

**PLANNING COMMISSION MEETING 10.14.13 – PH-3 EXCERPTS**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO RESIDENTIAL FACILITIES.** 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”.

3. An Ordinance of the City Council of the City of Costa Mesa Amending Title 13 of the Costa Mesa Municipal Code Related to Residential Facilities

Senior Planner Mel Lee presented the staff report and explained that the proposed code amendment would change the current Zoning Code definition of “single housekeeping unit” and 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. If approved the revision would go to the November 5, 2013 City Council meeting for approval. Mr. Lee advised that City Attorney Elena Gerli was available for questions.

Commissioner McCarthy provided background information regarding the Van Buren complaint that generated the staff report as a result of the City losing a lawsuit due to the current definition of the single housekeeping unit.

Vice-Chair Dickson asked if the proposed language had ever been challenged. Ms. Gerli stated the language had been precisely crafted so as not to be challenged.

**PUBLIC COMMENTS:**

Patricia Bintliff stated she was the resident of the Van Buren residence. She requested for the record, that Page 2 of the staff report be corrected to reflect that at the time of the inspection she had 14 beds and 11 residents, not 11 beds and 13 residents. It was important to distinguish the difference between facilities because her home had never been used as a facility of any kind. She asked under what license did the City classify homes as “residential service facilities” and if the City was going to inspect every household in R1 zones; otherwise it would be discrimination.

Beth Refakes, East Side resident, expressed concern with how the City would be treating families in R1 zones as she felt it would be an imposition of constitutional rights.

Paul Dumont, Housing Rights advocate and volunteer, explained the problems with the City’s redefinition of single housekeeping unit.

Barron Hurlbut, East Side resident, suggested citing complaints that arise as a solution to arbitrarily inspecting residences. He supported the ordinance and stated that having an ordinance would be in the best interest of Costa Mesa citizens.

Andy Booley, resident, mentioned that said facilities/homes were businesses and it was difficult for citizens to understand how businesses were being operated from R1 facilities. Given the situation at hand, he did not think residents would object to the City conducting a survey.

Chair Fitzpatrick closed the public comments session.

**MOTION: Direct staff to relook at how the ordinance is being proposed, broaden its focus on residential service facilities as well as how it will be enforced, taking into account citizens' questions and concerns and return at the earliest possible date.. Moved by Chair Fitzpatrick, second by Commissioner Mathews.**

Commissioner Dickson stated he would not be supporting the motion because the proposed ordinance was a necessary administrative redefinition of a Municipal Code section that significantly broadened and clarified the definition of a single housekeeping unit and did not unduly discriminate.

**SUBSTITUTE MOTION: Recommend that the City Council approve and give first reading to Code Amendment CO-12-02 (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.) Moved by Vice-Chair Dickson, second by Commissioner McCarthy with comment.**

Commissioner McCarthy did not understand why this issue was delving into something it was not. Citizens deserved relief and the issue needed to be looked at for what it was – tools for the City to protect residents. The matter did not need to be delayed any further.

Commissioner Mathews asked why these types of businesses could not operate in other parts of the City outside of R1 zones.

The motion carried by the following roll call vote:

Ayes: Dickson, McCarthy, Mathews  
Noes: Fitzpatrick, Sesler  
Absent: None  
Abstained: None

- Application No.** PA-13-25  
**Applicant:** Cody Bean  
**Site Address:** 1520 Nutmeg Place  
**Zone:** C1  
**Project Planner:** Antonio Gardea  
**Environmental Determination:** Exempt

**Description:**

Minor Conditional Use Permit to legalize the free on-site valet parking service for an existing medical use (Southland Spine and Rehab) from 8am to 5pm, Monday through Friday.

Senior Planner Antonio Gardea presented the staff report.