



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: SEPTEMBER 26, 2005

VII.2.
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.

DATE: SEPTEMBER 15, 2005

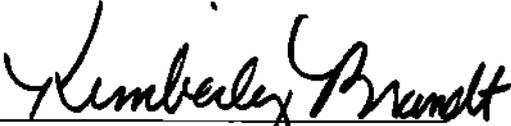
FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER
(714) 754-5604

DESCRIPTION

An ordinance to allow churches and other places of religious assembly as permitted uses in some commercial 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

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 including parking. 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, comply with all other applicable code standards, and the proposed site is not within 200 feet of a residential area.

The City Attorney's Office has also provided a discussion on this ordinance. This report is under separate cover.

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

This code amendment 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.

Attachments: 1. Proposed Ordinance - (strike-through version)

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

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.

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 Row 24 and add Row 24a to Table 13- 30 as show in Attachment A.

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	C L 1	C C 2	C C 1 S'	T C	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 I	P D I	I & R S	P	
RESIDENTIAL USES																				
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	C	•
24a. Churches and other places of religious assembly <u>WITHIN 200'</u> of residential zones	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	•

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