



# **CITY COUNCIL AGENDA REPORT**

MEETING DATE: AUGUST 4, 2009

ITEM NUMBER:

**SUBJECT:** CODE AMENDMENT CO-09-06 TO TITLE 9, CHAPTER V, FILMING ACTIVITIES, OF THE COSTA MESA MUNICIPAL CODE

**DATE:** JULY 21, 2009

**FROM:** DEVELOPMENT SERVICES DEPT.

**PRESENTATION BY:** KIMBERLY BRANDT, ACTING DIRECTOR

**FOR FURTHER INFORMATION CONTACT:** CLAIRE FLYNN (714) 754-5278

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## **RECOMMENDATION:**

Give second reading to Ordinance No. 09-10 amending Title 9, Chapter V, Film Activities, of the Costa Mesa Municipal Code.

## **BACKGROUND:**

On July 21, 2009, City Council gave first reading to the attached ordinance. The purpose of the proposed Code amendment is to make one specific change to exempt the following organizations from the Title 9 film permit requirements:

- "any business, non-profit organization, and/or entity which has already obtained appropriate zoning approval (e.g. minor conditional use permit) from the city for regular outdoor filming activities."

No other changes are proposed.

Handwritten signature of Claire L. Flynn in black ink.

CLAIRE L. FLYNN, AICP  
Planning Administrator

Handwritten signature of Kimberly Brandt in black ink.

KIMBERLY BRANDT, AICP  
Acting Development Svs. Director

Attachment: 1. Ordinance

Distribution: City Manager  
City Attorney  
City Clerk (2)  
Staff (4)  
File (2)

ORDINANCE NO. 09-10

**AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-09-06 TO AMEND TITLE 9, CHAPTER V, FILMING ACTIVITIES, OF THE COSTA MESA MUNICIPAL CODE**

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

**SECTION 1: CODE AMENDMENT.** Title 9 of the Costa Mesa Municipal Code is hereby amended as follows:

- a. Amend Chapter V, Section 9-473(b), by including the following changes shown in underlined and strike-out text:

“Sec. 9-473. Permit required.

(b) No person shall use any private property for the purpose of making commercial films without first applying for and receiving a permit from the city manager or his/her designee. Notwithstanding the foregoing, the provisions of this chapter shall not apply to or be construed to affect the following filming on private property:

1. Filming which requires no parking variances and uses no public property or rights-of-way on public property;
2. Filming which does not impair the quiet enjoyment of the surrounding properties;
3. Filming which does not involve the use of any pyrotechnic device as defined in California Health and Safety Code section 12526;
4. A licensed business which regularly employs a licensed pyrotechnic operator as defined in California Code of Regulations section 981.5;
5. Filming by news media;
6. Filming solely for private family use; or
7. Any business, non-profit organization, and/or entity which has already obtained appropriate zoning approval (e.g. minor conditional use permit) from the city for regular outdoor filming activities.”

**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 9b) (30 (general rule) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the proposed amendment to 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 \_\_\_\_\_ 2009.

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ALLAN R. MANSOOR  
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

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

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

