



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: OCTOBER 7, 2014

ITEM NUMBER:

**SUBJECT:** CODE AMENDMENT CO-14-03: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTION 13-6 (DEFINITIONS) OF ARTICLE 2 (DEFINITIONS) OF CHAPTER I (GENERAL), ADDING CHAPTER XV (GROUP HOMES), AND REPEALING AND REPLACING ARTICLE 15 (REASONABLE ACCOMMODATIONS) OF CHAPTER IX (SPECIAL LAND USE REGULATIONS), OF TITLE 13 (ZONING CODE) AND AMENDING THE CITY OF COSTA MESA LAND USE MATRIX - TABLE NO. 13-30 OF CHAPTER IV. (CITYWIDE LAND USE MATRIX) OF THE COSTA MESA MUNICIPAL CODE RELATING TO GROUP HOMES

**FROM:** COMMUNITY IMPROVEMENT DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** JERRY GUARRACINO, AICP, ASSISTANT DIRECTOR

**DATE:** SEPTEMBER 23, 2014

**FOR FURTHER INFORMATION CONTACT:** Jerry Guarracino, AICP (714) 754-5631  
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## **RECOMMENDATIONS**

The Planning Commission recommends that the City Council take the following actions with regard to the proposed ordinance to amend Title 13, Chapter(s) I, IV and IX, and to add Chapter XV (Group Homes) to the Costa Mesa Municipal Code with regard to group homes ("Group Home Ordinance"):

- That City Council find that the proposed ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of CEQA because there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.
- That City Council approve and give first reading to the proposed ordinance.

## **BACKGROUND**

The ordinance for City Council consideration proposes modifications to Title 13, Chapter(s) I, IV, and IX, and to add Chapter XV (Group Homes) to the Costa Mesa Municipal Code with regard to group homes ("Group Home Ordinance"). On September 22, 2014 the Planning Commission conducted a public hearing on the proposed ordinance and heard public testimony both for and against the ordinance. The Planning Commission voted unanimously to recommend that the City Council approve the ordinance with some slight modifications as follows:

1. Revise the separation radius for sober living homes from 500 feet to 650 feet, proposed Section 13-311(b)(6)(iii);
2. Shorten the compliance schedule (Section 13-312) for the Special Use Permit to reflect 90-days to apply for the permit and 1-year to come into compliance with provisions of the ordinance with up to 1 additional year grace period, as necessary to prevent undue financial hardship, pursuant to planning division approval;
3. Require that a house manager live on site or a series of managers are on site 24-hours a day proposed Section 13-311(a)(4);
4. Require that group homes declare, under penalty of perjury, that the group home does not operate as an integral use/facility proposed Section 13-311(a)(7); and
5. Determine if parking restrictions could be imposed on sober living homes.

The draft ordinance has been revised to reflect recommended changes 1-4 above (Attachment No. 1). Research into the viability of parking restriction on sober living homes is ongoing and will be discussed further in staff's presentation to the City Council. In addition to the items listed above other minor wording changes were made to the draft ordinance for clarification purposes.

### **ANALYSIS**

A detailed discussion and analysis of the purpose for the ordinance, legal background and description of the proposed ordinance is provided in the Planning Commission Staff Report provided as Attachment No. 3.

### **CONCLUSION**

The proposed amendment will provide the regulatory framework to limit the number of people in a group home and to prevent the overconcentration of sober living homes in single-family residential neighborhoods. The regulation establishes a Special Permit Application for group homes operating in single-family neighborhoods, and establishes reasonable operating standards on these uses to ensure that they do not generate the type of secondary impact that would be out of character for the neighborhood, while still furthering the purpose of the FEHA, the FHAA and the Lanterman Act.

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JERRY GUARRACINO, AICP  
Assistant Director  
Community Improvement Division

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GARY ARMSTRONG, AICP  
Director of Economic & Development  
Services/ Deputy CEO

- Attachments:
1. [Draft Ordinance](#)
  2. [September 22, 2014 Planning Commission Meeting Minute Excerpt](#)
  3. [September 22, 2014 Planning Commission Staff Report and Related Exhibits](#)

cc:

- Chief Executive Officer
- Assistant Chief Executive Officer
- Director of Economic & Development / Deputy CEO
- City Attorney
- Public Services Director
- Transportation Svs. Mgr.
- City Engineer
- City Clerk (9)
- Staff (7)
- File (2)