



CITY COUNCIL
SUPPLEMENTAL MEMORANDUM

MEETING DATE: NOVEMBER 17, 2015

OB-2

SUBJECT: SECOND READING OF ORDINANCE NOS. 15-11 AND 15-13 FOR CODE AMENDMENT NO. CO-15-04

DATE: NOVEMBER 12, 2015

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

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The purpose of this memo is to receive additional input from the City Council regarding the following question posed by a councilmember:

Question:

Can the City regulate the vehicles that pick up and drop off clients at group homes and state licensed facilities via the proposed ordinances?

Response:

In general, the City can regulate the pick-up and drop-off of residents at group homes and state licensed facilities of 7 or more by including specific requirements in the conditional use permits (CUPs). The City cannot impose specific equipment related restrictions on vehicles or their drivers that conflict with the Vehicle Code or applicable state law. However, the Planning Commission can add explicit conditions to the CUP requiring compliance with the Vehicle Code and DMV regulations, so that non-compliance could be grounds for revocation of the CUP. Ordinance No. 15-11(Chapter 16 of Title 13) does not need to be amended to enable the Planning Commission to do so, since the City has the inherent authority to impose these conditions via the CUP that are related to the use of the property.

In addition, the Operator's Permit requirements of Ordinance No. 15-13 (Article 23 of Chapter 2 of Title 9) are subject to the general provisions of Title 9, section 9-19, that allows for the revocation or suspension of permits where the applicant or permittee "has violated any provisions of the business tax ordinance or any other provisions of the Costa Mesa Municipal Code, or any other provision of law." Accordingly, failure to comply with the applicable Vehicle Code requirements could form the basis for revocation of an operator's permit. However, the City Council retains the option of

revising either ordinance to include specific regulation regarding vehicles. Such revision, if done tonight, would require a second reading of the revised ordinance. Alternatively, staff could bring a revised ordinance back with proposed language for introduction at a future meeting.

MEL LEE, AICP
Senior Planner

GARY ARMSTRONG, AICP
Director of Economic Development &
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cc: Chief Executive Officer
Assistant Chief Executive Officer
Director of Economic & Development / Deputy CEO
City Attorney
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