



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: AUGUST 22, 2005

*JL*  
ITEM NUMBER:

**SUBJECT:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING CHURCHES/PLACES OF RELIGIOUS ASSEMBLY IN COMMERCIAL ZONES, INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES, THE MASTER PLAN REVIEW PROCESS IN PLANNED DEVELOPMENT ZONES, AND CHAIN LINK FENCING IN NON-RESIDENTIAL ZONES.

**DATE:** AUGUST 11, 2005

**FOR FURTHER INFORMATION CONTACT:** KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER  
(714) 754-5604

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## **DESCRIPTION**

Several amendments to the Zoning Code are proposed to accomplish the following:

1. To allow churches and other places of religious assembly as permitted uses in some commercial zones;
2. To allow incidental retail sales in conjunction with industrial businesses in industrial zones;
3. To designate the Planning Commission as the final review authority in the master plan review process; and
4. To prohibit chain link fencing in any area that is visible from a public street or alley in non-residential zones.

## **RECOMMENDATION**

Staff recommends that Planning Commission recommend to City Council that the ordinance be given first reading.

  
KIMBERLY BRANDT, AICP  
Principal Planner

  
R. MICHAEL ROBINSON, AICP  
Assistant Development Svs. Director

## **BACKGROUND**

Periodically, staff addresses minor Zoning Code amendments through a single ordinance. Through the course of administering the Zoning Code, staff notes sections that need to be amended in order to clarify the Code's intent or streamline the development review process. A discussion of each change is provided in the following section.

## **ANALYSIS**

1. *To allow churches and other places of religious assembly as permitted uses in some commercial zones:* Presently, the Zoning Code requires a conditional use permit for this land use in all zones except the I&R (Institutional and Recreational) district. Staff recommends that churches/places of religious assembly be permitted land uses in the C1 and C2 commercial zones, provided that they are located a minimum of 200 feet away from any residential zone and they comply with all other applicable code standards. Staff believes it is only when churches/places of religious assembly are located in proximity to residential or industrial uses that there is a potential for land use compatibility issues. These issues are usually unique to a site, and therefore, they are best addressed through the conditional use permit process. This code change will streamline the review process for churches/places of religious assembly if they locate in a C1 or C2 zone and the proposed site is not within 200 feet of a residential area.
2. *To allow incidental retail sales in conjunction with industrial businesses in industrial zones:* This amendment would allow industrial business owners that wish to sell retail products, which relate to their primary business without going through a discretionary review process. Examples include clothing and furniture manufacturers/distributors or cabinetmakers that wish to have a small showroom or an auto repair shop that sells replacement parts. The code amendment limits the retail sales area to 20% of the gross floor area and requires the retail products to be related to the primary industrial use.
3. *To designate the Planning Commission as the final review authority in the master plan review process:* The most recent Zoning Code amendments (Ordinance 05-2) changed the master plan review process in all zones to designate the Commission as the final review authority and Zoning Administrator would be the final review authority for amendments. Subsequent to the code change, staff identified other code sections that need to be amended as well to reflect the delegation in the final review authority.
4. *To prohibit chain link fencing in any area that is visible from a public street or alley in non-residential zones:* Presently the Zoning Code allows chain link fencing in non-residential zones as long as it is not located in any required building setback area adjacent to a public right-of-way. This amendment would be consistent with the current standard for residential zones. Staff is proposing that the current requirement that existing chain link fencing in residential zones be removed in conjunction with building permits that are valued at \$30,000 or more be expanded to include removal of chain link fencing in nonresidential projects as well.

**ALTERNATIVES CONSIDERED:**

Commission may choose to do any of the following:

1. Recommend to Council that first reading be given to the ordinance as recommended by the staff;
2. Modify any of the recommended changes to the ordinance; or
3. Recommend to Council that the City's existing zoning provisions be retained.

**ENVIRONMENTAL DETERMINATION**

These code amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and have been found to be exempt.

- Attachments:
1. Proposed Ordinance- strike-through version
  2. Existing Zoning Code Provisions

Distribution:

- Deputy City Manager - Dev. Svs. Director
- Senior Deputy City Attorney
- Public Services Director
- City Engineer
- Fire Protection Analyst
- Staff (4)
- File (2)

File: 082205Title13Amendments	Date: 080905	Time: 11:00 a.m.
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**ATTACHMENT 1**  
**PROPOSED ORDINANCE**

ORDINANCE NO. 05-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING CHURCHES/PLACES OF RELIGIOUS ASSEMBLY IN COMMERCIAL ZONES, INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES, THE MASTER PLAN REVIEW PROCESS IN PLANNED DEVELOPMENT ZONES, AND CHAIN LINK FENCING IN NON-RESIDENTIAL ZONES.

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

Section 1. Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Rows 24 and 131 of Table 13- 30 as show in Attachment A.

b. Amend Section 13-54(a) as follows:

“(a) ~~Reserved for future use.~~ **Incidental retail sales.** Incidental retail sales may be allowed in conjunction with an industrial use provided that the retail sales floor area does not exceed twenty percent of the gross floor area and the retail products are related to the primary industrial use.”

c. Amend Section 13-56(a) to read as follows:

“(a) **Preliminary master plan.** At the applicant's option, a preliminary master plan may be processed in advance of the master plan pursuant to CHAPTER III PLANNING APPLICATIONS. The purpose of the preliminary master plan shall be to determine the general location, type, and intensities of uses proposed in large scale planned developments prior to the preparation and submittal of more detailed development plans. Preliminary master plans may also be used as the conceptual plan for long-term or phased planned developments.

Upon approval of the preliminary master plan, development plans for individual components or phases of the planned development shall be required and shall be processed according to the provisions for master plans in CHAPTER III PLANNING APPLICATIONS. The subsequent plans shall be consistent with the parameters and general allocation and intensity of uses of the approved preliminary master plan. At the time of approval of the preliminary master plan, the ~~City Council~~ Planning Commission may determine that subsequent development plans may be approved by the ~~Planning Commission~~ Zoning Administrator. In such cases, development plans will be forwarded by the ~~Planning Commission~~ Zoning Administrator, upon an appeal filed pursuant to TITLE 2, CHAPTER IX APPEAL, REHEARING AND REVIEW PROCEDURE, or upon motion by the Planning Commission or City Council.”

- d. Amend Sections 13-57(a)(3) and (4) as follows:
- “(3) As a complementary use, nonresidential use of a religious, educational, or recreational nature may be allowed if the ~~City Council~~ Planning Commission finds the use to be compatible with the Planned Development residential project.
  - (4) As a complementary use in the PDR-MD, PDR-HD and PDR-NCM zones, nonresidential uses of a commercial nature may be allowed if the ~~City Council~~ Planning Commission finds the uses to be compatible with the Planned Development Residential project and if the FAR does not exceed that established for the Neighborhood Commercial General Plan land use designation.”
- e. Amend Section 13-57(b)(2) as follows:
- “(2) As complementary uses, residential (density maximum of 20 dwelling units per acre) and industrial uses as well as other commercial and noncommercial uses of a similar or supportive nature to the uses noted in this subsection may be allowed if the ~~City Council~~ Planning Commission approves the uses as compatible with the Planned Development Commercial project based on compatible uses listed in the General Plan for the applicable land use designation subject to FAR limits. For the 1901 Newport Plaza property, a site-specific FAR of 0.70 for the commercial component and site-specific density of 40 dwelling units per acre for the residential component were established for 1901 Newport Boulevard pursuant to General Plan amendment GP-02-04.”
- f. Amend Section 13-57(c)(2) as follows:
- “(2) As complementary uses, nonindustrial uses of a commercial nature or residential nature (density maximum of 20 dwelling units per acre) may be allowed if the ~~City Council~~ Planning Commission finds the uses to be compatible with the Planned Development Industrial project based on compatible uses listed in the General Plan for the applicable land use designation subject to FAR limits.”
- g. Amend Section 13-60(e) as follows:
- “All or part of the area required may be provided in the common open space for multiple-story apartments or common interest developments where dwelling units have no ground floor access, or where for other reasons the ~~City Council~~ Planning Commission finds that the provision of all or part of the required private open space in the aforementioned manner is impractical or undesirable. In such cases, each dwelling unit above the first floor shall be provided with patio or deck area of not less than one 100 square feet. The required area may be provided in one or more patios or decks. In such cases, each dwelling unit shall be provided with a private patio or deck with no dimension less than 5 feet.”
- h. Amend Section 13-61(a) to read as follows:
- “(a) In Planned Development Commercial and Planned Development Residential-North Costa Mesa districts, the required perimeter open space may include, in addition to landscaping, architectural features (such as arcades, awnings, and canopies) and hardscape features (such as paving, patios, planters, and street furniture) if the ~~City Council~~ Planning Commission determines that:

- i. Amend Section 13-61(b) to read as follows:
  - (b) In Planned Development Commercial and Planned Development Residential-North Costa Mesa districts, buildings may encroach into the required perimeter open space if the City Council Planning Commission determines that.”
- j. Amend Section 13-62(a)(3) as follows:
  - “(3) The ~~City Council~~ Planning Commission may also require dedication of development rights or scenic easements to assure that common open space shall be maintained.”
- k. Amend Section 13-62(b)(2) as follows:
  - “(2) Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, nonresidential and recreational facilities provided in or adjacent to the planned development. Where designated bicycle paths or trails exist adjacent to the planned development, safe, convenient access shall be provided. The ~~City Council~~ Planning Commission may require, when necessary, pedestrian and/or bicycle overpasses, underpasses or traffic signalization in the vicinity of schools, playgrounds, parks, shopping areas or other uses that may generate considerable pedestrian and/or bicycle traffic.”
- l. Amend Section 13-62(c)(1) as follows:
  - “(1) The design of public and private streets within a planned development shall reflect the nature and function of the street. Existing City standards of design and construction may be modified only as is deemed appropriate by the ~~City Council~~ Planning Commission after recommendation by the City Engineer, Planning Division, Fire Chief and Police Chief. Right-of-way, pavement and street widths may only be reduced by the ~~City Council~~ Planning Commission where it is found that the final master plan for the planned development provides for the separation of vehicular and pedestrian traffic; that access for public safety and service vehicles is not impaired; and that adequate off-street parking has been provided.”
- m. Amend Section 13-75(j) as follows:
  - “(j) Chain link fences. ~~In all non-residential zones, chain link fencing is prohibited in any required setback abutting a public right-of-way.~~ In all residential zones, chain link fencing is prohibited in any area visible from a public street or alley.
    - 1. Chain link fence removal. A property owner of any ~~residential or planned development~~ property that has an existing chain link fence visible from a public street or alley, shall remove the chain link fence at such time the property owner obtains a building permit, or cumulative building permits over a consecutive twelve month period, for property improvements valued at \$30,000 or more. The chain link fence shall be completely removed prior to the finalization of the last building permit(s) that exceeds the \$30,000 valuation.”

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.

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 no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, 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 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 5: 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 \_\_\_\_\_, 2005

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

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

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-\_\_ was introduced and considered section by section at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Deputy City Clerk and ex-officio  
Clerk of the City Council of the  
City of Costa Mesa

# ATTACHMENT 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	R A P	C L 1	C L 2	C I S	C T G	M G P	M P	P D R L D	P D R M D	P D R H D	P D R N C M	P D C	P D P	I & R S	I & R S	
<b>RESIDENTIAL USES</b>																				
24. Churches and other places of religious assembly <u>NOT WITHIN 200'</u> of residential zones	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C
24a. Churches and other places of religious assembly <u>WITHIN 200'</u> of residential zones	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C	C	P	C
131. Retail, incidental sales to the main use (subject to the requirements of Section 13-54(a) Incidental retail sales)	•	•	•	•	P	P	P	P	P	M G P <sup>2</sup>	M G P <sup>2</sup>	•	P	P	P	P	M G P <sup>2</sup>	•	•	

1. Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.
2. This use is subject to the requirements of the referenced Municipal Code article or section.
3. If residential uses exist, accessory uses shall be permitted.
4. For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

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# **CITY OF COSTA MESA**

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

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DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,  
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**