



CITY COUNCIL AGENDA REPORT

MEETING DATE: June 16, 2015

ITEM NUMBER:

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TABLE 13-30 (LAND USE MATRIX) OF CHAPTER IV (CITYWIDE LAND USE MATRIX) TITLE 13 (ZONING CODE OF THE COSTA MESA MUNICIPAL CODE) TO REFLECT CHANGES MADE BY CODE AMENDMENT CO-14-03, AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 14-13 (GROUP HOMES) ON OCTOBER 21, 2014

FROM: COMMUNITY IMPROVEMENT DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: JERRY GUARRACINO, AICP, ASSISTANT DIRECTOR

DATE: JUNE 2, 2015

FOR FURTHER INFORMATION CONTACT: Jerry Guarracino, AICP (714) 754-5631
jerry.guarracino@costamesaca.gov

RECOMMENDATION

1. City Council conduct the first Public Hearing and give the first reading to Ordinance No. 15-XX, to be read by title only, and waive further reading; and
2. City Council schedule the second reading to Ordinance No. 15-XX, to be read by title only, and waive further reading, for July 7, 2015.

BACKGROUND

On October 21, 2014 the City Council adopted Ordinance No. 14-13, titled "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". At that time the updated portion of the Land

Use Matrix, reflecting the changes made by Ordinance No. 14-13, was attached to the staff report but was inadvertently omitted from the Ordinance itself. As is evident from the Title of Ordinance No. 14-13, it was the intent of the City Council to adopt the updated Land Use Matrix as part of that Ordinance. Consistent with that intent, City staff has enforced Ordinance No. 14-13 and the updated Land Use Matrix as the current law in the City of Costa Mesa since the adoption of Ordinance No. 14-13. Out of an abundance of caution, the proposed Ordinance would correct any possible procedural deficiencies in the adoption of the updated Land Use Matrix and would ensure that the Land Use Matrix accurately reflects the City's Zoning Code.

ANALYSIS

The previously adopted Ordinance No. 14-13, provided 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. The proposed Ordinance is a technical update only and makes no change to the Code that was adopted by Ordinance No. 14-13. The new Ordinance simply reflects the previously approved changes to the code in the Land Use Matrix for clarity and consistency purposes.

More specifically the proposed Ordinance would modify Table 13-30 (Land Use Matrix) of Section 13-30 (Purpose) of Chapter IV (Citywide Land Use Matrix) of Title 13 (Planning Zoning and Development) as follows:

1. Section (4) through (9) of Table 13-30 would be repealed and replace with text as shown on "Attachment 1 – Exhibit A."
2. Footnote 4 is repealed and replaced with the following:

⁴ For the purposes of this table, the symbols shall have the following meaning: C – Conditional Use Permit; MC – Minor Conditional Use Permit; P – Permitted; • - Prohibited; and S – Special Use Permit.

3. Footnote 5 is added as follows:

⁵ 650 foot separation required between sober living homes, or from state licensed alcohol or drug abuse recovery or treatment facilities in the R1 zone. CMMC 13-311(a)(10)(i).

CEQA Analysis

The Ordinance 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 it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

CONCLUSION

The proposed Ordinance is a technical amendment to the Land Use Matrix reflecting Zoning Code changes previously approved by the City Council of the City of Costa Mesa through adoption of Ordinance No. 14-13 on October 21, 2014. The Matrix was included in the staff report, but was inadvertently omitted from Ordinance No 14-13. Out of an abundance of caution, the proposed Ordinance would correct any possible procedural deficiencies in the adoption of the updated Land Use Matrix and would ensure that the Land Use Matrix accurately reflects the City's Zoning Code.

JERRY GUARRACINO, AICP
Assistant Director
Community Improvement Division

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

Attachments: 1. Draft Ordinance

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

Attachment No.1

Draft Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING TABLE 13-30 (LAND USE MATRIX) OF CHAPTER IV. (CITYWIDE LAND USE MATRIX) TITLE 13 (ZONING CODE OF THE COSTA MESA MUNICIPAL CODE TO REFLECT CHANGES MADE BY CODE AMENDMENT CO-14-03, AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 14-13 (GROUP HOMES) ON OCTOBER 21, 2014

THE CITY COUNCIL OF THE CITY OF COSTA MESA MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THE FOLLOWING ORDINANCE:

WHEREAS, under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the single-family characteristics of its single-family neighborhoods, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled"; and

WHEREAS, on October 21, 2014, the City Council of the City of Costa Mesa adopted Ordinance No. 14-13, titled "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"; and

WHEREAS, the updated portions of the Land Use Matrix, reflecting the changes made by Ordinance No. 14-13, were attached to the staff report but were inadvertently omitted from the Ordinance itself; and

WHEREAS, it was the intent of the City Council to adopt the updated Land Use Matrix as part of Ordinance No. 14-13; and

WHEREAS, City staff has enforced Ordinance No. 14-13 and the updated Land Use Matrix as the current law in the City of Costa Mesa since the adoption of Ordinance No. 14-13; and

WHEREAS, out of an abundance of caution the City Council wishes to correct any possible procedural deficiencies in the adoption of the updated Land Use Matrix and to ensure that the Land Use Matrix accurately reflects the City's Zoning Code; and

WHEREAS, this Ordinance 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 will have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDAIN AS FOLLOWS:

Section 1: Sections (4) through (9) of Table 13-30 (Land Use Matrix) of Section 13-30 (Purpose) of Chapter IV (Citywide Land Use Matrix) of Title 13 (Planning, Zoning and Development) are hereby repealed and replaced with the following:

See Exhibit A.

Section 2. Footnote 4 to Table 13-30 (Land Use Matrix) of Section 13-30 (Purpose) of Chapter IV (Citywide Land Use Matrix) of Title 13 (Planning, Zoning and Development) is hereby repealed and replaced with the following

⁴ For the purposes of this table, the symbols shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited; and S - Special Use Permit.

Section 3. Footnote 5 to Table 13-30 (Land Use Matrix) of Section 13-30 (Purpose) of Chapter IV (Citywide Land Use Matrix) of Title 13 (Planning, Zoning and Development) is hereby added as follows:

⁵ 650 foot separation required between sober living homes, or from state licensed alcohol or drug abuse recovery or treatment facilities in the R1 zone. CMMC 13-311(a)(10)(i).

Section 4. 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 that extent necessary to affect the provisions of this Ordinance.

Section 5. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, 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, word, 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 6. 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.

Adopted this _____ day of _____, 2015

Steve Mensinger, Mayor

ATTEST:

Brenda Green
City Clerk of the City of Costa Mesa

STATE OF CALIFORNIA)
COUNTY OF COSTA MESA)
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ____ day of _____, 2015, and thereafter at the regular meeting of said City Council duly held on the ____ day of _____, 2015, was duly passed and adopted by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Brenda Green
City Clerk of the City of Costa Mesa

Exhibit A

Table 13-30 City of Costa Mesa Land Use Matrix

LAND USES	ZONES																				
	R 1	R 2 M D	R 2 H D	R 3	A P	C L	C 1	C 2	C 1 S ¹	T C ¹	M G	M P	P D R L D ¹	P D R M D ¹	P D R H D ¹	P D R N C M ¹	P D C ¹	P D I ¹	I & R ¹	I & R S ¹	P
4. Boardinghouse, small	•	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•
5. Boardinghouse, large	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•
6. Residential care facility, 6 or fewer persons (State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•
7. Group homes, 6 or fewer	S	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•
7.1. Sober living homes, 6 or fewer	S ⁵	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•
8. Residential care facility, 7 or more	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•
9. Group homes, 7 or more	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•
9.1. Sober living homes, 7 or more	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•