development projects that are in the planning process but have not received approvals or building permits are considered "in the pipeline." For applications submitted for a land use approval, projects are considered "pending" until the necessary land use approvals are issued, at which point a project is deemed "approved." Once a building permit is issued, the project is identified as "building permit issued." When project construction is completed and all necessary building safety inspections have been completed a certificate of occupancy or "final building permit" is issued.

Pursuant to the HCD Housing Element Site Inventory Guidebook Government Code Section 65583.2, for projects yet to receive their certificate of occupancy or final building permit, the element must demonstrate that the project is expected to be built within the planning period. The City believes that many of these "in the pipeline" housing units are likely to be developed within the planning period and could further the City's efforts in reaching its required RHNA, if/once developed. Although "projects in the pipeline" are not

included as "candidate housing sites", they represent opportunities for future housing construction in Costa Mesa within the planning period. If/when these housing units are built, the units will count toward achieving the City's RHNA allocation consistent with State law.

Appendix B contains a summary of housing projects at various planning/development stages, and consist of potential developments of various sizes, types and housing affordability ranges. The summary includes recent housing projects that have been submitted at this time, but not approved; approved but no building permits have been issued or applied for; and other housing projects that City staff is working on in partnership to develop housing resources in the City.

For a variety of reasons, not all projects in the pipeline complete the planning or building permit process and are built and occupied. However, these projects provide an indication of what future completed construction will likely be. City staff will continue to work with the aforementioned project applicants and other City housing efforts to reach the City's Housing Element goals.

Redevelopment of Non-Vacant Sites for Residential Uses

The City of Costa Mesa does not have sufficient vacant land available to accommodate fifty percent of their low/very-low income RHNA and are reliant on non-vacant sites to meet their RHNA need. To accommodate the need at all income levels, the City has analyzed sites within non-residentially zoned areas that permit residential development through Specific Plans, Urban Plans, or Overlays. The City also evaluated and included parcels not currently within Urban Plans which will be added when those Urban Plans are amended.

As part of the candidate housing sites analysis, the City has evaluated recent projects that have redeveloped within non-residentially zoned areas that included residential units. Those projects, including the zoning, use prior to redevelopment, and a project analysis of the approved development plan, are shown in Table 3-43. The City's analysis showed that prior uses on these redeveloped sites were similar in nature to the existing uses on sites identified within the sites inventory in Table B-3.

The City has also conducted a parcel specific analysis of existing uses for each of the identified sites. This analysis of existing uses, including indicators of a likelihood that the existing use will redevelop within the next eight years, are provided in Table B-3. This analysis is based on information readily available to the City and research that can be found through online research. The City does not always have access to private lease information but has included information that property owners have shared regarding individual sites.

The following residential development projects have been constructed on parcels that were either non-residentially zoned or had an existing non-residential use on-site within Costa Mesa.

Table 3-43: Example Development of Non-Vacant Sites for Residential Uses				
Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
125 Baker St.	240	PDR - HD	Industrial use	This development is a 240-unit wrap apartment complex on a 4.2-acre parcel in a largely industrial and office area of Costa Mesa. The project was built at a density of approximately 57 du/ac. The site was previously a light industrial and office uses use similar to some of the identified candidate housing sites. The project was rezoned from CL to PDR-HD.
1957 Newport Blvd.	38	PDR - HD	Self-storage use and trailer storage lot	This development is a 38-unit condominium project along the Newport Blvd commercial corridor. The site was previously a self-storage and trailer storage use similar to some of the identified candidate housing sites. The project was rezoned from C1 to PDR-HD.
2277 Harbor Blvd.	200	PDR - HD	Motel use	This development is a 200-unit apartment complex on a previous motel use site. This development is located on Harbor Boulevard and shares many existing characteristics with sites identified within this corridor in the candidate sites inventory. The project was rezoned from C1 to PDR-HD.
671 W. 17th St.	177	MG	Brownfield development (Argotech Industries)	This development is 177 live/work and loft residential units and was developed on a site that was previously largely surface parking area. This site is in the Mesa West Urban Plan area and adjacent to some of the sites identified within the candidate housing sites analysis. This project also shares many existing use characteristics with those identified sites.
1620 and 1644 Whittier Ave.	89	MG	Industrial use (Ametek Aerospace and Defense)	This development is 89 live/work residential units on a former industrial use site in the Mesa West Bluffs Urban Plan area. Similar to 671 W. 17th Street, this site shares many geographic and existing use characteristics with sites identified in the candidate housing sites analysis.
1500 Mesa Verde Drive East	215	PDC	Vacant commercial area	This development is 215 senior apartments developed at four stories along Harbor

Table 3-43: Example Development of Non-Vacant Sites for Residential Uses				
Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
				Boulevard directly adjacent to existing commercial uses. This project is an example of the types of horizontal mixed-use projects that the City anticipates may develop along Harbor Boulevard and matches assumptions made in the Housing Element.
1527 Newport Boulevard	40	C2 & MG	Industrial uses, including boat and automobile repair	This development is 40 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
132, 134, 140 Industrial Way	22	C2 & MG	Industrial uses, including boat and automobile repair	This development is 22 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
1677-1985 Superior Avenue	49	C2 & MG	Gas station and a mixture of commercial and industrial uses.	This development is 49 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
2025 Placentia Avenue	36	MG	Commercial and industrial uses, including storage and repair for boats	This development is 36 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and previous uses are consistent with sites identified within the sites inventory.
2095 Harbor Boulevard	29	PDC	Commercial buildings and gas station which had been vacant for several years.	This development is 28 single-family homes with live/work potential, including ground floor commercial/office workspaces and two stories above for residential. This development is in the Harbor Mixed Use Urban Plan area along Harbor Avenue and previous uses are consistent with sites identified within the sites inventory.
1672 Placentia Avenue	32	MG	Boat yard and industrial building	This development is 32 live/work units with ground floor commercial/office workspaces

Table 3-43: Example Development of Non-Vacant Sites for Residential Uses				
Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
				and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and previous uses are consistent with sites identified within the sites inventory.

This analysis of recent sample development projects shows that residential development occurs within the City on sites that have existing non-residential uses. As indicated in the analysis notes, these example sites share many characteristics with the candidate housing sites in **Table B-3.** This demonstrates that there is development potential on these sites as well as interest in developing these types of sites for residential uses within Costa Mesa.

Lease Analysis

Existing lease agreements on infill and non-vacant properties present a potential impediment that may prevent residential development within the planning period. State law requires the City to consider lease terms in evaluating the use of non-vacant sites, however the City does not have access to private party lease agreements or other contractual agreements amongst private parties. Additionally, COVID-19 has increased the potential number of vacancies, especially within commercial uses. As part of the sites analysis for very-low and low-income sites, the City conducted discussions with property owners who felt comfortable sharing this information and came forward as interested in developing their properties for housing through the planning period. Notes regarding discussion are found in **Table B-3**.

Regulatory Incentives

Density bonus is a State law which permits increased density, a lowered parking standard, and concessions for projects which provide a certain percentage of their dwelling units as deed restricted to residents at the very-low, low, and moderate-income levels. Projects within infill areas such as Costa Mesa often utilize density bonus provisions to construct affordable units. The City understands that existing land use policy may not necessarily contribute to the development of housing. Therefore, regulatory incentives can be helpful in bringing housing units to the market. The City has committed through **Program 2I,** to annually update the local density bonus ordinance to be consistent with State law if changes are adopted at the State level.

The City has created programs expressly written to address the analysis and potential development of additional regulatory incentives to incentivize the creation of affordable housing. As stated in **Program 2B,** these may include, but are not limited to, the following for projects that propose a percentage of their housing units as affordable:

- Deferment of fees
- Priority Processing
- Modified development standards (above and beyond what is permitted under Density Bonus)

Development Trends and Current Market Demand for Existing Uses

The existing uses within the identified candidate housing sites are primarily commercial, light industrial, and office/business park. The following excerpts are from the Winter 2021 Allen Matkins/UCLA Anderson Forecast Commercial Real Estate Survey.

Office Space Markets

The COVID-19 pandemic took a toll on traditional office uses when the majority of California's office workforce was required to work from home. This taught employees and employers that remote work was possible and may have sparked a trend of more remote work options in a post-COVID world. An excerpt from the above referenced study indicated that "survey participants are confident about the growth in demand for office space between 2020 and 2023, they are pessimistic about the return to investment in new space today."[8]

This indicates that while we may return to a more normal work setting in the short term, there is likely to be less investment going forward in new office space as employers look to downsize the leasable space they occupy and expand flexible work options to keep employees happy and hard costs down. It is likely this trend occurs into the next decade, opening up existing office uses not operating at full occupancy for residential redevelopment opportunities.

Retails Space Markets

In regard to future retail development trends and demand, the above referenced study noted the following observations from their analysis on participant responses. "During the previous economic expansion, retail space struggled. The current recession tripled down on that struggle. First, the loss of household income and the shelter-in-place policies reduced current demand for brick-and-mortar retail. Second, the inability to physically frequent many retail establishments created a new set of online shoppers, and third, increases in the savings rate on the part of households in response to the recession portends less individual consumption. To be sure, some activities will be coming back, particularly personal services and experiential retail. But now, more marginal properties will not find tenants willing to pay sufficient rent to keep the properties in the retail space."[9]

While COVID-19 had a large impact on retail in the immediate future, overall market trends pointed to a decline in the need for brick-and-mortar retail spaces going back over the past decade. The rise in online retailers such as Amazon and the shift in focus to online sales of major retailers like Target, Walmart, and others have kept shoppers in their homes and away from smaller mom and pop retailers as well. Experiential uses such as restaurants and dining provide more incentive and are likely to bounce back quickly following the removal of COVID-19 protocols. These uses do well in walkable, mixed-use settings with a strong flow of permanent consumers. Residential uses, especially at higher densities, present an opportunity to support future commercial growth including supporting smaller mom and pop retailers in infill settings such as Costa Mesa.

[8] Allen Matkins/UCLA Anderson Forecast Commercial Real Estate Survey, Winter 2021,
[9] Allen Matkins/UCLA Anderson Forecast Commercial Real Estate Survey, Winter 2021,

Development Trends

State, regional, and local policy direction promoting the development of housing at all levels to meet existing housing shortages, especially for low-income families, has further driven up the demand for housing. The redevelopment of existing non-vacant land, both in residential and non-residential zones, for multi-family rental and for sale housing provides a realistic opportunity to create affordable housing using the resources available within communities such as Costa Mesa. As a result, much of Costa Mesa's future growth will be on infill opportunities within the City. To facilitate this, the City has proposed actions to evaluate and revise the development standards and permitted uses within many key areas within the City. This increases the developable area within the City where residential development can occur and promotes development at densities which may support affordable housing.

As stated previously, much of Costa Mesa's anticipated future housing growth is expected to occur on infill sites, or sites with existing uses. Development on non-vacant parcels was analyzed to determine a reasonable development capacity based on known constraints and historic development patterns within each of the different zones. Table B-3 in Appendix B contains a detailed description of each existing use. Many of the existing uses were found to be similar with recent redevelopment examples in Costa Mesa. Appendix A also includes outreach to property owners and letters of owner support/developer interest for specific parcels identified in the Housing Element.

Accessory Dwelling Unit Productions

Accessory dwelling units, or ADUs) are housing units which may be developed in addition to an existing single- or multi-family residential use. These housing units can be free-standing or attached to a primary structure and are intended to provide additional housing on an existing residential lot. Often ADUs provide housing for family members or are rented to members of the community.

One of the proposed methods for meeting the City's RHNA at all income levels is through the production of ADUs. A number of State Assembly and Senate Bills were passed in 2018 and 2019 that promote development of ADUs and remove barriers that may inhibit their development within communities. The following is a summary of those bills:

- AB 68 and 881
  - Prohibit minimum lot size requirements
  - Cap setback requirements at 4', increasing the size and location opportunities for ADUs
  - Prohibit the application of lot coverage, FAR, or open space requirements that would prevent an 800 square foot from being developed on a lot
  - Remove the need for replacement parking when converting an existing garage to an ADU
  - Limit local discretion in establishing min and max unit size requirements
  - Mandate a 60-day review period for ADU applications through a non-discretionary process
- SB 13
  - Prohibit owner-occupancy requirements for 5 years
  - Reduce impact fees applicable to ADUs

  - Provide a program for homeowners to delay compliance with certain building code requirements that do not relate to health and safety
- AB 670
  - Prohibits Homeowner's Associations (HOAs) from barring ADUs

As a result of new legislation and an increased effort by the City to promote ADUs, the City has seen an increase in applications so far in 2021. In 2018, the City permitted 4 ADUs, followed by 6 in 2019 and a 217% increase in 2020 of 19. In 2020, the City received 44 applications proposing ADUs. Of those 44 applications, 19 were issued building permits in 2020 and 1 was issued a building permit and received their Certificate of Occupancy in 2020. In addition, 12 of those 44 applications were issued a building permit in 2021. The remaining are still in plan check or the projects have been abandoned. As of the end of April 2022, the City of Costa Mesa has seen an increase in ADU activity. The City has approved and is in the process of issuing permits for 27 ADUs through approximately one-third of the year. Projected out over 2022, this demonstrates the continued trend of ADU growth and puts the City on pace for 81 approved ADUs in 2022. This exceeds the City's 2022 projection of 50 units by 31 units and positions the City well to exceed its projected ADUs within the planning period. In accordance with State law, ADUs are allowed in all zones that allow single dwelling unit or multiple dwelling unit development. Junior Accessory Dwelling Units (Jr ADUs) are permitted only in single dwelling unit zones.

The City of Costa Mesa has determined based on past performance and the SCAG/HCD approved methodology that it is appropriate to anticipate the development of 391 accessory dwelling units from 2021 to 2029. Approximately 391 of these units are anticipated to be affordable at the low and very-low-income categories. A total of 117 ADUs are anticipated to be affordable at the moderate-income level and 8 ADUs are anticipated at the above moderate-income level.

To assist in reaching the City's ADU development projections, Costa Mesa has included **Program 3E**, which explores actions the City will take to promote and incentivize the development of ADUs during the planning period. As outlined in the program, these actions may include:

- Coordinating with the County on implementation of a permit-ready ADU program
- Waiving specific permitting fees to make ADU development more feasible
- Creating an expedited plan check review process to ease the process for homeowners
- Explore potential State and Regional funding sources for affordable ADUs

Summary of Sites Inventory and RHNA Obligations

As described in this section and in further detail in **Appendix B**, the City of Costa Mesa has identified adequate sites to accommodate the 2021-2029 RHNA obligation of 11,760 housing units. These candidate housing sites, in combination with the programs stated in **Chapter 4**, will help to facilitate the development of future housing within the city.

G. Financial Resources

Providing an adequate supply of decent and affordable housing requires funding from various sources, the City has access to the following funding sources.

1. Section 8 Housing Choice Voucher, CDBG and HOME funds

The Section 8 Housing Choice Voucher program is a Federal government program to assist very low-income families, the elderly, and the disabled with rent subsidy payments in privately owned rental housing units. Section 8 participants are able to choose any housing that meets the requirements of the program and are not limited to units located within subsidized housing projects. They typically pay 30 to 40 percent of their income for rent and utilities. The Orange County Housing Authority (OCHA) administers Section 8 Housing Choice vouchers within the City of Costa Mesa. OCHA reports that as of June 30, 2014, a total of 640 vouchers were granted to Costa Mesa households.

Community Development Block Grants (CDBG)

The Community Development Block Grant (CDBG) program provides annual grants on a formula basis to cities to develop viable urban communities by providing a suitable living environments and by expanding economic opportunities, principally for low- and moderate-income persons (up to 80 percent AMI). CDBG funds can be used for a wide array of activities, including:

- Housing rehabilitation;
- Lead-based paint screening and abatement;
- Acquisition of buildings and land;
- Construction or rehabilitation of public facilities and infrastructure, and:
- Public services for low-income households and those with special needs.

In order to receive CDBG funding, the City of Costa Mesa is required to approve and implement the 2020-2024 Consolidated Plan. This is a planning document that identifies the City's housing and community needs and outlines a strategy to address these needs utilizing funds from the U.S. Department of Housing and Urban Development (HUD).

HUD also requires the City to prepare a One-Year Action Plan for each of the five years covered by the Consolidated Plan. For the 2020-2021 fiscal year the City of Costa Mesa received $1,600,000 in CDBG and HOME funding (including public service grants associated with CDBG) are anticipated to be allocated towards:

(1) Housing Rehabilitation
(2) Tenant-Based Rental Assistance (TBRA)
(3) HOME Administration
(4) Community Housing Development Organization (CHDO) Housing Reserve
(5) Special Housing Code Enforcement
(6) Mercy House – Bridge Shelter
(7) City of Costa Mesa Senior Social Services
(8) Community SeniorServ Meal Programs
(9) Fair Housing Foundation
(10) Youth Employment Services Program
(11) CDBG Administration
(12) Families Forward

HOME Investment Partnership Program (HOME)

The HOME program provides federal funds for the development and rehabilitation of affordable rental and ownership housing for households with incomes not exceeding 80 percent of area median income. The program gives local governments the flexibility to fund a wide range of affordable housing activities through housing partnerships with private industry and non-profit organizations. HOME funds can be used for activities that promote affordable rental housing and homeownership by low-income households.

As with CDBG funding, HOME funds require the City complete a Consolidated Plan and a One-Year Action Plan. The 2020-2024 Consolidated Plan identifies the following objectives for HOME funds:

High Priority Need:

- Housing rehab: $275,000
- Tenant Based Rental Assistance: $150,000
- Community Housing Development Organization Reserve: $180,365
- Program Admin: $50,582

2. Opportunities for Energy Conservation

The primary uses of energy in urban areas are for transportation lighting, water heating, and space heating and cooling. The high cost of energy demands that efforts be taken to reduce or minimize the overall level of urban energy consumption. Energy conservation is important in preserving non-renewable fuels to ensure that these resources are available for use by future generations. There are also a number of benefits associated with energy conservation including improved air quality and lower energy costs.

Energy Use and Providers

Southern California Gas Company (SCG) provides natural gas service for the City. Natural gas is a "fossil fuel" and is a non-renewable resource. Most of the major natural gas transmission pipelines within the City are owned and operated by SCG. SCG has the capacity and resources to deliver gas except in certain situations that are noted in state law. As development occurs, SCG will continue to extend its service to accommodate development and supply the necessary gas lines. Electricity is provided on an as-needed basis to customers within existing structures in the City.

Southern California Edison Company (SCE) is the distribution provider for electricity in Costa Mesa. SCE services an area of 50,000 square miles with a population over 10 million; Costa Mesa represents less than one percent of the population served by SCE. Currently, SCE has no immediate plans for expansion of infrastructure, as most of the City is built out. However, every year SCE expands and improves existing facilities according to demand and they have indicated that future growth in Costa Mesa as anticipated in the General Plan is within the parameters of the overall projected load growth which they are planning to meet.

Energy Conservation

The City's Conservation Element of the General Plan identify and establish goals and policies for preserving and managing natural resources in the City. The element states that solutions to energy problems can be solved through conservation and through the development of alternate energy sources. Energy suppliers are continuously searching for new and expanded sources of conventional fuels such as oil, gas, and coal.

More recently developed fuels, such as nuclear and geothermal, make up a small share of the nation's energy supplies.

The City's Conservation Element states the City does not operate any local utilities related to energy, however, it partners with and supports energy providers to promote sustainable practices through local regulations. The Element also reports that while the national consumption of energy has increased by over 50 percent in the last 30 years, the State of California has remained stable due to conservation campaigns by individuals, businesses, utilities companies, and State and local regulations.

Solar energy is the viable alternate energy source for the City of Costa Mesa. As of January 2020, the State of California requires all new single-family and multi-family homes (up to 3 stories high) include a solar photovoltaic (PV) system as a source of electricity. The California Clean Energy Commission determined this mandate increases the cost of single-family residences by $8,400, but it saves homeowners and renters about $80 per month on electricity costs. To further promote the switch to solar energy, the City of Costa Mesa initiated the Go Green Program which waives permit fees for residential solar installations and electric vehicle charging stations.

The Leadership in Energy and Environmental Design (LEED) certification is a world-wide rating system which reviews and rates buildings, communities, and cities on their energy efficiency and conservation strategies. A LEED certified building is rated based on a set of points received and may be rated "certified" at the lowest and "Platinum" at the highest. In 2007, the City of Costa Mesa implemented a Green Building Program aimed at promoting energy efficiency by expediting the permitting process and waive certain fees for LEED certified projects. The City also became the first California city to require all new Municipal buildings be LEED Gold certified. LEED certified buildings are recognized for providing the following:

- Improved productivity and morale amongst workers, recruitment, and higher retention rates;
- Improved indoor environmental quality and air quality;
- Minimized energy and water costs during construction and operation;
- Minimized waste output;
- Pollution prevention; and
- Low-impact materials that last longer and may be non-toxic, recycled, and sustainably produced.

In February 2021, the City of Costa Mesa became the first city in California to achieve a LEED Gold for Cities and Communities certification.

Lastly, the City also abides to Title 24 standards as mandated by the State. Title 24 establishes energy efficiency standards for residential and nonresidential buildings (new structures and additions) to reduce energy consumption. The standards are updated every three years to achieve greater efficiency and reach for new goals.

Chapter 4

Housing Plan

Housing Plan

The Housing Plan describes the City of Costa Mesa 2021-2029 policy program. The Housing Plan describes the specific goals, policies, and programs to assist City decision makers to achieve the long-term housing objectives set forth in the Costa Mesa Housing Element. This Plan identifies goals, policies, and programs aimed at providing additional housing opportunities, removing governmental constraints to affordable housing, improving the condition of existing housing, and providing equal housing opportunities for all residents. These goals, policies, and programs further the City's overall housing policy goal is to Inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Costa Mesa.

Regional Housing Needs Assessment

The Southern California Association of Governments (SCAG) has conducted a Regional Housing Needs Assessment (RHNA) to determine the City's share of the affordable housing needs for the Orange County region. The RHNA quantifies Costa Mesa's local share housing needs for the region by income category. Income categories are based on the most current Median Family Income (MFI) for Orange County. The City's 2021-2029 RHNA growth need is as follows:

- 2,919 units - Very low income (0-50% County MFI)
- 1,794 units - Low income (51-80% of County MFI)
- 2,088 units - Moderate income (81-120% of County MFI)
- 4,959 units - Above moderate income (120% or more of County MFI)

  11,760 units – Total

A. Guiding Principles

The City of Costa Mesa followed certain "guiding principles" in developing its approach and strategy for accommodating future housing growth. These guiding principles assist with implementation of the housing goals, policies and programs and will aid overall decision making. The guiding principles are rooted in community engagement and local knowledge and input into the planning process. The guiding principles are as follows:

- The City will plan for future housing primarily along major commercial, industrial, and mixed-use corridors within Costa Mesa that are compatible with growth, while preserving established residential neighborhoods.
- Each neighborhood, community, and district within Costa Mesa has its own unique characteristics and needs. Future housing growth will build upon Costa Mesa's history and complement the diversity and unique characteristics that already exist within each area.
- The City will plan for a diverse range of housing forms, types, and densities to address the housing needs of an inclusive and diverse community and provide housing opportunities that meet the needs of all residents, including low-income households, seniors, multi-generational families, larger households, and special needs groups.

As identified in **Chapter 2**, the City will need to address the following findings based on the data presented in this Community Profile:

- The Costa Mesa population is showing aging trends – housing goals should address the needs of seniors who may have less flexible income, need accessibility accommodations, or may seek assisted living options. **The City has established Housing Program 2D to address this finding.**
- Over a quarter of the Costa Mesa population identifies as Hispanic or Latino – housing needs should account for possible cultural needs such as larger or multigenerational housing units. Additionally, housing information should be made available in Spanish to assist in the location of appropriate housing within the community. **The City has established Housing Programs 2E and 4A to address this finding.**
- Approximately 47 percent of the Costa Mesa population earn a lower income, indicating that production of and access to affordable housing including affordable rental options and entry level home ownership facilitation should be addressed. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Approximately 48.8 percent of renters and 31.8 percent of homeowners are estimated to spend more than 30 percent of their income on housing, indicating a high housing cost burden overall with a higher proportion of renters compared to owners experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Based on for sale and rental housing prices, a moderate-income household cannot afford to own a home in Costa Mesa, while lower income households cannot afford to own or rent in Costa Mesa without experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- The majority of housing units in Costa Mesa were built over 30 years ago – households in older homes may benefit from assistance in renovating their homes and ensuring safe living environments with access to all utilities. **The City has established Housing Programs 1A and 1B to address this finding.**
- Costa Mesa has a relatively low vacancy rate, indicating high demand for housing and low availability of housing units within the City. **The City has established Housing Programs 2B and 3A to address this finding.**
- 46.5 percent of Costa Mesa households have at least one of the four identified housing problems, which include:
    - Units with physical defects (lacking complete kitchen or bathroom);
    - Overcrowded conditions (housing units with more than one person per room – excluding bathrooms and kitchens);
    - Housing cost burdens, including utilities, exceeding 30 percent of gross income; and
    - Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

  The City has established Housing Programs 1A, 1B, and 4A to address this finding.

B. Housing Goals

The City of Costa Mesa has identified the following housing goals as part of this Housing Element Update:

Housing Goal #1: Preserve and enhance the City's existing housing supply.

Housing Goal #2: Facilitate the creation and availability of housing for residents at all income levels and for those with special housing needs.

Housing Goal #3: Identify adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels and promote a range of housing types to meet the needs of all segments of the Costa Mesa community.

Housing Goal #4: Provide housing opportunities to residents of all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

The goals listed above are described below and on following pages with accompanying policies and programs to achieve them.

C. Housing Policies and Programs

This Housing Element expresses the Costa Mesa's overall housing goals and supporting policies, quantified objectives, and the housing programs to achieve the objectives. The stated Housing Programs are based on a review of past performance of the prior 2013-2021 Housing Element, analysis of current constraints and resources, and input from Costa Mesa residents and stakeholders.

Housing Goal #1
Preserve and enhance the City's existing housing supply.

POLICIES HOU-1

HOU-1.1 Assist low and moderate-income homeowners and renters through housing assistance programs as long as funds are available.

HOU-1.2 Minimize the displacement risk for existing residents when considering approval of future redevelopment and public projects.

HOU-1.3 Prioritize enforcement of City regulations regarding derelict or abandoned vehicles, outdoor storage, substandard or illegal construction and establish regulations to abate blighted or substantially unmaintained properties, particularly when any of the above is deemed to constitute a health, safety, or fire hazard.

HOU-1.4 Establish housing programs and code enforcement as a high priority and provide adequate funding and staffing to support those programs.

HOUSING GOAL 1 IMPLEMENTATION ACTIONS

PROGRAM 1A: Owner-Occupied Housing Rehabilitation

This program is designed to assist qualified property owners to improve single-family residential properties. Improvements include, but are not limited to, health and safety repairs such as mechanical, plumbing, electrical, roofing, security, medical emergency requirements, and/or aid the mobility of the physically disabled and/or elderly. The program provides rehabilitation loans (up to $50,000) and grants (up to $~~14,000~~17,500). The loan offers deferred payment that will accrue ~~three~~ zero percent ~~simple~~ interest ~~per annum~~ and will be fully deferred without principal repayment until the sale or transfer of all or any interest in the property, or the occurrence of any other default by the property owner identified in the terms and conditions of the Loan Agreement. Maximum loan-to-value is 85 percent of the current market value.

Objectives:

- Provide informational materials on the Owner-Occupied Housing Rehabilitation program.
- Encourage the participation of seniors, veterans, and disabled residents in this program.
- Evaluate the effectiveness of this program and, if necessary, modify program characteristics.

Timeframe: Annually market information and evaluate the program's effectiveness. Any program modifications to be made by December 2023
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: Federal HOME funds

PROGRAM 1B: Mobile Home Rehabilitation

The City encourages the preservation of mobile homes as an affordable housing resource. Specifically, the City provides financial assistance (up to $~~10,000~~12,500) as a grant to eligible owner-occupants to rehabilitate existing dwelling units.

Objectives:

- Provide financial assistance as long as funding from ~~CDBG~~ HOME funds remains available.
- Market information on funding as available.

Timeframe: Annually market assistance available and grant funding on a case-by-case basis.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: ~~Community Development Block Grants (CDBG)~~Federal HOME Funds

PROGRAM 1C: Monitoring and Preservation of At-Risk Housing Units

The City has 1,144 total housing units with affordability covenants. Of these units, 75 are at risk of converting to market rate between 2021 and 2031 – Casa Bella Apartments. All residential developments with affordability covenants are listed in Section 3.E.4 of this Housing Element.

Objectives:

- Regularly monitor deed-restricted units that have the potential of converting to market-rate during the planning period.
- Work with the property owners of Casa Bella on potential extensions past the current 2025 agreement.
- Comply with noticing requirements and coordinate with qualified entities to preserve at-risk units.

- Assist with funding, as available, or support funding actions for tenant education.

Timeframe: Coordinate with property owners of at-risk units through the end of financial agreements. Annually market tenant education information and available assistance.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division and Planning Division
Funding Source: CDBG, Golden State Acquisition Fund (GSAF), Multifamily Housing Program (MHP)

Housing Goal #2
Facilitate the creation and availability of housing for residents at all income levels and for those with special housing needs.

POLICIES HOU-2

HOU-2.1 Facilitate the development of housing that meets the needs of all segments of the population including affordable housing and households with specialized needs.

HOU-2.2 Promote the use of State density bonus provisions to encourage the development of affordable housing for lower and moderate-income households, as well as senior housing through the dissemination of informational materials and discussions with project applicants.

HOU-2.3 Monitor the implementation of the City's ordinances, codes, policies, and procedures to ensure they comply with State requirements for "reasonable accommodation" for disabled persons and all fair housing laws.

HOU-2-4 Encourage housing programs and future actions that address the need for affordable housing options as well as the housing needs of Costa Mesa's senior resident population and the large households population.

HOUSING GOAL 2 IMPLEMENTATION ACTIONS

PROGRAM 2A: Inclusionary Housing Ordinance

As of adoption of the 6th Cycle Housing Element, the City of Costa Mesa is analyzing the market impacts and potential affordability requirements for an inclusionary housing requirement for specific projects. The City has hired a consultant to evaluate and make recommendations regarding the structure of a potential inclusionary housing ordinance, including the affordability percentage requirement, potential for an in-lieu fee option, and other factors. As part of this effort, the City will consider the applicability of establishing a local preference policy.

Objectives:

- Adopt an inclusionary housing ordinance.

Timeframe: To be completed by December 2023.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division and Planning Division
Funding Source: In Kind, General Fund

PROGRAM 2B: Affordable Housing Development

The City understands that there may be local procedures or standards that could impact the development of affordable housing. The development process relies on a number of factors working together, including timing, fees and flexibility in design components required of a project. As such, this program aims to inform and incentivize the development community to develop affordable housing.

Objectives:

- Pursue State and regional funding for affordable housing development.
- Pursue local partnerships and annually meet with affordable housing organizations to encourage the development of housing affordable to all segments of the population.
- Establish development incentives (i.e. deferment of fees, priority processing, modified development standards, etc.) for affordable housing projects that meet objective evaluation criteria similar to the process for density bonus concessions.
- Develop clear instructional materials for achieving incentives and make them publicly available on the City's website.

Timeframe: Establish incentives and instructional materials by December 2023. Pursue funding and partnership annually. Meet with organizations annually.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division and Planning Division
Funding Source: HOME, General Fund, State Department of Housing and Community Development Funds, Low Income Housing Tax Credits and CalHFA

PROGRAM 2C: Supportive Services for Persons with Special Needs

The City recognizes special needs groups (as defined in Chapter 2 of this Housing Element) require additional assistance to secure decent housing and supportive services. Through the annual Action Plan process for the CDBG program, the City evaluates the needs of various special needs groups and the allocation of CDBG Public Service dollars accordingly. The City will continue to expend available CDBG funds in a manner that addresses local needs and augments the regional continuum of care system in Orange County.

Objectives:

- Provide information regarding the City's Annual Action Plan findings regarding special needs groups and the availability and allocation of CDBG funds on the City's website.
- Outreach to local organizations working with special needs populations to receive feedback and provide information on the availability of funding.

Timeframe: Annually outreach to local organizations and provide information online regarding the Annual Action Plan findings regarding special needs populations and availability and allocation of CDBG funds.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: CDBG

PROGRAM 2D: Facilitate Development of Senior Housing Options

Senior residents, generally defined as those over 65 years of age, make up approximately 10.7 percent of the population in Costa Mesa and 7.5 percent of all households within the City are seniors living alone. As part of the candidate housing sites analysis, the City has identified one parcel suitable for the specific

development of senior housing. This program aims to coordinate with the development community to facilitate the development of senior housing on this parcel and throughout the City.

Objectives:

- Identify potential opportunities for Senior Housing developments within Costa Mesa, including working with developers who specialize in the development of Senior Housing.
- Pursue opportunities for senior housing on the Senior Center parcel identified as part of the candidate housing site analysis and/or other sites within the City.

Timeframe: Annually meet with senior housing developers to receive feedback, market housing sites adequate for the development of senior housing and pursue other opportunities for senior housing development.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: HOME, In Kind

PROGRAM 2E: Encourage Development of Housing Options for Large-Family Households

Large households are defined as those consisting of five or more members. In Costa Mesa, approximately 10 percent of all households meet the definition of a large-family household. The majority of large-family households are renter-occupied (62.8 percent) as opposed to owner-occupied (37.2 percent). This is compounded by the fact that single-family detached households, which generally tend to be owner-occupied in Costa Mesa, are more likely to be able to accommodate five or more people while apartment complexes rarely develop units larger than 3 bedrooms.

Objectives:

- Promote and work with applicants who propose for-rent residential projects to encourage 4-bedroom units as part of proposed developments.
- Review development standards to determine if any pose an impediment to the development of larger units. If it is found that certain standards present an impediment, the City will adopt amendments to the Zoning Code to alleviate those impediments.

Timeframe: Review development standards for larger units and, if necessary, amend the Zoning Code by Winter 2025. Annually meet with housing developers to encourage the development of larger units.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: HOME funds, In Kind

PROGRAM 2F: Persons with Physical and Developmental Disabilities

As identified in **Chapter 2**, the City of Costa Mesa has a total of 9,224 persons reported having at least one physical disability. As of May 2021, approximately 932 persons with a developmental disability have received services through the Regional Center of Orange County (RCOC). The City understands that people with physical and developmental disabilities may have unique needs when looking for housing accommodations and is committed to assisting residents.

Objectives:

- Take actions to accommodate ADA retrofit efforts, ADA compliance and/or other measures where appropriate through the implementation of Title 24, as well as reviewing and amending its procedures to comply with State law.
- Review procedures and, as necessary, provide more flexibility in housing accommodations for persons with physical and developmental disabilities.
- City will proactively reach out to developers and other agencies annually to take steps to improve and develop housing for persons with disabilities.

Timeframe: Review procedures to accommodate ADA retrofit efforts, ADA compliance and/or other measures where appropriate, and, if necessary, amend the Zoning Code by Winter 2025
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: HOME, CDBG, In Kind

PROGRAM 2G: Safety Element Update and adoption of Environmental Justice Policies

SB 1035 requires that the City review and revise the Safety Element to identify new information relating to flood and fire hazards that was not previously available during the previous revision of the Safety Element. SB 1000 requires that the City incorporate environmental justice policies within the General Plan.

Objectives:

- Revise and amend the current Safety Element.
- Amend portions of the General Plan to include environmental justice policies in compliance with SB 1000.

Timeframe: To be completed by December 2023.
Responsible Agency: City of Costa Mesa Development Services Department/Planning Division
Funding Source: State and Federal Grant Funds (e.g., SB2 LEAP funds), In Kind, General Fund

PROGRAM 2H: Farmworker Housing

Per California Health and Safety Code Sections 17021.5 and 17021.6, the City is required to permit farmworker housing by-right, without a conditional use permit (CUP), in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds.

Objectives:

- Amend the current Zoning Code to meet requirement set forth in the California Health and Safety Code Sections 17021.5 and 17021.6.

Timeframe: To be completed by December 2023.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind

PROGRAM 2I: Promote State Density Bonus Incentives

Density bonus is an effective incentive to aid in the development of affordable housing units within Costa Mesa through providing concessions to proposed developments that meet specific affordability criteria. These concessions may take the form of additional residential units permitted beyond the density allowed in the base zoning, a relaxed parking standard, as well as the ability to deviate from development standards. Currently, the maximum number of concessions a project can receive through density bonus is three.

Objectives:

- Evaluate and update the Density Bonus Ordinance to comply with State Density Bonus Law.

Timeframe: To be completed by December 2024.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2J: Transitional and Supportive Housing

California Government Code Section 65583(c)(3) requires transitional and supportive housing to be permitted in all residential zoning districts under the same restrictions as other residential dwellings of the same type in the same zone. Government Code Section 65651(a) also requires permanent supportive housing to be permitted by-right in zones where multi-family and mixed-use development is permitted, including non-residential zones permitting multi-family uses if they meet the Government Code Section requirements.

Objectives:

- Amend the Zoning Code to include transitional and permanent supportive housing within the City's land use matrix in compliance with Senate Bill 2 and Government Code Section 65651
- Monitor the inventory of sites appropriate to accommodate transitional and supportive housing.
- Proactively engage relevant organizations to meet the needs of persons experiencing homelessness and extremely low-income residents.

Timeframe: To be completed by December 2024.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/HOME-ARP

PROGRAM 2K: Planning Application Fees

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law. Development fees are necessary to implement planning, zoning and building safety laws and to provide the public services and infrastructure necessary to serve City residents. This program seeks to avoid application fees creating constraints to the development of affordable housing.

Objectives:

- Review planning application fees, with a special focus on the density bonus fee, and update the fee(s) to avoid creating a constraint to the development of affordable housing.

Timeframe: To be completed by December 2024.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2L: Development of Housing for Extremely Low and Lower-Income Households

The City recognizes the importance of supporting the development of housing for low and extremely low income households. It is a primary goal of the Housing Element to increase the feasibility of development of housing for extremely low and low income households.

Objectives:

- Subsidize up to 100 percent of the City's application processing fees for qualifying developments where all units are affordable to 80 percent AMI or lower, as funding is available.
- Annually promote the benefits of this program to the development community by posting information on its webpage and creating a handout to be distributed with land development applications regarding development opportunities and incentives.
- Proactively reach out to developers at least once annually to identify and promote development opportunities.
- Adopt priority processing and streamlined review for developments with units affordable to lower income households.
- Support funding development applications throughout the planning period for projects proposing units affordable to lower income households.

Timeframe: As funding is available, promote the program and outreach; adopt priority processing and other incentives by December 2024.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2M: Parking Standards for Residential Developments

The City's residential off-street parking requirements are provided in Section 3.B.3 of this Housing Element. Parking requirements ensure that there is adequate parking provided for residents and for guests in both single-family and multi-family residences. This program seeks to avoid potential constraints due to parking requirements to facilitate the development of multi-family developments, and specifically affordable housing projects.

Objectives:

- Review and revise the Zoning Code's requirements for residential off-street parking for multi-family projects to facilitate the development of multi-family housing, and specifically affordable housing.

Timeframe: Review by December 2024; revise Code by Winter 2025.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2N: Reasonable Accommodation

The City has completed an analysis of its Reasonable Accommodation process in **Section 3** of this Housing Element. By the nature of Reasonable Accommodation requests and the range of potential modifications that could need to be accommodated, the City has to evaluate each request individually. This process is described within the City's Zoning Code and persons may contact the City's planning department for assistance with requests. The City will review and adopt revisions to its Reasonable Accommodation process to be consistent with State and federal fair housing requirements.

Objectives:

- Review and revise the Reasonable Accommodation procedure to promote access to housing for persons with disabilities, address potential constraints and establish potential objective standards, and provide guidance and amend as necessary to promote greater certainty on how approval findings will be implemented.
- Meet with local organizations and developers to promote access to housing for persons with disabilities and address potential constraints.

Timeframe: Review and revise Code by December 2024. Annually review and, if necessary, revise the reasonable accommodations procedures. Annually meet with local organizations and housing developers to promote access to housing for persons with disabilities and address potential constraints.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2O: Definition of Single Housekeeping Unit

The City's definitions of "family" and "single housekeeping unit" within the zoning code do not differentiate between related and unrelated individuals, or between disabled and non-disabled individuals, living together. Notwithstanding, in order to promote flexibility to accommodate residents with different living conditions, the City will review and adopt revisions to its zoning code per the objectives below.

Objectives:

- Review and revise the definition of "single housekeeping unit" within the zoning code to provide greater flexibility in consideration of accommodating a variety of household situations for related and unrelated individuals living together.

Timeframe: Review and revise Code by December 2024.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2P: Group Homes

The City has completed an analysis of its regulations applicable to group homes in Section 3 of this Housing Element. Group homes are allowed in all residential zoning districts through a conditional or special use permit. The City will review and adopt revisions to its zoning code applicable to group homes to affirmatively further fair housing and comply with fair housing laws per the objectives below.

Objectives:

- Review and revise the City's zoning code and application procedures applicable to group homes to promote objectivity and greater approval certainty similar to other residential uses.

Timeframe: Review and revise Code by Winter 2024.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

Housing Goal #3
Identify adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels and promote a range of housing types to meet the needs of all segments of the Costa Mesa community.

POLICIES HOU-3

HOU-3.1 Encourage the conversion of existing marginal, underutilized, or vacant motels, commercial, and/or industrial land to residential, where feasible and consistent with environmental conditions that are suitable for new residential development.

HOU-3.2 Encourage the development of well-planned and designed residential or mixed-use projects which, through vertical or horizontal integration, provide for the development of compatible residential, commercial, industrial, institutional, or public uses within a single project, neighborhood, or geographic area within the City.

HOU-3.3 Actively engage and partner with large employers, the Chamber of Commerce, and major commercial and industrial developers to identify and implement programs to balance employment growth with the ability to provide housing opportunities affordable to the incomes of the newly created job opportunities.

HOU-3.4 Consider the potential impact of new housing opportunities and their impacts on existing residential neighborhoods when reviewing development applications affecting residential properties.

HOU-3.5 Encourage residential and mixed-use development along transportation routes and major commercial/mixed use corridors.

HOUSING GOAL 3 IMPLEMENTATION ACTIONS

PROGRAM 3A: Adequate Sites

The City of Costa Mesa is required to maintain an inventory of vacant and underutilized sites and provide this inventory to interested developers as well as make the information publicly available. To keep this list accurate, the City will monitor its status of meeting the Regional Housing Needs Allocation (RHNA) annually and ensure that the City has adequate sites available to accommodate its RHNA.

Objectives:

- Maintain an inventory of vacant and underutilized sites and provide this inventory to interested developers.
- Monitor its status of meeting the Regional Housing Needs Allocation (RHNA) annually and ensure that the City has adequate sites available to accommodate its RHNA. If the City's inventory of adequate sites falls below its remaining RHNA, the City will take actions to identify additional capacity to accommodate the shortfall.
- Promote the development of housing, live/work, and mixed-use development on the sites identified within the inventory through actions such as:
    - Make information on candidate housing sites readily available through a database available to the public.

- Priority processing for candidate housing sites which provide the amount of affordable housing units at the income levels identified within the housing element for individual candidate sites.
- If funding becomes available, the City shall subsidize up to 100 percent of the City's application processing fees for qualifying developments that provide the amount of affordable housing units at the income levels identified within the housing element for individual candidate sites.

Timeframe: Publish candidate housing sites on the City website by December 2023. Provide priority processing for candidate housing sites that meet the outlined requirements throughout the planning period. Market available funding, as available, for projects on candidate housing sites that meet outlined requirements
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind

PROGRAM 3B: Fairview Development Center – State Property

Fairview Development Center, owned by the State of California, is a 109-acre property located at 2501 Harbor Boulevard in Costa Mesa. This property historically housed adults with intellectual and developmental disabilities but is closed and has been identified as surplus property by the State. The City has engaged with the State Department of General Services regarding the future use of the property as a master planned residential/mixed-use community with a substantial affordable housing component and other community amenities.

The City has been coordinating with the State of California Department of General Services (DGS) for future use of the site. The City is considering various zoning strategies permit the residential densities and development of the acreage identified within the candidate housing sites inventory, while also considering expedited permitting.

On June 26, 2022, Senate Bill No. 188 was approved by the State Assembly, which authorized the State to enter into an agreement with the City of Costa Mesa for the City to develop a specific plan for the Fairview Developmental Center property. The State appropriated $3.5 Million to the State Department of Development Services for allocation to the City to facilitate disposition of the Fairview Developmental Center property, by amending the general plan of the City and any appropriate planning documents and zoning ordinances, completing any environmental review, and addressing the economic feasibility of future development to be utilized for a mixed-use development, including mixed-income housing. Pursuant to the Senate Bill, the development would include and prioritize affordable housing, including at least 200 units of permanent supportive housing, and open space.

Objectives:

- Partner with the State to pursue compatible development on the Fairview Development Center site consistent with the State's Site Assessment and the Housing Element's sites analysis to permit residential development at the identified densities.
- Complete rezoning actions at the Fairview Developmental Center through development of a Specific Plan, rezone to an existing City zone, and/or other appropriate rezoning action within three years of an agreement with the State of California. Development at the site will be subject to the City's Inclusionary Housing Ordinance (to be established as outlined in Program 2A) or equivalent affordability requirements and will be subject to development process incentives such as expedited

processing including a dedicated staff project manager to promote future projects within the Fairview Developmental Center property to include affordable housing. The City will develop standards as part of the applicable zoning action to give clear guidance to future development projects with the intent of reducing the time it takes to entitle and develop projects for residential uses. The City will facilitate parceling and site planning at appropriate sizes as part of the Specific Plan, concurrent with the rezoning of the parcel.

- If building permits/entitlements are not issued by mid-2027, the City will identify additional alternative sites within the City that can accommodate a potential shortfall in housing sites to accommodate the remaining RHNA within 180 days of determination of a shortfall of adequate sites as required by SB 166 (No Net Loss) consistent with the objective in Program 3A.
- The City will coordinate land use and zoning efforts concurrent with the city-wide rezoning efforts to implement the housing element. Fairview Developmental Center will go through an RFP process within the next three years to plan to for the development of up to 2,300 residential units (including approximately 900 affordable units).
- On October 4, 2022 the City approved an agreement with the State of California to fund planning services relating to the Fairview Development Center. The agreement stipulates that the State will provide up to $3.5 million in funds to the City to support an up to three-year agreement for a City-led local outreach and land planning effort for the FDC site. The funds will be used for the following land use planning activities: extensive community engagement, technical analysis and infrastructure studies, conceptual land use exhibits and Land Use Alternatives, preparation of a Specific Plan and associated general plan and zoning amendment, preparation of the Environmental Impact Report and associated technical studies pursuant to the California Environmental Quality Act, public hearings and review of the State prepared RFP process for site disposition. The City will facilitate development as appropriate including zoning, incentives, expedited processing and similar actions within three years of final adoption of the 2021-2029 Housing Element.
- Rezoning will be completed to meet all by right requirements pursuant to California Gov Code 65583(h & i)

Timeframe: Negotiate agreement to develop housing at the Fairview Developmental Center site by Winter 2025. or as modified by the State. If unsuccessful, identify additional sites to accommodate shortfall.
Responsible Agency: City of Costa Mesa/State of California
Funding Sources: State and Federal Grant Funds, In Kind

PROGRAM 3C: Update the North Costa Mesa Specific Plan

The North Costa Mesa Specific Plan is an existing specific plan located north of the 405 Freeway, containing a mixture of residential, commercial, office, and cultural/arts uses. Development in this area is typically of higher densities/intensities than other areas in Costa Mesa. This area is a key component of the City's sites strategy for future housing growth.

The City will complete the required zoning code/Specific Plan amendments to update the North Costa Mesa Specific Plan based on the sites analysis to permit residential development at an allowable density up to 90 dwelling units per acre. Through this program, the City will modify development standards to promote residential development at the allowable density. These updates may include amending the boundary of the Specific Plan area as well as revising development standards. The number of housing units able to be

developed in these areas is determined by the density. This program modifies densities within the North Costa Mesa Specific Plan to accommodate the assumptions within the Housing Element.

Objectives:

- Complete the required zoning code/Specific Plan amendments to update the North Costa Mesa Specific Plan based on the sites analysis to permit residential development at an allowable density of up to 90 dwelling units per acre. The City will update standards which apply to the entirety of the specific plan area, including the 16 sites totaling approximately 70.75 acres that are identified within the sites inventory list. 6,435 units identified within the North Costa Mesa Specific Plan across all income levels are identified to meet the City's shortfall in units. As noted in the program, development capacity is determined by density so effectively there are no total unit caps within the North Costa Mesa Specific Plan. Rezoning will be completed to meet all by right requirements pursuant to California Gov Code 65583(h & i)

Timeframe: To be completed by Winter 2025.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: State and Federal Grant Funds (e.g. SB2 LEAP funds), In Kind, General Fund

PROGRAM 3D: Update the City's Urban Plans and Overlays

The City has adopted Urban Plans and overlays that apply to specific planning areas and corridors within the City. These plans are intended to encourage compatible development through modified development standards and guidelines specific to a localized area of the City.

The City will complete the required zoning code amendments to update the existing Urban Plans and Overlays based on the sites analysis to permit residential development at the densities identified in the candidate housing sites analysis. These updates may include amending the boundary of the Specific Plan area as well as revising development standards. Densities for residential development in the separate Urban Plans and Overlays are anticipated to differ depending on the surrounding context and are listed in **Appendix B.** Based on City Council's concerns with displacement of long-term tenants and to preserve the existing housing stock on the west side, the Mesa West Residential Ownership Overlay is proposed to be removed.

The City has identified the acreage shown below in and around the identified Urban Plan and Overlay areas to either be rezoned or have their zoning characteristics modified through changes to the development standards within the existing Urban Plans. Urban Plan and overlays do not change the base zoning of a parcel, but rather add flexibility in development potential, including uses and densities. There are no caps on residential development within the Urban Plan and Overlay areas.

Objectives:

- Complete the required zoning code amendments to update the existing Urban Plans and Overlays based on the candidate housing sites analysis to permit residential development at the identified allowable densities:
    - 19 West Urban Plan (50 du/ac). The City will update standards which apply to the entirety of the 19 West Urban Plan area, including the 12 sites totaling approximately 12.97 acres that are identified within the sites inventory list. 640 anticipated dwelling units identified

within the 19 West Urban Plan across all income levels are identified to meet the City's shortfall in units. This update will include appropriate development standards to facilitate allowable densities.

- SoBECA Urban Plan (60 du/ac). The City will update standards which apply to the entirety of the SoBECA Urban Plan area, including the 18 sites totaling approximately 12.33 acres that are identified within the sites inventory list. 732 anticipated dwelling units identified within the SoBECA Urban Plan across all income levels are identified to meet the City's shortfall in units. This update will include appropriate development standards to facilitate allowable densities.
- Mesa West Bluff Urban Plan (40 du/ac). The City will update standards which apply to the entirety of the Mesa West Bluff Urban Plan area, including the 16 sites totaling approximately 27.02 acres that are identified within the sites inventory list. 1,071 anticipated dwelling units identified within the Mesa West Bluff Urban Plan across all income levels are identified to meet the City's shortfall in units. This update will include appropriate development standards to facilitate maximum densities.
- Harbor Mixed-Use Overlay (50 du/ac). The City will update standards which apply to the entirety of the Harbor Mixed-Use Overlay area, including the 27 sites totaling approximately 29.38 acres that are identified within the sites inventory list. 1,485 anticipated dwelling units identified within the Harbor Mixed-Use Overlay across all income levels are identified to meet the City's shortfall in units. This update will including appropriate development standards to facilitate maximum densities.

- Remove the Mesa West Residential Ownership Overlay.
- Rezoning will be completed to meet all by right requirements pursuant to California Gov Code 65583(h & i)

Timeframe: To be completed by Winter 2025.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: State and Federal Grant Funds (e.g., SB 2 LEAP funds), In Kind, General Fund

PROGRAM 3E: Promote the Development of Accessory Dwelling Units (ADUs)

Costa Mesa has single-family and multi-family residential neighborhoods which create the environment for accessory dwelling units to be built. As discussed in the analysis in **Chapter 3**, new State laws, combined with relaxed development standards (such as waiver of parking requirements along with increased educational efforts by the City) have resulted in an increased number of ADUs being permitted and constructed since 2018. The City anticipates continued growth in ADU development as the concept becomes more common within Southern California. The City will implement programs with the intent of promoting the development of accessory dwelling units within the 6th cycle including the following.

Objectives:

- Review and revise the City's ADU ordinance as necessary to comply with State law.
- Coordinating with the County on implementation of a permit-ready ADU program.
- Post a user-friendly FAQ on the City's website to assist the public.
- Offer permitting fee waivers, as funding is available.
- Creating an expedited plan check review process to ease the process for homeowners.

- Research potential State and Regional funding sources for affordable ADUs and make the information found publicly available to homeowners.
- Engaging with residential development applicants regarding ADU opportunities that may not have been considered.

Timeframe: Program components analyzed within by December 2023., with implementation by December 2024. Review and revise the ADU ordinance within one year.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind, General Fund

PROGRAM 3F: Motel Conversions, Efficiency Units, and Co-living Housing Types

The City does not currently have a definition or standards within the Zoning Code that address permitting co-living units, efficiency units, or other development types with small unit sizes and shared facilities. Motel conversions to permanent housing are referenced in the Zoning Code but policies and standards have not been updated for many years and may serve as an impediment to conversions. Participants in the City's community outreach process expressed that these types of units may meet a need for students, young professionals, seniors, or anyone within the community who may desire smaller housing unit options that are more affordable. Additionally, the City's analysis in **Chapter 2** showed that non-family households made up an estimated 40.2 percent of total households within Costa Mesa in 2018. Co-living or flexibility in housing types may present increased housing options at different affordability levels for this large portion of households in Costa Mesa.

If an appropriate project becomes available, the City will explore opportunities to implement motel conversions through Project Homekey understanding that it is a competitive grant process that does not guarantee funding. City Council has authorized staff to submit grant applications for two projects under project Homekey and has approved a funding commitment of up to $~~3.5~~5.85 million for local match funding for one or two Homekey projects, contingent upon award of State Homekey Program grant. A qualified /experienced City staff member has been assigned to manage these potential program activities.

Objectives:

- Establish definitions of co-living and efficiency housing options within the Costa Mesa Zoning Code
- Develop informational materials which outline the City's process for permitting efficiency unit and co-living housing types and distribute them to interested members of the development community.
- Explore opportunities to implement motel conversions through Project Homekey.
- Comply with State and Federal laws related to displacement and relocation of long-term residents when considering motel conversion opportunities.

Timeframe: To be completed by December 2024.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: State and Federal Grant Funds (e.g., HUD funds, State Project Homekey funds), In Kind

PROGRAM 3G: Address City-wide Vote Requirement in Relation to Housing Element Compliance

As it exists upon adoption of the 2021-2029 Costa Mesa Housing Element, the City's Municipal Code requires voter approval of certain changes in land use, defined as those projects that amend, change or replace the General Plan, the Zoning Code, a specific plan, or an overlay plan, (collectively, legislative changes) and that involve any one of the following changes: adds 40 or more dwelling units, generates more than 200 additional average daily trips; increases the volume/capacity of an intersection based on specified formulas; changes the intersection capacity utilization or level of service based on specified formulas; adds 10,000 square feet of retail, office or other nonresidential; or, where the proposed project, combined with other projects within 8 years and a half mile of each other, meet the above criteria. Additionally, voter approval is required for projects that involve one of the above legislative changes and: changes from public uses to private uses under specified circumstances; land designated as utility right-of-way under specified circumstances; land donated, bequeathed, or otherwise granted to the City; land used or designated for Costa Mesa school property; or land owned, controlled, or managed by the City.

Through extensive community outreach with Costa Mesa residents, housing advocates, and members of the development community, the City of Costa Mesa has continued to contemplate the role of the City-wide vote requirements in relation to the City's 2021-2029 Housing Element Update. State HCD has identified the City-wide vote process as a clear constraint to the future development of residential uses within the City, a constraint to implementing the land use and zoning changes necessary to achieve State-mandated compliance with the RHNA allocation, and also conflicts with meeting State housing requirements. The City recognizes that it must, in coordination with guidance from the City Attorney and input from the community, determine a path forward to be able to adopt the subsequent changes to specific plans, urban plans, and overlays that are necessary to implement the City's adopted Housing Element and meet the City's RHNA allocation.

The City may move forward with adoption of a state-mandated Housing Element Update; however, it is not clear how the City-wide vote requirement affects the associated rezones and revisions to existing specific plans, urban plans, and overlays included as program actions within the Housing Element.

The City will take the following steps to identify and address specific ways in which the City-wide vote process functions as a constraint to housing compliance, the city's housing goals, and other shared community goals.

Milestones	Timing For Completion
(1) Engage the community and other stakeholders, and complete legal analysis necessary to identify appropriate modifications to the City's Municipal Code requirement for voter approval	Complete by June 2022
(2) Prepare ballot measure language and obtain City Council approval for placement of modifications on the ballot for the November 2022 general election.	Complete by August 2022
(3) Inclusion of the proposed measure on the Ballot of Local Election.	Complete by November 2022
(4) Creation and adoption of an inclusionary housing ordinance. The Municipal Code exempts "affordable housing proposals required by state or federal law" from the City-wide vote requirement. A City Council- approved inclusionary housing ordinance provides an opportunity to address affordable housing needs City-wide.	Within 12 months of final adoption of the Housing Element, consistent with Program 2A

Milestones	Timing For Completion
(5) Engage in a community planning and visioning process. Prepare General Plan amendments, rezones, and revisions to existing specific plans, urban plans, and overlays included as program actions necessary to meet the City's RHNA allocation as identified within the Housing Element. Complete appropriate technical studies and CEQA compliance documents. Obtain City Council approval.	Complete by June 2025
(6) If there is a continued shortfall of sites after a Ballot Measure vote, the City will request an opinion from the State's Attorney General's Office as to the City's options, or other equivalent actions to ensure adequate sites to accommodate the City's RHNA and address constraints to development.	Complete by December 2025

In addition to these actions, beginning in 2022 and in conjunction with the City Attorney's Office, the City will evaluate and pursue various options to minimize the constraints of a city-wide vote requirement on housing by providing the City Council greater discretion in approving housing and affordable housing projects to comply with all requirements in State Housing Element law without further ballot initiative.

Objective:

- Minimize the constraint of a city-wide vote requirement on creation of housing including affordable housing through the modification of existing City overlays, urban plan areas, and specific plans to rezone candidate housing sites that can accommodate affordable housing and a variety of mixed use/ housing options near jobs and transit. By 2025, initiate a ballot measure, or other alternative option, to provide City Council greater discretion in approving affordable housing and mixed use/ housing options in appropriate locations.

Timeframe: To be completed by Winter 2025.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind/General Fund

PROGRAM 3H: Analyze the Potential of Establishing an Overlay to Permit Residential Uses in the Airport Industrial Area

The airport industrial area presents an opportunity for future housing growth. There are several sites within this area that do not fall within significant noise contours relating to operations at John Wayne Airport. The City has not included any sites within this area within the candidate housing sites analysis in **Appendix B** but recognizes that this area may be able to accommodate housing within the planning period.

Objectives:

- Evaluate the potential to add an overlay to an area in the airport industrial area which would permit residential development.
- Complete a market analysis to determine the potential factors involved with permitting residential uses in the airport industrial area.

Timeframe: To be completed by Winter 2025.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind, General Fund

PROGRAM 3I: Analyze the Potential of Establishing an Overlay to Permit Residential Uses in the 17th Street Corridor Area

The 17th Street corridor has developed into a successful commercial and restaurant hub within the City of Costa Mesa. This area presents the opportunity for focused mixed-use development which would further enliven the corridor through the addition of residential uses. The City has not included any sites within this area within the candidate housing sites analysis in **Appendix B** but recognizes that this area may be able to accommodate housing within the planning period.

Objectives:

- Evaluate the potential to add an overlay to an area in the 17th Street corridor area which would permit residential development.
- Complete a market analysis to determine the potential factors involved with permitting residential uses in the 17th Street corridor area.

Timeframe: To be completed by Winter 2025.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind, General Fund

PROGRAM 3J: Analyze the Potential of Modifying the Newport Boulevard Specific Plan to Promote Residential Uses along Newport Boulevard

The Newport Boulevard corridor contains a mix of commercial uses including 1980's-era motels on small lots fronting Newport Boulevard adjacent to SR-55, with established residential communities located in close proximity. This area presents the opportunity for focused mixed-use development which would further enliven the corridor through the addition of strategically located residential uses. The City adopted a Specific Plan for the area in the 1990's which allows for residential development; however, many of its policies have not been updated. The City has not included any sites within this area within the candidate housing sites analysis in **Appendix B** but recognizes that this area may be able to accommodate housing within the planning period.

Objectives:

- Evaluate potential modifications to the Newport Boulevard Specific Plan that would promote quality residential development.

Timeframe: To be completed by Winter 2025.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind, General Fund

PROGRAM 3K: Explore Potential Future Housing Opportunities on Church Sites

The City did not identify any church properties as housing opportunity sites within the 2021-2029 Housing Element but believes these partnerships with the local faith-based organizations that serve Costa Mesa could be an important component of the overall process of creating more affordable housing in the community.

Objectives:

- Collaborate with members of the faith-based community to discuss housing and the unique opportunities and challenges faced by faith-based organizations when considering creating housing opportunities on church properties with the potential for wrap around services.
- Develop materials outlining the development process and make them available on the City's website.

Timeframe: Develop online materials on the development process by December 2023 and update, as necessary.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind, General Fund

PROGRAM 3L: Annual Progress Reports

The Annual Progress Report outlines the status of residential development projects within the City at various phases of the development process as well as the City's progress towards meeting the stated program actions within the Housing Element. The report is due to the State Department of Housing and Community Development (HCD) each year within a timeline determined and published by the State.

Objectives:

- Annually complete the required housing status reporting through the City's Annual Progress Report.

Timeframe: Annually complete and submit an Annual Progress Report to HCD.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind

PROGRAM 3M ADU and JADU Monitoring Program

ADUs and JADUs may be developed in addition to an existing single- or multi-family residential use and can provide a source of affordable housing for family members, students, and other members of the community. As a result of new legislation and an increased effort by the City to promote ADUs, the City has seen an increase in applications in recent years and anticipates growth throughout the planning period, as detailed in **Appendix B** of this Housing Element.

Objectives:

- Create a monitoring program to track ADU and JADU development and affordability levels throughout the planning period.
- Conduct a review of ADU development and affordability every two years and make adjustments to accommodate a potential shortfall if determined necessary (i.e. additional incentives for ADU development or identification of adequate sites to meet the City's identified unaccommodated need).

Timeframe: Monitoring program created by Winter 2025. Reviews conducted every two years throughout the planning period, and potential adjustments made within six months.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind

PROGRAM 3N: Candidate Sites Used in Previous Housing Elements

Pursuant to State Housing law, candidate sites identified in this Housing Element to accommodate a portion of the City's low- and very low-income RHNA that were identified in previously adopted Housing Elements must be rezoned to allow residential use by right at specified densities for housing developments in which at least 20 percent of the units are affordable to lower income households. By right shall mean the jurisdiction may not require a Conditional Use Permit or other discretionary, local-government review or approval that would constitute a "project", except if the project requires a subdivision; however, the City may impose objective design review standards on projects.

The City has identified as part of this Housing Element updated vacant and nonvacant sites that were used in previous Housing Elements to meet the current RHNA need. This can be found in Table B-6 in Appendix B.

Objectives:

- Place a housing overlay zone over all nonvacant sites included in a prior Housing Element and all vacant sites included in two or more consecutive planning periods that permits by right housing development for projects that meet the requirements of State housing law (Gov Code Section 65583.2(c).

Timeframe: To be completed by Winter 2025.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind

PROGRAM 3O: Water and Sewer Resources

Pursuant to Chapter 727, Statues of 2005 (SB 1087), the City of Costa Mesa is required to deliver its adopted Housing Element and any amendments thereto to local water and sewer service providers. This legislation allows for coordination between the City and water and sewer providers when considering approval of new residential projects. Additionally, cooperation with local service providers will support the prioritization of water and sewer services for future residential development, including units affordable to lower-income households.

Objectives:

- Submit the General Plan amendment and rezone sites to local water and sewer providers for their review and consideration when reviewing new residential projects.

Timeframe: To be completed by July 2023.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind

PROGRAM 3P: Federal/State Housing Programs

The City will provide technical assistance to developers, nonprofit organizations, or other qualified private sector interests in the application and development of projects using Federal and State housing programs/grants. Additionally, the City will continue to partner with the OC Housing Finance Trust to identify potential funding sources.

Objectives:

- Provide technical assistance to developers, nonprofit organizations, or other qualified private sector interests in the application and development of projects using Federal and State housing programs/grants.
- Continue to partner with the OC Housing Finance Trust to identify potential funding sources.

Timeframe: Annually market available Federal and State housing programs and grants. Meet with qualified interested parties annually to provide technical assistance. Partner with the OC Housing Finance Trust throughout the planning period to identify additional potential funding sources.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Sources: State and Federal Grants, OC Housing Finance Trust

PROGRAM 3Q: Lot Consolidation

The City of Costa Mesa has identified several candidate housing sites that are smaller than half an acre in size. These sites are identified within **Table B-6** under the "Potential Consolidation" column of the table. Assembly Bill 1397 identifies general size requirements for candidate housing sites of greater than half an acre and less than 10 acres in size. The City has only identified sites smaller than half an acre which show the likelihood of redeveloping in conjunction with other parcels which collectively meet the half acre requirement.

Objectives:

- Promote consolidation of residential properties to the development community and property owners to facilitate and promote the development of housing on smaller sites.
- Maintain information on the lot consolidation process and fees online and at City Hall.
- Continue to provide streamlined measures to facilitate consolidation and establish a menu of incentives by 2025
- Evaluate the effectiveness of streamlining measures by midpoint and make adjustments within 6 months

Timeframe: To be completed by December 2023., outreach and promote lot consolidation to the development community/property owners, and publish and maintain updated information on the City's lot consolidation processes and fees online and at City Hall.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: General Fund

PROGRAM 3R: Development of Large Sites

The City of Costa Mesa has identified several candidate housing sites that are larger than 10 acres in size as identified previously in Appendix B. Assembly Bill 1397 identifies general size requirements for candidate housing sites of greater than half an acre and less than 10 acres in size. These sites are:

- Fairview Developmental Center (Addressed separately in **Program 3B**)
- Sakioka Lot 2
- Home Ranch
- South Coast Plaza (assumed 15 acres of the entire property with existing use to remain)
- Pacific Arts Plaza

With the exception of the Fairview Development Center which is addressed separately, all of these properties are regulated by the North Costa Mesa Specific Plan and the zoning will be updated per the objectives in **Program 3C.** Additionally, most of these properties have development agreements which already anticipate the development of housing under existing zoning regulations. These agreements may be modified as necessary to reflect additional housing units and re-zoning as identified by the programs within this housing element. These agreements have been amended in the past so there is precedent for modifying them to adjust to market trends and current development conditions. Therefore, there are no unit caps within the City which would limit the number of units which can be developed on these sites. The sites will be planned to the densities provided within the City's zoning code as amended by the programs within this housing element.

Furthermore, the City has engaged each of these property owners multiple times throughout the development of the Housing Element and the anticipated number of units within the candidate sites inventory is based on input received. These assumptions have been reviewed in depth and the City has confirmed that these sites meet all requirements for the candidate sites inventory and they are likely to develop with residential uses within the planning period.

As stated below, the City will evaluate the development status of these sites within three years of the zoning amendments being completed to the North Costa Mesa Specific Plan. If there are not clear indications that the development of residential units is likely to occur within the planning period, the City will review its current RHNA progress and identify additional candidate sites within one year if necessary.

Objectives:

- Evaluate the development status of the five identified large candidate sites within three years of the applicable zoning amendments being completed. If the sites show no indication of development progress including the assumed density and affordability, the City will review current RHNA progress and identify additional candidate sites within one-year if necessary.
- Continue outreach to property owners through annual meetings. Provide technical assistance, incentives, and strategies as appropriate to facilitate the development of affordable housing, including parceling at appropriate sizes or other tools.
- Promote development of large sites at the densities and affordability levels identified within the housing element.
- Promote the potential subdivision of large sites into multiple parcels for future development through technical assistance, incentives, and strategies during the initial development phases and when applications come into the City for the identified parcels.

Timeframe: Direct outreach to property owners two times per year throughout the planning period. Review of development progress and potential identification of additional candidate housing sites following the schedule within the objectives.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: General Fund

PROGRAM 3S: Review and Revise Findings

The City of Costa Mesa has reviewed the approval findings for the three entitlement processes which are potentially applicable to residential development: Conditional Use Permits, Design Review, and Master Plan. Although no projects have been denied due to not meeting the specific findings noted in Section 3, the City found that some approval findings may be interpreted broadly and could be modified for clarity.

Objectives:

- Review all approval findings for Conditional Use Permits, Design Review, and Master Plans and revise findings which are capable of being interpreted broadly, with the goal of improving housing cost, supply, timing of approvals, and approval certainty.

Timeframe: To be completed by December 2023.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: General Fund

Housing Goal #4
Provide housing opportunities to residents of all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

POLICIES HOU-4

HOU-4.1 Support equal housing opportunities as expressed in Federal and State fair housing laws.

HOU-4.2 Promote actions and programs that provide fair housing and counseling services and other housing assistance programs for all Costa Mesa residents in an effort to remove barriers and promote access to affordable housing in the City as funding is available.

HOU-4.3 Encourage and support the construction, maintenance and preservation of residential developments which will meet the needs of families and individuals with specialized housing requirements, including those with developmental disabilities.

HOUSING GOAL 4 IMPLEMENTATION ACTIONS

PROGRAM 4A: Fair Housing

The City of Costa Mesa participated in the 2020-24 update to the Orange County Analysis of Impediments to Fair Housing Choice, as well as completed an analysis of local factors to fair housing issues in the City within the Housing Element. Through each analysis, the City identified the following fair housing issues:

- Housing Discrimination
- Racial and Ethnic Segregation
- Unfair Lending
- Overcrowding

As part of the AFFH assessments, the City also identified the following factors as contributing to fair housing issues in Costa Mesa:

- Community Opposition
- Lack of Investment in Specific Neighborhoods
- Displacement of Residents Due to Economic Pressures

Pursuant to AB 686, the City will affirmatively further fair housing by taking meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will continue current efforts to further fair housing as well as implement the actions identified in the following table to mitigate local contributing factors to fair housing issues in Costa Mesa.

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
Type: Housing Mobility				
Housing Discrimination	1. The City will continue to work in collaboration with the Orange County Housing Authority (OCHA) to implement the Housing Choice Voucher Program. The City contracts with Fair Housing Foundation (FHF), a HUD-approved housing counseling agency, to provide fair housing services to the City of Costa Mesa including educational programs for both landlords and tenants. FHF provides free Fair Housing Workshops that are open to anyone to attend. Workshops cover: Federal & State Fair Housing Laws, Housing Discrimination, Modifications & Accommodations, Rental Application Process, General Guidelines, Families with Children, Notices, Eviction Process, Security Deposits, Habitability & Repairs, Rent Increases, Occupancy Standards, and more. The City's Network for Homeless Solution (NHS) Department is staffed with eight individuals with a budget of over one million dollars to provide a	Priority Level 1 ~~Annual workshop.~~ Continue to collaborate with OCHA Housing Voucher Program Continue to contract with FHF or other HUD-approved housing counseling agency every year Update City Housing Webpage to include information on OCHA Housing Voucher Program housing-related events provided through OCHA, FHF, City's Network for	Census tracts with higher rates of housing choice vouchers usage: 631.02, 632.02, 636.04, 636.05, 637.01, 637.02, 638.07, 639.04, 639.06, 639.08 ~~City-wide~~	~~Decrease future fair housing related issues by hosting at last one annual workshop throughout the Planning Cycle.~~ • Costa Mesa's HCD staff will continue to attend quarterly OCHA Housing Advisory Committee meetings to enhance the exchange of information regarding the availability, procedures, and policies related to the Housing Assistance Voucher Program and regional housing issues. The City's website will be updated to include information and encourage participation in OCHA's Housing Choice Voucher Program and public events on a quarterly basis or as they are available. • The City will assist approximately 200 unduplicated residents with fair housing services every

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
	comprehensive system of care aimed at providing a complete continuum of programs and services for residents experiencing homelessness and those at risk for homelessness. One of the Department's main day-to-day function is to assist and advocate for fair housing; including assisting community members that may quality for housing vouchers, including, providing ~~Offer~~ landlord education on fair housing practices and voucher programs.	Homeless Solutions, City's Housing and Community Development, and other non-profit events - December 2023		year, through the CDBG contract with Fair Housing Services provider. • Through the City's contract with FHF, a minimum of 3 fair housing workshops will be provided to residents each fiscal year. The workshops may be in-person or virtual workshops and are open to anyone to attend. They will be regularly offered in English and Spanish. • The City will advertise Fair Housing Workshops and webinars on the City's Housing webpage, through social media outlets and distribute flyers in both Spanish and English. • The Fair Housing Foundation will advertise workshops with flyers sent to community based organizations, a news release, and advertisement on their website and through social media. • FHF will continue to offer the following outreach and promotional information for each workshop: send workshop flyers through mail to city departments, libraries, community centers and other community organizations with heavy foot traffic one

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
				month before workshop; send out press release via email to local media, city and organizations one month before workshop; post on social media (Facebook, Instagram, Twitter) one week and one day before workshop, and workshop is added to the calendar on FHF website as soon as it's scheduled. Literature on FHF services and protections are regularly sent to libraries and community based organizations. Outreach materials are available in Spanish and Vietnamese. With proper notice, FHF can arrange for interpretation for other languages including sign language for the virtual workshops. • The City's NHS Department will continue to meet with landlords to provide information regarding the voucher programs and other educational programs as part of their day-to-day operations.
	~~1.~~ OCHA administers the Housing Choice Voucher Program for the City of Costa Mesa. The City's NHS Department will continue to assist and advocate for voucher	**Priority Level 2** By December 2024.	City-wide	~~Assist particular groups in accessing housing choice vouchers by extending search times.~~ The City's NHS Department will

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
	participants to receive extensions on 2. ~~Extend~~ search times for particular groups with housing choice vouchers, such as larger families with children or persons with disabilities.			continue to assist and advocate for voucher program participants as part of their day-to-day operations. In 2022, the NHS Department assisted over 400 participants. The NHS Department staff interacts with people experiencing or at-risk for homelessness to identify needs and voucher programs that they may qualify for. The Department staff will assist clients in extending search times, locating units and setting up appointments with landlords; as well as, drive clients to potential housing sites. The Department staff will also attend Match meetings on behalf of the client to ensure that they are fairly represented and their needs are met. The City's NHS will continue to provide high quality service to those in need
	3. Accessibility programs focused on improving access to housing, transit, public buildings and facilities, sidewalks, pedestrian crossings, and businesses.	Priority Level 2 Identify and adopt programs by December 2024.	~~City wide~~Census tracts with greater than 10% population with a disability: 636.01, 636.04, 638.02, 638.07, 639.05	• ~~Improve accessibility throughout the community~~ Establish and implement new programs geared at improving accessibility in the focus areas by coordinating with Public Works Department to prioritize accessibility programs focused on improving access to housing, transit, public buildings and facilities, sidewalks, pedestrian crossings, and businesses.

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
				• Identify and pursue a minimum of 2 funding opportunities annually to address accessibility issues. • Host a workshop with relevant organizations and groups to identify specific needs in the target areas for persons with disabilities. Invite at least five organizations. Establish programs and identify applicable funding within one year following feedback. • Conduct an annual survey to receive feedback on accessibility and resources throughout the community. • Work with developers, applicants, property owners early in the land use/housing development to identify, provide for, and improve accessibility
	4. ~~Encourage collaboration between local government and community land trusts~~ Continue to participate in regional and local agencies efforts and collaborate with non-profit housing organizations ~~as a mechanism~~ to develop affordable housing in higher-opportunity areas. Including, but not limited to, the Joint Power Authority (JPA) – Orange County Housing Finance Trust (OCHFT) and Housing Committee.	Priority Level 1 ~~Annually facilitate collaboration through outreach and meetings.~~ Ongoing and continue to actively participate in regional and local agencies efforts to develop affordable	~~Areas of high opportunity~~ Highest Resource census tracts: 638.05, 638.06, 639.02, 639.04 High Resource census tracts: 626.1, 631.02, 636.01, 637.02, 638.02, 638.03, 638.07, 639.03, 639.05, 639.06, 639.07, 639.08,	~~Develop affordable housing in higher-opportunity areas of the City through annual outreach and meetings.~~ Continue to participate in the Orange County Housing Opportunities Committee and the JPA – OCHFT. These entities commit State, County and local funds to build affordable units. The City of Costa Mesa has a joint Homekey project with the County of Orange to

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
		housing; including participating in community outreach and meetings.		convert a Motel 6 to 88 units of permanent supportive housing. This project is being completed in two phases and the City plans to apply for funding for the second phase with the JPA-OC Housing Finance Trust. The City will continue to advocate for affordable housing development opportunities and facilitate the development of at least five residential development projects, with affordable units, in areas of high opportunity. The City is also collaborating currently with Jamboree Housing to develop approximately 60 affordable housing units at the City's existing Senior Center
Racial and Ethnic Segregation	1. Conduct affirmative marketing to increase awareness and diversity throughout the city and in Racially Concentrated Areas of Affluences (RCAA). This may include, but is not limited to, noticing of affordable units/projects through direct mail targeted outreach to lower income census tracts, publishing advertising materials in multiple language, informing service agencies, outreach to community organizations or places of worship. As part of the City's affirmative marking to increase awareness of the City's rental assistance program and production of affordable housing, the Department of NHS and Housing and Community Development will continue to inform the community by disseminating information at local School District, local non-	Priority Level 1 ~~Annual~~ Ongoing and continue to market~~ing~~ and outreach as programs are available.	~~City wide~~ RCAA census tracts: 638.05, 638.02, 636.01, 631.03, 633.02 Census tracts with greater than 10 percent population living below the poverty line: 626.1, 632.01, 633.01, 636.04, 636.05, 637.01, 637.02, 638.07, 638.08, 639.04, 639.07 High Segregation and Poverty census tract: 636.05	• ~~Metrics for this action are difficult to quantify. The City will promote actions which address racial and ethnic segregation as they continue to relate to fair housing issues in Costa Mesa.~~ Continue to conduct affirmative marketing for each new project that is developed with affordable units. • Department of NHS as part their daily activities, will continue to work with clients to identify household needs and locate affordable housing. • Conduct a biennial survey of affordable

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
	profit organizations and religious institutions, hand out flyers and utilize the City's website and various social media platforms.			units to identify how households find affordable units – aim for 25 percent of households, at minimum, to find affordable units through affirmative marketing within the City limits.
	~~Outreach specifically to low and very low-income communities and conduct targeted outreach to residents with moderate and high levels of segregation. This may include similar commitments as those list above. The goal is to facilitate the development of affordable units throughout the City in a way that provides equal access to resources and promotes diversity.~~	~~Priority Level 1~~ ~~Annual workshop and outreach.~~	~~Census tracts with greater than 10 percent population living below the poverty line: 626.1, 632.01, 633.01, 636.04, 636.05, 637.01, 637.02, 638.07, 638.08, 639.04, 639.07~~ ~~High Segregation and Poverty census tract: 636.05~~ ~~RCAA census tracts: 638.05, 638.02, 636.01, 631.03, 633.02~~ ~~City-wide and focused areas of need~~	~~Metrics for this action are difficult to quantify. The City will promote actions which address racial and ethnic segregation as they continue to relate to fair housing issues in Costa Mesa.~~ ~~Lose the TCAC Area of High Segregation and Poverty rating on census tract 636.05.~~ ~~Increase income diversity in census tracts that report high rates of poverty and in RCAAs.~~
Type: Housing Choice and Affordability in Areas of Opportunity				
Unfair Lending	1. Continue ~~I~~targeted investment and programs, including sweat equity, down payment assistance, and new rental construction. The City currently utilizes Redevelopment Successor Funds, HOME, CDBG, and American Rescue Plan Act (ARPA) Funds to support these investments and programs, and will continue to leverage these and other funding resources.	**Priority Level 2** By December 2024. Review funding opportunities annually. By December 2024, post on the City's website and otherwise disseminate information	City-wide	Continue to ~~i~~dentify investments and programs to provide assistance for homeowners and residential development. Yearly, contact HUD Office of Fair Housing and Equal Opportunity (FHEO) and the local Fair Housing Foundation and request information regarding discriminatory housing practices in the City of

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
	~~1.~~2. Post on the City's website information regarding the Fair Housing Act and the unlawful lending practices based on race, color, national origin, religion, sex, familial status or handicap. Provide a link on the City's website to HUD's how to file a fair housing discrimination complaint, and to the Fair Housing Program funding and resources and other resource similar agencies that can provide legal aid.	thought the community regarding the Fair Housing Act and the unlawful lending practices based on race, color, national origin, religion, sex, familial status or handicap.		Costa Mesa. Specifically, request local information to assess if the FHEO is receiving and the City is experiencing significant amounts of fair housing complaints. If the City is experiencing an abundance of these housing issues and/or the housing complaints are increasing from previous years, contact the FHEO and request guidance on what a local agency can do to reduce these types of housing issues, then follow up with an applicable response program.
Community Opposition	1. Develop an educational housing campaign to address community opposition. This may include, but is not limited to, community workshops on housing, educational materials, partnerships with community organizations and groups. During the City's required housing program updates outreach efforts, include education on the importance of providing housing for all segments of the community and all income levels.	**Priority Level 2** By December 2024.	~~City-wide~~Commercial and Industrial Corridors, Housing Element Sites and surrounding communities	• ~~Inform the community.~~ Conduct extensive community outreach as part of Housing Element Visioning Program and Housing Element Zoning efforts. The outreach efforts will elicit community input to shape priorities and goals to guide future revitalization and residential development of the City's commercial and Industrial corridors identified in the Housing Element, urban plans, and specific plans. • For housing projects that are proposed by the City, staff will continue to reach out to surrounding neighborhood and local non-profit organizations to

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
				provide informational and educational materials through the City's website, radius notification direct mailing, provide site tours of successful nearby housing development, and include similar information on Costa Mesa TV videos.
Displacement Due to Economic Pressures	1. Adopt inclusionary requirements.	**Priority Level 1** By December 2023.	City-wide	Complete Feasibility Analysis, conduct community outreach and study sessions, prepare ordinance and program guidelines. Adopt and implement inclusionary requirements by December 2023.
	2. As funding resources are available for housing development, the City will release an RFP/NOFA to partner ~~Work~~ with developers to develop ~~and interested parties to increase feasibility and opportunities for both~~ affordable housing and multigenerational housing. Administer annual workshops and meetings, specific outreach and surveys, adopt incentive packages, fee waivers, and priority processing for projects that include affordable housing. Prepare educational material and update City's website to encourage and streamline ADU development as a housing option for families.	**Priority Level 1** Begin outreach and collaboration by December 2023. Annually outreach and discuss opportunities and issues. If changes are necessary based on feedback, adopt within a year. Review annually as necessary.	City-wide	• Provide opportunity for affordable housing and multigenerational housing development with the goal of developing a minimum of 100~~10~~ new affordable and multigenerational housing units on public properties and on private property consistent with the City's RHNA throughout the Planning Cycle. Housing options includes ADU development and SB-9 qualified duplexes. • Continue to reach out to developers and non-profit organizations when opportunities are available through the City's HOME funding program and Redevelopment

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
				Successor Agency program for low and moderate income level housing. • Annually outreach and collaborate with the development community (at least three local developers) to discuss opportunities and issues. • Adopt incentives and changes based on feedback received.
	~~2.~~3. Continue to work with Orange County Community Resources to update and ~~M~~make information on affordable housing units (including information on size and type) available to the public on City's Housing webpage.	Priority Level 1 By December 2023. Review annually and update as necessary.	City-wide	• Continue to make information on affordable housing units available to the public on City's webpage. • Maintain information updated throughout the Planning Cycle. ~~Inform the community of affordable housing opportunities.~~
Type: Place-Based Strategies – Conservation and Revitalization				
Investment in Specific Neighborhoods	1. Targeted investment in areas of low resource and high segregation and poverty ~~most need~~ focused on improving community assets such as schools, recreational facilities and programs, social service programs, parks, streets, active transportation and infrastructure. Continue to utilize HOME Investment Partnership and CDBG funds for community improvement programs in areas of low resources high segregation and poverty. Continue to fund Community Improvement Division's activities for community educational programs and cleanup activities; for example in 2022 the City	Priority Level 2 By December 2024. Review funding opportunities and community need annually.	Low Resource and High Segregation and Poverty TCAC census tracts 636.04, 636.05, 637.01, 638.08~~Areas most in need~~	• Annually provide funding and pursue new opportunities to address resources and facilities in areas of low resource and high segregation and poverty. • Coordinate with local organizations and groups to identify specific needs and disseminate information on new improvements as they occur. ~~Provide assistance to areas of need.~~ • Update Community Improvement Division

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
	provided clean-up efforts at Shalimar/James, Fillmore/Coolidge, and Mission/Mendoza neighborhoods.			website and disseminate on social media information to promote neighborhood clean-up activities and provide resources and educational information. Continue to set-up informational booths at local public events to provide information regarding clean-up events, waste-hauling, City HCD Grants, Fair Housing, and links to report issues and resources.
	2. Facilitate inter-governmental coordination on areas of low resource and high segregation and poverty. This may include, but is not limited to, annual meetings and workshops, outreach to partner agencies and departments, and partnerships to prioritize, fund and implement neighborhood improvement programs. ~~high need.~~	**Priority Level 2** Annually host inter-governmental meetings. Review funding opportunities and community need annually.	Low Resource and High Segregation and Poverty TCAC census tracts 636.04, 636.05, 637.01, 638.08~~Areas most in need~~	• Annually host an inter-governmental meetings to discuss partnerships, funding, and implementation of a variety of programs. • Pursue new funding opportunities during the planning period (a minimum of three new neighborhood improvement programs).~~Provide assistance to areas of need.~~
	3. Prioritize capital improvement programs in areas of ~~high need~~low resource and high segregation and poverty. Continue to seek CDBG funds for Capital Improvement projects in these areas.	**Priority Level 2** By December 2024, Review funding opportunities and community need annually.	~~Areas most in need~~Low Resource and High Segregation and Poverty TCAC census tracts 636.04, 636.05, 637.01, 638.08	• Prioritize capital improvement programs in areas of low resource and high segregation and poverty by identifying these areas specifically in the City's Capital Improvement Program. Create a list of CIP projects that can be prioritized and considered when

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
				funding is available to improve community needs in areas of low resource and high segregation and poverty. • Each year of the Planning Period, conduct a review of one applicable census tract to identify gaps in the CIP and allocate a 20 percent of CDBG funding towards this community area. ~~Provide assistance to areas of need.~~
	4. Adopt Environmental Justice policies to address the needs of SB 535 Disadvantaged Communities, which overlaps with the TCAC Area of High Segregation and Poverty census tract.	Priority Level 1 By December 2023 – in conjunction with Program 2G.	Census Tract 636.05	• Adopt Environmental Justice policies into the City's General Plan, and conduct outreach as part of the adoption process. • Engage households within the applicable census tract to discuss and receive feedback on environmental justice issues and solutions.
Type: Protection from Displacement				
Housing Discrimination/ Unfair Lending	1. Continue to ~~P~~provide resources and/or services for multi-lingual tenant legal counseling. Create and promote informational materials on tenant rights and counseling. Continue to contract with the Fair Housing Foundation or other fair housing services provider and provide information to the community regarding the Public Law Center and other similar organizations to address Housing Discrimination and unfair lending.	Priority Level 2 Publish information materials by December 2024. Outreach and r~~R~~eview need and services annually.	Census tracts with greater than 40 percent renter-occupied units: 626.1, 631.02, 632.01, 632.02, 633.01, 633.02, 636.04, 636.05, 637.01, 637.02, 638.03, 638.07, 638.08, 639.02, 639.04, 639.05, 639.06, 639.07, 639.08~~City wide~~	• ~~Provide assistance to tenants.~~ Conduct targeted outreach to renter occupied households (minimum of 200 housing units) located within the applicable census tracts with information on resources, services, tenant rights, and counseling – in English and Spanish. ~~–~~ Continue to contract with the Fair Housing Foundation or other fair housing services

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
				provider to advocate for fair housing, provide landlord and tenant counseling, rental counseling, and outreach and education. Provide information regarding Public Law Center, a non-profit organization that provides free legal services to low income residents, and other similar nonprofits in Orange County.
Housing Discrimination/ Displacement Due to Economic Pressures	1. ~~Promote services and resources for rent review board and/or mediation, foreclosure assistance, or multilingual tenant legal counseling services.~~ Continue to contract with the Fair Housing Foundation or other fair housing service provider and provide information regarding the Public Law Center to address Housing Discrimination and unfair lending, including promoting mediation services, foreclosure assistance and/or multilingual tenant legal counseling services.	**Priority Level 2** Publish information materials by December 2024. Outreach and ~~R~~review need and services annually.	~~City-wide~~Census tracts with greater than 40 percent renter-occupied units: 626.1, 631.02, 632.01, 632.02, 633.01, 633.02, 636.04, 636.05, 637.01, 637.02, 638.03, 638.07, 638.08, 639.02, 639.04, 639.05, 639.06, 639.07, 639.08	• ~~Provide assistance to tenants and potential renters.~~ • Continue to contract with the Fair Housing Foundation or other fair housing services provider to advocate for fair housing, provide landlord and tenant counseling, rental counseling, and outreach and education to approximately 200 Costa Mesa residents each fiscal year. • Provide information regarding Public Law Center, a non-profit organization that provides free legal services to low income residents and other nonprofits in Orange County. • As part of the City's Rental Assistance Program, continue to engage with at least 50 renter households and local

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	~~Objective~~Metrics
				• organizations/groups to discuss the needs of renters. • Establish and implement a rent review board or mediation services.

Timeframe: Annually outreach to local organizations and lower income communities to discuss fair housing issues and promote actions to mitigate local contributing factors. Promote available funds, ownership information, and details on affordable housing units on the City's webpage by Winter 2025.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division
Funding Sources: CDBG

PROGRAM 4B: Rental Housing Assistance

The City began offering a Tenant Based Rental Assistance (TBRA) and other rental assistance programs in 2021. The City will continue to evaluate and offer rental housing assistance programs based on the availability of funding.

Objectives:

- Participate in the Orange County Housing Authority's Housing Choice Vouchers program to provide rent subsidies to very low-income households provided funding is available.
- Evaluate and offer rental housing assistance programs based on the availability of funding.

Timeframe: Promote OCHA Housing Choice Voucher information and rental housing assistance programs, as available, on the City's website.
Responsible Agency: Orange County Housing Authority and City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division
Funding Sources: HUD Section 8 Housing Choice funds administered by the Orange County Housing Authority; State and Federal Grant funds; HOME funds

PROGRAM 4C: Ownership Housing Assistance

In 2021, the City Council approved allocation of half a percent of the City's seven percent retail cannabis tax to fund a first-time homebuyer program in Costa Mesa.

Objectives:

- Evaluate and adopt ownership housing assistance programs, such as a First-Time Home Buyer Program, based on the availability of funding.
- Provide informational materials, online and at City Hall, on potential paths to home ownership and on assistance and resources available for first-time home buyers.

Timeframe: Annually evaluate and, as funding is available, offer ownership housing assistance programs. Promote informational materials online and at City hall on potential paths to home ownership and on assistance and resources available by Winter 2025.
Responsible Agency: Orange County Housing Authority and City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division
Funding Sources: Cannabis Retail Tax Revenue

PROGRAM 4D: Fair Housing Assistance

The City contracts with the Fair Housing Foundation to provide fair housing and tenant/landlord mediation services. The Fair Housing Foundation provides fair housing outreach to tenants, landlords, property owners, realtors, and property management companies, as well as housing education and information to apartment managers and homeowner associations.

Objectives:

- Continue to contract with the Fair Housing Foundation and promote available services on the City's webpage.

Timeframe: Contract with the Fair Housing Foundation throughout the planning period and promote updated information on available services online by Winter 2025.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division; Fair Housing Foundation
Funding Sources: CDBG

PROGRAM 4E: Low Barrier Navigation Centers

Low Barrier Navigation Centers are housing or shelter in which a resident who is homeless or at risk of homelessness may live temporarily while waiting to move into permanent housing. These requirements include implementing standards, provisions and limitations governing the permitting, development, siting, and management of Low Barrier Navigation Centers.

Objectives:

- Update the Zoning Code to permit Low Barrier Navigation Center development as a matter of right in appropriate zoning districts, subject to requirements of state law.

Timeframe: To be completed by December 2024.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind

PROGRAM 4F: Homeless Shelter

In April 2021, the City of Costa Mesa completed the construction of its permanent Bridge Shelter within the city. Construction of the Bridge Shelter, as well as the organization and operation of the temporary Bridge Shelter at Lighthouse Church, and ongoing efforts of the City's Street Outreach Team represent the Costa Mesa's commitment to assisting those residents currently experiencing homelessness. With the shelter in full operation, the City is now able to assist up to 72 residents at one time and connect those residents with services and assistance toward permanent housing solutions.

Objectives:

- Continue to operate and maintain the Bridge Shelter throughout the planning period.
- Promote information on services and assistance available to residents online on the City's website.

Timeframe: Annually review and, if necessary, revise services and assistance programs available based on funding availability. Annually meet with homeless services providers to respond to the needs of persons experiencing homelessness and identify potential opportunities.
Responsible Agency: City of Costa Mesa
Funding Sources: State and Federal Grant Funds (e.g., State SB 2 and Housing and Homelessness Assistance Programs (HHAP), and Federal Emergency Food and Shelter (EFSP)), General Fund

PROGRAM 4G: Assembly Bill 139

AB 139 includes providing sufficient parking to accommodate all staff working in the emergency shelter, provided the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

Objectives:

- Review and update, as necessary, the Zoning Code to comply with parking requirements of AB 139 for emergency shelters.

Timeframe: To be completed by Winter 2025.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Planning Division
Funding Sources: In Kind/General Fund

PROGRAM 4H: Housing Education and Outreach Program

As a part of the outreach and engagement process, the City found that community opposition to increased housing and affordable housing may create a barrier to housing development. Outreach and education about the importance and benefits of affordable housing can help to address community concerns and negative opinions about affordable housing.

Objectives:

- Develop an outreach program providing educational materials about the purpose and benefits of affordable housing options in the City.

Timeframe: Develop program by December 2023 and distribute materials by December 2024.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Planning Division
Funding Sources: In Kind/General Fund

PROGRAM 4I: Partnerships with Local Organizations and Community Groups

The City identified Census Tract 636.05 as an area of high segregation and poverty. Areas that are identified as high segregation and poverty are consistent with the standards for both poverty (30 percent of the population below the federal poverty line) and racial segregation (overrepresentation of people of color relative to the county). This area is also considered low opportunity and achievement by the ROI: People analysis and experience the highest exposure to harmful pollutants, according to the CalEnviro Screen.

Objectives:

- Partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.

Timeframe: Initiate program by December 2024.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Planning Division
Funding Sources: In Kind/General Fund

D. Summary of Quantified Objectives

Table 4-1 summarizes the City of Costa Mesa's quantified objectives with regard to the construction, rehabilitation, and preservation of housing. These objectives are established based on the City's resources available over the planning period.

Table 4-1: Summary of Quantified Objectives

Income Group	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
New Construction (RHNA)	4,713 units			2,088 units	4,959 units	11,760 units
Accessory Units	583 units			257 units	18 units	858 units
Conservation[1]	600 units			1,000 units	--	--
Rental Subsidy[2]	570 persons annually			--	--	--
Rehabilitation[3]	88 units			--	--	--

1. Based on 2021-2022 Annual Action Plan estimate of 200 housing units that will benefit from proposed code enforcement activities using CDBG funds.
2. Based on current Orange County Housing Authority (OCHA) rental assistance estimates
3. Based on 2021-2022 Annual Action Plan estimate of rehabilitation of 11 existing units per year.

Appendix A

Review of Past Performance

Review of Past Performance

The following chart is a review of the City of Costa Mesa 's housing project and program performance in the 2014-2021 Planning cycle. It is an evaluation of the 5th cycle's Policy Program and considers all current and existing programs and projects, as well as the most current effectiveness and appropriateness for the 2021-2029 6th Cycle.

Program Evaluation for Households with Special Needs

The City of Costa Mesa has demonstrated a significant effort in working towards accomplishing many of the objectives set for the programs of the past cycle. During the fifth cycle, the City completed a number of key programs to support housing opportunity and made substantial progress towards many of its programs. The City's successful programs have been identified as continued for the sixth cycle, due to their success in the fifth cycle.

As a part of analyzing prior programs, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations. The table below provides an overview of the City's prior program accomplishments; achievements related to special needs populations are summarized below:

Seniors

As shown in Section 2, approximately 11% of the population in Costa Mesa are seniors aged 65 years or older. Throughout the 5th Cycle the City partnered and consulted with a variety of groups to address the needs of persons with specialized needs in the City, including: Community SeniorServ, Elwyn California, Council on Aging Orange County. The City's Action Plan identifies 500 persons assists using $56,180 CDBG funds through Services for Seniors/Frail Elderly. Additionally, a Single Room Occupancy Ordinance was adopted in 1991. since then, three projects were completed and occupied for a total of 247 units; including 91 senior units and 11 SRO units.

On July 21, 2020, the City Council approved an Exclusive Negotiating Agreement (ENA) with Jamboree Housing Corporation in determining the feasibility, and potential terms, for the right to acquire a long-term leasehold interest in an approximately 0.90-acre portion of the parking lot at the Senior Center property to develop a senior housing project. The conceptual density study plans envisioned the potential for 60 senior affordable dwelling units at the site. An application for an Urban Master Plan Screening for the proposed project was submitted in November 2021 and staff continues to work with the applicant to bring the project forward for a decision.

Persons with Disabilities

As shown in Section 2, approximately 8 percent of the population in Costa Mesa have at least one disability. On November 16, 2021, the City Council directed staff to collaborate with the County of Orange and associated development partners to submit application(s) for the Homekey Program grant funding for the acquisition, rehabilitation and conversion of one or two motel locations proposed for permanent supportive housing. City staff have been working with several existing motel owners of properties that range between approximately 40 to 90 units. The proposals will provide direct permanent supportive housing with funding from the City of Costa Mesa, the County and (if awarded) Homekey grant funds from the State. The target population for these units would include at risk or currently homeless individuals and seniors, age 62 and over, and chronic homeless individuals and couples, with a subset of the units for eligible persons that qualify for Mental Health Services Act (MHSA) programs. Because the City operates the 72 bed Bridge Shelter on Airway Avenue, the Homekey Program could provide a seamless opportunity to stabilize this most vulnerable population where supportive services are provided on site, in the expedited Homekey permanent supportive housing model.

In 2020, the owner of Costa Mesa Village was awarded "Section 811" program funds for up to 24 of the 96 affordable units. The Section 811 program is a federal Housing and Urban Development (HUD) program administered by the State's Housing and Community Development (HCD) that provides subsidies for housing for very-low income persons with disabilities, in this case developmentally disabled persons. As such, as units become vacant through attrition, Section 811 eligible residents are being referred to CMV through the Regional Center of Orange County. The referral entity is responsible for providing the supportive services to the Section 811 tenants. Programming and services are individualized based on each person's needs and provided off-site.

Large Households

Large households are classified as those consisting of five or more members. These households can have difficulty in finding housing options that are adequately sized and affordable. As shown in Section 2, large-family households make up approximately 10% of the total households within Costa Mesa. The City permitted over 950 units across all income levels during the 5th cycle, many of which were single-family and could accommodate large-family households. The majority of those housing units were market rate and not available at levels affordable to low and very low-income households.

The City has implemented Program 2E in the 2021-2029 Housing Element to prioritize development of housing options to accommodate large-family households, including outreach to the development community and a review of the current development standards to determine if any pose potential impediments to building housing that can accommodate larger households.

Farmworkers

As previously discussed, farm workers are not a significant portion of the Costa Mesa community. Their needs are accommodated through housing programs and policies that assist lower-income households in general rather than specialized programs, such as:

- Program HOU 1-6 (rehabilitation loan and grant programs) which provided funding for 7 owner-occupied rehabilitation projects; 4 of which were for extremely-low income households, 1 for very low income, and 2 for low income.
- Program HOU 2-5 (OCHA rental assistance), which provided homeless prevention services or transitional housing assistance and services to over 450 individuals
- Program HOU 4-4 (preservation of residential developments for families and individuals with specialized housing needs)

Single-Parent Households:

As shown in Section 2, approximately 7.6 percent of Costa Mesa households are single-parent households, a quarter of which (27 percent) live below the poverty line. Costa Mesa Village (CMV), located at 2450 Newport Boulevard, is a 96-unit single room occupancy (SRO) affordable housing development with one manager's unit for a total of 97 units on site. CMV was originally approved and developed as a two-story Travelodge motel in the mid-1980s. In 1991, a conditional use permit (CUP) was approved to allow the conversion of the existing motel into a single room occupancy (SRO) affordable housing development. As part of the conversion project, the City through its Redevelopment Agency (Agency) provided financial assistance for land acquisition costs in the form of a $500,000.00 loan in addition to a $1,200,000.00 loan from the Orange County Housing Authority. The Agency entered into several agreements with Costa Mesa Village, Ltd. (original developer and current owner of CMV) including a Regulatory Agreement to ensure that the units were provided as very low-income units at or below 50-percent of the area median income (AMI) in perpetuity. The conversion improvements were completed in 1993 and the loans were fully repaid in 2014. Changes to the CUP and Regulatory Agreement were proposed and require approval by the City Council. The CUP modifications were reviewed by the Planning Commission on January 24, 2022 and were recommended for City Council approval by the Planning Commission. The modifications are scheduled for review and consideration by the City Council on February 1, 2022. In conjunction with the CUP changes, the property owner is also changing to a well-known California affordable housing developer (Century Housing Corporation). Century Housing Corporation is mission-driven to support and develop quality affordable home development and manage and administer 1000s of affordable units throughout the State.

Persons Experiencing Homelessness (Unhoused)

As shown in Section 2, the 2019 Point in Time Count showed 193 total persons experiencing homelessness (sheltered and unsheltered). As of 2018 staff worked on establishing a temporary and permanent homeless shelter that will be housing first modeled and will provide housing navigation services. In 2019, the City approved the use of a temporary modular structures at Lighthouse Church for the City's temporary interim bridge shelter. Later in 2019, the City Council adopted an urgency ordinance relating to Accessory Dwelling Units and Junior Accessory Dwelling Units, to be consistent with state law. In 2020, the City approved a permanent homeless shelter (Costa Mesa Bridge Shelter) to replace the temporary bridge shelter identified in 2019. The shelter opened on March 23, 2021. The City of Costa Mesa partners with Newport Beach to leverage scarce resources to better services the homeless population.

During the 5th Cycle, the City provided homeless prevention services (i.e., rental assistance to prevent eviction or deposit assistance to move into housing and rapid housing) or transitional housing assistance and services to over 450 individuals.

In 2020, Families Forward helped house and bring an end to homelessness for 15 Costa Mesa families (49 adults and children), with 33 Costa Mesa families accessing the Families Forward food pantry and taking another step towards stability. When complete, the Pomona project will serve as an entry point for families in and near Costa Mesa. Also, on November 17, 2020, the City Council approved a Subrecipient Agreement with Families Forward to establish a Tenant Based Rental Assistance (TBRA) program to assist qualified, very low-income households who are current residents of Costa Mesa (or households with strong community ties to Costa Mesa).

Extremely Low Income Households

As shown in Section 2, there are approximately 6,610 extremely low-income households in Costa Mesa per the 2013-2017 Comprehensive Housing Affordability Strategy (CHAS) data available. Extremely low-income renter households have the highest rate of cost burden at 17.5 percent.

Between 2013 and 2020, the City completed 111 mobile home rehabilitation projects, 52 of which were for individuals or family which qualified as extremely low income. The Housing and Community Development Division provided assistance with the purchase and rehabilitation of rental units by non-profit organizations to operate as affordable to low and very-low-income tenants. Funding was provided for 7 owner-occupied rehabilitation projects; 4 of which were for extremely-low income households, 1 for very low income, and 2 for low income.

In 2020, Families Forward helped house and bring an end to homelessness for 15 Costa Mesa families (49 adults and children), with 33 Costa Mesa families accessing the Families Forward food pantry and taking another step towards stability. When complete, the Pomona project will serve as

an entry point for families in and near Costa Mesa. Also, on November 17, 2020, the City Council approved a Subrecipient Agreement with Families Forward to establish a Tenant Based Rental Assistance (TBRA) program to assist qualified, very low-income households who are current residents of Costa Mesa (or households with strong community ties to Costa Mesa).

Additionally in 2020, the owner of Costa Mesa Village was awarded "Section 811" program funds for up to 24 of the 96 affordable units. The Section 811 program is a federal Housing and Urban Development (HUD) program administered by the State's Housing and Community Development (HCD) that provides subsidies for housing for very-low income persons with disabilities, in this case developmentally disabled persons. As such, as units become vacant through attrition, Section 811 eligible residents are being referred to CMV through the Regional Center of Orange County. The referral entity is responsible for providing the supportive services to the Section 811 tenants. Programming and services are individualized based on each person's needs and provided off-site.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOUSING GOAL-1: Preservation and Enhancement *Preserve the availability of existing housing opportunities and conserve as well as enhance the quality of existing dwelling units and residential neighborhoods.*		
HOU-1.1: Develop standard and/or guidelines for new development with emphasis on site (including minimum site security lighting) and building design to minimize vulnerability to criminal activity.	This is a standard condition of approval for new multiple family residential developments. This concept is reviewed during the planning application process and new multiple family residential development projects are subject to a standard condition of approval.	**Ongoing.** The City of Costa Mesa has developed standards for approval for new multiple family residential developments through standard condition of approval. The City will continue to maintain development standards for new developments to minimize vulnerability to criminal activity.
HOU-1.2: Protect existing stabilized residential neighborhoods, including but not limited to mobile home parks and manufactured home parks, from the encroachment of incompatible or	The Anchor Mobile Home Park (1527 Newport Blvd.) was closed in 2013 and the property is being developed with live/work units consistent with the visions of the West Side Urban Plans.	**Continued.** The City of Costa Mesa recognizes the importance of maintain existing residential neighborhoods and providing housing for all sectors of the Community. The City will continue to encourage compatible development

Policy Objective	Program Accomplishments	Status for Sixth Cycle
potentially disruptive land uses and/or activities.	The City has taken additional action to protect existing stabilized residential neighborhoods including (i) Adoption of a Group Home Ordinance on October 21, 2014 to limit the number and concentration of group homes and sober living facilities; (ii) Extension of a moratorium to prohibit the establishment of new hookah lounges; and (iii) Abatement of a hookah lounge and revocation of a Conditional Use Permit issued to a recycling center due to associated nuisance activities. Additionally, the Zoning Code requires Planning Commission approval to convert to another land use. The City has taken additional action to protect existing stabilized residential neighborhoods, including (i) adoption of a Multiple Family Group Home Ordinance on November 17, 2015 to limit the number and concentration of group homes and sober living facilities in the Multiple Family Residential zones. **Rehabilitation**: The City completed: • 7 mobile home rehabilitation projects during FY 12-13 • 19 mobile home rehabilitation projects during FY 13-14 (12 extremely low income; 7 very low income) • 21 mobile home rehabilitation projects during FY 14-15 (15 extremely low income; 6 very low income) • 19 mobile home rehabilitation projects during FY 15-16 (14 extremely low income; 5 very low income) • 7 mobile home rehabilitation projects during FY 16-17 (2 extremely low income; 5 very low income) • 10 mobile home rehabilitation projects during FY 2018 (9 extremely low income; 1 very low income)	through the enforcement of the Land Use and Zoning Designations.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
	• 9 mobile home rehabilitation projects during FY 2019 (5 extremely low income; 2 very low income; 2 low income) • 17 mobile home rehabilitation projects during FY 2020 (9 extremely low income; 6 very low income; 2 low income) The City has continued to protect existing stabilized residential neighborhoods, through adoption of an Ordinance to limit the number and concentration of group homes and sober living facilities in the Multiple Family Residential zones.	
HOU-1.3: Actively enforce existing regulations regarding derelict or abandoned vehicles, outdoor storage, and substandard or illegal building and establish regulations to abate weed-filled yards when any of the above is deemed to constitute a health, safety, or fire hazard.	Ongoing through the implementation and enforcement of Title 20 Property Maintenance, of the Municipal Code. Title 20 establishes standards to ensure proper maintenance, removal of hazardous and improper storage, and removal of weeds and other public nuisances. From 2016 to 2019 the following code enforcement citations were issued: 2016: 454 Citations 2017: 204 Citations 2018: 455 Citations 2019: 171 Citations Information regarding community improvement and code enforcement is available to the public on the City of Costa Mesa's Website, here: https://www.costamesaca.gov/city-hall/city-departments/development-services/community-improvement-division	**Continued.** The City of Costa Mesa has implemented and enforces Title 20 throughout the 5th cycle. The City will continue to enforce existing regulations on property maintenance during the 6th cycle.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-1.4: Establish code enforcement as a high priority and provide adequate funding and staffing to support code enforcement programs.	Code enforcement in the City of Costa Mesa is an active department under the Community Improvement Division, between 2016-2018 there were 500 active cases. Citations given each year are listed above. Code enforcement contact and information is found on the City's webpage: https://www.costamesaca.gov/city-hall/city-departments/development-services/community-improvement-division	**Continued.** The City recognizes the importance of code enforcement in maintaining its existing housing stock and made it a high priority throughout the 5th cycle. The City of Costa Mesa will continue to make code enforcement a priority for the 6th cycle.
HOU-1.5: Install and upgrade public service facilities (streets, alleys, and utilities) to encourage increased private market investments in declining or deteriorating neighborhoods.	The City of Costa Mesa has continued installing and upgrading public service facilities based upon funding during the 5th cycle.	**Modified.** The City will modify Housing Element Program 1.5 for the 6th Cycle, as necessary, to ensure it is resourceful and useful in efforts to promote and encourage the development of housing in Costa Mesa.
HOU-1.6: Continue existing rehabilitation loan and grant programs for low and moderate-income homeowners as long as funds are available.	Ongoing assistance through the Housing and Community Development Division for owner-occupied units. The Housing and Community Development Division provides assistance with the purchase and rehabilitation of rental units by non-profit organizations to operate as affordable to low and very-low-income tenants. During the 5th Cycle, the City completed a total of 7 owner-occupied rehabilitation projects (4 extremely low income, 1 very low income and 2 low income). • FY 13/14: 1 owner-occupied unit (1 extremely low income) • FY 14/15: 1 owner-occupied unit (1 low income)	**Continued.** The City of Costa Mesa recognizes the importance of funding for low- and moderate-income households in efforts to maintain existing affordable housing stock. The City will continue rehabilitation loan and grant programs for low and moderate-income homeowners as funds are available during the 6th cycle.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
	• FY 15/16: 0 owner-occupied unit • FY 16/17: 0 owner-occupied unit • 2018 APR: 3 owner-occupied units (3 extremely low income) • 2019 APR: 1 owner-occupied unit (very low income) • 2020 APR: 1 owner-occupied unit (very low income) Information regarding the loan and grant program as well as contact information is available to the public on the City's webpage at: https://www.costamesaca.gov/city-hall/city-departments/development-services/housing-and-community-development/neighborhood-improvement-programs	
HOU-1.7: Minimize the displacement of existing residences due to public projects.	The City of Costa Mesa continued to monitor and mitigate displacement of residential residences, as a result of public projects, throughout the 5th cycle.	**Continued.** The City of Costa Mesa acknowledges the importance of maintaining existing residential, as well as protecting residential displacement as a result of public projects and facilities. The City will continue to monitor public projects as they relate to existing residential in the 6th cycle.
HOU-1.8: Encourage the development of housing that fulfills specialized needs.	Through the 5th Cycle the City partnered and consulted with a variety of groups to address the needs of persons with specialized needs in the City, including: Community SeniorServ, Elwyn California, Council on Aging Orange County. The City's Action Plan identifies 500 persons assists using $56,180 CDBG funds through Services for Seniors/Frail Elderly.	**Continued.** The City recognizes that special needs populations (i.e., seniors, disabled and households with extremely low-income) are more likely at risk to become homeless because they have limited incomes and have other issues that require housing and

Policy Objective	Program Accomplishments	Status for Sixth Cycle
		supportive services. The City of Costa Mesa will continue to support development of housing that fulfills specialized needs during the 6th cycle.
HOUSING GOAL 2 Preserving and Expanding Affordable Housing Opportunities *Provide a range of housing choices for all social and economic segments of the community, including housing for persons with special needs.*		
HOU-2.1: Encourage concurrent applications (i.e., rezones, tentative tract maps, conditional use permits, variance request, etc.) if multiple approvals are required, and if consistent with applicable processing requirements.	Applications for multiple family residential projects requiring multiple approvals are generally processed concurrently. 1957 Newport Blvd. (38 units) 125 E. Baker (240 units) 2277 Harbor Blvd. (200 units)	**Continued.** The City recognizes that a swift and effective review and permitting process can encourage the development of housing in Costa Mesa. The City will continue encouraging concurrent applications when multiple approvals are required, and if consistent with applicable processing requirements during the 6th cycle.
HOU-2.2: Promote the use of State density bonus provisions to encourage the development of affordable housing for lower and moderate-income households, as well as senior housing.	All units under density bonus agreements with the City are monitored on an annual basis; as of 20121, 2 projects (78 units) are in compliance with the density bonus program that exist in the City. The 2277 Harbor project includes 9 very low-income units; however, the project is still under construction and will be added to the monitoring list.	**Continued.** The City will continue to work with developers to promote the use of density bonus as a means of providing affordable housing, as well as continue to monitor all developments which have been granted density bonuses.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-2.3: Provide incentive bonus units to encourage the redevelopment of residential units that are nonconforming in terms of density. The incentive shall be limited to the multi-family residential land use designations. The density incentive shall be limited to an increase of 25 percent above the Medium-Density or an increase of 50 percent above High-Density. In no case shall the resulting number of units exceed the existing number of units on each site.	Property owners are encouraged to redevelop the site bringing them into conformance while keeping the same number of units.	**Continued.** The City will continue to provide incentive bonus units to encourage the redevelopment of residential units that are nonconforming in terms of density in the 6th cycle.
HOU-2.4: Encourage developers to employ innovative or alternative construction methods to reduce housing costs and increase housing supply.	Most housing construction of wrap and podium product is done with wood construction reducing construction cost. Currently the City provides a variety of handouts regarding building construction on the City's webpage: https://www.costamesaca.gov/residents/information-handouts-forms	**Continued.** The City continued to encourage housing construction with the materials that reduce costs during the 5th cycle. The City of Costa Mesa will continue encouraging developers to utilize alternative construction methods to reduce housing costs and increase housing supply in the 6th cycle.
HOU-2.5: Continue membership in the Orange County Housing Authority to provide rental assistance to very low-income households.	The Orange County Housing Authority maintains the City of Costa Mesa housing assistance program (Section 8). During the 5th Cycle, the City provided homeless prevention services (i.e., rental assistance to prevent eviction or deposit assistance to move into housing and rapid housing) or	**Continued.** The City of Costa Mesa has continued membership in the Orange County Housing Authority to provide rental assistance to very low-income households in the 5th cycle and will continue to do so in the 6th cycle.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
	transitional housing assistance and services to over 450 individuals. • FY 13/14: ○ 7 individuals provided homelessness prevention services ○ 23 individuals provided transitional housing assistance and services • FY 14/15: ○ 7 individuals provided homelessness prevention services ○ 23 individuals provided transitional housing assistance and services • FY 15/16: ○ 9 individuals provided homelessness prevention services ○ 41 individuals provided transitional housing assistance and services ○ 2 individuals funded with Rapid Rehousing • FY 16/17: ○ 20 individuals provided homelessness prevention services ○ 25 individuals provided transitional housing assistance and services ○ 1 individual funded with Rapid Rehousing • 2018 APR: ○ 7 individuals provided homelessness prevention services ○ 49 individuals provided transitional housing assistance and services ○ 23 individuals funded with Rapid Rehousing	

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-2.6: Provide clear rules, policies, and procedures, for reasonable accommodation in order to promote equal access to housing. Policies and procedures should be ministerial and include but not be limited to identifying who may request a reasonable accommodation (i.e., persons with disabilities, family-members, landlords, etc.), timeframes for decision making, and provisions for relief from the various land-use, zoning, or building regulations that ma constrain the housing for persons of disabilities.	The City continued to address regulations for reasonable accommodation through Zoning Codes through the 5th cycle. In March of 2013, the City adopted an Ordinance, in accordance with Senate Bill 2, to permit emergency shelters by right in the Planned Development Industrial zone. The Ordinance also created provisions for transitional housing and supportive housing that would allow these uses to be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. This section is regularly updated to be consistent with State requirements.	**Continued**. As required by state law, the City of Costa Mesa will continue to provide, policies and procedures, for reasonable accommodation in order to promote equal access to housing during the 6th cycle.
HOU-2.7: Monitor the implementation of the City's ordinances, codes, policies, and procedures to ensure they comply with the "reasonable accommodation" for disabled provisions and all fair housing laws	Title 13, Chapter IX, Section 15 is regularly reviewed and updated as necessary to be consistent with State requirements. During the 5th cycle, 5 residential developments were presented to the City with requests for reasonable accommodation, of those proposed projects, 5 were approved to include reasonable accommodation measures.	**Continued.** The City of Costa Mesa continually updates City's ordinances, codes, policies, and procedures to stay consistent with State requirements. As required by State law, the City will continue monitoring the implementation of the City's ordinances, codes, policies, and procedures to accommodation for disabled provisions and all fair housing laws.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOUSING GOAL 3: Provisions of Adequate Sites *Provide adequate, suitable sites for residential use and development or maintenance of a range of housing that varies sufficiently in terms of cost, design, size, location, and tenure to meet the housing needs of al segment of the community at a level that can be supported by infrastructure.*		
HOU-3.1: Encourage the conversion of existing marginal or vacant motels, commercial, and/or industrial land to residential, where feasible and consistent with environmental conditions that are suitable for new residential development.	The City continued to encourage the conversion of existing marginal or vacant industrial land as well as taking a number of other actions to support new residential development consistent with environmental conditions during the 5th cycle. In 2006, the City adopted three Urban Plans to encourage the conversion of existing marginal or vacant industrial land in the West Side to mixed-use and residential developments. To date, a total of 966 units have been approved in the Urban Plans.	**Continued.** The City of Costa Mesa will continue to support the change of existing minor or tenantless motels, commercial, and/or industrial land to residential when conditions permit in the 6th cycle.
HOU-3.2: Provide opportunities for the development of well-planned and designed projects which, through vertical or of horizontal integration, provide for the development of compatible residential, commercial, industrial, institutional, or public uses within a single project or neighborhood.	Through the 5th cycle, these design elements were reviewed and considered with development projects. The City is currently reviewing a mixed-use project (One Metro West) with 1,057 residential units, 6,000 SF of commercial retail and 25,000 SF of office space, proposed north of the 405 Freeway that allows for horizontal and vertical mixed use within a single project. The project is anticipated to be reviewed by City Council in mid-2021. With the 2016 General Plan update, the City added a new urban plan overlay for mixed-use on 19th street and Harbor.	**Modified.** The City acknowledges the importance of well-integrated and sustainable design for the future of development in Costa Mesa. The City will continue to review and encourage well-planned, well-design projects during the 6th cycle.
HOU-3.3: Cooperate with large employers, the Chamber of Commerce, and major commercial and industrial developers to identify and implement programs to balance employment growth with the ability	The City has continued to facilitate discussion with the Chamber of Commerce, industrial and commercial developers, and large employers to identify programs for a balanced employment/housing opportunity in Costa Mesa. The proposed One Metro West (mixed-use) project has the	**Continued.** The City of Costa Mesa will continue to work with large employers, the Chamber of Commerce, and major commercial and industrial developers to create

Policy Objective	Program Accomplishments	Status for Sixth Cycle
to provide housing opportunities affordable to the incomes of the newly created job opportunities.	potential to provide affordable housing located within proximity to jobs. It includes: • Residential with up to 1,057 rental dwelling units, • 6,000 square feet of specialty retail, • 25,000 square feet of creative office, and • Recreational uses.	
HOU-3.4: Consider the potential impact on housing opportunities and existing residential neighborhoods when reviewing rezone petitions affecting residential properties.	Throughout the 5th cycle, the City continually reviewed rezone applications, of which 8 rezone proposals affected residential properties.	**Continued.** The City of Costa Mesa will continue to review rezoning applications through the 6th cycle. The City will continue to consider
HOU-3.5: Encourage transit-oriented development along transportation corridors.	The City of Costa Mesa is uniquely situated in that more than 90 percent of the residential properties in the City is located within a half-mile of public transit. Accessory Dwelling Unit (ADU) developments are not subject to parking requirements if located within a half mile of a transit stop.	**Continued.** The City of Costa Mesa recognizes the importance of mobility in the framework of housing, the City will continue to support development that is transit oriented in the 6th cycle.
HOUSING GOAL 4: Equal Housing Opportunity *Ensure that all existing and future housing opportunities are open and available to all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.*		
HOU-4.1: Support the intent and spirit of equal housing opportunities as express in Federal and State fair housing laws.	The City of Costa Mesa continued to support equal housing in the 5th cycle, as well as continued an ongoing partnership with the Orange County Fair Housing Council.	**Continued.** As required by state law, the City will continue to support Federal and State fair housing laws through equal housing opportunities during the 6th cycle. .

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-4.2: Continue to provide fair housing and counseling services for all Costa Mesa residents in an effort to remove barriers and promote access to affordable housing in the City.	The City is a member of a region-wide effort to ensure equal access to housing. Generally, activities have included investigation, resolution, and education. During the 5th Cycle, the City assisted over 1,600 Costa Mesa households with fair housing issues. • FY 13/14: 357 Costa Mesa households were assisted with fair housing issues • FY 14/15: 331 Costa Mesa households were assisted with fair housing issues • FY 15/16: 314 Costa Mesa households were assisted with fair housing issues • FY 16/17: 204 Costa Mesa households were assisted with fair housing issues • 2018 APR: 200 Costa Mesa households were assisted with fair housing issues • 2019 APR: 117 Costa Mesa households were assisted with fair housing issues • 2020 APR: 153 Costa Mesa households were assisted with fair housing issues	**Continued.** The City continued to provide Costa Mesa Residents with fair housing and counseling services in the 5th cycle and will continue providing fair housing and counseling services for residents during the 6th cycle.
HOU-4.3: Encourage programs that address the housing needs of senior citizens.	Ongoing. The 2013-2021 Housing Element was adopted by City Council on January 21, 2014. The Housing Element includes special programs for special housing needs (i.e., seniors, large families, etc.). As of 2013, accessibility is now required through ADA standards. A 50 percent density increase for construction of very low.	**Continued.** The City was successful in approving programs for senior housing needs in the Housing Element as shown under program accomplishments. As required by state law, the City will continue to support programs for the housing needs of senior citizens through the appropriate methods listed in this table as well as new methods should

Policy Objective	Program Accomplishments	Status for Sixth Cycle
	Additionally, a Single Room Occupancy Ordinance was adopted in 1991, since three projects are completed and occupied for a total of 247 units; including 91 senior units and 11 SRO units.	they become available during the 6th cycle.
HOU-4.4: Encourage and support the construction, maintenance and preservation of residential developments which will meet the needs of families and individuals with specialized housing requirements.	2014/2015/2016/2017: The 2013-2021 Housing Element was adopted by City Council on January 21, 2014. The draft was certified by California Department of Housing and Community Development on November 22, 2013 in meeting statuary requirements. The Housing Element includes special programs for special housing needs (i.e., seniors, large families, etc.). As of 2018 staff worked on establishing a temporary and permanent homeless shelter that will be housing first modeled and will provide housing navigation services. In 2019, the City approved the use of a temporary modular structures at Lighthouse Church for the City's temporary interim bridge shelter. Later in 2019, the City Council adopted an urgency ordinance relating to Accessory Dwelling Units and Junior Accessory Dwelling Units, to be consistent with state law. In 2020, the City approved a permanent homeless shelter (Costa Mesa Bridge Shelter) to replace the temporary bridge shelter identified in 2019. The shelter opened on March 23, 2021. The City of Costa Mesa partners with Newport Beach to leverage scarce resources to better services the homeless population.	**Continued.** The City of Costa Mesa completed a number of actions during the 5th cycle to support families and individuals with specialized housing requirements. As required by state law, the City will continue to support the construction, maintenance, and preservation of residential developments for families and individuals with specialized housing requirements.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-4.5: Encourage and support the construction, maintenance, and preservation of residential developments to meet the needs of the developmentally disabled	The 2013-2021 Housing Element was adopted by City Council on January 21, 2014. The draft was certified by California Department of Housing and Community Development on November 22, 2013 in meeting statuary requirements. The Housing Element includes special programs for special housing needs (i.e., seniors, large families, etc.). The City partnered with Elwyn California to provide services to persons with special needs. The agency provided input on City's special needs populations, specifically economic opportunities for persons with developmental disabilities using CDBG funds ($5,720).	**Continued.** The City completed a number of actions during the 5th cycle to support the developmentally disabled as shown under program accomplishments. The City of Costa Mesa will continue to promote construction, maintenance, and preservation of residential developments for developmentally disabled within the 6th cycle.
HOUSING GOAL 5: Coordination and Cooperation *Coordinate local housing efforts with appropriate federal, state, regional, and local governments and/or agencies and to cooperate in the implementation of intergovernmental housing programs to ensure maximum effectiveness in solving local and regional housing problems.*		
HOU-5.1: Investigate alternative intergovernmental arrangements and program options to deal with area-wide housing issues and problems.	The City of Costa Mesa continued to investigate alternative intergovernmental arrangements and program options to meet the housing issues. As of 2015, 48 single- and multiple-family units constructed over the last several years through a combination of public/private partnerships.	**Continued.** As required by state law, the City will continue to identify alternative intergovernmental arrangements and program for the housing problem in the 6th cycle.

Appendix B

Sites Analysis

A. Candidate Sites Analysis Overview

The Housing Element is required to identify potential candidate housing sites by income category to meet the City's RHNA Allocation. The sites identified within the Housing Element represent the City of Costa Mesa's ability to plan for housing at the designated income levels within the 6th housing cycle planning period (2021-2029). As described in this appendix, the development capacity for each site depends largely on its location within the City, a specific plan or urban plan area as well as known development factors. Where possible, property owners were consulted to help the City better understand potential future housing growth on candidate housing sites within the City.

This appendix contains **Table B-5**, which identifies each candidate housing site within Costa Mesa's sites inventory. The sites are identified by assessor parcel number (APN) as well as a unique identifier used to track sites within the inventory. Additionally, the following information is provided for each parcel.

- Address
- Ownership
- Zoning (including Specific Plan areas, Urban Plans, and Overlays, if applicable)
- Size (Net developable acres removing known development constraints)
- Density
- Vacancy status
- Previous Housing Element identification
- Potential Development Capacity (Dwelling Units) by income category
- Description of existing use

A summary of this information is included within the Housing Resources section **(Chapter 3)** of Costa Mesa's 2021-2029 Housing Element.

Table B-1 shows the City's 2021-2029 RHNA need by income category as well as a summary of the sites identified to meet that need. The analysis within this appendix shows that the City of Costa Mesa has the capacity to meet their 2021-2029 RHNA allocation through a variety of methods, including:

- Identification of development capacity on sites which either currently permit or will be rezoned to permit development of residential uses at or above 30 dwelling units per acre
- Identification of City owned properties suitable for the development of housing
- Future development of accessory dwelling units (ADUs)

Table B-1: Summary of RHNA Status and Sites Inventory					
	Very Low Income*	Low Income	Moderate Income*	Above Moderate Income	Total
RHNA (2021-2029)	2,919	1,794	2,088	4,959	11,760
Units Constructed in Projection Period (Begins June 30, 2021)	3	19	9	8	39
Remaining Unmet RHNA	2,916	1,775	2,079	4,951	11,721
Large Sites					
Fairview Developmental Center	575	345	690	690	2,300
Sakioka Lot 2	120	60	120	900	1,200
Home Ranch	221	110	221	1,663	2,215
Senior Center Housing Project	40	20	0	0	60
Pacific Arts Plaza and Town Center	53	27	53	402	535
Total Potential Capacity - Large Sites	**1,009**	**562**	**1,084**	**3,655**	**6,310**
Overlays, Specific Plans, and Urban Plans					
North Costa Mesa Specific Plan	1,201	695	1,269	3,265	6,435
SoBECA Urban Plan	128	70	141	383	732
Mesa West Bluff Urban Plan	195	109	208	555	1,071
19 West Urban Plan	115	64	123	335	640
Harbor Mixed Use Overlay	270	151	286	778	1,485
Total Potential Capacity - Overlays, Specific Plans, and Urban Plans	**1,909**	**1,089**	**2,027**	**5,316**	**10,363**
Projected ADU Construction					
Projected ADU Construction	97	168	117	8	391
Sites Inventory Total					
Total Units towards RHNA	3,015	1,819	3,228	8,979	17,042
Total Capacity Over RHNA Categories	103%	102%	155%	181%	145%
*The City's Extremely Low Income (ELI) housing need is assumed to be 50% of the very low RHNA need for the planning period.					

1. Approved Projects and Projects in the Pipeline

Approved Projects since June 30, 2022

As shown in **Table B-1**, the City of Costa Mesa has approved residential development projects since the start of the projection period for the 6th Cycle. The projection period is the time in which development activity can count towards meeting the City's 6th Cycle RHNA need. Cities within the Southern California Association of Governments (SCAG) region can begin taking credit for the 6th cycle for development that was approved on or after June 30th, 2021. **Table B-2** contains projects that received approvals during that timeframe.

Table B-2: Units Permitted				
Address	Building Permit Number	Date Issued	Type	Income Category
900 W 20th Street	BC21-00060	7/6/2021	ADU	Low
2994 Croftdon Street, Unit B	BC21-00123	7/7/2021	ADU	Moderate
1850 Paros Circle	BC20-00583	7/7/2021	ADU	Moderate
230 Sherwood Place, Unit B	BC20-00469	7/12/2021	ADU	Low
257 Knox Place	BC21-00228	7/16/2021	ADU	Moderate
2175 Tustin Avenue, Unit C	BC21-00121	7/20/2021	ADU	Low
2545 Westminster Avenue, Unit B	BC21-00225	7/20/2021	ADU	Low
281 E 20th Street	BC20-00376	7/27/2021	SFR	Above Moderate
281 E 20th Street, Unit B	BC20-00376	7/27/2021	ADU	Low
118 Magnolia Street, Unit B	BC21-00261	8/11/2021	ADU	Low
382 Ramona Way, Unit B	BC21-00110	8/11/2021	ADU	Low
700 W 20th Street, Unit D	BC21-00296	8/12/2021	ADU	Very Low
482 E 20th Street, Unit A	BC21-00321	8/13/2021	ADU	Low
2049 Monrovia Avenue, Unit B	BC21-00113	8/31/2021	ADU	Moderate
536 Caleigh Lane	BC19-00957	9/8/2021	SFR	Above Moderate
324 Costa Mesa Street, Unit B	BC20-00578	9/20/2021	ADU	Low
227 Mesa Drive, Unit B	BC21-00140	9/22/2021	ADU	Moderate
330 Ogle Street, Unit B	BC21-00355	9/27/2021	ADU	Low
379 E 19th Street, Unit B	BC21-00190	9/28/2021	ADU	Low
861 Joann Street, Unit B	BC21-00269	9/28/2021	ADU	Moderate
1951 Rosemary Place	BC20-00111	9/28/2021	SFR	Above Moderate
1951 Rosemary Place, Unit B	BC20-00111	9/28/2021	ADU	Moderate
1939 Continental Avenue, Unit B	BC21-00166	10/5/2021	ADU	Very Low
1984 Orange Avenue	BC21-00461	10/13/2021	ADU	Moderate
2510 Carnegie Avenue	BC21-00339	10/14/2021	ADU	Low
974 Linden Place	BC21-00137	10/14/2021	ADU	Very Low
2687 Elden Avenue, Unit B	BC21-00530	10/18/2021	ADU	Low
320 Colleen Place	BC21-00334	11/5/2021	SFR	Above Moderate
320 Colleen Place, Unit B	BC21-00333	11/5/2021	ADU	Low

Table B-2: Units Permitted				
Address	Building Permit Number	Date Issued	Type	Income Category
3078 Roanoke Lane, Unit B	BC21-00265	11/5/2021	ADU	Moderate
246 Cecil Place	BC21-00293	11/16/2021	SFR	Above Moderate
2014 Maple Avenue, Unit 108	BC21-00534	11/22/2021	ADU	Low
2014 Maple Avenue, Unit 109	BC21-00535	11/22/2021	ADU	Low
466 E 18th Street, Unit B	BC21-00408	11/23/2021	ADU	Low
257 Flower Street	BC21-00644	12/3/2021	SFR	Above Moderate
2458 Norse Avenue	BC21-00626	12/3/2021	SFR	Above Moderate
2845 Ellesmere Avenue, Unit B	BC21-00341	12/7/2021	ADU	Low
473 Ogle Street	BC21-00694	12/14/2021	SFR	Above Moderate
363 Rochester Street	BC21-00625	12/20/2021	ADU	Low

Projects in the Pipeline

Development projects that are in the planning process but have not received land use approvals or building permit are considered "in the pipeline." For applications submitted for a land use approval, projects are considered "pending" until the necessary land use approvals are issued, at which point a project is deemed "approved." Once a building permit is issued, the project is identified as "building permit issued." When project construction is completed, and all necessary building safety inspections have been completed a certificate of occupancy or "final building permit" is issued.

Pursuant to the HCD Housing Element Site Inventory Guidebook Government Code Section 65583.2, for projects yet to receive their certificate of occupancy or final building permit, the element must demonstrate that the project is expected to be built within the planning period. The City believes that many of these "in the pipeline" housing units are likely to be developed within the planning period and could further the City's efforts in reaching its required RHNA, if/once developed. Although "projects in the pipeline" are not included as "candidate housing sites", they represent opportunities for future housing construction in Costa Mesa within the planning period. If/when these housing units are built, the units will count toward achieving the City's RHNA allocation as mandated by State law.

The below summary includes housing projects at various planning/development stages, and consist of potential housing developments of various sizes, types and housing affordability ranges. The summary includes recent housing projects that have been submitted for land use approvals at this time but are not yet "approved"; projects that are "approved" but no building permits have been issued or applied for; and other housing projects that City staff is working on in partnership with other entities or agencies to develop housing resources in the City.

- Senior Housing Project at the Senior Center (Jamboree Housing ENA) – On July 21, 2020, the City Council approved an Exclusive Negotiating Agreement (ENA) with Jamboree Housing Corporation in determining the feasibility, and potential terms, for the right to acquire a long-term leasehold interest in an approximately 0.90-acre portion of the parking lot at the Senior Center property to develop a senior housing project. The conceptual density study plans envisioned the potential for

60 senior affordable dwelling units at the site. An application for an Urban Master Plan Screening for the proposed project was submitted in November 2021 and staff continues to work with the applicant to bring the project forward for a decision.

- Urban Plan Screening Project (1711 & 1719 Pomona Avenue) – On November 16, 2021, the City Council considered an Urban Plan Screening of a Master Plan request for eight live/work units on a 0.46-acre lot. The proposed Master Plan includes a deviation request from the Urban Plan's live/work standards for minimum lot size. The urban planning screening process is the City's first stage of development review for projects proposed in mixed-use overlay districts. The Council generally supported the project's concept, including the request for a deviation from minimum lot size and provided the applicant guidance for the project proposal to include in a future application for Planning Commission consideration.
- Urban Plan Screening Project (1540 Superior Avenue) – On January 18, 2022, the City Council is scheduled to consider an Urban Plan Screening request for nine live/work units on a 0.44-acre lot. The Urban Plan screening process is the City's first stage of development review for projects proposed in mixed-use overlay districts. After the City Council screening, the applicant will use the City Council's guidance to include in a future application for Planning Commission consideration.
- One Metro West (1683 Sunflower Avenue) – The proposed project is a mixed-use development and consists of residential, specialty retail, creative office, and recreational uses. The project is proposed to include up to 1,057 dwelling units (anticipated to be rental units), 25,000 square feet of commercial creative office, 6,000 square feet of specialty retail, and 1.5-acres of public open space. The proposed development includes three multi-family residential structures with a maximum building height of seven stories; one stand-alone office building up to four stories in height; tenant-serving commercial retail space integrated into one of the residential structures; open space; landscaping; streetscape improvements; and a Class-I bike trail system on Sunflower Avenue providing access to the Santa Ana River Trail. The project was approved by City Council in 2021. The project includes 10 percent (106 units) of the residential development project component to be affordable (67 very low income units and 39 low income units) for 40 years. The proposed Project is subject to Measure Y, as codified in Article 22, Chapter IX of Title 13 (Zoning) of the Costa Mesa Municipal Code. Pursuant to Measure Y, after final approval by the City Council, including all CEQA review, the voters must then approve the Project.
- Costa Mesa Village (2540 Newport Boulevard) – Costa Mesa Village is an existing 97-unit SRO/efficiency development which was redeveloped many years ago from an existing motel. An application to update and amend the original entitlement (which allowed for the conversion of the former motel into an SRO/efficiency unit development) was submitted in November of 2021. The intent of the Conditional Use Permit amendment is to modify and update the conditions of the original entitlement while adhering to the City of Costa Mesa's recent SRO policy. The update will include revisions to enhance project housing and social services to qualified low-income individuals and persons with disabilities. Up to 23 of the 97 housing units are anticipated to be supported by Section a 811 subsidy administered by the California Housing Finance Agency (CalHFA) for persons with developmental disabilities, with the remaining units to continue as affordable housing units for individuals living/working in the City of Costa Mesa. The project is expected to be heard by the Planning Commission on January 24, 2022, with the final decision by the City Council thereafter.
- Project Homekey – On November 16, 2021, the City Council directed staff to collaborate with the County of Orange and associated development partners to submit application(s) for the Homekey Program grant funding for the acquisition, rehabilitation and conversion of one or two motel locations proposed for permanent supportive housing. City staff have been working with several existing motel owners of properties that range between approximately 40 to 90 units. The

proposals will provide direct permanent supportive housing with funding from the City of Costa Mesa, the County and (if awarded) Homekey grant funds from the State. The target population for these units would include at risk or currently homeless individuals and seniors, age 62 and over, and chronic homeless individuals and couples, with a subset of the units for eligible persons that qualify for Mental Health Services Act (MHSA) programs. Because the City operates the 72 bed Bridge Shelter on Airway Avenue, the Homekey Program could provide a seamless opportunity to stabilize this most vulnerable population where supportive services are provided on site, in the expedited Homekey permanent supportive housing model.

- The Plant (765-767 Baker Street and 2972 Century Place) – This project consists of the proposed renovation of three existing commercial buildings (containing the former Car Mart and Plant Stand) totaling 19,100 square feet, for retail and restaurant uses surrounding a central courtyard area. In addition, new buildings are proposed consisting of two greenhouse structures which will contain food stall uses, and a four-story mixed-use building with 48 residential units, 14 live/work units, and 2,570 square feet of workshop/maker office space above a two-level parking structure. This project was approved by the City Council in 2019.
- Families Forward (Pomona Avenue) – Families Forward, founded in 1984, is committed to preventing and ending family homelessness in Orange County. Families Forward has acquired and is working on plans to rehabilitate and expand a multi-family property on Pomona Avenue. At completion, the project will include the interior and exterior renovation of the existing 6 units and the addition of 2 new accessory dwelling units that will collectively house 8 families at risk of, or experiencing, homelessness. Families Forward has submitted preliminary plans to the City and are working to advance construction plans which are expected to be submitted to the City for expedited review in January 2022. The project will be owned and operated by Families Forward but is being constructed as a collaboration between Families Forward and HomeAid of Orange County. Families Forward will provide wrap-around services to low- to moderate-income family residents and provide a case manager, housing resource specialist, and other professionals to build a plan toward self-sufficiency. The families will also receive supportive services such as counseling, career coaching and access to our food pantry.

  In 2020, Families Forward helped house and bring an end to homelessness for 15 Costa Mesa families (49 adults and children), with 33 Costa Mesa families accessing the Families Forward food pantry and taking another step towards stability. When complete, the Pomona project will serve as an entry point for families in and near Costa Mesa. Also, on November 17, 2020, the City Council approved a Subrecipient Agreement with Families Forward to establish a Tenant Based Rental Assistance (TBRA) program to assist qualified, very low-income households who are current residents of Costa Mesa (or households with strong community ties to Costa Mesa).

For a variety of reasons, not all projects in the pipeline complete the planning approval or building permit process and are built and occupied. However, these projects provide an indication of what future housing construction may include within the Housing Element planning period. As indicated above, City staff will continue to work with the aforementioned project applicants and other City housing efforts to reach the City's goals.

Figure B-1: Map of Candidate Housing Sites (All Income Categories)

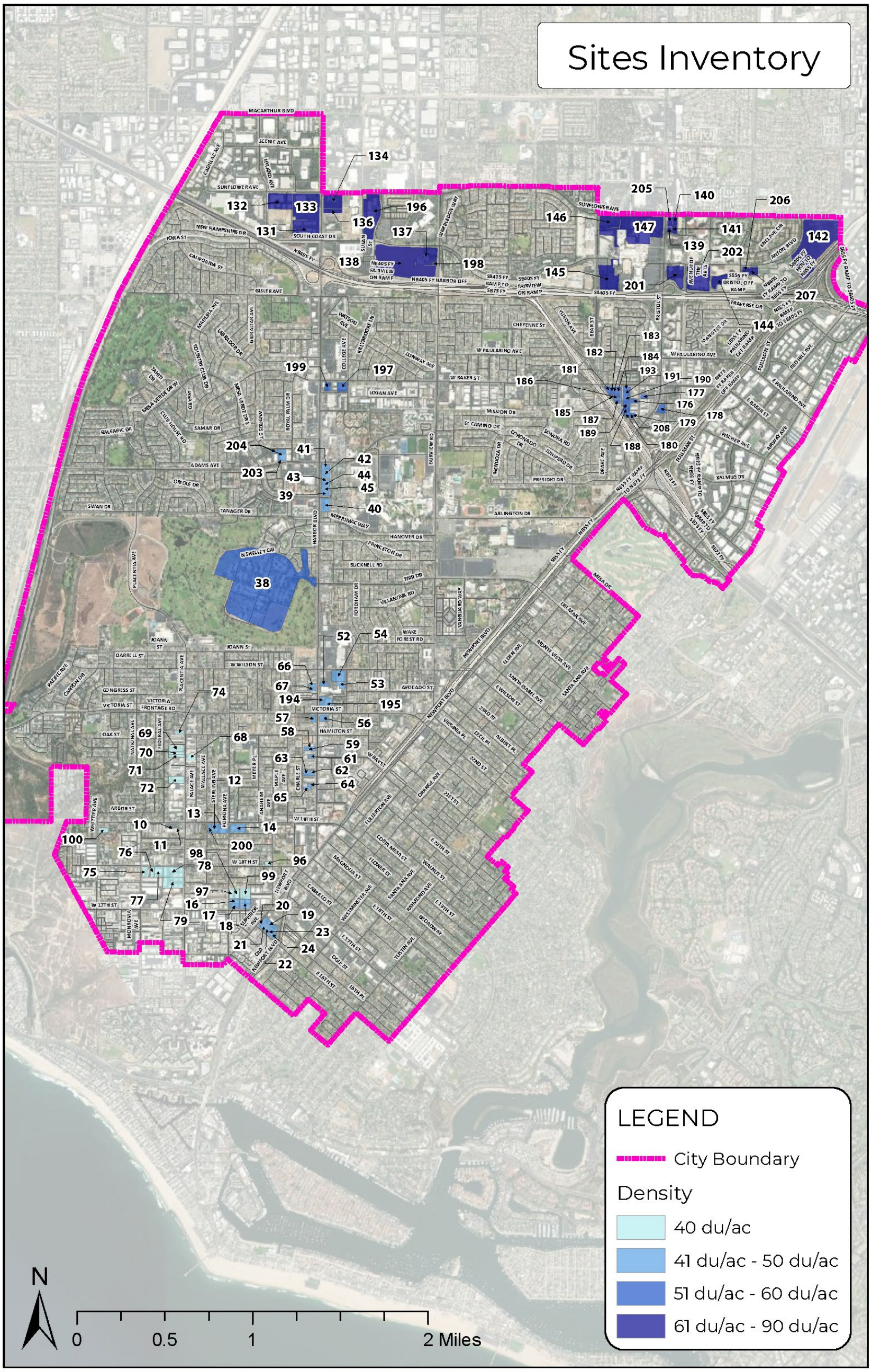


Figure B-2: Map of Candidate Housing Sites (By Zoning)

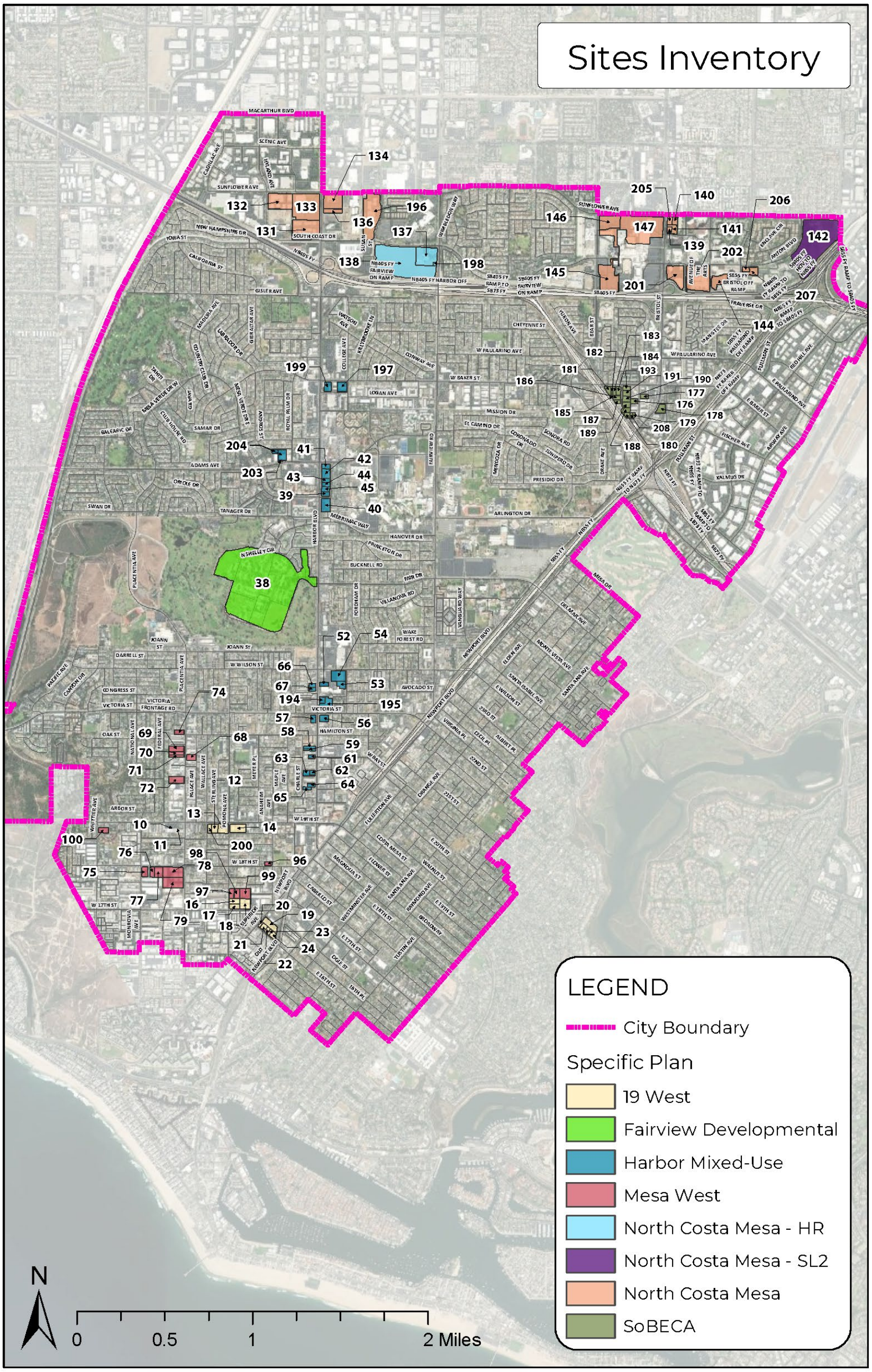


Figure B-2: Map of Candidate Housing Sites (SoBECA Focus)



2. Selection of Sites

The City of Costa Mesa has identified sites with capacity to accommodate the 2021-2029 RHNA. The City has identified 99 parcels within a variety of different zones, specific plan areas, urban plans, and overlays. Each of these either currently permit residential development or will be amended per **Programs 3B and 3C** to permit residential development at the densities specified in **Table B-5.** The identified sites have been evaluated to determine the extent to which on-site uses are likely to redevelop within the planning period. It was found that a number of the existing uses (identified in **Table B-5**) are either permanently closed or available for lease. Many of the uses are in multi-tenant commercial centers with one ownership and most show little to no evidence of recent investment or redevelopment.

The City does not have access to most leasing information as these are generally private documents but has conducted an analysis to identify sites that show characteristics indicating they are likely to redevelop within the planning period. When possible, the City had discussions with property owners to determine interest in redevelopment for residential uses. The analysis also includes several letters of potential residential development interest in **Appendix A**.

Community Input on Sites Selection

Community input was an important component of the sites identification and selection process. The City conducted multiple public outreach meetings, including district specific meetings where community members gave input on areas of importance within their district. This information was collected as notes on maps of each district and can be found in **Appendix C.** Community members also provided feedback on potential housing development types and focus areas on the online community survey. Additionally, draft versions of the sites inventory were discussed at both Planning Commission and City Council study sessions, with decision makers providing input and community members able to make public comments.

Lastly, the City held discussions with major property owners within the City to better understand their long-range plans for development of the properties under their ownership. The City used these discussions to more accurately determine potential unit yield and affordability assumptions for some of the identified candidate housing sites. Additional information is provided for specific properties in **Table B-5**.

3. Redevelopment of Non-Vacant Sites for Residential Uses

The City of Costa Mesa does not have sufficient vacant land available to accommodate fifty percent of their low/very-low income RHNA. To accommodate the need at all income levels, the City has analyzed sites within non-residentially zoned areas that permit residential development through Specific Plans, Urban Plans, or Overlays. The City also evaluated and included parcels not currently within Urban Plans which will be added when those Urban Plans are amended as part of **Programs 3B and 3C**.

As the City cannot accommodate 50 percent of the low/very low income RHNA, state law requires that the City analyze the following:

- Analysis of leases that would prevent redevelopment of the site,
- The extent to which existing uses may constitute an impediment to the future residential development within the planning period,
- The City's past experience with converting existing uses to higher density residential uses,

- Current market demand for the existing use,
- Development trends and market conditions, and
- Regulatory or other incentives to encourage redevelopment.

Lease Analysis

Existing lease agreements on infill and non-vacant properties present a potential impediment that may prevent residential development within the planning period. State law requires the City to consider lease terms in evaluating the use of non-vacant sites, however the City does not have access to private lease agreements or other contractual agreements amongst parties because they are private documents. Therefore, the City has conducted an analysis to identify sites that show characteristics indicating they are likely to redevelop within the planning period, including past performance, an on-the ground existing use analysis and a market analysis to understand cost of land, construction, and development trends in Costa Mesa.

Experience Developing Non-Vacant Sites for Residential Uses

As part of the candidate housing sites analysis, the City has evaluated recent projects that have redeveloped within non-residentially zoned areas that included residential units. Those projects, including the zoning, use prior to redevelopment, and a project analysis of the approved development plan, are shown in Table B-3. The City's analysis showed that prior uses on these redeveloped sites were similar in nature to the existing uses on sites identified within the sites inventory in Table B-6. Based on the information provided in Table B-3, the City has created a classification system for sites with characteristics that are applicable to the candidate sites inventory. The intent of this classification system is to draw parallels from past development and local knowledge and trends in development to the potential future development of the candidate housing sites identified. These classifications are based in real past development that has occurred within the City and while some comparisons may not be an exact match for the sites identified, they show a strong correlation with the understanding that every parcel is unique in terms of site characteristics, existing use, ownership, and other factors which can affect future development. The development classes are generally defined as:

- **Development Class A:** Uses on these sites prior to redevelopment included either light industrial or office type uses. These are areas that previously served commercial or office businesses and have redeveloped throughout the city based on property owner interest and market trends. This also includes uses within the SoBECA Urban Plan area.
- Development Class B: Uses on these sites prior to redevelopment included self-storage, vehicle storage, and industrial uses. Many of these sites are located within the Mesa West or 19 West Urban Plan areas which covers a large portion of the industrial areas within the City.
- Development Class C: Uses on these sites prior to redevelopment included primarily commercial uses along Harbor Boulevard or another major city commercial corridor. These projects are typically in a mixed-use setting, whether within the same development or directly adjacent. Many of these sites are within the Harbor Mixed-Use Urban Plan area.
- Development Class D: These sites are motel conversions within the City. The City is continuing to pursue Project Homekey funds to encourage redevelopment of specific motels within the City in coordination with property owners and operators of these buildings.
- EX: Existing proposed project or anticipated project.

The City has also conducted a parcel specific analysis of existing uses for each of the identified sites. This analysis of existing uses, including indicators of a likelihood that the existing use will redevelop within the next eight years, are provided in **Table B-6**. This analysis is based on information readily available to the City and research that can be found through online research. The City does not always have access to private lease information but has included information that property owners have shared regarding individual sites.

The following residential development projects have been constructed on parcels that were either non-residentially zoned or had an existing non-residential use on-site within Costa Mesa.

Table B-3: Example Development of Non-Vacant Sites for Residential Uses

Project Address	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis	Development Class
125 Baker St.	240	PDR - HD	Industrial use	This development is a 240-unit wrap apartment complex on a 4.2-acre parcel in a largely industrial and office area of Costa Mesa. The project was built at a density of approximately 57 du/ac. The site was previously a light industrial and office uses use similar to some of the identified candidate housing sites. The project was rezoned from CL to PDR-HD.	A
1957 Newport Blvd.	38	PDR - HD	Self-storage use and trailer storage lot	This development is a 38-unit condominium project along the Newport Blvd commercial corridor. The site was previously a self-storage and trailer storage use similar to some of the identified candidate housing sites. The project was rezoned from C1 to PDR-HD.	B
2277 Harbor Blvd.	200	PDR - HD	Motel use	This development is a 200-unit apartment complex on a previous motel use site. This development is located on Harbor Boulevard and shares many existing characteristics with sites identified within this corridor in the candidate sites inventory. The project was rezoned from C1 to PDR-HD.	D
671 W. 17th St.	177	MG	Brownfield development (Argotech Industries)	This development is 177 live/work and loft residential units and was developed on a site that was previously largely surface parking area. This site is in the Mesa West Urban Plan area and adjacent to some of the sites identified within the candidate housing sites analysis. This project also shares many existing use characteristics with those identified sites.	B
1620 and 1644	89	MG	Industrial use (Ametek	This development is 89 live/work residential units on a former industrial use site in the	B

Table B-3: Example Development of Non-Vacant Sites for Residential Uses					
Project Address	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis	Development Class
Whittier Ave.			Aerospace and Defense)	Mesa West Bluffs Urban Plan area. Similar to 671 W. 17th Street, this site shares many geographic and existing use characteristics with sites identified in the candidate housing sites analysis.	
1500 Mesa Verde Drive East	215	PDC	Vacant commercial area	This development is 215 senior apartments developed at four stories along Harbor Boulevard directly adjacent to existing commercial uses. This project is an example of the types of horizontal mixed-use projects that the City anticipates may develop along Harbor Boulevard and matches assumptions made in the Housing Element.	C
1527 Newport Boulevard	40	C2 & MG	Industrial uses, including boat and automobile repair	This development is 40 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.	B
132, 134, 140 Industrial Way	22	C2 & MG	Industrial uses, including boat and automobile repair	This development is 22 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.	B
1677-1985 Superior Avenue	49	C2 & MG	Gas station and a mixture of commercial and industrial uses.	This development is 49 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.	B
2025 Placentia Avenue	36	MG	Commercial and industrial uses, including storage and repair for boats	This development is 36 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and previous uses are consistent with sites identified within the sites inventory.	B
2095 Harbor Boulevard	29	PDC	Commercial buildings and gas station which had been vacant for several years.	This development is 28 single-family homes with live/work potential, including ground floor commercial/office workspaces and two stories above for residential. This development is in the Harbor Mixed Use Urban Plan area along Harbor Avenue and	C

Table B-3: Example Development of Non-Vacant Sites for Residential Uses					
Project Address	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis	Development Class
				previous uses are consistent with sites identified within the sites inventory.	
1672 Placentia Avenue	32	MG	Boat yard and industrial building	This development is 32 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and previous uses are consistent with sites identified within the sites inventory.	B

This analysis of recent sample development projects shows that residential development occurs within the City on sites that have existing non-residential uses. As indicated in the analysis notes, these example sites share many characteristics with the candidate housing sites in **Table B-6.** This demonstrates that there is development potential on these sites as well as interest in developing these types of sites for residential uses within Costa Mesa.

Existing Uses on Candidate Sites and Redevelopment Opportunity

The City has identified and analyzed existing use on candidate sites in **Table B-6** below. As the City is a built-out community, consisting mainly of commercial retail, industrial and single-family housing, a primary goal was to identify sites compatible for the development of multifamily and mixed-use housing as well as not displace existing residents. Therefore, the City identified the best possible sites with the most feasible opportunity for redevelopment over the next 8 years. In additional to the analysis in **Table B-6** the City utilized locally available SCAG data to identify the following key indicators that the sites included for low and very low-income opportunity are the most appropriate:

- Nine percent of the sites are within areas identifies as Highest Resource by the TCAC
- 55 percent of the sites are within areas identified as moderate resource
- On average, there are 90 healthcare facilities within a one-mile drive from the identified sites
- On average, there are 4 grocery stores or markets within a one-mile drive from the identified sites
- 97 percent of the sites identified are within a High-Quality Transit area, meaning the 97 percent of sites are within one half-mile of a well-serviced transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours.

Housing Market Analysis

In addition to an on-the-ground existing use analysis, the City of Costa Mesa has market conditions to facilitate the redevelopment of non-vacant sites for residential. **Table B-3** above shows that a total of 1,167 dwelling units have been constructed through redevelopment in the City. Additionally, a California Association of Realtors report for Historic Housing trends shows that the average time a unit spends on the market in Orange County is just 18.6 days in the last four years (2017-2021) and just 13.3 days in the last

two years.[1] Specifically in Costa mesa, homes spent just over one month on market and the sale-to-list price ratio was 100.14%, indicating a sellers' market and the need for more housing.[2] According to the New Homes Directory (online resource), historical Housing Market data, the average price for an attached unit, 1,500 square feet or less, increased by 48 percent over the last planning cycle ($434,87 in 2014 to $645,000 in 2021).[3]

Additionally, the according to the CAR Current Sales and Price Statistical Survey, the median cost of a home for sale in Orange County increased by 20 percent from 2020-2021 (from $930,000 in October 2020 to $1,120,000 in October 2021).[4] The indicators above signify an increased market demand for new housing.

4. Development of Small Site Parcels

The City of Costa Mesa has identified several candidate housing sites that are smaller than half an acre in size. Assembly Bill 1397 identifies general size requirements for candidate housing sites of greater than half an acre and less than 10 acres in size. The City has only identified sites smaller than half an acre which show the likelihood of redeveloping in conjunction with other parcels which collectively meet the half acre requirement. The likelihood of redevelopment was based primarily on common ownership amongst adjacent parcels which share a property line. In most instances, these parcels are currently developed as a single use and it is reasonable to anticipate that the collection of parcels will redevelop as one new development to maximize efficiency and design of the new use. Candidate sites less than half an acre in size represent a small portion of the City's overall RHNA need. A total of nine sites comprise the potential for 114 units, which is 1 percent of the City's total RHNA need for the period of 11,760.

The potential candidate sites which are anticipated to be consolidated into a single development are identified within Table B-6.

The candidate sites that are smaller than half an acre are shown in Table B-4 below along with descriptions of their likelihood to redevelop that go beyond the descriptions in Table B-6.

[1] Median time on Market of Existing Detached Homes, Historical Data, California Association of Realtors (CAR), Accessed online: December 9, 2021. https://www.car.org/marketdata/data

[2] Realtor.com, Housing Market Summary, Costa Mesa. Accessed Online: December 9, 2021. https://www.realtor.com/realestateandhomes-search/Costa-Mesa_CA/overview

[3] New Homes Directory.com, Historical Housing Report in Costa Mesa, Accessed Online: December 9, 2021. https://www.newhomesdirectory.com/California/Costa_Mesa/historical-housing-report

[4] Current Sales and Price Statistics, California Association of Realtors (CAR), Accessed online: December 9, 2021. https://www.car.org/marketdata/data

Table B-4: Analysis of Candidate Housing Sites Under 0.5 acres					
APN	Unique ID	Address	Specific Plan/Urban Plan Area	Size (Ac)	Use Description
42543103	20	1666 Superior Ave	19 West	0.29	These are all adjacent parcels in a contiguous block bounded by E 16th Street, Superior Avenue, E 17th Street, and Newport Blvd. All parcels within this block have been identified as candidate housing sites and total 4.70 acres. Sites 22 and 23 are owned by the same property owner. The existing uses are all car-related industrial uses which are single-story. As shown in **Table B-2**, the City worked with property owners of parcels along Industrial Way (Specifically 132, 134, and 140 Industrial Way, less than a quarter mile southwest of these identified parcels) to facilitate the development of residential uses on parcels previously occupied with the same types of uses as these three parcels (boat and auto repair uses). These parcels are located within the 19 West Urban Plan area and are permitted to develop in the same manner as the parcels along Industrial Way.
42543105	22	126 E 16th St	19 West	0.42	
42543106	23	126 E 16th St	19 West	0.35	
41817101	208	754 Saint Clair St	SoBECA	0.27	These parcels are occupied by warehouse and light industrial uses within the SoBECA Urban Plan area. The SoBECA Urban Plan focuses on residential as a mixed-use component and promoting the development of residential in addition to the existing commercial anchors in the Mall and the Camp. The City has established Program 3D to update the Urban Plans within the City to focus more heavily on residential uses at the identified densities. As identified in **Table B-2**, the City developed Baker Block on industrial parcels which previously occupied similar light industrial uses in a largely industrial corridor approximately one-third of a mile from the SoBECA area. These uses have similar historical context and assumptions have been tied to this project and others as examples of redeveloping these types of uses for residential within industrial areas.
41817102	179	752 Saint Clair St	SoBECA	0.26	
41820202	182	841 Baker St	SoBECA	0.33	
41820205	185	2969 Century Pl	SoBECA	0.09	
13931321	203	1590 Adams Ave	SoBECA	0.27	
14004183	198	N/A	North Costa Mesa	0.23	This parcel is part of the overall Home Ranch parcel described in the Large Site analysis in the following section. Home Ranch is

Table B-4: Analysis of Candidate Housing Sites Under 0.5 acres					
APN	Unique ID	Address	Specific Plan/Urban Plan Area	Size (Ac)	Use Description
					currently a mostly vacant site within the North Costa Mesa Specific Plan area that has an existing development agreement and is currently planned for residential development. The City has actively worked with the property owner throughout the 6th Cycle Housing Element update process to identify an appropriate number of residential units to allocate towards the site. The property owner has indicated they intend to develop residential uses on the Home Ranch site and they are permitted to alter their development agreement or develop outside of it, meaning there are no unit caps in place. While this individual parcel is less than half an acre, it is in common ownership with the larger Home Ranch site which exceeds the half acre standard. This parcel is currently vacant.

Additionally, Policy LU-2.10 of the City of Costa Mesa's Land Use Element within the General Plan promotes lot consolidation of residential properties. While the sites identified in the table above are commercial in nature, the intent of the policy remains effective in consolidating smaller parcels towards the creation of a larger residential development.

5. Development of Large Site Parcels

The 2021-2029 sites inventory includes several sites that are larger than 10 acres. These sites exceed the AB1397 size requirement and require additional analysis. The following background and analysis relates to each site in the inventory that exceeds that inventory. The City has conducted meetings with each of these major property owners to determine their future interest in developing housing on the identified properties. These properties when developed pursuant to the densities included within this Housing Element would be subject to the City's inclusionary housing requirements which are in process and anticipated to be adopted per Program 2A. This supports the City's assumptions of affordability on the sites described below. The housing element also includes Program 3R which commits the City to take actions to promote the development of large parcels at the densities and affordability levels identified within the housing element. There are no unit caps within the City which would limit the number of units which can be developed on these sites. That is subject to the densities provided within the City's zoning code.

Fairview Developmental Center

The Fairview Developmental Center (FDC) is a State-owned property that is approximately 109 acres in size and located on Harbor Boulevard within Costa Mesa. The FDC currently serves as one of the largest residential facilities for developmentally disabled persons in the State of California. The FDC was previously identified in the City's 5th cycle Housing Element (2013-2021) and the City has continued discussions with the State to determine the potential residential yield of the area taking into consideration the existing uses.

In January 2020, the Costa Mesa Fairview Developmental Center Ad Hoc Committee met to discuss potential development yields for the site. The Committee presented a report to the City Council which summarized its strategic engagement in the development of the local vision, priorities, and reasoning behind the stated preliminary vision of a solutions-based, housing-first model for the site. The Committee took into consideration the City's recent efforts to open a homeless shelter and identified opportunities for permanent supportive housing and integrated workforce housing within the City. Conceptual yield studies and draft plans have also been compiled for the property and helped to inform development capacity assumptions. There are no current development agreements or density caps on the property as residential uses are not currently permitted. The City will need to come to an agreement with the State of California for future use of the site and then solicit input from the development community on potential entitlement, likely through a competitive bid process. The City is confident that there is significant interest in redeveloping the property once it becomes available based on informal discussions with developers during the housing element update process.

FDC was discussed multiple times in public workshops by local housing advocacy groups in support of residential uses on the site for primarily affordable housing developments and workforce housing. The City has established Program 3B to work with the State of California to establish the FDC area as a mixed-use village that prioritizes housing and promotes development at the densities and affordability levels identified within this housing element. As stated in Program 3B, the City envisions a two-year process to negotiate future residential development use on the site. If not established within two years, the City will identify additional sites to accommodate a potential shortfall in sites to accommodate the remaining RHNA.

The City's 6th Cycle analysis includes an assumption of 2,300 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

Sakioka Lot 2

Sakioka Lot 2 is a 30.93-acre site located north of the 405 Freeway with General Plan Land Use designation that allows up to 660 residential units, 863,000 Square feet of office or retail use and a Floor Area Ratio of 1.0. The property is also located in the North Costa Mesa Specific Plan.

The site is currently under a development agreement (DA) that was recently extended for ten years until May of 2031. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. This development would occur pursuant to the new densities identified within the Housing Element, which may lead to the development of more units than currently established under the DA. The property owner and City could potentially amend the current DA or the property owner may develop outside of the DA but under the zoning requirements of the North Costa Mesa Specific Plan in order to achieve more than 660 residential units in the future. Therefore, the existing DA does not present a cap or restriction on the future number

of potential units on the Sakioka Lot 2 parcel. Furthermore, there are not affordability caps within the current DA which would limit the number of units which may be affordable. The City's 6th Cycle analysis includes an assumption of 1,200 dwelling units broken down into the very low, low, moderate, and above moderate-income categories. The property owner has expressed interest in communications with the City in developing for residential uses within the 8-year planning cycle.

Home Ranch

Segerstrom Home Ranch is a 43-acre site located north of the 405 Freeway with a General Plan land use designation that allows up to 1.2 million square feet of office and up to 0.64 Floor Area Ratio. The property is also located in the North Costa Mesa Specific Plan. The site is currently under a development agreement that was executed in 2002 and extended in 2010 for additional 20 years until July of 2030.

The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The property owner has expressed that there are future scenarios which consider fully developing the site for residential uses with some support commercial, which exceeds the assumptions in the housing element. The City conservatively analyzed the potential for a range of uses on the Home Ranch site. This would require a modification of the existing DA, which is possible with property owner and City support. The City's 6th Cycle analysis includes an assumption of 2,215 dwelling units broken down into the very low, low, moderate, and above moderate-income categories. The property owner has expressed interest in communications with the City in developing for residential uses within the 8-year planning cycle.

South Coast Plaza

South Coast Plaza is a large regional mall in the North Costa Mesa area. The mall has ample surface parking and as of adoption of this Housing Element, has a large, big box component which is currently vacant. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The sites analysis makes a conservative potential redevelopment assumption of approximately 15 acres of the 128-acre property.

The City's 6th Cycle analysis includes an assumption of 1,959 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

Pacific Arts Plaza

Pacific Arts Plaza project is an 18.3-acre site located in South Coast Plaza Town Center currently developed with a variety of office buildings and restaurants. The site is designated Cultural Arts Center (CAC) by the General Plan and has a zoning designation of Town Center (TC). The property is also located in the North Costa Mesa Specific Plan. Portions of the site are under a Development Agreement. The existing development approvals referenced in the original Development Agreement that allows for a maximum Floor Area Ratio (FAR) of 1.55 and maximum building square footage of 1,227,978. The Development Agreement was recently extended for two years and will expire in August of 2023. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The City's 6th Cycle analysis includes an assumption of 535 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

6. Accessory Dwelling Units

Accessory dwelling units, or ADUs, are housing units which may be developed in addition to an existing single- or multi-family residential use. These housing units can be free-standing or attached to a primary structure and are intended to provide additional housing on an existing residential lot. Often ADUs provide housing for family members or are rented to members of the community.

As a result of new legislation and an increased effort by the City to promote ADUs, the City has seen an increase in applications so far in 2022. The City approved/permitted the following number of ADUs since 2018:

- 2018 – 4 ADUS
- 2019 – 6 ADUS
- 2020 – 19 ADUs
- 2021 – 43 ADUs
- 2022 – 68 ADUs

Of the 41 permits issued in 2021, 1 was available at the extremely-low income level, 3 were available at the very-low income level, 25 were available at the low-income level, and 12 were available at the moderate income level. As of the end of April 2022, the City of Costa Mesa has seen an increase in ADU activity. The City has approved and is in the process of issuing permits for 27 ADUs through approximately one-third of the year. Projected out over 2022, this demonstrates the continued trend of ADU growth and puts the City on pace for 81 approved ADUs in 2022. This exceeds the City's 2022 projection of 50 units by 31 units and positions the City well to exceed its projected ADUs within the planning period.

In compliance with State law, ADUs are allowed in all zones that allow single dwelling unit or multiple dwelling unit development. Junior Accessory Dwelling Units (JrADUs) are permitted only in single dwelling unit zones.

The City of Costa Mesa has determined based on past performance that it is appropriate to anticipate the development of 391 accessory dwelling units from 2021 to 2029 (approximately 50 per year through the planning period). Approximately 265 of these units are anticipated to be affordable at the low and very-low-income categories. A total of 117 ADUs are anticipated to be affordable at the moderate-income level and 8 ADUs are anticipated at the above moderate-income level. This affordability estimation is based on guidance from SCAG and HCD based on surveys of existing ADUs in the SCAG region between April and June 2020. Another local factor that contributes to the City's anticipated overall ADU growth expectations is that the City's ADU provisions are more flexible than the State ADU regulations, and therefore are more desirable for ADU development. For example, the State's minimum standard related to ADU required parking is that ADU's located within 500 feet of certain transit areas are not required to provide parking, whereas the City's ADU standards allow ADUs to be constructed without any parking regardless of location. Also, the State's minimum standard related to ADU height is that a local ADU ordinance shall allow an ADU height a minimum of 16 feet, whereas the City's ADU height standards allow a building height of 27 feet. Lastly, the State's minimum floor area requirement for ADUs is 850 square feet for studio units and 1,000 square feet for one-bedroom units, whereas the City's ADU floor area standards allow for larger ADUs in

that a detached ADU can be constructed up to 1,200 square feet, and an attached ADU may be the greater of 1,000 square feet or 50 percent of the size of the existing residential unit.

The City performed a trend analysis looking at the growth in ADUs from 2018 – 2021. That analysis is shown in the table below.

Table B-5: ADU Assumption Analysis (2018 – 2021)	
Year	ADU Permitted (2018-Based Strategy)
Projection Period Total:	*390*
2028	*50*
2027	*50*
2026	*50*
2025	*50*
2024	*50*
2023	*50*
*2022**	*68*
*2021**	*43*
2020*	19
2019*	6
2018*	4
"*" indicates actual permitted ADUs within that year.	

As shown in **Table B-4**, Costa Mesa has seen sustained increases in ADU production each year since 2018 with the lowest being a 50% increase between 2018 and 2019 as new State laws and local processes were not common knowledge amongst homeowners. The City expects that they while ADU production is likely to continue to increase year after year, there may be some drop off in that increase as more property owners develop ADUs. The City anticipates approximately 50 ADUs will be permitted per year for the remainder of the planning period.

A further indication of this is recent development trends observed by the City. Planning staff recently received and processed a development which included 13 ADUS which were conversions of existing garages. These units ranged from 152 to 363 square feet and consisted of a studio unit arrangement with one bathroom. This is a direct result of two actions: (1) developers and local property owners becoming educated on the new ADU laws and (2) the City of Costa Mesa making diligent efforts to discuss ADU potential and provide informational materials to the community. In addition to the methodology and concrete local data presented above, the City understands that ADU trends may change. In response, the housing element includes **Program 3M** to monitor ADU production every two years and has stated actions should production not match the anticipated amount in the housing element.

To assist in furthering the recognition and understanding of ADUs potential within Costa Mesa and reach the City's ADU development projections, Costa Mesa has included **Program 3E**, which identifies actions the City will take to promote and incentivize the development of ADUs during the planning period. As outlined in the program, these actions include:

- Coordinating with the County on implementation of a permit-ready ADU program
- Post a user-friendly FAQ on the City's website to assist the public with the general questions.

- Waiving specific permitting fees to make ADU development more feasible
- Creating an expedited plan check review process to ease the process for homeowners
- Research potential State and Regional funding sources for affordable ADUs and make the information found publicly available to homeowners

7. Water, Sewer, and Dry Utility Availability

Each site has been evaluated to ensure there is adequate access to water and sewer connections as well as dry utilities. Each site is situated with a direct connection to a public street that has the appropriate water and sewer mains and other infrastructure to service the candidate site. The City has sufficient total water and sewer capacity (existing and planned) to accommodate the 2021-2029 regional housing need. The City plans for future housing growth through the Mesa Water District Urban Water Management Plan (UWMP). This was most recently updated in 2020. Future sewer capacity is planned for through the Costa Mesa Sanitary District Sewer System Management Plan (SSMP), which was most recently amended and recertified by the Board of Directors in January 2021.

B. Calculation of Unit Capacity

This section contains a description of the candidate sites identified to meet Costa Mesa's RHNA need at all income levels. The full list of these sites is presented in Table B-6.

1. Realistic Capacity and Affordability Calculations

Costa Mesa's 2021-2029 Housing Element sites analysis assumes that each identified candidate housing site will develop with at a range of income levels. Primarily, it is assumed that sites identified within Table B-6 will redevelop with the following affordability characteristics:

- 30% of units available to residents in the low and very low-income categories
- 20% of units available to residents in the moderate-income category
- 50% of units available to residents in the above moderate-income category

Costa Mesa recognizes that not all sites within the inventory will develop such that they meet these affordability assumptions and has included a 37% buffer on the total number of units to assist in accommodating potential differences in future housing development. This buffer is to accommodate the potential that sites may develop for 100% nonresidential uses, however recent development within Costa Mesa has indicated that is unlikely. The following developments have all occurred recently within the City's urban plans, specific plans, overlays, or on non-residentially zoned sites. Many of these are described in more detail in Table B-2.

- 2277 Harbor Blvd – Previous motel use that underwent a rezone from C1 to PDR-HD and developed as a fully residential project with 200 apartment units.
- 671 W 17th Street – Previous industrial brownfield site in the Mesa West Bluff Urban Plan which developed as a fully residential project with 177 live/work units.
- 1620 and 1644 Whittier Avenue – Previous industrial use in the Mesa West Bluff Urban Plan which developed as a fully residential project with 89 live/work units.

- 1500 Mesa Verde East Drive – Commercially zoned parcel along Harbor Boulevard which developed as a fully residential project with 215 senior apartments.
- Brickyard East and West – Previous industrial warehouse uses along Placentia Avenue which developed as a fully residential project with 29 townhouse units.

Consistent with local housing market trends data presented earlier in this appendices, the City of Costa Mesa is seeing an increase in residential development and rarely receives requests for fully non-residential uses in the area identified within the candidate housing sites analysis.

The City has established goals and programs within the Housing Element aimed at identifying funding opportunities and partnering with the development community to increase the amount of affordable housing built in future developments. If the City is able to identify partnerships leading to fully affordable projects, that would also help to cover any potential shortfall in capacity in any of the four income categories. The City of Costa Mesa recognizes that should a "No Net Loss" situation occur, they will be required to identify additional sites and has analyzed additional potential housing sites within the Housing Element's environmental clearance document.

There are several candidate housing sites in which the affordability assumptions differ from those presented above. Those sites include:

- Costa Mesa Senior Housing Project (APN 424-211-01). This site is owned by the City of Costa Mesa who has had previous discussions with a developer on a fully affordable project on this site. This site assumes 60 units which are all affordable at the lower income levels.
- Fairview Developmental Center. This site is analyzed previously in the large site analysis portion of this appendices. This site is owned by the State of California and the City anticipates working in collaboration with the State to support the goal of developing affordable housing. The City has assumed that approximately 40% of the units on this site will be available to residents at the lower income levels, while 30% will be available to residents at the moderate-income levels. The remaining units are anticipated to be market-rate.
- Sakioka Lot 2. The City has conducted outreach meetings with this property owner and determined that it is realistic to assume that 15% of future units on this site may be available to residents at the lower income levels. This site has an existing development agreement.
- Home Ranch. The City has conducted outreach meetings with this property owner and determined that it is realistic to assume that 15% of future units on this site may be available to residents at the lower income levels. This site has an existing development agreement.
- Pacific Arts Plaza and Town Center. The City has conducted outreach meetings with this property owner and determined that it is realistic to assume that 15% of future units on this site may be available to residents at the low and very-low income levels. This site has an existing development agreement.

2. Specific Plan, Urban Plan, and Overlays

As identified in Programs 3B and 3C, of the Housing Plan (Chapter 4), the City will be modifying some of the existing Specific Plans, Urban Plans, and Overlays within Costa Mesa. The densities identified in Table B-6 reflect revisions to many of these areas to permit residential development at a higher density than what

the current zoning permits as of adoption of this document. As noted, the City has three years to complete these zoning amendments. The City is proposing to either analyze or modify the following areas:

- North Costa Mesa Specific Plan
- 19 West Urban Plan
- SoBECA Urban Plan
- Mesa West Bluff Urban Plan
- Residential Ownership Urban Plan (Propose to Remove)
- Residential Incentive Overlay
- Harbor Mixed-Use Overlay

These areas, with the exception of the Residential Ownership Urban Plan, which is proposed to be removed, will be modified through Programs 3B through 3C to permit residential development at or above the default density for Costa Mesa of 30 dwelling units per acre. When considering appropriate densities, the City held outreach meetings with members of the community, decision-makers, the development community, and major property owners. As part of these meetings, the City discusses and analyzed what densities were appropriate to maintain the character of the surrounding neighborhoods while also presenting the opportunity for future residential development that can realistically facilitate the development of units available at the lower income levels.

The City will continue to conduct community outreach post adoption of the Housing Element to discuss potential revisions to development standards within these areas with the goal of effectively planning for future affordable housing. Densities established as a part of future zoning changes must accommodate the densities shown in Table B-6 for the sites identified.

Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA

Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process. Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
424-202-02	12	719 W 19th St	PANGE MARC C TR PANGE REVOC TR	C1	G	4	19 West	1.29	50			Yes	64	12	7	12	34	Small commercial uses in a strip mall center. Approximately half of the parcel is surface parking and property abuts a major transportation corridor (19th Street). Shopping Center shows no recent sign of renovation.	12,509	70,028	18%	C
424-202-03	13	707 W 19th St	MUNOZ FAMILY PROPERTIES LLC	C1	G	4	19 West	2.00	50				99	18	10	19	52	Existing single-user (Smart&Final) with large surface parking lot. Potential to redevelop for mixed-use adjacent to major transportation corridor (19th Street).	20,404	108,723	19%	C
424-211-01	14	695 W 19th St	CITY OF COSTA MESA	C1	G	5	19 West (Senior)	2.66	50				60	40	20	0	0	Proposed Senior Center Housing project.	16,181	144,946	11%	EX
424-281-20	16	1710 Pomona Ave	PACIFIC MESA PROPERTIES	MG	LI	5	19 West	1.08	50				53	10	5	10	28	Existing self-storage facility in close proximity to new residential uses and major transportation corridor (17th Street). The existing single-story building is located less than 100 feet away from recently constructed residential. The increase in permitted residential density afforded by this Housing Element update cycle is an incentive for property owners to gain greater economic return with residential development as opposed to remaining as commercial. Additionally, this Urban	17,660	58,633	30%	B

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																		Plan Area has seen significant past ownership interest in conversion of existing commercial/light industrial/office into residential development with similar previous existing sites (including more than one-hundred multi-story residential loft units located immediately across 17th Street). Further, one of the main objectives of the 19 West Urban Plan is to "encourage commercial/residential mixed-use development" with an emphasis on "vertical mixed-use development" (i.e., multi-story). Based on past local development trends and future allowed increases in residential density, It is conceivable and likely that the economic return of a residential use will encourage the ownership to redevelop the existing storage use into either residential or residential mixed-use (similar to adjacent properties) within the planning period.				

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
424-281-21	17	670 W 17th St	PACIFIC MESA PROPERTIES	MG	LI	5	19 West	1.06	50				53	10	5	10	28	Existing 2-story office and commercial uses in close proximity to new residential uses and major transportation corridor (17th Street).	12,364	57,813	21%	A
424-281-22	18	660 W 17th St	PACIFIC MESA PROPERTIES	MG	LI	5	19 West	2.22	50				110	20	12	22	55	Existing self-storage facility and light industrial/commercial use in close proximity to new residential uses and major transportation corridor (17th Street).	29,164	120,722	24%	B
425-431-02	19	1680 Superior Ave	B D INNS INC	CL	G	6	19 West	2.11	50				105	19	11	21	53	Existing hotel use (Ramada) with large surface parking lot. Property is directly adjacent to Newport Boulevard and next to new multi-family development.	25,337	115,045	22%	D
425-431-03	20	1666 Superior Ave	SCHWARTZ PAUL D 2007 TR	MG	LI	6	19 West	0.29	50		A		14	2	1	2	9	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	3,693	15,921	23%	B
425-431-04	21	116 E 16th St	SHEEHAN MICHAEL W TR	MG	LI	6	19 West	0.73	50		A		36	6	3	7	19	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	13,899	39,955	35%	B

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
																		The existing single-story collection of warehouse buildings is located across 16th Street from approximately 60 affordable modular/mobile home residential units and also located in close proximity to more than one-hundred multi-story residential loft units located on 17th Street. This Urban Plan Area has seen significant past ownership interest in conversion of existing commercial/light industrial/office uses into residential development with similar previous existing sites. Further, one of the main objectives of the 19 West Urban Plan is to "encourage commercial/residential mixed-use development" with an emphasis on "vertical mixed-use development" (i.e., multi-story). Based on past local development trends and future allowed increases in residential density afforded by the associated zone changes, It is conceivable and likely				

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
																		that the economic return of a residential use will encourage the ownership to redevelop the existing uses into either residential or residential mixed-use (similar to adjacent properties) within the planning period.				
425-431-05	22	126 E 16th St	126 PROPERTIES LLC	MG	LI	6	19 West	0.42	50		A		20	3	2	4	10	A vehicle repair facility developed with older and randomly located structures. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table. The existing collection of vehicular repair and vehicle storage buildings are located across 16th Street from approximately 60 affordable modular/mobile home residential units and also located in close proximity to more than one-hundred multi-story residential loft units located on 17th Street. This Urban Plan Area has seen significant past ownership interest in conversion of existing commercial/light industrial/office uses into residential development with	10,868	22,831	48%	B

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
																		similar previous existing sites. Further, one of the main objectives of the 19 West Urban Plan is to "encourage commercial/residential mixed-use development" with an emphasis on "vertical mixed-use development" (i.e., multi-story). Based on past local development trends and future increases in residential densities afforded by the next Housing Element cycle, It is conceivable and likely that the economic return of a residential use will encourage the ownership to redevelop the existing uses into either residential or residential mixed-use (similar to nearby properties) within the planning period.				
425-431-06	23	126 E 16Th St	126 PROPERTIES LLC	C1	G	6	19 West	0.35	50		A		17	3	1	3	10	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	5,158	19,226	27%	B

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
425-431-07	24	1601 Newport Blvd	WINKAL HOLDINGS L L C	C1	G	6	19 West	0.79	50				39	7	4	7	22	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	9,604	42,763	22%	B
420-012-16	38	2476 Mark St	STATE OF CALIFORNIA	I&R-MLT	MUC	1	Fairview Developmental	108.91	60				2,300	575	345	690	690	Fairview Developmental Center property. See analysis in Appendix B for additional information on potential to redevelop.	944,681	N/A	N/A	EX
141-361-06	39	2700 Harbor Blvd	FEMINO JAMES J THE J J & S FEMINO LIVING TR	C1	G	3	Harbor Mixed-Use	0.68	50				34	6	3	6	19	Mixed us building with first floor retail and offices	8,228	37,198	22%	C
141-361-11	40	2666 Harbor Blvd	HARBOR CM LLC	C1	G	3	Harbor Mixed-Use	2.41	50				120	22	13	24	60	Former Ace Hardware store, now for lease after Ace went out of business. Large big box structure with surface parking along a major transportation corridor (Harbor Blvd). This property is located adjacent to an approximate 30 unit recently completed residential development (also fronting Harbor Blvd) and several hundred residential apartment units located easterly of the property. Given the nature of the current extended	44,693	130,965	34%	C

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
																		vacancy history, difficult lease market for a larger facility and permitted residential densities afforded to this property by the next Housing Element cycle, it is conceivable and likely that this property will be redeveloped with residential. The aforementioned adjacent residential property located on Harbor Boulevard was previously developed with a large automobile dealership within the current planning period during the previous planning period which identifies a potential trend for this property to be redeveloped similarly with residential.				
141-361-21	41	2790 Harbor Blvd	LEFEBVRE MAUREEN ELIZABETH	C1	G	3	Harbor Mixed-Use	0.75	50				37	7	4	7	20	Mixed use building with retail and offices on first floor and offices on 2nd and 3rd floor. Building is partially vacant with large surface parking lot adjacent to major transportation corridor (Harbor Boulevard).	10,347	40,932	25%	C
141-361-22	42	2750 Harbor Blvd	SRS COLLEGE CENTER	C1	G	3	Harbor Mixed-Use	1.71	50				85	16	9	17	43	Existing older commercial shopping center adjacent to major transportation corridor (Harbor). Uses range from commercial to office and restaurants.	12,032	92,942	13%	C

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
																		Large surface parking lot.				
141-361-23	43	2730 Harbor Blvd	SRS COLLEGE CENTER	C1	G	3	Harbor Mixed-Use	0.68	50				33	6	3	6	18	Existing older commercial shopping center adjacent to major transportation corridor (Harbor Boulevard). Uses include commercial, office and restaurants. Large shared surface parking lot. This property is located across the street (Peterson Place) from several hundred residential apartment units. Several of the larger commercial units in this shopping center are currently vacant or have been chronically vacant in the past, and the center is in need of investment and is somewhat lacking commercial vitality. Thus, it is conceivable and likely, similar to other nearby adjacent commercial properties, that this property will be redeveloped with residential units during the current planning period. The future increase in permitted residential density afforded by this Housing	12,075	36,948	33%	C

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
																		Element update cycle for this property is considered an attractive incentive for property owners to gain greater economic return with residential development as opposed to remaining as commercial.				
141-361-27	44	2710 Harbor Blvd	JOHNSON GREGORY A & JACLYN H	C1	G	3	Harbor Mixed-Use	0.67	50				33	6	3	6	18	Existing older commercial shopping center adjacent to major transportation corridor (Harbor). Uses range from commercial to office and restaurants. Large surface parking lot.	9,240	36,515	25%	C
141-361-28	45	2706 Harbor Blvd	MESA VERDE CENTER LLC	C1	G	3	Harbor Mixed-Use	0.97	50				48	9	5	9	26	Vacant Pier 1 Imports box store and surface parking lot. Building is currently for lease.	14,997	52,666	28%	C
419-031-08	52	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	G	5	Harbor Mixed-Use	0.75	50				37	7	4	7	20	Surface parking lot within large retail shopping center. Potential for mixed-use redevelopment. Retail center has major big box tenants which have permanently closed, leaving an excess of surface parking.	0	40,935	0%	C
419-031-09	53	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	G	5	Harbor Mixed-Use	1.17	50				58	11	6	11	31	Former K-Mart box store which has permanently closed. Shopping center is adjacent to multi-family residential and may redevelop for mixed-use. While the data shows a high development usage, this	98,908	63,595	156%	C

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																		tenant space remains vacant. Large leasable floor areas are difficult to lease and this building has been vacant since 2021. Similar to several adjacent properties located along Harbor Boulevard which have converted to residential, residential units are both profitable and in demand in this local area; thus it is conceivable and likely that the ownership of this property will consider residential re-development instead of remaining an existing commercial use within the current planning period. Further, the potential increase in future permitted residential density afforded by this Housing Element update cycle for this property is considered an attractive incentive for property owners to gain greater economic return with residential development as opposed to remaining as a more difficult to lease larger commercial space.				

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419-031-12	54	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	G	5	Harbor Mixed-Use	3.16	50				158	30	17	31	81	Former K-Mart box store which has permanently closed. Shopping center is adjacent to multi-family residential and may redevelop for mixed-use. Large leasable floor areas are difficult to lease and this building has been vacant now for several years (since 2021). Similar to several adjacent properties located along Harbor Boulevard that have converted uses from commercial to residential, residential units are both profitable and in demand in this local area; thus it is conceivable and likely that the ownership of this property will consider residential re-development instead of remaining an existing commercial use during the current planning period. Further, the potential increase in future permitted residential density afforded by this Housing Element update cycle for this property is considered an attractive incentive for property owners to gain greater economic return with residential development	98,908	172,145	57%	C

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																		as opposed to remaining as a more difficult to lease larger commercial space.				
419-171-58	56	2150 Harbor Blvd	2150 HARBOR BLVD LLC	C1	G	5	Harbor Mixed-Use	1.17	50				58	11	6	11	31	Norms restaurant with large surface parking lot adjacent to major transportation corridor (Harbor Blvd).	6,606	63,521	10%	C
422-021-09	57	2131 Harbor Blvd	SHERMAN DONALD L H	C2	G	4	Harbor Mixed-Use	0.83	50				41	7	4	8	21	Auto parts store, retail store, and pet grooming store, with large surface parking area adjacent to major transportation corridor (Harbor Blvd).	6,891	45,202	15%	C
422-091-11	58	2075 Harbor Blvd	LEWIS JOHN T & LEWIS MARY K	C2	G	5	Harbor Mixed-Use	0.63	50				31	5	3	6	16	Tools and equipment rental yard adjacent to major transportation corridor (Harbor Blvd).	3,032	34,196	9%	C
422-091-12	59	2069 Harbor Blvd	TANNER DALE A	C2	G	5	Harbor Mixed-Use	0.54	50				26	4	2	5	14	Auto repair shop with large yard adjacent to major transportation corridor (Harbor Blvd).	5,032	29,322	17%	C
422-091-14	61	2049 Harbor Blvd	C M HARBOR CM LLC	C2	G	5	Harbor Mixed-Use	0.54	50				26	4	2	5	14	Auto repair shop with large yard adjacent to major transportation corridor (Harbor Blvd).	4,586	29,226	16%	C
422-091-24	62	2015 Harbor Blvd	NEWPORT MESA AUTO CENTER LLC	C2	G	5	Harbor Mixed-Use	0.62	50				30	5	3	6	15	Newport Mesa Auto Center with car repair and car wash uses adjacent to major transportation corridor (Harbor Blvd).	9,663	33,643	29%	C
422-091-26	63	2007 Harbor Blvd	949 STORAGE LLC	C2	G	5	Harbor Mixed-Use	0.83	50				41	7	4	8	21	Self-storage facility with surface parking lot and access to major transportation corridor (Harbor Blvd). This property fronts a predominantly residential street (Charle	14,103	45,248	31%	B

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																		Street) that is developed primarily with residential uses. Given the potential height and density that this property could yield based on the future density increase afforded by this Housing Element cycle, a residential use is both conceivable and likely during the current planning period. Additionally, the storage use is considered relatively small in size compared to other local storage facilities and therefore, the investment return on a residential use is likely greater than the use of storage.				
422-101-03	64	1989 Harbor Blvd	JUNEAU PAULINE BRECHT	C2	G	5	Harbor Mixed-Use	0.56	50				27	5	2	5	15	Budget Truck Rental yard which is largely a paved surface parking lot with a small building. Site is adjacent to major transportation corridor (Harbor Blvd).	624	30,425	2%	C
422-101-06	65	1974 Charle St	CHARLE ST REALTY LLC	C2	G	5	Harbor Mixed-Use	0.53	50				26	4	2	5	14	Existing low-intensity light industrial and warehouse uses.	7,962	28,964	27%	A
422-193-23	66	2215 Harbor Blvd	CHEN-RONG PROPERTIES LLC	C2	G	4	Harbor Mixed-Use	0.58	50				28	5	3	5	16	Aging furniture/consignment store structure with surface parking lot adjacent to major transportation corridor (Harbor Blvd). This property is surrounded	12,757	31,475	41%	C

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																		on several sides by residential uses (including mobile home, single-family and multi-family - more than several hundred units). Given the age of this structure, size and potential increase in profit yield of converting the commercial use to residential, it is both conceivable and likely that the property could be converted to residential during the current planning period.				
422-193-24	67	2205 Harbor Blvd	AQUA 26 LLC	C2	G	4	Harbor Mixed-Use	0.58	50				28	5	3	5	16	Aging vacant motel use with large surface parking lot adjacent to major transportation corridor (Harbor Blvd). This property was recently purchased with the intent to convert the motel to affordable housing. The owner is currently working to obtain a grant (Community Care Expansion Program) through the California Department of Social Services. Thus, it is likely that the motel will convert to affordable residential quickly within the current planning period.	10,089	31,469	32%	C

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422-282-11	68	2044 Placentia Ave	SAA 2 LLC	MG	LI	4	Mesa West	1.18	40				47	8	5	9	25	Auto repair shop and light industrial uses with surface parking adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation. This property is located within 100 feet of two recently developed residential properties that were previously developed with commercial uses. One of the nearby existing residential properties is now a multi-family mixed use property with residential located on the upper floors and commercial located on the ground floor, and the other residential property consists of detached residential lofts that were converted from a previous bakery facility. Thus, there is a neighborhood pattern and trend of residential conversions that could occur during the current planning period on the subject property. Further, the potential increase in future permitted residential density afforded by this Housing Element update	26,636	64,338	41%	B

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																		cycle for this property is considered an attractive incentive for property owners to gain greater economic return with residential development as opposed to remaining as a more difficult to lease commercial space.				
422-291-04	69	2065 Placentia Ave	PUBLIC STORAGE PARTNERS LTD	MG	LI	4	Mesa West	1.85	40				73	13	8	14	38	Self-storage facility adjacent to recently developed townhouses and apartments. Several of the City's previously existing storage uses in the nearby vicinity have been converted to residential and the subject property is located adjacent to 14 recently developed residential lofts. The aforementioned adjacent loft property was previously developed with an automotive use and therefore there is a neighborhood pattern/trend of commercial to residential conversion. This property is also located nearby two recently developed residential properties that were previously developed with commercial uses. One of the nearby existing residential properties is	34,929	100,710	35%	B

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																		now a multi-family mixed use property with residential located on the upper floors and commercial located on the ground floor, and the other residential property consists of detached residential lofts that were converted from a previous bakery facility. Lastly, the existing storage facility is single-story and therefore is considered under developed even in regard to the existing use and therefore residential could be considered an attractive and profitable re-use of the property during the current planning period. Lastly, the potential increase in future permitted residential density afforded by this Housing Element update cycle for this property is considered an attractive incentive for the property owner to gain greater economic return with residential development as opposed to remaining as a storage facility.				

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422-291-05	70	2065 Placentia Ave	PUBLIC STORAGE INC	MG	LI	4	Mesa West	0.92	40				36	6	3	7	19	This self-storage facility although is located on a separate property is operated in conjunction with the above site ("unique id") 69. This property is owned in common with the aforementioned site and is developed with a two-story storage structure. It is likely that these two properties could be combined and developed similar to many adjacent properties with multi-family residential mixed-use development or residential lofts during the current planning period. The size of this property and the future increased densities permitted by the next Housing Element cycle, combined with the adjacently owned parcel contributes to a higher probability that the property owner considers the economic advantages of residential conversion.	23,549	50,355	47%	B
422-291-06	71	2051 Placentia Ave	PLACENTIA AVE PROPERTIES LLC	MG	LI	4	Mesa West	0.92	40				36	6	3	7	19	Existing office/light industrial uses adjacent to recently developed townhouses and apartments.	6,720	50,355	13%	A

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422-301-01	72	1987 Placentia Ave	HARTLEY CO	MG	LI	4	Mesa West	2.31	40				92	17	10	18	47	Warehouses with large surface parking lot. Two buildings on the site. Adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation. This property is located nearby several recently developed residential properties that were previously developed with commercial uses. Thus, there is a neighborhood pattern and trend of residential conversions that could occur during the current planning period on the subject property. Lastly, the property is larger than many of the lots in this area and therefore is more conducive for higher density residential development, and thus considered more attractive for residential redevelopment than even many of the previously converted nearby existing residential uses. Lastly, the potential increase in future permitted residential density afforded by this Housing Element update cycle for this property is	37,645	125,891	30%	A

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																		considered an attractive incentive for the property owner to gain greater economic return with residential development as opposed to remaining as a more difficult to lease commercial space.				
422-454-28	74	2101 Placentia Ave	CASACOS LLC	MG	LI	4	Mesa West	0.91	40				36	6	3	7	19	Restaurant with large surface parking lot. Potential for mixed-use development.	4,802	49,428	10%	C
424-061-01	75	885 W 18th St	MONROVIA AVENUE PARTNERS LLC	MG	LI	5	Mesa West	1.25	40				49	9	5	9	27	One-story warehouses with a large surface parking lot. Hundreds of residential properties are located across West 18th Street from the subject property and therefore the subject property if re-developed with residential uses would be considered neighborhood compatible. The existing large open parking lot could be redeveloped with a residential component and likely a large portion of the existing commercial uses could remain. The property could also be redeveloped with second-floor residential as a mixed-use, pursuant to the Mesa West Urban Plan. Given the current high demand for residential in the City	22,144	67,858	33%	B

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																		and profit yield, residential conversion during this planning period is conceivable.				
424-061-03	76	859 W 18th St	CRANK FAMILY 2007 LLC	MG	LI	5	Mesa West	0.81	40				32	6	3	6	17	One-story multi-unit warehouse facility and surface parking lot. The property could be redeveloped with commercial first-floor and second-floor residential mixed-use development, pursuant to the Mesa West Urban Plan. The Mesa West Urban Plan encourages the construction of first floor commercial with second floor residential. Several large apartments are located in close proximity to the subject property. Given the current high demand for residential in the City, future permitted higher density afforded by this Housing Element cycle and expanded profit yield, residential development on this property is conceivable during this planning period.	16,926	44,209	38%	C
424-061-04	77	851 W 18th St	SEA PROPERTIES	MG	LI	5	Mesa West	1.79	40				71	13	7	14	36	Auto body shop with large surface parking lot.	25,478	97,501	26%	C
424-061-05	78	1791 Placentia Ave	BOYD WILLIS BLAIR SR TR	MG	LI	5	Mesa West	4.27	40				170	32	18	34	85	Single-story warehouses with large surface parking lot and drive aisles. Five buildings on the site which show little	72,191	232,421	31%	B

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																		sign of recent renovation. The property is considered large in size (approximately 4 acres) and could be redeveloped with commercial first floor and second-floor residential development, pursuant to the Mesa West Urban Plan. The Mesa West Urban Plan encourages the construction of first floor commercial with second floor residential. Several hundred apartment and condominiums units are located in close proximity (east of Placentia Avenue) to the subject property. Given the current high demand for residential in the City, profit yield for residential and increase in future residential densities allowed on this property as a result of the next Housing Element cycle, residential development on this property is conceivable during this planning period.				
424-061-06	79	1751 Placentia Ave	BOYD WILLIS BLAIR SR TR	MG	LI	5	Mesa West	4.70	40				187	35	20	37	95	Single-story warehouses with large surface parking lot and drive aisles. Seven buildings	80,909	255,845	32%	B

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																		on the site which show little sign of recent renovation. The property is considered large in size (approximately 4.5 acres) and hundreds of residential properties are located across Placentia Avenue from the subject property. Therefore, the subject property if re-developed with residential uses would be considered neighborhood compatible. The property could be redeveloped with second-floor residential pursuant to the Mesa West Urban Plan. Given the current high demand for residential in the City, future residential densities allowed on this property as a result of the next Housing Element cycle and profit yield, residential development is conceivable during this planning period.				
424-241-11	96	610 W 18th St	COSTA MESA WOMEN'S CLUB	R2-HD	HDR	5	Mesa West	0.58	40				23	4	2	4	13	Costa Mesa Women's Club with large surface parking lot. Property is adjacent to new park and civic center uses and in a residential setting with both single-family and multi-family	5,857	31,413	19%	C

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																		uses. Property is underutilized.				
424-281-01	97	1730 Pomona Ave	C & K PARTNERS	MG	LI	5	Mesa West	0.99	40				39	7	4	7	22	Warehouses with surface parking lot. One building on the site.	11,802	54,028	22%	B
424-281-19	98	424 Pomona Ave	PACIFIC MESA PROPERTIES	MG	LI	5	Mesa West	1.19	40				47	8	5	9	25	Warehouses with large surface parking lot. One building on the site. The existing single-story building is located in close proximity to residential uses. This Urban Plan Area has seen significant past ownership interest in conversion of existing commercial/light industrial/office into residential development with similar previous existing sites (including more than one-hundred multi-story residential loft units located immediately across 17th Street, developed under separate ownership). Further, one of the main objectives of the Mesa West Urban Plan is to "encourage commercial/residential mixed-use development" with an emphasis on "vertical mixed-use development" (i.e.,	19,676	64,716	30%	B

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																		multi-story). Based on past local development trends, It is conceivable and likely that the economic return of a residential use will encourage the ownership to redevelop the existing use into either residential or residential mixed-use (similar to adjacent properties) within the current planning period. It should also be noted that several live/work developments (encouraged by this Urban Plan) are currently proposed in this area on similar sized properties that are existing commercial uses.				
424-281-23	99	660 W 17th St	PACIFIC MESA PROPERTIES	MG	LI	5	Mesa West	2.26	40				90	17	9	18	45	Large single-story self-storage facility adjacent to existing multi-family residential. Several of the City's previously existing storage uses in the nearby vicinity have been converted to residential. There is also a neighborhood pattern/trend of commercial to residential conversion with several recently developed higher density residential loft properties constructed	50,219	122,853	41%	B

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																		nearby on 17th Street. Thus, it is conceivable that the subject property owner would pursue residential conversion of the property in the current planning period similar to nearby properties. Residential conversion is also made more attractive to ownership by the future increases in residential densities allowed for this property by the next Housing Element cycle.				
424-321-17	100	1882 Whittier Ave	AYRES SELF STORAGE COSTA MESA LLC	R2-MD	MDR	5	Mesa West	1.08	40				43	8	4	8	23	Large single-story self-storage facility adjacent to existing multi-family residential. This property is generally surrounded by existing residential uses. Several of the City's previously existing storage uses in the nearby vicinity have been converted to residential. It is likely that residential units on this property would be considered by the property owner to be an attractive re-use and for potential re-development within the planning period. Future increases in residential densities allowed on this property as a result of the next Housing	18,808	59,063	32%	B

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																		Element cycle is also considered an incentive for the property owner to develop residential.				
139-031-39	131	3303 Harbor Blvd	SDCO COSTA MESA COMMERCE PARK INC	PDI	IP	1	North Costa Mesa	10.00	90				900	171	99	180	450	Existing single-story light industrial/office uses on large site. The City has received interest in the potential future redevelopment of the site for residential uses. In addition, the site is considered very large with extensive areas for residential development.	160,463	326,700	49%	A
139-031-42	132	1575 Sunflower Ave	RREEF CPIF 1575 SUNFLOWER LLC	MP	IP	1	North Costa Mesa	8.03	90				722	137	79	144	362	Existing single-story light industrial/office uses on large site. The City has received interest in the potential future redevelopment of the site for residential uses. In addition, the site is considered very large with extensive areas for residential development.	133,055	262,313	51%	A
139-031-67	133	3333 Harbor Blvd	BEG HOLDINGS LP	MP	IP	1	North Costa Mesa	10.00	90				900	171	99	180	450	Sofia University site (former Whittier Law School site) with large surface parking lot and largely underdeveloped land. The City has received interest in the potential future redevelopment of the site for residential uses. In addition, the site is considered very large with extensive areas for	130,197	326,700	40%	EX

Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA

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																		residential development.				
140-041-38	134	3390 Harbor Blvd	HARBOR ASSOCIATES	MP	IP	1	North Costa Mesa	5.78	90				520	98	57	104	260	National University site. Analysis assumes potential redevelopment of the entire site as National University has vacated the existing lease. The City has received interest in the potential future redevelopment of the site for residential uses.	37,672	188,984	20%	EX
140-041-63	136	3390 Harbor Blvd	C J SEGERSTROM & SONS	MP	IP	1	North Costa Mesa	1.69	90				152	28	16	30	77	National University site. Analysis assumes potential redevelopment of the surface parking area. The City has received interest in the potential future redevelopment of the site for residential uses.	0	55,367	0%	EX
140-041-82	137	3315 Fairview Rd	C J SEGERSTROM & SONS	PDC	CC	1	North Costa Mesa - HR	7.58	90		C		443	44	22	44	333	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.	40,025	211,382	19%	EX
140-041-93	138	1201 South Coast Dr	HENRY T SEGERSTROM PROP LLC	PDC	CC	1	North Costa Mesa - HR	30.30	90	Vacant	C		1,772	177	88	177	1,330	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.	0	844,812	0%	EX
410-051-48	139	3400 Bristol St	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	0.53	90		G		47	8	5	9	25	Existing office uses. The City has discussed the potential future redevelopment of this site for high-density residential uses with the	18,147	40,626	45%	EX

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																		property owner. Therefore, it is likely that the site could be converted to residential during the planning period.				
410-051-51	140	685 Sunflower Ave	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	0.88	90		G		78	14	8	15	41	Vacant portion of parcel adjacent to parking structure. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	863	67,517	1%	EX
410-051-52	141	3410 Bristol St	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	1.35	90		G		121	22	13	24	61	Existing office uses. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	1,014	104,331	1%	EX
410-441-17	142	14850 Sunflower Ave	ROY K SAKIOKA & SONS	PDC	UCC	2	North Costa Mesa - SL2	30.93	90	Vacant			1,200	120	60	120	900	Sakioka Lot 2 property. See analysis in Appendix B for additional information on potential to redevelop.	15,275	1,347,311	1%	EX
410-501-31	144	N/A	JKS-CMFV LLC	PDC	UCC	2	North Costa Mesa	3.39	90				305	57	33	61	153	Large surface parking lot. Analysis assumes only redevelopment of the surface parking lot area. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	0	116,821	0%	EX
412-491-07	145	3333 Bristol St	SOUTH COAST PLAZA	PDC	RC	2	North Costa Mesa	6.41	90				575	120	60	115	288	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for	15,390	248,505	6%	EX

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																		additional information on potential to redevelop.				
412-491-11	146	0	SOUTH COAST PLAZA	PDC	RC	2	North Costa Mesa	5.37	90				483	91	53	96	243	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.	0	208,379	0%	EX
412-501-06	147	3333 Bristol St	S-TRACT LLC	PDC	RC	2	North Costa Mesa	10.00	90				900	171	99	180	450	This parcel is an existing surface parking lot within the South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelopment.	232,135	387,684	60%	EX
418-161-06	176	2957 Randolph Ave	ZELDEN ALICE WILLER	MG	LI	2	SoBECA	0.72	60				43	8	4	8	23	Existing light industrial building that is used as a brewery/restaurant with large surface parking lot. Site is located within the SoBECA Urban Plan redevelopment area. Large residential neighborhoods located nearby. Pursuant to the SoBeca Urban Plan, vertical mixed-use development is encouraged and therefore residential could be developed within the current planning period. In addition, the SoBeca area is considered an attractive area for	16,880	39,375	43%	A

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																		certain younger generations and therefore the prospect of residing on the subject property would generate interest to the property ownership. Also, staff has met with the current occupant and there is uncertainty if the existing use will continue. Lastly, future residential densities allowed on this property as a result of the next Housing Element cycle would incentivize property ownership to convert to residential.				
418-162-02	177	2968 Randolph Ave	PALANJIAN JERRY O	MG	LI	2	SoBECA	0.72	60				43	8	4	8	23	One-story warehouses with surface parking lot. Site is located within the SoBECA Urban Plan redevelopment area. Large residential neighborhoods located nearby. Pursuant to the SoBeca Urban Plan, vertical mixed-use development is encouraged and therefore residential could be developed within the current planning period. In addition, the SoBeca area is considered an attractive area for certain younger generations and therefore the prospect	18,531	39,251	47%	A

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																		of residing on the subject property would generate interest to the property ownership. Residential could also be developed on the second story. Lastly, future residential densities allowed on this property as a result of the next Housing Element cycle would incentivize property ownership to convert to residential.				
418-163-05	178	2064 Bristol St	PEP BOYS	C1	G	2	SoBECA	1.47	60				88	16	9	17	46	Tire shop with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	19,022	79,928	24%	A
418-171-02	179	752 Saint Clair St	PURCILLY GAY WHEELER	C2	G	2	SoBECA	0.26	60		B		15	2	1	3	8	School yard for learning center. Site is within the SoBECA Urban Plan redevelopment area.	424	14,201	3%	A
418-191-04	180	766 Saint Clair St	766 ST CLAIR LLC	C2	G	2	SoBECA	0.67	60				40	7	4	8	20	Existing fitness studio is located in the aging warehouse with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area which encourages mixed use development that combines residential and nonresidential uses. It is located near a vibrant commercial and business corridor and areas that have been slated to convert from commercial to mixed	12,329	36,507	34%	A

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																		use/residential development. Given its close proximity to these areas and inclusion in the Urban Plan, it is likely to convert during this 8 year Planning cycle. Lastly, future residential densities allowed on this property as a result of the next Housing Element cycle would incentivize property ownership to convert to residential.				
418-202-01	181	845 Baker St	RMAFII LOC LLC	C1	G	2	SoBECA	0.87	60				52	9	5	10	27	Small strip mall with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	11,899	47,299	25%	A
418-202-02	182	841 Baker St	BAKER STREET PROPERTIES LLC	C1	G	2	SoBECA	0.33	60		D		19	3	2	3	12	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area which encourages mixed use development that combines residential and nonresidential uses. It is located near a vibrant commercial and business corridor and areas that have been slated to convert from commercial to mixed use/residential development. Given its close proximity these areas and inclusion in the Urban Plan, it is likely to convert during	6,401	17,870	36%	A

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																		this 8 year Planning cycle. Additionally, nightclubs are prone to have a higher turnover rate than many other commercial uses so a potential use change is a possible occurrence within the planning period.Lastly, future residential densities allowed on this property as a result of the next Housing Element cycle would incentivize property ownership to convert to residential.				
418-202-03	183	841 Baker St	BAKER STREET PROPERTIES LLC	C1	G	2	SoBECA	0.60	60		D		35	6	3	7	18	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	8,881	32,546	27%	A
418-202-04	184	801 Baker St	RED MOUNTAIN ASSET FUND ILLC	C1	G	2	SoBECA	0.86	60				51	9	5	10	26	Strip mall with large surface parking lot. Site is located within the SoBECA Urban Plan redevelopment area which encourages mixed use development that combines residential and nonresidential uses. It is located near a vibrant commercial and business corridor and areas that have been slated to convert from commercial to mixed use/residential development. Given its close proximity to these areas and inclusion in	15,474	46,602	33%	A

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																		the Urban Plan, it is likely to convert during this 8 year Planning cycle. Lastly, future residential densities allowed on this property as a result of the next Housing Element cycle would incentivize property ownership to convert to residential.				
418-202-05	185	2969 Century Pl	ECHAN BARBARA TRUST	C1	LI	2	SoBECA	0.09	60		E		5	0	0	1	3	Surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	469	4,712	10%	A
418-202-06	186	2969 Century Pl	ECHAN BARBARA TRUST	MG	LI	2	SoBECA	0.68	60		E		40	7	4	8	20	Gym with large surface parking lot. Site located is within the SoBECA Urban Plan redevelopment area which encourages mixed use development that combines residential and nonresidential uses. It is located near a vibrant commercial and business corridor and areas that have been slated to convert from commercial to mixed use/residential development. Given its close proximity to these areas and inclusion in the Urban Plan, it is likely to convert during this 8 year Planning cycle. Lastly, future residential densities allowed on this property as a result of the next	13,488	36,893	37%	A

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																		Housing Element cycle would incentivize property ownership to convert to residential.				
418-202-07	187	2959 Century Pl	GRAYBAR ELECTRIC CO INC	MG	LI	2	SoBECA	0.50	60				30	5	3	6	15	Electrical equipment manufacturer/ distributor Site is located within the SoBECA Urban Plan redevelopment area which encourages mixed use development that combines residential and nonresidential uses. It is located near a vibrant commercial and business corridor and areas that have been slated to convert from commercial to mixed use/residential development. Given its close proximity to these areas and inclusion in the Urban Plan, it is likely to convert during this 8 year Planning cycle. Lastly, future residential densities allowed on this property as a result of the next Housing Element cycle would incentivize property ownership to convert to residential.	10,200	27,436	37%	A
418-202-10	188	2942 Century Pl	SCM ENTERPRISES	MG	LI	2	SoBECA	0.87	60				52	9	5	10	27	Co-working office with large surface parking. Site is located within the SoBECA Urban Plan redevelopment area which encourages mixed	14,382	47,242	30%	A

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																		use development that combines residential and nonresidential uses. It is located near a vibrant commercial and business corridor and areas that have been slated to convert from commercial to mixed use/residential development. Given its close proximity these areas and inclusion in the Urban Plan, it is likely to convert during this 8 year Planning cycle. Lastly, future residential densities allowed on this property as a result of the next Housing Element cycle would incentivize property ownership to convert to residential.				
418-202-11	189	2952 Century Pl	GRAHAM GORDON T TR	MG	LI	2	SoBECA	0.90	60				54	10	5	10	29	Existing single story warehouse with large storage yard that is currently used as an air conditioning business. Site is located within the SoBECA Urban Plan redevelopment area which encourages mixed use development that combines residential and nonresidential uses. This property is located south of a development that has an existing approved Master Plan that will change the use	17,227	49,090	35%	A

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																		from commercial/industrial to mixed use development. The existing warehouse is a single story that may be redeveloped to support mixed use development including residential and live/work units. Lastly, future residential densities allowed on this property as a result of the next Housing Element cycle would incentivize property ownership to convert to residential.				
418-202-12	190	2972 Century Pl	PROJECT C LLC	MG	LI	2	SoBECA	0.94	60				56	10	6	11	29	Auto repair shop with surface parking. Site is located within the SoBECA Urban Plan redevelopment area which encourages mixed use development that combines residential and nonresidential uses. This property along with parcels 418-202-13 and 418-202-14 are included in a Master Plan for a mixed use development. The previously approved planning application at this site indicates a desire to convert the commercial use to a mixed use development. A portion of the site is included in a Master Plan PA-19-12 that was approved by City Council	18,109	51,374	35%	A

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																		on September 3, 2019. The Master Plan was for of a mixed use development that included restaurants, retail spaces, office spaces, 48 residential units, and 14 live work units. Lastly, future residential densities allowed on this property as a result of the next Housing Element cycle would incentivize property ownership to include additional residential units than previously proposed.				
418-202-13	191	2972 Century Pl	PROJECT C LLC	MG	LI	2	SoBECA	0.91	60				54	10	5	10	29	Warehouse with large yard. Site is located within the SoBECA Urban Plan redevelopment area which encourages mixed use development that combines residential and nonresidential uses. This property along with parcels 418-202-12 and 418-202-14 are included in a Master Plan for a mixed use development. The previously approved planning application at this site indicates a desire to convert the commercial use to a mixed use development. A portion of the site is included in a Master Plan PA-19-12 that was	18,372	49,319	37%	A

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																		approved by City Council on September 3, 2019. The Master Plan was for of a mixed use development that included restaurants, retail spaces, office spaces, 48 residential units, and 14 live work units. Lastly, future residential densities allowed on this property as a result of the next Housing Element cycle would incentivize property ownership to include additional residential units than previously proposed.				
418-202-14	193	765 Baker St	PROJECT C LLC	C2	G	2	SoBECA	0.67	60				40	7	4	8	20	Existing auto repair shop use. Site is located within the SoBECA Urban Plan redevelopment area which encourages mixed use development that combines residential and nonresidential uses. This property along with parcels 418-202-12 and 418-202-13 are included in a Master Plan for a mixed use development. The previously approved planning application at this site indicates a desire to convert the commercial use to a mixed use development. A portion of the site is	16,802	36,615	46%	A

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																		included in a Master Plan PA-19-12 that was approved by City Council on September 3, 2019. The Master Plan was for of a mixed use development that included restaurants, retail spaces, office spaces, 48 residential units, and 14 live work units. Lastly, future residential densities allowed on this property as a result of the next Housing Element cycle would incentivize property ownership to include additional residential units than previously proposed.				
419-041-02	194	2180 Harbor Blvd	FISHER REAL ESTATE PARTNERS (COSTA MESA) L P	C1	G	5	Harbor Mixed-Use	0.77	50				38	7	4	7	21	Existing aging strip mall with multiple tenants and large surface parking lot area. Site is adjacent to a major transportation corridor (Harbor Blvd).	11,827	41,947	28%	C
419-041-06	195	2180 Harbor Blvd	FISHER REAL ESTATE PARTNERS (COSTA MESA) L P	C1	G	5	Harbor Mixed-Use	2.50	50				125	23	13	25	63	99 cent store with large surface parking. Site is adjacent to a major transportation corridor (Harbor Blvd).	37,430	136,349	27%	C
418-101-05	197	1425 Baker St	1425 BAKER LLC	C1	G	2	Harbor Mixed-Use	1.90	60				114	21	12	22	59	Existing auto dealer with large surface parking.	24,369	103,666	24%	C
140-041-83	198	N/A	C J SEGERSTROM & SONS	PDC	CC	1	North Costa Mesa - HR	0.23	90	Vacant	C		0	0	0	0	0	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.	0	6,419	0%	EX

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418-101-03	199	1491 Baker St	PURCILLY GAY WHEELER TR	C1	G	2	Harbor Mixed-Use	1.27	60		B		74	14	8	14	39	Restaurant and barbershop. Site is anticipated to redevelop with adjacent parcels as shown in this table.	4,434	69,124	6%	C
424-202-01	200	745 W 19th St	PANGE MARC C REVOC TR	C1	G	4	19 West	0.63	50				30	5	3	6	15	Strip mall with surface parking lot adjacent to major transportation corridor (19th St.). Site has the potential to redevelop for mixed-use.	9,838	34,468	29%	C
410-481-05	201	3201 Park Center Dr	THE IRVINE COMPANY LLC	TC	CAC	2	North Costa Mesa - Pac Arts	6.27	90		H		186	18	9	18	141	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.	81,187	483,505	17%	EX
410-491-07	202	601 Anton Blvd	THE IRVINE COMPANY LLC	TC	CAC	2	North Costa Mesa - Pac Arts	12.07	90		H		349	35	18	35	261	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.	230,300	930,850	25%	EX
139-313-21	203	1590 Adams Ave	C J SEGERSTROM & SONS	C1	G	1	Harbor Mixed-Use	0.19	50		F		9	1	0	1	7	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.	247	10,216	2%	EX
139-313-30	204	1590 Adams Ave	C J SEGERSTROM & SONS	C1	G	1	Harbor Mixed-Use	2.40	50		F		120	22	13	24	60	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.	27,802	130,680	21%	EX

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
410-051-46	205	3420 Bristol St	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	0.75	90		G		70	13	7	14	35	Existing office uses and surface parking lot. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	12,109	57,826	21%	EX
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	UCC	2	North Costa Mesa	0.74	90				66	12	7	13	34	Small commercial out parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.	5,026	25,367	20%	EX
410-501-36	207	N/A	JKS-CMFV LLC	PDC	UCC	2	North Costa Mesa	1.82	90				164	31	18	32	84	Surface parking lot. Property owner has indicated interest in redeveloping the site for residential uses.	5,026	62,729	8%	EX
418-171-01	208	754 Saint Clair St	PURCILLY GAY WHEELER TR	C2	G	1	SoBECA	0.27	60		B		15	2	1	3	8	Existing learning center use. Site is anticipated to redevelop with adjacent parcels as shown in this table.	3,797	14,921	25%	A
140-041-81	196	3333 Susan St	THE HIVE CREATIVE OFFICE INC	PDI	IP	1	North Costa Mesa	4.00	90				432	68	39	72	252	Current Los Angeles Chargers' practice field facility. The Chargers new training facility will open in Spring 2024 in El Segundo CA. The City has discussed the potential future redevelopment of the football practice field for high-density residential uses with the property owner. The site is located within the North Costa Mesa Specific Plan which supports urban mixed development,	93,238	130,680	71%	EX

Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA

Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process. Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
																		including retail, industrial, business park, and residential uses. The site is directly adjacent to retail and offices spaces to the west, Medium Density Residential (townhomes) to the east, commercial to the south and a business center/post office to the north.				

Appendix C

Summary of Community Engagement



Summary of Community Engagement

Section 65583 of the Government Code states that, "The local government shall make diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Meaningful community participation is also required in connection with the City's Assessment of Fair Housing (AFH). A summary of citizen participation is provided below.

As part of the 6th Cycle Housing Element Update process, the City of Costa Mesa has conducted extensive public outreach activities beginning in fall 2020. These recent outreach efforts included Virtual Townhall Meetings, District Specific Workshops, Stakeholder Meetings, City Council and Planning Commission Study Sessions, Online Community Survey, digital media and engagement, and noticed Public Hearings. Project materials, including recordings from townhall and public meetings, notices, and draft public review documents are available on the City's website: www.costamesaca.gov/housing-element-update.

Outreach for the 6th Cycle Housing Element to the Costa Mesa community includes the following actions:

- **Virtual Townhall Meeting #1** – The City conducted a virtual townhall meeting on November 18, 2020 for community members to come and learn about the Housing Element update process and provide initial feedback and guidance. The townhall was hosted in both Spanish and English. Advertising for the townhall included handouts and flyers, posts on the City's website, doorknob hangers, social media posts, text and email blasts, and outreach to local community organizations and faith-based organizations. A total of 78 participants attended the Townhall.
- **Subject Matter Expert Meetings** – Between February 9, 2020, and February 11, 2021, the City held meetings with various groups of professionals throughout the community to solicit topic-specific input as it relates to the Housing Element. These subject matter expert groups included Developers, Housing Advocates, and Homeless Assistance Providers.
- **District Specific Meetings** – On February 17th and 18th, 2021, the City held two district specific meetings to receive area-specific input from each Council District. The meetings allowed residents and local stakeholders from Council Districts 1-6 to provide recommendations on areas that can/cannot accommodate housing in their district, as well as provide insight on their district-specific needs and considerations as they relate to the Housing Element. Both meetings included a Spanish language breakout room for those who wished to participate in Spanish.
- **Targeted Focus Group Meetings** – Throughout the Housing Element Update period, the City focused outreach on sections of the community through Targeted Focus Meetings who are underrepresented in the planning process or who may not typically participate in community building processes. This included meetings with both English and Spanish-speaking faith-based community, organizations that provide services for those experiencing homelessness, the Costa Mesa Housing Coalition, the Costa Mesa Mobile Home Park Advisory committee, affordable and market-rate housing developers, and interested property owners and landowners.
- **Online Community Survey** – From November 19, 2020, to February 24, 2021, the City launched an online community survey to gather feedback and input regarding the Housing Element Update. There was a total of 465 survey respondents who participated. The survey was available in Spanish

and English. Participants were asked to consider existing housing and community needs and provide recommendations on the locations and types of housing that would best assist the City.

- **Planning Commission Study Session** – On March 1, 2021, the City held a Planning Commission Study Session to provide information regarding the status of the Housing Element. The study session informed the Planning Commission on the community outreach efforts to date, summarized housing and community demographics findings, and also provided an introduction to the sites analysis in order to meet the City's RHNA allocation.
- **City Council Study Session** – On March 23, 2021, the City held a City Council Study Session to provide information regarding the status of the Housing Element. The study session informed the City Council on the community outreach efforts to date, summarized housing and community demographics findings, and also provided an overview of the potential areas of the City that could be appropriate to include in the City's housing strategy.
- **City Council and Planning Commission Joint Study Session** – On April 27, 2021, the City held a joint study session with the City Council and Planning Commission. The intent of the study session was to provide and update and request feedback on the Housing Element Update's progress, including the Community Profile, opportunities and constraints to housing, and potential housing opportunities to meet the RHNA allocation.
- **Virtual Townhall Meeting #2** – The City conducted a second virtual townhall meeting on September 2, 2021, to provide information about the Public Review Draft and information on how the community can provide feedback. The townhall was hosted in both Spanish and English. Advertising for the townhall included city-wide mailer, posts on the City's website, social media posts, text and email blasts, and outreach to local community organizations and faith-based organizations. A total of 69 participants attended the English Townhall and 7 participants attended the Spanish Townhall.
- **City Council and Planning Commission Joint Study Session** – On September 13, 2021, the City held a joint study session with the City Council and Planning Commission. The intent of the study session was to provide an update on the Public Review Draft and request feedback prior to submission of the Draft Housing Element to the State Department of Housing and Community Development.

This Appendix contains all public comments regarding the Housing Element received by the City at scheduled public meetings. As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have been provided to each member of the City Council.

C.1 Virtual Townhall Meeting #1

The section contains all townhall materials, handouts, flyers, PowerPoint presentation, as well as all available public comments provided during the meeting. Public comments were received verbally and in written form through the Zoom chat. A video recording of the virtual townhall is available at www.costamesaca.gov/housing-element-update.



2021-2029 HOUSING element

City of Costa Mesa

2021-2029 Housing Element Update
Virtual Community Townhall Meeting

We need your input! Please join us at our first virtual community townhall meeting for information about the City's Housing Element Update, new State requirements, and to share your ideas about the future of housing in Costa Mesa.

When: Wednesday, November 18, 2020 at 6 PM
(el miércoles 18 de noviembre del 2020 a las 7:30 PM en español)

For instructions on how to access the meeting go to:
https://www.costamesaca.gov/housing-element-update

Costa Mesa

For questions, please submit an email to housing-element@costamesaca.gov.





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Ciudad de Costa Mesa

Actualización del Elemento de Vivienda 2021-2029

Taller Comunitario Virtual

¡Necesitamos su opinión! Por favor únase a nosotros en nuestra primera reunión comunitaria virtual para obtener información acerca de la Actualización del Elemento de Vivienda de la ciudad, los nuevos requisitos por parte del estado, y para compartir sus ideas acerca del futuro habitacional en Costa Mesa.

Fecha: el miércoles 18 de noviembre del 2020 a las 7:30 PM

Para recibir instrucciones sobre cómo obtener acceso a la reunión, vaya a:
https://www.costamesaca.gov/housing-element-update

Costa Mesa

Si tiene preguntas, favor de enviar un correo electrónico a housing-element@costamesaca.gov.



2021-2029 HOUSING element

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Ciudad de Costa Mesa

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City of Costa Mesa
2021-2029 HOUSING ELEMENT UPDATE

The City of Costa Mesa is in the process of updating the 2021-2029 Housing Element. This Fact Sheet answers commonly asked questions and provides information about the update process.

What is a Housing Element?

The Housing Element is one of the required elements of the City of Costa Mesa's General Plan. The Housing Element provides policies, programs, and actions that support and encourage housing growth at all income levels.

Key Sections of the Housing Element:

- Population and housing analysis for Costa Mesa
- Evaluation of constraints to building housing and identifying potential resources for housing development
- Evaluation of 2013-2021 Housing Element programs and policies to determine what worked and what needs to be changed
- Analysis of potential housing sites that can accommodate Costa Mesa's anticipated housing needs in the next eight years
- Development of policies, programs, and quantified objectives for the 2021-2029 planning period



What is the Regional Housing Needs Assessment (RHNA) Process?

The RHNA process is mandated by state law and lays out the number of housing units in different income categories that Costa Mesa must plan for. The RHNA is determined by the State Department of Housing and Community Development (HCD) and distributed by the Southern California Association of Governments (SCAG) for each city in the Southern California region. For the 2021-2029 Planning Period, the City of Costa Mesa is allocated 11,733 housing units based on the income categories listed below. The Housing Element is required by the State to identify sites to accommodate this estimated growth.

2021 - 2029 City of Costa Mesa RHNA Housing Needs Allocation

Income Category	% of Area Median Income (AMI)	Income Range*		RHNA Allocation (Housing Units)
		Min.	Max.	
Very Low Income	0 - 50%	--	$51,500	2,912 units
Low Income	51 - 80%	$52,530	$82,400	1,790 units
Moderate Income	81 - 120%	$83,430	$133,900	2,084 units
Above Moderate Income	> 120%	$133,900	--	4,947 units
			Total	**11,733 units**

*Income range is based on the 2020 HUD Area Median Income (AMI) for Orange County of $103,000.

Costa Mesa



City of Costa Mesa
2021-2029 HOUSING ELEMENT UPDATE

Why is the City Updating the Housing Element?

The City of Costa Mesa is required by state law to update its Housing Element every eight years. The current adopted Housing Element is for the 2013-2021 planning period. The City is now planning for the 2021-2029 planning period.

Importance of Updating the Housing Element:

- Allows the community to provide feedback to guide the future of housing in Costa Mesa
- Ensures the City complies with State housing laws
- Allows the City to become eligible for State grants and funding sources
- Demonstrates the ability to meet future anticipated housing growth needs

What is Included in the Update Process?

The update process is community-based and will include a variety of activities to interface with the Costa Mesa community. Key features include:

- A series of community workshops and other community engagement opportunities
- Comprehensive review of the community to analyze existing conditions
- Identification of sites to meet 2021-2029 RHNA
- Public Hearings before the Planning Commission and City Council

How Can You Participate in the Update Process?

There are a variety of ways you can participate throughout the planning process:

- **Virtual Townhall Meeting** will be held on November 18, 2020 for community members to come and learn about the process and provide their feedback and guidance to the City. This townhall meetings will be hosted in English and in Spanish.
- **District Specific Meetings** in December 2020 for in-depth discussions related to issues and opportunities within each of the six unique districts.
- Sign up to be placed on the interest contact list.
- Respond to the Community Survey available on the website.
- Submit written comments to the email address provided below.
- Once all public comments are collected, a Public Review Draft will be available for review and comments in Spring 2021.



Project & Outreach Timeline



For continuously updated information. please visit:
www.costamesaca.gov/housing-element-update
or contact:
Minoo Ashabi, Principal Planner, City of Costa Mesa
housing-element@costamesaca.gov

Costa Mesa



Ciudad de Costa Mesa
Actualización del Elemento de Vivienda 2021-2029

La ciudad de Costa Mesa está en proceso de actualizar el Elemento de Vivienda 2021-2029. Esta hoja informativa responde a las preguntas más frecuentes y proporciona información sobre el proceso de actualización.

¿Qué es un Elemento de Vivienda?

El Elemento de Vivienda es uno de los elementos requeridos por el Plan General de la ciudad de Costa Mesa. El elemento de vivienda proporciona normas, programas y acciones que apoyan y fomentan el crecimiento de la vivienda en todos los niveles de ingreso.

Secciones clave del Elemento de Vivienda:

- Análisis de población y vivienda para Cosa Mesa
- Evaluación de las limitaciones para construcción de viviendas e identificación de recursos potenciales para el desarrollo de viviendas
- Evaluación de los programas y normas del Elemento de Vivienda 2013-2021 para determinar qué funcionó y qué debe cambiarse
- Análisis de sitios potenciales de vivienda que puedan adaptarse a las necesidades habitacionales anticipadas en los siguientes ocho años
- Desarrollo de normas, programas y objetivos cuantificados para el periodo de planificación 2021-2029



¿Qué es el Proceso de Evaluación de las Necesidades Regionales de Vivienda (RHNA)?

El proceso RHNA es un mandato de la ley estatal y establece el número de unidades de Vivienda en las diferentes categorías de ingreso para las que Costa Mesa debe planificar. El RHNA es determinado por el Departamento de Vivienda y Desarrollo Comunitario del estado (HCD) y es distribuido por la Asociación de Gobiernos del Sur de California (SCAG) para cada ciudad en la región del sur de California. Para el Período de Planificación 2021-2029, a la ciudad de Costa Mesa se le asignan 11,733 unidades de Vivienda según las categorías de ingreso que se indican a continuación. El estado requiere que el Elemento de Vivienda identifique los sitios que se adapten a este crecimiento estimado.

2021-2029 Distribución RHNA de las Necesidades de Vivienda de Costa Mesa

Categoría de Ingresos	% de Ingreso Familiar Rango Medio (MFI)	Escala de Ingresos*		Distribución del RHNA
		Min.	Max.	
Ingresos muy bajos	0 - 50%	--	$51,500	2,912 unidades
Ingresos bajos	51 - 80%	$52,530	$82,400	1,790 unidades
Ingresos moderados	81 - 120%	$83,430	$133,900	2,084 unidades
Ingresos por encima de Ingresos Moderados	> 120%	$133,900	--	4,947 unidades
			Total	**11,733 unidades**

El rango de ingresos se basa en el HUD Ingreso Familiar Rango Medio (MFI) del Condado de Orange de $103,000.

Costa Mesa



Ciudad de Costa Mesa
Actualización del Elemento de Vivienda 2021-2029

¿Por qué la ciudad está Actualizando el Elemento de Vivienda?

La ley estatal requiere que la ciudad de Costa Mesa actualice su Elemento de Vivienda cda ocho años. El Elemento de Vivienda adoptado actualmente es para el período de planificación 2021-2029.

Importancia de Actualizar el Elemento Vivienda:

- Permite a la comunidad proporcionar comentarios para orientar el futuro habitacional de Costa Mesa
- Se asegura que la ciudad cumpla con las leyes estatales de vivienda
- Permite que la ciudad sea elegible para subvenciones estatales y fuentes de financiación
- Demuestra la capacidad de satisfacer las futuras necesidades de crecimiento de vivienda previstas

¿Qué se incluye en el proceso de actualización?

El proceso de actualización se basa en la comunidad e incluirá una variedad de actividades para interactuar con la comunidad de Costa Mesa. Las características clave incluyen:

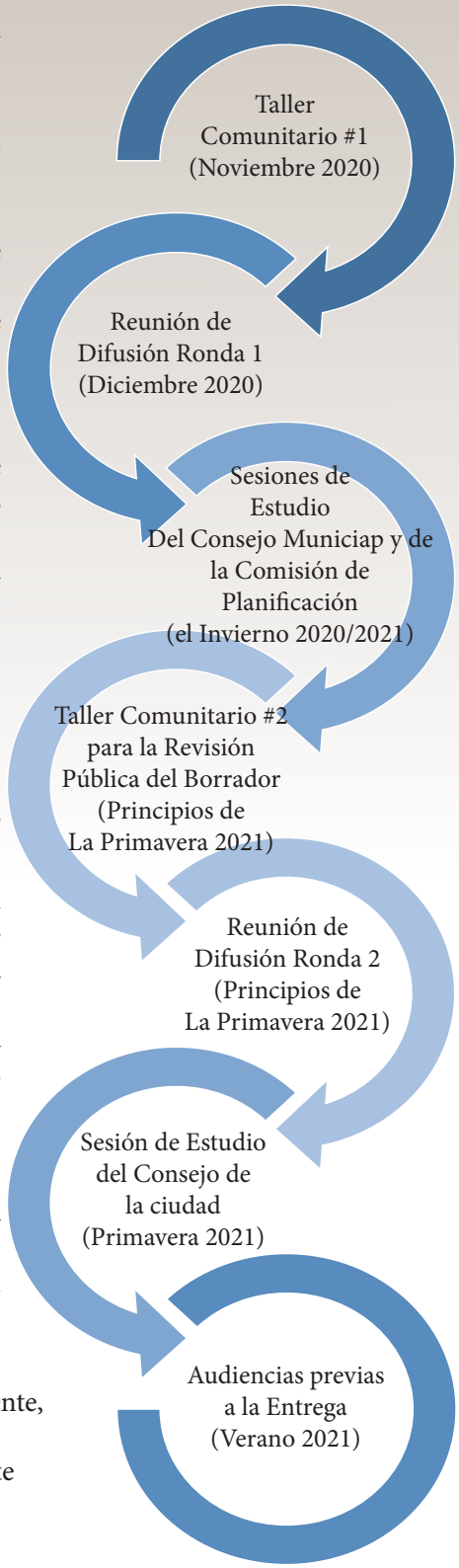
- Una serie de talleres comunitarios y otras oportunidades de participación para la comunidad
- Una revisión integral de la comunidad para analizar las condiciones existentes
- La identificación de sitios para cumplir con el 2021-2029 RHNA
- Audiencias públicas ante la Comisión de Planificación del Consejo Municipal

¿Cómo puede Participar en el Proceso de Actualización?

Hay una variedad de formas en las que puede participar a través del proceso de planificación:

- **El Taller Virtual del Ayuntamiento** se llevará a cabo el 18 de noviembre del 2020 para que la comunidad asista y aprenda sobre el proceso y proporcione sus comentarios y orienten a la ciudad. Estas reuniones públicas se llevarán a cabo en inglés y en español.
- **Reuniones Específicas del Distrito** en diciembre del 2020 para discusiones a fondo relacionadas con problemas y oportunidades dentro de cada uno de los seis distritos únicos.
- Anótese para registrarse en la lista de contactos interesados
- Responda a la Encuesta Comunitaria disponible en el sitio web.
- Envíe sus comentarios por escrito al correo electrónico que se proporciona abajo.
- Para revisar y proporcionar comentarios acerca del Borrador de la Revisión Pública en la primavera del 2021.

Cronograma del Projecto y la Difusión



Para recibir información actualizada continuamente, por favor visite:
www.costamesaca.gov/housing-element-update
o comuníquese con:
Minoo Ashabi, Planificado
housing-element@costamesaca.gov

Costa Mesa

Housing Element Update Townhall Meeting Q&A

The first Housing Element Townhall meetings to kick start the community outreach were held on November 18th at 6:00 (English) and 7:30 (Spanish). A total of 68 individuals participated in the virtual events and presented a number of questions that are included in the following summary. For more details on the meetings such as the video and presentations, please refer to the City's Webpage at: https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update

RHNA – Regional Housing Needs Assessment

1. What is the status of the City's RHNA allocations appeal?

   The Southern California Association of Governments (SCAG) adopted the Draft RHNA Allocations for southern California on September 3, 2020. The City as well as many other cities in the region received a very large RHNA allocation for this Housing Element cycle. The City has appealed the Draft RHNA allocation. Based on initial information from SCAG, the City is anticipating an Appeal Hearing in January 2021. The City will be informed of any changes to the RHNA allocations after the January 2021 Appeal Hearings.

2. How many dwelling units have been allocated to Costa Mesa?

   Costa Mesa has been allocated a total of 11,733 housing units over the next 8 years.

3. What is the RHNA allocations breakdown based on income and can they be adjusted?

   The 11,733 units are divided into four income categories as shown below. The City can go beyond the requirement for very low and low income categories but these minimums are set by the state. Very low and Low income category housing are the most challenging to develop because of the high price of real estate in Orange County.

   Very Low Income: 2,912 units
   Low Income: 1,790 units
   Moderate Income: 2,084 units
   Above Moderate Income: 4,947 units

4. Does permanent supportive housing count towards lower income categories?

   In most cases, newly developed Permanent Supportive Housing can count towards the City's RHNA allocation at the income levels that units are being rented at. Units must meet the Census definition of a dwelling unit (for instance, group homes where tenants only lease a room may not qualify) and fall within the set income ranges for the very-low, low, moderate, and above moderate levels. Every project is a little different and additional project-specific information will be needed in the future to determine if units may qualify.

5. Are there requirements for the number of housing types as there is with income?

   There are no requirements for the number of housing types to be built in the next 8 years; however, the Housing Element includes provisions to address the housing needs of a variety of household types such as seniors, larger families, assisted living, etc.

6. Does the City have a contingency plan if the appeal is not approved?

   If the appeal is not approved, the City will need to proceed with the plan for the addition of 11,733 units over the next 8 years.

7. Why did the City have a very low RHNA during the 5th Housing Element Cycle?
   The methodology used to calculate the RHNA allocations are adjusted each cycle to address the housing need at that particular cycle. With the 5th Cycle, many cities in Orange County received low RHNA numbers based on vacancy and other factors that were reflective of the recession at the time.

Costa Mesa

1. How many City Council districts are in the City?

   There are 6 districts in Costa Mesa. Please visit this link to see which District you live in: http://apps.costamesaca.gov/maps/VotingDistrict.html.

2. Are there reports on the number of recently built units?

   Annual Progress Reports are available on the City website and provide information on the number of permits granted and households added. The 2018-2019 Progress Report is available at this link: https://www.costamesaca.gov/home/showpublisheddocument?id=39281.

3. Can the City engage the State to build housing on publicly owned properties such as the Fairview Developmental Center and the OC Fairgrounds?

   The City can discuss opportunities with the State and add the Zoning and General Plan to allow for additional housing on these sites; however, the State holds the decision making power on those properties and the housing element cycle is for 8 years. The State process for release of public land and development is very lengthy and may not be addressed in this cycle.

4. Does the City have an inclusionary housing ordinance?

   City Staff is currently reviewing options for an inclusionary housing ordinance to coincide with the Housing Element Update. The City Council will be the review and approving body on the ordinance which will also be subject to certain studies to develop potential in-lieu fees. Staff anticipates this ordinance to be ready for review by latter part of 2021.

5. How is rent control managed by the City?

   The City does not currently have rent control measures. Any policies related to rent control at local level may be reviewed and addressed through the 2021-2029 Housing Element Update Process.

Housing Element Update

1. How will zoning be affected?

   The Housing Element Update will assess how additional housing units may be added throughout the City given existing zoning. If existing zoning does not enable the City to reach its RHNA allocation, the Housing Element may recommend future consideration of rezoning.

2. What email address can be used to reach the City's Housing Element Update team?

   Please email any questions or comments regarding the Housing Element Update and future housing growth in Costa Mesa to: housing-element@costamesaca.gov.

3. Is the focus on single-family homes or multi-family rental units?

   The Housing Element Update will look at all types of housing throughout the City and consider opportunities for new housing development. The purpose of the community outreach is to better understand the needs and support of residents on various housing options.

4. Will the new student housing at OCC count towards RHNA?

   The new student housing will not count towards RHNA as it was completed outside of the projection dates (June 30, 2021 to October 15, 2029).

5. How will the City ensure lower income housing is built once the plan is created/hold developers accountable for creating affordable housing?

   The Housing Element may identify potential incentives available to developers who include affordable housing components to housing developments. Most affordable housing agreements require long-term affordability covenants; the state requires a minimum of 55 years.

6. What can be done about the development costs?

   The Housing Element process will include public input regarding possible constraints due to development costs and/or fees. How are other City committees and groups involved in the Housing Element Update?

   The City will be hosting Subject Matter Expert and Target Focus Group meetings to receive feedback from experts in the field on particular topics. These meetings will be posted to the City's Housing Element Update webpage once a date is set and community members may attend.

Other

1. Can higher density housing improve traffic?

   Higher density housing developments may mitigate additional traffic when located within walking distance from amenities, commercial and retail uses, and job centers. Housing developments that incorporate mixed-use methods (combining housing and retail uses) may also decrease the need for residents to drive.

2. How will parks and recreation space be increased as population increases?

   As housing developments are proposed, park fees are assessed in order to ensure adequate recreational open space and maintenance services are provided to the community.

C.2 Online Community Survey

This section contains an outline of the survey questions, summary of survey comments, and total survey results. The survey was made available on the City's webpage and survey results were presented to the City Council.



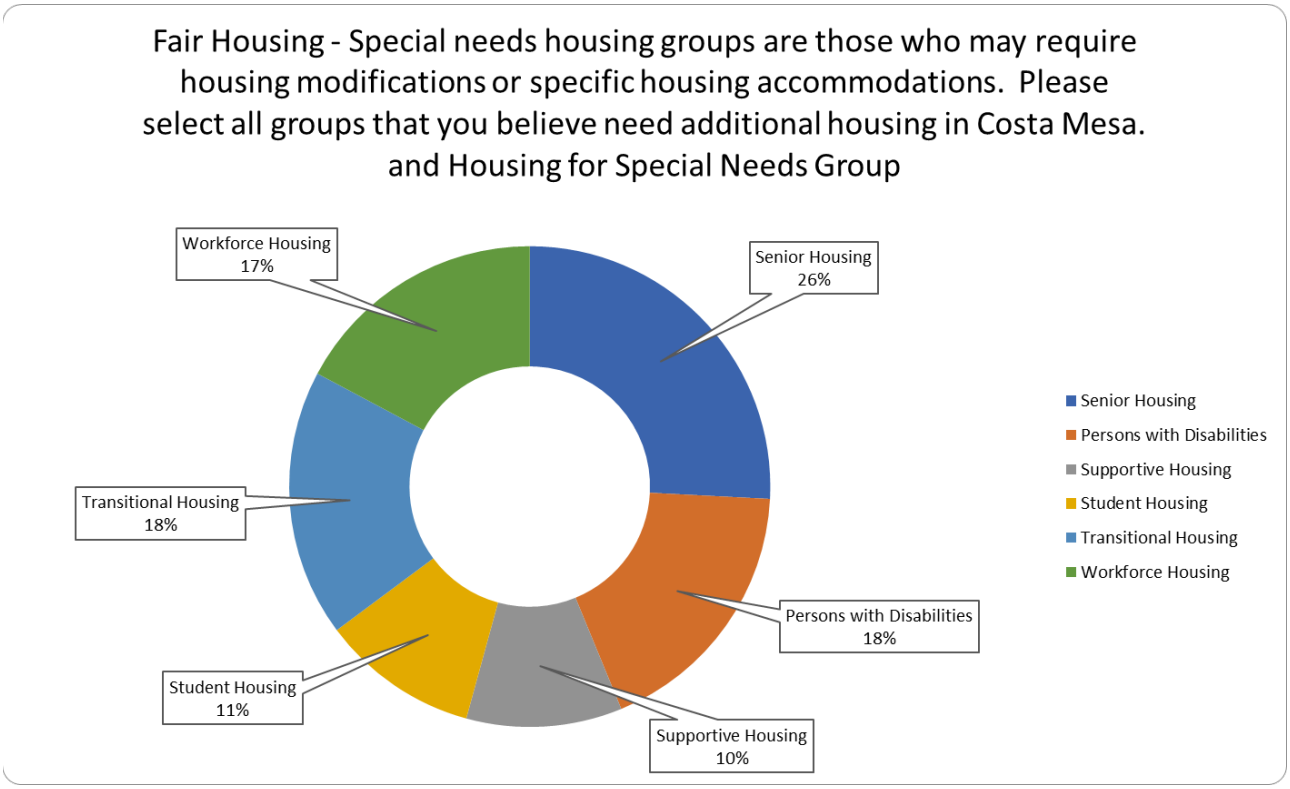
The City of Costa Mesa is updating its Housing Element and needs your input!

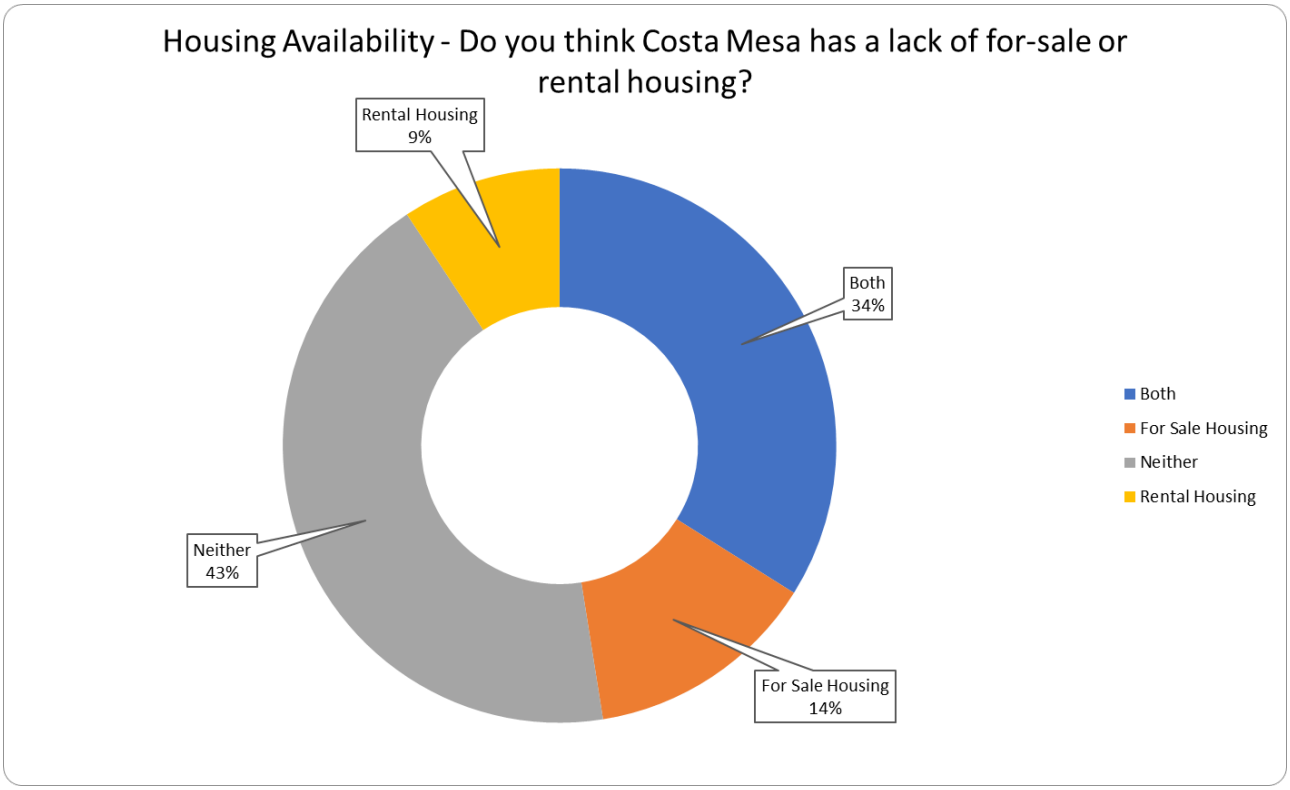
You can take the survey on the Housing Element Update website at **https://qrco.de/bbsnzZ** or by scanning the **QR code** below.

For continuously updated information, please visit: **www.costamesaca.gov/housing-element-update**

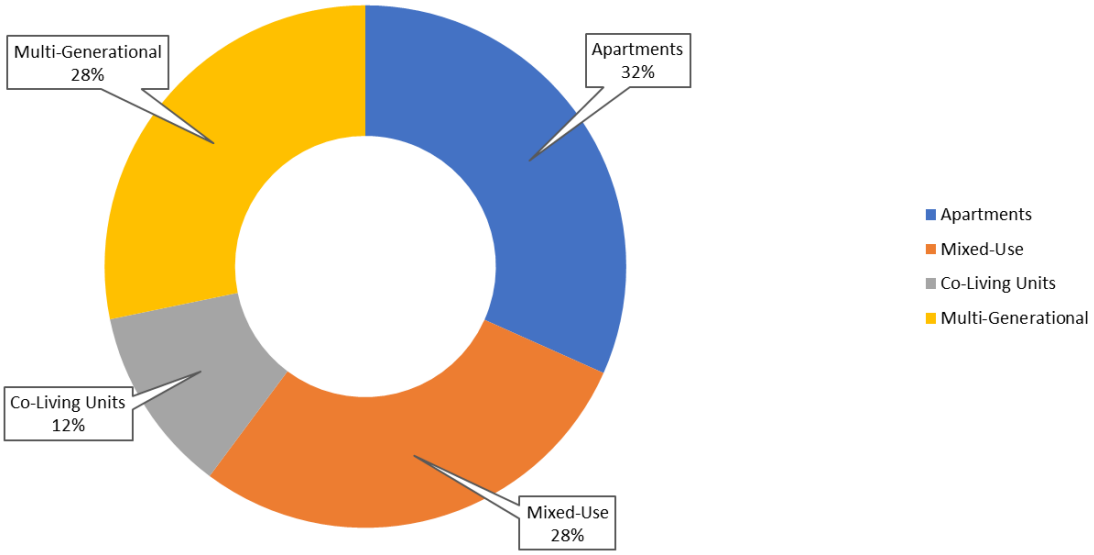
SURVEY

Community Survey Data – English (447 responses)

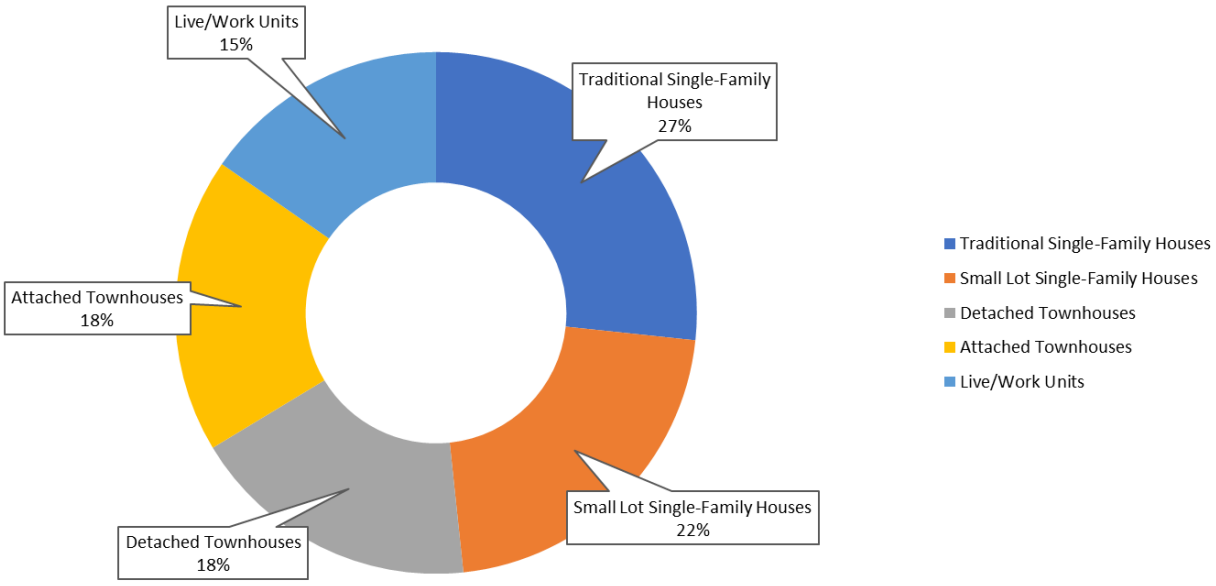


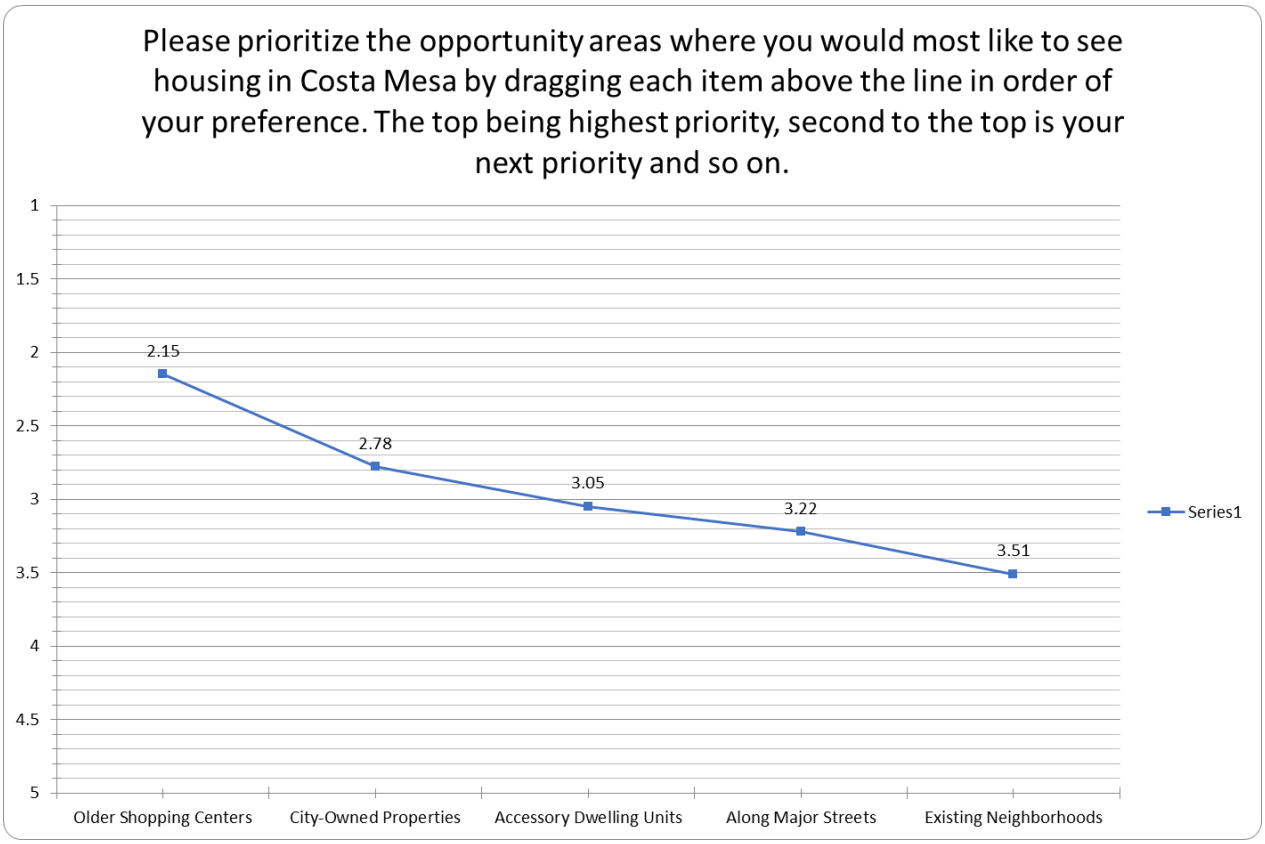


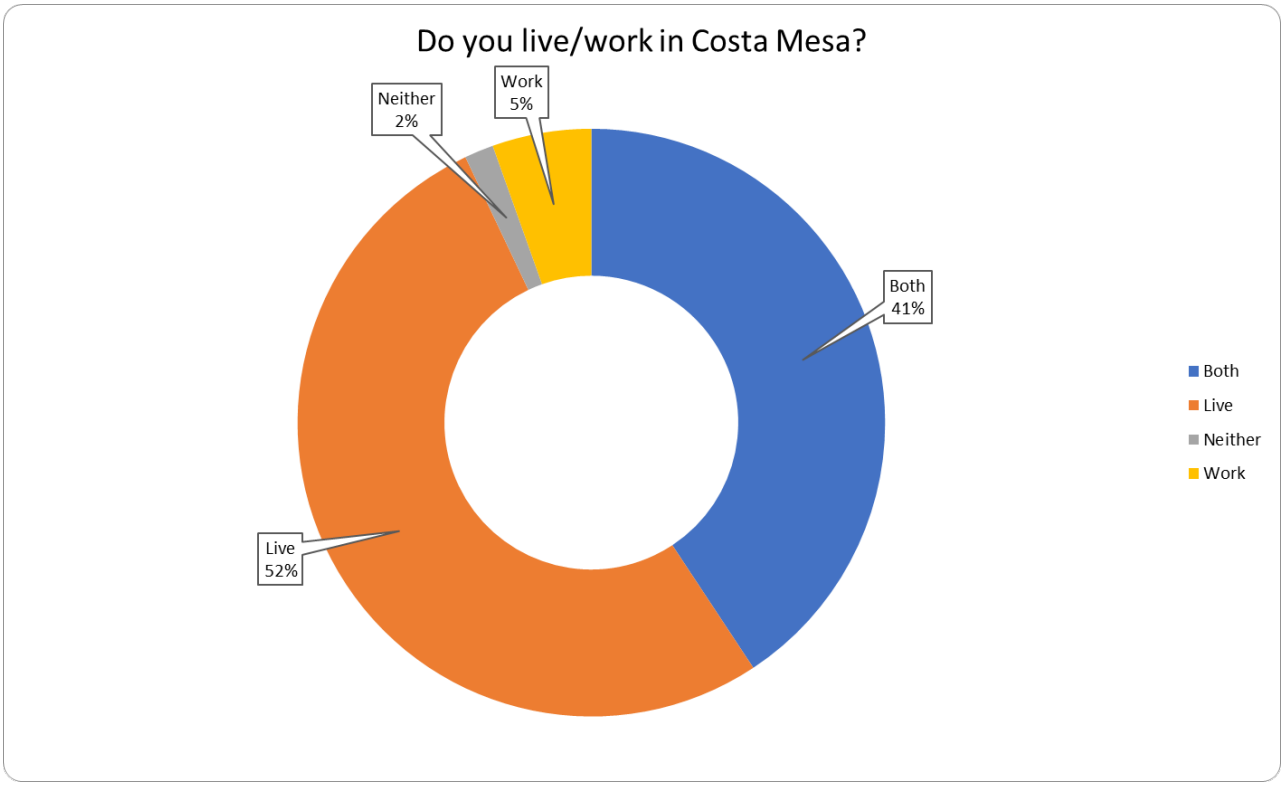
Multi-Family Housing Types - What types of multi-family housing best help Costa Mesa provide housing for all residents in the community? Please select all that apply.

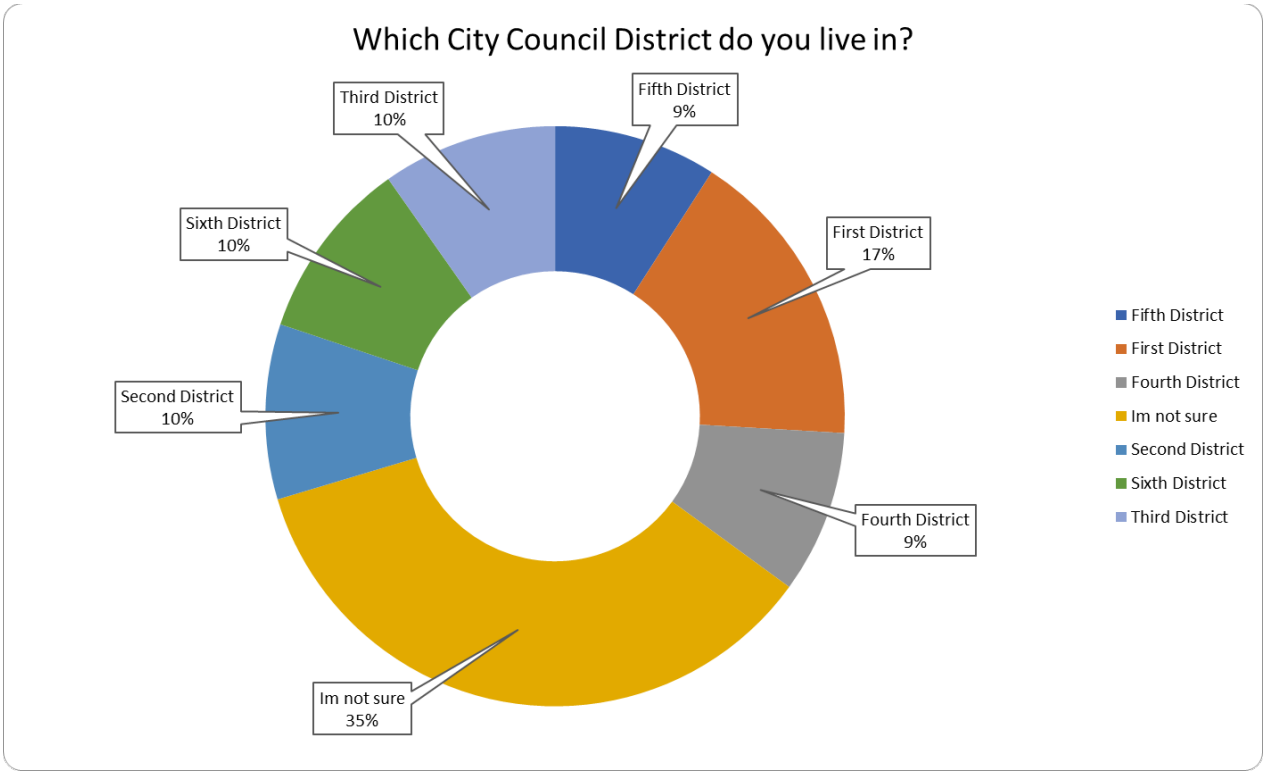


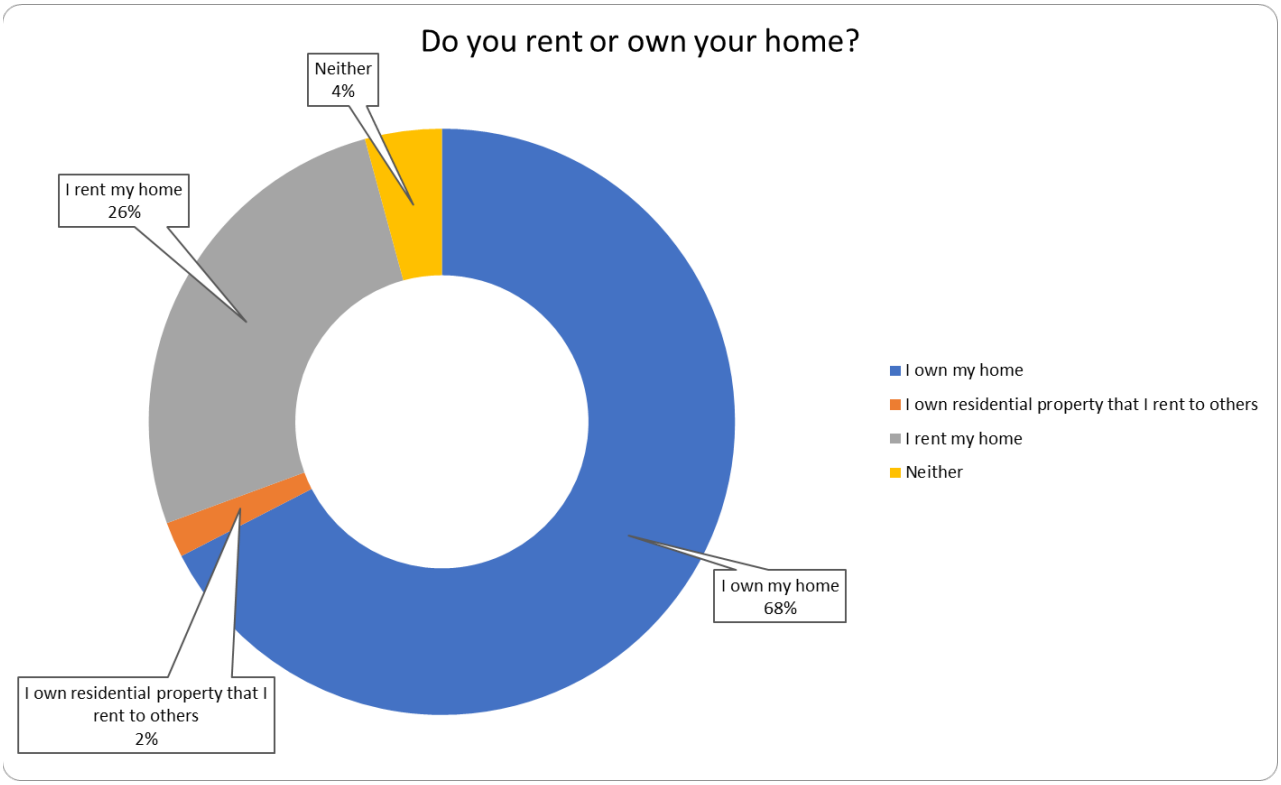
Single-Family Housing types - What types of single-family housing best help Costa Mesa provide housing for all residents in the community? Please select all that apply.

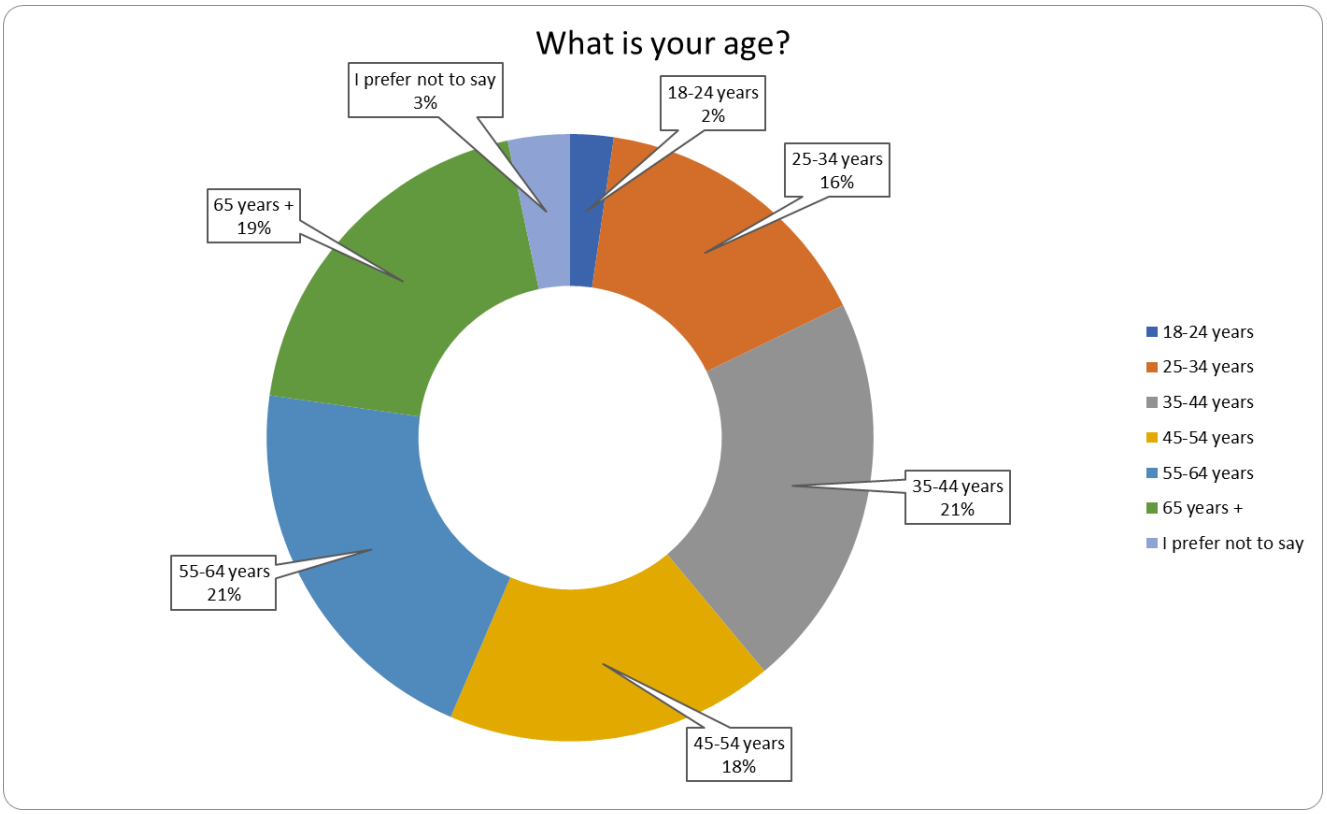


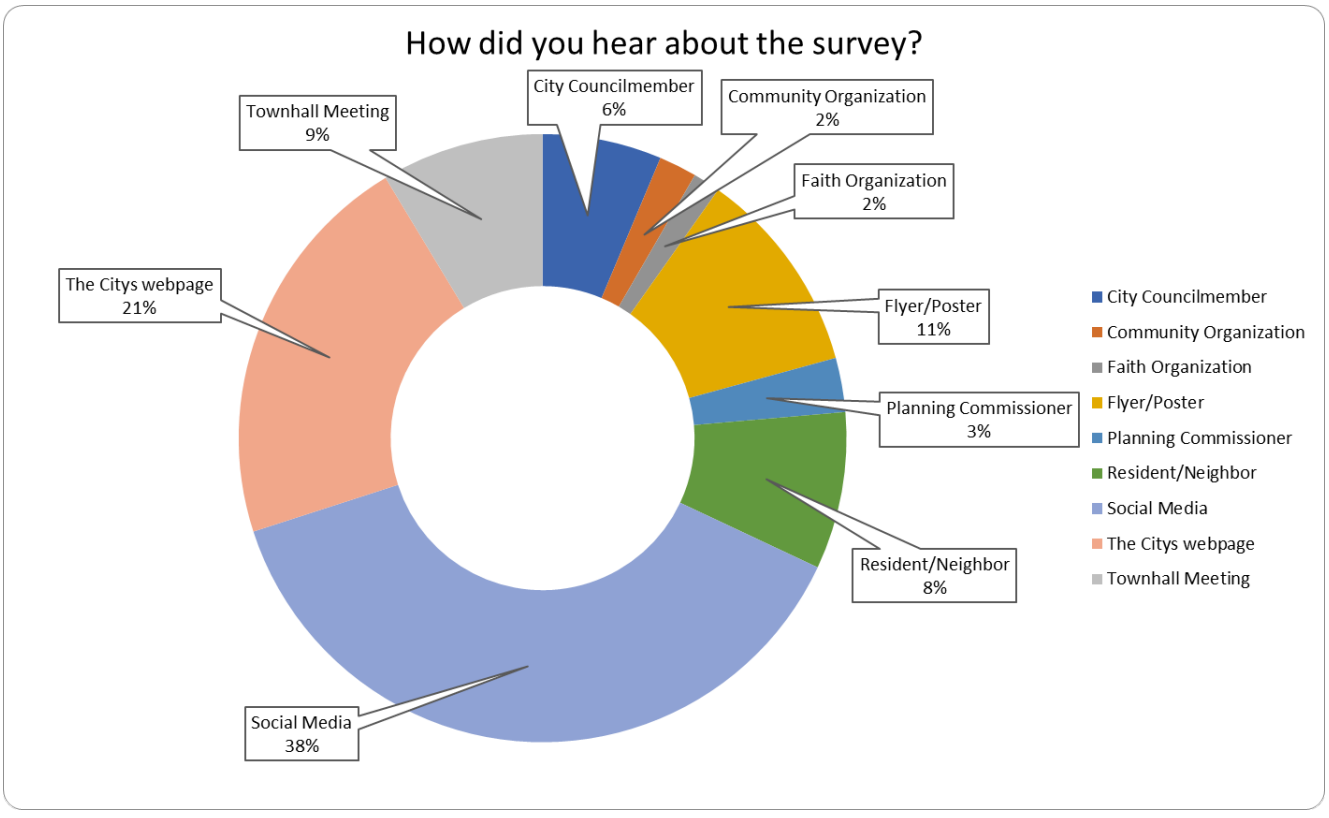

Please prioritize the opportunity areas where you would most like to see housing in Costa Mesa by dragging each item above the line in order of your preference. The top being highest priority, second to the top is your next priority and so on.
1
1.5
2
2.5
3
3.5
4
4.5
5
2.15
2.78
3.05
3.22
3.51
Older Shopping Centers
City-Owned Properties
Accessory Dwelling Units
Along Major Streets
Existing Neighborhoods
Series1


Do you live/work in Costa Mesa?
Neither 2%
Work 5%
Both 41%
Live 52%
Both
Live
Neither
Work


Which City Council District do you live in?
Third District 10%
Fifth District 9%
Sixth District 10%
First District 17%
Second District 10%
Fourth District 9%
Im not sure 35%
Fifth District
First District
Fourth District
Im not sure
Second District
Sixth District
Third District


Do you rent or own your home?
Neither 4%
I rent my home 26%
I own my home 68%
I own residential property that I rent to others 2%
I own my home
I own residential property that I rent to others
I rent my home
Neither


What is your age?
I prefer not to say 3%
18-24 years 2%
25-34 years 16%
65 years + 19%
35-44 years 21%
55-64 years 21%
45-54 years 18%
18-24 years
25-34 years
35-44 years
45-54 years
55-64 years
65 years +
I prefer not to say


How did you hear about the survey?
City Councilmember 6%
Community Organization 2%
Townhall Meeting 9%
Faith Organization 2%
The Citys webpage 21%
Flyer/Poster 11%
Planning Commissioner 3%
Resident/Neighbor 8%
Social Media 38%
City Councilmember
Community Organization
Faith Organization
Flyer/Poster
Planning Commissioner
Resident/Neighbor
Social Media
The Citys webpage
Townhall Meeting

Vision for Housing in Costa Mesa Comments

Retain character of residential neighborhoods. Use Fairview Developmental Center for an affordable housing enclave. Encourage high rise housing development north of the 405.
Live-work sites are too repetitive in style. Overpower neighbors. Subdividing for snaller lots? Need basic lot area a critical issue.
Supportive and transitional housing for homeless, construction with traffic safety in mind (speed bumps in neighborhoods, not more homes than parking, etc), lots of open space/oarks
Housing should be multi-story on major thoroughfare and close proximity to freeways but not impacted by noise and air quality.
More walkable neighborhoods by promoting mixed use development. I see first floor commercial development with apartments or condos above the next few floors. Increasing housing while increasing quality of life.
Housing density has to increase. The choice is between density and sprawl. We need multi-story housing.
A senior living village on 19th at the senior center. A mixed use neighborhood developed on FDC land that includes various levels of affordability, and affordable for sale work force housing. A denser neighborhood north of the 405 that includes affordable work force housing.
Affordable housing for workforce Supportive housing for those who need help
More affordable options for lower to mid income families. Especially focusing on what's available on the westside and making the westside as desirable but still affordable.
Costa Mesa focuses on infilling and densifying what it's already got, without needing to sprawl into the remaining open spaces. We are lucky to have many "centers" in town: W 19th, E 17th, SoBeca, Harbor and Adams, Harbor & 19th. We focus on concentrating our growth around these amenitiy-rich, walkable centers while also allowing context-sensitive infill into our existing neighborhoods. To the extent possible, all new development occur on small- to medium-sized lots by local developers. Vulnerable groups are not institutionalized but accommodated in neighborhood environments. Each neighborhood contains a range of options to accommodate people in different life stages, and with different socio-economic conditions. With all new housing, the street matters most – front doors, big windows, small gardens, transitional space that fosters comfortable interaction within the community and a sense of ownership of the public realm. Trees are everywhere.
Liquid, affordable housing at all income levels near jobs. Costa Mesa should be a 15 minute city that doesn't require automobile ownership.
More of it without all the heartache from boomers. YIMBY
Existing streets-incorporate landscaped wider walkways with separate designated bikeways especially high density areas (Monrovia)...make into one way street from 19th to 15th...gateway street to Newport!!!
Folks that moved to Costa mesa prior to 2010 have no idea what it is like in 2020 being a young family looking to set down ties in Costa Mesa. more housing only enhances our city.
Housing needs to be affordable, near public transit or protected bike lanes, and doesn't create additional drains on public services, utilities or additional demands on parks. Compliance with CEQA, height limits, setbacks and other administrative approvals are mandatory. We must avoid SB 35 streamlining.
More affordable. Safety in high traffic areas. Transitional housing for homeless.

People with jobs working in the area can afford to buy an own housing in the area. Costa Mesa has far too much rental housing, already, and we need not build a single new rental unit. All new units should be ownership opportunities.
Costa Mesa used to be a safe place to raise families. Crime is on the rise as well as homelessness and apartments are overcrowded with multi families filling garages with people instead of vehicles which causes excessive parking problems and overpopulation, density and crime in some areas. The people of Costa Mesa are sick and tired of it and a lot of people have moved away because of it.
To work on beautifying the city. Work on rebuilding the older parts of the community. Start a slow growth plan
first time home buyers
Initial homes for people and luxury small apartment homes for those young with high paying jobs, but needing/wanting a high quality environment and location, but not needing a fancy address.
An inclusive city for people of all walks of life to live cohesively alongside one another.
A city that makes a place for people of all economic income levels. A place where people can work and recreate near where they live.
Safe, affordable, quality housing for all.
My vision is to STOP more housing. You have torn down business in our city to put up God-awful condos everywhere. Gross. Just leave it alone.
No growth. Lower taxes. Safer streets
Housing integration that prioritizes walkability and bikeability. Ideally, residents do not feel compelled to drive to groceries, entertainment, recreation etc within the city.
People who live in Costa Mesa now can choose to live here in the future. Diverse housing options make Costa Mesa desirable along income, age, and social characteristics. There is no shortage of housing for vulnerable populations (undocumented, seniors, homeless).
Affordable apartments or condos that are close to services needed, secure parking and entry. I would prefer no more then 3 to 4 levels and look modern to blend with the surrounding area. Trees, garden area including walking paths and reflecting area.
A diversified housing selection, that is realized through public-private-partnership utilizing Costa Mesa's resources within the opportunity zone, new market tax credits map area, lihtc in the DDA area, and define the developer incentives within the overlays.
I don't envision a large amount of new housing. The space that we have remaining is limited with many areas overcrowded with multiple families living in single family dwellings.
Let the market, and the market professionals determine the demand. If a city is built out, it's done...unless of course you want the kind of urban density that other now-undesirable cities have...Long Beach, L.A. etc... quit the social engineering and do the job of providing city services to city residents and businesses.
Let the market decide. Do you realize that your job isn't to provide housing? Do you understand the difference between the free market system and what they have in, say, Russia or China???
I would like to see higher density, for lower income levels, near transit. We have many parking lots, old shopping centers, and seemingly abandoned business parks that should all be changed to high density housing with public transit. Mixed use would also help keep people out of cars.
To make Costa Mesa the place where everyone living in Newport Beach, who grew up around there, wants to live. Making it more desirable for family's. Less crime. And rezoning old run-down retail centers, creatingmixed-use development's that increases walkability for the younger demographic, families.

BEAUTY! Those big new ugly apartment boxes going up all over OC are AWFUL. SERVICES appropriate to all housing (roads, schools, etc.)
Stop the trend for high density box type living spaces. Tax paying legal residents need yards, side walks, parking. Not cramped into small areas. Traffic congestion has become a major problem.
More single family housing and small lot singe family homes. I do not want to see high rise high density housing which is all rental units. We need to incentive home owner ship in Costa Mesa somehow. I understand that not everyone can own a home here and understand building a small amount of affordable housing but why are we so concentrated on building affordable housing for people who can't afford to live here? I want to live in Newport Beach. I want to live on balboa island, I want to live in CDM but I can't afford it so I bought where I could here in CM if I couldn't afford to live here I would move to a city where I can afford to buy a home or rent. We are a mile away from the beach and understandably people want to live here but is it not a right to live here. I worked my ass off and made some good decisions and saved 12 years for a down payment working as an Electrican to buy here. I am extremely worried of overcrowding, traffic, poultion, crime, trash , graffiti the stretching of our resources such as schools, police and fire and such. There has to be a point where we say enough is enough. No more space, to crowded and that's it. What it comes down to is a quality of life issue here. The quality of life will be greatly diminished as we build the crap out of Costa Mesa.
Access to affordable housing is in line with the median household income. Affordable housing for everyone.
We need Life Cycle Housing opportunities in Costa Mesa. We need workforce housing. We need an Economic Development Director who will help in the creating of an Opportunity Zone vision
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We need Life Cycle Housing opportunities in Costa Mesa, workforce housing, an Economic Development Director who will help in the creating of an Opportunity Zone.
Appeal the RHNA numbers determined by the State Department of Housing and Community Development (HCD) and distributed by the Southern California Association of Governments (SCAG) to numbers that reflect realistic growth in Costa Mesa based on available land and actual census data/ anticipated growth based on historical data. If the appeal is denied, the City of Costa Mesa needs to file a class action lawsuit with Huntington Beach, Newport Beach, Laguna Beach, etc against the State of California HCD. Protect Single Family Homes in R1 zoning at all costs. Do not allow ADU or small lot developments in R1 neighborhoods. Only Allow for more stories, increase building heights, increase FAR and units per acre in R2-HD and R3 zoning west of the 55 freeway/ Harbor Blvd. Provide specific plan overlays on 19th Street, Harbor Blvd, Superior Blvd, etc. that allow for 4 story max mixed use developments (apartments/ condos over retail or commercial). Allow for Live/ Work medium density Developments in MG and MP zoning. Provide developer incentives to build the types of developments that benefit the community.
I hope we will continue to have plenty of single family residences. I would hate to see more condense living arrangements.
The appeal of Costa Mesa is the safe, family-friendly neighborhoods with quality schools and without high-density inside traditional neighborhoods. It's the opposite of Los Angeles.
The city needs to house all income levels so a mixture of housing types will be required. The NIMBY will be very upset if their neighborhood dynamic is threatened so a major PR effort would be needed for any change.,
To make housing affordable to low income. For renters and buyers.

Single family homes and detached townhouses that are affordable as in 400-600/k to bring in young couples to raise their families
Limit high density housing please
Easier renovations to single family housing
Stop building cage apartments, more affordable housing for middle class income PLEASE .
Something without HOAs and something with plenty of parking
We need tob look at mixed use housing along with hi density housing that does not impact our local residents.
Affordable living with various options of housing , safe environment with no halfway houses.
Please NO SHORT TERM HOUSING
More affordable single family housing. Less three story master planned communities.
Affordable housing
I am hopeful that the city won't become overcrowded. Parking in neighborhoods is already difficult, and new construction is being packed into very tight spaces. I would like to see some housing that allows space between units and room for front or backyards.
Let the market determine that within the existing zoning. Increasing home ownership versus rental as the city is upside down in the regard and becoming increasingly a second-class community...inexcusable for a near-beach community.
Affordable housing close to shopping snd transportation.
Eone thing I don't want Costa Mesa to do is to change any of the zoning that exists today.
The one thing I don't want Costa Mesa to do is to change any of the zoning that exists today.
I'd like to see decent housing for the variety of people that live in our community. These should be in safe areas (not on a major street or in areas f noise or other pollution (not freeway adjacent).
I know first-hand that the city must stop the influx of people coming to this city from around the country for rehab's. Insurance fraud the people that are let out just roam our streets in terrorize the neighborhoods.
More dense Multi-Family Rental Housing should be planned north of the 405 Freeway. 580 Anton and 3400 Ave of the Arts and Halcyon House are good examples of what could be and not impact the SFR neighborhoods south of the freeway.
I don't want to see a bunch of dense paraments popping up all over Costa Mesa. Our streets are packed enough with cars. I would rather see more single family homes when there is room to grow, but not they type with no yard.
With limited land, Costa Mesa cannot continue to place high density housing where traffic congestion is already a huge issue because of the proximity to the beach.
Promote single family properties. Not high density. Not sober living. CM is losing its charm fast. Have lived here since '88
High Density DUs north of the 405, in the older industrial section, would be perfect.
Less multi home structures on small plots. There are too many cars parked on the streets due to these developments making it unsafe for children to ride.
My vision for the future of housing in CM is that the community shifts focus on the high cost of housing to focusing on the acts of the family in the home.
I think retaining Costa Mesa's character is very important and not reflected in the 3-story box developments in the Westside. I think future developments should include increased public

transportation to limit traffic. Any new developments must include public parks and open spaces, not a fee to the city that robs residents of recreational opportunities and facilities.
The city is overcrowded already with too much traffic. You would do well to deport illegals so Americans can have access to the housing they are taking up.
Less high density housing in Costa Mesa with improved land use. Current efforts to remove business from Costa Mesa in favor of housing has cost the community dearly. Time to consider the need for business to exist in the City instead of the continued rush to create more housing.
Affordable for single people living alone making a $50,000 salary. These new housing blocks being built all over Costa Mesa with units costing $800,000 or more are ridiculous.
That we face the fact that one city can only accomodate so many people and not destroy everyone's quality of life by making it too dense. I believe in the post-Covid era there will be many shifts in how and where people work, and in what businesses they patronize. It would be wise to see how these trends develop and incorporate the new normal into housing plans.
A variety of housing options at multiple price points to ensure economic diversity of residents. Hourly wage earners need to be able to live where they work to reduce traffic, GhG, other pollutants, and chronic stress
A median income community appealing to families that supports infrastructure and where neighbors cared about each other.
Single story apartments, condos or houses. We have large aging community.
Clean up some of the run down areas. More parks but there doesn't seem to be room. Fill the vacant old shopping centers and large vacant stores with housing.
Safe, clean and a city where I can live and work with peers and multi-generational family members
Housing for families with the majority being for sale housing rather than rental. I realize the idea of home ownership now ranges from the stand alone home to attached duplex houses to condo units. But home ownership stabilizes a community and encourages individuals to take an interest in that community. Most renters don't have an affinity to the town they live in.
Iwould like to see Costa Mesa expand the housing to the maximum without overcrowding. A fair representation of all social classes and races. More high rises perhaps.
More housing everywhere. Especially along Newport Blvd. The model is what they did over by Trader Joe's.
With all residents willing, and developers open, we can add a mix of housing in all districts evenly. We can reduce traffic, and improve our quality of life by creating more mixed-use spaces we can walk and bike to, increasing community connection, supporting business. It takes everyone.
No overcrowding. affordable, attractive housing, family oriented.
Keeping CM beautiful will keep property values and taxes up. Let's not forget about incorporating trees, looking for power line alternatives in the planning efforts.
Diverse people living in medium-to-high density mixed use spaces, live/work areas, and close to affordable and reliable public transportation/
We have to choose between density and sprawl. Density is better.
Smaller houses with large lots to improve the overall landscape, gain better air quality and grow food
N/A
I would prefer limited growth to avoid an already overloaded system.
A safe community with good schools and access to a good mix of large stores and independently owned businesses.

I think Costa Mesa has already built in every square foot of land. I have seen so many high density residential area pop up in Costa Mesa. I think we need to take a hard look at whether we are overbuilding and we should not change any zoning laws in Costa Mesa.
I do not believe that building additional housing would benefit Costa Mesa residents, other than permitting accessory dwelling units. Taking away retail, using city property or permitting multi-family housing in neighborhoods is not something residents want and causes more congestion in the neighborhoods and city.
Too many new multi-level boxy looking homes built now; need more traditional single-level & low multi-level homes
Maintain the single family home style being unique to the allure of Costa Mesa. Invest in downtown CM to increase tourist revenues for all CM business's. Make certain Fairview Park remains untouched. Build houses where the Early College H.S. is. Adams Elementary could be a jewel of CM in a heartbeat for immediate surrounding families.
My vision for housing in Costa Mesa is that every neighbor would have a place to live, connect with others, and thrive because their housing costs are within their budget. I believe this is possible with creativity and developers who are willing to make it happen. I applaud the work of the city to not only pursue a plan, but implement it.
Affordability
Future housing would take advantage of greener living (solar panels, etc), and provide safe spaces for those in the unhoused community, while keeping the safety of neighborhood in mind. Gentrification would be replaced by a more collaborative approach, with minimal hostile architecture.
Maintain Costa Mesa single family housing. No more recovery housing/homeless shelters.
Resident Permit Parking Needs To Be In Place. Please start enforcement again. We fought hard for Resident Parking Permits.
Transform older neighborhoods into newer, improved neighborhoods. Turn Westside CM into Eastside CM / CdM flower streets. Property values go up.
To maintain the status quo. We moved to Costa Mesa almost 40 years ago for its large lots, lack of HOAs, freeway and shopping access. The city needs to push back on the state for mandated housing increases. My neighbors, like me, do not want to live in a congested, high density neighborhood. We successfully fought an out of town developer from ruining our tract with HD housing a few years ago and we'll do it again.
More single family homes. Streets requiring parking permits. Reduce apartment building or require adequate parking to be part of process, 2 car spaces at least per unit. If house is zoned for senior or special needs living, must stay that way. Current issue with previously senior home now rented to 7 people with cars, issues with parking for neighbors.
More single family than apartments, even if it means condos with green space around them. There is too little attention to green spaces for walking, riding bikes, exercise. No new housing should be allowed unless it provides open space for parks!
Let the market dictate the response to needs, not the bureacrats in Sacramento...good grief, this should be obvious...quit social engineering experiments.
Developing some of the industrial land and run-down hotels into quality housing keeping in mind room for plenty of parking and green space. Not 3 story townhouses
Costa Mesa is already impacted any new housing should be multiuse and schools should be open for recreation.
My husband and I are hospital workers (RN) living in a rental duplex. Have wanted to purchase our own single family home but it's just out of reach. Would love to see some affordable single family homes under $500k

Less apartments which increase parking problems in virtually every area in the Westside. The 3 story with roof deck properties (now at a 4th floor position) are ugly. The 2 on my street, Poets Place and next door are basically failures. They look horrible, ruin property values in surrounding areas and they do not sell or rent well. Both properties are mostly not rented, and live in homeowners are very few and far in between. They are essentially high priced apartments which do not rent. Few people want to navigate 3 steep floors.
No more tower housing. It's too congested. Simple like before
A place where we value everyone in our community, regardless of home much money they make. That is why we need housing for very low and extremely low income neighbors. We have so many folks working low wage jobs that serve us, but we don't provide anywhere affordable that they can live in our community.
More affordable housing
SLO growth, additional traffic concerns, we have too many cars parked along streets as is
Costa Mesa is upside down in its ownership to rental ratio. We do not need a single additional rental property. Ownership has proven and enormous community benefits at all levels; all aspects of this plan should focus on increasing opportunities for ownership.
We do not need a single additional rental property. Ownership has proven and enormous community benefits at all levels; all aspects of this plan should focus on increasing opportunities for ownership. Smaller units work just fine as ownership opportunities. I live in about 1000 square feet and that has been enough for 28 years.
Existing single family home keep the variety of housing architecture. Small rental housing blogs (3 and 4 units). Large developments and small lot homes deteriorate the existing culture.
I believe in placing more value in housing than parking, if you look at an aerial view of most cities, there is more parking area than there is buildings.
Would like Costa Mesa to be free of Homelessness, Low Crime/Drugs, and Open to those that can afford it.
More maintained, nice affordable housing for multiple groups. A mixture of single family homes as well as multi-family units.
Hope there will be opportunities for people who work in Costa Mesa to also live here from CEO's and doctors to service and maintenance workers - a potentially difficult balance.
Density is the only thing that can prevent sprawl. I'm in favor of it.
Unless we are also creating a robust retail environment, quality food, artisan retailers, local businesses, and quality education, as well as sufficient parks and open spaces, I don't believe there should be additional housing units.
Mixed, sustainable, and creative. We need more creative thinking that produces the housing equivalent of the Camp/LAB and less like Triangle Square. The fairgrounds, Fairview development center, and civic center offer a blank canvas to make a new housing hub and "place".
Low to medium density homes which are manageable to buy or rent by mid-level wage earners.
Safe and pleasant neighborhoods based on a shared sense of community and ownership - protecting the product of joint effort and long term investment in places in which our kids can grow up in and continue a legacy
My vision is if people work for it then they will take care of it and the community. If they are provided with a handout from the government they will run this city into the ground. I think our city is very dense and traffic is already congested. The state should consider putting this housing where there is tons of land that isn't already being used (like the desert near Barstow).

Encourage higher density / mixed use housing in areas that are north of the 405 around South Coast Plaza. Try to protect existing single family neighborhoods with incremental increases of development surrounding them. Realistic economic factors must be considered in order for housing to be developed. The projects must make economic sense or else they won't be built. Flexibility in land planning is key while letting the market determine what is ultimately constructed.
More ownership of housing. Updating older two story rental unit buildings. Using industrial properties as a way to increase housing by converting them to mix use housing and commercial space.
clean and safe
The prices continue to sky rocket, existing workforce continues to get pushed out
More affordable apts in the commercial areas west of Superior Ave. More housing is needed on the west side of the city.
More housing options and locating them in areas to make the city more walkable. All hands on deck approach.
I think we need to keep CM as primarily a suburb with mostly single family homes. That is why people want to live here.
we don't need more high end housing, we need affordable housing units for very low and low income. We need several hundred supportive housing units
That all citizens who want to make COSTA MESA home can do so in a property that matches their needs
I personally believe that we have enough housing in CM already. Every time I see a new high-density housing project go up I get really angry. I do support projects for specific at-need groups, including senior housing or assisted living facilities, and more transitional housing for homeless seeking to get off the street.
For the city to meet the needs of every type of housing where people can call home, for those who have families, senior living, student housing,and homeless run housing.
I WOULD LIKE TO SEE HOUSING THAT IS LESS THAN 3 STORIES. aLSO RESIDENTIAL OVER COMMERCIAL
I would want a denser community with multi-use developments. I want it to be easier to get around as well.
A lot of houses for low income people, disabled and seniors.
Keep present zoning. Especially R-1, the most in demand housing type. There's plenty of open land inland a few miles. No high density
we need to take old hotel/bldgs for the homeless. also create more senior living/independent living facilities
To preserve the nature of Costa Mesa I think no housing of any kind should be above 3 stories high, and nothing should be built out to the streets. There should be ample landscaping around all housing (NOT like the awful stuff going up along Placentia) and all housing should have enough parking so there is no overflow onto streets. The pandemic has shown that dense housing is not healthy.
Affordable, walkable/bikable lively neighborhoods.
Quality and serenity,, focus on seniors and families with children
Housing that is affordable for all segments of society and all income levels.
The State wants and we should require at least 20% of new housing to be affordable units for the workers who live here, which is to say low and very low income units. Water is becoming more scarce, and most of the new building leaves no permeable ground for rain percolation, which already is causing flooding and depletion of our ground water. With thousands of new housing units

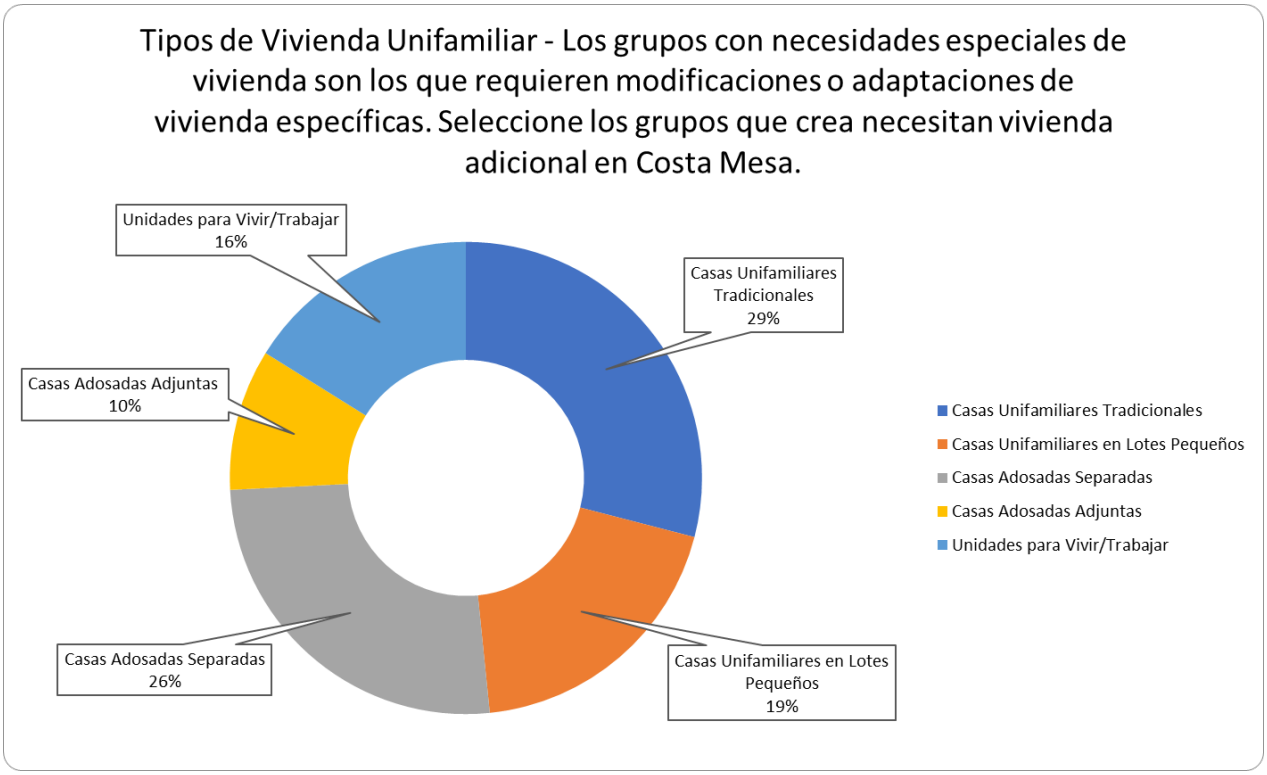
expected, and with no ability to widen roads, parking and traffic congestion will go from bad to worse. No housing plan can be independent of traffic, parking, and resource solutions.
The puss shown here are a good solution. You must preserve CM as a family city. NB plans to put there's bordering CM, and CM looking at out lying spaces. CM already provides MANY homeless persons services, SOS health clinic, soup kitchens, food banks. Do not create housing that will draw more homelessness. We are doing a lot asa city to help.
Affordable housing is becoming harder to find. It would be nice if more affordable housing was available for seniors who only have S.S. for income. Maybe a large community of studio apartments. More housing for the homeless where they could receive the services they need would be nice.
Safe housing for all demographics. But ample parking for units must be required whether for apartments or additional units in neighborhoods
Do not overcrowd Costa Mesa by building up and allowing multi-family developments in R1 and R2 neighborhoods. Preserve the suburban feel that is already being threatened in the City with too many muti-family developments. Turn over MF and CM development areas in decline into small lot, no more than 3 stories.
As Costa Mesa ages so do the people that live here, affordable housing for the Age group 55 and older and affordable housing for first time homebuyers.
Redevelop retail and major streets to accommodate 5-6 story mixed use development with a 15% low income or 12% very low income housing.
replace old one story rentals that have no parking with two story units that provide ample parking. the huge lot houses could add a smaller additional unit or units depending on lot size. a lot of costa mesa is of 70+ year old construction. this would be an opportunity to upgrade to current codes and safety.
I am against the destruction of the single family neighborhoods. I don't have a problem with the small "granny units", but someone built an entire second house taking up the whole backyard in my neighborhood and that is just wrong. The Kmart can be converted to a smart retail/living unit complex if people really think outside the box and not just be motivated by greed.
Take away the seedy motels that attract crime and replace them with housing.
Mixed-use along major arterials, with apartments on older shopping centers and city properties, and incentivize walkability. Keep single-family neighborhoods as cohesive units, i.e. do not allow duplexes/triplexes to be placed inconsistently in single-family neighborhoods.
I would love townhomes near the lab and camp/ triangle where I can walk to things and not have to drive. We have apartments there but the older condo options don't make me want to buy
More enclaves such as Chino has begun building. The homes are reasonably priced on smaller lots...but very quaint. Each enclave has it's own activity center such as a pool and tot lots. Others (The Preserve) have a central facility that has a theater, library, pool, park etc.
I would love options for inclusive housing opportunities without losing the character of our city. I hate when a development goes up in a neighborhood and it stands out. I'd love for new housing to blend it with already existing neighborhoods and infrastructure.
Costa Mesa drew me in because of its large R1 residences which were affordable and accessible 40 years ago. For the future, building on city owned properties and apartments will allow CM to stay accomodate more residents. Multiple housing units on former R1 lots will ruin the city, not everyone can afford to live where they want. I'd love to own a home in South Laguna Beach, that isn't going to happen...
Cleanup and refurbish older housing, incorporation of mixed use and modular compact housing
My visions for future housing is providing housing for low income families.

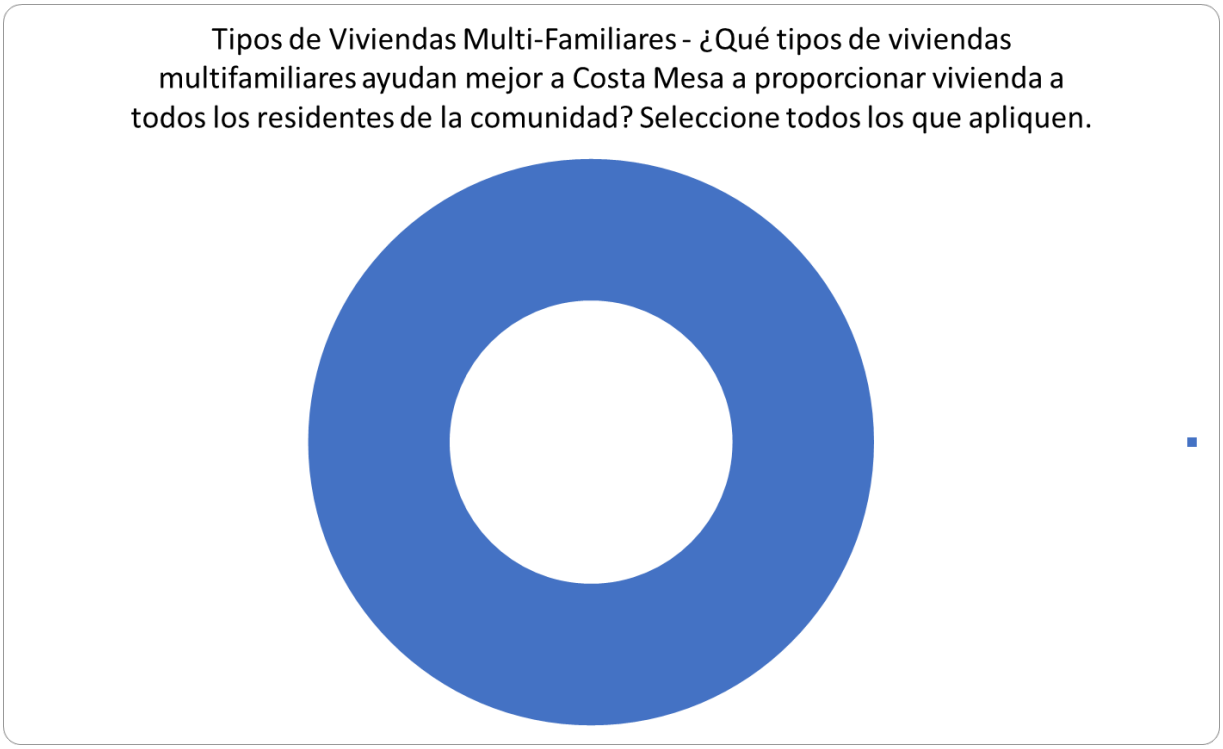
I want more affordable rental housing for families, for disabled people, for the homeless. I want smart, creative, "green" development that will be attractive and beneficial to the entire community. I want Costa Mesa to have a balanced housing supply that lets lower income people live affordably here, not just higher income folks (like me).
Affordable homes for first time buyers. Minimal apartments.
Less transitional housing more senior housing for current residents. Take care of residents and less focus on trying to cram so many more people in our crowded city.
Bring back the family feel instead of the singletons and those who buy for vacation homes.
Affordable, plentiful housing for all financial or age demographics in the city. Housing near jobs and commercial areas to allow for biking and walking and reduce traffic
Village like with a multiple variety of units for those who are not able to earn high incomes
A real mess. The State and SCAG did not take into account the lack of infrastructure (roads, sewer, water) Our K-12 school blogs were built in the 50's. This will not resolve affordability and overall make this a less desirable place for families to reside.
I would hope that the City of the Arts would accommodate their retiring ARTISTS who may be living only on Social Security and retirement, about $3,500 per month.
Less density in west side neighborhoods, more family friendly housing with walkable and green space in neighborhoods
Modern stackable container housing for low income. Perhaps grants for upgrades to older apartments.
My vision would be to have more affordable apartments and mixed use developments. I think Costa Mesa has an ample supply of luxury apartments. Housing is needed for essential workers and their families.
My vision does not include high density living situations that will reduce the quality of life in Costa Mesa
Costa Mesa should be guided by our neighbor Newport Beach in how we handle housing. We should not be guided by Santa Ana or other downscale cities.
Apartments with ample parking on major streets with easy freeway access - We have overcrowded roads - especially in rush hours. Most apts have multiple vehicles - terrible waivers on parking in the past. No parking on streets next to apts.
Combination of high density in portions of the city that has infrastructure in place that includes low, very low and senior housing option, then utilize the ability to build small units on lots (legal), and work-live in spots that really are work-live and not the random developments recently built
Combination of high density in portions of the city that has infrastructure in place that includes low, very low and senior housing options, then utilize the ability to build small units on lots (legal), and work-live in spots that really are work-live and not the random developments recently built
A future where there is enough housing at various price/rent for the various income groups.
I would like to see more affordable housing.
Costa Mesa does not need to implement more programs that would lead the city to invite less desirable inhabitants.
Better bike/walk access to work school and shopping areas, better safer bus type transportation, we have great climate many people awesome recreation & shopping, no every has / or can afford a car, since rents are so high these days.
Safe place for our children to walk to school and home. People take pride in where they live and follow community rules. Affordable pricing for lease and renting without huge increases.

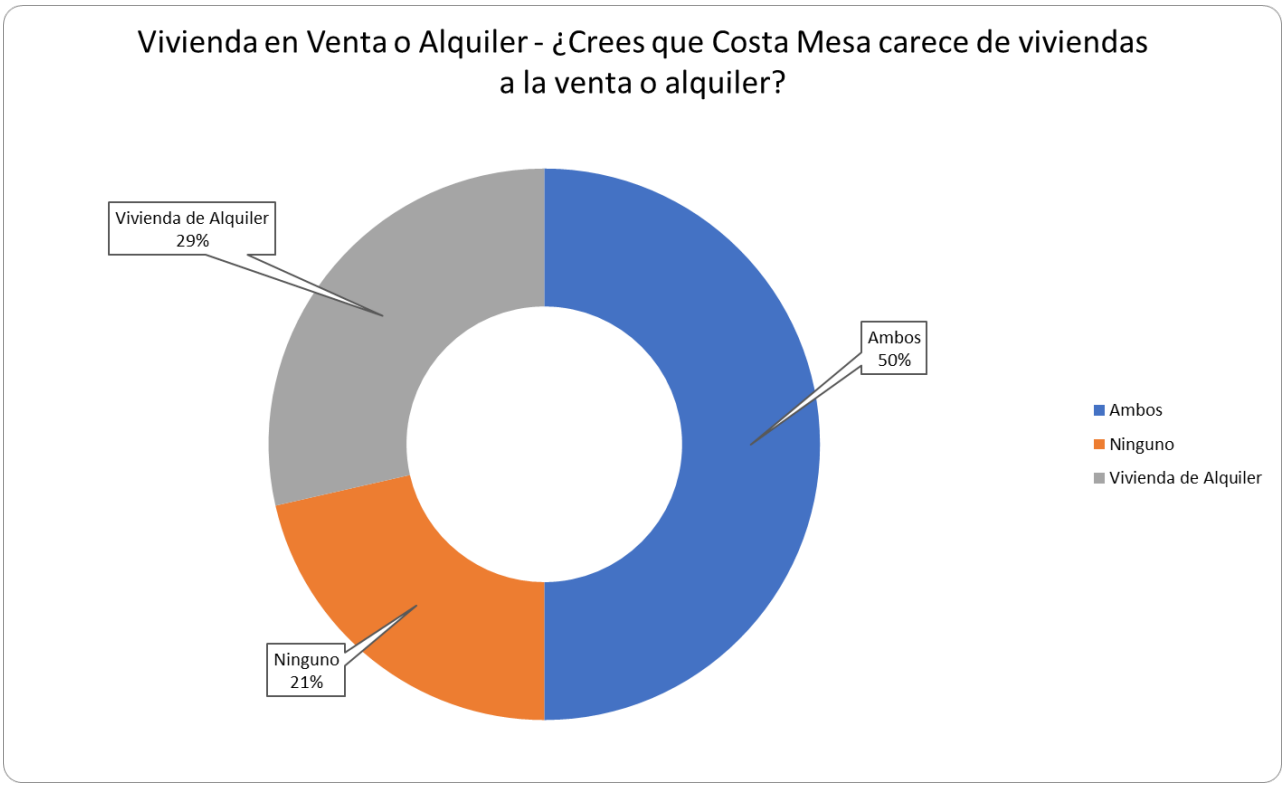
A lot less sober living and senior based facilities, with more traditional single family home in low traffic areas and multifamily units in high traffic areas.
Help residents who want to be able to buy with maybe a rent to own type program or something that helps them work towards purchasing. Eliminate slum lords in our community, those who don't maintain their rental property but charge higher rent. Keep outside developers from over building in our neighborhoods. Maybe convert that police substation by Lions Park to housing? I never see police there. And the giant jail building at City Hall? Is that empty? Fairview Development Center? We could use that property a variety of housing types, plus open space. Unless it remains a hospital? Maybe add a residential community adjacent to IKEA? Or in the former law school near IKEA? The AAA offices don't really need all that space, they could convert some for housing. Please don't destroy our single family home neighborhoods, we've worked hard our whole lives to find our homes and our neighborhoods. I don't think I could have survived this pandemic anywhere else but in our Eastside humble home.
Preserving the lovely single family, large lot areas that are fine (please don't ruin them with high density and additions) while moving into the run down and depressed areas and improving them.
More walkable and bikeable neighborhoods, with a larger variety of housing to support working class families and people from all walks of life.
Our family owns three homes in Costa Mesa and moved to the city in 1967. 3 generations later, our view of the city's housing is troubling. Too many renters and airbnb. Lack of city oversight over older conversions/condos. Condo owners and homes around complexes are tired of condo managements not being accountable for maintaining properties. Please help.
I want Costa Mesa to retain its look, that is to say no big signs (especially L.E.D.), no housing over 3 stories, no overcrowding, keep traffic low.
My vision for Costa Mesa is no more building. Stop all building and do not add anymore living quarters. There is no more room here, build houses in Victorville.
One that meets the needs of our community
I have lived in Costa Mesa my entire life. It concerns me to see so much congestion and poor planning. We need to avoid density wherever possible to continue to enjoy the midsized city feeling. Let's not turn into Los Angeles. Small is good!!!
I have lived in Costa Mesa my entire life. It concerns me to see so much congestion and poor planning. We need to avoid density wherever possible to continue to enjoy the midsized clean and safe city feeling. Let's not turn CM into Los Angeles.
All people who work in Costa Mesa should be able to live in Costa Mesa, paricularly those in lower income jobs. Priority to lower income housing should be based on: 1) History of residency in C.M.; 2) Employment in C.M.
Workforce/senior housing located near transit, shopping and entertainment.
I like how Costa Mesa has residential pockets mixed in with retail and restaurants. I don't want retail/services to go away in favor of housing. Also, we need more parks/community center for our children.
no comment
I think costa mesa has done a great job so far keeping up with growth and building sufficient affordable housing. Costa Mesa should continue creating more housing for its lowest income residents.
A place where housing is affordable and available for all people.
I think building 11,000 new housing units is unattainable for our city. Absolute no way. We must push back on this. When does there come a point that we say no more vacancies we are all full? It comes down to a quality of life issue for the current and future residents of Costa Mesa. Costa Mesa will be

unlivable with the amount of people all this new housing would bring. More people more traffic more pollution, trash, graffiti, trash, blight. All of it. This is proven no doubt. We don't went high rise appt complex's up and down harbor Blvd or especially that disaster One metro west. Bad idea. reasonable size 4 story's max medium density condos if not detached units best
I don't have anything exciting to add here, but I'd like to see affordable and accessible housing for all kinds of people here, and housing provided for those experiencing homelessness.
Maintain neighborhood feeling in R1 neighborhoods with creative solutions for more densely built housing especially live work to reduce traffic. Make sure new units have ample parking.
No more vertical townhomes packed tightly together. Quality, unique single family homes with yard space for kids. Encourage uniqueness with design and architecture. Quality - not quantity. Apartments could be great if they are unique, family friendly and have nice outdoor space.
More plan regarding numbers and traffic problems
To improve the overall variety of housing choice without all the density and poor traffic impact we've been experiencing
A reinvention of the high density rental properties that will make them more desirable, welcoming, friendly and modern.
Stop adding houses, Costa Mesa is already to crowded. Fixing up the junky apartments. From what I hear people in Costa Mesa hate all the new high rise single family homes built.
Preservation of open space; leave parks and existing out door recreational areas intact. Add housing capacity through careful planning of many types of projects; easing zoning to allow easy accessory dwelling units, encourage multiuse commercial with living units above nicely landscaped with buffers to streets and sidewalks so it doesn't "feel" overbuilt. If higher density apartment type projects are approved, they need to also include outdoor green space.
More housing with more options for more people.
My vision is a blend of residential and commercial industry, with a large focus on open spaces, protecting nature and supporting arts/seniors and other community activities.
We need to plan for the growth but should use other cities experiences that have gone through this growth 10-15 years ago and duplicate the successful ones.
We should hold off on building as long as we can. State requirements may change. No more building in high density areas. All income levels and demographics evenly distributed throughout the city. Every area to feel welcoming, seamless and loved.
Enough units to stop all these homeless mothers and children. Scattered through out the city so no one neighborhood has too much of any element. Get rid of some of the sober living homes to make space for families.
Why must there be more housing in already impacted cities?
Multigenerational single family homes and ADU's in neighborhoods and co-op room leases near shopping centers for singles.
Higher density with no plan to accommodate the growing population is irresponsible. Traffic, trash, homelessness are all growing in Costa Mesa and at the nearby beaches. At some point, push back to the State should be made. We are ruining the environment. There was no place on this survey for open spaces, and our commitment to preserving what little nature parks we have. A more obvious place for higher density living would be in the environs of South Coast Plaza, since there are already larger buildings there.

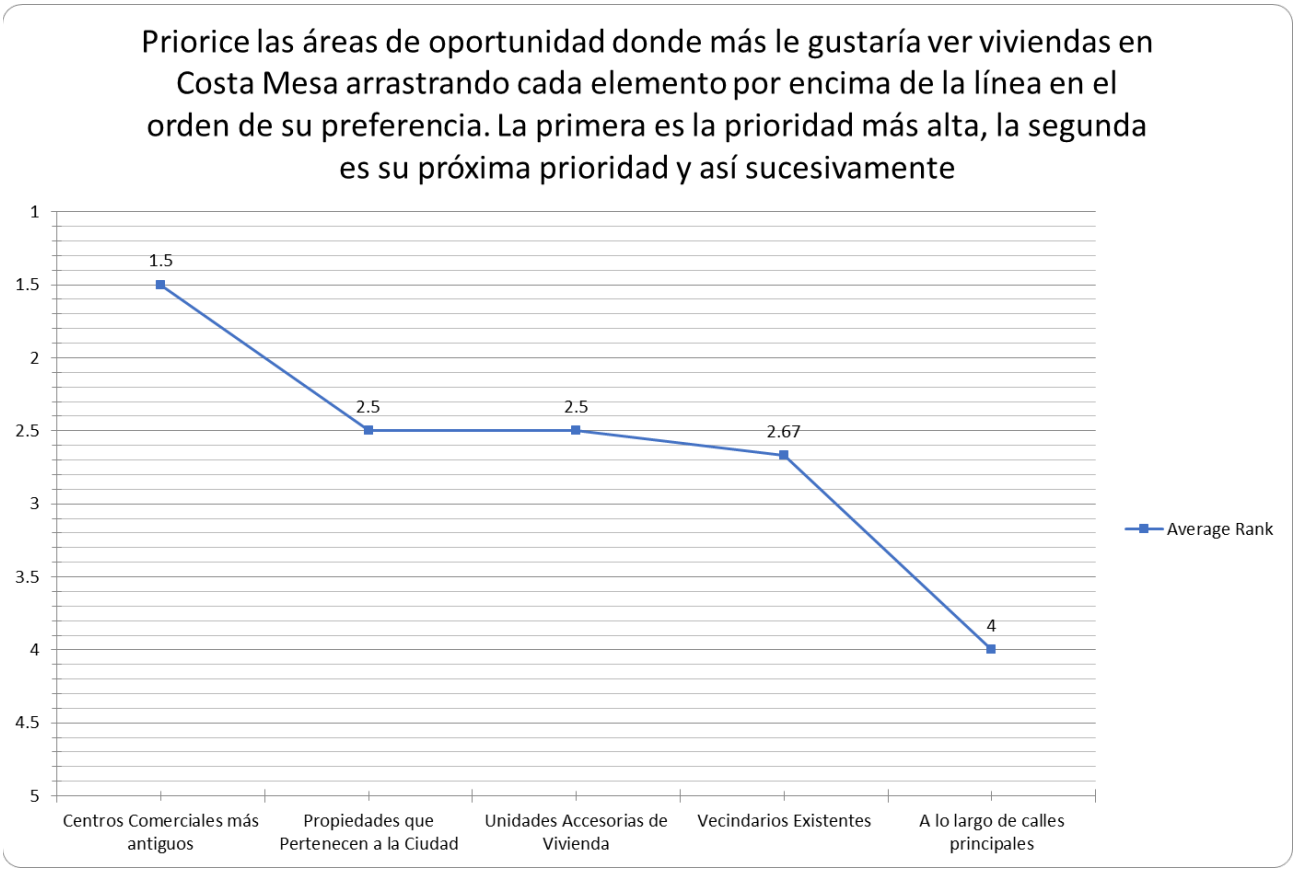
Community Survey Data – Spanish (18 responses)

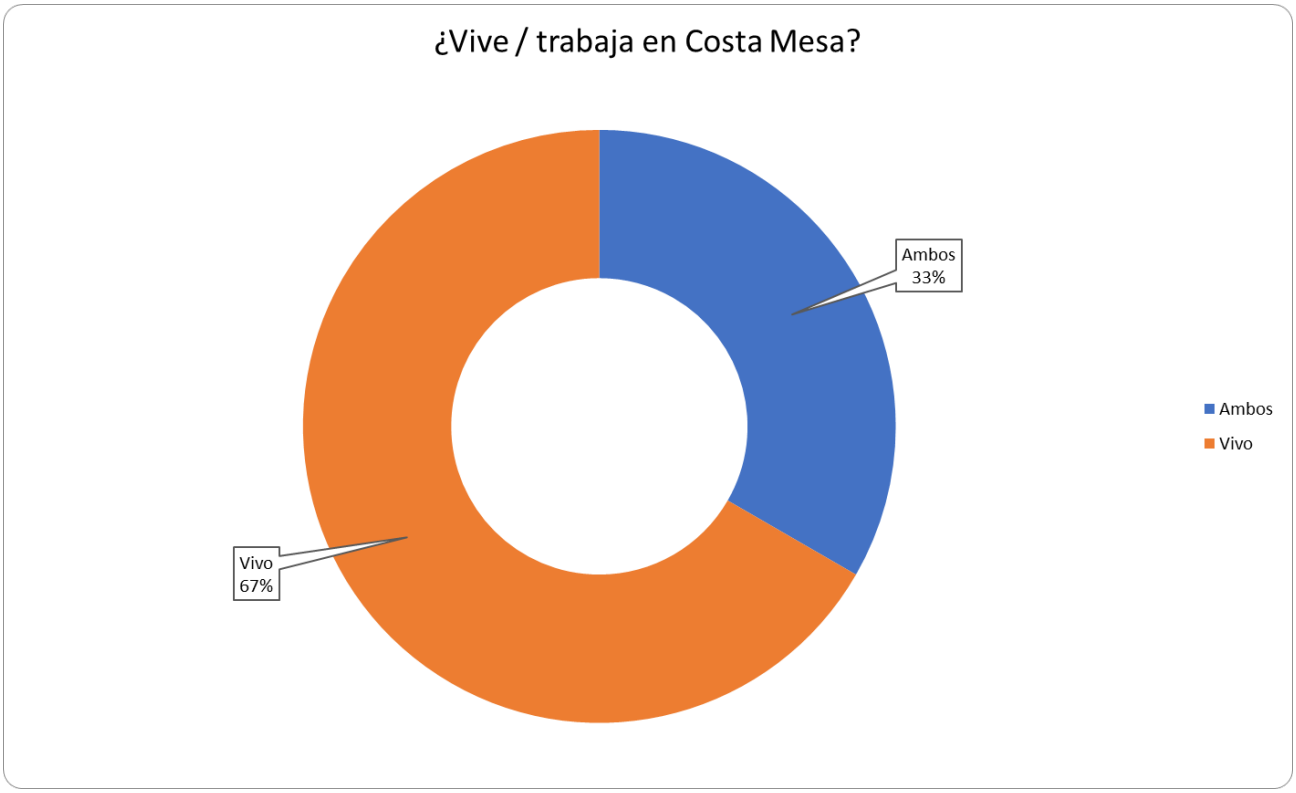


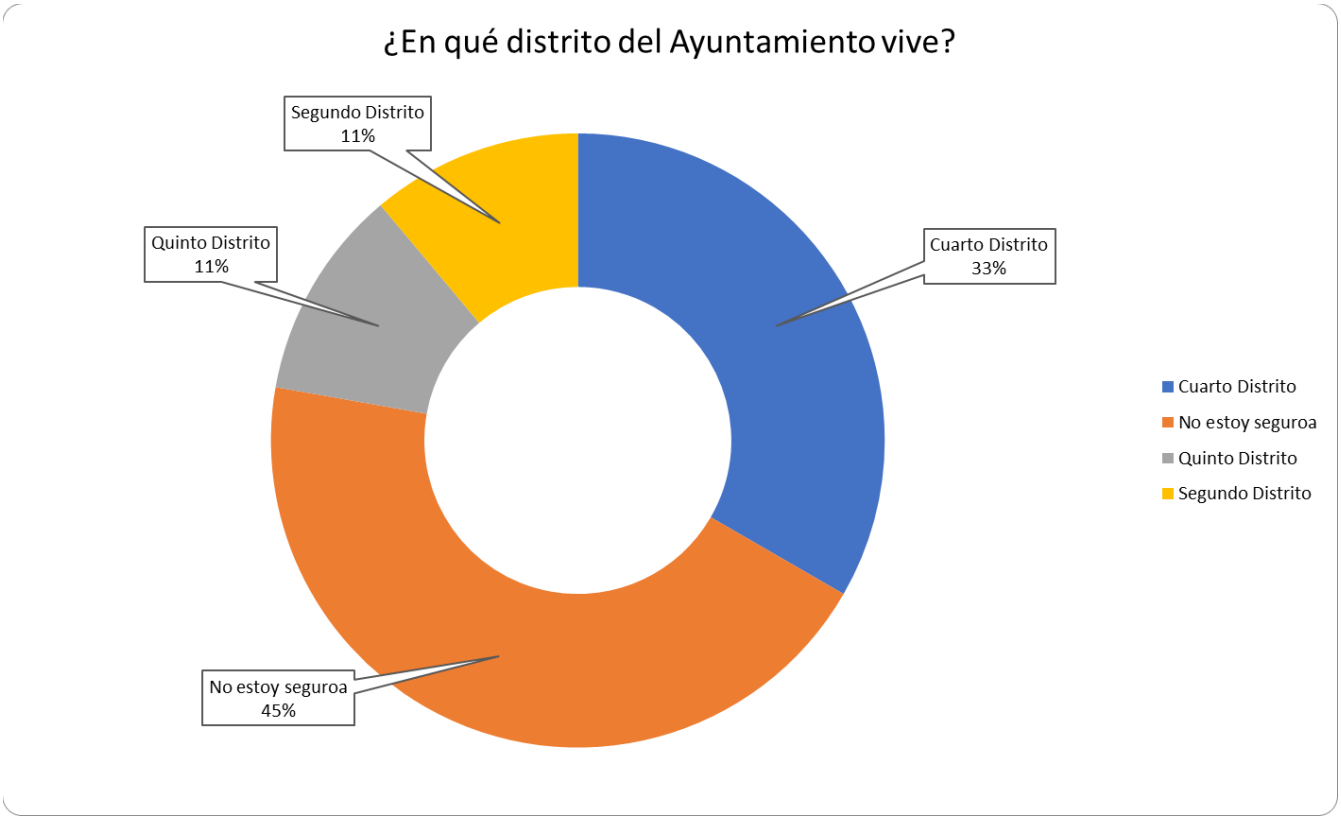


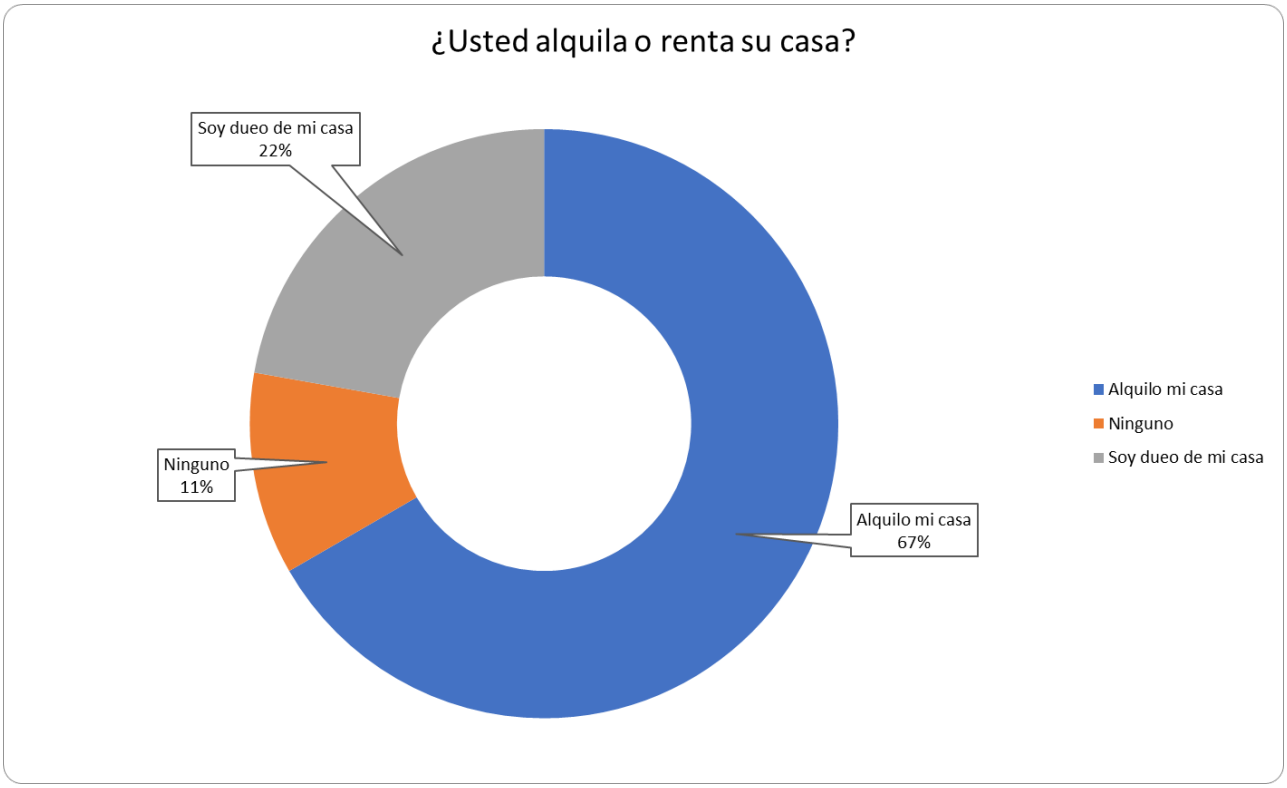

Vivienda en Venta o Alquiler - ¿Crees que Costa Mesa carece de viviendas a la venta o alquiler?
Vivienda de Alquiler 29%
Ambos 50%
Ninguno 21%
Ambos
Ninguno
Vivienda de Alquiler

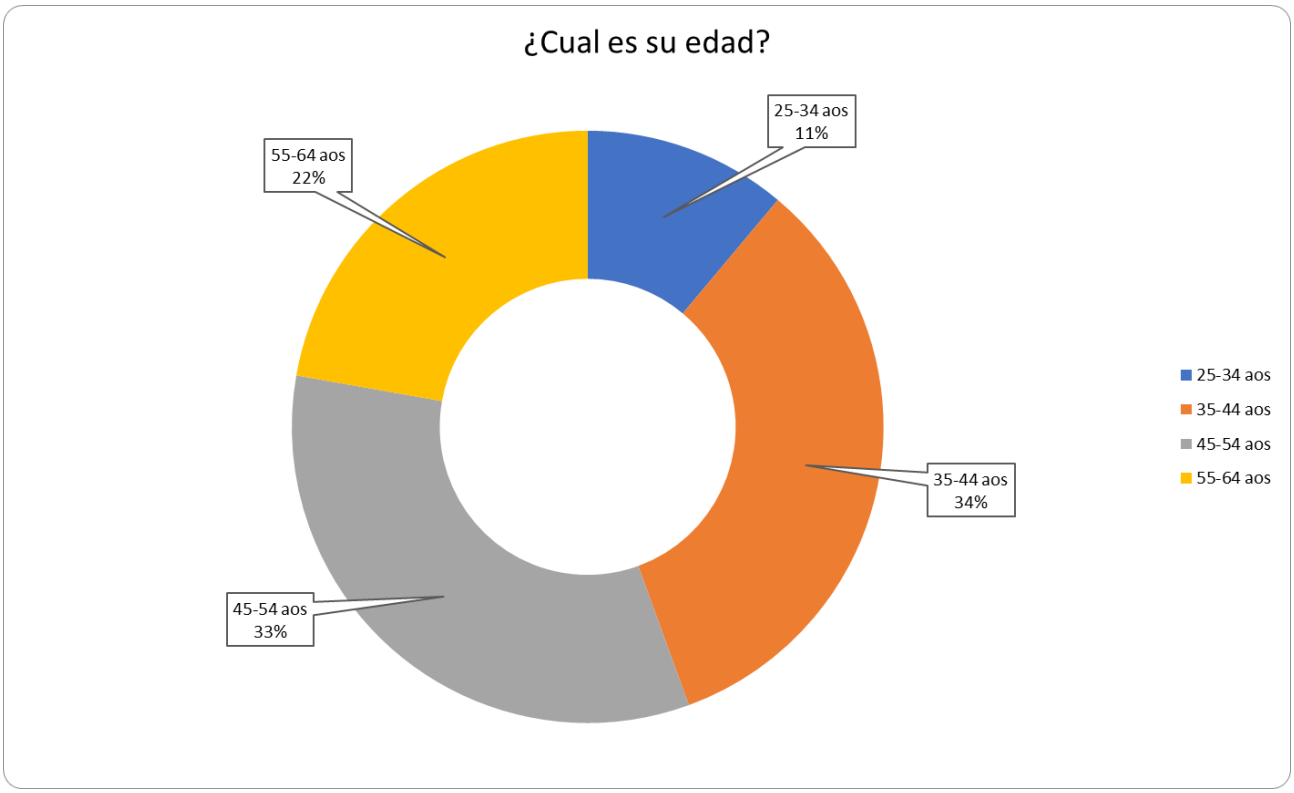

Vivienda Justa - Los grupos con necesidades especiales de vivienda son los que requieren modificaciones o adaptaciones de vivienda específicas. Seleccione los grupos que crea necesitan vivienda adicional en Costa Mesa.
Vivienda para Trabajadores 15%
Vivienda para Personas Mayores 15%
Vivienda de Transición para Personas sin Hogar 12%
Personas con Discapacidades 19%
Vivienda para Estudiantes 22%
Vivienda de Apoyo 17%
Vivienda para Personas Mayores
Personas con Discapacidades
Vivienda de Apoyo
Vivienda para Estudiantes
Vivienda de Transición para Personas sin Hogar
Vivienda para Trabajadores

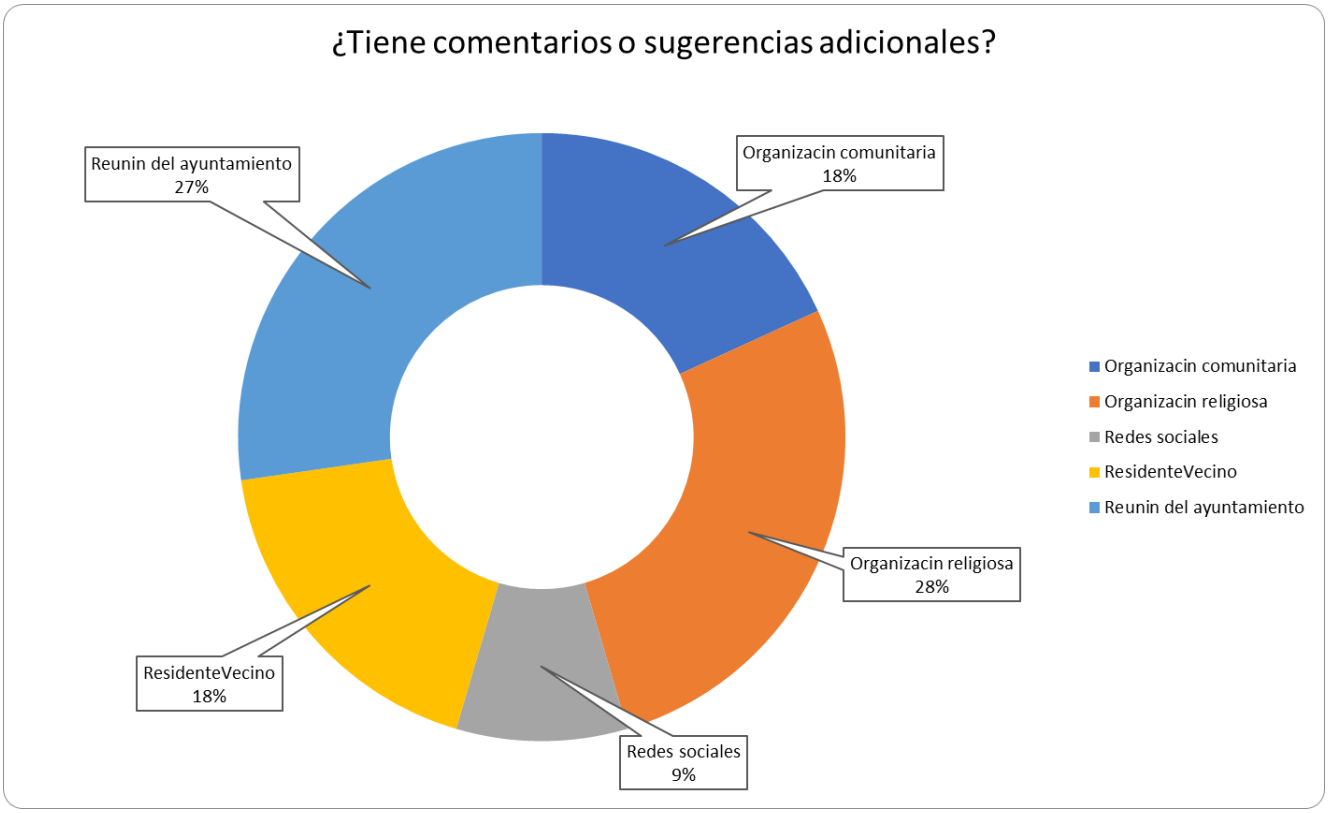

Priorice las áreas de oportunidad donde más le gustaría ver viviendas en Costa Mesa arrastrando cada elemento por encima de la línea en el orden de su preferencia. La primera es la prioridad más alta, la segunda es su próxima prioridad y así sucesivamente
1
1.5
2
2.5
3
3.5
4
4.5
5
1.5
2.5
2.5
2.67
4
Centros Comerciales más antiguos
Propiedades que Pertenecen a la Ciudad
Unidades Accesorias de Vivienda
Vecindarios Existentes
A lo largo de calles principales
Average Rank


¿Vive / trabaja en Costa Mesa?
Ambos
33%
Vivo
67%
Ambos
Vivo


¿En qué distrito del Ayuntamiento vive?
Segundo Distrito 11%
Quinto Distrito 11%
Cuarto Distrito 33%
No estoy seguroa 45%
Cuarto Distrito
No estoy seguroa
Quinto Distrito
Segundo Distrito


¿Usted alquila o renta su casa?
Soy dueo de mi casa 22%
Ninguno 11%
Alquilo mi casa 67%
Alquilo mi casa
Ninguno
Soy dueo de mi casa


¿Cual es su edad?
25-34 aos
11%
35-44 aos
34%
45-54 aos
33%
55-64 aos
22%
25-34 aos
35-44 aos
45-54 aos
55-64 aos


¿Tiene comentarios o sugerencias adicionales?
Organizacin comunitaria
18%
Organizacin religiosa
28%
Redes sociales
9%
ResidenteVecino
18%
Reunin del ayuntamiento
27%
Organizacin comunitaria
Organizacin religiosa
Redes sociales
ResidenteVecino
Reunin del ayuntamiento

Vision for Housing in Costa Mesa Comments

Ver mas casas y viviendas con precios mas comodos (venta y de renta).
Tener más control para que los dueños no cobren más de lo que es. Que los dueños de apartamentos cuando renten el apartamento vaya incluido el garage, porque por donde yo vivo les rentan a otros personas los garages
Que ayga viviendas gusta
Ya han construido demasiados apartamentos en la calles 18th y placentia ,además de otras áreas, lo cual ha incrementado demasiado el tráfico en la ciudad, vendiendo o rentando estos duplex o departamentos a precios demasiado altos. Existe una verdadera necesidad de vivienda o solo están especulando para que los que están construyendo se hagan más ricos? No sobrepoblen la ciudad por favor.
Una zona más comercializada, pero no se olviden que es importante mantener los vecindarios familiares, eso es prioridad.
Mi vision es que aiga mas vivendas acsesibles para la gente con bajos recursos
Un lugar con oportunidad de tener mas viviendas asequibles, par familias de bajos recursos

Summary of Survey Comments

Survey respondents were provided with a variety of opportunities throughout the survey to write in additional comments and feedback. The following provides summaries of the most common comments received organized by topic.

Housing Types:

- Respondents noted that there needs to be more middle housing (i.e. duplex, triplex, etc.) and for-sale condos, especially near transportation corridors. Most recognize that density is the solution to lowering housing costs; however, design and heigh must be considered. Respondents have noted that developments over 3 stories are too tall.
- ADUs present a viable option for survey respondents, given that the ADU remains smaller than the main residence and that it is made affordable.
- Tiny homes have been proposed as a solution for those experiencing homelessness.
- Senior housing must be made affordable and near services/commercial necessities. Respondents have identified a lack of options that allow them to "age in place". Senior housing should include open/green space and remain affordable.
- Mixed-use housing paired with commercial retail may assist in lowering the need for driving. Respondents have also noted that open and green spaces are important for children and families and must therefore be considered for such developments. This in part participates in preserving and establishing a neighborhood feel.
- There is a need for additional transitional and supportive housing to house those experiencing homelessness.

Location of Housing

- Utilize State-owned properties, such as Fairview Developmental Center. City-owned properties should be used for housing or parks/open space.
- Underutilized properties could be used for housing. According to survey comments, respondents recognize there is a low availability of vacant land, but that this would be a good option for future housing.
- Repurposing of hotels and motels into housing – this could be a good option for providing housing for low-income single apartments or for those experiencing homelessness. The Vagabond Inn has been identified as a potential site.
- Respondents have expressed concern about adding density to existing single-family neighborhoods – they wish to retain a neighborhood/ "Costa Mesa feel".
- Housing in industrial areas could be a possibility, but there is a lack of services and open space/parks in those areas
- Mixed use at shopping centers to support small businesses but be careful not to replace businesses with housing.
- Adding senior housing at the existing Senior Center has been identified as a potential option.

Density

- Respondents recommended not to further increase high density areas - population needs to be more equally distributed throughout the City.
- Improve existing neighborhoods but not density – help to renovate existing aging housing stock.

Affordability

- More affordable housing – for families, low/mid income households, workforce, seniors, persons experiencing homelessness, and disabled
- Aid in creating a track to ownership, not all rental units. More ownership units and less new rental units.
- Respondents recommend the City looks into creating an Opportunity Zone.

Open Space

- Lack of open space and services in industrial areas that would affect housing planned in those areas
- City-owned properties should be used for housing or parks/open space
- Respondents have identified a need for open space and parks near residential areas.
- There should be a focus on sustainability in both building housing and in transportation (options other than driving)

Parking

- Walkability and bikability are important factors to survey respondents. Some have noted the City should strive to be a "15-minute city".
- Traffic has been identified as being a topic of concern when considering the planning of additional housing units along major streets. Respondents are concerned about creating further traffic on the roads.
- However, respondents have proposed that parking requirements should be lowered for future affordable housing projects.

C.3 Subject Matter Expert Meetings

This section contains notes and meeting materials provided during the meetings. These include virtual stick-notes and online polling exercises.

Programs

Successful Programs for Helping People Find Housing

VA -programs to help vets get into housing	Human Options Partnership - DV services - need a system to promote flow out of transitional housing options	TBRA Tenant Based Rental Assistance Programs	Affordable Housing Bonuses	Rapid Rehousing - Program designed for homeless families/indivs that are accessing resources - funded federally -	Lack of permanent supportive housing
Access to vouchers and long term subsidy -need for more vouchers	Domestic violence survivors assistance -need to afforde unit they are moving into	Assistance that stays with tenant -goes with the family		Housing-first model. Eliminate barriers to housing	Community Development Partners, Jamboree Housing are great models for permanent supportive
	Link to financial coach -goal is to inform clients to make decisions on their own			Eligibale for rental assistance and security deposit	
	Create flow out of transition program -collective impact			Utilizing existing housing stock - not subsidezed program -not long term subsidy	

Recommendations for New Programs/Services

housing first model w/ supportive services	Supportive services	Financial Literacy/ Economic mobility	Relational mentors
Not just about 1 program - multiple components -rapid housing in conjunction with vouchers and	Multiple layers to address needs	Employment training programs	*List of supportive services -Families Forward menu of services (Rose to send to Nick)
National Alliance to End Homelessness - taking funds provided by federal, state, and local	OC United Way providing financial incentives	County of San Diego Welcome Home OC by United Way	Landlord incentive programs -make housing available to veterans and/or lower-income indivs
Orange County provides Section 8 vouchers			

Constraints to Finding Housing

Income/credit score	Affordable housing - Lack of	Paperwork needed to apply/how to go through process	Method to accomodate moderate housing	Fear-immigration issues	
Coordinated working effort with service providers who have existing relationships	City's incentives haven't helped with building -need incentives for developers to add affordable housing	People don't know that housing is an option for them	Challenges of low-middle class that make an amount that do not allow them to get assistance that's needed	Education - information is currently numbers driven (income, property value, etc.) -Info has to be	
Outreach on requirements to qualify for certain housing/units	Make affordable housing attractive to developers - from City's side	Educational component - there are opportunities for people to find housing	Relation building between homeless population - service providers - and city	Coordination with service providers is key -service providers come with hope	COC - Housing Opportunity Committee - commissioned UCI
Special needs housing - need to remove barriers	Flexibility on developer's and City's side	Benefit from City producing outreach materials on how to go after housing and services available	Would people served be trustful of City produced materials? -can be overwhelming/ must be simple	Format for outreach- -paper -simple -text blasts (Service prodivers to share info via	UCI research on impacts to existing development (locally based approach)

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City's Role in Assisting in Efforts

Reduction of impact fees and parking requirements to increase affordable housing	City/State providing land - need to be usable parcels	City needs to look at transportation options around city -walkability, bikability
Case studies available to City to provide to those pushing against the development of affordable	Being willing to change zoning	

Creative Methods/Processes to Consider

Co-Living	Tiny Houses	Add density to existing multi-family	by-right approval for affordable housing	Storage container developments - Potters lane example in industrial area (next to some services but not	Inclusionary housing requirements (reduce option for developers to pay in-lieu	What is most importane near housing - transportation -financial coaches and employment ready programs
Communal living -For those who enjoyed communal living from Bridge Shelter -adds more units	Conversions of existing commercial -Walkup external offices converted to small units		rent-to-own incentives	Not cost helpful	ADUs	-education -groceries
Lack of Community is an issue -People find housing in new cities they do not know	2 level 10-12 unit office conversions			Leverage what is already there and multi-family, rather than new methods like storage containers		
				Quality of living important to consider on this	Industrial area not bikable	

Housing Types

Rental Housing

Current vacancy rate for lower	More affordable rental housing needed Important near concentration of jobs in city
	increase production of market rate rentals currently

Workforce Housing

intergenerational housing -development at senior center to include housing for others but seniors to increase	Divers mix of single/studios and larger units	affordable housing for very-low and low income population	Rental units for persons at lower end of workforce
need for open space for intergenerational housing	Starter units	Along transit routes location	FDC
Opportunities for families making $30k-$90k Rental opportunities	mix income and mix use housing housing for persons with special needs and seniors	larger units with more bedrooms tendency to make affordable housing with a couple bedrooms	overcrowding happening majority single indivs with housing vouchers

Housing Growth in Costa Mesa

Permanent Supportive Housing

Sensitivity towards populations living in motel	Need to take the next step past housing people experiencing homelessness	Trellis No permanent supportive housing currently - persons move to other cities for	Is there community support for SROs or similar? Yes - past projects that received	What is the critical mass of people to justify the cost of development? -mix of units for different incomes/ needs
	A group of people who will always need supportive services	Flexibility in City policy to allow mixes of this to accomodate the need -helps address cost of land too	Public opinion for services show support	range of services/ senior/family housing together example
	Shift in public opinion in last couple years	Educational component to move the conversation -Positive public opinion	People need to be able to graduated from shelters and have access to services - mix in opportunities *Shelters the start	Using State funding - promote availability

Unbalanced

large slant towards market rate housing - above mod housing

Fairview Developmental Center

Reimagine as a housing village 2015/2016 effort capped units -25 housing -25 institutional -50 sports field	large housing amount (increase density) - majority affordable housing	Should be 25% sports and rest housing & affordable housing
State to donate land to City and to create a land trust	Pushback will be from those that want sports fields	See Great Park See Willowick Golf Course project
Looking at City-owned sites in addition to FDC and private Land plays a large factor	Shannon's mountain - 244 units at FDC	Unique opportunity to create more housing and for the State to participate in local solutions

Creative Development Methods/Processes

Affordable housing/inclusionary

flexibility in uses and design/zoning Overlay zones as potential solution	*Collaborative process & community benefit	Inclusionary Housing ordinance have been asking CC	Conversation needed about development needs How do City decisions impact community	What is the City's role in the development process?	Very suburban city - challenge/ resistance to density	SB 9/10 as examples of actions the City might be able to take
Mixing in housing with services/ supportive uses -zoning to allow for housing in other zones	No net loss issue - market rate developments resulting in needing to find new sites for affordable	Messaging is key Community needs to get benefits back for developing at highest use	Rezones to allow for what is needed	Need to work with market-rate developers/ property owner to plan for affordable housing needs	Remind community of benefits to them of having balanced housing	Developments on Church and Hospital properties
Pair with affordable housing policy	Education - Density as the key to affordability Addresses cost of land for development	A large educational component to this	*Less about density and more about affordability in Costa Mesa	Interests/Access of young population in housing types and mobility	-transit oriented -mixed use -open space	

Constraints in the Development Process

Parking

Review parking standards from high density perspective

Baker Block - 2.25 Studio - 1.15 st/ unit
1 bd - 1.65
2 bd - 2.15
inclusive of guest based on demand

Have to consider all components of project - push/pull

High parking ratio/standard

large apartment/ condo projects operate at lower parking ratio

1.5 - 1.75 range - depends on proximity to transit

Higher density projects with underutilized parking

Measure Y

clarity to potential land owners - difficult to determine outcome

-Deters investors

-Clarity on process and when measure Y applies

Developers pass on projects due to risk

complex process that requires understanding from all levels

Variables involved with Measure Y are too complex to work through

Risk is too difficult

Nimby

SF home values increased when near density/ related amenities

Educational component to development projects

Price of Land

Addressed through density - build up

Margins are small

-Consider market and development standards

Creative Methods in Other Cities

Development process

Expedited plan check

fee schedules - land cost - include all fees associated with a project

Include all fees - development impact fees

Space to "color between the lines"

Specific Plans and overlays can be a big benefit

Less impactful an issue compared to others

-streamlining improval process

Develop a one form checklist - centralize the process for fee schedules

Clear online system that provides estimation of fees

prescriptive zoning -

opportunity to meet housing requirement outside of SF areas

Develop in "paint by numbers"

Fees provide benefit and value to the City

-Costa Mesa's fees low compared to neighboring cities

can't look at fees in a vacuum - all attached

Potential Growth Areas

density v FAR consideration

Clarity on Density Bonus

-height is currently easy to use

3 stories changes landscape of what can be done on certain properties

Small lots

.5ac and up

City of Carlsbad downtown example - mix of commercial/ residnetial uses

17th st

-increase height limits and density

North 405

larger lot sizes

Westside - higher density type projects in specific parcels/industrial type areas

200 - 400 units type projects

2.5-4 ac sweet spot

Airport Area - demonstrated demand

Larger lot sizes

Small lots on major boulevard areas present an issue - tough to develop

Boulevards - housing overlay

Impacts of COVID-19

C.4 District Specific Meetings

The section contains all district specific meetings materials, flyers, PowerPoint presentation, participant activities, as well as all available public comments provided during the meetings. Public comments were received verbally and in written form through the Zoom chat. A video recording of each meeting is available at www.costamesaca.gov/housing-element-update.

Unique Characteristics/ Considerations

- Habor & Adams - stores there where housing could fit -also would promote walking/ transit
- Costa Mesa as a place with a mix of neighborhoods

  -Keep SF neighborhoods but include
- Diversity in housing

  -walkability
  -near amenities/ groceries
- Consider units for handicap persons
- Adams - empty parking lots where mixed-use could work

  apartments near/ above retail/
- Intersection of extreme traffic
- Trolley for people to avoid driving
- Senior housing north of freeway (x2)

  -uses that add less to traffic
- Also a bikable area
- Mixed-uses good solution, but not too tall
  -about the Vans building
- Open up housing oportunities with biking ability
- District 1 great for retail and restaurants

  -trendy
  -housing along corridors where
- Affordable housing for working population
- Lots of single-story retail where housing units could go above

Community Housing Needs

- Considering effects to school and infrastructure
- Consider traffic
- Consider COVID - high density increases spread
- Keep character of Costa Mesa

  -not overwhelmed by high development
- Consider the look of the City
- Affordable housing

  -Comprehensive plan for building affordable housing
- Fairview Dev. Center

  -affordable
  -mixed-use
  -Open space
- Open spaces and parks
- Multi-Family -walkable

  -Area North of 405
- Parking lot near CVS on Adams that would be great for housing
- Overcrowding

New/Innovative Trends or Ideas

- Handicap accessible units
- "Provide x number of units that are handicap accessible"
- Affordable housing development in Santa Ana - services on first floor
  -dance studio for
- Services for residents
- ADUs - additional stream of income
- Intergenerational housing
- ADUs as an option for affordable housing option
- Affordable housing - housing for people who work here
- Public/private partnerships - including affordable housing
- Affordable units with larger units
- Ensuring affordable housing is built in developments
  - must be guaranteed
- Affordable units scattered throughout market-rate units
- Inclusionary Ordinace - 15% units affordable

Housing Types

District 1

How do we get affordable high density housing built?

Need to find developers that are willing to engage with the City that will be accepted by Measure Y

How do we bring a high density project into the community

City policy is not flexible enough to allow affordable development

Inclusionary housing ordinance could draw in developers that to do an affordable project

Design details are important to the process - design guidelines need to be in place

Is there the developer interest to come in and develop housing?

Some interest indicated

Needs to be a public/private partnership, not enough City owned land

City historically not asking for that lower income development

educational component - change the understanding of what affordable housing is

Especially in District 2

Needs to be high density - cannot be built in R1 type zones

Workforce housing terminology near working opportunities/ transit

Unique Considerations/Characteristics

Projects north of the 405 are up to 100 du/ac - high density in compatible areas

Needs to be a progression/ transitional zone

Interest in developer engagement process

One Metro West - Measure Y Case study question - what happened?

Community member involvement - get information on community needs for specific projects

Next step is to sit with developers and propose in Costa Mesa knowing Measure Y is in existence

New or Innovative Trends/Ideas

District 2

Costa Mesa Housing Element

Other Growth Areas

Community Needs

Along Harbor & Newport (conversion from retail to mixed use)	Airport area	Unique Characteristics - connected communities	Med Village densities could be successful	Development will need to be taller to meet goals
Newport Blvd has overlay/specific plan for housing - Good opportunity for mixed-use and placemaking	Industrial conversion	Missing Housing Types - Workforce housing - TOD - Senior housing - Upzoning north	Above Moderate - attached or detached condominiums - age restricted?	Mixed use with resident serving uses - grocery - pharmacy - services
Surplus school sites	Underutilized church sites?	Could lower minimum parking standards	Support first/last mile improvements + safety enhancements	Need a wide mix of densities where appropriate
Balearic Parsons School	Whittier Property Coastline Regional Occupational Program (Old Presidio School)			
South Fairview Wilson Vacant parcels north of 405	Whittier Law School			
Parking lot between south coast drive and sunflower (southeast corner)	Golf courses?			

District 3

Unique Considerations/Characteristics

Community Services

Housing Types

Need for larger housing units -2 floors	Smaller homes at more affordable prices	Consider tiny homes -City to help property owners afford such options
Housing near major corridors -area for taller buildings	incorporate community around the home	Communal spaces where people living nearby can gather
	Communal gardens	Apartments on Center St and Maple have community center in middle (example)
	Spaces for travel trailers -lot near Arco on Bay St. as example	

Challenges

Student housing - -getting their input -1945 -would use mixed-use spaces -consider	Traffic management	Parking	Senior housing	Affordability
More parks & open space -near senior housing also -intergenerational	Bikability/ Walkability (Victoria & Wilson) -more transportation opportunities	Access to public transportation	Senior housing on 19th (the tower) -access to outside -housing for any population -element of the outdoors and	Displacement
	Bikability on 19th Wilson&Fairview removal of biking options	Access to open space - -Library/pool area, there used to be open green space always busy with activities	Senior housing- -larger units/more space -not just about affordability but *quality*	Quality of living is key

Community Housing Opportunities

Love district 4 for diversity

Opportunities

Housing Opportunities for seniors -more senior housing	Mixed-use housing -opportunity for walkability	Affordability for all -inclusionary ordinance	ADUs for long-term rental -cost is a constraint	U-shaped multi-family housing - incorporating open space and space for residents	
Sernior housing: -single-bedroom -with other seniors -low income **Affordable	Parking at multi-unit housing	mixed-use *scattered* throughout, not just in the same areas	STRs as supplemental income	Church parking lots for housing -tiny homes (Hayward as example)	
Rent that isn't more than 1/3 of income	Biking and walking committee partnership	Making sure mixed-uses do not add to traffic - scattering will help relieve potential additional traffic	ADUs good option for seniors looking to live in smaller units	Affordability for current residents - anti-displacement	Affordable family housing

Vision

Santa Ana - main downtown with art walks and dancing -Community nights	19th St. for pedestrians and cyclists to shop and walk	No specific downtown area in Costa Mesa	Diversity is important -inclusive of all people for future generations	Stay in touch with who the community is	Consider climate change -building materials -asking climate experts -green buildings
Build environment and neighbor feel into new housing -forward thinking -housing is not just housing -quality of life	City is doing great moving towards environmental -composting -gardens	Building housing in a way that creates *neighborhood feeling* and community	Include nearby schools and incorporate their expertise on these topics	Green spaces & maintaining parks -street trees -community gardens (people getting together and growing food)	Vertical gardens -being done already at OCC

District 4

What is unique about District 5?

multi-culturalism/ diversity	ocean breeze	can still raise a family here - middle class and can get a good education	ADA ramps on traffic breaks
keep Costa Mesa funky - does not have the restrictiveness of other cities	most priviledged residents of Costa Mesa - access to open space, yard, wide strees. Be willing to share	industrial areas bring value/jobs to the area - part of the character of the area	LID/rain garden treatment in areas to expand greenspace
Great potential to be more bikeable and walkable - can get to the beach without hitting a stoplight	Share the good life we have in Costa Mesa	there is a vibe here	Trees in this area

What are community housing needs in District 5?

housing for single people/individuals - shared/co-housing to address this need	large lots with one dwelling	Permanent supportive housing
Project Hope Alliance - homeless children - need for housing for families	storage units - space on rooftops. Conversion to shared housing	live/work units to address work from home conditions going forward

How do we get affordable housing built?

evaluate COVIDs impact on housing	Educational component of different types of housing - workshop/tiny houses	City to provide an incentive to people developing ADUs to offer them at affordable levels	in building support/sell idea - needs to be more community involvement and visual representation
	Efficiency of space and existing units	Manufactured homes/small park models - could help on building costs	AB 387
	include all aspects relating to housing	Potential for pre-approved housing models?	follow up on status of affordable ADU/ incentives discussion

Costa Mesa Housing Element

Other Growth Areas

Harper School Property

Surplus school district property?

Should engage in conversations.

Supportive of housing north of the 405

Whittier Law School

Commercial Shopping Centers

District Characteristics

Disorganized development leading to congestion

Older section of the City

City of the Arts

Community Needs

Near transit and employment

Permanant supportive housing

Artist housing

Affordable + services

Mixed Use Development

Work/Live spaces

Educator housing

District 6

Oportunidades de Vivienda

Nos gustaría ver más apartamentos	-No hay apartamentos de 3 Recamaras .- cuestan más de $3000 actualmente.	Renta demasiado alta	
Viviendas tipo Estudio	ADU's tipo estudio	Construir más apartamentos que sean accesibles para gente de bajos recursos	

Necesidades de la Comunidad

Apartamentos de bajo recursos	Que el cosdto de la vivienda sea accesible	Actualmente el costo es muy alto y tenemos que compartir los departamentos con varias familias	Apartamentos de costo mas bajo.
Debido al costo alto tenemos que rentar cuartos en el apartamento			

¿Qué ideas tienen sobre este proceso de vivienda?

Difundirlo más	Más facilidad para participar en el proceso

Retos en cuanto a La Vivienda

Alto costo de alquiler	Por eso la gente trabaja en Costa Mesa y vive en otro lado más económico que Costa Mesa
Debido al costo alto tienen que rentar cuartos en el apartamento. El costo es alto	

Algún comentario adicional

Otras ciudades tienen más La delincuencia	Al parecer C. M. es más segura aunque el costo de vivienda es más alto	Existe más seguridad	Tener la seguridad que la comunidad no estará expuesta a delincuencia
La gente prefiere viajar de lejos a trabajar en CM y vivir en otro lado más económico	Aquí las viviendas están cerca de la playa, negocios, su trabajo.	CM es muy tranquilo y a la gente le gusta mucho el área. Cerca de los negocios, parques.	Aquí a la gente le gusta el lugar donde vive
Se necesitan más viviendas en el lado Oeste.	La comunidad comenta que la vivienda es cara debido a la carencia de vivienda	CM es muy segura, un poco más cara pero el clima, los negocios,negocios hispanos son accesibles	Comunidad hispana no puede pagar las rentas, no hay estacionamiento.
	Difundir esta información en centros comunitarios	Difundir este proceso y juntas por medio del distrito escolar.	
	Difundir en el sitio web de "I love Costa Mesa"		

District Specific Meetings Chat

District 2:

19:11:40 From Cash Rutherford : Denser = cheaper. Agreed!
19:22:57 From Mildred Perez : Affordable housing overlays to provide incentives for developers
19:23:17 From Cash Rutherford : Great points - agree with you all.
19:24:12 From Daniel : Didn't a high density development north of the 405 just get voted down?
19:25:48 From Cash Rutherford : I believe the developer has the project on hold due to the constraints of Measure Y.
19:26:56 From Daniel : Would those constraints also be applied to any high density building we are talking about now?
19:27:39 From Cash Rutherford : Yes. Other cities have ran into legal trouble due to policies like Measure Y that prevent high density housing in job-rich areas.
19:30:23 From Daniel : Cash do you know if those cities come to a resolution with that situation?
19:32:04 From Cash Rutherford : There is a precedent of courts and/or state regulators intervening to resolve restrictive policies like measure Y. At a minimum the Housing Element is required to recognize local constraints to development.
19:37:59 From Cynthia McDonald : Cash, Measure Y is based on Redondo Beach's ordinance. That ordinance was litigated and to my knowledge stands to this day. Its is one of the reasons we used it as the basis of our ordinance.
19:38:40 From Daniel : Thank you for the information everyone. I appreciate the shared knowledge.

District 3:

18:49:47 From Carol Buchanan : Is it possible to consider the hosiptal grounds Harbor and Fair by the Gold Course
18:50:02 From Carol Buchanan : Golf Course
18:56:38 From Carol Buchanan : I will have to drive around and look since I have no idea
18:57:05 From Carol Buchanan : It is pretty dense in Costa Mesa
19:05:18 From Carol Buchanan : Also my husband and myself
19:07:35 From Andrea Marr to Matt Horton, Kimley-Horn(Direct Message) : Belearic
19:09:58 From Carol Buchanan : How about the closed Law school opposite AAA on Harbor
19:13:54 From Carol Buchanan : Interesting
19:24:07 From Andrea Marr to Matt Horton, Kimley-Horn(Direct Message) : south coast drive not augusta :)
19:24:22 From Matt Horton, Kimley-Horn to Andrea Marr(Direct Message) : thanks!
19:25:34 From Carol Buchanan : They will fight you for that parking lotu
19:26:11 From Carol Buchanan : Thank you!!
19:27:03 From Carol Buchanan : Back Bay Golf Course would be a great location
19:27:29 From Carol Buchanan : Everyone there hates the fly over from John Wayne
19:30:20 From Carol Buchanan : To bad.

19:38:12 From Carol Buchanan : Thank you, I really enjoyed this insight. I will attend future meeting
19:38:32 From Carol Buchanan : Good Night

District 4:

19:07:12 From Christine Nolf : I have to sign off. I really enjoyed this time with my neighbors. Thank you for facilitating and listening. Count me in for investing in our community.
19:07:36 From Ines Galmiche : Thank you Christine for joining us!
19:08:47 From James : 55+ is senior per HUD rules.
19:09:14 From Linda Kraemer : Love the diversity in District 4
19:12:26 From James : Nature. Good point. Read "The Nature Fix."
19:17:05 From Linda Kraemer : Nature even in our buildings. Green spaces
19:18:29 From Jenna and Alex to Ines Galmiche(Direct Message) : you're doing amazing!
19:28:36 From James : We have a couple of community gardens but need more.
19:50:47 From James : Please allow Airbnb for home owners.

District 5:

18:48:20 From Aaron Klemm to Nick Chen(Direct Message) : My recommendation for the Housing element should plan for SB 9 to pass this session.
18:50:33 From Aaron Klemm to Nick Chen(Direct Message) : Additionally, the base condition 10' setback on exterior side lot lines should be made more conditional. The 10' setback makes sense if the sidewalks/parkway is narrow. However when there is a 7' city owned parkway that is more than adequate to ensure pleasant streetscapes.
18:58:05 From Aaron Klemm : I would encourage the city to keep it simple.
18:59:00 From Aaron Klemm : State policy is focused on high opportunity areas which in practice means traditional SFH zoning. Traditional SFH is super racist/segregationist.
19:01:43 From Aaron Klemm : For 4 story zones, old dilapidated warehouse, boat storage and industrial spaces on the westside are preferable to some of those pollution hotspots.
19:03:19 From Aaron Klemm : I heard the question about parking adequacy. This brings up the issue of complete/safe streets. We can't have more neighbors and more fun without reducing the waste and geometry problems of cars.
19:03:30 From Aaron Klemm : and ceding most of our public spaces to cars.
19:04:08 From Wendy Leece : There are multiple owners/family of the shopping center
19:04:40 From Aaron Klemm : I prefer missing middle housing.
19:05:00 From Aaron Klemm : https://missingmiddlehousing.com/
19:08:17 From Ben Glassman : Aaron you are saying you prefer missing middle over a large apartment complex?
19:09:17 From Aaron Klemm : I think missing middle is the correct next step for Costa Mesa to keep our pro-housing councilmember elected to keep moving to more housing after we exhaust the missing middle.
19:11:05 From olga : Costa Mesa must think about doesn't exist yet but is pictured.....lets narrow streets and have some creative housing in these areas!,,

19:12:40 From olga : We must promote global thinking about housing spaces and sharing public spaces.
19:13:51 From Adam Ereth : The D6 group was just talking about this a few mins ago on Newport Blvd.
19:14:22 From Arlis Reynolds - SOUTH : The "15 minute city" is something I've been learning about as a concept for city planning - reduces traffic, improves health, increases community connections and happiness: https://www.15minutecity.com/about
19:17:06 From Wendy Leece : Have you estimated how many units could be built with in the existing overlays?
19:17:41 From Ben Glassman : Arlis - do you know what ratio CM is currently at regarding the 15min city?
19:18:02 From Arlis Reynolds - SOUTH : I don
19:18:11 From Lori Ann Farrell Harrison : Thank you everyone for your participation!! The City is conducting a Parking Study to identify multiple solutions to address current parking shortages in D4 and D5. Community meetings will be held next month on Thursday, March 4th and on Monday, March 15th. More info to follow. SAVE THE DATE!!!!
19:18:15 From Cindy Brahs : Agree with Jay's concerns however I think Covid has forever impacted a lot of businesses utilitzing WFH. I know of a lot of business that are letting their office leases expire.
19:18:42 From Aaron Klemm : Induced demand exists for both cars and bikes, pedestrian and transit infrastructure. If you make it as safe and convenient as a car the riders will come. Adding road capacity does not reduce congestion. The evidence and literature is very clear on that.
19:19:05 From Arlis Reynolds - SOUTH : I don't - it's a study I'd like to do.. perhaps something we can crowdsource... we've done some research on this for park access (we are deficient) but not other amenities.
19:20:04 From Aaron Klemm : Adding highway lanes to deal with traffic congestion is like loosening your belt to cure obesity.
19:21:29 From Ben Glassman : Lol @Aaron correct not the solution to the root problem
19:21:49 From Eileen Cirillo to Nick Chen(Direct Message) : In the Housing Element are there any requirements for affordable Senior Housing
19:24:18 From olga : What are the sizes of the units in the proposed 30 units per acre?
19:32:10 From Cindy Brahs : Is there a map of county a/o government owned vacant parcels in the city?
19:35:28 From Aaron Klemm : If the housing element can target ab AB 2588 pollution hotspot with an upzoning that makes the land valuable enough to end the pollution that would be great.
19:35:35 From Aaron Klemm : http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588_annual_report_2019.pdf?sfvrsn=30
19:36:24 From Ben Glassman : I agree Olga
19:36:33 From Ben Glassman : Love all the parks and river trail
19:37:02 From Dianne Russell : Yes- we have a great area! Lots of open space.

19:39:14 From Arlis Reynolds - SOUTH : @Olga I think 30 units per acre could look very different with different designs.. here's an article that shows some examples: https://www.theurbanist.org/2017/05/04/visualizing-compatible-density/
19:39:52 From Arlis Reynolds - SOUTH : @Cindy - I will ask for that map.
19:42:14 From Aaron Klemm : Support Alex Lee's bill AB 387 for California to lead on social housing.

19:42:20 From Aaron Klemm : https://eastcountytoday.net/assemblymember-alex-lee-introduces-bill-to-establish-social-housing/#:~:text=According%20to%20the%20bill%2C%20t,limited%20equity%20homeownership%20housing%20and
19:44:11 From Cindy Brahs : There are modular ADU companies out there too.
19:47:43 From olga : I agree Wendy that the staff at city hall needs to be open minded and more learned about the vareities of housing elements!
19:50:49 From Jim : @Arlis and everyone I suppose: there is a catalog of preapproved renovations for the Freedom Home tract. https://www.costamesaca.gov/home/showpublisheddocument?id=250
19:50:57 From Jim : Same could be done for ADUs
19:53:23 From Cindy Brahs : We may want to reconsider some office zoning.
19:53:48 From Wendy Leece : Someone just posted about the pre made plans for Freedom homes. Could include ADU.
19:55:30 From Cindy Brahs : Thank you!
19:55:45 From Wendy Leece : Thank you Good use of time!
19:56:04 From olga : How about small spaces for rvs i think Tustin or Orange have at least one.
19:57:20 From olga : great idea...we should just do it!!!
19:57:57 From Eileen Cirillo : Thank you.
19:58:02 From olga : great idea on the swales at the dividers at oak and 20tho

District 6:

20:00:35 From L. Alejandra Reyes R. C. : Thank you!!
20:01:14 From Jeffrey Harlan : Thanks, all. That was really very helpful and enlightening--great ideas and discussion.

Spanish Breakout Room:

18:39:19 From Lucy : si
18:39:24 From Lucy : si gracias
18:41:41 From Lucy : gracias por la información
18:42:08 From Andy Godinez : De nada, gracias por su participacion
18:47:27 From Andy Godinez : https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update
19:01:12 From Lucy : si gracias

19:01:17 From Molly Mendoza (Kimley-Horn) : https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update
19:01:25 From Mary Martinez. : gracias
19:08:42 From Molly Mendoza (Kimley-Horn) to Rossina.Chichiri(Direct Message) : Even if its not related to the map - can you add their comments?
19:09:12 From Molly Mendoza (Kimley-Horn) to Rossina.Chichiri(Direct Message) : just so we can capture anything additional, we can always reformat
19:25:19 From Molly Mendoza (Kimley-Horn) to Andy Godinez(Direct Message) : Andy - will you just encourage everyone to participate - they don't have to but we want to hear from them :)
19:25:32 From Andy Godinez to Molly Mendoza (Kimley-Horn)(Direct Message) : Copy
19:42:33 From Lucy : gracias
19:43:06 From Andy Godinez : Gracias muchisimo por su tiempo y sus propociones
19:44:02 From Andy Godinez : https://costamesahousingsurvey-sp.metroquest.com/

Other Comments:

18:14:20 From Jan H. to Everyone : Did the State approve our appeal for lowering the total amount of housing Costa Mesa is supposed to cover?
18:14:44 From Jon Zich to Everyone : No
18:16:07 From Minoo Ashabi to Everyone : The City submitted an appeal along with over 50 other cities in the region. Only two appeals were approved based on technical errors so the City's appeal was not approved.
18:16:59 From Jan H. to Everyone : The appeal was very well written. I'm surprised that the state turned it down.
18:19:21 From Molly Mendoza (Kimley-Horn) to Everyone : More information on the cities that appealed and the process is available here: https://scag.ca.gov/rhna
18:27:17 From Pamela Morgan to Everyone : thanks for that info
18:32:46 From Jan H. to Everyone : Do units that are completed in 2021 count towards our total units for Costa Mesa?
18:34:54 From Jan H. to Everyone : How many people are on this zoom meeting?

C.5 Targeted Focus Meeting Notes

The section contains a summary of the targeted focus meetings held with: English and Spanish-speaking faith-based community, organizations that provide services for those experiencing homelessness, the Costa Mesa Housing Coalition, the Costa Mesa Mobile Home Park Advisory committee, affordable and market-rate housing developers, and interested property owners and landowners.

Targeted Focus Meeting Notes

The City of Costa Mesa employed a community outreach strategy that engaged community members multiple times at a Citywide level through live workshops, online surveys, and a thirty-day public review draft document. Next, the City went one level lower and held meetings by individual districts to determine what unique characteristics should be taken into consideration. Lastly, the City focused outreach on sections of the community through Targeted Focus Meetings who are underrepresented in the planning process or who may not typically participate in community building processes. These communities can be affected by long-range housing plans, just as the rest of the community is, and community feedback from these groups is important to get when developing the Housing Element.

As part of the Targeted Focus Meetings, the City held one on one discussions with representatives from the following segments of the community:

- **Faith-based community (English and Spanish).** The City met with some of the local leaders within the faith-based community to discuss housing-related services currently being provided through church facilities or organizations. Participants in the meeting discussed the challenges the local organizations face when assisting members of the community in looking for housing and the recent successful example at Lighthouse Church. Participants included leaders from Lighthouse Church, The Crossing, and several other local churches as well as Ian Stevenson with Trellis, a community group established by people from all over Costa Mesa to tackle problems faced by residents each day.

- **Organizations that provide services for those experiencing homelessness.** The City met with organizations that provide services to people experiencing homelessness or who are in need of other services, such as locating jobs or completing and filing governmental paperwork. These are organizations that currently work fairly independently. The City discussed future ways in which they could collaborate and potentially assist in the efforts.

- **Costa Mesa Housing Coalition.** The City met with the Costa Mesa Housing Coalition who has been an active participant in all housing element related community meetings and workshops, in addition to the one-on-one meeting held. Some of the comments expressed were that Fairview Development Center should be strongly considered as a viable solution for lower-income housing, that accessory dwelling units were important to the community, and that mobile home parks, churches, and city-owned properties should all be explored. The most important point was that the City needs to pass an inclusionary housing ordinance, which is a program in the housing element and already currently underway.

- **Costa Mesa Mobile Home Park Advisory Committee.** The Mobile Home Park Advisory Committee is a City-established committee comprised of current mobile home park residents. Attendees discussed current issues within the mobile home parks and the need to further protect existing mobile home parks within Costa Mesa. The City did not identify any candidate housing sites on mobile home park sites within the Housing Element.

- **Affordable and market-rate housing developers.** City staff met with developers of both affordable and market-rate housing. Many of the participants had previously done work within the Orange County region and gave recommendations on topics such as density, product type, and potential candidate housing sites.

- **Interested property owners and landowners.** Property owners provided valuable input into existing uses and lease agreements, development agreements with the City, and other background information used in the sites analysis to determine feasibility of some of the candidate housing sites. They also provided information the types of future development they are considering.

C.6 Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the March 1, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: https://www.costamesaca.gov/home/showpublisheddocument/46937/637502847448170000

Video Recording: https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true

AGENDA

CITY OF COSTA MESA
PLANNING COMMISSION
SPECIAL STUDY SESSION
VIA ZOOM WEBINAR
Monday, March 1, 2021
6:00 p.m.

BYRON DE ARAKAL – CHAIR
KEDARIOUS COLBERT – VICE CHAIR
DIANNE RUSSELL - COMMISSIONER
JOHN STEPHENS – COMMISSIONER
RUSSELL TOLER – COMMISSIONER
JENNA TOURJE – COMMISSIONER
JON ZICH – COMMISSIONER

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Planning Commission Members to attend Planning Commission meetings telephonically. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.

If you would like to participate in this meeting, you can participate via the following options:

1. You are strongly encouraged to observe the Planning Commission meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) AND ONLINE AT youtube.com/costamesatv.

2. Zoom Webinar – March 1, 2021 **6:00 PM**
   Please click the link below to join the webinar:
   https://zoom.us/j/96060379921?pwd=N2lvbzhJM2hWU3puZkk1T3VYTXhoQT09

   Or sign into Zoom.com and "Join a Meeting"
   Webinar ID: 960 6037 9921/ Passcode: 595958
   - If Zoom is not already installed on your computer, click "Download & Run Zoom" on the launch page and press "Run" when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
   - Select "Join Audio via Computer."
   - The virtual conference room will open. If you receive a message reading, "Please wait for the host to start this meeting," simply remain in the room until the meeting begins.

v.1, 2/26/2021

- During the Public Comment Period, use the "raise hand" function located in the participants' window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

Participate via telephone: US: + 1 669 900 6833
Webinar ID: 960 6037 9921/ Passcode: 595958

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item may submit your comment via email to PCPublicComments@costamesaca.gov. Comments received by **12:00 PM** on the date of the meeting will be provided to the Planning Commission, made available to the public, and will be part of the meeting record. Any photos, PowerPoints or other materials for distribution to the Planning Commission must be 10 pages or less and submitted to the City as described above **NO LATER THAN 12:00 PM** on the day of the hearing. All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted. A direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats: .mp4, .mov, or .wmv. Only one file may be included per speaker for public comments. Please note that materials submitted by the public that are deemed appropriate for general audiences will not be redacted in any way and will be posted online as submitted, including any personal contact information.

4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or cityclerk@costamesaca.gov and we will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

5. The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

v.1, 2/26/2021

CITY OF COSTA MESA PLANNING COMMISSION
SPECIAL STUDY SESSION

MONDAY, MARCH 1, 2021 – 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

SPECIAL STUDY SESSION ITEM
Public comments are limited to 2 minutes, or as otherwise directed.

1. **2021-2029 HOUSING ELEMENT – STATUS UPDATE**

RECOMMENDATION:

Receive and file.

ADJOURNMENT

PLANNING COMMISSION – SPECIAL STUDY SESSION AGENDA REPORT

MEETING DATE: MARCH 1, 2021 **ITEM NUMBER:**

SUBJECT: 2021-2029 HOUSING ELEMENT – STATUS UPDATE

DATE: FEBRUARY 25, 2021

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, PRINCIPAL PLANNER
minoo.ashabi@costamesaca.gov

RECOMMENDATION

Receive and file.

PURPOSE

This study session is intended to provide information to the Planning Commission regarding the status of the Housing Element Update. The report includes a background section on Housing Element law and requirements, status of the Regional Housing Needs Assessment (RHNA) allocation and the City's appeal, Community Outreach efforts to date, a summary of Costa Mesa's Community Profile data, and a brief summary of the "sites analysis" portion of the Housing Element including an overview of the potential areas of the City that may be appropriate for additional housing development in order to meet the City's RHNA allocation.

BACKGROUND

The Housing Element is one of the required General Plan Elements and is the only element that has a process for State certification. Costa Mesa's Housing Element is required by state law to be updated every eight years. Adopting a Housing Element requires a General Plan Amendment and is subject to at least one public hearing each by the Planning Commission and the City Council. The adopted General Plan update is required to be submitted to HCD for certification by October 15, 2021. A City Council Study Session was held in February 2020 that includes a comprehensive background on the Housing Element and RHNA. The staff report is available at this link:
http://ftp.costamesaca.gov/costamesaca/council/agenda/2020/2020-02-25/Item-1.pdf

With the Housing Element Update, the City must identify potential land suitable for housing development to meet the City's RHNA allocation. As part of the Update, the City will also establish goals, objectives, policies, and an implementation program demonstrating how Costa Mesa will meet its existing and future housing needs for all income levels and address recent housing legislation adopted in response to the State's housing shortage.

Although the City does not build housing, the Housing Element creates a strategy and regulatory framework, which provides opportunities for the private sector to develop housing.

Regional Housing Needs Assessment Update (RHNA)

State law requires that jurisdictions have a certified Housing Element that provides appropriate zoning at adequate residential densities to accommodate the number of units at the required levels of affordability identified in the City's RHNA allocation. The allocation is planned for an eight-year cycle. The City is currently in the 6th RHNA/Housing Element cycle with an eight year planning period from October 2021 to October 2029. A jurisdiction with a non-certified Housing Element has limited access to state funding programs, including CDBG funds, HOME Investment Partnership Program funds, and the newly established Senate Bill 2 and Assembly Bill 101 State planning grants. The City recently received an SB2 grant in the amount of $310,000 and Local Early Action Plan (LEAP) funding in the amount of $500,000 to update the Housing Element and to develop other policy programs that promote housing at all income levels, including the Accessory Dwelling Unit (ADU) ordinance and an inclusionary housing ordinance.

In addition, it is important to note that recent legislation, such as AB 72 and SB 35, authorizes the State Department of Housing and Community Development (HCD) to find a jurisdiction out of compliance with state housing law. Under those provisions, HCD now has the authority to decertify a Housing Element, if an action by a City is not in compliance with the adopted Housing Element.

Under SCAG's approved RHNA Methodology for the 2021-2029 Housing Element planning period, Costa Mesa's draft RHNA allocation was set at 11,733 dwelling units. The final RHNA allocation, which includes a slight increase in the City's RHNA number to 11,760 units, is expected to be adopted by SCAG's Regional Council on March 3, 2021.

RHNA Appeal

The City submitted an appeal of its draft RHNA allocation on October 26, 2020. SCAG received a total of 52 appeals (19 from Orange County jurisdictions) indicating several common reasons why the RHNA allocation was unrealistic and could not be accommodated in the eight-year RHNA cycle. City staff presented the appeal on January 22, 2021 and made a compelling argument that there were many constrained areas of land (i.e., open spaces and parks, state owned land, John Wayne Airport proximity, etc.) in the City which are subject to external factors and not suitable for housing development within the eight-year cycle.

Even though, there was a general discussion among the subcommittee members that the 6th cycle RHNA allocation of 1.34 million housing units to the SCAG region was unrealistic and that legislation is needed to modify the RHNA process at the state level, all appeals but two were denied (all Orange County appeals were denied). The final RHNA number for Costa Mesa will increase slightly from 11,733 to 11,760 due to redistribution of units as a result of the two approved appeals.

Final RHNA Allocation

The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category (pending the March 3, 2021 decision):

Income Category	% of Area Median Income (AMI)	2021-2029 RHNA
Very Low Income	< 50%	2,919
Low Income	51% - 80%	1,794
Moderate Income	81% - 120%	2,088
Above Moderate Income	> 120%	4, 959
	TOTAL *(Costa Mesa)*	**11,760**
	TOTAL *(SCAG Region)*	**1,341,827**

SB 35, AB 72 and Consequences of a Non-compliant Housing Element

In addition to obtaining a certified Housing Element, every April, cities and counties must submit Annual Progress Reports for the prior year, showing whether they are on-track to meet their housing needs. Progress is measured by how many housing construction permits a city has issued for housing units at various income levels. This requirement is part of Housing Element compliance and is tracked by HCD. If adequate progress is not reported, SB 35 (2017) could be enacted as described in the next section of this report.

The City is also required to ensure that housing potential or capacity is maintained on sites with the potential to accommodate affordable units (as described in the Housing Element) throughout the eight year planning period. If those sites are instead developed for market rate housing, the City will eventually trigger the "No Net Loss" provision of State law and will need to identify additional sites to accommodate the unmet need.

AB 72, enacted in 2017, grants HCD the authority to review any action or failure to act by a local government that may be inconsistent with an adopted Housing Element or housing element law. This includes failure to implement program actions included in the Housing Element. Consequently, HCD may revoke Housing Element compliance if the local government's actions do not comply with state law. HCD's website on AB 72 (Accountability and Enforcement) lays out potential scenarios, though each case is unique. https://www.hcd.ca.gov/community-development/accountability-enforcement. shtm l

HCD also has the authority to notify the California Office of the Attorney General that a local jurisdiction is in violation of state law for non-compliance with housing element law,

the Housing Accountability Act, "no net loss" law, density bonus law, or anti-discrimination law. A non-compliant Housing Element would mean that the City could be subject to the following actions.

1. Potential loss of access to certain State grant funds
2. Potential loss of some level of local control over development; for example, a city may be required to approve any proposed development that offers at least 20% of the units affordable to low-income households. CEQA streamlining provisions may also be applied to these projects.
3. A court may suspend the City's authority to issue any building permits or other approvals.
4. HCD may forward a noncompliance case to the California Office of the Attorney General.
5. Developers and housing advocacy groups may sue.

HOUSING ELEMENT UPDATE

California's housing element law acknowledges that in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development.

The Housing Element does not mandate construction of units, though SB 35 streamlining provisions (which are already in place), may become stricter if housing construction is not occurring. Currently under SB 35, the City is required to provide developers with the opportunity to streamline development as outlined in the law for developments proposing at least 50% affordable housing. This is because the City has done a good job meeting its RHNA need in the 5th cycle. That threshold would drop to 10% affordable housing if during HCDs annual review, the City is found to not be keeping proportionate pace. As long as the City plans for and maintains capacity to accommodate housing units at all income levels, the City should remain in compliance.

Following the adoption of the Housing Element and its associated policies and implementation program, the City has three years to complete any follow-up actions related to the General Plan or Zoning for housing sites as outlined in the Housing Element implementation program.

The following sections discuss the different components of the Housing Element that will be addressed with the update including Community Outreach, the Community Profile, and the Site Inventory Analysis.

Community Outreach

Based on direction from the City Council provided on July 21, 2020, staff has worked with Kimley-Horn to implement a comprehensive outreach approach to ensure creative methods are used to engage harder-to-reach populations including senior citizens,

families experiencing or at risk of housing insecurity, and non-English speakers. The following is a summary of the major outreach events completed to date:

1. Virtual Townhalls – The first townhall meeting was held on November 18, 2020. The intent of this meeting was to introduce the Housing Element requirements and provide an overview of the process. More than 65 individuals participated. There was a general presentation on the Housing Element Update and public comments were received. The presentation and video of the meeting are available at this link: https://www.costamesaca.gov/home/showpublisheddocument?id=46282 https://www.youtube.com/watch?v=Y5GNLnLabD4&feature=youtu.be

2. Community Surveys – Following the townhall meeting, a survey was released in English and Spanish; it was intended to gather information required to understand the general views of Costa Mesa residents on housing issues as prompted by key housing and affordability questions. Staff used several methods to publicize the survey by distribution of fliers, posting on the City's website and social media as well as the City's snapshot articles. Email blasts were also sent to the Housing Element interest list, home builders, stakeholders, school district and utility contacts. The surveys closed on February 22, 2021; 465 surveys were received including 447 in English and 18 in Spanish. There were 10 questions in the survey including questions related to which district the respondents live, whether they own or rent their home, housing availability, questions regarding desired multi-family and single-family housing types, opportunity areas for additional housing and the age group of the respondents. There were also more than 160 written comments received that staff is in the process of analyzing. A summary of the survey results is included as Attachments 2 and 3. A comprehensive analysis of the survey results will be provided at a future meeting.

3. District-specific Meetings – Two District-specific workshops were held on February 17 and 18 to allow for a more detailed discussion of the unique issues and opportunities within each district. The first meeting included districts one, two and three; the second meeting included districts four, five and six. Both meetings started with an overview of the Housing Element and were followed by break out rooms (one per district) to discuss constraints, potential housing opportunity sites, and compatible housing types for each district. Each meeting also included a breakout room for Spanish language participants. The District presentation and break out room videos are being posted online.

4. Subject Matter Expert Meetings – Staff have held and are continuing to hold meetings to solicit feedback from groups that may hold specific expertise or information related to housing resources or housing needs such as community organizations, home builders, affordable housing developers, and housing advocates. In addition, staff is in the process of meeting with major landowners, homeless services providers, and targeted meetings with neighborhood groups in harder-to-reach areas of the community.

- Home Builders/ Developers - Staff held a meeting with housing developers and home builders, which was attended by 11 participants. The following general ideas and comments regarding constraints and opportunities were shared at this meeting:
  - By right residential zoning in appropriate areas (for example, specific plans or downtowns plans) is recommended
  - Lower parking standards to match parking demand for large residential complexes
  - Uncertainty associated with the Measure Y process discourages investment
  - Expedite and streamline application processing
  - Provide a clear, comprehensive fee schedule
  - Defer impact fees

- Housing Advocacy Groups – There were five participants in this meeting. The following general ideas and comments were shared:
  - Housing Element should plan for workforce housing
  - Housing development has been unbalanced with an increase in above-moderate income housing and not enough affordable housing
  - Combine changes in zoning with an inclusionary housing ordinance to achieve affordability with new development
  - Provide by right zoning for housing development in appropriate locations
  - Partner with churches and City-owned properties to develop housing in underutilized parking lots
  - Housing should be equitable and distributed fairly in the community
  - There is a need for larger units to accommodate larger households at affordable levels

5. Outreach Materials in English and Spanish – The meeting fliers, email blasts, social media posts, and PowerPoint presentations for the virtual townhall and district-specific meetings were provided in both English and Spanish. In addition, Spanish language breakout groups at the district-specific meetings were offered for a more in depth discussion with the Spanish speaking community.

6. Social Media, Community Platforms, and Online Engagement – There has been a consistent focus on online engagement through multiple platforms including the City's website e-blasts, social media including Facebook and Twitter, community sharing platforms such as NextDoor, and text blasts. To date, there have been a total of 83,331 "impressions" on social media; summary information on the total number of engagements for each posting is provided as Attachment 1.

City staff will continue its community outreach efforts including: connecting with community organizations and neighborhood leaders to engage harder-to-reach communities; upcoming meetings with major landowners, homeless services providers, and other subject matter experts; and preparation and launch of a series of short

community videos focused on the Housing Element and community housing issues. A detailed description of feedback received for all outreach efforts will be included in the draft Housing Element.

Community Profile

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. Such data is useful in understanding the community's changing demographics and to inform future policy discussions regarding existing and future housing needs. Specifically, the Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Basically, the Community Profile provides a baseline analysis to inform the goals, programs, and policies included in the Housing Element.

The information in the Community Profile is divided into three major topics:

1) Population Characteristics – this data includes population growth at the City level, population age characteristics, and population race/ethnicity characteristics. The following is a snapshot of population growth in Costa Mesa and adjacent cities:

Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010-2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
Costa Mesa	**109,960**	**111,200**	**113,900**	**116,500**	**116,400**	**3.6%**	**2.2%**
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%
Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.							

The following table shows age distribution in Costa Mesa showing that 20.3% of the polutaion is 17 years old and under, 9.6% is 18 to 24 years old, 35.2% are ages 25 to 44, 24.3% are ages 45 to 64, and 10.7% of the population is 65 years old or above.

Table 2: Age Distribution by Jurisdiction, 2018							
Jurisdiction	**Under 5**	**5 to 14**	**15 to 17**	**18 to 24**	**25 to 44**	**45 to 64**	**65 years +**
Newport Beach	3.9%	10%	3.5%	6.3%	23.4%	30.2%	22.7%
Costa Mesa	**5.7%**	**11.4%**	**3.2%**	**9.6%**	**35.2%**	**24.3%**	**10.7%**
Irvine	6.4%	12.4%	3.6%	13%	30.8%	23.9%	9.9%
Santa Ana	7.5%	15.2%	4.4%	11.3%	30.9%	22.1%	8.6%
Huntington Beach	5.2%	10.9%	3.5%	7.6%	27%	29%	16.9%
Orange County	6.0%	12.5%	4%	9.5%	27.4%	26.6%	13.9%
Source: American Community Survey, 5-Year Estimates, 2018							

The following table shows the racial and ethnic distribution in Costa Mesa.

Table 3: Racial and Ethnic Composition, 2018								
Jurisdiction	**White**	**Black**	**American Indian and Alaska Native**	**Asian**	**Native Hawaiian or Other Pacific Islander**	**Some Other Race**	**Two or More Races**	**Persons of Hispanic or Latino Origin (of any race)**
Newport Beach	85.3%	0.8%	0.3%	8.3%	0.2%	2.1%	3.1%	9%
Costa Mesa	**71.6**	**1.9%**	**0.4%**	**8.4%**	**0.7%**	**13%**	**4%**	**36.1%**
Irvine	47.6%	1.9%	0.2%	42.3%	0.2%	2.8%	5.2%	10.3%
Santa Ana	44.2%	1.1%	0.6%	11.8%	0.2%	40.1%	1.9%	76.8%
Huntington Beach	72.4%	1.4%	0.6%	12.1%	0.4%	7.7%	5.4%	20.0%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%
Source: American Community Survey, 5-Year Estimates, 2018.								

2) Economics Characteristics – this data includes wages, employment, industry sectors, unemployment rates and median salaries by occupation. The following is a snapshot of the employment data of Costa Mesa and adjacent cities and shows a steady increase in employment in the county and in local cities.

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
Costa Mesa	**84,600**	**89,600**	**92,700**	**93,200**	**5.9%**	**4.0%**	**8,600**
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000
Source: *SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.*							

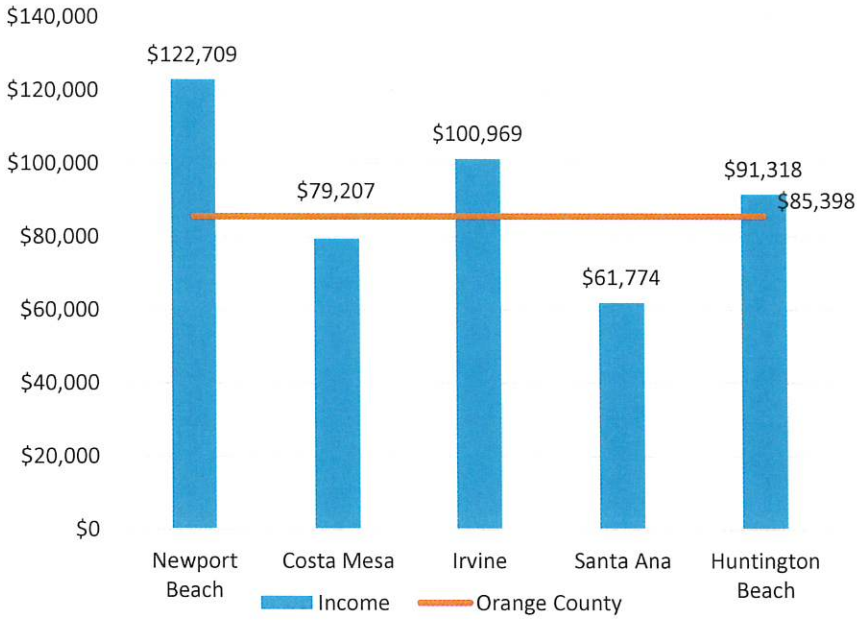
3) Households Characteristics – this data includes household types and size, and median incomes. In Costa Mesa, the total number of households is 41,019. The following is a snapshot of the household data, which shows that 10.7% of the population in Costa Mesa is over 65, which is similar to Irvine and Santa Ana but lower than other adjacent coastal cities.

Persons 65 and over		
Jurisdiction	Population Count	Percent
Newport Beach	19,574	22.7%
Costa Mesa	**12,138**	**10.7%**
Irvine	26,228	9.9%
Santa Ana	28,621	8.6%
Huntington Beach	34,002	16.9%
Orange County	440,488	13.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

The following table shows that in Costa Mesa 42.8% of households are married-couple households in comparison with the County that has 54.7% married-couple households. 40.2% are non-family households, with 10.2% being female-headed households.

Jurisdiction	Married-couple Family Households	% of Total Households	Female Household, No Spouse Present	% of Total Households	Non-Family Household	% of Total Households	Total Households
Newport Beach	18,965	50.1%	1,870	4.9%	16,088	42.5%	37,870
Costa Mesa	**17,568**	**42.8%**	**4,191**	**10.2%**	**16,509**	**40.2%**	**41,019**
Irvine	51,682	54.2%	8,418	8.8%	31,636	33.2%	95,371
Santa Ana	41,543	54.3%	13,754	18.0%	14,337	18.7%	76,521
Huntington Beach	37,588	48.9%	8,263	10.8%	26,961	35.1%	76,821
Orange County	564,685	54.7%	121,753	11.8%	290,652	28.2%	1,032,373
Source: American Community Survey, 5-Year Estimates, 2018.							

The following graphic shows that the median household income in Costa Mesa is $79,207 slightly lower than the county average.



4) The Community profile also analyzes data on housing issues such as overcrowding, over-payment/cost burden, large households, single-parent households, homeless individuals, special needs groups and seniors. The following is a snapshot of the housing data regarding large households, which shows that large households constitute approximately 10% of total households. Of those large households, 62.8% are renter households and 37.2% are owner households.

Large Households by Tenure in Costa Mesa

Household Size	Owner		Renter		Total	
	Count	Percent	Count	Percent	Count	Percent
5-Person Household	944	62.1%	1,441	56%	2,385	58.3%
6-person household	278	18.3%	728	28.3%	1,006	24.6%
7-or-more person Households	298	19.6%	402	15.6%	700	17.1%
Total	**1,520**	**37.2%**	**2,571**	**62.8%**	4,091	100%

Source: American Community Survey, 5-Year Estimates, 2018

The following is a snapshot of the housing data regarding overcrowding, which shows that 9% of Costa Mesa's housing units are considered "overcrowded", similar to the County overall.

Table 17: Overcrowded Housing Units		
Jurisdiction	**Total Overcrowded Units**	**Percent of Total Housing Units**
Newport Beach	570	1.5%
Costa Mesa	3,686	9%
Irvine	5,879	6.2%
Santa Ana	23,845	31.2%
Huntington Beach	2,848	3.7%
Orange County	91,513	8.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

The following is a snapshot of the housing data regarding rental rates, which shows that as of January 2020, average monthly rent for a one bedroom rental unit is $2,159, $2,649 for a two bedroom unit, and $3,160 for a three bedroom unit.

Table 32: Average Monthly Rental Rates, 2017-2020					
Unit Type	**January 2017**	**January 2018**	**January 2019**	**January 2020**	**% Change 2017-2020**
1 Bedroom	$2,055	$2,077	$2,091	$2,159	5.1%
2 bedrooms	$2,553	$2,582	$2,579	$2,649	3.8%
3 Bedrooms	$3,027	$3,044	$3,097	$3,160	4.4%
Price per Square Foot					
Unit Type	**January 2017**	**January 2018**	**January 2019**	**January 2020**	**% Change 2017-2020**
1 Bedroom	$2.48	$2.57	$2.97	$2.83	14.1%
2 bedrooms	$2.20	$2.25	$2.32	$2.36	7.3%
3+ Bedrooms	$1.95	$2.15	$2.25	$2.30	17.9%
Source: Zillow Rent Index Report, January 2017-2020, accessed August 17, 2020.					

The Community Profile in its entirety will be included in the draft Housing Element and shared at a future meeting.

Site Inventory Analysis

In addition to programs and policies that encourage housing at all income levels, the Housing Element is required to identify specific sites where housing could be located. The City will undertake a comprehensive review of all land uses and potential housing sites referred as a "Site Inventory". The site analysis process will consider the fair and equitable distribution of housing throughout the City and at all income levels.

While the sites analysis is not complete, it is clear that because the City has very few areas which permit residential development at or above 30 du/ac (the default density identified by State HCD as the density at which the market may create affordable housing), the City likely does not have the existing capacity to meet its RHNA need without rezoning areas. In fact, the City's base zoning districts do not allow more than 20 du/acre, with higher densities allowed in certain areas by specific plan, overlay or other means.

Given the high RHNA allocation of 11,760 units, a combination of strategies will need to be considered such as: modifying the zoning in appropriate locations to allow a minimum density of 30 du/acre to meet the default density requirements set by State HCD; revisiting the City's Urban Plans and Specific Plans to allow higher densities at strategic locations such as on Commercial and Industrial sites; and planning for housing development in underutilized areas such as surface parking lots. The ADUs and Junior ADUs could contribute additional units in lower density areas of the city; however, this strategy will only accommodate a small portion of the RHNA allocation.

In discussion with Subject Matter Expert Groups and District-Specific discussions during the community outreach meetings, the following areas were identified as potential areas for housing growth:

1) Fairview Developmental Center – This site is currently zoned to allow 582 units. Additional units could be accommodated at the large 100-acre site; however, given that the site is owned and operated by the State Department of General Services, the City will need to continue to coordinate with the State as to the future vision for the site.
2) Industrial sites – since this area includes larger parcels, it may be appropriate for housing development; however, for industrial areas near John Wayne Airport, the airport noise contours may limit opportunities. Properties in the industrial area near Baker Block could also be considered. The City will need to evaluate long-term fiscal and employment considerations as part of its land use policy discussions for industrial areas.
3) Newport Boulevard Specific Plan area – The Specific Plan that includes properties fronting Old Newport Boulevard from Mesa Drive to 19th Street was adopted in 1996. The Specific Plan allows for residential development at a maximum density of 17 du/acre. Additional housing opportunities could be possible in this area.
4) Surplus School and Church properties – School sites are largely overseen by the school district and the State; however, the City could evaluate potential surplus

land. Large church sites with Public/Institutional zoning could also be considered in the analysis.

5) Mixed Use Zoning along Major Commercial Corridors such as Harbor Boulevard, 19th Street, and 17th Street – There is currently a mixed use overlay along Harbor Boulevard that extends from 19th Street to north of Victoria Street that could be modified to allow more options for mixed use and residential development. Suggestions were also made to consider walk up apartments either along 17th Street as mixed use development or in close proximity to take advantage of the pedestrian connections on 17th Street. Both horizontal and vertical mixed use opportunities could be considered.
6) Rezone of Commercial Centers with high vacancy – The City could evaluate commercial centers with high vacancy rates to allow an option for mixed use development.
7) Accessory Dwelling Units – The City's local ordinance includes development standards that could allow for and encourage ADU and Junior ADU development. These units could be counted toward the City's RHNA allocation and provide additional housing opportunities in neighborhoods with existing low density housing.
8) Focus on Reuse of Commercial and Industrial Sites instead of Redevelopment of Existing Housing Sites - In order to maintain the City's current housing stock, policies related to rehabilitation of existing housing and a focus on non-residential sites such as commercial and industrial areas for additional housing may be desired.

City staff and our consultant team will evaluate the above listed areas as part of the Site Inventory Analysis effort and will return to the Planning Commission at a future meeting to discuss the housing constraints analysis, the sites analysis, and the draft policy program.

NEXT STEPS:

The next few months are critical to the Housing Element Update process and to meeting the State mandated timeline for adoption. In the next month, City staff and our consultant will complete outreach efforts and the Community Profile, and will begin the Constraints and Sites Analysis. A City Council Study Session is planned for March 23, 2021. Based on collected data, public input, and feedback from the Planning Commission and City Council, staff will complete a draft Housing Element for public review, referred to as the "Public Review Draft." The Public Review Draft will be released for a public comment period, along with a CEQA compliance analysis. Ultimately, to meet the state mandated deadline, public hearings on the Housing Element will need to be held in summer 2021 and an adopted Housing Element submitted to State HCD by October 15, 2021.

MINOO ASHABI
Principal Planner

JENNIFER LE
Director of Economic and Development Services

ATTACHMENTS:

1. Social Media Data
2. Community Survey Summary- English language
3. Community Survey Summary- Spanish language

ATTACHMENT 1

HOUSING ELEMENT PUBLIC OUTREACH

English Post	Spanish Post	Date	Facebook Impressions	Instagram Impressions	Nextdoor Impressions	Nixle Texts/ emails	Twitter Impressions	Snapshot Emails Sent	Total Impressions
		2/18/21	321						321
		2/17/21	603						603
		2/16/21	635	1,936	443	6,878			9,982
		2/16/21	1,122	2,910					4,032
		2/15/21	713	2,063	443				3,219
		2/14/21	1,125	1,964					3,089
		2/13/21	785	2,139					2,924
		2/12/21	2,115	5,108					7,223

HOUSING ELEMENT PUBLIC OUTREACH

		2/12/21	998	3,466	890		1,151	11,713	18,218
		2/12/21	591	1,573					2,164
		2/11/21	1,158	1,549					2,707
		2/11/21	568	1074					1,642
		2/10/21	488	1053					1,541
		2/8/21	484	1086					1,570
		2/5/21	1,225	2,511	1,077		1,167	11,862	17,842
		2/4/21	1,770	2,232	987		1,265		6,254
								TOTAL IMPRESSIONS FEB. 4 - 18	**83,331**

C.7 City Council Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the March 23, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: https://www.costamesaca.gov/home/showpublisheddocument/47187/637516952381070000

Minutes: https://www.costamesaca.gov/home/showpublisheddocument/47746/637552180849270000

Video Recording: https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true

AGENDA

CITY OF COSTA MESA
CITY COUNCIL
SPECIAL STUDY SESSION
Tuesday, March 23, 2021
5:00 p.m.
CITY HALL, CITY COUNCIL CHAMBERS
77 FAIR DRIVE, COSTA MESA, CALIFORNIA

KATRINA FOLEY - MAYOR
ANDREA MARR - MAYOR PRO TEM
MANUEL CHAVEZ – COUNCIL MEMBER
LOREN GAMEROS - COUNCIL MEMBER
JEFF HARLAN - COUNCIL MEMBER
DON HARPER - COUNCIL MEMBER
ARLIS REYNOLDS – COUNCIL MEMBER

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Council Members to attend City Council meetings remotely. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.
If you would like to participate in this meeting, you can participate via the following options:

1. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at youtube.com/costamesatv (Note the chat feature on YouTube is disabled).

2. Zoom Webinar:
   Please click the link below to join the webinar:
   https://zoom.us/j/94075129334?pwd=Z3B5aUVvU0MrUmRkUFlKaFM4S01Ddz09
   Or sign into Zoom.com and "Join a Meeting"
   Enter Webinar ID: 940 7512 9334/ Password: 030331
   - If Zoom is not already installed on your computer, click "Download & Run Zoom" on the launch page and press "Run" when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
   - Select "Join Audio via Computer."
   - The virtual conference room will open. If you receive a message reading, "Please wait for the host to start this meeting," simply remain in the room until the meeting begins.
   - During the Public Comment Period, use the "raise hand" function located in the participants' window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone: Call: 1 669 900 6833
Enter Webinar ID: 940 7512 9334/ Password: 030331
During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item, may submit your comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 1:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to the City Clerk at cityclerk@costamesaca.gov **NO LATER THAN 12:00 Noon** on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website at www.costamesaca.gov or by clicking here.

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

CITY OF COSTA MESA CITY COUNCIL
SPECIAL STUDY SESSION

TUESDAY, MARCH 23, 2021 – 5:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

SPECIAL STUDY SESSION ITEM:
Public comments will be heard after staff presentation. Public comments are limited to 2 minutes, or as otherwise directed.

1. **2021-2029 HOUSING ELEMENT – STATUS UPDATE –** Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

Receive and file.

ADJOURNMENT

CITY COUNCIL – SPECIAL STUDY SESSION AGENDA REPORT

MEETING DATE: MARCH 23, 2021 **ITEM NUMBER: 1**

SUBJECT: 2021-2029 HOUSING ELEMENT – STATUS UPDATE

DATE: MARCH 11, 2021

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: JENNIFER LE, DIRECTOR OF ECONOMIC AND DEVELOPMENT SERVICES
MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, PRINCIPAL PLANNER
minoo.ashabi@costamesaca.gov

RECOMMENDATION

Receive and file.

PURPOSE

This study session is intended to provide information and receive feedback from the City Council regarding the Housing Element Update. This report includes information regarding Housing Element law, the Regional Housing Needs Assessment (RHNA), the Housing Element community outreach efforts, Costa Mesa's Community Profile data, and an overview of potential areas of the City that could be appropriate to include in the City's forthcoming housing strategy.

BACKGROUND

The Housing Element is one of the required chapters or "elements" of the General Plan and is the only element that has a process for State certification. Costa Mesa's Housing Element is required by state law to be updated every eight years. Adopting a Housing Element requires a General Plan Amendment and is subject to at least one public hearing each by the Planning Commission and the City Council. The adopted General Plan update is required to be submitted to the State Department of Housing and Community Development (HCD) for certification by October 15, 2021.

A City Council Study Session was first held in October 2019 and a second in February 2020 to discuss the Housing Element and RHNA. The staff reports, meeting minutes and videos for these study sessions are available at the following links:

October 8, 2019 Staff Report:
http://ftp.costamesaca.gov/costamesaca/council/agenda/2019/2019-10-08/Item-1.pdf

Meeting Minutes:
https://www.costamesaca.gov/home/showpublisheddocument?id=46106

Video:
http://costamesa.granicus.com/player/clip/3458?view_id=10&redirect=true

February 25, 2020 Staff Report:
http://ftp.costamesaca.gov/costamesaca/council/agenda/2020/2020-02-25/Item-1.pdf

Meeting Minutes:
https://www.costamesaca.gov/home/showpublisheddocument?id=46110

Video:
https://costamesa.granicus.com/player/clip/3517?view_id=10&redirect=true

Following the February 2020 Study Session, the City retained Kimley–Horn as the City's consultant expert and launched the Housing Element Update effort in August 2020.

For the Housing Element Update, the City must identify potential land suitable for housing development to meet the City's RHNA allocation. As part of the update, the City must also establish goals, policies, objectives and an implementation program that responds to recent housing legislation and demonstrates how Costa Mesa will meet its existing and future housing needs for all income levels.

Although the City does not build housing, the Housing Element creates a strategy and high-level regulatory framework that provides opportunities for the private sector to develop housing.

Regional Housing Needs Assessment Update (RHNA)

State law requires that jurisdictions have a certified Housing Element that provides appropriate zoning at adequate residential densities to accommodate the number of units at the required levels of affordability identified in the City's RHNA allocation. The RHNA allocation is planned for an eight-year cycle. The City is currently in the 6th RHNA/Housing Element cycle with an eight year planning period from October 2021 to October 2029.

Under the Southern California Association of Government's (SCAG's) approved RHNA methodology for the 2021-2029 Housing Element planning period, Costa Mesa's draft RHNA allocation was 11,733 units.

RHNA Appeal

On October 20, 2020, the City Council authorized and directed staff to appeal the RHNA allocation. The City submitted its appeal to SCAG on October 26, 2020. SCAG received a total of 52 appeals (19 from Orange County jurisdictions) indicating several common reasons why the RHNA allocation was unrealistic and could not be accommodated in the eight-year RHNA cycle. City staff presented the appeal at a public hearing on January 22, 2021 and made a compelling argument that there were many constrained areas of land in the City which are subject to external factors and not feasible for housing development within the eight-year cycle.

Even though there was a general discussion among the appeal board members that the 6th cycle RHNA allocation of 1.34 million housing units to the SCAG region was unrealistic and that legislation is needed to modify the RHNA process at the state level, all appeals but two were denied (all Orange County cities' appeals were denied). SCAG's decision was ultimately ratified at its meeting of February 16, 2021. The final RHNA allocation for Costa Mesa was increased slightly from 11,733 to 11,760 housing units due to redistribution of units as a result of the two approved appeals.

Final RHNA Allocation

The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category based on SCAG's March 3, 2021 decision):

Table 1 – Final RHNA Allocation

Income Category	% of Area Median Income (AMI)	2021-2029 RHNA
Very Low Income	< 50%	2,919
Low Income	51% - 80%	1,794
Moderate Income	81% - 120%	2,088
Above Moderate Income	> 120%	4,959
	TOTAL *(Costa Mesa)*	**11,760**
	TOTAL *(SCAG Region)*	**1,341,827**

The area median income for a 4-person household in Orange County in 2020 was $103,000.

SB 35, AB 72 and Consequences of a Non-compliant Housing Element

A jurisdiction with a non-compliance Housing Element has limited access to state funding programs, potentially jeopardizing millions of dollars in transportation-related grants, CDBG funds, HOME Investment Partnership Program funds, and the newly established Senate Bill 2 and Assembly Bill 101 State planning grants.

In addition, recent legislation such as AB 72 and SB 35 authorizes the State Department of Housing and Community Development (HCD) to find a jurisdiction out of compliance with state housing law. Under those provisions, HCD now has the authority to decertify a

Housing Element, if an action by a City is not in compliance with the adopted Housing Element.

In addition to obtaining a certified Housing Element, every April, cities and counties must submit Annual Progress Reports for the prior year, showing whether they are on-track to meet their RHNA allocation. Progress is measured by how many housing construction permits a city has issued for housing units at various income levels. This requirement is part of Housing Element compliance and is tracked by HCD. If adequate progress is not reported, SB 35 (2017) could be enacted as described later in this report.

The City is also required to ensure that housing capacity is maintained on sites with the potential to accommodate affordable units (as identified in the adopted Housing Element) throughout the eight year planning period. If those sites are instead developed for market rate housing, the City may eventually trigger the "No Net Loss" provision of State law and will need to identify additional sites to accommodate the unmet need.

AB 72, enacted in 2017, grants HCD the authority to review any action or failure to act by a local government that may be inconsistent with an adopted Housing Element or housing element law. This includes failure to implement program actions included in the Housing Element. Consequently, HCD may revoke Housing Element compliance if the local government's actions do not comply with state law. HCD's website on AB 72 (Accountability and Enforcement) lays out potential scenarios, though each case is unique. https://www.hcd.ca.gov/community-development/accountability-enforcement.shtml

HCD also has the authority to notify the California Office of the Attorney General that a local jurisdiction is in violation of state law for non-compliance with housing element law, the Housing Accountability Act, "no net loss" law, density bonus law, or anti-discrimination law. A non-compliant Housing Element would mean that the City could be subject to the following actions.

1. Potential loss of access to certain State grant funds
2. Potential loss of control over development; for example, a city may be required to approve any proposed development that offers at least 20% of the units affordable to low-income households. CEQA streamlining provisions may also be applied to these projects.
3. A court may suspend the City's authority to issue any building permits or other approvals.
4. HCD may forward a noncompliance case to the California Office of the Attorney General.
5. Developers and housing advocacy groups may sue the city.

PAST PERFORMANCE

The projected housing need for the SCAG region for the 5th cycle RHNA 2013 to 2021 planning period was 412,137 units. The City's RHNA allocation for the 5th Cycle 2013 to

2021 planning period was only two housing units (one very low income unit and one low income unit). In general, many cities received low RHNA allocations during the 5th cycle (Newport Beach was allocated five units and Laguna Beach two units) due to several factors such as foreclosures and high vacancy rates during the recession.

Per Government Code section 65400 the City has prepared annual progress reports (APR) on the status of the Housing Element and the City's progress in meeting its RHNA allocation. https://www.costamesaca.gov/city-hall/city-departments/development-services/approved-plans-for-city/2015-2035-general-plan/general-plan-annual-reports

The most recent report shows that between 2014 and 2019, the City finalized building permits for 948 new housing units. Of those, eight housing units fell into lower income categories. Additional housing units are currently under construction, including an additional nine deed-restricted "very low income" units associated with the project at the former Costa Mesa Motor Inn site (2277 Harbor Boulevard). As such, the City expects to meet and exceed its RHNA allocation for this planning period.

HOUSING ELEMENT UPDATE

California's housing element law acknowledges that for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development.

The Housing Element does not mandate construction of units, though SB 35 streamlining provisions (which are already in place), may become stricter if housing construction is not occurring. Currently under SB 35, the City is required to provide developers with the opportunity to streamline development as outlined in the law for developments proposing at least 50% affordable housing. This is because the City has done a good job meeting its RHNA need in the 5th cycle. That threshold could drop to 10% affordable housing if during HCDs annual review, the City is found to not be keeping proportionate pace of housing. As long as the City plans for and maintains capacity to accommodate housing units at all income levels, the City should remain in compliance.

Following the adoption of the Housing Element and its associated policies and implementation program, the City has three years to complete any follow-up actions related to the General Plan or Zoning for housing sites as outlined in the Housing Element implementation program.

The Housing Element contains the following major components:

- Community Profile
- Opportunities and Constraints Analysis
- Goals, policies and objectives
- Implementation Program
- Appendices
    - Summary of Community Outreach

- Review of Past Performance
- Sites Analysis

The following sections discuss the various components of the Housing Element Update currently underway.

Community Outreach

Based on direction from the City Council, staff have worked with Kimley-Horn to implement a comprehensive outreach approach including using creative methods to engage harder-to-reach populations including senior citizens, families experiencing or at risk of housing insecurity, and non-English speakers. The following is a summary of the major outreach events completed to date:

1. Virtual Townhalls – The first townhall meeting was held on November 18, 2020. The intent of this meeting was to introduce the Housing Element requirements and provide an overview of the process. More than 65 individuals participated. There was a general presentation on the Housing Element Update and public comments were received. The presentation and video of the meeting are available at this link: https://www.costamesaca.gov/home/showpublisheddocument?id=46282 https://www.youtube.com/watch?v=Y5GNLnLabD4&feature=youtu.be

2. Community Surveys – Following the townhall meeting, a survey was released in English and Spanish; it was intended to gather high-level information required to understand the general views of Costa Mesa residents on housing issues as prompted by key housing and affordability questions. Staff used several methods to publicize the survey by distribution of fliers, posting on the City's website and social media as well as the City's snapshot articles. Email blasts were also sent to the Housing Element interest list, home builders, stakeholders, school district staff, and utility contacts. The survey window closed on February 22, 2021; 465 surveys were received including 447 in English and 18 in Spanish. There were 10 questions in the survey including questions related to which district the respondents live, whether they own or rent their home, housing availability, questions regarding desired multi-family and single-family housing types, opportunity areas for additional housing and the age group of the respondents. There were also more than 160 written comments received that staff is in the process of analyzing. A summary of the survey results is included as Attachments 2, 3, and 4.

3. District-specific Meetings – Two District-specific workshops were held on February 17 and 18, 2021 to allow for a more detailed discussion of the unique issues and opportunities within each Council district. The first meeting included districts one, two and three; the second meeting included districts four, five and six. Both meetings started with an overview of the Housing Element and were followed by break out rooms (one per district) to discuss constraints, potential housing opportunity sites, and compatible housing types for each district. Each meeting also included a breakout room for Spanish language participants. The District

presentation and break out room videos are posted on the Housing Element Webpage.

4. Subject Matter Expert Meetings – Staff held meetings to solicit feedback from groups that may hold specific expertise or information related to housing resources or housing needs such as community organizations, home builders, affordable housing developers, homeless services providers and housing advocates. In addition, staff is in the process of meeting with major landowners and holding targeted meetings with neighborhood groups in harder-to-reach areas of the community.

    - Home Builders/ Developers - Staff held a meeting with housing developers and home builders, which was attended by 11 participants. The following ideas and comments regarding constraints and opportunities were shared at this meeting:
        - By right residential zoning in appropriate areas (for example, specific plans or downtowns plans) is recommended
        - Lower parking standards to match parking demand for large residential complexes
        - Uncertainty associated with the Measure Y process discourages investment
        - Expedite and streamline planning application processing
        - Provide a clear, comprehensive fee schedule
        - Defer development impact fees

    - Housing Advocacy Groups – There were five participants in this meeting. The following general ideas and comments regarding constraints and opportunities were shared:
        - Housing Element should plan for workforce housing
        - Housing development in Costa Mesa has been unbalanced with an increase in above-moderate income housing and not enough affordable housing
        - Combine changes in zoning with an inclusionary housing ordinance to achieve affordability with new development
        - Provide by right zoning for housing development in appropriate locations
        - Partner with churches and City-owned properties to develop housing in underutilized parking lots
        - Housing should be equitable and distributed fairly in the community
        - There is a need for larger units to accommodate larger households at affordable levels

    - Homeless and service Providers – There were seven participants in this meeting who specialized in homeless services, transitional and permanent housing for homeless individuals and families as well as social services for

domestic violence and women and children. The following general ideas regarding constraints and opportunities were shared:

- Setting aside affordable housing with each development should be considered
- Density bonus should be encouraged with relaxed parking standards
- Option of a 99-year ground lease on City properties for housing development should be considered
- Education and services are needed to help individuals facing housing challenges such as improving credit score, filing paperwork, fear of immigration issues, and mental illness
- Supportive housing with wraparound services, employment training, subsidized housing, education and mentorship programs are needed
- Tenant Based Rental Assistance (TBRA) and other rental subsidy programs are needed
- Place housing close to transportation and providing bike and pedestrian accessibility
- Alternative housing options such as co-living and conversion of commercial and office building into residential units are recommended
- Tiny house sites are recommended

5. Outreach Materials in English and Spanish – The meeting fliers, email blasts, social media posts, and PowerPoint presentations for the virtual townhall and district-specific meetings were provided in both English and Spanish. In addition, Spanish language breakout groups at the district-specific meetings were offered for a more in depth discussion with the Spanish speaking community.

6. Social Media, Community Platforms, and Online Engagement – There has been a consistent focus on online engagement through multiple platforms including the City's website e-blasts, social media including Facebook and Twitter, community sharing platforms such as NextDoor, and text blasts. By early March, there were a total of 83,331 "impressions" on social media; summary information on the total number of engagements for each posting is provided as Attachment 1.

City staff are continuing its community outreach efforts including: connecting with community organizations and neighborhood leaders to engage in more detailed conversations with harder-to-reach communities; meetings with major landowners to discuss future plans for vacant sites and sites under development agreements; and launch of a series of short videos focused on the Housing Element and community housing issues. A detailed description of feedback received for all outreach efforts will be included in the draft Housing Element.

Community Profile

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. Such data is useful in understanding the community's changing demographics and to inform future policy discussions regarding existing and future housing needs. Specifically, the Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Basically, the Community Profile provides a baseline analysis to inform the goals, programs, and policies included in the Housing Element.

The information in the Community Profile is divided into three major topics of: Population, Economics, and Household Characteristics that are discussed as follows.

1. **Population Characteristics** – This data includes population growth at the City level, population age characteristics, and population race/ethnicity characteristics. The following is a snapshot of population growth in Costa Mesa and adjacent cities:

Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010-2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
Costa Mesa	**109,960**	**111,200**	**113,900**	**116,500**	**116,400**	**3.6%**	**2.2%**
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%
Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.							

The following table shows age distribution in Costa Mesa showing that 20.3% of the population is 17 years old and under, 9.6% is 18 to 24 years old, 35.2% are ages 25 to 44, 24.3% are ages 45 to 64, and 10.7% of the population is 65 years old or above.

Table 2: Age Distribution by Jurisdiction, 2018

Jurisdiction	Under 5	5 to 14	15 to 17	18 to 24	25 to 44	45 to 64	65 years +
Newport Beach	3.9%	10%	3.5%	6.3%	23.4%	30.2%	22.7%
Costa Mesa	**5.7%**	**11.4%**	**3.2%**	**9.6%**	**35.2%**	**24.3%**	**10.7%**
Irvine	6.4%	12.4%	3.6%	13%	30.8%	23.9%	9.9%
Santa Ana	7.5%	15.2%	4.4%	11.3%	30.9%	22.1%	8.6%
Huntington Beach	5.2%	10.9%	3.5%	7.6%	27%	29%	16.9%
Orange County	6.0%	12.5%	4%	9.5%	27.4%	26.6%	13.9%

Source: American Community Survey, 5-Year Estimates, 2018

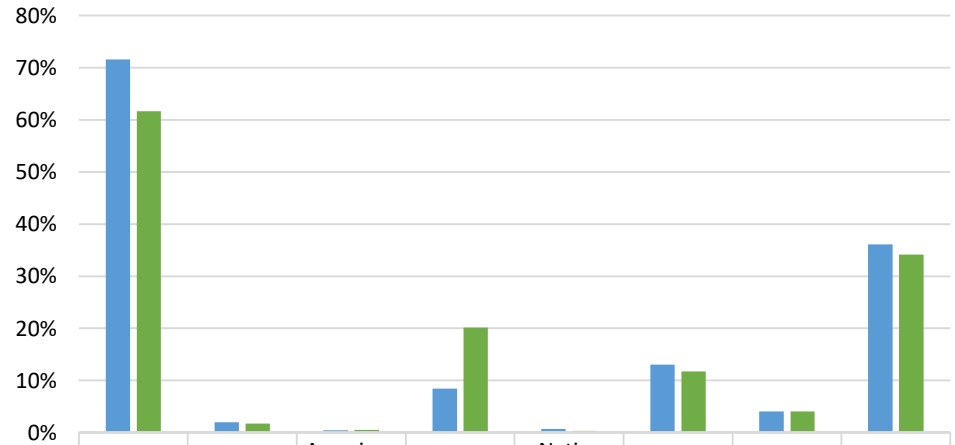
The following table shows racial and ethnic distribution in Costa Mesa.

Table 3: Racial and Ethnic Composition, 2018

Jurisdiction	White	Black	American Indian and Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Some Other Race	Two or More Races	Persons of Hispanic or Latino Origin (of any race)
Newport Beach	85.3%	0.8%	0.3%	8.3%	0.2%	2.1%	3.1%	9%
Costa Mesa	**71.6**	**1.9%**	**0.4%**	**8.4%**	**0.7%**	**13%**	**4%**	**36.1%**
Irvine	47.6%	1.9%	0.2%	42.3%	0.2%	2.8%	5.2%	10.3%
Santa Ana	44.2%	1.1%	0.6%	11.8%	0.2%	40.1%	1.9%	76.8%
Huntington Beach	72.4%	1.4%	0.6%	12.1%	0.4%	7.7%	5.4%	20.0%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%

Source: American Community Survey, 5-Year Estimates, 2018.

The following chart represents the ethnic and racial composition of the City in comparison to Orange County.



	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races	Hispanic or Latino
Costa Mesa	71.6%	1.9%	0.4%	8.4%	0.7%	13.0%	4.0%	36.1%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%

2. **Economics Characteristics** – This data includes wages, employment, industry sectors, unemployment rates and median salaries by occupation. The following is a snapshot of the employment data of Costa Mesa and adjacent cities and shows a steady increase in employment in the county and in local cities.

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
Costa Mesa	**84,600**	**89,600**	**92,700**	**93,200**	**5.9%**	**4.0%**	**8,600**
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000
Source: *SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.*							

The following table shows employment growth in the City and adjacent cities.

Table 5: Employment Growth Trends, 2012-2040							
Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
Costa Mesa	**84,600**	**89,600**	**92,700**	**93,200**	**5.9%**	**4.0%**	**8,600**
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000
Source: *SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.*							

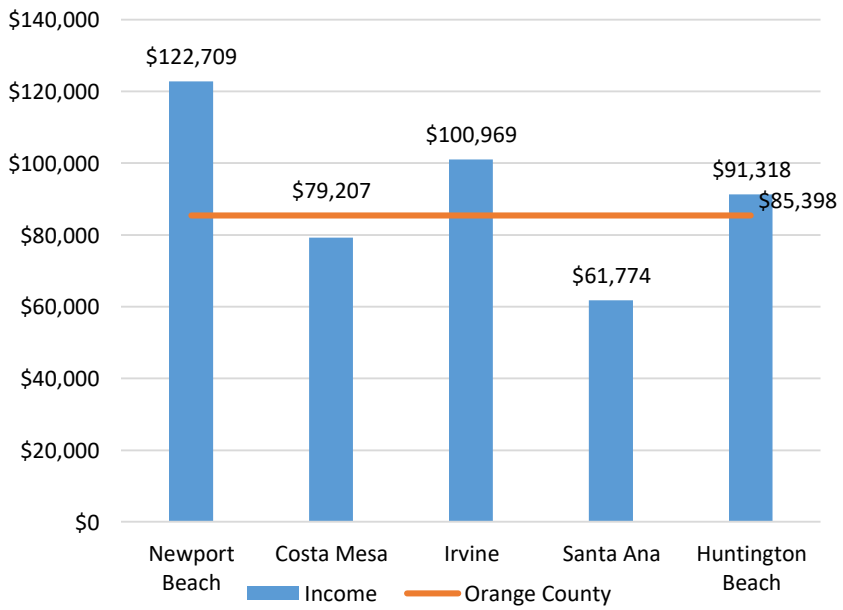
3. **Households Characteristics** – This data includes household types and size, and median incomes. In Costa Mesa, the total number of households is 41,019. The following is a snapshot of household data, which shows that 10.7% of the population in Costa Mesa is over 65, which is similar to Irvine and Santa Ana but lower than other adjacent coastal cities.

Persons 65 and over		
Jurisdiction	Population Count	Percent
Newport Beach	19,574	22.7%
Costa Mesa	**12,138**	**10.7%**
Irvine	26,228	9.9%
Santa Ana	28,621	8.6%
Huntington Beach	34,002	16.9%
Orange County	440,488	13.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

The following table shows that in Costa Mesa 42.8% of households are married-couple households in comparison with the County that has 54.7% married-couple households. 40.2% are non-family households, with 10.2% being female-headed households.

Jurisdiction	Married-couple Family Households	% of Total Households	Female Household, No Spouse Present	% of Total Households	Non-Family Household	% of Total Households	Total Households
Newport Beach	18,965	50.1%	1,870	4.9%	16,088	42.5%	37,870
Costa Mesa	**17,568**	**42.8%**	**4,191**	**10.2%**	**16,509**	**40.2%**	**41,019**
Irvine	51,682	54.2%	8,418	8.8%	31,636	33.2%	95,371
Santa Ana	41,543	54.3%	13,754	18.0%	14,337	18.7%	76,521
Huntington Beach	37,588	48.9%	8,263	10.8%	26,961	35.1%	76,821
Orange County	564,685	54.7%	121,753	11.8%	290,652	28.2%	1,032,373
Source: American Community Survey, 5-Year Estimates, 2018.							

The following graphic shows that the median household income in Costa Mesa is $79,207 slightly lower than the county average.



4. **Housing Issues** - The Community Profile also analyzes data on housing issues such as overcrowding, over-payment/cost burden, large households, single-parent households, homeless individuals, special needs groups and seniors. The following is a snapshot of the housing data regarding large households, which shows that large households constitute approximately 10% of total households. Of those large households, 62.8% are renter households and 37.2% are owner households.

Large Households by Tenure in Costa Mesa						
Household Size	**Owner**		**Renter**		**Total**	
	Count	**Percent**	**Count**	**Percent**	**Count**	**Percent**
5-Person Household	944	62.1%	1,441	56%	2,385	58.3%
6-person household	278	18.3%	728	28.3%	1,006	24.6%
7-or-more person Households	298	19.6%	402	15.6%	700	17.1%
Total	**1,520**	**37.2%**	**2,571**	**62.8%**	4,091	100%
Source: American Community Survey, 5-Year Estimates, 2018						

The following is a snapshot of the housing data regarding overcrowding, which shows that 9% of Costa Mesa's housing units are considered "overcrowded", similar to the County overall.

Table 17: Overcrowded Housing Units		
Jurisdiction	**Total Overcrowded Units**	**Percent of Total Housing Units**
Newport Beach	570	1.5%
Costa Mesa	3,686	9%
Irvine	5,879	6.2%
Santa Ana	23,845	31.2%
Huntington Beach	2,848	3.7%
Orange County	91,513	8.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

The following is a snapshot of the housing data regarding rental rates, which shows that as of January 2020, average monthly rent for a one bedroom rental unit is $2,159, $2,649 for a two bedroom unit, and $3,160 for a three bedroom unit.

Table 32: Average Monthly Rental Rates, 2017-2020					
Unit Type	**January 2017**	**January 2018**	**January 2019**	**January 2020**	**% Change 2017-2020**
1 Bedroom	$2,055	$2,077	$2,091	$2,159	5.1%
2 bedrooms	$2,553	$2,582	$2,579	$2,649	3.8%
3 Bedrooms	$3,027	$3,044	$3,097	$3,160	4.4%
Price per Square Foot					
Unit Type	**January 2017**	**January 2018**	**January 2019**	**January 2020**	**% Change 2017-2020**
1 Bedroom	$2.48	$2.57	$2.97	$2.83	14.1%
2 bedrooms	$2.20	$2.25	$2.32	$2.36	7.3%
3+ Bedrooms	$1.95	$2.15	$2.25	$2.30	17.9%
Source: Zillow Rent Index Report, January 2017-2020, accessed August 17, 2020.					

The Community Profile in its entirety will be included in the draft Housing Element.

Housing Programs and Policies

In addition to the Community Profile, the Housing Element must include an analysis of opportunities and constraints (both governmental and non-governmental) and must also articulate housing goals, policies and objectives that support and promote housing. Previous Housing Element goals and policies focused on: 1) preserving the existing housing stock including mobile home parks; 2) promoting use of programs such as density bonus to promote affordable housing development; 3) encouraging development or maintenance of a range of housing types that varies sufficiently in terms of cost, design, size, location, and tenure; and 4) ensuring existing and future housing opportunities are open and available to all social and economic segments of the community.

Given that the 6th Cyle RHNA allocation includes 11,760 units, the policies and programs of this Housing Element Update will need to be more detailed and assertive to ensure compliance with State requirements and to support future compatible housing opportunities over the next 8 years.

Site Inventory Analysis

In addition to programs and policies that encourage housing at all income levels, the Housing Element is required to identify specific sites where housing could be located. The Housing Element team will undertake a comprehensive review of all land uses and potential housing sites referred as a “Site Inventory”. The site analysis process will consider the fair and equitable distribution of housing throughout the City and at all income levels.

While the sites analysis is not complete, it is clear that because the City has very few areas which permit residential development at or above 30 du/ac (the default density identified by State HCD as the density at which the market may create affordable housing), the City likely does not have the existing capacity to meet its RHNA allocation in affordable categories without re-visioning and revising zoning in certain areas. In fact, the City's base zoning districts do not allow more than 20 du/acre, with higher densities allowed in certain areas by specific plan, overlay/urban plan or other means.

Given the high RHNA allocation of 11,760 units, a combination of strategies will need to be considered such as: modifying the zoning in appropriate locations to allow a minimum density of 30 du/acre to meet the default density requirements set by State HCD; revisiting the City's Urban Plans and Specific Plans to allow higher densities at strategic locations such as on Commercial and Industrial sites; and planning for housing development in appropriate underutilized areas such as surface parking lots. ADUs and Junior ADUs could contribute additional units in lower density areas of the city; however, this strategy will likely accommodate only a small portion of the RHNA allocation.

In discussions with Subject Matter Expert groups and during the District-Specific outreach meetings, the following areas were identified as potential areas for housing:

1. Fairview Developmental Center – This site is currently zoned to allow 582 units. Additional units could be accommodated at the large 100-acre site; however, given that the site is owned and operated by the State Department of General Services, the City will need to continue to coordinate with the State as to the future vision and opportunities for housing at the site.
2. Industrial sites – There are three major industrial hubs within the City:
    a. the area north of the I-405, some of which is covered by the North Costa Mesa Specific Plan;
    b. the industrial area near Baker Block; and
    c. the industrial area near John Wayne Airport.

    Since these areas include larger parcels, such parcels may be appropriate for larger scale housing development; however, for industrial areas near John Wayne Airport, the airport noise contours may limit opportunities. Properties in the industrial area near Baker Block could also be considered. The City will need to evaluate long-term fiscal and employment considerations as part of its land use policy discussions for housing in these industrial areas.
3. Newport Boulevard Specific Plan area – The Specific Plan that includes properties fronting Old Newport Boulevard from Mesa Drive to 19th Street was adopted in 1996. The Specific Plan allows for residential development at a maximum density of 17 du/acre. Additional housing opportunities could be possible in this area.
4. Surplus School and Church properties – School sites are largely overseen by the school district and the State; however, the City could evaluate potential surplus land. Large church sites with Public/Institutional zoning could also be considered in the analysis.
5. Mixed Use Zoning along Major Commercial Corridors such as Harbor Boulevard, 19th Street, and 17th Street – There is currently a mixed use overlay along Harbor

Boulevard that extends from 19th Street to north of Victoria Street that could be modified to allow more options for mixed use and residential development. Suggestions were also made to consider walk up apartments either along 17th Street as mixed use development or in close proximity to take advantage of the pedestrian connections on 17th Street. Both horizontal and vertical mixed use opportunities could be considered.

6. Rezone of Commercial Centers with high vacancy – The City could evaluate commercial centers with high vacancy rates to allow an option for mixed use development.
7. Accessory Dwelling Units – The City's local ordinance includes development standards that allow for and encourage ADU and Junior ADU development. These units could be counted toward the City's RHNA allocation and provide additional housing opportunities in neighborhoods with existing low density housing.
8. Focus on Reuse of Commercial and Industrial Sites instead of Redevelopment of Existing Housing Sites - In order to maintain the City's current housing stock, policies related to rehabilitation of existing housing and a focus on non-residential sites such as commercial and industrial areas for additional housing may be desired.

City staff and our consultant team are evaluating the above listed areas as part of the Sites Analysis effort and will return to the City Council at a future meeting to discuss the opportunities and constraints analysis, sites analysis, and the draft policy and implementation program.

Measure Y

As the Housing Element team evaluates areas throughout the City for its ability to support compatible housing projects in Costa Mesa, it appears that Measure Y may present a major challenge in developing a compliant Housing Element. While the state-required Housing Element update itself is exempt from Measure Y, the language of Measure Y is unclear as to how it might apply to any planning or zoning efforts necessary to meet the State-mandated RHNA allocation. Should the City fail to achieve Housing Element certification or fall out of compliance due to an inability to plan or zone for housing needs, the City would be subject to sanctions such as ineligibility for state grants and the loss of transportation funding. This is important as the City receives approximately $5 million per year in funding from the state which currently funds the City's streets, curb and gutter repair, active transportation and other critical infrastructure projects.

In addition to difficulties in maintaining a compliant Housing Element, Measure Y appears to present an impediment to property owners deciding to develop housing in Costa Mesa because of the uncertainty that arises from the need for a ballot measure requiring voter approval. Such potential impediments make it difficult for the City to maintain a compliant Housing Element (given a RHNA allocation of this magnitude), and/or to show sufficient progress toward meeting the City's RHNA allocation each year as required by state law. Staff has already seen a number of interested property owners and developers choose

to invest in other communities rather than risk the time, cost and uncertainty of processing a request through Measure Y.

Maintaining a compliant Housing Element in the context of Measure Y is an important issue warranting continued conversations with the Costa Mesa community, housing advocates, property owners and City staff and officials. Ultimately, we must come to consensus on how to move forward with a successful housing strategy that allows us to achieve our common housing goals.

PLANNING COMMISSION STUDY SESSION

The Planning Commission held a study session on March 1, 2021. There were six public speakers who provided comments regarding several topics including: 1) the importance of an inclusionary housing ordinance with a minimum affordability requirement; 2) amending the Urban Plan and Residential Incentive Overlays to require a minimum affordability requirement; 3) upzoning Fairview Developmental Center to allow a mix of uses, densities and housing types; 4) including provisions for permanent supportive housing; 5) allowing higher densities to attract market rate housing developers that could lead to development of affordable housing; and 6) recognizing Measure Y as a potential impediment, consequences of non-compliance, and that SB 35 that could lead to housing development without California Environmental Quality Act (CEQA) compliance.

The Planning Commission discussed the City's challenges in meeting its high RHNA allocation and provided comments including but not limited to the following:

1. Importance of recognizing that non-compliance with RHNA/State laws will have consequences such as losing local control and streamlining of projects without local input
2. State requirement of AB 1397 related to site area of ½ acre minimum and 10 acre maximum for housing development will affect the City's sites analysis
3. Consideration of allowing for housing on large parking lots of commercial properties
4. Consideration of clustering development in appropriate locations while maintaining open space and the potential for a transfer of development rights policy
5. Consideration of policies that lead to a variety of housing types and designs that are compatible with the Costa Mesa fabric and meet the needs of various populations in terms of household type, age, and income groups
6. Consideration of City-owned properties for housing development
7. Consideration of housing policies that provide a pathway to homeownership

The Planning Commission Study Session can be viewed at the following link:
https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true

NEXT STEPS:

The next few months are critical to the Housing Element Update process and to meeting the State mandated timeline for adoption. In the next few months, the Housing Element Update team will:

- Continue with targeted community outreach efforts
- Complete the Opportunities and Constraints analysis and the comprehensive Sites Analysis
- Hold a joint Planning Commission/City Council Study Session in April to discuss the housing strategy for meeting the City's RHNA allocation, potential programs and policies, and the Housing Element Implementation Program

Based on collected data, public input, and feedback from the Planning Commission and City Council, staff will complete a draft Housing Element for public review, referred to as the "Public Review Draft." The Public Review Draft will be released for a 30-day public comment period. After, the revised draft will be submitted to HCD for review. Following any revisions, a final-draft Housing Element will be released to the public, along with the required CEQA compliance analysis. Public hearings with the Planning Commission and City Council are anticipated in late summer through fall 2021. Ultimately, an adopted Housing Element is required to be submitted to HCD by October 15, 2021.

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MINOO ASHABI
Principal Planner

_____

JENNIFER LE
Director of Economic and Development Services

ATTACHMENTS:

1. Social Media Data
2. Community Survey Summary- English language
3. Community Survey Summary- Spanish language
4. Community Survey Comments Summary

C.8 City Council/Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the April 27, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: https://www.costamesaca.gov/home/showpublisheddocument/47682/637551264967530000

Minutes: https://www.costamesaca.gov/home/showpublisheddocument/48002/637571885573630000

Video Recording: https://costamesa.granicus.com/player/clip/3710?view_id=10&redirect=true

AGENDA

CITY OF COSTA MESA
CITY COUNCIL AND PLANNING COMMISSION
SPECIAL JOINT STUDY SESSION
Tuesday, April 27, 2021, 5:00 p.m.
VIRTUAL LOCATIONS, COSTA MESA, CALIFORNIA

JOHN STEPHENS - MAYOR
ANDREA MARR - MAYOR PRO TEM
MANUEL CHAVEZ – COUNCIL MEMBER
LOREN GAMEROS - COUNCIL MEMBER
JEFF HARLAN - COUNCIL MEMBER
DON HARPER - COUNCIL MEMBER
ARLIS REYNOLDS – COUNCIL MEMBER
BYRON DE ARAKAL – PLANNING COMMISSION CHAIR
KEDARIOUS COLBERT – PLANNING COMMISSION VICE CHAIR
ADAM ERETH – PLANNING COMMISSIONER
DIANNE RUSSELL – PLANNING COMMISSIONER
RUSSELL TOLER – PLANNING COMMISSIONER
JENNA TOURJE – PLANNING COMMISSIONER
JON ZICH – PLANNING COMMISSIONER

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Council Members to attend City Council meetings remotely. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.
If you would like to participate in this meeting, you can participate via the following options:

1. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at youtube.com/costamesatv (Note the chat feature on YouTube is disabled).
2. Zoom Webinar:
   Please click the link below to join the webinar:
   https://zoom.us/j/98137963334?pwd=RnBkRThrdGhVaCtnZmtWbEU4eWtWZz09
   Or sign into Zoom.com and "Join a Meeting"
   Enter Webinar ID: 981 3796 3334/Password: 440975
   - If Zoom is not already installed on your computer, click "Download & Run Zoom" on the launch page and press "Run" when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
   - Select "Join Audio via Computer."
   - The virtual conference room will open. If you receive a message reading, "Please wait for the host to start this meeting," simply remain in the room until the meetin g begins.
   - During the Public Comment Period, use the "raise hand" function located in the participants' window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

   Participate via telephone: Call: 1 669 900 6833

Enter Webinar ID: 981 3796 3334/Password: 440975
During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item, may submit your comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 1:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to the City Clerk at cityclerk@costamesaca.gov **NO LATER THAN 12:00 Noon** on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website at www.costamesaca.gov or by clicking here.

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

CITY OF COSTA MESA CITY COUNCIL AND PLANNING COMMISSION SPECIAL JOINT STUDY SESSION

TUESDAY, APRIL 27, 2021 – 5:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE – Mayor Stephens

ROLL CALL

SPECIAL STUDY SESSION ITEM:
Public comments will be heard after staff presentation. Public comments are limited to 2 minutes, or as otherwise directed.

1. **2021-2029 HOUSING ELEMENT** **–** Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council and Planning Commission:

Provide feedback and receive and file.

ADJOURNMENT

CITY COUNCIL/ PLANNING COMMISSION- JOINT STUDY SESSION AGENDA REPORT

MEETING DATE: APRIL 27, 2021 **ITEM NUMBER: 1**

SUBJECT: **2021-2029 HOUSING ELEMENT – COMMUNITY PROFILE, OPPORTUNITIES AND CONSTRAINTS, AND SITE SELECTION PROCESS**

DATE: **APRIL 23, 2021**

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

PRESENTATION BY: **MINOO ASHABI, PRINCIPAL PLANNER**

FOR FURTHER INFORMATION CONTACT: **MINOO ASHABI, PRINCIPAL PLANNER**
MINOO.ASHABI@COSTAMESACA.GOV

RECOMMENDATION:

Provide feedback and receive and file.

PURPOSE:

This joint study session is intended to update and receive feedback from the Planning Commission and City Council on the Housing Element Update. The report is organized into three sections: 1) the Community Profile; 2) opportunities and constraints for housing; and 3) potential housing opportunities to meet the City's Regional Housing Needs Assessment (RHNA) allocation.

BACKGROUND:

With the Housing Element update, the City must identify potential land suitable for housing development to meet the City's RHNA allocation. In addition, the Housing Element will provide goals, objectives, policies, and implementation programs demonstrating how Costa Mesa intends to meet its housing needs for all income levels and address recent housing legislation adopted in response to the state's housing shortage.

Per State law, a City-Council approved Housing Element is required to be submitted to the HCD by October 2021. Costa Mesa's RHNA allocation for the 2021-2029 Housing Element planning period is 11,760 dwelling units.

RHNA Allocation

The basis of the Housing Element Update is compliance with RHNA. The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category based on SCAG's March 3, 2021 decision:

Table 1 – Final RHNA Allocation

Income Category	% of Area Median Income (AMI)	Affordable Monthly Rent	Income Range Min. – Max.		RHNA Allocation
Very Low Income	0-50% AMI	$961 - $1,281	--	$64,050	2,919 units
Low Income	51-80% AMI	$2,561	$64,051	$102,450	1,794 units
Moderate Income	81-120% AMI	$3,090	$102,451	$123,600	2,088 units
Above Moderate Income	%120% AMI	>$3,090	$123,601	--	4,959 units
				Total	**11,760 units**

The affordability rates are based on the area median income for a 4-person household in Orange County which was $103,000 in 2020.

Previous Study Sessions

A Planning Commission Study Session was held on March 1, 2021 and a City Council Study Session was held on March 23, 2021. The staff reports and meeting videos for these study sessions are available at the following links:

March 23, 2021 City Council Study Session Staff Report:
http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1.pdf
Meeting Video:
https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true

March 1, 2021 Planning Commission Study Session Staff Report:
http://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2021/2021-03-01/SR-1.pdf
Meeting Video:
https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true

At these study sessions, staff presented information regarding the RHNA process, new State housing regulations, consequences of non-compliance, Costa Mesa's demographics and preliminary Community Profile data, summary of community outreach efforts and feedback, and an introduction to the housing plan and the sites analysis process. The previous Study Sessions held with the Planning Commission and City Council focused primarily on the legal requirements and process cities must follow pursuant to State law to update the City's Housing Element for the 2021-2029 8-year cycle. The focus of this report is on the Opportunity and Constraints analysis and the

Housing Opportunity Sites process – two major components of the Housing Element Update for the City of Costa Mesa that will be provided to the State's Department of Housing and Community Development (HCD).

HOUSING ELEMENT UPDATE:

The Housing Element contains the following major components:

1. Community Profile
2. Opportunities and Constraints Analysis
3. Goals, policies and objectives
4. Implementation Program
5. Appendices:
    - Summary of Community Outreach
    - Review of Past Performance
    - Sites Analysis

The following sections discuss the components of the Housing Element Update.

Community Profile

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. At the March 23rd City Council study session, preliminary Community Profile data was presented. The draft Community Profile section of the Housing Element has been completed and is included as Attachment 1.

The Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Such data is useful in understanding the community's changing demographics and serves as the foundation for the Housing Element's policies by describing and assessing the factors and characteristics that contribute to the supply and demand for housing in Costa Mesa.

In summary, the Community Profile indicates that:

- Costa Mesa's population is showing aging trends; therefore, housing policies should consider the needs of seniors who typically have a fixed income, need accessibility accommodations, and may seek options for senior communities or assisted living. Multigenerational and large family housing options should also be considered.

- The majority of housing units in Costa Mesa were built over 30 years ago – households in older homes may benefit from assistance programs for renovating their homes to ensuring safe living environments and improve the City's housing stock.

- Costa Mesa experienced the lowest growth in new housing units in the past decade in comparison to neighboring cities. The Opportunities and Constraints analysis

evaluates the factors that may play a role in slow housing development. Housing policies that seek to lessen constraints should be considered.

- By household income, Table 2 shows that approximately 48% of Costa Mesa households fall into lower income categories. Based on market rental and ownership rates, most lower income households are not able to afford to buy or rent most housing in Costa Mesa. Over the long-term, the lack of access can lead to overcrowding, overpayment, and migration of Costa Mesa residents to other communities that are more affordable. This data indicates that production of and access to affordable housing and homeownership facilitation should be considered in the City's housing policies.

Table 2 – Households by Income Category, 2020		
Income Category (% of Orange County's AMI)	**No. of Households**	**Percent**
Extremely Low (30% AMI or less)	6,610	16.3%
Very Low (31 to 50% AMI)	5,220	12.9%
Low (51 to 80% AMI)	7,325	18.1%
Moderate or Above (over 80% AMI)	21,405	52.8%
Total	40,555	100%
Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017		

A short video explaining the highlights of the profile is available on the website at this link:

https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update

Housing Opportunities and Constraints

As part of the Opportunities and Constraints Analysis, the City must identify potential constraints to housing development such as:

1) Government regulation including zoning and development standards as well as local initiatives like Measure Y;
2) Protected land or unsuitable land (e.g. land with protected habitat, land within the airport vicinity, land with environmental conditions of concern, and land otherwise physically unsuitable for residential development; and,
3) Land value and housing construction costs.

The discussion is divided into non-governmental constraints and governmental constraints, though the feasibility and likelihood of housing development are affected by a combination and synergies between both.

In addition, resources and opportunities for promoting housing are identified. These opportunities include potential programs to encourage affordable housing (e.g., density

bonus laws, an inclusionary housing ordinance, and CDBG, HOME grant funds, and other funding sources which may be used to fund local housing programs). In addition, potential areas or "opportunity sites" for housing development are identified based on land suitability and feasibility of housing development within the 8-year Housing Element cycle.

Non-Governmental Constraints - Land and Construction Cost

Nongovernmental constraints such as availability and cost of land, housing demand, financing, construction and labor cost largely affect the cost of housing and can produce barriers to housing production and affordability. These constraints can make it challenging for developers to build housing, and especially affordable housing. Although Housing Element policies and programs cannot directly affect these market factors, it aims to mitigate these external factors through the creation of land use policies that encourage housing development and make housing available at affordable rates.

Governmental Constraints – Local Regulations and Process

In addition to market conditions and constraints, local factors affect the cost, price and feasibility of housing development and affordable housing. Regulations related to environmental review, zoning, development standards, building codes, and similar regulations could have significant impacts on housing cost and availability. While the City has no control over State and Federal Laws, local laws including land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other factors can constrain the development and improvement of housing stock and can be addressed by local programs.

Local Land Use Constraints

The Housing Element evaluates the effects of current land use regulations such as overlay zones, height and density restrictions, parking standards, Floor Area Ratios and trip budgets on housing development. Although regulations and development standards are a part of the development environment in every community and are important to maintaining a well-planned compatible community plan, such regulations may become a constraint when the cumulative regulatory environment places an undue burden and thus has the unintended consequence of discouraging development.

The discussion with major landowners and developers as part of the Outreach Program indicated the following major factors in development decisions:

a. Certainty in the entitlement process in the form of by-right development with clear codified development standards and requirements encourages investment;
b. Any requirement to place certain development projects on the local ballot for a vote (e.g. Measure Y) discourages investment;
c. A comprehensive and readily accessible list of City-wide development fees is desired;
d. Streamlined processing is preferred;

e. The need to allow for higher residential densities, depending on product types and in appropriate locations (for example, 100 du/acre north of 405 Freeway may be appropriate while 20 to 40 du/acre may be appropriate on the Westside); and,
f. Flexible parking standards to match parking demand especially for larger residential complexes is desirable;

Measure Y

Measure Y requires voter approval of development projects that meet certain thresholds. In general, projects that require a General Plan Amendment, Specific Plan Amendment or Zone Change and add 40 units or more, or 10,000 square feet of new building area, or meet other specified criteria would be subject to voter approval under Measure Y. In effect, Measure Y locks in land use plans and regulations as of 2016 and limits the City's ability to modify those plans to respond to a changing market or changed conditions without triggering a vote of the City's electorate.

Of the 34 cities in Orange County, there are only a few cities that require certain housing development projects be subject to voter approval. While it may appear that this was the precise intent of Measure Y, it is also possible that the actual effects of Measure Y on future development may be more impactful than originally intended. Experience has shown such ballot measures often stall most housing development in host cities.

Given that the allowable density in the City's base residential zoning districts is a maximum of 20 dwelling units per acre (du/acre) (with some higher densities allowed in overlays, urban plans and specific plans) and given that the State's default density assumption for when the market can begin to produce affordable housing is 30 du/acre, it is clear that modifications to the City's General Plan, zoning, and specific plans will be necessary in order to plan for additional housing to meet the City's RHNA allocation and particularly affordable housing.

On May 26, 2020, following the closure of most retail and restaurant establishments and a struggling hospitality industry due to the COVID-19 pandemic and other economic factors including the rise of online shopping and commercial vacancies along major corridors, the City Council voted to explore the formation of a Citizens Advisory Committee with the goal of seeking opportunities to further economic development through potential amendments to Measure Y and to return to the City Council with a recommendation. In addition, at the last Study Session on March 23, 2021, the City Council requested the City Attorney's Office prepare a memo indicating the implications of Measure Y and its applicability to affordable housing projects. These items are addressed in the Next Steps section of this report.

Infrastructure Constraints and Safety Evaluation

Potential opportunity sites are being evaluated at a high level in regards to infrastructure constraints, particularly with regard to local hazards such as flood zones, airport safety, unstable slopes, emergency services and infrastructure constraints such as sufficient water and sewer supply/capacity and storm drain systems. Future community planning and visioning efforts will consider emergency services, infrastructure, and community needs at a more focused level as post-Housing Element site-specific planning occurs.

Opportunities

Inclusionary Housing Ordinance

For the 2014 to 2021 Housing Element planning period (5th cycle RHNA), nearly 1,200 housing units have been permitted or constructed, with only 39 falling into affordable categories. One approach to address existing constraints to affordable housing is the adoption of an Inclusionary Housing Ordinance. Presently staff is working with a consultant on a financial evaluation of an Inclusionary Housing program, which will balance the need to provide affordable housing with the need to maintain responsiveness to housing market conditions such that inclusionary requirements do not inadvertently disincentivize new housing. The financial evaluation will include recommended policies for both for sale and rental housing projects. The evaluation of a potential Inclusionary Housing program for the City is underway and can be included in the City's Housing Element policy program.

Density Bonus Laws

Density Bonus Law has been used for more than 40 years to allow higher densities over base allowable densities in exchange for providing affordable housing. Density Bonus is a State law intended to encourage developers to incorporate affordable units within a residential project in exchange for density bonuses and relief from other base development standards. Effective as of January 1, 2021, Assembly Bill 2345 amends the Density Bonus Law to expand and enhance development incentives for projects with affordable and senior housing components. AB 2345 is modeled after the City of San Diego's Affordable Homes Bonus Program.

Prior to 2021, the Density Bonus Law permitted a maximum density bonus of thirty-five percent for a housing development in which (a) at least eleven percent (11%) of the total units are for very low income households, (b) at least twenty percent (20%) of the total units are for low income households, or (c) at least forty percent (40%) of the total for-sale units are for moderate income households.

AB 2345 amends the Density Bonus Law to increase the maximum density bonus from thirty-five percent to fifty percent. To be eligible for the maximum bonus, a project must set aside at least fifteen percent (15%) of total units for very low income households, twenty-four percent (24%) of total units for low income households, or forty-four percent (44%) of for-sale units for

moderate income households. Levels of bonus density between thirty-five percent (35%) and fifty percent (50%) are granted on a sliding scale.

In addition, the Density Bonus Law provides that, if requested by a developer, the City must use the state-mandated parking ratios (inclusive of accessible parking and guest parking) for qualifying projects. AB 2345 amends these parking ratios to decrease requirements for two and three bedroom units, as shown in the table below.

Table 3 - Maximum Required Parking Per AB 2345	
Rooms	Number Required
Studio/one Bedroom	1 Space
2 and 3 Bedrooms	2 spaces → 1.5 space
4 Bedrooms	2.5 spaces

Since there have not been any density bonus applications in recent years, the City could include policies to promote and incentivize density bonus projects as a tool for affordable housing development.

Streamlined Application Processing/ Review of Development Standards

The City should evaluate its planning application review process and determine what refinements could be made to streamline applications without jeopardizing consideration of contextual impacts of a project. For example, three-story projects are only allowed in urban plan overlays or through a master plan approval. However, if specific development standards and design guidelines could be codified to address any potential interface issues for small and medium size projects, the City could streamline the project and save processing time and reduce costs for smaller local developers. In addition, the City should evaluate its development standards to ensure they remain appropriate for today's market and development context. For example, residential parking requirements have not been studied or modified in many years and should be "right-sized" for current housing types and housing goals.

Housing Programs

Following dissolution of the Redevelopment Agency in 2012 and the wind down of redevelopment assets by the Successor Agency (i.e. Housing Authority), the City's resources for housing programs were reduced to an administration function for limited state and federal grant dollars only (like CDBG and HOME dollars). The City currently administers a HUD-funded Single Family Residential housing rehabilitation grant and loan program (assists approximately 20 homeowners per year) and a CalHOME loan program to assist homeowners to address building safety and property maintenance issues (maximum of two loans at a time, depending on funding). The City Council has in recent years indicated renewed interest in housing programs and could include a policy to evaluate and potentially allocate additional resources toward new housing programs.

Co-living/Efficiency Units

The zoning code does not explicitly allow for co-living housing types. Co-living refers to a housing type whereby individual living spaces with small footprints and limited personal amenities are provided, coupled with highly amenitized common kitchen and community facilities that are shared. Staff has received inquiries regarding allowing for such housing types in rehabilitated commercial spaces, catering to both a younger demographic as well as a senior demographic. Allowing for such uses could provide an opportunity for a new creative housing type that is likely to be more affordable due to the small footprint of the individual living areas. In addition, evaluating the effectiveness of existing policies intended to encourage motel conversions into efficiency units could be included as a housing policy.

Accessory Dwelling Units (ADU's)

The City recently updated its ADU Ordinance to comply with State law, establishing standards that encourage construction of compatible ADUs within existing neighborhoods. ADU's can range from an attached 150-square-foot efficiency unit to a detached 1,200 square foot ADU (depending on configuration). ADU's provide an opportunity to increase housing stock, and smaller ADU's will likely fall within affordable categories thereby increasing affordable housing opportunities.

ADU's are a part of the City's overall housing strategy to meet its RHNA allocation, as shown in the opportunity sites section of this report. Between 2018 and 2020 when the City adopted its first ordinance specific to ADU's, the City permitted and finaled 29 ADU's (the majority of which were completed in 2020). However, based on the City's new ADU ordinance which allows for an ADU on single family and multifamily properties in compliance with State law), staff is projecting an increase in ADU construction compared to past trends and we anticipate the trend will continue over the next few years as residents become more familiar with ADU's. As such, staff projects over 850 new ADU units over the planning period (with nearly 600 projected to fall within low and very-low income categories). In addition, the City could include as part of its Housing Element a program for education, outreach and informational materials, as well as the potential to offer pre-approved/permit ready ADU plans.

Evaluation of Existing Overlays, Specific Plans, and Urban Plans

Many of the City's urban plans and overlays were developed in 2006 to incentivize housing development but have not been substantially amended since. Since 2006, 604 units have been developed in Urban Plan areas and 200 units have been built in overlay areas over the last 15 years. Re-evaluation of these plans as to their effectiveness and appropriateness given changed market conditions, updated housing goals, while also addressing concerns regarding family dislocation is warranted. Updating the City's existing plans (while identifying new potential areas for compatible housing development) is a fundamental part of the City's overall housing strategy to meet its RHNA allocation, as discussed in the Opportunity Sites section of this report.

Site Inventory/ Opportunity Sites

The following section discusses the required Housing Element components that need to be addressed within the site suitability analysis and for the selection of opportunity sites:

1) Site analysis guidelines
    a. Realistic redevelopment potential in the 8-year planning period
    b. No net loss regulations
    c. Guidance regarding selecting housing opportunity sites between ½-acre and 10 acres in size (AB 1397 guidance)
    d. Fair housing and housing options

2. Sites recommended per the City's outreach process and community feedback
    a. Community Outreach (sites recommended based on public workshops/survey)
    b. Subarea Walkthrough and site strategies (District Meetings)
    c. Subject Matter Expert meetings and major landowners
    d. Accessory Dwelling Units (assumptions based on SCAG's study vs. a more aggressive approach)

3. Site density assumptions based on City's affordability assumptions (City's potential inclusionary housing ordinance and diverse housing types/density examples)

Community Feedback Related to Site Selection

At a fundamental level, community feedback provided through the community survey and outreach meetings provided the basis for focus areas and site selection. Initially, a community survey was made available on the website from December to February with questions relative to housing needs and potential sites. The City received 465 survey responses in English and 18 in Spanish. The responses helped to determine approximate locations for new housing and the desired housing types from the community's standpoint. The results of the surveys were included with the March 23, 2021 Study Session Report and available at these links:
http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1-Attach-2.pdf
http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1-Attach-3.pdf

At the district specific meetings, staff and the consultant used neighborhood district maps and community discussions to focus on candidate housing sites within each Council district; and, finally, the Subject Matter Expert meetings with the home builders, advocacy groups and homeless services providers offered more specific direction in terms of programs and policies that could assist the City in meeting its housing goals.

The following comments were received from the public through the surveys and the outreach meetings:

- Under housing options, older shopping centers, City owned properties, and housing along major streets were the top three options
- ADUs were identified as an important housing option
- Participants of the District Meetings and other outreach meetings emphasized the following criteria for site selection:
    - Consider impacts of traffic
    - Consider locations of existing neighborhoods
    - Consider proximity to open space
    - Consider industrial areas (for example, along Logan Ave/Airport Area/Westside Costa Mesa) and along major corridors (for example, Bristol Street/Harbor Avenue/Newport Boulevard)
    - Complementary mixed-use or live-work on smaller commercial corridors like 19th Street and 17th Street
    - Potential for housing north of the 405 Freeway
    - Potential for housing at Fairview Development Center
    - Diversity between renter and ownership opportunities
    - Evaluate existing overlays, urban plans, specific plans for community goals/effectiveness and to avoid overconcentration of dense housing only on the Westside
    - Need to address the missing middle housing and plan for "gentle density"
    - Walkability of neighborhoods to other land uses

While these discussions have provided a framework for site selection, additional discussions with property owners will be necessary to ensure potential sites are feasible. Recently, the Housing Element team has connected with a group of local church leaders led by Trellis who are interested in the option to develop housing at church sites; therefore, staff will be contacting them and evaluating this possibility further as well.

Site Analysis Guidelines

State law requires the City to identify adequate sites to accommodate its fair share allocation for the 6th Cycle Housing Element. Staff has identified a variety of candidate sites through extensive analysis considering site size, viability of the current land use, vacancy rates, and property owner interest. City Council and Planning Commission feedback as well as public input provided through study sessions, townhalls, subject matter meetings and in discussions with major landowners were also considered.

The City is required to ensure that housing capacity is maintained on sites with the potential to accommodate affordable units (as identified in the adopted Housing Element) throughout the 8-year planning period. If those sites are instead developed for market rate housing or non-residential land uses, the City may eventually trigger the "No Net Loss" provision of State law and will need to identify additional sites to accommodate the unmet need. As such, although densities are not established by the Housing Element

Update (rather the Housing Element estimates densities for purposes of establishing whether the City has demonstrated sufficient potential sites and capacity for housing), it is important that density assumptions are conservative and in the "ballpark".

Density and Site Selection

The site selection process goes hand in hand with the identification of potential densities. While a higher density project may be appropriate north of the 405-Freeway (where high quality apartment communities like 580 Anton, Halcyon, Enclave and the Lakes are already developed at densities up to 125 du/acre), a lower or mid-range density is more appropriate on the Westside or on 17th Street because of the smaller sites, existing fabric of the neighborhood and the circulation pattern. In general, larger sites can accommodate more density because the interface with the adjacent community can be better designed with smart site planning, deeper setbacks, and multiple access points. The site selection strategies analyze the potential for housing in various neighborhoods and appropriate compatible densities to address housing growth. Once general housing opportunity locations are identified, planning for appropriate densities and context-sensitive design become the next steps to ensure projects are designed to complement and enhance neighborhoods.

Potential Housing Opportunity Areas and Strategies

The following includes a high-level description of opportunity areas and the density and affordability assumptions being considered to meet RHNA requirements. The background information on each of these potential strategies is included as Attachment 2 and a preliminary map is provided as Attachment 3. Staff is evaluating the feasibility of parcels shown, therefore this map may change over time and prior to the final Housing Element. Staff is reaching out to the owner of each property identified in the Housing Element with an explanation and an opportunity for discussion before the Housing Element is finalized.

Potential Housing Opportunity Areas		
Site/Strategy	**Current**	**Site Area Identified**
Fairview Developmental Center	**Size:** 102 acres **Density:** Up to 40 du/ac **Potential Units:** 535	**Density Proposed:** 60 du/ac **Potential Units:** 1,500 – 2,500
ADUs	ADUs are allowed on single family and multifamily properties.	**Potential Units:** 858 units
North Costa Mesa Specific Plan	**Size:** 37 acres **Density:** 30-100 du/ac **Potential Units:** 535	Approximately 20 parcels **Density Proposed:** 80-90 du/ac **Potential Units:** 11,750 – 12,500
Newport Blvd Specific Plan	**Size:** 68 acres **Density:** 20 du/ac **Potential Units:** 159	Approximately 20 parcels **Density Proposed:** 50 du/ac **Potential Units:** 925

SoBECA Plan	**Size:** 32 acres **Density:** 40 du/ac **Potential Units:** 450	Approximately 18 parcels **Density Proposed:** 60 du/ac **Potential Units:** 771
Residential Incentive Overlay	**Size:** 12 acres **Density:** 30 du/ac **Potential Units:** 360	24 parcels identified **Density Proposed:** 50 du/ac **Potential Units:** 1,101
Harbor Blvd. Mixed Use Overlay	**Size:** 24.5 acres **Density:** 40 du/ac **Potential Units:** 491	Approximately 25 parcels **Density Proposed:** 50 du/ac **Potential Units:** 1,376
Mesa West Residential Ownership Overlay	**Size:** 129 acres **Density:** 20 du/ac **Potential Units:** 282 remaining	Propose to remove.
19 West Urban Plan	**Size:** 129 acres **Density:** 20 du/ac **Potential Units:** 282 remaining	Approximately 15 parcels **Density Proposed:** 50 du/ac **Potential Units:** 771
Mesa West Bluffs Urban Plan	**Size:** 277 acres **Density:** 20 du/ac **Potential Units:** 562 remaining	Approximately 43 parcels **Density Proposed:** 40 du/ac **Potential Units:** 2,090
17th Street East	Residential not currently permitted.	Approximately 9 parcels **Density Proposed:** 60 du/ac **Potential Units:** 263
Airport Area	Residential not currently permitted.	Approximately 8 parcels **Density Proposed:** 80 du/ac **Potential Units:** 844
Church Properties	Residential not currently anticipated.	Approximately 5 parcels **Density Proposed:** 10 - 30 du/ac **Potential Units:** 129 (all assumed to be affordable at low/very low level)

Staff is seeking feedback as to the City Council's interest in pursuing the housing opportunity areas listed above.

Fair Housing and Housing Options

AB 686 creates new requirements for all state and local agencies to ensure that their laws, programs and activities affirmatively further fair housing, and that they take no action inconsistent with this obligation. Beginning January 1, 2019, all housing elements must now include a program that promotes and affirmatively furthers fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (FEHA), Government Code Section 65008, and any other state and federal fair housing and planning law.

The diversity of household types would need to be addressed with accommodating a variety of housing types such as for sale and rental housing, multi-generational housing, transitional housing and housing in proximity to transit. In consideration of future housing needs, the City will need to select a combination of housing opportunity sites capable of supporting a variety of housing types. While a large multi-acre site may be suitable for a higher density apartment complex with on-site amenities (typically developed by large housing developers), smaller lots could be zoned for walk up apartments and condominium units that could be developed at smaller scale by the local housing developers.

Future Community Planning and Visioning Efforts

The main intent of the Housing Element is to address RHNA by showing *potential capacity* for housing and identification of a high level housing strategy using goals, policies and programs, to be implemented over the 8-year planning cycle. Implementation of the Housing Element's goals, policies and housing programs will require future General Plan Amendments and rezoning actions which will be accompanied by ongoing in-depth community outreach and visioning exercises. Community visioning is critical to neighborhood planning and necessary to envision how housing opportunity areas identified in a Housing Element will translate into well-designed, high quality, compatible housing projects that fit into the context of their surroundings. Staff have already secured $500,000 in LEAP grant funds to pursue these efforts and will launch those programs following Housing Element adoption as the next step in a larger community conversation surrounding housing in Costa Mesa.

Next Steps

Following this joint study session, staff will complete the opportunities and constraints analysis and sites analysis, and will prepare the draft goals, policies and housing programs section of the Housing Element based on Council and Planning Commission feedback. Staff will provide the complete preliminary draft Housing Element to the City Council and may schedule a third study session in May if needed.

Concurrently, staff will move ahead with exploring the creation of a Citizen Advisory Committee to discuss Measure Y. The City Attorney's Office is also preparing a memo regarding Measure Y, which will be forwarded to the City Council as requested. In addition, staff will re-engage the State along with the Council Ad Hoc Committee regarding the future of the Fairview Development Center.

Following Council feedback, the preliminary draft will be revised and prepared as the "Public Review Draft." The Public Review Draft will be released for a 30-day public comment period and submitted to State HCD for a 60-day review period. Following any revisions based on feedback, a final-draft Housing Element will be released to the public, along with the required CEQA compliance analysis. Public hearings with the Planning Commission and City Council are anticipated in late summer through fall 2021. Ultimately, an adopted Housing Element is required to be submitted to HCD by October 15, 2021.

CONCLUSION:

Identification of opportunities and constraints and housing opportunity sites are critical steps in the Housing Element Update. Staff is seeking input on the proposed opportunity sites and recommended densities to finalize this step. Staff is also seeking initial feedback regarding the Council's high-level housing goals, in light of the Community Profile, as well as constraints inherent with Measure Y as discussed in this report.

MINOO ASHABI
Principal Planner

JENNIFER LE
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ATTACHMENTS:

1. Community Profile (Final Draft)
2. Housing Opportunity Areas Summary
3. Map of Potential Housing Opportunity Areas

April 27, 2021 City Council Joint Study Session

Attachment 2 – Housing Opportunity Areas Summary

1) Accessory Dwelling Units

Current Plan Summary	Proposed Revisions/Notes
• The City does not currently have an anticipated annual ADU development. Since 2018, 29 ADUs have been permitted and constructed.	• The City anticipates that approximately 858 ADUs will be developed within the 8-year planning period based on the recently adopted ADU ordinance and recent changes to State law which promote the development of ADUs. The City will also explore programs as part of the Housing to promote ADU development.

2) Fairview Developmental Center

Current Plan Summary	Proposed Revisions/Notes
• Owned by the State of California Costa Mesa has included Fairview Developmental Center in previous Housing	• Actively pursue an agreement with the State of California for the development of housing at the site • Due to the ownership nature, the City assumes that it may be possible to develop more than 17.5% of the units at the very low/low income levels

3) North Costa Mesa Specific Plan

Current Plan Summary	Proposed Revisions/ Notes
• Adopted in 1994, amended frequently through 2016 • Existing Specific Plan consisting of a range of permitted land uses, including single family through high density residential uses • Densities range from 8 – 35 du/ac, though up to 100 du/ac is	• Amend the plan boundary to include additional parcels west of Harbor Blvd • Propose to amend some land use designations to allow up to 100 du/ac (The Housing Element assumes between 80 and 90 du/ac for planning purposes)

permitted in the South Coast Metro Center (Area 6)	

4) Newport Boulevard Specific Plan

Current Plan Summary	Proposed Revisions/Notes
• Intended to spur residential development in place of commercial uses along Newport Blvd. as new roadways moved traffic from Newport Boulevard to other areas within the City	• Expand the boundary beyond 19th to include additional parcels • Propose to increase density up to 50 du/ac directly adjacent to Newport Boulevard

5) Residential Incentive Overlay

Current Plan Summary	Proposed Revisions/Notes
• Intended to create new housing opportunities for residential development at strategic locations along Harbor and Newport Boulevard • Overlay that adds additional entitlement capabilities to the base zoning	• Expand area to potentially include some of the land previously in the Residential Ownership Overlay • Propose to increase density up to 50 du/ac

6) Harbor Blvd. Mixed-Use Overlay

Current Plan Summary	Proposed Revisions/Notes
• Applies to select areas along Harbor Boulevard between Wilson Street and 19th Street • Intent is to introduce a diverse mix of uses with the objective of creating a more integrated, walkable, and complementary balance of uses	• Propose residential development be allowed in a mixed-use context up to 50 du/ac with horizontal mixed-use along the Harbor corridor encouraged • Propose to extend the northern boundary up to the 405 freeway

7) 19 West Urban Plan

Current Plan Summary	Proposed Revisions/Notes
• Adopted April 2006 • Intended to encourage a mix of uses, including commercial and residential, along 19th Street west of Newport Blvd. • Encourage the design and development of urban residential structures • Has not resulted in much residential development in this area to date	• Propose to increase density up to 50 du/ac • Promote horizontal mixed-use along this corridor as well as vertical mixed-use

8) Mesa West Bluffs Urban Plan

Current Plan Summary	Proposed Revisions/Notes
• Adopted April 2006 • Objective to encourage development of live/work units, stimulate improvement in the area, and meet demand for a new housing type • Some residential development has occurred within the area since adoption of the plan	• Propose to expand the area to potentially include some of the land previously in the Residential Ownership Overlay • Propose to increase density to 40 du/ac

9) 17th Street – East

Current Plan Summary	Proposed Revisions/Notes
• This area does not currently permit residential development	• Area currently experiencing a commercial resurgence • City anticipates crafting development standards within this overlay which would promote either a vertical or horizontal mixed-use setting with the intent of supplementing the commercial

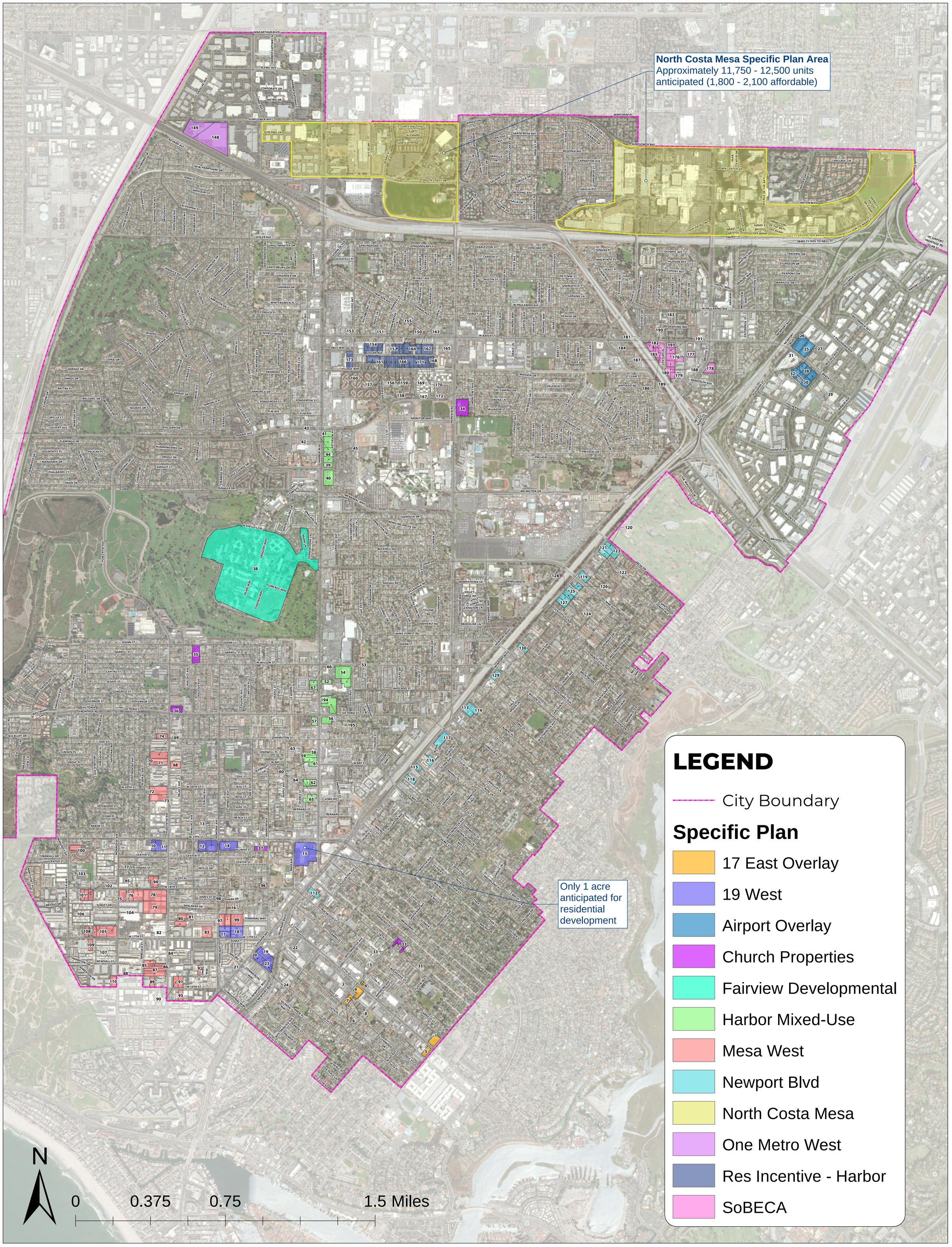
	development through additional users and a more walkable area • Propose the addition of residential uses which may be developed up to 60 du/ac

10) Airport Area

Current Plan Summary	Proposed Revisions/Notes
• This area does not currently permit residential development	• Propose to add residential uses at densities up to 80 du/ac adjacent to Baker Block, outside of the John Wayne Airport noise contour area

Sites Considered but Not Included

- Civic Center Park – City owned open space
- Portions of OC Fairgrounds – State DAA Owned


North Costa Mesa Specific Plan Area
Approximately 11,750 - 12,500 units anticipated (1,800 - 2,100 affordable)
Only 1 acre anticipated for residential development
LEGEND
City Boundary
Specific Plan
17 East Overlay
19 West
Airport Overlay
Church Properties
Fairview Developmental
Harbor Mixed-Use
Mesa West
Newport Blvd
North Costa Mesa
One Metro West
Res Incentive - Harbor
SoBECA
N
0
0.375
0.75
1.5 Miles

C.9 Virtual Townhall Meeting #2

The section contains all townhall materials, handouts, flyers, PowerPoint presentation, as well as all available public comments provided during the meeting. Public comments were received verbally and in written form through the Zoom chat. A video recording of the virtual townhall is available at www.costamesaca.gov/housing-element-update.

Townhall Meeting #2 Summary

The City of Costa Mesa held a virtual public community workshop in Spanish and English for the 2021-2029, 6th Cycle Housing Element Update on Thursday September 2, 2021. The intent of the workshop was to provide information on the Public Review Draft Housing Element and to gather feedback from the public on proposed housing sites and policy programs. The workshop had a total of 69 participants in the English workshop and 7 participants in the Spanish workshop.

The workshop included a PowerPoint presentation providing information on the following topics:

- The Housing Element Update Process
- Summary of the City's RHNA allocation
- Community Engagement Efforts
- Housing Element Strategy
- Overview of Proposed Housing Programs
- Community Conversation
- Breakout Group #1: Candidate Housing Sites Analysis
- Breakout Discussion #2: Housing Goals, Policies, and Programs

Summary of Community Questions and Comments

Following the presentation, the City provided time for open questions from the public regarding the Housing Element. Questions and comments from the attendees included the following:

- This has been a great process so far with the diligence by the city. I'm excited to see more housing opportunities for folks in our community!
- Was the safe harbor formula not used to have a more realistic estimation of ADU's that could be built?
- What programs would make sure that the built ADU's would be units for Lower income families?
- Can you discuss why the city didn't follow HCD guidance and model practice when using inventory sites in a housing element to discount those sites with a probability of being developed during the cycle?
- HCD will treat the proportion of parcels in the previous housing element that were developed during the previous planning period as the presumptive probability of development for current inventory sites.
- In Costa Mesa that is not feasible since the prior cycle the city only had an RHNA of a couple units. Recent state law requires stricter feasibility assessment for each site. City must comply.
- Nothing precludes the city from voluntarily assigning probabilities for a more accurate plan https://www.lewis.ucla.edu/research/what-gets-built-on-sites-that-cities-make-available-for-housing/
- More housing, more neighbors, less housing burdened people makes for a more fun/lively city. Legalize all types of housing.
- Build more bike lanes so people have options other than a car for local trips!
- What is the city's plan to incorporate local control measures SB 9 and SB 10? Is the city going to incorporate these bills in the housing element or address them in the manner that ADU legalization was handled?
- Publish the incentives: developer competition encourages affordability

- The area on 17th street and Newport Blvd. is on the way to the beach. I have a difficult time understanding how that's a valid census.
- OC has vast, world class water recycling programs that turn wastewater into potable water local supplies.

A video of the full presentation and PowerPoint, including public comments, are available on the City's Housing Element Update webpage: http://www.costamesaca.gov/housing-element-update.

Whiteboard Activity

During the workshop the City conducted a community activity to further engage participants.

Candidate Sites

Participants were asked to share their thoughts on opportunities areas in the City as well as Accessory Dwelling Units (ADUS). The majority of participants were familiar with the high cost of housing and felt there is currently enough housing in the City. In each breakout room participants discussed the following topics:

- Short discussion on why the CEQA analysis may differ a bit from the Housing Element and why the list is smaller than previously shown.
- Are there any areas within the City which should be given further consideration?
- Are there resources which the City can provide to make it easier for those who wish to develop Accessory Dwelling Units?
- Are there any questions we did not cover relating to the Candidate Housing Sites Strategy the City has proposed as part of the draft Housing Element?

Comments and Questions on Candidate Sites
Opportunity Sites
Quality of life is what we're looking for – congestion and traffic concerns with sites
5% or 10% for inclusionary housing ordinance
Concerned about wording in the Housing Element
Need an overall visioning process for the City – need a unified urban plan
Questions on affordability categories
Concerned about the language being used in the document – models currently being used is 10% affordability
Pretty significant changes
Quality of life – members of the community should benefit from the programs
Data check affordability – overburdening
Nothing within motel conversion proves to look at what percentages are made
Consider infrastructure first – look at both sides of the coin, all types of housing development
Densities we have now make the community – you can get anything in Costa Mesa
Attach entire census tract near Newport Blvd. and 17th St. census tract
Accessory Dwelling Units (ADUs)
What were the assumptions made?

Housing Plan

Participants were asked to share their thoughts on the Housing Element's goals. In each breakout room participants discussed the following topics:

- Quick overview of the City's overall housing goals.
- Are there any questions on the purpose of the Housing Plan section within the Housing Element?
- Do you believe there are groups who may have special housing needs that are not represented within this plan?
- Are you aware of any funding sources the City can explore further to implement these programs or promote the development of future housing?
- Are there any questions we did not cover relating to the City's proposed Housing Plan?

Comments and Questions on the Housing Plan
Incentives to developers
DDA Census tract areas – find ways to take advantage of tax credits – target housing towards areas with federal funding
More effectively advertise incentives that exist
Water needs
Geographic distribution of identified capacity
Local workforce
How will infrastructure accommodate this proposed capacity?
Small parcels and high cost
Make sure more housing happens – young professions
Housing for all ages and incomes
Look for opportunities to do more
What is the city's plan to incorporate local control measures SB 9 and SB 10? Is there housing element going to address them in the same manner as ADUs?
Coordination with adjacent cities
Inclusionary housing ordinance – consider implementing faster
SRO and congregate living options
Opportunity zones – address traffic and transportation needs
Communicate opportunities – publish the incentives: developer competition encourages affordability
More specifics on constraints of Measure Y
Low-income Housing Tax Credits (LIHTC) and New Market Tax Credits (NMTC) bring our federal tax dollars to our community to benefit low-income community members
Conversion of commercial/retail to housing opportunities
ADU income restrictions – multigenerational housing
How to encourage ADUs to be affordable?
How will monitoring of ADU affordability and production be implemented?
Lot size restrictions for ADUs
Are ADUs allowed in every neighborhood? Do neighbors have anything to say about one on adjacent property?
West side of 19th St. supermarkets – address food deserts
Have conversations with owners taken place?
Development agreements on identified sites
Set aside affordable housing requirements

C.10 City Council/Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the September 13, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: https://costamesa.legistar.com/View.ashx?M=PA&ID=892974&GUID=2EC89CD4-EDE7-461F-8127-922507F6D3D6

Public Comments: https://costamesa.legistar.com/View.ashx?M=E3&ID=892974&GUID=2EC89CD4-EDE7-461F-8127-922507F6D3D6

City of Costa Mesa

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY

Agenda

Monday, September 13, 2021 **5:00 PM** **City Council Chambers**
77 Fair Drive

SPECIAL CITY COUNCIL AND PLANNING COMMISSION JOINT STUDY SESSION

The City Council meetings are presented in a hybrid format, both in-person at City Hall and virtually via Zoom Webinar. The Governor's Executive Orders N-25-20 and N-29-20 suspend certain requirements of the Brown Act, and City Council Members, Commissioners, and staff may choose to participate in person or by video conference.
You may participate via the following options:

1. Attending in person: All attendees are required to wear a face covering at all times while in the Council Chambers or City Hall. Please maximize spacing by utilizing all seating in the Chambers.

2. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at youtube.com/costamesatv.

3. Zoom Webinar:
Please click the link below to join the webinar:
https://zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVIyRVZMallZZz09
Or sign into Zoom.com and “Join a Meeting”
Enter Webinar ID: 983 7639 0419/ Password: 905283
• If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
• Select “Join Audio via Computer.”
• The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
• During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone:
Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283
During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

4. Additionally, members of the public who wish to make a comment on a specific agenda item, may submit a written comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 12:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

5. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to the City Clerk at cityclerk@costamesaca.gov NO LATER THAN 12:00 Noon on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5): Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

SPECIAL CITY COUNCIL AND PLANNING COMMISSION JOINT STUDY SESSION

SEPTEMBER 13, 2021 – 5:00 P.M.

JOHN STEPHENS
Mayor

MANUEL CHAVEZ
Council Member - District 4

ANDREA MARR
Mayor Pro Tem - District 3

JEFFREY HARLAN
Council Member - District 6

LOREN GAMEROS
Council Member - District 2

ARLIS REYNOLDS
Council Member - District 5

DON HARPER
Council Member - District 1

City Attorney
Kimberly Hall Barlow

City Manager
Lori Ann Farrell Harrison

BYRON DE ARAKAL
Chair

JON ZICH
Vice Chair

DIANNE RUSSELL
Planning Commissioner

RUSSELL TOLER
Planning Commissioner

ADAM ERETH
Planning Commissioner

TARQUIN PREZIOSI
Assistant City Attorney

JENNIFER LE
Director of Economic and Development Services

CALL TO ORDER

ROLL CALL

NEW BUSINESS:

PUBLIC REVIEW DRAFT 2021-2029 HOUSING ELEMENT

RECOMMENDATION:

Provide feedback on the Public Review Draft Housing Element before its submittal to the State Department of Housing and Community Development (HCD).

Attachments: Draft Housing Element
Revised densities for candidates sites (545 & 575 Anton Blvd.)
Public Comments

ADJOURNMENT

b File #: 21-375 **Meeting Date:** 9/13/2021

TITLE:

PUBLIC REVIEW DRAFT 2021-2029 HOUSING ELEMENT

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTED BY:

JENNIFER LE, DIRECTOR OF ECONOMIC AND DEVELOPMENT SERVICES

CONTACT INFORMATION: MINOO.ASHABI@COSTAMESACA.GOV <mailto:MINOO.ASHABI@COSTAMESACA.GOV>

RECOMMENDATION:

Provide feedback on the Public Review Draft Housing Element before its submittal to the State Department of Housing and Community Development (HCD).

BACKGROUND:

The basis of the 2021-2029 sixth cycle Housing Element Update is compliance with the State's Regional Housing Needs Assessment (RHNA) for the planning and zoning for additional housing units as allocated by the State and the Southern California Association of Governments (SCAG). The following table provides a breakdown of Costa Mesa's final RHNA allocation:

Table 1 - Final RHNA Allocation

Income Categ	% of Area Median Income (AMI)	Affordable Monthly Rent	Income Range Min. - Max.		RHNA Allocation
Very Low Inco	0-50% AMI	$961 - $1,281	--	$64,050	2,919 units
Low Income	51-80% AMI	$2,561	$64,051	$102,450	1,794 units
Moderate Inco	81-120% AMI	$3,090	$102,451	$123,600	2,088 units
Above Modera Income	%120% AMI	>$3,090	$123,601	--	4,959 units
Total					**11,760 units**

During the past year and a half, the City has held several town hall meetings and study sessions

regarding the required Housing Element Update. Study sessions were previously held with the Planning Commission and City Council on March 1, 2021, March 23, 2021, and April 27, 2021. At these study sessions, staff presented information regarding the RHNA process, new State housing regulations, consequences of non-compliance with State Housing Element law, Costa Mesa's demographics and preliminary Community Profile data, a summary of community outreach efforts and feedback, and an introduction to the housing plan and the sites analysis process. The September 13, 2021 study session is the fourth publicly noticed study session regarding the housing element update and process.

The staff reports and meeting videos for previous study sessions are available at the following links:

March 1, 2021 Planning Commission Study Session Staff Report:

http://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2021/2021-03-01/SR-1.pdf

Meeting Video:

<https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true>
March 23, 2021 City Council Study Session Staff Report:
<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1.pdf>
Meeting Video:
<https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true>
April 27, 2021 City Council and Planning Commission Joint Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-04-27/Item-1.pdf>
Meeting Video:
<https://costamesa.granicus.com/player/clip/3710?view_id=10&redirect=true>

ANALYSIS:

At the April 27, 2021 joint Planning Commission/City Council study session, a number of issues were discussed and feedback was received by the public, Planning Commission, and City Council. The purpose of the study session was to provide an opportunity for feedback on the proposed focus areas and corridors for potential housing and the housing opportunity sites and recommended densities within those corridors to finalize the City Council's high-level housing goals. The following is a summary of general comments received during the study session and how they have been addressed in the Public Review Draft Housing Element.

Planning Commission Comments:

1) Consider 4-plex and 6-plex bungalows in single family neighborhoods since they maintain the same height and streetscape.
    - The 4-plex and 6-plex development types can integrate well with established low-density residential neighborhoods. Staff will continue to evaluate how such housing types may be incorporated into the City's planning and zoning codes. However, for Housing Element purposes, the State requires a minimum density of 30 du/acre to demonstrate compliance with RHNA requirements for the provision of housing in affordable categories. The incremental increase in housing in established single family neighborhoods will be addressed through ADU and JADUs and other incremental

changes.

2) Plans for housing should be integrated with more open space and consideration of the existing network of neighborhoods.
    - Open space and other development standards will be evaluated with the comprehensive zoning code and general plan updates following adoption of the Housing Element.
3) Encouraged removal of the Mesa West Residential Ownership urban plan.
    - The Draft Housing Element includes a program for the potential removal of this urban plan following Housing Element adoption.
4) Add residential units on the 17th Street corridor as mixed-use development and around the airport area as alternative housing sites.
    - The Draft Housing Element includes programs for further study of these corridors for potential housing opportunities. Even though specific sites in these areas are not identified as housing opportunity sites, the City could consider these locations as potential housing areas in the future.
5) The City should be proactive in its conversation with faith-based organizations for use of their properties for affordable housing.
    - Programs to continue the conversation with the faith-based community are included in the Draft Housing Element. Please refer to Program 3J.
6) Infrastructure studies (water, sewer, etc) should be considered in planning for additional housing units.
    - As part of the Housing Element Update, the City will prepare an environmental study that will include high-level studies related to infrastructure and public services at a program level. Additional more detailed studies would be undertaken as part of the zoning and General Plan Updates that would be necessary to implement the Housing Element programs.
7) Discussed a citizen advisory committee related to Measure Y.
    - Staff will be undertaking a larger community conversation about the necessity of a compliant Housing Element and the Measure Y process, which include formation of an advisory group. The City anticipates the General Plan and zoning changes necessary to implement the Housing Element will be subject to Measure Y.
8) Consideration should be given to environmental justice goals and affirmative fair housing related to air quality and quality of life with placement of housing along major freeways, near airports, etc.
    - Environmental justice and fair housing goals are incorporated into the fabric of the Housing Element and staff agrees these goals must be a part of future General Plan and zoning actions related to Housing Element implementation. The Draft Housing Element identifies housing opportunity sites along the 405 Freeway such as the Home Ranch and Sakioka sites. These sites are very large and would allow for site planning of mixed-use projects including housing and office use that would allow for site planning solutions including sufficient setbacks for residential units. No housing opportunity sites have been identified along the airport industrial area though staff have included a Housing Element Program to further study this potential.
9) With the potential for housing along Newport Boulevard, Harbor Boulevard and the 17th Street corridors, visioning for these areas and form based codes should be considered to provide flexibility in development while maintaining the streetscape and human scale of development.
    - Through public outreach and comments received from the City Council and Planning

Commission, staff recognizes that there is strong support in the community for developing a specific vision for each of the corridors as identified in the Draft Housing Element for future growth. Visioning exercises and the potential for form-based codes will be evaluated during the general plan and zoning changes that follow the Housing Element.

City Council Comments:

1) Is 850 ADUs in relation to the number of residential lots a realistic assumption?
    - The ADU assumptions are realistic based on the number of applications received in the first 6 months of 2021. The City has also experienced an uptick in the number of ADU proposals in multi-family sites that could lead to even more ADUs than anticipated.
2) The City should consider tracking ADU affordability and data on units occupied by family members.
    - Although there is not City specific data for ADU affordability rates, the Draft Housing Element uses the safe harbor assumptions resulting from SCAG a specific study of the Orange County area. The City could request information on anticipated rental prices or family member occupancy figures at the time of application. The Draft Housing Element recognizes that ADU programs will need to be monitored for effectiveness and includes this in Program 3L of the Housing Plan.
3) Understanding the reasons for Costa Mesa having the lowest number of housing development in the neighboring cities.
    - The City has experienced a decline in larger development applications in the past several years. Based on general feedback from the development community, this is could be due to the uncertainty introduced by Measure Y. However, smaller developments that are below the 40 dwelling unit threshold have been processed since 2016 including a 38-unit development on Newport Boulevard. The Draft Housing Element refers to Measure Y as a potential constraint for housing development and that a vote of the people will be required to fully implement the adopted housing element as drafted. Please refer to Chapter 4, Housing Plan, Program 3G.
4) Importance of communication with the public on data gathered and how the data is being incorporated.
    - The Draft Housing Element includes a comprehensive summary of all public meetings, town halls, surveys and individual submittals. Please refer to Appendix C of the Draft Housing Element.
5) Emphasize the importance of Community Profile and how it is used to formulate the housing plan such as the aging population and their housing needs.
    - The Community Profile includes detailed data on the population, housing and income levels. Based on this data, the housing programs and policies included in the Housing Element Update recognize the needs of seniors, large households and the affordability needs for various households. Although the Housing Element includes the opportunity sites and the programs to address housing needs, some of the incentive to develop these sites are market driven and may need to be adjusted at project level such as the mix of bedrooms in a development or universal design features, etc. Please refer to Section 4, Housing Plan Program 2D and 2E.
6) Integrate senior housing with the rest of the community to promote healthy aging.
    - The Draft Housing Element recognizes that specific features of co-housing and multi-

generational housing needs to be further studied and included in development standards and guidelines in the general plan and zoning code update. Please refer to Chapter 4, Housing Plan, Program 3E.

7) Consider public gathering spaces as much as open space in planning of housing developments.
    - The visioning exercises for specific corridors will include public open spaces and streetscapes studies appropriate for each neighborhood. This effort will be addressed with the General Plan and zoning code amendments following the Housing Element's adoption.
8) Keep studying the airport area as a potential housing opportunity area for younger professionals.
    - As directed by City Council, this area will be evaluated for potential housing opportunities. Coordination with the Airport Land Use Commission will be required. Please see Chapter 4, Housing Plan, Program 3H.
9) Housing units should include a variety of household types such as singles, single parent households and larger families.
    - The Draft Housing Element includes a comprehensive Community Profile that breaks down household types and their housing needs such as non-family households, which have increased in the past decade to more than 40 percent. Please refer to Chapter 4, Housing Plan, Program 3F.
10) Consider hotel/ motel conversion options and using available state funding for such.
    - The City will evaluate the potential benefits of motel conversion, co-living and efficiency housing options. Please refer to Chapter 4, Housing Plan, Program 3F.
11) Consider pre-approved ADU plans to incentivize ADU development.
    - The Draft Housing Element includes a program to promote development of ADUs such as permit ready plans, waiver or reduction of permit fees, expedited plan checks and exploring other funding options. Please refer to Chapter 4, Housing Plan, Program 3E.
12) Discuss housing development options with smaller developers and adjust programs and fees to accommodate large and small size developments.
    - This would require fee studies and additional analysis to formulate an objective basis for varying housing development types. Local developers have been involved in the outreach process and have stated timing and streamlining of project review as an opportunity to improve the development environment.

Public Review Draft Housing Element

Following the April 27, 2021 study session, staff and the City's expert housing consultants prepared the Public Review Draft Housing Element, incorporating feedback from the prior public town halls and study sessions. The Public Review Draft was posted online at the City's website on August 17, 2021 and hardcopies were available at City Hall, the Donald Dungan Library and the Mesa Verde Library. Approximately 40,000 flyers were mailed to Costa Mesa residents City-wide and the release was widely publicized via social media, community platforms and through local contacts with community organizations. Comments on the public review draft are being accepted through September 15, 2021.

As of the writing of this report, the City has received seven written comments via email and six online submissions. Public comments are provided as an attachment to this report and generally pertain to:

- the inclusion of the Chargers / The Hive site as a housing opportunity site;

- the inclusion of local hire requirements for development;
- new housing being visually attractive, and include greenbelts, sound walls, be located near jobs, transit stops and high-resource neighborhoods;
- increase densities to make housing projects more financially feasible and encourage mixed income higher density communities, as well as other housing options like co-housing and motel conversions;
- consider whether the Casa Bella Apartments should be listed as an “at risk” affordable housing development (i.e. an affordable housing project “at risk” of converting to market rate units); and
- consider how assisted living and group living are counted toward the City’s housing need.

September 2, 2021 Town Hall Meeting

Staff held a town hall meeting on September 2, 2021 to discuss and receive feedback regarding the Public Review Draft. The meetings were virtual and provided in English and Spanish. More than 60 individuals participated in the English language breakout room and six in the Spanish language break out room.

Topics discussed at the town hall meeting included:

- the need for an inclusionary housing ordinance and requiring affordable housing in conjunction with added densities;
- consideration of potential quality of life impacts that may result from higher densities
- use of consistent data related to housing cost burden;
- options and incentives for development of Single Room Occupancies (SROs);
- number of ADUs assumed in the Draft Housing Element;
- consideration of reduced parking and setbacks to incentivize development;
- graphics that show comparison of existing and proposed densities on the identified housing opportunity corridors;
- use of federal monies to encourage higher density development as appropriate;
- affordable housing units assumed for the State-owned Fairview Developmental Center;
- assumptions regarding affordable housing on sites with Development Agreements; and
- consideration of the impacts of added housing units to sewer, water, traffic, other infrastructure and public services including police and fire services.

Housing Element Guiding Principles

Based on input from the community, local officials and business community, and with consideration of the State’s requirements, the City established four guiding principles that were referenced throughout the Housing Element Update process, which shaped the sites analysis process and development of the housing goals, programs, and policies. The guiding principles are rooted in community engagement and local knowledge as follows:

- The City will plan for responsible growth that is fitting for each of the unique areas within the City with the understanding that the different characteristics, even within districts, result in different housing needs and appropriate housing types.
- The City will engage the Costa Mesa community at multiple times throughout the Housing Element update to incorporate local knowledge and input into the planning process.

- The City will create a plan, which meets the local needs of the community as well as the requirements of the State Department of Housing and Community Development (HCD).
- The City will develop actionable policies and programs that address identified constraints within the community profile analysis.

Based on community feedback, the Housing Element identifies housing opportunity sites within "focus areas" and along major corridors in the City that are most suitable for potential future housing growth. These areas include:

- Area north of the 405 Freeway
- SoBECA
- Harbor Boulevard corridor
- Placentia Avenue corridor
- West 19th Street corridor
- Mesa West Bluffs area/ southern portion of Newport Boulevard

Within these corridors and areas, housing opportunity sites were identified for purposes of establishing compliance with RHNA, based on certain criteria.

Housing Element Organization

The Draft Housing Element represents the City's policy program for the 2021-2029 6th Planning Period. The Draft Housing Element is comprised of the following Chapters:

- Chapter 1: The Introduction contains a summary of the content, organization and statutory considerations of the Housing Element;
- Chapter 2: Community Profile contains an analysis of the City's population, household and employment base, and the characteristics of the housing stock;
- Chapter 3: Housing Constraints, Resources, and Fair Housing examines governmental and non-governmental constraints on production, maintenance, and affordability of housing and provides a summary of housing resources, including sites identification and funding and financial considerations; and
- Chapter 4: Policy Plan addresses Costa Mesa's identified housing needs, including housing goals, policies, and programs.

- Appendices provide supplementary background resources including:
  - Appendix A - Review of Past Performance of 5th Cycle Programs
  - Appendix B - Summary of Adequate Sites Analysis
  - Appendix C - Summary of Outreach
  - Appendix D - Glossary of Housing Terms

Chapter 1 - Introduction

The Introduction covers the basics of Housing Element requirements and the related State requirements; includes a reference to all required sections of the Housing Element; and refers to the guiding principles that directed all chapters and the related data sources.

Chapter 2 - Community Profile

The Community Profile provides an analysis of the Costa Mesa population and housing stock for policy considerations within this Housing Element. The Costa Mesa community's housing needs are directly correlated to the demographic composition of the population and the conditions of existing housing within the City. The data analyzed in this Community Profile sets the baseline for the Housing Element goals, policies, and programs, which are uniquely adapted to fit the needs of Costa Mesa. The following tables include a few excerpts of the data and highlights specific characteristics of the Costa Mesa population, household types and income levels.

Table 2-4: Racial and Ethnic Composition, 2010-2018

Race/Ethnicity	2010	2015	2018	Percent Change 2010 to 2015	Percent Change 2015 to 2018
White	72.3%	66.7%	71.6%	-5.6%	4.9%
Black	1.2%	1.6%	1.9%	0.4%	0.3%
American Indian and Alaska Native	0.4%	0.3%	0.4%	-0.1%	0.1%
Asian	9%	9%	8.4%	0%	-0.6%
Native Hawaiian or Other Pacific Islander	0.6%	0.5%	0.7%	-0.1%	0.2%
Some Other Race	14.1%	18.2%	13%	4.1%	-5.2%
Two or More Races	2.4%	3.6%	4%	1.2%	0.4%
Hispanic or Latino	34.2%	35.7%	36.1%	1.5%	0.4%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.

Table 2-10: Changes in Household Types, 2010-2018

Household Types	2010	Percent	2015	Percent	2018	Percent
Married-couple Family Households	17,127	42.7%	17,039	41.7%	17,568	42.8%
Female Household, No Spouse Present	4,196	10.5%	4,746	11.6%	4,191	10.2%
Male Household, No Spouse Present	2,564	6.4%	2,371	5.8%	2,751	6.7%
Nonfamily Household	16,217	40.4%	16,752	41%	16,509	40.2%
Total Households	40,104	100%	40,908	100%	41,019	100%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, 2018.

Table 2-12: Households by Income Category, 2020		
Income Category (% of Orange County's AMFI)	No. of Households	Percent
Extremely Low (30% AMFI or less)	6,610	16.3%
Very Low (31 to 50% AMFI)	5,220	12.9%
Low (51 to 80% AMFI)	7,325	18.1%
Moderate or Above (over 80% AMFI)	21,405	52.8%
Total	40,555	100%
Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017.		

For the full analysis of the population, income, household characteristics and housing needs, please refer to Chapter 2 of the Draft Housing Element.

Based on the data presented in Chapter 2, the City will need to consider the following findings in development of the housing programs and policies:

- The Costa Mesa population is showing aging trends - housing goals should consider the needs of seniors who may have less flexible income, need accessibility accommodations, or may seek assisted living options.
- Over a quarter of the Costa Mesa population identifies as Hispanic or Latino - housing needs should account for possible cultural needs such as larger or multigenerational housing units. Additionally, housing information should be made available in Spanish to assist in the location of appropriate housing within the community.
- Approximately 47 percent of the Costa Mesa population earn a lower income, indicating that production of and access to affordable housing (i.e. housing affordable to Costa Mesa households who earn 80% of the Orange County Area Median or AMI) and homeownership facilitation should be considered.
- Costa Mesa housing units experienced the lowest growth in the past decade in comparison to neighboring cities - the following section analyzes potential constraints, which may be playing a role in the slowing of residential development in Costa Mesa. If identified, housing goals should be considered which look to mitigate or eliminate those constraints.
- The majority of housing units in Costa Mesa were built over 30 years ago - households in older homes may benefit from assistance in renovating their homes and ensuring safe living environments with access to all utilities.

Chapter 3 - Housing Constraints, Resources and Fair Housing

This section focuses on the variety of factors that could affect the number, type, and affordability of housing and the rate of housing development in a community including governmental housing constraints. Governmental constraints in Costa Mesa may include land use controls, residential development standards, development and permitting fees, and permitting processes, amongst other constraints. Nongovernmental constraints may include the cost of land, construction costs, including materials and labor, availability of financing, and the local economic conditions. These factors could incentivize or create barriers for the maintenance and addition of housing in Costa Mesa, and predominantly affordable housing. This section also identifies Measure Y as a potential constraint to implementation of a compliant Housing Element and the development of housing projects in Costa Mesa. The measure requires significant capital investment while introducing uncertainty for

investments due to uncertain election results regardless of the merits of any particular project.

Chapter 4 - Housing Plan

The Housing Plan describes the specific goals, policies, and programs to assist City decision makers to achieve the long-term housing objectives set forth in the Costa Mesa Housing Element. This Plan identifies goals, policies, and programs aimed at providing additional housing opportunities, removing governmental constraints to affordable housing, improving the condition of existing housing, and providing equal housing opportunities for all residents. These goals, policies, and programs are drafted to further a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices while preserving the special character of Costa Mesa.

The following housing goals have been included in the Draft Housing Element Update:

- Housing Goal #1: Preservation, conservation, and enhancement of existing housing stock and residential neighborhoods within Costa Mesa.
- Housing Goal #2: Providing a range of housing choices for all social and economic segments of the community, including housing for persons with special needs.
- Housing Goal #3: Identification of adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels.
- Housing Goal #4: Existing and future housing opportunities open and available to all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

Each one of the housing goals are implemented through housing programs which are actions the City commits to taking to implement its housing plan within specific timeframes over the 8-year Housing Element planning period. Highlights of the housing programs include:

- Program 2A - Inclusionary Housing Ordinance
- Program 2D - Senior Housing Options
- Program 2E - Housing Options for Large Family Households
- Program 3B - Fairview Development Center
- Program 3C - Update the North Costa Mesa Specific Plan
- Program 3D - Update the City's Urban Plans and Overlays
- Program 3E - Promote the Development of Accessory Dwelling Units
- Program 3F - Motel Conversions/Efficiency Units and Co-Living Housing Types
- Program 3G - Measure Y
- Other programs related to evaluating the potential for future housing opportunities along the 17th Street corridor, Airport Industrial Area, and church-owned sites.

Appendix A - Review of Past Performances

This section is an evaluation of the 5th cycle's Policy Program and considers all current and existing programs and projects, as well as the most current effectiveness and appropriateness for the 2021-

2029 6th Cycle.

Appendix B - Site Analysis

The Housing Element is required to identify potential candidate housing sites by income category to meet the City's RHNA Allocation. The sites identified within the Draft Housing Element represent the City of Costa Mesa's ability to plan for housing at the designated income levels within the 6th housing cycle planning period (2021-2029). As described in this appendix, the development capacity for each site depends largely on its location within the City, a specific plan or urban plan area as well as known development factors. Where possible, property owners were consulted to help the City better understand potential future housing growth on candidate housing sites within the City.

The analysis within this appendix shows that the City has the capacity to meet 2021-2029 RHNA allocation through a variety of methods, including:

- Identification of development capacity on sites which either currently permit or would be rezoned to permit development of residential uses at or above 30 dwelling units per acre
- Identification of City owned properties suitable for the development of housing
- Future development of accessory dwelling units (ADUs)

Appendix C - Community Outreach

As part of the 6th Cycle Housing Element Update process, the City of Costa Mesa has conducted extensive public outreach activities beginning in fall 2020. These outreach efforts included virtual town hall Meetings, District Specific Workshops, Stakeholder Meetings, City Council and Planning Commission Study Sessions, Online Community Survey, digital media and engagement, and noticed Public Hearings. Project materials, including recordings from town hall and public meetings, notices, and draft public review documents are available on the City's website: www.costamesaca.gov/housing-element-update <http://www.costamesaca.gov/housing-element-update>.

Next Steps and Timeline

The study session is the final opportunity for City Council and Planning Commission feedback and revisions to the Public Review Draft Housing Element before staff submits the document to State HCD for review. The State has 60 days to provide comments on the Housing Element.

After staff receives the State's comments, the Housing Element will be modified to respond and then scheduled for a formal public hearing with the Planning Commission for a recommendation, and City Council afterward for final approval. These hearings are anticipated to occur in December 2021/January 2022. An approved Housing Element must be submitted to the State by February 11, 2022 (which is within 120 days of the statutory deadline of October 15, 2021).

ALTERNATIVES:

No Housing Element decisions are being made at the Study Session; therefore, alternatives are not necessary.

FISCAL REVIEW:

There are no fiscal impacts associated with the study session.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and approves it as to form.

CITY COUNCIL GOALS AND PRIORITIES:

Diversify, stabilize and increase housing to reflect community needs.

CONCLUSION:

Staff is seeking additional Planning Commission, City Council and public feedback prior to submission of the Draft Housing Element to the State Department of housing and Community Development for its review and concurrence.

September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 1 to Staff Report

The Draft Housing Element is available on the City's Website. Due to the size of the draft Housing Element, click on the link below to view the document.

1. Cover
2. Introduction
3. Profile
4. Housing Constraints, Resources, and Affirmatively Furthering Fair Housing
5. Housing Plan
6. Appendix A - Review of Past Performance
7. Appendix B - Candidate Sites Analysis Overview
8. Appendix C - Summary of Community Engagement
9. Appendix D - Glossary of Housing Terms

September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 2

During the Public Review period, a discrepancy in the anticipated density for candidate sites 206 and 207 was noticed. Prior to sending the Housing Element to HCD for review, the document will be revised to indicate a development yield on these sites at 90 dwelling units per acre, consistent with the other sites within the North Costa Mesa Specific Plan. Future development on these and all sites within the Housing Element will be subject to the applicable development standards within that area. 90 du/ac is an appropriate planning assumption for the Housing Element document.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Total Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	90				66	13	6	13	34	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.
410-501-36	207	575 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesza	1.82	90				164	32	16	32	64	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.

September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 3 to Staff Report

A total of 13 written public comments have been received to date which include comments directly emailed to City Staff as well as submittal of the online survey form. The main topics included in the public comments are:

- The inclusion of the Chargers / The Hive site as a housing opportunity site
- The inclusion of local hire requirements
- New housing being visually attractive, and include greenbelts, sound walls, be located near jobs, transit stops and high-resource neighborhoods
- Increase densities to make housing projects more financially feasible and encourage mixed income higher density communities, as well as other housing options like co-housing and motel conversions.
- Consider whether Casa Bella Apartments should be listed as an at Risk affordable developments
- Consider how assisted living and group living are counted toward the City's housing need

Refer to the attached public comments.

Invesco Real Estate

620 Newport Center Drive
Suite 350
Newport Beach, CA 92660
Telephone (949) 222-6380
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August 30, 2021

Mayor John Stephens
77 Fair Drive
Costa Mesa, CA 92626

Re: The Hive

Dear Mayor Stephens,

Thank you for taking the time last week to discuss Invesco's ownership and future growth plans for The Hive and The Press properties. As we discussed, Invesco ($85.8B in Assets Under Management as of June 30, 2021) has made a substantial investment in The Press and The Hive and view these investments as long term in nature. We are very pleased with having Anduril Industries locating their headquarters at The Press. Anduril anticipates over 2,000 employees at this location which is a very strong economic driver for the City of Costa Mesa and surrounding communities.

With respect to The Hive, we acquired this asset with the understanding that the Charger's tenancy would be temporary in nature. The Charger's practice field is not adequate in size to effectively run their practices. We understand that the Chargers are actively seeking alternative locations that are more suitable for their operations. While the Chargers have certain termination rights, there is the possibility that they may seek to leave earlier than anticipated. For this reason, we need to prepare to plan for that occurrence and plan for a multi-family project on the field site. We have had success in other such mixed-use properties throughout the country and would seek to replicate this at The Hive.

As we discussed, we are prepared to advance a Specific Plan on the site concurrent with the City's General Plan update. For us to justify investing the funds in this process, it is important we communicate to our investors that the field site has been included in the city's upcoming Housing Element Update. From a planning perspective we believe the site is ideal. In addition to being located directly adjacent to Anduril, the site in walking distance to a host of current and future employers in North Costa Mesa area.

We appreciate your support to include the site in the Housing Element Update and are hopeful that other Council and Planning Commission Members agree.

If you have any further questions, please contact me at 949-222-6390.

Sincerely,

Peter Cassiano
Managing Director

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Mitchell M. Tsai
Attorney At Law

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

September 1, 2021

Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Em: housing-element@costamesaca.gov

RE: City of Costa Mesa Draft 2021-2029 Housing Element Update

To Whom It May Concern,

On behalf of the Southwest Regional Council of Carpenters ("**Commenter**" or "**Southwest Carpenters**"), my Office is submitting these comments on the City of Costa Mesa's ("**City**" or "**Lead Agency**") draft 2021-2029 update to the City's General Plan Housing Element ("**Draft HEU**" or "**Project**").

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("**CEQA**"), Cal Public Resources Code ("**PRC**") § 21000 *et seq*, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

The City should require the use of a local skilled and trained workforce to benefit the community's economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

> [A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

> . . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California's workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.[1]

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area's jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the "[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component" can result in air pollutant reductions.[2]

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to "promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions."[3]

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[1] California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf.

[2] South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10.

[3] City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City "[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . ."[4] In addition, the City of Hayward requires all projects 30,000 square feet or larger to "utilize apprentices from state-approved, joint labor-management training programs."[5]

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

> People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.[6]

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.[7] Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

> In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing." The city's First Source program encourages businesses to hire local residents,

---

[4] City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf.

[5] City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

[6] California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf

[7] Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, *available at* http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf.

> especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

I. CONCLUSION

Commenters request that the City consider the aforementioned issues raised. Please contact my Office if you have any questions or concerns.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

EXHIBIT A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Paul E. Rosenfeld, PhD
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March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."[1] CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.[2]

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[3]

[1] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[2] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[3] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled ("VMT") associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.[4]

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

> "$VMT_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i)_n$
>
> Where:
>
> n = Number of land uses being modeled."[5]

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

> "$\text{Emissions}_{pollutant} = VMT * EF_{running,pollutant}$
>
> Where:
>
> $\text{Emissions}_{pollutant}$ = emissions from vehicle running for each pollutant
>
> VMT = vehicle miles traveled
>
> $EF_{running,pollutant}$ = emission factor for running emissions."[6]

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[7] In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence.[8] The default number of construction-related worker trips is calculated by multiplying the

[4] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.
[5] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.
[6] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[7] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[8] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.[9] Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively."[10] Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.[11] The operational home-to-work vehicle trip lengths are:

> "[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings" (emphasis added). [12]

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).[13]

Worker Trip Length by Air Basin		
Air Basin	**Rural (miles)**	**Urban (miles)**
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	**16.47**	**11.17**
Minimum	**10.80**	**10.80**
Maximum	**19.80**	**14.70**
Range	**9.00**	**3.90**

[9] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[10] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[11] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.
[12] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.
[13] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan ("Project") located in the City of Claremont ("City"). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.[14] In an effort to evaluate the potential for a local hire provision to reduce the Project's construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO_2e)	3,623
Amortized Construction GHG Emissions (MT CO_2e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO2e)	3,024
Amortized Construction GHG Emissions (MT CO_2e/year)	100.80
% Decrease in Construction-related GHG Emissions	***17%***

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location.

[14] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

EXHIBIT B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
Santa Monica, California 90405
Attn: Paul Rosenfeld, Ph.D.
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Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

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Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

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Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

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Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

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Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

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Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

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Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs,* vs. United States Metals Refining Company et. al. *Defendant.*
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs,* vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case: No 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Doug Pauls, et al.,, et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward DeRuyter, Defendants
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs,* vs. BP Products North America, Inc., *Defendant.*
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

ARIOS, JUSTIN

From: Diane Kastner <dianekastner@hotmail.com>
Sent: Thursday, September 2, 2021 12:56 PM
To: Housing Element
Subject: Feedback-Public Comment

Importance: High

Hello Housing Element-

I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.

Quality of Life:

1. Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.

2. Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.

3. Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.

4. Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.

Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.

Kind Regards,

Diane Kastner

Diane Kastner
dianekastner@hotmail.com
Tel. (949) 378-1067

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ARIOS, JUSTIN

From: Matthew Sheehan <matthewmsheehan3@gmail.com>
Sent: Thursday, September 2, 2021 6:02 PM
To: CITY COUNCIL; Housing Element
Cc: info@fairhousingelements.org
Subject: Public Comment: City of Costa Mesa Housing Element Update

Good evening,

My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.

As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.

Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.

Best,
Matthew Sheehan

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ARIOS, JUSTIN

From: Nancy Henning <nphenn@gmail.com>
Sent: Thursday, September 2, 2021 8:56 AM
To: Housing Element
Subject: Draft Housing Element 2021-2029

Hello,

Regarding Casa Bella Apartments, 1840 Park Ave...

Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.

*** Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.

I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?

Thank you,
N. Henning

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ARIOS, JUSTIN

From: Betsy Densmore <betsydensmore52@gmail.com>
Sent: Sunday, September 5, 2021 10:37 PM
To: Housing Element
Cc: CITY COUNCIL
Subject: Comments on Fair Housing Elements Draft
Attachments: CM Housing Element Testimony Take 2.docx

To Whom It May Concern:

I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.

Best Regards,
Betsy

Betsy Densmore
betsydensmore52@gmail.com
949-500-2381

"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering." Viktor Frankls

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Commentary on the Draft Costa Mesa Housing Element Plan

My name is Betsy Densmore. I live in the Canyon neighborhood and I co-own a restaurant in Mesa Verde Plaza. I also serve on the Board of a local nonprofit affordable housing development company. I fully endorse the goals of the draft Housing Element and carefully read the various strategies for fulfilling those goals. Unfortunately, my take away is that there are several ways that these lofty goals will be thwarted.

The plan as written does not go far enough. New construction is very expensive and providing tenant services drives the cost per unit even higher. I believe that the proposed densities for many of the sites which are identified are not high enough to make the sites financially feasible. Can we find more or be more aggressive about promoting other alternatives to new construction? And too much of the plan hangs on the details of the "inclusionary housing ordinance" which will likely take months to be developed.

Will 25% or more of EACH new development be reserved for very low and low income tenants? Otherwise, won't we perpetuate the problem we already have which is that service workers we need in Costa Mesa (like the folks who work in my restaurant) have great difficulty living here because moderately priced housing is so scarce. Those who own cars, clog our roads and spend too much of their income on car loans, gas and repairs. I sometimes hear people say that adding more housing and thus more people to Costa Mesa will just make traffic worse. I beg to differ. Those able to live close to work and amenities, can walk or ride their bikes.

We need more residential units for people in ALL income categories. Our market is too tight – shortages in any category have a domino effect on the others. I think we should be allowing multi-unit buildings in all neighborhoods. Moreover, I believe accelerating development of more "granny flats", in-fill small apartment buildings and planned communities like One Metro West can't happen fast enough. How do we pick up the pace?

I also hear people assume that "affordable housing" will only draw undesirables- nonsense! Visit any housing developments with high numbers of subsidized units (such as Section 8) in this area and you will see nothing of the sort. Trellis and SOS have plenty of stories about formerly "normal" citizens who succumb to drugs and mental illness after being traumatized by the loss of their homes. Restoring self-sufficiency for these folks starts with housing them.

Moreover mixed income, high density communities sustain local businesses. Mesa Verde Plaza is a case in point. My fellow tenants provide a wide variety of food, health, educational and personal services to the thousands of apartment dwellers who surround us. I believe every single one of the Plaza's businesses survived the pandemic. The residents of these apartments are a broad range of old, young, affluent, middle class and working poor. Many stroll our boardwalk and buy from us. We know & support our neighbors and they know and support us.

I grew up in a single-family home and worked hard to my buy own as soon as I got out of college. We are taught that this is fundamental to the American Dream. However, as the years rolled on, my husband and I grew disenchanted with the effort required to maintain it and with the amount of stuff we accumulated to fill and take care of it. First, we downsized to buying a small apartment building and

these days we reside in a town house. The Canyon neighborhood is delightfully diverse, dense and peaceful but someday one or both of us may need to downsize again or invite others to share our home. For this reason, I am glad to see that the plan includes promoting co-housing, motel conversions to what we used to call SROs (single room occupancy), and other approaches to small, efficiency units. Working with local churches and other non-profits who have a commitment to serving their community is also a good idea.

Congratulations on getting us this far. I welcome any opportunities to help make the vision of nearly 12,000 more housing units by 2029 a reality. You may reach me per the below contact information.

Best Regards,

Betsy

Betsy Densmore

Resident:
1006 Nancy Lane
949-500-2381
Betsydensmore52@gmail.com

Sept 5, 2021

ARIOS, JUSTIN

From: ronronron@juno.com
Sent: Sunday, September 5, 2021 4:30 PM
To: Housing Element
Subject: Community Profile

Dear Sirs:

On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists.

If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.

Thank you for your efforts on an otherwise thankless endeavor.

Sincerely,

Dr. Ron Housepian

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Public Review Draft Community Comments

Chapter 1 (Introduction)
No comments

Chapter 2 (Community Profile)
- On page 2-14 of the Community Profile PDF, the section on "Overcrowding" begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as "Residences" or are properly classified as stand-alone businesses, and are therefore excluded from these overall numbers. By the definition offered here, I believe that each of those homes could qualify as "overcrowded" and artificially skew the data toward implying a greater need for housing remediation than actually exists. I will send the same question above in the form of an e-mail, as I would like to get an answer and this comment format doesn't allow for that. Thank You

Chapter 3 (Housing Constraints, Resources, and AFFH)
No comments

Chapter 4 (Housing Plan)
- Re Fairview Development Center property tagged for mixed use residential/commercial use with amenities, what kind of time frame do you envision for this redevelopment? It is a very large property with park like characteristics and would lend itself very well if its natural setting was preserved for the enjoyment of residents and commercial tenants. Do you plan a park with walkways, water fountains, sitting areas in your proposed redevelopment? Fairview is a prized piece of real estate in Costa Mesa, so it should be developed with Green in mind. Thank you. Ivan Alexander, CM resident
- Re Fairview Development renewal: Will you be able to preserve the natural beauty and have walking trails and bike trails for CM city residents to enjoy? Will new construction renewal incorporate a green intent with solar energy, water recycling, eco friendly construction materials where possible? Will there be a 'victory garden' to produce locally and create an outdoor gathering area?

Appendices
No comments

Additional Comments
- Hi - My name is Walter Chirichigno and live in College Park on Bowling Green. We used to live on the East side on Mesa Drive. The traffic and parking congestion got so bad we moved to our current home. I hope and pray that the proper traffic studies were done using (pre - Covid 19) traffic numbers. I am very concerned that Fair Drive And Fairview will become more of a traffic nightmare than they already are. And of course we know anything being built on Harbor will just ad to the current ugly situation. Allowing Canes to be built with the overflow of drive thru customers stopping on Harbor has basically eliminated one lane from 12pm -2pm and 5pm - 7pm.
- Permitting small home building (used to be called grandmother suites) for any age group is a good idea. This helps with extra housing and permits residents with low income to rent the small house and avoid being forced out by high taxes. The mass building of the 3 story units around Costa Mesa has contributed to heavy traffic, which Costa Mesa now has all year round, instead of summer only. Most residents I've spoken to believe past members of the city council were paid off, which permitted the development of those crowded living spaces.

True or not, perception is reality for many. The freedom home track (west side) is unique to southern ca. If you over develop it you will ruin the country feel, increase traffic, not to mention increase water use. The element update will be too complicated for most residents to understand. There should be a more simple way of explaining the City's intent so residents completely understand. Overall, I'm discouraged by what I see. I mean no disrespect, but is seems like everything revolves around money and not quality of life. I hope you prove me wrong.

- For the future of Costa Mesa, can we have the city plant 'fruit trees' for our insects birds and humans consumption, and enjoyment, that also lower our carbon footprint? Examples, some that are drought tolerant: tamarind, loquats, figs, guava, natal plum, mango, etc. It would be beautiful to know Costa Mesa is a leading city is planting Green, as well as the city of the arts. :)

C.11 Public Comments

The section contains all public comments submitted throughout the Housing Element Update and during the Public Review Period. Comments were submitted through the Public Review Period feedback form and by email to City Staff. Public comments provided during the Townhall Meeting, Subject Matter Expert Meeting, District Meetings, Planning Commission and City Council Study Sessions, and Public Hearings are provided in the sections above.

November 2022 Public Review Comments

Prior to resubmittal of the Housing Element to the State Department of Housing and Community Development (State HCD), the City of Costa Mesa provided the document to the public, including those who requested to be updated on its progress, for the required seven days before resubmitting to State HCD. The City posted the revised document on the City's website on November 8, 2022. The City received public comments from four individuals regarding the document and considered their content in preparation of this draft document resubmittal. Three of those comments were provided to City Council prior to the public hearing on November 15th, 2022 and one was received after the deadline. All letters are included within this section for reference.

As stated in the comment letters, many of the comments received had been previously considered in prior drafts of the Housing Element. The City worked with the community, decision-makers, and HCD in response to these questions and others in preparing the draft document

Response to Public Comments

Public Comment	Response
The Housing Element should plan for more housing near jobs, transit stops, and high-resource neighborhoods.	As part of the Housing Element's Section 3 on Affirmatively Furthering Fair Housing (AFFH), the City identifies and analyzes disparities in access to opportunity, including: "improving the quality of life for residents of low-income communities, as well as supporting mobility and access to 'high resource' neighborhoods. This encompasses education, employment, economic development, safe and decent housing, low rates of violent crime, transportation, and other opportunities, including recreation, food and healthy environment" (HCD Guidance on AFFH).
Adopt an inclusionary housing ordinance.	The adoption of an inclusionary housing ordinance is Program 2A of the Housing Element Update. The City is currently working on developing an inclusionary housing policy.
The City should adopt a program to allow by-right development for projected proposing 100% units affordable to very low- and low-income households.	The City's Housing Element meets State requirements to allow by-right development for sites identified in the Housing Element that permit at least 20% affordable units as described in Program 3M.
Create a Specific Plan for the Fairview Developmental Center site to facilitate the development of housing affordable to extremely low-income to moderate income households.	Program 3B addresses the City's future planning actions regarding development of the Fairview Developmental Center.
Create new overlay zones along major thoroughfares like Harbor Blvd. to replace failing strip malls with mixed-use developments.	Programs 3C and 3D within the Housing Element will amend the existing specific plans, urban plans, and overlays, many of which are within major thoroughfares, to better suit today's development climate

Public Comment	Response
	while planning responsibly for future potential growth within these areas.
All City Specific Plans and Overlays should have densities of 60 DU/Acres and a requirement of at least 20% affordable units.	The City has proposed densities which take into considerations the development characteristics of each area. Proposed densities range from 40 du/ac to 90 du/ac. The City is working to develop an inclusionary housing policy which will have a citywide affordability requirement for projects that meet established requirements.
Create a land trust to hold donated land.	The City is not proposing a policy related to creating a land trust but may consider that strategy in future implementing efforts.
Add workforce housing.	The City has established a housing strategy which looks to address housing for all segments of the community. More information can be found within Appendix B.
The densities proposed in the Public Review Draft are not high enough to make the sites financially feasible.	The City worked with members of the development community to identify densities which are likely to promote the development of housing at all income levels. The City also analyzed past real world development examples to determine at what densities different housing types are typically proposed.
We should be allowing multi-unit buildings in all neighborhoods.	This is not included as part of the Housing Element Update sites strategies; however, Appendix B identifies sites and strategies to accommodate the development of multi-unit projects throughout the City.
The City should accelerate the pace of ADU developments throughout the community.	Appendix B of the Housing Element discusses projected ADU growth over the next 8 years. Chapter 4: Housing Plan also provides policies and programs the City will

Public Comment	Response
	implement to track and facilitate the development of ADUs.
Casa Bella's subsidized senior housing contract expires in 2025 and should be considered at-risk.	Casa Bella is included in Section 3 – Inventory of Assisted Affordable Housing.
Select part of the Costa Mesa Golf Course and driving range for candidate sites.	This site is not included as part of the Housing Element Update sites strategy as the City is able to meet the RHNA allocation through the selection of other sites. It is also important to the City to maintain limited recreational open space for the community.
Create pathways to home ownership.	The City's Housing Element focuses on strategies for the attainment of both rental and for sale housing. Strategies specifically aimed at home ownership are not included.
Create an Ad Hoc Advisory Committee to review Measure Y and potential constraints on housing.	The City is currently pursuing the creation of an Advisory Committee to review Measure Y and its implications for housing development.
Do not replace El Metate Market with housing.	This site has been removed from the Housing Element and is no longer considered a candidate housing site.
Do not replace the Smart & Final with affordable high-density housing on 19th Street.	This site has been removed from the Housing Element and is no longer considered a candidate housing site.
Do not propose high density development on 19th Street.	The City's sites strategy includes consideration of the West 19th corridor.
High-density housing on 19th Street will further the parking shortage and decrease property value.	Parking standards may be evaluated during the amendment of the City's overlays and urban plans.
Stop the affordable unit tax on developers.	The City is considering a inclusionary housing policy to address affordable housing requirements for future development projects.
The sites inventory must include probability of development during the RHNA cycle.	Appendix B of the Housing Element provides detailed information on the sites analysis strategies, including the assumed

Public Comment	Response
	affordability percentages. The City has allocated a buffer of units as part of its sites analysis in order to plan for sites potentially developing with lower densities than maximum permitted.
The Housing Element should specify the current available density and the proposed new density for each site identified for rezoning.	Appendix B of the Housing Element includes a detailed list of all sites identified as part of the sites analysis, including the current and proposed densities.
Reduce traffic congestion and consider parking shortages.	The City has considered mobility and access to public transportation when identifying candidate housing sites.
Costa Mesa should be a 15-minute city and become less car-dependent.	The City has considered mobility and access to public transportation when identifying candidate housing sites. In addition, the development of mixed-use projects generally facilitates walkability and sustainable transportation due to the location of housing units near commercial and retail uses.
Adopt a form-based code with objective criteria.	The City will consider different development strategies as part of the update to its existing urban plans and overlays. Currently the urban plans have a form-based like development criteria.
The City should abandon its RHNA appeal and add housing affordable to disadvantaged residents.	The City was not successful in appealing its RHNA allocation. The final RHNA allocation was released by SCAG on March 4, 2021.
How much importance is placed on public comments?	Public participation is critical to the success of the Housing Element and is a required component of the Update. All public comments are included in the Housing Element and all are provided to the City Council for consideration.
The City must engage community participation throughout all stages of the Housing Element.	Appendix C of the Housing Element includes all community engagement efforts and public comments received throughout the

Public Comment	Response
	Housing Element Update period. The City has solicited input from the community, stakeholders, and local organizations at the start of the Update process, during the Public Review period, during public Council and Commission meetings, as well through meetings with City Staff and via email and phone calls.
The City should include affordable housing advocates and local organizations in community outreach efforts.	Appendix C of the Housing Element includes all community engagement efforts and public comments received throughout the Housing Element Update period. The City outreached to and held multiple meetings with local organizations and housing advocates throughout the Update process.
The City should provide further analysis on the constraints for Sakioka Lot 2, Home Ranch, and Pacific Arts Plaza)	The City has considered known constraints to development on these sites. Future implementing projects will be subject to an objective development review process which further analyzes potential constraints.
Program 3F should include long-term resident protections through anti-displacement, right-of-first refusal, and relocation benefits strategies.	The City's Housing Element Draft does not directly address long-term resident strategies but does analyze displacement risk and other environmental justice factors within Section 3 of the document.
The City should adopt a stand-alone program to make mid-cycle adjustments if housing production is not moving forward on identified large sites.	The City reports to HCD annually on its progress towards meeting its RHNA allocation. If HCD determines the City is not making sufficient progress, the City must revise its Housing Element in accordance.
Let single-family homes become duplexes and triplexes.	The Housing Element Update does not include a rezoning of all single-family neighborhoods.
Consider the availability of public open space.	The City has considered the availability of public open space in its sites analysis. Additionally, the City currently requires Park Fees for new residential projects as a

Public Comment	Response
	condition of approval. These fees ensure compliance with State law and provide funds to cover the cost of land acquisition and parkland upgrades to support accessible public park space as population grows.
Add The Hive as a candidate housing site to allow for multi-family housing.	The Hive has been added as a candidate housing site.

City of Costa Mesa

2021-2029 Housing Element Update

Public Review Draft - Community Comments

Chapter 1 (Introduction)

1. I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.

   Quality of Life:

   Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.

   Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.

   Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.

   Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.

   Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.
2. It was very disappointing to see preserve single family neighborhoods (monoplex zoning) as a goal in the Housing element. This is contrary to Costa Mesa's professed values (safe, inclusive, vibrant) and emergent state law. It is also subjective, latently racist and classist. Subjective discretion has historically resulted in treating people with more resources better than those with fewer resources which is another way to say latently racist and classist exclusionary practices wrapped in a ball of boring planning language. Costa Mesa should adopt a form-based code, compliant with state law that uses objective criteria to treat everyone equally under the zoning code and law. If the exclusionary neighbors wish to preserve monoplex zoning they may do so by buying those properties and preserving those parcels through private action. It is not the city's role to preserve exclusionary, high resource enclaves and concentrate housing growth where pollution burdens are higher (arterial and freeway corridors).

Chapter 2 (Community Profile)

1. On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses, and are therefore excluded from these overall numbers. By the definition offered here, I believe that each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists. I will send the same question above in the form of an e-mail, as I would like to get an answer and this comment format doesn't allow for that. Thank You

City of Costa Mesa

2021-2029 Housing Element Update

Chapter 3 (Housing Constraints, Resources, and AFFH)

1. The most powerful thing local elected officials can do on climate change is Urban Infill land use planning. https://coolclimate.berkeley.edu/ca-scenarios/index.html. This draft housing element is a swing and a miss that will jeopardize Costa Mesa's land use authority. This draft is tantamount to climate and racial justice arson. The primary deficiency is a failure to address the primary Governmental constraint on housing, Measure Y. It is a governmental constraint because it is a referendum embedded in municipal code that can be superseded by State law, interpreted by the Attorney General and the courts all of which are all government agencies. City council through its budgetary authority can also choose to defund anything related to implementation of it.
   In light of Title 13, Chapter IX, Article 22 of the municipal code (AKA Measure Y) the Housing Element made a lot more sense. This Municipal code conflicts with state law and all cities are subordinate to state law. The City Council and City Management's unwillingness to confront Measure Y head on leads the this Housing Element to a state of turboparalysis where City Planners and their consultants make vigorous and dramatic motions to meet RHNA goals but the end result is the absence of steady movement any particular direction. This unwillingness to confront Measure Y will likely result in City Council and city management eventually losing its land use authority.
   A second weakness in the draft is the defense of pretextual zoning for parking requirements. This is bad policy and bad planning and pretextual zoning in any form should not be included in any part of Costa Mesa's housing element. Pretextual zoning is contrary to Costa Mesa's values (safe, inclusive and vibrant) and the statutory requirement to AFFH. https://slate.com/business/2021/05/california-parking-minumums-planners-housing-ab1401.html.
   The fees and services nexus studies will need to be re-done thanks to AB602 which requires these fees to levied on a per square foot basis. The current and future fee nexus studies should be publicly noticed and freely available for inspection by Costa Mesans.
   The Housing element draft makes it difficult to undertake an analysis of these fees to determine if they are a constraint on housing production or if the assumptions made at the times of these studies are still valid. One specific example of this is the DIF for San Joaquin Hills TCA. This fee is antithetical to the principal of a toll road where the users pay. This DIF should be re-visited as an obstacle to the city's climate goals and housing goals. It is ridiculous and tantamount to climate arson that new infill housing (ADUs without parking) in Costa Mesa is used to support toll roads.
2. Parking Standards. My comment: Parking is always a problem in new developments, and also in high density residential areas. The City should NOT consider garage parking to be parking at all, since there is nothing assuring the City that is will be used for parking. I believe over half of garages within the city are NOT used for parking, but rather for storage or other uses. I would prefer the City require 1 outdoor parking space per bedroom AND 2-3 public street parking spaces per house/condo specifically for guests. Currently, there are not enough guest parking spaces in new developments or high density (apartment) areas. I always worry about going to a party at a new development, or near apartments, because I know parking is a problem. Taking a taxi is not an appropriate solution, this is not New York City. Riding my bike only works if I have extra time, it's daytime, and I am alone, so biking has limitations.
3. ADUs - Costa Mesa should create standardized ADU plans that residents can use. Most people are converting garages and those have set dimensions. So plans for studio and 1-bedrooms would cut down on costs, fast-track the approval process and encourage more ADU builds. Households are becoming more multi-generational. Folks want to move their elderly parents in with them but still give them their own space. Or grown children move back home for whatever reason and also need a space of their own. Also, there are probably lots of unpermitted ADUs constructed (maybe due to the recession and the need for additional

income). There needs to be a way to get those permitted after the fact (without punishing the homeowners). It'll add to property valuations and increase tax revenue for the city.

4. AFFH - I believe access to affordable utilities applies to this policy. Approvals for solar power and home batteries should be fast-tracked and permitting should not be cumbersome or cost-prohibitive. Access to affordable energy is also an environmental justice issue. Current incentives for electric vehicles benefit affluent residents who can afford to charge their vehicles. Grants should be issued for lower income residents to install solar

Chapter 4 (Housing Plan)

1. Re Fairview Development Center property tagged for mixed use residential/commercial use with amenities, what kind of time frame do you envision for this redevelopment? It is a very large property with park like characteristics and would lend itself very well if its natural setting was preserved for the enjoyment of residents and commercial tenants. Do you plan a park with walkways, water fountains, sitting areas in your proposed redevelopment? Fairview is a prized piece of real estate in Costa Mesa, so it should be developed with Green in mind. Thank you. Ivan Alexander, CM resident
2. Re Fairview Development renewal: Will you be able to preserve the natural beauty and have walking trails and bike trails for CM city residents to enjoy? Will new construction renewal incorporate a green intent with solar energy, water recycling, eco friendly construction materials where possible? Will there be a 'victory garden' to produce locally and create an outdoor gathering area?
3. Regarding the section "PROGRAM 3C: Update the North Costa Mesa Specific Plan", it would be better to not implement the North Costa Mesa Specific Plan, or to scale the North Costa Mesa Specific Plan back significantly. Traffic on Bristol Street (and the neighboring streets) is already very congested. The changes proposed by the North Costa Mesa Specific Plan would worsen the traffic on Bristol Street (and the neighboring streets). Worse traffic reduces the quality of life. Worse traffic is also not "compatible with growth", which is one of the "guiding principles" of the Costa Mesa Housing Plan.
4. HCD requires cities to include a probability weighting of each site in its inventory of actually being developed during the 8 year cycle. Costa Mesa did not do that. Exceeding the city's RHNA goal by 34% addresses this partially but that still assumes that each of the identified sites has about a two thirds probability of being redeveloped. Based on the literature for California cities indicates the Costa Mesa's assumptions are optimistically high. https://escholarship.org/uc/item/6786z5j9.
   The housing element spatially concentrated new housing sites along arterial roads and freeway corridors. This decision places additional noise pollution from cars and particulate matter pollution burdens on those occupants, including low income people. It also concentrates new arrivals in low resource areas and keeps monoplex (single family) zoning exclusionary contrary to the city's values and legal mandate to AFFH.
5. I am not against the City having a Housing Plan in general. The agree that the City should have a "plan" regarding housing. However, I disagree with the allotted number given to each City (11,760). I disagree with some of the wording in the Plan that simply agrees with this number without any push-back. Not all residents agree with the proposal to add so many high density living spaces in the City. Many of us think this is a bad idea & do not support it. Where is our voice and our representation? If it's already listed in the document I am apologize, but I have missed that part.
6. Approve more affordable housing, less luxury housing and luxury apartments. Lobby state to remove CEQA requirements for affordable housing

Appendices

1. Site Analysis. My comment, the only site south of the Freeway that has real merit is the Fairview Developmental Hospital. It's a large site, off major streets, and would be a nice spot to live. I lived right off Harbor Blvd for 2 years, with my bedroom window facing the street. I hated living there because the traffic noise was constant.

I came to the conclusion that nobody wants to live right off a major street, and that people only live there because it's available. I now see so many little houses and apartments being built right on Harbor Blvd, and I scratch my head a little. Who is allowing these places to be built? Have they every lived right on Harbor? Do they know how much is sucks to live there? I have...and I know. The same thing goes for Placentia & 19th St. Again, these are terrible places for people to live. Who wants their front door opening up to Placentia? It's ridiculous. I think all sites within 50 feet of any major street are not fit for anybody to live, not old people, not poor people, not millennials, nobody.

Additional Comments

1. Hi - My name is Walter Chirichigno and live in College Park on Bowling Green. We used to live on the East side on Mesa Drive. The traffic and parking congestion got so bad we moved to our current home. I hope and pray that the proper traffic studies were done using (pre - Covid 19) traffic numbers. I am very concerned that Fair Drive And Fairview will become more of a traffic nightmare than they already are. And of course we know anything being built on Harbor will just ad to the current ugly situation. Allowing Canes to be built with the overflow of drive thru customers stopping on Harbor has basically eliminated one lane from 12pm -2pm and 5pm - 7pm.
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4. SB 9, SB 10, SB 477, AB 602 and SB 478 are all on the Governor's desk and polling indicates he will beat the recall and is likely to sign these bills. The city should actively embrace and enable these tools to legalize housing freedom, affirmatively further fair housing and practice Costa Mesa's values (safe, inclusive and vibrant).
5. Housing plan needs to include more dedicated bike paths, similar to the one that runs along the golf course and connects Harbor Blvd to Placentia Ave, and the one along Victoria.
6. According to FORBES what makes a great neighborhood/city is
    - Pride in ownership
    - Low crime rate
    - Great schools
    - Outdoor activities abound
    - Stepping back in time (tree lined streets)
    - Access to medical care
    - Family friendly
    - Close to public transportation
    - Nearby shopping and restaurants

- Nightlife and entertainment
- Walkability

Rather than just looking at housing let's consider the above. Although the plan says it is responsible for policies and programs regarding inclusion and diversity I don't see how this is being done. Where is the infrastructure like safety, green space, water, sewer, schools, police, fire departments that will support any new housing. Where is climate change and sustainability address in these new spaces. How are we going to attract new and interesting businesses? How are we going to get people to stay rather than be just a stop over (on the way to Newport Beach). How are we going to live up to our name, "the City of the Arts"? Where is the quality of life in this proposal rather than just getting more funding and adding more houses. Please consider those of us who really love this City and want to continue to invest it in. I care a lot.

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August 30, 2021

Mayor John Stephens
77 Fair Drive
Costa Mesa, CA 92626

Re: The Hive

Dear Mayor Stephens,

Thank you for taking the time last week to discuss Invesco's ownership and future growth plans for The Hive and The Press properties. As we discussed, Invesco ($85.8B in Assets Under Management as of June 30, 2021) has made a substantial investment in The Press and The Hive and view these investments as long term in nature. We are very pleased with having Anduril Industries locating their headquarters at The Press. Anduril anticipates over 2,000 employees at this location which is a very strong economic driver for the City of Costa Mesa and surrounding communities.

With respect to The Hive, we acquired this asset with the understanding that the Charger's tenancy would be temporary in nature. The Charger's practice field is not adequate in size to effectively run their practices. We understand that the Chargers are actively seeking alternative locations that are more suitable for their operations. While the Chargers have certain termination rights, there is the possibility that they may seek to leave earlier than anticipated. For this reason, we need to prepare to plan for that occurrence and plan for a multi-family project on the field site. We have had success in other such mixed-use properties throughout the country and would seek to replicate this at The Hive.

As we discussed, we are prepared to advance a Specific Plan on the site concurrent with the City's General Plan update. For us to justify investing the funds in this process, it is important we communicate to our investors that the field site has been included in the city's upcoming Housing Element Update. From a planning perspective we believe the site is ideal. In addition to being located directly adjacent to Anduril, the site in walking distance to a host of current and future employers in North Costa Mesa area.

We appreciate your support to include the site in the Housing Element Update and are hopeful that other Council and Planning Commission Members agree.

If you have any further questions, please contact me at 949-222-6390.

Sincerely,

Peter Cassiano
Managing Director

P: (626) 381-9248
F: (626) 389-5414
E: info@mitchtsailaw.com

Mitchell M. Tsai
Attorney At Law

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

September 1, 2021

Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Em: housing-element@costamesaca.gov

RE: City of Costa Mesa Draft 2021-2029 Housing Element Update

To Whom It May Concern,

On behalf of the Southwest Regional Council of Carpenters ("**Commenter**" or "**Southwest Carpenters**"), my Office is submitting these comments on the City of Costa Mesa's ("**City**" or "**Lead Agency**") draft 2021-2029 update to the City's General Plan Housing Element ("**Draft HEU**" or "**Project**").

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("**CEQA**"), Cal Public Resources Code ("**PRC**") § 21000 *et seq*, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

The City should require the use of a local skilled and trained workforce to benefit the community's economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

> [A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

> . . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California's workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.[1]

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area's jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the "[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component" can result in air pollutant reductions.[2]

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to "promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions."[3]

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[1] California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf.

[2] South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10.

[3] City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City "[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . ."[4] In addition, the City of Hayward requires all projects 30,000 square feet or larger to "utilize apprentices from state-approved, joint labor-management training programs."[5]

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

> People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.[6]

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.[7] Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

> In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing." The city's First Source program encourages businesses to hire local residents,

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[4] City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf.

[5] City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

[6] California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf

[7] Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, *available at* http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf.

> especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

I. CONCLUSION

Commenters request that the City consider the aforementioned issues raised. Please contact my Office if you have any questions or concerns.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

EXHIBIT A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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March 8, 2021

Mitchell M. Tsai
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Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."[1] CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.[2]

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[3]

[1] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[2] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[3] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled ("VMT") associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.[4]

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

> "$VMT_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i)_n$
>
> Where:
>
> n = Number of land uses being modeled."[5]

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

> "$\text{Emissions}_{pollutant} = VMT * EF_{running,pollutant}$
>
> Where:
>
> $\text{Emissions}_{pollutant}$ = emissions from vehicle running for each pollutant
>
> VMT = vehicle miles traveled
>
> $EF_{running,pollutant}$ = emission factor for running emissions."[6]

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[7] In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence.[8] The default number of construction-related worker trips is calculated by multiplying the

[4] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.
[5] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.
[6] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[7] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[8] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.[9] Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively."[10] Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.[11] The operational home-to-work vehicle trip lengths are:

> "[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings" (emphasis added). [12]

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).[13]

Worker Trip Length by Air Basin		
Air Basin	**Rural (miles)**	**Urban (miles)**
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	**16.47**	**11.17**
Minimum	**10.80**	**10.80**
Maximum	**19.80**	**14.70**
Range	**9.00**	**3.90**

[9] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[10] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[11] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.
[12] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.
[13] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan ("Project") located in the City of Claremont ("City"). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.[14] In an effort to evaluate the potential for a local hire provision to reduce the Project's construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO_2e)	3,623
Amortized Construction GHG Emissions (MT CO_2e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO2e)	3,024
Amortized Construction GHG Emissions (MT CO_2e/year)	100.80
% Decrease in Construction-related GHG Emissions	***17%***

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location.

[14] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

EXHIBIT B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

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Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs,* vs. United States Metals Refining Company et. al. *Defendant.*
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs,* vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case: No 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Doug Pauls, et al.,, et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward DeRuyter, Defendants
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs,* vs. BP Products North America, Inc., *Defendant.*
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

EXHIBIT C

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

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Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

ARIOS, JUSTIN

From: Nancy Henning <nphenn@gmail.com>
Sent: Thursday, September 2, 2021 8:56 AM
To: Housing Element
Subject: Draft Housing Element 2021-2029

Hello,

Regarding Casa Bella Apartments, 1840 Park Ave...

Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.

*** Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.

I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?

Thank you,
N. Henning

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ARIOS, JUSTIN

From: Aaron Klemm <aaron_klemm@hotmail.com>
Sent: Monday, September 13, 2021 5:48 PM
To: CITY COUNCIL; Housing Element
Cc: info@fairhousingelements.org
Subject: Costa Mesa Draft Housing element study session

City Council members and Planning staff and consultants:

I live in Westside Costa Mesa and vote in District 5.

Costa Mesa should live up to its professed values to be safe, inclusive and vibrant by updating the draft housing element to include the high resource neighborhoods that are studiously avoided in the draft Housing Element but required by state law to Affirmatively Further Fair Housing.

The draft housing element is problematic because it doesn't follow the law or HCD's guidance. The sites inventory needs to include a probability of development during the RHNA cycle (AB 1397). The draft Housing element doesn't do that.

The housing element describes Measure Y as a growth management initiative. This is incorrect, it is a government constraint on housing. If the city continues to tiptoe around Measure Y allowing this governmental constraint on housing the remedies of the Housing Accountability Act will kick in up to by-right affordable housing that city council and city management cannot reject.

Both San Mateo and Huntington Beach have lost major court cases that firmly established the constitutionality of the Housing Accountability Act. I encourage Costa Mesa to not waste scarce time and money on another fruitless legal challenge and get started legalizing housing in all neighborhoods.

The city should live up to its professed values and embrace the positive vision of a safe, inclusive and vibrant Costa Mesa.

1. Safety achieved by reducing speeds and the number of cars on the city's public property.
2. Inclusive by updating the zoning to a form based code that uses objective criteria to allow the full RHNA allocation plus 20% to be built in this cycle in all neighborhoods.
3. Vibrant by moving to a form based code that allows services in all neighborhoods to reduce car dependence.

Aaron Klemm

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Paul Dumont

6535 Lankershim Boulevard
North Hollywood CA 91609
paulrdumont@live.com
818.968.5627

September 13, 2021

Costa Mesa City Council
and Planning Commission
via CityClerk@CostaMesaCA.gov

RE: Public Comment on the Draft Housing Element & Regional Housing Needs

Dear Costa Mesa:

I have worked to provide housing for special needs, low income people for 20 years. Many come from Orange County in general and many are from Costa Mesa specifically. They all suffer from a lack of affordable housing options in their community of choice.

I am writing on their behalf to encourage you to abandon the appeal of the Regional Housing Needs Assessment determination required by the California Department of Housing and Community Development. Besides the sound legal reasoning behind the assessment, you should act in your constituent's best interests by facing reality: there is simply not enough affordable housing for the people who already live in Costa Mesa.

My experience is that when low income Costa Mesa residents can't find housing there, they migrate to other communities - even though Costa Mesa has been their home. And that is the precise reason you, along with other Orange County communities, are pushing back on the requirement that you plan for housing for all of your residents. Pushing "undesirable" people out of town is not only morally reprehensible; it's illegal.

Planning to make housing unavailable for already disadvantaged residents will not pass constitutional muster, and it certainly will not improve your City in the long term. Providing all people with housing opportunities will improve Costa Mesa for everyone.

The incredible amount of taxpayer money you spend to harm poor people's ability to live and thrive in Costa Mesa is fiscally irresponsible. Moving your perceived "problem people" to other jurisdictions is incredibly selfish and solves nothing. You have a duty to make room for everyone. I encourage you to plan accordingly – it's the law.

Sincerely,
Paul Dumont
Paul Dumont

ARIOS, JUSTIN

From: Betsy Densmore <greatmexgrill@gmail.com>
Sent: Monday, September 13, 2021 10:04 PM
To: Housing Element; CITY COUNCIL
Cc: info@fairhousingelements.org
Subject: Re: Comments on Fair Housing Elements Draft

Good evening,

It was a pleasure to attend this evening's study session and observe the high degree of well-informed, thoughtful discussion by my representatives.

Since protocol prevents observers from speaking at the end, I am writing again to especially applaud Commissioner's Zich's suggestion that we put more attention creating pathways to home ownership as an alternative to privately developed apartment complexes. Many developers are not even local so the money they collect in rent leaves town and the tenants are at the mercy of rent increases.that currently consume much too much of their income.

I also appreciated Commissioner Toler and Flo Martin's comments which favored looking for more ways to create additional housing in R-1 zones. Both these ideas are potential strategies for reducing housing instability.

Finally, I hope that the idea of starting an Ad Hoc Advisory Committee to address the constraints posed by Measure Y is implemented. As Mayor Stephens said, this seems most pressing if we need another referendum in 2022.

Thank you for serving us!

Best Regards,
Betsy

Elizabeth Densmore, Business Manager/Co-owner
Great Mex Grill LLC
www.greatmexgrill.com
greatmexgrill@gmail.com
949-500-2381

On Sun, Sep 5, 2021 at 10:37 PM Betsy Densmore <betsydensmore52@gmail.com> wrote:

> To Whom It May Concern:
>
> I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.
>
> Best Regards,
> Betsy
>
> Betsy Densmore
> betsydensmore52@gmail.com
> 949-500-2381
>
> *"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering."* Viktor Frankls

ARIOS, JUSTIN

From: bpmarkle1@gmail.com
Sent: Tuesday, September 14, 2021 8:02 PM
To: Housing Element
Subject: 19th Street - Housing Element Draft Proposal (September 13, 2021)

Please enter these comments into the public record regarding the Housing Element Draft Proposal presented September 13, 2021.

1. **I request/vote to; deny the Housing Element Draft Proposal to tear down Smart & Final and El Metate Market and replace it with 'affordable' high density housing on 19th Street.**
2. Local residents in our neighborhood depend on Smart & Final for groceries with a large number of residents commuting on foot. Smart & Final has little competition as it is the largest grocery store serving the community of Costal Mesa on 19th Street west of Harbor Blvd.
3. So many units proposed for 19th Street will not fix the homeless problem. Adding high density developments in place of the Smart & Final and the Soup Kitchen presents instability within an already high-density zoned neighborhood. This is a recipe for crime and overcrowding. There is already a shortage of parking within our residential streets and authorizing additional high-density housing will further ruin property values.
4. There are other properties identified and proposed which are much more appropriate to re-zone for high-density housing.
    a. Golf course practice area/driving range which is raw land next to the 2 (two) 18-hole golf courses. Partial use of this property of 100-acres would easily hold 4000 affordable homes which the state law requires. Building out just the practice area is a much better option than ruining an already stressed neighborhood.
    b. Another potential location identified for these proposed units would be the Fairview Development Center.
5. Either of the properties identified in paragraph 3. above impacts our already high-density zoned neighborhood community of Costa Mesa in the least possible way.
6. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Regards,

Bryan Markle
717 Center St.
Costa Mesa, Ca 92627
Bpmarkle1@gmail.com

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ARIOS, JUSTIN

From: Eric Markle <ericsmarkle@gmail.com>
Sent: Tuesday, September 14, 2021 5:55 PM
To: Housing Element
Subject: 19th Street

As a home owner there is already to many people around the 19th st. area. Street parking is very limited, traffic in the neighborhood streets is high. This is not an acceptable place to add low income homes. This will also eliminate markets that the community uses.

The Golf course is a better option.

19th street has to high a population. Its unsafe for my wife to run in the mornings alone and my kids to play in front yard. Due to all the traffic. More housing in this area will make it worse for existing residents.

Low income housing needs to be in a location that can handle the increase in population. 19th is not the place!

Eric Markle
--

Eric Markle

His Word Your Story Podcast

LinkedIn

Instagram

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ARIOS, JUSTIN

From: Holly Rahill <holly.rahill@gmail.com>
Sent: Tuesday, September 14, 2021 3:38 PM
To: Housing Element
Subject: Concerns regarding Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.

2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.

3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.

3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.

4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Sincerely,

Holly Rahill
Costa Mesa Resident & Home Owner

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ARIOS, JUSTIN

From: Kyle Harper <Harper.Kyle@outlook.com>
Sent: Tuesday, September 14, 2021 3:47 PM
To: Housing Element
Subject: Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Kyle Harper
HarperPromotional
949.278.1055

Sent from my iPhone

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ARIOS, JUSTIN

From: ryan.forman9@gmail.com
Sent: Tuesday, September 14, 2021 3:33 PM
To: Housing Element
Subject: Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Best,

Ryan Forman, Resident
Brentwood Property Appraisal
Lic. #3004308

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ARIOS, JUSTIN

From: Eleanor Markle <eamarkle@gmail.com>
Sent: Wednesday, September 15, 2021 5:31 AM
To: Housing Element
Subject: Housing element draft proposal

Please enter these comments into the public record regarding the Housing Element Draft Proposal presented September 13, 2021.

1. **I request/vote to; deny the Housing Element Draft Proposal to tear down Smart & Final and El Metate Market and replace it with 'affordable' high density housing on 19th Street.**
2. Local residents in our neighborhood depend on Smart & Final for groceries with a large number of residents commuting on foot. Smart & Final has little competition as it is the largest grocery store serving the community of Costal Mesa on 19thStreet west of Harbor Blvd.
3. So many units proposed for 19th Street will not fix the homeless problem. Adding high density developments in place of the Smart & Final and the Soup Kitchen presents instability within an already high-density zoned neighborhood. This is a recipe for crime and overcrowding. There is already a shortage of parking within our residential streets and authorizing additional high-density housing will further ruin property values.
4. There are other properties identified and proposed which are much more appropriate to re-zone for high-density housing.
    a. Golf course practice area/driving range which is raw land next to the 2 (two) 18-hole golf courses. Partial use of this property of 100-acres would easily hold 4000 affordable homes which the state law requires. Building out just the practice area is a much better option than ruining an already stressed neighborhood.
    b. Another potential location identified for these proposed units would be the Fairview Development Center.
5. Either of the properties identified in paragraph 3. above impacts our already high-density zoned neighborhood community of Costa Mesa in the least possible way.
6. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Regards,

Eleanor Markle

717 Center St.

Costa Mesa, Ca 92627

Eamarkle@gmail.com

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PUBLIC LAW CENTER
Providing Access to Justice
For Orange County's Low Income Residents

September 15, 2020

VIA EMAIL

Mayor Katrina Foley
Costa Mesa City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92626
cityclerk@costamesaca.gov

Bruce A. Lindsay
Jones & Mayer
3777 N. Harbor Blvd.
Fullerton, CA 92835
714-446-1400
714-446-1448 FAX
bal@jones-mayer.com

Re: Comment on September 15, 2020 Agenda Item 12 of the Consent Calendar: Approval of an Affordable Housing Agreement that Provides for Nine Affordable Units as Part of the 200-Unit Multi-Family Development Project Located at 2277 Harbor Boulevard
Affordable Housing Initiatives under the Settlement Agreement, *Dadey, et al. v. City of Costa Mesa, et al.* (Orange County Superior Court Case No. 30-2014-00757962-CU-CR-CJC)

Dear Mayor Foley and City Council Members:

The Public Law Center writes to encourage the City Council to approve Agenda Item 12 of the Consent Calendar, Approval of an Affordable Housing Agreement that Provides for Nine Affordable Units as Part of the 200-Unit Multi-Family Development Project Located at 2277 Harbor Boulevard, at tonight's City Council Meeting. As the Staff Report accurately points out, approving and executing this Affordable Housing Agreement is necessary to comply with the global settlement agreement entered into by all parties in the *Dadey, et al. v. City of Costa Mesa, et al.* and to comply with the July 12, 2018 Stipulated Judgment. Additionally, adopting and executing this Affordable Housing Agreement will provide affordable units to very low income households in Costa Mesa and help the City begin to meet the great need for affordable housing that currently exists. We applaud the City for complying with its agreements and working toward the important goal of expanding the availability of affordable housing in Costa Mesa.

We would also like to take this opportunity to mention the City's other obligations under the Settlement Agreement for *Dadey, et al. v. City of Costa Mesa, et al.*

Fairview Developmental Center

Pursuant to the Settlement Agreement, "The City agrees to exercise reasonable best efforts consistent with and as authorized by applicable law to: (i) promote development of affordable housing at the real property commonly referred to as the Fairview Developmental Center ("FDC") . . . in accordance with the City's land use and zoning for that site of Institutional & Recreational-Multi-Use District (I&R-MLT), which provides for twenty-percent (20%) affordable housing in multi-unit residential developments; (ii) not limit the affordable housing at the FDC to developmentally disabled persons to the extent it is authorized under applicable federal and state law and subject to the conditions of disposition of the State-owned property to do so and to obtain permission from the State of California and any relevant state or federal authorities to permit such housing; (iii) encourage that residential development at FDC provide for a reasonable percentage of extremely low, very low, and low income affordable units, based on the applicable, then-current Orange county income limits established by the Department of Housing and Community Development ("HCD") or the United States Department of Housing and Urban Development ("HUD"); and obtain permission and authority, as necessary, from the State of California and any relevant state or federal authorities toward achieving (i) to (iii) of this subsection 3(a)."

As we understand it, over a year ago the Costa Mesa City Council formed an Ad Hoc Committee of the Council to Address the Upcoming Closure and Potential Future Uses of the Fairview Developmental Center with the objective to "effectively analyze the matter and develop a City of Costa Mesa strategy to address the future of Fairview Developmental Center." We are eager to hear of the Ad Hoc Committee's progress, especially in light of the State's goal to have finalized operational closure of the Fairview Developmental Center by July 1, 2020.

We also expect that, with the upcoming updates for the 6th Cycle Housing Element, there will be a lot of discussions of the role Fairview Developmental Center may play in the City's efforts to reach its future Regional Housing Needs Allocation, estimated to be over 11,000 units.

As the Ad Hoc Committee continues it work and as the City approaches drafting its 6th Cycle Housing Element, we remind the City of its obligations under the Settlement Agreement to use best efforts to ensure that 20% of the housing developed in multi-family residential developments at Fairview Development Center is affordable to extremely-low-, very-low-, and low-income households.

James Street/West 18th Street Properties

The City also agreed to seek proposals to substantially rehabilitate or redevelop affordable housing at the James Street/West 18th Street Properties with new or extended covenants of affordability that include a minimum of ten percent extremely-low-income units.

As we understand, the City issued a request for proposals with a deadline of February 2019 and received several proposals by that deadline. The City staff was then reviewing the proposals to make a recommendation of a finalist development team to the City Council and agendize the

selection for final approval. We are eager to learn of the City's progress in selecting a development team and the currently proposed timeline for this project.

Again, we applaud the City's efforts in making affordable housing a priority and look forward to continuing to work with the City on these important goals.

Sincerely,

/s/
Richard Walker
Senior Staff Attorney
Public Law Center
601 Civic Center Drive West
Santa Ana, CA 92701-4002
(714) 541-1010 ext. 292
rwalker@publiclawcenter.org

Costa Mesa Affordable Housing Coalition

September 10, 2021

Ms. Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

RE: Comments on Draft 2021-2029 Housing Element Update (August 2021)

Dear Ms. Ashabi:

On behalf of the Costa Mesa Affordable Housing Coalition (the Coalition), we thank you for the opportunity to review and comment on the city of Costa Mesa's draft Housing Element—6th cycle—2021-2029. As you know, the Coalition is a local advocacy group which for many years has been encouraging Costa Mesa to actively facilitate the construction of affordable homes for the city's lower income residents. We submit this letter as part of our public comments on the draft Housing Element.

First of all, we congratulate the city for its success in conducting a remarkably robust, open, and serious process of public engagement. The Coalition had the opportunity to meet several times with you and your excellent consultant, Kimley-Horn, in both small and large group settings. Throughout this process, we have been impressed with the city's willingness to listen to our concerns and consider our ideas for spurring the development of homes affordable to the city's lower income residents.

In this letter, we recommend a few important substantive changes to the draft Housing Element and seek clarification on a number of important issues. We begin with recommendations on **our two most pressing concerns**: **the need for the city to adopt expeditiously an effective inclusionary zoning ordinance**, **and the related need to postpone until <u>after</u> adoption of the inclusionary zoning ordinance all zoning changes the Housing Element identifies as essential for meeting the city's 2021-2029 RHNA**.

<u>Recommendations and Requests for Clarification</u>

1. **The city must move expeditiously to adopt an effective inclusionary zoning ordinance**. It is widely understood such an ordinance is one of the most important tools available to a city for spurring the construction of affordable housing for lower income households. We are aware the city has engaged a consultant to help draft an inclusionary zoning ordinance, and the ordinance is nearly ready for presentation to the Planning Commission and City Council for adoption.
    a. **We recommend the draft Housing Element be revised to include a deadline of the end of October 2022 for adoption of an inclusionary zoning ordinance.**
    b. **Given the city's high 2021-2029 RHNA for lower income units and the city's persistent failure to produce any significant amount of lower income units through the last three planning periods, we recommend the city's**

inclusionary zoning ordinance contain provisions for setting aside a minimum of 15% of the units for lower income households.

2. **The city must postpone enactment of any zoning changes or other land use changes affecting allowable residential densities identified in the draft Housing Element as necessary to meet the city's 2021-2029 RHNA until after the city adopts the inclusionary zoning ordinance**.
    a. It would be a grave mistake for the city to enact any zoning or land use changes which increase residential densities without first ensuring those changes are tied to housing affordability requirements. Otherwise, developers could lock in the new increased densities by entering into a development agreement which would not be bound by the new inclusionary zoning ordinance.
    b. Assuming the city meets its October 2022 deadline for adoption of the inclusionary zoning ordinance, we believe the city will be able to meet its obligation to accomplish the specified zoning and other land use changes within three years of certification of the Housing Element.

3. **The city should create a stand-alone program that allows <u>by-right development</u> for new construction projects which make 100% of the units affordable to low-, very low- and extremely low-income households.**

4. **The city should provide additional analysis on the Fairview Developmental Center (FDC) and the implications of SB 82.** In the Housing Element, the city identified FDC as a 109-acre opportunity site and assumes 40% of future units on the site will be affordable to lower income households (575 very low and 345 low).[1] However, SB 82 states:

    "Notwithstanding any other law, the Director of General Services, with the consent of the Director of Developmental Services, may, in the best interests of the state, let to any person or entity real property ***not exceeding 20 acres*** located within the grounds of the Fairview Developmental Center for a period not to exceed 55 years, at a price that will permit the development of affordable housing for people with developmental disabilities… A ***minimum of 20 percent*** of the housing units developed shall be available and affordable to individuals with developmental disabilities served by a regional center…"[2]

5. **The city should <u>decrease</u> the FDC's affordability assumption that 40% of the units will be for lower income. A more realistic affordability assumption for FDC is 20% for lower income.** While SB 82 indicates that a <u>minimum of 20%</u> of units will be affordable to individuals with developmental disabilities, we are unaware of any written or public statement from the state expressing interest in making <u>more than 20%</u> of homes affordable to lower income households.

6. **The city should create a stand-alone program and commit to working with the state to ensure that at least 40% of the total future units on the FDC site will be**

[1] City of Costa Mesa Housing Element 2021-2029 Public Review Draft, Appendix B Candidate Sites Analysis Overview, August 2021, p. B-16.
[2] California Legislative Information, Bill Text SB-82 Developmental Services, June 24, 2015. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB82

affordable to lower income households. There is ample land at FDC to accommodate the affordable housing needs of the city's developmentally and physically disabled residents and the city's lower income working families. To further that end, the city should create **a specific plan for FDC** which would allow high density residential throughout the 109 acres. The city should also issue a request for proposal for the creation of **a master plan** for a housing village at FDC.

7. **Measure Y is Costa Mesa's largest unique constraint to development because it incentivizes less dense, and thus unaffordable development, and perpetuates exclusionary zoning. The city council should adopt a policy <u>to exempt from Measure Y</u> any projects approved under the inclusionary zoning ordinance which contribute units toward meeting the city's extremely low-, very low-, and low-income RHNA requirements.**

8. **The city should provide further analysis on the constraints for the three large sites (Sakioka Lot 2, Home Ranch, and Pacific Arts Plaza) which are in the 2021-2029 sites inventory but are currently under development agreements. Specifically, the city should analyze the affordability assumptions of "15% lower income" for these three sites in light of each site's respective development agreement and whether that development agreement will be affected by the city's anticipated future adoption of an inclusionary housing ordinance.**
    a. Sakioka Lot 2 and Home Ranch have been vacant for decades. How realistic is it that these two sites will be developed in the 2021-2029 cycle?
    b. Though these three large sites are in the 2021-2029 sites inventory, because they are each currently under a development agreement, they will be exempt from the requirements of the inclusionary housing ordinance the city intends to adopt. <u>The only way these sites would be bound by that ordinance is if the property owners opt into future General Plan and zoning regulations</u>. This fact was confirmed during the city's consideration of the proposal to extend Sakioka Lot 2's Development Agreement. The city confirmed that "if the Agreement were extended, and if an inclusionary housing ordinance was adopted along with future General Plan and zoning regulations, the developer would need to comply with the inclusionary housing ordinance **<u>IF</u>** they opted to develop per the future General Plan and zoning regulations."[3]
    c. On April 6, 2021, the city council extended the Development Agreement for Sakioka Lot 2 for an additional 10 years. Prior to that extension, the city's Planning Commission recommended the Development Agreement include affordable housing requirements to help achieve the city's RHNA goals.[4] The property owner, however, was only interested in having Sakioka Lot 2 identified as a housing opportunity site; **he was not "amenable" to any affordable housing requirements**. Given the property owner's recent strong opposition to including any affordable housing provisions in the extended Development Agreement, it seems unrealistic to assume the property owner will prioritize the

[3] Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, March 18, 2021, p. 11.
[4] Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, April 6, 2021, p. 9-10.

development of housing affordable to lower income households in developing the property.

d. Similarly, in applying the "15% lower income" assumption to these three large properties, it seems the city is over relying on the assumption that the developers will use the city's existing density bonus to produce affordable units. It should be noted **the density bonus alone has not been effective in producing affordable housing** for lower income households. From 2014-2020, only 30 permitted units were issued at low and very low income.[5] Of those, **only 9 units** are deed restricted at very low and 21 units are non-deed restricted ADUs at very low and low income.

9. **The city should add a chart specifying both the current allowable density and the proposed new density for each of the sites identified for rezoning to accommodate the city's 2021-2029 RHNA.** This information will help the public understand the proposed zoning changes.

10. **The city should strengthen Program 3F: Motel Conversions, Efficiency Units, and Co-living Housing Types to include long-term resident protections through anti-displacement, right-of-first refusal and relocation benefits strategies.**

11. **The city should include a stand-alone program to make mid-cycle adjustments if production is not moving forward on identified large sites and if production falls short of the expected yield during the first half of the planning period.**

Thank you for considering these recommendations for further revisions to and clarifications of the draft 2021-2029 Housing Element update. We welcome the opportunity to continue our dialogue with the city to ensure that the draft Housing Element includes effective policies that will result in new affordable homes for extremely low-, very low- and low-income working families in Costa Mesa.

Sincerely,

Kathy Esfahani

Kathy Esfahani
For The Costa Mesa Affordable Housing Coalition

cc: Paul McDougall, California Housing and Community Development Department
Richard Walker, Public Law Center
Cesar Covarrubias, The Kennedy Commission

[5] Planning Commission Agenda Report- 2020 Annual Review of the Costa Mesa 2015-2035 General Plan, City of Costa Mesa, p. 5, April 26, 2021.

From: Elizabeth Hansburg P4H
To: Chen, Nick; ASHABI, MINOO
Subject: Examples of Workforce Housing by a Market rate developer
Date: Wednesday, February 10, 2021 2:23:55 PM

Done by a private developer, large, 5+ bedrooms, to serve multi-gen families. The project they did in Fullerton did not have enough open space, IMO, but they hit the product type 100%.

https://www.urbanpacific.com/creating-affordable-homes-for-multigenerational-living/

https://www.urbanpacific.com/education/urban-pacific-announces-the-start-of-construction/

--

Elizabeth Hansburg
Co-Founder & Executive Director



c. (714) 872-1418
e. elizabeth@peopleforhousing.org

Click here to become a member of People for Housing!

From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick
Subject: FW: 19th Street
Date: Tuesday, September 14, 2021 5:59:53 PM

From: Eric Markle <ericsmarkle@gmail.com>
Sent: Tuesday, September 14, 2021 5:55 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: 19th Street

As a home owner there is already to many people around the 19th st. area. Street parking is very limited, traffic in the neighborhood streets is high. This is not an acceptable place to add low income homes. This will also eliminate markets that the community uses.
The Golf course is a better option.
19th street has to high a population. Its unsafe for my wife to run in the mornings alone and my kids to play in front yard. Due to all the traffic. More housing in this area will make it worse for existing residents.
Low income housing needs to be in a location that can handle the increase in population. 19th is not the place!
Eric Markle
--

Eric Markle

His Word Your Story Podcast

LinkedIn

Instagram

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From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick
Subject: FW: Comments on Fair Housing Elements Draft
Date: Tuesday, September 14, 2021 8:58:09 AM

From: Betsy Densmore <greatmexgrill@gmail.com>
Sent: Monday, September 13, 2021 10:04 PM
To: Housing Element <housing-element@costamesaca.gov>; CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>
Cc: info@fairhousingelements.org
Subject: Re: Comments on Fair Housing Elements Draft

Good evening,
It was a pleasure to attend this evening's study session and observe the high degree of well-informed, thoughtful discussion by my representatives.
Since protocol prevents observers from speaking at the end, I am writing again to especially applaud Commissioner's Zich's suggestion that we put more attention creating pathways to home ownership as an alternative to privately developed apartment complexes. Many developers are not even local so the money they collect in rent leaves town and the tenants are at the mercy of rent increases.that currently consume much too much of their income.
I also appreciated Commissioner Toler and Flo Martin's comments which favored looking for more ways to create additional housing in R-1 zones. Both these ideas are potential strategies for reducing housing instability.
Finally, I hope that the idea of starting an Ad Hoc Advisory Committee to address the constraints posed by Measure Y is implemented. As Mayor Stephens said, this seems most pressing if we need another referendum in 2022.
Thank you for serving us!
Best Regards,
Betsy
Elizabeth Densmore, Business Manager/Co-owner
Great Mex Grill LLC
www.greatmexgrill.com
greatmexgrill@gmail.com
949-500-2381
On Sun, Sep 5, 2021 at 10:37 PM Betsy Densmore <betsydensmore52@gmail.com> wrote:

> To Whom It May Concern:
> I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.
> Best Regards,
> Betsy
> Betsy Densmore
> betsydensmore52@gmail.com
> 949-500-2381
> *"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering.*" Viktor Frankls

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From: ASHABI, MINOO
To: LE, JENNIFER; ARIOS, JUSTIN; Chen, Nick
Subject: FW: Community Profile
Date: Monday, September 6, 2021 10:39:17 AM

Please add to public comments.

From: ronronron@juno.com [mailto:ronronron@juno.com]
Sent: Sunday, September 5, 2021 4:30 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Community Profile

Dear Sirs:
On page 2-14 of the Community Profile PDF, the section on "Overcrowding" begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as "Residences" or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as "overcrowded" and artificially skew the data toward implying a greater need for housing remediation than actually exists.
If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.
Thank you for your efforts on an otherwise thankless endeavor.
Sincerely,
Dr. Ron Housepian

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From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick
Subject: FW: Concerns regarding Proposed W 19th Street Development
Date: Tuesday, September 14, 2021 3:45:10 PM

From: Holly Rahill <holly.rahill@gmail.com>
Sent: Tuesday, September 14, 2021 3:38 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Concerns regarding Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.

2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.

3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.

3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.

4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Sincerely,

Holly Rahill
Costa Mesa Resident & Home Owner

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From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick; ARIOS, JUSTIN
Subject: FW: Costa Mesa Draft Housing element study session
Date: Monday, September 13, 2021 6:00:16 PM

From: Aaron Klemm [mailto:aaron_klemm@hotmail.com]
Sent: Monday, September 13, 2021 5:48 PM
To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; Housing Element <housing-element@costamesaca.gov>
Cc: info@fairhousingelements.org
Subject: Costa Mesa Draft Housing element study session

City Council members and Planning staff and consultants:

I live in Westside Costa Mesa and vote in District 5.

Costa Mesa should live up to its professed values to be safe, inclusive and vibrant by updating the draft housing element to include the high resource neighborhoods that are studiously avoided in the draft Housing Element but required by state law to Affirmatively Further Fair Housing.

The draft housing element is problematic because it doesn't follow the law or HCD's guidance. The sites inventory needs to include a probability of development during the RHNA cycle (AB 1397). The draft Housing element doesn't do that.

The housing element describes Measure Y as a growth management initiative. This is incorrect, it is a government constraint on housing. If the city continues to tiptoe around Measure Y allowing this governmental constraint on housing the remedies of the Housing Accountability Act will kick in up to by-right affordable housing that city council and city management cannot reject.

Both San Mateo and Huntington Beach have lost major court cases that firmly established the constitutionality of the Housing Accountability Act. I encourage Costa Mesa to not waste scarce time and money on another fruitless legal challenge and get started legalizing housing in all neighborhoods.

The city should live up to its professed values and embrace the positive vision of a safe, inclusive and vibrant Costa Mesa.

1. Safety achieved by reducing speeds and the number of cars on the city's public property.
2. Inclusive by updating the zoning to a form based code that uses objective criteria to allow the full RHNA allocation plus 20% to be built in this cycle in all neighborhoods.
3. Vibrant by moving to a form based code that allows services in all neighborhoods to reduce car dependence.

Aaron Klemm

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From: ASHABI, MINOO
To: Chen, Nick; LE, JENNIFER
Subject: FW: Draft Housing Element 2021-2029
Date: Thursday, September 2, 2021 9:20:50 AM

From: Nancy Henning <nphenn@gmail.com>
Sent: Thursday, September 2, 2021 8:56 AM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Draft Housing Element 2021-2029

Hello,
Regarding Casa Bella Apartments, 1840 Park Ave...
Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.
*** Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.
I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?
Thank you,
N. Henning

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From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick; ARIOS, JUSTIN
Subject: Fw: Housing Element comments
Date: Thursday, November 19, 2020 8:17:37 AM

From: Russell Toler <russell.toler@gmail.com>
Sent: Wednesday, November 18, 2020 9:01 PM
To: Housing Element
Cc: CITY COUNCIL; HARLAN, JEFFREY; PERKINS, MARC; TOURJE, JENNA; ZICH, JON; COLBERT, KEDARIOUS; DEARAKAL, BYRON; RUSSELL, DIANNE
Subject: Housing Element comments

Hello,

I wanted to provide some comments on the Housing Element update.

There is a full range of historic housing types in between the single family home and the big ugly apartment complex. The "Missing Middle Housing" types – duplexes, quadplexes, rowhouses, and other small multi-family buildings – with good development standards, can all fit well within whatever shades of neighborhood character we're hoping to create or preserve, including our R-1 neighborhoods. Without assaulting the cherished feel of our surroundings, these can help us increase the amount of housing, while also allowing neighborhoods to accommodate people of all ages, incomes, and family sizes (so that families can stay close and people can age in place, among other benefits). I hope that through this update, we focus not just on big projects on big sites, but on *facilitating* organic and stable neighborhood growth from local, small developers through many small projects. A big reason this sort of incremental development often doesn't pencil out because of parking requirements, which brings me to my next point: cars.

As we grow, we need to figure out how to become less of a car-depended and car-oriented city, otherwise the NIMBYs are right – we'll be a tangled mess of traffic, which no one wants. So to what extent is this new document going to deal with the question of how to uncouple housing from the car demand (or toll) that unnecessarily comes with it? As we try to accommodate 11,000 units over the next 10 years, what are we doing to ensure that owning a car and is optional rather than virtually required?

Lastly, I hope that the discussion over housing and the resulting decisions we make reflect some sort of unified vision for *how* we want to grow. While it may be necessary to balance out our spreadsheets and zone for the necessary amount of units, it is crucial that this is all decided within the context of how we want our city to look, feel, and function. How will the occupants of the new housing get around? How will the developments fit into the existing urban fabric and contribute to the neighborhood they're in? How will the new buildings relate to and shape the public space they sit on? We don't want islands of amenity-rich high-density housing fortressed in from bleak rights of way and full of people who never leave the property without a car (if you want to know what I'm describing, drive up Jamboree in Irvine some time). The sustainable, equitable, fair, and good way to approach this is not to resist growth, but to plan for it, so that as we inevitably grow, we grow well. I hope that we can approach our housing need holistically, taking more into consideration than where we can allow the spaceship developments to land, and nesting the whole conversation into a greater discussion about what our *physical vision* is for our city.

Thank you for reading. I look forward to participating in this process.

Russell Toler (lifelong Costa Mesa resident, husband, father, car driver, bike rider, walker, and renter, who can barely afford to stay)

From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick; EMERY, SUSAN; ARIOS, JUSTIN
Subject: FW: Opinión
Date: Monday, February 15, 2021 8:09:30 AM

FYI,

We had a comment submitted in Spanish that Andy translated for us.

-----Original Message-----
From: GODINEZ, ANDY
Sent: Sunday, February 14, 2021 11:15 PM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Subject: RE: Opinión

Minoo,

To the best of my ability I translated the email below:

"I just wanted to know how much importance will be placed on the comments that are posed by tenants? The importance shouldn't just be placed on the comments posed by business and property owners, but also the people who inhabit those properties. Because without the tenants, the property owners cannot prosper."

Please note that LOA I QUIMONOS is not a word, so I am assuming they meant LOS INQUILINOS, which means THE TENANTS.

Also, it seemed to be one run on sentence so I had to break it into a question and two sentences.

The last portion seems to be a Bible verse and I believe it is being used as part of their signature, so I didn't feel the need to translate that.

Andy Godinez
Code Enforcement Officer
Community Improvement Division
77 Fair Drive
City of Costa Mesa, CA 92626
OFFICE HOURS:
MON.-THURS. 7:00 AM – 5:30 PM
Office: (714) 754-5209
Fax: (714) 754-4856
Andy.Godinez@costamesaca.gov

-----Original Message-----
From: ASHABI, MINOO
Sent: Sunday, February 14, 2021 11:24 AM
To: GODINEZ, ANDY <andy.godinez@costamesaca.gov>
Subject: FW: Opinión

Hi Andy,

We have received this email; could you please translate?

-----Original Message-----
From: Dalia Silva [mailto:slater81017@gmail.com]

Sent: Saturday, February 13, 2021 3:31 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Opinión

Solo quería saber que tan importante son los comentarios de loa i quimonos, porque no solo importa la opinión de los comerciantes y dueños de casa sino del que los habita, porque sin el inquilino, los arrendatarios no pueden prosperar.

Juan 3:16
Porque de tal mantra amo Dios al hombre que dio a su hijo unigenito para que todo aquel que en El crea no se pierda mas tengo vida eterna.

From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick
Subject: FW: Proposed W 19th Street Development
Date: Tuesday, September 14, 2021 4:00:53 PM

From: Kyle Harper <Harper.Kyle@outlook.com>
Sent: Tuesday, September 14, 2021 3:47 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.

2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.

3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.

3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.

4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Kyle Harper
HarperPromotional
949.278.1055
Sent from my iPhone

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From: ASHABI, MINOO
To: ARIOS, JUSTIN; Chen, Nick; LE, JENNIFER
Subject: FW: Public Comment: City of Costa Mesa Housing Element Update
Date: Thursday, September 2, 2021 6:02:55 PM

From: Matthew Sheehan <matthewmsheehan3@gmail.com>
Sent: Thursday, September 2, 2021 6:02 PM
To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; Housing Element <housing-element@costamesaca.gov>
Cc: info@fairhousingelements.org
Subject: Public Comment: City of Costa Mesa Housing Element Update

Good evening,
My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.
As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.
Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.
Best,
Matthew Sheehan

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St. Joseph Hospital

August 17, 2020

Dear City of Costa Mesa:

St. Joseph Hospital is an acute-care not-for-profit faith-based hospital founded in 1929 by the Sisters of St. Joseph of Orange, located in the City of Orange, California. St. Joseph Hospital has 465 licensed beds, 379 of which are currently available, and a campus that is approximately 38 acres in size. The hospital's Primary Service Area includes the cities of Orange, Santa Ana, Tustin, Anaheim, Garden Grove, Villa Park, and Westminster. Major programs and services include cardiac care, critical care, diagnostic imaging, emergency medicine, obstetrics and behavioral/psychiatric services. St. Joseph Hospital dedicates resources to improve the health and quality of life for the communities it serves, with special emphasis on the needs of the economically poor and vulnerable.

Over the past two years, St. Joseph Hospital along with 13 other Community-based Organizations have been working together to address the issues of Economic Development, Housing, and Mental Health. In Central Orange County. The goal is to impact systemic change and determinants of health. In addition, St. Joseph Hospital has identified Homeless & Housing as one its key priorities of focus over the next three years. We will develop strategies to address lack of affordable housing under the framework of equity and racial disparities. We firmly believe that in order for communities to thrive, there must be equitable systems in place that support social consciousness, economic stability, and diverse development.

As you are aware, Housing Elements for the 6th cycle period (2021-29) are due to the California Department of Housing and Community Development by October 2021. St. Joseph Hospital understands the importance of each city's Housing Element in guiding housing programs, policies, zoning, and funding, as well as in reducing current obstacles to affordable housing development. We also understand the importance of Housing Elements in addressing racial equity in housing, particularly with the new statutory requirements mandating the inclusion of programs that affirmatively further fair housing in 6th cycle Housing Elements.[1] Together with local housing advocate groups, we support their efforts on ensuring that each jurisdiction increases affordable housing opportunities by implementing proven strategies, policies, and incentives that encourage affordable housing development.

St. Joseph Hospital seeks to ensure that jurisdictions engage the public in revising their Housing Elements. Public engagement is a necessary component of the Housing Element process as California Housing Element law states: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element…" Broad participation and true engagement of the public increases the likelihood that the community members involved in the discussion and planning processes will support new housing strategies and housing developments. Public engagement should include participation from residents of diverse communities, housing consumers, service providers, and advocates.

As the City embarks upon the 2021-29 Housing Element update, St. Joseph Hospital requests that the City include us and our local housing advocates in the upcoming Housing Element review and evaluation of the current 5th cycle planning period goals, policies, and accomplishments.

St. Joseph Hospital further requests that the City conduct a robust public participation process for the 6th cycle Housing Element update and that it incorporate St. Joseph Hospital, affordable housing advocates, and residents of low-income communities in this process. We believe that you will achieve a stronger Housing Element update through diverse community participation, outreach and community planning process.

To ensure adequate public participation St. Joseph Hospital recommends the following:

1. The City should engage community participation and feedback at all stages of the Housing Element review and update. Participation should not be limited to public hearings.
2. The City should allow for various methods of engagement to encourage public participation. For instance, for members of the public who may not have access to the internet or a computer, or who are unable to use video applications, consistently provide an adequate telephone option – available in multiple languages – and generally ensure that members of the community who lack adequate technology can participate in meetings about the Housing Element review.
3. The City's public participation and outreach opportunities should be meaningful and create various platforms (for example, virtual, written, workshops, webinars, community meetings, and public hearings) for the engagement of community members who reside in lower-income communities, affordable housing partners, Legal Aid organizations, and advocates.
4. The City should create a diverse Housing Element Working Group to evaluate the current Housing Element policies and accomplishments. This Working Group could help create policies and recommendations for the new Housing Element update to ensure that you meet the housing needs of those who are most vulnerable in the City.
5. The City should include affordable housing advocates in any anticipated Housing Element Work Group and provide the opportunity for them to provide their analysis on 5th cycle RHNA progress and be a part of developing policy recommendations on the 6th cycle update.
6. The City should engage community organizations representing and advocating for families and individuals residing in lower-income communities to ensure that members of these communities can directly participate and that the City considers their perspective as part of the evaluation and creation of policies that create affordable housing.

We would appreciate the City giving us notice of any public meetings regarding the Housing Element. We look forward to working with the City to encourage effective housing policies that will help create balanced housing development and create much-needed affordable housing in our local communities. If you have any questions, please feel free to contact me at (714) 771-8000 Ext. 17535 or Cecilia.Bustamante-Pixa@stjoe.org.

Sincerely,

Cecilia Bustamante Pixa

Cecilia Bustamante Pixa, MPH, MHCML
Director, Community Health Investment

[1]California Government Code § 8899.50 (Assembly Bill 686).

Mr. Mayor, Members of the City Council,

I felt that it would be helpful to write out some thoughts on the Housing Element in hopes that it might both shape the document and help keep the conversation going in what I believe to be a good direction. Although much of what I say in this letter is aspirational, I truly believe that Costa Mesa - much more than most of our neighbors - is set up to grow *well* into a leafy, sustainable, interesting, and beautiful urban city. Some of what is written below is immediately applicable to the task at hand (updating the Housing Element), while some of it is applicable to the larger task of updating the Circulation Element and Title 13 of the Municipal Code (zoning) in the wake of the updated Housing Element.

Please note that the ever-present risk of discussing these things is that certain terms and ideas are likely to present themselves very differently in each of our heads. To keep this letter from getting too long, I'm taking that risk. I've provided links throughout and resources at the bottom that might help refine the things I'm trying to say, and I'm also always available to chat.

> *The entire planning profession can be boiled down to "how do we fix the problems caused by cars and apartment bans without banning cars or allowing apartments"*
>
> - Someone on Twitter

1. The shape of the city

A good, healthy city is a collection of complete neighborhoods. *Complete* neighborhoods are geographically finite areas with civic, cultural, and commercial uses embedded into them. They also have a variety of housing types (among other benefits, like the mixing of ages and socio-economic status, this allows people to move through stages of life without having to leave their neighborhoods behind). This idea that neighborhoods are limited in size[1] is key. We often talk about how complete our *city* is (citing the number of dwellings, amount of office and commercial space, etc.), but what *matters* is the proximity of everything. That is really the whole point of a city. But when we disregard the human scale, we create a contradiction of a city. When civic, cultural, and commercial uses, and different housing options are embedded into our neighborhoods and within comfortable walking

[1] A complete neighborhood should roughly have a ¼ mile radius (5-minute walk), since that is the distance that people are generally willing to walk before opting to drive instead.

distance of each other, the city can flourish. But when they are grouped into sectors, miles away from each other and only accessible by car, the city *cannot* function well.

I say this because we need to think about what each neighborhood is lacking before designating vacant or underutilized lots as "opportunity sites" for housing. [2] This is important to remember, because once land is developed, it stays like that for a very long time. However good an increase in housing supply may be, a neighborhood which contains nothing but housing - or worse: nothing but one master-planned, centrally-managed product - is an incomplete neighborhood. Density without amenity is just car-dependent density. See this great blog post on the 5 Cs of neighborhood planning by urban designer Howard Blackson.

My point: *We need to make sure that this Housing Element is actively helping make all of our neighborhoods more complete. And we need to make sure that we aren't precluding the future "completion" of neighborhoods by planning for every last bit of available land to be filled in with nothing but more housing.*

2. Regulating What Matters

As with many other cities, it's our development standards that are largely responsible for our shortage of housing. Pre-WWII neighborhoods that represent the best of what we're trying to imitate with our R-1 standards contained a variety of building types, densities, and even uses. What we like about them is that the streets are lined with shade trees, cars move slowly, the buildings are mostly one or two stories and aren't too wide, they have conspicuous front doors and big front windows, they have porches and small gardens in front that make for comfortable transitions between private and public space, etc. If these (and whatever else we identify as the features that make such places desirable) successfully embody the spirit of what R-1 is intended to be, then *these* are the things that we should be regulating. And the same principle applies to whichever type of environment we're trying to achieve - whether we're talking about R-1-type streets or whatever the subsequent "clicks up" are.[3]

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[2] This requires a lot-by-lot analysis, but for a simple example - have we identified any land as an "opportunity site" that is in a park-poor neighborhood? (see General Plan Figures OS-R 2 & 3).

[3] The subsequent "clicks up" shouldn't be on their own, far away: they should be embedded into the same neighborhoods - or even blocks!

But rather than regulating the physical things that matter, we've been regulating the abstract things that no one actually cares about. Density caps, minimum lot sizes, and costly parking mandates are three principal zoning culprits that have kept traditional American housing types - those that can deliver good density at multiple scales - out of our city.[4] As a result, our neighborhoods are frozen: single-family homes are selling for millions of dollars, and the only other product that gets built are distorted variants of the single-family home - crammed together unnaturally on jointly-owned lots, often turned away from the public realm. But we need to get our development codes right (code the things that we actually care about) so that our "built-out" parts can be liberated to evolve incrementally and organically.

There are many potential housing types that should be embedded into our neighborhoods, but are simply coded out. Missing middle housing traditionally refers to multiplexes that are the general size and shape as houses and therefore integrate seamlessly into R-1-type environments. But there are many other possibilities of types that are larger than missing middle products, but smaller than wraps or podiums, that - if done well - can work just fine in the *right parts* of each of our neighborhoods. We need to not only allow, but actively facilitate these "small" multi-family, or even mixed-use, infill projects. See here for some examples. We should not be depending on mega-projects to deliver all of our new housing.

Much of what I'm trying to get at is summed up in this line from a great Strong Towns post by Daniel Herriges:

> *Let single-family homes become duplexes and triplexes. Let small apartment buildings, 8 to 12 units, go up on corner lots. Let mom-and-pop stores and cafes open in these areas to serve growing populations.*

Then there are the large parcels in the city - both those still undeveloped and those that are ripe for redevelopment. Historically, large sites have been developed as sealed off pods of a single building type. Monticello - the 20 acre mega-project that turns its back on 3,000 feet of public streets - may have been the first of this type in town, and until recently have been in the form of garden apartments, like these, these, these, these, and these. But this model of development neglects the most *fundamental* principles of city-making: **urban**

[4] To take the simplest example: currently, how could you build a duplex in R-2? To subdivide your land, each new parcel would need 12,000 square feet and 100 feet of frontage(!) To build on an existing, smaller parcel, you would be allowed one unit per 3,630 square feet of lot area (meaning that you would not be able to build a duplex on a typical 6,000 square foot lot). If your lot has been that size since 1992, however, you can build a duplex - but only if you can fit 5 parking spaces on it.

land should be carved into small, walkable blocks, public open spaces, and streets of shared use; buildings should address, and take pedestrian access off those spaces. These are the characteristics that every desirable urban environment shares. But look what we're still allowing to happen with Superior Pointe, 17th West, The Enclave, and Miraval. The edge buildings in the first two at least address and take access off the street (though with questionable frontages), while The Enclave and Mirval have followed in the tradition of walling themselves off from the outside world. Rather than authentic places, these are all homogenous (in so many ways) faux-"communities" - unstitched from the fabric of the surrounding environment, impenetrable by the public, and wholly unable to evolve. You have to leave the whole project if your financial situation changes, if your family grows, or if it's time for grandma to be closer. We are making static, stagnant *projects* rather than *places* - despite how they are branded and marketed. [5] This is largely a matter of getting our codes right, and it should not have to require a colossal effort.

My point: *Our existing neighborhoods cannot be frozen and protected from any change. We need to make sure that our code is set up so that the change that does happen is incremental, context-sensitive, and in the right parts of each neighborhood. For the bigger projects, we need to especially make sure we have better subdivision standards. In all contexts, we should be regulating the things we actually care about, so that each project contributes to the aesthetic quality of our "urban commons."*

3. **Corridor Visioning**

I have heard the idea from the dais that we might want to articulate a vision - or visions - for our corridors, and even regulate them with form-based codes. I want to throw in my support. Like much of Southern California, our grid of corridors is a result of the Public Land Survey System from long before our time. When the functional classification system of highways is applied to this pattern, the result can only be seen as ideal by the most myopic observer. Look what has happened to places like Huntington Beach. We instantly recognize this interpretation of what a street is supposed to be as *not good*, yet we've been allowing the same thing to happen - project-by-project - along what perhaps is our corridor with the most potential: Harbor Blvd. Look at all the new development (for example Blue Sol, Twenty8, Aura, Azulon) and note what they have in common - they don't want to have

[5] 580 Anton is a different sort of project, but errs in the same way as many others. The entirety of the ground floor that is adjacent to the public realm - 700 feet of frontage - is dead. A lot of planning energy went into this project, yet the building fails in its most basic role (from an urban design perspective): shape and engage with the public space of the street. In the core of the City of the Arts, we need to do a better job of communicating our belief that beauty actually matters.

anything to do with Harbor Blvd. This is understandable, since we've allowed Harbor Blvd. to become a high-speed 6+ lane highway (making it a convenient place to *drive through*, but a very unpleasant place to *be*). We also - bewilderingly - have been allowing (even more) single-family homes to back right up to the boulevard. Is this consistent with our vision for our corridors? Is the future of Harbor Blvd. a high-speed channel of privacy walls with the backs of low-density, car-dependent housing on either side? The Planning Commission recently reviewed the plans for a new car wash to be built on a commercially-zoned lot on Harbor and Dale. I checked the zoning: 2 stories maximum, 20-foot setback required for both streets, FAR capped at 0.4, etc. It's no wonder that a car wash is moving in. Each new development betrays the embarrassing fact that we don't know what we want. We don't have a vision.

We would be wise to remember Principle no. 19 of the Charter of the New Urbanism (which is worth reading in its entirety): *A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use.*

The establishing of a form-based code would force us to figure out what the barriers to development are, what the market can support, and what ideal-yet-practical buildout *should* look, feel, and function like. The development code, then, would be set up to deliver physically-predictable results that are consistent with that vision, and with as little headache as possible each time an application comes in.

My point: *Yes to visioning our corridors, yes to code revisions in light of those established visions, yes to form-based zoning if necessary.*

4. **Open Space**

When the countryside is far away, the city becomes a prison.

- Christopher Alexander

In Southern California we've carpeted the land with low-density, car-dependent sprawl. In our worst suburban pockets, we lack both the benefits of the city *and* the benefits of the country. A wise response is not to try to freeze growth and long for more rural times. Nor is it to swing the other way and hastily welcome any and all growth. Our best approach is to strategically do what we can to control *the shape and character* of our city as the market and the State push us to grow (see No. 1, above). This obviously applies at all scales and should permeate all of our discussions about everything planning-related, but what I'm bringing up

here is the topic of semi-wild, easily-accessible open space *within* the city. The concept of "transfer of development rights" (TDR) programs is traditionally applied to cities that want to curb outward sprawl and protect surrounding farmland. It is dependent on the not-ideal system of regulating the abstract concept of density via the DUA metric. While I very much hope that we can stop regulating density through zoning at the parcel level, the DUA caps at the Land Use Plan[6] level may suffice to make a program like this viable. We have some very large vacant and underutilized parcels in the city, and it would be folly to let them just get paved over without considering whether they (in whole or part) might be opportunities to get more quality open spaces in the city that are easily-accessible to more people. This approach has the added benefit of not requiring that the city purchase the land: the property owner only sells the *rights* to build a specified number of units to another property owner elsewhere, and maintains ownership of the land - with a newly-recorded easement. I've never seen TDR programs set up like this before. But I don't see why the idea wouldn't be worth exploring if we are truly interested in rewilding parts of our city and providing more quality open space to more people as we densify.[7]

Having said that, we also need to recognize the obvious: the topic of urban open spaces and the lack of access to them is a modern, self-inflicted problem. The most common open space is the space between buildings - streets. But since we've allowed most of our streets to be monopolized by cars - and therefore unsafe and unpleasant for people outside of vehicles - none of it "counts." This really is amazing, considering the amount of open space there is in the city and how close it is to all of us! Instead, we provide pockets of turf with plastic play equipment where we can manage, but leave it up to residents to figure out how to navigate to those places safely through a network of disqualified open space that is dominated by fast-moving cars. Whenever we talk about the need for open space, we need to also talk about the need to reconceptualize our streets.

My point: *We need more public open space, and we need it more easily-accessible to more people. This topic increases in importance as we increase in population. A TDR program might be one means towards this end, or maybe we have better ideas. Our streets should serve as public open space too, but they cannot fulfill this basic role when driving convenience is treated as the highest good.*

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[6] Using DUA at the Land Use Plan level is fine. It should *inform* our zoning. But when the metric is being applied parcel-by-parcel through zoning, it is being used inappropriately.

[7] I am using semi-wild spaces (like Canyon, Talbert, and Fairview Parks) as a gold standard here, but other forms of accessible open space may work well too - especially those that might provide some revenue to the property owner.

5. Parking & Mobility

> *In The High Cost of Free Parking, which the American Planning Association published in 2005, I argued that minimum parking requirements subsidize cars, increase traffic congestion, pollute the air, encourage sprawl, increase housing costs, degrade urban design, prevent walkability, damage the economy, and penalize poor people. Since then, to my knowledge, no member of the planning profession has argued that parking requirements do not cause these harmful effects. Instead, a flood of recent research has shown they do cause these harmful effects. Parking requirements in zoning ordinances are poisoning our cities with too much parking. Minimum parking requirements are a fertility drug for cars.*
>
> - Donald Shoup

> *The right to access every building in a city by private motorcar, in an age when everyone owns such a vehicle, is actually the right to destroy the city.*
>
> - Lewis Mumford

Before we go too deep in our analysis of how much and what sort of housing is possible, we need to figure out what we're going to do about our costly on-site car storage mandates, AKA parking minimums. Arguments in favor of keeping them can only be from the myopic perspective of the driver who has been accustomed to free and easy parking (and no traffic) wherever they go, despite how unrealistic and unsustainable that expectation may be. Arguments for their reduction or removal include sound logic and big-picture thinking.

As we grow, our dependence on cars *needs* to weaken, and the comfort and convenience of getting around in more spatially-efficient ways *needs* to become more viable for more people. Right now, despite our aspirational statements about being a multi-modal city, our codes ensure that driving remains the most convenient option to get around - through the continued use of LOS, high on-site parking requirements, the limitation of FAR and DUA by estimated trip generation, etc.[8] As we prepare for this growth spurt, we need to figure out

---

[8] Donald Shoup: *Consider the three main elements of city planning. First, divide the city into separate zones (housing here, jobs there, shopping somewhere else) to create travel between the zones. Second, limit density to spread everything apart and further increase travel. Third, require ample off-street parking to spread everything even farther apart and make cars the easiest and cheapest way to travel. Cities have unwisely adopted these three car-friendly policies. Separated land uses, low density, and ample free parking create drivable cities but prevent walkable neighborhoods. Although city planners did not intend to enrich the automobile and oil industries, they have shaped our cities to suit our cars.*

what we need to do to function and thrive as a car-lite city. If we allow the accommodation of cars to shape (and price) the development of 11,760 units, then this problem will be further entrenched for decades, and we will be marching away from our city and state climate goals. Now is the time to decide that we are going to grow sustainably (both spatially and environmentally), and calibrate our codes around more noble needs like beauty, green and active mobility, and affordable housing.

My point: *If we plan for cars and traffic, we'll get cars and traffic. Right now, despite what we say, we are still very much planning for cars and traffic. The discussion of the future of local housing must be intertwined with the discussion of the future of local access and mobility.*

I don't want any of the above points to be construed as hard-edged propositions. They are not intended as solutions, only ideas in an attempt to move the conversation in what I believe is the right direction. I want to push them to the front of our discourse over the vision of our city, and I hope that they can be on our minds as we continue to work out our future.

Thanks for reading,
Russell Toler

Resources

- Blog Post: Density Done Well
- Publication: Density Done Well
- Book: Soft City
- Missing Middle Housing
- AARP Handbook for Improved Neighborhoods
- Users Guide to Zoning Reform
- Lean Code Tool
- Biophilic Cities
- Residential Infill Project (Portland) (Oregon City)
- Random examples of new "small" infill

From: ASHABI, MINOO
To: "bustariley@aol.com"
Cc: ARIOS, JUSTIN; Chen, Nick
Subject: RE: Housing Element Comments
Date: Monday, May 3, 2021 3:00:01 PM

Hello Riley,
Thank you for your interest in the Housing Element Update. We will add your name to the interest list for future email blasts. You could also check the City's website for periodic updates including two new videos:
https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update
Your comment below is noted and will be included in the public comments provided to the City Council.

Minoo Ashabi, AIA
Principal Planner
City of Costa Mesa
714/754-5610
minoo.ashabi@costamesaca.gov

From: bustariley@aol.com <bustariley@aol.com>
Sent: Monday, May 03, 2021 2:54 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Fwd: Housing Element Comments

Hello,

I have been watching the recorded community meetings on District 4 & 5, and I would like to be included in future meetings or information updates.
I am a home owner and live in the freedom homes in district 5. I am very busy with young children, as are many of my neighbors, and hence I don't have allot of time for city involvement. However, this housing issue has been a hot topic for the 10+ years I have lived in Costa Mesa. After listening to these meetings, I feel like people like me were not well represented, and I would like to share a few of my own comments. I bought my house in 2015 for $570K. An average lot in my neighborhood is 0.2 acres, so that makes 5 houses per acre. When I heard the State has decided that 30 "housing units" per acre is the only way to have "affordable" housing, my jaw dropped a little. 30 "housing units" per acre is 6X the housing density of my neighborhood. Pause a little and contemplate 6X the density of my neighborhood as the new "norm" & it will make your head spin a little. I am biased like everyone, and I enjoy the lifestyle that a less dense neighborhood provides. I also feel that the majority of my neighbors do as well. I am not excited to think about the entire lower west-side of Costa Mesa be transformed into high density neighborhoods, but I truly feel powerless to fight the state. I would only like to offer my suggestions to this conversation:

1. Consider the parking situation! Please! Do not believe that people bike or walk & don't have cars, that's a ridiculous idea. Go to any high density area (like district 4), and you find parking is very hard to find. I love walking & biking around town, but also realize most people do not, and most times biking & walking is not possible (ex: night time…raining…doctors appt…

errands…the list goes on & on).

2. We must set a housing "unit" to Park space ratio! If you want to attract families, you must have local park space! No exceptions. And I'm not talking about the little tiny parks they put in those high density neighborhoods with only 1 play structure & no swings or space to run around. Those are not sufficient & should not count towards park space.
3. Please realize these 3 story + rooftops places that are popping up everywhere are selling for MORE money than small houses in my spacious neighborhood. So it is NOT TRUE that high density = less cost.
4. If you really wanted to build affordable houses, you would build a simple house (1 or 2 stories, Asphalt driveway, formica countertops, simple fixes, 1 bathroom, etc…) That is the only really affordable house. All other types are not affordable. And government assistance does not mean affordable. If you need help to pay for something, is it affordable?

Thank you,
Riley Watson

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From: Cash Rutherford
To: Kathy Esfahani; Elizabeth Hansburg P4H
Cc: Chen, Nick; ASHABI, MINOO; Rutherford Cassuis; Dianne Russell
Subject: RE: Sharing Willowick proposal
Date: Thursday, February 11, 2021 12:32:27 PM
Attachments: image001.jpg

Thanks to Minoo, Nick and TeamCM for meeting with us on the housing element update. Please do keep Kathy and the CM affordable housing coalition apprised of the process at is unfolds. We are eager to stay engaged.
Kudos to Elizabeth for sharing the info about Willowick – I think there are definitely some lessons learned in how to approach developing FDC.
All the best,
Cash

Cash Rutherford
Field Coordinator, United to End Homelessness
Orange County United Way
18012 Mitchell South, Irvine, CA 92614
Email: CashR@UnitedWayOC.org
Phone: 949.477.4502
Mobile: 951.265.0461



From: Kathy Esfahani <kathy.esfahani@gmail.com>
Sent: Thursday, February 11, 2021 11:44 AM
To: Elizabeth Hansburg P4H <elizabeth@peopleforhousing.org>
Cc: nick.chen@kimley-horn.com; ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>; Cash Rutherford <CashR@UnitedWayOC.org>; Rutherford Cassuis <cashrutherford@gmail.com>; Dianne Russell <diannelrussell@gmail.com>
Subject: Re: Sharing Willowick proposal

Thanks very much, Elizabeth, for sending this. And thanks to Nick, Minoo, and all involved for hosting such a productive and satisfying meeting. We look forward to participating further in the Housing Element Update process.
Kathy

On Wed, Feb 10, 2021 at 3:10 PM Elizabeth Hansburg P4H <elizabeth@peopleforhousing.org> wrote:

> To be clear, this is a PROPOSAL, and no decision has been made, but for proof of concept, Willowick is a comparable site in size for FDC. It would be an interesting exercise to analyze how these partners are proposing to use the 90+ acres. The partners are City Ventures and Jamboree Housing.
> --
> **Elizabeth Hansburg**

Co-Founder & Executive Director
Image removed by sender.
c. (714) 872-1418
e. elizabeth@peopleforhousing.org
Click here to become a member of People for Housing!



City Ventures

Massing Model

WILLOWICK

SANTA ANA, CA

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ARCHITECTS . PLANNERS . DESIGNERS

WHA.

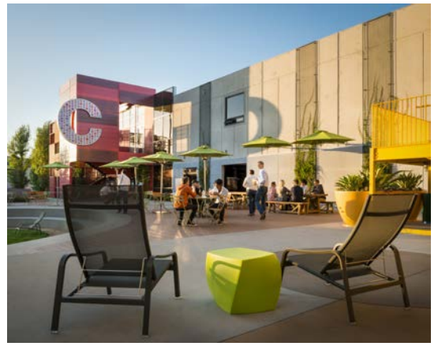
ORANGE COUNTY . LOS ANGELES . BAY AREA



3 RIVERFRONT PARK





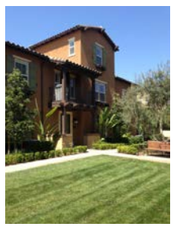






4 COMMUNITY PARK







5 NEIGHBORHOOD VIBE









City Ventures

4.2 INSPIRATIONAL IMAGERY

WILLOWICK



Summary	Acres	Homes	SF
Residential	**62.2**	**1,390**	**102,000**
2-Story SFD	12.2	140	
2-Story Townhomes	10.6	160	
3-Story Townhomes	25.0	520	
4-Story M/U Apartments Over Retail*	9.5	570	25,000
4-Story M/U Apartments Over Cultural*	4.9	300	77,000
Non-Residential	**61.9**		**70,000**
Retail	6.6		70,000
Rec Center	2.7		
Community Park	32.1		
Roads and Misc Open Space	20.5		
Total	**124.1**	**1,690**	**172,000**

*** Includes provision of 423 Affordable Homes in total (25%)**

CONCEPTUAL LAND USE PLAN
WILLOWICK

WILLOWICK COMMUNITY PARTNERS



Summary	Acres	Percent O.S.
Within Golf Course Boundary	**15.3**	**15.1%**
Community Park	5.1	5.0%
Rec Center	2.7	2.7%
Riverfront Park	3.7	3.6%
Linear Park/ Trails	3.8	3.7%
Outside Golf Course Boundary	**19.5**	
Campesino Park	6.4	
Riverfront Park	13.1	
Total	**34.8**	
Net Area (Golf Boundary Area)	**101.8**	**15.1%**
Gross Area (Includes Outside Areas)	**124.1**	**28.0%**

PUBLIC OPEN SPACE ANALYSIS
WILLOWICK

WILLOWICK COMMUNITY PARTNERS

From: Brent Stoll
To: Chen, Nick
Subject: SCMW
Date: Friday, March 12, 2021 9:31:04 AM

Something to think about. Most of the council members and some of the planning commissioners have seen versions of this over the years.
https://www.dropbox.com/sh/khkj4sk4j5e6qzz/AAAj7go8lWZBJ8804ndhkwcGa?dl=0

From: LE, JENNIFER
To: ASHABI, MINOO; ARIOS, JUSTIN; EMERY, SUSAN
Cc: Chen, Nick
Subject: Update
Date: Friday, January 15, 2021 11:35:49 AM
Attachments: image001.png

Hi—
I had a meeting with Kathy Esfahani today of the Affordable Housing Coalition. They are gearing up to participate in the Housing Element and to launch an outreach effort asking Costa Mesa residents to support some bold policies they will be advocating for. Their outreach focus is on promoting understanding of who affordable housing residents are (workforce housing) and confronting density with visuals of example affordable projects. Although we have a different role than an advocacy group, their messaging is in line with ours in terms of promoting an understanding of density and affordable housing issues. These are both topics for our short videos being developed.
Their top 3 policy asks are:

- Inclusionary Housing Ordinance
- A land use plan for Fairview Development Center that incorporates a master planned housing village of sorts with a mix of densities including rentals and low to mod affordable housing mix including a PSH component. Current cap of 500 units and “golf course” style housing is not their vision. Possibly lobbying the State to put the property in a land trust.
- Amending Measure Y so as not to function as a barrier to housing.
- Not top 3 but other things that are priorities for them: Preserving affordable MH parks and motel conversions and ADUs as a potential part of a solution for affordable housing. Offered to be a facilitator of conversations on motel conversions with Hotel owners who they had a relationship with from past efforts (Mike Lin owner of Travelodge was mentioned).

We already have them on our list I’m sure, but they will be one to include in our stakeholders meeting and possibly a one-on-one meeting in the future as we develop our adequate sites analysis and policy plan.

Jennifer Le
Director of Economic and Development Services
City of Costa Mesa
77 Fair Drive, Costa Mesa, 92626
(714) 754-5617



Development Services staff are available to assist you Monday through Thursday, 8AM to 5PM. Please note: Until further notice, Costa Mesa City Hall is closed to the public in keeping with Governor Newsom’s direction regarding COVID-19. The City is committed to continuing to provide essential services and will be providing services to the public online, via telephone, and via email in order to follow the Governor’s guidance and reduce the potential spread of COVID-19.

Costa Mesa Affordable Housing Coalition

March 23, 2021

Mayor John Stephens and City Council Members
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Re: Our Public Comments for the Housing Element Study Session

Dear Mayor Stephens and City Council Members:

The Costa Mesa Affordable Housing Coalition (the Coalition) applauds the extensive outreach efforts of city planning staff and the consultant in attempting to involve the community in the 2021-2029 Housing Element update. The Coalition has been glad to participate in many of these efforts and we appreciate the open minds and skillful listening displayed on the part of the city's agents.

Given the huge RHNA numbers assigned to Costa Mesa in the new planning period, and our community's desperate need for affordable housing, we urge the city to adopt in its Housing Element Update **bold policies** aimed at ensuring **affordable housing actually gets built** here. These are our major policy suggestions:

1. Adopt a highly effective inclusionary housing ordinance. The affordability requirement must hit the sweet spot: It should be high enough that it will help the city meet its RHNA numbers for low and very low income households, but not too high as to discourage development. We believe an excellent model is the inclusionary ordinance which works so well in Irvine. We note it is imperative the ordinance's in lieu fee is high enough to encourage developers to include affordable units in their project, rather than opt for paying the fee.

2. Amend Measure Y so it does not constrain the building of affordable housing. Additionally, we urge the city to interpret Measure Y as written as exempting from the "voter approval" requirement all developments which make at least 20% of their units affordable to low and very low income households.

3. Create a specific plan for the 100-acre Fairview Developmental Center site. The plan should allow densities of at least 60 units to the acre, with at least 20 percent of all units affordable to low and very low income households. Also, lobby the Governor's office to

get the state to either donate the property to the city for affordable housing development or sell the property at a discount to nonprofit developers for that purpose.

4. Create new overlay zones along major thoroughfares like Harbor Blvd. where mixed use development can replace failing strip malls with vibrant new communities of apartments, restaurants and small businesses, incorporating walking and bike trails. These overlays should require at least 20% of the housing to be affordable for low and very low income households.

5. Review and amend all specific plans and overlays in the city to include increased densities of 60 units/acre and a requirement of at least 20% affordable units.

6. Create a housing trust fund to hold the in-lieu fees generated by our new inclusionary ordinance, and prioritize in-lieu fees for use at the Fairview Developmental Center site/city-owned sites/affordable housing in overlay zones.

7. Create a land trust to hold donated land.

Thank you for considering our input on this crucial planning document. We look forward to partnering with you to increase affordable housing in Costa Mesa. Please let us know if you have any questions.

Sincerely,

Kathy Esfahani

Kathy Esfahani, on behalf of the Costa Mesa Affordable Housing Coalition

cc: Mayor John Stephens and City Council Members
Cesar Covarrubias, Kennedy Commission
Richard Walker, Public Law Center

August 3, 2020

www.kennedycommission.org
17701 Cowan Ave., Suite 200
Irvine, CA 92614
949 250 0909

City of Costa Mesa
77 Fair Dr
Costa Mesa, CA 92626

Dear City of Costa Mesa:

The Kennedy Commission (the Commission), a broad-based coalition of residents and community organizations, advocates for the production of homes affordable for families earning less than $20,000 annually in Orange County. Formed in 2001, the Commission has successfully partnered and worked with Orange County jurisdictions to create effective housing and land-use policies that have led to the new construction of homes affordable to lower-income working families.

As you are aware, Housing Elements for the 6th cycle planning period (2021-29) are due to the California Department of Housing and Community Development by October 2021. The Commission understands the importance of each city's Housing Element in guiding housing programs, policies, zoning, and funding, as well as in reducing current obstacles to affordable housing development. We also understand the importance of Housing Elements in addressing racial equity in housing, particularly with the new statutory requirements mandating the inclusion of programs that affirmatively further fair housing in 6th cycle Housing Elements.[1] Our work focuses on ensuring that each jurisdiction increases affordable housing opportunities by implementing proven strategies, policies, and incentives that encourage affordable housing development.

Further, the Commission seeks to ensure that jurisdictions engage the public in revising their Housing Elements. Public engagement is a necessary component of the Housing Element process as California Housing Element law states: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element..." Broad participation and true engagement of the public increases the likelihood that the community members involved in the discussion and planning processes will support new housing strategies and housing developments. Public engagement should include participation from residents of diverse communities, housing consumers, service providers, and advocates.

As the City embarks upon the 2021-29 Housing Element update, the Commission requests that the City include us in the upcoming Housing Element review and evaluation of the current 5th cycle planning period goals, policies, and accomplishments. The Commission further requests that the City conduct a robust public participation process for the 6th cycle Housing Element update and that it incorporate the Commission, affordable housing advocates, and residents of low-income communities in this process. We believe that you will achieve a stronger Housing Element update through diverse community participation, outreach, and community planning process.

To ensure adequate public participation the Commission recommends the following:

[1] California Government Code § 8899.50 (Assembly Bill 686).

1. **The City should engage community participation and feedback at <u>all</u> stages of the Housing Element review and update. Participation should not be limited to public hearings.**

2. **The City should allow for various methods of engagement to encourage public participation. For instance, for members of the public who may not have access to the internet or a computer, or who are unable to use video applications, consistently provide an adequate telephone option – available in multiple languages – and generally ensure that members of the community who lack adequate technology can participate in meetings about the Housing Element review.**

3. **The City's public participation and outreach opportunities should be meaningful and create various platforms (for example, virtual, written, workshops, webinars, community meetings, and public hearings) for the engagement of community members who reside in lower-income communities, affordable housing partners, Legal Aid organizations, and advocates.**

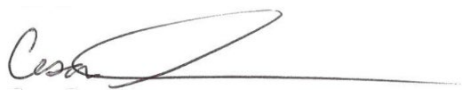
4. **The City should create a diverse Housing Element Working Group to evaluate the current Housing Element policies and accomplishments. This Working Group could help create policies and recommendations for the new Housing Element update to ensure that you meet the housing needs of those who are most vulnerable in the City.**

5. **The City should include The Commission in any anticipated Housing Element Working Group and provide the opportunity for the Commission to provide its analysis on 5th cycle RHNA progress and be a part of developing policy recommendations on the 6th cycle update.**

6. **The City should engage community organizations representing and advocating for families and individuals residing in lower-income communities to ensure that members of these communities can directly participate and that the City considers their perspective as part of the evaluation and creation of policies that create affordable housing.**

We would appreciate the City giving us notice of any public meetings regarding the Housing Element. We look forward to working with the City of Costa Mesa to encourage effective housing policies that will help create balanced housing development and create much-needed affordable housing in our local communities. If you have any questions, please free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,



Cesar Covarrubias
Executive Director

Costa Mesa Affordable Housing Coalition

January 26, 2021

Jennifer Le, Director of Economic and Development Services
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Re: Working Together on Policies and Programs for the 2021-2029 Housing Element Update

Dear Jennifer,

It was so nice to "meet" you in our recent Zoom call. As I mentioned then, the Costa Mesa Affordable Housing Coalition looks forward to discussing with you, your staff and the consultant the programs and policies Costa Mesa should include in its 2021-2029 Housing Element Update to address the City's housing affordability crisis. We are eager to work with you to help the City meet its steep RHNA challenge.

This letter is advance notice of some of our "big ideas" for the Housing Element Update, to frame our upcoming discussion. We have many other ideas to share, but will save those for another time. Our overall goal for this Housing Element Update is that it will reflect the City's commitment to *prioritize* and *facilitate* the development of rental homes affordable to lower income working families. Market rate (and above) housing has never needed much encouragement to flourish in Costa Mesa. Lower income housing, on the other hand, needs determined support from the City to ensure its development here. We suggest three key strategies for the City to pursue in that regard:

1. Reimagine the 100-acre Fairview Developmental Center (FDC) site as a master planned "housing village" which will provide housing for a broad spectrum of Costa Mesa residents at affordability levels from extremely low income through moderate income; advocate with state officials for donation of the entire 100-acre site for that purpose; take concrete steps at the local level to advance that policy.

2. Adopt a city-wide Inclusionary Housing Ordinance which requires a minimum of 15% of new housing development to be affordable to lower income households.

3. Identify Measure Y as a constraint in the production of housing affordable to lower income households and take steps to amend Measure Y so it no longer constrains that production.

<u>More detailed discussion of the three key strategies:</u>

1. Create a "housing village" on the Fairview Developmental Center (FDC) site[1]

[1] The current General Plan permits up to 582 residential units on FDC, with a mix of 250 single family units (6 du/ac on a minimum of 50 acres) and 332 multiple family units (40 du/ac).

a. The City should reimagine the FDC site as a housing "village" which meets the housing needs of multiple segments of the community by providing rental housing at different income levels, from extremely low through moderate. The village should offer housing for young families just starting out as well as for lower income families with multiple children in need of larger (three- and four-bedroom) apartments; permanent supportive housing for the developmentally disabled community; veterans housing; and mixed-use housing which will allow village residents to work and shop in ground level retail and offices within the village, which itself incorporates generous parks and open space.

b. The City should commit to an intense lobbying campaign to convince Governor Newsom and the Department of General Services to donate the entire 100-acre site into the City's (not yet established) affordable housing land trust for the purpose of facilitating the development of a substantial amount of the affordable housing required by the City's large RHNA allocation.

c. The City should identify the ***entire*** FDC site as an opportunity site for lower and moderate income housing. The City should change the site's current land use designation in the General Plan and its zoning to allow the site to be developed as a master planned "housing village" (described above), including allowable densities of 30-60 units to the acre and mixed-use housing.

d. The City should include a policy in the Housing Element Update to ensure affordable housing gets built at the FDC site, and a policy that requires the issuance of RFP's for affordable housing at the site.

2. Adopt a highly effective Inclusionary Housing Ordinance containing the following elements:

   a. A minimum of 15% of all new housing development will be set aside for *extremely low, very low and low income levels.*

   b. The ordinance should include the following options for meeting the affordable housing requirement: build affordable units on-site or off-site; donate land into the City's affordable housing land trust; pay an in-lieu fee (fee range $10-$20/sf or $10K to $20K per unit).

   c. Create a housing trust fund to hold the in-lieu fees and create a land trust to hold donated land.

   d. Prioritize in-lieu fees for use at FDC site/ city-owned sites/affordable housing in overlay zones.

3. Amend Measure Y so it is no longer a barrier to meeting the city's RHNA requirement for lower income housing.

a. The Housing Element Update should identify Measure Y as a constraint in producing affordable housing.

b. The Housing Element Update should include as a program that the City will take steps to amend Measure Y so it is no longer a barrier to meeting the RHNA requirement for extremely low, very low, and low income housing.

We look forward to partnering with you to increase affordable housing in the City and discussing these ideas at a meeting with you soon. Please let me know some available dates and I'll coordinate with members of our Coalition. Thank you!

Sincerely,

Kathy Esfahani

Kathy Esfahani, on behalf of the Costa Mesa Affordable Housing Coalition

cc: Mayor Katrina Foley and City Council Members
Planning Commission Members
Cesar Covarrubias, Kennedy Commission
Richard Walker, Public Law Center

Commentary on the Draft Costa Mesa Housing Element Plan

My name is Betsy Densmore. I live in the Canyon neighborhood and I co-own a restaurant in Mesa Verde Plaza. I also serve on the Board of a local nonprofit affordable housing development company. I fully endorse the goals of the draft Housing Element and carefully read the various strategies for fulfilling those goals. Unfortunately, my take away is that there are several ways that these lofty goals will be thwarted.

The plan as written does not go far enough. New construction is very expensive and providing tenant services drives the cost per unit even higher. I believe that the proposed densities for many of the sites which are identified are not high enough to make the sites financially feasible. Can we find more or be more aggressive about promoting other alternatives to new construction? And too much of the plan hangs on the details of the "inclusionary housing ordinance" which will likely take months to be developed.

Will 25% or more of EACH new development be reserved for very low and low income tenants? Otherwise, won't we perpetuate the problem we already have which is that service workers we need in Costa Mesa (like the folks who work in my restaurant) have great difficulty living here because moderately priced housing is so scarce. Those who own cars, clog our roads and spend too much of their income on car loans, gas and repairs. I sometimes hear people say that adding more housing and thus more people to Costa Mesa will just make traffic worse. I beg to differ. Those able to live close to work and amenities, can walk or ride their bikes.

We need more residential units for people in ALL income categories. Our market is too tight – shortages in any category have a domino effect on the others. I think we should be allowing multi-unit buildings in all neighborhoods. Moreover, I believe accelerating development of more "granny flats", in-fill small apartment buildings and planned communities like One Metro West can't happen fast enough. How do we pick up the pace?

I also hear people assume that "affordable housing" will only draw undesirables- nonsense! Visit any housing developments with high numbers of subsidized units (such as Section 8) in this area and you will see nothing of the sort. Trellis and SOS have plenty of stories about formerly "normal" citizens who succumb to drugs and mental illness after being traumatized by the loss of their homes. Restoring self-sufficiency for these folks starts with housing them.

Moreover mixed income, high density communities sustain local businesses. Mesa Verde Plaza is a case in point. My fellow tenants provide a wide variety of food, health, educational and personal services to the thousands of apartment dwellers who surround us. I believe every single one of the Plaza's businesses survived the pandemic. The residents of these apartments are a broad range of old, young, affluent, middle class and working poor. Many stroll our boardwalk and buy from us. We know & support our neighbors and they know and support us.

I grew up in a single-family home and worked hard to my buy own as soon as I got out of college. We are taught that this is fundamental to the American Dream. However, as the years rolled on, my husband and I grew disenchanted with the effort required to maintain it and with the amount of stuff we accumulated to fill and take care of it. First, we downsized to buying a small apartment building and

these days we reside in a town house. The Canyon neighborhood is delightfully diverse, dense and peaceful but someday one or both of us may need to downsize again or invite others to share our home. For this reason, I am glad to see that the plan includes promoting co-housing, motel conversions to what we used to call SROs (single room occupancy), and other approaches to small, efficiency units. Working with local churches and other non-profits who have a commitment to serving their community is also a good idea.

Congratulations on getting us this far. I welcome any opportunities to help make the vision of nearly 12,000 more housing units by 2029 a reality. You may reach me per the below contact information.

Best Regards,

Betsy

Betsy Densmore

Resident:
1006 Nancy Lane
949-500-2381
Betsydensmore52@gmail.com

Sept 5, 2021

From: REYNOLDS, ARLIS
To: LE, JENNIFER; Chen, Nick; ASHABI, MINOO
Subject: Notes on draft HEA
Date: Thursday, August 12, 2021 10:23:46 AM

You don't often get email from arlis.reynolds@costamesaca.gov. Learn why this is important

All,

I spent about an hour skimming through the draft HEA and keeping these notes on the side. I certainly do not expect you to address every note. I'm sharing these for perspective and to share reactions from this westside reader . I highlighted what I think would be the most relevant comments that we may be able to address in an revised draft.

I'll try to get to the rest tonight!

- Cover page – as I mentioned on the call, my first reaction was that these images do not reflect the diversity we want to honor and protect; the image strikes at the common westside sentiment of "the city" wanting to replace us with they often referred to as "high quality families". It may seem trivial, but the sentiment is real and we want people to feel welcome right away.
- Can we put our new mission statement up front in the document?
- Can we add a table of contents?
- Page 2 – in the interest of encouraging & facilitating community feedback, consider adding to this page:
    - Public Review Period
    - Instructions / opportunities to give feedback – e.g., email XXX; survey on website, etc. ; date of planning/council meeting
- Page 4 – I agree with Harlan's comments about the photos in general – let's show the diversity of existing housing stock to remind ourselves that we have a pretty big range of housing types already!
- Page 4, Role
    - Add the year range at the end of the paragraph – "over the eight-year planning cycle (2021-2019)."
    - Consider adding a statement that clarifies what the HE is and is not…. It is a planning document to show opportunities for housing development; it is NOT a housing plan in the sense that the city dictates construction. (I'm sure there is better language for this!)
- Page 8 – will we have an opportunity to review 2020 census data and update if necessary? Not sure if we anticipate any substantive changes from 2010.
- Page 9 – guiding principles
    - Seems to be a typo in the second principle
    - I thought we had a principle that touched on protecting/maintaining homes of existing residents or minimizing displacement… can we say something about that here, or minimizing impacts on existing residents? It's valuable to acknowledge that we are consciously trying to not create a plan that targets development/overhaul of specific neighborhoods.

If appropriate, it would be great to state upfront here our recognition of the existing diversity in housing stock and our recognition that this plan requires similar diversity/variety in housing solutions

- CH 2 – community profile
  - Table 2-8
    - What is the order here? Should these be in order from highest to lowest?
    - All but one job in this list is below the OC median income – is that accurate? I get that a family with two working adults will be above $103… but my goodness!!!
    - source says American Community Survey. Are these numbers specific to Costa Mesa?
  - Page 19 – what is a "household" compared to a "housing unit"? Might be helpful to have definitions somewhere.
  - Table 2-9 – could we add a table note describing what "non-family household" includes? It sounds bad at first glance (no family!) I think includes senior living alone or young professionals alone or as roommates… totally normal!
  - Page 20 on Household income ---- would be really nice to have a call-out here describing housing burden and "ideal" ratio of income to rent/mortgage; and state that high housing burden reduces residents' ability to spend in the local economy and make educational investments for example. (I see now the section on page 2-15.. but still think we can add something about why a community should care that some people are overburdened)
  - Figure 2-5 --- can we connect this somehow with the data in Table 2-8? E.g., with each income category, give an example of the type of job? I want to make sure we recognize the value lower income jobs have in community
  - Page 2-13 – this is a big statement! "For the City as a whole, 46.5 percent of households have at least one of the four housing problems." Consider putting this in bold or a call-out box.
  - Table 2-20 – what is the definition of poverty, relative to the income levels?
  - Page 2-29 – what's the conclusion about Costa Mesa's vacancy rate…… would be good to include a statement on this. My takeaway is that Costa Mesa's low vacancy rate (lower than average in OC) reflects high demand for living in the city and low housing stock available to meet that demand. If I'm right, this is an important takeaway
  - Page 2-31 – my takeaway is that 50% of our housing stock is at least 60 years old (yikes!) and 75% is at least 40 years old (yikes, yikes!). What does that mean for HE? Potential unsafe conditions? Need for new housing to replace old housing? Opportunity to add housing units with necessary rehabilitation?
  - Page 2-32 – Newport is just nuts!
  - Table 2-35 – this tells me that Moderate income families cannot afford to purchase a home in Costa Mesa, and most low income families cannot afford to

rent either. Is that right? Can we say something somewhere to acknowledge these are not the ingredients for a healthy community?

- Page 2-36 --- this would be the place to make a statement about the housing burden on Costa Mesa families. We should include also:
  - 46.5 percent of Costa Mesa households have at least one of the four housing problems.
  - Something on the low vacancy rate
  - Something about affordability
- *I didn't see much about children/families with children – not sure what we can add here or what the data says, but I know that HOAG as found in its recent community analyses that housing stability is one of the top three health challenges in the community.*

- CH 3 -

Archived: Wednesday, March 3, 2021 9:12:10 PM
From: ASHABI, MINOO
Sent: Tuesday, November 17, 2020 4:18:40 PM
To: ARIOS, JUSTIN
Subject: FW: Feedback for City of Costa Mesa
Response requested: No
Sensitivity: Normal

Please add his name to the list and respond with the usual verbiage. Thank you.

From: AZAD, ARZO
Sent: Tuesday, November 17, 2020 8:19 AM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Subject: FW: Feedback for City of Costa Mesa

Minoo, please see email below…

Arzo Azad
Website Coordinator
City Manager's Office
(714) 754-5340

From: webmaster@costamesaca.gov <webmaster@costamesaca.gov>
Sent: Monday, November 16, 2020 4:25 PM
To: AZAD, ARZO <arzo.azad@costamesaca.gov>
Subject: Feedback for City of Costa Mesa

You have received this feedback from Herme Gonzalez < herme778@icloud.com > for the following page:

https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update

To whom it may concern, I feel as though the city needs to do something about the cars that are parked with no movement on the street. Parking is an ongoing issue and with less cars on the street better. PARKING GARAGES would be ideal in every few blocks to help with this. Thank you.

Archived: Wednesday, March 3, 2021 9:12:24 PM
From: Fred Arnold
Sent: Wednesday, November 18, 2020 2:57:29 PM
To: Housing Element
Subject: Housing Element Team update
Sensitivity: Normal

Attn: Minoo Ashabi, Principal Planner
I have been attempting To review and understand the new State and City requirements as it relates to Costa Mesa. With all due respect, I feel it is akin to theoretical science fiction. It is difficult to break it down to simple terms such as; high density impact. When traffic, waste removal, fire and flood emergencies etc. are factored in it runs into funding. I can't follow the money because there is none. Costa Mesa is broke. Orange County is broke. The State is broke and looking to the Feds for a bail-out. I see grants are mentioned but from who. More taxes? Please say it isn't so!

We will be watching. We're long term residents of Eastside Costa Mesa and care about the future of our home. Good luck.

Sincerely, Fred and Karen Arnold

Archived: Wednesday, March 3, 2021 9:12:32 PM
From: Russell Toler
Sent: Wednesday, November 18, 2020 9:01:1 PM
To: Housing Element
c: CITY COUNCI HAR AN, JEFFREY PERKINS, MARC TOURJE, JENNA ICH, JON CO BERT, KE ARIOUS EARAKA , BYRON RUSSE , IANNE
Subject: Housing Element comments
Sensitivity: Normal

Hello,

I wanted to provide some comments on the Housing lement update.

There is a full range of historic housing types in between the single family home and the big ugly apartment comple . The Missing Middle Housing types duple es, uadple es, rowhouses, and other small multi family buildings with good development standards, can all fit well within whatever shades of neighborhood character we re hoping to create or preserve, including our R 1 neighborhoods. Without assaulting the cherished feel of our surroundings, these can help us increase the amount of housing, while also allowing neighborhoods to accommodate people of all ages, incomes, and family sizes so that families can stay close and people can age in place, among other benefits . I hope that through this update, we focus not ust on big pro ects on big sites, but on *facilitating* organic and stable neighborhood growth from local, small developers through many small pro ects. A big reason this sort of incremental development often doesn t pencil out because of parking re uirements, which brings me to my ne t point: cars.

As we grow, we need to figure out how to become less of a car depended and car oriented city, otherwise the NIMB s are right we ll be a tangled mess of traffic, which no one wants. So to what e tent is this new document going to deal with the uestion of how to uncouple housing from the car demand or toll that unnecessarily comes with it As we try to accommodate 11,000 units over the ne t 10 years, what are we doing to ensure that owning a car and is optional rather than virtually re uired

astly, I hope that the discussion over housing and the resulting decisions we make reflect some sort of unified vision for *how* we want to grow. While it may be necessary to balance out our spreadsheets and zone for the necessary amount of units, it is crucial that this is all decided within the conte t of how we want our city to look, feel, and function. How will the occupants of the new housing get around How will the developments fit into the e isting urban fabric and contribute to the neighborhood they re in How will the new buildings relate to and shape the public space they sit on We don t want islands of amenity rich high density housing fortressed in from bleak rights of way and full of people who never leave the property without a car if you want to know what I m describing, drive up amboree in Irvine some time . The sustainable, e uitable, fair, and good way to approach this is not to resist growth, but to plan for it, so that as we inevitably grow, we grow well. I hope that we can approach our housing need holistically, taking more into consideration than where we can allow the spaceship developments to land, and nesting the whole conversation into a greater discussion about what our *physical vision* is for our city.

Thank you for reading. I look forward to participating in this process.

Russell Toler lifelong Costa Mesa resident, husband, father, car driver, bike rider, walker, and renter, who can barely afford to stay

Archived: Wednesday, March 3, 2021 9:12:40 PM
From: ASHABI, MINOO
Sent: Thursday, November 19, 2020 4:10:53 PM
To: Steven C. Shepherd, Architect
c: ARIOS, JUSTIN E, JENNIFER
Subject: Re: Thank You for last night s workshop I have a uestion
Sensitivity: Normal

Hi Steven,

Thank you for your participation we look forward to your continued input and other events for community engagement. Here are the responses to your uestions. I hope you find these responses helpful, but feel free to reach out if you have further uestions.

We will also include these uestions as well as others presented last night on the general A document we are preparing and post it on the webpage.

1. While I understand where RHNA numbers and allotments come from, how does the city actually demonstrate compliance?
The City will need to adopt policies and programs that allow for development of housing at various locations and densities that in entirety address the allocated RHNA. The City is only required to change the general plan and zoning designations that would accommodate the growth but is not accountable for construction of the units. This effort will follow adoption of the Housing Element through a series of general plan amendments and zone changes (all subject to approval by City Council and potentially subject to Measure Y). The City is also required to submit an annual progress report to HCD (Dept. of Housing and Community Development) on development of housing during each year of the housing element cycle.

2. Is compliance based on identifiable land-use densities? yes, please see above

3. Since ADU's & Jr ADU are now allowed based on State law, how does that impact RHNA compliance?
HCD allows the City to count ADUs and JADUs toward RHNA but up to a percentage (latest information is 5 times the number of approved ADUs since 2018)

4. If property currently designated as single-family residential was allowed "by-right" to convert a single-family residence into a duplex or triplex, how would that impact RHNA compliance?
Same as above, the City can only account for a certain percentage of construction or conversion related to ADUs based on past trends. We distinguish ADUs and JADUs as a second unit subordinate to the main house and subject to certain requirements (max. size, etc.), although triplex and duplexes could be the same size.

Development Services staff are available to assist you Monday through Thursday, 8AM to 5PM. Until further notice, Costa Mesa City Hall is closed to the public in keeping with Governor Newsom's direction regarding COVID-19. The City is committed to continuing to provide essential services and will be providing services to the public online, via telephone, and via email in order to follow the Governor's guidance and reduce the potential spread of COVID-19.

Thank you!

Minoo Ashabi
Principal Planner -
evelopment Services epartment
Fair rive Costa Mesa CA

From: Steven C. Shepherd, Architect <steve@shepherdarchitects.com>
Sent: Thursday, November 19, 2020 1:24 PM
To: Housing lement
Subject: Thank ou for last night s workshop I have a uestion

Hello and Thank you for your very informative presentation workshop last night I learned a lot and really appreciated hearing the statements of residents.

I have a couple of very basic uestions:

1. While I understand where RHNA numbers and allotments come from, how does the city actually demonstrate compliance

2. Is compliance based on identifiable land use densities

. Since AD s r AD are now allowed based on State law, how does that impact RHNA compliance

4. If property currently designated as single family residential was allowed by right to convert a single family residence into a duple or triple , how would that impact RHNA compliance

Sorry to ask such foundational uestions, but I am trying to educate myself and have never really been involved these types of issues.

Thank you.

Regards,
Steven C. Shepherd, Architect

P: 714 785 9404
www.ShepherdArchitects.com

Archived: Wednesday, March 3, 2021 9:12:50 PM
From: Nancy Henning
Sent: Monday, November 30, 2020 3:4 :0 PM
To: Housing Element
Subject: 2013-2020 and 2021-2019 Costa Mesa Housing Element Plan
Sensitivity: Normal

I have a few uestions re the 2013-2020 plan. I recently viewed it online due to some changes where I live...at Casa Bella Apartments... and am wondering if you have any recent info about the status of Casa Bella that you are allowed to share with residents. Possibly you can direct this email to the appropriate person if someone else handles these types of in uiries.

For your convenience, I copied the sections from your plan that I m interested in below in this email. In November 2020, Casa Bella totally changed property mgt companies which included a new manager. So far communications have not been great possibly because the new mgr was solely part time to begin and full time beginning this week. He is still getting organized. So far it seems the new company knows very little about Casa Bella and Hud though I could be wrong.

Several residents are worried including myself. We are worried that Casa Bella might be in the process of converting to market rates soon Based on your 2013-2020 plan, it seems likely that the for profit owner might wish to convert to market rates. But your plan also mentioned that the residents of Casa Bella would be given a year s notice and also be given Section 8 vouchers (see below). I m not sure if that is what the City of Costa Mesa ust wishes in order to help us or if it is mandatory for the owner to provide the year s notice as well as vouchers

Also, if we are given Section 8 vouchers, can we use them anywhere in Orange Co or even anywhere in CA or out of state

I realize that most likely the new mgt company will be notifying us eventually. Some of us are ust wanting to get prepared ahead if this is the case...that Casa Bella converts to market rates possibly in 2021

Thank you so much for any information you can provide,
Nancy Henning
See sections below if helpful...copied from your 2013-2021 plan...

Page 3 -37
At Risk Status

Twenty-five properties with 15 affordable units have density bonus agreements that were e ecuted mostly in the late 1990s. These agreements are e piring between 2018 and 2020. Among these units, 85 units are for very low income and 71 are for low-moderate income.

Another property, Casa Bella, is at risk of converting to market-rate housing or losing their low income subsidies within the ne t ten years. At Casa Bella, a total of 75 units are at-risk of converting to market rate rents over the ne t ten-year period. Specifically, Section 8 contract at Casa Bella is set to e pire on September 11, 2015. Casa Bella is considered the highest priority, due to the owner being a for-profit entity. However, the City imposed a land use restriction on Casa Bella in e change for the initial land write down, density increases, parking reductions and participation in HU financing. The land use restrictions re uire Casa Bella to remain affordable for the length of the mortgage, 40 years. In other words, Casa Bella is not at-risk of converting to market rate through a mortgage prepayment. The risk with Casa Bella converting to market rate is associated with the termination of a tenant-based Section 8 contract.

Page 73....
8. Preservation of At-Risk Housing

Overall, 231 housing units in the City of Costa Mesa are considered at risk of converting to market-rate housing. Specifically 25 pro ects with 15 affordable units are at risk due to the e piring density bonus agreements e ecuted during the 1990s.

Another pro ect 75-unit Casa Bella is at risk due to the potential e piration of its Section 8 contract.

2013-2021 Ob ectives: Monitor at-risk status of affordable units. For Casa Bella, work with HU and the property owner to e tend the Section 8 rent subsidy contract. Notify tenants of potential risk of conversion at least one year prior to conversion. Provide information regarding HU 's special vouchers set aside for households losing pro ect-based Section 8 assistance (applicable to Casa Bella only). Work with property owners to pursue State and federal funds for preserving at-risk housing.

Archived: Wednesday, March 3, 2021 9:12:59 PM
From: James Gerrard
Sent: Wednesday, ecember 9, 2020 10:1 :03 AM
To: Housing Element
Subject: Housing Element Updates
Sensitivity: Normal

Hello,

I hope this email finds you well.

My name is ames errard, and I am the overnment Relations Coordinator for Habitat OC.

Please add me to your housing element notification list. Habitat OC currently has 11 families living in Costa Mesa and as a community and county stakeholder we would like to stay update to on our local housing elements. Our mission is to create a world where everyone had a decent place to live, so we believe it is important to ensure a voice for affordable housing and especially affordable homeownership.

Thank you for your time and look forward to participating in your housing element process.

All the best,

James Gerrard

Government Relations Coordinator | **Habitat for Humanity of Orange County**
P.O. Box 15821 | Santa Ana, CA 92735 | www.HabitatOC.org
Office: (714)434-6200 ext. 250 | James@HabitatOC.org



Facebook: /HabitatOC | Twitter: @HabitatOC | Instagram: @HabitatOC | Shop the Habitat ReStores | Learn about homeownership

The Habitat for Humanity of Orange County team is working remotely while managing normal operations. Along with the health and well-being of our staff, our top priority is to continue to serve families and community partners in the safest and most effective way possible.

COLGAN, JULIE

From: Priscilla Rocco <dementedgardensprite@gmail.com>
Sent: Monday, March 01, 2021 12:11 PM
To: PC Public Comments
Subject: Housing Element

The survey gathering information about the housing element does not take into account any of the effects of this enormous housing addition to our already built-out city, fixed street capacity, existing schools and resources. And it is so limited asking preferences between townhomes, etc. when there is no mention of high rises like One Metro West at all. I can only assume that it was designed to achieve a predetermined outcome.

I have to also assume that there are no more guidelines or requirements for green space, trees, permeable ground for water percolation, or parks for families to relax and play, as every new build is all concrete to the property line, and in lieu of parkland, open space, and green areas, developers are paying money to the city allowed by the variances and agreement of the Planning Commission.

Not to mention that this whole Housing Element 10 year project is being driven by the State mandates, but those require 40% affordable housing units, and we DO NOT require ANY affordable housing in new builds!

Please do us the favor of speaking plainly. Is the Planning Commission going to do anything except green light any project that a developer submits?

Since One Metro West has been announced, I have tried multiple times to get Brent Stoll to speak to a group of local residents regarding our concerns, but he has repeatedly refused and the

Planning Commission has already agreed to cutting the parkland in lieu of payment, and we need parks in northern Costa Mesa. In the beginning they boasted 15% affordable housing, now it's down to 10% with no guarantee to the number or duration of years applicable.

And now with the Triangle Square signage issue?! Please just speak plainly. Is the Planning Commission working for the residence of Costa Mesa and taking their concerns and objections into account, or are you working for developers and corporations? Please address these concerns so we can get you on the record.

Thank you,
Priscilla Rocco

Archived: Wednesday, March 3, 2021 9:13:42 PM
From: ASHABI, MINOO
Sent: Tuesday, March 2, 2021 11:13:07 AM
To: ARIOS, JUSTIN
Subject: Fw: Senior Housing Waitlist
Sensitivity: Normal

From: Carol Buchanan <ca mrsb@live.com>
Sent: Tuesday, March 2, 2021 9:1 AM
To: ASHABI, MINOO
Subject: Senior Housing Waitlist

ood Morning,

I am concern that I may miss the option to apply for affordable senior housing when it comes available. So, I would love to be put on a future senior housing list to be advised when I could move in. I do not want to miss this opportunity.
I read the information sent out and it was disturbing that the last words, where the study does not guarantee anything will be done.
I am seeing donut shop which we do not need going in and senior housing only be spoken about for a maybe option. Right now, what is available in Costa Mesa is whatever the market can s ueeze out of you.

Thank you for your time and assistance.

Sincerely,

Carol Buchanan

From: CJ Hunter <mapleknowellhouse@gmail.com>
Sent: Tuesday, April 27, 2021 7:46 AM
To: CITY CLERK
Subject: Housing Element

Dear City Council,

As you begin to review different options for increasing the housing in Costa Mesa, please keep in mind that the status quo does not work. Car centric cities are bound to fail as can be seen by the current housing market which is dominated by car ownership, climate change which is fueled by emissions, and the countless number of cyclists and pedestrians that are killed by cars every year in Costa Mesa and Orange county. I implore you to take drastic action and to save our City.

Newport Boulevard is deteriorating north of 19th Street because commercial businesses are bound to fail there. There is no visibility and it is a haven for druggies with all of the motels and derelict properties. Every property should allow high density housing by right. The location has easy access to the 55 freeway and also is cyclable to downtown Costa Mesa, East Side, West Side, and even the beach.

While we're at it, the same applies for Harbor Boulevard, specifically in "downtown". These properties are falling apart. The City should allow for ground floor commercial, and a minimum of 3 floors of residential above. Having a mixed use neighborhood actually decreases traffic and increases livability. Restaurants and retailers flock to these locations because of the constant pedestrian traffic. Employees of the new commercial business would also live above removing any requirement for a car. These new businesses would also be utilized by the countless number of people who walk and cycle in Westside Costa Mesa. This would also work on West 19th, East 17th, and other potential neighborhoods.

So please, drop the status quo, stop holding our city hostage to the car. Remove as many car and parking requirements and the City will thrive. Will people complain about parking? Yes. Will people spend a couple more minutes commuting in their car? Yes. But ultimately, more people will move away from car dependence if other options are available. Unfortunately our current system doesn't allow for that.

Thank you for your consideration and hard work,

CJ FONG

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

April 30, 2021

Jennifer Le, Director of Economic and Community Development
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628-1200

Dear Ms. Le:

We are aware that cities in Orange County are in the process of updating their respective Housing Elements in accordance with state law. Please be aware that portions of your city are within the Planning Area for John Wayne Airport, as shown on the attached exhibit. Pursuant to California Public Utilities Code Section 21676(b):

> "Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission."

As such, please incorporate ALUC review into your schedule for the Housing Element Update process. We request that items be referred to ALUC after consideration/approval by your city's Planning Commission. The ALUC meets the third Thursday of each month at 4:00 p.m. in the Airport Commission meeting room at 3160 Airway Avenue, Costa Mesa. For additional submittal information please see Section 4.7 of the AELUP which can be found here:

https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/.

If you have any questions, feel free to contact me at lchoum@ocair.com, or Julie Fitch at jfitch@ocair.com. You may also contact us by phone at (949) 252-5170.

Thank you.

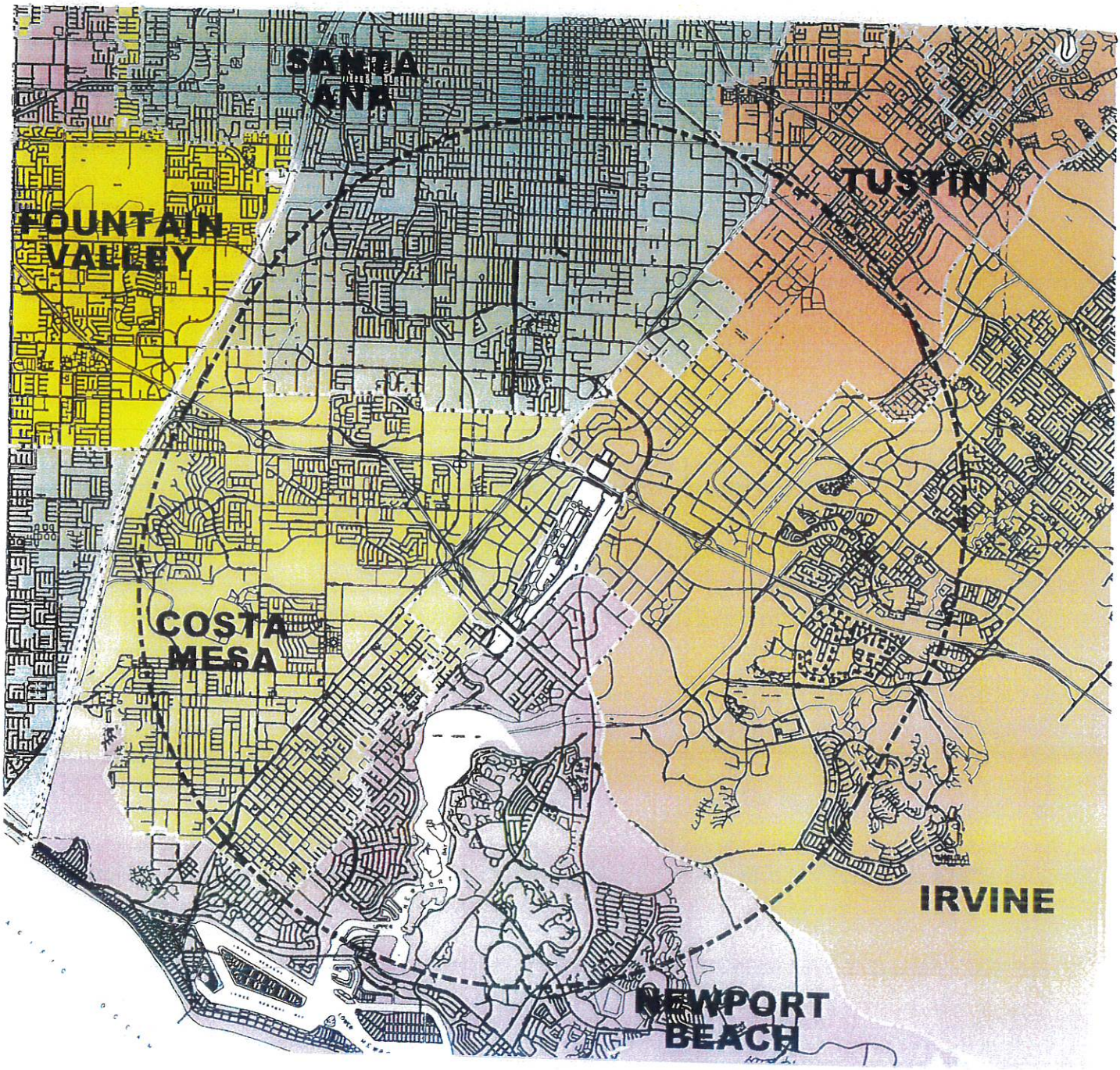
Lea U. Choum

Lea U. Choum
Executive Officer

Attachment: JWA Planning Area

REC'D MAY 0 5 REC'D

AELUP Notification Area for JWA



Note: County Unincorporated areas are shown in white.

FAR PART 77

Notification Area for John Wayne Airport: 20,000' Radius at 100:1 Slope

LEGEND

- 20,000'Radius
- CITY BOUNDARIES
- AIRPORT BOUNDARIES

0 1000 2000 3000 4000 5000 7500
500 Scale In Feet

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Kari A. Rigoni, Executive Officer — April 17, 2008 Date

ARIOS, JUSTIN

From: bustariley@aol.com
Sent: Monday, May 3, 2021 2:54 PM
To: Housing Element
Subject: Fwd: Housing Element Comments

Hello,

I have been watching the recorded community meetings on District 4 & 5, and I would like to be included in future meetings or information updates.

I am a home owner and live in the freedom homes in district 5. I am very busy with young children, as are many of my neighbors, and hence I don't have allot of time for city involvement. However, this housing issue has been a hot topic for the 10+ years I have lived in Costa Mesa. After listening to these meetings, I feel like people like me were not well represented, and I would like to share a few of my own comments. I bought my house in 2015 for $570K. An average lot in my neighborhood is 0.2 acres, so that makes 5 houses per acre. When I heard the State has decided that 30 "housing units" per acre is the only way to have "affordable" housing, my jaw dropped a little. 30 "housing units" per acre is 6X the housing density of my neighborhood. Pause a little and contemplate 6X the density of my neighborhood as the new "norm" & it will make your head spin a little. I am biased like everyone, and I enjoy the lifestyle that a less dense neighborhood provides. I also feel that the majority of my neighbors do as well. I am not excited to think about the entire lower west-side of Costa Mesa be transformed into high density neighborhoods, but I truly feel powerless to fight the state. I would only like to offer my suggestions to this conversation:

1. Consider the parking situation! Please! Do not believe that people bike or walk & don't have cars, that's a ridiculous idea. Go to any high density area (like district 4), and you find parking is very hard to find. I love walking & biking around town, but also realize most people do not, and most times biking & walking is not possible (ex: night time…raining…doctors appt…errands…the list goes on & on).
2. We must set a housing "unit" to Park space ratio! If you want to attract families, you must have local park space! No exceptions. And I'm not talking about the little tiny parks they put in those high density neighborhoods with only 1 play structure & no swings or space to run around. Those are not sufficient & should not count towards park space.
3. Please realize these 3 story + rooftops places that are popping up everywhere are selling for MORE money than small houses in my spacious neighborhood. So it is NOT TRUE that high density = less cost.
4. If you really wanted to build affordable houses, you would build a simple house (1 or 2 stories, Asphalt driveway, formica countertops, simple fixes, 1 bathroom, etc…) That is the only really affordable house. All other types are not affordable. And government assistance does not mean affordable. If you need help to pay for something, is it affordable?

Thank you,

Riley Watson

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ARIOS, JUSTIN

From: TONY DOUGHER <playporthoa2017@gmail.com>
Sent: Tuesday, May 11, 2021 10:31 AM
To: Housing Element
Subject: Costa Mesa Mobile Home Coalition

Good Morning Mr. Ashabi,
My name is Michael Dougher, I am a Commissioner on the Mobile Home Advisory Committee and President of the Costa Mesa Mobile Home Coalition.
I have been in contact with Willa Killeen as it pertains to our concerns over the rulings and subsequent planning of 11,000 plus, new dwellings to be built in the next 8 years here in the City and She directed me towards you, the council and the planning commission. We as owners of mobile homes and as rent payers, are more than a little bit terrified about the ramifications that this ruling might have on our lives. As you know a lot of the parks in this city are senior parks where people on very fixed incomes reside. That said, the affordability of owning a mobile home and paying what is now and has been for decades very reasonable rates to lease the land our homes sit on, has afforded the luxury to continue to be able to live here in this beautiful place. The prospect of having our homes torn out from under us at the hands of the City and or faceless Corporate Developers is, as I said, simply terrifying. The Mobile Home Coalition has attended Council meetings; we have submitted Overlay and Zoning proposals and have heard nothing back in at least a year. The Advisory Committee has not met even via ZOOM in a year or more. We understand lockdowns,regulations and restrictions on the already slow wheels of government have practically ground it to a halt. That does not mean however, that we can just leave the most vulnerable among us waving in the breeze as low hanging fruit for developers to pick off without any protections in place.
You need an angel on the affordable housing issue to help with the requirements of the ruling RIGHT? Well here you go Most people who live in MH Parks fall into the low income category, The dwellings are already in place and there are hundreds of them already occupied. It is my hope that you can guide me to the help we need to address this as soon as possible. We need a meeting Sir. I implore you to contact me and get this ball rolling. I believe we can work out a WIN! WIN! for all parties involved.

Yours Respectfully:

Michael Dougher. SP #14
Playport Mobile Village
President: HOA Playport Mobile Village
President: CMMC
Commissioner CMMHAB

NATIVE AMERICAN HERITAGE COMMISSION

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
William Mungary
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COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[**Vacant**]

COMMISSIONER
[**Vacant**]

COMMISSIONER
[**Vacant**]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

July 23, 2021

Minoo Ashabi
City of Costa Mesa

Via Email to: minoo.ashabi@costamesaca.gov

Re: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, Costa Mesa 6th Cycle Housing Element Update Project, Orange County

Dear Ms. Ashabi:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1(d), is to do the following:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential affect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

    - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE, such as known archaeological sites;
    - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
    - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
    - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

    - Any report that may contain site forms, site significance, and suggested mitigation measures.

      All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The result of the Sacred Lands File (SFL) check conducted through the Native American Heritage Commission was positive. Please contact the tribes on the attached list for more information.

4. Any ethnographic studies conducted for any area including all or part of the potential APE; and

5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand well help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

Attachment

ARIOS, JUSTIN

From: Diane Kastner <dianekastner@hotmail.com>
Sent: Thursday, September 2, 2021 12:56 PM
To: Housing Element
Subject: Feedback-Public Comment

Importance: High

Hello Housing Element-

I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.

Quality of Life:

1. Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.

2. Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.

3. Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.

4. Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.

Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.

Kind Regards,

Diane Kastner

Diane Kastner
dianekastner@hotmail.com
Tel. (949) 378-1067

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ARIOS, JUSTIN

From: Matthew Sheehan <matthewmsheehan3@gmail.com>
Sent: Thursday, September 2, 2021 6:02 PM
To: CITY COUNCIL; Housing Element
Cc: info@fairhousingelements.org
Subject: Public Comment: City of Costa Mesa Housing Element Update

Good evening,

My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.

As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.

Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.

Best,
Matthew Sheehan

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ARIOS, JUSTIN

From: ronronron@juno.com
Sent: Sunday, September 5, 2021 4:30 PM
To: Housing Element
Subject: Community Profile

Dear Sirs:

On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists.

If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.

Thank you for your efforts on an otherwise thankless endeavor.

Sincerely,

Dr. Ron Housepian

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ARIOS, JUSTIN

From: LE, JENNIFER
Sent: Monday, September 13, 2021 11:31 AM
To: Chen, Nick; ARIOS, JUSTIN
Subject: FW: CM - Revised densities for candidate sites (545-575) Anton
Attachments: Revised densities for candidates sites (545 575) Anton Blvd.pdf

---

From: George Sakioka [mailto:gmks@sakiokacompany.com]
Sent: Monday, September 13, 2021 11:30 AM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Cc: LE, JENNIFER <JENNIFER.LE@costamesaca.gov>
Subject: CM - Revised densities for candidate sites (545-575) Anton

Hi Minoo,
Here are our comments for the "revised density for candidate sites" – attachment 2 on the Agenda for 9/13/2021. (see attachment)
These comments are in addition to our previous email comments to the initial draft.

Unique ID sites:

Site 206
- size = 0.75 acres
- typo = "Small commercial out parcel uses."

Site 207
- address = N/A , it is a surface parking lot, not the 575 Anton Building itself.
- notes = surface parking lot

Thanks and I'm happy to discuss in more detail.

George

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ARIOS, JUSTIN

From: ASHABI, MINOO
Sent: Monday, September 13, 2021 11:31 AM
To: ARIOS, JUSTIN; Chen, Nick
Subject: FW: CM- Housing Site Analysis- comments

From: George Sakioka <gmks@sakiokacompany.com>
Sent: Monday, September 13, 2021 11:28 AM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Cc: LE, JENNIFER <JENNIFER.LE@costamesaca.gov>
Subject: CM- Housing Site Analysis- comments

Hi Minoo,

Here are our initial comments/clarifications on the DRAFT Housing Element before the "revised densities" for the 9/13/21 agenda.
(I will send comments on the "revised densities" in a separate email.)

Attached is the CM Housing Element Update - **Appendix B site analysis - highlighted** with notes for the Sakioka parcels.

Please refer to the PDF pages of the attached Appendix B Site Analysis for comments/clarifications:

- PDF - Page 11
  - Sakioka Lot 2 = **30.93 acres**

- PDF - Page 23
  - Site 142 = **Roy K. Sakioka & Sons (owner) and 30.93 acres**
  - Site 144 = **address is N/A since it is a surface parking lot only. Remove 24/hr Fitness in the Notes section.**

- PDF - Page 25
  - Site 206 = **.75 acres**

- PDF - Page 26
  - Site 207 = **address is N/A since it is a surface parking lot only.**
  - Notes = **surface parking lot only**

I have also included the following attached documents for your reference.

- CM Plat Map Sakioka Lot 2
- CM Plat Map 545 Anton, Parking Lot & Lot 3

Thank you and I'm happy to discuss any of our comments.

George

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September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 2

During the Public Review period, a discrepancy in the anticipated density for candidate sites 206 and 207 was noticed. Prior to sending the Housing Element to HCD for review, the document will be revised to indicate a development yield on these sites at 90 dwelling units per acre, consistent with the other sites within the North Costa Mesa Specific Plan. Future development on these and all sites within the Housing Element will be subject to the applicable development standards within that area. 90 du/ac is an appropriate planning assumption for the Housing Element document.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Total Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	90				66	13	6	13	34	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.
410-501-36	207	~~575 Anton Blvd~~	JKS-CMFV LLC	PDC	2	North Costa Mesza	1.82	90				164	32	16	32	64	~~Small commercial our parcel uses~~. Property owner has indicated interest in redeveloping the site for residential uses.

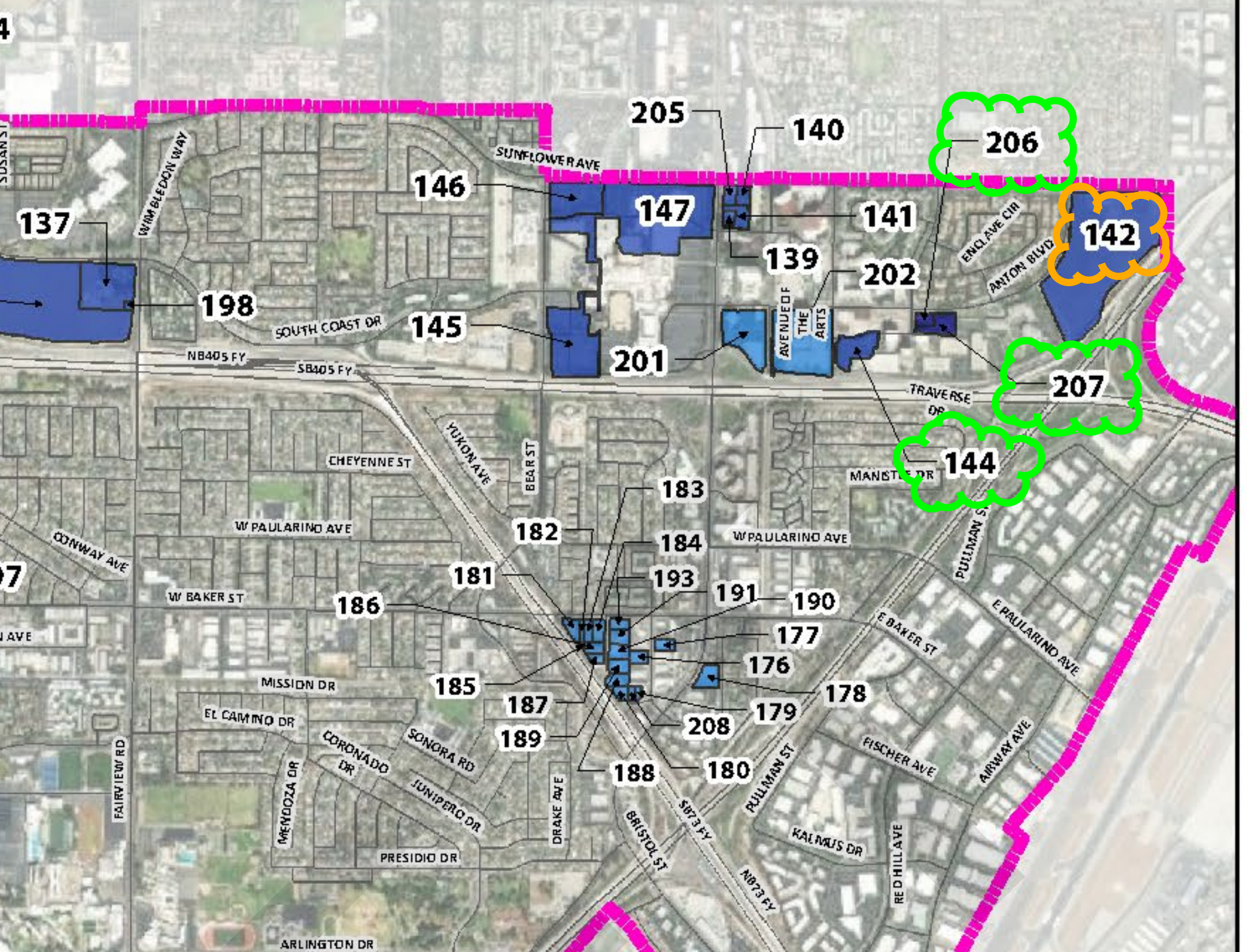
0.75

typo

out

n/A

Surface Parking Lot


205
140
206
146
147
141
142
137
139
202
198
145
201
207
144
183
182
184
181
193
191
190
186
177
176
178
185
187
179
208
189
188
180
SUNFLOWER AVE
WIMBLEDON WAY
SOUTH COAST DR
NB405 FY
SB405 FY
TRAVERSE DR
ENCLAVE CIR
ANTON BLVD
AVENUE OF THE ARTS
CHEYENNE ST
YUKON AVE
BEAR ST
MANISTEE DR
W PAULARINO AVE
CONWAY AVE
W BAKER ST
E BAKER ST
E PAULARINO AVE
PULLMAN ST
MISSION DR
EL CAMINO DR
CORONADO DR
SONORA RD
MENDOZA DR
JUNIPERO DR
DRAKE AVE
FAIRVIEW RD
PRESIDIO DR
ARLINGTON DR
BRISTOL ST
SB73 FY
NB73 FY
FISCHER AVE
AIRWAY AVE
KALMUS DR
RED HILL AVE

requirement. The likelihood of redevelopment was based primarily on common ownership amongst adjacent parcels which share a property line. In most instances, these parcels are currently developed as a single use and it is reasonable to anticipate that the collection of parcels will redevelop as one new development to maximize efficiency and design of the new use.

The potential candidate sites which are anticipated to be consolidated into a single development are identified within Table B-3.

4. Development of Large Site Parcels

The 2021-2029 sites inventory includes several sites that are larger than 10 acres. These sites exceed the AB1397 size requirement and require additional analysis. The following background and analysis relates to each site in the inventory that exceeds that inventory. The City has conducted meetings with each of these major property owners to determine their future interest in developing housing on the identified properties.

FAIRVIEW DEVELOPMENTAL CENTER

The Fairview Developmental Center (FDC) is a State-owned property that is approximately 114 acres in size and located on Harbor Boulevard within Costa Mesa. The FDC currently serves as one of the largest residential facilities for developmentally disabled persons in the State of California. The FDC was previously identified in the City's 5th cycle Housing Element (2013-2021) and the City has continued discussions with the State to determine the potential residential yield of the area taking into consideration the existing uses.

In January 2020, the Costa Mesa Fairview Developmental Center Ad Hoc Committee met to discuss potential development yields for the site. The Committee presented a report to the City Council which summarized its strategic engagement in the development of the local vision, priorities, and reasoning behind the stated preliminary vision of a solutions-based, housing-first model for the site. The Committee took into consideration the City's recent efforts to open a homeless shelter and identified opportunities for permanent supportive housing and integrated workforce housing within the City.

The City's 6th Cycle analysis includes an assumption of 2,300 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

SAKIOKA LOT 2

30.93 AC

Sakioka Lot 2 is a 33-acre site located north of the 405 Freeway with General Plan Land Use designation that allows up to 660 residential units, 863,000 Square feet of office or retail use and a Floor Area Ratio of 1.0. The property is also located in the North Costa Mesa Specific Plan. The site is currently under a development agreement that was recently extended for ten years until May of, 2031. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The City's 6th Cycle analysis includes an assumption of 1,200 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

HOME RANCH

Segerstrom Home Ranch is a 43-acre site located north of the 405 Freeway with a General Plan land use designation that allows up to 1.2 million square feet of office and up to 0.64 Floor Area Ratio. The property is also located in the North Costa Mesa Specific Plan. The site is currently under a development agreement

Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA

Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process.
Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-441-17	142	14850 Sunflower Ave	ROY K SAKIOKA ~~INC~~ + sons	PDC	2	North Costa Mesa - SL2	33.02	90	Vacant			120	60	120	900	Sakioka Lot 2 property. See analysis in Appendix B for additional information on potential to redevelop.
410-501-31	144	~~575 Anton Blvd~~ N/a	JKS-CMFV LLC	PDC	2	North Costa Mesa	3.39	90				61	30	61	153	~~Existing 24-hour fitness with~~ large surface parking lot. Analysis assumes only redevelopment of the surface parking lot area. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
412-491-07	145	3333 Bristol St	SOUTH COAST PLAZA	PDC	2	North Costa Mesa	6.41	90				115	57	115	288	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
412-491-11	146	0	SOUTH COAST PLAZA	PDC	2	North Costa Mesa	5.37	90				96	48	96	243	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
412-501-06	147	3333 Bristol St	S-TRACT LLC	PDC	2	North Costa Mesa	10.00	90				180	90	180	450	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
418-161-06	176	2957 Randolph Ave	ZELDEN ALICE WILLER	MG	2	SoBECA	0.72	60				8	4	8	23	Existing light industrial/brewery with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-162-02	177	2968 Randolph Ave	PALANJIAN JERRY O	MG	2	SoBECA	0.72	60				8	4	8	23	Warehouses with surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-163-05	178	2064 Bristol St	PEP BOYS	C1	2	SoBECA	1.47	60				17	8	17	46	Tire shop with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-171-02	179	752 Saint Clair St	PURCILLY GAY WHEELER	C2	2	SoBECA	0.26	60		B		3	1	3	8	School yard for learning center. Site is within the SoBECA Urban Plan redevelopment area.
418-191-04	180	766 Saint Clair St	766 ST CLAIR LLC	C2	2	SoBECA	0.67	60				8	4	8	20	Gym with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-01	181	845 Baker St	RMAFII LOC LLC	C1	2	SoBECA	0.87	60				10	5	10	27	Small strip mall with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-02	182	841 Baker St	BAKER STREET PROPERTIES LLC	C1	2	SoBECA	0.33	60		D		3	1	3	12	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.

DRAFT

Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA

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APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
418-101-05	197	1425 Baker St	1425 BAKER LLC	C1	2	Harbor Mixed-Use	1.90	60				22	11	22	59	Existing auto dealer with large surface parking.
140-041-83	198	N/A	C J SEGERSTROM & SONS	PDC	1	North Costa Mesa - HR	0.23	80	Vacant	C		0	0	0	0	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.
418-101-03	199	1491 Baker St	PURCILLY GAY WHEELER TR	C1	2	Harbor Mixed-Use	1.27	60		B		14	7	14	39	Restaurant and barbershop. Site is anticipated to redevelop with adjacent parcels as shown in this table.
424-202-01	200	745 W 19th St	PANGE MARC C REVOC TR	C1	4	19 West	0.63	50				6	3	6	15	Strip mall with surface parking lot adjacent to major transportation corridor (19th St.). Site has the potential to redevelop for mixed-use.
410-481-05	201	3201 Park Center Dr	THE IRVINE COMPANY LLC	TC	2	North Costa Mesa - Pac Arts	6.27	60		H		18	9	18	141	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.
410-491-07	202	601 Anton Blvd	THE IRVINE COMPANY LLC	TC	2	North Costa Mesa - Pac Arts	12.07	60		H		35	18	35	261	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.
139-313-21	203	1590 Adams Ave	C J SEGERSTROM & SONS	C1	1	Harbor Mixed-Use	0.19	50		F		1	0	1	7	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.
139-313-30	204	1590 Adams Ave	C J SEGERSTROM & SONS	C1	1	Harbor Mixed-Use	2.40	50		F		24	12	24	60	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.
410-051-46	205	3420 Bristol St	SOUTH COAST PLAZA	TC	2	North Costa Mesa	0.79	90		G		14	7	14	35	Existing office uses and surface parking lot. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	130				19	9	19	48	Small commercial out parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.

.75

Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA

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APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-36	207	~~575 Anton Blvd~~ N/A	JKS-CMFV LLC	PDC	2	North Costa Mesa	1.82	170				61	30	61	157	Surface Parking Lot ~~Small commercial out parcel uses.~~ Property owner has indicated interest in redeveloping the site for residential uses.
418-171-01	208	754 Saint Clair St	PURCILLY GAY WHEELER TR	C2	1	SoBECA	0.27	60		B		3	1	3	8	Existing learning center use. Site is anticipated to redevelop with adjacent parcels as shown in this table.

DRAFT

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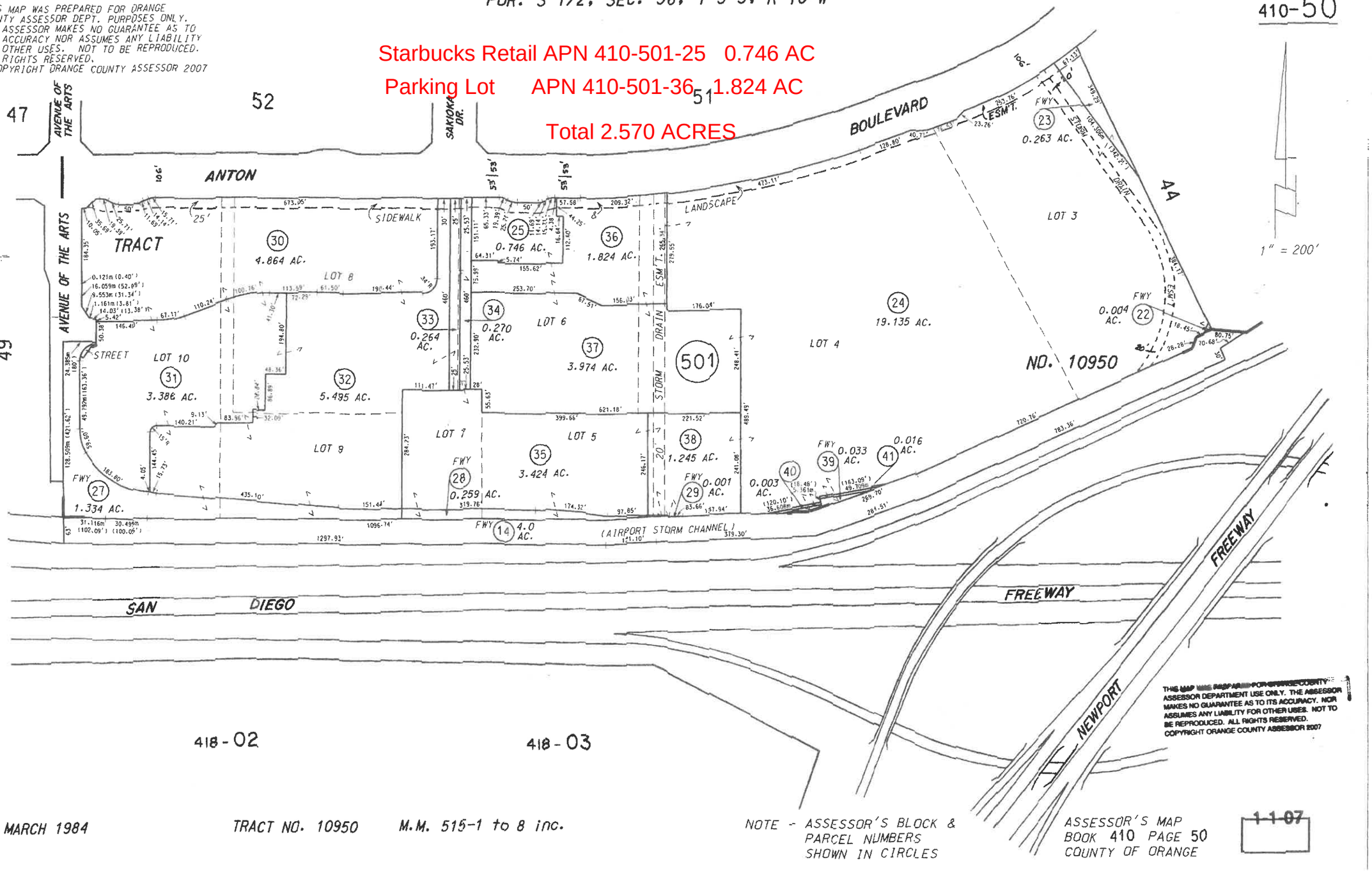
POR. S 1/2, SEC. 36, T 5 S, R 10 W

410-50

Starbucks Retail APN 410-501-25 0.746 AC

Parking Lot APN 410-501-36 1.824 AC

Total 2.570 ACRES



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NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 410 PAGE 50
COUNTY OF ORANGE

1-1-07

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410-44

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1" = 200'

411 - 12

427 - 28

MAIN STREET

NEWPORT

261.66'

99.30'

706.69'

87.81'

215.79'

24.080m (79')

176.336m (250.45')

122.226m (401')

25.450m (83.49')

19.589m (64.27')

247'

80.75'

18.78'

(164.19') 50.048m

304.17'

(237.55') 72.406m

581.86'

349.29'

27.42'

108'

TRACT

441

LOT 2

17

30.929 AC.

FWY 13

0.214 AC.

FWY 15

1.564 AC.

16

0.214 AC.

NO. 10950

03

12

AVENUE

SUNFLOWER

TIMBER ST.

380.51'

40' | 68'

99.60'

329'

25' SIDEWALK

817.66'

LANDSCAPE

ESMT.

53' | 106'

ANTON

BOULEVARD

51

50

FREEWAY

FREEWAY

SAN DIEGO

(AIRPORT STORM CHANNEL)

ARIOS, JUSTIN

From: cmcdonald.home@gmail.com
Sent: Wednesday, September 15, 2021 4:37 PM
To: CITY COUNCIL; DEARAKAL, BYRON; RUSSELL, DIANNE; ERETH, ADAM; TOLER, RUSSELL; ZICH, JON; Housing Element
Cc: LE, JENNIFER; ASHABI, MINOO; FARRELL HARRISON, LORI ANN
Subject: Housing Element Update

Dear City Council Members, Planning Commissioners and City Staff:

A city is a living thing. It will always grow and expand, because if it doesn't, it stagnates. The challenge is growing a city so that it is the best city it can be. It must satisfy the needs of the current residents, while providing for the needs of new and future residents. It needs to be financially stable, but safe and healthy for its residents. In today's world, it must be sustainable and socially equitable. All of this takes good planning by city leaders and city employees.

The Housing Element Update is a very important part of the comprehensive planning process for the City of Costa Mesa. It is an element of the blueprint for the growth of our city. We need it to be the best plan possible for our residents, businesses, and visitors.

This draft Housing Element is built around satisfying the requirements of SCAG and the RHNA that has been imposed on Costa Mesa. The strategy used was to look at the current planning tactics used by the City and adapt those to meet our RHNA. Consideration was given to proximity to transit corridors so that the impacts of traffic caused by any increase in density could potentially be offset by the use of mass transit and active transportation. However, there is no requirement that new housing be mixed-use in order to deter the use of motor vehicles. How will we encourage people to use transit other than cars? There is no requirement that new development include active transportation facilities. That needs to be addressed as part of the process that results from the adoption of the Housing Element Update.

During the recent joint City Council and Planning Commission Study Session it was stated that the diversity and unique characteristics of neighborhoods would be complemented. The size of the parcel would have to accommodate at least 30 du/ac, which narrowed down the choice of some of the parcels. Identifying the potential to redevelop the parcels is also required. However, we see a great deal of the burden of increased density falling on areas that have already been subjected to projects whose impacts were not mitigated, thus causing more stress on residents who already are affected by traffic, pollution, and a decreasing amount of open space.

An inclusionary housing ordinance ("IHO") is being considered. Much has been said about the reasons why young people and seniors cannot afford to live in Costa Mesa. The primary reason why affordable housing hasn't been built is because the price of land is high. But another reason is that the City has not adopted an IHO and no developer will build truly affordable housing unless it is required to do so. Why is an IHO being "considered" when it should have been drafted and implemented long ago as a tactic to satisfy our RHNA? The City needs to move this off the back burner and get it done. By no means should the City Council approve the final zoning changes contemplated by in the Housing Element Update until the City has adopted an IHO.

Many of the identified parcels are being zoned at densities that are typically used for rental housing. We are upside down compared to other cities in terms of home ownership versus rental housing. Homeowners tend to be invested in their communities, which is something encouraged by most cities. How is the City going to make certain affordable home ownership opportunities are provided?

Including ADUs and JADUs to satisfy the numbers is reasonable. However, the City needs to consider ways to induce or assist homeowners to build them. Grants, loans, and tax abatements are all incentives the City should consider.

As noted in Program 3G of the draft Housing Element and by some of the City Council and Planning Commission members, the Housing Element Update will need to be put to a vote by the citizens because it exceeds the limitations under Measure Y. This will require the City to present information to the public, including depictions of buildings of the new levels of density, what you anticipate traffic VMT to be, and environmental impacts.

Measure Y came about because, despite the illusion of the City welcoming participation by residents in the planning process, the voices of the residents were largely ignored. Many residents were not aware of large projects that impacted their quality of life until the framing began. The purpose of Measure Y was not only to engage citizens in the process and give them the ability to have input into large projects, but also to encourage developers to bring better projects to Costa Mesa. Additionally, it was anticipated that the City would adopt a better General Plan because that document would likely be subject to a vote of the residents under Measure Y.

For many years the residents have been asking the City to develop a vision of what the future of Costa Mesa will be. It is understood that this takes time and expertise, but it will never happen unless it gets started. This is the perfect opportunity to do that. Jennifer Le, the City's Director of Economic and Development Services, stated that looking at Form-Based Code will be a part of a major update to our Planning Code. I encourage the City to adopt Form-Based Code, because it will encourage predictable growth that is compatible with existing neighborhoods, while encouraging financial solvency through mixed-use development.

As for the document itself, it is well organized, and I thank Staff and the consultant for the time and care that was taken. I suggest the following modifications/additions:

1. In the Community Profile (Chapter 2), it would be helpful to see:
    a. Population Growth: What has been the historical growth of Newport Beach and Irvine as compared to Costa Mesa? Did Costa Mesa grow more over the past decade or less than these cities? This will tell us if this is a trend or a pattern. It should also be noted that Costa Mesa, unlike Newport Beach and Irvine, is nearly built out and has very little space in which to add housing without repurposing commercial/industrial properties. Also, the fact that high cost of land contributes to the lack of affordability and growth of housing should be included.
    b. Age Characteristics: How does Costa Mesa compare to California? The US? Is the increase in people over 65 living in Costa Mesa unique or is this because people in the US are living longer overall?
2. Chapter 4, Housing Plan, includes programs where developers are identified and encouraged to work with the City on senior housing and mixed-use projects within the Urban Plan areas. I encourage the City to include that same action in Program 2B, Affordable Housing Development.
3. Appendix B, Candidate Sites Analysis and Overview:
    a. A major corridor, Newport Boulevard has been ignored. This area has many aging properties that could be repurposed for housing; however, careful consideration needs to be given to how those projects would impact the adjoining neighborhoods. Since Newport Boulevard is one-way on either side of the freeway, walkability, bikeability and mixed-use developments must be prioritized.
    b. Most of the parcels have been assigned a future density that we typically see as multi-family rental housing when built out. The City already is upside-down in the ratio of homeownership to rental housing compared to other cities in Orange County. How will the City remedy this situation?
4. It would be very helpful if hyperlinks/cross-references could be added to the document so readers could more easily find definitions and use of terms in various sections. For example, I tried to find "high resource neighborhoods" that were referenced in the joint Study Session and had a difficult time finding it (used twice in Chapter 3, but not defined).

Thank you for your consideration.

Cynthia McDonald

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ARIOS, JUSTIN

From: fred solter <fsolter@msn.com>
Sent: Wednesday, September 15, 2021 4:27 PM
To: Housing Element
Subject: Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

Absurd levels of Density are Not Acceptable

State Mandates Violate - 'Local Governance' principals

also:

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area. Another benefit to utilizing the golf course is the reduction in land that needs watering which would reduce the overall water demand on the city.
4. Another potential location for these proposed units would be the Fairview Development Center.
Utilizing the land that the practice area or Development Center provides will impact the community in the least possible way.
5. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

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ARIOS, JUSTIN

From: Louis <Louis@LouisShapiro.com>
Sent: Wednesday, September 15, 2021 10:25 AM
To: Housing Element
Cc: ASHABI, MINOO
Subject: ADU comments and Questions

Dear Housing Element,

Meeting:

I was on the Thursday September 2nd evening community meeting .

Want to thank your staff for the professionalism, the number of staff showing up for the meeting. As well as the different categories of topics that were included.

Used a cell phone and did not use zoom. Was limited on being able to raise my hand or make comments. Also was not able to move from main room to other rooms. I would recommend on future invites to the meeting to go into detail on best ways to attend the meeting and protocols.

There was a large amount of information provided before the meeting which was excellent. Even after reading the information felt largely not prepared for the meeting. Not sure how to resolve this disconnect. But wanted to make your staff aware of this as if I felt a disconnect maybe others in the meeting felt the same way.

Maybe if the agenda is more clear before the meeting and a contact person for an inquiry before the meeting may help the meeting to go more smoothly.

I realize that state, county and city requirements for ADU are still being defined. With this in mind I am making the following comments. Also not an expert with all the rules and regulations proposed and have been made into law. As a home owner making the following comments. Want to thank the City for making public comments available for shaping ADU's in the City of Costa Mesa.

My comments below is for R1 zoning only.

Comments:

A. FORMAL NAMES OF AREAS WITH THE CITY

The city has identified different areas within the city limits. Can we have formal names for these areas and city boundaries? Can these formal names be used in the reporting processes?

B. FEATURES AND BENEFITS

On the information that was provided before the meeting. Was not able to find information on Cottages, Duplex and Triplexes. But the information was on larger apartment complexes.

As a home owner we are interested in features and benefits. Not so much technical details about the city requirements for densities, tax credits to the city and other city related technical details.

I am pleased to find a glossary of terms that is helpful. But it is easy to get over whelmed with all the technical details that are involved with a ADU both from a State and the City requirements. Within the calendar last year, the ADU process is much easier. Want to thank the city for making it much easier in the planning process.

C. PERMITIING PROCESSES

It seems to me we submit our proposal for an ADU and it is reviewed within the guidelines. To me if the guidelines are more clear it would be an easier process. My thinking is if it the criteria broken down down into categories and posted on the city website it would be easier prior to submitting the application for approval. Would it be possible to break up the ADU's permitting process in the City in the following categories:

R1 Zoning:
A. Garage conversion
B. Single Free standing
C. Existing Single Family Home conversion D. Duplexes C. Triplexes E. Cottage Clusters F. Number of ADU's on a lot permitted.

Some ideas would be a flow chart of the permitting processes to include allowed, not allowed, in process of change. Then into sub categories.
These different categories have different requirements. Maybe even a spreed sheet table that has check boxes on the requirements would be helpful. Any more color on this subject would be helpful. Ways to make it easier as a home owner to understand the ADU processes.

From my understanding, I can be wrong. But Duplexes, Triplexes and Cottage Clusters are not allowed under R1 zoning.
Can this be changed? Is this a State or City mandate?

On Duplexes, Triplexes, and Cottage clusters to have consideration to allow under R1 Zoning under the definition of use for a ADU with the criteria of California and City codes.

During the meeting the process of planning and permitting of ADU seems to be capped for the number of ADU.
I am not clear on the # of ADU permitted per year. Any color on this subject would be helpful.

D. YEARLY REPORTING OF ADU's

To produce a yearly report that would have these details:
Under R1 Zoning, ADU permitted to include Garage Conversion, Single Free Standing, Existing Single Family Home Conversion, Duplexes, Triplexes, and Cottage Clusters.

1. #1 Parking Spaces allocated
2. SQ Feet of ADU
3. Set Back requirements
4. 1 Story or two story, or multi story
5. The intended use of the ADU (Family, Income, Guest House) 6. The length of time for planning process, Permitting and build completion 7. Estimated Costs of permits, and build costs.
8. Building Materials used (high, medium, low cost) 9. The area formal location name within the city

Please consider my comments for future planning.

Best Regards,
Mr. Louis Shapiro

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ARIOS, JUSTIN

From: Yesenia Markle <yessiemrkl@gmail.com>
Sent: Wednesday, September 15, 2021 9:09 AM
To: Housing Element
Subject: Housing Proposal

To whom it may concern. I am writing to share my concerns on the proposed Housing element draft presented on September 13, 2021.

I oppose this proposal for the following reasons:

1. Smart & Final and El Metate are very conveniently located within our neighborhood. Many people walk to these stores for their groceries. If both of these are torn down, where will the residents buy their food? Many residents do not have the luxury of a vehicle to drive for groceries. Do not tear down the grocery stores to build "affordable housing".

2. Adding low-income housing will not solve the problem of homelessness, it will only add to overcrowding and the parking shortage for residents in the area. This is a recipe for slum and overcrowding.

3. I suggest using the golf course area/driving range which is raw land. This area will easily accommodate all the affordable housing the state law is requiring.

4. Another potential location for these proposed units would be the Fairview Development Center.

Utilizing the land that the practice area or Development Center provides will impact the community in the least possible way.

5. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Thank you for your time,

Yesenia Markle
Costa Mesa Resident

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ARIOS, JUSTIN

From: Richard Walker <rwalker@publiclawcenter.org>
Sent: Thursday, September 16, 2021 12:35 AM
To: ASHABI, MINOO
Cc: Housing Element
Subject: Comment Letter re Draft 6th Cycle Housing Element
Attachments: Costa Mesa Comment Letter to the City - 09.15.21.pdf

Please find attached Public Law Center's Comment Letter regarding Costa Mesa's Draft 6th Cycle Housing Element. Please do not hesitate to reach out with any questions or concerns.

Regards,

Richard Walker (he, him, his)
Senior Staff Attorney
Housing and Homelessness Prevention
Public Law Center
601 Civic Center Drive W.
Santa Ana, CA 92701
714.541.1010 Ext. 292
rwalker@publiclawcenter.org

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PUBLIC LAW CENTER
Providing Access to Justice
For Orange County's Low Income Residents

September 15, 2021

Minoo Ashabi
Principal Planner
Developmental Services Department
City of Costa Mesa
77 Fair Drive,
Costa Mesa, CA 92626
housing-element@costamesaca.gov
minoo.ashabi@costamesaca.gov

RE: City of Costa Mesa Draft 6th Cycle Housing Element

Dear Ms. Ashabi and City Staff,

Public Law Center ("PLC") is a 501(c)(3) legal services organization that provides free civil legal services to low-income individuals and families across Orange County. Our services are provided across a range of substantive areas of law, including consumer, family, immigration, housing, and health law. Additionally, PLC provides legal assistance to community organizations. Further, the mission of our Housing and Homelessness Prevention Unit includes preserving and expanding affordable housing. Thus, we write on behalf of individuals in need of affordable housing in Orange County to comment on the City of Costa Mesa ("the City") Draft 6th Cycle Housing Element.

Government Code Section 65583 requires that a housing element consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.[1] Additionally, the housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.[2] We commend the City on its efforts to engage its residents in the housing element update process and in its attempts to identify and address the housing needs of its residents. However, the City's Draft 6th Cycle Housing Element fails to meet all of the requirements of State law and fails to contain strong commitments to implement meaningful programs and actions that will address the housing needs of its residents.

Extremely Low-Income Households

Local agencies shall calculate the subset of very-low-income households allotted that qualify as extremely-low-income households.[3] To make this calculation, the local agency may

[1] Cal. Gov. Code Section 65583.
[2] Cal. Gov. Code Section 65583.
[3] Cal. Gov. Code Section 65583(a)(1).

either use available census data or presume that 50% of the very-low-income households qualify as extremely-low-income households.[4]

In describing its RHNA, the City lists a need for 2,919 very low-income units but does not explain how many of these households are considered extremely-low-income.[5] The City states that there are approximately 6,610 extremely-low-income households within the jurisdiction, but does not utilize this information to calculate the need for extremely-low-income units within the jurisdiction.[6] The City must describe its need for extremely-low-income households and very-low-income households, which shall equal the jurisdiction's allocation of very-low-income households.[7]

Emergency Shelters

The housing element shall include the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit.[8] Additionally, each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.[9]

Although it appears that the City has existing ordinances that satisfy these requirements, the City has not clearly described these ordinances, policies, and standards because it provides conflicting information.[10] First, the City's table describing housing types permitted across various zoning districts does not state that emergency shelters are permitted within any zone.[11] The City later states that emergency shelters are permitted in the MP Industrial Zone.[12] Then in its review of past performance, the City states that the City adopted an ordinance to permit emergency shelters by-right within the Planned Development Industrial Zone.[13] The City must clarify where emergency shelters are permitted without a conditional use or other discretionary permit and specify whether these zones can accommodate at least one year-round emergency shelter.

Emergency Shelter Need

Further, the identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter.[14] The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an

[4] Cal. Gov. Code Section 65583(a)(1).
[5] City of Costa Mesa, 2021–2029 Housing Element Draft, 1-4, 3-76, 3-77, 4-22, B-2 (August 2021).
[6] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-11 (August 2021).
[7] Cal. Gov. Code Section 65583(a)(1).
[8] Cal. Gov. Code Section 65583(a)(4)(A).
[9] Cal. Gov. Code Section 65583(a)(4)(A).
[10] Cal. Gov. Code Section 65583(a)(4)(D).
[11] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-17 (August 2021).
[12] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-20 (August 2021).
[13] City of Costa Mesa, 2021–2029 Housing Element Draft, A-8 (August 2021).
[14] Cal. Gov. Code Section 65583(a)(4)(A).

average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.[15]

First, the City identifies 193 persons experiencing homelessness within the jurisdiction: 6 sheltered and 187 unsheltered.[16] Second, the City's emergency Bridge Shelter has opened its permanent location with 72 beds available.[17] However, the City's website states that the City of Newport Beach "entered into a partnership with the city," contributed a total of $1.6 million toward the construction and furnishing of the shelter, and will continue to "provide $1 million annually for 20 set-aside beds."[18] This means only 55 of the Bridge Shelter beds are available to accommodate the City's homeless population, requiring that the City still zone for sufficient emergency shelter capacity to accommodate 132 unsheltered individuals within its jurisdiction. Third, the City does not specify whether the Shelter has any unused beds on an average monthly basis or what percentage of those in emergency shelters move on to permanent housing. The City must provide this information to accurately assess its emergency shelter need and determine whether its identified zones can accommodate this need.

Emergency Shelter Standards

The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. [19] However, because the Bridge Shelter currently has 72 beds, the City must clarify whether it still requires that each emergency shelter have a maximum of 30 beds.[20] This information is important to determine how many shelters the City would need to accommodate its 132 unsheltered homeless individuals.

Special Housing Needs

The housing element must analyze special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability;[21] large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter.[22]

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[15] Cal. Gov. Code Section 65583(a)(7).

[16] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-27 (August 2021).

[17] City of Costa Mesa, *Costa Mesa Bridge Shelter*, https://www.costamesaca.gov/hot-topics/costa-mesa-bridge-shelter (last visited Sep. 13, 2021).

[18] City of Costa Mesa, *Costa Mesa Bridge Shelter*, https://www.costamesaca.gov/hot-topics/costa-mesa-bridge-shelter (last visited Sep. 13, 2021).

[19] Cal. Gov. Code Section 65583(a)(4)(A).

[20] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-20 (August 2021).

[21] "'Developmental disability' means a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature." Cal. Welfare and Institutions Code Section 4512.

[22] Cal. Gov. Code Section 65583(a)(7).

Seniors

The City explains that "seniors have a high likelihood of limited and fixed incomes, higher health care costs, greater mobility challenges and self-care limitations, transit dependency, and commonly live alone," resulting in a need for affordable housing, supportive housing, co-living, multi-generational living options, and alternative housing options with service components.[23] The City then touches on overpayment issues and disabilities seniors often face.[24] This analysis of senior housing needs is shallow and should be more detailed. The City should include a description of the financial challenges that seniors may face, the number of lower-income seniors living within the jurisdiction, and an analysis of challenges specific to lower-income seniors.

To address senior housing issues, the City identified Program 2D, which requires the City to "identify opportunities for Senior Housing developments within Costa Mesa, including working with developers who specialize in the development of Senior Housing."[25] However, "identifying opportunities" is extremely vague and does not actually commit the City to taking any action to help seniors address their special housing needs. Further, the City does not address any of the other challenges seniors face that contribute to the difficulty in finding appropriate, affordable housing. The City does not attempt to assist lower income seniors to find affordable housing and does not claim it will attempt to create this type of housing. The City must revise this program and include others that actually address senior housing needs and that commit the City to take specific actions.

Persons With Disabilities

The City first discusses the housing challenges that persons with physical and developmental disabilities may face, such as limited income, restricted mobility, reduced ability for self-care, and disabilities that require a supportive or institutional setting.[26] Further, housing with modifications for persons with disabilities can be costly and should be located near transit, medical services, and retail.[27]

This brief listing of challenges does not constitute a thorough analysis of the special housing needs of this group. Although the City states that "no current comparisons of disability with income, household size, or race/ethnicity are available," the City should conduct its own analysis of this demographic.[28] Such an analysis is important to understanding how these factors exacerbate housing challenges and will enable the City to create specific programs that meet the needs of as many residents with disabilities as possible.

To address these needs, the City states that "incorporating 'barrier-free' design in all new, multi-family housing . . . is especially important to provide the widest range of choices for residents with disabilities" and that "special consideration should also be given to the

[23] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).
[24] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).
[25] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-6 (August 2021).
[26] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).
[27] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-20 (August 2021).
[28] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).

affordability of housing as people with disabilities may be living on a fixed income."[29] However, the City merely lists several housing types and assistance programs that can help meet these special housing needs and does not reference any City programs that incorporate barrier-free designs or prioritize low-income residents with disabilities.[30]

Instead, Program 2F: Persons with Physical and Developmental Disabilities states that "the City will continue to take actions to accommodate ADA retrofit efforts, ADA compliance and/or other measures where appropriate through the implementation of Title 24 as well as reviewing and amending its procedures to comply with State law as necessary."[31] Similar to Program 2D for seniors, this program does not commit the City to taking meaningful actions to address these special housing needs, even though the City identified meaningful actions in its analysis that would help meet these needs, such as incorporating "barrier-free" designs in housing. Since Program 2F is insufficient, the City must either revise this program or create a new program that accounts for the special needs of persons with physical or developmental disabilities.[32]

Large Households

The City states that "a limited supply of adequately sized and affordable housing units," causes lower-income large households to face overcrowding in smaller units with less bedrooms.[33] Lower-income renters are particularly vulnerable to this because rental units with more than three bedrooms are rare and more expensive.[34] Again, this analysis is lacking important details, such as the existing number of four-bedroom or larger units in the City and their level of affordability, the number of large households that are lower income or cost burdened, and other pertinent factors, all of which would influence the programs the City should create to meet these needs. The City should take additional steps to study this group further and provide analysis that is more detailed.

Program 2E: Encourage Development of Housing Options for Large-Family Households is another vague program that merely states that "the City will work with applicants who propose for-rent residential projects to encourage 4-bedroom units as part of proposed developments" and will "review development standards to determine if any pose an impediment to the development of large units."[35] If the City finds any impediments, the program only requires that the City "consider amendments to the Zoning code to alleviate those impediments."[36] The program does not commit the City to taking any specific actions that will actually assist large households. The City should revise the program to be more descriptive by including specific incentives or actions that will be taken to encourage the development of four-bedroom or larger units and by including a specific timetable for the review of development standards that might impeded the

[29] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-21 to 2-22 (August 2021).
[30] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-21 (August 2021).
[31] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).
[32] Cal. Gov. Code Section 65583(a)(7).
[33] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-22 (August 2021).
[34] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-22 (August 2021).
[35] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).
[36] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).

development of larger units. If any impediments are encountered, the City should commit to take actual steps toward revising the standards to mitigate this constraint. As the City does additional analysis, it should also revise its program to address the needs of large households who are at lower-income levels. The City should also revise the program to not just encourage four-bedroom units, but four-bedroom *and larger* units to accommodate different sizes of large households, such that it addresses the overcrowding issue.[37]

Single-Parent Households

The City's extremely brief description of single-parent households states that these residents have a "greater need for affordable and accessible day care, health care, and other supportive services," and that "many female-headed households with children are susceptible to having lower incomes than similar two-parent households."[38] Despite this acknowledgement, the City provides no additional discussion of these challenges, nor does it specify a program that addresses these needs. For example, the City notes that 27.4% of its single-parent households are living in poverty, but makes no attempt to address this issue.[39]

The City must further discuss the special needs of single-parent and female-headed households and describe the City's resources and unmet needs for such groups.[40] The City must identify programs that specifically assist single-parent and female-headed households.

Farmworkers

In attempting to analyze the special housing needs of farmworkers, the City explains who farmworkers are and simply states that farmworkers "earn lower incomes than many other workers and move throughout the year from one harvest location to the next."[41] This statement is not an analysis of farmworkers' special housing needs. Additionally, Program 2H is not sufficient to meet the needs of this group because it merely brings the City's zoning code into compliance with state law.[42] With 2,669 farmworkers living within the jurisdiction, the City must identify unique factors that affect their ability to obtain housing, their specific housing needs, and create programs to address these needs.[43]

No Net Loss Requirements

Government Code Section 65863 requires that jurisdictions maintain adequate sites to accommodate its remaining unmet RHNA in each income category throughout the entire planning period. If there is a shortfall of sites to accommodate its RHNA, the jurisdiction must either amend its site inventory to include sites that were previously unidentified or rezone sites to

[37] Cal. Gov. Code Section 65583(a)(7).
[38] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).
[39] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).
[40] Cal. Gov. Code Section 65583(a)(7).
[41] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).
[42] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-8 (August 2021).
[43] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-18 (August 2021).

meet the need.[44] Failure to do so would constitute a violation of the No Net Loss law and Housing Element law.[45]

To ensure a jurisdiction can accommodate its entire RHNA throughout the planning period and avoid these violations, HCD recommends that jurisdictions include a buffer in the housing element inventory of at least 15 to 30 percent more capacity than required, especially for lower incomes.[46] Alternatively, jurisdictions may create a buffer by projecting capacity less than what is allowed from the maximum density in anticipation of reductions in density, or rezoning additional sites above what is needed to accommodate the RHNA.[47]

Through its site inventory, rezoned sites, and ADUs, the City has created a 34 percent buffer, with only a five percent buffer for lower income units.[48] Because lower income units are the most difficult to construct, the City should increase the lower income buffer to avoid violating the No Net Loss and other Housing Element laws.

Constraints

Governmental Constraints

The housing element must contain an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in Section 65583(c)(1),[49] and for persons with disabilities,[50] including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development.[51]

The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the RHNA and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.[52]

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[44] HCD, Memorandum regarding No Net Loss Law, 4 (Oct. 2, 2019).
[45] HCD, Memorandum regarding No Net Loss Law, 4 (Oct. 2, 2019).
[46] HCD, Memorandum regarding No Net Loss Law, 5 (Oct. 2, 2019).
[47] HCD, Memorandum regarding No Net Loss Law, 5 (Oct. 2, 2019).
[48] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-77 (August 2021).
[49] "Housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing." Cal. Gov. Code Section 65583(c)(1).
[50] "'Developmental disability' means a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature." Cal. Welfare and Institutions Code Section 4512; Cal. Gov. Code Section 65583(a)(7).
[51] Cal. Gov. Code Section 65583(a)(5).
[52] Cal. Gov. Code Section 65583(a)(5).

The Draft provides an analysis of the City's current "1. Land Use Controls", but fails to mention how, if at all, these land use controls are constraints to housing development.[53] If the City determines land use controls constrains housing development, and if so, a program should be included to prevent such constraints. The element exhibits the same issue in the "4. Variety of Housing Types Permitted" and "5. Planned Development" section of Governmental Constraints to affordable housing development.[54] On pages 3-6 to 3-8, the element provides a description of zoning codes and regulations, but does not conclude how, or if, these codes are a constraint on housing development.[55] The element should mention if these restrictions are constraints to housing developments, and if so provide a program to eliminate or mitigate such constraints.[56]

Measure Y is a slow growth program, "An Initiative to Require Voter Approval on Certain Development Projects".[57] Program 3G discusses actions the City will take to address Measure Y in the context of the Housing Element.[58] Program 3G asserts it must determine "a path forward" in consideration of Measure Y to be able to adopt changes necessary to implement the City's housing element to meet the City's state mandated RHNA allocation.[59] Essentially, Program 3G is a plan to deal with a housing constraint and gives the City a 3 year time frame to "deal" with the issue, but provides no concrete steps.[60] The City should provide more concrete steps on how it plans to address Measure Y as a constraint and alternative options in the event that voter approval does not pass, to ensure the City is compliant with Housing Element Laws.

Nongovernmental Constraints

The housing element must also analyze potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by Section 65583.2(c), and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the RHNA.[61]

The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.[62]

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[53] City of Costa Mesa, Draft 2021-2029 Housing Element 3-6 to 3-8 (August 2021).
[54] City of Costa Mesa, Draft 2021-2029 Housing Element 3-16 to 3-23 (August 2021).
[55] City of Costa Mesa, Draft 2021-2029 Housing Element 3-6 to 3-8 (August 2021).
[56] HCD, Building Blocks: A Comprehensive Housing-Element Guide, *Constraints*, https://www.hcd.ca.gov/community-development/building-blocks/constraints/nongovernment-constraints.shtml#requisite (last visited September 1, 2021).
[57] City of Costa Mesa, Draft 2021-2029 Housing Element 3-23 to 3-24 (August 2021).
[58] City of Costa Mesa, Draft 2021-2029 Housing Element 3-23 to 3-24 (August 2021).
[59] City of Costa Mesa, Draft 2021-2029 Housing Element 4-11 to 4-12 (August 2021).
[60] City of Costa Mesa, Draft 2021-2029 Housing Element 4-11 to 4-12 (August 2021).
[61] Cal. Gov. Code Section 65583(a)(6).
[62] Cal. Gov. Code Section 65583(a)(6).

The element asserts construction costs are a major portion of development costs, but is not a constraint to housing development since construction costs are "consistent with the region".[63] Just because the City's construction costs are consistent within the region does not mean they are not a constraint to development. For example, the element mentions the cost of land is consistent with the region, but that the"[the cost of land] may create a constraint to the development of housing, specifically affordable housing."[64] The City contradicts its own logic in the housing element. For this reason, the City should analyze development costs as an actual constraint on the development of housing and create a program to mitigate constraints on affordable housing development caused by the construction costs.

The element identifies "Cost of Land" as a constraint to housing development and mentions Chapter 4 to accommodate these constraints.[65] The element should identify exactly which program(s) within Chapter 4 address and mitigate the high cost of land. Additionally, the element claims "Available Financing" is not a constraint to the provision and maintenance of housing in the City.[66] On the same page, the element asserts that White applicants were more likely to be approved for a loan than their non-White counterparts.[67] The City should implement a program to ensure equal opportunities to all loan applicants as inconsistent lending practices is a constraint to fair and affordable housing.

The element identifies Program 2A to "consider" an inclusionary housing ordinance within two years of implementing the sixth cycle housing element.[68] Program 2B explains the City will "analyze potential development incentives" to encourage affordable housing development.[69] Program 2A and 2B embody noncommittal, vague language with no quantified goal. "Analyzing" incentives will not lower barriers to the development and maintenance of affordable housing. Program 2E exhibits the same issue, as the City will "consider" removing impediments in the City's zoning ordinance for developments to accommodate underserved large families.[70] Program 2I exists to promote state bonus density incentives.[71] According to the element, such incentives "*may* take the form of additional residential units permitted beyond the density allowed in the base zoning..."[72] The language of Programs 2A, 2B, 2E and 2I is vague, non-committal and observes no quantified objective.[73] The City should amend these programs to create concrete steps that will result in beneficial outcomes during the planning period and incorporate a quantified goal to assess if these programs are making progress.

[63] City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).
[64] City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).
[65] City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).
[66] City of Costa Mesa, Draft 2021-2029 Housing Element 3-3 to 3-4 (August 2021).
[67] City of Costa Mesa, Draft 2021-2029 Housing Element 3-3 to 3-4 (August 2021).
[68] City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 (August 2021).
[69] City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 to 4-6 (August 2021).
[70] City of Costa Mesa, Draft 2021-2029 Housing Element 4-6 to 4-7 (August 2021).
[71] City of Costa Mesa, Draft 2021-2029 Housing Element 4-8 (August 2021).
[72] City of Costa Mesa, Draft 2021-2029 Housing Element 4-8 (August 2021).
[73] City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 to 4-7 (August 2021).

Similar to the issues listed above in Program 2, Program 3A adopts language that is vague, noncommittal and unquantified[74], so it is unclear how this program will loosen constraints on affordable housing development. For example, Program 3A claims "The City will *consider* and *promote* various incentives to *encourage* development of housing, live/work, and mixed-use development in its Urban Plan and Specific Plan areas."[75] Programs 3B, 3E, 3F, 3H, 3I, 3J, 3O, 4A, 4C and 4D display the same deficiencies.[76] The City should amend this program to adopt mandatory language with a time sensitive, quantified goal to encourage the development of affordable housing.

The element assesses 5th cycle policy progress within Appendix A: Review of Performance.[77] In this section, the City fails to provide a quantified analysis of fifth cycle progress, which makes it difficult to determine the effectiveness of the policy and whether it should remain in the sixth cycle housing element. For example, the City dedicated Policy HOU-1.5 to maintaining and upgrading "deteriorating" neighborhoods to encourage private development,[78] however the element fails to determine if this policy was effective in encouraging housing development in the fifth cycle. The element maintains Policy HOU-1.5 in the sixth cycle "to ensure it is resourceful and useful in efforts to promote and encourage the development of housing".[79] With lack of data or measured progress, it is unclear if Policy HOU-1.5 was effective in the past and whether it should remain in the sixth cycle element. Policy HOU-1.7, HOU-2.1, HOU-2.3, HOU-2.4, HOU-3.1, HOU-3.2, HOU-3.4, HOU-4.1, HOU-4.2, HOU-4.4 and HOU-5.1 exhibit the same issues.[80] The element is void of information necessary to form an assessment on Policy progress. The element should provide policy data of past performance success or failure to determine if a policy should remain in the sixth cycle housing element.

Site Inventory

The housing element must include an inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level.[81] A jurisdiction may identify sites by a variety of methods, such as re-designating property to a more intense land use category, increasing the density allowed within one or more categories, and identifying sites for accessory dwelling units ("ADUs").[82]

[74] City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 (August 2021).
[75] City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 (August 2021).
[76] City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 to 4-17 (August 2021).
[77] City of Costa Mesa, Draft 2021-2029 Housing Element Appendix A, A-2 (August 2021).
[78] City of Costa Mesa, Draft 2021-2029 Housing Element A-4 (August 2021).
[79] City of Costa Mesa, Draft 2021-2029 Housing Element A-4 (August 2021).
[80] City of Costa Mesa, Draft 2021-2029 Housing Element A-5 to A-13 (August 2021).
[81] Cal. Gov. Code Section 65583(a)(3); Cal. Gov. Code Section 65583.2(a).
[82] Cal. Gov. Code Section 65583.1(a).

The site inventory must provide for a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.[83]

Determining Site Capacity

Based on the information provided in the site inventory, a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period.[84] To determine the number of housing units that can be accommodated on each site when the jurisdiction does not adopt a law or regulation requiring the development of a site at a minimum density, the jurisdiction shall demonstrate how the number of units determined for that site will be accommodated.[85]

The number of units that can be accommodated on each site shall be adjusted as necessary based on the potential and actual governmental constraints upon maintenance, improvement, or development of housing, including land use controls and site improvements; the realistic development capacity for the site; typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction; and the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.[86]

Here, the City does not describe a methodology that considers these factors. Further, although the City assumes "that sites identified within [the City's site inventory] will redevelop with . . . 30% of units available to residents in the low and very low-income categories," the City has not justified this assumption.[87] In fact, Program 2A: Inclusionary Housing Ordinance does not actually require developers to set aside any units for affordable housing, but merely states that the City will continue to analyze the impacts of inclusionary ordinances and "consider adoption of an inclusionary housing ordinance."[88] The City must reanalyze its site capacities in light of this unsupported assumption.

Lower Income Sites Size

If a site is smaller than half an acre or larger than ten acres, it cannot be deemed adequate to accommodate lower income housing unless the locality can demonstrate that sites of an equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site.[89] Alternatively, the locality may provide other evidence to HCD that the site is adequate to accommodate lower income housing.[90]

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[83] Cal. Gov. Code Section 65583(c)(1).
[84] Cal. Gov. Code Section 65583.2(c).
[85] Cal. Gov. Code Section 65583.2(c)(1).
[86] Cal. Gov. Code Section 65583.2(c)(2).
[87] City of Costa Mesa, 2021–2029 Housing Element Draft, B-12 (August 2021).
[88] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 (August 2021).
[89] Cal. Gov. Code Section 65583.2(c)(2).
[90] Cal. Gov. Code Section 65583.2(c)(2).

The City has identified numerous sites for lower-income housing that are either smaller than half an acre or larger than ten acres. Because the City has not demonstrated that sites of equivalent sizes have been successfully developed in the previous cycle for an equivalent number of lower-income units, the City has attempted to provide other evidence that these sites are adequate for lowing income housing.

Regarding sites smaller than half an acre, the City has merely stated that it only identified these sites that "show the likelihood of redeveloping in conjunction with other parcels which collectively meet the half acre requirement."[91] The City based these identifications on common ownership and assumed willingness to consolidate parcels.[92] However, these assumptions are not evidence that these sites can actually be developed for lower-income housing or that they will be consolidated. The City must provide more evidence or remove these sites from its inventory.

In addressing sites larger than ten acres, the City again could not demonstrate that sites of equivalent size have been successfully developed in the previous cycle for an equivalent number of lower income units. Instead, the City attempts to provide evidence for each site. However, the Fairview Developmental Center was identified in the 5th Cycle but was not developed and its development potential is based on a City ad hoc committee's meetings and reports.[93] The City does not claim that the State is actually interested in developing lower-income housing here. Further, for Sakioka Lot 2, Home Ranch, South Coast Plaza, and Pacific Arts Plaza, the City describes the properties and states for each one that "the City has had continued discussions with the property owners who have indicated that there is potential for future housing development on the site in strategic areas."[94] This vague statement and lack of evidence to support an assumption for future development is not sufficient to deem these properties adequate for lower-income housing. The City must provide more evidence or remove these sites from its inventory.

Nonvacant Sites Owned by the City

If a nonvacant site is owned by the city or county, the description shall include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with the Surplus Lands Act.[95]

Site 424-211-01 is owned by the City, but it is unclear whether it is nonvacant. The City must clarify this. If it is nonvacant, the City must provide the requisite information or remove the site from its inventory.

Nonvacant Sites for 50% or More of Housing Need

If the jurisdiction is relying on nonvacant sites to accommodate 50% or more of its housing need for lower-income households, the methodology used to determine additional

[91] City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 (August 2021).
[92] City of Costa Mesa, 2021–2029 Housing Element Draft, B-11 (August 2021).
[93] City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 (August 2021).
[94] City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 to B-11 (August 2021).
[95] Cal. Gov. Code Section 65583.2(b)(3).

development potential shall demonstrate that the existing use identified does not constitute an impediment to additional residential development during the planning period.[96]

Here, only four sites have been identified as vacant. Therefore, the City must revise its stated methodology for nonvacant sites to describe how it will address existing uses impeding additional residential development.

Sites with Current or Past Residential Uses

For sites that currently have residential uses; have had a residential use within the past five years that have been vacated or demolished; are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to very-low- or low-income residents; are subject to any other form of rent or price control through the public entity's valid exercise of its police power; or are currently occupied by very-low- or low-income residents shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site.[97]

Site 425-431-02 is a hotel and Site 422-193-24 is a motel. If either of these sites have current residential uses or are currently occupied by very-low- and low-income residents, the City must create a program that requires developers to replace these units at the same or lower income level.

Presumption of Impeding Additional Residential Development

An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.[98]

Although the City has claimed that many of its sites are likely to be redeveloped within the planning period and provides examples of development on nonvacant sites for residential uses, it has not provided actual, individualized evidence that any of these uses will be discontinued.[99] Therefore, none of these sites can overcome the presumption that their existing uses will impede additional residential development.

Accessory Dwelling Units

A jurisdiction may count an ADU for purposes of identifying adequate sites for housing.[100] The number of ADUs identified is based on the number of ADUs developed in the prior housing element planning period, whether or not the units are permitted by right; the need for these units in the community; the resources or incentives available for their development; and any other relevant factors determined by HCD.[101] To estimate the number of ADUs that will be developed in the planning period, a jurisdiction must generally use a three-part approach

[96] Cal. Gov. Code Section 65583.2(g)(2).
[97] Cal. Gov. Code Section 65583.2(g)(3).
[98] Cal. Gov. Code Section 65583.2(g)(2).
[99] City of Costa Mesa, 2021–2029 Housing Element Draft, B-7 (August 2021).
[100] Cal. Gov. Code § 65852.2(m); Cal. Gov. Code § 65583.1(a).
[101] Cal. Gov. Code Section 65583.1(a).

addressing (1) development trends, (2) anticipated affordability, and (3) resources and incentives.[102]

When assessing development trends, a jurisdiction must consider the number of ADUs developed in the prior housing element planning period, whether or not the units are permitted by right;[103] the need for these units in the community;[104] the availability of ADUs and JADUs that will be part of the rental stock, rather than used as offices or guest houses;[105] and more recent trends.[106] However, HCD Staff has stated that the following two approaches would be accepted without further analysis or incentives: (1) average ADU applications from the beginning of the 5th Cycle to 2017, multiplied by five; or (2) average ADU applications from 2018, multiplied by eight. If jurisdictions anticipate a higher ADU production, HCD will require more analysis and incentives to show the higher production can be met.

The City has determined its ADU production estimate "based on past performance and the SCAG/HCD approved methodology" to claim 858 ADUs for the planning period.[107] The City has permitted 4 ADUs in 2018, 6 in 2019, 19 in 2020, and 12 so far in 2021.[108] Utilizing the second "HCD approved methodology," the City should have only claimed 88 ADUs over the planning period. To justify the additional 770 ADUs, the City must demonstrate that its offered incentives can achieve the higher production. The City states that Program 3E will do so.[109]

Program 3E states that "the City will evaluate potential programs with the intent of promoting the development of accessory dwelling units," which may include the following:

- Coordinating with the County on implementation of a permit-ready ADU program;
- Post a user-friendly FAQ on the City's website to assist the public;
- Waiving certain permitting fees to make ADU development more feasible;
- Creating an expedited plan check review process to ease the process for homeowners; and
- Explore potential State and Regional funding sources for affordable ADUs.

However, Program 3E does not thoroughly describe these incentives, does not analyze how these incentives will boost ADU production, and does not commit the City to implement any of these incentives. Even if all of these incentives were implemented, none of them promotes

[102] HCD, ADU Handbook, 19 (December 2020).
[103] Cal. Gov. Code § 65583.1(a); HCD, ADU Handbook, 19 (December 2020).
[104] Cal. Gov. Code § 65583.1(a).
[105] HCD, Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADUs), *Requisite Analysis*, https://hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/accessory-dwelling-units.shtml (last visited March 21, 2021).
[106] HCD, ADU Handbook, 19 (December 2020).
[107] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).
[108] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).
[109] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).

the creation of ADUs that can offer affordable rents for very-low-, low-, or moderate-income households.[110]

The City must reduce its ADU production estimate to a more realistic number, revise Program 3E to include the information stated above, and include more incentives such as:

- Prototype plans;[111]
- Reduce or eliminate building permit/development fees;[112]
- Affordability monitoring programs;[113]
- Incentives for affordability;[114]
- Financing – construction & preservation;[115]
- Outreach, promotion, and educational materials;[116] and
- Amnesty programs (SB 13).

Programs

The housing element must include programs that allow the jurisdiction to achieve its stated housing goals and objectives. Programs must set forth a schedule of actions during the planning period, each with a timeline for implementation.[117] The jurisdiction may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element.[118] The jurisdiction may do so through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law.[119]

To make adequate provision for the housing needs of all economic segments of the community, the programs shall address housing issues such as inadequate site inventories, meeting lower income housing needs, removing constraints, maintaining affordable housing, promoting affirmatively furthering fair housing, preserving assisted housing developments, encouraging accessory dwelling units, and facilitating public participation. To make these programs most effective, HCD recommends jurisdictions include the following: definite time frames for implementation; an identification of agencies and officials responsible for

[110] HCD, ADU Handbook, 19 (December 2020); Cal. Gov. Code § 65583.1(a); Cal. Health and Safety Code § 50504.5.
[111] HCD, ADU Handbook, 19 (December 2020).
[112] SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).
[113] HCD, ADU Handbook, 19 (December 2020).
[114] SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).
[115] SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).
[116] SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).
[117] Cal. Gov. Code Section 65583(c).
[118] Cal. Gov. Code Section 65583(c).
[119] Cal. Gov. Code Section 65583(c).

implementation; a description of the local government's specific role in program implementation; a description of the specific action steps to implement the program; proposed measurable outcomes; demonstration of a firm commitment to implement the program; and an identification of specific funding sources, where appropriate.[120]

As has been stated throughout our comment letter, the City's programs lack the detail and specificity recommend by HCD. Most goals are simply "ongoing" without definite timeframes or specific action steps. Also, most of the City's programs are noncommittal only planning to "promote," "encourage," or "evaluate."[121] The City should revise its programs generally to include more firm commitments, definite time frames, and specific action steps.

Affirmatively Furthering Fair Housing

California law requires that public agencies administer all "programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing."[122] To affirmatively further fair housing, a public agency must do the following:

> [Take] meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.[123]

Meaningful action means taking significant action that is designed and reasonably expected to achieve a material positive change that affirmatively furthers fair housing.[124]

Housing elements must incorporate the obligation to affirmatively further fair housing in the following aspects: (1) outreach, (2) assessment of fair housing, (3) site inventory, (4)

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[120] HCD, Building Blocks: A Comprehensive Housing-Element Guide, *Program Overview and Quantified Objectives*, https://hcd.ca.gov/community-development/building-blocks/program-requirements/program-overview.shtml (last visited April 4, 2021).

[121] City of Costa Mesa, 2021–2029 Housing Element Draft, Chapter 4 (August 2021).

[122] Cal. Gov. Code Section 8899.50(b).

[123] Cal. Gov. Code Section 8899.50(a)(1).

[124] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 66 (April 2021); Affirmatively Furthering Fair Housing, 80 Fed. Reg. at 42354. Although the Department of Housing and Urban Development does not enforce this federal AFFH rule, California law has adopted the federal rule. This means that the federal AFFH rule can inform how to interpret the obligation to affirmatively further fair housing in California law.

identification and prioritization of contributing factors, and (5) goals, policies, and actions. Each section is addressed below.[125]

Outreach

Beyond preexisting outreach requirements, jurisdictions must include a summary of their fair housing outreach capacity.[126] Jurisdictions "must describe meaningful, frequent, and ongoing public participation with key stakeholders."[127] Moreover, jurisdictions must summarize "issues that contributed to lack of participation in the housing element process by all economic segments, particularly people with protected characteristics, if that proves to be the case."[128]

The City must further describe its outreach efforts or make additional outreach efforts related to fair housing. While the City describes its multiple efforts to engage residents in the housing element update process,[129] none of the described efforts seem to relate to fair housing. The topics discussed at the meetings referenced by the City seem to focus on general housing element requirements and specifically housing development and site identification. None of the stakeholders referenced generally seem to indicate stakeholders connected with fair housing expertise and insights. While the City's online survey had one question under the category "Fair Housing," the question seems to be more related to special housing needs in the community and not necessarily to issues of fair housing. They City's fair housing assessment does describe some outreach related to fair housing specifically, but that outreach was conducted prior to 2019 and in conjunction with the Impediments Analysis for the entire County and not specific outreach for the City.[130] Additionally, the City has not established that it engages in "frequent" and "ongoing" public participation with key fair housing stakeholders. City does not identify key stakeholders that were invited to engage with the City regarding fair housing issues and fails to summarize issues that contributed to lack of participation. The City should describe, or encourage, additional key stakeholder participation, especially as it relates to fair housing, and address lack of participation by any key stakeholders or demographics.

Assessment of Fair Housing

A fair housing assessment needs to have a summary of fair housing enforcement and capacity.[131] In addition, the assessment must analyze these five areas: (1) fair housing enforcement and outreach capacity; (2) integration and segregation patterns and trends related to people with protected characteristics; (3) racially or ethnically concentrated areas of poverty (R/ECAPs) or racially concentrated areas of affluence (RCAAs); (4) disparities in access to opportunity for people with protected characteristics, including persons with disabilities; and (5)

[125] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 21 (April 2021).
[126] Cal. Gov. Code Section 65583(c)(10)(A)(i).
[127] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 21 (April 2021).
[128] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 22 (April 2021).
[129] City of Costa Mesa, 2021–2029 Housing Element Draft, Appendix C (August 2021).
[130] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-45 (August 2021).
[131] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).

disproportionate housing needs within the jurisdiction, including displacement risk.[132] Furthermore, each of these analyses must include local and regional patterns and trends, local data and knowledge, and other relevant factors.[133] The analyses should each arrive at conclusions and have a summary of fair housing issues.[134]

Fair Housing Enforcement and Outreach Capacity. The City references utilizing and contracting with Fair Housing Council of Orange County and Fair Housing Foundation for fair housing enforcement and outreach capacity.[135] However, the City only describes the missions and work of these organizations and largely identifies efforts to educate residents and housing providers, without any description of actual enforcement activities or a description of the actual outreach capacity. The City should include details describing actual enforcement and outreach capacity.

Segregation and Integration. "At minimum, the analysis must discuss levels of segregation and integration for race and ethnicity, income, familial status, persons with disabilities, and identify the groups that experience the highest levels of segregation."[136]

The City must bolster its discussion of segregation and integration. While the City analyzes some data regarding other protected classes, as it relates specifically to segregation the City largely focuses its analysis on race and ethnicity and to some extent income, the City should consider these segregations trends over timer and consider whether there are patterns of segregation for other protected classes including familial status and persons with disabilities.[137] While the City does some comparisons between the City, State, and County data, the City does not actually analyze regional segregation and integration trends other than occasionally mentioning trends along its borders. If protected classes are being segregated into other locations in the region and isolated from Costa Mesa, the City should be consider what factors are contributing to those trends. For example, the percentage of family households in Costa Mesa is significantly less than the County and the State.[138] Additionally, the City references some local factors and knowledge, such as the number of fair housing complaints from residents, it does not do much analysis of this local data or knowledge or consider other local data and knowledge.[139] To strengthen its analysis, the City should analyze integration and segregation patterns and trends based on income, familial status, and disability status currently and over time and provide additional analysis of ethnic and racial segregation over time. The analysis should be at a local and regional level for all protected classes. Furthermore, the City should utilize local data and

[132] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 27–28, 62 (April 2021).
[133] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).
[134] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).
[135] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-48, 3-67 (August 2021).
[136] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 31 (April 2021).
[137] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-49 to 3-57 (August 2021).
[138] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-62 (August 2021).
[139] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-67 (August 2021).

knowledge and other relevant factors "beyond data that identifies and compares concentrations of groups with protected characteristics."[140]

R/ECAPs and RCAAs. Jurisdictions must identify R/ECAPs and RCAAs.[141] "The analysis must be conducted at a regional and a local level where the incidence of concentrated areas of poverty is discussed relative to the region and within the locality. Importantly, this regional comparison should discuss the incidence of racial concentrations in areas of affluence."[142]

While the City does an analysis of R/ECAPs,[143] the City does not even mention RCAAs, local data, local knowledge, or other relevant factors. We recommend that the City present and analyze all relevant regional and local data about R/ECAPs and RCAAs. The City should also employ local data and knowledge, and other relevant factors.

Disparities in Access to Opportunity. The City's discussion of disparities in access to opportunity is inadequate. HCD's Guidance Memo presents questions that the City "should, at minimum" answer.[144] These questions cover disparities in educational, transportation, economic, and environmental opportunities, and disparities in other factors.[145] While the City utilizes some data sources regarding these factors and does an analysis of the factors, the City fails to connect the factors to data related to protected classes and whether there are disparities related to members of protected classes and access to opportunities.

Disproportionate Housing Needs, Including Displacement. Jurisdictions must analyze both disproportionate housing needs and displacement.[146] "[C]ategories of housing need are based on such factors as cost burden and severe cost burden, overcrowding, homelessness, and substandard housing conditions."[147]

The City touches on cost burden, severe cost burden, and overcrowding, but only does a comparison of this date between the City, County, and the State.[148] There is no discussion as to whether members of protected classes living in the City are experiencing these housing needs at greater rates than other residents and what factors are contributing to those disproportionate housing needs among protected classes. Substandard housing seems to only be addressed as the

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[140] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 25 (April 2021).
[141] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 32–34 (April 2021).
[142] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 32 (April 2021).
[143] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-50 to 3-52 (August 2021).
[144] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 35 (April 2021).
[145] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 35–36 (April 2021).
[146] Cal. Gov. Code Section 65583(c)(10)(ii).
[147] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 39 (April 2021).
[148] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-61 to 3-65 (August 2021),

age of housing units.[149] The City should do more analysis of issues regarding substandard housing in the City, particularly as it impacts protected classes. There is no analysis of homelessness as it relates to fair housing and impacts on protected classes, which the City must consider. We recommend following HCD's Guidance Memo and analyzing the aforementioned disproportionate housing needs, especially as they relate to protected classes.

Additionally, the City only touches on displacement and seems to indicate that there is no affordable housing complexes at risk of conversion to market rate and therefore no displacement risk to consider. The City should revise this section for two major reasons. First, the City has a significant and recent history of displacement concerns as was raised in multiple public meetings which has resulted in the City eliminating or seeking to eliminate certain housing policies that caused displacement and to change how it identifies sites in those areas. The City needs to analyze and address these displacement concerns, even if the City thinks it has already resolved the issue. Second, the City goes through great lengths to distribute more of its affordable units in its site inventory in areas that have lower concentrations of ethnic and racial minorities and low-income households. However, the City still identifies many housing sites in these areas, just predominately for market rate. An influx of market rate units into low-income and segregated communities creates the risk of indirect displacement and the City should analyze and address this potential.

Conclusion and Summary of Fair Housing Issues. None of the City's sections conclude and summarize fair housing issues, likely because the City does not actually connect the analysis of the various factors to fair housing issues and the impacts on protected classes. The City should revise its assessment of fair housing and provide conclusions and summaries of the fair housing issues experienced by its residents.

Site Inventory

A jurisdiction's site inventory must be consistent with the jurisdiction's obligation to affirmatively further fair housing.[150] "Sites must be identified and evaluated relative to the full scope of the assessment of fair housing."[151] The jurisdiction should consider the following during its site inventory analysis:

- how identified sites better integrate the community;
- how identified sites exacerbate segregation;
- whether the jurisdiction concentrated the RHNA by income group in certain areas of the community;
- whether local data and knowledge uncover patterns of segregation and integration; and
- how other relevant factors can contribute to the analysis.[152]

[149] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-64 to 3-65 (August 2021).
[150] Cal. Gov. Code § 65583.2(a); HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 45 (April 2021).
[151] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 3, 45 (April 2021).
[152] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 45–46 (April 2021).

The identified sites must attempt to improve conditions related to integration and segregation patterns and trends related to people with protected characteristics; racially or ethnically concentrated areas of poverty or affluence; disparities in access to opportunity for people with protected characteristics, including persons with disabilities; and disproportionate housing needs within the jurisdiction, including displacement risk.[153] Moreover, the jurisdiction must map the number of units at identified sites and include the sites' assumed affordability.[154] The jurisdiction should also address whether it groups sites near areas of concentrated affluence or areas of concentrated poverty.[155]

The City provides several maps of its site inventory in relation to concentrations of ethnic and racial minorities and lower-income residents.[156] While these maps do not identify the sites by assumed affordability, the City does provide an analysis of the affordability levels as it relates to the different categories and demographics contained in the maps. It is clear from the City's analysis that it went to great lengths to distribute more of the affordable units in areas of higher income residents and higher concentrations of White residents in an attempt to affirmatively further fair housing. While this is commendable, it is still concerning that, for example, there are no sites in any of the areas in the City with less than 40% non-White residents.[157] So while the City made an attempted to further fair housing among the sites identified, it does not seem that the City made an effort to affirmatively further fair housing in the actual selection of the sites. The City should make a greater effort to identify sites throughout the community, including in areas of the City with less than 40% non-White residents and the City should further analyze whether the identification of the majority of its sites in lower-income communities with higher concentrations of racial and ethnic minorities actually furthers fair housing or will only result in continued trends of segregation.

Identification and Prioritization of Contributing Factors

As a result of a jurisdiction's assessment of fair housing, the jurisdiction must identify and prioritize significant contributing factors to fair housing issues.[158] The jurisdiction must explain how it prioritized contributing factors.[159] "A fair housing contributing factor means a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues."[160] The jurisdiction must follow these steps:

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[153] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 46, 63 (April 2021); Cal. Gov. Code Section 65583(c)(10)(A)(ii).
[154] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 46, 63 (April 2021).
[155] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 48 (April 2021).
[156] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-68 to 3-74 (August 2021).
[157] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-72 (August 2021).
[158] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021); Cal. Gov. Code Section 65583(c)(10)(A)(iii).
[159] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 51 (April 2021).
[160] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021).

(1) identify fair housing issues and significant contributing factors;
(2) prioritize contributing factors, giving highest priority to those factors that
    (a) deny fair housing choice or access to opportunity or
    (b) negatively impact fair housing or civil rights compliance; and
(3) discuss strategic approaches to inform and strongly connect these contributing factors to goals and actions.[161]

The City seems to only adopt the same four factors identified for the City in the countywide Analysis of Impediments,[162] which likely is due to the fact that the City fails to fully assess fair housing and just provides data in attempt to satisfy the State requirements. Additionally, the City does not prioritize contributing factors. The City must do so to comply with State law. We suggest the City consult HCD's Guidance Memo for further details.

Goals, Policies, and Actions

Jurisdictions must provide goals, policies, and a schedule of actions during the planning period to affirmatively further fair housing.[163] These goals, policies and actions must be based on the jurisdiction's identification and prioritization of contributing factors.[164] The jurisdiction's actions may address, but are not limited to, the following areas:

- mobility enhancement,
- new housing choices and affordability in high opportunity areas,
- place-based strategies for preservation and revitalization,
- displacement protection, and
- other program areas.[165]

The jurisdiction's actions must be meaningful and sufficient to overcome identified patterns of segregation and to affirmatively further fair housing.[166] Accordingly, actions must commit to specific deliverables, measurable metrics, or specific objectives.[167] Actions must also have definitive deadlines, dates, or benchmarks for implementation.[168] In contrast, "programs that 'explore' or 'consider' on an 'ongoing' basis are inadequate . . . ."[169] Moreover, adequate

[161] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021).
[162] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-46, 3-67 to 3-68 (August 2021).
[163] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 51 (April 2021).; Cal. Gov. Section 65583(c)(10)(A)(iv)–(v).
[164] Cal. Gov. Section 65583(c)(10)(A)(iv)–(v); AFFH Guidance Memo 63 (April 2021).
[165] Cal. Gov. Section 65583(c)(10)(A)(iv)–(v); AFFH Guidance Memo 63 (April 2021).
[166] Cal. Gov. Section 8899.50(a)(1), (b); AFFH Guidance Memo 51–53 (April 2021).
[167] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).
[168] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).
[169] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

actions must be "in addition to combatting discrimination" and "well beyond a continuation of past actions."[170]

The City's goals, policies, and actions fall below California law's standard. Many of the City's goals, policies, and actions do nothing more than make information available on its website claiming that "an educated community is an empowered community."[171] The City assumes that by providing information on its website, information likely already available on the internet, somehow housing discrimination will end, the community will become integrated, and all individuals will have equal access to housing opportunities. The City should consider goals that will actually result in beneficial impacts to the community beyond just making information available online. Also, the City has other goals, policies, and actions that only commit the City to continuing current programs. For instance, the City will continue to contract with the Fair Housing Foundation or continue to participate in the Orange County Housing Authority's Housing Choice Voucher program."[172] But the City already provided these services, which means that they cannot count as satisfactory affirmatively furthering fair housing goals. Additionally, these goals are vague and it is unclear how the City actually engages with these entities and what services and programs the City's residents gain by these programs. For example, it is unclear what City action actually makes any difference in or has any influence on the provision of Housing Choice Vouchers to City residents. While the City provides other goals that are beyond providing information or continuing past actions, many of the City's goals, policies, and actions are noncommittal and generally the City's fair housing goals lack measurable objectives and specific timelines for implementation, as has been discussed throughout our comment letter. The Program 2A: Inclusionary Housing Ordinance could go a long way toward combatting patterns of segregation and encouraging affordable housing throughout the community, but the City states that it will only "consider" adoption of such an ordinance.[173] Other goals state the City will simply "analyze potential development incentives for affordable housing," "pursue opportunities," "encourage development," "consider amendments" and "continue to evaluate." These exemplify the City's failure to include measurable objectives and concrete action steps or firm commitments to address the housing needs of its residents.[174] For most of its goals, the City designates the timeframes as "ongoing"—a feature that renders goals inadequate.[175] Because many of the City's goals, policies, and actions lack measurable objectives and timelines for implementation, this section cannot withstand HCD's scrutiny. We suggest picking actions that go beyond providing information and beyond continuing past actions. We also recommend that the City add specific metrics and milestones to its goals. We again refer the City to HCD's Guidance Memo.

[170] Cal. Gov. Code Section 8899.50(a); HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).
[171] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-15 to 4-18 (August 2021).
[172] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-16 to 4-17 (August 2021).
[173] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 (August 2021).
[174] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 to 4-7, 4-15 to 4-18 (August 2021).
[175] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 to 4-7, 4-15 to 4-18 (August 2021).

Conclusion

The housing element process is an opportunity for jurisdictions to meet the needs of California's residents, including needs for housing that is accessible to seniors, families, and workers and the needs of extremely-low-, very-low-, and low-income families for affordable housing. We commend the efforts the City is making to identify and address the housing needs of all of its residents and we hope that the City will take advantage of this opportunity to adopt meaningful programs that actually commit the City to take actions during the planning period to address the housing needs of its most vulnerable residents and to affirmatively further fair housing. We look forward to continuing to work with the City through this process and encourage the City to reach out to us with any questions or concerns.

Sincerely,
THE PUBLIC LAW CENTER, BY:



Richard Walker, Housing and Homelessness Prevention Unit, Senior Staff Attorney
Alexis Mondares, Housing and Homelessness Prevention Unit, Legal Fellow

California Consortium of Addiction Programs and Professionals

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September 15, 2021

Lori Ann Farrell Harrison
City Manager
City of Costa Mesa
77 Fair Dr.,
Costa Mesa, CA 92626

Re: Objection to Housing Element.

Dear Ms. Harrison:

On behalf of the California Consortium of Addiction Programs and Professionals (CCAPP) - the largest statewide consortium of community-based for profit and non-profit recovery residences – we respectfully object to Costa Mesa's housing element because it contains discriminatory clauses against people in recovery in blatant violation of fair housing.

Several items[1] in Costa Mesa's municipal code (see detailed list attached) echo practices already proven discriminatory per the outcome of Encinitas and *Pacific Shores et. Al. v. City of Newport Beach.* They specifically target recovery residences and are discriminatory at every level because they ask people of a disabled class to adhere to regulation that people who are not disabled are not required to conform to. Employment checks, 24-hour supervision of adults in recovery, and distance requirements are glaringly not "reasonable accommodations," in any sense of the definition.

On March 25, 2021, the Department of Housing and Community Development (HCD) sent the City of Encinitas a letter declaring their ordinance to be discriminatory and contrary to both state and federal law (see attached). This led to an immediate response from the city and this ordinance has since then been repealed. Subsequently, on May 3, 2021, the City of Anaheim was sent a letter of technical assistance regarding its discriminatory ordinance that is very similar to the Encinitas notice of violation. CCAPP has notified HCD of all known ordinances of similar nature including yours so that the same enforcement action can be taken.

In *Pacific Shores et. al. v. City of Newport Beach,* the City of Newport Beach settled with the plaintiffs, agreeing to pay $5.25 million to a group of recovery residences. Given the settlement and both outside and in-house counsel, this case cost the City of Newport Beach well over $10 million over the seven year course of trying to defend its actions. This outcome was prior to the attached 10-page notice of violation sent to the City of Encinitas which reads, in part:

[1] Title 9, Chapter II, Article 23 of the Municipal Code, Chapters XV and XVI of Title 13 (Zoning), and Article 23 of Title 9 (Licenses and Business Regulations)

> "On December 16, 2020, the City adopted Ordinance No. 2020-16, amending the Municipal Code to regulate Group Homes and, as a subset of Group Homes, Sober Living Facilities. Described in greater detail below, HCD finds that the City's ordinance is in violation of statutory prohibitions on discrimination in land use (Gov. Code, § 65008) by imposing separate requirements on housing for a protected class (based on familial status and disability), limiting the use and enjoyment of their home, and jeopardizing the financial feasibility of group and sober living homes. The City must take immediate steps to repeal Ordinance No. 2020-16."

The notice of violation is a clear and unmistakable declaration that these ordinances are in violation of state housing laws. It also makes clear that HCD will take action, up to and including, the assistance of the California Office of the Attorney General.

And it is for these reasons that we object to your housing element as proposed.

Sincerely,



Pete Nielsen
President and Chief Executive Officer

Specific Considerations Objectionable in the Municipal Code

1. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

   (a) The owner/operator shall submit an application to the director that provides the following information:

   (7) relapse policy

   Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

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

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

   (vii). The relapse policy;

   These provisions target persons with disability. Other homes within the jurisdiction are not required to report to the city when a person relapses or what preparations are made for such an occurrence.

2. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

   (b) *Requirements for operation of group homes.*

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

   Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

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

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

   Recovery residences are homes, not facilities. There are no "day-to-day operations" which require 24 hour supervision. This requirement, particularly for smaller homes will make it economically unfeasible to exist. Recovery residences cannot simply require 24-hour supervision without paying the persons responsible for providing this service. Typical, house managers, senior residents, or mentors are paid a small stipend of their contributions to the leadership they provide. To change this model to 24-hour supervision would make this type of housing unaffordable. Three 8-hours shifts at $15 per hour would increase the cost of the unit to $2,520 per week, or $10,080 per month. If it is the city's intention to expel this housing from the jurisdiction via onerous financial requirements, the resulting homelessness increase should be taken into consideration.

   Persons in this stage of recovery are not in need of supervision as determined by the American Society of Addiction Medicine:

Although persons in recovery are afforded protections under the Americans with Disabilities Act, the disability concerned does not imply that persons in recovery are in need of physical assistance (dressing, feeding) or in need of supervision. In fact, the American Society of Addiction Medicine Placement criteria for addictions patients, originally published in 1991 and now in its third edition (2013), directly contradicts the notion that persons in recovery residences are being supervised, in a clinical sense. Use of this criteria is a decades old industry standard and is now required for all programs licensed or certified by the Department of Health Care Services. By definition, persons living in a recovery residence do not require supervision. Applying ASAM criteria, persons in a supportive living environment would, at most, be classified as level 1.0, although many in long term recovery may not even be assessed as needing any treatment:

"At ASAM Level 1 placement/Recovery Environment, it is clear that medical experts do not consider supervision to be necessary. Likening this level to a mental health scenario, one could compare this level to a patient who has received a higher level of care, inpatient or otherwise, and is now perhaps receiving medication and attending weekly therapy."

3. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) Requirements for operation of group homes.

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

i. All occupants, other than the house manager, must be actively participating in legitimate recovery programs including but not limited to Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rule and regulations, refusal to actively participate in such a program shall be cause for eviction.

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

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

(6) An operator's permit for a sober living home shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following additional circumstances:

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

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

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

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

ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

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

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

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

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

The ordinances asks for "immediate removal" of persons not "actively participating" in a "legitimate recovery program" and to ban communication with other residents should relapse occur.

Substance use disorder is prone to relapse. A person should not become homeless for relapse. Substance use disorder is a medical issue. Anyone relapsing may be in physical danger and in need of detoxification or treatment. In fact, "immediate removal" of a client in a licensed treatment program is prohibited by regulation due to safety concerns for the relapsing client. It takes time to contact family, arrange for detoxification, and find an open treatment bed, immediate removal is unrealistic and dangerous.

As for "legitimate recovery programs" as define in the ordinances, many persons in long term recovery do not necessarily attend meetings or have a need for outpatient services. For some hiking in the wilderness, working, or reuniting with family constitutes all the recovery services that they need. You cannot force people to attend a religious group or seek medical attention that they no longer need and do not desire to participate in. It is their right, this right was made clear when the City of Dana Point successfully sued a recovery residence for requiring that outside services be attended as a violation of state licensing law for alcohol drug treatment facilities. People in recovery are mature adults with civil rights which include the right to pursue personal recovery activities as they choose. How can city staff, with no knowledge of recovery define what is "legitimate?"

And what constitutes "active participation?" Who decides how much attendance is necessary for each person? To prove any program attendance, requires violating the disabled persons' privacy (particularly if the attendance involves outpatient treatment, a medical service, as opposed to mutual aid meetings). Maintaining records regarding medical and spiritual attendance for an individual is a violation of privacy, and in the case of outpatient treatment, a violation of Health Insurance Portability and Accountability Act of 1996. Asking city staff to review the personal health and spiritual activities of any of its citizens is a violation of privacy on every level.

4. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

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

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

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

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

ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or

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

iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).

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

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

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

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

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

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

ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or

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

iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).

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

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

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

i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.

As per California statute, employers are prohibited from denying employment based upon disability. A one year sobriety requirement clearly violates employment laws.
Many people with substance use disorder lose employment for reasons stated in the ordinances. House managers live at the residence. Denial of housing based on employment history is beyond reasonable. Realizing that people in early recovery often have legal issues connected to previous drug use, denial of housing based on criminal history, including simple possession of cannabis, is discriminatory and specifically designed to limit this type of housing. Are other renters in the jurisdiction denied housing for this broad array of criminal acts? Are other renters denied housing based on employment loss? Are other businesses who provide housing held to this standard?

5. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) *Requirements for operation of group homes*.

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

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

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

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

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

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

Are other citizens prohibited from profanity or being "obnoxious?" Are other families required to respond to neighbor's complaints? Who decides what "unduly interfering" means? There are code compliance mechanisms in place to handle such complaints for other persons in the jurisdiction. Why is this disabled class being subjected to different criteria with consequences that can lead to removal of housing for them? Should all citizens in the jurisdiction who violate noise codes or use their First Amendment rights to express themselves in poor taste be subject to loss of residency and homelessness? Is an arbitrary "be good" clause a reasonable accommodation?

6. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) Requirements for operation of group homes.

(2) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

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

(5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

There exist parking regulation that governs where individuals can park. These parking requirements go beyond existing regulations and subject a disabled class of individuals to separate and discriminatory rules. Individuals without disability are not told they can only park one car in a 500 feet distance from their home.

7. Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

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

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

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

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

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

iii. The sober living home, as measured by the closest property lines, is located within six hundred fifty (650) feet of any other sober living home or state licensed alcoholism

or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

Municipal Code Title 13, Chapter XVI, 13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

(a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

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

Municipal Code Title 13, Chapter XVI, 13-223. Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) w

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven (7) or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

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

The types of facilities where distance requirements may be imposed is set by state statute. These ordinances are contrary to this statute. State statute applies to licensed facilities only and the arbiter who decides whether "overconcentration" exists is the Department of Health Care Services:

> **"1520.5. (b) The Legislature hereby declares it to be the policy of the state to prevent overconcentrations of residential facilities that impair the integrity of residential neighborhoods. Therefore, the department shall deny an application for a new residential facility license if the department determines that the location is in a proximity to an existing residential facility that would result in overconcentration."**

The distance requirements set forth in the aforementioned ordinances more than double the distance requirements set by state statute. It is excessive and discriminates against a disabled class of people as it excludes what is in essence a normal residence from many spaces that other residents without this disability would not have to adhere to.

Furthermore, if say a group of birdwatchers wanted to move into a residence they would not be expected to notify every neighbor within 500 ft of their property that they are moving in. They would

also not be required to hold a hearing to make a case as to why they should be permitted to move in to that space. These practices are discriminatory and clearly meant to exclude sober living homes.

8. Municipal Code Title 13, Chapter XVI, 13-320. Purpose.

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

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

   This is discriminatory on face value. Would a concentration of birdwatchers living together degrade a neighborhood? Would a concentration of LGBTQ individuals degrade a neighborhood? There are no services in a recovery residence; they are not institutions. As for "secondary impacts" of group homes we ask that the city produce concrete evidence of such impacts.

9. Municipal Code Title 13, Chapter XVI, 13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

   (a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

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

   House managers typically live with residents and are a part of the family in much the same way a parent would act as a mentor, leader, and a person who encourages that rules are followed, chores are completed, and disputes are amicably resolved. Requiring a live scan is excessive and discriminatory. As per California employment statute, employers are prohibited from sharing background information about their employees.

ARIOS, JUSTIN

From: Darryl Shinder <darryl@pipelinepromotions.com>
Sent: Wednesday, September 15, 2021 4:26 PM
To: Housing Element; Compliancereview@hcd.ca.gov
Cc: dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject: Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments: Ordinance 14-13.pdf; Ordinance 13-05.pdf

Hello,

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-29 and 3-30 the Public Review Draft (August 2021) discusses the City's definition of Single Housekeeping Unit. The City's presentation of that definition is misleading to the public and HCD.

Since 2013, the City has amended its definition of Single Housekeeping Unit twice for the express purpose of excluding Group Homes for persons with disabilities from qualifying as a Single Housekeeping Unit in order to subject housing for persons with disabilities to the City's discriminatory zoning regulations.

First, in December 2013, the City enacted Ordinance 13-05. As explained at the time by City staff, Ordinance 13-05 amended the definition of Single Housekeeping Unit for the express purpose of excluding Group Homes from its coverage to enable the City to subject Group Homes to discriminatory zoning regulations. A copy of the relevant City report regarding Ordinance 13-05 is attached to this email.

Next, in October 2014, the City again amended the definition of Single Housekeeping Unit as part of Ordinance 14-13, which simultaneously enacted discriminatory zoning regulations that applied solely to Group Homes for persons with disabilities. Ordinance 14-13 also added a definition for Group Home (formerly defined as Residential Service Facilities), which its discriminatory zoning regulations – enacted in the very same ordinance -- targeted with laser-like efficiency:

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

Ordinance 14-13 simultaneously and retroactively prohibited any existing use defined as a Group Homes, including Sober Living Homes, from the City's R-1 zoning district unless the Group Home obtained a Special Use Permit (SUP). The City then denied SUPs to most existing R-1 Group Homes and cited and ordered them to close, ousting their disabled residents from their housing. In 2015, the City extended similar zoning regulation to its Multifamily Zoning Districts.

Since enactment of Ordinance 14-13's definition of Single Housekeeping Unit, there is no public record reflecting any determination by the City that supportive housing of persons with disabilities constitutes a Single Housekeeping Unit.

Thanks for your attention in this matter,

Darryl Shinder
SoCal Recovery

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ORDINANCE NO. 14-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTION 13-6 (DEFINITIONS) OF ARTICLE 2 (DEFINITIONS) OF CHAPTER I (GENERAL), ADDING CHAPTER XV (GROUP HOMES), AND REPEALING AND REPLACING ARTICLE 15 (REASONABLE ACCOMMODATIONS) OF CHAPTER IX (SPECIAL LAND USE REGULATIONS), OF TITLE 13 (ZONING CODE) AND AMENDING THE CITY OF COSTA MESA LAND USE MATRIX - TABLE NO. 13-30 OF CHAPTER IV. (CITYWIDE LAND USE MATRIX) OF THE COSTA MESA MUNICIPAL CODE RELATING TO GROUP HOMES

THE CITY COUNCIL OF THE CITY OF COSTA MESA MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THE FOLLOWING ORDINANCE:

WHEREAS, under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the single-family characteristics of its single-family neighborhoods, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled"; and

WHEREAS, both the California Supreme Court and United States Supreme Court have held that cities have the right to regulate both the number of people who may reside in a single family home and the manner in which the single family is used as long as such regulations do not unfairly discriminate or impair an individual's rights of privacy and association; and

WHEREAS, individuals and families often purchase homes in single-family neighborhoods for the relative tranquility and safety that often accompanies such neighborhoods and with the expectation of establishing close and long-standing ties with their neighbors; and

WHEREAS, with these expectations, individuals and families commit to making what will be, for most of them, the single largest financial investment of their lives, as well as one of the most significant emotional investments; and

WHEREAS, the Federal Fair Housing Act Amendments ("FHAA") and the California Fair Employment Housing Act ("FEHA") prohibit enforcement of zoning ordinances which would on their face or have the effect of discriminating against equal housing opportunities for the handicapped; and

WHEREAS, a core purpose of the FHAA, FEHA and California's Lanterman Act is to provide a broader range of housing opportunities to the handicapped; to free the handicapped, to the extent possible, from institutional style living; and to ensure that handicapped persons have the opportunity to live in normal residential surroundings and

use and enjoy a dwelling in a manner similar to the way a dwelling is enjoyed by the non-handicapped; and

WHEREAS, to fulfill this purpose the FHAA and FEHA also require that the City provide reasonable accommodation to its zoning ordinances if such accommodation is necessary to afford a handicapped person an equal opportunity to use and enjoy a dwelling; and

WHEREAS, the Lanterman Act fulfills this purpose in part by requiring cities to treat state licensed residential care facilities serving six or fewer as a residential use; and

WHEREAS, in enacting this Ordinance the City Council of the City of Costa Mesa is attempting to strike a balance between the City's and residents' interests of preserving the single family characteristics of single-family neighborhoods and to provide opportunities for the handicapped to reside in single-family R1 zones that are enjoyed by the non-handicapped; and

WHEREAS, over the past several years the City, County and State have seen a significant increase in the number of single-family homes being utilized as alcohol and drug recovery facilities for large numbers of individuals (hereafter, "sober living homes"); and

WHEREAS, the increase appears to be driven in part by the Substance Abuse and Crime Prevention Act of 2000 (hereafter, "the Act") adopted by California voters which provides that specified first-time drug and alcohol offenders are to be afforded the opportunity to receive substance abuse treatment rather than incarceration; and

WHEREAS, the Affordable Care Act has significantly expanded the availability of health care coverage for substance abuse treatment; and

WHEREAS, the City of Costa Mesa has seen a sharp increase of sober living homes, which has generated community outcry and complaints including, but not limited to overcrowding, inordinate amounts of second-hand smoke, and noise; and the clustering of sober living facilities in close proximity to each other creating near neighborhoods of sober living homes; and

WHEREAS, this significant increase in sober living homes has become an rising concern for cities statewide as local officials are in some cases being bombarded with complaints from residents about the proliferation of sober living homes; conferences drawing local officials from around the state are being held discussing what to do about the problems associated with sober living homes; it has been the topic of several League of California Cities meetings; there have been numerous city-sponsored attempts at legislative fixes that have failed in committee; and litigation is spreading across the state as cities attempt to address the problem; and

WHEREAS, as of the date of adoption of this Ordinance, it is estimated that the City of Costa Mesa is home to 1,214 alcohol and drug recovery beds, divided as follows: 40 licensed residential facilities/certified alcohol and drug programs in residential zones, providing 398 beds; 94 unlicensed sober living homes in residential zones, providing 740 beds; and 1 sober living home on two separate parcels, providing 76 beds in a non-residential zone; and 28 nonresidential services facilities, providing support services such as administrative offices, therapy etc.; and

WHEREAS, the number of sober living homes in the City of Costa Mesa is rapidly increasing, leading to an overconcentration of sober living homes in the City's R1 neighborhoods, which is both deleterious to the single-family character of the R1 neighborhoods and may also lead to the institutionalization of such neighborhoods; and

WHEREAS, the purpose of sober living homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the single family neighborhood of their choice; and

WHEREAS, recovering alcoholics and drug addicts, who are not currently using alcohol or drugs, are considered handicapped under both the FHAA and FEHA; and

WHEREAS, concentrations of sober living homes and/or the placement of inordinately large numbers of recovering addicts in a single dwelling can undermine the benefits of home ownership in single-family neighborhoods for those residing nearby and undermine the single-family characteristics of neighborhoods; and

WHEREAS, in some cases, operators of sober living homes have attempted to house inordinately large numbers of recovering addicts in a single-family dwelling in Costa Mesa; for example, in one case an operator has placed 15 beds in a single-family home; and there has been a tendency for sober living homes to congregate in close proximity (for example, five sober living homes are located next to each other on one street in a R1 zone); and

WHEREAS, the City has experienced situations in which single-family homes are remodeled to convert common areas such as family rooms, dressing rooms, and garages into bedrooms (in one case a patio was converted to a room where 6 beds were found) or to add multiple bedrooms for the sole purpose of housing large numbers of recovering addicts in a single dwelling; and

WHEREAS, it has been the City's experience that most, if not all, operators of sober living homes have taken the stance that the FHAA and FEHA prohibit the City from regulating them in any fashion, that they are free to house as many recovering addicts in a single home as they desire, and that they are not required to make any showing to obtain an accommodation from the City's zoning ordinances, which allow a sober living home to house up to six recovering addicts as a matter of right; and

WHEREAS, based on the City's experience it has become clear that at least some operators of sober living homes are driven more by a motivation to profit rather than to provide a comfortable living environment in which recovering addicts have a realistic potential of recovery, or to provide a living environment which remotely resembles the manner in which the non-disabled use and enjoy a dwelling; and

WHEREAS, this Ordinance and the balance of the City's zoning scheme have built in an accommodation for group homes to locate in the R1 neighborhoods as long as they are serving six or fewer tenants, whereas a similarly situated and functioning home with non-handicapped tenants would be defined as a boarding house and only be allowed three residents; and

WHEREAS, this Ordinance will provide a mechanism for a group home to seek additional accommodation above the six residents upon making a showing, as required by state and federal law, that such additional accommodation is reasonably necessary to afford the handicapped the right to use and enjoy a dwelling in a manner similar to that enjoyed by the non-handicapped; and

WHEREAS, permitting six or fewer residents in a sober living home and establishing distance requirements is reasonable and non-discriminatory and not only helps preserve the single family characteristic of single family neighborhoods, but also furthers the purpose for which sober living homes are established: (1) the State legislature in establishing licensed residential care facilities as a residential use, including group homes serving recovering addicts, found that six residents was a sufficient number to provide the supportive living environment that experts agree is beneficial to recovery; (2) Group Homes serving six or fewer have existed and flourished in the State for decades and there has been no significant efforts or suggestions to increase the number; (3) the City has received expert testimony stating that six is a reasonable number for a sober living facility and is sufficient to provide the supportive living environment that is beneficial to recovery and that larger numbers can actually reduce the chances of recovery; (4) a 2005 UCLA study found that 65-70% of recovering addicts do not finish the recovery programs into which they are placed and a comfortable living environment is a factor in whether recovering addicts will finish their programs; (5) drug and alcohol addiction is known to affect all income levels and there is no evidence in the record that individuals residing in sober living homes are financially unable to pay market rate rents and certainly the experience in the City of Newport Beach, where rents and property are among the most expensive in Orange County, is evidence that such addiction has a profound effect on the wealthy; (6) in any event, receiving rent from up to six individuals will provide sufficient income for operators of sober living homes and result in revenue which is well above market rate rents; (7) the evidence in the record indicates that in general operators of sober living homes do not incur significant costs over and above what landlords of other similarly-situated homes may incur; and (8) limiting the number of recovering addicts that can be placed in a single-family home enhances the potential for their recovery; and

WHEREAS, sober living homes do not function as a single-family unit nor do they fit the City's zoning definition of a single-family for the following reasons: (1) they house

extremely transient populations (programs are generally about 90 days and as noted, the 2005 UCLA study found that 65-70% of recovering addicts don't finish their recovery programs); (2) the residents generally have no established ties to each other when they move in and typically do not mingle with other neighbors; (3) neighbors generally do not know who or who does not reside in the home; (4) the residents have little to no say about who lives or doesn't live in the home; (5) the residents do not generally share expenses; (6) the residents are often responsible for their own food, laundry and phone; (7) when residents disobey house rules they are often just kicked out of the house; (8) the residents generally do not share the same acquaintances; and (9) residents often pay significantly above-market rate rents; and

WHEREAS, the size and makeup of the households in sober living homes, even those allowed as a matter of right under the Costa Mesa Municipal Code, is dissimilar and larger than the norm, creating impacts on water, sewer, roads, parking and other City services that are far greater than the average household, in that the average number of persons per California household is 2.90 (2.74 in Costa Mesa's R1 zones according to the City's General Plan), while a sober living facility allowed as a matter of right would house six, which is in the top 5% of households in Orange County according to the most recent U.S. federal census data; and

WHEREAS, all of six individuals residing in a sober living facility are generally over the age of 18, while the average household has just 2.2 individuals over the age of 18 according to the most recent federal census data; and

WHEREAS, the City utilizes federal census data and other information relating to the characteristics of single-family neighborhoods for among other things: (1) determining the design of residential homes, residential neighborhoods, park systems, library systems, transportation systems; (2) determining parking and garage requirements of single-family homes; (3) developing its General Plan and zoning ordinances; (4) determining police and fire staffing; (5) determining impacts to water, sewer and other services; and (5) in establishing impacts fees that fairly and proportionally fund facilities for traffic, parks, libraries, police and fire; and

WHEREAS, because of their extremely transient populations, above-normal numbers of individuals/adults residing in a single home and the lack of regulations, sober living facilities present problems not typically associated with more traditional single-family uses, including: the housing of large numbers of unrelated adult who may or may not be supervised; disproportionate numbers of cars associated with a single-family home which causes disproportionate traffic and utilization of on-street parking; excessive noise and outdoor smoking, which interferes with the use and enjoyment of neighbors' use of their property; neighbors who have little to no idea who does and does not reside in the home; little to no interaction with the neighborhood; a history of opening facilities in complete disregard of the Costa Mesa Municipal Code and with little disregard for impacts to the neighborhood; disproportional impacts from the average dwelling unit to nearly all City services including sewer, water, parks, libraries, transportation infrastructure, fire and

police; a history of congregating in the same general area; and the potential influx of individuals with a criminal record; and

WHEREAS, a 650-foot distance requirement provides a reasonable market for the purchase and operation of a sober living home within the City and still results in preferential treatment for sober living homes in that non-handicapped individuals in a similar living situation (i.e., in boardinghouse-style residences) cannot reside in the R1 zone; and

WHEREAS, housing inordinately large numbers of unrelated adults in a single-family home or congregating sober living homes in close proximity to each other does not provide the handicapped with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide relief from for the handicapped, and which no reasonable person could contend provides a life in a normal residential surrounding; and

WHEREAS, notwithstanding the above, the City Council recognizes that while not in character with a single-family neighborhood, that when operated responsibly, a group homes, including sober living homes, provide a societal benefit by providing the handicapped the opportunity to live in single-family neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions, and that therefore providing greater access to R1 zones to group homes, including sober living homes, than to boardinghouses provides a benefit to the City and its residents; and

WHEREAS, without some regulation there is no way of ensuring that the individuals entering into a group home are handicapped individuals and entitled to reasonable accommodation under local and state law; that a group home is operated professionally to minimize impacts to the surrounding neighborhood; and that the secondary impacts from over concentration of both group homes in a neighborhood and large numbers of unrelated adults residing in a single facility in a single home are lessened; and

WHEREAS, in addition to group homes locating in single-family neighborhoods other state-licensed residential care facilities for six or fewer persons who are mentally disordered or otherwise handicapped or supervised, are also taking up residence in single-family neighborhoods; and

WHEREAS, the purpose of group homes for the handicapped is to provide the handicapped an equal opportunity to comfortably reside in the single family neighborhood of their choice; and

WHEREAS, this Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b)(3) (General

Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDAIN AS FOLLOWS:

Section 1: The following definitions in Section 13-6 (Definitions) of Article 2 (Definitions) of Chapter I (General) of Title 13 (Planning, Zoning and Development) are hereby repealed, amended or added as follows:

Alcoholism or drug abuse recovery or treatment facility means adult alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to Section 11834.01 of the California Health & Safety Code. *Alcoholism or drug abuse recovery or treatment facilities* are a subset of residential care facilities.

Boardinghouse A residence or dwelling, other than a hotel, wherein rooms are rented under three 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 residence. Boardinghouse, small means two or fewer rooms being rented. Boardinghouse, large means three or more rooms being rented.

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

Disabled shall have the same meaning as *handicapped*.

Fair housing laws means 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.

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.

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.

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

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

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

Operator means a company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and 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.

Planning division. The planning division of the Development Services Department of the City of Costa Mesa.

Referral facility. A residential care facility or a group home where one (1) 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 & Saf. Code §§ 1267.8, 1267.9); community care facilities (Health & Saf. Code §§ 1500 et seq.); residential care facilities for the elderly (Health & Saf. Code §§ 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Saf. § 1568.02); alcoholism and drug abuse facilities (Health & Saf. Code §§ 11834.02-11834.30); pediatric day health and respite care facilities (Health & Saf. Code §§ 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Saf. 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 services facilities* is hereby deleted.]

Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

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

Section 2: Chapter XV (Group Homes) of Title 13 (Planning, Zoning and Development) is hereby added as follows:

Chapter XV: Group homes.

13-310 Purpose.

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

13-311 Special use permit required.

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

1. An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following: (1) the name, address, phone number and driver's license number of the owner/operator; (2) the name, address, phone number and driver's license number of the house manager; (3) a copy of the group home rules and regulations; (4) written intake procedures; (5) the relapse policy; (6) an affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home; (7) blank copies of all forms that all residents and potential residents are required to complete; and (8) a fee for the cost of processing of the application as set by Resolution of the City Council. No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.

2. The group home has six (6) or fewer occupants, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has a secondary accessory unit, occupants of both units will be combined to determine whether or not the limit of six (6) occupants has been exceeded.

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

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

5. All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within 500 feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

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

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

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

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

10. In addition to the regulations outlined above, the following shall also apply to sober living homes:

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

    ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

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

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

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

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

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

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

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(9) above. The special use permit shall be denied, and if already issued, any transfer shall be denied or revoked, upon a hearing by the director under any of the following circumstances:

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

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

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

   i. Any sex offense for which the person is required to register as a sex offender under California Penal Code Section 290 (last 10 years);
   ii. Arson offenses – violations of Penal Code Sections 451-455 (last seven years); or
   iii. Violent felonies, as defined in Penal Code Section 667.5, which involve doing bodily harm to another person (last 10 years).
   iv. The unlawful sale or furnishing of any controlled substances (last seven years).

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

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

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

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

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

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

7. For any other significant and/or repeated violations of this Section and/or any other applicable laws and/or regulations.

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

13-312 Compliance.

(a) Existing group homes must apply for a special use permit within 90 days of the effective date of this ordinance.

(b) Group homes that are in existence upon the effective date of this ordinance shall have one (1) year from the effective date of this ordinance to comply with its provisions, provided that any existing group home, which is serving more than six residents, must first comply with the six resident maximum.

(c) Existing group homes obligated by a written lease exceeding one year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one additional years grace period pursuant to planning division approval.

13-313 Severability.

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

13-314 – 13-350 [Reserved.]

Section 3: Article 15 (Reasonable Accommodations) of Chapter IX (Special Land Use Regulations) of Title 13 (Planning, Zoning and Development) is hereby repealed and replaced with the following:

13-200.60 Purpose.

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

13-200.61 Applicability.

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

13-200.62 Reasonable accommodations – procedure.

(a) Application required. An application for a reasonable accommodation shall be filed and processed with the Planning Division. The application shall include the

following information and be subject to the determinant factors required by this section.

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

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

2. The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individuals;

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

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

5. The specific exception or modification to the Zoning Code provision, policy, or practices requested by the applicant;

6. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence;

7. Any other information that the Hearing Officer reasonably concludes is necessary to determine whether the findings required by Section (e) can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected;

(c) Fees. No application fee is required.

(d) Director action. Within 60 days of receipt of a completed application, the director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. Any appeal to reasonable accommodation request denial or conditional approval shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for any other discretionary permit provided that, notwithstanding any other provision to the contrary, the standard of review on appeal shall not be *de novo* and the planning commission shall determine whether the findings made by the director are supported by substantial evidence presented during the evidentiary hearing. The planning

commission, acting as the appellate body, may sustain, reverse or modify the decision of the director or remand the matter for further consideration, which remand shall include specific issues to be considered or a direction for a *de novo* hearing.

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

1. Special needs created by the disability;
2. Potential benefit that can be accomplished by the requested modification;
3. Potential impact on properties within the vicinity;
4. Physical attributes of the property and structures;
5. Alternative accommodations that may provide an equivalent level of benefit;
6. In the case of a determination involving a single family dwelling, whether the residents would constitute a single housekeeping unit;
7. Whether the requested accommodation would impose an undue financial or administrative burden on the City;
8. Whether the requested accommodation would require a fundamental alteration in the nature of a City program;
9. Whether granting the request would be consistent with the City's General Plan; and,
10. The property will be used by an individual with disability protected under fair housing laws.

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

1. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.
2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

3. The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.

4. The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit.

5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

6. Whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.

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

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

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

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

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

3. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's General Plan or an applicable Specific Plan.

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

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

13-200.63 Severability.

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

13-200.64 – 13.200.69 [Reserved.]

Section 4. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 5. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, state, or federal law, regulation, or codes dealing with life safety factors.

Section 6. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED and ADOPTED this 21st day of October, 2014.

James M. Righeimer
Mayor, City of Costa Mesa

ATTEST:

Brenda Green
Brenda Green,
City Clerk

APPROVED AS TO FORM:

Thomas Duarte,
City Attorney

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

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Ordinance Number 14-13 was introduced at a regular meeting of said City Council held on the 7th day of October, 2014, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 21st day of October, 2014, by the following roll call vote:

AYES: COUNCIL MEMBERS: Genis, Mensinger, Monahan, Righeimer

NOES: COUNCIL MEMBERS: Leece

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this 22nd day of October, 2014.

Brenda Green
Brenda Green, City Clerk

PLANNING COMMISSION AGENDA REPORT

MEETING DATE: OCTOBER 14, 2013 **ITEM NUMBER: PH 3**

SUBJECT: **CODE AMENDMENT C0-12-02: AN AMENDMENT TO TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATED TO RESIDENTIAL FACILITIES**

DATE: **OCTOBER 3, 2013**

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

PRESENTATION BY: **MEL LEE, SENIOR PLANNER**

FOR FURTHER INFORMATION CONTACT: **MEL LEE, AICP (714) 754-5611**
mel.lee@costamesaca.gov

DESCRIPTION

Code Amendment CO-12-02 is related to the Zoning Code regulations for residential facilities. More specifically, the amendment is proposed to the following Code Section in Title 13 of the Costa Mesa Municipal Code:

- Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of "single housekeeping unit".

RECOMMENDATION

Recommend that City Council approve and give first reading to the ordinance.

ANALYSIS

The proposed Code amendment involves changing the current zoning code definition of "single housekeeping unit" which is currently defined as follows:

> *Single housekeeping unit. The functional equivalent of a traditional family, whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses.*

Per State law, the City is required to treat residential facilities serving six or fewer persons (defined in the Zoning Code above as residential care and residential service facilities), as a single-family residential use in the R1 zone. In 2011, in response to a complaint received by the City's Code Enforcement Division, the City attempted to enforce the six or fewer requirement against a single-family residence on Van Buren Avenue. During the inspection, the Code Officer observed 11 beds and 13 residents in the home. The case was referred to the City Attorney's Office for action, and the operator took the City to civil court for the action. The Court ruled in favor of the operator, and held the City liable for financial damages incurred by the operator. It was determined that the current code definition for "single housekeeping unit" was legally indefensible. The proposed code amendment would revise the current code definition of single housekeeping unit as follows:

> *Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.*

The revised definition will allow the City to more effectively enforce the maximum limit of six persons per residential care or residential service facility in an R1 zone and withstand legal scrutiny.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3) (General Rule) of CEQA because there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

LEGAL REVIEW

The draft ordinance has been reviewed by the City Attorney's office.

ALTERNATIVES

The City could continue to apply "single house keeping unit" as currently defined in Code; however, this has not stood up to legal challenge when residential care or residential service facilities are found to have occupants of R1 zoned dwellings that exceed six persons.

CONCLUSION

As noted earlier, the revised definition will allow the City to more effectively enforce the maximum limit of six persons per residential care or residential service facilities in an R1 zone and withstand legal scrutiny. If the Commission recommends that City Council approve and give first reading to the ordinance, it will be tentatively scheduled for the November 5, 2013, City Council meeting.

MEL LEE, AICP
Senior Planner

GARY ARMSTRONG, AICP
Economic and Development Services Director

Distribution: Director of Economic & Development/Deputy CEO
Assistant Development Services Director
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (4)
File (2)

Attachment: 1. Draft Ordinance

ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-12-02 RELATED TO ZONING CODE REGULATIONS FOR RESIDENTIAL FACILITIES. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: CHAPTER 1, ARTICLE 2, SECTION 13-6, DEFINITIONS, AS IT PERTAINS TO THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT"

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: CODE AMENDMENT. Title 13 of the Costa Mesa Municipal Code is hereby amended to include the following definition - Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of "single housekeeping unit":

Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.

SECTION 2: ENVIRONMENTAL DETERMINATION. The code amendment has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (General Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment.

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a

certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2013.

_____

Mayor of the City of Costa Mesa

ATTEST:

_____

City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

_____

City Attorney

ARIOS, JUSTIN

From:	David Alexander <rawrecoveryllc@gmail.com>
Sent:	Wednesday, September 15, 2021 5:53 PM
To:	Housing Element; Compliancereview@hcd.ca.gov
Cc:	dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; Pete Nielsen; sharon.rapport@csh.org
Subject:	Subject: Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments:	Table 1 - CM discriminatory zoning regulations.pdf; Table 2.pdf; Table 1-1 CM CityCode 1-72.pdf

Dear Gentleperson:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

Starting at page 3-45, the Public Review Draft (August 2021) addresses Affirmative Furthering Fair Housing (AFFH). This section of the City's Housing Element fails to address the requirements set forth in Government Code § 650583 and disregards the City's own discriminatory housing practice reflected in its Zoning Code and its treatment of Supportive Housing for disabled persons (defined as Group Homes by City.)

1. The City's Draft Housing Element utilizes standards that have been expressly rejected by the State of California.

At page 3-46, the Public Review Draft indicates that it is guided by "the HUD Fair Housing Planning Guide" and limits the scope of its analysis to the 2019-2024 Regional Analysis of Impediments to Fair Housing (AI) that covered 16 cities in Orange County, including Costa Mesa. The City's entire reliance on the Regional 2019-2014 AI not only applies the incorrect legal standards, but also fails to focus on the activities of Costa Mesa (as opposed to the region or 15 other cities). First, the AI is insufficient for purposes of state law. Under Government Code 8899.50, the applicable standard in California is:

> the Affirmatively Furthering Fair Housing Final Rule and accompanying commentary published by the United States Department of Housing and Urban Development contained in Volume 80 of the Federal Register, Number 136, pages 42272 to 42371, inclusive, dated July 16, 2015. Subsequent amendment, suspension, or revocation of this Final Rule or its accompanying commentary by the federal government shall not impact the interpretation of this section. Government Code 8899.50(c).

While the City's Regional AI, published on May 5, 2020, may have comported with the standards mandated by the Trump Administration, those standards were a deliberate rollback of the standards expressly adopted by reference in Government Code 8899.50(c).

Moreover, the City's reliance on an undefined "HUD Planning Guide" throughout Chapter 3E is bewildering since the applicable guide, entirely ignored by the City, is HCD's *Affirmatively*

Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements (April 2021 Update), published months before the Public Review Draft was issued in August 2021.

2. The City's Draft Housing Element fails to consider its own zoning regulations and practices, which are the principal source of housing discrimination in Costa Mesa.

Instead of conducting the mandated assessment, the City relies exclusively on the wholly inapplicable and inadequate 2020 AI in addressing its Section 3E4: Assessment of Contributing factors to Fair Housing in Costa Mesa. As a result, this portion of the City Housing Element is wholly inadequate, disregarding that:

- The City has enacted explicitly discriminatory zoning regulations that target Supportive Housing for Disabled Persons for exclusion and expulsion from Costa Mesa's residential zoning districts. (See attached Table 1; see CityCode for text of City's zoning code cited in Table 1.)

- The City has engaged in discriminatory code enforcement; specifically, it has targeted its code enforcement activities at Group Homes. (See attached Table 2.)

- The City has gone so far as to sue Supportive Housing Providers (defined as Group Homes) in state court, seeking to have them declared as a public nuisance solely because they operate with a SUP or CUP pursuant to Zoning Code Chapters XV and XVI, and not because of any nuisance behaviors. As a result of the City's state court actions against Supportive Housing/Group Homes, the City has forced Group Homes to shutter and required that operators evict disabled residents during the height of Covid-19 in the Winter of 2020.

- Of the 26 Supportive Housing/Group Homes that applied for CUP under the City Zoning Chapter XVI (CMMC 13-323), each applicant was an existing Group Home that predated the adoption of Chapter XVI. Of the 26 CUP applications submitted, the City granted only two. It ordered that the other 24 to shutter and to force their disabled residents from their homes. See Table 3 attached.

- While the City professes to support fair housing in the Public Review of its Housing Element, it is presently actively engaged in trying to cover up the discriminatory provisions in its own Zoning Code. Since 2014, the City has tried to justify its discrimination against Group Homes/Supportive Housing by arguing that it treats Boardinghouse worse.

- But that is obviously inaccurate on the face of the City's own zoning code: As reflected in Table 1, the City gives preferential treatment to Boardinghouses – and all residential uses except for Group Homes (Supportive Housing for disabled persons).

- To cover up the most glaring disparities between the City's regulation of Group Homes and Boardinghouses, the City is presently in the process of amending the definition of Boardinghouse as part of Code Amendment CO-2020-02, which will modify the definition of Boardinghouse.

The City's zoning code and its enforcement of that code are the most significant sources of housing discrimination and fair housing violations in Costa Mesa. But the City's draft Housing Element fails to review any of its own zoning procedure and practices, preferring to hide behind its wholly inadequate 2020 Regional AI.

Without this fulsome evaluation, the City cannot meet the requirements of the State's Housing Element laws.

Thank you for your time and consideration of this matter,

--
Dave Alexander
Founder
RAW Recovery

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www.rawrecovery.com
581 Blumont, Laguna Beach, CA 92651

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Zoning regulations for unlicensed[1] residential uses in Costa Mesa's multi-family zoning districts

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	***Sober Living Home[2]***	***Group Home[3]***	***Boardinghouse, Small < 3 rental rooms[4]***	***Boardinghouse, Large < 7 rental rooms***	***Multi-family Dwelling[5]***
Use Definitions					
Use defined based on disability status of residents, CMMC 13-06	Yes, CC 9[6]	Yes, CC 5	No, CC 3	No, CC 3	No CC 4

[1] Licensed uses are subject to state-mandated zoning entitlements and restrictions. The Costa Mesa Municipal Code (CMMC) defines these uses as "***Residential care facilities.*** 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)." CMMC 13-06.

[2] "***Sober living home*** means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit." CMMC 13-06.

[3] "***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 (1) 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." CMMC 13-06.

[4] "***Boardinghouse.*** A residence or dwelling, other than a hotel, wherein rooms are rented under two (2) 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 residence. Boardinghouse, small means two (2) or fewer rooms being rented. Boardinghouse, large means three (3) to six (6) rooms being rented. Boardinghouses renting more than six (6) rooms are prohibited." CMMC 13-06.

[5] "***Dwelling, multi-family*** "Dwelling, multi-family" or "multi-family dwelling" is a building or buildings of permanent character placed on one (1) lot which is designed or used for residential occupancy by two (2) or more families." CMMC 13-06.

[6] ***"CC #"*** refers to page numbers in the excerpt of the current Costa Mesa Municipal Code [as of 05/09/2021], attached to this Table for reference.

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Use defined based on nature of the disability of dwelling's residents, CMMC 13-06	Yes, CC 9	No, CC 5	No, CC 3	No, CC 3	No CC 4
Permitted Zoning District					
Permitted in Residential Zoning District, CMMC 13-30, 13-204	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Multifamily Zoning Districts (R2-MD, R2-HD, R3), CMMC 13-30	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Planned Development Residential Districts (PDR-LD, PDR-MD, PDR-HD, PRD-NCM, PDC, PDI), CMMC 13-30, 13-204	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Institutional & Recreational (I&R) Zoning District [intended for "recreation, open space, health, public services," 13-20(i), CC 17]	Yes, CC 31	Yes, CC 31	No, CC 31	No, CC 31	No, CC 31
Specially or Conditionally Permitted in Institutional & Recreational (I&R) Zoning District [intended for "recreation, open space, health, public services," 13-20(i), CC 17]	NA, CC 31	NA, CC 31	No, CC 31	No, CC 31	No, CC 31
Nonconforming Use Status					
Existing uses required to apply for Special or Conditional Use Permit to continue existing use, 13-324, 13-207.1 versus 13-204, 13-30	Yes, CC 67, 59	Yes, CC 67, 59	No, CC 54	No, CC 54	NA, CC 31

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Separation Requirement					
Separation requirement imposed on existing uses, 13-322, 13-323, 13-324 versus 13-30, 13-204, 13-207.1	Yes: At least 650 feet between dwelling and any group home, sober living home or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: At least 650 feet between dwelling and any group home, sober living home or state-licensed drug and alcohol treatment facility. CC 66-67	No, CC 54	No, CC 54	NA, 13-30
Separation requirement imposed on new uses, 13-322, 13-323, 13-324 versus 13-30 fn 7	Yes: At least 650 feet between dwelling and any group home, sober living home, or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: At least 650 feet between dwelling and any group home, sober living home, or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. CC 49	Yes: Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse. CC 49	NA, 13-30
Dwelling Operator's Permit Required					
Owner or operator of dwelling must obtain an "Operator's Permit," CMMC 13-323, 9-372, or meet same conditions for Operator's Permit under SUP requirements, 13-322, 13-311	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	No	No	No

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Owner or operator of dwelling must obtain an "operator's permit" as a condition to qualify for a conditional use permit, CMMC 13-323, 9-372, or meet same conditions for Operator's Permit to qualify for SUP, 13-322, 13-311	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	No	No	No
Permit Application Requirements					
Permit Application: Required to list applicant/operator's every general partner and every owner with controlling interest in corporation. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide permit history or operation of similar use at any time anywhere in the United States. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide copy of rules governing conduct of residents occupying dwelling. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to identify the name, address, telephone, CDL of onsite dwelling manager. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	***Sober Living Home[2]***	***Group Home[3]***	***Boardinghouse, Small < 3 rental rooms[4]***	***Boardinghouse, Large < 7 rental rooms***	***Multi-family Dwelling[5]***
Permit Application: Required to provide document reflecting criteria for acceptance of resident in dwelling. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide blank copies of all forms that residents of dwelling are required to complete. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Notice Requirements, July 2017 (17-05) - October 2018 (18-06) time period					
Public notice of hearing on application for special use permit, CMMC 13-311(b) versus CMMC 13-29(c) [07/2017-09/2018]	Notice to be mailed to the ***owner of record and occupants*** of all properties within five hundred (500) feet of the location of the group home.	Notice to be mailed to the ***owner of record and occupants*** of all properties within five hundred (500) feet of the location of the group home.	Notices of the hearing shall be mailed to all ***property owners*** within a five hundred-foot radius of the project site	Notices of the hearing shall be mailed to all ***property owners*** within a five hundred-foot radius of the project site	Notices of the hearing shall be mailed to all ***property owners*** within a five hundred-foot radius of the project site
Occupancy limit on number of residents per dwelling					
Occupancy limitation	City Housing Element	City Housing Element	State Housing Law/UHC	State Housing Law/UHC	State Housing Law/UHC
On-Site Manager Requirements					

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Dwelling must have a 24/7 onsite manager. CMMC 13-311(a)(4) + CMMC 9-274(b)(1) versus State Housing Law	Yes, CC 62, 70	Yes, CC 62, 70	No, State Housing Law	No, State Housing Law	No, State Housing Law
Vehicle Restrictions					
Each dwelling resident limited to one vehicle that must be used as resident's primary form of transportation, 13-311(a)(5) + CMMC 9-274(b)(2)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Resident Parking Restrictions					
Each dwelling resident must park her vehicle on dwelling premises or within 500 feet of dwelling, 13-311(a)(5) + CMMC 9-274(b)(2) versus CMMC Title 10, Ch X (Stopping, Standing and Parking)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Eviction requirements					
Landlord/operator must notify resident's emergency contact, OCHA OC Links Referral Line, and Costa Mesa's Network for Homeless Solutions before an evicting resident, CMMC 13-311(a)(10) + 9-374(b)(6)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Landlord/operator must provide transportation to alternative housing to any resident evicted from dwelling, CMMC 13-311(a)(11) + 9-374(b)(7)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Landlord/operator must maintain eviction records for one year resident's eviction from dwelling, CMMC 13-311(a)(12) + 9-374(b)(8)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Regulation of Residents within Dwelling					
Each resident of dwelling must actively participate in a legitimate self-improvement program (e.g., 12-step program), CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must maintain records showing that resident is actively participating in a legitimate self-improvement program (e.g., 12-step program), CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must promulgate a rule warning that if a resident refuse to actively participating in a legitimate self-improvement program (e.g., 12-step program), then the resident may be evicted. CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/Operator must prohibit residents from use of any non-prescription drugs. CMMC 13-311(a)(14)(ii) + 9-374(b)(10)(ii)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must evict any resident caught using any non-prescription drug. CMMC 13-311(a)(14)(ii) + 9-374(b)(10)(ii)	Yes, CC 63, 71	No	No	No	No

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Landlord/operator must promulgate a good neighbor policy directing residents "to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit." CMMC 13-311(a)(14)(vi) + 9-374(b)(10)(v)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must promulgate written protocol for onsite manager to follow in response to a neighbor's complaint. CMMC protocol for 13-311(a)(14)(vi) + 9-374(b)(10)(v)	Yes, CC 63, 71	No	No	No	No
Owner, Landlord, Operator, and Employee Qualification Requirements					
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she was terminated from a job for sexual harassment, embezzlement, or illegally furnishing alcohol within two years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63, 71	Yes, CC 63, 71	No, CC 25	No, CC 25	No, CC 25

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was terminated from a job alcohol for sexual harassment, embezzlement, or illegally furnishing alcohol within two years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63, 71	Yes, CC 63, 71	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if he was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was convicted or pleaded nolo contrendere to any PC 451 arson offense or furnishing any controlled substance within 7 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she is in recovery from abuse of drugs or alcohol and has been abstained for less than one year before applying to the City for that zoning permit. CMMC 13-311(b)(6), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 64, 72	No	No, CC 25	No, CC 25	No, CC 25

CHAPTER I. IN GENERAL

ARTICLE 1. TITLE AND AUTHORITY

13-1. Title.

This title shall be known as the "City of Costa Mesa Planning, Zoning and Development Code," hereafter referred to as the "Zoning Code." (Ord. No. 97-11, § 2, 5-5-97)

13-2. Purpose.

The purpose of this Zoning Code is to promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the city by providing regulations to ensure that an appropriate mix of land uses occur in an orderly manner. In furtherance of this purpose the city desires to achieve a pattern and distribution of land uses which generally:

(a) Establish and maintain a balance of land uses throughout the community to preserve the residential character of the city at a level no greater than can be supported by the infrastructure.

(b) Ensure the long-term productivity and viability of the community's economic base.

(c) Promote land use patterns and development which contribute to community and neighborhood identity.

(d) Ensure correlation between buildout of the general plan land use map and master plan of highways. (Ord. No. 97-11, § 2, 5-5-97)

13-3. Authority and general plan consistency.

(a) This Zoning Code is a tool for implementing the goals, objectives and policies of the Costa Mesa General Plan, pursuant to the mandated provisions of the State Planning and Zoning Law (State Government Code section 65000 et seq.). All development within the incorporated area of the city shall be consistent with the general plan.

(b) The subdivision provisions of this Zoning Code are intended to supplement and implement the Subdivision Map Act, and serve as the subdivision ordinance of the city. If the provisions of this Zoning Code conflict with any provision of the Subdivision Map Act, the provisions of the Subdivision Map Act shall prevail. (Ord. No. 97-11, § 2, 5-5-97)

13-4. References to other laws.

In some portions of this Zoning Code it is necessary to reference other applicable laws, for example the State Government Code, and in some instances specific code sections are given. These references are accurate as of the adoption of this Zoning Code, and these references may be amended from time to time. (Ord. No. 97-11, § 2, 5-5-97)

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 (1) point.

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 section 13-35.

Accessory use. A use incidental and subordinate to, and devoted exclusively to the main use of the land or building thereon.

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

Administrative adjustment. 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.

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

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

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

Antenna. Any structure, including, but not limited to, a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction, intended for the purpose of receiving or transmitting communication to or from another antenna, device or orbiting satellite, as well as supporting equipment necessary to install or mount the antenna.

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

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

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

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

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

Apartment. A rental or lease dwelling having kitchen facilities in a structure designed or used to house at least one (1) family, as the term "family" is defined in this Zoning Code.

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

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

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

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

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

Basement. A space wholly or partially underground and having more than one-half (½) 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 (4) feet above grade at any point, the basement shall be considered a story.

Boardinghouse. A residence or dwelling, other than a hotel, wherein rooms are rented under two (2) 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 residence. Boardinghouse, small means two (2) or fewer rooms being rented. Boardinghouse, large means three (3) to six (6) rooms being rented. Boardinghouses renting more than six (6) rooms 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 grade to the highest point on the roof, including roof-top mechanical equipment and screening.

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

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

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

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

Cigar bar. See Smoking lounge.

City. City of Costa Mesa.

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

Common interest development. A development as defined in State Civil Code section 1350, containing two (2) 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 (2) or more rights of exclusive occupancy; and a stock cooperative, as defined in Business and Professional Code section 11003.2, containing two (2) or more rights of exclusive occupancy.

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

Convenience stores, mini-markets. A retail store, generally less than ten thousand (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 twenty-five (25) percent over the allowable residential dwelling unit density as specified by the zoning classification.

Development. The division of land into two (2) or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

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

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

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

Disabled shall have the same meaning as handicapped.

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

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

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

Dwelling, single-family. "Dwelling, single-family" or "single-family dwelling" is a building of permanent character placed in a permanent location which is designed or used for residential occupancy by one (1) family. A single mobilehome 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 (1) lot which is designed or used for residential occupancy by two (2) or more families.

Dwelling unit. One (1) or more rooms in any building designed for occupancy by one (1) family, and containing one (1) kitchen unit, including manufactured housing. (See Manufactured housing).

Easement. A grant of one (1) or more property rights by the owner for use by the public, a corporation or another person or entity.

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

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

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

Entertainment (live). Any act, play, revue, pantomime scene, dance act, musical performance, or any combination thereof, performed by one (1) or more persons whether or not they are compensated for the performance.

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

Fair housing laws means 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 (1) or more persons occupying one (1) dwelling unit and living together as a single housekeeping unit.

Family day care home, large. A home which provides family day care to seven (7) to fourteen (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 (8) or fewer children as defined in section 1596.78 of the State Health and Safety Code.

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

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

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

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

Grade. The lowest point of the finished surface elevation of either the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

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

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

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

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) 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.

Guestroom. A room occupied or intended, arranged, or designed for occupancy by one (1) 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 (1) or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

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

Height. See Building height and Antenna height.

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

Hookah lounge. See Smoking lounge.

Hotel. Any building or combination of buildings generally three (3) or more stories in height containing six (6) or more guest rooms offering transient lodging accommodations to the general public and providing incidental guest services such as food and beverage service, recreation facilities, retail services and banquet, reception and meeting rooms. Typically, room access is provided through a main or central lobby.

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

Integral facilities. Any combination of two (2) 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 (1) operation shall be referred to as integral facilities and shall be considered one (1) 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 (1) 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 (1) licensed or unlicensed facility.

Integral uses. Any two (2) 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 (2) 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 (1) use for purposes of applying federal, state and local laws to its operation.

Intersection. The general area where two (2) or more roadways join or cross.

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

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

Loft. An intermediate floor placed within a room, where the clear height above and below the loft is not less than seven (7) feet, and where the aggregate area of the loft does not exceed one third (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 (2) or more streets which intersect at an angle that is equal to or less than one hundred thirty-five (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 (1) street, or a lot abutting two (2) streets which intersect at an angle greater than one hundred thirty-five (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.

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 (1) 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 site-built structure.

Marijuana. Has the same definition as that set forth in California Health & 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 (2) 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 (3) 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 (2) or more different land uses such as, but not limited to a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Mobile home. See Manufactured housing.

Mobile home park. Any area or tract of land where two (2) 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 (1) to three (3) stories in height having six (6) 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 (5) feet in depth by projections which are at least eight (8) 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 (8) feet above grade.

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

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

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

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

Parcel. Same as Lot.

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

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

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

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

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

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

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

Project. See Development.

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

Property line, front. The narrowest property line of a lot abutting a public or private street. If two (2) 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 (2) 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 (1) 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 (1) front property line shall have more than one (1) rear property line. Irregularly shaped lots may also have more than one (1) 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.

*Public area. E*stablishments 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.

Redevelopment action. A discretionary review conducted by the redevelopment agency for applications for development in the redevelopment project area, based on the adopted redevelopment plan and specified findings.

Referral facility. A residential care facility or a group home where one (1) 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 (1) primary dwelling unit on a lot.

Residential, single-family. Detached single-family home where there is no more than one (1) primary dwelling unit on a lot.

Room, bedroom. A fully-enclosed room designed or intended to be used for sleeping purposes within a residence. Within a single-family detached residence, a room meeting the definition of a home office shall not be included in the bedroom count.

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

Senior congregate care facility. A structure(s) providing residence for thirteen (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.

Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

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

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

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

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

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

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

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 (4) feet above finish grade at all locations. Any uncovered deck or activity area above the first story shall be considered a story.

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, and that is linked to onsite or offsite 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. Supportive housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

Tandem parking. An arrangement of parking spaces one behind the other, such that a parking space must be driven across in order to access another space. Tandem garage parking signified the placement of standard parking spaces one behind the other within the enclosed area of a garage.

Townhouse. A single-family attached dwelling unit located on an individual dwelling unit lot, and is part of a row of units that contains three (3) or more dwelling units.

Transitional housing. A development with buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. Transitional housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

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 (2) 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 one thousand (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 five hundred (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 five hundred (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 (1) or more of the structure's sides rest directly on a lot line. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 4, 3-2-98; Ord. No. 00-5, § 1(a), 3-20-00; Ord. No. 01-16, § 1a., 6-18-01; Ord. No. 05-11, § 2a., 7-19-05; Ord. No. 06-18, § 1, 9-5-06; Ord. No. 09-3, §§ 1a., b., 5-19-09; Ord. No. 09-4, § 1a., 5-5-09; Ord. No. 10-13, § 1, 10-19-10; Ord. No. 10-14, § 1, 11-16-10; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2A., 3-19-13; Ord. No. 13-05, § 1, 12-3-13; Ord. No. 14-04, § 2A., 4-1-14; Ord. No. 14-13, § 1, 10-21-14; Ord. No. 15-10, § 2A, 9-15-15; Ord. No. 15-11, § 1, 11-17-15; Ord. No. 16-01, § 1, 1-19-16; Ord. No. 18-03, § 2, 1-16-18; Ord. No. 21-03, § 3, 3-2-21)

ARTICLE 3. REVIEW AUTHORITIES

13-7. Purpose.

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

13-8. City council.

The city council shall have final decision authority for appeals, final maps, specific plans, master plans in the town center and planned development districts, rezones, general plan amendments, density bonuses with financial incentives, Zoning Code amendments, improvement and development agreements, annexations and any action specified in this Zoning Code. The city council shall also be responsible for the acceptance of lands and/or improvements as may be proposed for dedication to the city, except deeds of dedication and parcel maps of four (4) or fewer lots with no development agreements. The city council may impose conditions of approval. (Ord. No. 97-11, § 2, 5-5-97)

13-9. Redevelopment agency.

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

(b) *Council declared agency*. The five (5) members of the city council are hereby declared to be the members of the redevelopment agency and are empowered to exercise all the rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in an agency.

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

13-10. Planning commission.

(a) *Commission.* Pursuant to the provisions of section 65101 of the Planning and Zoning Law of the California Government Code, there is hereby created a planning commission, which shall consist of seven (7) members. There shall be one (1) member from each electoral district of the city and one (1) at-large member.

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

(c) *Residency in districts.* Except for the at-large member, each member of the planning commission must be a resident of the electoral district from which the member is nominated at the time the member is nominated and appointed. If any member of the planning commission ceases to be a resident of the district from which the member was appointed, for any reason other than a change in district boundary lines required following the decennial census, that member's appointment will automatically terminate. The at-large member must be a resident of the city. If the at-large member ceases to be a resident of the city, that member's appointment will automatically terminate. The secretary of the planning commission shall immediately inform the city council of any such termination.

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

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

(f) *Absence from commission meetings without cause.* If a planning commission member is absent from three (3) consecutive regular meetings of the commission, without cause, the office of the member shall be deemed to be vacant and the term of such member terminated. The secretary of the planning commission shall immediately inform the city council of such termination.

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

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

(i) *Authority of the planning commission.*

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

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

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

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

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

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

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

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

d. Perform other duties necessary to carry out the provisions reserved to the planning commission in Title 13 of the Municipal Code, the provisions of this Zoning Code and the provisions of the Planning, Zoning and Development Law of the State Government Code.

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

(1) The time and place of meeting.

(2) The time and method of electing officers.

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

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

13-11. Zoning administrator.

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

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

(1) Administrative adjustment;

(2) Minor conditional use permit;

(3) Lot line adjustment;

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

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

13-12. Planning division.

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

ARTICLE 4. ENFORCEMENT

13-13. Purpose.

The purpose of this article is to establish the parameters for the enforcement of this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

13-14. Enforcement officer designated.

The development services director or duly authorized representative is hereby empowered and it shall be his/her duty to enforce all provisions of this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

13-15. Duties.

All departments, officials and public employees of the city invested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Code and shall issue no permit or license for uses, buildings or purposes in

conflict with the provisions of this Code; and any such permit or licenses issued in conflict with the provisions of this Zoning Code shall be null and void. It shall be the duty of the development services director to enforce the provisions of this Zoning Code pertaining to the creation, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. (Ord. No. 97-11, § 2, 5-5-97)

13-16. Enforcement.

(a) *Criminal prosecution*. Any person, whether as principal, agent, or employee, violating the terms of this zoning code may be prosecuted as provided in section 1-33 of this Municipal Code.

(b) *Criminal citation*. For the purposes of this zoning code, a violation of the terms of this zoning code may be cited as either an infraction or misdemeanor pursuant to State Government Code sections 36900 and 36901 and as provided in section 1-33 of this Municipal Code.

(c) *Civil action*. As an alternative to prosecution or citation, or as an additional action, the city attorney may, at the request of the development services director, institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the condition(s) or activity(ies) found to be in violation of the provisions of this zoning code.

(d) *No criminal prosecution, citation or penalty*. Notwithstanding the provisions of subsections (a) and (b) of this section, no person shall be criminally prosecuted or cited, or suffer any criminal penalty, for any violation of the provisions of section 13-30, table 13-30, rows 31a and/or 31b relating to the prohibition of medical marijuana dispensaries or medical marijuana cultivation within the city, or for a violation of the provisions of Chapter IX, Article 20 related to the prohibition against medical marijuana cultivation.

(e) *Nuisance.* Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this title or any condition of approval, is hereby declared to be unlawful and a public nuisance and may be abated by the city through civil 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. 97-11, § 2, 5-5-97; Ord. No. 10-13, § 2, 10-19-10; Ord. No. 10-14, § 2, 11-16-10; Ord. No. 16-01, § 2, 1-19-16)

13-17. Public nuisance defined; procedure.

Any building or structure set up, constructed, erected, enlarged, converted, moved or maintained contrary to the provisions of this Zoning Code, and any use of land, building or premises established, conducted or maintained contrary to the provisions of this Municipal Code or other applicable laws, may, by the city council, after public hearing, be declared to be unlawful and a public nuisance as established in this section. No conditions described in this section may be declared a public nuisance until the following steps have been taken:

(a) There shall be an inspection and investigation of the premises by whatever department heads or their authorized designees within the city as are affected by the condition of the premises, including but not limited to, the development services director, planning division, police department, and county health officer.

(b) The responsible owner, lienholder or occupier of the premises shall be given notice setting forth the violations, corrections which must be made, and a specific reasonable time within which to make such corrections. The notice shall be given either in person or by registered or certified mail to the responsible property owner, lienholder or occupier and by a posting on the property.

(c) In the event the responsible owner, lienholder or occupier does not comply with the demand for correction as set forth in subsection (b) within the specific time stated therein, the city council shall set the matter for formal hearing and shall post the property at least ten (10) days prior to the time of the hearing and shall serve the responsible owner, lienholder or occupier of the property a copy of the notice of the formal hearing, either in person or by registered or certified mail.

(d) At the hearing as set forth in subsection (c) the city council shall take oral or written testimony as evidence to substantiate their findings with respect to the violation. Evidence may be presented by investigative officers on behalf of the city, while the owner, lienholder or occupier may present evidence in his or her own behalf. At the close of the hearing, the city council shall find and determine, based upon the evidence presented, that a public nuisance does or does not exist.

(e) Upon finding that a public nuisance exists as provided for in subsection (d), the city council shall give the responsible property owner, lienholder or occupier notice in writing that the condition must be corrected, prevented, restrained or abated within a thirty-day period.

(f) If at the end of the thirty (30) day period granted for compliance the responsible owner, lienholder or occupier has not complied with the mandate of the city council, the city attorney shall commence appropriate legal proceedings either civil, criminal or both, as the circumstances warrant.

(g) In the event the city council determines by a four-fifths (4/5) vote that any conditions described above cause an emergency situation threatening serious bodily harm or imminent, substantial property damage, the foregoing procedures and time limits may be waived and upon reasonable notice under the circumstances to the responsible property owner, lienholder or occupier, the city council may at a public hearing find and determine such conditions a nuisance and order immediate abatement.

(h) The city's cost of abatement proceedings shall constitute a special assessment upon the lot involved and payable and collectible as set forth in State Government Code sections 38773.1 and 38773.5 and other applicable laws. (Ord. No. 97-11, § 2, 5-5-97)

13-18. Remedies cumulative.

The remedies provided in this article shall be cumulative and not exclusive. (Ord. No. 97-11, § 2, 5-5-97)

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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 six thousand (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 twelve thousand (12,000) square feet. The maximum density allowed is three thousand six hundred thirty (3,630) square feet per dwelling unit, which equals twelve (12) dwelling units per gross acre. Legal lots existing as of March 16, 1992 with a minimum lot area of six thousand (6,000) square feet up to seven thousand two hundred sixty (7,260) square feet are allowed two (2) 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 twelve thousand (12,000) square feet. The maximum density allowed is three thousand (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 twelve thousand (12,000) square feet. The maximum density allowed is two thousand one hundred seventy-eight (2,178) square feet per dwelling unit, which equals twenty (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 twelve (12) dwelling units per acre); PDR-HD Planned Development Residential—High Density (up to twenty (20) dwelling units per acre or higher pursuant to an adopted specific plan); PDR-NCM Planned Development Residential—North Costa Mesa (twenty-five (25) to thirty-five (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 non-residential 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) *MU Mixed-Use Overlay*. This district may overlay the R2-MD, R2-HD, R3, CL, C1, C2, MG, PDR-HD, PDR-MD, or I&R districts, and it is intended to allow development of residential and nonresidential uses as mixed, integrated projects. 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)

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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) Administrative adjustment. 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)
ADMINISTRATIVE ADJUSTMENTS

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

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

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

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

(d) *Design review*. Any construction that results in three (3) or more dwelling units on a development lot in any residential zone, except planned development, shall be subject to design review.

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

(1) Single-story residential construction: In the R2-MD, R2-HD, and R3 zones, any single-story construction of two (2) or fewer new single-story dwelling units. Exception: New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the planning division.

(2) Two-story residential construction: In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are two (2) or fewer dwelling units or any second-story addition on a lot with more than two (2) dwelling units that complies with any residential design guidelines adopted by city council.

(3) *Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones*. However, building additions that do not exceed two thousand (2,000) square feet or fifty (50) percent of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review.

(4) Lot line adjustment; and

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

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

(g) *Master plan*. Prior to development in the planned development (PD), town center (TC), shopping center (C1-S), mixed-use overlay (MU), and all types of institutional and recreational (I&R, I&R-S, and I&R-MLT) zoning districts, a master plan is required. Preliminary master plans are required in the TC and I&R-MLT zone, are optional in PD and MU 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; or

g. A reduction in required street pavement widths.

h. An increase of more than six (6) inches in building height.

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

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

(3) *Minor amendments*.

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

b. Minor amendments to existing master plans in the TC, C1-S, MU, I&R, I&R-S, and I&R-MLT zones may be approved by development review if the planning division finds that the proposed construction does not materially affect required open space, floor area ratio, and parking requirements

City Council
[05/09/2021]

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.

(4) *Mixed-use development plan screening application*. Applicants for residential or mixed-use development projects in a mixed-use overlay district shall submit a screening application for consideration by city council at a public meeting. No other concurrent application for development may be submitted for processing until city council comments have been received. The purpose of the screening application is to receive city council comments on the merits and appropriateness of the proposed development. No other action on the screening application will be taken by city council. The submittal requirements for the screening review are specified on the city's planning application form, and the city council's review comments on the proposed project for processing shall not set precedent for approval of the master plan.

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

(i) *Minor design review*. The following shall be subject to minor design review:

(1) Two-story residential construction that does not comply with any residential design guidelines adopted by the city council in the following zones:

a. R1 zone: Any two-story construction or second-floor addition; and

b. R2-MD, R2-HD, and R3 zones: Any two-story construction on a lot that results in two (2) or fewer dwelling units or any second-story addition on a lot with more than two (2) dwelling units.

(2) Reserved for future use.

(3) Any deviation from development standards specified in this Zoning Code as requiring a minor design review.

(j) *Minor modification*. Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(j)(1).

TABLE 13-28(j)(1)

MINOR MODIFICATION

Standard	*Deviation Range*
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of nineteen (19) feet from the front property line	20% or less
Decrease in required rear yard depth	20% or less
Decrease in required side yard width	20% or less
Increase in maximum fence/wall height	33 1/3 % or less
Decrease in five-foot setback on street side for fences/walls in excess of thirty-six (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 (2) 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

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

(3) Fabric awnings that project no more than five (5) feet from the building face.

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

(k) *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.

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

(m) *Redevelopment action*. Any development or use proposed within the redevelopment project area as specified by the redevelopment plan or by policy of the redevelopment agency as requiring redevelopment agency approval.

(n) Reserved.

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

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

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

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

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

(t) *Certificate of appropriateness*. A certificate issued by the planning commission (or other commission/committee designated by the city council), approving plans, specifications, or statements of work for any proposed alteration, restoration, or rehabilitation, construction, relocation, or demolition, in whole or in part, of a "designated cultural resource" listed on the city's local Register of Historic Places. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-17, § 3, 11-15-99; Ord. No. 01-10, §§ 1a., 1b., 3-5-01; Ord. No. 01-16, § 1b., 6-18-01; Ord. No. 02-4, § 1m, 3-18-02; Ord. No. 03-4, § 1(a), 6-2-03; Ord. No. 03-8, §§ 1, 2, 9-2-03; Ord. No. 05-3, § 1b., 2-7-05; Ord. No. 05-2, § 1a.—c., 2-22-05; Ord. No. 06-9, § 1b., 4-18-06; Ord. No. 07-17, § 1a., b., 10-2-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 16-09, § 3, 10-4-16)

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 or redevelopment agency, pursuant to Table 13-29(c), the final review authority shall hold a public hearing no more than forty-five (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*
Development Review Minor Modification	No	No	None	Planning Division	No
Lot Line Adjustment	No	No	None	Planning Division	No
Administrative Adjustment Minor Conditional Use Permit Minor Design Review Planned Signing Program	Yes	No	None	Zoning Administrator	Yes
Design Review Mobile Home Park Conversion Common Interest Development Conversion (Residential or Nonresidential) Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance	Yes	Yes	Planning Division	Planning Commission	Yes
Conditional Use Permit Density Bonus Master Plan Master Plan—Preliminary	Yes	Yes	Planning Division	Planning Commission (excepted where noted otherwise in this zoning code)	Yes
Redevelopment Action	Yes	Yes	Planning Commission	Redevelopment Agency	Yes
Rezone	Yes	Yes	Planning Commission; and, if located in a redevelopment project area, the Redevelopment Agency	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 five hundred (500) foot radius of the project site, except for applications for the construction of a building(s) one hundred fifty (150) feet or more in height; these applications shall require a greater notice radius:

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 ten (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 ten (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 ten (10) days prior to the date set for the public hearing.

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

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

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

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

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

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

(6) When more than one (1) planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.

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

(8) For affordable multi-family housing developments which include a minimum of sixteen (16) affordable dwelling units at no less than twenty (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 design review or master plan application process.

(f) *Conditions*. The final review authority pursuant to Table 13-29(c), may impose reasonable conditions to assure compliance with the applicable provisions of this Zoning Code, and to assure compatibility with surrounding properties and uses and to protect the public health, safety and general welfare. The final review authority may also

require such written guarantees, cash deposits, recorded land use restrictions, etc., as may be necessary to assure compliance with the conditions.

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

(1) Administrative adjustment and variance findings:

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

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

c. The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

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

a. The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

b. Granting the conditional use permit or minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

c. Granting the conditional use permit or minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

(3) Density bonus and concession or incentive findings:

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

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

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

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

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

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

(5) Master plan findings:

a. The master plan meets the broader goals of the general plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.

b. Master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district.

c. As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

(6) Minor modification findings:

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

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

(7) Mobile home park conversion findings:

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

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

(8) Planned signing program findings:

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

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

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

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

(9) Redevelopment action findings: The proposed use and/or development is consistent with the guidelines of the redevelopment plan.

(10) Common interest development conversion findings:

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

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

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

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

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

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

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

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

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

(13) Tentative parcel or tract map findings:

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

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

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

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

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

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

(14) Design review and minor design review findings:

a. The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the residential design guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.

b. The visual prominence associated with the construction of a two-story house or addition in a predominantly single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.

c. As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

(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 forty (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 (5) 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 (7) days of the notice of the decision. No fee shall be charged for such review.

(2) Notice of the planning commission's and/or redevelopment agency's decision shall be given within five (5) 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 (7) 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 (7) days of the public hearing or the date of the notice of decision according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(k) *Time limits and extensions*.

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

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

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

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

2. A certificate of occupancy has been issued.

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

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

(3) The time limits specified in paragraph (2) of this subsection shall not apply to preliminary master plans, except that the first phase of the final master plan must be approved within twenty-four (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 thirty (30) days or more than sixty (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 one hundred eighty (180) days: The director of development services may extend the time for an approved permit or approval to be exercised. Only one request for an extension of one hundred eighty (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 one hundred eighty (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 (6) months of the date of the denial. The development services director shall determine whether the new application is for a planning application which is substantially the same as a previously denied application. No decision of the development services director shall be effective until a period of seven (7) days has elapsed following the written notice of a decision; an appeal of the decision shall be filed according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(o) *Enforcement authority*.

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

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

b. Does not comply with the conditions of approval.

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

(p) *Amendment to a planning application*. Any approved planning application may be amended by following the same procedure and fee schedule as required for the initial approval, with the exception of the following two (2) 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)

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13-30. Purpose.

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

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

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

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

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

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

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

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

Industrial zones: MG and MP

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

Planned Development Commercial zone: PDC

Planned Development Industrial zone: PDI

The Parking zone: P

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

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

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

TABLE 13-30

CITY OF COSTA MESA LAND USE MATRIX

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-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]	I&RMLT[1]	P
RESIDENTIAL USES																						
1. Single-family dwellings (single housekeeping units)	P[4]	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	P	•

	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]**	**I&RMLT[1]**	**P**
2. Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•
2.1 Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•
2.2 Small lot subdivisions, residential	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3. Mobile home parks	•	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•
4. Boarding-house, small[7]	•	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
5. Boarding-house, large[7]	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•	•
6. Residential care facility, six (6) or fewer persons (State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	P	•
7. Group homes, six (6) or fewer	S	S[6]	S[6]	S[6]	•	•	•	•	•	•	•	•	S[6]	S[6]	S[6]	S[6]	S[6]	S[6]	P	•	P	•
7.1 Sober living homes, six (6) or fewer	S[5]	S[6]	S[6]	S[6]	•	•	•	•	•	•	•	•	S[6]	S[6]	S[6]	S[6]	S[6]	S[6]	P	•	•	•
8. Residential care facility, seven (7) or more	•	C[6]	C[6]	C[6]	•	•	•	•	•	•	•	•	•	C[6]	C[6]	C[6]	C[6]	C[6]	P	•	•	•
9. Group homes, seven (7) or more	•	C[6]	C[6]	C[6]	•	•	•	•	•	•	•	•	•	C[6]	C[6]	C[6]	C[6]	C[6]	P	•	•	•
9.1 Sober living homes, seven (7) or more	•	C[6]	C[6]	C[6]	•	•	•	•	•	•	•	•	•	C[6]	C[6]	C[6]	C[6]	C[6]	P	•	•	•
10. Referral facility (Subject to the requirements of section 13-32.2, referral facility).	•	C[2]	C[2]	C[2]	•	•	•	C[2]	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	•	•

	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]**	**I&RMLT[1]**	**P**
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	•	•	•	•	•	•	•	•	•
ACCESSORY USES																						
12. Reserved for future use.																						
13. Animals, keeping of	SEE TITLE 3, ANIMALS AND FOWL																					
14. Antennas: Amateur radio, Satellite dish, Communication	SEE CHAPTER IX, ARTICLE 2, ANTENNAS																					
15. Reserved for future use																						
15.1 Incidental residential use that includes a toilet in combination with a bathtub or shower. This applies to an accessory use contained in a detached structure, or contained within the main structure with no interior connection between the main and incidental use. Land use restriction required.	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
16. Day care facilities (15 children or more) (see also Nursery schools)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	•

	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]**	**I&RMLT[1]**	**P**
17. Family day care—Large (7 to 14 children) (subject to the requirements of section 13-37, large family day care homes)	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2,3]	P[2,3]	P	•	P[2]	•
18. Family day care—Small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P[3]	P[3]	P	•	P[3]	•
19. Garage/yard sales—No more than 2 events permitted a year, not to exceed 3 consecutive days	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P[3]	P[3]	•	•	P[3]	•
20. Reserved for future use.																						
21. Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	P[2]	P[2]	P[2]	P[2]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2]	P[2]	P[2]	P[2]	P[2,3]	P[2,3]	P[2]	•	P[2]	•
22. Home occupations that generate traffic and do not involve more than 1 customer/ client at a time or more than 8 customers/clients per day (subject to the requirements of ch. IX, article 6, home occupations)	MC[2]	MC[2]	MC[2]	MC[2]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2]	MC[2]	MC[2]	MC[2]	MC[2,3]	MC[2,3]	MC[2,3]	•	MC[2,3]	•

	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]**	**I&RMLT[1]**	**P**
22.1 Non-residential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
22.2 Accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	P[2]	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	P[2]	•
22.3 Junior accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	P[2]	•
22.4 Temporary real estate and construction offices (subject to the requirements of ch. IX, art. 10, temporary trailers)	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]
	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]**	**I&RMLT[1]**	**P**
INSTITUTIONAL AND RECREATIONAL USES																						
23. Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•

	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]**	**I&RMLT[1]**	**P**
24. Churches and other places of religious assembly (Subject to the requirements of article 4.5, development standards for churches and other places of religious assembly)	C[2]	C[2]	C[2]	C[2]	C[2]	C[2]	P[2]	P[2]	C[2]	C[2]	P[2]	P[2]	C[2]	C[2]	C[2]	C[2]	C[2]	C[2]	P[2]	C[2]	C[2]	•
25. Civic and community clubs	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	C	•	P	•

	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]**	**I&RMLT[1]**	**P**
26. Convalescent hospitals; nursing homes	•	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	P	•	•	•
27. Country clubs; golf courses	C	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	•	•	P	C	•	•
28. Crematories (See also Mortuary services)	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•	•
29. Fairgrounds; outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•
31. Libraries, privately-operated	C	C	C	C	•	•	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•	•
31a. Medical marijuana dispensary	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31b. Marijuana and/or medical marijuana cultivation	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31c. Cannabis and/or marijuana distributer	•	•	•	•	•	•	•	•	•	•	•	C[9]	•	•	•	•	•	C[9]	•	•	•	

	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]	I&RMLT[1]	P
31d. Cannabis and/or marijuana manufacturer or processor	•	•	•	•	•	•	•	•	•	•	•	C[9]	•	•	•	•	•	C[9]	•	•	•	
31e. Cannabis and/or marijuana retail sales	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
31f. Cannabis and/or marijuana research and development and/or testing laboratories	•	•	•	•	•	•	•	•	•	•	•	C[9]	•	•	•	•	•	C[9]	•	•	•	
32. Mortuary services without crematories	•	•	•	•	C	C	C	C	C	•	C	C	•	•	•	•	•	•	C	•	•	•
32a. Needle exchange program	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

	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]	I&RMLT[1]	P
33. Nursery schools—See also Day care facilities for 15 or more children	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•
34. Parks and playgrounds	C	C	C	C	•	•	•	•	•	C	•	•	C	C	C	C	C	C	P	P	P	•
35. Public offices and facilities, such as city halls, court-houses, police/ fire stations, etc.	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	P	•	•	•
36. Schools: primary, secondary and colleges	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	•
37. Schools: trade and vocational	•	•	•	•	•	MC	P	P	P	P	MC	MC	•	•	•	•	P	MC	P	P	•	•
38. Senior congregate care facility	•	C	C	C	C	C	C	C	C	C	•	•	•	C	C	C	C	•	C	•	•	•
39. Swap meets	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•	•

	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]**	**I&RMLT[1]**	**P**
39a. Emergency shelters	•	•	•	•	•	•	•	•	•	•	•	C[10]	•	•	•	•	•	P[10]	•	•	•	•
SPECIAL SEASONAL EVENTS																						
40. Reserved.																						
41. Christmas tree lots; pump-kin patches; fireworks stands; produce stands (subject to the requirements of title 9, chapter II, regulation of certain businesses)	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•	P[2]	P[2]	P[2]	P[2]	•	•
COMMERCIAL AND INDUSTRIAL USES																						
42. Acupressure; massage (subject to the requirements of title 9, chapter II, article 22, Massage establishments and practitioners)	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	P[2]	•	•	•	•	•
43. Adult businesses (See Sexually-oriented businesses)																						

	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]**	**I&RMLT[1]**	**P**
44. Aggregate batch plants; Rock or asphalt crushing; Sand blasting	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
45. Ambulance services	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	•	MC	MC	•	•	•	•
46. Amusement centers (subject to the requirements of chapter IX, article 5, electronic game machines)	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	•	•
47. Animal hospitals; veterinary services	•	•	•	•	•	C	C	P	P	C	C	C	•	•	•	•	P	•	•	•	•	•

(kenneling only when incidental to principal hospital use)																						
48. Animal shelters, pounds, kennels, training schools	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•	•
48a. Antique malls	•	•	•	•	•	•	P	P	P	•	MC	MC	•	•	•	•	P	MC	•	•	•	•
49. Artists, sculptors studios	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
50. Auction houses	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
51. Automobile (See Motor vehicle)																						
52. Banks; savings and loans; and other financial institutions	•	•	•	•	P	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
53. Bars; nightclubs (See Establishments where food or beverages are served)																						
54. Barber and beauty shops	•	•	•	•	•	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
55. Billiards parlors	•	•	•	•	•	•	C	C	C	C	C	C	•	C	C	C	C	C	•	•	•	•
56. Botanical gardens; Zoos	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	C	•	•	•
57. Bowling centers	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	C	C	•	•	•	•	•
58. Breweries; Distilleries	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•
59. Reserved																						
60. Building supplies; Hardware stores (retail)	•	•	•	•	•	•	P	P	P	•	•	•	•	P	P	P	P	•	•	•	•	•
61. Business services—See Offices																						
62. Car washes	•	•	•	•	•	•	C	C	C	C	C	C	•	C	C	C	C	C	•	•	•	•
	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]**	**I&RMLT[1]**	**P**
63. Carts—Outdoor retail sales in conjunction with an	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•	•

established business																						
64. Catering	•	•	•	•	•	MC	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
65. Coffee roasting	•	•	•	•	•	•	•	•	•	•	MC	MC	•	•	•	•	•	•	•	•	•	•
66. Coffee roasting (in conjunction with establishments where food or beverages are served)	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	•	•	•	•
67. Commercial art; Graphic design	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
68. Commercial testing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
69. Computer and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
70. Contracting: general contractors; operative builders	•	•	•	•	•	C	C	P	C	•	P	P	•	•	•	•	•	P	•	•	•	•
71. Convenience stores; mini-markets (subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini-markets)	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	•	C[2]	C[2]	C[2]	•	•	•	•	•
72. Department stores (retail)	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•	•
73. Electronic game machines (four (4) or more), incidental to the primary use, (subject to the requirements of chapter IX, article 5, electronic game machines)—Excluding amusement centers listed separately	•	•	•	•	•	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	•	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	•	•	•	•
74. Engineering; architectural; and surveying services—See Offices																						
	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]**	**I&RMLT[1]**	**P**

75. Entertain-ment, live or public	•	•	•	•	•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT								•	•
76. Establish-ments where food or beverages are served	•	•	•	•	•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED							•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED								•	•
77. Exhibition of products produced on premises or available for wholesale distribution	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
78. Flower stands —See also Carts	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•	•
79. Furniture repair and refinishing with incidental sales	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•
80. Grocery stores —See also Supermarkets; excluding convenience stores; and liquor stores listed separately	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•	•
81. Hazardous waste facilities, off-site (subject to chapter IX article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	C[2]	C[2]	•	•	•	•	C[2]	C[2]	C[2]	•	•	•
82. Heliports; Helistops	•	•	•	•	•	•	•	•	C	C	C	C	•	•	•	•	C	C	C	C	•	•
83. Hotels— Excluding motels listed separately	•	•	•	•	•	•	C	C	C	P	•	•	•	C	C	C	P	•	•	•	•	•
84. Landscape services (installation and maintenance)	•	•	•	•	•	MC	MC	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•
85. Laundry, cleaning and garment services, including plants	•	•	•	•	•	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
86. Leather tanning and finishing	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	C	•	•	•	•
87. Limousine services	•	•	•	•	•	C	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
88. Liquor stores	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	•	•	•	C[2]	•	•	•	•	•

(subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini-markets)																						
89. Lumber and building materials dealers, (wholesale)	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
90. Manufac-turing: 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[2]	P[2]	•	•	•	•	•	P[2]	•	•	•	•
	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]**	**I&RMLT[1]**	**P**
91. Manufac-turing of chemical products, paints, pharmaceuticals, and plastics	•	•	•	•	•	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	C[2]	•	•	•	•
92. Manufac-turing of stone, clay, glass and concrete products EXCEPT the following which are prohibited: • Manufacture of flat glass • Manufacture of cement and structural clay products • Manufacture of concrete, gypsum and plaster products • Manufacture of abrasive and asbestos products • Manufacture of nonclay refractories	•	•	•	•	•	•	•	•	•	•	P[2]	P[2]	•	•	•	•	•	P[2]	•	•	•	•

and crucibles • Processing and preparation of clay, ceramic and refractory minerals																						
93. Manufac-turing 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[2]	P[2]	•	•	•	•	•	P[2]	•	•	•	•
94. Massage—See also Acupressure (subject to the requirements of title 9, chapter II, article 22, massage establishments and practitioners)	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	P[2]	•	•	•	•	•
95. Medical laboratories	•	•	•	•	MC	MC	P	P	P	P	MC	MC	•	•	•	•	MC	MC	•	•	•	•
	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]**	**I&RMLT[1]**	**P**
96. Metal fabrication, welding, foundry, die casting (subject to subsection 13-54(a), performance standards)	•	•	•	•	•	•	•	•	•	•	P[2]	P[2]	•	•	•	•	•	•	•	•	•	•
97. Motels—(Subject to requirements of chapter IX, article 8, motels)	•	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	•	•	•	•	•	•	•	•	•

Excluding Hotels listed separately																						
98. Motion picture and television studios	•	•	•	•	C	C	C	C	•	•	P	P	•	•	•	•	P	P	•	•	•	•
99. Motion picture theaters and other theaters not within two hundred (200) feet of residential zones	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•	•
100. Motion picture theaters and other theaters within two hundred (200) feet of residential zones	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	C	•	•	•	•	•
101. Motor oil, used—Collection facility (subject to the requirements of chapter IX, article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	P[2]	P[2]	P[2]	•	P[2]	P[2]	•	•	•	•	P[2]	P[2]	P[2]	P[2]	•	•
102. Motor vehicle, boat, and motorcycle retail sales, leasing, rentals and service with two (2) or more outdoor display parking spaces	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
103. Motor vehicle, boat, and motorcycle retail sales, leasing, and rentals with one (1) or less outdoor display parking space and no service (subject to verification of parking availability)	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
	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]**	**I&RMLT[1]**	**P**
104. Motor vehicle service stations	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•	•

105. Motor vehicle service stations with concurrent sale of alcoholic beverages (subject to requirements of chapter IX, article 3, concurrent sale of alcoholic beverages and motor vehicle fuel)	•	•	•	•	•	•	C[2]	C[2]	C[2]	•	•	•	•	•	•	•	C[2]	•	•	•	•	•
106. Motor vehicle; boat; and motorcycle repair services (including body and paint work), not within two hundred (200) feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
107. Motor vehicle; boat; and motorcycle repair services (including body and paint work), within two hundred (200) feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	C	C	C	•	C	C	•	•	•	•	C	C	•	•	•	•
108. Nurseries (retail with no bulk fertilizer)	•	•	•	•	•	C	C	P	P	•	C	C	•	•	•	•	•	•	•	•	•	•
109. Offices: central administrative	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
110. Offices: engineering; architectural; and surveying services; management; consulting and public relations	•	•	•	•	P	P	P	P	P	P	P	P	•	MC	MC	MC	P	P	•	•	•	•
111. Offices: general	•	•	•	•	P	P	P	P	P	P	MC	MC	•	MC	MC	MC	P	P	•	•	•	•
112. Reserved																						
113. Offices:	•	•	•	•	P	P	P	P	P	P	•	•	•	MC	MC	MC	P	MC	MC	•	•	•

medical and dental																						
114. Offices: services to businesses such as bookkeeping and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
	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]**	**I&RMLT[1]**	**P**
115. Off-street parking lots and structures including related maintenance buildings	•	•	•	•	C	C	C	C	C	P	C	C	•	•	•	C	C	C	C	C	•	P
116. Off-street parking lots and structures, incidental uses within	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	MC	MC	MC	MC	MC	•	MC
117. Oil fields; oil wells (see chapter XIV, oil drilling)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
118. Pawn shops	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•
119. Photocopy-ing; blueprinting and related services	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
120. Photofinish-ing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
121. Photofinish-ing stores	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	•	P	P	•	•	•	•
122. Photography: Commercial	•	•	•	•	P	P	P	P	P	P	MC	MC	•	•	•	•	P	MC	•	•	•	•
123. Photography: portrait studio	•	•	•	•	P	P	P	P	P	P	•	•	•	•	•	•	P	MC	•	•	•	•
124. Physical fitness facilities	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
125. Printing and publishing	•	•	•	•	•	•	MC	P	MC	MC	P	P	•	•	•	•	P	P	•	•	•	•
126. Recording studios	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•
127. Recycling and collection facilities for nonhazardous materials	•	•	•	•	•	MC	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	MC	MC	•	•
128 Research and development	•	•	•	•	C	C	C	P	C	C	P	P	•	•	•	•	•	P	•	•	•	

laboratories—Other than cannabis and/or marijuana testing laboratories																						
129. Restau-rants—See Establishments where food or beverages are served																						
130. Retail: general—Excluding antique malls, pawn shops, supermarkets, grocery stores, convenience stores; and liquor stores listed separately	•	•	•	•	•	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
131. Retail, incidental sales to the main use (subject to the requirements of section 13-54(a), incidental retail sales	•	•	•	•	P	P	P	P	P	P	P[2]	P[2]	•	P	P	P	P	P[2]	•	•	•	•
	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]**	**I&RMLT[1]**	**P**
132. Retail: nonstore	•	•	•	•	P	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
133. Rifle, pistol, and firing ranges	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	C	•	•	•
134. Sexually-oriented businesses (subject to the requirements of title 9, chapter IV and title 13, chapter IX, sexually-oriented businesses)	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	•	P[2]	•	•	•	•	•
135. Skating rinks	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	C	C	C	C	C	•	•
135a. Smoking lounge (subject to chapter IX, article 19, smoking and vaping uses)	•	•	•	•	•	•	•	•	C[2]	•	•	P[2]	•	•	•	•	C[2]	•	•	•	•	•
135b. Smoking/	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•

vaping retailer (subject to chapter IX, article 19, smoking and vaping uses)																						
136. Storage of chemicals and allied products (except as incidental use)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
137. Storage of explosives	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
138. Storage of fertilizer	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•
139. Storage of motor vehicles—Outdoor (not including impound yard)	•	•	•	•	•	•	C	C	C	•	MC	MC	•	•	•	•	C	MC	•	•	•	•
139a. Storage of motor vehicles—Indoor only (not including impound yard)	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
140. Storage of petroleum and coal products	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
141. Storage of rock, sand, crushed aggregate and gravel	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•
142. Studios: dance; martial arts; music, etc.	•	•	•	•	•	•	P	P	P	MC	MC	MC	•	MC	MC	MC	P	MC	•	•	•	•
143. Supermarkets—See also Grocery stores	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•	•
144. Tattoo parlors	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•	•
	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]**	**I&RMLT[1]**	**P**
145. Tire sales and installation not within two hundred (200) feet of residential zone	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
146. Tire sales and installation within	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•

two hundred (200) feet of residential zone																						
147. Tow companies with or without impound yard	•	•	•	•	•	•	C	C	C	•	MC	MC	•	•	•	•	•	MC	•	•	•	•
148. Transfer station for refuse, sewage treatment	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	C	C	•	•	•
149. Trucking: local and long distance	•	•	•	•	•	•	•	C	•	•	P	P	•	•	•	•	•	C	•	•	•	•
150. Ware-houses, mini (subject to the requirements of chapter IX, article 7, mini-warehouses)	•	•	•	•	•	•	C[2]	C[2]	C[2]	•	MC[2]	MC[2]	•	•	•	•	•	MC[2]	•	•	•	•
151. Ware-houses, public	•	•	•	•	•	•	C	C	C	•	P	P	•	•	•	•	•	P	•	•	•	•
152. Warehous-ing of durable and nondurable goods except livestock and poultry—See also Storage	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
153. Wholesale trade of motor vehicles, boats and motorcycles with outdoor storage of vehicles	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
154. Wholesale trade of motor vehicles, boats and motorcycles without outdoor storage of vehicles	•	•	•	•	•	MC	MC	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
155. Wholesale trade of durable, nondurable goods, except livestock, poultry and perishable goods	•	•	•	•	•	MC	MC	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•

[1] Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan. Residential uses shall not be permitted on any site or parcel of land on which residential uses are expressly prohibited by the general plan.

[2] This use is subject to the requirements of the referenced Municipal Code article or section.

[3] If residential uses exist, accessory uses shall be permitted.

[4] For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C—Conditional Use Permit; MC—Minor Conditional Use Permit; P—Permitted; •—Prohibited; and S—Special Use Permit.

[5] Six-hundred--fifty-foot separation required between sober living homes, or from state licensed alcohol or drug abuse recovery or treatment facilities. CMMC 13-311(a)(10)(i).

[6] Subject to the separation requirement set forth in sections 13-322(a)(3) and 13-323(b).

[7] Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse.

[8] Uses prohibited in the base zoning district of a mixed-use overlay zone shall also be prohibited in the overlay zone.

[9] Prohibited at the SoCo property, 3303 through 3323 Hyland Ave.

[10] Emergency shelters located on sites owned, controlled, and/or operated by the city in the MP and/or the PDI zone are a permitted use and the standards in section 13-200.79(1), (2), (4), (8), (10) and (13) do not apply to such uses.

(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)

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ARTICLE 15. REASONABLE ACCOMMODATIONS

13-200.60. Purpose.

It is the city's policy to provide reasonable accommodation in accordance with federal and state fair housing laws (42 USC § 3600 et seq., and Government Code § 12900 et seq.) for persons with disabilities seeking fair access to housing in the application of the city's zoning laws. The term "disability" as used in this article shall have the same meaning as the terms "disability" and "handicapped" as defined in the federal and state fair housing laws. The purpose of this article is to establish the procedure by which a person may request reasonable accommodation, and how the request is to be processed. (Ord. No. 14-13, § 3, 10-21-2014)

13-200.61. Applicability.

Any person seeking approval to construct and/or modify residential housing for person(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities may apply for a reasonable accommodation to obtain relief from a Zoning Code provision, regulation, policy, or condition which causes a barrier to equal opportunity for housing. (Ord. No. 14-13, § 3, 10-21-2014)

13-200.62. Reasonable accommodations—Procedure.

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

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

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

(2) The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individuals;

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

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

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

(6) Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence;

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

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

(d) *Director action*. Within sixty (60) days of receipt of a completed application, the director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. Any appeal to reasonable accommodation

request denial or conditional approval shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for any other discretionary permit.

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

(1) Is the requested accommodation necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling? To determine whether the accommodation is necessary, the director may consider, among other things: The nature of the disability including the special needs created by the disability, the physical attributes and setting of the property and structures, the potential benefit that can be accomplished by the requested accommodation, and alternative accommodations that may provide a comparable level of benefit.

(2) Is the requested accommodation reasonable? A requested accommodation is not reasonable if it would impose an undue financial or administrative burden on the City. It is also not reasonable if it would fundamentally alter a City program, such as the City's zoning scheme.

a. In considering the financial or administrative burden on the City, the director may consider, among other things, the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it.

b. In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, whether granting the request would be consistent with the City's General Plan, with the purpose and nature of the particular zoning district, and with nearby uses. The director may also consider whether the requested accommodation would potentially have adverse external impacts on properties in the vicinity.

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

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

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

(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.

(4) The requested accommodation is consistent with surrounding uses in scale and intensity of use.

(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

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

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

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

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

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

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

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

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

(5) Any other factors that would cause a fundamental alteration in the city's zoning program, as may be defined in the Fair Housing Law. (Ord. No. 14-13, § 3, 10-21-2014; Ord. No. 17-05, § 1, 5-2-17)

13-200.63. Severability.

Should any section, subsection, clause, or provision of this article for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this article; it being hereby expressly declared that this article, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This article shall be prospective in application from its effective date. (Ord. No. 14-13, § 3, 10-21-2014)

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CHAPTER X. NONCONFORMING USES, DEVELOPMENTS AND LOTS

13-201. Purpose.

The purpose of this chapter is to identify the development parameters regarding nonconforming uses, developments and lots. (Ord. No. 97-11, § 2, 5-5-97)

13-202. Definitions.

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

Conforming use. An existing and legally established use which is permitted in a particular zone by this Zoning Code.

Conforming development. An existing and legally established development which conforms to the development standards required by this Zoning Code.

Nonconforming development. An existing and legally established development which no longer conforms to the development standards required by this Zoning Code.

Nonconforming dwelling unit. An existing and legally established dwelling unit which no longer conforms to the development standards required by this Zoning Code or which is located in a district where it is no longer permitted.

Nonconforming lot. An existing and legally established lot not complying with the minimum area and dimension standards required by this Zoning Code.

Nonconforming mobile home park. An existing and legally established mobile home park which no longer conforms to the development standards or location provisions required by this Zoning Code.

Nonconforming use. An existing and legally established use which is located in a district where it is no longer permitted by this Zoning Code.

Nonconforming use of land or of land with minor structures only. An existing and legally established use which is located in a district where it is no longer permitted by this Zoning Code and where such use involves no individual structure with a replacement cost exceeding five thousand dollars ($5,000.00). (Ord. No. 97-11, § 2, 5-5-97)

13-203. Maintenance and repair.

(a) Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe, except as noted in subsection (b), by order of any official charged with protecting the public safety, nor shall it prevent alterations necessary for compliance with requirements of other governmental agencies.

(b) If a nonconforming development or portion of a development containing a nonconforming use becomes physically unsafe or unlawful because of lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be re stored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. (Ord. No. 97-11, § 2, 5-5-97)

13-204. Nonconforming provisions.

The following table identifies the provisions governing nonconforming uses and/or developments:

TABLE 13-204

NONCONFORMING PROVISIONS—USES

TYPE OF USE	***CONTINUANCE OF A USE PERMITTED***	***CHANGE OF USE PERMITTED***
Conforming Use in a Nonconforming Development	YES—No restrictions on use.	YES—Exception: If the development has less parking than required for the existing conforming use, the existing use may not be replaced with a use requiring more parking unless the additional parking required for the new use is provided. Other uses on the same site may continue with the existing nonconforming parking.
Nonconforming Use in a Conforming or Nonconforming Structure:		
Nonresidential Structures	YES—However, when a nonconforming use is discontinued or abandoned for 6 consecutive months or for 18 nonconsecutive months during any three-year period (except when government action impedes access to the premises) or when it is replaced for any time period by a conforming use, the development shall not thereafter be used except in conformity with the regulations of the district in which it is located. For purposes of this chapter, a discontinued use shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.	YES—Any nonconforming use may be changed to another nonconforming use provided that the development services director finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the development services director may require appropriate conditions and safeguards in accordance with the provisions of this Zoning Code and/or may require reasonable alterations to the premises to bring them into greater conformance with the requirements for the district. Structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use.
Residential Structures	YES—However, when a nonconforming use is discontinued or abandoned for any period of time, it may not be reestablished. All subsequent uses in the residential structure shall conform to this Zoning Code.	YES—However, only to a use conforming to the provisions of this Zoning Code.
Nonconforming Mobile Home Parks	YES—A nonconforming mobile home park may continue unless and until no one resides onsite for a continuous period of 6 months.	YES—However, the conversion is subject to the procedures for Mobile Home Park Conversions in Chapter III Planning Applications.

TYPE OF USE	*CONTINUANCE OF A USE PERMITTED*	*CHANGE OF USE PERMITTED*
Nonconforming Use of Land or Land with Minor Structures only	1. Legally established agricultural uses may continue until the land is developed. 2. If the use is discontinued or abandoned for any period of time, all subsequent uses shall conform to this Zoning Code. 3. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time it became nonconforming. 4. No nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the time the use became nonconforming.	YES—However, only to a use conforming to the provisions of this Zoning Code.

TABLE 13-204

NONCONFORMING PROVISIONS—DEVELOPMENTS

TYPE OF DEVELOPMENT	*ALTERATION OF DEVELOPMENT*	*REBUILDING AFTER DESTRUCTION*
All Nonresidential Developments containing Nonconforming Uses	No existing development devoted to a nonconforming use shall be structurally altered except in changing the use of the development to a conforming use. Except that structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use. Ordinary maintenance shall be permitted.	The following provisions shall apply to the reconstruction of legal nonconforming commercial, industrial and institutional developments. Any reconstruction allowed must be started within a period of one year and carried out diligently to completion. An extension of time to start the restoration may be granted for good cause by the development services director. 1. Should a nonconforming commercial, institutional or industrial development or nonconforming portion of a commercial, institutional or industrial development be destroyed to an extent of more than 50 percent of the market value, it shall not be reconstructed unless such destruction is unintentional.

TYPE OF DEVELOPMENT	*ALTERATION OF DEVELOPMENT*	*REBUILDING AFTER DESTRUCTION*
		In the case of unintentional destruction, the development may be restored to its original building intensity (floor area ratio) and use provided that: a. The rebuilding complies with all other applicable sections of this Zoning Code and other codes including but not limited to the following development standards: building setback, lot coverage, building height, parking, open space and landscaping. b. The rebuilding would not increase the development's nonconformity. 2. Should a nonconforming commercial, institutional or industrial development or nonconforming portion of a commercial, institutional or industrial development be unintentionally destroyed by any means to an extent of 50 percent or less of the market value, the structure may be restored and the occupancy or use of such structure or part thereof may be continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity.
Nonconforming Nonresidential Developments containing Conforming Uses	Alterations may be made provided that all of the following criteria are met: 1. The alteration itself complies with all applicable sections of this Zoning Code and other codes; 2. In permitting such an alteration, the development services director may require appropriate conditions and safeguards in accordance with the provisions of this Zoning Code and/or may require reasonable alterations to the development to bring it into greater conformance with the standards for the district; and 3. The development will not be made more nonconforming.	
Nonconforming Use of Land or Land with Minor Structures only	No nonconforming structure shall be erected or altered in connection with the nonconforming use of land.	

City Council 5-4-9
[05/09/2021]

TYPE OF DEVELOPMENT	*ALTERATION OF DEVELOPMENT*	*REBUILDING AFTER DESTRUCTION*
Nonconforming Dwelling Units containing Conforming Uses	Alterations may be made to nonconforming dwelling units provided the following criteria are met: 1. The zone is residential; 2. The alteration or addition itself complies with all applicable sections of this Zoning Code and other codes; 3. The addition does not occupy the only portion of an area which can be used for required garages, parking spaces or access thereto; and 4. The residential development will not be made more nonconforming. 5. When the existing main building, excluding architectural features, projects into required setback areas, minor building additions may encroach into required setback areas with approval of a minor modification.	The following provisions shall apply to the reconstruction of legal nonconforming dwelling units. Any reconstruction allowed must be started within a period of one year and carried out diligently to completion. An extension of time to start the restoration may be granted for good cause by the development services director. 1. If the unit(s) in any residential zone is/are destroyed unintentionally by any means, to any extent, the damage may be restored and the occupancy continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity. 2. See section 13-205 regarding provisions for rebuilding after voluntary destruction in multi-family zones. 3. Should a legally constructed dwelling unit in a commercial or industrial zone be destroyed by any means to an extent of more than 50 percent of the market value, it shall not be reconstructed. 4. Should a legally constructed dwelling unit in a commercial or industrial zone be unintentionally destroyed by any means to an extent of 50 percent or less of the market value, the structure may be restored and the occupancy or use of such structure or part thereof may be continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity.

TYPE OF DEVELOPMENT	*ALTERATION OF DEVELOPMENT*	*REBUILDING AFTER DESTRUCTION*
Nonconforming or Conforming Dwelling Units containing Nonconforming Uses	1. No existing development devoted to a nonconforming use shall be structurally altered except in changing the use of the development to a conforming use. Except that structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use. Ordinary maintenance shall be permitted. 2. In nonconforming mobile home parks, existing mobile homes may be replaced by other mobile homes provided that the total number of units within the mobile home park is not increased and the mobile home park will not be made more nonconforming in respect to this Zoning Code.	
Nonconforming Mobile Home Parks		

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 28, 3-2-98)

13-205. Provisions for multi-family zones for rebuilding after voluntary destruction.

(a) If units in the R2-MD, R2-HD, R3 or PDR zones are voluntarily demolished, an equal or lesser number of units may be rebuilt so long as the development complies with all other applicable sections of this Zoning Code and other codes. This includes but is not limited to the following development standards: building setback, lot coverage, building height, parking, open space and landscaping. Furthermore, the allowable density or number of units to be redeveloped shall be limited to the general plan rebuilding incentive for the current land use designation. The resulting number of units shall not exceed the existing number of legal nonconforming units nor be more than the number of units that would have been allowed on March 15, 1992. The rebuilding shall not increase the development's nonconformity.

(b) Consideration may be given through the master plan process, to allow rebuilding of existing multiple-family residential projects that do not fully meet all the other applicable sections of this Zoning Code and other code standards. Consideration shall be given to the provision of tandem parking for units requiring more than one dedicated parking space and for cantilevered second story living areas over drive or yard areas. Through the master plan process, the rebuilding project must demonstrate why strict compliance with each of the current standards is either infeasible or unnecessary. In exchange for any deviation from current standards, the project must provide additional amenities such as those listed below:

(1) Provision of garages instead of carports for greater security.

(2) Useable open space with amenities.

(3) Flower beds and adequate lawns of sufficient area to create a useable recreation area.

(4) Individual vegetable garden areas screened by hedges.

(5) Masonry planters, potted flowers and shrubs on decks and balcony flower boxes.

(6) Trellises with vines.

(7) Minimum size trees based on box size rather than gallons such that thirty (30) percent or more of the trees are a minimum twenty-four-inch box size.

(8) CC&Rs to ensure landscape maintenance.

(9) On-site manager for projects of fifteen (15) units or less.

(10) Awnings, especially along the front for color and product definition, and a better facade.

(11) Stamped concrete or decorative at entrances and critical driveway intersections.

(12) Meandering rather than straight sidewalks.

(13) Terraced elevations at all sides to reduce scale and massing.

(14) Upgraded windows and doors for noise reduction.

(15) Covered/screened dumpsters for projects of four (4) units or less.

(16) Concrete slab where the trash truck would stop to compact trash to prevent damage, or contract for roll-off service so that the trash truck does not come on-site.

(17) Orientation of units away from the street toward interior courtyards.

(18) Adequate lighting for security (beyond parking and driveway lighting required by code).

(19) Gates and intercom system for security.

(20) Other amenities that enhance the project and the overall neighborhood.

(c) In reviewing the master plan, the planning commission shall decide if the degree of deviation is warranted, if the proposed amenities are sufficient to offset the deviation, and if the maximum allowable density shall be reduced due to the deviation.

(d) The master plan shall be processed as shown in Chapter III, Planning Applications.

(e) *Findings*. The findings necessary to grant the master plan are:

(1) Full compliance with current development standards would make rebuilding infeasible;

(2) The proposed rebuilding is substantially compatible with surrounding developments and would not be materially detrimental to other properties in the area;

(3) The proposed rebuilding is less nonconforming than the existing development; and

(4) The proposed rebuilding provides additional amenities that ensure a high quality development. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 29, 3-2-98; Ord. No. 05-3, § 1h., 2-7-05)

13-206. Nonconforming fences and walls.

Nonconforming fences or walls may remain unless destroyed, damaged or altered (by any means or cause) to the extent of more than fifty (50) percent of its value. When the destruction, damage or alteration exceeds fifty (50) percent of its value then the reconstruction shall conform to the Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

13-207. Nonconforming lots.

(a) Uses permitted in the zone shall be permitted on nonconforming lots, subject to all other property development standards of the zone.

(b) When two (2) or more contiguous nonconforming lots or portions of lots are held under common ownership, they shall be deemed merged when and as provided for in the Subdivision Map Act (State Government Code Sections 66410 to 66499.58). (Ord. No. 97-11, § 2, 5-5-97)

13-207.1. Group homes.

If any lawfully existing group home is in violation of section 13-30 and (i) it would be an economic hardship to bring the use into compliance immediately, or (ii) a vested right exists to continue the use, the development services director may, upon request of the owner or at the director's own initiative, establish a reasonable amortization period by the end of which the use must be in compliance. (Ord. No. 00-5, § 1(f), 3-20-00)

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CHAPTER XV. GROUP HOMES

13-310. Purpose.

This chapter is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs. (Ord. No. 14-13, § 2, 10-21-2014)

13-311. Special use permit required.

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

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

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

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

a. Every general partner of the partnership,

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

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

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

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

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

vi. Written intake procedures;

vii. The relapse policy;

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

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

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

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

(2) The group home has six (6) or fewer occupants, not counting a house manager, but in no event shall have more than seven (7) occupants. If the dwelling unit has a secondary accessory unit, occupants of both units will be combined to determine whether or not the limit of six (6) occupants has been exceeded.

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

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

(5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

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

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

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

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

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

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

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

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

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

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

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

ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or

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

iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).

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

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

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

i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.

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

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

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

(8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to section 13-200.62. (Ord. No. 14-13, § 2, 10-21-14; Ord. No. 17-05, § 2, 5-2-17)

13-312. Compliance.

(a) Existing group homes must apply for a special use permit within ninety (90) days of the effective date of this chapter.

(b) Group homes that are in existence upon the effective date of this chapter shall have one (1) year from the effective date of this chapter to comply with its provisions, provided that any existing group home, which is serving more than six (6) residents, must first comply with the six-resident maximum.

(c) Existing group homes obligated by a written lease exceeding one (1) year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval. (Ord. No. 14-13, § 2, 10-21-2014)

13-313. Severability.

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date. (Ord. No. 14-13, § 2, 10-21-2014)

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CHAPTER XVI. GROUP HOMES IN THE R2-MD, R2-HD AND R3 RESIDENTIAL ZONES AND THE PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, AND PDI (PLANNED DEVELOPMENT ZONES)

13-320. Purpose.

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

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

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

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

(d) To provide comfortable living environments that will enhance the opportunity for the handicapped, including recovering addicts to be successful in their programs. (Ord. No. 15-11, § 2, 11-17-15)

13-321. Definitions.

Property. For purposes of this chapter, "property" is defined as any single development lot that has been subdivided bearing its own assessor's parcel number or with an approved subdivision map or condominium map. (Ord. No. 15-11, § 2, 11-17-15)

13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

(a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

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

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

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

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

(c) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62. (Ord. No. 15-11, § 2, 11-17-15; Ord. No. 17-05, § 3, 5-2-17)

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

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven (7) or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

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

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

(c) The applicant obtains an operator's permit as required by Article 23, Chapter 2 of Title 9, except that this requirement shall not apply to any state-licensed residential care facility or state licensed drug and alcohol treatment facility.

(d) The findings for granting a conditional use permit in accordance with subsection 13-29(g) are met. (Ord. No. 15-11, § 2, 11-17-15; Ord. No. 17-05, § 3, 5-2-17)

13-324. Compliance.

(a) Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants that are in existence upon the effective date of this section may continue to operate subject to the following:

(1) A complete application for a special use permit is filed within 90 days of the effective date of this chapter; and

(2) The group home is in full compliance with all of the conditions of this chapter within one (1) year of its effective date. Notwithstanding the foregoing, existing group homes obligated by a written lease exceeding one (1) year from the effective date of the chapter, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval.

(b) Group homes, state licensed residential care facilities and state licensed drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) with seven (7) or more occupants that are in existence upon the effective date of this chapter may continue to operate subject to the following:

(1) The operator of a group home obtains an operator's permit pursuant to section 9-372 et seq., within one hundred twenty (120) days from the effective date of this chapter; and

(2) The group home, state licensed residential care facility and/or state licensed drug and alcohol treatment facility is in full compliance with all conditions of this chapter, including obtaining a conditional use permit, within one (1) year from the effective date of this chapter. Notwithstanding the foregoing, an existing group home, state licensed residential care facility and/or state licensed drug and alcohol treatment facility obligated by a written lease exceeding one (1) year from the effective date of the chapter, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval. (Ord. No. 15-11, § 2, 11-17-15)

13-325. Severability.

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this chapter, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date. (Ord. No. 15-11, § 2, 11-17-15)

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ARTICLE 23. GROUP HOMES

9-370. Definitions.

The definitions set forth in Title 13 of this Code shall apply to the provisions of this article unless otherwise provided for herein. (Ord. No. 15-13, § 1, 11-17-15)

9-371. Zoning requirements.

In addition to the requirements of this article, all group homes subject to this article shall comply with the requirements set forth in Chapter XVI of Title 13 of this Code. (Ord. No. 15-13, § 1, 11-17-15)

9-372. Operator's permit required.

It is unlawful for any person to operate, or to permit any person to operate, a group home on any property located within the R2-MD, R2-HD, R3, PDR-LD, PDR-MD and/or PDR-HD zone, without a valid permit issued for that group home pursuant to the provisions of this article. (Ord. No. 15-13, § 1, 11-17-15)

9-373. Exceptions.

The requirements of this article shall not apply to:

(a) A group home that has six (6) or fewer occupants, not counting a house manager, and that is in compliance with the applicable provisions of Chapters XV and XVI of Title 13 of this Code;

(b) A state licensed alcoholism or drug abuse recovery or treatment facility; or

(c) A state licensed residential care facility. (Ord. No. 15-13, § 1, 11-17-15)

9-374. Requirements for issuance of operator's permit.

(a) The owner/operator shall submit an application to the director that provides the following information:

(1) The name, address, phone number and driver's license number of the owner/operator;

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

i. Every general partner of the partnership;

ii. Every owner with a controlling interest in the corporation; and

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

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

(4) The name, address, phone number and driver's license number of the house manager;

(5) A copy of the group home rules and regulations;

(6) Written intake procedures;

(7) The relapse policy;

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

(9) Blank copies of all forms that all residents and potential residents are required to complete; and

(10) A fee for the cost of processing of the application as set by resolution of the city council.

(b) *Requirements for operation of group homes*.

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

(2) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

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

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

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

(6) At least forty-eight (48) hours prior to eviction from or involuntary termination of residency in a group home, the operator thereof shall:

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

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

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

iv. Provide the information obtained from paragraphs ii and iii of this subsection (b)(6) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the city and obtain the occupant's signed acknowledgement thereon;

v. Provided, however, that if the occupant's behavior results in immediate termination of residency pursuant to rules approved by the city as part of the special use permit for that facility, the operator shall comply with paragraphs i though iv of this subsection (b)(6) as soon as possible.

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

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

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

(8) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (a)(6) and (a)(7) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(7) by providing remuneration to the occupant for the cost of transportation.

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

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

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

i. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

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

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

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

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

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

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

(d) The operator's permit shall be issued by the director if the applicant is in compliance, or, where applicable, has agreed to comply, with the requirements of subsections (a) and (b) above.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

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

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

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

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

ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or

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

iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).

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

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

(6) An operator's permit for a sober living home shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following additional circumstances:

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

ii. For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations. (Ord. No. 15-13, § 1, 11-17-15; Ord. 17-06, § 1, 5-2-17)

9-375. Transfer of operator's permit.

(a) An operator's permit shall not be valid for a location other than the property for which it is issued, unless and until the transfer of the permit is approved by the director pursuant to the requirements of section 9-374.

(b) An operator's permit may not be transferred to any other person or entity. No operator's permit issued pursuant to this article shall be transferred or assigned or authorize any person or entity other than the person or entity named in the permit to operate the group home named therein. (Ord. No. 15-13, § 1, 11-17-15)

9-376. Revocation of operator's permit.

An operator's permit may be revoked upon a hearing by the director pursuant to section 9-120 for failing to comply with the terms of the permit and/or for failing to comply with the applicable provisions of section 9-374. (Ord. No. 15-13, § 1, 11-17-15)

9-377. Reapplication after denial or revocation.

(a) An applicant for an operator's permit whose application for such an operator's permit has been denied may not reapply for such an operator's permit for a period of six (6) months from the date such notice of denial was issued.

(b) A holder of an operator's permit that has been cancelled, revoked or otherwise invalidated may not reapply for an operator's or a user's permit for a period of six (6) months from the date that such revocation, cancellation or invalidation became final. (Ord. No. 15-13, § 1, 11-17-15)

9-378. Compliance.

A group home that is subject to the provisions of this article that is in existence as of the effective date of this ordinance shall have one hundred twenty (120) days to comply with the provisions of this article. (Ord. No. 15-13, § 1, 11-17-15)

View the mobile version.

TABLE 2

City's SmartSheets: Summary of code enforcement citations issued between 2016 and June 2019 that list violation as CMMC §§ 13-311 (R1 regulations) or 13-323 (MFD regulations)

Year	Doc No.	Total Code Enforcement Citations Issued for all Code Violations	Code Enforcement Citations for Violation of Zoning Chapter XVI (13-323)	Code Enforcement Citations for Violation of Zoning Chapter XV (13-311)	Code Enforcement Citation for Violation of Zoning Chapter XVI (13-323) + XV (13-311)	Zoning Chapter XVI (13-323) Citations as Percent of Total Citations	Zoning Chapter XVI (13-323) + XV (13-311) Citations as Percent of Total Citations
2016	1107	454	16	29	16+29= 45	29/454= 6%	45/454= 10%
2017	1108	204	12	3	12+3= 15	12/204= 6%	15/204= 7%
2018	1109	455	131	41	131+41= 172	131/455= 29%	172/455= 38%
2019 (to 06/13/19)	1110	171	30	5	30+5= 35	30/171= 18%	35/171= 20%

ARIOS, JUSTIN

From: Melissa Goodmon <melissa.goodmon@casacaprirecovery.com>
Sent: Wednesday, September 15, 2021 4:59 PM
To: Housing Element; Compliancereview@hcd.ca.gov
Cc: dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject: Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments: Table 1 - Evolution of City's RA regulations[93].pdf

To whom it may concern:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-28 and 3-29, the Public Review Draft (August 2021) discusses the City's Reasonable Accommodation (RA) procedures as part of its discussion about removing constraints on housing for disabled persons. The City's discussion regarding its reasonable accommodation procedure is misleading. In fact, the City's RA procedures, standards and processes violate state fair housing rights. By failing to address the inadequacy of the City's RA procedures, the City's housing element fails to address the removal of constraints to housing for disabled persons.

The City has amended its RA procedures twice since 2014 for the purpose of making it impossible for any Supportive Housing for disabled persons (classified as Group Homes by the City) to obtain the protection afforded to them by federal and state fair housing laws.
In 2014, the City enacted Ordinance 14-13, which outlawed any existing or future Supportive Housing for disabled persons in the City's R-1 zoning districts unless permitted by the City. (The City extended that prohibition against Supportive Housing to its Multifamily Zoning districts the next year with the adoption of Ordinance 15-11. These regulations are codified in the City's Zoning Code Chapters XV and XVI.)

In the ***very same ordinance*** that first imposed these discriminatory zoning regulations, Ordinance 14-13, the City ***simultaneously*** amended its RA regulations, making it impossible for any Supportive Housing provider providing shelter to disabled persons to obtain relief from Ordinance 14-13's discriminatory provisions. (The City amended its RA provisions a second time in 2017.) The changes in the City's RA regulations are reflected in the attached Table 1. The City amended its RA regulations to preclude Supportive Housing for disabled persons (aka Group Homes) from obtaining any relief from the City's discriminatory zoning regulations.

The amended RA regulations had their intended effect: RA applications are determined by the City's Development Services Director. Since 2014, the Director has received nearly 50 RA applications from Supportive Housing providers seeking exception to Zoning Code Chapters XV (Ordinance 14-13) and XVI (Ordinance 15-11). From that stack, the Director has granted only two. The first was an application that he originally denied, reversing that denial only after the applicant sued the City for violation of fair housing laws. The second was styled as an RA decision, but was mislabeled since it made no actual request for an exception of any zoning regulation.

Most RA applications submitted by Supportive Housing providers (Group Homes) seek relief from the separation requirement between the applicant's location and any other facility serving or housing disabled persons. If the applicant falls short of the mandatory separation distance, then its application for an SUP or CUP is denied without exception.

The Director's determinations of 22 RA applications submitted by Supportive Housing providers subject to Zoning Code Chapter XVI (CMMC 12-323) demonstrate the violations of state fair housing laws committed by the City, an obvious constraint to housing for disabled persons not addressed in the Draft Housing Element. A copy of each Director's RA decision is attached.

In each of these RA decisions (save two), the Director uniformly imposes an unlawful standard on determining whether an RA is necessary:

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

The two exceptions are PA-16-03, which did not seek an RA and PA16-06 which failed to identify the RA requested.

Of the 20 RA applications denied by the Director, each denial was the result of City practices that violate fair housing laws. First, the City's RA regulation requires each of eight findings must be made for an RA to be granted. This requirement violates state law since it put the burden of showing no fundamental alternation on the applicant, not the City. That error, couple with the City's misapplication of the standard to show "necessity" under FEHA, are among the greatest constraints to housing for the disabled in Costa Mesa.

The City's Draft Housing Element fails to address this significant constraint on the provision of housing for persons with disabilities and reflect a failure to identify impediments to affirmatively furthering fair housing.

Sincerely,
Melissa H. Goodmon

Additional attachments can be found in this Dropbox link due to its size it can't be part of the attachment;

https://www.dropbox.com/s/iuwkwrthabgi9tb/RA decision re CMMC 13-323.pdf?dl=0

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"We help women overcome addiction by providing community connection & purpose"

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City's Required Findings for Granting Reasonable Accommodation, 2009-Current

2009-2014: Zoning Code Required Findings for Reasonable Accommodation, Ordinance 09-02, CMMC 13-200.62, enacted 03/03/2009	**2014-2017: Zoning Code Required Findings for Reasonable Accommodation**, Ordinance 14-13, enacted 10/21/2014, adding CMMC 13-200.62(f): "*Decision . . . for reasonable accommodation shall be based on the following findings, all of which are required for approval.*"	**2017-Current: Zoning Code Required Findings for Reasonable Accommodation**, Ordinance 17-05, enacted 05/02/2017, amending CMMC 13-200.62(f): "*Decision . . . for reasonable accommodation shall be based on the following findings, all of which are required for approval.*"
None.	(1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.	(1) The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under the fair housing laws.
	(2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.	(2) The requested accommodation is necessary to provide one (1) or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
	(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.	(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.
	(4) The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit.	~~(4) The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit.~~ (4) <u>The requested accommodation is consistent with surrounding uses in scale and intensity of use.</u>
	(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.	(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
	(6) Whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.	(6) <u>If economic viability is raised by the applicant as part of the applicant's showing that the requested accommodation is necessary, then a finding that the requested accommodation is necessary</u> to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants generally, not just for that particular applicant.
	(7) Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.	(7) Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
	(8) The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.	(8) The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning program.

ARIOS, JUSTIN

From:	Paul Alexander <paulalexander7@yahoo.com>
Sent:	Wednesday, September 15, 2021 2:38 PM
To:	Housing Element; Compliancereview@hcd.ca.gov
Cc:	dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject:	Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments:	Group Home Activity Summary .pdf; second attachment.pdf; Third attachment.pdf

Dear Sir or Madam:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-19, the Public Review Draft (August 2021) discusses the City's definitions of Supportive Housing and Transitional Housing, definitions that the State required the City to enact. The City's discussion regarding these definitions is misleading and incomplete.

Although the City enacted these definitions, it has failed or refused to apply them to any residential use in the City in order to circumvent the state-law protective afforded Supportive Housing. Instead, the City uniformly classifies any Supportive Housing for disabled persons as a Group Home: 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 (1) 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.

Once Supportive Housing is classified by the City as a Group Home, the City then subjects the Supportive Housing to the City's discriminatory zoning regulations under Zoning Code Chapters XV and XVI. These chapters prohibit existing and future Supportive Housing in any residential district in Costa Mesa unless the Supportive Housing obtains a Special Use Permit or a Conditional Use Permit and an Operator's Permit.

While many of Costa Mesa's Supportive Housing providers have applied for SUPs or CUPs pursuant to the City's Zoning Code Chapters XV and XVI, the City has denied the vast majority of those applications. As a result, since 2014 the City has forced the closure of more than 80% of the existing Supportive Housing in Costa Mesa, a fact that the City publicizes on its public website.

I have attached pages from the City's website reflecting the effect of its discriminatory regulation of Supportive Housing. (Note: The attached webpage entitled Group Home Activity Summary indicates that the City has approved six CUPs for Supportive Housing. That statement is misleading, since five of those CUPs were issued in the 1980s and 1990s before the City enacted its discriminatory zoning requirements.)

Thank you for your consideration.

Paul

Group Home Activity Summary

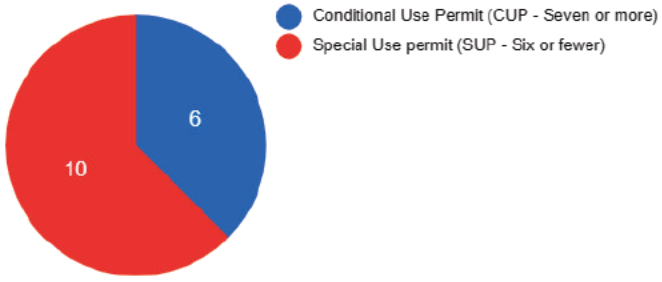
City Approved Applications

16

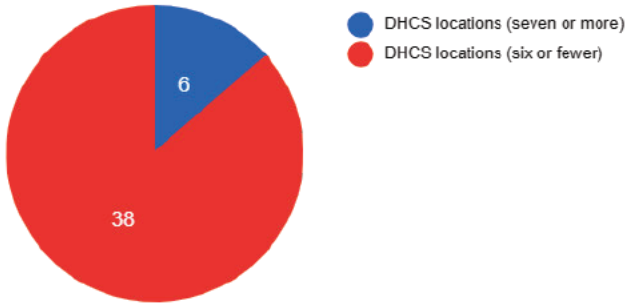
State DHCS Approved locations within City limits

44

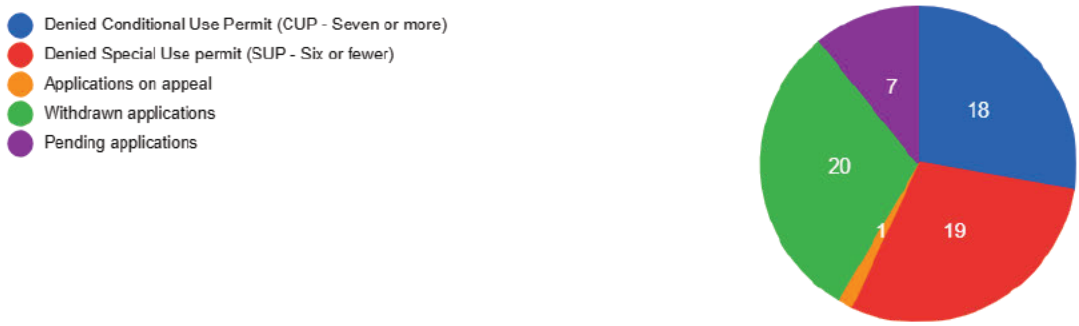
Breakdown of Type of City Approved Appliction



Breakdown of Type of State Approved Application



Additional City Application Information



Code Enforcement Activity

Locations Under Review for Compliance

30

Citations Issued

227

Closed Facilities

82

Closed Operations WEB

Supportive Housing the City publicizes that it has forced to close as a result of its discriminatory zoning regulations

smartsheet

	Street Name	Street No.	Program Name	Beds
1	*16th Place*	413	Clean Path Recovery	6
2	*16th Place*		Reflections Recovery Center	6
3	*16th Place*	491	South Coast Behavioral Health	6
4	*18th Street W*	777	777 House	12
5	*18th Street W*	679	Discovery House	6
6	*18th Street W*	685	Discovery House	78
7	*19th Street E*	177	Agape House	6
8	*Alder Lane*	2527	New Family Solutions	6
9	*Anaheim*	2216	Playa House	Unknown
10	*Anaheim Avenue*	1769	Morning Side Recovery	6
11	*Anaheim Avenue*	2216	Playa House	Unknown
12	*Arbor Street*	973	Solid Landings	6
13	*Augusta*	1180	Hampton	Unknown
14	*Babb Street*	2959	Unknown	10
15	*Bay St*	431		Unknown
16	*Boston Way*	3145	Solid Landings	15
17	*Bowling Green*	273	Solid landings	6
18	*Briar Rose*	1631	Monarch Recovery	6
19	*Cabrillo Street*	218	Sober Sanctuaries, Inc.	12
20	*Canadian Drive*	3159	Clean Path Recovery	6
21	*Cassia Avenue*	3107	Rock Solid	22
22	*Charleston St*	1143	Solid Landings	8
23	*Charleston St*	1174	Solid Landings	6
24	*Cheyenne Street*	1055	Solid Landings	6
25	*Conway*	1252	Solid Landings	6
26	*Coolidge Avenue*	3004	Clean Path Recovery	6
27	*Coolidge Avenue*	3004	Solid Landings	18
28	*Dahlia Avenue*	924	Solid Landings	6
29	*Darrel*	871	Solid Landings	6
30	*Doctors Circle*	2111		Unknown

	Street Name	Street No.	Program Name	Beds
31	*E. 18th St*	166	Casa Capri	Unknown
32	*Flower*	268		Unknown
33	*Gisler Avenue*	1811	Solid Landings	6
34	*Grant Avenue*	3044	Solid Landings	6
35	*Hamilton Street*	394	Solid Landings	6
36	*Hamilton Street*	396		Unknown
37	*Hamilton Street*	382	Solid Landings	Unknown
38	*Harbor Boulevard, Unit*	2374	Strong Woman	Unknown
39	*Iowa Street*	1804	Lotus Place Recovery	6
40	*Joann Street*	574		Unknown
41	*Joann Street*	578		Unknown
42	*La Salle*	2829		Unknown
43	*La Salle Avenue*	2869	OC Recovery	Unknown
44	*La Salle Avenue*	2829	Solid Landings	6
45	*Marseilles Way*	2450	Lotus Recovery	Unknown
46	*Marseilles Way*	2450		Unknown
47	*Mendoza Avenue*	2869	Clean Path Recovery	Unknown
48	*Meyer Pl*	2012	Unknown	Unknown
49	*Monte Vista Avenue*	291	Unknown	6
50	*Monterey Avenue*	2822	Solid Landings	6
51	*Nebraska Place*	3238	Healing Path	4
52	*Olympic Ave*	13741	Unknown	Unknown
53	*Olympic Avenue*	13741	Solid Landings	6
54	*Orange Avenue*	1513	Hotel California by the Sea	6
55	*Orange Avenue*	1775	Morning Side Recovery	12
56	*Orange Avenue*	1965	Solid Landings	6
57	*Orange Avenue Unit A*	2379	Balboa Horizons	Unknown
58	*Orange Avenue Unit B &*	2379	Balboa Horizons	Unknown
59	*Pamela Ln*	2264	The Book House	16
60	*Paularino Ave*	959	Playa House	6
61	*Paularino Avenue*	778	Agape House	6
62	*Placentia Ave., Unit B*	2190		Unknown
63	*Placentia Avenue*	2212 A-D 2218 A-D	Heritage House	Unknown

	Street Name	Street No.	Program Name	Beds
64	*Plumer Street*	697	Pillars Recovery	15
65	*Plumer Street*	697	Solid landings	15
66	*Plumeria Place*	3465	Mainstay Recovery	6
67	*Pomona Avenue*	1827	Clean Path Recovery	13
68	*Pomona Avenue*	2220	Safe Harbor Treatment Center For Women	6
69	*Raleigh Avenue*	2186	Agape House	6
70	*Republic Avenue*	2131	Sam's House	6
71	*San Bernardino*	1589	Ohio House	7
72	*San Bernardino*	1578	Ohio House	8
73	*Sturgeon Dr*	506	Time 2 Care llc	6
74	*Trinity Drive*	3066	Camilla's Recovery	6
75	*Valencia Street*	1009	Morning Side	24
76	*Velasco Lane*	2866	Easy Way Out LLC	Unknown
77	*Victoria St.*	357	Windward Way	Unknown
78	*Victoria St.*	351	Windward Way	Unknown
79	*Victoria Street*	310	Sober Partners	24
80	*Victoria Street*	310	Sober Partners Project	Unknown
81	*Virginia Place*	132	Sober Living House	6
82	*W. Bay Street*	431	California Prime Recovery	Unknown
83	*Walnut*	271	Solid Landings	6

Group Homes Cited WEB

Supportive Housing cited by the City for providing housing to persons with disabilities

smartsheet

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
1	10/04/16	16th Pl.	413	40883	Course LLC	Stay the
2	10/04/16	16th Pl.	4134	40884	Flower	Cypress
3	06/01/16	18th E.	116	41475	Grant	Sherry
4	04/08/19	18th St. E	235	40735	Alexander LLC	Walton
5	04/08/19	18th St. E	235	40736	Recovery LLC	Raw
6	04/08/19	18th St. E	241	40737	Alexander LLC	Walton
7	04/08/19	18th St. E	241	40738	Recovery LLC	Raw
8	03/15/19	18th St. E	235	40727	Treatment Svces.	Northbound
9	03/15/19	18th St. E	235	40728	Recovery LLC	Raw
10	03/15/19	18th St. E	235	40729	Alexander LLC	Walton
11	03/15/19	18th St. E	241	40730	Treatment Svces.	Northbound
12	03/15/19	18th St. E	241	40731	Recovery LLC	Raw
13	03/15/19	18th St. E	241	40732	Alexander LLC	Walton
14	02/05/19	18th St. E	235	40707	Alexander LLC	Walton
15	02/05/19	18th St. E	235	40708	Treatment Svces.	Northbound
16	02/05/19	18th St. E	235	40709	Recovery LLC	Raw
17	02/05/19	18th St. E	241	40710	Alexander LLC	Walton
18	02/05/19	18th St. E	241	40711	Treatment Svces.	Northbound
19	02/05/19	18th St. E	241	40712	Recovery LLC	Raw
20	10/04/16	18th St. W	679	40881	Saywitz Prop. One	Barry
21	10/04/16	18th St. W	679	40882	The Discovery Houses	Morningside Recovery
22	11/07/16	18th W.	679	41570	Morningside Recovery LLC	Discovery Houses
23	11/07/16	18th W.	685	41571	Discovery Houses	Morningside Recovery
24	11/29/16	18th W.	679	40351	Saywitz Properties One	Barry
25	11/29/16	18th W.	679	40353	LLC/Discovery Houses	Morningstar Recovery
26	12/01/16	18th W.	685	40356	LLC/Discovery Houses	Morningstar Recovery
27	12/01/16	18th W.	685	40358	Properties Two	Barry Saywitz
28	02/12/19	19th St. W	864	20399	Photoglou Living Trust	Mark
29	11/07/16	19th W	679	41572	Properties One	Barry Saywitz
30	10/13/16	21st E	175	41560	Norwood	Kenneth
31	07/20/16	23rd	160	41652	Recovery LLC	Windward Way
32	07/20/16	23rd	160	41654	LLC	DZ
33	07/21/16	23rd	165	41655	Garden LLC	Aunties
34	07/21/16	23rd	165	41656	Recovery LLC	Windward Way

CCMC SECT. CITED	AMOUNT
9-372, 13-26, 13-323, 20-12	450
13-26, 13-311	450
13-26, 9-372	300
13-26, 20-12(ii), 13-323	1,500.00
13-26,20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
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20-12(ii), 13-26, 13-323	450.00
9-372, 13-26	600
9-372, 13-26	600
9-372, 13-26, 13-323, 20-12	1200
9-372, 13-26, 13-323, 20-12(ll)	1200
9-372, 13-26, 13-323, 20-12 (ll)	2000
9-372, 13-26, 13-323, 20-12 (ll)	2000
9-372, 13-26, 13-323, 20-12	2000
9-372, 13-26, 13-323, 20-12	2000
105.1, 20-12(ii), 13-105(a), 20-6(o), 13-	$2,100.00
9-372, 13-26, 13-323, 20-12(ll)	1200
9-372, 13-26, 13-323, 20-12	1200
13-26, 9-372	450
13-26, 9-372, 20-12	450
13-26, 9-372, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	600

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
35	03/05/18	Adams Avenue	1650	40664	n/a	Clean Path Recovery LLC
36	02/05/19	Albert Pl	114	40705	Recovery LLC	Windward Way
37	02/05/19	Albert Pl	114	40706	Place Properties LLC	Albert Pl
38	04/05/18	Albert Place	114	40117	n/a	Albert Place Poroperties, LLC
39	04/05/18	Albert Place	114	40116	n/a	Windward Way Recovery LLC
40	02/20/18	Albert Place	114	40945	n/a	Winward Way Recovery, LLC
41	02/20/18	Albert Place	114	40947	n/a	Albert Place Properties, LLC
42	07/21/16	Alder	2527	41660	Horluchi	Ellen
43	07/26/16	Anaheim	1769	41661	Yates	Raymond
44	07/26/16	Anaheim	1769	41663	Recovery LLC	Morningside
45	07/27/16	Anaheim	1865	41665	Harold	Jusine
46	09/09/16	Anaheim	1769	40875	Yates	Raymond
47	04/16/18	Anaheim Avenue	2216	40960	n/a	Playa House Inc
48	03/08/18	Anaheim Avenue	2216	40104	Pourmalek	Reza
49	06/22/16	Babb	2959	41949	Moheimani	Assad
50	04/12/19	Bernard Street	544	40739	Assets LLC	Enclave
51	04/12/19	Bernard Street	544	40740	Recovery LLC	Dream
52	09/05/18	Cabrillo Street	200, 202, 204, 206	40691	Connor	Alice
53	09/05/18	Cabrillo Street	200, 202, 204, 206	40690	n/a	Pacific Sho9res Recovery LLC
54	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
55	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
56	08/17/18	Cabrillo Street	200 202 204 206	41709	n/a	Pacific Shores Recovery LLC
57	08/17/18	Cabrillo Street	200 202 204 206	41710	Connor	Alice
58	01/25/18	Canadian Drive	3159	40927	I, LLC	CDM Housing
59	06/12/18	Cecil Place	208	40462	n/a	SoCal Recovery
60	06/12/18	Cecil Place	208	40460	n/a	VDP Properties LP
61	03/19/18	Center Street	725	40110	n/a	Asana Recovery
62	03/19/18	Center Street	725	40109	Malili	Daniel
63	05/25/16	Cheyenne	1055	41948	Care Service	Guardian Health
64	05/09/18	E. 16th Place	271	40678	n/a	Carr Timothy WTW Revoc Tr
65	05/09/18	E. 16th Place	271	40677	n/a	Casa Capri LLC
66	05/09/18	E. 16th Place	269	40676	Irani	Zackary
67	05/09/18	E. 16th Place	269	40675	n/a	Casa Capri LLC
68	04/27/18	E. 16th Place	271	40024	n/a	Carr Timothy WTW Revoc Tr
69	04/27/18	E. 16th Place	271	40023	n/a	Casa Capri LLC
70	04/27/18	E. 16th Place	269	40022	Irani	Zackary
71	04/27/18	E. 16th Place	269	40021	n/a	Casa Capri LLC

CCMC SECT. CITED	AMOUNT
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	500.00
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 9-372	450
13-26, 13-311	300
20-12, 13-26, 13-311	450
20-12, 13-311	450
20-12, 13-30(7.1), 13-311, 13-26	1050
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13.200.88,13-311, 2012	750
13-323, 13-26, 20-12(ii), 13-30, 105.1	750.00
13-323, 13-26, 20-12(ii)	450.00
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-323, 13-26	900
20-12 (ii), 13-323, 13-26	900
13-26, 13-323, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-26, 20-12 (ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-200.88, 13-311, 13-26, 20-12	600
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
72	04/19/18	E. 16th Place	271	40016	n/a	Carr Timothy W T W Revoc
73	04/19/18	E. 16th Place	269	40015	Irani	Zackary
74	04/19/18	E. 16th Place	271	40013	n/a	Casa Capri LLC
75	04/19/18	E. 16th Place	269	40012	n/a	Casa Capri LLC
76	06/22/18	E. 21st Street	175	40972	Norwood	Kenneth
77	06/22/18	E. 21st Street	175	40971	n/a	SoCal Recovery
78	06/12/18	E. 21st Street	175	40464	Norwood	Kenneth
79	06/12/18	E. 21st Street	175	40463	n/a	SoCal Recovery
80	06/04/18	E. 21st Street	175	40459	Norwood	Kenneth
81	11/26/18	E. Wilson Street	131	42317	Walton	Keith L.
82	10/26/18	E. Wilson Street	125	42315	n/a	Northbound Treatment Services
83	10/26/18	E. Wilson Street	125	42316	Walton	Keith L.
84	10/26/18	E. Wilson Street	131	42318	Walton	Keith L.
85	10/08/18	E. Wilson Street	125	42300	Walton	Keith L.
86	10/08/18	E. Wilson Street	125	42301	n/a	Northbound Treatment Services
87	10/08/18	E. Wilson Street	131	42302	Walton	Keith L.
88	10/08/18	E. Wilson Street	131	42303	n/a	Northbound Treatment Services
89	08/06/18	E. Wilson Street	131	40469	n/a	Northbound Treatment Services
90	08/06/18	E. Wilson Street	125	40470	n/a	Northbound Treatment Services
91	08/06/18	E. Wilson Street	125	40466	Walton	Keith L.
92	08/06/18	E. Wilson Street	131	40471	Walton	Keith L.
93	11/30/16	Elden	2214	41345	Ohio House LLC	Branden Stump
94	11/30/16	Elden	2214	41346	Cefalia	James
95	10/12/17	Flower St.	268	40950	Johnson	Gary Richard
96	10/12/17	Flower St.	268	40951	& Wellness	RAW Recovery
97	02/08/18	Flower Street	268	40037	n/a	Raw Recovery LLC
98	02/08/18	Flower Street	268	40038	Johnson	Gary Richard
99	01/30/18	Flower Street	268	40029	Johnson	Gary Richard
100	01/30/18	Flower Street	268	40031	n/a	Raw Recovery LLC
101	10/15/18	Fordham Drive	2372	42307	Pedriana	Mical D.
102	02/05/18	Fordham Drive	2372	40937	Pedriana	Mical
103	05/19/16	Grant	3044	41338	Rosenbaum	Melvin
104	05/19/16	Grant	3044	41340	Care Services	Guardian Health
105	03/19/18	Grant Avenue	3044	40111	n/a	D'Amore Healthcare
106	03/19/18	Grant Avenue	3044	40113	Rosenbaun	Carolyn
107	03/16/18	Harbor Boulevard	2374 #104	42416	n/a	ZMV Partnership
108	06/22/18	Hudson Avenue	783	40549	Norwood	Kenneth

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
20-12 (ii), 13-323, 13-26, 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	400
13-26, 20-12 (ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 13-200.88, 13-311, 20-12	600
9-372, 13-26, 13-323, 20-12	600
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12 (e), 20-12 (ii)	1650
13-26, 13-311, 20-12 (ii), 20-12 (e)	1650
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-311, 20-12(ii), 13-26	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-200.88,13-311,20-12	600
13-26,13-200.88, 13-311, 20-12	600
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-311, 20-12 (ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
109	06/22/18	Hudson Avenue	783	40548	Shinder	Darryl
110	06/15/18	Hudson Avenue	783	40543	Shinder	Darryl
111	06/15/18	Hudson Avenue	783	40542	Norwood	Kenneth
112	06/07/18	Hudson Avenue	783	40540	Shinder	Darryl
113	06/07/18	Hudson Avenue	783	40541	Norwood	Kenneth
114	11/29/18	Jeffrey Drive	3018	40507	Investments LLC	SSMS
115	11/29/18	Jeffrey Drive	3016	40504	Services Inc	National Theraputic
116	11/29/18	Jeffrey Drive	3016	40505	Services Inc	National Theraputic
117	11/29/18	Jeffrey Drive	3018	40506	Services Inc	National Theraputic
118	11/21/18	Jeffrey Drive	3016	40497	n/a	National Therapeutic Services
119	11/21/18	Jeffrey Drive	3016	40498	n/a	National Therapeutic Services
120	11/21/18	Jeffrey Drive	3018	40500	n/a	National Therapeutic Services
121	11/21/18	Jeffrey Drive	3018	40501	n/a	S5MS Investments LLC
122	11/13/18	Jeffrey Drive	3016	40488	n/a	National Therapeutic Services
123	11/13/18	Jeffrey Drive	3016	40489	n/a	National Therapeutic Services
124	11/13/18	Jeffrey Drive	3018	40490	n/a	National Therapeutic Services
125	11/13/18	Jeffrey Drive	3018	40491	n/a	S5MS Investments LLC
126	01/18/18	Joann	647	42405	Perlin	Richard
127	01/18/18	Joann	653	42408	Perlin	Richard
128	01/18/18	Joann	647	42404	Stump	Brandon
129	01/18/18	Joann	653	42407	Stump	Brandon
130	09/23/16	Joann	594	42081	Benton	Earl
131	02/08/18	Joann Street	647	40938	Stump	Brandon
132	02/08/18	Joann Street	647	40939	Perlin	Richard
133	02/08/18	Joann Street	653	40940	Stump	Brandon
134	02/08/18	Joann Street	653	40941	Perlin	Richard
135	01/29/18	Joann Street	647	40929	Stump	Brandon
136	01/29/18	Joann Street	647	40930	Perlin	Richard
137	01/29/18	Joann Street	653	40931	Stump	Brandon
138	01/29/18	Joann Street	653	40933	Perlin	Richard
139	09/06/16	Johnson	3063	41555	Peacock	Nancy
140	11/29/18	Knox Street	268	40502	Recovery LLC	Raw
141	11/29/18	Knox Street	268	40503	Douglas L Trust	Allenthrop
142	11/21/18	Knox Street	268	40495	n/a	Raw Recivery LLC
143	11/21/18	Knox Street	268	40496	n/a	Allenthrop Douglas L Trust
144	11/13/18	Knox Street	268	40492	n/a	Raw Recovery LLC
145	11/13/18	Knox Street	268	40493	n/a	Allenthrop Douglas L Trust

CCMC SECT. CITED	AMOUNT
13-26, 13-311, 20-12 (ii)	1500
20-12(ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	450
13-26, 13-311, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii) 13-323-13-26	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii), 13-323, 13-26	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-26, 13-311, 20-12	150
13-311, 13-36, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-26, 9-372	150
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26-20-12 (ii)	1,500.00
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
20-12(ii), 13-26, 13-323	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
146	01/25/18	La Salle	2829	40928	Oded	Ben-Ezer
147	05/19/16	La Salle	2829	41336	Riley	Sheldon
148	05/19/16	La Salle	2829	41337	Family Trust	Ben Ezer
149	07/21/16	La Salle	2876	42035	Arellana	Margarita
150	02/16/18	Marseilles Way	2450	40040	n/a	Lotus Place Recovery LLC
151	02/16/18	Marseilles Way	2450	40041	Ulanovsky	Mark D.
152	05/10/18	Mckinley Way	3124	40527	n/a	Playa House, Inc.
153	05/10/18	Mckinley Way	2124	40526	n/a	Martin Stefani/Martin Tom
154	04/16/18	Mendoza Drive	2869	40961	n/a	Clean Path Recovery LLC
155	04/15/18	Mendoza Drive	2869	40962	n/a	Lucy Lee Holdings LLC
156	03/12/18	Mendoza Drive	2869	40107	n/a	Lucy Lee Holdings, LLC
157	03/12/18	Mendoza Drive	2869	40106	n/a	Clean Path Recovery, LLC
158	02/05/18	Mendoza Drive	2869	40935	Heiligman	Lee
159	02/05/18	Mendoza Drive	2869	40936		Lucy Lee Holdings LLC
160	07/27/16	Monte Vista	298	41667	Scholten	Hendrik
161	02/01/19	Olympic Ave.	13741	40701	Nicolau	Kevin & Tiffany
162	02/01/19	Olympic Avenue	13741	40700	N/A	REMY OC LLC
163	09/05/18	Oranage Avenue	1509	40692	n/a	Nexgen Management LLC
164	08/14/18	Oranage Avenue	1509	41706	n/a	Hotel California by the Sea LLC
165	06/29/16	Orange	2412	41961	Maurer	Wendy
166	07/11/16	Orange	2558	41967	Saywitz	Barry
167	07/12/16	Orange	2558	41971	Lodges Inc.	The
168	07/13/16	Orange	1513	42080	by the Sea LLC	Hotel California
169	07/15/16	Orange	1775	42032	Recovery LLC	Morningside
170	07/18/16	Orange	1897	42033	Zumwalt	Richard & Nanette
171	07/18/16	Orange	1897	42034	Center	Lead Recovery
172	08/09/16	Orange	2412	40575	Giddings	Mark & Christy
173	08/09/16	Orange	2412	40576	Maurer	Wendy
174	08/19/16	Orange	2558	40583	Saywitz	Barry
175	08/19/16	Orange	2558	40584	LLC	Morningside Recovery
176	09/07/16	Orange	2558	40591	Saywitz	Barry
177	10/13/16	Orange	2558	40596	LLC	Morningside Recovery
178	10/14/16	Orange	2558	40597	LLC	Morningside Recovery
179	11/01/16	Orange	2558	40602	LLC	Morningside Recovery
180	10/11/17	Orange Ave.	1509	40054	Mangement LLC	NexGen
181	10/11/17	Orange Ave.	1509	40056	By the Sea	Hotel California
182	11/01/18	Orange Avenue	2417	41693	n/a	Northbound Treatment Services

CCMC SECT. CITED	AMOUNT
13-311, 13-26, 20-12 (ii)	450
13-26,13-200.88, 13-323, 9-372, 20-12	600
12-26, 13-200.88, 13-311, 20-12	600
13-26, 20-12(ii), 9-372, 20-12(hh)	150
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 9-372	150
13-26, 20-12(ii), 13-311	450.00
13-26, 20-12(ii), 13-311	450.00
13-26, 13-323, 20-12(ii)	1500
20-12 (ii), 13-26, 13-323	900
13-26, 13-200.88, 13-311, 20-12	1200
13-26, 13-311, 20-(ii)	150
13-26,9-372,20-12(ii), 20-12(hh)	450
13-26, 13-311, 20-12	450
13-26,9-372,20-12(II), 20-12 (hh)	600
13-26, 9-372, 2042(ii), 20-12(hh)	600
13-26, 20-12(ii), 9-372, 20-12(hh)	600
13-26, 13-311, 20-12(ll)	1500
13-26,20-12(ii), 13-311	1500
13-26, 9-372, 20-12(ll)	900
9-372, 13-26, 20-12(ll)	450
9-372, 13-26, 20-12(ll)	1500
9-372, 13-26, 20-12(ll)	900
9-372, 13-26, 2012(ll)	900
9-372, 13-26, 20-12	1500
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-323	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
183	11/01/18	Orange Avenue	2417	41694	n/a	Orange Acres LLC
184	10/26/18	Orange Avenue	2417	40480	n/a	Northbound Treatment Services
185	10/26/18	Orange Avenue	2417	40481	n/a	Orange Acres LLC
186	10/16/18	Orange Avenue	2417	41685	n/a	Orange Acres LLC
187	10/16/18	Orange Avenue	2417	41686	n/a	Northbound Treatment Services
188	09/05/18	Orange Avenue	1509	40694	n/a	Hotel California by the Sea LLC
189	08/14/18	Ornage Avenue	1509	41705	n/a	Nexgen Management LLC
190	05/30/19	Pamela Lane	2258	40747	Family Trust	Boctor
191	01/08/19	Paularino Ave.	959	40513	House Inc.	Playa
192	01/08/19	Paularino Ave.	959	40514	Dalal	Abedrabo
193	12/10/18	Paularino Avenue	949	40509	House Inc	Playa
194	12/10/18	Paularino Avenue	959	40510	Dalal	Abedrabo
195	10/08/18	Paularino Avenue	959	41681	Dalal	Abe drabo
196	10/08/18	Paularino Avenue	959	41683	n/a	Playa House, Inc.
197	06/13/16	Pierpoint	598	41956	Moheinani	Gina
198	12/07/17	Plumer	697	40018	Recovery	Pillars
199	12/07/17	Plumer	697	40019	LLC	Heathers-Plumer
200	10/24/17	Plumer	697	40003	Recovery	Pillars
201	10/24/17	Plumer	697	40004	Plumer LLC	Heathers
202	10/09/18	Plumeria Place	3465	40477	n/a	Nguyen Loc Van/ Nguyen Hong
203	10/09/18	Plumeria Place	3465	40478	n/a	Mainstay Recovery LLC
204	10/13/16	Pomona	2162	41558	Martin	Jose Roma & Maria G
205	10/17/16	Pomona	1798	40598	Properties One LLC	Barry Saywitz
206	10/17/16	Pomona	1798	40599	LLC	Morningside Recovery
207	03/20/18	Pomona Ave	2265 B 2267 B	42417	n/a	Clean Path Recovery LLC
208	03/20/18	Pomona Avenue	2275 2277	42420	n/a	Lucy Lee Holdings LLC
209	03/20/18	Pomona Avenue	2275 2277	42419	n/a	Clean Path Recovery LLC
210	03/20/18	Pomona Avenue	2265 B 2267 B	42418	n/a	Pomona Assoc CM LLC
211	03/05/18	Pomona Avenue	2275 2277	40668	n/a	Lucy Lee Holdings LLC
212	03/05/18	Pomona Avenue	2275 2277	40667	n/a	Clean Path Recovery LLC
213	03/05/18	Pomona Avenue	2265 B 2267 B	40666	n/a	Pomona Assoc CM LLC
214	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40032	n/a	Clean Path Recovery LLC
215	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40033	CM LLC	Pomona Association
216	01/29/18	Pomona Avenue	2275 2277	40026	n/a	Lucy Lee Holdings LLC
217	01/29/18	Pomona Avenue	2275 2277	40028	n/a	Clean Path Recovery LLC
218	03/24/17	Royce	3044	40885	Brown	Gillian
219	11/07/18	San Bernardino Place	1589	40482	n/a	The Ohio House, LLC

CCMC SECT. CITED	AMOUNT
13-26, 20-12(ii), 13-323	1500
13-26, 20-12(ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12, 13-323	450
13-26, 20-12, 13-323	450
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 20-12(ii), 13-323	450.00
20-12(ii), 13-26-13-311	1,500.00
20-12(ii), 13-20, 13-311	1,500.00
20-12(ii), 13-26, 13-311	900.00
20-12(ii), 13-26, 13-311	900.00
13-311, 20-12 (ii), 13-26	450
13-311, 20-12(ii), 13-26	450
13-226,13-200.88,13-323,9-372,20-12II	1650
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
9-372, 13-26	600
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(ii),	450
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
20-12, 13-26, 13-323, 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 Iii), 20-12 (n), CBC	1500
20-12 (ii), 13-26, 13-323, 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-311	150
13-26, 13-323, 20-12(ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
220	11/07/18	San Bernardino Place	1589	40483	n/a	Barry Saywitz Properties One
221	11/07/18	San Bernardino Place	1578	40485	Fabrizio	Pauri
222	10/25/18	San Bernardino Place	1578	42311	n/a	The Ohio House, LLC
223	10/25/18	San Bernardino Place	158	42312	Fabrizio	Panri
224	10/25/18	San Bernardino Place	1589	42313	n/a	The Ohio House, LLC
225	10/25/18	San Bernardino Place	1589	42314	n/a	Barry Saywitz Properties One
226	09/10/18	San Bernardino Place	1578	41718	Fabrizio	Pauri
227	09/10/18	San Bernardino Place	1589	41715	n/a	The Ohio House, LLC
228	09/10/18	San Bernardino Place	1578	41717	n/a	The Ohio House, LLC
229	09/10/18	San Bernardino Place	1589	41716	n/a	Barry Saywitz Properties One
230	08/18/16	Santa Ana	2641	40581	LLC	Bjormad LA
231	08/18/16	Santa Ana	2641	40582	& Addiction	Night Psychology
232	10/13/16	Santa Ana	2641	40595	& Addiction Inc.	Inshght Psychology
233	05/31/18	Tours Lane	334	40454	n/a	334 Tourt Trust
234	05/17/18	Tours Lane	336	40683	Anderson	Joanne
235	05/17/18	Tours Lane	336	40682	n/a	Chadwick House LLC
236	05/17/18	Tours Lane	334	40681	n/a	334 Tours Trust
237	05/17/18	Tours Lane	334	40680	n/a	Chadwick House LLC
238	03/21/18	Tours Lane	336	40953	n/a	Chadwick House LLC
239	03/21/18	Tours Lane	336	40954	Anderson	Joanne
240	03/20/18	Tours Lane	334	42422	n/a	Chadwick House LLC
241	03/20/18	Tours Lane	334	42421	n/a	334 Tours Trust
242	02/16/18	Tours Lane	334	40042	n/a	Chadwick House LLC
243	02/16/18	Tours Lane	334	40043	Kimmes	Nancy
244	02/16/18	Tours Lane	336	40044	n/a	Chadwick House LLC
245	02/16/18	Tours Lane	336	40045	Anderson	Joanne
246	07/11/16	Tulip	175	41965	Roya	Rohanaki
247	07/11/16	Tulip	175	41966	Recovery Inc.	Compass Rose
248	08/12/16	Tulip	175	40579	Roya	Sohanaki
249	08/12/16	Tulip	175	40580	Recovery Inc.	Compass Rose
250	08/31/16	Tulip	175	40587	Roya	Sohanaki
251	08/31/16	Tulip	175	40588	Recovery Inc.	Congress Rose
252	08/08/16	Tustin	2421	41973	Capital, LLC	Evergreen Investment
253	08/08/16	Tustin	2421	41974	Sabahi	Sonni
254	08/29/16	Tustin	2421	40585	Capital LLC	Evergreen Investment
255	08/29/16	Tustin	2421	40586	Sabahi	Sonni
256	09/13/16	Tustin	2421	40593	Capital LLC	Evergreeen Invest.

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
9-372, 13-26, 13-23, 20-12 (ll)	600
9-372, 13-26, 13-323, 20-12(n), 20-12(ll)	750
9-372, 13-26, 20-12(ll)	1200
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-322	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	900
20-12 (ii), 13-26, 13-322	900
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 9-372, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ll)	900
13-26, 13-311, 20-12(ll)	900
13-26, 13-311, 21-12(ll)	1500
13-26, 13-311, 2012(ll)	1500
13-26, 9-372, 20-12(ii)	750
13-30, 13-26,13-200.88, 13-311, 20-12	750
13-26, 13-30(9.1), 13-311, 20-12(ll)	1200
13-26, 13-30(9.1), 13-311, 20-12	1200
13-26, 13-30, 13-311-20-12(ll)	2000

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
257	09/13/16	Tustin	2421	40594	Sabahi	Sonni
258	05/11/18	Tustin Avenue	2175	40531	n/a	The Ohio House, LLC
259	05/11/18	Tustin Avenue	2175	40530	n/a	AQABA LLC
260	04/05/18	Tustin Avenue	2175	40956	n/a	96 Discovery
261	04/05/18	Tustin Avenue	2175	40957	n/a	The Ohio House LLC
262	02/27/18	Tustin Avenue	2175	42412	n/a	AQABA LLC
263	02/17/18	Tustin Avenue	2175	42413	n/a	The Ohio House LLC
264	06/02/16	Valencia	1009	41955	Recovery LLC	Morningside
265	07/07/16	Valencia	1009	41963	Saywitz	Barry
266	07/07/16	Valencia	1009	41964	Recovery LLC	Morningstar
267	08/10/16	Valencia	1009	40577	Saywitz	Barry
268	08/10/16	Valencia	1009	40578	LLC	Morningside Recovery
269	09/06/16	Valencia	1009	40589	Saywitz	Barry
270	09/06/16	Valencia	1009	40590	Recovery Inc.	Monringside
271	12/06/17	Victoria	310	40016	Cefalia	James John
272	10/31/17	Victoria	310	40009	Project Corp	Sober Partners
273	10/31/17	Victoria	310	40010	Cefalia	James John
274	06/20/18	Victoria Street	357	40547	Bartolone	Damon
275	06/20/18	Victoria Street	357	40546	n/a	Windward Way Recovery LLC
276	06/20/18	Victoria Street	351	40545	Bartolone	Damon
277	06/20/18	Victoria Street	351	40544	n/a	Windward Way Recovery LLC
278	06/12/18	Victoria Street	357	40197	n/a	Windward Way Recovery, LLC
279	06/12/18	Victoria Street	357	40196	Bartolone	Damon
280	06/12/18	Victoria Street	351	40194	n/a	Windward Way Recovery, LLC
281	06/12/18	Victoria Street	351	40193	Bartolone	Damon
282	06/04/18	Victoria Street	357	40538	n/a	Windward Way Recovery LLC
283	06/04/18	Victoria Street	357	40537	Bartolone	Damon
284	06/04/18	Victoria Street	351	40536	n/a	Windward Way Recovery
285	06/04/18	Victoria Street	351	40535	Bartolone	Damon
286	03/01/16	Virginia	120	41975	Burns	Cindy
287	04/08/19	Virginia Pl	175	40733	Treatment Svces.	Northbound
288	04/08/19	Virginia Pl	175	40734	Equities LLC	Norah
289	03/13/19	Virginia Pl	175	40725	Treatment Svces.	Northbound
290	03/13/19	Virginia Pl	175	40726	Equities LLC	Norah
291	02/05/19	Virginia Pl	175	40702	Treatment Svces.	Northbound
292	02/05/19	Virginia Pl	175	40704	Equities LLC	Norah
293	12/06/17	W. Bay Street, Unit S	431	40013	Recovery Services	California Prime

CCMC SECT. CITED	AMOUNT
13-26, 13-30(a.1), 13-311, 20-12(ll)	2000
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-226,13-200.88,13-323,9-372,20-	750
13-326, 13-200.88, 13-311, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	450
13-26, 9-372, 20-12(ll)	900
13-26, 9-372, 20-12 (ll)	900
13-26, 9-372, 20-12(ll)	1500
9-372, 13-26, 20-12(ll)	1500
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	1500
13-323, 13-26, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-323	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
20-12 (ii), 13-26, 13-323	450
13-30(9.1), 13-26, 13-200-.88, 13-311,	150
13-26, 20-12(ii), 13-322	1,500.00
20-12(ii), 13-26, 13-322	1,500.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12 (ii), 13-322	450.00
20-12(ii), 13-26, 13-322	450.00
12-26, 20-12, 13-322	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
294	12/06/17	W. Bay Street, Unit S	431	40014	C/O Robert Crossley	431 Bay Street, LLC
295	12/06/17	W. Coast Hwy., Suite 300	3101	40015	Project Corp	Sober Partners
296	05/02/19	Wallace Avenue	2068	40714	OC LLC	Focus
297	05/02/19	Wallace Avenue	2068	40715	Shores Recovery	Sunset
298	10/25/16	Wilson W	580	41564	Hilario	Angel
299	11/28/16	Wilson W	580	41573	Hilario	Angel

CCMC SECT. CITED	AMOUNT
13-26, 20-12, 13-322	450
13-26, 13-323, 20-12(ii)	900
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26, 13-323, 20-12	1200
9-732, 13-26, 13-323, 20-12(ll)	2000

ARIOS, JUSTIN

From:	Jason Brewer <jabrewer376@gmail.com>
Sent:	Thursday, September 16, 2021 1:33 PM
To:	Housing Element; Compliancereview@hcd.ca.gov
Cc:	dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject:	Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments:	Table 1.pdf; Table 2.pdf; Table 3.pdf

Greetings,

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

Starting at page 3-45, the Public Review Draft (August 2021) addresses Affirmatively Furthering Fair Housing (AFFH). This section of the City's Housing Element fails to address the requirements set forth in Government Code § 65583 and disregards the City's own discriminatory housing practice reflected in its Zoning Code and its treatment of Supportive Housing for disabled persons (defined as Group Homes by the City).

The City's Draft Housing Element is grossly inadequate because it fails to address the greatest source of housing discrimination in Costa Mesa: The City of Costa Mesa itself.

Nowhere does the Draft Housing Element address the effect of the City's discriminatory zoning regulations against Group Homes (i.e., Supportive Housing for persons with disabilities.)

If Supportive Housing provides housing to persons with disabilities, then the City defines and classifies that residential use as a "Group Home":

> 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 (1) 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.

The definition of Group Home includes Sober Living Homes, which are defined as:

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

Since the City's last Housing Element in 2013, the City has engaged in a pattern or practice of discrimination against Supportive Housing, specifically, Group Homes and Sober Living Homes.

Attached to this email is a chart that illustrate the effect of the City's discrimination against Group Homes. It shows that even though Group Homes make up an infinitesimal percentage of the total number of dwellings in Costa Mesa, the City's discriminatory zoning practices have further reduced the number of housing opportunities for persons with disabilities.

No new Group Homes have opened in the City since 2015 following the City adoption of Ordinance 14-13 (enacting Zoning Code Chapter XV) and Ordinance 15-11 (enacting Zoning Code Chapter XVI).

The City acknowledges in public records that as of in 2017, there were only existing 99 Group Homes in Costa Mesa, comprising 0.002% of the total number of dwellings in Costa Mesa (42,867). (See Table 1 attached to this email.)

Each of those 99 Group Homes was subject to the City's discriminatory zoning regulations under Zoning Code Chapters XV and XVI, which prohibited each of the 99 Group Homes to continue providing housing to disabled persons unless they obtained a permit.

Of the 99 Group Homes, 76 homes applied for permits pursuant to either Zoning Code Chapter XV or Chapter XVI. The others quit the process as futile in light of the City's unwavering policy of discrimination.

Of the 76 Group Homes that applied for permits pursuant to either Zoning Code Chapter XV or Chapter XVI, the City granted by 2919 only 14 permits, the remainder were denied by the City or abandoned the application process as futile. The last permit granted was in 2019; no new applications for permits have been submit because the City's policy of discrimination deters person seeking to provide Supportive Housing to persons with disabilities.

Group Homes without permits are subject to citation, criminal prosecution and civil abatement by the City. The City has aggressively cited Group Homes that provide housing to disabled persons but lack a City-issued permit. (See Tables 2 and 3 attached to his email.)

To date, the City has also sued 11 Supportive Housing providers as a "public nuisance" solely on the basis that each provides Supportive Housing to persons with disabilities but lacks a City-issued permit pursuant to Zoning Code Chapter XV or Chapter XVI.

Under the City's Zoning Code the only zoning district in which Group Homes are permit of right is the Institutional and Recreational district, which is expressly reserved for non-residential uses. (CMMC 13-30 Table: Land Use Matrix.)

The complete failure of the City's Housing Element, 2021-2029 (Public Review Draft) to discuss – let alone address -- the City's pattern or practice of zoning discrimination not only offends Government Code § 65008, but utterly fails to meeting the statutory requirements pursuant to Government Code § 65583(c)(10) regarding the City's compliance with Government Code § 8899.50(a)(1)

("affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity . . . fostering and maintaining compliance with civil rights and fair housing laws.")

Thank you for your consideration.

Jason Brewer

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

Application of City's Regulation of Group Homes, Zoning Code Chapters XV and XVI

2010:	***2017***:	***2018***:	***2018***:	***2019***:
42,867 Dwellings in Costa Mesa	**99** Sober Living Homes in Costa Mesa	**76** Applications submitted by unlicensed and licensed Sober Living homes subject Zoning Code Chapters XV (14-13) or XVI (15-11)	**13** Permits Granted under Zoning Code Chapters XV (14-13) or XVI (15-11)	**14** Permits Granted under Code Chapters XV (14-13) or XVI (15-11)
Total for 2010: 42,867 dwellings	"Based on the most recent data compiled by City staff, there are approximately 99 sober living homes within Costa Mesa. Of these, 38 are located in single-family neighborhoods and 61 are within multi-family residential zones."	"The City has received applications for 65 sober living homes and 11 licensed treatment facilities that are subject to compliance with Ordinance Nos. 14-13 and 15-11."	"Twelve (12) sober living homes serving six or fewer residents have been approved by the City, and one sober living home serving 13 men has been approved."	"Twelve sober living homes serving six or fewer residents have been approved by the City, and two sober living homes serving seven or more residents have been approved by the City."
(City Housing Element, 2013-2021, CityGP 248)	(City PCAR, 08/28/2017, City 12946; City PCAR, 08/28/2017, City 12748)	(City PCARs, 01/08/2018, City 8132, 7494, 6928, 9975, 10670; City PCARs, 07/08/2018, City 11972, 11448)	(City PCARs, 01/08/2018, City 8132, 7494, 6928, 9975, 10670; City PCARs, 07/08/2018, City 11972, 11448)	(City PCAR, 02/11/2019, City 13504)
42,867	**99/42,867 = 0.002%**	**76/99 = 77%**	• **13/76 = 17%** • **13/99 = 13%** • **13/42,867 = 0.0003%**	• **14/76 = 18%** • **14/99 = 14%** • **14/42,867 = 0.0003%**

Group Homes Cited WEB

Supportive Housing cited by the City for providing housing to persons with disabilities

smartsheet

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
1	10/04/16	16th Pl.	413	40883	Course LLC	Stay the
2	10/04/16	16th Pl.	4134	40884	Flower	Cypress
3	06/01/16	18th E.	116	41475	Grant	Sherry
4	04/08/19	18th St. E	235	40735	Alexander LLC	Walton
5	04/08/19	18th St. E	235	40736	Recovery LLC	Raw
6	04/08/19	18th St. E	241	40737	Alexander LLC	Walton
7	04/08/19	18th St. E	241	40738	Recovery LLC	Raw
8	03/15/19	18th St. E	235	40727	Treatment Svces.	Northbound
9	03/15/19	18th St. E	235	40728	Recovery LLC	Raw
10	03/15/19	18th St. E	235	40729	Alexander LLC	Walton
11	03/15/19	18th St. E	241	40730	Treatment Svces.	Northbound
12	03/15/19	18th St. E	241	40731	Recovery LLC	Raw
13	03/15/19	18th St. E	241	40732	Alexander LLC	Walton
14	02/05/19	18th St. E	235	40707	Alexander LLC	Walton
15	02/05/19	18th St. E	235	40708	Treatment Svces.	Northbound
16	02/05/19	18th St. E	235	40709	Recovery LLC	Raw
17	02/05/19	18th St. E	241	40710	Alexander LLC	Walton
18	02/05/19	18th St. E	241	40711	Treatment Svces.	Northbound
19	02/05/19	18th St. E	241	40712	Recovery LLC	Raw
20	10/04/16	18th St. W	679	40881	Saywitz Prop. One	Barry
21	10/04/16	18th St. W	679	40882	The Discovery Houses	Morningside Recovery
22	11/07/16	18th W.	679	41570	Morningside Recovery LLC	Discovery Houses
23	11/07/16	18th W.	685	41571	Discovery Houses	Morningside Recovery
24	11/29/16	18th W.	679	40351	Saywitz Properties One	Barry
25	11/29/16	18th W.	679	40353	LLC/Discovery Houses	Morningstar Recovery
26	12/01/16	18th W.	685	40356	LLC/Discovery Houses	Morningstar Recovery
27	12/01/16	18th W.	685	40358	Properties Two	Barry Saywitz
28	02/12/19	19th St. W	864	20399	Photoglou Living Trust	Mark
29	11/07/16	19th W	679	41572	Properties One	Barry Saywitz
30	10/13/16	21st E	175	41560	Norwood	Kenneth
31	07/20/16	23rd	160	41652	Recovery LLC	Windward Way
32	07/20/16	23rd	160	41654	LLC	DZ
33	07/21/16	23rd	165	41655	Garden LLC	Aunties
34	07/21/16	23rd	165	41656	Recovery LLC	Windward Way

CCMC SECT. CITED	AMOUNT
9-372, 13-26, 13-323, 20-12	450
13-26, 13-311	450
13-26, 9-372	300
13-26, 20-12(ii), 13-323	1,500.00
13-26,20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26	600
9-372, 13-26	600
9-372, 13-26, 13-323, 20-12	1200
9-372, 13-26, 13-323, 20-12(ll)	1200
9-372, 13-26, 13-323, 20-12 (ll)	2000
9-372, 13-26, 13-323, 20-12 (ll)	2000
9-372, 13-26, 13-323, 20-12	2000
9-372, 13-26, 13-323, 20-12	2000
105.1, 20-12(ii), 13-105(a), 20-6(o), 13-	$2,100.00
9-372, 13-26, 13-323, 20-12(ll)	1200
9-372, 13-26, 13-323, 20-12	1200
13-26, 9-372	450
13-26, 9-372, 20-12	450
13-26, 9-372, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	600

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
35	03/05/18	Adams Avenue	1650	40664	n/a	Clean Path Recovery LLC
36	02/05/19	Albert Pl	114	40705	Recovery LLC	Windward Way
37	02/05/19	Albert Pl	114	40706	Place Properties LLC	Albert Pl
38	04/05/18	Albert Place	114	40117	n/a	Albert Place Poroperties, LLC
39	04/05/18	Albert Place	114	40116	n/a	Windward Way Recovery LLC
40	02/20/18	Albert Place	114	40945	n/a	Winward Way Recovery, LLC
41	02/20/18	Albert Place	114	40947	n/a	Albert Place Properties, LLC
42	07/21/16	Alder	2527	41660	Horluchi	Ellen
43	07/26/16	Anaheim	1769	41661	Yates	Raymond
44	07/26/16	Anaheim	1769	41663	Recovery LLC	Morningside
45	07/27/16	Anaheim	1865	41665	Harold	Jusine
46	09/09/16	Anaheim	1769	40875	Yates	Raymond
47	04/16/18	Anaheim Avenue	2216	40960	n/a	Playa House Inc
48	03/08/18	Anaheim Avenue	2216	40104	Pourmalek	Reza
49	06/22/16	Babb	2959	41949	Moheimani	Assad
50	04/12/19	Bernard Street	544	40739	Assets LLC	Enclave
51	04/12/19	Bernard Street	544	40740	Recovery LLC	Dream
52	09/05/18	Cabrillo Street	200, 202, 204, 206	40691	Connor	Alice
53	09/05/18	Cabrillo Street	200, 202, 204, 206	40690	n/a	Pacific Sho9res Recovery LLC
54	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
55	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
56	08/17/18	Cabrillo Street	200 202 204 206	41709	n/a	Pacific Shores Recovery LLC
57	08/17/18	Cabrillo Street	200 202 204 206	41710	Connor	Alice
58	01/25/18	Canadian Drive	3159	40927	I, LLC	CDM Housing
59	06/12/18	Cecil Place	208	40462	n/a	SoCal Recovery
60	06/12/18	Cecil Place	208	40460	n/a	VDP Properties LP
61	03/19/18	Center Street	725	40110	n/a	Asana Recovery
62	03/19/18	Center Street	725	40109	Malili	Daniel
63	05/25/16	Cheyenne	1055	41948	Care Service	Guardian Health
64	05/09/18	E. 16th Place	271	40678	n/a	Carr Timothy WTW Revoc Tr
65	05/09/18	E. 16th Place	271	40677	n/a	Casa Capri LLC
66	05/09/18	E. 16th Place	269	40676	Irani	Zackary
67	05/09/18	E. 16th Place	269	40675	n/a	Casa Capri LLC
68	04/27/18	E. 16th Place	271	40024	n/a	Carr Timothy WTW Revoc Tr
69	04/27/18	E. 16th Place	271	40023	n/a	Casa Capri LLC
70	04/27/18	E. 16th Place	269	40022	Irani	Zackary
71	04/27/18	E. 16th Place	269	40021	n/a	Casa Capri LLC

CCMC SECT. CITED	AMOUNT
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	500.00
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 9-372	450
13-26, 13-311	300
20-12, 13-26, 13-311	450
20-12, 13-311	450
20-12, 13-30(7.1), 13-311, 13-26	1050
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13.200.88,13-311, 2012	750
13-323, 13-26, 20-12(ii), 13-30, 105.1	750.00
13-323, 13-26, 20-12(ii)	450.00
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-323, 13-26	900
20-12 (ii), 13-323, 13-26	900
13-26, 13-323, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-26, 20-12 (ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-200.88, 13-311, 13-26, 20-12	600
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
72	04/19/18	E. 16th Place	271	40016	n/a	Carr Timothy W T W Revoc
73	04/19/18	E. 16th Place	269	40015	Irani	Zackary
74	04/19/18	E. 16th Place	271	40013	n/a	Casa Capri LLC
75	04/19/18	E. 16th Place	269	40012	n/a	Casa Capri LLC
76	06/22/18	E. 21st Street	175	40972	Norwood	Kenneth
77	06/22/18	E. 21st Street	175	40971	n/a	SoCal Recovery
78	06/12/18	E. 21st Street	175	40464	Norwood	Kenneth
79	06/12/18	E. 21st Street	175	40463	n/a	SoCal Recovery
80	06/04/18	E. 21st Street	175	40459	Norwood	Kenneth
81	11/26/18	E. Wilson Street	131	42317	Walton	Keith L.
82	10/26/18	E. Wilson Street	125	42315	n/a	Northbound Treatment Services
83	10/26/18	E. Wilson Street	125	42316	Walton	Keith L.
84	10/26/18	E. Wilson Street	131	42318	Walton	Keith L.
85	10/08/18	E. Wilson Street	125	42300	Walton	Keith L.
86	10/08/18	E. Wilson Street	125	42301	n/a	Northbound Treatment Services
87	10/08/18	E. Wilson Street	131	42302	Walton	Keith L.
88	10/08/18	E. Wilson Street	131	42303	n/a	Northbound Treatment Services
89	08/06/18	E. Wilson Street	131	40469	n/a	Northbound Treatment Services
90	08/06/18	E. Wilson Street	125	40470	n/a	Northbound Treatment Services
91	08/06/18	E. Wilson Street	125	40466	Walton	Keith L.
92	08/06/18	E. Wilson Street	131	40471	Walton	Keith L.
93	11/30/16	Elden	2214	41345	Ohio House LLC	Branden Stump
94	11/30/16	Elden	2214	41346	Cefalia	James
95	10/12/17	Flower St.	268	40950	Johnson	Gary Richard
96	10/12/17	Flower St.	268	40951	& Wellness	RAW Recovery
97	02/08/18	Flower Street	268	40037	n/a	Raw Recovery LLC
98	02/08/18	Flower Street	268	40038	Johnson	Gary Richard
99	01/30/18	Flower Street	268	40029	Johnson	Gary Richard
100	01/30/18	Flower Street	268	40031	n/a	Raw Recovery LLC
101	10/15/18	Fordham Drive	2372	42307	Pedriana	Mical D.
102	02/05/18	Fordham Drive	2372	40937	Pedriana	Mical
103	05/19/16	Grant	3044	41338	Rosenbaum	Melvin
104	05/19/16	Grant	3044	41340	Care Services	Guardian Health
105	03/19/18	Grant Avenue	3044	40111	n/a	D'Amore Healthcare
106	03/19/18	Grant Avenue	3044	40113	Rosenbaun	Carolyn
107	03/16/18	Harbor Boulevard	2374 #104	42416	n/a	ZMV Partnership
108	06/22/18	Hudson Avenue	783	40549	Norwood	Kenneth

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
20-12 (ii), 13-323, 13-26, 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	400
13-26, 20-12 (ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 13-200.88, 13-311, 20-12	600
9-372, 13-26, 13-323, 20-12	600
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12 (e), 20-12 (ii)	1650
13-26, 13-311, 20-12 (ii), 20-12 (e)	1650
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-311, 20-12(ii), 13-26	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-200.88,13-311,20-12	600
13-26,13-200.88, 13-311, 20-12	600
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-311, 20-12 (ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
109	06/22/18	Hudson Avenue	783	40548	Shinder	Darryl
110	06/15/18	Hudson Avenue	783	40543	Shinder	Darryl
111	06/15/18	Hudson Avenue	783	40542	Norwood	Kenneth
112	06/07/18	Hudson Avenue	783	40540	Shinder	Darryl
113	06/07/18	Hudson Avenue	783	40541	Norwood	Kenneth
114	11/29/18	Jeffrey Drive	3018	40507	Investments LLC	SSMS
115	11/29/18	Jeffrey Drive	3016	40504	Services Inc	National Theraputic
116	11/29/18	Jeffrey Drive	3016	40505	Services Inc	National Theraputic
117	11/29/18	Jeffrey Drive	3018	40506	Services Inc	National Theraputic
118	11/21/18	Jeffrey Drive	3016	40497	n/a	National Therapeutic Services
119	11/21/18	Jeffrey Drive	3016	40498	n/a	National Therapeutic Services
120	11/21/18	Jeffrey Drive	3018	40500	n/a	National Therapeutic Services
121	11/21/18	Jeffrey Drive	3018	40501	n/a	S5MS Investments LLC
122	11/13/18	Jeffrey Drive	3016	40488	n/a	National Therapeutic Services
123	11/13/18	Jeffrey Drive	3016	40489	n/a	National Therapeutic Services
124	11/13/18	Jeffrey Drive	3018	40490	n/a	National Therapeutic Services
125	11/13/18	Jeffrey Drive	3018	40491	n/a	S5MS Investments LLC
126	01/18/18	Joann	647	42405	Perlin	Richard
127	01/18/18	Joann	653	42408	Perlin	Richard
128	01/18/18	Joann	647	42404	Stump	Brandon
129	01/18/18	Joann	653	42407	Stump	Brandon
130	09/23/16	Joann	594	42081	Benton	Earl
131	02/08/18	Joann Street	647	40938	Stump	Brandon
132	02/08/18	Joann Street	647	40939	Perlin	Richard
133	02/08/18	Joann Street	653	40940	Stump	Brandon
134	02/08/18	Joann Street	653	40941	Perlin	Richard
135	01/29/18	Joann Street	647	40929	Stump	Brandon
136	01/29/18	Joann Street	647	40930	Perlin	Richard
137	01/29/18	Joann Street	653	40931	Stump	Brandon
138	01/29/18	Joann Street	653	40933	Perlin	Richard
139	09/06/16	Johnson	3063	41555	Peacock	Nancy
140	11/29/18	Knox Street	268	40502	Recovery LLC	Raw
141	11/29/18	Knox Street	268	40503	Douglas L Trust	Allenthrop
142	11/21/18	Knox Street	268	40495	n/a	Raw Recivery LLC
143	11/21/18	Knox Street	268	40496	n/a	Allenthrop Douglas L Trust
144	11/13/18	Knox Street	268	40492	n/a	Raw Recovery LLC
145	11/13/18	Knox Street	268	40493	n/a	Allenthrop Douglas L Trust

CCMC SECT. CITED	AMOUNT
13-26, 13-311, 20-12 (ii)	1500
20-12(ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	450
13-26, 13-311, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii) 13-323-13-26	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii), 13-323, 13-26	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-26, 13-311, 20-12	150
13-311, 13-36, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-26, 9-372	150
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26-20-12 (ii)	1,500.00
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
20-12(ii), 13-26, 13-323	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
146	01/25/18	La Salle	2829	40928	Oded	Ben-Ezer
147	05/19/16	La Salle	2829	41336	Riley	Sheldon
148	05/19/16	La Salle	2829	41337	Family Trust	Ben Ezer
149	07/21/16	La Salle	2876	42035	Arellana	Margarita
150	02/16/18	Marseilles Way	2450	40040	n/a	Lotus Place Recovery LLC
151	02/16/18	Marseilles Way	2450	40041	Ulanovsky	Mark D.
152	05/10/18	Mckinley Way	3124	40527	n/a	Playa House, Inc.
153	05/10/18	Mckinley Way	2124	40526	n/a	Martin Stefani/Martin Tom
154	04/16/18	Mendoza Drive	2869	40961	n/a	Clean Path Recovery LLC
155	04/15/18	Mendoza Drive	2869	40962	n/a	Lucy Lee Holdings LLC
156	03/12/18	Mendoza Drive	2869	40107	n/a	Lucy Lee Holdings, LLC
157	03/12/18	Mendoza Drive	2869	40106	n/a	Clean Path Recovery, LLC
158	02/05/18	Mendoza Drive	2869	40935	Heiligman	Lee
159	02/05/18	Mendoza Drive	2869	40936		Lucy Lee Holdings LLC
160	07/27/16	Monte Vista	298	41667	Scholten	Hendrik
161	02/01/19	Olympic Ave.	13741	40701	Nicolau	Kevin & Tiffany
162	02/01/19	Olympic Avenue	13741	40700	N/A	REMY OC LLC
163	09/05/18	Oranage Avenue	1509	40692	n/a	Nexgen Management LLC
164	08/14/18	Oranage Avenue	1509	41706	n/a	Hotel California by the Sea LLC
165	06/29/16	Orange	2412	41961	Maurer	Wendy
166	07/11/16	Orange	2558	41967	Saywitz	Barry
167	07/12/16	Orange	2558	41971	Lodges Inc.	The
168	07/13/16	Orange	1513	42080	by the Sea LLC	Hotel California
169	07/15/16	Orange	1775	42032	Recovery LLC	Morningside
170	07/18/16	Orange	1897	42033	Zumwalt	Richard & Nanette
171	07/18/16	Orange	1897	42034	Center	Lead Recovery
172	08/09/16	Orange	2412	40575	Giddings	Mark & Christy
173	08/09/16	Orange	2412	40576	Maurer	Wendy
174	08/19/16	Orange	2558	40583	Saywitz	Barry
175	08/19/16	Orange	2558	40584	LLC	Morningside Recovery
176	09/07/16	Orange	2558	40591	Saywitz	Barry
177	10/13/16	Orange	2558	40596	LLC	Morningside Recovery
178	10/14/16	Orange	2558	40597	LLC	Morningside Recovery
179	11/01/16	Orange	2558	40602	LLC	Morningside Recovery
180	10/11/17	Orange Ave.	1509	40054	Mangement LLC	NexGen
181	10/11/17	Orange Ave.	1509	40056	By the Sea	Hotel California
182	11/01/18	Orange Avenue	2417	41693	n/a	Northbound Treatment Services

CCMC SECT. CITED	AMOUNT
13-311, 13-26, 20-12 (ii)	450
13-26,13-200.88, 13-323, 9-372, 20-12	600
12-26, 13-200.88, 13-311, 20-12	600
13-26, 20-12(ii), 9-372, 20-12(hh)	150
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 9-372	150
13-26, 20-12(ii), 13-311	450.00
13-26, 20-12(ii), 13-311	450.00
13-26, 13-323, 20-12(ii)	1500
20-12 (ii), 13-26, 13-323	900
13-26, 13-200.88, 13-311, 20-12	1200
13-26, 13-311, 20-(ii)	150
13-26,9-372,20-12(ii), 20-12(hh)	450
13-26, 13-311, 20-12	450
13-26,9-372,20-12(II), 20-12 (hh)	600
13-26, 9-372, 2042(ii), 20-12(hh)	600
13-26, 20-12(ii), 9-372, 20-12(hh)	600
13-26, 13-311, 20-12(ll)	1500
13-26,20-12(ii), 13-311	1500
13-26, 9-372, 20-12(ll)	900
9-372, 13-26, 20-12(ll)	450
9-372, 13-26, 20-12(ll)	1500
9-372, 13-26, 20-12(ll)	900
9-372, 13-26, 2012(ll)	900
9-372, 13-26, 20-12	1500
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-323	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
183	11/01/18	Orange Avenue	2417	41694	n/a	Orange Acres LLC
184	10/26/18	Orange Avenue	2417	40480	n/a	Northbound Treatment Services
185	10/26/18	Orange Avenue	2417	40481	n/a	Orange Acres LLC
186	10/16/18	Orange Avenue	2417	41685	n/a	Orange Acres LLC
187	10/16/18	Orange Avenue	2417	41686	n/a	Northbound Treatment Services
188	09/05/18	Orange Avenue	1509	40694	n/a	Hotel California by the Sea LLC
189	08/14/18	Ornage Avenue	1509	41705	n/a	Nexgen Management LLC
190	05/30/19	Pamela Lane	2258	40747	Family Trust	Boctor
191	01/08/19	Paularino Ave.	959	40513	House Inc.	Playa
192	01/08/19	Paularino Ave.	959	40514	Dalal	Abedrabo
193	12/10/18	Paularino Avenue	949	40509	House Inc	Playa
194	12/10/18	Paularino Avenue	959	40510	Dalal	Abedrabo
195	10/08/18	Paularino Avenue	959	41681	Dalal	Abe drabo
196	10/08/18	Paularino Avenue	959	41683	n/a	Playa House, Inc.
197	06/13/16	Pierpoint	598	41956	Moheinani	Gina
198	12/07/17	Plumer	697	40018	Recovery	Pillars
199	12/07/17	Plumer	697	40019	LLC	Heathers-Plumer
200	10/24/17	Plumer	697	40003	Recovery	Pillars
201	10/24/17	Plumer	697	40004	Plumer LLC	Heathers
202	10/09/18	Plumeria Place	3465	40477	n/a	Nguyen Loc Van/ Nguyen Hong
203	10/09/18	Plumeria Place	3465	40478	n/a	Mainstay Recovery LLC
204	10/13/16	Pomona	2162	41558	Martin	Jose Roma & Maria G
205	10/17/16	Pomona	1798	40598	Properties One LLC	Barry Saywitz
206	10/17/16	Pomona	1798	40599	LLC	Morningside Recovery
207	03/20/18	Pomona Ave	2265 B 2267 B	42417	n/a	Clean Path Recovery LLC
208	03/20/18	Pomona Avenue	2275 2277	42420	n/a	Lucy Lee Holdings LLC
209	03/20/18	Pomona Avenue	2275 2277	42419	n/a	Clean Path Recovery LLC
210	03/20/18	Pomona Avenue	2265 B 2267 B	42418	n/a	Pomona Assoc CM LLC
211	03/05/18	Pomona Avenue	2275 2277	40668	n/a	Lucy Lee Holdings LLC
212	03/05/18	Pomona Avenue	2275 2277	40667	n/a	Clean Path Recovery LLC
213	03/05/18	Pomona Avenue	2265 B 2267 B	40666	n/a	Pomona Assoc CM LLC
214	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40032	n/a	Clean Path Recovery LLC
215	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40033	CM LLC	Pomona Association
216	01/29/18	Pomona Avenue	2275 2277	40026	n/a	Lucy Lee Holdings LLC
217	01/29/18	Pomona Avenue	2275 2277	40028	n/a	Clean Path Recovery LLC
218	03/24/17	Royce	3044	40885	Brown	Gillian
219	11/07/18	San Bernardino Place	1589	40482	n/a	The Ohio House, LLC

CCMC SECT. CITED	AMOUNT
13-26, 20-12(ii), 13-323	1500
13-26, 20-12(ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12, 13-323	450
13-26, 20-12, 13-323	450
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 20-12(ii), 13-323	450.00
20-12(ii), 13-26-13-311	1,500.00
20-12(ii), 13-20, 13-311	1,500.00
20-12(ii), 13-26, 13-311	900.00
20-12(ii), 13-26, 13-311	900.00
13-311, 20-12 (ii), 13-26	450
13-311, 20-12(ii), 13-26	450
13-226,13-200.88,13-323,9-372,20-12II	1650
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
9-372, 13-26	600
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(ii),	450
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
20-12, 13-26, 13-323, 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 Iii), 20-12 (n), CBC	1500
20-12 (ii), 13-26, 13-323, 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-311	150
13-26, 13-323, 20-12(ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
220	11/07/18	San Bernardino Place	1589	40483	n/a	Barry Saywitz Properties One
221	11/07/18	San Bernardino Place	1578	40485	Fabrizio	Pauri
222	10/25/18	San Bernardino Place	1578	42311	n/a	The Ohio House, LLC
223	10/25/18	San Bernardino Place	158	42312	Fabrizio	Panri
224	10/25/18	San Bernardino Place	1589	42313	n/a	The Ohio House, LLC
225	10/25/18	San Bernardino Place	1589	42314	n/a	Barry Saywitz Properties One
226	09/10/18	San Bernardino Place	1578	41718	Fabrizio	Pauri
227	09/10/18	San Bernardino Place	1589	41715	n/a	The Ohio House, LLC
228	09/10/18	San Bernardino Place	1578	41717	n/a	The Ohio House, LLC
229	09/10/18	San Bernardino Place	1589	41716	n/a	Barry Saywitz Properties One
230	08/18/16	Santa Ana	2641	40581	LLC	Bjormad LA
231	08/18/16	Santa Ana	2641	40582	& Addiction	Night Psychology
232	10/13/16	Santa Ana	2641	40595	& Addiction Inc.	Inshght Psychology
233	05/31/18	Tours Lane	334	40454	n/a	334 Tourt Trust
234	05/17/18	Tours Lane	336	40683	Anderson	Joanne
235	05/17/18	Tours Lane	336	40682	n/a	Chadwick House LLC
236	05/17/18	Tours Lane	334	40681	n/a	334 Tours Trust
237	05/17/18	Tours Lane	334	40680	n/a	Chadwick House LLC
238	03/21/18	Tours Lane	336	40953	n/a	Chadwick House LLC
239	03/21/18	Tours Lane	336	40954	Anderson	Joanne
240	03/20/18	Tours Lane	334	42422	n/a	Chadwick House LLC
241	03/20/18	Tours Lane	334	42421	n/a	334 Tours Trust
242	02/16/18	Tours Lane	334	40042	n/a	Chadwick House LLC
243	02/16/18	Tours Lane	334	40043	Kimmes	Nancy
244	02/16/18	Tours Lane	336	40044	n/a	Chadwick House LLC
245	02/16/18	Tours Lane	336	40045	Anderson	Joanne
246	07/11/16	Tulip	175	41965	Roya	Rohanaki
247	07/11/16	Tulip	175	41966	Recovery Inc.	Compass Rose
248	08/12/16	Tulip	175	40579	Roya	Sohanaki
249	08/12/16	Tulip	175	40580	Recovery Inc.	Compass Rose
250	08/31/16	Tulip	175	40587	Roya	Sohanaki
251	08/31/16	Tulip	175	40588	Recovery Inc.	Congress Rose
252	08/08/16	Tustin	2421	41973	Capital, LLC	Evergreen Investment
253	08/08/16	Tustin	2421	41974	Sabahi	Sonni
254	08/29/16	Tustin	2421	40585	Capital LLC	Evergreen Investment
255	08/29/16	Tustin	2421	40586	Sabahi	Sonni
256	09/13/16	Tustin	2421	40593	Capital LLC	Evergreeen Invest.

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
9-372, 13-26, 13-23, 20-12 (ll)	600
9-372, 13-26, 13-323, 20-12(n), 20-12(ll)	750
9-372, 13-26, 20-12(ll)	1200
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-322	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	900
20-12 (ii), 13-26, 13-322	900
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 9-372, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ll)	900
13-26, 13-311, 20-12(ll)	900
13-26, 13-311, 21-12(ll)	1500
13-26, 13-311, 2012(ll)	1500
13-26, 9-372, 20-12(ii)	750
13-30, 13-26,13-200.88, 13-311, 20-12	750
13-26, 13-30(9.1), 13-311, 20-12(ll)	1200
13-26, 13-30(9.1), 13-311, 20-12	1200
13-26, 13-30, 13-311-20-12(ll)	2000

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
257	09/13/16	Tustin	2421	40594	Sabahi	Sonni
258	05/11/18	Tustin Avenue	2175	40531	n/a	The Ohio House, LLC
259	05/11/18	Tustin Avenue	2175	40530	n/a	AQABA LLC
260	04/05/18	Tustin Avenue	2175	40956	n/a	96 Discovery
261	04/05/18	Tustin Avenue	2175	40957	n/a	The Ohio House LLC
262	02/27/18	Tustin Avenue	2175	42412	n/a	AQABA LLC
263	02/17/18	Tustin Avenue	2175	42413	n/a	The Ohio House LLC
264	06/02/16	Valencia	1009	41955	Recovery LLC	Morningside
265	07/07/16	Valencia	1009	41963	Saywitz	Barry
266	07/07/16	Valencia	1009	41964	Recovery LLC	Morningstar
267	08/10/16	Valencia	1009	40577	Saywitz	Barry
268	08/10/16	Valencia	1009	40578	LLC	Morningside Recovery
269	09/06/16	Valencia	1009	40589	Saywitz	Barry
270	09/06/16	Valencia	1009	40590	Recovery Inc.	Monringside
271	12/06/17	Victoria	310	40016	Cefalia	James John
272	10/31/17	Victoria	310	40009	Project Corp	Sober Partners
273	10/31/17	Victoria	310	40010	Cefalia	James John
274	06/20/18	Victoria Street	357	40547	Bartolone	Damon
275	06/20/18	Victoria Street	357	40546	n/a	Windward Way Recovery LLC
276	06/20/18	Victoria Street	351	40545	Bartolone	Damon
277	06/20/18	Victoria Street	351	40544	n/a	Windward Way Recovery LLC
278	06/12/18	Victoria Street	357	40197	n/a	Windward Way Recovery, LLC
279	06/12/18	Victoria Street	357	40196	Bartolone	Damon
280	06/12/18	Victoria Street	351	40194	n/a	Windward Way Recovery, LLC
281	06/12/18	Victoria Street	351	40193	Bartolone	Damon
282	06/04/18	Victoria Street	357	40538	n/a	Windward Way Recovery LLC
283	06/04/18	Victoria Street	357	40537	Bartolone	Damon
284	06/04/18	Victoria Street	351	40536	n/a	Windward Way Recovery
285	06/04/18	Victoria Street	351	40535	Bartolone	Damon
286	03/01/16	Virginia	120	41975	Burns	Cindy
287	04/08/19	Virginia Pl	175	40733	Treatment Svces.	Northbound
288	04/08/19	Virginia Pl	175	40734	Equities LLC	Norah
289	03/13/19	Virginia Pl	175	40725	Treatment Svces.	Northbound
290	03/13/19	Virginia Pl	175	40726	Equities LLC	Norah
291	02/05/19	Virginia Pl	175	40702	Treatment Svces.	Northbound
292	02/05/19	Virginia Pl	175	40704	Equities LLC	Norah
293	12/06/17	W. Bay Street, Unit S	431	40013	Recovery Services	California Prime

CCMC SECT. CITED	AMOUNT
13-26, 13-30(a.1), 13-311, 20-12(ll)	2000
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-226,13-200.88,13-323,9-372,20-	750
13-326, 13-200.88, 13-311, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	450
13-26, 9-372, 20-12(ll)	900
13-26, 9-372, 20-12 (ll)	900
13-26, 9-372, 20-12(ll)	1500
9-372, 13-26, 20-12(ll)	1500
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	1500
13-323, 13-26, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-323	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
20-12 (ii), 13-26, 13-323	450
13-30(9.1), 13-26, 13-200-.88, 13-311,	150
13-26, 20-12(ii), 13-322	1,500.00
20-12(ii), 13-26, 13-322	1,500.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12 (ii), 13-322	450.00
20-12(ii), 13-26, 13-322	450.00
12-26, 20-12, 13-322	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
294	12/06/17	W. Bay Street, Unit S	431	40014	C/O Robert Crossley	431 Bay Street, LLC
295	12/06/17	W. Coast Hwy., Suite 300	3101	40015	Project Corp	Sober Partners
296	05/02/19	Wallace Avenue	2068	40714	OC LLC	Focus
297	05/02/19	Wallace Avenue	2068	40715	Shores Recovery	Sunset
298	10/25/16	Wilson W	580	41564	Hilario	Angel
299	11/28/16	Wilson W	580	41573	Hilario	Angel

CCMC SECT. CITED	AMOUNT
13-26, 20-12, 13-322	450
13-26, 13-323, 20-12(ii)	900
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26, 13-323, 20-12	1200
9-732, 13-26, 13-323, 20-12(ll)	2000

Closed Operations WEB

Supportive Housing the City publicizes that it has forced to close as a result of its discriminatory zoning regulations

smartsheet

	Street Name	Street No.	Program Name	Beds
1	*16th Place*	413	Clean Path Recovery	6
2	*16th Place*		Reflections Recovery Center	6
3	*16th Place*	491	South Coast Behavioral Health	6
4	*18th Street W*	777	777 House	12
5	*18th Street W*	679	Discovery House	6
6	*18th Street W*	685	Discovery House	78
7	*19th Street E*	177	Agape House	6
8	*Alder Lane*	2527	New Family Solutions	6
9	*Anaheim*	2216	Playa House	Unknown
10	*Anaheim Avenue*	1769	Morning Side Recovery	6
11	*Anaheim Avenue*	2216	Playa House	Unknown
12	*Arbor Street*	973	Solid Landings	6
13	*Augusta*	1180	Hampton	Unknown
14	*Babb Street*	2959	Unknown	10
15	*Bay St*	431		Unknown
16	*Boston Way*	3145	Solid Landings	15
17	*Bowling Green*	273	Solid landings	6
18	*Briar Rose*	1631	Monarch Recovery	6
19	*Cabrillo Street*	218	Sober Sanctuaries, Inc.	12
20	*Canadian Drive*	3159	Clean Path Recovery	6
21	*Cassia Avenue*	3107	Rock Solid	22
22	*Charleston St*	1143	Solid Landings	8
23	*Charleston St*	1174	Solid Landings	6
24	*Cheyenne Street*	1055	Solid Landings	6
25	*Conway*	1252	Solid Landings	6
26	*Coolidge Avenue*	3004	Clean Path Recovery	6
27	*Coolidge Avenue*	3004	Solid Landings	18
28	*Dahlia Avenue*	924	Solid Landings	6
29	*Darrel*	871	Solid Landings	6
30	*Doctors Circle*	2111		Unknown

	Street Name	Street No.	Program Name	Beds
31	*E. 18th St*	166	Casa Capri	Unknown
32	*Flower*	268		Unknown
33	*Gisler Avenue*	1811	Solid Landings	6
34	*Grant Avenue*	3044	Solid Landings	6
35	*Hamilton Street*	394	Solid Landings	6
36	*Hamilton Street*	396		Unknown
37	*Hamilton Street*	382	Solid Landings	Unknown
38	*Harbor Boulevard, Unit*	2374	Strong Woman	Unknown
39	*Iowa Street*	1804	Lotus Place Recovery	6
40	*Joann Street*	574		Unknown
41	*Joann Street*	578		Unknown
42	*La Salle*	2829		Unknown
43	*La Salle Avenue*	2869	OC Recovery	Unknown
44	*La Salle Avenue*	2829	Solid Landings	6
45	*Marseilles Way*	2450	Lotus Recovery	Unknown
46	*Marseilles Way*	2450		Unknown
47	*Mendoza Avenue*	2869	Clean Path Recovery	Unknown
48	*Meyer Pl*	2012	Unknown	Unknown
49	*Monte Vista Avenue*	291	Unknown	6
50	*Monterey Avenue*	2822	Solid Landings	6
51	*Nebraska Place*	3238	Healing Path	4
52	*Olympic Ave*	13741	Unknown	Unknown
53	*Olympic Avenue*	13741	Solid Landings	6
54	*Orange Avenue*	1513	Hotel California by the Sea	6
55	*Orange Avenue*	1775	Morning Side Recovery	12
56	*Orange Avenue*	1965	Solid Landings	6
57	*Orange Avenue Unit A*	2379	Balboa Horizons	Unknown
58	*Orange Avenue Unit B &*	2379	Balboa Horizons	Unknown
59	*Pamela Ln*	2264	The Book House	16
60	*Paularino Ave*	959	Playa House	6
61	*Paularino Avenue*	778	Agape House	6
62	*Placentia Ave., Unit B*	2190		Unknown
63	*Placentia Avenue*	2212 A-D 2218 A-D	Heritage House	Unknown

	Street Name	Street No.	Program Name	Beds
64	*Plumer Street*	697	Pillars Recovery	15
65	*Plumer Street*	697	Solid landings	15
66	*Plumeria Place*	3465	Mainstay Recovery	6
67	*Pomona Avenue*	1827	Clean Path Recovery	13
68	*Pomona Avenue*	2220	Safe Harbor Treatment Center For Women	6
69	*Raleigh Avenue*	2186	Agape House	6
70	*Republic Avenue*	2131	Sam's House	6
71	*San Bernardino*	1589	Ohio House	7
72	*San Bernardino*	1578	Ohio House	8
73	*Sturgeon Dr*	506	Time 2 Care llc	6
74	*Trinity Drive*	3066	Camilla's Recovery	6
75	*Valencia Street*	1009	Morning Side	24
76	*Velasco Lane*	2866	Easy Way Out LLC	Unknown
77	*Victoria St.*	357	Windward Way	Unknown
78	*Victoria St.*	351	Windward Way	Unknown
79	*Victoria Street*	310	Sober Partners	24
80	*Victoria Street*	310	Sober Partners Project	Unknown
81	*Virginia Place*	132	Sober Living House	6
82	*W. Bay Street*	431	California Prime Recovery	Unknown
83	*Walnut*	271	Solid Landings	6

ARIOS, JUSTIN

From: Keith Randle <kbrandle@yahoo.com>
Sent: Monday, September 20, 2021 1:53 PM
To: shannan.west@hcd.ca.gov; marisa.prasse@hcd.ca.gov; robin.huntley@hcd.ca.gov; compliancereview@hcd.ca.gov; Garrett M. Prybylo; Isaac R. Zfaty; Housing Element; MHAssistance@hcd.ca.gov; MRLComplaint@hcd.ca.gov; Keith Randle
Subject: Formal Complaint of Discrimination by the City of Costa Mesa California Code 65000 et,al.
Attachments: HCD Discrimination Complaint City of Costa Mesa _000163.pdf; HCD letter to City of Anaheim_ 000165.pdf; HCD City of Costa Mesa Resolution NO 18-16_000157.pdf; HCD City of Costa Mesa Conditionals of approval_000158.pdf; HCD City of Costa Mesa Letter dasted July 20 2018 from Sheri Vander Dussen_000159.pdf; HCD City of Costa Mesa Letter dasted August 7th From Fidel Gamboa with operatort permit application_000160.pdf; HCD City of Costa Mesa Letter datted September 9, 2021 from Sheri Vander Dussen re operators permitt_000162.pdf

0Shannan
I am sending this formal compliant (attached) against the City of Costa Mesa. The City is violating California Code 65000 et.al, including 65008, 65580 and 65585
Time is of the essence. I ask you to review the attachments and that you send a cease and desist letter, similar to the one you sent to the cities of Anaheim (attached) and Encinitas earlier this year. I also request that you put a halt to the issuing of Costa Mesa's Housing Element.
I will also send you a hard copy to you at:
2020 W El Camino Ave, Suite 500 Sacramento Ca. 95833. If you have a different mailing address let me know.
Please acknowledge receipt of this email to kbrandle@yahoo.com
I appreciate you looking into this matter.
Keith Randle
http://www.summitcoastalliving.com
949 689-8880
2100 Highland Drive
Newport Beach Ca 92660

There are 7 attachments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

Summit Coastal Living

a sober community of living

September 20, 2021

Shannan West,

Land Use and Planning Unit Chief

Department of Housing and Community Development

2020 W El Camino Ave, Suite 500

Sacramento, CA 95833

Dear Shanna West,

I am writing you to report a violation of California's Planning and Zoning Law (Gov.Code 65000 et al) by the City of Costa Mesa. I own and operate sober living homes, located in Costa Mesa, CA. Both of the locations have approved conditional use permits. Both are similar in lot and livable square footage. Both have been approved by the city, with conditions that violate California's Planning and Zoning Law, specifically Gov. Code 65000 et.al. The property at 2041 Tustin Avenue, Costa Mesa, has conditions that are more discriminatory than the property at 165 East Wilson Street, also in Costa Mesa. I feel my property rights have been violated.

I went through a long process to be compliant with the City of Costa Mesa **(Ordinance PA-16-04)**, including multiple planning commission hearings, and appeals to the city council on the property I own at 2041 Tustin Ave, Costa Mesa. It is a legal triplex comprising of a 3 bedroom and 2, 2-bedroom apartments. A total of 7 bedrooms.

I have attached a copy of the conditions of approval for 2041 Tustin Ave, Costa Mesa, CA.

Although all of the 30 conditions treat me differently than my neighbors, I am most concerned about the following 6 conditions outlined in the **Condition of Approval Exhibit B Resolution No 18-16 pages 8-12,** which are highly discriminatory; they also violate the City's Housing element in effect at the time of approval, and I believe Fair Housing Laws.

Condition 2: ***The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager***. My neighbors, who have the same triplex units as I do, have no such restrictions placed on them and have the same number of residents as I do in some of the units. I have had 13 residents in the three unit since October, 2013. Additionally the number of residents residing in each of the three units at the property are less than the number allowed pursuant to the city of Costa Mesa's housing element.

Keith Randle
2041 Tustin Avenue, Suite A
Costa Mesa, CA 92627

949-689-8880
800-698-0835
keith@summitcoastalliving.com

Condition 7. ***All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and /or on the street withing 500 feet of the property***. No residential property owner in Costa Mesa has such restrictions.

Condition 15: ***The applicant shall provide neighbors with the telephone number of the on-site manager or property owner, for the purpose of allowing the neighbors to lodge complaints or describe concerns about the operation of the property***. My neighbors are not required to give me their names and numbers. This is a leading statement encouraging neighbors to file complaints. By the way I have never had a complaint filed with the city or its services since operation began in 2013.

Condition 17. ***The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property.*** Again, none of my neighbors and/or property owners in Costa Mesa have this condition on their property.

Condition 27. ***All parking spaces, including those within garages shall remain free and accessible for parking of vehicles. 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.*** Again, my neighbors do not have this condition placed on their properties. My neighbors' garages are all used for personal storage. The majority do not park in their garages.

And the most discriminatory condition of all:

Condition 29. ***No more than two residents living in the facility at any one time shall have a domicile outside the state of California.*** This condition is violation of Federal and State housing Laws. I am a real estate Broker in the State of California. If I were to enforce such a condition I would be in violation of discrimination and my broker's license could be revoked and subject to litigation, not to mention my loss of livelihood for me and my family.

I am appealing to you to submit a similar letter to the City of Costa Mesa as you have this year to the Cities of Anaheim (attached) and Encinitas.

The City, like others in the area, are going through the "Housing Element" approval process. I do not see how Costa Mesa's housing element can be approved by the State when they have not been adhering to their current housing element and State laws, not to mention being in the process of renewing their Housing element. **The City of Costa Mesa is discriminating against me and my residents and treating me differently than my neighbors a violation of California's Planning and Zoning Law (Gov.Code Section 65000 et.al) prohibits jurisdictions from engaging in discriminatory land use and planning activities. Specifically, Government Code Section 65008**

I need help ASAP. There is a housing shortage and a high degree of homelessness in the state. I offer a safe and sober environment for people in recovery to better their lives.

Please direct any communication to me via email, kbrandle@yahoo.com and / or my mailing address 2100 Highland Drive, Newport Beach CA, 92660.

Please call me to discuss as time is of the essence. 949 689-8880

With kind regards,



Keith Randle

Summit Coastal Living

www.summitcoastalliving.com

Cc Marisa Prasse, Robin Huntley, Garrett Prybylo, Isaac Zafaty, Keith Randle

compliancereview@hcd.ca.gov

housing-element@costamesaca.gov

Attachments:

State of California Department of Housing letter from Shannan West to Niki Wetzel, Deputy Director City of Anaheim dated May 3 2021.

City of Costa Mesa Resolution No.18-16 pages 1-7.

City of Costa Mesa Exhibit B : Conditions of Approval pages 8-12.

City of Costa Mesa letter to Keith Randle Subject Conditional Use Permit dated July 20,2018.

Email From Fidel Gamboa, City of Costa Mesa Community improvement manager.

City of Costa Mesa Letter from Sheri Vanderdussen to Keith randle Date September 9th 2021.

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
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May 3, 2021

Niki Wetzel, Deputy Director
Planning and Services Division
Planning and Building Department
City of Anaheim
200 S. Anaheim Boulevard, Suite 162
Anaheim, CA 92805

RE: City of Anaheim Approach to Community Care Facilities and Sober Living Homes – Letter of Technical Assistance

Dear Niki Wetzel:

The California Department of Housing and Community Development (HCD) has reviewed the City of Anaheim's (City's) land-use regulations set out in Municipal Code sections 18.16.058 (Community Care Facilities-Unlicensed (Small) and Sober Living Homes (Small)) and 18.38.123 (Community Care Facilities-Unlicensed and Sober Living Homes) (Municipal Code) as well as the City's proposed Zoning Code Amendment 2021-00176 (DEV2021-00027) (Zoning Code Amendment) pursuant to Government Code sections 65585 and 65008, the latter of which prohibits discrimination in land use.

In support of its review, HCD held a call with City staff on March 23, 2021, to discuss HCD's concerns that the City's Municipal Code and its proposed Zoning Code Amendment potentially conflict with statutory prohibitions on discrimination in land use (Gov. Code, § 65580) by imposing separate, more onerous requirements on housing for a protected class, limiting the use and enjoyment of their homes, and jeopardizing the financial feasibility of group homes, which the City refers to as "community care facilities-unlicensed" and "sober living homes." During the call, City staff requested a letter of technical assistance to assist and inform its City Council regarding the potential impacts their decisions have surrounding these issues. HCD provides the following technical assistance pursuant to that request.

Background Information: California's Planning and Zoning Law Prohibits Discrimination.

California's Planning and Zoning Law (Gov. Code, § 65000 et al.) prohibits jurisdictions from engaging in discriminatory land use and planning activities. Specifically, Government Code section 65008, subdivision (a), deems any action taken by a city or

county to be null and void if such action denies to an individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in the state due to illegal discrimination. Under the law, it is illegal to discriminate based on protected class such as race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability (including individuals in recovery for drug or alcohol abuse, whether or not they are actively seeking recovery assistance), veteran or military status, or genetic information.

The law further recites multiple categories of actions that are determined to be discriminatory, including:

- Enactment or administration of ordinances pursuant to any law that prohibits or discriminates against a protected class (Gov. Code, § 65008, subd. (b)(1)(B));

- Enactment or administration of ordinances pursuant to any law that prohibits or discriminates against residential developments because they are "intended for occupancy by persons and families of very low, low, or moderate income, ... or persons and families of middle income" (Gov. Code, § 65008, subds. (a)(3) and (b)(1)(C)); and

- Imposition of different requirements on a residential use by a protected class or by persons of very low, low, moderate, or middle income, other than those generally imposed upon other residential uses. (Gov. Code, § 65008, subd. (d)(2)(A).)

Proposed Zoning Code Amendment 2021-00176 (DEV2021-00027) Potentially Discriminates

Recitals in the draft Ordinance for Zoning Code Amendment 2021-00176 include statements that are potentially concerning. The recital notes "continuous resident complaints regarding quasi-residential facilities expressing concerns such as overcrowding, parking, noise, and loitering"; the need to "preserve the character of single-family residential neighborhoods"; and the desire to "provide an accommodation for disabled persons that is reasonable and actually bears some resemblance to the opportunities afforded non-disabled individuals". The proposed solution to these recited concerns is to regulate Community Care Facilities-Unlicensed and Sober Living Homes, and to require additional distancing requirements between Community Care Facilities-Unlicensed and Sober Living Homes as well as impose additional distancing requirements from residential uses that are deemed "quasi-residential". The City considers the following residential uses to be quasi-residential:

- Community Care Facilities, regardless of size, both licensed and unlicensed
- Sober Living Homes, regardless of size
- Senior Living Facilities, regardless of size
- Transitional Housing (Large)

- Supportive Housing (Large)
- Short-Term Rental Units (although these are not the subject of these regulations, their impacts are cited as part of the justification for these regulations).

The proposed Zoning Code Amendment is problematic for the following reasons:

1) These restrictions lump together various living arrangements for regulation, such as large, licensed community care facilities, with residential homes occupied by individuals or groups of individuals, based only on protected characteristic without explanation, analysis, or data to justify doing so. In fact, the only characteristic that they appear to have in common is that they are occupied by persons with disabilities, a fact that is concerning.

2) There are no similar restrictions on non-disabled persons. (Gov. Code, § 65008, subd. (d)(2)(A).)

3) Regulation of cars, traffic, noise, loitering, and overcrowding can be administered directly through the City's existing laws. This approach applies universally and does not discriminate against persons with disabilities or persons or families with very low, low, moderate, or middle household incomes.
    a. Population density can be regulated by reference to floor space and facilities.
    b. Noise and morality can be regulated by enforcement of police power ordinances and criminal statutes.
    c. Traffic and parking can be regulated by limitations on the number of cars (and applied evenly to all households) and by off-street parking requirements.[1]

4) Citywide implementation of distancing requirements threatens the capacity to facilitate a sufficient number of facilities to meet the special needs of the City's residents who require residing in Community Care Facilities and Sober Living Homes.

    Existing requirements for Sober Living and Community Care Facilities severely restrict the sites in which they can be located. However, Community Care Facilities may not be located within 300 feet of another Community Care Facility or 800 feet of a Sober Living Home. Sober Living Homes may not be located within 800 feet of another Sober Living Home. (Municipal Code § 18.38.123.020.0205.) Proposed amendments would further, substantially restrict the locations for such residences. In particular, it would extend these kinds of restrictions to preclude Sober Living and Community Care Facilities near senior living facilities, transitional housing, supportive housing, and short-term rentals.

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[1] As the Supreme Court explained in *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123, 133: "In general, zoning ordinances are much less suspect when they focus on the use than when they command inquiry into who are the users."

The draft Zoning Code Amendment cites records from the California Department of Social Services dated May 28, 2020, that "show more than 100 state-licensed community care facilities for adults and the elderly are located in the City and that the City is home to 15 licensed and/or certified alcoholism and drug abuse recovery or treatment facilities providing 205 beds." Since Anaheim's population is roughly 350,000 persons, and the City's housing element cites 26,240 persons with disabilities currently residing in the City (2011 ACS, S1810), existing facilities appear to fall short of meeting the need. The Zoning Code Amendment creates additional barriers for persons with disabilities to obtain housing.

The City should treat Group Homes as comparable to any other residence to satisfy the goal to accommodate and integrate persons with disabilities in all communities. The proposed Zoning Code Amendment is an excessive regulation that fails to achieve the expressed intent of "restrict[ing] residential zones to specified types of uses deemed compatible" or "preserv[ing] the character of single-family residential neighborhoods".

5) Transitional and supportive housing regardless of size are by law "residential uses," not quasi-residential, and may only be subject to the restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) Under state law, for instance, if the transitional or supportive housing is located in a single-family home, the city cannot require a use permit for the transitional or supportive housing unless it also generally requires a use permit for all other single-family homes. Likewise, unless all single-family homes are subject to an operator's permit, such a permit cannot be required for transitional and supportive housing.[2]

6) Community Care Facilities and Sober Living Homes with current distancing less than the proposed requirement are "grandfathered in" only under limited circumstances.

7) Under certain circumstances, the grandfathered distancing exemption can be revoked, thus reducing the City's ability to provide much needed housing and undermining the purpose of grandfathering.

8) Persons residing in Community Care Facilities and Sober Living Homes are disabled and generally lower income. Implementing constraints to providing these types of housing opportunities could have the effect of increasing the City's homeless population and thwarting efforts to house the homeless.

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[2] Note that some Community Care Facilities, Sober Living Homes, and Senior Living Facilities may also qualify as Transitional or Supportive Housing. The City's ordinance should recognize this and acknowledge that when they do so, the rules for transitional and supportive housing would control under Government Code section 65583.

9) The City's obligation is to provide equal opportunities in housing to persons with disabilities as are provided to those without disabilities, not to merely provide opportunities that "bear some resemblance" to the opportunities offered to non-disabled persons. (Gov. Code, § 65008, subd. (d)(2)(A).)

Existing Municipal Code Sections 18.16.058 and 18.38.123 Potentially Discriminate

HCD is concerned about Municipal Code sections 18.16.058 and 18.38.123. Although the requirements seek to address the "adverse impacts" of various group homes arrangements, these kinds of ordinances—calling out protected classes for specific regulatory action based on concerns of this nature—can result in significant barriers to housing for persons with disabilities in a way that a more generalized regulatory response, targeting actions or impacts rather than persons, would not.[3]

Existing Municipal Code is problematic for the following reasons:

1) *Municipal Code requires a discriminatory permitting process for Community Care Facilities and Sober Living Homes. (Municipal Code section 18.16.058)*

   The Municipal Code requires an onerous permit and registration process for Community Care Homes and Sober Living Homes—including registration with the Orange County Sherriff's Department and compliance with "certification" guidelines crafted for those who are being monitored through the criminal justice system. This onerous and intrusive permit process is not applied in a non-discriminatory manner to all residential uses, and, as such, is a violation of Government Code section 65008, subdivision (d)(2). The City should treat Community Care Facilities and Sober Living Homes as comparable to any other residence to satisfy the goal to accommodate and integrate persons with disabilities in all communities. The Fair Housing Act (FHA) also prohibits the enforcement of zoning ordinances and local housing policies in a manner that denies people with disabilities access to housing on par with that of those who are not disabled.[4] Government Code section 65008, subdivision (d)(2)(A), prohibits imposition of different requirements on a residence intended for occupancy by a protected class or by persons of very low, low, moderate, or middle income, other than those generally imposed upon other residences.

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[3] See, e.g., Brian J. Connolly and Dwight H. Merrian, Planning and Zoning for Group Homes: Local Government Obligations.

[4] See, e.g., United States Department of Justice and United States Department of Housing and Urban Development, Joint Statement: Local Land Use Laws and Practices and the Application of the Fair Housing Act (November 10, 2016) ("Joint Statement"), p. 4 ("A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Fair Housing Act because it treats persons with disabilities differently based on their disability"); see also *Oconomowoc Residential Programs, Inc. v. City of Milwaukee* (7th Cir. 2002) 300 F.3d 775, 783.

2) *The Municipal Code applies to both existing and future Community Care Facilities and Sober Living Homes. (Municipal Code section 18.16.058.040.090)*

The Municipal Code requires facilities existing prior to the effective date of regulations to apply for the Operator's Registration or Operator's Permit within 180 days of the effective date of the regulations. It is questionable whether the retroactive application of the ordinance in this manner is constitutional. The courts have instructed, "If the law effects an unreasonable, oppressive, or unwarranted interference with an existing use, or a planned use for which a substantial investment in development costs has been made, the ordinance may be invalid as applied to that property unless compensation is paid"[5] and "The rights of users of property as those rights existed at the time of adoption of a zoning ordinance are well recognized and have always been protected."[6] For this reason, zoning ordinances typically exempt existing uses from new zoning regulations.

3) *The Municipal Code requires a 24-hour house manager. (Municipal Code section 18.38.123.020.0203)*

The Municipal Code requires Community Care Facilities and Sober Living Homes to have a house manager reside on site or any number of persons acting as a house manager who are present at the facility on a 24-hour basis or who will be available 24-hours per day, seven days per week to physically respond within 45 minutes. Residents are frequently persons of very low- or low-income and are disabled. The house manager requirement creates a financial hardship on the residents as the additional costs create an additional expense for the residents.

The requirement to have a house manager effectively mandates an "institutional" arrangement that is not "on par with" housing policies for those who are not disabled in conflict with the FHA.[7] It is hugely intrusive in that it interferes with the residents' freedom to live with persons of their choice, and adds significant additional expense, both problematic under notions of fair housing. (Gov. Code, § 65008.)

4) *The Municipal Code limits occupancy to residents who are handicapped. (Municipal Code section 18.16.058.040.0401.02)*

Under the Municipal Code, an Operator's Registration and an Operator's Permit application shall be denied or revoked for multiple reasons, including accepting residents, other than a housing manager or staff, who are not handicapped as defined in the FHA and FEHA.

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[5] *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 551-552.
[6] *Edmonds v. Los Angeles County* (1953) 40 Cal.2d 642, 651.
[7] *Oconomowoc Residential Programs, supra,* 300 F.3d at p. 783.

In limiting residence in this way, the Municipal Code impermissibly discriminates on the bases of familial status. (See Gov. Code, § 12955, subd. (l).) The Municipal Code prohibits any residents that are not "handicapped," which means that Community Care Facilities and Sober Living Homes designed for families are effectively prohibited in the City because these requirements would prevent families, including non-disabled spouses and small children, from residing in the residence. In the context of a Sober Living Home, this prohibition would also effectively preclude sober living arrangements for nursing mothers, mothers of infants or small children, and parents endeavoring to reunify with children after recovery. This restriction effectively mandates an "institutional" arrangement that is not "on par with" housing policies for those who are not disabled in conflict with the FHA.[8]

5) *Sober Living Homes require residents to be actively participating in legitimate recovery program. (Municipal Code sections 18.16.058.040.0401.04 and 18.38.123.020.0210.01)*

The Municipal Code contains a requirement for active participation of all residents in a legitimate recovery program located off-site and cites an Operator's Registration and an Operator's Permit application shall be denied or revoked for failing to take measures to remove any resident of a Sober Living Home who is not actively participating in a legitimate recovery program from contact with all other sober residents.

Disability rights laws apply not only to individuals with histories of drug addiction or alcoholism who are currently participating in recovery programs, but also those who have completed those programs or who are "erroneously regarded as using drugs when in fact they are not."[9] Additionally, state or local zoning and land use ordinances may not, consistent with the FHA, require individuals with disabilities to receive medical, support, or other services or supervision that they do not need or want as a condition for allowing a group home to operate.[10]

By precluding persons who are not currently participating in established recovery programs, the Municipal Code discriminates based upon disability. Further, the enforcement of such a provision may unconstitutionally intrude into the privacy interests of disabled persons if it forces residents to provide records to the City as part of its land-use enforcement efforts.[11]

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[8] *Oconomowoc Residential Programs, supra,* 300 F.3d at p. 783.
[9] *Hernandez v. Hughes Missile System Co.* (9th Cir. 2004) 362 F.3d 564, 568.
[10] Joint Statement, supra note 4, p. 13.
[11] See, e.g., Cal. Const. art. 1,§ 1.

6) *Other regulations imposing different requirements on Community Care Facilities and Sober Living Homes than are imposed on other residential uses.*

- All facilities shall have a good neighbor policy, which directs residents to be considerate of neighbors, including refraining from engaging in excessively loud, profane, or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. (Municipal Code § 18.38.123.020.0209.03)
- All garages, driveways, and/or assigned parking spaces associated with the facility shall be available for the parking of vehicles at all times. (Municipal Code § 18.38.123.020.0204.01)
- The facility shall not be located in an Accessory Dwelling Unit unless the primary dwelling unit is used for the same purpose. Residents of all units on a parcel will be combined to determine the total number of residents. (Municipal Code § 18.38.123.0201 and 0202)
- Existing, as well as proposed separation requirements. Existing requirements state Sober Living Homes shall not be located within 800 feet of other Sober Living Homes or Alcoholism or Drug Abuse Recovery or Treatment Facilities. Proposed amendments are address earlier in this correspondence. (Municipal Code § 18.38.123.020.0205)

None of the requirements outlined above apply universally to all residential uses in the City. The requirements were crafted explicitly to target a specific population—persons with disabilities and most likely persons with low-incomes. These populations are legally protected from such actions.

7) *Other regulations imposing different requirements on Sober Living Homes than are imposed on other residential uses.*

- A Sober Living Home shall have a visitation policy that precludes any visitors who are under the influence of any drug or alcohol. (Municipal Code § 18.38.123.020.0210.02)
- A Sober Living Home shall have a controlled substance policy, which, at a minimum, states the prohibition of the use of any alcohol or any non-prescription drugs at the facility or by any resident either on- or off-site. (Municipal Code § 18.38.123.020.0210.03)

None of the requirements outlined above apply universally to all residential uses in the City. The requirements were crafted explicitly to target a specific population – persons with disabilities and most likely persons with low-incomes. These populations are legally protected from such actions.

Community Care Facilities and Sober Living Home requirements may conflict with housing element policies and programs

HCD reminds the City that its decisions and actions must align with, and not contradict, the policies, principles, and strategies included in its current 5th cycle housing element. Community Care Facilities and Sober Living Home requirements may conflict with or fail to implement multiple provisions of the City's general plan housing element, including:

- Policy Consideration 5.0: Affordable Housing Opportunities for Anaheim Residents
- Policy Consideration 7.0: Housing Availability and Affordability
- Guiding Principle B: The availability of a range of housing choices for a variety of incomes in Anaheim contributes to a balanced community and community investment.
- Guiding Principle C: Persons with special housing needs should have access to a variety of housing choices that are integrated within the community.
- Housing Production Strategy 1D: Encourage the Development of Housing for Extremely-Low-Income Households
- Housing Production Strategy 1E: Encourage the Development of Housing for Special Needs Households
- Housing Quality and Design Strategy 3B: Monitoring of Adopted Reasonable Accommodation Procedures
- Affordable Housing Opportunity Strategy 5A: Local Support of Regional Fair Housing Efforts

Additionally, HCD reminds the City that its housing element update for the 6th cycle planning period is due October 15, 2021. While multiple laws require the element to analyze and include programs to mitigate potential governmental constraints, including constraints for persons with disabilities (Gov. Code § 65583, subds. (c)(3), (c)(5), (a)(5), and (a)(7)), new requirements surrounding the City's obligation to affirmatively further fair housing (Gov. Code § 65583, subd. (c)(10)) also apply. Implementation of discriminatory regulations not only violates Housing Element Law, it fails to allow the City to meet its obligation to affirmatively further fair housing pursuant to Government Code section 8899.50.

Conclusion

HCD reminds the City that California is experiencing a severe housing crisis and the availability of housing affordable to all income levels is of vital statewide importance. (Gov. Code § 65580.)

HCD has reviewed the City's municipal code and proposed amendments under Government Code section 65585. HCD's authority pursuant to Government Code

section 65585 extends to statutory prohibitions on discrimination in land use (Gov. Code, § 65008). HCD has found that the City's municipal code potentially discriminates against persons in protected classes and that adoption of Zoning Code Amendment No. 2021-00176 (DEV2021-0027) would amplify HCD's concerns. HCD recommends the City reject the Zoning Code Amendment and amend its current municipal code to ensure it adheres to the nondiscrimination requirements in Government Code section 65008.

Thank you for reaching out to HCD for this guidance. For technical assistance regarding the City's 6th cycle housing element update, please contact Marisa Prasse at Marisa.Prasse@hcd.ca.gov. If you have any questions or would like to discuss the content of this letter, please contact Robin Huntley at Robin.Huntley@hcd.ca.gov.

Sincerely,

Shannan West
Land Use & Planning Unit Chief

RESOLUTION NO. 18-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING THE DECISION OF THE PLANNING COMMISSION AND APPROVING CONDITIONAL USE PERMIT PA-16-04 FOR A SOBER LIVING FACILITY OPERATED BY SUMMIT COASTAL LIVING HOUSING NINE OCCUPANTS (INCLUDING ONE LIVE-IN HOUSE MANAGER) WITHIN THREE EXISTING UNITS AT 2041 TUSTIN STREET

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Summit Coastal Living with respect to the real property located at 2041 Tustin Avenue; and

WHEREAS, the application submitted to the City consists of a Conditional Use Permit to allow the subject sober living facility to serve up to 12 residents and one house manager within three existing units; 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, 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, 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 sober living homes in close proximity to each other does not provide disabled persons, as defined in state and federal law, with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide

relief from for the disabled, and which no reasonable person could contend provides a life in a normal residential surrounding; 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 sober living homes within the City and still result in preferential treatment for sober living homes 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 project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and has been found to be categorically exempt from CEQA under Section 15301 (Existing Facilities); and

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

WHEREAS, the conditional use permit application was processed in the time and manner prescribed by federal, state and local laws; and

WHEREAS, on August 28, 2017 the Planning Commission conducted a duly noticed public hearing, at which time interested persons had an opportunity to testify either in support of or in opposition to the application, and determined by a 4-1 vote to deny the Application; and

WHEREAS, the Planning Commission voted 5-0 at its meeting of September 11, 2017, to adopt Resolution PC-17-32 denying this application; and

WHEREAS, the Applicant appealed the decision of the Planning Commission in a timely manner; and

WHEREAS, a duly noticed public hearing was held by the City Council on March 20, 2018, with all persons having the opportunity to speak for and against the proposal, at which time the Council voted 3-2 to approve the Application; and

WHEREAS, at the public hearing held by the City Council on March 20, 2018, the applicant expressly agreed to be bound by all of the conditions of approval set forth herein, including, but not limited to numbers 17, 28, 29 and 30 as set forth in Exhibit B hereto; and

WHEREAS, the resolution memorializing the City Council's decision on March 20, 2018 to approve the application was placed on the agenda for City Council meeting of April 3, 2018; and

WHEREAS, at its meeting of April 3, 2018, based on issues raised during public testimony, the City Council directed that a new public hearing should be held by the City Council to determine if the application should be approved or denied; and

WHEREAS, a duly noticed public hearing was held by the City Council on June 5, 2018, with all persons having the opportunity to speak for and against the proposal.

BE IT RESOLVED, therefore, that based on the evidence in the record, the applicant's agreement to be bound by the conditions of approval and the findings contained in this resolution, the City Council hereby **REVERSES THE PLANNING'S COMMISSION'S DENIAL** and **APPROVES** Conditional Use Permit PA-16-04.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents 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 5th day of June, 2018.

Sandra L. Genis, Mayor

ATTEST:

Brenda Green, City Clerk

APPROVED AS TO FORM:

Thomas Duarte, 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. 18-16 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 5th day of June, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: Righeimer, Stephens, Mansoor, and Genis.

NOES: COUNCIL MEMBERS: Foley

ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 6th day of June, 2018.

Brenda Green, City Clerk

EXHIBIT A

FINDINGS (APPROVAL)

A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

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 Findings: A sober living home is a supportive living environment for persons who are recovering from drug and/or alcohol addiction. The subject property is not within 650 feet of any other sober living home or state licensed drug and alcohol facility that is currently permitted pursuant to City of Costa Mesa land use requirements. This separation distance helps to preserve the residential character of neighborhoods and facilitates General Plan Land Use Element Goal LU-1F.1 and Housing Element Goal HOU-1.2 in that it protects existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. The configuration of the buildings and the site's proximity to an alley on the easterly property line help minimize potential impacts.

The sober living home has operated at this location for more than five years. During that time, the City has received no complaints regarding the operation of the facility from surrounding residents. The facility has generated few requests for emergency services, and no requests for Code Enforcement action. The property is well maintained. The applicant has operated this facility in a manner that does not conflict with the residential character of the neighborhood. There is adequate space to accommodate vehicles belonging to the occupants on the driveway and on the street.

Finding: Granting the 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 Findings: As part of the application process, the sober living operator was required to Live Scan all owners/operators who have contact with residents and house managers. Additionally, the sober living operator submitted a copy of the House Rules, Relapse Policy and all forms distributed to residents. These documents demonstrate that the facility will be operated in a manner consistent with the provisions of the Costa Mesa Municipal Code. There have not been any code enforcement complaints since Summit Coast Living began operating at the property more than five years ago. Further, the facility has not generated an extraordinary number of calls for emergency services which would place an unreasonable burden on City services.

The Costa Mesa Municipal Code and the conditions of approval require the owner to operate the facility in a manner that will allow the quiet enjoyment of the surrounding neighborhood. Existing mature landscaping, fences and an adjacent alley provide a buffer from adjacent properties and the adjoining street and sidewalk, helping to minimize impacts to the surrounding neighborhood. The owner will provide his name and phone number to neighbors so they may contact him if there are any concerns regarding operation of the facility. The sober living home is subject to a City inspection of the interior and/or exterior of the facility to verify that the approved use has not been altered and that the property complies with all applicable code(s) upon 24-hour written notice.

The operator is an active member of The Sober Living Network, a non-profit organization that sets the most comprehensive standards for sober living homes in the nation. This organization conducts annual inspections to insure member facilities are in compliance. The standards promulgated by this organization can be found at www.soberhousing.net. These standards reinforce the City's regulations.

The facility will house up to eight residents and one house manager (as conditioned) in three existing units. Combined, these units feature seven bedrooms and four bathrooms. There are also three kitchens, three indoor living areas, and distinct outdoor living areas. The project provides seven parking spaces, and there are additional parking spaces available in the driveway should they be needed by residents. The proposed occupancy of the facility is reasonable. The owner has demonstrated an ability to operate the facility in a manner that is compatible with the neighborhood.

Finding: Granting the 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 Findings: The use is consistent with Housing Element Goal HOU-1.8 of the General Plan, which encourages the development of housing that fulfills specialized needs by providing living opportunities for disabled individuals. The facility provides an accommodation for the disabled that is reasonable and actually resembles the opportunities afforded non-disabled individuals to use and enjoy a dwelling unit in a residential neighborhood. The facility offers a comfortable living environment that will enhance opportunities for the disabled, including recovering addicts, to be successful in their programs.

The subject property contains three existing units on a legal non-conforming site. The proposed use is consistent with the general plan designation.

B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. The project is categorically exempt from the provisions of the California Environmental Quality Act (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 of the Costa Mesa Municipal Code.

2. The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.

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 on January 4, 2016, and these 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 Improvement Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or 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. Applicant shall defend, with the attorney of City choosing, and shall indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval.

5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Saturday).

6. The project is subject to compliance with all applicable federal, state, and local laws.

7. All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and/or on the street within 500 feet of the property.

8. 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.

9. The property shall be maintained in accordance with landscape maintenance requirements contained in Costa Mesa Municipal Code Section 13-108.

10. Each dwelling unit shall be limited to one mailbox and one meter for each utility.

11. 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.

12. If any building alterations are proposed, the applicant shall comply with requirements of the California Building Code as to design and construction.

13. 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 the Permit.

14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

15. The 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.

16. 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.

CID 17. The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property, including, but not limited to those subject to Health & Safety Code section 11590 et seq. (Registration of Controlled Substance Offenders) and/or Penal Code section 290 et seq. (Sex Offender Registration Act).

18. The applicant shall comply with any and all water conservations measures adopted by the Mesa Water District that apply to multi-family residences and/or properties.

19. The applicant shall post a copy of the Good Neighbor Policy in at least one highly visible location inside each unit and in at least one highly visible location in all side and rear yards.

20. The applicant shall ensure that no trash and debris generated by tenants is deposited onto the City's rights of way pursuant to Section 8-32 of the Costa Mesa Municipal Code.

21. All drivers of vehicles at the group home shall comply with all applicable provisions of the Vehicle Code, including but not limited to those provisions regulating licensure, parking, standing and stopping.

22. The applicant shall comply with reservation procedures implemented by the City's Parks and Community Services Department to reserve park shelters or picnic areas for special events.

23. 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.

24. At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in this group home, the operator thereof shall:

    a. Notify the person designated as the occupant's emergency contact or contact of record that the occupant is no longer a resident at the home;
    b. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including but not limited to, alcohol and drug inpatient and outpatient treatment;
    c. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
    d. Provide the information obtained from b. and c. and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;

    If the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the Operator's Permit for this facility, the operator shall comply with this condition prior to evicting the resident.

25. Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home. Should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant. The group home operator may not satisfy this obligation by providing remuneration to the occupant for the cost of transportation.

26. The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with Conditions 24 and 25; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information.

27. All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. 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.

28. An authorized representative(s) of the City shall be allowed to inspect the interior and exterior of the property during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Friday) provided the operator has received notice of said inspection at least 24 hours in advance.

29. No more than two residents living in the facility at any one time shall have a domicile outside the State of California.

30. This Conditional Use Permit shall expire and become null and void if the property is sold, transferred or the ownership, control and/or operation of the property otherwise changes in any manner whatsoever from that set forth in application number PA-16-04.

CODE REQUIREMENTS

Ping. 1. The use shall comply with all requirements of Chapter XVI of the Costa Mesa Municipal Code relating to development standards for sober living homes in multi-family residential zones.

Bldg. 2. Prior to making alterations to the property and throughout construction, the applicant shall comply with the requirements of the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and California Energy Code and the California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.

CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 20, 2018

Keith Randle
Summit Coastal Living
2100 Highland Dr.
Newport Beach, CA 92660

Subject: Conditional Use Permit PA-16-04 for 2041 Tustin Avenue, Costa Mesa

Dear Mr. Randle:

At its meeting of June 5, 2018, the Costa Mesa City Council adopted Resolution No. 18-16 approving Conditional Use Permit PA-16-04. A copy of this resolution is enclosed for reference. This resolution contains numerous conditions of approval. Condition No. 1 requires you to obtain an Operator's Permit and maintain that permit in good standing. Two conditions were to be satisfied within 30 days of approval (by July 5, 2018):

13. 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 the Permit.

14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

On July 2, 2018, you submitted a request via e-mail to extend the timeframe to comply with these conditions by 30 days. On July 3, 2018, after consulting with City staff, I sent an e-mail granting an extension of ten days to satisfy these conditions. Compliance with these conditions of approval was required by July 16, 2018.

To date, the City has not received any evidence that you have satisfied these conditions of approval. Please contact Jennifer Le, Assistant Director of Development Services, by Monday, July 30, 2018 regarding your intent to implement this conditional use permit. You may reach Ms. Le at 949-754-5617 or via e-mail at jennifer.le@costamesaca.gov. Please be advised that failure to comply with these conditions of approval within the specified timeframe may result in revocation of this Conditional Use Permit. The City may also initiate actions to close this sober living facility if it continues to operate without required city approvals.

Sincerely,

Sheri Vander Dussen

Sheri Vander Dussen, AICP
Consultant to the City of Costa Mesa

Enclosure: Resolution No. 18-16

C: Jennifer Le, Assistant Director of Development Services
Fidel Gamboa, Community Improvement Manager
File: PA-16-04

VANDER DUSSEN, SHERI

From: GAMBOA, FIDEL
Sent: Tuesday, August 7, 2018 2:07 PM
To: 'krandle@villarealestate.com'; 'Keith Randle'
Subject: Conditional Use Permit PA-16-04
Attachments: PA-16-04 2041 Tustin.pdf

Keith,

please see the attached notice from Sheri Vander Dussen. We have not heard back from you regarding the remaining to-do items on your Conditional Use permit. Please contact Jennifer Le at (714) 754-5617 regarding your intent to implement conditional use permit #PA-16-04. To setup a fire inspection, please contact Jon Neal at (714) 754- 5049 and to obtain a business license please visit City hall at 77 Fair drive on the 1st floor. If the City does not hear back from you within seven (7) business days, I will have to hand the matter over to code staff for enforcement of City regulations.

Thank you,

FIDEL GAMBOA JR | COMMUNITY IMPROVEMENT MANAGER
City of Costa Mesa | Development Services Department
Phone 714.754.5625 | Fax 714.754.4856

City of Costa Mesa, Development Services Department
77 Fair Drive, P.O. 1200, Costa Mesa, CA 92628-1200
Phone: (714) 754-5245 Fax: (714) 754-4856 www.costamesaca.gov

Zoning
Office to Assign

OPERATOR'S PERMIT APPLICATION (Group Homes with 7 or more occupants)

PART 1 – PROPOSED FACILITY LOCATION

Property Address_____City_____State _____ Zip _____

PART 2 – PROJECT DESCRIPTION [Please check type of permit you are requesting]

☐ **Group Home**
☐ **Sober Living Home**

[Describe your proposed facility and attach detailed description and required submittal information]

_____

_____

_____

_____

_____

_____

PART 3 – FACILITY OWNER/OPERATOR INFORMATION *(CMMC Sec.9-374(a)(1))*

Name of Facility Operator/Owner: *[Individual or corporation]* _____

Phone _____ **Fax** _____

Address _____ **Email**_____

City _____ **State** _____ **Zip Code** _____

Driver's License Number _____ **Type** _____ **State** _____ **Exp. Date** _____

☐ **Supplemental Operator/Owner Information Attached**

* *Provide a complete list of Owners/Corporate Officers including titles and indicate those involved in Group Home Operational Tasks.*

PART 4 – PROPERTY OWNER INFORMATION

PROPERTY ADDRESS: _____ ***APN:*** _____

Property Owner _____ **Phone** _____ **Fax** _____

Address _____ **Email** _____

City _____ **State** _____ **Zip Code** _____

PART 5 – HOUSE MANAGER INFORMATION *(CMMC Sec. 9-374 (a)(2))*

Name of Live-in House Manager _____

Phone _____ **Fax** _____

Address _____ **Email** _____

City _____ **State** _____ **Zip Code** _____

Driver's License Number _____ **Type** _____ **State** _____ **Exp. Date** _____

❑ **Supplemental House Manager Information Attached**

** *Provide a complete list of all House Managers who will be responsible for the Group Home 24-hours/7-days per week.*

PART 6 – REQUIRED DOCUMENTS

Application must provide the following attachments:

1. Copy of the Group Home Rules & Regulations *(CMMC Sec. 9-374 (a)(3))*
2. Copy of the Written Intake Procedures *(CMMC Sec. 9-374 (a)(4))*
3. Copy of the Relapse Policy *(CMMC Sec. 9-374 (a)(5))*
4. Blank forms that all residents and potential residents are required to complete. *(CMMC Sec. 9-374 (a)(7))*
5. Copy of Conditional Use Permit *(CMMC Sec 13-323)*

PART 7 – REASONABLE ACCOMMODATION REQUEST *(CMMC Sec. 9-374 (c))*

Are you requesting Reasonable Accommodation?*

❑ **Yes**

❑ **No**

**If you are requesting reasonable accommodation, you must complete Part 10 starting on Page 4.*

PART 8 - Affirmation

Please read carefully:

I understand that as defined by Title 1 section 1-35(l) that I am deemed the responsible party for any violation(s) of the Costa Mesa Municipal Code that may arise at the proposed facility location.

I also affirm that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home.

I also understand that the operation of this Group Home or Sober Living facility will adhere, unless exempt through a reasonable accommodations approval, to all the requirements listed under section 9-374 (a) and (b) of the CMMC.

I certify that this Group Home or Sober Living facility is not, and will not be, operated as an "integral facility" or an "integral use" as defined in CMMC 13-6.

I declare under PENALITY OF PERJURY under the laws of the State of California that the foregoing statements are true and correct and that any permit issued based on false or misleading statements will be deemed invalid.

Signatures – Property owner and Facility Owner/Operator must both sign.

Facility Owner/Operator

Print Name: _____

Signature: _____ Date: _____

Property Owner

Print Name: _____

Signature: _____ Date: _____

WHEN COMPLETED, PLEASE RETURN ALL COPIES TO PLANNING DIVISION

PART 9 BELOW – "OFFICE USE ONLY"

Date Application Received: _____ By: _____

Date Application Determined Complete: _____ By: _____

Assigned Case No.: _____

Reasonable Accommodation Included?

☐ **Yes**

☐ **No**

CITY OF COSTA MESA
P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

September 9, 2021

Keith Randle
2100 Highland Dr.
Newport Beach, CA 92660

Subject: PA-16-04; Approval of a Purported Sober Living Home at 2041 Tustin Avenue

Dear Keith,

In response to a recent inquiry of yours regarding the Operator's Permit for your facility at 2041 Tustin Avenue, our staff searched City records. As a result, we have determined that the City never did issue an Operator's Permit for this facility.

You may recall that on June 5, 2018, the City Council adopted Resolution No. 18-16 approving your Conditional Use Permit (CUP) application. A copy of this resolution was transmitted to you by the City Clerk on June 15, 2018. The Council reversed a prior decision of the Planning Commission to deny your CUP. Resolution No. 18-16 includes 30 conditions of approval.

During the search for your Operator's Permit, I discovered that I sent you a letter on July 20, 2018 asking you to contact Jennifer Le, then Assistant Director of Development Services, regarding your intent to comply with two conditions of approval that were supposed to be satisfied within 30 days. On August 7, 2018, Fidel Gamboa, Community Improvement Manager, sent an email to you, reminding you of the need to contact Ms. Le regarding compliance with your conditions. The City does not have a record of your response to either of these communications.

After reviewing the City's records, I have determined that the City has no evidence of your compliance with the following conditions of approval:

Condition 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 of the Costa Mesa Municipal Code.

An Operator's Permit was never issued.

Condition 2: The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.

Your application requested approval to serve 13 men, plus one house manager. There is no documentation in the City's records that you reduced the occupancy of this facility.

Condition 13: 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 the permit.

The Fire Department has no record of you requesting this required inspection.

Condition 14: The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

The Finance Department indicates that no business license was ever issued.

Condition 27: All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. 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 automotive parking.

The City's records do not include the required documentation that parking spaces remain free and clear for parking of vehicles associated with the group home.

In order to comply with the terms of the CUP, please take the following steps immediately.

1. Submit a new application for the Operator's Permit. I have attached a copy of the application. A new application will ensure that all information is current since the original application was filed in 2016. (There will be no fee to process this application.) If you believe your current house manager already passed the City's live scan background check, we would be happy to confirm that once the Operator's Permit application has been submitted. Please submit this application directly to me.
2. Contact the Fire Department to schedule the required fire inspection. You may reach our Fire Marshal, Jon Neal, at 714-754-5409.
3. Contact Fidel Gamboa, Community Improvement Manager, at 714-754-5625 to arrange an inspection of the property to confirm that the number of residents and beds has been reduced to eight, as required by the City Council. This inspection will also confirm that all required parking spaces remain accessible for parking.
4. Apply for and obtain a Business License. Please note you will be required to remit back taxes and penalties since you have been operating without a business license for three years.

Condition 23 states, "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." Failure to comply with the steps outlined above within 30 days will result in enforcement action by the City, which may ultimately lead to a public hearing to consider revoking the CUP that allows operation of the group home at this location.

If you have any questions regarding the actions necessary to demonstrate compliance with Resolution No. 18-16, please feel free to contact me at 714-754-5278 or via email at sheri.vanderdussen@costamesaca.gov.

Regards,

Sheri Vander Dussen
Interim Assistant Director

Attachments: Letter dated July 20, 2018 regarding compliance with Resolution No. 18-16
Email dated August 7, 2018, from Fidel Gamboa
Operator's Permit Application

C: Jon Neal, Fire Marshal
Fidel Gamboa, Community Improvement Manager
Tarquin Preziosi, Assistant City Attorney
File: PA-16-04

ARIOS, JUSTIN

From: Keith Randle <kbrandle@yahoo.com>
Sent: Thursday, September 23, 2021 3:44 PM
To: john.buettner@hcd.ca.gov; compliancereview@hcd.ca.gov; Housing Element
Subject: Fw: City of Costa Mesa Discrimination against Sober Hosuing and violation of Housing Element
Attachments: HVD follow up letter to John Bruenner STATE of Ca._000168.pdf

Keith Randle Broker Associate Villa Real Estate 949.689.8880 Cell 949.698.1288 Office krandle@villarealestate.com BRE # 00993898

----- Forwarded Message -----
From: Keith Randle <kbrandle@yahoo.com>
To: john.buettner@hcd.ca.go <john.buettner@hcd.ca.go>; compliancereview@hcd.ca.gov <compliancereview@hcd.ca.gov>; housing-element@costamesaca.gov <housing-element@costamesaca.gov>
Sent: Thursday, September 23, 2021, 03:37:52 PM PDT
Subject: City of Costa Mesa Discrimination against Sober Hosuing and violation of Housing Element

John,
As requested by you I am following you with the synopsis we discussed in detail yesterday.
I have also copied the City of Costa Mesa.
Thanking you in advance for your help on this urgent matter

Keith Randle
Summit Coastal Living
949 689-8880

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

Summit Coastal Living

a sober community of living

2041 Tustin Ave A, B and C. Costa Mesa Ca. 92627

Synopsis

The above referenced property was built in 1969 as a legal Triplex. It is located in the City of Costa Mesa. It sits on a 9629 sq ft lot and is 3312 sq ft of livable sq footage. The configuration is as follows.

One 3 Bedroom, 2 bathrooms detached home plus two 2-bedroom, 1 bathroom apartment style units in the rear of the property. Each unit has a functioning kitchen. There are a total of 4 enclosed garages. There is additional off street / driveway parking for approx. 10 additional cars. There are a total of 3 laundry areas. Units A & B have large enclosed yards, while unit C has a large 2nd story open deck which is approx. 440 sq ft. Each unit has its own mail box, electric and gas meter, there is a common water meter.

Unit A houses 5 residents, Unit B houses 4 residents, unit C houses 4 residents, a total of 13 residents since 2013. Per the city of Costa Mesa's housing element at the time of application and approval, I would be able to house 4.5 residents in each of the 2-bedroom homes and 6 residents in the 3-bedroom home. A total of 15 residents

The surrounding properties are multi family dwelling, condominiums and single-family homes. My Triplex is of the same configuration as approx. 20 of my immediate neighbors.

The Triplex directly behind me is identical in configuration and for the past 4-5 years has also houses a total of 13 residents.

I have owned the property since February 2006. In October on 2013, seeing a need for quality sober housing in the area, I starting renting homes out to sober male residents. Being a real estate Broker and property manager for this property (plus others that I own in Costa Mesa) the transition was seamless. **I offer no services other than housing.** My homes are fully furnished and I operate on a 30-day month to month lease agreement.

The City nor any of my neighbors knew the residents of this property were sober until I made application for a conditional use permit (CUP) in 2016, based on the City of Costa Mesa's Ordinance PA -16-04. This ordinance was enacted by Costa Mesa to limit the number of sober living homes to one home within a 650-foot radius and the number of occupants per home to 6 residents. I was the first to make application for two properties that I own and rent as sober housing. The other property is located one mile away at 165 East Wilson Street, Costa Mesa. The city put added pressure on the existing sober living homes by stating that the order one's application was received, was the order the application was reviewed.

Keith Randle
2041 Tustin Avenue, Suite A
Costa Mesa, CA 92627

949-689-8880
800-698-0835
keith@summitcoastalliving.com

I had the first, 165 E Wilson and second, 2041 Tustin Ave applications submitted per the City's Ordinance. I believe there were approx. 20 plus applications submitted pursuant to Ordinance PA-16-04. To the best of my knowledge my two properties were the only applications approved in the past 5 years. All the other applications were denied at the planning commission level and again on appeal to the City Council. Reasonably accommodation was applied for but denied in all cases

It is interesting to note that the approval of 165 E. Wilson Street eliminated 6 other sober living homes within the 650-foot radius. About 2 years later when 2041 Tustin Ave was approved it had different conditions attached to the approval (see attached conditions of approval). I argued at the appeals that the two properties were very similar in their configuration. I believe to this day the city had no intentions of approving 2041 Tustin Ave. I believe it was the city's intent to use the ordinance to totally eliminate sober housing within the city. They were hoping that I would just go away. As time went on and I became more educated on federal law and state code (65000 et.al) and more importantly the Housing Elements, I became more and more determined to fight for my property legal rights.

The process became very contentious and political. The city kept making changes to the original application and it took about 8-12 months to actually have a hearing at the Planning Commission. During this time, the city saw they were over their head with the ordinance, so they hired an outside consulting firm, Kimley-Horn, to manage the process and to write the staff reports. The Lead Consultant was Sheri Vander Dussen. The consultant's report either denied or recommended that and application move forward to the planning commission hearing. There was a total of 6 staff reports written for 2041 Tustin Ave. In all cases the consultant recommended approval of the application as presented. It was denied by the planning commission twice, then I had appeals presented to two city councils. Finally, the city council approved my application with conditions (attached).

During this process I learned, along with others, that the City's Ordinance violated federal fair housing laws. Additionally, at my second city council appeal, I challenged the city council that the city of Costa Mesa was in violation of its own **Housing Element** with the conditions of approval they were placing on my application with regard to the number of occupants

Since 2013 to present, I have rented the homes as sober living residences. During this time, I have never had a complaint from a neighbor directed to me or to the city of Costa Mesa. Additionally, there has been calls for service only two times within this eight-year time frame. As stated earlier, it was unknown to the city or my immediate neighbors it was a sober residence. My ex-wife owns the property next to me and she did not know until I asked her to write a recommendation for me that I included in my application. My 19- and 20-year-old children at the time of the application did not know. I have always been very mindful of my neighbors and the privacy of my residents. I have always been very hands on. I live ½ mile from the property and visit it multiple times, daily.

To sum up the 30 ways the City of Costa Mesa treats me differently to my neighbors is outlined in the attached Exhibit B, Conditions of Approval.

The most egregious being condition number 29. "No more than two residents living in the facility at any one time shall have a domicile outside the state of California".

As I stated in my complaint, I am a real estate broker in California. By agreeing to the above I would knowingly be putting my broker's license and livelihood in jeopardy.

I have attached a Comparative Analysis between the two properties that I applied for the CUP. 165 East Wilson and 2041 Tustin Ave. As you will see, I truly believe the property at 165 E Wilson was approved by the planning commission at the first hearing as it eliminated 6 other sober living homes within the 650-foot radius. I also believe the property at 2041 Tustin Ave was denied by the planning commission two times as its approval would not eliminate any sober living homes within the 650-foot radius.

The city of Costa Mesa discriminates against residents of sober living homes and it violates State and Federal housing Laws. They are in breach of their current housing element and should be sanctioned with cease-and-desist notice, as the city of Anaheim and Encinitas have been by your state agency. They should not be awarded a renewal of their housing element as a reward for their violations. Time is of the essence. I ask that you act on this matter against the City of Costa Mesa to send a message to all other California cities who want to act in the same discriminatory way.

Thanking you in advance.

Sincerely,

Keith Randle

Keith Randle

www. Summitcoastalliving.com

949 689-8880

CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 20, 2018

Keith Randle
Summit Coastal Living
2100 Highland Dr.
Newport Beach, CA 92660

Subject: Conditional Use Permit PA-16-04 for 2041 Tustin Avenue, Costa Mesa

Dear Mr. Randle:

At its meeting of June 5, 2018, the Costa Mesa City Council adopted Resolution No. 18-16 approving Conditional Use Permit PA-16-04. A copy of this resolution is enclosed for reference. This resolution contains numerous conditions of approval. Condition No. 1 requires you to obtain an Operator's Permit and maintain that permit in good standing. Two conditions were to be satisfied within 30 days of approval (by July 5, 2018):

13. 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 the Permit.

14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

On July 2, 2018, you submitted a request via e-mail to extend the timeframe to comply with these conditions by 30 days. On July 3, 2018, after consulting with City staff, I sent an e-mail granting an extension of ten days to satisfy these conditions. Compliance with these conditions of approval was required by July 16, 2018.

To date, the City has not received any evidence that you have satisfied these conditions of approval. Please contact Jennifer Le, Assistant Director of Development Services, by Monday, July 30, 2018 regarding your intent to implement this conditional use permit. You may reach Ms. Le at 949-754-5617 or via e-mail at jennifer.le@costamesaca.gov. Please be advised that failure to comply with these conditions of approval within the specified timeframe may result in revocation of this Conditional Use Permit. The City may also initiate actions to close this sober living facility if it continues to operate without required city approvals.

Sincerely,

Sheri Vander Dussen

Sheri Vander Dussen, AICP
Consultant to the City of Costa Mesa

Enclosure: Resolution No. 18-16

C: Jennifer Le, Assistant Director of Development Services
Fidel Gamboa, Community Improvement Manager
File: PA-16-04

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 of the Costa Mesa Municipal Code.

2. The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.

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 on January 4, 2016, and these 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 Improvement Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or 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. Applicant shall defend, with the attorney of City choosing, and shall indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval.

5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Saturday).

6. The project is subject to compliance with all applicable federal, state, and local laws.

7. All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and/or on the street within 500 feet of the property.

8. 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.

9. The property shall be maintained in accordance with landscape maintenance requirements contained in Costa Mesa Municipal Code Section 13-108.

10. Each dwelling unit shall be limited to one mailbox and one meter for each utility.

11. 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.

12. If any building alterations are proposed, the applicant shall comply with requirements of the California Building Code as to design and construction.

13. 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 the Permit.

14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

15. The 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.

16. 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.

CID 17. The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property, including, but not limited to those subject to Health & Safety Code section 11590 et seq. (Registration of Controlled Substance Offenders) and/or Penal Code section 290 et seq. (Sex Offender Registration Act).

18. The applicant shall comply with any and all water conservations measures adopted by the Mesa Water District that apply to multi-family residences and/or properties.

19. The applicant shall post a copy of the Good Neighbor Policy in at least one highly visible location inside each unit and in at least one highly visible location in all side and rear yards.

20. The applicant shall ensure that no trash and debris generated by tenants is deposited onto the City's rights of way pursuant to Section 8-32 of the Costa Mesa Municipal Code.

21. All drivers of vehicles at the group home shall comply with all applicable provisions of the Vehicle Code, including but not limited to those provisions regulating licensure, parking, standing and stopping.

22. The applicant shall comply with reservation procedures implemented by the City's Parks and Community Services Department to reserve park shelters or picnic areas for special events.

23. 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.

24. At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in this group home, the operator thereof shall:

    a. Notify the person designated as the occupant's emergency contact or contact of record that the occupant is no longer a resident at the home;
    b. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including but not limited to, alcohol and drug inpatient and outpatient treatment;
    c. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
    d. Provide the information obtained from b. and c. and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;

    If the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the Operator's Permit for this facility, the operator shall comply with this condition prior to evicting the resident.

25. Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home. Should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant. The group home operator may not satisfy this obligation by providing remuneration to the occupant for the cost of transportation.

26. The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with Conditions 24 and 25; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information.

27. All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. 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.

28. An authorized representative(s) of the City shall be allowed to inspect the interior and exterior of the property during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Friday) provided the operator has received notice of said inspection at least 24 hours in advance.

29. No more than two residents living in the facility at any one time shall have a domicile outside the State of California.

30. This Conditional Use Permit shall expire and become null and void if the property is sold, transferred or the ownership, control and/or operation of the property otherwise changes in any manner whatsoever from that set forth in application number PA-16-04.

CODE REQUIREMENTS

Plng. 1. The use shall comply with all requirements of Chapter XVI of the Costa Mesa Municipal Code relating to development standards for sober living homes in multi-family residential zones.

Bldg. 2. Prior to making alterations to the property and throughout construction, the applicant shall comply with the requirements of the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and California Energy Code and the California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.

ARIOS, JUSTIN

From: Anne Paulson <anne.paulson@gmail.com>
Sent: Friday, October 22, 2021 11:42 AM
To: Housing Element; housingelements@yimbylaw.org
Subject: Comments on Costa Mesa's Draft Housing Element

Dear Costa Mesa,

Thanks for the opportunity to comment on Costa Mesa's Draft Housing Element. It has virtues, but also flaws.

ADUs

Costa Mesa permitted 10 ADUs a year the last three years. It is predicting 107 a year for the next cycle. Costa Mesa permitted 4 ADUs in 2018, 6 in 2019, and 19 in 2020, an average of 10 a year. They're predicting 858 a year for the 6th Cycle. Page B-11 of the Housing Element says, "The City of Costa Mesa has determined based on past performance and the SCAG/HCD approved methodology that it is appropriate to anticipate the development of 858 accessory dwelling units from 2021 to 2029." HCD has not approved a methodology that allows cities to project ten times as many ADUs as they have been permitting.

Residential Development Constraints

Costa Mesa analyzes its residential development standards and concludes that none are constraints on development. Costa Mesa requires two parking spaces, ~640 square feet, for a studio apartment; a typical studio apartment is around 500-600 square feet. And Costa Mesa claims, without any evidence, that this requirement doesn't make modest studio apartments financially infeasible.

In other words, **Costa Mesa requires more space for parking for a studio apartment than for people living in the apartment, and says that's not a constraint on building studio apartments.** Costa Mesa's justification is that they're no worse than other nearby jurisdictions. But those other jurisdictions also are failing to build enough housing**.** The neighboring jurisdictions' residential development standards are burdensome and excessive, and so are Costa Mesa's.

Site Inventory

Costa Mesa plans most of its new housing on five big nonvacant sites: Fairview Development Center, Sakioka Lot 2, Home Ranch, South Coast Plaza, and Pacific Arts Plaza. The city says the owners have indicated there is the potential for future housing development on each of these sites. However, "potential for future housing development" does not forestall the possibility that these sites might not be redeveloped, or might be redeveloped as something other than housing. The city is required to discount the number of units expected from a non-vacant site, if the site might not be redeveloped for housing. **The number of units expected from the big housing sites is inflated, because the city did not discount as it is required to do.**

The Draft Housing Element must be revised to deal with these issues.

--
-- Anne Paulson

It isn't a contest. Enjoy the ride.

Ms. Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

RE: Initial Comments to Draft Housing Element dated August 2021City of Yorba Linda

October 13th, 2021

RE: Initial Comments to Draft Housing Element dated August 2021

Dear Ms. Ashabi:

Congratulations on the completion of the 6th Cycle housing element draft. We commend the city for completing its draft early and providing ample time for public comment. In conjunction with the Campaign for Fair Housing Elements, we have reviewed your draft housing element and would like to share the following feedback:

1) We are concerned about ADU projections that appear overly optimistic: Your housing element anticipates 858 ADUs, which is an estimated 107 per year during the 6th cycle planning period. This seems unrealistic. HCD has described two "safe harbors" for estimating ADU production (p. 31, Housing Element Site Inventory Guidebook). In the first safe harbor, the city may use the trend in ADU construction since January 2018; as Costa Mesa permitted 4 ADUs in 2018, 6 in 2019 and 19 in 2020, that trend is about 10 ADUs per year or 80 for the next eight year planning period. For the second safe harbor, the city would use five times the construction trend prior to 2018. From 2013-2017, Costa Mesa permitted 8 eight ADUs, or about 2 a year. Five times two is 10, so the second safe harbor yields the same result, about 10 ADUs a year. We do not feel that the city adequately justified a projection of well over ten times the safe harbors.

2) The majority of small sites identified for affordable housing (that are not part of a larger parcel or development proposal) are in Latino, low income neighborhoods or existing commercial areas. Have you considered opening up other areas for development, particularly near high performing schools? Legislation like SB 9 and SB 10 provides opportunities for infill development in high opportunity communities. Implementing some of these guidelines would go a long way to desegregating housing in Costa Mesa.

3) The Fairview Developmental Center (FDC) is owned by the state and was included on the last Housing Element, but no housing has been developed. We are not aware of a commitment from the state to developing it as affordable housing. Assuming that 920 homes of the 2300 proposed (40%) will be low-income affordable is overly optimistic without an agreement in place. According to the Kennedy Commission, 20% low income is a more realistic figure based on SB 82. We suggest revising it to reflect that input.

4) We commend the city for seeking out discussions with property owners interested in developing their properties for very-low and low-income housing through the planning period. However, for the remaining sites (for which no interview was conducted), the city says it does not have access to private party lease agreements or other contractual agreements among private parties. Under these circumstances, the safe assumption would be to assume zero likelihood of redevelopment for those sites; however the city does not do that. The assumption is that the sites will turn over even without any evidence to support it.

5) This lack of analysis, coupled with the uncertainty of the FDC and the development agreements encumbering low-income housing on the other major sites (Sakoika

Lot 2, Home Ranch, and Pacific Arts Plaza) leads us to the conclusion that there are insufficient sites for affordable housing. We would advise the city to increase the number sites for low and very low income housing to enable a buffer for low income housing. There is currently a sufficient buffer for moderate and above moderate (market rate). We advise the city to create a buffer for low income housing; 15-30% is the HCD-recommended buffer.

6) We take issue with the assumption that the city's development standards, particularly parking requirements, are not a constraint. Costa Mesa's parking requirements are onerous. The city requires 2 parking spaces for a studio apartment and 3 parking spaces for a two-bedroom apartment. These are burdensome parking requirements, and are a barrier to reducing the cost of housing, both market-rate and affordable.

7) Lastly, Measure Y, the requirement that development proposals over 40 units must be approved by voters is the single largest barrier to new housing development in the city. The city is indeed caught in a bind, having to defend a bad policy that inhibits the ability to comply with state law. Therefore we recommend that you take action to explicitly exempt any development project that includes low, very low or extremely low income housing.

Thank you for all of your efforts to create a fair and legally compliant housing element. As frequent attendees in community meetings, we understand the city council has many difficult choices to make with regard to its 6th Cycle Housing Element. We encourage the city council to do what is right, even if it is unpopular,

and to develop an exemplary housing element that will comply with both the spirit and letter of state housing element law.

Sincerely,

Elizabeth Hansburg

Co-Founder & Director

People for Housing Orange County is a network of housing advocates fighting for more inclusive housing policies in Orange County's high opportunity communities. By legalizing the construction of multifamily housing, streamlining the permitting of all housing, increasing funding for subsidized affordable housing, we believe a future of abundant housing is possible. We envision an integrated society where every person has access to a safe, affordable home near jobs, services, and opportunity.

ARIOS, JUSTIN

From: Jennifer Hope DesRochers Webster <jenhweb@gmail.com>
Sent: Friday, October 8, 2021 9:41 PM
To: Housing Element
Subject: Feedback: Housing Element Update - Westside overcrowding

Feedback: Housing Element Update

Response-Westside Costa Mesa is overwhelmed with too much population. Too many cars. Not enough parking. People walk a block or more away from home to find parking.

Please implement this information.. dense housing with apartments & Multi family housing are over crowding the Westside. Please reconsider increased housing "outside" district #4 Ie the west side.

Sincerely,
Jennifer Webster
Westside Resident 30 yrs since September 1988

--
Jennifer Hope Webster "To know God and Make Him known. Be filled with love, joy, peace, patience, kindness, goodness, faithfulness and self-control in the power and might of the Fruit of the Holy Spirit" Bible -My purpose statement

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ARIOS, JUSTIN

From: Gonzalez Romero, Arysa (TRBL) <aromero@aguacaliente.net>
Sent: Monday, November 15, 2021 8:31 AM
To: Housing Element
Subject: City of Costa Mesa 2021-2029 6th Cycle Housing Element Update

Greetings,

A records check of the Tribal Historic preservation office's cultural registry revealed that this project is not located within the Tribe's Traditional Use Area. Therefore, we defer to the other tribes in the area. This letter shall conclude our consultation efforts.

Thank you,

Arysa Gonzalez Romero, M.S., RPA.
Historic Preservation Technician
Agua Caliente Band of Cahuilla Indians
Tribal Historic Preservation Office
Main (760)-883-1327 | Cell (760)-831-2484

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Costa Mesa Affordable Housing Coalition

November 30, 2021

Mr. Paul McDougall
Department of Housing and Community Development
Division of Housing Policy Development
2020 W. El Camino Ave., Suite 500
Sacramento, CA 95833

RE: Summary of Concerns Regarding Costa Mesa's Housing Element Update

Dear Mr. McDougall:

We so appreciate the opportunity to speak with you and Marissa Prasse yesterday regarding Costa Mesa's draft Housing Element Update (2021-2029). As you may know, the Costa Mesa Affordable Housing Coalition is a local advocacy group which for years has urged Costa Mesa to facilitate the construction of affordable homes for the city's lower income residents. This letter summarizes the key concerns we articulated in yesterday's meeting.

First, we applaud the city's remarkably robust, open, and serious efforts at public engagement in its Housing Element process. We also congratulate the city for its mostly excellent draft Housing Element. We are particularly pleased the draft clearly states Costa Mesa's commitment to adopting (finally!) an inclusionary zoning ordinance.

Now, the concerns. We have two:

(1) The draft fails to adequately analyze the constraints on affordable housing development specific to each of the four largest sites in the sites inventory, and

(2) The draft fails to adequately analyze the paralyzing effect the city's "Measure Y" will have on affordable housing development.

I.) Inadequate Analysis of the Four Largest Sites

A. The city should provide additional analysis on the Fairview Developmental Center (FDC) site and the implications of SB 82.

The Housing Element identifies FDC as a 109-acre state-owned opportunity site and assumes it can accommodate 2,300 housing units, and that 40% of those future units will be affordable to lower income households (575 very low and 345 low).[1] Problematically, however, SB 82 states:

[1] Costa Mesa Housing Element, Appendix B Candidate Sites Analysis Overview, October 6, 2021, p. B-15.

"Notwithstanding any other law, the Director of General Services, with the consent of the Director of Developmental Services, may, in the best interests of the state, let to any person or entity real property ***not exceeding 20 acres*** located within the grounds of the Fairview Developmental Center for a period not to exceed 55 years, at a price that will permit the development of affordable housing for people with developmental disabilities… A ***minimum of 20 percent*** of the housing units developed shall be available and affordable to individuals with developmental disabilities served by a regional center…[2]"

Given the dictates of SB 82, the city needs to justify its assumption about the number of units possible on the site, as well as its affordability assumption that 40% of the units at FDC will be for lower income. A more realistic affordability assumption for FDC is 20% for lower income. While SB 82 indicates that a minimum of 20% of units will be affordable to individuals with developmental disabilities, there has been no written or public statement from the state expressing interest in making more than 20% of homes affordable to lower income households.

The FDC site holds tremendous potential for meeting the city's considerable lower income RHNA (4713 units). The fact the site is state-owned, however, could be a significant constraint in developing **any** housing there within the next eight years, much less the **920 units** of lower income housing specified in the sites inventory. The city should create a stand-alone program and commit to actively working with the state to accomplish the specified housing development at FDC anticipated in the sites inventory.

B. The city should provide further analysis on the constraints for the three large sites (Sakioka Lot 2, Home Ranch, and Pacific Arts Plaza) which are currently under development agreements with no affordable housing requirements.

Though these three large sites are in the 2021-2029 sites inventory, they will not be subject to any future inclusionary housing ordinance the city adopts because each site is already under a development agreement with no inclusionary requirement. The only way the owner of one of these sites will be bound by a future inclusionary ordinance is if that owner opts into future General Plan and zoning regulations.[3]

Absent such a choice to opt into a different governing land use regime, there is **no reason** to expect any of these property owners will **voluntarily** include in their respective projects any lower income affordable housing, much less the 15% lower income housing reflected in the sites inventory. Significantly, one of these large property owners has explicitly signaled his **unwillingness** to be bound by an affordable housing requirement.

[2] California Legislative Information, Bill Text SB-82 Developmental Services, June 24, 2015. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB82

[3] This fact was confirmed during the city's consideration of the proposal to extend Sakioka Lot 2's Development Agreement; the city confirmed that "if the Agreement were extended, and if an inclusionary housing ordinance was adopted along with future General Plan and zoning regulations, the developer would need to comply with the inclusionary housing ordinance IF they opted to develop per the future General Plan and zoning regulations." (Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, March 18, 2021, p. 11.)

On April 6, 2021, the Costa Mesa City Council extended the expiring Development Agreement for Sakioka Lot 2 for an additional 10 years. Prior to that extension, the city's Planning Commission recommended the City Council require the extended Development Agreement include affordable housing requirements to help achieve the city's lower income RHNA goals.[4] The property owner, however, was only interested in having Sakioka Lot 2 identified as a housing opportunity site; **he was not "amenable" to any affordable housing requirements.**[5] Given the property owner's very recent strong opposition to including any affordable housing provisions in the extended Development Agreement, it is unrealistic to assume that same property owner will prioritize the development of housing affordable to lower income households in developing the property.

The city offers **no rationale** for its expectation the owners of Sakioka Lot 2 and the other two large sites will voluntarily include affordable housing in their future developments. Importantly, these three large sites are in prime locations near South Coast Plaza, where land values are among the highest in the city. Moreover, each of these three property owners is a longtime owner who has practiced the art of holding onto the land for decades while land values continually climbed upward. Given these facts, the city should analyze the affordability assumptions of "15% lower income" for these three sites in light of each site's respective development agreement which insulates the site from any affordable housing requirements.

Additionally, it is highly significant Sakioka Lot 2 and Home Ranch have been **vacant for decades. How realistic is it that these two sites will be developed in the 2021-2029 cycle? The city must provide that analysis.**

Finally, the city should **clarify if the affordability assumptions on these three large sites include units that result from a density bonus.** For example, the draft indicates that for Sakioka Lot 2, the city "determined that it is realistic to assume that 15% of future units on this site may be available to residents at the lower income levels."[6] Is this 15% actually a density bonus where a developer would be granted a higher density on the proposed development and in exchange, the developer would have to set aside 15% of the units to be affordable? The significance of such a calculation is that **the developer may elect to not develop Sakioka Lot 2 to full capacity under the density bonus, and thereby opt out of including any affordable housing**.

II.) Inadequate Analysis of Measure Y's Constraints on Affordable Housing Development

Measure Y is Costa Mesa's largest unique constraint to development because it incentivizes less dense, and thus unaffordable, development, and perpetuates exclusionary zoning. The city

[4] Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, April 6, 2021, p. 9-10.
[5] Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, April 6, 2021, p. 2.
[6] Costa Mesa Housing Element, Appendix B Candidate Sites Analysis Overview, October 6, 2021, p. B-12.

council should adopt a policy to exempt from Measure Y any projects approved under the inclusionary zoning ordinance which contribute units toward meeting the city's extremely low-, very low-, and low-income RHNA requirements.

Thank you for considering our concerns about the draft 2021-2029 Housing Element Update. For your reference, we are attaching our September letter to the city with more extensive comments on the draft. This letter focuses only on our top concerns.

Sincerely,

Kathy Esfahani

Kathy Esfahani
For The Costa Mesa Affordable Housing Coalition

cc: Minoo Ashabi, Principal Planner of the City of Costa Mesa
Richard Walker, Public Law Center
Cesar Covarrubias, The Kennedy Commission

From: Mary Helen Beatificato <mh@nsightrecovery.com>
Sent: Monday, November 14, 2022 11:47 AM
To: STEPHENS, JOHN; MARR, ANDREA; CHAVEZ, MANUEL; GAMEROS, LOREN; HARLAN, JEFFREY; HARPER, DON; REYNOLDS, ARLIS; CITY CLERK; GREEN, BRENDA
Cc: LE, JENNIFER; BARLOW, KIMBERLY HALL; CityManager
Subject: [NOENCRYPT] Agenda Item #3 - City of Costa Mesa's 6th Cycle (2021-2029) Draft Housing Element
Attachments: HCD Letter November 2022.pdf; Enclosures for HCD Letter November 2022.pdf

Attached please find comments on Agenda Item #3 for tomorrow's meeting.

Thank you in advance.

Mary Helen

Best regards,

Mary Helen Beatificato

CEO & General Counsel
Call or Text: (949) 214-8618

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Mary Helen Beatificato
Direct Dial: (714) 662-4663
E-mail: ocesq@mac.com

NSIGHT ™
PSYCHOLOGY & ADDICTION

November 14, 2022

VIA E-MAIL

Paul McDougall
Senior Program Manager
Paul.McDougall@hcd.ca.gov

Marisa Prasse
Senior Housing Policy Specialist
Marisa.Prasse@hcd.ca.gov

Re: City of Costa Mesa's 6th Cycle (2021-2029) Draft Housing Element
Continued Noncompliance with HCD's Comments on Housing for People with Disabilities, Reasonable Accommodation Procedure, and Definition of "Family"

Dear Mr. McDougall and Ms. Prasse:

As you may recall, my company (Insight Psychology and Addiction, Inc. d/b/a "Nsight Psychology & Addiction") provides supportive housing for adults transitioning from 24-hour psychiatric care to community living[1] in a multifamily residential zoning district in the City of Costa Mesa ("City" or "Costa Mesa"). We have submitted at least two previous written comments on the City's 6th Cycle (2021-2029) Draft Housing Element that outline the ways the City's group home regulations and reasonable accommodation procedures violate state and federal fair housing and disability discrimination laws and California's Housing Element Law. Copies of those letters (without their attachments) are enclosed for ease of reference.

As set forth in more detail in my previous submittals, regardless of the representations Costa Mesa makes in the current version of its Draft Housing Element, the practical reality is that its housing regulations make it virtually impossible for my company (or any other housing provider) to provide shared housing for people with disabilities who do not require (nor want) state-licensed care and supervision. This unnecessary constraint on a much-needed type of housing is grounded in fear and animosity about people with disabilities and an unfounded misconception that their inclusion will somehow detract from the residential character of neighborhoods and make those neighborhoods less desirable places to live. Nothing could be further from the truth.

[1] "Community living" means being able to live where and with whom one chooses, such as living alone, living with loved ones, or living with housemates/roommates.

We are deeply grateful that the Department of Housing and Community Development ("HCD") is diligently reviewing Costa Mesa's Draft Housing Element and listening to our concerns. Unfortunately, the City has not done the same. Its revised Draft Housing Element continues to largely ignore HCD's comments relating to "Housing for Persons with Disabilities" that your office has now provided to Costa Mesa in two comment letters (dated December 3, 2021 and April 5, 2022 respectively). HCD's most recent comment letter is enclosed, as well as relevant excerpts of the City's revised Draft Housing Element.

This letter summarizes the key problems with Costa Mesa's revised Draft Housing Element's analysis and programs related to its: (I) reasonable accommodation procedure, (II) definition of "family"; and (III) group home regulations. This is in addition to the problems I previously raised in my January 27, 2022 letter on the February 2022 Housing Element, which is included as Enclosure 2.

I. Reasonable Accommodation Procedure

HCD's Apr. 5, 2022 Letter, Comment A.4 (p. 4) (Enclosure 3):

Direct quote:

> HCD's prior review found the City's reasonable accommodation procedure contains potential constraints. For example, while HCD agrees that local actions must be consistent with the general plan, the purpose of the procedure is to provide exception in land use, including the general plan, so persons with disabilities can enjoy access to housing. Further, the housing element, including provisions for reasonable accommodation and obligations to affirmatively further fair housing (AFFH), are also part of the general plan. In response, the element does not appear to agree the procedure contains constraints but commits (Program 2N) to review and revise the ordinance to comply with state and federal fair housing laws, which casts uncertainty on what will be revised. As a result, ***Program 2N should be revised to provide certainty and specific commitment to revise the ordinance and ensure a process that promotes housing access for persons with disabilities***. For example, the Program could commit to revise the procedure with parameters on what will be achieved through revisions such as promoting access to housing for persons with disabilities, addressing constraints such as approval findings and establishing objective standards (e.g., health and safety) and guidance to promote certainty on how approval findings will be implemented.

(Emphasis added.)

Problems with Revised Draft Housing Element (Enclosures 4 & 5):

Revised Program 2N simply says the City will "review and ***consider*** revisions to its Reasonable Accommodation process to be consistent with State and federal fair housing requirements." (Enclosure 5, p. 4-11 [emphasis added].) Contrary to HCD's direction, Program 2N does not "***provide certainty***" nor a "***specific commitment to revise*** the ordinance and ensure a process that promotes housing access for persons with disabilities." (Enclosure 3, p. 4 [emphasis added].)

Moreover, revised Program 2N would give the City ***two years*** (starting with final adoption of the Housing Element) for this "review," and if the City finds problems, an additional ***one year*** to revise its procedure. (Enclosure 5, p. 4-12.) Costa Mesa should not need ***three years*** to align its Reasonable Accommodation process with State and federal disability discrimination and fair housing laws. As set forth in detail in Nsight's January 27, 2022 comment letter (Enclosure 2, pp. 13-15), Costa Mesa should already know that its Reasonable Accommodation procedure (Costa Mesa Municipal Code ["CMMC"] §§ 13-200.60 to 13.300.63) violates federal and state fair housing and disability discrimination laws in numerous respects. (See, e.g., 28 C.F.R. § 35.130(b)(7); 28 C.F.R. § 35.150(a)(3).) Nsight's real world experience trying to navigate this process is outlined in detail in Nsight's prior comment letters. (Enclosures 1 and 2.)

As discussed in HCD's April comment letter, the Reasonable Accommodation process must have both the intent and effect of "promoting access to housing for persons with disabilities." (Enclosure 3, p. 4) Costa Mesa's current procedure does the opposite — it makes it nearly impossible for a person with a disability to obtain a reasonable accommodation.

Solution:

Program 2N should require the City to actually amend (not "consider" amending) its reasonable accommodation process ***within 12 months*** to do all of the following:

1. Specify that City staff will assist requesters with the submittal process (e.g., requesters who are not able to write may make verbal requests) (see CMMC § 13-200.62(a)-(b));
2. Clarify that requesters do not need to provide any medical information or documentation as part of their submittal for a disability-related accommodation request (see CMMC § 13-200.62(b)(2), (4));
3. Remove open-ended submittal requirements (see CMMC § 13-200.62(b)(3), (7));
4. To protect the requesters' privacy, provide an appeal procedure that does not require any noticed public hearings or meetings of any kind that are open to the public (see CMMC § 13-200.62(d));
5. Remove the "Grounds for reasonable accommodation" and "Findings" subsections (CMMC § 13-200.62(e)-(g)) entirely and replace them with a procedure that places the burden on the requester to establish the request is "reasonable" and "necessary" and, if the requester makes those showings, places the burden on the City to establish granting the

request is an "undue burden," "fundamental alteration," or "direct threat," and specify that the City ***must grant the request*** unless it makes one or more of these findings.

II. Definition of "Family"

HCD's Apr. 5, 2022 Letter, Comment A.4 (p. 4):

Direct quote:

> HCD's prior review found the zoning code defines single housekeeping unit with multiple restrictions that may act as constraints on housing for persons with disabilities. In response, the element concludes the definition of family and single housekeeping unit do not touch on whether members are with a disability and is not intended to discriminate against persons with disabilities. However, ***the element provides no analysis to support this conclusion and should include a program to address the constraint***. Please see HCD's prior review for additional information.

(Emphasis added.)

Problems with Revised Draft Housing Element (Enclosures 4 & 5):

The revised Draft continues to "provide[] ***no analysis*** to support" the City's conclusion that its definition of "single housekeeping unit" does not "touch on whether members are disabled or not" and "is not intended to discriminate against persons with disabilities." (Enclosure 4, p. 3-35 [emphasis added].) Instead, it adds Program 2O that would merely require the City to "review and consider revisions to its zoning code" to "provide greater flexibility in consideration of accommodating a variety of household situations..." (Enclosure 5, p. 4-12.) It makes ***no commitment*** to actually "address the constraint."

Moreover, like revised Program 2N (discussed above), Program 2O would give the City ***two years*** (starting with final adoption of the Housing Element) for this "review," and if the City finds problems, an additional ***one year*** to revise its definition. (Enclosure 5, p. 4-12.) Again, Costa Mesa should not need ***three years*** to align its definition of "single housekeeping unit" with State and federal disability discrimination and fair housing laws.

As set forth in detail in Nsight's January 27, 2022 comment letter (Enclosure 2, pp. 15-16), Costa Mesa's current definition of "single housekeeping unit" blatantly discriminates against people with disabilities who rely on shared housing. Nsight's experience confirms that Costa Mesa is relying on this definition to impose heightened permit and separation requirements on shared housing for people with disabilities that Costa Mesa does not impose on any other household. The end result is that people with disabilities who rely on shared housing (like Nsight's residents) are excluded from Costa Mesa's residential zones.

Solution:

Program 2O should require the City to actually amend (not "consider" amending) its definition of "single housekeeping unit" ***within 12 months*** to remove arbitrary constraints on shared housing for people with disabilities. For example, "single housekeeping unit" could simply be defined as "the occupant(s) of a dwelling unit."

III. Group Homes

HCD's Apr. 5, 2022 Letter, Comment A.4 (p. 4):

Direct quote:

> The element includes various conclusions and statements about the City's zoning code and group homes, but it still must ***analyze the exclusion of these housing types from some residential zones and use permit and other requirements, including enforcement as constraints on housing for persons with disabilities*** and add or modify programs as appropriate. Based on a complete analysis, the element should add or modify program. Please see HCD's prior review for additional information.

(Emphasis added.)

Problems with Revised Draft Housing Element (Enclosures 4 & 5):

Nsight's January 27, 2022 comment letter (Enclosure 2, pp. 6-10) outlines numerous problems with the February 2022 Housing Element's analysis of the City's group home regulations. The revised Draft does not address any of these problems. Moreover, contrary to HCD's direction, the revised Draft does not "analyze the exclusion of these housing types from some residential zones and use permit and other requirements, including enforcement as constraints on housing for persons with disabilities."

The revised Draft now acknowledges that, unlike other households, group homes of any size require approval of a ***fully discretionary*** land use entitlement (i.e., a special use permit, a conditional use permit, or a master plan) in ***all*** of the City's zoning districts. (Enclosure 4, pp. 3-20 to 3-21; see generally Enclosure 4, p. 3-18, Table 3-9.) The fees for these approvals range from $5,500 to $9,000. (Enclosure 4, pp. 3-36 to 3-37, Table 3-13.) Conditional use permits and master plans require noticed public hearings before the City's Planning Commission. (Enclosure 4, p. 3-42, Table 3-16.) Special use permits require a noticed public hearing before the City's Planning Division.[2] (CMMC § 13-29, Table 13-29(c).) This highly-public process subjects applicants to scathing vitriol and "outs" their residents' status as people with disabilities. Because these are discretionary approvals based on highly subjective findings, there is no certainty that the City will

[2] The revised Draft does not address the special use permit requirement anywhere in its discussion of "Local Processing and Permit Procedures." (Enclosure 4, p. 3-41 to 3-26.)

approve an application for shared housing at the end of this process. The revised Draft does not analyze (or address) how these "permit and other requirements, including enforcement" act as a constraint on shared housing for people with disabilities. It does not even mention the City's operator's permit or separation requirements for group homes.

In the absence of this analysis, the revised Draft claims Costa Mesa "has more Certified & Licensed group home facilities (in number and per capita) than the surrounding Orange County jurisdictions." (Enclosure 4, p. 3-21.) As discussed in detail in Nsight January 27, 2022 comment letter (Enclosure 2, pp. 9-10), this is an example of Costa Mesa treating group homes and state-licensed facilities as if they are interchangeable. They are not. Different types of group homes and facilities provide different levels of care to clinically distinct populations. Even if Costa Mesa a sufficient number of one type of group home (e.g., state-licensed facilities), it could still have a ***shortage*** of another type of group home that meets a different need (e.g., transitional housing for people with psychiatric illness who do not need addiction care). Moreover, the reason Costa Mesa has state-licensed facilities has nothing to do with Costa Mesa's housing regulations. The State has exempted state-licensed facilities from local regulation. If State-licensed facilities are sited in Costa Mesa, it is ***in spite of*** Costa Mesa's regulations (not ***because of*** them).

Finally, the revised Draft adds Program 2P that — like revised Program 2N and new Program 2O — would merely require the City to "review and consider revisions to its zoning code applicable to group homes." (Enclosure 5, p. 4-12.) Again, it makes ***no commitment*** to actually amend the zoning code to remove this constraint. And like revised Program 2N and new Program 2O, Program 2P would give the City ***two years*** (starting with final adoption of the Housing Element) for this "review," and if the City finds problems, an additional ***one year*** to revise its group home regulations. (Enclosure 5, p. 4-12.) Again, Costa Mesa should not need ***three years*** to align its regulations with State and federal disability discrimination and fair housing laws.

Solution:

Program 2P should require the City to repeal its group home regulations ***within 12 months***. Costa Mesa's housing should treat group homes the same way it treats other households in the same zones in the same structures. If multi-family housing is permitted by right, a household comprised of shared housing for people with disabilities in a multi-family structure should be permitted by right as well.

* * *

My company's experience navigating Costa Mesa's group home regulations and reasonable accommodation procedure proves all of your office's concerns are valid. For the sake of my residents and others like them whose lives depend on shared housing, we respectfully request HCD decline to certify Costa Mesa's Housing Element until it approves a draft that addresses your office's concerns.

Thank you very much for your time and attention to this matter. Please feel free to contact me if you have any questions.

Very truly yours,

Nsight Psychology & Addiction

Mary Helen Beatificato

Enclosures:

1. Nsight's January 18, 2022 Email Commenting on Housing Element Update
2. Nsight's January 27, 2022 Letter Commenting on Housing Element Update (without attachments)
3. HCD's April 5, 2022 Letter Commenting on Housing Element Update
4. Revised Draft Housing Element – Chapter 3 (excerpts)
5. Revised Draft Housing Element – Chapter 4 (excerpts)

cc: City Clerk (cityclerk@costamesaca.gov)
Honorable Members of the City Council (constituentservices@costamesaca.gov)
Mayor John Stephens (john.stephens@costamesaca.gov)
Mayor Pro Tem Andrea Marr (Andrea.Marr@costamesaca.gov)
Councilmember Manuel Chavez (Manuel.Chavez@costamesaca.gov)
Councilmember Loren Gameros (Loren.Gameros@costamesaca.gov)
Councilmember Jeffrey Harlan (Jeffrey.Harlan@costamesaca.gov)
Councilmember Don Harper (Don.Harper@costamesaca.gov)
Councilmember Arlis Reynolds (Arlis.Reynolds@costamesaca.gov)
Director of Economic and Development Services (jennifer.le@costamesaca.gov)
City Manager (citymanager@costamesaca.gov)
City Attorney (kimberly.barlow@costamesaca.gov)

Enclosure 1

From: Mary Helen Beatificato <mh@nsightrecovery.com>
Sent: Tuesday, January 18, 2022 11:35 AM
To: CITY CLERK
Cc: Marisa.Prasse@hcd.ca.gov; HousingElements@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov; Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov; Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov; Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov
Subject: [NOENCRYPT] PUBLIC HEARING ITEM #1 - CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)

To the Mayor and Honorable Members of the City Council,

In connection with tonight's public hearing on the City's Housing Element Update, I am writing to express concerns about the Costa Mesa's group home regulations and reasonable accommodation process and share my experience with you as an illustration of how these regulations are a very real barrier to the provision of housing for people with disabilities.

Since early 2015, my company (Insight Psychology and Addiction, Inc.) has been providing supportive housing in a six-unit apartment building in a multi-family residential zoning district in Costa Mesa. In late 2015 (i.e., after my company had already started providing its supportive housing), the City adopted its group home regulations for multi-family zoning districts that purport to apply retroactively to existing group homes. Those regulations are codified in Chapters XV and XVI of Title 13 of the Costa Mesa Municipal Code (starting at § 13-310). Costa Mesa also adopted "operator's permit" requirements for providers of group housing, which are codified in Article 23 of Chapter II of Title 9 of the Costa Mesa Municipal Code (starting at § 9-370).

The type of housing my company provides is exceptionally rare and desperately needed. We provide supportive housing to adults with mental health disabilities, like PTSD, bipolar disorder, anxiety, and depression. Our supportive housing is not a sober living home. Most of our residents are "stepping down" from in-patient psychiatric treatment and learning how to live independently. We provide a crucial step between in-patient care and independent living. We are the only supportive housing of this kind in the region. Our residents would not be eligible to live in a sober living home (nor would they want to).

After the City adopted its new group home regulations, City staff informed me I would need a conditional use permit if I wanted to continue providing this supportive housing. I promptly applied for the permit. It took the City two and a half years to process my application (September 2016 through July of 2018), and then the City told me it planned to deny my application because my supportive housing is within 650 feet (measured "as the crow flies" from outer property lines) from new group homes that opened after my housing in unincorporated Orange County (i.e., outside Costa Mesa City limits).

I asked the City to relax its separation requirement for my supportive housing (which pre-dates the City's group home regulations and the new group homes in unincorporated County territory) as a disability-related "reasonable accommodation." The City's process for evaluating reasonable accommodation requests is in Article 15 of Chapter IX of Title 13 of the Costa Mesa Municipal Code (starting at § 13.200.60) puts the burden on the individual making the request to prove up a number of different "findings," many of which are on subjects that are exclusively within the City's knowledge and control (e.g., requiring ***the applicant*** to prove the accommodation "will not impose an undue financial or administrative burden ***on the city***" [emphasis added]). The full list of findings is in Costa Mesa Municipal Code Section 13-200.62(f). Even though it seemed like this was designed to be an impossible task, I followed the City's procedure and submitted a formal

request for a "reasonable accommodation" on August 3, 3018. On April 5, 2019, the City's Zoning Administrator denied my request for a reasonable accommodation because he said, based on my letter, he could not make all eight of the findings required by CMMC § 13-200.62(f). The Zoning Administrator's denial was largely based on his misconception that the housing my company provides is a sober living home, or that the needs of my residents could be met by the City's sober living homes). That is patently false. In fact, I provided detailed reasons why sober living homes cannot meet the needs of the individuals who reside in Nsight's supportive housing.

I appealed the Zoning Administrator's denial of my accommodation request to the Costa Mesa Planning Commission and Costa Mesa City Council. Both bodies held duly-noticed public hearings on my appeals where they sent mailers to all residents within 500 feet of my supportive housing. At those public hearings, members of the community did not hide their fears and prejudices about group housing for people with disabilities. Most of the speakers had no direct experience with my supportive housing (which had already been operating for three years with no code enforcement complaints at the time of the hearings). The Planning Commission and City Council denied my appeals, and the City ordered me to cease operating my supportive housing within 30 days. As a last resort, I filed a legal action that is still pending. Our trial date is April 5, 2022.

There is no question that the City's group home regulations have had their intended effect of reducing the numbers of group homes for people with disabilities in Costa Mesa. The City posts spreadsheets on its website tracking the group homes it has successfully closed (links below).

- City approved sober living/group homes - https://app.smartsheet.com/b/publish?EQBCT=f6f1941be3624556ab1b03e829df4639
- State approved facilities (DHSC) - https://app.smartsheet.com/b/publish?EQBCT=5fc6477aa1974f16b790242bbd936b8c
- Application Status - https://app.smartsheet.com/b/publish?EQBCT=c24b90faafff4b0680b6e86564927908
- Group homes cited - https://app.smartsheet.com/b/publish?EQBCT=aff3877f2ef54eb285196f94a1607cd9
- Operators that have closed - https://app.smartsheet.com/b/publish?EQBCT=664bc6e0f3354741801736f60b3ce47c
- Locations under review - https://app.smartsheet.com/b/publish?EQBCT=5459f35580524b4ab147a085d7720b0c

The City's data shows it has issued ***hundreds of citations*** for violations of its group home regulations (see "Group homes cited" link) and ***closed more than 80 group homes*** (see "Operators that have closed" link). Of ***sixty-six applications*** for group home permits (conditional use permits/CUPs and special use permits/SUPs), the City has ***only approved one*** (see "Application Status" link).

The City's regulations have had a devastating impact on the availability of shared housing for people with disabilities. Between 2017 (when grace periods ended and the City started enforcing its group home ordinances in earnest) and 2021, the City has lost ***more than 70%*** of its group home beds:

Group Home Beds*	**2014**	**2017**	**2021**
Beds in the Single Family Residential Zone	386	425	183
Beds in Multi-Family Residential Zones	762	1,273	296**

Beds in Other Zones	76	82	0
TOTAL BEDS	**1,224**	**1,780**	**479**

* All of these figures come from the City's own data, which Insight provided to the City in connection with its summary judgment motion in its legal action against Costa Mesa.
** This figure and the grand total include the 30 beds Insight is currently providing. Closing Insight's housing will therefore, result in a loss of 6.26% of the City's total beds (i.e., 30 of 479 is 6.26%).

The City's Housing Element Update does not address or mitigate these barriers. It does not address the comments the City received from the California Department of Housing and Community Development (HCD) on December 3, 2021. HCD's comment letter instructed the City to provide "specific analysis of any potential constraint, including considering public comments and add or modify programs as appropriate." The draft Housing Element Update does not do this.

It is essential that the City Council listen to the needs of the people with disabilities who rely on shared housing and the providers of shared housing as it updates its Housing Element. If I can be of any assistance, please do not hesitate to contact me directly.

Sincerely,

Mary Helen Beatificato

Best regards,

Mary Helen Beatificato

CEO & General Counsel
Call or Text: (949) 214-8618

NSIGHT
PSYCHOLOGY & ADDICTION
WHEN INDIVIDUAL THERAPY IS NOT ENOUGH

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Enclosure 2

NSIGHT ™
PSYCHOLOGY & ADDICTION

January 27, 2022

To: Paul.McDougall@hcd.ca.gov; Marisa.Prasse@hcd.ca.gov

RE: City of Costa Mesa's 6th Cycle (2021-2029) Draft Housing Element

Dear Mr. McDougall and Ms. Prasse,

The City of Costa Mesa's Draft Housing Element update for the Sixth Cycle (2021-2029) does not address the comments relating to "Housing for Persons with Disabilities" that the California Department of Community Development ("HCD") provided to Costa Mesa in your letter, dated December 3, 2021. (Attachment 1.) We (and others) raised this issue through written comments before the City Council's January 11, 2022, public hearing on the draft Housing Element update. (Attachment 3.) City staff and the City Council did not address (or even acknowledge) our comment letters during the public hearing.

Insight's Housing in Costa Mesa

As you may recall, my company (Insight Psychology and Addiction, Inc.) provides supportive housing for adults transitioning from 24-hour psychiatric care to community living (i.e., being able to live where and with whom one chooses, such as living alone, living with loved ones, or living with housemates/roommates). Our housing is located in one of Costa Mesa's multifamily residential zoning districts. At the time we established our housing (which consists of six units, each with six or fewer beds), it was permitted by right.

The purpose of our housing is to foster autonomy in the least restrictive environment possible. For this reason, our Costa Mesa housing does not provide any licensable services on site and, therefore, is not required to obtain — nor eligible for — any state licenses. Although there is a desperate unmet need for this type of transitional supportive housing, there is no other housing like it in Orange County. (See Attachment 6, pp. 64, 67-68, ¶¶ 20-21, 37-40.) We are not a sober living home. We are not a licensed residential care facility. Costa Mesa created definitions of "family" and "single housekeeping unit" that are designed to ensure our residents could never qualify. (See Attachment 12, pp. 94, 101.)

Costa Mesa's Group Home Regulations

In late 2015, Costa Mesa adopted group home regulations and operator's permit requirements for "group homes" in multifamily zones. The express purpose of the City's group home regulations is to address a perceived "proliferation" of a narrow subset of group homes — i.e., sober living homes. (Attachment 4, p. 2, last recital.) Costa Mesa did not perform any technical studies or other formal analysis for its group home regulations (Attachment 12, p. 56), and Costa Mesa's Director of Economic and Development Services (Jennifer Le) acknowledges its group home regulations were largely based on "unsubstantiated citizen complaints." (Attachment 13, p. 6, ¶ 16.)

Impact of Group Home Regulations on Shared Housing for People with Disabilities

The City's group home regulations set out to reduce the number of group homes in the City, and they are working as designed. They have had a drastic impact on the City's stock of shared housing for people with disabilities:

Group Home Beds*	2014	2017	2021
Beds in the Single Family Residential Zone	386	425	183
Beds in Multi-Family Residential Zones	762	1,273	296**
Beds in Other Zones	76	82	0
TOTAL BEDS	**1,224**	**1,780**	**479**

* All of these figures come from the City's own data, which Insight provided to the City in connection with its summary judgment motion in its legal action against Costa Mesa. (See Attachments 19, 20, and 21; see also Attachment 13 [Exhibit 2 – 2014 data]; Attachment 13 [Exhibit 3 – 2017 data]; Attachments 14-18 [2021 data].)

** This figure and the grand total include the 30 beds my company is currently providing. Closing Insight's housing will therefore, result in a further loss of 6.26% of the City's total beds (i.e., 30 of 479 is 6.26%).

Impact of Group Home Regulations on Insight's Housing

My company's experience navigating Costa Mesa's group home regulations is a case-in-point on why the City has lost so many of its group homes and has not replaced them with new operators. Even though our housing is a lawful preexisting use, Costa Mesa's group home regulations purport to require it to obtain a conditional use permit (CUP) and require it to comply with the City's 650-foot separation requirement (i.e., group homes cannot be located within 650 feet of a state-licensed facility or another group home). City staff told us our housing ***cannot obtain a CUP*** because it is 476 feet and 636 feet respectively from state-licensed residential drug or alcohol treatment facilities that are located outside Costa Mesa's jurisdiction in unincorporated

Orange County. Notably, our housing was there first, but that was irrelevant to the City. (Attachment 9, p. 41].)

We applied for a reasonable accommodation asking the City to relax its separation requirement in this instance to allow us to continue providing this much-needed housing. (Attachment 6.) We told the City there is no other housing like ours in Orange County. (Attachment 6, pp. 6, 12; Attachment 9, p. 23.) We told the City we cannot feasibly move our housing to another location. (Attachment 9, p. 32.) We pointed out that we'd been providing our housing for more than three years with no code enforcement complaints. (Attachment 9, p. 33-37, 40.) We offered to stipulate to conditions of approval to address the City's stated concerns (e.g., limiting occupancy, limiting vehicles). (Attachment 8, pp. 39-40; Attachment 9, p. 29.) Nevertheless, Costa Mesa ***denied*** our accommodation request to relax the separation requirement because, in their words, "[i]t doesn't meet the separation requirement." (Attachment 9, p. 70, lines 14-17.)

The process took ***more than three years*** (October of 2016 through November of 2019). We spent ***hundreds of hours*** on submittals and ***thousands of dollars*** on application fees and mailing labels. We endured ***two vicious public hearings***, one for the Planning Commission and one for the City Council. Before both hearings, the City sent mailers to the owners and occupants of all of the properties within 500 feet of our housing and published notice on its website and in the newspaper identifying our housing as a "group home" and, in doing so, "outing" our residents' disabilities to their neighbors and the community as a whole. At those hearings, public commenters did not hide their fear and animosity about people with disabilities. (See, e.g., Attachment 9, p. 53, lines 22-23 ["... somebody is mentally disabled does not belong in a neighborhood next door to me or any of us in this room."]; id., at p. 54, lines 17-22 ["... mentally ill cannot associate with our children, neighbors. They are just having a ... disability that can be helped only in a mental institution."].) It wasn't just me who had to withstand this cruelty — two of my former residents attended the Planning Commission hearing, and one of my former residents attended the City Council hearing. (Attachment 8, pp. 74-77 ["When you say no to Nsight, you're saying no to a woman like me..."]; Attachment 9, pp. 59-60.)

Our request was doomed from the start. The City has since acknowledged that there was never any possibility the City would relax the separation requirement for us because the Council had previously given "very clear direction that they didn't want to have any kind of deviation from the 650-foot separation, no matter what type of group home it was." (Attachment 11, p. 112, lines 22-25.) Indeed, even though more than twenty preexisting group homes have requested the City relax the separation requirement to allow them to continue providing housing, Costa Mesa has ***never*** approved such a request for a group home that required a CUP. (Attachment 22.)

Litigation Regarding Costa Mesa's Group Home Regulations

In March of 2020, my company and one of our former residents filed a legal action against the City of Costa Mesa alleging its actions with respect to Insight violate a variety of fair housing and disability discrimination laws — *Insight Psychology and Addiction, Inc. v. City of Costa Mesa*, United States District Court for the Central District of California, Case No. 8:20-cv-00504-JVS-JDE. Our trial date is April 5, 2022, and we currently have cross motions for summary judgment pending (with a hearing date of February 14, 2022).

Contrary to the City's claims in its revised Housing Element update, the City's group home regulations have ***not*** been "upheld by numerous courts in both state and federal court." (Attachment 2, p. 3-21.) Conspicuously, the City's proposed changes to its Housing Element update do not cite any legal decisions upholding its (or any other agency's) group home regulations. There are numerous decisions finding similar regulations in other cities discriminatory, such as *Pacific Shores Properties, LLC v. City of Newport Beach*, 730 F.3d 1142, 1165 (9th Cir. 2013) ("Subjecting an entity protected by anti-discrimination laws to a permit or registration requirement, when the requirement is imposed for a discriminatory purpose, has obvious adverse impacts upon that entity ... This would be true even if such permits were granted freely, which is decidedly not the case here.")

In fact, a recent United States District Court decision denied Costa Mesa's motion for summary judgment in an action brought by an operator of a sober living home (Ohio House, LLC). With respect to that disparate treatment claim, the Court found:

> ... Ohio House has presented evidence from which ***a reasonable jury could conclude that there are no set of circumstances under which the Regulations would be valid***. For instance, if the fact-finder accepts Ohio House's claim that the Regulations are impermissibly discriminatory under a disparate treatment theory, they could conclude that this would be true in every circumstance. This is especially true because ***the City has not identified any circumstances under which the Regulations would be permissible*** if Ohio House otherwise proves its discrimination claim.

(Attachment 5, p. 16 [emphasis added].) The legality of the Costa Mesa's group home regulations are very much in question.

Unrefuted Expert Analysis Shows Disparate Impact

In connection with Insight's legal action, Insight retained a well-respected demographer and statistician (Ann Moss Joyner of the Cedar Grove Institute for Sustainable Communities) to analyze the impacts of Costa Mesa's group home regulations. To Insight's knowledge, no one has done this before (including the City). Ms. Moss Joyner prepared a detailed report. (Attachment 23.) Her conclusions are on pages 88-89. Among other things, Ms. Moss Joyner concluded:

> - I find that the City's zoning regulations on Group Homes and boardinghouses reduce the availability of housing for people with disabilities in ways that they do not restrict the availability of housing for the population at large living in dwellings that are less likely to house people with disabilities (e.g. single family and multifamily housing).
>
> ...

- I find that the City set out to reduce the presence of existing Group Homes in the City and did this by its use of its Zoning Code, its Special and Conditional Use Permit process, its Reasonable Accommodation process, and its implementation practices, all of which reduced the availability of Group Homes as supportive housing for those with disabilities.

- I find that the City's Zoning Code, its Special and Conditional Use Permit process, its Reasonable Accommodation process, and its implementation of implementation practices made it more difficult to site Group Homes than to provide housing for the residents of the City without disabilities (e.g. single family and multifamily housing).

...

Taken together, all of the analysis above shows that the City set out to reduce the purported "overconcentration" of Group Homes without providing a mechanism whereby there were sufficient sites wherein Group Homes that serve residents with varied kinds of disabilities might locate within the City with City approval. Thus, the result is a severe reduction in the availability of supportive housing for residents with disabilities in Costa Mesa and – without Insight's supportive housing – no transitional community supportive housing for those with mental health disabilities.

(Attachment 23, p. 89.) Insight provided this report to the City in July of 2021. After that, the City had two months to retain its own expert to peer review Ms. Moss Joyner's findings and prepare a rebuttal report. Insight does not know what effort, if any, the City made to find an expert to review Ms. Moss Joyner's findings, but what is clear is that ***the City has never provided a rebuttal report***. To Insight's knowledge, Ms. Moss Joyner is the only expert who has ever analyzed the impacts of Costa Mesa's group home regulations.

Housing Element Update

Costa Mesa's housing regulations must proactively account for the needs of residents with disabilities. Its housing element must include "[a]n analysis of any special housing needs, such as those of ... persons with disabilities." Gov. Code § 65583(a)(7). Its zoning actions are "null and void" if they deny "to any individual or group of individuals the enjoyment of a residence ... because of ... [disability]." *Id.*, at § 65008(a)(1)(B). Even if the City claims its group home regulations are ***intended*** to "benefit" people with disabilities (which Insight disputes), this Housing Element update requires Costa Mesa to take stock and meaningfully analyze whether its group home regulations are ***actually*** benefitting people with disabilities who rely on shared housing. They are not. They have resulted in the loss of more than 70% of the City's group home beds since 2017. (See Attachments 20-21.)

Insight, its residents, operators of many other group homes, their residents, and disability rights advocates have been ringing the alarm bell for years that there are serious problems with Costa Mesa's group home regulations. The City has ignored us.

Your office's December 3, 2021 comment letter told the City in no uncertain terms that it needs to undertake a "specific analysis of these and any other constraints, including their enforcement and considering public comments, for impacts on housing for persons with disabilities and add or modify programs as appropriate." (Attachment 1, p. 8.) Instead of providing the "specific analysis" HCD and the Housing Element Law requires, Costa Mesa's revised Housing Element update adds superficial language that, in many instances, is demonstrably false:

Additional Language in Housing Element Update	Insight's Response
Group Homes	
"Although there are several different housing types outlined in the zoning code including group homes, the City's zoning code does not exclude group homes or more specifically housing for disabled people from any residential zones in the City. On the contrary, disabled individuals can live in any residential property in the City." (Attachment 2, p. 3-21.)	Many people with disabilities (including residents of our housing) cannot "live in any residential property in the City." This is no different than telling individuals who rely on wheelchairs they can live in "any residential property" without regard to whether the property has wheelchair access. As a result of our residents' disabilities, they need shared housing — it is therapeutic for individuals transitioning from inpatient psychiatric hospitals to have housemates going through similar experiences they can confide in. As a result of their disabilities, they do not have the ability to arrange this housing for themselves (e.g., find an available unit, furnish it, set up utilities, find roommates with similar disabilities, etc.). They need someone (in this case, Insight) to make those arrangements for them. Importantly, the City's Zoning Code does not allow group homes in the exact same places it allows single and multi-family dwellings. To illustrate, if Insight stopped providing its shared housing for people with disabilities (which the City deems an unpermitted "group home"), the City would permit (by right) the ***same six units*** to be used for apartment rentals for the ***same number of occupants*** (or more) with the ***same number of vehicles*** (or more) with no requirements for length of tenancy. If our units were used for apartment rentals, they would not need a CUP or

Additional Language in Housing Element Update	Insight's Response
	operator's permit. There would be no separation requirements.
"The city's code provisions regarding group homes have been upheld by numerous courts in both state and federal court." (Attachment 2, p. 3-21.)	This is false. See Attachment 5 for an example of a recent Federal Court decision that held "a reasonable jury could conclude that there are no set of circumstances under which the Regulations would be valid."
The group home regulations are "intended to and actually protective of persons with disabilities." (Attachment 2, p. 3-21.)	The Housing Element Law requires the City to evaluate the ***actual results*** of its housing regulations (not their intended results). Costa Mesa's group home regulations have resulted in a loss of more than 70% of its group home beds. (See Attachments 20-21; see also Attachment 13 [Exhibit 3 – 2017 data] and Attachments 14-21 [2021 data].) At a minimum, the Housing Element Law requires the City to investigate whether its own actions are a constraint of shared housing for people with disabilities. Based on Insight's experience navigating the City's group home regulations, and the City's own data, the obvious, unavoidable answer is yes.
"Group homes are intended to be integrated into residential communities for the benefit of both the disabled and the non-disabled." (Attachment 2, p. 3-21.)	The City's SUP, CUP, operator's permit, and separation requirements make it exceptionally difficult to site group homes in the City's residential zoning districts. They have not resulted in group homes being "integrated into residential communities." There were substantially more group homes in residential communities before the City adopted its group home regulations than there are now. The only areas where the City's zoning purports to permit group homes by right are ***institutional*** districts (where the Land Use Element of the City's General Plan outright prohibits residential uses).
"The City's code protects the disabled from being forced to live in multiple adjoining properties clustered together -- institutionalized settings -- in crammed quarters, subject to eviction without warning and left vulnerable and homeless in a	"Multiple adjoining properties clustered together" is not an "institutionalized setting[]." It is simply medium or high density housing (e.g., apartment rentals or condos). The City's zoning allows this kind of housing ***by right*** for multi-family units. It should do the same for group homes.

Additional Language in Housing Element Update	Insight's Response
City far from their actual homes." (Attachment 2, p. 3-21.)	Other than the occupancy standards in the State Housing Code, the City has no constraints on the occupancy of a single-family or multi-family household. If any household (group home or not) has "crammed quarters," the City could address this by enforcing the State's occupancy limits. Insight's housing, for instance, does not have more than two residents per bedroom. Any eviction could result in homelessness, but the City does not regulate evictions for other types of rental housing. Moreover, if the City is concerned about "eviction[s] without warning," it's regulations should preserve pre-existing group homes (not prohibit them). Instead, the City's group home regulations have resulted in numerous "eviction[s] without warning." They have resulted in the closure of more than 80 group homes with no protection or transition plan for the residents of those homes. For example, after the City denied Insight's CUP and accommodation request, the City ordered us to "cease and desist" from providing housing within 30 days. The City was not concerned about what would happen to our residents if we closed.
"It also preserves the very character of residential neighborhoods which make them desirable places to live, by preventing unreasonably increased traffic, noise, parking difficulties, and drug-related activity when residents relapse during the recovery process." (Attachment 2, p. 3-21.)	The City did no studies to determine if group homes have a greater impact on traffic, noise, parking, etc. than other types of housing. (Attachment 12, p. 56.) The City's assumption that there is more "drug-related activity" in a group home than any other type of household is based on prejudice about people in recovery. The City has no data that shows group homes generate more drug-related calls for service than other types of residences. Finally, it is incredibly disappointing that the City's Housing Element would say group homes detract from the residential character of neighborhoods or make them less desirable places to live. The residents of group homes want to live in residential neighborhoods just as much as the residents of other households. The

Additional Language in Housing Element Update	Insight's Response
	City has no data showing property values or rental values decreased in neighborhoods with group homes.
"The recovery community, including industry associations like Sober Living Network and the National Alliance for Recovery Residences, acknowledged these issues, and recommend that group recovery homes – including sober living homes – adopt model operational standards to ensure proper care of their residents. Costa Mesa's code does exactly that, regulating *operators*, not disabled individuals, and ensuring the disabled safe and appropriate residential environments." (Attachment 2, p. 3-21.)	Even if this is true, the "model operational standards" of the "recovery community" would not be appropriate for every type of group home. The residents of Insight's housing are not in the "recovery community." They are a ***clinically distinct population*** with different needs (e.g., they would not benefit from Big Book study or 12-step meetings). Simply put, you cannot have one set of "model operational standards" for every type of group home. If there are to be operational standards, the operators (or the pertinent industry) are in a better position than the City to determine what those standards should be.
"Numerous group homes for the disabled, including sober living homes have been approved and operate throughout the City. There is no shortage of options for those seeking to live in a recovery home in low or high density areas of the City." (Attachment 2, p. 3-21.)	The City's' data reports that, as of April of 2021, it has only approved 16 group homes, and at least five of those approvals (more than 30%) pre-date the City's group home regulations. Of the 67 group homes that applied for CUPs, the City has only approved one. That is an approval rate of less than 1.5%. (Attachment 23, p. 20; see also Attachment 14.)
"There is no shortage of options for those seeking to live in a recovery home in low or high density areas of the City." (Attachment 2, p. 3-21.)	Costa Mesa's approach to group homes it treats all group homes, sober living homes, and state-licensed facilities as if they are interchangeable. They are not. Different types of group homes and facilities provide different levels of care to clinically distinct populations. Even if the City had a sufficient number of one type of group home (e.g., sober living homes), it could still have a ***shortage*** of another type of group home that meets a different need (e.g., transitional housing for people with psychiatric illness who do not need addiction care). Claiming "there is no shortage of options" for people with disabilities who rely on shared housing ignores overwhelming evidence in the record from group home operators, their residents, and

Additional Language in Housing Element Update	Insight's Response
	disability rights advocates that there is a dire shortage of housing for certain groups.
"... the City does not regulate state licensed homes of six or fewer residents, as that is permitted by state law." (Attachment 2, p. 3-21.)	This is another example of Costa Mesa treating all group homes, sober living homes, and state-licensed facilities as if they are interchangeable. Our residents do not need (nor want) to live in a state-licensed home. The purpose of our Costa Mesa housing is to foster autonomy in the least restrictive environment possible. State-licensed homes provide a higher level of care that would defeat the core purpose of our housing. Importantly, Costa Mesa's group home regulations prohibit group homes within 650 feet of state-licensed facilities, so the location of these facilities (which the City cannot regulate if they have 6 beds or less) inherently impacts where group homes can be sited. For example, our housing is located within 650 feet of state-licensed facilities that opened ***after*** we had already been operating (and are outside Costa Mesa's jurisdictional boundaries), but the existence of these new facilities is the reason the City is telling us we need to shutter our housing. The City's group home regulations prioritize state-licensed facilities to the detriment of group homes. The result is that the City may have a sufficient amount of state-licensed facilities to meet the needs of its community, but it suffers from a dearth of group homes.
SOLUTION: Costa Mesa's Housing Element update should include a program that requires the City to repeal its group home regulations ***by a specified deadline***. Costa Mesa's housing should treat group homes the same way it treats other households in the same zones in the same structures. If multi-family housing is permitted by right, a household comprised of shared housing for people with disabilities in a multi-family structure should be permitted by right as well.	
Transitional Housing	
"Currently, the city permits transitional housing in consistent with the development standards and	Costa Mesa's Zoning Code definition of "transitional housing" (CMMC § 13-6) is very similar to the definition in the Housing Element Law (Gov. Code §

Additional Language in Housing Element Update	Insight's Response
regulations of the type of unit it is proposed as; for example, if a transitional housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a SFU. The City has identified Program 2J to update the zoning code to acknowledge transitional housing distinctively in the City's land use matrix, consistent with state law." (Attachment 2, p. 3-21.)	65582(j)). There are many types of shared housing for people with disabilities that that do not meet the Housing Element Law's definition of "transitional housing," e.g., because their length of tenancy is not necessarily six months or longer. Insight's housing is transitional (i.e., it is a safe place for psychiatric patients to transition to community living), but it does not qualify as "transitional housing" under this definition because there is no requirement that residents live there for six months or longer. Moreover, Costa Mesa's Zoning Code does not define or use the term "single-family unit" or "SFU," but its definitions of "family" and "single housekeeping unit" ***preclude*** "transitional housing" (as defined) from qualifying as either a "family" or a "single housekeeping unit" for a variety of reasons. Residents of "transitional housing": • Will not have "established ties and familiarity with each other; • Will not necessarily "share meals", "household activities", and "responsibilities"; • Probably will not share "expenses"; • Probably will not have control over who becomes a member of the household; • Probably will not share a lease agreement; • May have locks on their bedroom doors; and • May have separate food storage facilities. Many providers of transitional housing do not operate on a "nonprofit basis." If a provider of transitional housing has more than one unit or operation in Costa Mesa, it is considered an "integral facility" (see CMMC §13-6) which results in a "rebuttable presumption" that its housing is not a

Additional Language in Housing Element Update	Insight's Response
	single housekeeping unit. Costa Mesa outright prohibits group homes from operating as "integral facilities. (See CMMC §§ 9-374(b)(4), 13-311(a)(7).) Even if the tenancies of transitional housing are 6+ months, it is not clear that the City would consider this "fairly stable as opposed to transient." The City's Zoning Code does not define "transient." This means that, unless transitional housing is state-licensed and has six beds or less (in which case, State law requires Costa Mesa to treat it the same as a single-family residence), Costa Mesa will regulate it as a "group home" with: (1) discretionary permit requirements (i.e., SUP and CUP); (2) operator permit requirements; (3) separation requirements; and (4) an outright prohibition on "integral facilities (as broadly defined by Costa Mesa's Zoning Code). This is a constraint on transitional housing for all of the reasons discussed above.
SOLUTION: At a minimum, Program 2J should require Costa Mesa to amend its definition of "transitional housing" ***by a specific deadline*** to ensure that "transitional housing" is not treated differently from other households (e.g., single-family dwellings," "multi-family dwellings," "common interest developments," etc.), regardless of whether the "transitional housing" meets the City's definition of "family" and/or "single housekeeping unit."	
Supportive Housing	
"Currently, the city permits supportive housing in consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a supportive housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a single family unit. The City has identified Program 2J to update the zoning code to acknowledge supportive housing distinctively in	Costa Mesa's Zoning Code definition of "supportive housing" (CMMC § 13-6) is very similar to the definition in the Housing Element Law (Gov. Code § 65582(g)). There are many types of shared housing for people with disabilities that that do not meet the Housing Element Law's definition of "supportive housing," e.g., because it does not restrict occupancy to the "target population" (as defined in § 65582(i)). Insight's housing is a supportive community, but it does not qualify as "supportive housing" under this definition. Although Insight's housing is affordable ($1,500/month), it does not limit eligibility to "persons with low incomes." Although virtually all

Additional Language in Housing Element Update	Insight's Response
the City's land use matrix, consistent with state law." (Attachment 2, p. 3-22.)	residents receive psychiatric services off site, Insight's housing is not "linked to an onsite or offsite service." Under Costa Mesa's Zoning Code, "supportive housing" cannot qualify as a "single-family unit" (which we infer means "family" or "single housekeeping unit") for all of the reasons discussed in the previous row. As with transitional housing, this means that, unless supportive housing is state-licensed and has six beds or less (in which case, State law requires Costa Mesa to treat it the same as a single-family residence), Costa Mesa will regulate it as a "group home" with: (1) discretionary permit requirements (i.e., SUP and CUP); (2) operator permit requirements; (3) separation requirements; and (4) an outright prohibition on "integral facilities (as broadly defined by Costa Mesa's Zoning Code). This is a constraint on supportive housing for all of the reasons discussed above.
SOLUTION: At a minimum, Program 2J should require Costa Mesa to amend its definition of "supportive housing" ***by a specific deadline*** to ensure that "supportive housing" is not treated differently from other households (e.g., single-family dwellings," "multi-family dwellings," "common interest developments," etc.), regardless of whether the "supportive housing" meets the City's definition of "family" and/or "single housekeeping unit."	
Reasonable Accommodations	
"The inherent constraints of any reasonable accommodation process are that the accommodation must be both 'reasonable' and 'necessary.' Each of these concepts are unavoidably subjective in some ways and entail a highly specific inquiry into a particular, typically unique, set of circumstances. The examples offered by HCD in its comments on the draft element reference consideration of General Plan consistency, for example. A General Plan and evaluation of uses as	Costa Mesa's "Reasonable Accommodation" procedure (CMMC §§ 13-200.60 to 13.300.63) blatantly violates federal and state fair housing and disability discrimination laws. (See, e.g., 28 C.F.R. § 35.130(b)(7); 28 C.F.R. § 35.150(a)(3).) Its submittal requirements alone (CMMC §13-200.62(a)-(b)) require a level of sophistication, time, and resources that will deter or disqualify a broad range of people with disabilities from even applying. For example, requiring the request to be submitted "in writing" disqualifies individuals who cannot write. The submittal requirements also include unrestricted catchalls allowing the Director and Hearing Officer to

Additional Language in Housing Element Update	Insight's Response
consistent or inconsistent with the General Plan may be a constraint, but both a General Plan and acting consistently with the General Plan are obligations imposed on the City by State law. Similarly, impacts to individuals and properties in the vicinity of any requested deviation from standards is a routine and appropriate factor to review in determining whether a particular accommodation requested is reasonable under all the circumstances presented. Nevertheless, the City has established Program 2N and has committed to review and revise its reasonable accommodation procedures to be consistent with the requirements of State law as needed, and to consider public comments to determine whether revisions can be made to minimize constraints in the process." (Attachment 2, p. 3-34.)	demand "[a]ny other information" they determine is necessary. In my company's case, staff used this process to justify invasive and burdensome demands into my company's proprietary business operations, which we provided because we had no other choice. The City will not grant an accommodation request unless the Director can make eight separate findings (CMMC § 13-200.62(f)), and contrary to Federal and State law, the City ***puts the burden on the requester*** to prove up ***all eight*** findings. (Attachment 8, pp. 27-28].) For example, the City's Code requires it to deny an accommodation request unless the requester can prove (among other things) that the request "will not impose an undue financial or administrative burden on the city, as 'undue financial or administrative burden' is defined in fair housing laws and interpretive case law." (CMMC § 13-200.62(f)(3).) This is an impossible task for most (if not all) requesters. It requires requesters to ***prove a negative*** (i.e., that granting their request will not result in an fundamental alternation or an undue burden), and the information needed to even begin this analysis is exclusively within the City's control. That is why State and Federal law requires agencies ***to grant*** an accommodation request unless the agency can prove doing so would be an undue burden or fundamental alteration. (28 C.F.R. § 35.130(b)(7); 28 C.F.R. § 35.150(a)(3).)

SOLUTION: Program 2N should require the City to amend its reasonable accommodation process ***by a specified deadline*** to do all of the following:

1. Specify that City staff will assist requesters with the submittal process (e.g., requesters who are not able to write may make verbal requests) (see CMMC § 13-200.62(a)-(b));

2. Clarify that requesters do not need to provide any medical information or documentation as part of their submittal for a disability-related accommodation request (see CMMC § 13-200.62(b)(2), (4));

3. Remove open-ended submittal requirements (see CMMC § 13-200.62(b)(3), (7));

Additional Language in Housing Element Update	Insight's Response
4. To protect the requesters' privacy, provide an appeal procedure that does not require any noticed public hearings or meetings of any kind that are open to the public (see CMMC § 13-200.62(d)); 5. Remove the "Grounds for reasonable accommodation" and "Findings" subsections (CMMC § 13-200.62(e)-(g)) entirely and replace them with a procedure that places the burden on the requester to establish the request is "reasonable" and "necessary" and, if the requester makes those showings, places the burden on the City to establish granting the request is an "undue burden," "fundamental alteration," or "direct threat," and specify that the City ***must grant the request*** unless it makes one or more of these findings.	
Definition of Family	
"The courts have clearly distinguished between single housekeeping units and those of a more transient nature, such as boarding homes, motels, etc. The City's code does not restrict single housekeeping units to those who are related, but does properly define a single housekeeping unit consistently with the law. State zoning law allows the city to establish zones of different residential density, such as R-1 (single family residential), R-2 (two unit/family residential), multi-family, mixed use, etc. The City's definition of family does not touch on whether the members are disabled or not, is not based on and is not intended to discriminate against any based on different levels of ability or disability." (Attachment 2, p. 3-34)	The City's residential zones regulate density of housing units (i.e., how many housing units can be on an acre) without regard to ***who*** lives in them or ***how many*** occupants live in them (subject to the State's occupancy limits). In contrast, the City's definition of "single housekeeping unit" has nothing to do with density. It regulates the occupants' relationships with each other (e.g., whether they have "established ties and familiarity with each other) and how they manage their household (e.g., whether they share common areas, meals, household activities, expenses, responsibilities, etc.). This definition also regulates the business operations of the housing provider — the "residential activities of the household" must be "conducted on a nonprofit basis." There are many households in Costa Mesa that would not meet all of the City's requirements for "single housekeeping units." For example, rental properties are not typically "conducted on a nonprofit basis." The purpose of rental properties is to draw income. Costa Mesa has no concerns about the inherently profit-driven nature of the housing market unless the property is a "group home." As another example, many blood-related households do not share meals or chores, but that result in Costa Mesa imposing heightened permitting requirements for them. The City only invokes its requirements for "single housekeeping unit" to exclude (or impose onerous

Additional Language in Housing Element Update	Insight's Response
	permitting requirements) on shared housing for people with disabilities (i.e., group homes).
SOLUTION: Add a Program requiring the City to amend its definition of "single housekeeping unit" ***by a specified deadline*** to remove arbitrary constraints on shared housing for people with disabilities. For example, "single housekeeping unit" could simply be defined as "the occupant(s) of a dwelling unit."	

Conclusion

In December of 2020, the City of Encinitas adopted group home regulations that Encinitas explicitly modeled after Costa Mesa's regulations. In March of 2021, HCD sent Encinitas a Notice of Violation outlining the numerous ways Encinitas's regulations failed to protect people with disabilities. (Attachment 24.) HCD's Notice of Violation to Encinitas hit the nail on the head. My company's experience navigating Costa Mesa's group home regulations prove all of HCD's concerns were valid. For the sake of our residents and others like them whose lives depend on shared housing, we respectfully request HCD provide the same direction to Costa Mesa.

Sincerely,

Mary Helen Beatificato

Attachments:

1. HCD's Comment Letter on Costa Mesa's Housing Element Update, December 3, 2021
2. Redline of Costa Mesa's Housing Element Update (Excerpts), January 18, 2022
3. Written Comments for Costa Mesa's City Council's Public Hearing on Housing Element Update, January 11, 2022
4. Costa Mesa Ordinance No. 14-13
5. Order on Cross Motions for Summary Judgment in *Ohio House, LLC v. City of Costa Mesa*, United States District Court for the Central District of California Case No. 8:19-cv-1710-JVS (GJSx), January 12, 2022
6. Insight's Request for a Reasonable Accommodation, August 3 10, 2018
7. Declaration of Carla DiCandia, Senior Outreach Manager for Oceanview Adult Psychiatric Hospital, December 5, 2021
8. Transcript of the Planning Commission Hearing on Insight's Appeal, August 12, 2019
9. Transcript of the City Council Hearing on Insight's Appeal, November 5, 2019
10. City Council Resolution Denying Insight's Appeal, November 5, 2019
11. Transcript of the Deposition of Willa Bouwens-Killeen, Costa Mesa's Zoning Administrator at the time of Insight's Appeals (Excerpts), October 27, 2021
12. Transcript of the Deposition of Jennifer Le, Costa Mesa's Director of Economic and Development Services (Excerpts), November 4, 2021
13. Declaration of Jennifer Le, Costa Mesa's Director of Economic and Development Services, December 6, 2021
14. 2021 Smartsheet – Application Status
15. 2021 Smartsheet – City Approved Sober Living/Group Homes
16. 2021 Smartsheet – DHCS Facilities
17. 2021 Smartsheet – Closed Operations
18. 2021 Smartsheet – Group Homes Cited
19. 2014 Data on Costa Mesa Group Homes
20. 2017 Data on Costa Mesa Group Homes
21. 2021 Date on Costa Mesa Group Homes
22. Chart of Outcomes of Group Homes' Reasonable Accommodation Requests
23. Disparate Effect Analysis: Costa Mesa California Group Homes Zoning Policies and Action, by Ann Moss Joyner, July 26, 2021
24. HCD's Notice of Violation to City of Encinitas, March 25, 2021

Enclosure 3

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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April 5, 2022

Lori Ann Farrell Harrison, City Manager
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Lori Ann Farrell Harrison:

RE: City of Costa Mesa's 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of Costa Mesa's (City) housing element adopted on February 2, 2022 and received for review on February 4, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Disability Rights California, Costa Mesa Affordable Housing Coalition, Kennedy Commission, Nsight and Californians for Homeownership pursuant to Government Code section 65585, subdivision (c).

The adopted element addresses many statutory requirements described in HCD's prior December 3, 2022 review; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of this statutory deadline, then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and dedication Jennifer Le, Scott Drapkin and the rest of the City's housing element team provided during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need assistance, please contact me at Paul.McDougall@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX
CITY OF COSTA MESA

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at http://www.hcd.ca.gov/community-development/building-blocks/index.shtml and includes the Government Code addressing State Housing Element Law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

   While the element includes a general summary of outreach and includes some additional data related to disparities in access to opportunity, it largely was not revised to address HCD's findings related to the following:

   - Enforcement
   - Integration and Segregation (please see finding related to income and persons with disabilities)
   - Racial/Ethnic Areas of Concentration of Poverty (R/ECAP) and Areas of Affluence (RCAA)
   - Disproportionate Housing Need including Displacement Risk (please see finding related to overpayment, overcrowding, housing conditions and homelessness)
   - Local Data and Knowledge, and Other Relevant Factors
   - Goals, Actions, Metrics, and Milestones

   Please see HCD's prior review which details the necessary revisions.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

   Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)

Extremely Low-income (ELI) Households: While the element includes some analysis of the existing housing needs of ELI households, it must still identify the projected housing need for ELI households as describe in HCD's prior review.

Housing Conditions: The element describes the age of the housing stock and includes some information on code enforcement. However, the element must still include an estimate of the number of units in need of rehabilitation and replacement. This analysis could address housing conditions at a neighborhood or area level to address requirements related to the assessment of fair housing (See above). Please see HCD's prior review for additional information.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

   Suitability of Nonvacant Sites: While the element includes some additional information on development potential based on existing versus allowable intensities and a brief housing market analysis, it must still provide supporting information to demonstrate the similarity between redevelopment trends and identified sites. Please see HCD's prior review for additional information.

   In addition, as noted in the prior review, because the housing element relies upon nonvacant sites to accommodate more than 50 percent of the regional housing needs allocation (RHNA) for lower-income households, it must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA. Based on a cursory review of the adoption resolution (Resolution Number 2022-06), findings were not made regarding existing uses. Future re-adoption of the housing element must contain the appropriate findings. HCD will provide samples under separate cover.

   Small Sites: The element includes some analysis of small sites and the potential for consolidation and notes Policy 2.10 in the land use element of the general plan. However, Policy 2.10 appears oriented toward single family lots and does not provide clear mechanisms for promoting lot consolidation. As a result, the element should include a program with specific commitment and timing to establish incentives and promote lot consolidation, including outreach with property owners.

   Large Sites: Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. For example, typical developments with units affordable to lower income households consist of 50 to 150 units. Several sites identified far exceed this typical range. HCD's prior review found the element should demonstrate the potential for larger sites to be developed as

assumed in the planning period, including affordability. In response, the element now describes expressed interest in developing housing in the planning period and absence of explicit caps on affordability. However, the element should still describe how these larger sites facilitate affordability in the planning period, particularly given typical ranges for affordable developments. Further, the element must include a program to facilitate the assumed affordability on larger sites and, similar to Program 3B (Fairview Development Center), should consider alternative actions if the sites are not developed in the planning period as assumed, especially related to affordability.

Environmental Constraints: While the element now generally describes potential environmental constraints related to fire and flooding, it must still describe any other known environmental or other conditions that could impact housing development on identified sites in the planning period.

Accessory Dwelling Units (ADUs): HCD's prior review found the element should reconcile 2020 numbers with HCD's records (19 ADUs) and rescale assumptions based on permitted units and other relevant factors and add or modify programs as appropriate. In response, the element now assumes 70 ADUs per year (adjusted from over 100 ADUs per year). However, these adjusted assumptions are not supported by analysis and programs. First, the element must still reconcile 2020 numbers (27 ADUs) with HCD records. Second, recent trends (20 ADUs per year since 2018) do not support a four-fold increase. While the element notes the uptick (41 ADUs in 2021), it should rescale assumptions to a more appropriate number around 40 to 50 ADUs per year.

Electronic Site Inventory: As noted in the prior review, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

Zoning for a Variety of Housing Types:

- *Emergency Shelters*: The element now includes some discussion related to available acreage and proximity to transportation and services; but it should still clarify emergency shelters are permitted without discretionary action; discuss the presence of reuse opportunities; and analyze any conditions inappropriate for human habitation.
- *Permanent Supportive Housing*: The element was not revised to address this finding. Please see HCD's prior review for additional information.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Processing and Permit Procedures: The element now describes approval bodies for various entitlements and indicates typical multifamily developments are subject to Planning Commission approval. In addition, as noted in the prior review, the analysis should address the typical number of public hearings, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing and approval certainty.

Housing for Persons with Disabilities:

- *Reasonable Accommodation*: HCD's prior review found the City's reasonable accommodation procedure contains potential constraints. For example, while HCD agrees that local actions must be consistent with the general plan, the purpose of the procedure is to provide exception in land use, including the general plan, so persons with disabilities can enjoy access to housing. Further, the housing element, including provisions for reasonable accommodation and obligations to affirmatively further fair housing (AFFH), are also part of the general plan. In response, the element does not appear to agree the procedure contains constraints but commits (Program 2N) to review and revise the ordinance to comply with state and federal fair housing laws, which casts uncertainty on what will be revised. As a result, Program 2N should be revised to provide certainty and specific commitment to revise the ordinance and ensure a process that promotes housing access for persons with disabilities. For example, the Program could commit to revise the procedure with parameters on what will be achieved through revisions such as promoting access to housing for persons with disabilities, addressing constraints such as approval findings and establishing objective standards (e.g., health and safety) and guidance to promote certainty on how approval findings will be implemented.
- *Definition of Family*: HCD's prior review found the zoning code defines single housekeeping unit with multiple restrictions that may act as constraints on housing for persons with disabilities. In response, the element concludes the definition of family and single housekeeping unit do not touch on whether members are with a disability and is not intended to discriminate against persons with disabilities. However, the element provides no analysis to support this conclusion and should include a program to address the constraint. Please see HCD's prior review for additional information.
- *Group Homes*: The element includes various conclusions and statements about the City's zoning code and group homes, but it still must analyze the exclusion of these housing types from some residential zones and use permit and other requirements, including enforcement as constraints on housing for persons with disabilities and add or modify programs as appropriate. Based on a complete analysis, the element should add or modify program. Please see HCD's prior review for additional information.

B Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the*

administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)

As noted in the prior review, to have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines and specific commitment. In response to add discrete timelines, the element, for several actions, now commits to review or evaluate programs annually. However, an annual review does not result in a beneficial impact or a housing outcome. Programs should have specific commitment with discrete timing to achieve a housing outcome in the planning period. For example, Program 1A (Owner Occupied Housing Rehabilitation) should at least annually market information on the program, describe when the City will evaluate effectiveness and make adjustments and could commit to process a target number of applications per year. Please see HCD's prior review for additional programs to be revised.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

   As noted in Finding A3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

   - Shortfall of Adequate Sites: As noted in the prior review, programs to rezone sites and accommodate a shortfall of adequate sites (3C and 3D) must be revised to address all requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i) and commit to allowable densities, minimum acreage to be rezoned, number of shortfall units and amending any caps on residential development. In response, the element now states rezoning is not necessary to accommodate a shortfall of adequate sites. However, the element does not demonstrate how this conclusion is derived. The element should either demonstrate how adequate sites are demonstrated based on existing zoning, including development standards or revise programs as described in HCD's prior review.
   - Program 3B (Fairview Development Center): While the Program now commits to negotiate an agreement and alternative actions, it should also commit to facilitate development as appropriate, including zoning, incentives, expedited processing and

similar actions and include timing for when alternative actions will be completed if necessary.

- Large and Small Sites: As noted in Finding A3, programs should be added or modified to ensure availability and affordability of development in the planning period as anticipated in the sites inventory.

3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

   ELI Households: Program 2L is now revised to subsidize processing fees when funding is available and promote the benefits of the program. However, the Program should also commit to additional actions to assist in the development of housing for ELI households. The Program should commit to proactively reach out to developers at least annually and ongoing to identify development opportunities, adopt priority processing and streamlined review, grant concessions and incentives and assist, support or pursue funding applications at least annually and ongoing throughout the planning period.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

   As noted in Findings A4, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

   In addition, Program 3G now includes a specific schedule of actions to, among other things, engage the community, propose a ballot measure, adopt an inclusionary ordinance (exempting affordable housing proposals) and prepare planning amendments to meet the RHNA. However, the Program should also commit to adopt the various planning amendments, alternative actions if the appropriate zoning is not complete and provide parameters that the ballot measure or other actions will be undertaken to address this fundamental constraint to housing development (in addition to RHNA requirements).

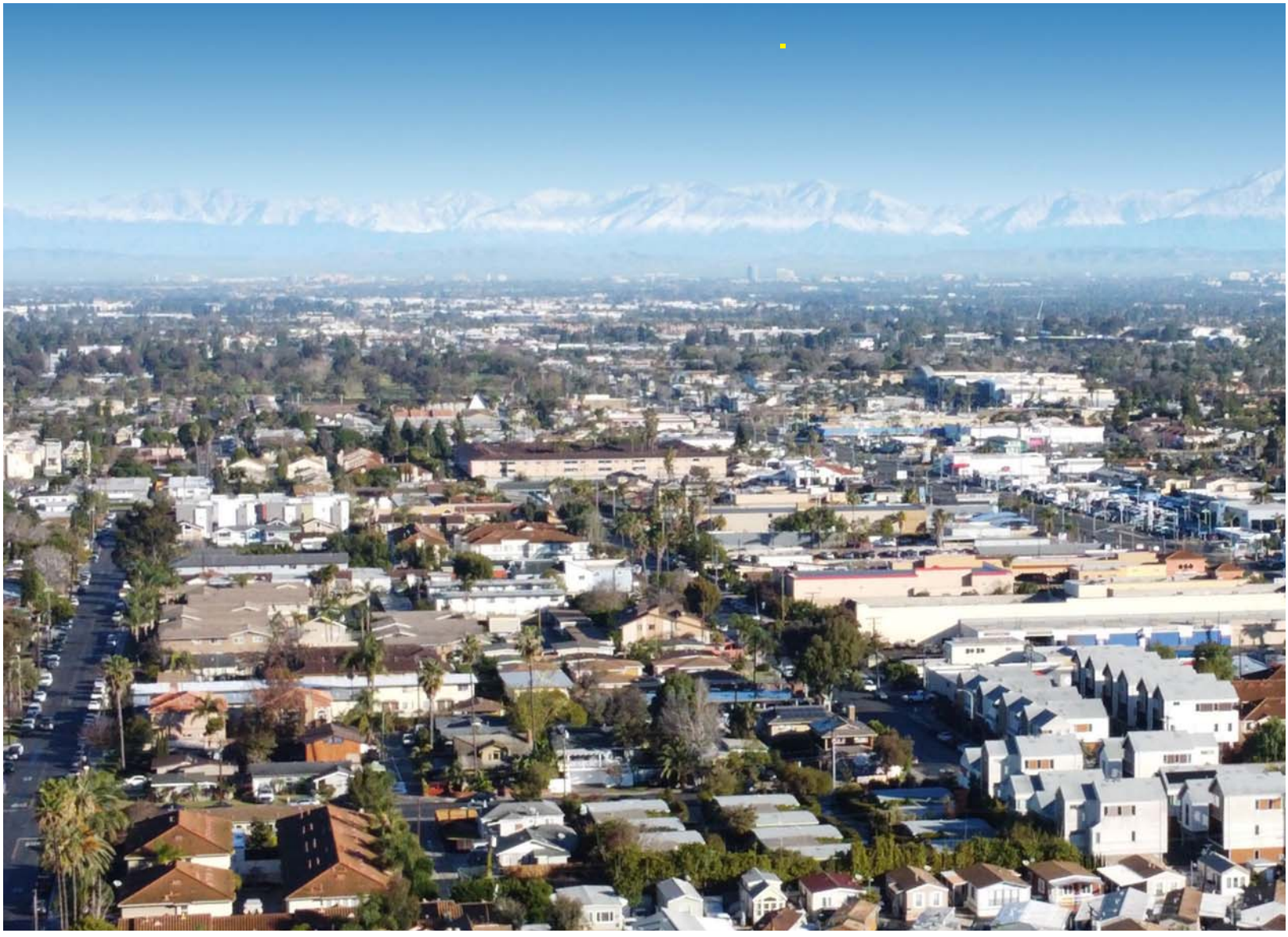
5. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

   As noted in Finding A1, the element requires a complete analysis of AFFH. Depending upon the results of that analysis, the City must revise or add programs.

Enclosure 4

Chapter 3

Housing Constraints, Resources, and Affirmatively Furthering Fair Housing



Program 2M is included in **Chapter 4: Housing Plan** to review and revise the City's residential off-street parking standards for multi-family residential projects in an effort to facilitate the development of multi-family developments, and specifically affordable housing projects.

4. Variety of Housing Types Permitted

California Housing Element Law mandates jurisdictions must make sites available through zoning and development standards to promote the development of a variety of housing types for all socioeconomic levels of the populations. Housing types include single-family homes, multi-family housing, accessory dwelling units, factory-built homes, mobile-homes, employee and agricultural work housing, transitional and supportive housing, single-room occupancy (SROs), and housing for persons with disabilities. **Table 3-9** shows the various housing types permitted throughout the City of Costa Mesa.

Table 3-9: Housing Types Permitted in Costa Mesa

Housing Types	Zones																	
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.	
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R	I&R-MLT
Single-Family	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	P
Multi-Family	-	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Accessory Dwelling Unit	P	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Common Interest Development	-	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Small Lot Subdivision, Residential	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile Home Park	-	C	C	C	-	-	-	-	-	-	C	C	C	C	C	C	-	-
Boarding House, Small (1)	-	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	-
Boarding House, Large (1)	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	-	-
Residential Care Facility, 6 or Fewer Persons	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	P	P

Table 3-9: Housing Types Permitted in Costa Mesa																		
Housing Types	Zones																	
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.	
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R	I&R-MLT
Residential Care Facility, 7 or More	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	C	-
Group Homes, 6 or Fewer Persons	S	S	S	S	-	-	-	-	-	-	S	S	S	S	S	S	P	P
Group Homes, 7 or More	S	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	P	-
Sober Living Homes, 6 or Fewer Persons	S	S	S	S	-	-	-	-	-	-	S	S	S	S	S	S	P	-
Sober Living Homes, 7 or More	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	P	-
Referral Facility	-	C	C	C	-	C	-	-	-	-	-	C	C	-	-	-	-	-
Single Room Occupancy Residential Hotel (SRO)	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-
Emergency Shelters	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	-	-
Low Barrier Navigation Centers	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Farmworker Housing	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Source: City of Costa Mesa Zoning Code

Notes: (1) Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse.

P – Permitted

C – Conditional Use Permit

S – Special Use Permit

Table 3-9: Housing Types Permitted in Costa Mesa																		
Housing Types	Zones																	
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.	
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R	I&R-MLT
(-) – Prohibited																		

Single-Family Dwelling

The Costa Mesa Zoning Code defines a Single-Family Dwelling as a building of permanent character 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. A single-family dwelling may be attached or detached from another single-family dwelling, including but not limited to an accessory dwelling unit. Single Family dwelling units are permitted in the R1, R2-MD, R2-HD, and R3 residential zones, as well as the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, PDI, and I&R-MLT zones.

Multi-Family Dwelling

A Multi-Family Dwelling is a building of a permanent character which is designed or used for residential occupancy or two or more families. This housing designation may include, duplexes, triplexes, fourplexes, and apartments. The building is typically owned by a single person or agency and rented out to tenants. Each dwelling unit within the structure is occupied by a single housekeeping unit. Multifamily dwelling units are permitted in the R2-MD, R2-HD, and R3 residential zones, the TC commercial zone, and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI zones, and the I&R-MLT Institution zone.

Accessory Dwelling Unit (ADU)

An ADU is a second dwelling unit established in conjunction with and subordinate to the single-family dwelling unit existing on the property. The ADU may be a studio with no bedroom or contain any number of bedrooms and it may be attached to the single-family dwelling unit or detached and located on the same lot. An ADU may also be referred to as an "accessory apartment", "granny unit", "granny flat", or "in-law apartment". Refer to Costa Mesa City Ordinance 2021-03 for ADU-specific development standards. Accessory dwelling units are permitted in all zones where single-family residential units are also permitted.

Common Interest Development

The City Zoning Code defines Common Interest Developments as containing 2 or more common interest units, which may include, but is not limited to, a community apartment project, rights of exclusive occupancy, a stock cooperative, and/or exclusive occupancy. Common interest developments are permitted in all zones where multifamily developments and units are permitted.

Small Lot Subdivision, Residential

A Small Lot Subdivision refers to a residential development that contains a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel. In a small lot subdivision, the land is subdivided into fee simple parcels containing each unit and each individual lot is provided with either a direct access to a public street/alley or an easement access through a recorded subdivision map. Small Lot subdivision projects are permitted in the R2-MD, R2-HD, and R3 residential zones.

Manufactured Housing

Manufactured housing includes 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. A factory-built structure is considered a single-family home and shall be reviewed under the same standards as a site-built structure if it is manufactured under the authority of 42 U.S.C. section 5401 - National Manufactured Housing Construction and Safety Standards Act. Mobile homes are permitted conditionally in the R2-MD, R2-HD, R3 residential zones and PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI zones.

Boarding House

A Boarding House is a residence or dwelling, other than a hotel, wherein rooms are rented under 2 or more separate written or oral rental agreements, leases, or subleases. The property owner, agent, or rental manager may or may not reside on the property. A small boarding house rents 2 or less rooms, while a large boarding house rents out 3 to 6 rooms. The City of Costa Mesa prohibits boarding houses that rent more than 6 rooms. Small boarding house developments are permitted in all zones where manufactured/mobile homes are permitted, and large boarding house developments are conditionally permit in these zones.

Residential Care Facility

In Costa Mesa, a Residential Care Facility must be licensed by the State to provide care, services, or treatment to persons living in supportive community residential setting. Residential care facilities may include, but may not be limited to: intermediate care facilities for the developmentally disabled; community care facilities; residential care facilities for the elderly; residential care facilities for the chronically ill; alcoholism and drug abuse facilities; pediatric day health and respite care facilities; residential health care facilities, including congregate living health facilities; family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children. Residential care facilities are permitted in all residential, planned development, and institutional zones.

Group Homes

A Group Home is 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 State licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Group homes are allowed in all residential zoning districts through a conditional or special use permit. Small group homes are permitted with a special use permit in residential and planned development zones, and they are permitted as a primary use in institutional zones subject to consistency with an adopted Master Plan. Large group homes are conditionally permitted in residential and planned

development zones and are permitted as a primary use in the institutional zones subject to consistency with an adopted Master Plan.

Although there are several different housing types outlined in the zoning code including group homes, the City's zoning code does not exclude group homes or more specifically housing for disabled people from any residential zones in the City. On the contrary, disabled individuals can live in any residential property in the City. The city's code provisions regarding group homes have been upheld by numerous courts in both state and federal court and have been found to be intended to and actually protective of persons with disabilities. Group homes are intended to be integrated into residential communities for the benefit of both the disabled and the non-disabled. The City's code protects the disabled from being forced to live in multiple adjoining properties clustered together -- institutionalized settings -- in crammed quarters, subject to eviction without warning and left vulnerable and homeless in a City far from their actual homes. It also preserves the very character of residential neighborhoods which make them desirable places to live, by preventing unreasonably increased traffic, noise, parking difficulties, and drug-related activity when residents relapse during the recovery process. The recovery community, including industry associations like Sober Living Network and the National Alliance for Recovery Residences, acknowledged these issues, and recommend that group recovery homes – including sober living homes – adopt model operational standards to ensure proper care of their residents. Costa Mesa's code does exactly that, regulating *operators*, not disabled individuals, and ensuring the disabled safe and appropriate residential environments. Numerous group homes for the disabled, including sober living homes have been approved and operate throughout the City. There is no shortage of options for those seeking to live in a recovery home in low or high density areas of the City. Further, the City does not regulate state licensed homes of six or fewer residents, as that is preempted by state law.

Based on California Health and Human Services (CHHS) data shown below, Costa Mesa has more Certified & Licensed group home facilities (in number and per capita) than the surrounding Orange County jurisdictions. Under the current regulations, there are significant portions of the City that can accommodate additional facilities. Per capita estimates are shown below (based on 2021 US Census population estimates).

- Costa Mesa: 55 Certified and Licensed Facilities (1 per 2,013 residents)
- Newport Beach: 35 Certified and Licensed Facilities (1 per 2,422 residents)
- Huntington Beach: 42 Certified and Licensed Facilities (1 per 2,777 residents)
- Fountain Valley: 16 Certified and Licensed Facilities (1 per 3,530 residents)
- Irvine: 5 Certified and Licensed Facilities (1 per 61,806 residents)
- Santa Ana: 28 Certified and Licensed Facilities (1 per 11,051 residents)

Notwithstanding, the City has included **Program 2P** in the Housing Element to review and consider revisions to its zoning code and application procedures applicable to group homes to promote objectivity and greater approval certainty.

Transitional Housing

The Costa Mesa Zoning Code defines Transitional Housing as a development with buildings configured as rental 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 may not be less than 6 months. Transitional housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses. Currently, the city permits transitional housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a transitional housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a SFU. The City has identified **Program 2J** to update the zoning code to acknowledge transitional housing distinctively in the City's land use matrix, consistent with state law.

Supportive Housing

Supportive Housing includes housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing their ability to live and, when possible, work in the community. Supportive housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses. Currently, the city permits supportive housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a supportive housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a single family unit. The City has identified **Program 2J** to update the zoning code to acknowledge supportive housing distinctively in the City's land use matrix, consistent with state law.

Referral Facility

A Referral Facility or a group home may include one or more person who resides there pursuant to a court order or directive from an agency in the criminal justice system. Referral facilities are conditionally permitted in the R2-MD, R2-HD, and R3 residential zones, the PDR-MD, PDR-HD Planned Development zones and the C2 commercial zone.

Single Room Occupancy Residential Hotel (SRO)

An SRO is permitted in certain commercial zones and contains units designed for long-term occupancy by a single person. Double occupancy may be permitted. SROs are conditionally permitted in the C1 and C2 commercial zones.

Emergency Shelter

An emergency shelter provides temporary housing and food for individuals in need or disaster victims. The shelters may be operated by a public or non-profit organization. Emergency shelters are permitted by-right

- Encourage appropriate interplay between policies that apply particularly to the Costa Mesa Theater Arts District and those policies that evolve in the City of Costa Mesa to serve regional needs.
- Improve communication and cooperation among area property owners in monitoring and fostering design and development within the district.

8. Housing for Persons with Disabilities

Both the Federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act require governments to make reasonable accommodations (that is, modifications or exceptions) in their zoning laws and other land use regulations to afford disabled persons an equal opportunity to housing. State law also requires cities to analyze potential and actual constraints to the development, maintenance, and improvement of housing for persons with disabilities.

The Housing Element Update must also include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities. The analysis of constraints must touch upon each of three general categories: 1) zoning/land use; 2) permit and processing procedures; and 3) building codes and other factors, including design, location, and discrimination, which could limit the availability of housing for disabled persons.

Reasonable Accommodation

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices, and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the Zoning Code to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

The Reasonable Accommodations Chapter of the City of Costa Mesa's Municipal Code identifies the applicability and procedures needed to obtain relief from a Zoning Code provision, regulation, policy, or condition which may cause a barrier to equal opportunity for housing. This regulation applies to any person seeking approval to construct and/or modify residential housing for persons(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities.

An application for a reasonable accommodation must be submitted to the City of Costa Mesa's Planning Division and requires approval by the Development Services Director within 60 days of the application being deemed complete. A denied application may be appealed to the Planning Commission and is subject to the notice, review, approval, and appeal procedures prescribed for any other discretionary permit. There are no fees associated with the application and it must include:

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

- The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individual;
- Any other information that the Director reasonably determines is necessary for evaluating the request;
- Documentation that the applicant is either an individual with a disability, applying on behalf of one or more individuals with a disability, or a developer or provider of housing for one or more individuals with a disability;
- The specific exception or modification to the zoning code provision, policy, or practices requested;
- Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence; and
- Any other information that the hearing officer reasonably concludes is necessary to determine whether the grounds for reasonable accommodation can be made, so long as any request for information regarding the disability of the individual(s) benefited complies with fair housing law protections and the privacy rights of the individual(s) affected.

The following factors are considered during the review of the application:

- Is the requested accommodation necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling? To determine whether the accommodation is necessary, the director may consider, among other things: The nature of the disability including the special needs created by the disability, the physical attributes and setting of the property and structures, the potential benefit that can be accomplished by the requested accommodation, and alternative accommodations that may provide a comparable level of benefit.
- Is the requested accommodation reasonable? A requested accommodation is not reasonable if it would impose an undue financial or administrative burden on the City. It is also not reasonable if it would fundamentally alter a City program, such as the City's zoning scheme.
    - In considering the financial or administrative burden on the City, the director may consider, among other things, the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it.
    - In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, whether granting the request would be consistent with the City's General Plan, with the purpose and nature of the particular zoning district, and with nearby uses. The director may also consider whether the requested accommodation would potentially have adverse external impacts on properties in the vicinity.

The inherent constraints of any reasonable accommodation process are that the accommodation must be both "reasonable" and "necessary." Each of these concepts are unavoidably subjective in some ways and entail a highly specific inquiry into a particular, typically unique, set of circumstances. The examples offered by HCD in its comments on the draft element reference consideration of General Plan consistency, for

example. A General Plan and evaluation of uses as consistent or inconsistent with the General Plan may be a constraint, but both a General Plan and acting consistently with the General Plan are obligations imposed on the City by State law. Similarly, impacts to individuals and properties in the vicinity of any requested deviation from standards is a routine and appropriate factor to review in determining whether a particular accommodation requested is reasonable under all the circumstances presented. Nevertheless, the City has established **Program 2N** and has committed to review and revise its reasonable accommodation procedures to be consistent with the requirements of State law as needed, and to consider public comments to determine whether revisions can be made to minimize constraints in the process.

Definition of Family

Under the right of privacy, the California Constitution prohibits a restrictive definition of "family" which limits the number of unrelated persons and differentiates between related and unrelated individuals living together. The City of Costa Mesa's Municipal Code defines the term "family" as one or more persons occupying one dwelling unit and living together as a single housekeeping unit. The City also defines a "single housekeeping unit" as occupants which have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities. Membership in the single housekeeping unit must be fairly stable as opposed to transient, the members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. The City also includes that there is a rebuttable presumption that integral facilities do not constitute single housekeeping units.

The City's Municipal Code provides the following indicators that a household is not operating a single housekeeping unit:

- The occupants do not share a lease agreement or ownership of the property;
- Members of the household have separate, private entrances from other members;
- Members of the household have locks on their bedroom doors; and/or
- Members of the household have separate food storage facilities, such as separate refrigerators.

The Courts have clearly distinguished between single housekeeping units and those of a more transient nature, such as boarding homes, motels, etc. The City's code does not restrict single housekeeping units to those who are related, but does properly define a single housekeeping unit consistently with the law. State zoning law allows the city to establish zones of different residential density, such as R-1 (single family residential), R-2 (two unit/family residential), multi-family, mixed use, etc. The City's definition of family does not touch on whether the members are disabled or not, is not based on and is not intended to discriminate against any based on different levels of ability or disability. The City has added **Program 2O** to review and revised the definition of single-housekeeping unit (which is language within the definition of family) to provide greater flexibility in consideration of accommodating a variety of household situations for related and unrelated individuals living together.

9. Development Fees

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law. Development fees can be a constraint to the maintenance, improvement, and development of housing because the added costs for developers results in higher housing unit costs. Development fees are, however, necessary to provide planning and public services. **Table 3-13** provides the planning processing fees and **Table 3-14** provides the engineering fees.

Table 3-13: Planning Processing Fees

Review Process			Fee
ABC License Review			$500
Administrative Adjustment			$3,800
Address / Address Change			$200
Appeal	Planning Commission Decision	Located within 500 ft. of project site	$1,220
		Located greater than 500 ft. of project site	$3,825
	Non-Planning Commission Decision	Located within 500 ft. of project site	$690
		Located greater than 500 ft. of project site	$3,825
Banner Permit			$25
CC&Rs Review			$1,000
Certificate of Appropriateness			$7,500
Certificate of Compliance			$1,500
Conditional Use Permit			$7,500
Conditional Use Permit – Measure X			$27,508
Density Bonus Review			$12,000
Design Review	Minor		$1,500
	Major		$3,800
Designating a Cultural Resource			No fee
Development Agreement			Time and materials with $20,000 min. deposit
Development Agreement Annual Review	Planning Commission Review		$1,425
	City Council Review		$1,875
Development Review (Staff)			$1,500
Environmental Review / CEQA			Total consultant contract estimates plus 10%
Flood Zone Determination Letter			$250
Gate Permits			$500
General Plan Amendment Screening			$5,000
General Plan Amendment			$12,000
Home Occupation Permit (Planning Review)			$100
Land Use Restriction			$500
Lot Line Adjustment			$1,500

Table 3-13: Planning Processing Fees		
Review Process		**Fee**
Master Plan		$9,000
Master Plan Amendment	Minor Change	$1,250
	Minor Amendment	$6,000
	Major Amendment	$7,500
Minor Modification		$500
Minor Conditional Use Permit		$3,800
Minor Design Review		$1,500
Mixed-Use Development Plan Screening		$5,000
Mobile Home Park Applications	Mobile Home Park Conversion	$7,500
	Tenant Relocation (Staff Review)	$5,000
	Tenant Relocation (Third Party Review)	Total consultant contract estimates plus 10%
Off-Site Hazardous Waste Facility	Notice of Intent	$5,000
	Conditional Use Permit	$12,000
	Local Assessment Committee (Formation and Convening)	$5,000
Planned Signing Program		$1,500
Plan Check	Commercial	$250
	Industrial	$250
	Residential – Minor, 4 or Less	$250
	Residential – Major, 5 or More	$500
	Landscape Plan Only	$500
Pre-Application Review		$1,500
Public Entertainment Permit		$1,500
Public Notice (500-Foot Radius and Newspaper Publishing)		$1.00 per mailing address plus publishing costs
Reasonable Accommodation		No fee
Renewal/Time Extension	Director Action	$500
	Zoning Administrator Action	$2,500
	Planning Commission Action	$3,800
Residential and Non-Residential Common Interest Development Conversion		$7,500 plus $115 per unit for required building inspection
Rezone		$10,000
Second-Story Notification		$500
Shared Parking Approval		$500
Small Cell Facility Encroachment Permit – Planning Review		$1,000
Special Use Permit		$5,500
Specific Plan / Amendment		$12,000
Specific Plan Conformity Review		$9,000
Tentative Tract Map		$6,000
Tentative Parcel Map		$3,800

Table 3-13: Planning Processing Fees	
Review Process	**Fee**
Tree Removal Review / Tree Replacement Plan	$500
Urban Master Plan Screening	$10,000
Use Determination Letter	$500
Variance	$7,500
Zoning Verification Letter	$250
Source: City of Costa Mesa Planning Processing Fee Schedule (2019)	

Table 3-14: Engineering Fees	
Type	**Fee**
Drainage Fee	$6,283 - $11,309 per acre + storm drain upgrade
Final Map Check Fee	$90/hour
Off-Site Plan Check	$90/hour
Street Improvement Plan Check Fee	$90/hour
Deposit/bond – Off-Site Work	Twice the amount of the cost estimate of off-site work
Construction Access Permit	$230
Curb and Gutter Permit	$365
Driveway Approach	$425
Sidewalk Approach	$380
Wheelchair Ramp	$365
Public Right-of-Way Inspection	$125/hour
Source: City of Costa Mesa Development Fees (2019)	

The City of Costa Mesa assesses impact fees on a project-by-project basis, taking into account the number of units proposed in the development and the impact these units may have on the local school district, parkland, circulation in the area, and sewage and water infrastructure. **Table 3-15** provides the development impact fees as they relate to the development of housing in Costa Mesa.

Table 3-15: Development Impact Fees	
Use	**Fee**
Newport-Mesa Unified School District	
Residential Developer Fees	$1.84 per sq.ft. (additions under 500 sq.ft. may be exempt)
Transportation	
Low Density Residential (9.41 ADT)	$235 per net trip
Medium Density Residential (7.5 ADT)	$235 per net trip
High Density Residential (6.85 ADT)	$235 per net trip
Parkland	
Single-Family Residential	$13,572 per dwelling unit
Multi-Family Residential	$13,829 per dwelling unit
Apartment	$5,000 per dwelling unit
Costa Mesa Sanitary District	
Small New Development Plan Check	$420

Table 3-15: Development Impact Fees		
Use		**Fee**
Large New Development Plan Check		$1,260
Single Family Residential	1 Bedroom	$3,083
	2 Bedrooms	$4,029
	3 bedrooms	$4,973
	4 Bedrooms	$5,918
	5+ Bedrooms	$6,912
Multi-Family Residential	Studio	$1,591
	1 Bedroom	$2,486
	2 Bedrooms	$3,482
	3 bedrooms	$4,426
	4+ Bedrooms	$5,371
San Juaquin Hill Trans. Corridor Agency		
Single-Family Residential		$4,448 per dwelling unit
Multi-Family Residential		$2,595 per dwelling unit
Mesa Water District		
Service Establishment Fee		$20/account
Sources: City of Costa Mesa and Other Agencies Development Fees (2019) *Newport-Mesa Unified School District Developer Fees* *CMSD Sewer Connection Fees (2020)*		

The development fees associated with each project is dependent on the housing type, density, intensity of use, and location. In addition to these direct fees, the total cost of development is contingent on the project meeting the City's policies and standards, as well as the project applicant submitting necessary documents and plans in a timely manner.

The estimated total development and impact fees for a typical single-family residential project, assuming it is not part of a subdivision and is consistent with existing city policies and regulations, can range from $40,069 to $45,069. Estimated total development and impact fees for a typical multi-family residential project with ten units, assuming it is consistent with existing city policies and regulations range from $303,008 to $308,008.

These estimates are illustrative in nature and actual costs are contingent upon unique circumstance inherent in individual development project applications. Considering the cost of land in Costa Mesa, and the International Code Council (ICC) estimates for cost of labor and materials, the combined costs of permits and fees range from approximately 3.98 percent to 4.48 percent of the direct cost of development for a single-family residential project and 4.27 percent to 4.34 percent for a multi-family residential project. Direct costs do not include, landscaping, connection fees, on/off-site improvements, shell construction or amenities. The percentage of development and impact fees charged by the City may be smaller if all direct and indirect costs are included.

10. On-/Off-Site Improvements

Green Building Standards Code, and California Referenced Standards Code. These are considered to be the minimum necessary to protect the public health, safety, and welfare of the City's residents. In compliance with State law, the California Building Standards Code is revised and updated every three (3) years. The newest edition of the California Building Standards Code is the 2019 edition with an effective date of January 1, 2020.

Code enforcement is conducted by the City and is based on systematic enforcement in areas of concern and on a complaint basis throughout the city. The Code Enforcement Division works with property owners and renters to assist in meeting State health and safety codes. The Code Enforcement Division investigates complaints regarding violations of the Costa Mesa Municipal Codes. The City's caseload is complaint-based, and deals with issues such as unpermitted structures, poor property maintenance, debris accumulation, and inappropriate storage of vehicles or materials with the intention and goal of working with the community to help resolve issues through voluntary compliance. On average, there are 1,292 total code enforcement cases generated per year.

12. Local Processing and Permit Procedures

The development community commonly cites the permit processing time as a contributor to the high cost of housing. Depending on the magnitude and complexity of the development proposal, the time that elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review on a proposed project include the completeness of the development application and the responsiveness of developers to staff comments and requests for information. Approval times are substantially lengthened for projects that are not exempt from the California Environmental Quality Act (CEQA), require rezoning or general plan amendments, or encounter community opposition. Applicants for all permits or reviews are recommended to request a pre-application meeting with the respective department to: confirm City requirements as they apply to the proposed project; review the City's review process, possible project alternatives or revisions; and identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.

The typical proposal for a single-family or multi-family residential development entitlement review is provided below:

- New single-family residences that comply with development standards are processed through the normal plan check process. Planning staff is the approval body for single-family developments and do not require public hearings.
- New multi-family developments (with 3 or fewer units) that comply with development standards are processed through the normal plan check process. Planning staff is the approval body for these type of developments (staff report written and posted online) and do not require public hearings. Approximate processing time to get to a decision is typically 6–8 weeks; following planning approval, the project would go through normal plan check process.
- New multi-family developments (with 3 or more units) that comply with development standards are processed through the Design Review application process. The Planning Commission is the

approval body for these types of developments, with a public hearing before the 7-member commission. Approximate processing time is 8–12 weeks; following planning commission approval, the project would go through normal plan check process.

All permit applications are first reviewed by City Staff for completeness, and discretionary applications must then receive a recommendation through a staff report prior to a review by the appropriate authority. Various applications may also require public noticing and a public hearing. **Table 3-16** identifies the appropriate review process for each planning permit application.

Table 3-16: Planning Application Review Process

Planning Application	Public Notice Required	Public Hearing Required	Recommending Authority	Final Review Authority	Notice of Decision
Development Review Minor Modification	No	No	None	Planning Division	No
Lot Line Adjustment	No	No	None	Planning Division	No
Administrative Adjustment Minor Conditional Use Permit Minor Design Review Planned Signing Program	Yes	No	None	Zoning Administrator	Yes
Design Review Mobile Home Park Conversion Common Interest Development Conversion Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance	Yes	Yes	Planning Division	Planning Commission	Yes
Conditional Use Permit Density Bonus Master Plan Master Plan – Preliminary	Yes	Yes	Planning Division	Planning Commission (1)	Yes
Redevelopment Action	Yes	Yes	Planning Commission	Redevelopment Agency	Yes
Rezone	Yes	Yes	Planning Commission (2)	City Council	No
Local Register of Historic Places	No	No	Planning Commission (3)	City Council	Yes
Certificate of Appropriateness	No	No	Planning Commission (3)	Planning Commission (3)	No

Note:
(1) Except where noted otherwise in the Zoning Code.
(2) If located in a redevelopment project area, the Redevelopment Authority is the recommending authority.
(3) Or other commission/committee as designated by the City Council.
Source: City of Costa Mesa Municipal Code Section 13-29. Planning Application Review Process

Table 3-17 shows recent projects which received entitlement approval and the date applicants submitted for building permits. As shown, the gap between planning approval and building submittal ranges from about one week to a little over a year. Applicants may submit for building permits directly after the appeal

period ends (the appeal period is seven days). Timing of submittals is dependent on applicants and may vary based on unique situations unrelated to City processes.

Table 3-17: Residential Project Entitlements			
Application Reference	Entitlement Approval	Building Permit Submittal	Description
DR-18-13	09/10/2018	06/04/2019 (9 months)	Development Review for the construction of a new two-story residence with an attached two-car garage.
DR-18-07	10/02/2018	10/11/2018 (after end of appeal period)	Development Review for the demolition of an existing single-story residence, and the construction of a new, two-story 2,523 sq. ft.
DR-18-12	10/04/2018	11/02/2018 (1 month)	Development Review for a new, two-story single family residence (3,121 sq. ft.) with 4 bedrooms, 4.5 bathrooms and an attached two-car garage.
DR-18-16	01/07/2019	01/22/2019 (2 weeks)	Development Review for the demolition of an existing attached garage structure and 2nd floor deck, to be replaced with a new garage and 425 sq. ft. master bedroom above. Interior work is limited to the 2nd floor master bedroom only
DR-19-03	06/26/2019	08/24/2020 (1 year 2 months) *	Development Review to construct a new two-story residential unit (ADU) which consists of 1 bed, kitchen, family room, parlor and 2 baths. Total square footage is 1,196 sq. ft. Includes a new three car garage.
** The COVID-19 may have played a factor in delay of submitted plans. The City also had to adapt to taking in plans electronically.*			

Between 2017 and April 2022, the Planning Commission reviewed a total of 35 projects proposing 152 total housing units. The average entitlement processing for these projects was an average of 175 days from submittal (less than six months) to final entitlement approval with projects typically being approved in one hearing (only seven of the 35 projects had more than one hearing and none of the projects required more than two hearings). The City's entitlement processing fees are flat rate fees, with any costs associated with project delays resulting from the costs associated with holding the land. All but three of the proposed projects received approval. The following details the reasoning behind the denial of the three projects (eight total units):

- PA-16-68 (March 2017): 2-unit Small Lot Subdivision project
  Project did not meet the Residential Design Guidelines and was not compatible with the surrounding properties due to the large mass and scale of structures, lack of open space, and the side entryway design which resulted in a project closed itself off from the neighborhood.
- PA-16-20/ T-18034 (March 2018): Master Plan for 5-unit live/work development
  Proposed Master Plan does not meet the goals of the General Plan, 19 West Urban Plan and the Zoning Code in terms of design, site planning, integration of uses and structures and protection of the integrity of neighboring development. The project did not comply with live/work development standards such as setbacks and parking standards and the deviations from objective Code

requirements requested by the applicant would have resulted in a project that was inconsistent with the purpose and intent of the General Plan and Urban Plan for the area.

- PA-18-36/ ZA-18-40 (October 2018): Proposal does not meet minimum lot size development standards; applicant requested a Variance for ADU on an R1 property. Variance findings could not be made. ADU development standards have since been modified to remove minimum lot size requirements.

Development Reviews

A Development Review is the processing of a development plan when authority is vested in the Planning Division. The following are subject to development review:

- **Single-Story Residential Construction**: In the R2-MD, R2-HD, and R3 zones, any single-story construction of 2 or fewer new single-story dwelling units. Exception: New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the Planning Division.
- **Two-Story Residential Construction**: In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are 2 or fewer dwelling units or any second-story addition on a lot with more than 2 dwelling units that complies with any residential design guidelines adopted by City Council.
- Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones. However, building additions that do not exceed 2,000 square feet or 50 percent of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review.
- Lot Line Adjustments.
- Any other uses specified in the City's Zoning Code as requiring development review.

13. Applicable Residential Entitlement Approval Findings

Indicated below are the applicable approval findings specified in the Costa Mesa Municipal Code for various residential project entitlements. In order to reduce processing time, and set clear application expectations, staff is trained to provide developers and applicants guidance for compliance with satisfying required findings. This guidance comes in the form of preliminary application reviews, creating and distributing residential development hand-outs (such as specific Residential Design Guidelines and FAQs), planning counter discussions, providing applicants with examples of successful project application submittals and various other types of staff/applicant assistance. In addition, the Planning Commission is regularly trained on the importance of adequately evaluating project findings and offerings project design modifications/solutions for project approval when the Commission believes that the findings are not being satisfied. As indicated further in this Section, very few residential projects have been denied in the last five years, which is an indicator of success for the aforementioned staff and Planning Commission residential development efforts.

Conditional Use Permit Findings.

- 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;
- 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; and
- 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.

Design Review Findings.

- The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the residential design guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features;
- The visual prominence associated with the construction of a two-story house or addition in a predominantly single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls; and
- As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

Master Plan Findings.

- 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;
- Master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district; and
- As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

In its analysis, Costa Mesa reviewed the approval findings listed above that are applicable to residential projects and found that some contain language which may be interpreted broadly. For example, the first Master Plan finding requires that projects exhibit excellence in design. The master plan process applies to

specific areas of the City where flexibility in development standards is offered through the master plan process due to unique circumstances in the area and to promote revitalization and flexibility necessary to accommodate differing types of residential development within the city. As it is a process used to modify approved development standards, the City reviews development project Master Plans to promote a high quality of life for future residents at all income levels, as well as compatibility with surrounding development. Further, no project has been denied on the basis of not being able to meet these specific findings. Nevertheless, the City understands that approval findings should be clear to applicants and strives to promote quality development within the community. In an effort to further clarify this process, **Program 3S** requires the City to review all findings and revise those findings which are capable of being interpreted broadly, with the goal of improving housing cost, supply, timing of approvals, or approval certainty.

C. Infrastructure Constraints

Another factor that may constrain new residential construction is the requirement and cost to provide adequate infrastructure (major and local streets; water and sewer lines; and street lighting) needed to serve new residential development. In most cases, where new infrastructure is required, it is funded by the developer and then dedicated to the City, which is then responsible for its maintenance. Because the cost of these facilities is generally borne by developers, it increases the cost of new construction, with much of that increased cost often "passed on" as part of home rental or sales rates.

1. Water Supply

The Mesa Water District is responsible for providing safe, local, and reliable water to 110,000 customers in Costa Mesa, as well as some parts of Newport Beach and unincorporated areas of Orange County. Mesa Water pumps water from Orange County's groundwater basin, which is located beneath north-central Orange County between Irvine and the Los Angeles County border and from Yorba Linda to the Pacific Ocean. The groundwater basin derives its water from the Santa Ana River and imported water from the Metropolitan Water District of Southern California. Mesa Water does not depend on other water sources, however, water from Northern California and the Colorado River can be imported as necessary.

In addition to Mesa Water District, a small portion of the City to the east, south of the John Wayne Airport, receives its water from the Irvine Ranch Water District (IRWD). Approximately 50 percent of the IRWD water supply is derived from the Orange County Groundwater Basin. The remaining amount comes from recycled water (23 percent) and potable water imported from MWD (27 percent).

2. Water Production

The independent special district pumps, treats, and delivers about 5 billion gallons of drinking water to homes and businesses per year. The system includes 317 miles of pipeline, 7 wells, 2 reservoirs and the Mesa Water Reliability Facility (MWRF/ "Murph"). The MWRF features 2 deep-water wells, a million-gallon reservoir and nanofiltration technology for water treatment. [1]

[1] Mesa Water District

Of the fair housing impediments listed in the Regional AI, the City of Costa Mesa was identified as experiencing the following local contributing factors as impediments to fair housing choice:

- Housing Discrimination
- Racial and Ethnic Segregation
- Unfair Lending
- Overcrowding

Local contributing factors are detailed further below in Section E.4 "Assessment of Contributing Factors to Fair Housing."

Fair Housing Issues

Within the legal framework of federal and state laws and based on the guidance provided by the HUD Fair Housing Planning Guide, impediments to fair housing choice can be defined as:

- Any actions, omissions, or decisions taken because of age, race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor which restrict housing choices or the availability of housing choices; or
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of age, race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor.

As a part of the 2019-2024 AI, the County identified fair housing impediments including the following:

- Housing Discrimination
- Reasonable Accommodations
- Density Bonus Incentive
- Zoning
- Affordable Homeownership
- Racial and Ethnic Segregation
- Unfair Lending
- Discriminatory Advertising
- Cost Burden
- Accessibility

Fair Housing Laws

All jurisdictions across California are subject to a number of fair housing laws. The following section details how the City of Costa Mesa maintains compliance with the listed laws. More specific laws are detailed throughout this Chapter 3 (such as Senate Bill 330 and Assembly Bill 686), and programs in the Housing Plan specify which Legislature is addressed.

- **California Fair Employment and Housing Act (FEHA):** The FEHA provides employees with protection from discrimination, retaliation, and harassment in employment, as well as protects tenants or homeowners from discrimination from landlords, real estate agents, home sellers, builders, and mortgage lenders. The City reviews fair housing complaints and lending patterns – details on both are provided within this Affirmatively Furthering Fair Housing section. The City also implements and updates programs to promote fair and equal access to housing. Lastly, the City continues to review standards and requirements that may constrain equal access to housing and the development of affordable housing.
- **Government Code Section 65008:** This Legislature protects lower- and moderate-income households and persons experiencing homelessness from discrimination that inhibits affordable

units and emergency shelters. The following programs address the development of affordable units and emergency shelters: Programs 2B, 2J, 4A, 4B, 4C, 4E, and 4F.

- **Government Code Section 8899.50:** This Legislature establishes the requirement for jurisdictions to administer programs and activities that affirmatively further fair housing. Program 4A establishes actions the City will commit to throughout the 6th Planning Cycle to affirmatively further fair housing.
- **Government Code Section 11135:** This legislation protects residents of the State of California from discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation. Through the Housing Element, the City assesses potential constraints that inhibit all residents from accessing housing and resources. The Housing Plan contains a number of programs that provide for greater access to a variety of housing types for all income levels, promotion of information and resources to special needs groups, and continued review of City permits and processing for streamlining and removal of constraints.
- **Government Code Section 65863 (No-Net-Loss Law):** This Legislature establishes guidance on No-Net-Loss requirements. Jurisdictions are required to maintain adequate sites to accommodate its RHNA at each income category throughout the entirety of the Planning Cycle. Program 3A is included to address the requirements of this Legislature.
- **Density Bonus Law:** The City has an adopted Density Bonus Ordinance. Program 2I is included in the Housing Plan to ensure the Ordinance maintains compliance with State Density Bonus Law. Chapter 3.B.2 provides details on incentives and concessions granted to qualifying projects through the Density Bonus Ordinance.
- **Housing Element Law:** All California jurisdictions are required to adequately plan for the needs of their current and future population. All policies and programs included in the Housing Plan are included to maintain compliance with all California housing laws and to comply with the California State Department of Housing and Community Development's requirements for Housing Elements.

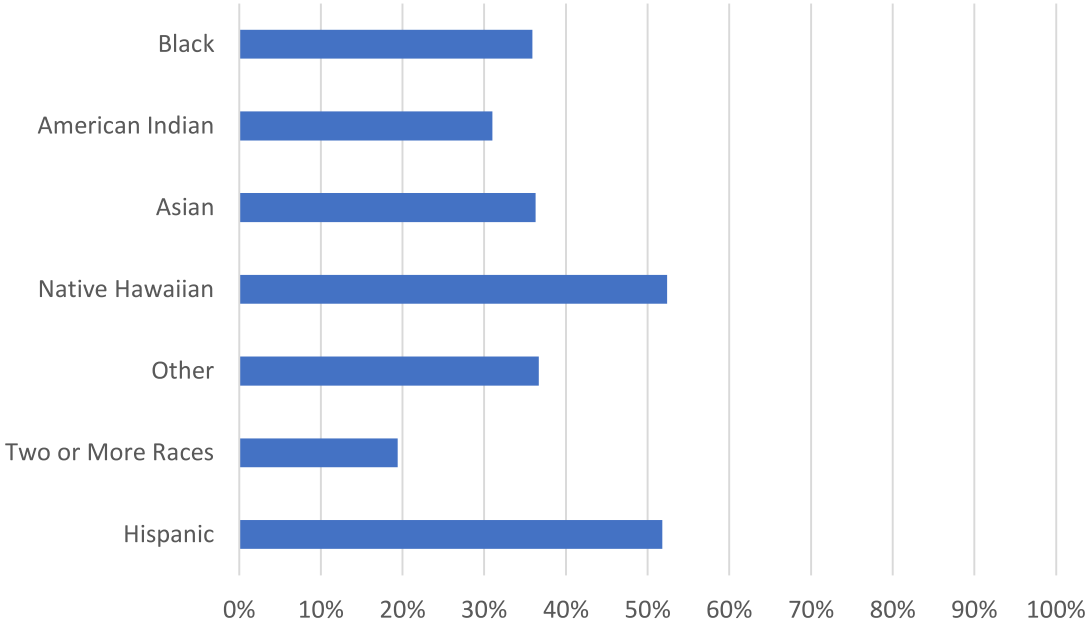
Lending Patterns

Availability of financing affects a person's ability to purchase or improve a home. The analysis of the lending patterns and practices within a community or city help to identify persons who regularly experience disproportionate roadblocks to home ownership. **Table 3-18** below identifies the lending patterns by race and ethnicity, as well as income category for the Anaheim-Santa Ana-Irvine MSA. According to the data, applicant in the highest income category were more likely to have a loan approved, compared to applicants in the lower income categories where approval rates were consistently under 55 percent. Additionally, within each income category, applicants who identified as White consistently had higher rates of approval than applicant of color. Overall, applicants who identified as Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and Black/African American had the lowest rates of loan approval in all income categories.

achieve a more integrated community. For instance, 52.4 percent of the Native Hawaiian population would need to move into predominantly White census tract areas to achieve "perfect" integration, or 51.8 percent of the Hispanic population would need to move into predominantly White census tract areas for perfect integration.

As indicated above, a score of 60 or higher indicates a highly similar and segregated area. The City does not have any racial or ethnic groups with scores higher than 60. However, scores above 30 indicate moderate levels of segregation. It is important to note the areas where moderate segregation occurs in order for Costa Mesa to understand any additional disparities in access to opportunities or housing, as well as identify lack of resources for the communities. In the City of Costa Mesa, all racial and ethnic groups, except for those who identify as two or more races, show a score of 30 or greater dissimilarity index. The City of Costa Mesa is committed to furthering fair housing access and increasing fair housing opportunities to communities of color.

Figure 3-4: Dissimilarity Index with White Population in Costa Mesa



	Hispanic	Two or More Races	Other	Native Hawaiian	Asian	American Indian	Black
Dissimilarity Index with Whites	51.8%	19.4%	36.7%	52.4%	36.3%	31.0%	35.9%

Source: Census Scope, Social Science Data Analysis Network

Disability

In 1988, Congress added protections against housing discrimination for persons with disabilities through the FHA, which protects against intentional discrimination and unjustified policies and practices with disproportionate effects. The FHA also includes the following unique provisions to persons with disabilities: (1) prohibits the denial of requests for reasonable accommodations for persons with disabilities if necessary, to afford an individual equal opportunity to use and enjoy a dwelling; and (2) prohibits the denial of reasonable modification requests. With regards to fair housing, persons with disabilities have special

housing needs because of the lack of accessible and affordable housing, and the higher health costs associated with their disability. In addition, many may be on fixed incomes that further limit their housing options.

Table 3-28 provides data for persons with disabilities in Costa Mesa, Orange County, and across California; **Figure 3-15** also maps out populations with disabilities throughout the City. There are five census tracts that report 10 to 20 percent of the population with a disability. These tracts are located the center of the City in the south-western region. The central census tracts include the Fairview Developmental Center and a senior living development (Azulon at Mesa Verde). The census tracts in the south-western region also include a senior living development (Vivante Newport Mesa). These may contribute to the higher occurrence of persons with disabilities.

Regarding access to community resources and services, the central census tracts are located near community parks, fire and police services, grocery stores and commercial uses, and medical offices. Public transit runs directly between both central census tracts along Harbor Boulevard, as well as Fairview Road. The south-western census tracts are also located near community parks, grocery stores and commercial uses, medical offices, and they have access to public transit along Placentia Avenue, 19th Avenue, and Victoria Street.

It is the policy and practice of the City to take all reasonable steps to ensure its services, programs and activities are accessible to all members of the public including persons with disabilities. The City's leadership team and accessibility experts work to ensure all departments comply with this policy by carrying out the following functions:

- Provide technical assistance to support City departments in complying with federal, state, and local disability access laws.
- Assist departments and divisions in evaluating their facilities, programs, services, and activities to ensure provision of reasonable accommodations to people with disabilities.
- Facilitate the resolution of grievances filed against the City of Costa Mesa that allege noncompliance with disability access laws.

Additionally, the City is concerned with public right-of-way access for everyone including people with disabilities. Staff is aware of pedestrian mobility concerns for people with various disabilities. The following information describes department programs available to the public:

- **Curb Ramp Program** – The City administers the Sidewalk Accessibility Curb Ramp Program by identifying locations and managing the installation of curb ramps throughout the city. These ramps provide safer and easier pedestrian access to sidewalks, particularly for persons with disabilities. All newly constructed ramps comply with the current Americans with Disabilities Act standards.
- **Contractual Services** – The City utilizes contractual services to install curb ramps each year through the ongoing capital-funded program. Along with these ongoing City-funded installation projects, the program also assists and coordinates installation projects with a variety of other programs and construction projects.

- City Staff also utilize a priority approach to select locations for new ramps. Installation project priorities are based on the following criteria:
    - Known routes used, and requests by persons with disabilities
    - Known locations in the walking route to school plans
    - Known routes to senior and community centers and around parks
    - Requests from the community
    - Mobility Access Analysis for People with Disabilities
    - Upon request, staff conducts a study of obstructions blocking pedestrian or wheelchair travel.

Costa Mesa residents with disabilities living in the five census tracts listed above may also benefit from regional resources. The Regional Center of Orange County provide services to person with developmental disabilities, including: housing options, employment opportunities, prenatal diagnostic evaluations, as well as services for early intervention, therapy, respite care, childcare, adult day programs, transportation, medical and dental, and recreation. The following lists a number of additional agencies and organizations and the services they provide for Costa Mesa residents:

- **Dayle McIntosh Center** - Provides support services, advocacy, transition services, information and referral, peer support, housing assistance, health care access and more.
- **Employment Development Department** - The California State Disability Insurance Program (SDI) provides short term Disability Insurance (DI) and Paid Family Leave (PFL) wage replacement benefits to eligible workers who need time off work.
- **Family Caregiver Resource Center** - Assists families who are coping with the physical, emotional, and financial responsibilities of caregiving.
- **Help Me Grow** - Connects families with developmental, behavioral or learning concerns to resources in the community for children birth to 6 years of age.
- **In Home Supportive Services (IHSS)** - Provides supportive services to aged, blind, and disabled persons who are limited in their ability to care for themselves and cannot live safely at home without help.
- **Lions Sight and Hearing Foundation of Southern California** - Provides hearing aids and common eye surgeries Income qualifications apply.
- **Orange County Deaf Equal Access Foundation** - Provides services to deaf and hard of hearing community including employment assistance, information and referral, advocacy, peer counseling, independent living, communication assistance (info@ocdeaf.org).
- **Protection and Advocacy Inc. (PAI)** - Provides legal representation in response to rights/violations for persons with disabilities.
- **Rehabilitation Institute of Southern California** - Programs which increase the ability of disabled individuals to function at home and at school, on the job, and in the community.
- **St. Jude Brain Injury Network** - Assist persons with a traumatic brain injury to attain access into gainful employment, appropriate community reintegration programs, accessible housing, and research-related education.

Costa Mesa children with disabilities living in the five census tracts listed above also have access to assessments/evaluations and education plans through the Newport-Mesa Unified School District Harper Assessment Center, as well as individual and family counseling, suicide prevention services, and residential services through the South Coast Community Services Student Assistance Program (SAP). Acuity Behavior Solutions provides a variety of Applied Behavioral Analysis techniques for children and teens with autism in Orange County, this includes: play-based applied behavior analysis services, individual in-home therapy, and social skills groups for children and teens.

Income

Government Code Section 65008 provides protection against the discrimination of lower- and moderate-income households that inhibits affordable housing development. As detailed in Chapter 2.C.2, the City of Costa Mesa is made up of households earning a variety of income levels. **Table 2-12** shows over a quarter of Costa Mesa households earn less than 50 percent of the area median family income (AMFI) and just under 40 percent earn over $100,000. **Figures 3-5a** and **3-5b** provide mapping of median incomes and poverty status across the City and in surrounding communities.

Figure 3-5a illustrates a greater tendency for lower median incomes towards the center of the City with higher median incomes along the City's western, northern, and eastern edges. When considering zoning, block groups with lower median incomes generally overlap with zones that allow for multi-family housing development at higher densities. In comparison, block groups with higher median incomes tend to be zoned for single-family residential. This shows lower income households have a greater ability to afford apartments and condominiums over single-family residences. Chapter 2.F.5 also indicates the housing market for single-family residences is more difficult to access for households not earning an above moderate income.

Figure 3-5b illustrates poverty status by census tract. The data is similar to that of Figure 3-5a as it shows higher concentrations of poverty towards the City's southern and central region. There is one census tract (636.05) that reports 30 to 40 percent of its population falling under the poverty line. This census tract is further detailed in the following section as an area of high segregation and poverty; however, the data is dated 2019 and does not reflect recent development and financing. While the area is identified as high segregation and poverty, it has seen much redevelopment over recent years and the median home value according to 2020 ACS 5-Year Estimates is $922,500. The median contract rent for the census tract is $1,665, and the median household income is $71,150. **Program 4I** is included in the Housing Plan to specifically address the high segregation and poverty finding for census tract 636.05 by partnering with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.

Furthermore, the Appendix B Sites Analysis includes the identification of a number of sites throughout the entirety of the City so as to provide for future residential development at a variety of densities. This is intended to allow for a variety of housing types affordable to all income categories. Sites were selected based on the availability of land, property owner and developer interest, and access to transportation, resources, and services. A number of sites are located in areas that report both high and lower median

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
Racial and Ethnic Segregation	1. Census tract 636.05 is identified as a High Segregation and Poverty area. It is also rated the lowest ROI score for people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life. 2. Ten census tracts are identified as Racially Concentrated Areas of Affluence. 3. The Hispanic population experiences higher levels of poverty according to HUD Opportunity Indicators.	High	**PROGRAM 4A: Fair Housing** – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate racial and ethnic segregation, and outreach specifically to low and very low-income residents as wells considered targeted outreach to residents with moderate and high levels of segregation. **PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Housing Discrimination	1. The 2020 AI identified housing discrimination as an impediment to fair housing choice in the City.	Medium	**PROGRAM 4A: Fair Housing** – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
			communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate housing discrimination, as well as continue contracting with the Fair Housing Foundation. **PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Unfair Lending	1. The Lending Analysis identified lower rates of home loan approval for moderate, low, and very low-income residents. Applicants who identified as Black experienced both lower rates of home loan approval and purchase and higher rates of home loan denial, indicating disparity in access to funding.	Medium	**PROGRAM 4A: Fair Housing** – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate unfair lending, as well as continue

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
			providing important ownership information on the City's website.
Access to Opportunity	1. Two census tracts in the City's southern region are rated the lowest ROI score for people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life. 2. Three census tracts are identified as Low Resource areas and one is identified as High Segregation and Poverty according to TCAC data. 3. Four census tracts are identified as having the lowest TCAC Education Outcomes.	High	**PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Environmental Conditions	1. All racial and ethnic groups have low environmental health indices according to HUD Opportunity Indicators. 2. Census tract 636.05 has a CalEnviroScreen 3.0 environmental burden of 81 to 90 percent.	Medium	**PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Availability of Accessible Housing for Persons with Disabilities	1. Five census tracts reporting 10 to 20 percent of their population having at least one disability. 2. Approximately 86 percent of housing units were built prior to 1989 before the Fair Housing Act and State laws regarding accessibility requirements	High	**PROGRAM 1A: Owner-Occupied Housing Rehabilitation** – This program may be used to assist qualified property owners in improving single-family residential properties, including: health and safety repairs such as mechanical,

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
	for persons with disabilities were adopted.		plumbing, electrical, roofing, security, medical emergency requirements, and/or aid the mobility of the physically disabled and/or elderly. **PROGRAM 2C: Supportive Services for Persons with Special Needs** – The City will promote information and outreach to local organizations regarding the availability of CDBG funds for special needs populations to secure decent housing and supportive services. **PROGRAM 2F: Persons with Physical and Developmental Disabilities** – The City will take actions to accommodate ADA retrofit efforts, ADA compliance and/or other measures to facilitate access to adequate housing for persons with disabilities. **PROGRAM 2N: Reasonable Accommodation** – The City will outreach to local organizations to promote access to housing for persons with disabilities and address potential constraints, and review and revise its reasonable accommodations process to be

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
			consistent with State and federal housing requirements.
Need for affordable housing in new developments.	1. Ten census tracts are identified as Racially Concentrated Areas of Affluence. 2. Eight census tracts with 40 to 60 percent overpayment by homeowners and five census tracts 60 to 80 percent overpayment by renters. 3. Three census tracts with overcrowding greater than 20 percent. 4. Six census tracts reporting Stable/Advanced Exclusive affordability, one census tract reporting Becoming Exclusive, and nine census tracts reporting At Risk of Becoming Exclusive according to the Urban Displacement Project.	High	**PROGRAM 2A: Inclusionary Housing Ordinance** – The City will consider the adoption of an inclusionary zoning ordinance within 12 months of adoption of the 6th Cycle Housing Element. **PROGRAM 2B: Affordable Housing Development** – The City will seek funding, coordinate outreach, provide incentives, and publish informational materials to facilitate and promote the development of affordable housing units.
Displacement Risk	1. One census tract reporting Advanced Gentrification and two census tracts reporting Low-Income/Susceptible to Displacement according to the Urban Displacement Project. 2. A total of 75 assisted affordable units at risk of becoming market-rate between 2021 and 2031.	High	**PROGRAM 1C: Monitoring and Preservation of At-Risk Housing Units** – The City will regularly monitor units that have the potential to convert to market-rate, and work with property owners on potential contract and funding extensions.

Enclosure 5

Chapter 4

Housing Plan



in the base zoning, a relaxed parking standard, as well as the ability to deviate from development standards. Currently, the maximum number of concessions a project can receive through density bonus is three.

Objectives:

- Evaluate and update the Density Bonus Ordinance to comply with State Density Bonus Law.

Timeframe: Within 24 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2J: Transitional and Supportive Housing

California Government Code Section 65583(c)(3) requires transitional and supportive housing to be permitted in all residential zoning districts under the same restrictions as other residential dwellings of the same type in the same zone. Government Code Section 65651(a) also requires permanent supportive housing to be permitted by-right in zones where multi-family and mixed-use development is permitted, including non-residential zones permitting multi-family uses if they meet the Government Code Section requirements.

Objectives:

- Amend the Zoning Code to include transitional and permanent supportive housing within the City's land use matrix in compliance with Senate Bill 2 and Government Code Section 65651
- Monitor the inventory of sites appropriate to accommodate transitional and supportive housing.
- Proactively engage relevant organizations to meet the needs of persons experiencing homelessness and extremely low-income residents.

Timeframe: Within 24 months of final adoption of the 6th Cycle Housing Element.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind

PROGRAM 2K: Planning Application Fees

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law. Development fees are necessary to implement planning, zoning and building safety laws and to provide the public services and infrastructure necessary to serve City residents. This program seeks to avoid application fees creating constraints to the development of affordable housing.

Objectives:

- Review planning application fees, with a special focus on the density bonus fee, and update the fee(s) to avoid creating a constraint to the development of affordable housing.

Timeframe: Within 24 months of final adoption of the 6th Cycle Housing Element.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2L: Development of Housing for Extremely Low and Lower-Income Households

The City recognizes the importance of supporting the development of housing for low and extremely low income households. It is a primary goal of the Housing Element to increase the feasibility of development of housing for extremely low and low income households.

Objectives:

- Subsidize up to 100 percent of the City's application processing fees for qualifying developments where all units are affordable to 80 percent AMI or lower, as funding is available.
- Annually promote the benefits of this program to the development community by posting information on its webpage and creating a handout to be distributed with land development applications regarding development opportunities and incentives.
- Proactively reach out to developers at least once annually to identify and promote development opportunities.
- Adopt priority processing and streamlined review for developments with units affordable to lower income households.
- Support funding development applications throughout the planning period for projects proposing units affordable to lower income households.

Timeframe: As funding is available, promote the program and outreach; adopt priority processing and other incentives within 24 months of final adoption of the 6th Cycle Housing Element.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2M: Parking Standards for Residential Developments

The City's residential off-street parking requirements are provided in Section 3.B.3 of this Housing Element. Parking requirements ensure that there is adequate parking provided for residents and for guests in both single-family and multi-family residences. This program seeks to avoid potential constraints due to parking requirements to facilitate the development of multi-family developments, and specifically affordable housing projects.

Objectives:

- Review and revise the Zoning Code's requirements for residential off-street parking for multi-family projects to facilitate the development of multi-family housing, and specifically affordable housing.

Timeframe: Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2N: Reasonable Accommodation

The City has completed an analysis of its Reasonable Accommodation process in Section 3 of this Housing Element. By the nature of Reasonable Accommodation requests and the range of potential modifications that could need to be accommodated, the City has to evaluate each request individually. This process is described within the City's Zoning Code and persons may contact the City's planning department for assistance with requests. The City will review and consider revisions to its Reasonable Accommodation process to be consistent with State and federal fair housing requirements.

Objectives:

- Review and revise the Reasonable Accommodation procedure to promote access to housing for persons with disabilities, address potential constraints and establish potential objective standards, and provide guidance and amend as necessary to promote greater certainty on how approval findings will be implemented.
- Meet with local organizations and developers to promote access to housing for persons with disabilities and address potential constraints.

Timeframe: Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.
Annually review and, if necessary, revise the reasonable accommodations procedures. Annually meet with local organizations and housing developers to promote access to housing for persons with disabilities and address potential constraints.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2O: Definition of Single Housekeeping Unit

The City's definitions of "family" and "single housekeeping unit" within the zoning code do not differentiate between related and unrelated individuals, or between disabled and non-disabled individuals, living together. Notwithstanding, in order to promote flexibility to accommodate residents with different living conditions, the City will review and consider revisions to its zoning code per the objectives below.

Objectives:

- Review and revise the definition of "single housekeeping unit" within the zoning code to provide greater flexibility in consideration of accommodating a variety of household situations for related and unrelated individuals living together.

Timeframe: Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2P: Group Homes

The City has completed an analysis of its regulations applicable to group homes in **Section 3** of this Housing Element. Group homes are allowed in all residential zoning districts through a conditional or special use permit. The City will review and consider revisions to its zoning code applicable to group homes per the objectives below.

Objectives:

- Review and revise the City's zoning code and application procedures applicable to group homes to promote objectivity and greater approval certainty.

Timeframe: Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

From: Costa Mesa First <costamesa1st@gmail.com>
Sent: Monday, November 14, 2022 4:31 PM
To: LE, JENNIFER
Cc: STEPHENS, JOHN; CHAVEZ, MANUEL; HARLAN, JEFFREY; MARR, ANDREA; REYNOLDS, ARLIS; CITY CLERK; GAMEROS, LOREN; HARPER, DON
Subject: Costa Mesa Housing Element Update - 11/15/22 City Council Meeting - Agenda Item No. PH-3
Attachments: Letter re Housing Element Update.pdf

Hi Ms. Le,

On behalf of Costa Mesa First, attached is a letter from Rick Huffman and me with respect to the Housing Element update. Please feel free to contact us should you have any questions, or if you can answer any of our questions prior to the City Council meeting.

--

Cynthia McDonald
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Working for a Livable City

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FIRST

Working for a Livable City

November 14, 2022

VIA EMAIL

Ms. Jennifer Le
Director of Economic and
Development Services
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Ms. Le:

We appreciate the revisions to the Sixth Cycle Housing Element ("HE") by Staff and the Consultant. It appears that this version of the HE is responsive to all the requests of the California Department of Housing and Community Development ("HCD"). We are glad that the City is trying to satisfy the HCD, but why was this document not submitted prior to the deadline required to meet October 15 certification?

Outreach on the HE was mostly done during COVID and in no way could be considered "robust." We realize that the City was under a time deadline, however, since the HE is out of compliance, it is appropriate to take some extra time to engage the residents in the land use changes contemplated by the HE.

On April 27, 2021, there was a Joint City Council and Planning Commission Study Session on the HE. On Page 14 of the Staff Report for that meeting, under the heading "Future Planning and Visioning Efforts," it states:

> "Implementation of the Housing Element's goals, policies and housing programs will require future General Plan Amendments and rezoning actions which will be accompanied by ongoing in-depth community outreach and visioning exercises. Community visioning is critical to neighborhood planning and necessary to envision how housing opportunity areas identified in a Housing Element will translate into well-designed, high quality, compatible housing projects that fit into the context of their surroundings. Staff have already secured $500,000 in LEAP grant funds to pursue these efforts and will launch those programs following Housing Element adoption as the next step in a larger community conversation surrounding housing in Costa Mesa."

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In the following Section (Next Steps) it states:

> "Concurrently, staff will move ahead with exploring the creation of a Citizen Advisory Committee to discuss Measure Y."

Program 3G in Chapter 4 indicates that a community visioning process will take three years to complete. When will it begin? What is the status of the LEAP funds? Looking at the 2022-2023 City Budget, we do not see a line item for those funds. Were they spent? If so, on what, and what was achieved?

Will the Citizen Advisory Committee be convened? Commissioner Erath asked about the status of the Citizen Advisory Committee at the April 2021 meeting, and the City Attorney responded "No, we have not formally proceeded to create the Citizen Advisory Committee, although we are in that process." The City Council's Housing Ad Hoc Committee was a group that met mostly out of the public's eye and no minutes of its private meetings were kept. There is no evidence of a broad sampling of community and stakeholder input on the subject of Measure Y or any other subject of meetings. Therefore, the Housing Ad Hoc Committee cannot be considered a replacement for the Measure Y Citizen Advisory Committee that would take input from any member of the public, nonprofit organization, or any other stakeholders specifically on the subject of Measure Y. That Committee needs to be convened as soon as possible. In addition, this needs to be a program in Chapter 4 of the HE.

The following are specific comments and questions about the current draft of the HE documents:

Chapter 4, Program 2A: The City needs to state its commitment to the adoption of an inclusionary housing ordinance ("IHO"). In prior cycles, very few affordable units have been built, and the State has mandated that the City demonstrate it is planning for more affordable units. To simply "consider adoption of an inclusionary housing ordinance" is unacceptable. The City has already hired a consultant to evaluate and make recommendations regarding the structure of an IHO. There is no reason to spend those funds only to kill the IHO.

Chapter 4, Program 3B: Fairview Developmental Center ("FDC") is a large parcel that, when developed, could greatly affect adjacent neighborhoods. We understand that the City is contemplating the adoption of a specific plan that would include mixed-use and mixed income development. We believe a more substantial plan needs to be developed to minimize impacts while maximizing economic benefits, and that plan could be established in the three years the City anticipates it would take to rezone the property. While the State has required that affordable housing and open space be prioritized, it is critical that the City engage residents and stakeholders in a broad and valid community visioning process similar to what the County of Sonoma did in connection with the redevelopment of the Sonoma Developmental Center. Engaging the public through a citizens and stakeholder advisory/visioning committee that meets in public versus an ad hoc Council committee is preferred. Transparency in the visioning effort and the creation of the specific plan is essential.

Chapter 4, Programs 3C and 3D: It is not clear whether the City intends to increase the allowable density on all the parcels located within the Specific Plans, Urban Plans and Overlays, or it if it intends to increase the allowable density only on the sites identified on the Sites Inventory. In the case of (1) the North Costa Mesa Specific Plan, the City intends to increase the density of all parcels within that Specific Plan to 90 du/ac, (2) the SoBECA Urban Plan, the City intends to increase the density of the entire urban plan area to 60 du/ac, and (3) the Harbor Mixed Use Overlay, the City intends to increase the density of the entire overlay to 50 du/ac. Please clarify whether these are the only areas where the density on all parcels will be increased. Also, with respect to the North Costa Mesa Specific Plan, what is contemplated by amending the boundary of that Specific Plan? Will it include the One Metro West project? Will any of the other Specific Plans, Urban Plans or Overlays have their boundaries increased? In addition, please explain why the 19 West and SoBECA Urban Plans development standards will be updated to facilitate "allowable" densities but the Mesa West Bluff Urban Plan and Harbor Mixed Use Overlay will have their development standards updated to facilitate "maximum" densities. Is there a difference, and if so, what is it?

Chapter 4, Program 3G: Why is it "not clear how the City-wide vote requirement affects the associated rezones and revisions to existing specific plans, urban plans and overlays included as program actions within the Housing Element"? It is the responsibility of the City to follow its own laws. Specifically, Section 13-200.102(j) of the Costa Mesa Municipal Code states "If Costa Mesa itself initiates the change, it shall be deemed the proponent for the purposes of this article." Instead of looking to circumvent Measure Y, the City should put the zoning changes and revisions to the specific plans, urban plans, and overlays to a vote of the Costa Mesa electorate. Item 6 of the table in Program 3G states that the City will request an opinion from the State Attorney General's Office as to the City's options should there be a continued shortfall of sites after a Ballot Measure vote. Does this refer to Measure K or some other ballot measure? How many measures does the City intend to put on the ballot trying to get around the citizens' right to vote? Also, what is meant by providing the City Council "greater discretion" in approving housing? What is limiting the City Council from using its discretion now? The City should be upholding its laws, not seeking advice on how to circumvent them. All of this contradicts the concept of creating a Citizen Advisory Committee tasked with discussing Measure Y and advising the City Council on needed improvements to the ordinance.

Chapter 4, Programs 3I and 3J: Why is there mention of the potential of a 17th Street Corridor Area when there have been no sites identified in the Adequate Sites Inventory? The same is true of parcels along Newport Boulevard. We view this as politicization of the HE. It is the same as the horse-swapping of parcels that took place at the City Council meeting on August 2 when East 17th Street was removed from the Measure K map, and other corridors were substituted due to the political sensitivity of Eastside Costa Mesa. We also note that the Objective for this program is to promote "quality residential development", but the word "quality" is not used to describe the housing promoted by Programs 3C and 3D. Does the City not want quality residential development throughout the City?

Chapter 4, Program 3Q: Please identify the "several candidate housing sites" that the City feels could be consolidated to facilitate the development of housing.

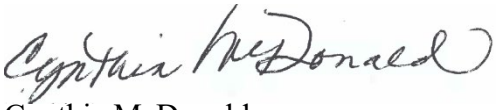
Appendix B, Section 2: We believe the reference to Table B-5 in the second line of this Section should be Table B-6.

Thank you for your consideration and we look forward to your answers to our questions.

Very truly yours,



Richard J. Huffman, II
Treasurer



Cynthia McDonald
Assistant Treasurer

cc: Lori Ann Farrell Harrison, City Manager
Mayor John Stephens
City Council Members Manuel Chavez, Loren Gameros, Jeffrey Harlan, Don Harper, Andrea Marr, and Arlis Reynolds

Costa Mesa First's mission is to educate Costa Mesans about planning policies in Costa Mesa so they make knowledgeable choices when voting. We encourage residents to choose walkable, bikeable and inclusive neighborhoods, and the land use and transportation policies and investments needed to make Costa Mesa flourish. Our primary objective is to require Costa Mesa's leaders to put the residents of Costa Mesa first.

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Sent: Monday, November 14, 2022 4:22 PM
To: CITY CLERK; STEPHENS, JOHN; MARR, ANDREA; HARPER, DON; GAMEROS, LOREN; CHAVEZ, MANUEL; REYNOLDS, ARLIS; HARLAN, JEFFREY
Cc: Autumn Elliott; HousingElements@hcd.ca.gov; marissa.prasse@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov; Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov; Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov; Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov
Subject: DRC comments on public hearing Item #3 - Housing Element Update
Attachments: 2022.11.15 DRC comment on PH item #3 - 6th cycle HE update.pdf

Good afternoon,

For tomorrow's City Council meeting, please see attached DRC's public comments on public hearing item #3: Costa Mesa's 6th Cycle Housing Element Update.

Thank you,

Zeenat Hassan (she/her)
Staff Attorney 2, Civil Rights Practice Group
Disability Rights California
1000 Broadway, Suite 395
Oakland, CA 94607
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November 15, 2022

Sent via email only

City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
cityclerk@costamesaca.gov

Re: PUBLIC HEARING ITEM #3 – CITY OF COSTA MESA 2021-2029 (6TH CYCLE) HOUSING ELEMENT UPDATE

To Mayor John Stephens and the Honorable Members of the City Council:

Disability Rights California (DRC) urges the City Council not to approve the revised Housing Element presented at today's public hearing because it continues to disregard HCD's instruction to conduct an analysis of how the City's zoning code and specific ordinances create barriers to housing for people with disabilities. DRC is a non-profit agency established under federal law to protect, advocate for, and advance the human, legal, and service rights of Californians with disabilities.[1] Housing justice is a core component of DRC's work, as people with disabilities face significant barriers to accessing and maintaining stable housing. These barriers

[1] Disability Rights California provides services pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15001, PL 106-402; the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. § 10801, PL 106-310; the Rehabilitation Act, 29 U.S.C. § 794e, PL 106-402; the Assistive Technology Act, 29 U.S.C. § 3011,3012, PL 105-394; the Ticket to Work and Work Incentives Improvement Act, 42 U.S.C. § 1320b-20, PL 106-170; the Children's Health Act of 2000, 42 U.S.C. § 300d-53, PL 106-310; and the Help America Vote Act of 2002, 42 U.S.C. § 15461-62, PL 107-252; as well as under California Welfare and Institutions Code §§ 4900 et seq.

include discriminatory zoning codes and land use policies. We share the concerns raised by HCD about the City's discriminatory ordinances and urge the City to commit in its Housing Element to taking corrective actions.

The City's Housing Element still leaves out the impacts of its ordinances on people with disabilities.

The City's Housing Element continues to disregard issues raised by HCD in its reviews of prior drafts of the Housing Element. This comment letter focuses on three of these issues that affect the disability community:

1) The City's reasonable accommodation process violates fair housing laws by considering inappropriate factors;

2) The City's definition of "single housekeeping unit" discriminates against people with disabilities; and

3) The City's zoning code imposes discriminatory barriers on housing for people with disabilities.

In its December 3, 2021 letter to the City, HCD explained that the City's Housing Element must include an analysis of how the City's reasonable accommodation process, definition of "single housekeeping unit," and zoning code act as constraints on housing for people with disabilities. HCD further instructed the City to develop programs to remove each constraint.

The City revised its Housing Element but refused to complete the analysis required by HCD, despite receiving public comments from DRC and other stakeholders that explained exactly how the City's ordinances created barriers to housing for people with disabilities and how to remove those barriers. HCD reviewed the City's revised Housing Element and sent a second letter on April 5, 2022 notifying the City that it still needed to conduct an analysis of how its ordinances act as constraints on housing for people with disabilities.

The Housing Element presented to the City Council today indicates that the City disagrees with HCD's assessment of its Housing Element and is disinclined to make changes to its ordinances. The "analysis" of each constraint concludes that the ordinances do not conflict with fair housing law, and each program commits only to "reviewing" the ordinance—not to changing it. This approach undermines the purpose of the Housing

Element: to plan for the housing needs of ***all*** segments of a community, including people with disabilities. The City's refusal to acknowledge and address the harmful impacts of its ordinances sends a message to people with disabilities that they are not welcome in Costa Mesa. We urge the City to fulfill its duty to the community by revising the Housing Element to include an analysis of constraints to housing for people with disabilities and a plan with concrete steps to address those constraints.

The City must commit to revising its reasonable accommodation ordinance to bring it into compliance with fair housing laws.

As noted by HCD in its December 3, 2021 letter, the City's reasonable accommodation process "contains several additional factors that the City may consider in its review of an application […] that may act as constraints." HCD instructed the City to include in its Housing Element "specific analysis of any potential constraint, including considering public comments and add or modify programs as appropriate." The City failed to do this in its revised Housing Element, prompting HCD to note in its April 5, 2022 letter: "[The revised Housing Element] does not appear to agree the procedure contains constraints but commits (Program 2N) to review and revise the ordinance to comply with state and federal fair housing laws, which casts uncertainty on what will be revised. As a result, Program 2N should be revised to provide certainty and specific commitment to revise the ordinance and ensure a process that promotes housing access for persons with disabilities."

The Housing Element presented at today's public hearing continues to cast uncertainty on what, if anything, will be revised. The City received public comments from DRC and others on how its reasonable accommodation process creates barriers to housing for people with disabilities. The Housing Element makes no mention of any of those comments and omits any consideration of the constraints discussed in those comments. The City's analysis finds no fault with the ordinance and instead adopts Program 2N: "The City will review and consider revisions to its Reasonable Accommodation process to be consistent with State and federal fair housing requirements." The City commits to a review of the ordinance within 24 months of final adoption of the Housing Element Update.

Program 2N is insufficient to remove the constraints caused by the City's reasonable accommodation ordinance. Two years is a long time to wait for

a review that could be done now using the public comments submitted to the City (and that should have been done already per the directions from HCD). Further, there is no commitment to change the parts of the ordinance that create constraints on housing. Given the City's apparent position that its ordinance does not conflict with fair housing laws, we have no confidence that the City will make any changes when it eventually gets around to analyzing the ordinance in 24 months. The City should revise its Housing Element to include a thorough analysis of its reasonable accommodation ordinance—one that engages with the public comments submitted by stakeholders—and revise Program 2N to include commitments to changing the specific components of the ordinance that violate fair housing laws and create barriers to housing for people with disabilities.

The City must amend its definition of "single-housekeeping unit" to avoid discrimination against people with disabilities.

HCD's December 3, 2021 letter notes that the City's definition of single-housekeeping unit includes "multiple restrictions that may act as constraints on housing for persons with disabilities." These restrictions include the requirement to establish ties and familiarity, sharing expenses and responsibilities, and stable membership. HCD directed the City to include in its revised Housing Element a specific analysis of any potential constraint, including the consideration of public comments. The City declined to do so, prompting HCD to find in its April 5, 2022 letter: "[The revised Housing Element] concludes the definition of family and single housekeeping unit do not touch on whether members are with a disability and is not intended to discriminate against persons with disabilities. However, the element provides no analysis to support this conclusion and should include a program to address the constraint."

As with its handling of the reasonable accommodation ordinance, the Housing Element presented at today's hearing declines to conduct any real analysis, refuses to consider and respond to public comments submitted, and concludes that the City's ordinance does not violate fair housing laws. The City merely proposes Program 2O to "review and consider revisions to its zoning code" within 24 months of final adoption of the Housing Element Update.

As with Program 2N, Program 2O provides nothing about what, if anything, the City will revise. The City gives itself two years to begin an analysis that

should already be done in the Housing Element, and it makes no commitment to changing the issues raised by fair housing advocates. This approach suggests an unwillingness by the City to amend its ordinances to better meet the housing needs of its disabled residents. We urge the City to revise its Housing Element to include a meaningful analysis of how its definition of single-housekeeping unit impacts people with disabilities—including consideration of public comments already submitted on this issue—and revise 2O to include specific commitments on the changes the City will make to its ordinance.

The City's zoning code discriminates against people with disabilities by restricting their ability to live in residential zones.

In its December 3, 2021 letter, HCD noted that the City's zoning code "appears to isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors. […] The element should include specific analysis of these and any other constraints, including their enforcement and considering public comments, for impacts on housing for persons with disabilities and add or modify programs as appropriate." As with the reasonable accommodation ordinance and the definition of single-housekeeping unit, the City declined to heed HCD's directions, prompting HCD to state in its April 5, 2022 letter: "The element includes various conclusions and statements about the City's zoning code and group homes, but it still must analyze the exclusion of these housing types from some residential zones and use permit and other requirements, including enforcement as constraints on housing for people with disabilities and add or modify programs as appropriate."

As with the reasonable accommodation process and the definition of single-housekeeping unit discussed above, the Housing Element presented at today's hearing continues to lack the requisite analysis of how the City's zoning code acts as a constraint on housing for people with disabilities—despite receiving public comments from DRC and others on how these constraints operate. The City has instead adopted Program 2P which, like Programs 2N and 2O, promises to review the zoning code within 24 months of final adoption of the Housing Element Update. Like Programs 2N and 2O, Program 2P provides no information about what, if anything, the City will amend in its zoning code. The Housing Element makes clear that the City does not believe its zoning code discriminates against people with disabilities. Yet, the Housing Element is devoid of any analysis that explains the basis for that conclusion, and it does not

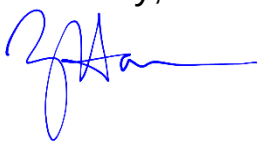
respond to the public comments submitted on this issue. The City's analysis seems to be that because a substantial number of one type of housing for people with disabilities exists (licensed facilities), the City's zoning code cannot possibly discriminate against people with disabilities. That analysis completely ignores the impact that its zoning code has on a different type of housing for people with disabilities: supportive or transitional housing in a shared home that does not require a license from the state. The City's assertion that group homes are permitted in residential zones is disingenuous because that permission is predicated on obtaining a special use permit or a conditional use permit. Those permits are difficult to obtain, even when requested as a reasonable accommodation, because the City's handling of those requests conflicts with fair housing laws. We urge the City to revise its Housing Element to include a thorough analysis of how its zoning code impacts different types of housing for people with disabilities, particularly group homes. The City's analysis should engage with, and respond to, public comments submitted to the City about this exact issue. Moreover, the City should revise Program 2P to include specific commitments on what the City will change in its zoning code to remove barriers to housing for people with disabilities.

Conclusion

Throughout the Housing Element, the City makes statements about housing for people with disabilities that are disingenuous. For example, the City's assertion that people with disabilities "can live in any residential property in the City" (page 3-21) is patently untrue. People with disabilities cannot live in any of the dozens of shared homes that the City has ordered to close for violating its (discriminatory) zoning code regarding "group homes." Similarly, the City's statement that "there are no current fair housing lawsuits within Costa Mesa" (page 3-60) is equally untrue. In context, we assume that what the City meant to say is that *the City* has not initiated any fair housing lawsuits through its partnership with the Fair Housing Foundation. But, as written, this statement is a lie. Costa Mesa is currently the subject of a fair housing lawsuit centered on precisely the same issues the City refuses to address in its Housing Element: Its reasonable accommodation process, its definition of single-housekeeping unit, and its zoning code as a whole discriminate against people with disabilities. We know this for a fact because Disability Rights California is representing one of the plaintiffs in that fair housing lawsuit.

The City's refusal to acknowledge that its local ordinances create barriers to housing for people with disabilities—and its refusal to then address those barriers—hollows out the City's commitment to serving all segments of its community. We hope that the City will use the Housing Element Update as an opportunity to plan for the elimination of biases against the disability community that are baked into its zoning code and explore ways to make Costa Mesa a more accessible, welcoming place to live for its disabled residents.

Sincerely,



Zeenat Hassan
Staff Attorney II

Autumn Elliott
Litigation Counsel

CC: HousingElements@hcd.ca.gov; marissa.prasse@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov; Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov; Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov; Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov

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November 15, 2022

Via Email

Mayor John Stephens and
City Council Members
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
cityclerk@costamesaca.gov

Re: **City of Costa Mesa 2021-2029 (6th Cycle) Housing Element Public Hearing, November 15, 2022, Item 3**

Dear Mayor John Stephens and City Council Members:

On behalf of current and former group home providers in Costa Mesa, I urge the City Council to table the revised draft Housing Element presented today for public hearing. The City Council should instruct staff to further revise the City's draft Housing Element to address the deficiencies identified by HCD.

HCD notified the City on December 3, 2021, and again on April 5, 2022, that its revised draft Housing Element fails to analyze and address at least three governmental constraints that deprive persons with disabilities access to housing in Costa Mesa:

1. The City's reasonable accommodation regulations, CMMC, Title 13, Chap. IX, Art. 15, §§ 13-200.60, et seq.;

2. The City's definition of "single housekeeping unit," CMMC, Title 13, Chap. I, Art. 2, § 13-06; and

3. The City's group home regulations, CMMC, Title 13, Chap. XV (SFR districts), §§ 13-310, et seq., and CMMC, Title 13, Chap. XVI (MFR districts), §§ 13-320 (incorporating by reference, Group Home Operating Permit regulations, CMMC Title 9, Chap. II, Art. 23, §§ 9-370 et seq.)

The proposed revised draft Housing Element presented for adoption today attempts to address these deficiencies by proposing the following Housing Plans and Programs:

1. Program 2N: Reasonable Accommodation. "By the nature of Reasonable Accommodation requests and the range of potential modifications that could need to be accommodated, the City has to evaluate each request individually. . . . The City will review [within 24 months] and consider revisions [within 36 months] to its Reasonable Accommodation process to be consistent with State and Federal fair housing requirements." (Proposed Rev. Hou. Ele., pp. 4-11, 4-12.)

2. Program 2O: Definition of Single Housekeeping Unit. "The City's definitions of "family" and "single housekeeping unit" within the zoning code do not differentiate between related and unrelated individuals, or between disabled and non-disabled individuals, living together. . . . [The City will] review [within 24 months] and revise [within 36 months] the definition of "single housekeeping unit" within the zoning code to provide greater flexibility in consideration of accommodating a variety of household situations for related and unrelated individuals living together." (Proposed Rev. Hou. Ele., p. 4-12.)

3. PROGRAM 2P: Group Homes. "The City has completed an analysis of its regulations applicable to group homes in Section 3 of this Housing Element. Group homes are allowed in all residential zoning districts through a conditional or special use permit. . . . [The City will] review [within 24 months] and revise [within 36 months] the City's zoning code and application procedures applicable to group homes to promote objectivity and greater approval certainty." (Proposed Rev. Hou. Ele., p. 4-12.)

As discussed below, these remedial programs are insufficient. First, the assertion offered in support of each program is factually false. Second, the remedial programs proposed by the City under its Housing Plan are insufficient to address the preclusive effects of these regulations, which HCD has identified in its review letters to the City.

II. The zoning regulations identified in HCD's review letters were enacted by the City for the purpose and with the effect of limiting or precluding housing for persons with disabilities.

A. The City's own documents show that it engaged – and continues to engage – in intentional discrimination (governmental constraints) against housing for persons with disabilities:

- Every year since 2016, the City's *Annual Report of the Costa Mesa General Plan 2015-2035* has highlighted that its housing regulations are intended "to limit the number and concentration of group homes and sober living facilities." (Exhibit 1);

- Starting in 2014, the City has mandated the closure of every existing group home in Costa Mesa unless that home retroactively obtained a special or conditional use permit. (Exhibit 2.) The City granted only a handful of permits to existing group homes in SFR and MFR districts. (Exhibit 3.) For example, while 26 existing MFR group homes applied for permits, only two were granted. (Exhibit 4.)

- Until 2019 – the last year any group home attempted to obtain a permit to remain in operation – the City maintained and updated a public website documenting its closure and citation of group homes pursuant to its group home regulations. (Exhibit 5.)

- The City also restricted the right of group homes to obtain exceptions from strict compliance with the City's group home regulations by enacting unlawful requirements and restrictions to obtain a reasonable accommodation. As a result, the City uniformly denied requests for

accommodations. For example, the City has denied all but one reasonable accommodation requested by MFR group homes -- and based each denial on grounds inconsistent with state and federal law. (Exhibit 6.)

- After refusing to grant permits to existing group homes, the City has cited them at a rate greater than any other regulated land use. (Exhibit 5.) After citing them, it classified each group home as "nuisances," and then sued them in state court for their abatement, reaping tens of thousands of dollars. (Exhibit 7). As the City Council votes today, the City continues to sue one of the last three MFR group homes in Costa Mesa's MFR districts. (Exhibit 8.)

- The City Council bears responsibility for these unlawful housing constraints. For example, when City staff repeatedly asked the City Council to repeal zoning provisions that overtly discriminate against group homes, the City Council repeatedly refused to do so. (Exhibit 9.)

- The City's budget report for the current FY2022-2023, ranks among its top accomplishments that "The Community Improvement Division actively enforced the City's Group Home Ordinances resulting in the closure of 8 unpermitted locations." See also FY2019-2020, which celebrated as an "accomplishment" the closure of 21 group homes; for FY2020-2021, the closure of another 21 group homes (id.); and for FY2021-2022, the closure of another 8 group homes. (Exhibit 10.)

B. The City's zoning definition of "single housekeeping unit" was enacted for a discriminatory purpose.

The City adopted Ordinance 13-05 in 2013, amending the definition of single housekeeping unit (SHU). The staff report in support of that ordinance states that the amendment is necessary to exclude group homes from treatment as SHUs. (Exhibit 11.)

The City next adopted Ordinance 14-13 in 2014, enacting Zoning Chapter XV to require the closure of existing SFR group homes unless permitted by the

City. Ordinance 14-13 also amended the definition of "single housekeeping unit" for the express purpose of excluding group homes for persons with disabilities from its purview. (Exhibit 12.) As amended, the current SHU definition explicitly discriminates against group homes, stating: "There is a rebuttable presumption that integral facilities do not constitute single housekeeping units." Under the Zoning Code definitions, the "integral facility" classification expressly applies solely to group homes. It also adds a new definition of "group home" that applies only to housing occupied by "persons who are considered handicapped under state or federal law." Last, Ordinance 14-13 also imposes several new requirements for a group home to obtain a reasonable accommodation.

C. The City's Reasonable Accommodation regulation, on its face and as applied, violates state and federal fair housing laws.

The requirements enacted by the City for a group home to obtain a RA are inconsistent with state and federal fair housing laws. Compounding that harm, the City follows a policy of refusing to make any exceptions to its 650-foot separation requirement. (Exhibit 6.)

D. The City's other group home regulations create additional constraints on housing for disabled persons.

The City adopted Ordinance 15-11 in 2015, enacting Zoning Chapter XVI to require the closure of existing MFR group homes unless permitted by the City. That ordinance also requires MFR group homes to obtain an operator's permit, imposing conditions and restrictions that apply to no other land uses in the City. With the adoption of Ordinance 15-11, the City deprived group homes of locating in any residential district as a matter of right. (Exhibit 2.)

III. Given the City's entrenched pattern of discrimination against group homes for persons with disabilities, the housing programs in the proposed revised draft are insufficient.

A. Proposed Program 2N: Reasonable Accommodation must be revised; specifically, the City must enact a new regulation:

- that complies with the requirements promulgated in FEHA's fair housing regulations, 2 CCR §§ 12176-79 (reasonable accommodations); and,

- that comports with the guidance set forth in the Department of Housing and Urban Development and the Department of Justice: State and Local Land Use Laws and Practice and the Application of the Fair Housing Act (November 10, 2016).

B. Proposed Program 2O: Definition of Single Housekeeping Unit must be revised; specifically, the City must enact a new definition:

- that complies with the requirements promulgated in FEHA's fair housing regulations, 2 CCR §§ 12060-63 (disparate impact), 12161-62 (land use restrictions); and,

- that comports with the guidance set forth in the Joint Statement of the Department of Housing and Urban Development and the Department of Justice: State and Local Land Use Laws and Practice and the Application of the Fair Housing Act (November 10, 2016).

C. Proposed Program 2P: Group Homes must be revised; specifically, the City must:

- repeal CMMC, Title 13, Chapter XV and XVI prohibiting group homes unless permitted; and,

- review the City's Zoning Code as a whole to ensure that it fully complies with the restriction and requirements promulgated in FEHA's fair housing regulations, 2 CCR §§ 12161-62 (land use restrictions), and comports with the guidance set forth in the Joint Statement of the Department of Housing and Urban Development and the Department of Justice: State and Local Land Use Laws and Practice and the Application of the Fair Housing Act (November 10, 2016).

* * *

Thank you for your consideration.

/s/ Christopher Brancart
cbrancart@brancart.com

Enclosure: Exhibits 1-12

cc: HousingElements@hcd.ca.gov; marissa.prasse@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov; Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov; Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov; Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov

COSTA MESA FIRST

Working for a Livable City

December 12, 2022

VIA EMAIL AND FIRST-CLASS MAIL

State of California
Department of Housing and Community Development
Division of Housing Policy Development
Attn: Paul McDougall, Senior Program Manager
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833

Re: City of Costa Mesa (the "City") 6th Cycle (2021-2029) Adopted Housing Element received by the State of California on November 23, 2022 (the "Costa Mesa Housing Element")

Dear Mr. McDougall:

We request that you declare the Costa Mesa Housing Element noncompliant and request further changes by the City. The reasons are as follows:

1. The programs in the Costa Mesa Housing Element will not create the required number of opportunities for affordable housing for low- and very low-income groups; and

2. The ballot measure put forth by the City ("Measure K") does not attempt to satisfy the Regional Housing Needs Allocation requirements to create more housing of all types and income categories because it created a loophole for developers to avoid affordable housing in their projects.

The following are details on the foregoing reasons:

Program 2A: Inclusionary Housing Ordinance. One of the objectives of this program is "Consider adoption of an inclusionary housing ordinance." What we see here is the City's intent to evade the adoption of an inclusionary housing ordinance ("IHO"). In prior cycles, very few

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affordable units have been built, and the State has mandated that the City demonstrate it is planning for more affordable units. To simply "[c]onsider adoption of an inclusionary housing ordinance" is unacceptable because it diminishes the likelihood that such an ordinance will be adopted. Further, there are no incentives mentioned that would "incentivize the development community" to build anything other than market-rate housing. The City has hired a consultant to evaluate and make recommendations regarding the structure of an IHO. The intent to "consider" allows the City to avoid enacting the IHO once the Costa Mesa Housing Element is approved by the State. This is likely due to the influence by the real estate, builder, and developer lobby groups, representatives of which have publicly commented at Costa Mesa City Council meetings about their opposition to an IHO. The State must require that the City adopt an effective IHO in order for the City to ensure any affordable units are included in future projects.

Program 3B: Fairview Developmental Center. It will be impossible for the City to fulfill one of the objectives of this program if it does not adopt an IHO, as mentioned above. This program estimates that, once title to the land transfers from the State to private developers, 2,300 units will be built on the land, 1,380 of which will be moderate and above-moderate housing. While the SB 188 mandates that 200 supportive housing units be built on the property, Fairview Developmental Center is located close to bus lines and the area is walkable, therefore it would be more appropriate to require most of the housing built be higher-density or missing middle housing, hence providing more affordable housing for low- and very low-income groups. The allocation of units in Table B-1 of Appendix B needs to be changed to allocate more units to the low- and very low-income groups.

Program 3G: Address City-wide Vote Requirement in Relation to Housing Element Compliance. The objective of this program seems to refer to a future ballot measure to remove voter approval requirement from residential areas which are not covered by Measure K. This vague proposed measure should also require revising antiquated ordinances for zoning that inhibit opportunities for affordable housing.

Measure K only removed the voter approval requirement of projects (residential or commercial) on certain commercial and/or industrial zoned properties along some of the major corridors in the City; it did not include an IHO to require any housing be affordable to low- and very low-income groups. Although the Costa Mesa Housing Element also does not require housing to be built, it does provide for planning, zoning, and other programs to encourage affordable housing. While we understand that the State wants to remove any impediments to affordable housing, it needs to be noted that Measure K contains a loophole for developers to use a development agreement to circumvent a requirement to provide affordable units in any proposed project located in Costa Mesa. See Section 4 of Measure K attached hereto as Exhibit A.

The effects of any proposed ballot measure for 2025 are unknown, therefore, there is no way to guarantee the City will be successful in achieving the vague goal of this program. Measure K only removed the voter approval requirement for large projects along the specific corridors to which the ballot measure applies. By only focusing on rezoning commercial/industrial corridors for high-density residential projects, the Costa Mesa Housing Element lacks opportunities for compatible missing middle housing within existing residential areas. The ordinance needs to be revised prior to the adoption of an IHO to avoid developers proposing only market-rate or luxury housing along these corridors.

Finally, with respect to Table B-1 in Appendix B, the assumptions made in the Costa Mesa Housing Element are not supported by any findings. Inclusionary housing/zoning ordinances in nearby cities range from 10-15% affordable units required, and most of those ordinances only apply to multi-family rental housing. The Costa Mesa Housing Element uses an assumption of 30% affordable units, but with no IHO, the likelihood of achieving that is negligible.

Thank you for your attention to this matter. Please feel free to contact us should you have any questions.

Very truly yours,



Richard J. Huffman
Treasurer



Cynthia McDonald
Assistant Treasurer

Costa Mesa First's mission is to educate Costa Mesans about planning policies in Costa Mesa so they make knowledgeable choices when voting. We encourage residents to choose walkable, bikeable, and inclusive neighborhoods, and the land use and transportation policies and investments needed to make Costa Mesa flourish. Our primary objective is to require Costa Mesa's leaders to put the residents of Costa Mesa first.

Exhibit A

CITY-SPONSORED INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Council for the City of Costa Mesa submits the following measure to the voters of the City for approval and enactment:

The People of Costa Mesa find:

(a) Past changes in the Costa Mesa Municipal Code had the unintended consequence of severely constricting the production of new housing in Costa Mesa, thereby contributing to a severe shortage of housing affordable to Costa Mesa's working and middle-class families, young adults, seniors, and others.
(b) The requirement for a city wide vote on land use plans has had the effect of stalling the normal process of renewal, change, and revitalization of the city's commercial and industrial areas, contributing to the decline of local retail centers and increase in vacant storefronts along the city's main commercial corridors and industrial areas.
(c) Since 2016, the State of California has adopted new laws and regulations requiring every city to plan for substantially increased numbers of housing units at all affordability levels to meet the needs of its residents, including working and middle class families and individuals, and imposing severe consequences for the city's failure to zone sufficient parcels of land to meet the state-designated housing need, including financial penalties and the loss of local control over land use planning.
(d) The City of Costa Mesa has responded to these new laws and regulations through the development of its Housing Element, which included significant community input, a comprehensive analysis of the issues causing the lack of housing production, and identification of proposed Housing Opportunities Sites to meet the undeniable demand for new housing supply.
(e) Costa Mesa residents recognize the benefits of allowing a more efficient use of land located near our job centers, and a greater variety of housing types, including mixed-use housing, along certain commercial and industrial corridors of the city and in the entire area north of the 405 freeway, specifically including the South Coast Plaza metro area where multi-story apartments and condominiums coexist with offices, restaurants, retail stores, and arts and cultural spaces, to create a vibrant urban environment.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF COSTA MESA DO ORDAIN AS FOLLOWS:

SECTION 1. Code Amendment.

This ordinance amends the Costa Mesa Municipal Code as follows, and supersedes any provisions that are inconsistent with this ordinance, and shall be known as "An Ordinance to Revitalize Commercial and Industrial Areas and Protect Residential Neighborhoods", and shall be referred to herein as the "Measure."

SECTION 2. Purpose.

The purpose of the Measure is to revise the Costa Mesa Municipal Code to allow the City Council to establish land use plans, including general plan and/or zoning code amendments, through a public hearing and visioning process, including any related amendments to City Ordinances, as needed, for specifically defined areas of the City to encourage development of affordable housing for working and middle class families and boost commercial revitalization, while keeping intact current residential neighborhoods and maintaining local control.

SECTION 3.

Section 13-200.106 of the Costa Mesa Municipal Code is amended to add the following subsection (g):

(g) This article shall not apply to any amendment, change, or replacement of the General Plan, or of Costa Mesa's zoning ordinance (as defined and contained in Title 13 of the Costa Mesa Municipal Code) or any Specific Plan or Overlay Plan, or adoption of a new Specific Plan or Overlay Plan, applicable to property located in the following areas, as depicted in Exhibit A, to provide for the development of housing and/or mixed use and/or revitalization of existing commercial and/or industrial corridors therein:

(1) Newport Boulevard/Old Newport Boulevard from Mesa Drive to the City limit and Superior from Newport Boulevard to the City limit;

(2) Harbor Boulevard from Baker Street to West 19th Street;

(3) Baker Street between SR-73 and SR-55, generally referred to as the SoBECA area;

(4) South side of Baker Street from Fairview to Mendoza;

(5) Bristol Street, south of the 405 freeway to the City limit;

(6) West 17th Street from Newport Boulevard west to Monrovia, West 18th Street from Placentia west to Monrovia, and 19th Street from Harbor Boulevard west to Federal;

(7) Placentia Avenue from Victoria Street to West 16th Street;

(8) The site located at 3150 Bear Street; and

(9) North of the 405 freeway as bordered by the City limits.

All city-sponsored land use plans adopted or amended for any part of the defined areas eligible for this exemption shall include a public community visioning process (e.g., workshops, design charrettes, community surveys) prior to adoption or amendment by the City Council at any required public hearing.

All land use plans approved for the areas described above shall include restrictions on building heights. Development impact fees shall be required to be paid to mitigate impacts of any permitted development, including traffic and parks and open space, and all required environmental and public review shall precede any decisions.

Nothing herein shall be deemed to exempt major changes in allowable land use of any existing residentially developed properties or public parkland from the provisions of this article.

SECTION 4.

Section 13-200.106(e) of the Costa Mesa Municipal Code is hereby amended to read:

The provisions of this article shall not apply to affordable housing proposals required by state or federal law, or to any housing or mixed used development proposals located in the areas listed in subsection (g) as depicted in Exhibit A that comply with a City Council-adopted affordable housing ordinance(s) or City Council-approved development agreement.

SECTION 5. Inconsistencies.

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

SECTION 6. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The People of the City of Costa Mesa hereby declare that they would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. Effective Date.

This ordinance shall take effect according to law ten days after certification of the election at which it is adopted.

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Re: **City of Costa Mesa: Updated Draft Costa Mesa Housing Element Sixth Cycle, 2021-2029 (Draft dated: January 11, 2023)**

Dear Gentlepersons:

Without the benefit of public comment or hearing, the City of Costa Mesa issued on January 11, 2023, a further revised draft Housing Element for HCD's

approval.[1] The City's January 11th revised draft adjusts certain time frames under the Housing Plan for the City to amend its discriminatory zoning regulations as follows:

Program	***Objective***	***Timeframe***
2N: Reasonable Accommodation	Review and revise the Reasonable Accommodation procedure to promote access to housing for persons with disabilities, address potential constraints and establish potential objective standards, and provide guidance and amend as necessary to promote greater certainty on how approval findings will be implemented.	Review and revise Code by December 2024.
2O: Definition of Single Housekeeping Unit	Review and revise the definition of "single housekeeping unit" within the zoning code to provide greater flexibility in consideration of accommodating a variety of household situations for related and unrelated individuals living together	Review and revise Code by December 2024

[1] The City's website (visited 01/24/2023) states:

> In response to HCD's preliminary review, staff have made minor revisions to the Housing Element based on the comments and requirement of the HCD. The revisions requested are minor, non-substantive, and are necessary to address the recent HCD comments, and therefore as authorized by the City Council, can be submitted to the HCD by the Director of Economic and Development Services. Please reference the links below to review the 2021-2029 Housing Element (as revised).

The City website (visited today, 01/26/2023) adds the following:

> On January 20, 2023, HCD provided a comment letter on the City's revised Housing Element. Per the State, the revised draft addresses most statutory requirements, with minor revisions necessary to comply with State Law. Staff is revising the Housing Element for re-submittal to the State.

2P: Group Homes	Review and revise the City's zoning code and application procedures applicable to group homes to promote objectivity and greater approval certainty similar to other residential uses.	Review and revise Code by Winter 2024

Unfortunately, the City deprived the public of the opportunity to comment on the sufficiency of its January 11th revised draft Housing Element. If the City had provided the public with that opportunity, it would have received information and data demonstrating that the revised Housing Plan, Programs 2N - 2P, is grossly inadequate to meeting the basic requirements of California state law for the following reasons:

1. As described by the Court of Appeals for the Ninth Circuit, the City's zoning regulation of group homes reflects a pattern or practice of facial discrimination in violation of state and federal fair housing laws.

On January 3, 2023, the Ninth Circuit reversed one of the district court decisions that the City touts as upholding its zoning regulations. (Chap. 3, p. 3-20.) A copy of that opinion, *SoCal Recovery v. City of Costa Mesa*, __ F.4th __, 2023 WL 19467 (9th Cir. Jan. 3, 2023), is attached as Exhibit 1.

The Ninth Circuit summarized the unlawful operation of the City's group home regulations – related to the 2P Housing Program – as follows:

> Through its 2014 and 2015 Ordinances, the City imposed new zoning regulations regarding group housing for persons with disabilities. Before the Ordinances, about 94 unlicensed sober living homes were legally operating in residential zones. Appellants argue that between 2014 and 2017, 73 sober living homes had closed. The City's website indicates that there are 16 approved sober living homes today. The City adopted the 650-foot separation restriction and other restrictions in an explicit effort to reduce the number of sober living homes operating within the City. The City was concerned about the "overconcentration" of sober living homes in some neighborhoods, which the City believed was "deleterious" to those neighborhoods' residential character.

The 2014 Ordinance, Ordinance 14-13, regulates group housing for persons with disabilities in single-family districts. Costa Mesa Mun. Code §§ 13-310–312. It defined "[s]ober living home" as: "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." Id. § 13-6. "Group home[s]," in turn, are defined as "facilit[ies] that [are] being used as a supportive living environment for persons who are considered handicapped under state or federal law." Id.

Ordinance 14-13 made it unlawful to operate a sober living home in a single-family district without obtaining a special use permit. Id. § 13-311. Group homes in single-family districts were limited to six occupants and needed to have a "house manager" residing in the home and present on a 24-hour basis. Id. § 13-311(a)(2), (a)(4).

In addition to the group home requirements, sober living homes needed to meet certain additional conditions. Relevant here, a sober living home could not be "located within six hundred fifty (650) feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility" ("separation requirement"). Id. § 13-311(a)(14)(i). An applicant could seek relief from the "strict application" of the permit requirements by requesting a reasonable accommodation. Id. § 13-311(a)(15).

The 2015 Ordinance, Ordinance 15-11, applied similar zoning regulations as Ordinance 14-13 but to multi-family residential districts. Id. §§ 13-322 to 324. The same conditions for a special use permit under Ordinance 14-13 applied to existing group homes with six or fewer residents, including the 650-foot separation requirement for sober living homes. Id. §§ 13-322, -324(a). Existing group homes and sober living homes with seven or more residents needed to obtain a conditional use permit within one year, and to apply for an operator's permit within 120 days. Id. §§ 13-323, -324(b). A 650-foot separation requirement also applied to sober living homes with seven or more residents. Id. § 13-323(b). As with Ordinance 14-13, under Ordinance 15-11, a group home could seek relief from the "strict application" of the permit requirements by submitting a request for

reasonable accommodation exempting it from a requirement. Id. §§ 13-322(c), -200.62. Permit applications would be reviewed by the Development Director and could be appealed to the Planning Commission and City Council. Id. §§ Id. §§ 13-7 to -11.

As described by the 9th Circuit, the City's group homes regulations cannot be reconciled with state or federal law, which is described in detail in the following publications:

- *Joint Statement of the Department of Housing and Urban Development and the Department of Justice – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act* (Nov. 10, 2016), see Exhibit 2; and,

- *Group Home Technical Advisory* (HCD 2022), see Exhibit 3.

Moreover, the effect of the City's group home regulations has been to intentional deprive persons with disabilities of existing housing opportunities because of their disability status:

- As observed by the Ninth Circuit, the City has retroactively closed existing group homes, forcing residents from their homes.

- Since 2017, the City has denied applications for permits to every existing group home seeking to remain in operation. For the last five years, the City has uniformly denied every application for permits or reasonable accommodation (RA) submitted by an existing group home seeking the right to continue to provide housing to persons with disabilities.

- Of the 26 existing group homes in multi-family zones that applied for permits or RA, only two were granted by the City.

Against this background, the City's updated January 11th Housing Plan/Program 2P is wholly inadequate: It fails to mandate that the City enact zoning regulations that comply with federal or state law, a minimal standard for

the City to meet its duty to affirmatively further fair housing. Worse, it allows the City to continue enforcing its discriminatory regulations until the "Winter 2024," ratifying two more years of unlawful conduct by the City.

2. On their face, the City's reasonable accommodation regulations violate federal and state law.

The Ninth Circuit's opinion goes on to discuss the effect of the City's reasonable accommodation (RA) regulations – regulations enacted as part of the City's Ordinance 14-13:

> All permitting requirements in the Ordinances applied to both existing sober living homes and proposed sober living homes. Since the Ordinances passed, the City has received fifty-two reasonable accommodation requests from group homes and has granted three, none to Appellants.

On its face, the City's RA regulations include mandatory findings that flatly violate federal law. For example, to obtain an RA, CMMC § 13-200.62(f) requires a group home establish that the "existing supply of facilities of a similar nature and operation in the community is [in]sufficient to provide individuals with a disability an equal opportunity to live in a residential setting." That specific requirements has been rejected, repeatedly, by the federal courts. *Schwarz v. City of Treasure Island*, 544 F.3d 1201, 1225-26 (11th Cir. 2008); *Swanston v. City of Plano*, 557 F. Supp. 3d 781, 798-99 (E.D. Tex. 2021). As such, that requirement is preempted by the Fair Housing Act, 42 U.S.C. § 3615 and FEHA, Cal. Govt. Code § 12955.6.

Against this background, the City's updated, January 11th Housing Plan/Program 2N is inadequate: It fails to mandate that the City enact RA regulations that comply with federal or state law. Worse, it allows the City to continue enforcing patently unlawful RA requirements until "December 2024," ratifying two more years of unlawful conduct by the City.

3. The City's current Single Housekeeping Unit definition on its face, as applied, and in effect intentionally discriminates against persons with disabilities.

The City also amended its definition of Single Housekeeping Unit (SHU) in Ordinance 14-13 as an integral part of its facial discriminatory group home regulations. The City's current SHU definition offends federal and state law for the following reasons:

First, based on its legislative history, the City SHU definition was enacted for a discriminatory purpose to effectuate its discriminatory group home regulations.

Second, the SHU definition discriminates on its face. It provides, "There is a rebuttable presumption that **integral facilities** do not constitute single housekeeping units." The City definition of "integral facilities" applies solely to "group homes," housing "used as a supportive living environment for persons who are considered handicapped under state or federal law." See CMMC 13-06 ("**Integral facilities**. Any combination of two (2) or more **group homes** which may or may not be located on the same or contiguous parcels of land").

Third, the City's SHU definition cannot be reconciled with HCD's own technical guidance, issued before the January 11th updated draft was submitted by the City:

> In general, localities should avoid including provisions in definitions of shared housekeeping units, single-family homes, or other single residential dwellings that:
>
> • Equate group homes with boardinghouses. Group homes' shared communal purposes to provide peer and other support for their occupants' disability-related needs and to help integrate them into their local communities makes this an inapt comparison. Boardinghouses do not provide communal housing designed to support the needs of persons with disabilities.
>
> • Require all residents to share a common deed or lease. The California Constitution's protections of personal privacy extend to individuals' choices to live together even when they are not joint

> owners or tenants. And group homes can still provide a communal setting that supports their residents' needs without all residents being joint owners or tenants.
>
> • Automatically exclude group homes that are owned by for-profit businesses or that pay a house manager or resident to help manage a home's operations. These are well-established models for group homes. And persons with certain types of disabilities may need supportive, in-house staff to be able to live in a group home.
>
> • Overly scrutinize living arrangements by, for example, requiring residents to take care of all housekeeping tasks, share all bathrooms and refrigerators, and eat all meals together, or by prohibiting locks on bedroom doors. Localities do not impose such conditions on families of related persons, who may live in R-1 neighborhoods even if they can afford to hire housekeepers or gardeners, do not share all bathrooms, decline or lack the time to eat all meals together, or choose to install locks on parents', teenagers', or other relatives' bedroom doors. And different types of group homes may require different living arrangements and provide different levels of housekeeping or other services based on their residents' individualized needs or other considerations.

Group Home Technical Advisory, pp. 24-25 (HCD 2022).

Against this background, the City's updated January 11th Housing Plan/Progam 2O is inadequate: It fails to mandate that the City enact a definition that comports with state law, including HCD's technical guidance. Worse, it allows the City to continue enforcing its facially discriminatory SHU definition until "December 2024," ratifying two more years of discriminatory conduct by the City.

4. The City's current actions support immediate remedial action by HCD.

At the same time the City submitted its updated January 11th Housing Plan,

it was aggressively enforcing the very regulations its promises to revise, seeking to close one of the very last group homes in Costa Mesa's multifamily districts.

The City has sued in superior court to shut the Ohio House, a group home operating in a multi-family zone before the adoption of the City's multi-family zone group home regulations. (Exhibit 4.) The City seeks abate Ohio House as a nuisance based solely on the fact that it operates without a group home permit. (Id., p. 5 ["Defendants (Ohio House) are in violation of the City's group home requirements primarily for continuing to operate a purported sober living home business on the Subject Property without a valid CUP. Such conduct is a nuisance per se, subject to abatement, as a matter of law.")

Ohio House applied for a conditional use permit, which the City denied, even though it found that Ohio House "has demonstrated its compatibility with the neighborhood over the past three years." The only citations issued by the City to Ohio House during the course of its operations have been for violation of the City's group home regulations, specifically, for "operating a group/sober home without City approval."

Ohio House also applied for a reasonable accommodation, which the City denied even though the City found:

- There is no evidence that approval of this request will impose an undue financial or administrative burden on the City; and,

- There is no evidence that approval of this request would result in a direct threat to the health or safety of anyone, or substantial physical damage to the property of others.

(See Exhibit 5.)

Ohio House is one of only three group homes still in operation in the City's multi-family zones. Under the City's updated, January 11th Housing Plan, the City has until "December 2024" to continue to prosecute Ohio House in the superior court for providing "supportive living environment for persons who are considered handicapped under state or federal law." (CMMC 13-06.)

Against this background, approval of the City's updated, January 11th Housing Plan by HCD cannot be reconciled with existing state and federal laws, HCD's technical guidance, and its intervention in *Grandma's House of Home v. City of Anaheim*, Orange County Superior Court, Case 30-2022-01241823-CU -WM-CJC, challenging the City of Anaheim's group home regulations, which are far less offensive than Costa Mesa's group home regulations.

5. HCD should supplement its last letter, dated January 20, to identify the issues discussed herein and demand further revisions by the City to its draft Housing Plan/Programs 2N - 2P.

HCD has issued a further letter, dated January 20, 2023, that the City just made available on its website today. It requires that the City take further action to affirmatively further fair housing, but it fails to address the inadequacy of the updated January 11th Housing Plan/Programs 2N - 2P. That letter was issued without the benefit of public comment in response to the City's January 11th draft.

I would request that HCD issue a supplemental letter demanding further revisions by the City to its draft Housing Plan/Programs 2N-2P, addressing the issues outlined above.

Thank you.

/s/ Christopher Brancart
cbrancart@brancart.com

Enclosures
cc: Ryan Stump
Jeremy Tangaro

EXHIBIT 1

2023 WL 19467
Only the Westlaw citation
is currently available.
United States Court of Appeals, Ninth Circuit.

SOCAL RECOVERY, LLC, a California limited liability company; Roger Lawson, Plaintiffs-Appellants,
v.
CITY OF COSTA MESA, a municipal corporation; Does, 1-100, Defendants-Appellees.
Raw Recovery, LLC, a California limited liability company, Plaintiff-Appellant,
v.
City of Costa Mesa, Defendant-Appellee.

No. 20-55820, No. 20-55870
|
Argued and Submitted July 12, 2022 Pasadena, California
|
Filed January 3, 2023

Synopsis

Background: Sober living home operators brought actions alleging that city's denial of their applications for special use permits and reasonable accommodation requests violated Fair Housing Act (FHA), Americans with Disabilities Act (ADA), and California Fair Employment and Housing Act (FEHA). The United States District Court for the Central District of California, James V. Selna, J., 2020 WL 2528002 and 2020 WL 5005550, entered summary judgment in city's favor, and operators appealed. Appeals were consolidated.

Holdings: The Court of Appeals, Bennett, Circuit Judge, held that:

[1] operators had standing to bring actions;

[2] operators were not required to present individualized evidence of actual disability of their residents;

[3] as matter of first impression, operators can satisfy "actual disability" prong of disability discrimination claim on collective basis; and

[4] operators were not required to show that city subjectively believed that their residents were disabled.

Reversed and remanded.

West Headnotes (13)

[1] Evidence

Court would take judicial notice of city council resolution upholding denial of sober living home's application for special use permit and state court judgment and order in city's abatement action against that home.

[2] Civil Rights

Federal courts analyze California Fair Employment and Housing Act (FEHA) claims under same standard as Fair Housing Act (FHA) claims.

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42 U.S.C.A. § 3601 et seq.; Cal. Gov't Code § 12900 et seq.

[3] Federal Courts

Court of Appeals reviews district court's grant of summary judgment de novo.

[4] Federal Courts

When reviewing district court's grant of summary judgment, Court of Appeals must view evidence in light most favorable to nonmoving party, and determine whether there are any genuine issues of material fact and whether district court correctly applied relevant substantive law.

[5] Civil Rights

Alcoholism and drug addiction are "impairments" under Fair Housing Act (FHA) and Americans with Disabilities Act (ADA). 42 U.S.C.A. § 3602(h); Americans with Disabilities Act of 1990 § 3, 42 U.S.C.A. § 12102(1); 24 C.F.R. § 100.201(a)(2); 28 C.F.R. § 35.108(b)(2).

[6] Civil Rights

Sober living home operators had standing to bring actions alleging that city's denial of their applications for special use permits and reasonable accommodation requests violated Fair Housing Act (FHA), Americans with Disabilities Act (ADA), and California Fair Employment and Housing Act (FEHA), even though they were not disabled or handicapped, and some residents may not have been disabled; city ordinances' requirement that sober living homes be located at least 650 feet away from any other sober living home or any state-licensed drug and alcohol treatment center prevented operators from conducting their normal business operations. 42 U.S.C.A. § 3601 et seq.; Americans with Disabilities Act of 1990 § 201, 42 U.S.C.A. § 12131 et seq.; Cal. Gov't Code § 12900 et seq.

[7] Civil Rights

Sole requirement for standing to sue under Fair Housing Act (FHA) is Article III minima of injury in fact: that plaintiff allege that as result of defendant's actions he has suffered distinct and palpable injury. U.S. Const. art. 3, § 2, cl. 1; 42 U.S.C.A. § 3601 et seq.

[8] Civil Rights

For purposes of Fair Housing Act (FHA), plaintiff need not be among class discriminated against in order to have standing; in particular, organization may have standing to

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bring suit on its own behalf, without relying in representative capacity on standing of any third parties. 42 U.S.C.A. § 3601 et seq.

[9] Associations

Organization has standing to sue under Americans with Disabilities Act (ADA) on its own behalf by establishing injury in fact if it can demonstrate: (1) frustration of its organizational mission; and (2) diversion of its resources to combat particular conduct in question. Americans with Disabilities Act of 1990 § 201, 42 U.S.C.A. § 12131 et seq.

[10] Civil Rights

Sober living homes and other dwellings intended for occupancy by persons recovering from alcoholism and drug addiction were protected by Fair Housing Act (FHA), Americans with Disabilities Act (ADA), and California Fair Employment and Housing Act (FEHA) from illegal discrimination against disabled without need for home operators to present individualized evidence of actual disability of their residents; operators only had to establish —through house rules, admissions requirements, or testimony of house employees and residents—that they had policies and procedures to ensure that they served or would serve those with actual disabilities and that they adhered or would adhere to such policies and procedures. Americans with Disabilities Act of 1990 § 201, 42 U.S.C.A. § 12131 et seq.; 42 U.S.C.A. § 3601 et seq.; Cal. Gov't Code § 12900 et seq.

[11] Civil Rights

Sober living home operators can satisfy "actual disability" prong of disability discrimination claim under Fair Housing Act (FHA), Americans with Disabilities Act (ADA), and California Fair Employment and Housing Act (FEHA) on collective basis by demonstrating that they serve or intend to serve individuals with actual disabilities. Americans with Disabilities Act of 1990 § 201, 42 U.S.C.A. § 12131 et seq.; 42 U.S.C.A. § 3601 et seq.; Cal. Gov't Code § 12900 et seq.

[12] Civil Rights

To establish disability under Americans with Disabilities Act's (ADA) "regarded as disabled" prong, plaintiffs must show that defendant perceived them as being disabled and discriminated against them on that basis. Americans with Disabilities Act of 1990 § 3, 42 U.S.C.A. § 12102(3)(A); 24 C.F.R. § 100.201(d); 28 C.F.R. § 35.108(f)(1).

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[13] Civil Rights

In determining whether city regarding sober living home residents as disabled, for purposes of Americans with Disabilities Act (ADA), home operators were not required to show that city subjectively believed that all of their residents—or some specific residents—were disabled. Americans with Disabilities Act of 1990 § 3, 42 U.S.C.A. § 12102(3)(A); 24 C.F.R. § 100.201(d); 28 C.F.R. § 35.108(f)(1).

Appeal from the United States District Court for the Central District of California, James V. Selna, District Judge, Presiding, D.C. Nos. 8:18-cv-01304-JVS-PJW, 8:18-cv-01080-JVS-PJW

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Before: Kim McLane Wardlaw and Mark J. Bennett, Circuit Judges, and Gary S. Katzmann,* Judge.

* The Honorable Gary S. Katzmann, Judge for the United States Court of International Trade, sitting by designation.

OPINION

BENNETT, Circuit Judge:

In 2014, the City of Costa Mesa ("City") began amending its zoning code to reduce the number and concentration of sober living homes in its residential neighborhoods. Two of its new ordinances—Ordinances 14-13 and 15-11 ("Ordinances")—made it unlawful to operate sober living homes without a permit. The Ordinances define sober living homes as group homes serving those who are "recovering

from a drug and/or alcohol addiction and who are considered handicapped under state or federal law," and define group homes as "facilit[ies] that [are] being used as a supportive living environment for persons who are considered handicapped under state or federal law." Costa Mesa, Cal., Mun. Code § 13-6. Unlike addiction treatment facilities, sober living homes do not require a license from the state of California. Until the Ordinances were adopted, the City did not regulate sober living homes differently from other residences.

The Ordinances required all sober living homes, including established homes, to be located more than 650 feet away from any other sober living home or any state-licensed drug and alcohol treatment center. No existing homes were grandfathered under the Ordinances—i.e., if two operating sober living homes were within 650 feet of each other, one would have to cease operating as a sober living home. The Ordinances did not address the criteria used to determine which home could remain. They provided, however, that applicants could request reasonable accommodations from permit conditions and requirements, like the 650-foot requirement.

***3** Plaintiffs-Appellants SoCal Recovery, LLC ("SoCal") and RAW Recovery, LLC ("RAW") (together, "Appellants") operate sober living homes in Costa Mesa, California, for persons recovering from drug and alcohol addiction. Appellants submitted both permit applications and reasonable accommodation requests to the City so they could continue to operate their sober living homes, even those that were operating within 650 feet of other sober living homes or state-licensed drug and alcohol treatment centers.[1] The City found that Appellants were operating sober living homes but denied some permits and reasonable accommodation requests because the homes were operating in violation of the new separation requirement.[2] The City issued citations to Appellants for operating the sober living homes without approval. The City also filed state court abatement actions against Appellants.

1 Four sober living homes at issue in this appeal were opened or acquired after 2014, but before the applicable Ordinances went into effect.

2 Two other reasonable accommodation requests were denied because they were not submitted in writing, as required by the Ordinances.

[1] Appellants sued the City, arguing that the Ordinances and the City's enforcement practices discriminated against them on the basis of disability under the Fair Housing Act (FHA), 42 U.S.C. § 3601 et seq., the Americans with Disabilities Act (ADA), 42 U.S.C. § 12131 et seq., and the California Fair Employment and Housing Act (FEHA), Cal. Gov't Code § 12900 et seq.[3] The City moved for summary judgment against Appellants. The district court granted the City's motions, finding that Appellants did not establish that residents in their sober living homes were actually disabled,[4] or that the City regarded their residents as disabled.[5]

3 Appellants withdrew other claims they brought under 42 U.S.C. §§ 1985–1986 and California Government Code §§ 11135, 65008. Appellants also brought a retaliation claim under the FHA and a claim under 42 U.S.C. § 1983. The district court granted summary judgment to the City on both. The district court awarded the City attorneys' fees on all these claims, which it found "were asserted in a frivolous fashion." Using a rough estimate,

the district court found 10% of the City's total requested fees were related to the frivolous claims and awarded the City $21,935.84 in fees in RAW's case and $20,923.01 in fees in SoCal's case.

4 The district court held that Appellants must prove their "clients have a substantial impairment to a major life activity, on a case-by-case basis." *SoCal Recovery, LLC v. City of Costa Mesa et al.*, No. SACV 18-1304, 2020 WL 2528002, at *5 (C.D. Cal. Apr. 10, 2020), *reconsideration denied*, No. SACV 18-1304, 2020 WL 4668145 (C.D. Cal. July 20, 2020).

5 We grant RAW's motion to take judicial notice of the City Council resolution upholding the denial of the Knox Street home and the state court judgment and order in the City's abatement action against that home. We deny as unnecessary Appellants' motions to take judicial notice of City Council and Planning Commission resolutions that are already in the record.

Because the district court erred by requiring Appellants to adduce individualized evidence of actual disability and failing to consider evidence that the City regarded the residents of the sober living homes as disabled, we reverse the district court's grant of summary judgment in both cases.

I. BACKGROUND

A. Sober Living Home Zoning Regulations

Through its 2014 and 2015 Ordinances, the City imposed new zoning regulations regarding group housing for persons with disabilities. Before the Ordinances, about 94 unlicensed sober living homes were legally operating in residential zones. Appellants argue that between 2014 and 2017, 73 sober living homes had closed.[6] The City's website indicates that there are 16 approved sober living homes today.[7] The City adopted the 650-foot separation restriction and other restrictions in an explicit effort to reduce the number of sober living homes operating within the City. The City was concerned about the "overconcentration" of sober living homes in some neighborhoods, which the City believed was "deleterious" to those neighborhoods' residential character.

6 The source in the record cited by Appellants lists 68 closures, assuming each entry is a different property.

7 *See City Approved Sober Living/ Group Homes*, https://app.smartsheet.com/b/publish?EQBCT=f6f1941be3624556ab1b03e829df4639 (last visited Aug. 31, 2022); *see also Group Homes/ Sober Living Information and Application*, Costa Mesa, https://www.costamesaca.gov/city-hall/city-departments/development-services/community-improvement-division/group-homes-sober-living-information (last visited Aug. 31, 2022) (providing information on "City approved sober living/group homes," "Operators that have closed," and "Group homes cited").

***4** The 2014 Ordinance, Ordinance 14-13, regulates group housing for persons with disabilities in single-family districts. Costa Mesa Mun. Code §§ 13-310–312. It defined "[s]ober living home" as: "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." *Id.* § 13-6. "Group home[s]," in turn, are defined as "facilit[ies] that [are] being used as a supportive living environment for persons who are considered handicapped under state or federal law." *Id.*

Ordinance 14-13 made it unlawful to operate a sober living home in a single-family district without obtaining a special use permit. *Id.* § 13-311. Group homes in single-family districts were limited to six occupants and needed to have a "house manager" residing in the home and present on a 24-hour basis. *Id.* § 13-311(a)(2), (a)(4).

In addition to the group home requirements, sober living homes needed to meet certain additional conditions. Relevant here, a sober living home could not be "located within six hundred fifty (650) feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility" ("separation requirement"). *Id.* § 13-311(a)(14)(i).[8] An applicant could seek relief from the "strict application" of the permit requirements by requesting a reasonable accommodation. *Id.* § 13-311(a)(15).[9]

8 Other requirements include that all occupants other than the house manager are "actively participating in legitimate recovery programs." § 13-311(a)(14)(ii). Additionally, "[t]he sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site." § 13-311(a)(14)(iii).

9 Permit applications are first submitted to the Director of Economic and Development Services ("Development Director"), who may make an initial determination, or designate another official to do so. Costa Mesa, Cal., Mun. Code §§ 13-311, 322; *see id.* § 13-6 (defining "director" as "[t]he director of [economic and] development services of the City of Costa Mesa, or his or her designee"). In this case, the Development Director designated the City's Zoning Administrator to make an initial decision regarding a subset of sober home applications. An unfavorable decision by the Development Director or Zoning Administrator is appealable to the City Planning Commission and then to the City Council. *Id.* §§ 13-8 to -11. The application shall include, inter alia, a copy of the group home rules and regulations, the relapse policy, and "[a]n affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home." *Id.* § 13-311(a)(1)(viii).
Reasonable accommodation requests must be filed in writing with the Planning Division. *Id.* § 13-200.62(a)–(b). Applicants shall state "[t]he basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individuals." *Id.* § 13-200.62(b)(2). And the application shall include documentation that the applicant is "an individual with a disability," "applying on behalf of one or more individuals with a disability," or "a developer or provider of housing for one or more individuals with a disability." *Id.* § 13-200.62(b)(4). The Development Director's decision on the request for reasonable accommodation can be appealed to the Planning Commission, and then the City Council. *Id.* §§ 13-7, -8, -10(i)(2)(c), -11(b).

***5** The 2015 Ordinance, Ordinance 15-11, applied similar zoning regulations as Ordinance 14-13 but to multi-family residential districts. *Id.* §§ 13-322 to 324. The same conditions for a special use permit under Ordinance 14-13 applied to existing group homes with six or fewer residents, including the 650-foot separation requirement for sober living homes. *Id.* §§ 13-322, -324(a). Existing group homes and sober living homes with seven or more residents needed to obtain a conditional use permit within one year, and to apply for an operator's permit within 120 days. *Id.* §§ 13-323, -324(b). A 650-foot separation requirement also applied to sober living homes with seven or more residents. *Id.* § 13-323(b). As with Ordinance 14-13, under Ordinance 15-11, a group home could seek relief from the "strict application" of the permit requirements by submitting a request for reasonable accommodation exempting it from a requirement. *Id.* §§ 13-322(c), -200.62. Permit applications would be reviewed by the Development Director and could be appealed to the Planning Commission and City Council. *Id.* §§ 13-7 to -11.

All permitting requirements in the Ordinances applied to both existing sober living homes and proposed sober living homes. Since the Ordinances passed, the City has received fifty-

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two reasonable accommodation requests from group homes and has granted three, none to Appellants.

B. SoCal Recovery, LLC

SoCal operates three sober living homes relevant to this appeal. Two of the homes, located on Hudson Avenue and Cecil Place, both opened before November 2014, are in single-family districts, and provide housing to six or fewer residents in recovery. One property, on East 21st Street, is in a multi-family residential district, providing housing for up to thirty-two residents in recovery. The East 21st Street home opened prior to December 2015, before the multi-family residential district Ordinance took effect. Each of the homes is within 650 feet of another facility covered by the Ordinances.

SoCal submitted permit applications for all three homes and applied for a reasonable accommodation from the 650-foot requirement for the 21st Street property. The City's Development Director denied the reasonable accommodation request, citing the 650-foot separation requirement and concerns about the overconcentration of sober living residences in the area. At a 2016 public hearing, SoCal verbally requested reasonable accommodations for the Hudson Avenue and Cecil Place homes. The Zoning Administrator denied the permit applications because the houses violated the 650-foot separation requirement and denied the reasonable accommodation requests because they were not made in writing.

SoCal appealed. The Planning Commission upheld the denial of the reasonable accommodation request and permit application for the 21st Street property. The Planning Commission upheld the denials of the permit applications for the Hudson Avenue and Cecil Place homes without discussing the reasonable accommodations requests.[10] The City Council adopted resolutions upholding the decisions of the Planning Commission, finding that each of the homes violated the separation requirement. The City Council "determined that a separation requirement for such facilities will still allow for a reasonable market for the purchase and operation of sober living homes within the City and still result in preferential treatment for sober living homes."

10 SoCal did not appeal the reasonable accommodation denial for the Hudson Avenue and Cecil Place homes to the City Council.

Like the Planning Commission, the City Council denied the reasonable accommodation request for the 21st Street home, finding that waiver of the 650-foot separation requirement was "not necessary to allow one or more individuals who are recovering from drug and alcohol abuse to enjoy the use of a dwelling within the City" even if, "[i]n theory, [waiving the requirement] would allow [them] to enjoy the use of these dwellings."

The City then issued notices of violation to all three homes, informing SoCal that they were operating unlicensed homes in violation of the Zoning Code and ordering them to cease operations within sixty days. The City also brought an abatement action in state court, targeting one of the homes.

***6** SoCal then brought this suit. SoCal alleged that its sober living homes were illegally "subject to the discriminatory limitation" in

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the zoning code—the "separation requirement limiting the number of Sober Living Homes that may exist" in the residential zones.[11]

11 SoCal also filed a motion for a preliminary injunction, which the district court denied. We previously affirmed the district court's decision.

During discovery, the City requested from SoCal documents related to the "disability" status of every one of its clients. The records the City requested included "all medical records from all health care providers which provided any of [SoCal's] clients any treatment [starting from] January 1, 2014," "all documents that relate to clients' medical and health information and histories, and information and histories regarding clients' drug use," and records of all drug tests performed at the facilities. SoCal refused to produce those documents, or to have any of its employees testify about them, asserting that they were privileged under HIPAA.[12] The City moved for summary judgment, arguing that without individualized evidence, SoCal's statutory disability discrimination claims failed because SoCal had not demonstrated a genuine dispute of material fact as to whether any of its residents were "disabled" under the ADA and FEHA, or "handicapped" under the FHA.

12 The City did not seek to compel production of the medical records SoCal refused to produce.

On summary judgment, two relevant issues were whether Appellants' residents had an actual disability or were regarded as disabled by the City. First, SoCal argued that a triable issue of fact existed as to whether any of its residents had an "actual disability" based on evidence about its admissions policies, rules, and daily operations, as well as deposition testimony from SoCal staff. To argue that their residents were regarded as disabled by the City, SoCal also cited assertions by the City, including in the language of the Ordinances, the City's administrative rulings on the sober living homes' zoning requests, and the state court abatement action.

Second, SoCal argued that a disputed factual issue existed as to whether the City regarded its residents as disabled, pointing to the City's statements throughout the permit application and reasonable accommodation process, as well as the residents' testimony to the City Council. SoCal cited the City's admission that SoCal "made a showing that the [reasonable accommodation] application is on behalf of disabled individuals in recovery from drug and alcohol substance abuse." Thus, under the definitions in the Ordinances, SoCal stated that it was "required to prove that it was making a reasonable accommodation request on behalf of disabled individuals." SoCal argued that the Ordinances classified "a disabled household ... as a Sober Living Home" and then subjected it to "discriminatory limitation[s] ... that are not imposed on other groups of unrelated non-disabled persons or other groups of disabled persons."

C. RAW Recovery, LLC

RAW provides "housing to disabled individuals in recovery from drug and alcohol abuse." Before the 2015 Ordinance went into effect, RAW provided sober living at three homes in multi-family zoning districts in Costa Mesa. Two were on adjacent parcels on Jeffrey Drive and one was on Knox Street.

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***7** Pursuant to Ordinance 15-11, RAW submitted timely conditional use permit applications and reasonable accommodation requests for the three homes. In its reasonable accommodation requests, RAW sought "waiver of the spacing requirements," so that its contiguous locations on Jeffrey Drive could remain open and its Knox Street home could be treated as a "single housekeeping unit" and thereby be exempted from the Ordinances' requirements for group homes.[13] RAW's applications and requests were denied; the contiguous Jeffrey Drive homes were denied at each stage of the process, whereas the Knox Street home's application denial was more complicated.[14]

13 The Ordinances specifically exempt "any group home that operates as a single housekeeping unit" from regulations concerning group homes. Costa Mesa, Cal., Mun. Code § 13-6. Designation as a single housekeeping unit "means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis." *Id.* Such designation exempts a dwelling from, inter alia, the 650-foot requirement. *See id.* § 13-311.

Notably, the City Council provided in the 2014 Ordinance that "sober living homes do not function as a single-family unit nor do they fit the City's zoning definition of a single-family for the following reasons: (1) they house extremely transient populations ...; (2) the residents generally have no established ties to each other ...; (3) neighbors generally do not know who or who does not reside in the home; (4) the residents have little to no say about who lives or doesn't live in the home," among others.

RAW did not specifically argue that its Knox Street home met the definition of a "single housekeeping unit," but did state in its reasonable accommodation application that "residents of RAW are not 'transient' by nature and function and interact with each other much in the same way as 'the functional equivalent of a traditional family.' "

14 RAW's Knox Street conditional use permit application, was initially denied by the Development Director, then approved by the Planning Commission on appeal. Two City Councilmembers called for review because they believed the home was within 650 feet of a state-licensed facility. Though a City attorney advised that Ordinance 15-11 "would not permit the City Council to take into consideration state licensed homes that had not applied for use permits, as a basis for finding a 650 foot separation conflict," the City Council reviewed the application, overturned the Planning Commission, and revoked the permit. The City Council cited maintenance and secondary concerns of smoking and noise. The City Council passed a resolution reflecting the revocation of the permit, citing the separation requirement.

RAW joined a federal court action seeking monetary, declaratory, and injunctive relief for zoning discrimination on the basis of disability.[15] RAW primarily argued that the City's "draconian permitting requirements" for group homes and sober living homes "are discriminatory on [their] face, and as applied to Plaintiffs, as well as other applicants similarly situated." RAW asserted that "Ordinance 15-11, which requires that all group homes be at least 650 feet apart," is a "tool[ ] the City uses to enforce its policy of discrimination" against people in recovery.

15 Northbound Treatment Services, which is no longer a party to this case, filed the initial complaint, and added RAW as a plaintiff in its first amended complaint.

***8** The City moved for summary judgment, arguing that "Plaintiffs' discrimination claims fail because Plaintiffs cannot meet their burden to prove that they are associated with individuals that qualify as disabled." The City alleged that RAW "must prove on a case-by-case basis" that all its residents are disabled or regarded as disabled and are no longer using illegal drugs.[16] Because RAW did not do

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so, the City argued, "all of [its] claims fail." RAW argued that it could prove the disability of its residents through the City's admissions and witness testimony. It argued that "[t]here should be no doubt that [RAW's] patients are statutorily handicapped" given they are recovering from drug and/or alcohol addiction and they must be sober to live in RAW's homes. RAW also argued that "[t]here is no question that the City of Costa Mesa regarded the individuals residing in [RAW's] group homes and sober living homes as disabled" because "[i]t is memorialized in every step of the use permit application process and reasonable accommodation requests." RAW argued that the City's permit and reasonable accommodation processes required RAW "to put forward proof of the disability of the residents," stating that the "City in processing the applications has admitted and accepted that Plaintiffs provided housing to a class of disabled persons." Finally, RAW argued that the City regarded their residents as disabled because of City resident testimony at the City Council hearing indicating "fear of the influx of felons coming into the neighborhood, and the violence and damage" they would bring.

16 As with SoCal, the City requested "all medical records from all health care providers which provided any of [RAW's] clients any treatment at any time [starting from January 1, 2014] to present," as well as "all documents that relate to clients' medical and mental health information and histories, and information and histories regarding clients' drug use." RAW refused to produce the records, and the City never sought to compel their production.

D. District Court Proceedings

[2] The district court issued substantively similar rulings in each case, granting summary judgment to the City on Appellants' ADA, FHA, and FEHA claims because Appellants had failed to create a genuine dispute of material fact as to whether their clients have a "handicap" or "disability" under the statutory definition. *SoCal*, 2020 WL 2528002, at *4–6; *Nat'l Therapeutic Servs., Inc. v. City of Costa Mesa*, No. SACV 18-1080, 2020 WL 5005550, at *6 (C.D. Cal. July 17, 2020). Under the FHA and the ADA, "disability" is defined as "(1) a physical or mental impairment which substantially limits one or more ... major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment." 42 U.S.C. § 3602(h); *see also id.* § 12102(1). Though the FHA uses the word "handicap" instead of "disability," "handicap" is defined using the same three alternative definitional prongs as "disability" under the ADA. Thus, the words "handicap" and "disability" are construed to have the same meaning. *See Bragdon v. Abbott*, 524 U.S. 624, 631, 118 S.Ct. 2196, 141 L.Ed.2d 540 (1998). FEHA defines "mental disability" and "physical disability" more specifically and incorporates the ADA's definition of disability if it provides "broader protection or coverage." *See* Cal. Gov't Code § 12926(j), (m), (n). Federal courts analyze FEHA claims under the same standard as FHA claims. *Pac. Shores Props., LLC v. City of Newport Beach*, 730 F.3d 1142, 1156 n.14 (9th Cir. 2013).

On the "actual disability" prong of the disability definition, the district court concluded in each case that Appellants were required to provide individualized evidence that "their clients," *Nat'l Therapeutic Servs.*, 2020 WL 5005550, at *6, "have a physical or mental impairment that substantially limits one or more major life activities." *SoCal*, 2020

WL 2528002, at *5. In each case, the court agreed with the City that there is no "per se rule that all individuals in a drug rehabilitation program qualify as disabled or protected." *Id.* at *4; *see also Nat'l Therapeutic Servs.*, 2020 WL 5005550, at *4. According to the district court in *SoCal*, "[t]hat [Appellants] require[ ] sobriety for [their] residents does not change that [they] must prove [their] clients have a substantial impairment to a major life activity, on a case-by-case basis." *SoCal*, 2020 WL 2528002, at *5.

In both actions, the district court held that Appellants did not meet the "record of disability" prong of the definition because they did not produce their residents' medical records and asserted privilege when the City requested those records during discovery.[17] *Id.* at *5; *Nat'l Therapeutic Servs.*, 2020 WL 5005550, at *5. As to the "regarded as" prong of the definition, the court's only proffered reason for granting summary judgment was that Appellants' evidence was "either inadmissible, mischaracterize[d] what the City required from [Appellants] in the application process, and/or [did] not establish the City's subjective belief of the clients' impairments."[18] *Nat'l Therapeutic Servs.*, 2020 WL 5005550, at *5; *see also SoCal*, 2020 WL 2528002, at *6.

17 Appellants did not rely on this prong below to establish that their clients were disabled.

18 The district court did not discuss in either case which evidence was inadmissible or why any of the evidence was inadmissible. And it did not discuss how Appellants had mischaracterized what the City had required of Appellants in the application process.

***9** Appellants timely appealed the grants of summary judgment.[19]

19 SoCal filed a motion for partial reconsideration asking the court to reconsider its holding that SoCal had failed to create a material dispute of fact as to whether the City "regarded" its residents as disabled. *SoCal*, 2020 WL 4668145, at *1–2. The court denied that motion, reiterating that the evidence SoCal presented "did not establish a triable issue of fact as to whether the City regarded Plaintiff's *specific clients* as disabled." *Id.* at *2.

II. STANDARD OF REVIEW

[3] **[4]** We review a district court's grant of summary judgment de novo. *Devereaux v. Abbey*, 263 F.3d 1070, 1074 (9th Cir. 2001) (en banc). Viewing the evidence in the light most favorable to the nonmoving party, we must determine whether there are any genuine issues of material fact and whether the district court correctly applied the relevant substantive law. *Olsen v. Idaho State Bd. of Med.*, 363 F.3d 916, 922 (9th Cir. 2004).

III. DISCUSSION

Appellants argue that the district court applied the wrong legal standard on the questions of what evidence is required to establish actual or perceived disability. They contend that they should not have been required to provide individualized evidence of their clients' disabilities. Appellants also argue that a genuine dispute of material fact exists as to whether their residents are "regarded as" disabled by the City. We agree that the district court applied incorrect legal standards and did not properly consider the summary judgment evidence Appellants presented. We therefore reverse the district court's grants of summary

judgment on the FHA, ADA, and FEHA claims.

A. Statutory Background

Under the FHA, it is unlawful "[t]o discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling" because of a handicap of that person, a resident or intended resident, or any person associated with that person. 42 U.S.C. § 3604(f)(2). The statute gives any "aggrieved person" the right to sue, and broadly defines an "aggrieved person" as anyone who "claims to have been injured by a discriminatory housing practice." *Id.* §§ 3602(i)(1), 3613.

FEHA makes it unlawful "[t]o discriminate [because of disability] through public or private land use practices, decisions, and authorizations." Cal. Gov't Code § 12955(*l*). Any "aggrieved person" can sue. *Id.* § 12989.1. An "aggrieved person" is "any person who claims to have been injured by a discriminatory housing practice or believes that the person will be injured by a discriminatory housing practice that is about to occur." *Id.* § 12927(g). The FHA and FEHA invalidate any state or local law that "purports to require or permit" an action that would be a discriminatory housing practice. 42 U.S.C. § 3615; Cal. Gov't Code § 12955.6.

Title II of the ADA makes it unlawful for a public entity to discriminate through its zoning laws against (1) a person with a "disability," 42 U.S.C. § 12132, or (2) a person who has a "relationship or association" with a person with a "disability," 28 C.F.R. § 35.130(g). The ADA gives "any person alleging discrimination" under the provision the right to sue. 42 U.S.C. § 12133; *see also Barker v. Riverside Cnty. Off. of Educ.*, 584 F.3d 821, 827 (9th Cir. 2009).

***10** "Disability" in the ADA (and therefore FEHA) and "handicap" in the FHA are defined as: (1) a "physical or mental impairment which substantially limits one or more of [a] person's major life activities," (2) "a record of having such an impairment," or (3) "being regarded as having such an impairment." 42 U.S.C. §§ 3602(h), 12102(1).[20] The first definition is often referred to as the "actual disability" prong, and the third as the "regarded as" prong.

20 Recall that although FEHA defines "mental disability" and "physical disability" more specifically than the ADA, it incorporates the ADA's definition of "disability" if the ADA would provide broader protection. *See* Cal. Gov't Code § 12926(n).

B. Actual Disability

[5] To establish a disability under the "actual disability" prong of the ADA, FHA, or FEHA, a plaintiff must show "a physical or mental impairment" that "substantially limits" their ability to engage in one or more "major life activities." 42 U.S.C. §§ 3602(h), 12102(1); *Pac. Shores Props.*, 730 F.3d at 1156 n.14 (applying FHA standards to FEHA claims). Alcoholism and drug addiction are "impairments" under the FHA, 24 C.F.R. § 100.201(a)(2), and the ADA, 28 C.F.R. § 35.108(b)(2). *See also Pac. Shores Props.*, 730 F.3d at 1156 ("It is well established that persons recovering from drug and/or alcohol addiction are disabled under the FHA and therefore protected from housing discrimination."). The impairment cannot include "current, illegal use of or addiction to a controlled substance." 42 U.S.C. § 3602(h); *see also id.* § 12114(a).

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The district court concluded in both actions that Appellants could not establish that *any* of their residents had an "actual disability" because the evidence they adduced, including testimony about the admissions policies, house rules, and general day-to-day operations of their homes, was not sufficiently "individualized" under *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams.* 534 U.S. 184, 199, 122 S.Ct. 681, 151 L.Ed.2d 615 (2002), *superseded on other grounds by* the ADA Amendments Act of 2008 ("ADAAA"), Pub. L. No. 110-325, 122 Stat. 3553; *see Nat'l Therapeutic Servs.*, 2020 WL 5005550, at *5; *SoCal*, 2020 WL 2528002, at *5. In *Toyota*, the Supreme Court held that "the ADA requires those claiming the Act's protection to prove a disability by offering evidence that the extent of the limitation caused by their impairment in terms of their own experience is substantial." 534 U.S. at 198, 122 S.Ct. 681 (cleaned up). Thus, a plaintiff must prove the relevant person's disability status in a "case-by-case manner." *Id.*

[6] [7] [8] [9] Appellants contend that an "individualized assessment" of every resident's disability status was unnecessary for their zoning discrimination claims to survive summary judgment or prevail at trial. We agree. At the outset, Appellants had standing to sue. Appellants are not disabled or handicapped, but they stated a claim under the FHA because they claimed they were " 'aggrieved' by housing discrimination against the disabled." *Pac. Shores Props.*, 730 F.3d at 1157 n.16.[21] They stated a claim under the ADA because they were "alleging discrimination on the basis of disability." *Id.* at 1157 n.17 (parenthetically quoting 42 U.S.C. § 12133).[22] They stated a claim under FEHA because they claim to "have been injured by a discriminatory housing practice." Cal. Gov't Code §§ 12927(g), 12989.1(a).[23]

21 "The sole requirement for standing to sue under the FHA is the Article III minima of injury in fact: that the plaintiff allege that as a result of the defendant's actions he has suffered a distinct and palpable injury." *Walker v. City of Lakewood*, 272 F.3d 1114, 1123 (9th Cir. 2001) (cleaned up and citation omitted). For purposes of "the FHA... a plaintiff need not be among the class discriminated against in order to have standing. In particular, an organization may have standing to bring suit on its own behalf, without relying in a representative capacity on the standing of any third parties." *El Dorado Ests. v. City of Fillmore*, 765 F.3d 1118, 1121 (9th Cir. 2014) (citation omitted).

22 An organization has standing to sue under the ADA on its own behalf by establishing an "injury in fact if it can demonstrate: (1) frustration of its organizational mission; and (2) diversion of its resources to combat the particular conduct in question." *Am. Diabetes Ass'n v. U.S. Dep't of the Army*, 938 F.3d 1147, 1154 (9th Cir. 2019) (brackets omitted) (quoting *Smith v. Pac. Props. & Dev. Corp.*, 358 F.3d 1097, 1105 (9th Cir. 2004)). Thus, a plaintiff that "has presented evidence that it was denied a zoning permit because it cares for and/or associates with individuals who have disabilities ... has standing to bring ... suit on its own behalf." *MX Grp., Inc. v. City of Covington*, 293 F.3d 326, 335 (6th Cir. 2002).

23 Both this court and California courts assess FEHA standing under FHA standards. *See, e.g., Sisemore v. Master Fin., Inc.*, 151 Cal. App. 4th 1386, 1424–26, 60 Cal.Rptr.3d 719 (2007) (applying FHA standing analysis to FEHA claims); *Walker*, 272 F.3d at 1124–25 (Plaintiff had standing under FEHA because it had standing under the FHA).

***11** The separation requirement prevented Appellants from conducting their normal business operations. Thus, they were aggrieved by the zoning policies. That every resident may not have been disabled does not mean Appellants were not aggrieved by discrimination against the disabled. Appellants should not have been required to prove the actual disability of their residents, in "a case-

by-case manner," to meet the actual disability prong for their sober living homes. *Toyota Motor Mfg.*, 534 U.S. at 198, 122 S.Ct. 681.

[10] Appellants' sober living homes and other dwellings intended for occupancy by persons recovering from alcoholism and drug addiction are protected from illegal discrimination against the disabled without the need for Appellants to present individualized evidence of the "actual disability" of their residents. The district court therefore applied the incorrect legal standard in both actions when it concluded that Appellants could not establish "actual disability" because they failed to present evidence of their residents' disability status.

The panel finds persuasive the United States' amicus brief, which argues that sober living homes need not provide individualized evidence of their residents' disabilities to establish a cause of action for disability discrimination under the FHA or the ADA. Under the FHA, as the United States argued, state and local governments are prohibited from discriminating *on the basis of disability* through zoning and land use practices. *See Pac. Shores Props.*, 730 F.3d at 1157. In discussing amendments to the FHA, the House Judiciary Committee explained that the FHA ban "is intended to prohibit the application of special requirements through ... conditional or special use permits that have the effect of limiting the ability of [people with disabilities] to live in the residence of their choice in the community." H.R. Rep. No. 100-711, at 24 (1988). And Title II of the ADA prohibits local governments from enacting zoning laws that discriminate based on disability. *See Bay Area Addiction Rsch. & Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 732 (9th Cir. 1999).[24]

24 As the United States aptly pointed out, the City's argument, taken to its logical conclusion, would preclude the owner or operator of *any* proposed facility from surviving summary judgment. By definition, a *proposed* facility has no residents. So no matter how egregious the zoning discrimination, under the City's standard requiring individualized proof of disability, no suit by the owner or operator of a proposed home for people with disabilities would survive summary judgment.

[11] We now hold that Appellants and other sober living home operators can satisfy the "actual disability" prong *on a collective basis* by demonstrating that they serve or intend to serve individuals with actual disabilities. As discussed above, Appellants need not provide individualized evidence of the "actual disability" of their residents. Rather, they can meet their burden by proffering admissible evidence that they have policies and procedures to ensure that they serve or will serve those with actual disabilities and that they adhere or will adhere to such policies and procedures. We have held that plaintiffs may establish an actual disability through non-medical evidence. *See Rohr v. Salt River Project Agric. Improvement & Power Dist.*, 555 F.3d 850, 858–59 (9th Cir. 2009) ("At the summary judgment stage, 'precedent does not require comparative or medical evidence to establish a genuine issue of material fact regarding the impairment of a major life activity.... Rather, ... a plaintiff's testimony may suffice to establish a genuine issue of material fact.' " (alterations in original) (citation omitted)).[25] Indeed, the City conceded at oral argument that new homes could satisfy the actual disability standard using this type of evidence, i.e., evidence of policies and procedures that the group home has a zero-tolerance policy, produced through declarations

of individuals related to the group home. Oral Arg. at 29:45–30:30. There is no reason to hold existing homes to a higher standard.

25 When a plaintiff is an organization that serves the disabled, rather than a person who is disabled, there is no reason similar evidence should not suffice, at least at the summary judgment stage.

***12** Thus, Appellants can prove the "actual disability" of their current residents and any residents they seek to serve in the future through admissions criteria and house rules, testimony by employees and current residents, and testimony by former residents.[26] Because the district court applied an incorrect standard, it failed to consider evidence in the record that might support a finding that Appellants served or intended to serve individuals with "actual disabilities."

26 This list is not exclusive, and Appellants could provide other types of evidence demonstrating "actual disability."

First, Appellants could show their residents were "actually disabled" and their future residents would be "actually disabled" using admissions criteria and house rules. We have stated that "[p]articipation in a supervised drug rehabilitation program, coupled with non-use, meets the definition of handicapped," under the FHA. *City of Edmonds v. Wash. State Bldg. Code Council*, 18 F.3d 802, 804 (9th Cir. 1994) (citing 42 U.S.C. § 3602(h) and *United States v. S. Mgmt. Corp.*, 955 F.2d 914, 922 (4th Cir. 1992)). Other circuits have reached the same conclusion. *See Reg'l Econ. Cmty. Action Program, Inc. v. City of Middletown* ("*RECAP*"), 294 F.3d 35, 47–48 (2d Cir. 2002) (holding that a group home's admissions policies demonstrated that "[a]ll of the halfway house's residents must be substantially impaired in a major life activity to continue residing there"); *MX Grp., Inc. v. City of Covington*, 293 F.3d 326, 337 (6th Cir. 2002) (holding methadone clinic's admissions policy supported a finding that individual clients were disabled); *Wagner v. Fair Acres Geriatric Ctr.*, 49 F.3d 1002, 1010 (3d Cir. 1995) (observing that "no one would be able to meet a nursing home's admissions requirements in the absence of some handicapping condition necessitating nursing home care").

Appellants provided this type of evidence to the district court in each action. RAW provided its house rules and requirements for living in its homes, including its drug testing requirements, to the City. RAW requires residents to attend a twelve-step program or a "peer recovery group," such as Narcotics Anonymous. Further, "RAW drug tests the residents to ensure they are not currently using drugs, two to three times per week, administered by the house manager." RAW also submitted evidence in its use-permit application that drug use is prohibited at all its properties.[27] Finally, RAW stated in its reasonable accommodation request that its residents are "individuals in recovery from alcoholism and substance abuse ... who cannot live independently without the fear or threat of relapse into active alcoholism and substance abuse."[28] The district court did not reach the City's evidentiary objections under Federal Rule of Civil Procedure 56(c). We express no view on whether RAW's proffered evidence complied with this rule.[29]

27 RAW submitted the permit application, including its house rules, relapse policy, and intake paperwork, as well as its reasonable accommodation application, as exhibits in its compendium of evidence filed with its

memorandum in opposition to the City's motion for summary judgment.

28 This statement is corroborated by deposition testimony, taken under oath, from RAW personnel, and by the public comments of former residents at a City Planning Commission meeting regarding RAW's permit applications.

29 We similarly express no view regarding whether Appellants' other proffered evidence satisfied Rule 56(c).

***13** SoCal says that it houses only persons in recovery who are considered disabled under federal and state laws. SoCal proffers evidence of a zero drug and alcohol tolerance policy, says that it demands mandatory involvement in recovery programs, performs randomized drug tests, and requires residents to leave if they relapse. The district court could have relied on admissions criteria that satisfied Rule 56(c) and other relevant evidence to find, in the light most favorable to SoCal, that SoCal's residents are in recovery from alcohol or drug addiction. *See RECAP*, 294 F.3d at 47.

Courts may also consider employee testimony when determining whether a sober living facility houses people with actual disabilities. *See MX Grp.*, 293 F.3d at 331, 337. One RAW employee testified on personal knowledge that the residents stay at the sober living home "until they're about a year sober," after which they're able to "reintegrate[ ] back into society." RAW's owner testified in his deposition that when a resident's "mother called concerned" that her son had relapsed, the management of the sober living home "confronted him," and when "he admitted to drinking," the owner referred him to detox. He testified that most residents are referred to RAW's homes from treatment centers, where they had resided for 30 to 90 days (after spending one to two weeks in detox). SoCal provided evidence that none of its current residents were currently using drugs based on the personal knowledge deposition testimony of three staff members who testified that: residents move into a SoCal residence after completing a 30-, 60-, or 90-day rehab program; the average resident stays for six to eight months; residents are required to stay sober; the sobriety requirement is enforced via regular drug and alcohol testing; and if residents break their sobriety, they are immediately sent back to rehab.

Finally, the operators of sober living homes can show residents' disability with former resident testimony. At a public hearing for RAW's permit applications, a former resident of a RAW facility who was "in recovery" stated that RAW "helped [him] put [his] life back together" after he arrived there "broken," having "lost everything that had mattered to [him—] job, house, family." This statement could show that his addiction substantially limited his ability to work, maintain housing, and maintain relationships under FEHA's definition of disability. *See RECAP*, 294 F.3d at 47; Cal. Gov't Code §§ 12955.3, 12926(j), (m). The former resident also spoke about how he and his roommates "had a target on [their] backs and ... wanted to show [this] communit[y] that [they] could be a part of it." A former SoCal resident testified that without sober living, he was certain he would relapse. It was therefore "really important for [him] to be [around] other people who [had] the same mindset or the same goals." He testified that when he was using drugs, he could not hold down a job or have a normal life, and was at constant risk of overdosing.

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In both actions. the district court applied the wrong legal standard to determine whether SoCal and RAW met their burden of demonstrating a triable issue of fact as to whether their residents were "actually disabled" under the ADA or FHA. The court unnecessarily limited its inquiry to individualized medical evidence of the disability of current residents, which Appellants chose not to provide.[30] Instead, the court ought to have considered all the relevant evidence complying with Rule 56(c) and showing that Appellants served and intended to serve individuals with actual disabilities. We therefore reverse the grant of summary judgment and remand for the district court to evaluate the evidence in accord with Rule 56(c) and to apply the appropriate legal standards.[31]

30 We do not reach whether Appellants' refusal to produce records or other information (whether as requested or redacted) was justified or appropriate.

31 If Appellants can proceed past summary judgment, they need to prove, among other things, discrimination on the merits of their disparate treatment, disparate impact, or reasonable accommodation claims. *See Budnick v. Town of Carefree*, 518 F.3d 1109, 1114–19 (9th Cir. 2008) (providing the elements of each claim). The merits of these claims were not at issue before the district court and are not at issue on appeal.

C. "Regarded As" Disabled

***14** **[12]** "In 2008, Congress enacted the [ADAAA], which broadened the definition of disability under the [ADA]." *Nunies v. HIE Holdings, Inc.*, 908 F.3d 428, 430 (9th Cir. 2018). "An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment." 42 U.S.C. § 12102(3)(A). After the ADA was amended, Appellants no longer needed to show that the City subjectively believed that Appellants (or those they served) were substantially limited in a major life activity or disabled, in order to meet the "regarded as" prong of the disability definition. *See Nunies*, 908 F.3d at 434; *see also* 28 C.F.R. § 35.108(f)(1) (providing that the "regarded as" prong does not require showing that "the public entity" perceived the "actual or perceived impairment" as substantially limiting a major life activity). To establish disability under the "regarded as disabled" prong, Appellants need to show that the City perceived their "clients as being disabled and discriminated against them on that basis." *MX Grp.*, 293 F.3d at 340. The analysis turns on how an individual is perceived by others. *See* 42 U.S.C. § 12102(1)(C); 24 C.F.R. § 100.201(d); 28 C.F.R. § 35.108(f)(1). This question is fact-dependent and is adjudicated on a case-by-case basis.

[13] Here, the district court erred by applying the pre-ADAAA standard. As Appellants and the United States argue, Appellants need not show that the City subjectively believed that all the residents (or even some specific residents) of Appellants' sober living homes were disabled. The district court's holding to the contrary is error.

Sober living homes, by the City's own definition, serve people with disabilities: "Sober living home[s]" are "group home[s] for persons who are recovering from a drug and/or alcohol addiction and *who are considered handicapped under state or federal law.*" Costa Mesa, Cal., Mun. Code § 13-6 (emphasis added). This is evidence that the district court

must consider in deciding whether there is a triable issue of fact as to whether the City regarded the residents (or potential residents) of the sober living homes as disabled or handicapped, as the terms are used in the FHA and the ADA.

There is additional evidence that the district court must also consider, if the district court finds it presented in accord with Rule 56(c). First, language in the permit denial letters and resolutions concerning whether the City regarded Appellants as serving people with disabilities in their sober living homes. For example, the Development Director's initial denial of RAW's reasonable accommodation requests stated: "I accept for purposes of your request that you are making this request on behalf of individuals who are considered disabled under state and federal law." Similarly, the Planning Commission stated that RAW "currently operates a sober living facility" at each Jeffrey Drive location and the Knox Street home. The Planning Commission was concerned that granting the permit for the Jeffrey Drive homes would have been "materially detrimental to other properties within the area," "to the health, safety and general welfare of the public," and "to the residential character of the City's neighborhoods" because "[t]he operation of a group home on contiguous parcels would result in the overconcentration of such facilities in [the] neighborhood." The City Council's resolution denying the permit for the Knox Street location found that "[t]he facility will contribute to the overconcentration of drug and alcohol treatment facilities and sober living homes in this neighborhood, which could lead to negative impacts in the neighborhood." The Planning Commission also rejected SoCal's permit applications for its Cecil, Hudson, and 21st Street residences through formal resolutions, each of which made a formal finding that the residence *was* a "sober living home" as defined by statute. To the extent this evidence is admissible, the City's recognition of Appellants' facilities as "sober living homes" seems to admit under the City's own definition that residents are "considered handicapped under state or federal law." Costa Mesa, Cal., Mun. Code § 13-6.

***15** Further, the City cited and fined Appellants for operating sober living homes without approval. The City issued notices of violation to all three of SoCal's homes on the grounds that they were "sober living homes" operating without a permit. SoCal also received citations for violating the Ordinances. The City filed an abatement action against SoCal on the ground that it was operating a "sober living home" without a permit at the Hudson Street property. In its abatement complaint, the City repeatedly alleged that the Hudson Street residence was a "sober living group home." The City issued citations to RAW's residences for "operation of a sober living / group home without [City] approval," and sued RAW in state court to enjoin and abate "operation of an unlawful sober living group home." The state trial judge found that RAW was "operating a sober living home" or "allowing the operation of a sober living home" at its Knox Street location.[32]

32 We may take judicial notice of the state court's findings in the abatement action, as a matter of public record that is not subject to reasonable dispute. *See Csutoras v. Paradise High Sch.*, 12 F.4th 960, 964 n.3 (9th Cir.

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2021); *Colony Cove Props., LLC v. City of Carson*, 640 F.3d 948, 954 n.3 (9th Cir. 2011).

On summary judgment, the district court can also consider appropriate evidence as to whether the City's actions were based on unfounded fears and stereotypes, since the "regarded as" prong concerns how people with disabilities are perceived by others. *See* 42 U.S.C. § 12102(1)(C); 24 C.F.R. § 100.201(d); 28 C.F.R. § 35.108(f)(1). Here, the City may have been influenced by the way others wrote and spoke about those with disabilities at public hearings. Congress added the "regarded as" prong because of its concern that "society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment." *Rodriguez v. Vill. Green Realty, Inc.*, 788 F.3d 31, 50 (2d Cir. 2015) (cleaned up) (quoting *Sch. Bd. of Nassau Cnty. v. Arline*, 480 U.S. 273, 284, 107 S.Ct. 1123, 94 L.Ed.2d 307 (1987)). The oral testimony given at public hearings and written statements submitted to the City by residents opposing the permit applications for Appellants' sober living homes reflect stereotypes about the homes' residents. Some described the residents of sober living homes as "capable of mayhem and violence," and as the cause of "[c]rime and homelessness." One person shared that single women are "uncomfortable" with residents of a sober living home residing so close to their homes. The City referenced some of these stereotypes in its decisions denying Appellants' permit applications. The Sixth Circuit, *see MX Grp.*, 293 F.3d at 342, and the Fourth Circuit, *see S. Mgmt. Corp.*, 955 F.2d at 919, decided that this type of public speech about sober living home residents was evidence that the government regarded the population under discussion as disabled. We agree that this type of evidence, if appropriately presented and to the extent it appears in the City Council's stated reasons for adopting the Ordinances or denying permits and reasonable accommodation requests, should be considered in the "regarded as disabled" analysis.

This type of evidence, if it can be considered under Rule 56(c), should have been examined by the district court in analyzing whether, in the light most favorable to Appellants, the City regarded Appellants' residents as disabled. We therefore reverse each district court decision and remand for the court to consider whether Appellants established a genuine dispute of material fact on this prong.

IV. CONCLUSION

For the reasons stated above, we **REVERSE** and **REMAND** to the district court. In each action, the district court erred by finding that an individualized assessment of resident disability was necessary under the "actually disabled" prong of the disability definition, and that Appellants must prove the City's "subjective belief" that their residents were disabled under the "regarded as" prong. In the context of zoning discrimination against a home that aims to serve people with disabilities, we hold that courts must look at the evidence showing that the home serves or intends to serve individuals with actual disabilities *on a collective basis*, including the home's policies and the standards the municipality uses to evaluate the residence. Appellants provided the district court with evidence of (1) admissions criteria and house rules, (2) employee and former resident testimony, (3) public fears

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and stereotypes of their residents that may have influenced the City's perception, and (4) the actual content of City ordinances, denial letters, resolutions, citations, and abatement actions that acknowledged the residents in Appellants' homes were disabled. This type of evidence, if it satisfied the requirements of Rule 56(c), should have been considered by the district court in evaluating whether Appellants established triable issues of fact under either or both of the "actually disabled" or "regarded as disabled" prongs. We reverse each of the district court's grants of summary judgment and remand for the court to consider whether the record contains evidence sufficient to establish a genuine dispute of material fact on the "actually disabled" or "regarded as disabled" prongs of the disability definition.[33]

33 In light of this disposition and given the City's concession at oral argument, we also vacate and remand the awards of attorneys' fees and costs, without prejudice. *See Green v. Mercy Hous., Inc.*, 991 F.3d 1056, 1057–58 (9th Cir. 2021); *Braunstein v. Ariz. Dep't of Transp.*, 683 F.3d 1177, 1189 (9th Cir. 2012).

***16 REVERSED AND REMANDED.**

All Citations

--- F.4th ----, 2023 WL 19467

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EXHIBIT 2

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION

Washington, D.C.
November 10, 2016

JOINT STATEMENT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE DEPARTMENT OF JUSTICE

STATE AND LOCAL LAND USE LAWS AND PRACTICES AND THE APPLICATION OF THE FAIR HOUSING ACT

INTRODUCTION

The Department of Justice ("DOJ") and the Department of Housing and Urban Development ("HUD") are jointly responsible for enforcing the Federal Fair Housing Act ("the Act"),[1] which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status (children under 18 living with a parent or guardian), or national origin.[2] The Act prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics.

The regulation of land use and zoning is traditionally reserved to state and local governments, except to the extent that it conflicts with requirements imposed by the Fair Housing Act or other federal laws. This Joint Statement provides an overview of the Fair Housing Act's requirements relating to state and local land use practices and zoning laws, including conduct related to group homes. It updates and expands upon DOJ's and HUD's Joint

[1] The Fair Housing Act is codified at 42 U.S.C. §§ 3601–19.

[2] The Act uses the term "handicap" instead of "disability." Both terms have the same legal meaning. *See Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (noting that the definition of "disability" in the Americans with Disabilities Act

Statement on Group Homes, Local Land Use, and the Fair Housing Act, issued on August 18, 1999. The first section of the Joint Statement, Questions 1–6, describes generally the Act's requirements as they pertain to land use and zoning. The second and third sections, Questions 7–25, discuss more specifically how the Act applies to land use and zoning laws affecting housing for persons with disabilities, including guidance on regulating group homes and the requirement to provide reasonable accommodations. The fourth section, Questions 26–27, addresses HUD's and DOJ's enforcement of the Act in the land use and zoning context.

This Joint Statement focuses on the Fair Housing Act, not on other federal civil rights laws that prohibit state and local governments from adopting or implementing land use and zoning practices that discriminate based on a protected characteristic, such as Title II of the Americans with Disabilities Act ("ADA"),[3] Section 504 of the Rehabilitation Act of 1973 ("Section 504"),[4] and Title VI of the Civil Rights Act of 1964.[5] In addition, the Joint Statement does not address a state or local government's duty to affirmatively further fair housing, even though state and local governments that receive HUD assistance are subject to this duty. For additional information provided by DOJ and HUD regarding these issues, see the list of resources provided in the answer to Question 27.

Questions and Answers on the Fair Housing Act and State and Local Land Use Laws and Zoning

1. How does the Fair Housing Act apply to state and local land use and zoning?

The Fair Housing Act prohibits a broad range of housing practices that discriminate against individuals on the basis of race, color, religion, sex, disability, familial status, or national origin (commonly referred to as protected characteristics). As established by the Supremacy Clause of the U.S. Constitution, federal laws such as the Fair Housing Act take precedence over conflicting state and local laws. The Fair Housing Act thus prohibits state and local land use and zoning laws, policies, and practices that discriminate based on a characteristic protected under the Act. Prohibited practices as defined in the Act include making unavailable or denying housing because of a protected characteristic. Housing includes not only buildings intended for occupancy as residences, but also vacant land that may be developed into residences.

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is drawn almost verbatim "from the definition of 'handicap' contained in the Fair Housing Amendments Act of 1988"). This document uses the term "disability," which is more generally accepted.

[3] 42 U.S.C. §12132.

[4] 29 U.S.C. § 794.

[5] 42 U.S.C. § 2000d.

2. What types of land use and zoning laws or practices violate the Fair Housing Act?

Examples of state and local land use and zoning laws or practices that may violate the Act include:

- Prohibiting or restricting the development of housing based on the belief that the residents will be members of a particular protected class, such as race, disability, or familial status, by, for example, placing a moratorium on the development of multifamily housing because of concerns that the residents will include members of a particular protected class.
- Imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups of unrelated individuals, by, for example, requiring an occupancy permit for persons with disabilities to live in a single-family home while not requiring a permit for other residents of single-family homes.
- Imposing restrictions on housing because of alleged public safety concerns that are based on stereotypes about the residents' or anticipated residents' membership in a protected class, by, for example, requiring a proposed development to provide additional security measures based on a belief that persons of a particular protected class are more likely to engage in criminal activity.
- Enforcing otherwise neutral laws or policies differently because of the residents' protected characteristics, by, for example, citing individuals who are members of a particular protected class for violating code requirements for property upkeep while not citing other residents for similar violations.
- Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy the housing, by, for example, denying a request to modify a setback requirement so an accessible sidewalk or ramp can be provided for one or more persons with mobility disabilities.

3. When does a land use or zoning practice constitute intentional discrimination in violation of the Fair Housing Act?

Intentional discrimination is also referred to as disparate treatment, meaning that the action treats a person or group of persons differently because of race, color, religion, sex, disability, familial status, or national origin. A land use or zoning practice may be intentionally discriminatory even if there is no personal bias or animus on the part of individual government officials. For example, municipal zoning practices or decisions that reflect acquiescence to community bias may be intentionally discriminatory, even if the officials themselves do not personally share such bias. (See Q&A 5.) Intentional discrimination does not require that the

decision-makers were hostile toward members of a particular protected class. Decisions motivated by a purported desire to benefit a particular group can also violate the Act if they result in differential treatment because of a protected characteristic.

A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Act because it treats persons with disabilities differently based on their disability. Even a law that is seemingly neutral will still violate the Act if enacted with discriminatory intent. In that instance, the analysis of whether there is intentional discrimination will be based on a variety of factors, all of which need not be satisfied. These factors include, but are not limited to: (1) the "impact" of the municipal practice, such as whether an ordinance disproportionately impacts minority residents compared to white residents or whether the practice perpetuates segregation in a neighborhood or particular geographic area; (2) the "historical background" of the action, such as whether there is a history of segregation or discriminatory conduct by the municipality; (3) the "specific sequence of events," such as whether the city adopted an ordinance or took action only after significant, racially-motivated community opposition to a housing development or changed course after learning that a development would include non-white residents; (4) departures from the "normal procedural sequence," such as whether a municipality deviated from normal application or zoning requirements; (5) "substantive departures," such as whether the factors usually considered important suggest that a state or local government should have reached a different result; and (6) the "legislative or administrative history," such as any statements by members of the state or local decision-making body.[6]

4. Can state and local land use and zoning laws or practices violate the Fair Housing Act if the state or locality did not intend to discriminate against persons on a prohibited basis?

Yes. Even absent a discriminatory intent, state or local governments may be liable under the Act for any land use or zoning law or practice that has an unjustified discriminatory effect because of a protected characteristic. In 2015, the United States Supreme Court affirmed this interpretation of the Act in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*[7] The Court stated that "[t]hese unlawful practices include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification."[8]

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[6] *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–68 (1977).
[7] ___ U.S. ___, 135 S. Ct. 2507 (2015).
[8] *Id.* at 2521–22.

A land use or zoning practice results in a discriminatory effect if it caused or predictably will cause a disparate impact on a group of persons or if it creates, increases, reinforces, or perpetuates segregated housing patterns because of a protected characteristic. A state or local government still has the opportunity to show that the practice is necessary to achieve one or more of its substantial, legitimate, nondiscriminatory interests. These interests must be supported by evidence and may not be hypothetical or speculative. If these interests could not be served by another practice that has a less discriminatory effect, then the practice does not violate the Act. The standard for evaluating housing-related practices with a discriminatory effect are set forth in HUD's Discriminatory Effects Rule, 24 C.F.R § 100.500.

Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification. Similarly, prohibiting low-income or multifamily housing may have a discriminatory effect on persons because of their membership in a protected class and, if so, would violate the Act absent a legally sufficient justification.

5. Does a state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying its zoning or land use laws respecting housing?

When enacting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias. For example, a city may not deny zoning approval for a low-income housing development that meets all zoning and land use requirements because the development may house residents of a particular protected class or classes whose presence, the community fears, will increase crime and lower property values in the surrounding neighborhood. Similarly, a local government may not block a group home or deny a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities or a particular type of disability. Of course, a city council or zoning board is not bound by everything that is said by every person who speaks at a public hearing. It is the record as a whole that will be determinative.

6. Can state and local governments violate the Fair Housing Act if they adopt or implement restrictions against children?

Yes. State and local governments may not impose restrictions on where families with children may reside unless the restrictions are consistent with the "housing for older persons" exemption of the Act. The most common types of housing for older persons that may qualify for this exemption are: (1) housing intended for, and solely occupied by, persons 62 years of age or older; and (2) housing in which 80% of the occupied units have at least one person who is 55 years of age or older that publishes and adheres to policies and procedures demonstrating the intent to house older persons. These types of housing must meet all requirements of the exemption, including complying with HUD regulations applicable to such housing, such as verification procedures regarding the age of the occupants. A state or local government that zones an area to exclude families with children under 18 years of age must continually ensure that housing in that zone meets all requirements of the exemption. If all of the housing in that zone does not continue to meet all such requirements, that state or local government violates the Act.

Questions and Answers on the Fair Housing Act and Local Land Use and Zoning Regulation of Group Homes

7. Who qualifies as a person with a disability under the Fair Housing Act?

The Fair Housing Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

The term "physical or mental impairment" includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

The term "major life activity" includes activities such as seeing, hearing, walking breathing, performing manual tasks, caring for one's self, learning, speaking, and working. This list of major life activities is not exhaustive.

Being regarded as having a disability means that the individual is treated as if he or she has a disability even though the individual may not have an impairment or may not have an impairment that substantially limits one or more major life activities. For example, if a landlord

refuses to rent to a person because the landlord believes the prospective tenant has a disability, then the landlord violates the Act's prohibition on discrimination on the basis of disability, even if the prospective tenant does not actually have a physical or mental impairment that substantially limits one or more major life activities.

Having a record of a disability means the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

8. What is a group home within the meaning of the Fair Housing Act?

The term "group home" does not have a specific legal meaning; land use and zoning officials and the courts, however, have referred to some residences for persons with disabilities as group homes. The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. A household where two or more persons with disabilities choose to live together, as a matter of association, may not be subjected to requirements or conditions that are not imposed on households consisting of persons without disabilities.

In this Statement, the term "group home" refers to a dwelling that is or will be occupied by unrelated persons with disabilities. Sometimes group homes serve individuals with a particular type of disability, and sometimes they serve individuals with a variety of disabilities. Some group homes provide residents with in-home support services of varying types, while others do not. The provision of support services is not required for a group home to be protected under the Fair Housing Act. Group homes, as discussed in this Statement, may be opened by individuals or by organizations, both for-profit and not-for-profit. Sometimes it is the group home operator or developer, rather than the individuals who live or are expected to live in the home, who interacts with a state or local government agency about developing or operating the group home, and sometimes there is no interaction among residents or operators and state or local governments.

In this Statement, the term "group home" includes homes occupied by persons in recovery from alcohol or substance abuse, who are persons with disabilities under the Act. Although a group home for persons in recovery may commonly be called a "sober home," the term does not have a specific legal meaning, and the Act treats persons with disabilities who reside in such homes no differently than persons with disabilities who reside in other types of group homes. Like other group homes, homes for persons in recovery are sometimes operated by individuals or organizations, both for-profit and not-for-profit, and support services or supervision are sometimes, but not always, provided. The Act does not require a person who resides in a home for persons in recovery to have participated in or be currently participating in a

substance abuse treatment program to be considered a person with a disability. The fact that a resident of a group home may currently be illegally using a controlled substance does not deprive the other residents of the protection of the Fair Housing Act.

9. In what ways does the Fair Housing Act apply to group homes?

The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. State and local governments may not discriminate against persons with disabilities who live in group homes. Persons with disabilities who live in or seek to live in group homes are sometimes subjected to unlawful discrimination in a number of ways, including those discussed in the preceding Section of this Joint Statement. Discrimination may be intentional; for example, a locality might pass an ordinance prohibiting group homes in single-family neighborhoods or prohibiting group homes for persons with certain disabilities. These ordinances are facially discriminatory, in violation of the Act. In addition, as discussed more fully in Q&A 10 below, a state or local government may violate the Act by refusing to grant a reasonable accommodation to its zoning or land use ordinance when the requested accommodation may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling. For example, if a locality refuses to waive an ordinance that limits the number of unrelated persons who may live in a single-family home where such a waiver may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling, the locality violates the Act unless the locality can prove that the waiver would impose an undue financial and administrative burden on the local government or fundamentally alter the essential nature of the locality's zoning scheme. Furthermore, a state or local government may violate the Act by enacting an ordinance that has an unjustified discriminatory effect on persons with disabilities who seek to live in a group home in the community. Unlawful actions concerning group homes are discussed in more detail throughout this Statement.

10. What is a reasonable accommodation under the Fair Housing Act?

The Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others may sometimes deny them an equal opportunity to use and enjoy a dwelling.

Even if a zoning ordinance imposes on group homes the same restrictions that it imposes on housing for other groups of unrelated persons, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. What constitutes a reasonable accommodation is a case-by-case determination based on an individualized assessment. This topic is discussed in detail in Q&As 20–25 and in the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

11. Does the Fair Housing Act protect persons with disabilities who pose a "direct threat" to others?

The Act does not allow for the exclusion of individuals based upon fear, speculation, or stereotype about a particular disability or persons with disabilities in general. Nevertheless, the Act does not protect an individual whose tenancy would constitute a "direct threat" to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the threat or risk to property can be eliminated or significantly reduced by reasonable accommodation. A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (for example, current conduct or a recent history of overt acts). The assessment must consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate or significantly reduce the direct threat. See Q&A 10 for a general discussion of reasonable accommodations. Consequently, in evaluating an individual's recent history of overt acts, a state or local government must take into account whether the individual has received intervening treatment or medication that has eliminated or significantly reduced the direct threat (in other words, significant risk of substantial harm). In such a situation, the state or local government may request that the individual show how the circumstances have changed so that he or she no longer poses a direct threat. Any such request must be reasonable and limited to information necessary to assess whether circumstances have changed. Additionally, in such a situation, a state or local government may obtain satisfactory and reasonable assurances that the individual will not pose a direct threat during the tenancy. The state or local government must have reliable, objective evidence that the tenancy of a person with a disability poses a direct threat before excluding him or her from housing on that basis, and, in making that assessment, the state or local government may not ignore evidence showing that the individual's tenancy would no longer pose a direct threat. Moreover, the fact that one individual may pose a direct threat does not mean that another individual with the same disability or other individuals in a group home may be denied housing.

12. Can a state or local government enact laws that specifically limit group homes for individuals with specific types of disabilities?

No. Just as it would be illegal to enact a law for the purpose of excluding or limiting group homes for individuals with disabilities, it is illegal under the Act for local land use and zoning laws to exclude or limit group homes for individuals with specific types of disabilities. For example, a government may not limit group homes for persons with mental illness to certain neighborhoods. The fact that the state or local government complies with the Act with regard to group homes for persons with some types of disabilities will not justify discrimination against individuals with another type of disability, such as mental illness.

13. Can a state or local government limit the number of individuals who reside in a group home in a residential neighborhood?

Neutral laws that govern groups of unrelated persons who live together do not violate the Act so long as (1) those laws do not intentionally discriminate against persons on the basis of disability (or other protected class), (2) those laws do not have an unjustified discriminatory effect on the basis of disability (or other protected class), and (3) state and local governments make reasonable accommodations when such accommodations may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to a certain number of unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission from the city. If that ordinance also prohibits a group home having the same number of persons with disabilities in a certain district or requires it to seek a use permit, the ordinance would violate the Fair Housing Act. The ordinance violates the Act because it treats persons with disabilities less favorably than families and unrelated persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together without violating the Act as long as the restrictions are imposed on all such groups, including a group defined as a family. Thus, if the definition of a family includes up to a certain number of unrelated individuals, an ordinance would not, on its face, violate the Act if a group home for persons with disabilities with more than the permitted number for a family were not allowed to locate in a single-family-zoned neighborhood because any group of unrelated people without disabilities of that number would also be disallowed. A facially neutral ordinance, however, still may violate the Act if it is intentionally discriminatory (that is, enacted with discriminatory intent or applied in a discriminatory manner), or if it has an unjustified

discriminatory effect on persons with disabilities. For example, an ordinance that limits the number of unrelated persons who may constitute a family may violate the Act if it is enacted for the purpose of limiting the number of persons with disabilities who may live in a group home, or if it has the unjustified discriminatory effect of excluding or limiting group homes in the jurisdiction. Governments may also violate the Act if they enforce such restrictions more strictly against group homes than against groups of the same number of unrelated persons without disabilities who live together in housing. In addition, as discussed in detail below, because the Act prohibits the denial of reasonable accommodations to rules and policies for persons with disabilities, a group home that provides housing for a number of persons with disabilities that exceeds the number allowed under the family definition has the right to seek an exception or waiver. If the criteria for a reasonable accommodation are met, the permit must be given in that instance, but the ordinance would not be invalid.[9]

14. How does the Supreme Court's ruling in *Olmstead* apply to the Fair Housing Act?

In *Olmstead v. L.C.*,[10] the Supreme Court ruled that the Americans with Disabilities Act (ADA) prohibits the unjustified segregation of persons with disabilities in institutional settings where necessary services could reasonably be provided in integrated, community-based settings. An integrated setting is one that enables individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. By contrast, a segregated setting includes congregate settings populated exclusively or primarily by individuals with disabilities. Although *Olmstead* did not interpret the Fair Housing Act, the objectives of the Fair Housing Act and the ADA, as interpreted in *Olmstead*, are consistent. The Fair Housing Act ensures that persons with disabilities have an equal opportunity to choose the housing where they wish to live. The ADA and *Olmstead* ensure that persons with disabilities also have the option to live and receive services in the most integrated setting appropriate to their needs. The integration mandate of the ADA and *Olmstead* can be implemented without impairing the rights protected by the Fair Housing Act. For example, state and local governments that provide or fund housing, health care, or support services must comply with the integration mandate by providing these programs, services, and activities in the most integrated setting appropriate to the needs of individuals with disabilities. State and local governments may comply with this requirement by adopting standards for the housing, health care, or support services they provide or fund that are reasonable, individualized, and specifically tailored to enable individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. Local governments should be aware that ordinances and policies that impose additional restrictions on housing or residential services for persons with disabilities that are not imposed on housing or

[9] Laws that limit the number of occupants per unit do not violate the Act as long as they are reasonable, are applied to all occupants, and do not operate to discriminate on the basis of disability, familial status, or other characteristics protected by the Act.

[10] 527 U.S. 581 (1999).

residential services for persons without disabilities are likely to violate the Act. In addition, a locality would violate the Act and the integration mandate of the ADA and *Olmstead* if it required group homes to be concentrated in certain areas of the jurisdiction by, for example, restricting them from being located in other areas.

15. Can a state or local government impose spacing requirements on the location of group homes for persons with disabilities?

A "spacing" or "dispersal" requirement generally refers to a requirement that a group home for persons with disabilities must not be located within a specific distance of another group home. Sometimes a spacing requirement is designed so it applies only to group homes and sometimes a spacing requirement is framed more generally and applies to group homes and other types of uses such as boarding houses, student housing, or even certain types of businesses. In a community where a certain number of unrelated persons are permitted by local ordinance to reside together in a home, it would violate the Act for the local ordinance to impose a spacing requirement on group homes that do not exceed that permitted number of residents because the spacing requirement would be a condition imposed on persons with disabilities that is not imposed on persons without disabilities. In situations where a group home seeks a reasonable accommodation to exceed the number of unrelated persons who are permitted by local ordinance to reside together, the Fair Housing Act does not prevent state or local governments from taking into account concerns about the over-concentration of group homes that are located in close proximity to each other. Sometimes compliance with the integration mandate of the ADA and *Olmstead* requires government agencies responsible for licensing or providing housing for persons with disabilities to consider the location of other group homes when determining what housing will best meet the needs of the persons being served. Some courts, however, have found that spacing requirements violate the Fair Housing Act because they deny persons with disabilities an equal opportunity to choose where they will live. Because an across-the-board spacing requirement may discriminate against persons with disabilities in some residential areas, any standards that state or local governments adopt should evaluate the location of group homes for persons with disabilities on a case-by-case basis.

Where a jurisdiction has imposed a spacing requirement on the location of group homes for persons with disabilities, courts may analyze whether the requirement violates the Act under an intent, effects, or reasonable accommodation theory. In cases alleging intentional discrimination, courts look to a number of factors, including the effect of the requirement on housing for persons with disabilities; the jurisdiction's intent behind the spacing requirement; the existence, size, and location of group homes in a given area; and whether there are methods other than a spacing requirement for accomplishing the jurisdiction's stated purpose. A spacing requirement enacted with discriminatory intent, such as for the purpose of appeasing neighbors' stereotypical fears about living near persons with disabilities, violates the Act. Further, a neutral

spacing requirement that applies to all housing for groups of unrelated persons may have an unjustified discriminatory effect on persons with disabilities, thus violating the Act. Jurisdictions must also consider, in compliance with the Act, requests for reasonable accommodations to any spacing requirements.

16. Can a state or local government impose health and safety regulations on group home operators?

Operators of group homes for persons with disabilities are subject to applicable state and local regulations addressing health and safety concerns unless those regulations are inconsistent with the Fair Housing Act or other federal law. Licensing and other regulatory requirements that may apply to some group homes must also be consistent with the Fair Housing Act. Such regulations must not be based on stereotypes about persons with disabilities or specific types of disabilities. State or local zoning and land use ordinances may not, consistent with the Fair Housing Act, require individuals with disabilities to receive medical, support, or other services or supervision that they do not need or want as a condition for allowing a group home to operate. State and local governments' enforcement of neutral requirements regarding safety, licensing, and other regulatory requirements governing group homes do not violate the Fair Housing Act so long as the ordinances are enforced in a neutral manner, they do not specifically target group homes, and they do not have an unjustified discriminatory effect on persons with disabilities who wish to reside in group homes.

Governments must also consider requests for reasonable accommodations to licensing and regulatory requirements and procedures, and grant them where they may be necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling, as required by the Act.

17. Can a state or local government address suspected criminal activity or fraud and abuse at group homes for persons with disabilities?

The Fair Housing Act does not prevent state and local governments from taking nondiscriminatory action in response to criminal activity, insurance fraud, Medicaid fraud, neglect or abuse of residents, or other illegal conduct occurring at group homes, including reporting complaints to the appropriate state or federal regulatory agency. States and localities must ensure that actions to enforce criminal or other laws are not taken to target group homes and are applied equally, regardless of whether the residents of housing are persons with disabilities. For example, persons with disabilities residing in group homes are entitled to the same constitutional protections against unreasonable search and seizure as those without disabilities.

18. Does the Fair Housing Act permit a state or local government to implement strategies to integrate group homes for persons with disabilities in particular neighborhoods where they are not currently located?

Yes. Some strategies a state or local government could use to further the integration of group housing for persons with disabilities, consistent with the Act, include affirmative marketing or offering incentives. For example, jurisdictions may engage in affirmative marketing or offer variances to providers of housing for persons with disabilities to locate future homes in neighborhoods where group homes for persons with disabilities are not currently located. But jurisdictions may not offer incentives for a discriminatory purpose or that have an unjustified discriminatory effect because of a protected characteristic.

19. Can a local government consider the fears or prejudices of neighbors in deciding whether a group home can be located in a particular neighborhood?

In the same way a local government would violate the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities (see Q&A 5), a local government violates the law if it blocks a group home or denies a reasonable accommodation request because of neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers themselves do not have biases against persons with disabilities.

Not all community opposition to requests by group homes is necessarily discriminatory. For example, when a group home seeks a reasonable accommodation to operate in an area and the area has limited on-street parking to serve existing residents, it is not a violation of the Fair Housing Act for neighbors and local government officials to raise concerns that the group home may create more demand for on-street parking than would a typical family and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the requested accommodation, if a similar dwelling that is not a group home or similarly situated use would ordinarily be denied a permit because of such parking concerns. If, however, the group home shows that the home will not create a need for more parking spaces than other dwellings or similarly-situated uses located nearby, or submits a plan to provide any needed off-street parking, then parking concerns would not support a decision to deny the home a permit.

20. When does a state or local government violate the Fair Housing Act by failing to grant a request for a reasonable accommodation?

A state or local government violates the Fair Housing Act by failing to grant a reasonable accommodation request if (1) the persons requesting the accommodation or, in the case of a group home, persons residing in or expected to reside in the group home are persons with a disability under the Act; (2) the state or local government knows or should reasonably be expected to know of their disabilities; (3) an accommodation in the land use or zoning ordinance or other rules, policies, practices, or services of the state or locality was requested by or on behalf of persons with disabilities; (4) the requested accommodation may be necessary to afford one or more persons with a disability an equal opportunity to use and enjoy the dwelling; (5) the state or local government refused to grant, failed to act on, or unreasonably delayed the accommodation request; and (6) the state or local government cannot show that granting the accommodation would impose an undue financial and administrative burden on the local government or that it would fundamentally alter the local government's zoning scheme. A requested accommodation may be necessary if there is an identifiable relationship between the requested accommodation and the group home residents' disability. Further information is provided in Q&A 10 above and the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

21. Can a local government deny a group home's request for a reasonable accommodation without violating the Fair Housing Act?

Yes, a local government may deny a group home's request for a reasonable accommodation if the request was not made by or on behalf of persons with disabilities (by, for example, the group home developer or operator) or if there is no disability-related need for the requested accommodation because there is no relationship between the requested accommodation and the disabilities of the residents or proposed residents.

In addition, a group home's request for a reasonable accommodation may be denied by a local government if providing the accommodation is not reasonable—in other words, if it would impose an undue financial and administrative burden on the local government or it would fundamentally alter the local government's zoning scheme. The determination of undue financial and administrative burden must be decided on a case-by-case basis involving various factors, such as the nature and extent of the administrative burden and the cost of the requested accommodation to the local government, the financial resources of the local government, and the benefits that the accommodation would provide to the persons with disabilities who will reside in the group home.

When a local government refuses an accommodation request because it would pose an undue financial and administrative burden, the local government should discuss with the requester whether there is an alternative accommodation that would effectively address the disability-related needs of the group home's residents without imposing an undue financial and administrative burden. This discussion is called an "interactive process." If an alternative accommodation would effectively meet the disability-related needs of the residents of the group home and is reasonable (that is, it would not impose an undue financial and administrative burden or fundamentally alter the local government's zoning scheme), the local government must grant the alternative accommodation. An interactive process in which the group home and the local government discuss the disability-related need for the requested accommodation and possible alternative accommodations is both required under the Act and helpful to all concerned, because it often results in an effective accommodation for the group home that does not pose an undue financial and administrative burden or fundamental alteration for the local government.

22. What is the procedure for requesting a reasonable accommodation?

The reasonable accommodation must actually be requested by or on behalf of the individuals with disabilities who reside or are expected to reside in the group home. When the request is made, it is not necessary for the specific individuals who would be expected to live in the group home to be identified. The Act does not require that a request be made in a particular manner or at a particular time. The group home does not need to mention the Fair Housing Act or use the words "reasonable accommodation" when making a reasonable accommodation request. The group home must, however, make the request in a manner that a reasonable person would understand to be a disability-related request for an exception, change, or adjustment to a rule, policy, practice, or service. When making a request for an exception, change, or adjustment to a local land use or zoning regulation or policy, the group home should explain what type of accommodation is being requested and, if the need for the accommodation is not readily apparent or known by the local government, explain the relationship between the accommodation and the disabilities of the group home residents.

A request for a reasonable accommodation can be made either orally or in writing. It is often helpful for both the group home and the local government if the reasonable accommodation request is made in writing. This will help prevent misunderstandings regarding what is being requested or whether or when the request was made.

Where a local land use or zoning code contains specific procedures for seeking a departure from the general rule, courts have decided that these procedures should ordinarily be followed. If no procedure is specified, or if the procedure is unreasonably burdensome or intrusive or involves significant delays, a request for a reasonable accommodation may,

nevertheless, be made in some other way, and a local government is obligated to grant it if the requested accommodation meets the criteria discussed in Q&A 20, above.

Whether or not the local land use or zoning code contains a specific procedure for requesting a reasonable accommodation or other exception to a zoning regulation, if local government officials have previously made statements or otherwise indicated that an application for a reasonable accommodation would not receive fair consideration, or if the procedure itself is discriminatory, then persons with disabilities living in a group home, and/or its operator, have the right to file a Fair Housing Act complaint in court to request an order for a reasonable accommodation to the local zoning regulations.

23. Does the Fair Housing Act require local governments to adopt formal reasonable accommodation procedures?

The Act does not require a local government to adopt formal procedures for processing requests for reasonable accommodations to local land use or zoning codes. DOJ and HUD nevertheless strongly encourage local governments to adopt formal procedures for identifying and processing reasonable accommodation requests and provide training for government officials and staff as to application of the procedures. Procedures for reviewing and acting on reasonable accommodation requests will help state and local governments meet their obligations under the Act to respond to reasonable accommodation requests and implement reasonable accommodations promptly. Local governments are also encouraged to ensure that the procedures to request a reasonable accommodation or other exception to local zoning regulations are well known throughout the community by, for example, posting them at a readily accessible location and in a digital format accessible to persons with disabilities on the government's website. If a jurisdiction chooses to adopt formal procedures for reasonable accommodation requests, the procedures cannot be onerous or require information beyond what is necessary to show that the individual has a disability and that the requested accommodation is related to that disability. For example, in most cases, an individual's medical record or detailed information about the nature of a person's disability is not necessary for this inquiry. In addition, officials and staff must be aware that any procedures for requesting a reasonable accommodation must also be flexible to accommodate the needs of the individual making a request, including accepting and considering requests that are not made through the official procedure. The adoption of a reasonable accommodation procedure, however, will not cure a zoning ordinance that treats group homes differently than other residential housing with the same number of unrelated persons.

24. What if a local government fails to act promptly on a reasonable accommodation request?

A local government has an obligation to provide prompt responses to reasonable accommodation requests, whether or not a formal reasonable accommodation procedure exists. A local government's undue delay in responding to a reasonable accommodation request may be deemed a failure to provide a reasonable accommodation.

25. Can a local government enforce its zoning code against a group home that violates the zoning code but has not requested a reasonable accommodation?

The Fair Housing Act does not prohibit a local government from enforcing its zoning code against a group home that has violated the local zoning code, as long as that code is not discriminatory or enforced in a discriminatory manner. If, however, the group home requests a reasonable accommodation when faced with enforcement by the locality, the locality still must consider the reasonable accommodation request. A request for a reasonable accommodation may be made at any time, so at that point, the local government must consider whether there is a relationship between the disabilities of the residents of the group home and the need for the requested accommodation. If so, the locality must grant the requested accommodation unless doing so would pose a fundamental alteration to the local government's zoning scheme or an undue financial and administrative burden to the local government.

Questions and Answers on Fair Housing Act Enforcement of Complaints Involving Land Use and Zoning

26. How are Fair Housing Act complaints involving state and local land use laws and practices handled by HUD and DOJ?

The Act gives HUD the power to receive, investigate, and conciliate complaints of discrimination, including complaints that a state or local government has discriminated in exercising its land use and zoning powers. HUD may not issue a charge of discrimination pertaining to "the legality of any State or local zoning or other land use law or ordinance." Rather, after investigating, HUD refers matters it believes may be meritorious to DOJ, which, in its discretion, may decide to bring suit against the state or locality within 18 months after the practice at issue occurred or terminated. DOJ may also bring suit by exercising its authority to initiate litigation alleging a pattern or practice of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

If HUD determines that there is no reasonable cause to believe that there may be a violation, it will close an investigation without referring the matter to DOJ. But a HUD or DOJ

decision not to proceed with a land use or zoning matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and DOJ encourage parties to land use disputes to explore reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation or conciliation of the HUD complaint. HUD attempts to conciliate all complaints under the Act that it receives, including those involving land use or zoning laws. In addition, it is DOJ's policy to offer prospective state or local governments the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

27. How can I find more information?

For more information on reasonable accommodations and reasonable modifications under the Fair Housing Act:

- HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act, *available at* https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0 or http://www.hud.gov/offices/fheo/library/huddojstatement.pdf.

- HUD/DOJ Joint Statement on Reasonable Modifications under the Fair Housing Act, *available at* https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0 or http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf.

For more information on state and local governments' obligations under Section 504:

- HUD website at http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504.

For more information on state and local governments' obligations under the ADA and *Olmstead*:

- U.S. Department of Justice website, www.ADA.gov, or call the ADA information line at (800) 514-0301 (voice) or (800) 514-0383 (TTY).
- Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*, *available at* http://www.ada.gov./olmstead/q&a_olmstead.htm.
- Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead*, *available at* http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf.

For more information on the requirement to affirmatively further fair housing:

- Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42,272 (July 16, 2015) (to be codified at 24 C.F.R. pts. 5, 91, 92, 570, 574, 576, and 903).
- U.S. Department of Housing and Urban Development, Version 1, Affirmatively Furthering Fair Housing Rule Guidebook (2015), *available at* https://www.hudexchange.info/resources/documents/AFFH-Rule-Guidebook.pdf.
- Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Vol. 1, Fair Housing Planning Guide (1996), *available at* http://www.hud.gov/offices/fheo/images/fhpg.pdf.

For more information on nuisance and crime-free ordinances:

- Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services (Sept. 13, 2016), *available at* http://portal.hud.gov/hudportal/documents/huddoc?id=FinalNuisanceOrdGdnce.pdf.

EXHIBIT 3

December 2022

GROUP HOME TECHNICAL ADVISORY

CA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF HOUSING POLICY DEVELOPMENT

TABLE OF CONTENTS

1. Executive Summary 1

2. Terms Used 5

3. Background 6

4. Framework for Assessing if Local Land Use Policies and Practices Comply with State Housing Laws' Protections of Group Homes 8

A. Do the Policies and Practices Comply with Housing Element Law and AFFH Requirements? 9

B. Do the Policies and Practices Unlawfully Discriminate Based on Disability or Other Protected Characteristics? 12

i. Intentional Discrimination 14

ii. Discriminatory Effects 17

iii. Reasonable Accommodations 18

5. Supportive Housing and Transitional Housing Requirements 20

6. State Law Provides Broader Protections Than Federal Law 22

7. Common Issues In Local Ordinances That Regulate Group Homes 23

A. Definitions of Single Housekeeping Units or Single-Family Homes 24

B. Requirements that All Group Homes with More than Six Residents Must Obtain Permits to Locate in Single-Family Zones 25

C. Retroactive Compliance 27

D. Spacing Requirements 27

E. Occupancy Limits and Building, Fire, or Other Health and Safety Code Requirements 30

F. Requirements For Operators and Residents 30

G. Civil Actions for Operating Without a Required State License 33

H. Enforcing Generally Applicable Municipal Codes and Other Laws 36

8. Resource Materials and State Contacts 36

1. EXECUTIVE SUMMARY

Group homes are an especially important type of housing for persons with disabilities. By supporting their residents' individualized needs while providing flexible and affordable housing options, group homes help persons with disabilities live in deinstitutionalized settings that facilitate their integration into local communities.

In recent years, some local governments have amended their zoning ordinances to add new regulations for group homes, particularly for recovery residences—group homes that provide housing for persons recovering from alcoholism or drug addiction. These amendments have raised concerns that local governments are not complying with their affirmative obligations under state planning and zoning laws to promote more inclusive communities and affirmatively further fair housing (AFFH). These amendments have also generated disputes and confusion over whether local governments are violating fair housing laws by discriminating against persons with disabilities or other protected characteristics.

Among other concerns, local land use policies and practices can block new group homes from opening, force existing ones to close, and impose costs, legal fees, and administrative burdens that make it difficult for group homes to operate. These concerns arise in the context of a shortage of adequate housing for persons with disabilities, which is a particularly acute problem within California's broader housing crisis.

With concerns, disputes, and confusion continuing to grow, this Group Home Technical Advisory (Group Home TA) provides guidance on how state planning and zoning and fair housing laws apply when local governments attempt to regulate group homes through land use policies and practices. It is designed to help local governments comply with their obligations under these state laws, including, for example, the Planning and Zoning Law,[1] Housing Element Law,[2] AFFH provisions,[3] Anti-Discrimination in Land Use Law,[4] and the Fair Employment and Housing Act (FEHA)[5] (collectively, state housing laws).

The California Department of Housing and Community Development (HCD) is issuing the Group Home TA under its authority to provide guidance about housing law and

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[1] Gov. Code, § 65000 et seq.

[2] Gov. Code, §§ 65580 ‑ 65589.11.

[3] See, e.g., Gov. Code, §§ 8899.50, 65583, subds. (c)(5),(10).

[4] Gov. Code, § 65008.

[5] Gov. Code, § 12900 et seq.

policy.[6] The primary intended users are local planning agencies and their staff, but group home operators, advocates, and residents may also benefit from this information.

Contents

- **Background information about group homes** and the essential role they play in providing housing for persons with disabilities (pp. 6-8);
- **General guidance about overall state housing law standards** that (1) require local governments to remove constraints on group homes and affirmatively support them, and (2) prohibit local land use policies and practices that discriminate against group home owners, operators, and residents (pp. 8-23);
- **Specific guidance about how these standards apply to common issues** that arise when local governments attempt to regulate group homes through local land use policies and practices (pp. 23-36);
- **Lists of state government resource materials and contacts** (pp. 36-37).

Policy Guidance Summary

The Group Home TA's guidance for how local governments can comply with state housing laws regarding group homes includes the following:

- **Housing Element Law and AFFH.** Assess whether a policy or practice complies with Housing Element Law and AFFH requirements to avoid constraining housing for persons with disabilities and to affirmatively support this housing and its residents' fair housing choices (pp. 8-12). Consider the Group Home TA's examples of specific questions to guide local governments' analysis of these issues (pp.11-12).
- **Discriminatory Purpose or Effect.** Ensure that the policy or practice does not discriminate on the basis of disability or other characteristics protected by state law. Apply the Group Home TA's analysis on how to determine if a policy or practice has a discriminatory purpose or effect and how to implement flexible reasonable accommodation procedures that promptly and efficiently resolve accommodation requests in compliance with state housing laws and regulations. (pp. 12-20).

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[6] See, e.g., Health & Saf. Code, §§ 50152, 50406, subds. (e), (n), 50456, subd. (a), 50459, subd. (a); Gov. Code, § 65585, subd. (a). The Group Home TA is intended to provide general informational guidance only. It does not constitute legal advice.

- **Supportive and Transitional Housing.** Comply with the specific protections for group homes that fall within the definitions of supportive or transitional housing (pp. 20-22).

- **State and Federal Law Distinctions.** Confirm that a policy or practice complies with state housing laws even if it complies with federal law, because California law provides broader and different protections than federal law (pp. 22-23).

- **Definition of Single-Family Residence**. Avoid restrictive definitions of single housekeeping units or single-family homes that impermissibly constrain group homes from locating in single-family zones. This includes, for example, avoiding definitions that equate group homes with boardinghouses, require all residents to share a common deed or lease, overly scrutinize residents' living arrangements, or automatically exclude group homes that are owned by for-profit businesses or pay staff to help manage a home's operations (pp. 24-25).

- **Group Homes that Do Not Provide Licensable Services.** Allow group homes that operate as single-family residences and that do not provide licensable services to locate in single-family neighborhoods, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences (pp. 25-26).

- **Group Homes that Provide Licensable Services to Six or Fewer Residents.** Allow group homes that operate as single-family residences and that provide licensable services to six or fewer residents to locate in single-family neighborhoods, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences (pp. 25-26).

- **Group Homes that Provide Licensable Services to Seven or More Residents.** Ensure that any permitting or approval requirements for group homes that provide licensable services to seven or more residents are consistent with state housing laws (pp. 25-26).

- **Preexisting Nonconforming Uses.** Avoid retroactively applying a new zoning provision to group homes that were already operating before the provision was enacted (p. 27).

- **Spacing Requirements.** Avoid requirements for minimum spacing between group homes that go beyond those the Legislature has specified for limited types of licensed facilities and that conflict with state housing laws (pp. 27-29).

- **Occupancy Limits and Building, Fire, or Other Health and Safety Code Requirements.** Apply the same, generally applicable, nondiscriminatory occupancy limits and other building, fire, health, and safety requirements to group homes that apply to other housing, subject to reasonable accommodation requirements or the Legislature's requirements for specific types of licensed facilities, such as those serving persons with limited mobility (p. 29).

- **Other Requirements for Group Home Operators and Residents.** Avoid the other examples of special requirements for operators and residents discussed that can overly constrain group homes, conflict with the duty to affirmatively support this housing, and discriminate on the basis of disability and other protected characteristics. Examples discussed include, among other things, parking requirements, restrictions on residents or staff, neighborhood notice requirements, and local law enforcement registration requirements (pp. 30-33).

- **State Administrative Procedures for Investigating Licensing Issues.** Use the Department of Health Care Services (DHCS) or California Department of Social Services (CDSS) processes for investigating and resolving complaints that unlicensed group homes are providing services that require licenses from these departments (pp. 33-35).

- **Public Nuisance and Other Code Enforcement Actions.** Use generally applicable, nondiscriminatory laws and code enforcement procedures to investigate and, if appropriate, prosecute group home operators that are creating public nuisances; violating building, housing, fire, or other public health and safety codes; committing fraud; or engaging in other unlawful activities (p. 36).

This summary and the Group Home TA are not intended as all-inclusive guides to every issue that might arise when local governments attempt to regulate group homes. But by following the Group Home TA's framework and considering how it applies to the examples of common issues, local governments can ensure that their land use policies and practices comply with state housing laws.

Conclusion

Local governments that follow the Group Home TA's guidance can still address concerns about group homeowners or operators that mistreat or abuse their residents, engage in insurance fraud or other illegal practices, or operate their homes in unsafe manners or in ways that create public nuisances. But research has shown that these problems are limited to a small minority of group homes, with the majority of group homes being well managed and operating compatibly with their surrounding neighborhoods, while providing essential housing resources. Focusing on individual

group homes that are problematic is more consistent with state law and helps avoid adopting overly broad and constraining zoning regulations for all group homes.

2. TERMS USED

Different laws use the term “group homes” to refer to different types of housing for different populations covered by different regulatory schemes. The following terms refer to various types of residences in which unrelated persons share the residence**:**

- **Shared Living Residences**—any housing shared by unrelated persons, including, for example, group homes, recovery residences, some community care residential facilities, some supportive and transitional housing, emergency shelters, boardinghouses, dormitories, etc.
- **Group Homes**—housing shared by unrelated persons with disabilities that provide peer and other support for their residents’ disability related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities.
- **Licensed Group Homes**—group homes that provide services that require licenses under state law.
- **Unlicensed Group Homes**—group homes that may provide some supportive services for their residents but not services that require licenses under state law.
- **Recovery Residences** or **Sober Living Homes**—group homes for persons recovering from alcoholism or drug addiction in which the residents mutually support each other's recovery and sobriety and that do not require licenses from DHCS because they do not provide alcoholism or drug addiction recovery and treatment services.
- **Alcohol or Other Drug (AOD) Facilities**—residential facilities that must obtain licenses from DHCS because they provide alcoholism or drug addiction recovery and treatment services.[7]

[7] See, e.g., Health & Saf. Code, § 11834.02.

- **Community Care Residential Facilities**—residential facilities that must obtain licenses from CDSS because they provide 24-hour nonmedical care and supervision for adults or children.[8]

3. BACKGROUND

Among the many reasons that group homes are essential housing for persons with disabilities is the support these homes provide for their residents' individualized, disability-related needs. This includes the peer support that group homes encourage their residents to provide to each other when sharing a home, as well as the services these homes can provide. These services range from basic support for independent living to more intensive care and supervision services that require state licenses. By providing peer support, services, or both, group homes help their residents live in deinstitutionalized settings and integrate into local communities. For these and other reasons, as the California Legislature has recognized, "'persons with disabilities . . . are significantly more likely than other persons to live with unrelated persons in group [homes].'"[9]

Because group homes are such important housing resources for persons with disabilities, state law not only protects them from discriminatory land use policies and practices, it mandates that local governments affirmatively support group homes locating in their communities.[10] Federal law also protects group homes, leading courts across the country to conclude that "'encourag[ing] and support[ing] handicapped persons' right to live in a group home in the community of their choice'" is "'the public policy of the United States.'"[11]

The communities of choice for many group homes are often single-family neighborhoods. Recovery residences, for example, often locate in single-family

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[8] See, e.g., Health & Saf. Code, §§ 1502, 1568.01, 1569.2, subds. (o)-(p).
[9] *Broadmoor San Clemente Homeowners Ass'n v. Nelson*, (1994) 25 Cal.App.4th 1, 6, quoting Stats. 1993, ch. 1277, § 18; 12 West Cal.Legis.Services, p. 6038.
[10] See, e.g., Gov. Code, §§ 8899.50, 65583, subds. (a)(1), (a)(7), (c)(10).
[11] *Broadmoor*, 25 Cal.App.4th at 9, quoting *Rhodes v. Palmetto Pathway Homes, Inc.* (South Carolina 1991) 303 S.C. 308, 400 S.E.2d 484, 486.

neighborhoods because this helps "'recovering addicts' reintegration into society and redevelopment of self-sufficiency."[12]

But "for every group home that is successfully established, experts estimate that another closes or never opens because of community opposition."[13] The legislative history of the Fair Employment and Housing Act (FEHA), Government Code section 12900 et seq., and federal Fair Housing Act ("FHA"), 42 U.S.C. section 3601 et seq., show that the Legislature and Congress considered local governments' longstanding practices of using land use ordinances to exclude group homes when amending these civil rights laws to protect housing for persons with disabilities.[14]

Local opposition to group homes is often based on fears that they will disrupt neighborhoods, increase crime rates or drug use, generate excessive traffic and parking, or lower property values. But numerous studies, representing decades of research, have found that fears like these are unfounded.[15] In fact, studies have shown that group homes are often the best maintained properties on their blocks and function so much like other homes "that most neighbors within one to two blocks . . . do not even know that a group home . . . is nearby."[16]

This is not to minimize very real problems that have arisen at some group homes. In particular, some local governments have raised concerns based on problems at some recovery residences operated by unscrupulous owners seeking to maximize their profits

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[12] Laurie C. Malkin, *Troubles at the Doorstep: The Fair Housing Amendments Act of 1988 and Group Homes for Recovering Substance Abusers* (1995) 144 U. Pa. L. Rev. 757, 772-73 & nn. 55-60; *Oxford House, Inc. v. Township of Cherry Hill* ("*Cherry Hill*") (D. New Jersey 1992) 799 F.Supp. 450, 453.
[13] Malkin, *supra*, n. 12 at 795 & n. 171.
[14] See, e.g., *Broadmoor*, *supra*, 25 Cal. App. 4th at 6, quoting Stats.1993, ch. 1277, § 18; 12 West Cal.Legis.Services, p. 6038; H.R. Rep. 100-711, 23-24, reprinted in 1988 U.S.C.C.A.N. 2173, 2184-2185.
[15] See, e.g., Malkin, *supra*, n. 12 at 797-798 & nn. 181-184; Council of Planning Librarians, *There Goes the Neighborhood - A Summary of Studies Addressing the Most Often Expressed Fears about the Effects Of Group Homes on Neighborhoods in which They Are Placed* (Bibliography No. 259) (Apr. 1990); Senate Comm. on Health Analysis of SB 786, Feb. 17, 2017 at 3, 5.
[16] Daniel Lauber, *A Real LULU: Zoning for Group Homes and Halfway Houses Under The Fair Housing Amendments Act of 1988* (Winter 1996) 29 J. Marshall L. Rev. 369, 384-385 & n. 50-52.

at the expense of their residents' wellbeing. These problems have included neglecting and abusing residents, engaging in insurance fraud, and creating public nuisances.[17]

While these are very real concerns, the examples of exploitive, abusive, and illegal practices appear to be limited to a small minority of recovery residences.[18] Moreover, in contrast to laws specially designed to address fraud, violations of state licensing laws, or health and safety violations and public nuisances, local land use policies are often too blunt and too broadly sweeping for properly addressing these problems. They risk continuing the history of discrimination against group homes by doing more to constrain and exclude well-functioning ones than they do to abate problems at dysfunctional ones.

Before local governments amend their zoning ordinances to regulate group homes, they should first determine if the proposed amendments will comply with state housing laws. They should apply the Group Home TA's framework and consider its examples of common issues that arise when local governments attempt to use land use laws to regulate group homes.

4. Framework for Assessing if Local Land Use Policies and Practices Comply with State Housing Laws' Protections of Group Homes

Confirming that local land use policies and practices for group homes comply with state housing laws involves assessing whether they comply with requirements for local governments to affirmatively support this housing in their communities and whether they discriminate on the basis of disability or other protected characteristics. Both assessments are necessary to confirm that a local land use policy or practice complies with state housing laws. Although the Group Home TA discusses Housing Element Law

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[17] See, e.g., Samantha Schmidt, *Drug Rehab 'Mogul' Convicted of Sexually Assaulting 7 Female Patients at Treatment Centers*, Washington Post, Feb. 27, 2018, https://www.washingtonpost.com/news/morning-mix/wp/2018/02/27/drug-rehab-mogul-convicted-of-sexually-assaulting-7-female-patients-at-treatment-centers/; Danielle L. Liberman, Current Development, *Not Too Sunny in the Sunshine State: The Need to Improve Florida's Opioid Abuse Treatment Centers to Combat the National Public Health Crisis*, 31 Geo. J. Legal Ethics 723, 735-738 (2018).

[18] See, e.g., Government Accounting Office, *Report to Congressional Requesters: Substance Use Disorder – Information on Recovery Housing Prevalence, Selected States' Oversight, and Funding* ("*GAO Report*") (March 2018) at 7-9 & n.18, available at https://www.gao.gov/assets/gao-18-315.pdf; see also studies cited *supra*, nn. 15-16.

and AFFH requirements before fair housing laws, local governments can assess their compliance with these laws in any order.

A. Do the Policies and Practices Comply with Housing Element Law and AFFH Requirements?

California law has long promoted more inclusive communities, such as by requiring local governments to protect and promote housing for persons with special needs, including, among others, lower income households and persons with disabilities or who have experienced homelessness.[19] Housing Element Law requires local governments to analyze the special housing needs of these populations and develop policies and programs to address those needs.[20]

As of January 1, 2019, AB 686 built upon these existing obligations to broadly require all state or local governments involved in programs or activities related to housing or community development to affirmatively further fair housing and take no actions inconsistent with this requirement.[21] The Legislature defined AFFH, to mean:

> taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.[22]

In AB 686, the Legislature also amended Housing Element Law to include new, specific AFFH requirements starting in 2021 for local governments when they prepare and implement housing elements. These requirements include, for example, identifying and addressing fair housing issues; analyzing integration and segregation patterns;

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[19] See, e.g., Gov. Code, § 65583, subds. (a)(1), (a)(7); Housing Elements Building Blocks, available at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks.
[20] See, e.g., Gov. Code, § 65583, subds. (a)(7), (c).
[21] Gov. Code, § 8899.50, subd. (a)(2).
[22] *Id.* at (a)(1).

analyzing patterns and trends of disparate housing needs and disproportionate access to housing opportunities; and setting specific goals, adopting responsive policies, and taking effective actions that will affirmatively further fair housing.[23]

Taken together, the earlier Housing Element Law provisions and the newer AFFH requirements clarify local governments' affirmative responsibilities regarding group homes. As the historical record and California and federal legislative histories confirm, local land use laws have too often treated group homes as problems to be avoided or restricted. Local governments' obligations under state law have been misunderstood as being limited to avoiding discrimination and meeting a minimum threshold for fulfilling the locality's share of regional housing needs for persons with disabilities.

But local governments must go beyond these basic requirements by actively supporting the inclusion of group homes in their communities and removing constraints on this housing. This includes, for example, supporting the housing choices of individuals with protected characteristics.[24] Persons with disabilities have the right to live in accessible housing in the most integrated setting appropriate to their needs, which includes having access to disability-related support and services that individuals need to live in deinstitutionalized settings.[25] Local governments must also avoid policies that unjustifiably displace group home occupants from their homes.[26]

HCD has previously issued guidance about local governments' obligations under older Housing Element Law provisions and the more recently enacted AFFH provisions. These guidance documents are available through links listed under the Planning and Community Development tab on HCD's website.[27] Local governments should read the detailed guidance provided in these documents, which include:

- Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements (April 2021 Update),[28]
- Housing Element Building Blocks,[29]

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[23] See, e.g., Gov. Code, § 65583, subd. (c)(10).
[24] See, e.g., Gov. Code, § 65583, subd. (c)(10)(A)(iv); 24 C.F.R § 5.151 (2022).
[25] See, e.g., *Olmstead v. Zimring* (1999) 527 U.S. 581, 602, 607; 24 C.F.R. § 5.151 (2022); 28 C.F.R. § 35.130(d), (e)(1) (2022).
[26] Gov. Code. § 65583, subd. (c)(10)(A)(v).
[27] Available at https://www.hcd.ca.gov/.
[28] Available at http://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf.
[29] Available at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks.

- Housing Element Building Blocks – Persons with Disabilities,[30] and
- Housing Element Building Blocks – Constraints for People with Disabilities.[31]

HCD's earlier guidance documents discuss in more detail how local governments can assess their compliance with Housing Element Law and AFFH requirements. The following types of questions can help local jurisdictions assess if they are meeting their affirmative obligations to protect and promote the housing rights of persons with disabilities:[32]

- **Has the jurisdiction analyzed the special housing needs of persons with disabilities** by including in this analysis, among other things:
  - data about the number of persons and households in this group?
  - quantifiable and qualitative descriptions of their housing needs and descriptions of existing resources or programs for them?
  - assessments of unmet needs?

- **Has the jurisdiction analyzed and explained how it will meet those needs** by, among other things:
  - identifying potential programs, policy options, and resources?
  - discussing local resources and service providers?
  - identifying housing types that can accommodate persons with disabilities?
  - developing housing programs or strategies to address identified needs?

- **Has the jurisdiction analyzed and removed constraints on housing for persons with disabilities** by, among other things:
  - analyzing potential governmental constraints to the development, improvement, and maintenance of housing for persons with disabilities?
  - examining ordinances, policies, or practices that are unjustifiably having the effect of constraining or excluding housing variety and availability for persons with disabilities?
  - providing reasonable accommodations for persons with disabilities through programs that remove constraints?
  - ensuring that its reasonable accommodation procedures comply with state fair housing laws and regulations?
  - in general, demonstrating local efforts to remove constraints?

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[30] Available at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/people-disabilities-including-developmental-disabilities.
[31] Available at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/constraints-people-disabilities.
[32] See, e.g., Gov. Code, §§ 8899.50, 65583, subds. (a)(4), (7), (c)(3), (5), (10).

- **Has the jurisdiction met its AFFH obligations for persons with disabilities** by, among other things:
  - actively supporting their integration into the local community?
  - actively supporting their fair housing rights, including their right to choose where to live and to access housing opportunities with services and support for their disabilities?
  - considering whether policies and practices are displacing persons with disabilities from their homes?
  - examining and redressing segregated living patterns?
  - fostering the integration of persons with disabilities into the community?
  - conducting outreach and education in the community to support the fair housing rights of persons with disabilities?
  - identifying and analyzing any policies or practices that have the purpose or effect of discriminating against persons with disabilities, perpetuating their segregation, or impeding their integration?
  - examining any justifications for policies or practices with discriminatory effects and identifying and implementing less discriminatory alternatives?

- **Has the jurisdiction conducted individualized, evidence- and data-based research and analysis**, including for:
  - any specific benefits that it believes a land use policy or practice regarding group homes will provide to persons with disabilities?
  - any specific health or safety issues that a jurisdiction believes justify land use polices or practices regarding group homes?[33]

B. Do the Policies and Practices Unlawfully Discriminate Based on Disability or Other Protected Characteristics?

In addition to the laws requiring local governments to affirmatively support group homes, state fair housing laws prohibit jurisdictions from discriminating against them.[34] For example, the Anti-Discrimination in Land Use Law, Government Code section 65008,

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[33] See, e.g., Cal. Code Regs., tit. 2, §§ 12042, subd. (f), 12179, subd. (b)(3).
[34] Fair housing laws protect group homes. See, e.g., Cal. Code Regs., tit. 2, § 12005, subd. (o); *Lakeside Resort Enterprises, LP v. Board of Sup's of Palmyra Twp*. (3d Cir. 2006) 455 F.3d 154, 159–60. See also *infra* at pp. 22-23 (explaining that while federal fair housing cases can provide important guidance for interpreting state fair housing laws, California's fair housing and disability rights laws provide broader protections than federal laws).

prohibits discriminatory local land use policies and practices and declares any such discriminatory policies or practices null and void.[35] This includes discrimination based on any characteristic protected by the FEHA and other state civil rights laws.[36]

Disability rights protections extend to persons with disabilities, persons regarded or treated as having, or having had, a disability, or persons with a record or history of a disability.[37] Complying with fair housing requirements for individuals with certain types of disabilities, such as individuals with developmental disabilities, will not excuse unlawful discrimination against other individuals with other types of disabilities, such as individuals recovering from alcoholism or drug addiction.[38]

The Anti-Discrimination in Land Use Law also includes protections not specified in the FEHA, such as prohibitions against land use policies and practices that discriminate against housing for "persons or families of very low, low, moderate, or middle income."[39] Therefore, depending on a group home's intended occupants, jurisdictions must consider whether their policies discriminate against not only persons with disabilities, but, for example, very low- or low income households if the residence is designed for persons with disabilities who have experienced homelessness.

State fair housing laws protect not only group homes' occupants, but other persons associated with them or other persons who may be harmed by discriminatory land use policies and practices, such as group homes' operators, owners, and landlords.[40]

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[35] Gov. Code, § 65008, subds. (a), (b)(1). The FEHA similarly prohibits discriminatory land use policies and practices. Gov. Code, § 12955, subd. (l); Cal. Code Regs., tit. 2, §§ 12161, 12162. See also Government Code section 11135 (prohibiting discrimination by recipients of state funding or financial assistance).
[36] See, e.g., Gov. Code, §§ 65008, subds. (a)(1)(A), (b)(1)(B)(i), 65583, subd. (c)(5).
[37] Gov. Code, § 12926, subds. (j), (m); 42 U.S.C. § 3602(h); Joint Statement of the Department of Housing and Urban Development and the Department of Justice – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act (Nov. 10, 2016) at 6 ("HUD – DOJ 2016 Jt. Stmt. on Local Land Use Laws"), available at https://www.justice.gov/opa/file/912366/download.
[38] Recovering from alcoholism or drug addiction is a disability protected by fair housing laws. See, e.g., *City of Edmonds v. Washington State Bldg. Code Council*, 18 F.3d 802, 803 (9th Cir.1994), aff'd *City of Edmonds v. Oxford House* (1995) 514 U.S. 725; *Cherry Hill*, supra, 799 F.Supp. at 459; HUD – DOJ 2016 Jt. Stmt. on Local Land Use Laws at 6.
[39] Gov. Code, § 65008, subds. (a)(3), (b)(1)(C).
[40] Gov Code § 65008, subds. (a)(1)(A), (b)(1)(B)(ii), incorporating Gov. Code, § 12955, subd. (m).

Identifying and correcting discriminatory land use policies and practices requires understanding three general types of discrimination:

1. intentional discrimination,
2. discriminatory effects, and
3. failure to provide reasonable accommodations.[41]

i. Intentional Discrimination

Intentional discrimination includes "an act or failure to act" in which any protected characteristic "is a motivating factor . . . even though other factors may have also motivated the practice."[42] Unlike employment discrimination law, in which plaintiffs must prove that a defendant's action or inaction was substantially motivated by a discriminatory purpose, under fair housing law, a "housing practice" can be found illegal if it "demonstrates an intent to discriminate in any manner."[43]

Intentional discrimination is best understood as purposeful discrimination because it "does not require proof of personal prejudice or animus."[44] Even if local officials are not hostile towards persons with disabilities or act with benign intents to help them, a discriminatory policy or practice can still be unlawful. It is also unlawful for government officials to acquiesce to members of the public's prejudicial views even if the officials themselves do not share those views.[45]

Establishing intentional discrimination often involves evidence that persons with protected characteristics were treated worse than others without those characteristics. But this is only one way to prove discrimination.[46] Intentional discrimination does not require "the existence of a similarly situated entity who or which was treated better . . . ."[47] A local land use policy or practice that "inflicts collateral damage by harming some, or even all, individuals from a favored group in order to successfully

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[41] Although these are some of the most common, general types of discrimination issues that arise with local land use policies and practices, this is not an exhaustive list. See, e.g., Cal. Code Regs., tit. 2, §§ 12161-62 (listing more detailed examples).
[42] Gov. Code, § 12955.8; *Harris v. City of Santa Monica* (2013) 56 Cal.4th 203, 217-218; Cal. Code Regs., tit. 2, § 12041, subd. (b).
[43] Gov. Code, § 12955.8.
[44] Cal. Code Regs., tit. 2, § 12041, subd. (b).
[45] Cal. Code Regs., tit. 2, § 12161, subd. (c).
[46] *Pacific Shores Properties, LLC v. City of Newport Beach* (9th Cir. 2013) 730 F.3d 1142, 1158-1159.
[47] *Id*. at 1158.

harm members of a disfavored class does not cleanse the taint of discrimination."[48] Sometimes it "simply underscores the depth of the defendant's" discriminatory intent.[49]

Intentional discrimination can be established through facial discrimination, direct evidence, or circumstantial evidence.

FACIAL DISCRIMINATION

Facially discriminatory laws or policies explicitly regulate housing or take an adverse action based on a protected characteristic.[50] Local governments can engage in facial discrimination even when a law or policy does not expressly refer to, for example, group homes or persons with disabilities. "Proxy discrimination is a form of facial discrimination" in which a jurisdiction:

> enacts a law or policy that treats individuals differently on the basis of seemingly neutral criteria that are so closely associated with the disfavored group that discrimination on the basis of such criteria is, constructively, facial discrimination against the disfavored group. For example, discriminating against individuals with gray hair is a proxy for age discrimination because the fit between age and gray hair is sufficiently close.[51]

To avoid liability for a law or policy that facially discriminates against persons with disabilities, a local government must show that the policy:

> (1) either (a) actually benefits persons with disabilities or (b) is justified by individualized safety concerns raised by the persons the policy affects, and
>
> (2) is "the least restrictive means of achieving" one or both of these goals.[52]

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[48] *Id*. at 1159.
[49] *Id*. See also *id*. at 1158 – 1162 & n. 23.
[50] Cal. Code Regs., tit. 2, § 12040, subd. (c).
[51] *Pacific Shores Properties*, 730 F.3d at 1160 n. 23, internal quotations and citations omitted.
[52] Cal. Code Regs., tit. 2, §§ 12042, subd. (f), 12161, subd. (d); *Larkin v. State of Mich. Dept. of Social Services* (6th Cir. 1996) 89 F.3d 285, 290.

These justifications for facial discrimination are "extremely narrow exception[s]," and jurisdictions should be wary of relying on them.[53] Jurisdictions must support them with at least, if not more than, the specific and thorough analysis and evidence required by Housing Element Law, including its AFFH provisions. Generalized concerns or ones based on stereotypes will not suffice.[54] Jurisdictions should also consider less discriminatory alternatives.[55] And in light of jurisdictions' obligations to "protect existing residents from displacement" and otherwise affirmatively further fair housing, laws or policies that displace group home occupants from their current, chosen residences warrant especially thorough scrutiny.[56]

Direct evidence

Direct evidence includes written or oral statements showing in themselves that a protected characteristic was a motivating factor in a local jurisdiction's decision. Direct evidence can itself establish a violation. The affirmative defenses for facial discrimination claims do not apply to direct evidence claims.[57]

Circumstantial Evidence

Even when policies or statements in themselves do not establish a discriminatory intent, local land use policies and practices can still be found discriminatory based on circumstantial evidence, which can include: (1) the policy's or practice's impact, (2) its historical background, (3) the more recent, specific sequence of events leading up to it, (4) departures from usual procedures, (5) departures from usual substantive standards, and (6) the legislative or administrative history.[58]

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[53] *Dothard v. Rawlinson* (1977) 433 U.S. 321, 334; *Bangerter v. Orem City Corp.* (10th Cir. 1995) 46 F.3d 1491, 1504; see also *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24, 31 nn. 7, 8 (explaining that public policy exceptions to Unruh Act's prohibitions of discrimination are "rare" and "should be carefully and narrowly construed").
[54] *Larkin*, 89 F.3d at 291-292 (rigorously examining and rejecting an agency's justifications and evidence for spacing and community notice requirements for group homes in holding that they violate the FHA).
[55] Cal. Code Regs., tit. 2, § 12042, subd. (f).
[56] See, e.g., Gov. Code, § 65583, subds. (c)(10)(A)(iv), (v).
[57] See, e.g., Cal. Code Regs., tit. 2, § 12042, subds. (c)-(e).
[58] HUD – DOJ 2016 Jt. Stmt. on Local Land Use Laws at 4, citing *Village of Arlington Heights v. Metro. Hous. Dev. Corp.* (1977) 429 U.S. 252, 265-68.

These factors are not the only ones that may be considered.[59] And "very little evidence" is needed to "raise a genuine issue" of a discriminatory intent.[60] Procedural or substantive departures from AFFH or housing element requirements when regulating group homes would be relevant evidence to consider in assessing if local officials acted for discriminatory purposes.

ii. DISCRIMINATORY EFFECTS

Even if a local government has not acted with a discriminatory purpose, its land use policies or practices can be found unlawful if they have an unjustified discriminatory effect. A discriminatory effect is generally established through statistical evidence showing that a policy or practice actually or predictably results in a disparate impact on a group of persons with protected characteristics or that it perpetuates segregation.[61]

If a local land use practice is found to have a discriminatory effect, a jurisdiction can avoid liability if it shows there is a legally sufficient justification for its policy or practice.[62] A jurisdiction must establish each of the following:

> (1) The practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory purposes;
>
> (2) The practice effectively carries out the identified purpose;
>
> (3) The identified purpose is sufficiently compelling to override the discriminatory effect; and
>
> (4) There is no feasible alternative practice that would equally or better accomplish the identified purpose with a less discriminatory effect.[63]

Generalized or hypothetical analysis of these elements will not suffice. They must be "supported by evidence."[64]

To comply with Housing Element Law, including its AFFH provisions, a jurisdiction should not wait for group home occupants or operators to bring discriminatory effects claims but should research on its own whether its policies or practices have discriminatory effects on these residences. If so, the jurisdiction should also complete

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[59] *Pacific Shores Properties*, 730 F.3d at 1159.
[60] *Id.*; Gov. Code, § 12955.8; Cal. Code Regs., tit. 2, § 12041, subd. (b).
[61] Cal. Code Regs., tit. 2, § 12060, subd. (b).
[62] Cal. Code Regs., tit. 2, § 12062, subd. (b).
[63] *Id.*
[64] Cal. Code Regs., tit. 2, § 12062, subd. (c).

the evidence-based analysis needed to determine whether there are legally sufficient justifications for these discriminatory policies or practices, including analyzing less discriminatory alternatives.

iii. Reasonable Accommodations

Discrimination can also arise from a jurisdiction failing "to make reasonable accommodations in rules, policies, practices, or services when these accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling."[65] A request for a reasonable accommodation may only be denied if:

> (1) The individual on whose behalf the accommodation was requested is not an individual with a disability;
>
> (2) There is no disability-related need for the requested accommodation (in other words, there is no [connection] between the disability and the requested accommodation);
>
> (3) The requested accommodation would constitute a fundamental alteration of the services or operations of the person who is asked to provide the accommodation.
>
> (4) The requested accommodation would impose an undue financial and administrative burden on the person who is asked to provide the accommodation; or
>
> (5) The requested accommodation would constitute a direct threat to the health or safety of others (i.e., a significant risk of bodily harm) or would cause substantial physical damage to the property of others, and such risks cannot be sufficiently mitigated or eliminated by another reasonable accommodation . . . .[66]

Three common issues, among others, can arise when group home operators or occupants request reasonable accommodations in local land use policies and practices:

1. **While a jurisdiction should adopt a formal reasonable accommodations process so that, among other reasons, the public knows how to request accommodations, these processes should be flexible enough to promptly and efficiently resolve accommodations requests without creating**

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[65] Gov. Code, § 12927, subd. (c)(1).
[66] Cal Code Regs., tit. 2, § 12179.

unnecessary procedural barriers.[67] These processes should allow group home operators to request reasonable accommodations "at any time . . . while seeking or enjoying a housing opportunity," including, for example, when: (1) considering whether to buy or lease a home; (2) filing a permit application, or (3) responding to allegations they have violated a zoning code or other ordinance.[68] If local governments are repeatedly denying accommodation requests or delaying resolving them, they should analyze whether this is due to the requestors failing to provide sufficient information and support or to procedures erecting impermissible barriers to accommodations.[69]

2. **"'[I]n most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary'" to establish that a person has a disability or that this disability requires a reasonable accommodation in a land use policy or practice.**[70] A reliable third party with knowledge of a person's disabilities can usually provide sufficient information for assessing a request for an accommodation in a local land use policy or practice.[71] For example, it is well established that persons recovering from alcoholism or drug addiction have disabilities and that recovery residences support their recoveries. Thus, information provided by a recovery residence operator, such as its occupancy or other policies, for example, should generally suffice to establish its occupants have disabilities and the justifications for the

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[67] See, e.g., *id.* at §§ 12176, subd. (c), 12178.
[68] See, e.g., *id.* at § 12176, subd. (f).
[69] See, e.g., *id.* at § 12177; see also these examples of reasonable accommodation ordinances: Oakland Mun. Code, ch. 17.131, available at https://library.municode.com/ca/oakland/codes/planning_code?nodeId=TIT17PL_CH17.131REACPOPR; Model Ordinance for Providing Reasonable Accommodation Under Federal and State Fair Housing Laws ("Model Reasonable Accommodation Ordinance"), Mental Health Advocacy Services, Inc. (September 2003), available at https://www.hcd.ca.gov/community-development/building-blocks/program-requirements/address-remove-mitigate-constraints/docs/model_reasonable_accomodation_ordinance.pdf.
[70] Supplement to Initial Statement of Reasons for FEHC's Fair Housing Regulations at 26, quoting HUD DOJ May 17, 2004 Joint Statement on Reasonable Accommodations, available at https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2019/07/FairHousingReg-SupplementInitialStatementReasons.pdf.
[71] Cal. Code Regs., tit. 2, § 12178.

requested accommodations, allowing local officials to assess the request without probing into the occupants' private medical records or histories.[72]

3. **Denials of reasonable accommodation requests must be based on individualized assessments, and specific evidence, not generalized or speculative concerns about group homes or persons with disabilities.** The state's fair housing regulations provide specific guidance about the type of evidence required to meet this standard.[73]

5. Supportive Housing and Transitional Housing Requirements

If a group home operates in ways that fall within the statutory definitions of supportive housing or transitional housing, jurisdictions must also comply with Housing Element Law's specific protections of these types of housing. This section summarizes these protections, which are explained more fully in other HCD guidance documents, including:

- Housing Accountability Act Technical Assistance Advisory (Sep. 15, 2020),[74]
- Housing Element Building Blocks – Zoning for a Variety of Housing Types,[75]
- Senate Bill 2 – Legislation Effective January 1, 2008: Local Planning and Approval for Emergency Shelters and Transitional and Supportive Housing (Apr. 10, 2013 update),[76] and
- Transitional and Supportive Housing, Chapter 183, Statutes of 2013 (SB 745) (Apr. 24, 2014).[77]

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[72] *Id*; *Regional Economic Community Action Program, Inc. v. City of Middletown* (2d Cir. 2002) 294 F.3d 35, 47-48 & n.3, superseded on other grounds as stated in *Brooker v. Altoona Housing Authority* (W.D. Penn 2013) 2013 WL 2896814 at *9 n. 8.
[73] Cal. Code Regs., tit 2, § 12179.
[74] Available at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/hcd-memo-on-haa-final-sept2020.pdf.
[75] Available at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/zoning-variety-of-housing-types.
[76] Available at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-2-combined-update-mc-a11y.pdf.
[77] Available at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb745memo042414.pdf.

Supportive Housing Definition. Government Code section 65582, subdivision (g), defines supportive housing to mean housing that:

- has no limit on the length of stay;
- is linked to onsite or offsite services that assist residents in improving their health status, retaining the housing, and maximizing their ability to live and, where possible, work in the community; and
- is occupied by the "target population," which "means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act . . . and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people."[78]

Transitional Housing Definition. Government Code section 65582, subdivision (j), defines "transitional housing" to mean "buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance." Therefore, in contrast to supportive housing, transitional housing may limit the length of stay, is not required to provide supportive services (though may be linked to them), and is not limited to residents within the "target population."

Key Protections for Supportive and Transitional Housing. If a group home operates in ways that qualify it as either supportive or transitional housing, jurisdictions must comply with Housing Element Law's additional protections for these types of housing.

This includes the requirement that supportive and transitional 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 zone.*"[79] In other words, transitional housing and supportive housing are permitted in all zones allowing residential uses and are not subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single-family home, apartments) in the

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[78] Gov. Code, § 65582, subd. (i).
[79] Gov. Code, § 65583, subd. (c)(3), emphasis added.

same zone in which the transitional housing and supportive housing is located. For example, transitional housing located in an apartment building in a multifamily zone is permitted in the same manner as an apartment building in the same zone, and supportive housing located in a single-family home in a single-family zone is permitted in the same manner as a single-family home in the same zone.

In addition, if supportive housing meets the specifications of Government Code section 65650 et seq, it must be treated as "a use by right in all zones where multifamily and mixed uses are permitted . . . ."[80] By-right approval means that the use cannot require a conditional use permit or other discretionary review, even if a permit is required for other residential dwellings of the same type in the same zone.[81] This nondiscretionary (i.e., ministerial) approval requirement renders the proposed use statutorily exempt from the California Environmental Quality Act if the project "complies with written, objective development standards and policies."[82]

When supportive or transitional housing does require a permit of any type, the Housing Accountability Act limits jurisdictions' authority to deny the permit. These limits are discussed at length in HCD's Housing Accountability Act Technical Assistance Advisory (Sep. 15, 2020).[83]

6. State Law Provides Broader Protections Than Federal Law

The Legislature has specified that the FEHA may be interpreted broadly to provide "greater rights and remedies" than federal laws.[84] The Legislature has also emphasized that "[t]he law of this state in the area of disability provides protections independent from those in [federal law]," noting that California law "has always, even prior to passage of the federal [ADA], afforded additional protections."[85]

Examples of California providing "greater rights and remedies" than federal law include, among other things, state law's broader definitions of disabilities (e.g., only requiring a mere limitation of a major life activity for a mental or physical condition to qualify as a

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[80] *Id.*
[81] *Id.*
[82] Gov. Code, § 65651, subd. (b)(2); Pub. Resources Code, § 21080, subd. (b)(1); Cal. Code Regs., tit. 14, §§ 15002, subds. (i)(1), 15268(a).
[83] See *supra*, n. 74.
[84] Gov. Code, §§ 12955.6, 12993.
[85] Gov. Code, § 12926.1, subd. (a).

disability compared to federal law requiring a substantial limitation); prohibition of land use policies and practices that discriminate against housing designed for persons or families of very low, low, moderate, or middle income; requirements for how local governments must affirmatively support housing for persons with disabilities; specific requirements for supportive and transitional housing; and reasonable accommodations regulations.[86]

Therefore, federal laws set a floor, not a ceiling, for the fair housing rights that the state may provide through the FEHA, Anti-Discrimination in Land Use Law, and other state laws.[87] Likewise, although federal court decisions about federal fair housing laws can provide important guidance for interpreting state fair housing laws, their interpretations of state laws are not binding authority.[88] Confusion can arise if local governments assume that resolving whether a local land use policy or practice complies with federal law automatically resolves whether it complies with state law.

To avoid this confusion, local governments should follow these two general guidelines:

- **If a policy or practice violates federal fair housing law, it also likely violates state law.**
- **But the converse is not necessarily true**. If a policy or practice complies with federal fair housing laws, local governments should independently determine whether it complies with state law's broader protections.

7. Common Issues In Local Ordinances That Regulate Group Homes

HCD cannot anticipate all the issues that might arise if local governments attempt to regulate group homes through local land use laws. But the following are examples of some common ones that can arise.

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[86] See, e.g., Gov. Code, §§ 12926.1; 65008, subds. (a), (b); 65583, subds. (a), (c); Cal. Code Regs., §§ 12176-12185.
[87] See, e.g., Gov. Code, § 12926.1, subd. (a); *California Federal Sav. and Loan Ass'n v. Guerra* (1987) 479 U.S. 272, 285; 42 U.S.C. § 3615.
[88] See, e.g., Cal. Code Regs, tit. 2, § 11001, subd. (b).

A. Definitions of Single Housekeeping Units or Single-Family Homes

Zoning ordinances sometimes attempt to restrict or limit group homes in single-family residential zones (e.g., R-1) through definitions of single housekeeping units or single-family homes. Overly restrictive definitions risk violating not only state housing laws, but the California Constitution's protections of the rights of unrelated persons to live together in communal housing.[89]

Persons with disabilities choose to live in group homes because these homes provide peer and other support for their residents' disability-related needs, while helping to integrate residents into their communities. Group homes should be treated as single-housekeeping units if they are designed to foster these mutually supportive peer relationships; allow open-ended stays or at least, on average, stays of more than a few weeks; and provide shared kitchen, dining, living, and other spaces in which residents may, in certain homes, participate in basic, shared cooking and housekeeping activities.

In general, localities should avoid including provisions in definitions of shared-housekeeping units, single-family homes, or other single residential dwellings that:

- **Equate group homes with boardinghouses.** Group homes' shared communal purposes to provide peer and other support for their occupants' disability-related needs and to help integrate them into their local communities makes this an inapt comparison. Boardinghouses do not provide communal housing designed to support the needs of persons with disabilities.

- **Require all residents to share a common deed or lease**. The California Constitution's protections of personal privacy extend to individuals' choices to live together even when they are not joint owners or tenants.[90] And group homes can still provide a communal setting that supports their residents' needs without all residents being joint owners or tenants.

- **Automatically exclude group homes that are owned by for-profit businesses or that pay a house manager or resident to help manage a**

[89] See, e.g., *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123.
[90] See, e.g., *Coalition Advocating Legal Housing Options v. City of Santa Monica* (2001) 88 Cal.App.4th 451, 458-459.

home's operations. These are well-established models for group homes.[91] And persons with certain types of disabilities may need supportive, in-house staff to be able to live in a group home.

- **Overly scrutinize living arrangements** by, for example, requiring residents to take care of all housekeeping tasks, share all bathrooms and refrigerators, and eat all meals together, or by prohibiting locks on bedroom doors. Localities do not impose such conditions on families of related persons, who may live in R-1 neighborhoods even if they can afford to hire housekeepers or gardeners, do not share all bathrooms, decline or lack the time to eat all meals together, or choose to install locks on parents', teenagers', or other relatives' bedroom doors. And different types of group homes may require different living arrangements and provide different levels of housekeeping or other services based on their residents' individualized needs or other considerations.

B. Requirements that All Group Homes with More than Six Residents Must Obtain Permits to Locate in Single-Family Zones

Some local zoning ordinances require all group homes with more than six residents to apply for conditional use permits or obtain other special approvals to locate in single-family zones. These ordinances appear to be based on Health and Safety Code statutes that require local governments to treat many types of licensed group homes with six or fewer residents the same as single-family homes and prohibit requiring these small, licensed group homes to obtain conditional use permits or other special approvals to locate in single-family zones.[92]

But local policies that require *all* group homes with more than six residents to obtain conditional use or other permits inappropriately turn state laws designed to remove constraints on small, licensed group homes into constraints on the many other group homes that do not require state licenses.

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[91] Douglas L. Plocin and Diane Henderson, *A Clean and Sober Place to Live: Philosophy, Structure, and Purported Therapeutic Factors in Sober Living Homes*, 40 J Psychoactive Drugs (2008), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2556949/ (discussing how a "'strong manager' model of operations" can function in ways that provide the same or similar benefits of a communal environment and peer support as group homes that residents own and operate themselves).

[92] See, e.g., Health & Saf. Code, §§ 1566.3, 1569.85,11834.23.

To comply with the Health and Safety Code's exemptions for small, licensed group homes and with housing element, AFFH, and fair housing requirements to remove constraints on and prevent discrimination against group homes, local governments should follow these guidelines:

- **Group homes that operate as single-family residences and that do not provide licensable services should be allowed in single-family neighborhoods, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences.** This is true even if these homes have more than six residents. Because these homes are not providing licensable services, they should be treated the same as other residences.[93]

- **Group homes that operate as single-family residences and that provide licensable services to six or fewer residents should be allowed in single-family neighborhoods, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences.** This complies with, among other things, the Health and Safety Code protections for these smaller, licensed group homes.

- **Group homes operating as single-family residences that provide licensable services to more than six residents may be subject to conditional use or other discretionary approval processes.** Local governments must still provide flexible and efficient reasonable accommodations in these permitting processes. This means that some requests for exceptions to permitting processes should be resolved through reasonable accommodation procedures instead of conditional use procedures.[94] In addition, any substantive requirements for these group homes must still comply with the local government's obligations to remove constraints on housing for persons with disabilities, affirmatively support it, and prevent discrimination against it. The next sections provide further guidance on how to meet these obligations.[95]

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[93] See also *supra* at pp. 20-22 (discussing specific protections for supportive and transitional housing).
[94] See, e.g., Letter from Attorney General Bill Lockyer to The Hon. William Hartz, Mayor of Adelanto (May 15, 2001) (explaining that relying on conditional use procedures to address reasonable accommodation requests can lead to fair housing violations).
[95] Although the Group Home TA focuses on group homes operating as single-family residences, the same principles apply to those operating, for example, as multifamily residences in multifamily zones.

C. Retroactive Compliance

Zoning codes typically allow uses that began lawfully before a new zoning provision was adopted or amended to continue after these new requirements are imposed, with the concept of legal nonconforming existing uses found in almost all zoning codes. For example, a local government may change zoning requirements to disallow auto repair uses in the downtown area. An existing auto repair shop would continue to be allowed to continue to operate because at the time when the use began it was an allowable use.[96]

Local governments should generally treat existing group homes similarly when amending their zoning codes. Retroactive application of new zoning provisions should be avoided, especially if it will displace persons with disabilities from the homes they have chosen. Any exception to the well-established practice of allowing legal non-conforming uses to continue should be supported by substantial analysis and evidence showing that it is required to protect public health, safety, and welfare. This analysis and evidence should include specific local data and evidence, not merely anecdotal reports about problems that have arisen at some group homes or generalized descriptions of the public health, safety, and welfare interests that the new amendments are designed to serve.

D. Spacing Requirements

Spacing requirements restrict group homes from locating within a specific distance of other group homes. Local governments should be very wary about imposing spacing requirements that extend beyond the limited requirements the Legislature has deemed necessary to prevent the overconcentration of certain licensed facilities to ensure their residents are integrated into their communities.

The Legislature has found spacing requirements justified only for specific types of licensed facilities. Community care facilities, intermediate care facilities serving persons with developmental disabilities who require intermittent but recurring skilled nursing care, and pediatric day health and respite care facilities that provide services to children with particularly acute or chronic healthcare needs and their parents or guardians must be separated by at least 300 feet. Congregate living health facilities serving persons with terminal or life-threatening illnesses or with catastrophic or severe disabilities

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[96] See, e.g., *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 552; *Edmonds v. Los Angeles County* (1953) 40 Cal.2d 642, 651.

acquired through trauma or nondegenerative neurologic illness must be separated by at least 1,000 feet.[97]

Further limiting these spacing requirements, the Legislature has specified that they:

- apply to some types of licensed facilities, but not to others. For example, the spacing requirements apply only to some types of intermediate care facilities but not to AOD facilities or to residential care facilities for the elderly;
- apply to proposed, new facilities, not existing ones;
- only require separation of facilities with similar licenses; and
- allow closer spacing based on local needs and conditions.[98]

Contrary to these carefully crafted limitations on spacing requirements, some local governments have imposed spacing requirements on recovery residences, including those already in operation. These spacing requirements are very unlikely to withstand scrutiny under state housing laws. Among other things:

- **They are at odds with the Legislature's narrowly crafted spacing requirements in section 1267.9.**
- **They can conflict with local governments' obligations to, for example, remove constraints on housing for persons with disabilities, affirmatively support such housing, avoid policies that displace persons with protected characteristics, and affirmatively support their right to live where they choose.**[99]
- **They are very hard to justify based on the narrow exceptions that state fair housing laws allow for facial discrimination.** Justifications based on the goal of avoiding overconcentration are difficult to establish and require substantial and detailed statistical evidence establishing that an overconcentration of recovery residences has reached the point where it is, for example, creating an institutionalized living environment or perpetuating segregation within specific

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[97] Health & Saf. Code, §§ 1267.9, subd. (b) (setting spacing requirements for these types of community care residential facilities), 1502 (defining facilities that are subject to 300-foot spacing requirements), 1250 (defining facilities subject to 1000-foot spacing requirements).
[98] Health & Saf. Code, § 1267.9.
[99] See, *supra,* at pp. 9-12.

neighborhoods or communities. Merely comparing the number of recovery residences in one city with the number in others generally will not suffice.[100]

- **They can lack the flexibility required to reasonably accommodate recovery residences and their occupants' disability-related needs.**

- **The Legislature has repeatedly rejected attempts to impose spacing requirements on recovery residences.** As recently as 2018, for instance, the Legislature declined to adopt SB 786, a bill that would have imposed a 300-foot spacing requirement on recovery residences.[101] The legislative history shows that the Legislature considered the lack of clear data showing that this spacing requirement would benefit persons recovering from alcohol and drug addiction. The Legislature also considered concerns that this spacing requirement would discriminate on the basis of disability, impede opening new recovery residences, reduce access to much needed recovery and treatment services, and stigmatize recovery residences and their occupants.[102]

In sum, local governments should avoid imposing spacing requirements that extend beyond those specified in Health and Safety Code section 1267.9.[103]

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[100] See, *supra,* at pp. 15-16. Spacing requirements like this also need to withstand scrutiny under other standards for assessing intentional discrimination or discriminatory effects. See, *supra,* at pp. 12-19.

[101] Sen Bill No. 786 (2017-2018 Reg. Session). This bill is one of many times that the Legislature has declined to enact, or the Governor has vetoed bills attempting to regulate recovery residences. See, e.g., Sen. Com. on Health, analysis of Sen. Bill 786 (2017-2018 Reg. Sess.) at 7-8 (listing several other bills with similar provisions that the died in the Legislature between 2006 and 2007); California Research Bureau, *Sober Living Homes in California: Options for State and Local Regulation* (October 2016) at 14-16 (listing over 20 bills affecting recovery residences introduced between 1998 and 2016 that the Legislature did not pass or the Governor vetoed).

[102] Sen. Com. on Health Analysis of Sen. Bill 786 at 6, 8-9.

[103] Recent federal court decisions rejecting challenges under federal and California laws to spacing requirements for recovery residences have not considered the important differences between state and federal laws. See, e.g., *Yellowstone Women's First Step House, Inc. v. City of Costa Mesa* (C.D. Cal. Oct. 8. 2015) 2015 WL 13764131 at *7-8, affirmed in part and vacated in part, 2021 WL 4077001 (9th Cir. Sep. 8, 2021) (unpublished, nonprecedential decision). These differences include, for example, the affirmative duties that California's Housing Element Law imposes on local governments and the broader rights and remedies for persons with disabilities under California's fair housing laws. See, *supra,* at pp. 22-23.

E. Occupancy Limits and Building, Fire, or Other Health and Safety Code Requirements

Subject to the Legislature's requirements for specific types of licensed facilities, such as those serving persons with limited mobility, and to requests for reasonable accommodations, local governments should apply the same generally applicable occupancy limits to group homes that they do to other housing. Under the Uniform Housing Code section 503.2, at least one room in a dwelling unit must have a floor area of at least 120 square feet, with other habitable rooms, except kitchens, required to have a floor area of at least 70 feet. When more than two people occupy a room for sleeping purposes, the required floor area increases by 50 square feet. For example, a bedroom intended for two people could be as small as 70 square feet, while a bedroom would need to be at least 120 square feet to accommodate three people or at least 170 square feet to accommodate four people.

Likewise, to avoid imposing overly costly and burdensome constraints on group homes, the best practice is to apply the same general building, fire, and other health and safety codes that apply to other residences, subject to state health and safety code provisions specific to certain types of residential facilities.[104] Although group home operators may request reasonable accommodations from public health and safety standards, fair housing laws allow local governments to deny these requests if, among other things, they would cause direct threats to public health and safety.

F. Requirements For Operators and Residents

Requirements for operators and residents often take the form of specific services or management practices that the local jurisdiction feels are necessary for the successful operation of group homes. These requirements tend to deal with the internal affairs of the operations and frequently involve issues beyond those in typical land use regulations. For example, local jurisdictions do not typically regulate the number of daily visitors to a single-family home or other residential property.

When applied to group homes, these types of regulations raise concerns that a local government is imposing conditions on them that are contrary to its duties to support housing for persons with disabilities, prevent discrimination on the basis of disability or other protected characteristics, and provide reasonable accommodations.

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[104] See, e.g., Health & Saf. Code, § 13113 (requiring sprinkler systems in certain licensed residential facilities).

Before adopting or applying any such regulations even for licensed group homes, local governments should analyze whether they are consistent with state housing laws and document this analysis. Local governments should also consider whether such regulations are consistent with the Health and Safety Code's provisions and regulations for licensed facilities.

Although this Group Home TA cannot address all potential issues regarding potential regulations of operators and residents, the following are examples of requirements taken from recent local ordinances:

Imposing Special Parking Requirements on Group Homes. Requiring group homes to have or construct additional off-street parking spaces can impose considerable costs that constrain housing opportunities for persons with disabilities. These special parking requirements will often conflict with the right to privacy under the California Constitution,[105] as well as local governments' obligations to affirmatively support housing for persons with disabilities and avoid discriminating against them. Jurisdictions imposing additional parking requirements assume that group homes serving adults will have more residents who drive and will therefore use more on-street parking than other households. But these assumptions should at the very least be tested by studying the actual causes and extent of on-street parking shortages in an area.[106] Local governments should also consider less discriminatory alternatives, such as street-parking permit systems for all households or other generally applicable parking and vehicle regulations.

Restricting Recovery Residence Occupants to Persons Actively Participating in Recovery Programs. While most occupants of recovery residences participate in recovery programs, local governments should not impose this as a condition of living in a recovery residence. There are different models of recovery, not all of which involve participating in 12-step or similar programs. And recovering from alcoholism or drug addiction is legally recognized as a protected disability regardless of whether someone has participated or is currently participating in a recovery or treatment program.[107]

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[105] *Adamson*, *supra,* 27 Cal.3d at 133 (concluding that parking concerns are best addressed by limitations that "appl[y] evenly to all households" and concluding that zoning ordinances are suspect when they focus on users instead of uses).
[106] See, e.g., Lauber, *supra*, n. 16 at 385 & n. 52 (citing studies finding that group homes do not generate undue amounts of parking or traffic).
[107] *Hernandez v. Hughes Missile System Co.* (9th Cir. 2004) 362 F.3d 564, 568; HUD – DOJ 2016 Jt. Stmt. on Local Land Use Laws at 7-8.

Restricting Occupancy Exclusively to Persons with Disabilities. Regulations restricting group home occupancy exclusively to persons with disabilities or with a specific disability may sometimes intrude on individuals' fair housing choices and privacy rights. They also risk discriminating on the basis of other protected statuses. Inflexible occupancy restrictions, for example, could preclude group homes designed for families in which one member has a disability or recovery residences designed for parents in recovery who are seeking to reunite with their children.

Restricting Occupants or Staff from Homes Based on Their Criminal History Records. Policies that prohibit individuals from living in or working at group homes based on individuals' criminal history records may be intended to protect the occupants of these homes. But local governments contemplating adopting or applying such policies should carefully review California Code of Regulations, title 2, sections 11017.1; 12162, subdivision (b); and 12264-12271, which set parameters on using criminal history information that, among other things, restrict access to employment or housing. Local governments should also consider state laws and regulations that apply to criminal background checks for licensed facilities' employees.[108]

Requiring Recovery Residences or AOD Facilities to Immediately Remove Occupants Who Violate Policies Prohibiting Alcohol or Drug Use. Although Health and Safety Code section 11834.26, subdivision (d), requires AOD facilities to plan how to address a resident's relapse, that subdivision clarifies that this "does not require a licensee to discharge a resident." This recognizes that approaches to addressing someone's relapse may vary depending on a recovery residence's or AOD facility's program, the circumstances of the relapse, and an individual's personal history and needs. Local policies should allow the same flexibility. Moreover, requirements to immediately remove relapsing residents with tenancy rights may conflict with landlord-tenant laws.

Other Examples

- **House Manager Requirements**—requiring group homes to have a house manager on site around the clock or always available to come to the residence within 30 or 45 minutes.
- **Visitor Restrictions**—requiring group homes to limit who can visit and under what conditions.

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[108] See, e.g., Health & Saf. Code §§ 1522, 1569.17, 11834.27; Cal. Code Regs., tit. 9, §§ 10564, 10615, 10624, tit. 22, §§ 80019-19.2.

- **Records Maintenance**—requiring group homes to maintain specific records about the internal affairs or occupants of the house.
- **Codes of Conduct**—requiring group homes to have special conduct codes for their residents.
- **Neighborhood Notice Requirements**—imposing special neighborhood notice requirements on group homes.
- **Law Enforcement Registration Requirements**—requiring group homes to register with the local sheriff's office or other law enforcement offices.

Regulations like these can be based on mistaken or prejudicial fears about group homes, instead of actual data and evidence. Particularly in light of research finding that fears about group homes endangering neighbors' health and safety are unfounded, [109] such provisions may in themselves be regarded as evidence that a local government is not complying with its requirements to affirmatively support housing for persons with disabilities and prevent discrimination against group homeowners, operators, and residents.

Regulations like these can also create unnecessary constraints on group homes by imposing overbroad, additional costs and burdens on the many group homes that capably serve their occupants' needs and seamlessly integrate into their communities. They can intrude on privacy rights. They can discriminate on the basis of disability or other protected characteristics if, for example, requirements like these are imposed on group homes but not on other housing. For these reasons, among others, regulations like these generally conflict with state housing laws.

G. Civil Actions for Operating Without a Required State License

Some categories of group homes, such as all those serving children, require state licenses. But many, if not most, group homes do not require state licenses to operate. These include, for example, group homes that provide peer support and limited services to residents but not the more extensive care and supervision that requires obtaining a license. Recovery residences that do not provide alcoholism or drug addiction recovery or treatment services are other examples of group homes that do not require licenses.

Examples of group homes that do require licenses include the ones in this table:

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[109] See, *supra,* nn. 15-16.

Use	Health and Safety Code Sections	Licensing Agency
Community Care Residential Facilities (including various subcategories)	§ 1500 et seq. & § 1569 et seq., e.g.,	California Department of Social Services (CDSS)
AOD Facilities	§ 11834.01 et seq.	California Department of Health Care Services (DHCS)

Some local governments have amended their zoning ordinances to declare that operating a business without a required state license is a public nuisance. Some of these ordinances single out recovery residences that are providing recovery or treatment services without a license. These jurisdictions file civil actions seeking to abate these nuisances by closing some noncompliant recovery residences, requiring others to obtain the required license, or imposing limitations on recovery residences that were not providing recovery or treatment services.

Local governments have discretion to define as public nuisances' business or construction activities that are undertaken without a required permit or license. And at least one California appellate court has upheld a city's public nuisance action against a recovery residence where the owners' own website advertised that they provided on-site drug addiction treatment services.[110]

But jurisdictions considering adopting this practice should still carefully assess the issues and problems that can arise under state law. Guidelines for local governments considering this include the following:

- **Avoid targeting these nuisance actions on group homes operating without required licenses while ignoring other businesses operating in residences without required licenses.** Although public prosecutors have broad discretion to prioritize which violations or violators to prosecute, they cannot use this discretion in ways that discriminate on the basis of disability or other protected characteristics. Jurisdictions should not single out group homes unlawfully operating without required licenses while ignoring businesses doing the same thing in other residences.

[110] *City of Dana Point v. New Method Wellness, Inc.* (2019) 39 Cal.App.5th 985.

- **Give group homes the same opportunities to respond to and resolve alleged code violations as other alleged violators.** For example, if other property owners or businesses are allowed to respond to and resolve alleged code violations during investigations or administrative hearings, those same procedures should apply to group homes that are allegedly providing services that require a license without having obtained one.

- **Use the processes available through DHCS and CDSS, for example, for resolving allegations that a group home is operating without a required license**. If a locality has evidence that a residence is providing unlicensed recovery or treatment services in facilities under DHCS's jurisdiction or unlicensed care or supervision for residents in facilities under CDSS's jurisdiction, it should use these departments' processes for investigating such complaints and abating them if they have merit.[111] This is especially important when group home operators have not openly admitted that they are providing unlicensed services on-site.

  Determining what activities at a group home rise to the level of licensable services, in contrast to common policies or mutual support activities that do not require licenses, can involve nuanced and technical issues that are beyond the expertise of most local planning or code enforcement staff. DHCS's and CDSS's staff have the expertise and experience to investigate these claims, make these determinations, and abate violations of the licensing laws they enforce.

  If jurisdictions are filing their own, more costly civil actions to resolve disputes over whether a group home requires a license, this runs the risk of courts issuing mistaken rulings without the benefit of DHCS's or CDSS's findings and expertise.[112] It also raises questions under state housing laws about why a local government is not availing itself of DHCS's or CDSS's procedures and opting instead to subject a group home to more expensive and burdensome civil litigation.

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[111] See, e.g., Cal. Code Regs., tit. 9, § 10542, tit. 22, § 80006.
[112] *Cf. Farmers Ins. Exchange v. Superior Court* (1992) 2 Cal.4th 377, 390 (explaining that under primary jurisdiction doctrine, courts may suspend proceedings to allow an administrative agency with specialized expertise to determine an issue within the scope of its regulatory authority).

H. Enforcing Generally Applicable Municipal Codes and Other Laws

If group home operators are engaging in activities that constitute public nuisances; violating generally applicable building, housing, or other health and safety laws; committing fraud; or engaging in other illegal activities, local governments can address these issues through the same code enforcement and other legal processes they apply to others who violate municipal codes and other laws. This may still require considering if reasonable accommodations are appropriate in some circumstances. And local governments should avoid overbroad or discriminatory applications of nuisance laws, such as basing nuisance actions on 911 calls for emergency services.[113] But if a group home is found to have violated local or state law, local governments may seek equitable relief that could include more stringent oversight and other affirmative relief to prevent further violations.

Focusing on individual group homes that are actually causing problems is a better practice than adopting overly broad and constraining regulations for all group homes that conflict with state housing laws.

8. Resource Materials and State Contacts

Resource Materials

Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements (April 2021 Update), available at https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

Housing Accountability Act Technical Assistance Advisory, HCD (Sep. 15, 2020), available at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/hcd-memo-on-haa-final-sept2020.pdf

Housing Element Building Blocks, HCD, available at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks

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[113] See. e.g., Cal. Code Regs., tit. 2, § 12162, subd. (a); United States Department of Housing and Urban Development, Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances (Sep. 13, 2016), available at https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF.

Housing Element Building Blocks – Constraints for People with Disabilities, HCD, available at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/constraints-people-disabilities

Housing Element Building Blocks – Persons with Disabilities, HCD, available at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/people-disabilities-including-developmental-disabilities

Housing Element Building Blocks – Zoning for a Variety of Housing Types, HCD, available at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/zoning-variety-of-housing-types

Joint Statement of the Department of Housing and Urban Development and the Department of Justice – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act, HUD - DOJ (Nov. 10, 2016), available at https://www.justice.gov/opa/file/912366/download

Senate Bill 2—Legislation Effective January 1, 2008: Local Planning and Approval for Emergency Shelters and Transitional and Supportive Housing, HCD (Apr. 10, 2013 update), available at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-2-combined-update-mc-a11y.pdf

Transitional and Supportive Housing, Chapter 183, Statutes of 2013 (SB 745), HCD (Apr. 24, 2014), available at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb745memo042414.pdf

Contacts

HCD

HCD accepts requests for technical assistance from local jurisdictions and requests for review of potential violations from any party. All comments submitted to HCD are subject to the California Public Records Act. Send email requests to: ComplianceReview@hcd.ca.gov.

California Department of Health Care Services (DHCS)

Information about DHCS's complaint process for licensing issues at AOD facilities is available at https://www.dhcs.ca.gov/individuals/Pages/Sud-Complaints.aspx, by emailing sudcomplaints@dhcs.ca.gov, or by calling (877) 685-8333.

California Department of Social Services (CDSS)

Information about CDSS's complaint process for licensing issues at facilities that it regulates is available at https://www.cdss.ca.gov/reporting/file-a-complaint/ccld-complaints or by calling (844) 538-8766.

EXHIBIT 4

Electronically Filed by Superior Court of California, County of Orange, 05/29/2020 07:47:39 PM.
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[Exempt From Filing Fee Government Code § 6103]

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

ASSIGNED FOR ALL PURPOSES TO: Judge John C. Gastelum

CITY OF COSTA MESA, a municipal corporation; and the PEOPLE OF THE STATE OF CALIFORNIA, by and through the City Attorney for the City of Costa Mesa,

Plaintiffs,

vs.

THE OHIO HOUSE LLC, a California limited liability company; BRANDON STUMP, an individual; RYAN STUMP, an individual; EDIE JOHNSON, an individual; JAMES ACKERMAN, an individual; SHARON ACKERMAN, an individual; and DOES 1-50,

Defendants.

Case No.
30-2020-01146835-CU-OR-CJC

COMPLAINT FOR:

1) PRELIMINARY AND PERMANENT INJUNCTION; AND

2) NUISANCE ABATEMENT

Plaintiffs CITY OF COSTA MESA, a municipal corporation in the County of Orange ("the City") and the PEOPLE OF THE STATE OF CALIFORNIA ("the People"), by and through the

City Attorney for the City (collectively, "Plaintiffs"), bring this action against Defendants THE OHIO HOUSE LLC, a California limited liability company; BRANDON STUMP, an individual; RYAN STUMP, an individual; EDIE JOHNSON, an individual; JAMES ACKERMAN, an individual; SHARON ACKERMAN, an individual; and DOES 1-50 (collectively, "Defendants"), for allowing and maintaining a public nuisance(s), including through the operation of a purported sober living home business on real properties in the City in violation of the Costa Mesa Municipal Code.

PRELIMINARY AND GENERAL ALLEGATIONS

1. The City is a municipal corporation, duly organized and existing as a general law city under the laws of the State of California, and located in the County of Orange.

2. Plaintiffs are informed and believed, and based thereon allege, that THE OHIO HOUSE LLC ("Ohio House") is a California limited liability company that currently, and at all times herein relevant, operates and/or maintains real properties located in the City as purported sober living home businesses, group homes, and/or licensed treatment or care facilities, including, but not limited to, 115 East Wilson Street, Units A, B, C, D and E, Costa Mesa, California 92627 ("the Subject Property"), since at least 2015.

3. The Subject Property is located in one of the City's multi-family R2-MD zones.

4. Plaintiffs are informed and believe, and based thereon allege, that BRANDON STUMP and RYAN STUMP are individuals who currently, and at all times herein relevant, serve as owners, partners, shareholders, directors, employees and/or agents of Ohio House, and in such capacity, manage and control real properties in the City as purported sober living home businesses, group homes, and/or licensed treatment or care facilities, including, but not limited to, the Subject Property, which they allow and maintain for Defendants to use unlawfully as a purported sober living home business.

5. Plaintiffs are informed and believe, and based thereon allege, that BRANDON STUMP is an individual who has at all times herein relevant been the owner of the improved real properties located at 115 East Wilson Street, Units C and D, Costa Mesa, California 92627, identified respectively as Assessor's Parcel Numbers 439-271-47 and 439-271-46.

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6. Plaintiffs are informed and believe, and based thereon allege, that EDIE JOHNSON is an individual who has at all times herein relevant been the owner of the improved real properties located at 115 East Wilson Street, Units A and E, Costa Mesa, California 92627, identified respectively as Assessor's Parcel Numbers 439-271-49 and 439-271-45.

7. Plaintiffs are informed and believe, and based thereon allege, that JAMES ACKERMAN and SHARON ACKERMAN are individuals who have at all times herein relevant been the owners of the improved real property located at 115 East Wilson Street, Unit B, Costa Mesa, California 92627, identified as Assessor's Parcel Number 439-271-48.

8. Plaintiffs are informed and believe, and based thereon allege, that the owners of the five units comprising the Subject Property are aware of and have consented to the unpermitted operations and activities occurring at the Subject Property in violation of the City's zoning code.

9. The true names and capacities of Defendants sued herein as DOES 1-50 are unknown to Plaintiffs who, therefore, sue each Defendant by such fictitious names and will amend this Complaint to show their true names and capacities at such time as they are ascertained. Plaintiffs are informed and believe, and based thereon allege, that each of the Defendants designated herein as a DOE is legally responsible in some manner for the events alleged in this Complaint.

10. The City Attorney brings this action by and at the direction of the City Council of the City.

11. Plaintiffs bring this action under California Civil Code §§ 3494, 3496, 3479, and 3480; California Code of Civil Procedure § 731; and Costa Mesa Municipal Code ("CMMC") §§ 9-370 *et seq.*, 13-310 *et seq.*, 20-1 to 20-5, 20-11 to 20-33, and 13-16.

12. Plaintiffs seek to enjoin Defendants from engaging in the conduct alleged in this Complaint, including but not limited to the operation of any non-compliant sober living home, group home, and/or licensed treatment or care facilities anywhere throughout the City and to recover attorney's fees, costs and/or penalties relating to this enforcement action as permitted by law.

13. Plaintiffs are informed and believe, and based thereon allege, that all of the actions

of Defendants alleged herein have occurred, been carried out or furthered the violations of law at or in connection with the Subject Property and/or purported sober living home business, group homes, and/or licensed treatments or care facilities impermissibly operated by Defendants and/or are associated with Ohio House and its business operations throughout the City, which include violations of law. Defendants' violations of laws, including but not limited to, violations of the California Business & Professions Code, Insurance Code, Penal Code, Health & Safety Code, etc. have created a public nuisance(s) and/or contributed to the public nuisance presented by the operation and maintenance of unpermitted, purported sober living home businesses, group homes, and/or licensed treatment or care facilities at the Subject Property and throughout the City, which nuisances and violations of law are sought to be restrained by this action.

14. All Defendants are directly responsible for the activities occurring on the Subject Property as set forth below, are responsible for continuing violations of the laws and public policy of the State of California and/or local codes, regulations and/or requirements applicable to Defendants' operations and activities throughout the City, including on the Subject Property, and/or have permitted, allowed, caused or indirectly furthered the activities at the Subject Property alleged herein, and Defendants' use of and activities at the Subject Property, or allowance of such uses and activities, are inimical to the rights and interests of the general public and constitute unlawful business practices, nuisances and/or violations of law.

15. Venue is proper in this judicial district because the Subject Property is located in this judicial district.

BACKGROUND FACTS

16. Upon enacting Ordinance No. 15-11, effective November 17, 2015, the City Council for the City found, inter alia, that the unregulated proliferation of sober living and group homes in the City is detrimental to the City's zoning goals and interest in preserving desired characteristics of a residential neighborhood. Further, the City Council found that because of their extremely transient populations, above-normal numbers of individuals/adults residing in a single dwelling and the lack of regulations, sober living and group home facilities present problems not typically associated with more traditional residential uses, including, but not limited to, the

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housing of large numbers of unrelated adults who may or may not be supervised; disproportionate numbers of cars associated with a single housing unit, which causes disproportionate traffic and utilization of on-street parking; excessive noise and outdoor smoking, which interferes with the use and enjoyment of neighbors' use of their property; neighbors who have little to no idea who does and does not reside in the home; little to no participation in community activities that form and strengthen neighborhood cohesion; a history of opening facilities in complete disregard of the CMMC and with little regard for impacts to the neighborhood; disproportional impacts from the average dwelling unit to nearly all public services, including sewer, water, parks, libraries, transportation infrastructure, fire and police; a history of congregating in the same general area; and the potential influx of individuals with a criminal record.

17. Under the CMMC, a "property" is defined as any single development lot that has been subdivided bearing its own assessor's parcel number or with an approved subdivision map or condominium map. A sober living home may only occupy a single parcel. CMMC § 13-321.

18. CMMC § 13-323 requires a Conditional Use Permit ("CUP") to operate a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven or more occupants in the City's R-2 or R-3 residential zones, subject to the conditions outlined in CMMC § 13-323. CUPs run with the land and, if granted, may allow a group home to operate in perpetuity on the parcel of land.

19. CMMC 13-323(b) requires that a group home with seven or more residents be located at least 650 feet from any property that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line.

20. Defendants are in violation of the City's group home requirements primarily for continuing to operate a purported sober living home business on the Subject Property without a valid CUP. Such conduct is a nuisance per se, subject to abatement, as a matter of law.

21. The Subject Property is used by Ohio House with the permission of the property owners, Defendants BRANDON STUMP, EDIE JOHNSON, JAMES ACKERMAN and SHARON ACKERMAN, as a purported sober living home business consisting of 40-45 beds for individuals purportedly recovering from alcohol and/or drug addiction. It is located within 650

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feet of at least one property that contains a group home, sober living home or state-licensed drug and alcohol treatment facility.

22. The Subject Property is subject to the Operator's Permit and CUP requirements of Title 9 of the City's zoning code.

23. Ohio House began operating a purported sober living home business on the Subject Property purportedly in 2015. The facility consists of five units within two-story buildings on individually-owned lots, with each individual lot owner also being part owner of a commonly-held lot and part of a joint homeowners association.

24. Pursuant to Ordinance No. 15-11, Defendants applied for CUP PA-17-10 ("PA-17-10") to allow Ohio House to operate a purported sober living home business on the Subject Property serving up to 45 adults, and 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.

25. On October 27, 2017, Ohio House requested a reasonable accommodation to deviate from various land use requirements of the CMMC at the Subject Property.

26. On November 27, 2017, the City's Director of Economic and Development Services ("the Director") considered and denied Ohio House's request for a reasonable accommodation.

27. The Ohio House appealed the Director's decision to the City's Planning Commission.

28. On February 11, 2019, the Planning Commission heard the appeal and voted to adopt Resolution No. PC-19-05, upholding the Director's denial of the reasonable accommodation and denying PA-17-10.

29. Ohio House appealed the Planning Commission's decision to the City Council.

30. On August 6, 2019, the City Council heard the appeal and voted to adopt Resolution No. 19-41, upholding the decision of the Planning Commission to deny a reasonable accommodation request to deviate from certain land use requirements of the zoning code and to deny PA-17-10 to allow Ohio House to operate a purported sober living home facility serving up to 45 adults at the Subject Property.

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31. On August 9, 2019, the City sent Defendants notice of the City Council's decision, advising them that any judicial review of the decision is governed by California Code of Civil Procedure § 1094.5 and must be brought within the 90-day limitations period contained in California Code of Civil Procedure § 1094.6. The City also provided notice to Defendants to cease operations of the purported sober living home business by September 8, 2019.

32. Defendants have failed to comply with the City's notice to cease operations and Ohio House continues to operate its purported sober living home business at the Subject Property.

33. Since the City's notice to cease operations, the City has issued Defendants at least 30 administrative citations for violations at the Subject Property, including violations of CMMC §§ 13-26, 13-323, and 20-12(ii). These citations have not been paid. These citations were not appealed and the time for appeal has lapsed.

34. The City has confirmed through its Code Enforcement investigation that Defendants continue to operate a purported sober living home business at the Subject Property without a CUP and without City approval to the present day.

35. Except for one of its properties, Ohio House has not obtained any Special Use Permits ("SUP") or CUPs to operate any other purported sober living home business, group home, and/or licensed treatment or care facility in the City. Nonetheless, Ohio House is also operating multiple purported sober living home businesses, group homes, and/or licensed treatment or care facilities throughout the City potentially without necessary permits, including, but not limited to, 1578 and 1589 San Bernardino Place, Costa Mesa, California 92627 and 2175 Tustin Avenue, Units A and B, Costa Mesa, California 92627.

36. Under a separate entity, Chadwick House, LLC, BRANDON STUMP and RYAN STUMP are also operating other purported sober living home businesses, group homes, and/or licensed treatment or care facilities in the City subject to the City's zoning ordinances, including, but not limited to, 334 and 336 Tours Lane, Costa Mesa, California 92627. Pursuant to the City's group home requirements, they have applied for, but have not yet obtained, either a SUP or CUP to operate either of these businesses.

37. Plaintiffs are informed and believe, and based thereon allege, that Defendants are

operating multiple purported sober living home businesses, group homes, and/or licensed treatment or care facilities throughout the City as nuisances and/or public nuisances per se, subject to abatement as a matter of law, including for violating various other relevant laws, including, but not limited to, California Business and Professions Code §§ 650(a), 2400 and 2052; California Insurance Code § 750(a); California Penal Code §§ 550(a), 182(a), and 31; and the Health & Safety Code.

FIRST CAUSE OF ACTION

PUBLIC NUISANCE

(Preliminary and Permanent Injunction)

(Against All Defendants and DOES 1-50)

38. Plaintiffs re-allege and incorporate herein by reference the allegations in the prior paragraphs.

39. This action is brought pursuant to § 731 of the California Code of Civil Procedure, by and through the City, in the name of the People of the State of California, to abate a public nuisance, as well as by the authority granted in California Civil Code §§ 3494, 3496, 3479, and 3480 and CMMC §§ 9-370 *et seq.*, 13-310 *et seq.*, 20-1 to 20-5,20-11 to 20-33, and 13-16.

40. All Defendants have allowed and maintained a continuing public nuisance and/or public nuisance per se on the Subject Property and otherwise as alleged herein for at least the past several years, and continuing presently. Plaintiffs are informed and believe, and based thereon allege, that the circumstances constituting a public nuisance and/or public nuisance per se, as alleged herein, may have been going on since at least 2015 or earlier.

41. At the time of trial, Plaintiffs will move this Court to amend this Complaint to include any conditions discovered or occurring after the filing of this Complaint.

42. Unless restrained by this Court's issuance of injunctive relief as requested herein, Defendants will continue to maintain said public nuisances and/or public nuisances per se in violation of law.

43. Defendants' wrongful conduct alleged herein, and/or shown by evidence, constitutes a serious threat to the general health, safety, and welfare of the City and its residents

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and, in particular, the residents surrounding the Subject Property or other nuisances, and their peaceable and safe enjoyment of their properties.

44. Unless and until these activities are restrained by this Court, they will continue to cause great and irreparable injury to the residents of the neighborhood, in that their peace and tranquility are being, and have been, disturbed, and the health and safety of the public is jeopardized by the purported sober living home business engaging, and continuing to engage, in activities at and/or in connection with the Subject Property and/or associated with Ohio House and its business operations throughout the City, which include violations of law, that are a detriment to the public and neighborhood and constitute a public nuisance and/or public nuisance per se.

45. Plaintiffs have no plain, adequate, or speedy remedy at law; and Defendants have demonstrated a clear unwillingness and/or inability to cease to unlawfully operate the purported sober living home businesses, group homes, and/or licenses treatment or care facilities, including on the Subject Property, in a manner that is compliant with the law and/or consistent with the City's legitimate interest in achieving its zoning goals and preserving the residential character of its neighborhoods.

46. Based upon California Civil Code § 3496, or as otherwise may be provided by law, the City is entitled to recover its costs, including law enforcement costs and attorneys' fees, and/or penalties for prevailing in this action.

SECOND CAUSE OF ACTION

MAINTENANCE OF PUBLIC NUISANCE

BY VIOLATING COSTA MESA MUNICIPAL CODE

(Against All Defendants and DOES 1-50)

47. Plaintiffs re-allege and incorporate herein by reference the allegations in the prior paragraphs.

48. Plaintiffs are informed and believe, and based thereon allege, that Defendants' maintenance and use of the Subject Property, as well as other real properties throughout the City, in the condition described herein constitutes a continuing public nuisance under CMMC §§ 13-17, 20-11, and 20-12 and Government Code § 38771. Defendants have caused and continue to

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maintain a public nuisance at the Subject Property, and others, by operating a purported sober living home business, group home, and/or licensed treatment or care facility in violation of the CMMC, specifically, Title 9 and Chapter XV of Title 13, Chapter III of Title 20 and §§ 20-1, 20-4, and 20-5.

49. Plaintiffs are informed and believe, and based thereon allege, that Defendants' continuing violations of the laws and public policy of the State of California as described herein constitute a continuing public nuisance, subject to abatement, as a matter of law, under CMMC §§ 13-17, 20-11, and 20-12 and Government Code § 38771.

50. CMMC § 13-16 permits the City to enjoin, by civil action, public nuisances.

51. Plaintiffs are informed and believe, and based thereon allege, that unless restrained by this Court, all Defendants will continue to maintain the Subject Property and others in the illegal and unlicensed conditions as they presently exist, thereby causing irreparable injury and harm to the public's health, safety and welfare.

52. The acts of Defendants described herein constitute a public nuisance and/or public nuisance per se, which the City is entitled to have broadly enjoined under CMMC § 13-16.

53. The commission and continuance of the acts complained of herein during the pendency of this litigation would produce great and irreparable injury to the City. Therefore, the City is entitled to a preliminary injunction and a broad permanent injunction prohibiting similar future acts by Defendants anywhere in the City.

54. Plaintiffs have no plain, adequate or speedy remedy at law in that Defendants have continually violated the CMMC and continue to violate the CMMC notwithstanding the City's efforts to cite Defendants for their illegal activities. Unless restrained by this Court's issuance of injunctive relief as requested herein, Defendants will continue to maintain the public nuisance, not only at the Subject Property, but also at any number of other properties in the City.

55. At the time of trial, Plaintiffs will move this Court to amend this Complaint to include any conditions discovered or occurring after the filing of this Complaint.

PRAYER

WHEREFORE, Plaintiffs pray for judgment against all Defendants as follows:

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1. For an order requiring Defendants to show cause, if any, why they, or each of them, should not be immediately, preliminarily and/or permanently enjoined as set forth in this Complaint during the pendency of this action and/or thereafter.

2. That the Subject Property and other non-compliant property and structures thereon, together with the fixtures and movable property therein and thereon, be declared a public nuisance and/or public nuisance per se, pursuant to California Civil Code §§ 3479 and 3480 and CMMC §§ 13-16 and 20-12, and that all use of them and operation of the current businesses thereon be temporarily and/or permanently enjoined and/or that certain activities thereon or therein be temporarily and/or permanently enjoined or restrained.

3. That all Defendants and their agents, officers, employees and anyone acting on their behalf, and their heirs and assignees, be temporarily, preliminarily and/or permanently enjoined from operating, owning, conducting, using, occupying, or in any way permitting the use of the Subject Property and any other property in the City and structures thereon as a public nuisance, pursuant to §§ 3479 and 3480 of the California Civil Code, §§ 526, 527, and 731 of the California Code of Civil Procedure and/or § 13-16 of the CMMC.

4. That all Defendants and their agents, officers, employees and anyone acting on their behalf, and their heirs and assignees, be temporarily, preliminarily and/or permanently enjoined from operating, owning, conducting, using, occupying, or assisting any businesses, including any purported group homes, purported sober living homes, purported licensed treatment or care facilities, or any other related facility, including any residential and/or commercial land and/or structure(s), located anywhere in the City, in violation of the CMMC and/or any other California law.

5. That Plaintiffs recover the costs of this suit, including attorneys' fees and investigation and law enforcement costs and/or penalties from Defendants, their successors, and assigns, as provided by California Civil Code § 3496, California Government Code § 38773.5(b), CMMC § 20-26(b) and/or as otherwise permitted by law.

6. That Defendants be restrained and enjoined from transferring ownership of the Subject Property and other non-compliant property and structures thereon unless there is

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Attorneys at Law
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compliance with all applicable Orders of this Court and requests by the City, and this Court and the City have approved of such.

7. That Defendants be ordered to abate all conditions of the Subject Property and any other non-compliant property and/or purported sober living home businesses, group homes, and/or licensed treatment or care facilities, which cause or contribute to public nuisance(s) and/or public nuisance(s) per se.

8. That Plaintiffs are entitled to such other and further relief as this Court deems proper, necessary or just.

DATED: May 29, 2020

EVERETT DOREY LLP

By: _____

Seymour B. Everett, III
Samantha E. Dorey
Christopher D. Lee
Attorneys for Plaintiffs CITY OF COSTA MESA and the PEOPLE OF THE STATE OF CALIFORNIA

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EXHIBIT 5

CITY OF COSTA MESA
P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628 - 1200

DEVELOPMENT SERVICES DEPARTMENT

November 27, 2017

SENT VIA ELECTRONIC & US MAIL

Steven G. Polin, Esq.
Attorney at Law
3034 Tennyson St. NW
Washington, D.C. 20015

Email: spolin2@earthlink.net

Subject: Reasonable Accommodation for The Ohio House Located at 115 E. Wilson, Units A through E, in Costa Mesa; Conditional Use Permit PA-17-10 filed by Edie Johnson and Brandon Stump

Dear Mr. Polin,

The City is in receipt of your letter dated September 12, 2017, requesting a reasonable accommodation. Please be advised that the City has no record of receiving this letter until October 27, 2017, when a paper copy was submitted to the City by the applicant.

Your request asks the City to treat the residents of The Ohio House facility captioned above as a "single housekeeping unit" and to treat the use of this property as a single family use, or grandfather the use of the property, or deem the use to be legal nonconforming. Your letter also requests an accommodation to allow this facility to be located within 650 feet of another facility providing services to those in recovery from addiction to drugs and/or alcohol. Finally, your letter requests a waiver of certain requirements of the Costa Mesa Municipal Code (CMMC) addressing the size of group homes; the requirement to have a house manager; the need for occupants to be actively participating in legitimate recovery programs; rules regarding use of drugs and alcohol by residents and visitors; and the requirement for a good neighbor policy.

Section 13-6 of the CMMC defines a single housekeeping unit as a unit where *"occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household,*

Building Division (714) 754-5273 • Code Enforcement & Community Improvement Division (714) 754-5623
Housing & Community Development (714) 754-4870 • Planning Division (714) 754-5245

and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators."

The house rules submitted as part of the Operator's Permit for this property make it clear that the facility is not operated as a Single Housekeeping Unit as defined above.

- Residents purchase and prepare their own food. Each resident has a designated area for food storage.
- Daily chores are assigned by the house manager.
- Rent is collected from each resident.
- The rental agreement covers one month, indicating that membership in the household is transient.
- Visitors must be approved by the Facility Manager.
- Residents must take direction from the staff.
- Occupancy of the units is determined by The Ohio House staff, not the residents of the facility.

The CMMC specifies that a minimum separation of 650 feet shall be provided between group homes, residential care facilities and/or state licensed drug and alcohol facilities. The subject property is within approximately 500 feet of a sober living facility located at 165 E. Wilson. This facility has an existing CUP (PA-16-03) to serve more than six individuals and is located on the same street as the subject property, one block to the east.

Requirements of Section 13-311 of the CMMC are cited in your letter. However, this section of the Code applies to the operation of group homes located in single-family zones. The subject property is located in the R2-MD zoning district. Therefore, the regulations set forth in Section 9-374 of the CMMC regarding Operator's Permits apply to the property. Many of the requirements for operation of group homes in single family zones also apply to those operated in multi-family zones.

In single family zones, the size of a group home is limited to six or fewer occupants, not counting the house manager. In a multi-family zone, there is no such limitation on the number of residents in a group home, except that those serving seven or more residents are required to obtain a conditional use permit (CUP). Therefore, there is no need for the City to waive the provisions regarding the size of a group home, as requested in your letter.

The operator of a group home may request reasonable accommodation when compliance with all City standards is not possible. Section 13-200.62 (f) of the Zoning Code sets forth the required findings to be used in the determination to approve, conditionally approve, or

deny a request for reasonable accommodation. The Code specifies that all findings must be made to approve such a request. Based on the information submitted, the City cannot approve any of your requests for reasonable accommodation, as all the required findings described below cannot be made.

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

  I accept that this application was submitted on behalf of persons who are considered disabled under state and federal law.

- *The requested accommodation is necessary to provide one (1) or more individuals with a disability an equal opportunity to use and enjoy a dwelling.*

  The application explains the benefits of allowing those recovering from alcoholism and substance abuse to live in a setting that offers a self-paced recovery option that provides sufficient time for personal psychological growth while avoiding the use of alcohol and other substances. The City recognizes that while not in character with residential neighborhoods, when operated responsibly, group homes, including sober living homes, provide a societal benefit by providing disabled persons the opportunity to live in residential neighborhoods. These facilities provide recovery programs for individuals attempting to overcome their drug and alcohol addictions. The City has established separation criteria to ensure that an overconcentration of sober living homes and licensed drug and alcohol treatment facilities does not occur in any neighborhood, thereby, preserving the residential character for all who choose to reside there.

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

  The operation of a group home is inconsistent with the City's definition of a single housekeeping unit. The City has established procedures to allow group homes in residential neighborhoods; allowing a group home to be considered as a single housekeeping unit is not necessary to allow the disabled to reside in residential neighborhoods.

  The City has adopted standards for sober living homes and licensed treatment facilities in residential zones to ensure the disabled have the opportunity to live in a typical residential neighborhood. The permit process ensures that sober living homes and licensed treatment facilities comply with the City's standards. The City specifically required all existing group homes to comply with the new regulations within one year. Your letter fails to provide a basis to "grandfather" this facility when all other facilities in operation at the time the regulations were adopted are also required to comply.

- *The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.*

  There is no evidence that approval of this request will impose an undue financial or administrative burden on the City.

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

  The subject facility does not operate as a single housekeeping unit, or even five single housekeeping units, making it dissimilar to the composition of households on surrounding properties. The facility is occupied solely by adults at a higher occupancy than is typical in Costa Mesa. Each resident is allowed to keep a car on the property, providing opportunities for parking conflicts with owners of nearby properties who also rely on on-street parking. The City's intent in adopting its group home regulations was to ensure an overconcentration of group homes did not occur in any neighborhood. The facility would contribute to overconcentration given that it includes five units on five individual lots.

- *The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.*

  There is no evidence that approval of this request would result in a direct threat to the health or safety of anyone, or substantial physical damage to the property of others.

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

  The applicant did not cite economic viability as a factor in requesting an accommodation to consider the facility as a single housekeeping unit, or to waive the separation standard between facilities serving those in recovery. No economic justification was provided to justify the waiver of compliance with other standards that apply to all sober living homes.

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

The City has received applications for 66 sober living homes and 11 licensed treatment facilities that are subject to compliance with Ordinance Nos. 14-13 and 15-11. Twelve (12) sober living homes serving six or fewer residents have been approved by the City, and one sober living home serving 13 men has been approved. In addition, there are 63 state-licensed drug and alcohol residential treatment facilities in Costa Mesa that are not subject to the Special Use Permit requirements, or have already obtained the required conditional use permit. No evidence has been submitted to indicate that the number of sober living homes and drug and alcohol facilities existing or potentially allowed in compliance with the City's standards is inadequate.

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

Ordinance 15-11 established requirements for sober living homes, group homes and licensed drug and alcohol treatment facilities in multi-family zoning districts. When the City Council adopted this ordinance, it specifically included a provision requiring a separation of at least 650 feet between such facilities. The intent of this limitation is to ensure that sober living facilities do not occupy a disproportionate number of homes in any neighborhood, and to avoid overconcentration of sober living units in any area. The City also sought to ensure that disabled persons recovering from addiction can reside in a comfortable residential environment versus in an institutional setting. The City determined that housing inordinately large numbers of unrelated adults in a single dwelling or congregating sober living homes in close proximity to each other does not provide the disabled with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the state and federal laws were designed to avoid. The subject property consists of five units on five individual lots, which already contributes to an overconcentration of sober living homes in the area. The site's proximity to another sober living home serving more than six adults contributes to an overconcentration of sober living facilities in this neighborhood. Granting the accommodation to consider this facility as a single housekeeping unit, and/or to waive the separation standard, will result in an overconcentration of sober living facilities in this area.

When the City adopted Ordinance 15-11, it specifically included provisions requiring all existing group home operators to come into compliance with the new regulations within one year of their adoption. The ordinance did not create or recognize any nonconforming uses. Given the intent of the ordinance, it is not appropriate to grant your requested accommodation to be "grandfathered" and exempt from compliance with the current regulations.

The application for reasonable accommodation failed to justify any reason to waive compliance with the provisions of Section 9-374(b)(11) of the CMMC that require the applicant to have a house manager; ensure all occupants, other than the house manager, are actively participating in legitimate recovery programs; prohibit the use

of any alcohol or non-prescription drugs by any recovering addict; have a policy regarding use and storage of prescription medications; post house rules in a common area inside the dwelling unit; prohibit visitors who are under the influence of any drug or alcohol; and maintain a good neighbor policy.

The City carefully crafted regulations to allow group homes, including sober living homes and licensed treatment facilities, to be located in residential neighborhoods. The intent of these regulations is to ensure that facilities maintain compatibility with the residential neighborhood in which they are situated, and to ensure that the disabled are able to live in normal residential settings. The approval of this request will contribute to an overconcentration of sober living units in this neighborhood. The application did not include adequate information to allow me to make all of the required findings set forth in the CMMC. Therefore, your request for a reasonable accommodation has been denied.

This determination may be appealed. An appeal must be filed with the City Clerk within seven (7) days of the date of this decision. A fee of $1,220.00 must accompany an appeal. If no appeal is filed by 5:00 p.m. on December 4, 2017, this decision shall be final.

Please contact Sheri Vander Dussen, consultant to the City, at (714)754-5230 if you have any questions regarding this decision or the appeal process.

Sincerely,

Barry Curtis, AICP
Economic and Development Services Director

c: Brandon Stump, The Ohio House
234 2nd St., Huntington Beach, CA 92648
Tarquin Preziosi, Assistant City Attorney
Katie Angel, Management Analyst
Sheri Vander Dussen, Consultant
File: PA-17-10

Chen, Nick

From: ARIOS, JUSTIN <JUSTIN.ARIOS@costamesaca.gov>
Sent: Thursday, March 9, 2023 11:02 AM
To: Chen, Nick; LE, JENNIFER; DRAPKIN, SCOTT; NANTHAVONGDOUANGSY, PHAYVANH
Subject: Housing Element Public Comment FW: Questions

Categories: External

Hi all,

We received the below public comment in response to the email sent out RE: the website update for the Housing Element. I also saved a copy in the folder below.
[redacted]

Thanks,

Justin Arios
Associate Planner
Development Services Department
77 Fair Drive | Costa Mesa | CA 92626 | (714) 754-5667

Please consider the environment before printing this email. Thank you!

"The City of Costa Mesa serves our residents, businesses and visitors while promoting a safe, inclusive, and vibrant community."

City Hall is open to the public 8:00 a.m. to 5:00 p.m. Monday through Thursday and alternating Fridays, except specified holidays. We encourage the public to take advantage of our appointment system. Appointments can be made online at **www.costamesaca.gov/appointments**. Please note that it is required that all guests check in with our Concierge Staff, located on the 1st Floor Lobby, upon arrival at City Hall.

From: Diane Kastner [redacted]
Sent: Thursday, March 2, 2023 7:02 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Questions

Hello Housing Element,

I have lived in Costa Mesa for 35 years. It has grown increasingly more difficult to navigate simple surface streets without traffic frustrations, especially at rush hour. Your proposed high-density housing expansion seems extreme, especially by (shockingly) proposing more development along already heavily impacted traffic corridors like Newport Blvd., Harbor Blvd. and East 17th street. You appear raring to go with more housing, yet I have heard nothing about how infrastructure; schools, freeways and surface streets will expand to meet this HIGH density you are proposing. It frankly makes me sick to my stomach to think what quality of life will become here. With your "zeal" to develop every single vacant or not, lot with high density projects we are doomed to significant crime and a seriously lowered quality of life. Will you want your children to live here with such an extreme assault to our quality of life, be truthful? Please help me out here.

Kindest Regards,

Diane Kastner

Diane Kastner
[redacted]

Call
Send SMS
Add to Skype
You'll need Skype CreditFree via Skype
Call
Send SMS
Add to Skype
You'll need Skype CreditFree via Skype
Call
Send SMS
Add to Skype
You'll need Skype CreditFree via Skype

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

Appendix D

Glossary of Housing Terms

Glossary of Housing Terms

Above-Moderate-Income Household. A household with an annual income usually greater than 120% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available legibility limits established by the U.S. Department of housing and Urban Development (HUD) for the Section 8 housing program.

Affirmatively Furthering Fair Housing (AFFH): Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. AFFH means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

Apartment. An apartment is one (1) or more rooms in an apartment house or dwelling occupied or intended or designated for occupancy by one (1) family for sleeping or living purposes and containing one (1) kitchen.

Assisted Housing. Generally multi-family rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs including, but not limited to Federal state, or local housing programs including, but not limited to Federal Section 8 (new construction, substantial rehabilitation, and loan management set-asides), Federal Sections 213, 236, and 202, Federal Sections 221 (d) (3) (below-market interest rate program), Federal Sections 101 (rent supplement assistance), CDBG, FmHA Sections 515, multi-family mortgage revenue bond programs, local redevelopment and in lieu fee programs, and units developed pursuant to local inclusionary housing and density bonus programs.

Below-Market-Rate (BMR). Any housing unit specifically priced to be sold or rented to low- or moderate-income households for an amount less than the fair-market value of the unit. Both the State of California and the U.S. Department of Housing and Urban Development set standards for determining which households qualify as “low income” or “moderate income.” (2) The financing of housing at less than prevailing interest rates.

Build-Out. That level of urban development characterized by full occupancy of all developable sites in accordance with the General Plan; the maximum level of development envisioned by the General Plan. Build-out does not assume that each parcel is developed to include all floor area or housing units possible under zoning regulations.

Community Development Block Grant (CDBG). A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitled communities and administered by the State Department of Housing and Community Development (HCD) for non-entitled jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development.

Condominium. A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units. (See "Townhouse.")

Covenants, Conditions, and Restrictions (CC&Rs). A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

Deed. A legal document which affects the transfer of ownership of real estate from the seller to the buyer.

Density Bonus. The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location.

Density, Residential. The number of permanent residential dwelling units per acre of land. Densities specified in the General Plan may be expressed in units per gross acre or per net developable acre.

Developable Land. Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

Down Payment. Money paid by a buyer from his own funds, as opposed to that portion of the purchase price which is financed.

Duplex. A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

Dwelling Unit (DU). A building or portion of a building containing one or more rooms, designed for, or used by one family for living or sleeping purposes, and having a separate bathroom and only one kitchen or kitchenette. See Housing Unit.

Elderly Housing. Typically, one- and two-bedroom apartments or condominiums designed to meet the needs of persons 62 years of age and older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them.

Emergency Shelter. A facility that provides immediate and short-term housing and supplemental services for the homeless. Shelters come in many sizes, but an optimum size is considered to be 20 to 40 beds. Supplemental services may include food, counseling, and access to other social programs. (See "Homeless" and "Transitional Housing.")

Extremely Low-Income Household. A household with an annual income equal to or less than 30% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Fair Market Rent. The rent, including utility allowances, determined by the United States Department of Housing and Urban Development for purposed of administering the Section 8 Program.

Family. (1) Two or more persons related by birth, marriage, or adoption [U.S. Bureau of the Census]. (2) An Individual or a group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind [Governor's Office of Planning and Research, General Plan Guidelines].

General Plan. A comprehensive, long-term plan mandated by State Planning Law for the physical development of a city or county and any land outside its boundaries which, in its judgment, bears relation to its planning. The plan shall consist of seven required elements: land use, circulation, open space, conservation, housing, safety, and noise. The plan must include a statement of development policies and a diagram or diagrams illustrating the policies.

Goal. A general, overall, and ultimate purpose, aim, or end toward which the City will direct effort.

Green Building. Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance, and demolition. (US Environmental Protection Agency)

Historic Preservation. The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.

Historic Property. A historic property is a structure or site that has significant historic, architectural, or cultural value.

Household. All those persons—related or unrelated—who occupy a single housing unit. (See "Family.")

Housing and Community Development Department (HCD). The State agency that has principal responsibility for assessing, planning for, and assisting communities to meet the needs of low-and moderate-income households.

Housing Element. One of the seven State-mandated elements of a local general plan, it assesses the existing and projected housing needs of all economic segments of the community, identifies potential sites adequate to provide the amount and kind of housing needed, and contains adopted goals, policies, and

implementation programs for the preservation, improvement, and development of housing. Under State law, Housing Elements must be updated every five years.

Housing Payment. For ownership housing, this is defined as the mortgage payment, property taxes, insurance, and utilities. For rental housing this is defined as rent and utilities.

Housing Ratio. The ratio of the monthly housing payment to total gross monthly income; also called Payment-to-Income Ratio or Front-End Ratio.

Housing Unit. The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a mobile home, a cooperative, or any other residential unit considered real property under State law.

Housing and Urban Development, U.S. Department of (HUD). A cabinet-level department of the federal government that administers housing and community development programs.

Implementing Policies. The City's statements of its commitments to consistent actions.

Implementation. Actions, procedures, programs, or techniques that carry out policies.

Infill Development. The development of new housing or other buildings on scattered vacant lots in a built-up area or on new building parcels created by permitted lot splits.

Jobs-Housing Balance. A ratio used to describe the adequacy of the housing supply within a defined area to meet the needs of persons working within the same area. The General Plan uses SCAG's definition which is a job total equal to 1.2 times the number of housing units within the area under consideration.

Land Use Classification. A system for classifying and designating the appropriate use of properties.

Live-Work Units. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Low-Income Household. A household with an annual income usually no greater than51%-80% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Low-income Housing Tax Credits. Tax reductions provided by the federal and State governments for investors in housing for low-income households.

Manufactured Housing. Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards

Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD). (See "Mobile home" and "Modular Unit.")

Mixed-Use. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

Moderate-Income Household. A household with an annual income usually no greater than 81%-120% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Monthly Housing Expense. Total principal, interest, taxes, and insurance paid by the borrower on a monthly basis. Used with gross income to determine affordability.

Multiple Family Building. A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

Ordinance. A law or regulation set forth and adopted by a governmental authority, usually a city or county.

Overcrowded Housing Unit. A housing unit in which the members of the household, or group are prevented from the enjoyment of privacy because of small room size and housing size. The U.S. Bureau of Census defines an overcrowded housing unit as one which is occupied by more than one person per room.

Parcel. A lot or tract of land.

Planning Area. The area directly addressed by the general plan. A city's planning area typically encompasses the city limits and potentially annexable land within its sphere of influence.

Policy. A specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its objectives before undertaking an action program. (See "Program.")

Poverty Level. As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a poverty index that provides a range of income cutoffs or "poverty thresholds" varying by size of family, number of children, and age of householder. The income cutoffs are updated each year to reflect the change in the Consumer Price Index.

Program. An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective. Policies and programs establish the "who," "how" and "when" for carrying out the "what" and "where" of goals and objectives.

Redevelop. To demolish existing buildings; or to increase the overall floor area existing on a property; or both; irrespective of whether a change occurs in land use.

Regional. Pertaining to activities or economies at a scale greater than that of a single jurisdiction and affecting a broad geographic area.

Regional Housing Needs Assessment. A quantification by the local council of governments of existing and projected housing need, by household income group, for all localities within a region.

Rehabilitation. The repair, preservation, and/or improvement of substandard housing.

Residential. Land designated in the General Plan and zoning ordinance for building consisting of dwelling units. May be improved, vacant, or unimproved. (See "Dwelling Unit.")

Residential Care Facility. A facility that provides 24-hour care and supervision to its residents.

Residential, Multiple Family. Usually three or more dwelling units on a single site, which may be in the same or separate buildings.

Residential, Single-Family. A single dwelling unit on a building site.

Retrofit. To add materials and/or devices to an existing building or system to improve its operation, safety, or efficiency. Buildings have been retrofitted to use solar energy and to strengthen their ability to withstand earthquakes, for example.

Rezoning. An amendment to the map to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

Second Unit. A self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. "Granny Flat" is one type of second unit.

Section 8 Rental Assistance Program. A federal (HUD) rent-subsidy program that is one of the main sources of federal housing assistance for low-income households. The program operates by providing "housing assistance payments" to owners, developers, and public housing agencies to make up the difference between the "Fair Market Rent" of a unit (set by HUD) and the household's contribution toward the rent, which is calculated at 30% of the household's adjusted gross monthly income (GMI). "Section 8" includes programs for new construction, existing housing, and substantial or moderate housing rehabilitation.

Shared Living Facility. The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and provide social contact, mutual support, and assistance. Shared living facilities serving six or fewer persons are permitted in all residential districts by Section 1566.3 of the California Health and Safety Code.

Single-Family Dwelling, Attached. A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit. (See "Townhouse.")

Single-Family Dwelling, Detached. A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use. (See "Family.")

Single Room Occupancy (SRO). A single room, typically 80-250 square feet, with a sink and closet, but which requires the occupant to share a communal bathroom, shower, and kitchen.

Subsidize. To assist by payment of a sum of money or by the granting to terms or favors that reduces the need for monetary expenditures. Housing subsidies may take the forms or mortgage interest deductions or tax credits from federal and/or state income taxes, sale, or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.

Substandard Housing. Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in California Health and Safety Code Section 53260(d), and that is linked to onsite or offsite 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. "Target population" means adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. [California Health and Safety Code Sections 50675.14(b) and 53260(d)]

Target Areas. Specifically, designated sections of the community where loans and grants are made to bring about a specific outcome, such as the rehabilitation of housing affordable by Very-Low and Low-income households.

Tax Increment. Additional tax revenues that result from increases in property values within a redevelopment area. State law permits the tax increment to be earmarked for redevelopment purposes but requires at least 20 percent to be used to increase and improve the community's supply of very low- and low-income housing.

Tenure. A housing unit is owner-occupied if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is owner-occupied only if the owner or co-owner lives in it. All other occupied units are classified as renter-occupied including units rented for cash rent and those occupied without payment of cash rent.

Townhouse. A townhouse is a dwelling unit located in a group of three (3) or more attached dwelling units with no dwelling unit located above or below another and with each dwelling unit having its own exterior entrance.

Transitional Housing. Shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing. (See "Homeless" and "Emergency Shelter.")

Undevelopable. Specific areas where topographic, geologic, and/or superficial soil conditions indicate a significant danger to future occupants and a liability to the City.

Acronyms Used

ACS: American Community Survey
BMPs: Best Management Practices
CALTRANS: California Department of Transportation
CEQA: California Environmental Quality Act
CHAS: Comprehensive Housing Affordability Strategy
CIP: Capital Improvement Program
DDS: Department of Developmental Services
DIF: Development Impact Fee
DU/AC: Dwelling Units Per Acre
EDD: California Employment Development Department
FAR: Floor Area Ratio
FEMA: Federal Emergency Management Agency
HCD: Department of Housing and Community Development
HOA: Homeowners Association
HUD: Department of Housing and Urban Development
LAFCO: Local Agency Formation Commission
MFI: Median Family Income
NPDES: National Pollutant Discharge Elimination System
RTFH: Regional Task Force on the Homeless
RTP: Regional Transportation Plan
SCAG: Southern California Association of Governments
SPA: Sectional Planning Area
STF: Summary Tape File (U.S. Census)
TOD: Transit-Oriented Development
TDM: Transportation Demand Management
TSM: Transportation Systems Management
WCP: Water Conservation Plan