



# ***CITY COUNCIL AGENDA REPORT***

MEETING DATE: MARCH 15, 2011

ITEM NUMBER:

**SUBJECT:** SECOND READING OF ORDINANCE 11-4 ADOPTING CODE AMENDMENT CO-11-01:  
AN AMENDMENT TO TITLE 5, CHAPTER I, OF THE COSTA MESA MUNICIPAL CODE  
REGARDING BUILDING PERMIT REQUIREMENTS FOR MASONRY WALLS GREATER  
THAN THREE FEET IN HEIGHT

**DATE:** MARCH 2, 2011

**FROM:** DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** KHANH NGUYEN, CBO, BUILDING OFFICIAL

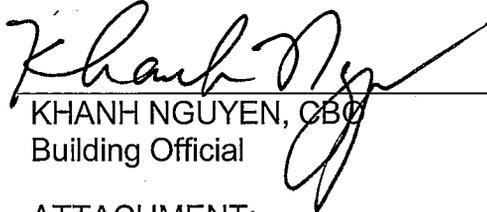
**FOR FURTHER INFORMATION CONTACT:** KHANH NGUYEN (714) 754-5277

## **RECOMMENDATION:**

Give second reading and waive further reading to Ordinance 11-4, amending Title 5, Chapter I, of the Costa Mesa Municipal Code related to building permit requirements for masonry walls greater than three feet in height.

## **ANALYSIS:**

On March 1, 2011, City Council gave first reading to Ordinance 11-4. Staff has no further information on this item.

  
\_\_\_\_\_  
KHANH NGUYEN, CBO  
Building Official

  
\_\_\_\_\_  
KIMBERLY BRANDT, AICP  
Development Services Director

## **ATTACHMENT:**

1. Ordinance No. 11-4

**DISTRIBUTION:** Chief Executive Officer  
Assistant Chief Executive Officer  
City Attorney  
Public Services Director  
Transportation Svs. Mgr.  
City Clerk (2)  
Staff (4)  
File (2)  
Building Industry Association (BIA)  
South Coast Metro Alliance  
Costa Mesa Chamber of Commerce

## ORDINANCE NO. 11-4

**AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING MUNICIPAL CODE AMENDMENT CO-11-01, AMENDING SECTIONS 5-1.1 AND 5-1.3 OF TITLE 5 OF THE COSTA MESA MUNICIPAL CODE RELATED TO BUILDING PERMIT FOR MASONRY WALLS**

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

**SECTION 1:** Section 5-1.1 and 5-1.3 of Chapter I, Title 5, is hereby amended as follows:

Amend Section 5-1.1 by adding the following:

- “k) Amend item number 2 under “Building” in Section 105.2, Work exempt from permit, as follows:
2. Wood, steel, vinyl, or iron fences not over 6 feet high. Stucco, concrete, brick, masonry, block fences not over 3 feet high.”

Amend Section 5-1.3 by adding the following:

- “g) Amend item number 2 under “Building” in Section R105.2, Work exempt from permit, as follows:
2. Wood, steel, vinyl, or iron fences not over 6 feet high. Stucco, concrete, brick, masonry, block fences not over 3 feet high.”

**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 (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 \_\_\_\_\_ 2011.

\_\_\_\_\_  
GARY MONAHAN  
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

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

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

