



# CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 2, 2017

ITEM NUMBER: **OB-2**

**SUBJECT: SECOND READING OF ORDINANCE 17-05 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING TABLE 13-30 OF SECTION 13-30 OF CHAPTER IV (CITYWIDE LAND USE MATRIX), SECTION 13-200.62 OF ARTICLE 15 (REASONABLE ACCOMMODATION) OF CHAPTER IX (SPECIAL LAND USE REGULATIONS) AND CHAPTER XV (GROUP HOMES), CHAPTER XVI (GROUP HOMES AND RESIDENTIAL CARE FACILITIES IN THE R2, R3, PDRLD, PDRMD, AND PRDHE ZONES) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE; AND**

**SECOND READING OF ORDINANCE 17-06 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTION 9-374 OF ARTICLE 23 (GROUP HOMES) OF CHAPTER II (REGULATION OF CERTAIN BUSINESSES) OF TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE**

**DATE: APRIL 26, 2017**

**FROM: DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: SHERI VANDER DUSSEN, AICP, INTERIM ASSISTANT DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: Sheri Vander Dussen (714) 754-5617  
[Sheri.vanderdussen@costamesaca.gov](mailto:Sheri.vanderdussen@costamesaca.gov)**

---

## **RECOMMENDATION:**

1. Give second reading to Ordinance No. 17-05, to be read by title only, and further reading waived, adopting Code Amendment CO-17-02 to amend various sections of Title 13 of the Costa Mesa Municipal Code regarding group homes and reasonable accommodation (Attachment 1); and
2. Give second reading to Ordinance No. 17-06, to be read by title only, and further reading waived, adopting Code Amendment CO-17-02 to amend various sections of Title 9 of the Costa Mesa Municipal Code regarding operator's permits for group homes of seven or more located in the MFR Zones (Attachment 2).

## **BACKGROUND:**

At its meeting of April 18, 2017, the City Council held a public hearing and introduced ordinances amending Titles 9 and 13. The ordinance amending Title 13 was based on the recommendations of the Planning Commission. Before introducing these ordinances for first reading, the City Council modified both ordinances. These revisions are summarized in this report and reflected in the attached ordinances.

### ***Special Use Permit approvals (Section 13-311(b))***

The City Council modified the approval process for special use permits. The City will provide notice to all owners and occupants of properties within 500 feet of the subject property of the proposed application. It is staff's intent to include notice of the date and time the Director will conduct a hearing before making a decision to approve an application. The focus of the hearing will be whether the SUP conforms to applicable criteria of the Municipal Code. Following the hearing, the Director will issue a written decision. These decisions remain subject to appeal to the Planning Commission. Revocation of a SUP will continue to require a hearing in front of the Director of Development Services.

Staff will be preparing a code amendment to modify the City's noticing procedures for all discretionary land use applications to require occupants to be noticed in addition to property owners. This code amendment will be presented to the Planning Commission and City Council in the near future.

### ***Compliance with Vehicle Code (Section 13-322)***

These provisions reinforce the obligations of drivers making deliveries of supplies or passengers to comply with all applicable provisions of the California Vehicle Code, such as those related to parking, stopping and licensure.

### ***Required Separation between Group Homes (Section 13-323(b))***

The City Council clarified that only the deliberative bodies (Planning Commission and City Council) may approve deviations to the minimum separation of 650 feet between group homes and licensed alcohol and drug treatment facilities, unless a reasonable accommodation has been approved pursuant to Federal requirements.

### ***Application Requirements (Section 13-311)***

The City Council incorporated into the ordinance the following provisions modeled after City of Newport Beach Ordinance 2008-05:

- If the applicant and/or lessee or owner is a partnership, corporation, firm or association, then the applicant/lessee shall provide the additional names and addresses as follows and such persons shall also sign the application:
  - Every general partner of the partnership
  - Every owner with a controlling interest in the corporation
  - The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder for the conditional use permit.

- The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefore.

Staff will be preparing a code amendment to apply these application requirements to all discretionary applications. This code amendment will be presented to the Planning Commission and City Council in the near future.

***Eviction/involuntary termination of residency (Sections 13-311(a)(10), 13-322(a)(5)***

The City Council added additional protections for residents of group homes whose residency may be involuntarily terminated. In addition to the changes recommended by the Planning Commission, the Council made the following changes to these provisions:

- Information obtained by the operator through required contacts with OC Links and the City's Network for Homeless Solutions must be provided in writing to the resident on a form to be provided by the City. This notice must be given, and signed by the resident, prior to eviction or involuntary termination of residency.
- Operators shall be responsible to provide transportation for residents back to their permanent address. However, a resident may refuse to return to their home. If the operator's contacts with OC Links and the City's Network for Homeless Solutions reveal that a bed is available in another facility, the operator shall be responsible for providing transportation to that facility.
- The operator must provide notice to a resident's emergency contact and get in touch with OC Links and the City's Network for Homeless Solutions at least 48 hours before evicting a resident, unless the resident's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the Operator's Permit or CUP for that facility.

These modifications were also incorporated into Section 9-374(b)(7) of the ordinance amending Title 9 (Attachment 2).

**SUMMARY:**

The attached ordinances reflect the revisions made by the City Council prior to introducing these ordinances on April 18, 2017.

---

SHERI VANDER DUSSEN, AICP  
Interim Assistant Director

---

JAY TREVINO, AICP  
Development Services Department  
Consultant

ATTACHMENTS:

1. [Ordinance 17-05 amending Title 13](#)
2. [Ordinance 17-06 amending Title 9](#)
3. [Ordinance 17-05 amending Title 13 \(revisions depicted\)](#)
4. [Ordinance 17-06 amending Title 9 \(revisions depicted\)](#)