



CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 5, 2013

ITEM NUMBER:

SUBJECT: CODE AMENDMENT CO-12-02: AN AMENDMENT TO TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT"

DATE: OCTOBER 24, 2013

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, AICP, SENIOR PLANNER

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RECOMMENDATION

Per the recommendation of the Planning Commission, introduce and give first reading to the ordinance amending the following section of Title 13 of the Costa Mesa Municipal Code:

- Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of "single housekeeping unit".

BACKGROUND

On October 14, 2013, Planning Commission reviewed the draft ordinance during a public hearing and recommended that the Council adopt the ordinance by a 3-2 vote (Chair Fitzpatrick and Commissioner Sesler voting no). The Planning Commission minute excerpts are attached for reference.

ANALYSIS

Code Amendment CO-12-02

The proposed Code amendment involves changing the current zoning code definition of "single housekeeping unit". The current definition of single housekeeping unit in the zoning code requires clarification for effective enforcement. The proposed code amendment would revise the current code definition of single housekeeping unit as follows:

Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.

The current definition reads as follows:

Single housekeeping unit. The functional equivalent of a traditional family, whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses.

The Planning Commission inquired as to whether this definition only relates to residential care and residential service facilities, as defined in Section 13-6 of the Zoning Code, and upon receiving clarification that it does not, but that group living facilities that do not operate as single housekeeping units are generally limited or prohibited regardless of the nature of the residents or services provided, requested that the agenda report for the City Council reflect this fact.

Public Hearing Comments

During the hearing, six persons spoke regarding the proposed code amendment. Four persons expressed concerns with how the code provisions for single housekeeping units in R1 zoned properties would be enforced under the revised definition, and whether or not the revised definition was consistent with the City's General Plan Housing Element and State or Federal Fair Housing laws. A speaker also clarified for the record that a residential services facility on Van Buren Avenue, against which the City unsuccessfully sought enforcement, had 14 beds and 11 residents.

Staff indicated that aside from the definition of single housekeeping unit, the current provisions of the Zoning Code were not being changed; the current provisions regulating or prohibiting group living residences not operating as single housekeeping units including, but not limited to, boardinghouses and residential care facilities do not conflict with the City's General Plan Housing Element and State or Federal Fair Housing laws, and that enforcement would continue where a complaint is received and a violation is verified.

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 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.

LEGAL REVIEW

The draft ordinance has been reviewed by the City Attorney's office.

CONCLUSION

The Planning Commission recommended that the City Council adopt the proposed Code amendment to revise the code definition for single housekeeping unit as outlined above.

MEL LEE, AICP
Senior Planner

GARY ARMSTRONG, AICP
Economic and Development Services
Director

ATTACHMENTS:

1. [Ordinance No. 13-](#)
2. [Planning Commission Minute Excerpts](#)
3. [Planning Commission Staff Report](#)

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