



CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 5, 2006

ITEM NUMBER:

SUBJECT: ZONING CODE AMENDMENT CO-06-04 AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE DEFINITION, REVIEW PROCEDURE, AND REGULATION OF "ASSEMBLY USE".

DATE: AUGUST 16, 2006

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER

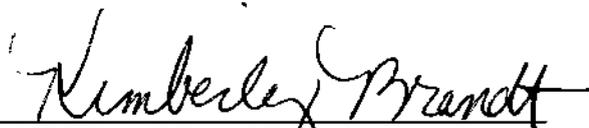
FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604

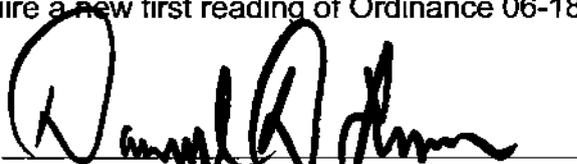
RECOMMENDATION:

Give second reading to Ordinance 06-18 that amends the Zoning Code in respect to assembly uses.

BACKGROUND/ANALYSIS:

The attached ordinance reflects City Council's action on August 15, 2006. Please note that the reference to a "single-family dwelling unit" as an accessory use has been deleted from the definition of "churches and other places of religious assembly". This deletion is consistent with Council's first reading on this ordinance in which Council removed the proposed development standard for single-family dwelling units associated with church facilities. This additional deletion does not require a new first reading of Ordinance 06-18.


KIMBERLY BRANDT, AICP
Principal Planner


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

DISTRIBUTION: City Manager
Asst. City Manager
City Attorney
Deputy City Manager – Dev. Svs. Dir.
Public Services Director
City Clerk (2)
Staff (4)
File (2)
Mr. Ed Fawcett, Costa Mesa Chamber of Commerce
Ms. Diane Pritchett, South Coast Metro Alliance

ATTACHMENTS: 1 Ordinance 06-18

ORDINANCE NO. 06-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-06-04 WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE DEFINITION, REVIEW PROCEDURE, AND REGULATION OF "ASSEMBLY USE".

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 Section 13-6 to include the following definitions:

"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."

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."

b. Amend Table 13- 30 as shown in Attachment A.

c. Add Article 4.5 to Chapter V as shown below:

"ARTICLE 4.5 DEVELOPMENT STANDARDS FOR CHURCHES AND OTHER PLACES OF RELIGIOUS ASSEMBLY

Sec. 13-51.50 PURPOSE

The purpose of this article is to regulate and provide development standards for churches and other places of religious assembly to ensure land use compatibility with adjacent land uses. The proximity of residential uses to this type of assembly use is a concern of this article. Where the distance criterion of 200 feet from

residentially-zoned property is given in this article, it shall be measured from the property line of the site to the property line of the nearest residentially-zoned property.

Sec. 13-51.51 PERMITTED AND CONDITIONALLY PERMITTED USES

Churches and other places of religious assembly are subject to the review and approval procedures shown in Table 13-30 CITY OF COSTA MESA LAND USE MATRIX and the applicable development standards contained in this article. Other land uses such as, but not limited to, day care facilities, nursery schools, schools, primary and incidental retail sales, such as a bookstore, and services to businesses, that are not the primary function of a church or other place of religious assembly, shall be subject to the review and approval procedures shown in Table 13-30 CITY OF COSTA MESA LAND USE MATRIX for that specific land use.

Sec. 13-51.52 GENERAL DEVELOPMENT STANDARDS

Churches and other places of religious assembly are subject to the following development standards.

- (a) Outdoor activity areas are permitted provided that that area does not encroach into required street setback, parking and circulation, or interior landscaped areas; except as approved through the issuance of a minor conditional use permit.
- (b) Accessory facilities in the same or separate building are permitted, including classrooms, assembly rooms, restrooms, kitchen, and a library.
- (c) All churches and other places of religious assembly shall comply with the review procedures indicated in Table 13-30, as well as with all other applicable development standards of this Title.

Sec. 13-51.53 DEVELOPMENT STANDARDS FOR CHURCHES AND OTHER PLACES OF RELIGIOUS ASSEMBLY WITHIN 200 FEET OF RESIDENTIALLY-ZONED PROPERTY

In addition to the General Development Standards required under Section 13-51.52, churches and other places of religious assembly that are within 200 feet of residentially-zoned property shall comply with the following development standards, unless the standards are modified through the issuance of a conditional use permit.

- (a) All exterior lighting shall be shielded and/or directed away from residential areas.
- (b) Outdoor public communication systems shall not be audible in adjacent residential areas.
- (c) Trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to adjacent residential areas.

- (d) Outdoor activity areas shall be oriented away or sufficiently buffered from adjacent residential areas to prevent disturbance of the peaceful use of such areas by residents.
- (e) For new construction, a landscaped planter area, a minimum of 5 feet in width, shall be provided as an additional buffer to adjacent residential areas. The planter area shall contain appropriate plant materials to provide an immediate and effective screen. Plant materials shall meet with the approval of the Planning Division. For interior alterations, the Planning Division may also require the construction of a landscaped planter area to buffer adjacent residential areas, if feasible.
- (f) For new construction, all interior property lines abutting residentially-zoned property shall have a minimum six-foot high masonry wall, as measured from the highest grade. An eight-foot high masonry wall may be required, based on the church's/place's of religious assembly operational characteristics, in order to provide additional protection to adjacent residential uses. A planning application may be required for walls exceeding six (6) feet in height. For interior alterations, the Planning Division may also require the construction of a masonry wall to buffer adjacent residential areas, if feasible.
- (g) Hours of operation for religious services shall not occur any time between 11:00 p.m. and 6:00 a.m.
- (h) Truck deliveries shall not occur anytime between 8:00 p.m. and 7:00 a.m.”

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 pursuant to Section 15061(3) of the CEQA Guidelines contained in the California Code of Regulations.

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, 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

City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa

