



# **CITY COUNCIL AGENDA REPORT**

MEETING DATE: JANUARY 17, 2006

ITEM NUMBER:

**SUBJECT:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES.

**DATE:** DECEMBER 30, 2005

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

**PRESENTATION BY:** KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER

**FOR FURTHER INFORMATION CONTACT:** KIMBERLY BRANDT (714) 754-5604

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## **RECOMMENDATION:**

Give first reading to the attached ordinance.

## **BACKGROUND/ANALYSIS:**

On October 18, 2005, City Council tabled this ordinance so it could be modified to include a maximum square footage limit on incidental retail sales proposed in conjunction with an industrial business. Council suggested that a sliding scale of the allowable square footage also be considered.

To address Council's concerns, staff has included a maximum area of 500 square feet that could be devoted to incidental retail uses. 500 square feet is slightly larger than a two-car garage. The 500 square-foot maximum is to be used in conjunction with the 20% of total gross floor area standard, with the smaller of the two numbers being the allowable square footage. For example:

<b>SIZE OF INDUSTRIAL BUILDING</b>	<b>MAXIMUM AREA ALLOWED FOR INCIDENTAL RETAIL SALES</b>
1,000 SF	200 SF
2,000 SF	400 SF
2,500 SF	500 SF
5,000 SF	500 SF
10,000 SF	500 SF

Staff believes this allows sufficient floor area for an industrial business to devote to incidental retail sales. Any industrial business owner who wishes additional floor space for incidental retail sales would need to apply for a minor conditional use permit, which is the City's current permitting requirement. The attached ordinance reflects these modifications.

Please see the attached City Council agenda report from October 18, 2005 for additional background and analysis.

**ALTERNATIVES CONSIDERED:**

Council may choose to:

1. Modify the ordinance in respect to any of the recommended changes to the Zoning Code; or
2. Retain the City's existing zoning provisions that require approval of a minor conditional use permit to allow incidental retail sales in an industrial zone.

**CONCLUSION:**

The attached ordinance would permit on a limited basis incidental retail sales in conjunction with a primary industrial business in industrial zones.

  
KIMBERLY BRANDT, AICP  
Principal Planner

  
DONALD D. LAMM, AICP  
Deputy City Mgr. – Dev. Svs. Director

DISTRIBUTION: City Manager  
City Attorney  
Deputy City Manager – Dev. Svs. Director.  
Public Services Director  
City Clerk (2)  
Staff (4)  
File (2)

ATTACHMENTS: 1 Ordinance  
2 City Council Agenda Report

File Name: 011706IncidentalSales	Date: 120605	Time: 10:00 a.m.
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# **ATTACHMENT 1**

## **ORDINANCE**

**ORDINANCE NO. 06-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES.**

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

- a. Amend Row 131 of Table 13- 30 as show in Attachment A.
- b. Amend Section 13-54(a) as follows:

"(a) ~~Reserved for future use.~~ **Incidental retail sales.** Incidental retail sales may be allowed in conjunction with an industrial use provided that the retail sales floor area does not exceed twenty percent of the gross floor area or 500 square feet, whichever is less, and the retail products are related to the primary industrial use. Incidental retail sales that do not meet the floor area limitation shall be subject to review and approval of a minor conditional use permit."

Section 2. 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.

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 no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: 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 \_\_\_\_\_, 2006

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk of the  
City of Costa Mesa

\_\_\_\_\_  
City Attorney

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

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 06-\_\_ was introduced and considered section by section at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2006, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2006, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Deputy City Clerk and ex-officio  
Clerk of the City Council of the  
City of Costa Mesa

# ATTACHMENT A

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

LAND USES	ZONES																				
	R 1	R 2 M D	R 2 H D	R 3	R A	C L 1	C C 1	C C 2	C 1 S 1	C T C 1	M G	M P	P D R L D 1	P D R M D 1	P D R H D 1	P D R N C M 1	P D C 1	P D I	I I & R S 1	I I & R 1 S 1	
131. Retail, incidental sales to the main use (subject to the requirements of Section 13-54(a) Incidental retail sales)	•	•	•	•	P					P	M	M	•	P	P	P	P	MC P <sup>2</sup>	•	•	•

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.
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

**ATTACHMENT 2**  
**CITY COUNCIL AGENDA REPORT**



# **CITY COUNCIL AGENDA REPORT**

MEETING DATE: OCTOBER 18, 2005

ITEM NUMBER:

**SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES.**

**DATE: OCTOBER 5, 2005**

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

**PRESENTATION BY: KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER**

**FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604**

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## **RECOMMENDATION:**

The Planning Commission recommends that City Council give first reading to the attached ordinance.

## **BACKGROUND/ANALYSIS:**

This Zoning Code amendment would allow industrial business owners to sell retail products, which relate to their primary business without going through a discretionary review process. Examples include clothing and furniture manufacturers/distributors or cabinetmakers that wish to have a small showroom or an auto repair shop that sells replacement parts. The code amendment limits the retail sales area to 20% of the gross floor area and requires the retail products to be related to the primary industrial use.

On a 5-0 vote, the Commission recommended that Council give first reading to the ordinance. For additional background information, please see the Planning Commission meeting minutes and staff minutes included in Attachment 2.

## **ALTERNATIVES CONSIDERED:**

Council may choose to:

1. Modify the ordinance in respect to any of the recommended changes to the Zoning Code; or
2. Retain the City's existing zoning provisions that require approval of a minor conditional use permit to allow incidental retail sales in an industrial zone.

**FISCAL REVIEW:**

This ordinance does not require any fiscal review.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed the ordinance and approved it as to form.

**ENVIRONMENTAL DETERMINATION:**

This 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.

**CONCLUSION:**

The Planning Commission recommends that first reading be given to the attached ordinance, which would permit incidental retail sales in conjunction with a primary industrial business in industrial zones.

  
KIMBERLY BRANDT, AICP  
Principal Planner

  
DONALD D. LAMM, AICP  
Deputy City Mgr. – Dev. Svs. Director

- DISTRIBUTION:
- City Manager
  - Assistant City Manager
  - City Attorney
  - Deputy City Manager – Dev. Svs. Director.
  - Public Services Director
  - City Clerk (2)
  - Staff (4)
  - File (2)

- ATTACHMENTS:
- ~~4~~ Ordinance
  - 2 Planning Commission meeting minutes and staff report

File Name: 101805IncidentalSales	Date: 092805	Time: 10:00 a.m.
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## **ATTACHMENT 2**

# **PLANNING COMMISSION MEETING MINUTES AND STAFF REPORTS**

Excerpt from the Minutes of the Planning Commission meeting of September 26, 2005

ORDINANCE REGARDING  
INCIDENTAL RETAIL SALES  
IN INDUSTRIAL ZONES

City

The Chair opened the public hearing for consideration of an ordinance regarding Incidental Retail Sales in Industrial Zones for the City Council of the City of Costa Mesa, California, amending Title 13 of the Costa Mesa Municipal Code. Environmental determination: exempt.

Principal Planner Kimberly Brandt reviewed the information in the staff report and gave a presentation. She said staff was recommending that Planning Commission recommend to City Council to give ordinance first reading.

In response to Commissioner Garlich, Ms. Brandt confirmed that there have been inquiries in the past for this type of use.

In response to the Chair, Ms. Brandt confirmed that incidental meant that it would have to be a component of that industrial business.

No one else wished to speak and the Chair closed the public hearing.

MOTION:

Incidental Retail Sales

In Industrial Zones

Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Chair Perkins and carried 5-0 to recommend to City Council that the ordinance be given first reading.

**PLANNING COMMISSION  
COMMENTS/SUGGESTIONS:**

place, the problem is exacerbated.

Commissioner Garlich noted that the President signed the Transportation Bill that Congress finally processed within the last two weeks. He said in Costa Mesa that bill was the means to eventually obtain approval for the Susan Street off ramp which will service the Home Ranch project and was something discussed during the Home Ranch hearings but was not a mitigation measure or an element of the development agreement; it was the developer's private funding that was going to do that. In this particular case, this was the mechanism by which the private sector would get to build an off-ramp that will take a lot of the incoming traffic off the arterials in that area of Costa Mesa.

Vice Chair Hall stated that yesterday's Orange County Register printed and evaluation of the police agencies throughout Orange County and were divided into small, medium and large cities with different populations. He announced that the City of Costa Mesa is number one in the County for cities with more than 100,000 population (response time, solving crimes, etc.) with a 5-star rating for Chief John Hensley.

**CONSENT CALENDAR:**

None.

**PUBLIC HEARINGS:**

AN ORDINANCE  
AMENDMENTS REGARDING PLACES OF  
RELIGIOUS ASSEMBLY IN COMMERCIAL  
ZONES, INCIDENTAL RETAIL SALES IN  
INDUSTRIAL ZONES, MASTER PLAN  
REVIEW PROCESS IN PLANNED  
DEVELOPMENT ZONES AND CHAIN LINK  
FENCING IN NONRESIDENTIAL ZONES

The Chair opened the public hearing for consideration of an ordinance of the City Council of the City of Costa Mesa, California, amending Title 13 of the Costa Mesa Municipal Code regarding churches/places of religious assembly in commercial zones, incidental retail sales in industrial zones, the master plan review process in planned development zones, and chain link fencing in non-residential zones. Environmental determination: exempt.

CITY

Principal Planner Kimberly Brandt reviewed the information in the staff report and gave a brief overview of each of the four amendments in the ordinance. She said staff was recommending that Planning Commission recommend to City Council to give ordinance first reading.

In response to a question from Commissioner Fisler concerning applications for churches in commercial zones, Ms. Brandt stated that in recent history, the churches reviewed by Planning Commission have been located in industrial zones and she knew of none recently that were within a commercial zone, and none pending at this time.

In response to a question from the Chair, Ms. Brandt explained that these amendments came from Planning Division staff in consultation with the City Attorney's Office regarding the permitting of churches within the City's Zoning Code Matrix. Deputy City Attorney Tom Duarte stated that this was his understanding as well. He stated that City Attorney Kim Barlow generated the first part of the ordinance. He said if the Chair needs additional background as to the reasons, the City Attorney's Office would be happy to bring back a memo in addition to the staff report. The Chair asked Mr. Duarte if he knew of any other cities in Orange County that have something similar in relation to religious activities or churches. Mr. Duarte did not know of any at this time, however, he said they do represent a few other cities but he did not have those code sections memorized. Vice Chair Hall asked the Chair if he was specifically talking about the churches or the full ordinance. Chair Perkins said he was speaking about all items and asked Mr. Duarte if they were doing all four at once because it would go more smoothly. Mr. Duarte explained that it was being reviewed as presented since it was noticed that way, but he said the Commission has the right to break it up if they so desire.

Mike Berry, commented that he did not understand why the City is "streamlining" a process. He said one of the problems in Costa

Mesa is that the City is built out and there is no place left to put anything, yet every time we take a piece of property and move it into a "non-taxed" use, we take money out of our own pockets. He felt there should be a public hearing.

Martin Millard, 2973 Harbor Boulevard; Costa Mesa, felt it was a mistake to recommend this ordinance to City Council and agreed that CUP process should be instituted to review the applicants. He also felt this action would allow "store front" churches. He said most give out food or other benefits and attracts a population that may need churches, but also needs food and other things and the churches become that kind of place. He also felt the words "final authority" should be changed in item #3 under Description; 3.; "To designate the Planning Commission as the final review authority in the master plan review process" and should instead read "primary review authority."

Christian Eric, a Placentia Avenue resident, Costa Mesa, felt it was wrong for the City to be putting churches into storefront properties. He asked the Commission not to allow this kind of thing to come about.

Beth Refakas, 320 Magnolia Street, Costa Mesa, agreed with the previous speakers regarding the churches. She also felt chain link fencing should be phased out completely and more expediently than is called for in the ordinance.

Council Member Eric Bever stated that in reviewing the staff report for this item, he felt it was lacking in certain regards. He said generally, when something of this nature is brought forward, there is some basis for the change. He said his understanding is that the City has not addressed a storefront church issue in a commercial C1 or C2 zone in the last 5 years. Council Member Bever said he did not know if the Commission had received a memorandum from Mayor Monsoor concerning this issue and urging the Planning Commission to set this aside. He said he concurs with the Mayor's request and they have been unable to find the basis of this suggested change, and without that, he did not know how it was possible for the Planning Commission to deliberate. He pointed out what he believed to be an error in the report and wished to clarify. The Chair confirmed that the Planning Commission received the Mayor's memorandum.

No one else wished to speak, and the Chair closed the public hearing.

MOTION 1: PLACES OF RELIGIOUS ASSEMBLY IN COMMERCIAL ZONES; INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES; MASTER PLAN REVIEW PROCESS IN PLANNED DEVELOPMENT ZONES; AND CHAIN LINK FENCING IN NONRESIDENTIAL ZONES  
FAILED FOR LACK OF A SECOND

A motion was made by Vice Chair Hall, to continue this item to the meeting of September 26, 2003 with the ordinance divided into 4 separate items.

MOTION 2: PLACES OF RELIGIOUS ASSEMBLY IN COMMERCIAL ZONES; INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES; MASTER PLAN REVIEW PROCESS IN PLANNED DEVELOPMENT ZONES; AND CHAIN LINK FENCING IN NONRESIDENTIAL ZONES  
MOTION WAS NOT CALLED

A motion was made by Chairman Perkins, seconded by Vice Chair Hall, to take each individual item and vote on each separately to continue to the Planning Commission meeting of September 26, 2005 and directed staff to separate into four action items. *This motion was not called before a substitute motion was made.*

SUBSTITUTE MOTION:  
PLACES OF RELIGIOUS ASSEMBLY IN COMMERCIAL ZONES; INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES; MASTER PLAN REVIEW PROCESS IN PLANNED DEVELOPMENT ZONES; AND CHAIN LINK FENCING IN NONRESIDENTIAL ZONES  
CONTINUED

Commissioner Egan said she thought the Chair had seconded Vice Chair Hall's motion and had she known it had not been seconded, she would have done so. She said she would like to see the entire public hearing for item #1 be continued to September 26, 2005, because they could be discussed and voted on individually. She was asked if that was a motion and she agreed. The motion was seconded by Vice Chair Hall and carried 3 to 2 (Perkins and Fisler

voted no).

During discussion on the motion, Commissioner Garlich felt this motion was the appropriate action. He said whether they are brought back separately, or in any other variation, they can be discussed independently of each other as has been done in the past; each one can be called for on a separate vote regardless of how they are packaged. He said he supported the motion.

Chair Perkins said he was not going to support the substitute motion this evening because he would like to take care of this item this evening. He commented on how easy it is to start a church and he did not want to see storefront churches in Costa Mesa. He maintained there was not enough background on the church item.

Commissioner Fisler said that previously he had asked Ms. Brandt how many people have applied for a church in the commercial zone because in order to find out the reason why this item is before the Commission. He said personally, he would like to reject this part of the ordinance this evening.

Commissioner Garlich stated that with regard to the item concerning churches, the issue the Commission is dealing with is whether they are permitted or whether they are a conditioned use. One of the things he would like to find out when more information is provided, under the heading of "background", is whether any of the things just said can be legally considered under a conditional use permit. He felt it would be better to have additional information to make a more informed decision on what the Commission is doing and why.

The Chair clarified with Ms. Brandt, a scenario of a church that would meet all requirements and standards to this point and as a result is permitted and would not have to come before the Commission.

Commissioner Egan explained that there are many things that could be done other than this ordinance and other than continuing with the current process. For example, as Mr. Millard suggested, concentrate churches by having an overlay zone where they would be permitted. She felt that when Kim Barlow returns, she may send the Commission a memo saying that an amendment to the current ordinance is legally required; if that is the case, the Commission needs to look at amending it.

The Chair said he appreciated Commissioner Egan's comments, but he would rather vote on it now, and if Ms. Barlow brings it back and says it's constitutionally incorrect and the Commission needs to make some changes, then it will make changes. He said Mr. Millard mentioned different areas of concentration and he agreed, but he said those are "spread out" areas; they're not right on top of each other. He said he felt the same way. He then called for the vote (3-2, as shown above).

AN ORDINANCE:  
AMENDMENTS REGARDING TRASH  
DUMPSTERS/BINS AND TRASH  
ENCLOSURES

CITY

The Chair opened the public hearing for consideration of an ordinance of the City Council of the City of Costa Mesa, California, amending Title 20 of the Costa Mesa Municipal Code regarding trash dumpsters/bins and trash enclosures. Environmental determination: Exempt.

Principal Planner Kimberly Brandt reviewed the information in the staff report and gave a presentation. She said staff was recommending that Planning Commission recommend to City Council to give ordinance first reading.

In response to a question from Commissioner Egan regarding a provision for a property owner who has an unusual hardship and to



# **PLANNING COMMISSION AGENDA REPORT**

*III.4.*

MEETING DATE: SEPTEMBER 26, 2005

ITEM NUMBER:

**SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES.**

**DATE: SEPTEMBER 15, 2005**

**FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER  
(714) 754-5604**

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## **DESCRIPTION**

An ordinance to allow incidental retail sales in conjunction with industrial businesses in industrial zones.

## **RECOMMENDATION**

Staff recommends that Planning Commission recommend to City Council that the ordinance be given first reading.

  
KIMBERLY BRANDT, AICP  
Principal Planner

**BACKGROUND**

Periodically, staff addresses minor Zoning Code amendments through a single ordinance. Through the course of administering the Zoning Code, staff notes sections that need to be amended in order to clarify the Code's intent or streamline the development review process. A discussion of the proposed change is provided in the following section.

**ANALYSIS**

This amendment would allow industrial business owners to sell retail products, which relate to their primary business without going through a discretionary review process. Examples include clothing and furniture manufacturers/distributors or cabinetmakers that wish to have a small showroom or an auto repair shop that sells replacement parts. The code amendment limits the retail sales area to 20% of the gross floor area and requires the retail products to be related to the primary industrial use.

**ALTERNATIVES CONSIDERED:**

Commission may choose to do any of the following:

1. Recommend to Council that first reading be given to the ordinance as recommended by the staff;
2. Modify any of the recommended changes to the ordinance; or
3. Recommend to Council that the City's existing zoning provisions be retained.

**ENVIRONMENTAL DETERMINATION**

This 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.

Attachments:        1. ~~Proposed Ordinance (strike through version)~~  
                             2. Existing Zoning Code Provisions

Distribution:        Deputy City Manager - Dev. Svs. Director  
                             Senior Deputy City Attorney  
                             Public Services Director  
                             City Engineer  
                             Fire Protection Analyst  
                             Staff (4)  
                             File (2)

**ATTACHMENT 2**  
**EXISTING CODE EXCERPTS**

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**Sec. 13-54. ADDITIONAL PROPERTY DEVELOPMENT STANDARDS FOR THE INDUSTRIAL DISTRICTS**

- ➔ (a) Reserved for future use.
- (b) **Service and repair of motor vehicles and boats.** The service and repair operations shall be subject to the following:
- (1) All operations shall be conducted within an enclosed building.
  - (2) All areas or structures in which such operations are conducted shall be so located or treated as to prevent annoyance or a detriment to any other existing on-site uses and surrounding properties.
  - (3) All activities shall be confined to 7:00 a.m. to 7:00 p.m. when located within 200 feet of residentially zoned property measured from lot line to lot line.
  - (4) No damaged or inoperable boats or vehicles shall be stored for purposes other than repair.
- (c) **Other requirements.**
- (1) The maximum building area shall not exceed the floor area ratios established in the General Plan for the applicable General Plan land use designation as described further in ARTICLE 8 FLOOR AREA RATIOS of this chapter.
  - (2) Additional conditions or special requirements may be reasonably applied by other City departments to ensure that the proposed development is compatible and harmonious with existing development in the vicinity and to protect the public health, safety and general welfare. If such conditions are applied, the conditions must be fulfilled or a security posted to ensure completion of the conditions to the satisfaction of the appropriate department prior to final occupancy.
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# PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 22, 2005

*111*  
ITEM NUMBER:

**SUBJECT:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING CHURCHES/PLACES OF RELIGIOUS ASSEMBLY IN COMMERCIAL ZONES, INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES, THE MASTER PLAN REVIEW PROCESS IN PLANNED DEVELOPMENT ZONES, AND CHAIN LINK FENCING IN NON-RESIDENTIAL ZONES.

**DATE:** AUGUST 11, 2005

**FOR FURTHER INFORMATION CONTACT:** KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER  
(714) 754-5604

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## DESCRIPTION

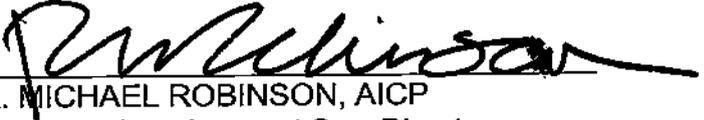
Several amendments to the Zoning Code are proposed to accomplish the following:

1. To allow churches and other places of religious assembly as permitted uses in some commercial zones;
2. To allow incidental retail sales in conjunction with industrial businesses in industrial zones;
3. To designate the Planning Commission as the final review authority in the master plan review process; and
4. To prohibit chain link fencing in any area that is visible from a public street or alley in non-residential zones.

## RECOMMENDATION

Staff recommends that Planning Commission recommend to City Council that the ordinance be given first reading.

  
KIMBERLY BRANDT, AICP  
Principal Planner

  
R. MICHAEL ROBINSON, AICP  
Assistant Development Svs. Director

## **BACKGROUND**

Periodically, staff addresses minor Zoning Code amendments through a single ordinance. Through the course of administering the Zoning Code, staff notes sections that need to be amended in order to clarify the Code's intent or streamline the development review process. A discussion of each change is provided in the following section.

## **ANALYSIS**

1. *To allow churches and other places of religious assembly as permitted uses in some commercial zones:* Presently, the Zoning Code requires a conditional use permit for this land use in all zones except the I&R (Institutional and Recreational) district. Staff recommends that churches/places of religious assembly be permitted land uses in the C1 and C2 commercial zones, provided that they are located a minimum of 200 feet away from any residential zone and they comply with all other applicable code standards. Staff believes it is only when churches/places of religious assembly are located in proximity to residential or industrial uses that there is a potential for land use compatibility issues. These issues are usually unique to a site, and therefore, they are best addressed through the conditional use permit process. This code change will streamline the review process for churches/places of religious assembly if they locate in a C1 or C2 zone and the proposed site is not within 200 feet of a residential area.
2. *To allow incidental retail sales in conjunction with industrial businesses in industrial zones:* This amendment would allow industrial business owners that wish to sell retail products, which relate to their primary business without going through a discretionary review process. Examples include clothing and furniture manufacturers/distributors or cabinetmakers that wish to have a small showroom or an auto repair shop that sells replacement parts. The code amendment limits the retail sales area to 20% of the gross floor area and requires the retail products to be related to the primary industrial use.
3. *To designate the Planning Commission as the final review authority in the master plan review process:* The most recent Zoning Code amendments (Ordinance 05-2) changed the master plan review process in all zones to designate the Commission as the final review authority and Zoning Administrator would be the final review authority for amendments. Subsequent to the code change, staff identified other code sections that need to be amended as well to reflect the delegation in the final review authority.
4. *To prohibit chain link fencing in any area that is visible from a public street or alley in non-residential zones:* Presently the Zoning Code allows chain link fencing in non-residential zones as long as it is not located in any required building setback area adjacent to a public right-of-way. This amendment would be consistent with the current standard for residential zones. Staff is proposing that the current requirement that existing chain link fencing in residential zones be removed in conjunction with building permits that are valued at \$30,000 or more be expanded to include removal of chain link fencing in nonresidential projects as well.

**ALTERNATIVES CONSIDERED:**

Commission may choose to do any of the following:

1. Recommend to Council that first reading be given to the ordinance as recommended by the staff;
2. Modify any of the recommended changes to the ordinance; or
3. Recommend to Council that the City's existing zoning provisions be retained.

**ENVIRONMENTAL DETERMINATION**

These code amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and have been found to be exempt.

Attachments:     ~~1. Proposed Ordinance - strike-through version~~  
                      ~~2. Existing Zoning Code Provisions~~

Distribution:       Deputy City Manager - Dev. Svs. Director  
                      Senior Deputy City Attorney  
                      Public Services Director  
                      City Engineer  
                      Fire Protection Analyst  
                      Staff (4)  
                      File (2)

File: 082205Title13Amendments	Date: 080905	Time: 11:00 a.m.
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