

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
REGULATIONS GOVERNING FIREWORKS	400-2	5/17/04 REV: 1/17/06; 6/3/06, 5/6/08, 05/19/09	2 of 3

5. No more than 5 permits each year may be issued to a Group 1 User (or sponsored group) as defined in the City's Athletic Field/Facility Use and Allocations Policy.
6. The requirement in Costa Mesa Municipal Code Section 9-181(c) that a non-school applicant must have 80% of its "members" be residents of Costa Mesa may be satisfied if the applicant can show that the funds raised from the fireworks sales will be used for an activity or event where at least 80% of the participants or persons benefited are youths residing in Costa Mesa. The 80% requirement shall not apply to post-twelfth-grade schools located in Costa Mesa.
7. No more than 40 permits for fireworks sales stands shall be approved each year. The Finance Department will use a lottery system to allocate the permits if more than 40 qualified applicants file for permits in any year.
8. No permits shall be issued for any year unless the fireworks industry prepares flyers in both English and Spanish, explaining fireworks safety and water quality protection for distribution to all Costa Mesa schools for their students. A sample of the flyer shall be submitted to the City Fire Chief for his comments. The flyers shall be delivered to the Fire Chief by June 1st each year. A sufficient number of these flyers must also be provided to the operators of the fireworks stands for distribution to all buyers.
9. Permit applicants may be asked by the Director of Finance to submit information to verify statements made on the application form. Any applicant who is unable to verify such statements may be disqualified from obtaining any future permits. Permits are not transferrable.
10. Fireworks sales to the public on 7/1 through 7/3 shall be limited to between the hours of 10:00 am and 10:00 p.m. each day. On 7/4, fireworks sales to the public shall be limited to between the hours of 9:00 am and 8:00 p.m.
11. Discharge of safe and sane fireworks shall be limited to the Fourth of July (7/4), from 4:00 p.m. until 10:00 p.m.
12. The Costa Mesa Fire Chief has been granted the authority by the City Council to declare a moratorium on the use of fireworks if conditions of high winds or advanced drought conditions exist. The City Manager will be notified immediately and will determine how this will be communicated to the public.
13. All City parks shall be posted with appropriate signs advising the public that discharge of any fireworks is prohibited at Costa Mesa public parks, and that violators will be cited and fined. The Maintenance Services Manager or his/her designee shall ensure that all park sprinkler irrigation systems are functioning properly and set to go on for a period of time on the evening of July 4th to further discourage the use of fireworks at City parks.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
REGULATIONS GOVERNING FIREWORKS	400-2	5/17/04 REV: 1/17/06; 6/3/06, 5/6/08, 05/19/09	3 of 3

14. Notification signs to the public shall be strategically placed at access points of the City at least one week prior to July 4th. The signs shall advise the public of the City's zero tolerance of illegal fireworks and illegal use of legal fireworks as well as associated penalties.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
BOND FINANCING FOR RENTAL HOUSING	500-1	8- 6-84	1 of 4

BACKGROUND

Due to changing conditions in the housing market and the availability of appropriate financing mechanisms, the City Council receives requests for bond financing from private developers. The City Council has reviewed such requests on a project-by-project basis without benefit of guidelines and/or policies. As the use of bonds or public financing is intended to promote or address certain public needs, a set of guidelines for evaluating specific projects in relationship to those public needs is necessary.

PURPOSE

It is the purpose of this policy to:

1. Provide the City Council with guidelines which can be used to evaluate those rental projects requesting public financing.
2. Establish a stated policy between the use of public financing for rental projects and the accomplishment of goals and objectives as stated in the City's General Plan and City Council Goals.
3. To provide direction to those private developers seeking approval from the City Council for the use of public financing to construct rental housing.

POLICY

The following criteria shall be utilized in evaluating projects requesting bond financing. The criteria are derived from the City's adopted General Plan policies and City Council Goals. Projects must meet at least one of the criteria in three (3) of the five major categories (Land Use Opportunities, Project Location, Housing for Specified Populations, Employment/Housing Relationship, Impact on City Services and Facilities) to qualify for consideration by the City. In addition to meeting the preceding criteria, all projects requesting bond financing must commit to a ten-year rental use for 100 percent of the units and maintain rents for 20 percent of the housing units within the Fair Market Rent Limitations as approved by the Orange County Housing Authority. Projects which do not meet these minimum standards shall not be given further consideration for public financing.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
BOND FINANCING FOR RENTAL HOUSING	500-1	8- 6-84	2 of 4

Projects which meet the preceding minimum standards will be forwarded to the City Council. At that time, the City Council shall decide whether or not to approve the project for participation in the County Rental Housing Bond Program. Such approval shall be conditional upon final acceptance and approval of the Cooperative Agreement by the City Council. Any and all commitments made by the developer under the preceding criteria to secure said approval by the City Council shall be made a part of the final documentation on the bond commitment.

Major Category Criteria

I. Project Location

The development of affordable rental housing in specific areas of the community is a stated desire of the City. Projects located in the following areas serve to accomplish this objective. (General Plan policies 138, 141)

- (1) Costa Mesa Redevelopment Area No. 1
- (2) Costa Mesa Redevelopment Area No. 2
- (3) Neighborhoods identified for special housing improvements

II. Land Use Opportunities

Specific areas of the City are benefited by the development of new housing stock which replaces existing, deteriorating housing and/or inefficient lot configurations. (General Plan policies 105, 213, 217)

- (1) Rental projects which utilize the City's lot combination incentive
- (2) Rental projects which convert marginal land uses to medium or high density residential
- (3) Rental projects which replace existing, substandard dwellings.

III. Housing for Specified Populations

Affordable rental housing may be designed to address the specific needs of certain sectors of the community's population. (General Plan policies 144, 145)

- (1) Family housing projects
- (2) Housing designed for senior citizens
- (3) Projects designed to meet the needs of the handicapped

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
BOND FINANCING FOR RENTAL HOUSING	500-1	8- 6-84	3 of 4

IV. Employment/Housing Relationship

It is a goal of the City to accomplish a balance between housing opportunities and employment opportunities within the community. The relationship of housing projects in meeting the needs of current and future employees of business, industry and government within the community is important. (General Plan policy 208)

- (1) Rental projects which provide housing for a specific, existing employment center within the community
- (2) Rental housing which is developed as part of a housing assistance program for businesses locating to the City
- (3) Rental housing which is developed in conjunction with and at the same location as new employment centers

V. Impact on City Services and Facilities

The development of rental housing projects in close proximity to existing City services, facilities and public transportation is encouraged. (General Plan policies 211, 212)

- (1) The project is located in close proximity to existing transportation corridors providing public transportation to retail outlets and employment centers
- (2) The rental project is designed and located so as to be accommodated by existing public facilities and services
- (3) The project includes the development of needed public improvements such as street widenings, intersection improvements and storm drain facilities

PROCEDURE

Private developers who choose to take advantage of public financing for rental housing must consider the preceding criteria in their project development. The request for consideration of bond financing should be made at the time the project is formally submitted for consideration by the City. The developer shall prepare a report which demonstrates how the project meets the required criteria for consideration. An evaluation of the project in accordance with the preceding criteria shall be performed by the City staff and presented to the City Council at the time the project is formally considered. If the project receives preliminary approval from the City Council, the County of Orange shall be so notified so that the Inducement Resolution can be prepared.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT

BOND FINANCING FOR RENTAL HOUSING

POLICY
NUMBER

500-1

EFFECTIVE
DATE

8- 6-84

PAGE

4 of 4

Subsequent to preliminary approval of the project, the staff shall enter into negotiations with the developer for conditions to be included in the Cooperative Agreement. Said conditions may include, but are not limited to, Financing Fees and provisions for the enforcement of the rental requirements set for this Council Policy. Upon the conclusion of negotiations, the Cooperative Agreement shall be forwarded to the City Council for final consideration.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT

PROCESSING OF GENERAL PLAN AMENDMENTS

POLICY
NUMBER
500-2

EFFECTIVE
DATE
11/3/86
Rev. 8/1/94

PAGE
1 of 2

Background

The General Plan constitutes the official policy of the City Council of the City of Costa Mesa with regard to physical development of the City. The City Council may, at its option, amend the General Plan or any element thereof. On August 2, 1982, the City Council enacted Resolution 82-65 adopting "General Plan Administration and Implementation Policies and Procedures". These procedures provided that regularly scheduled General Plan review hearings would be held at the first Planning Commission meeting in February, June, and October. Since that date, State Law has been amended to allow elements of the General Plan to be amended four, rather than three, times during any calendar year. Due to the increased workload on Staff, Planning Commission and City Council resulting from the review of General Plan Amendment applications, the City Council wishes to review the type and number of such applications prior to acceptance for processing.

Purpose

It is the purpose of this policy to:

1. Establish dates for the hearing of General Plan Amendments.
2. Establish guidelines to assist the City Council in providing direction to Staff with regard to processing privately initiated General Plan Amendment applications.

Policy

Privately initiated General Plan Amendment applications shall be heard at the first Planning Commission meetings in February, June, and October. A fourth date for the hearing of General Plan Amendment applications may be assigned by the City Council at its discretion for either privately initiated or City initiated General Plan Amendments.

The City Council shall review applications for amendments to the General Plan and shall direct Staff to either proceed with processing of the applications or to return all materials to the applicant and refund the application fee. A list of applications, including the name of applicant, location of

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT PROCESSING OF GENERAL PLAN AMENDMENTS	POLICY NUMBER 500-2	EFFECTIVE DATE 11/3/86 Rev. 8/1/94	PAGE 2 of 2
---	-------------------------------	---	-----------------------

property, and request shall be submitted to the City Council by the Planning Staff in sufficient time to be heard by the City Council at the second Council meeting following the application deadline.

The following criteria shall be used as guidelines for the City Council to determine which applications will be accepted for processing. An application should be accepted if:

- A General Plan Amendment is necessary to resolve inconsistency between General Plan designation and zoning.
- A General Plan Amendment is necessary to provide a uniform land use designation on a single parcel or development site.
- A General Plan Amendment would result in decreased traffic impacts from the property.

An application for amendment to the General Plan should not be considered if:

- The request applies to a single small lot or a small area, especially if the change would make the property inconsistent with surrounding properties.
- The property is located in the Redevelopment Area (requires action by the Redevelopment Agency to amend the redevelopment plan).

No General Plan Amendment shall be accepted which would increase the overall, City-wide development cap. However, General Plan Amendments which would result in development exchanges or transfers, may be considered.

As these are simply guidelines, the Council may deviate from them if there are other important reasons for accepting or rejecting a particular application.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT MEANS OF COMPLIANCE WITH GOVERNMENT
CODE SECTION 65915 (DENSITY BONUSES
AND OTHER INCENTIVES)

POLICY
NUMBER

500-3

EFFECTIVE
DATE

Revised
09/30/91

PAGE

1 of 2

BACKGROUND

Article 26. Density Bonus and other Incentives. Establishes the procedure by which the City will comply with Government Code Section 65915.

PURPOSE

It is the purpose of this policy to establish the City Council's policy regarding interpretations/applications of certain provisions for compliance with the Density Bonus/Incentive law.

POLICY

- 1) The total number of dwelling units required to be designated as affordable or senior housing shall be calculated by dividing the number of square feet of land area available by the number of square feet of land required per dwelling unit under the current zoning (at the time of application), or the existing number of legal units on the lot if, whichever is greater, and multiplying the result by the percent required per Government Code Section 65915 (10% if for very low income, 20% if for low income, or 50% if the qualified residents). If the result of this calculation results in a fraction of a unit, the number to be designated shall be rounded up to the next highest full unit. If the applicant wishes to designate additional units as affordable or senior, this shall be allowed, but will not necessitate additional incentives to be provided by the City in return.
- 2) The density bonus shall be calculated by dividing the number of square feet of land area available by the number of square feet of land required per dwelling unit under the current zoning at the time of application and multiplying by 0.25. If the result contains a fraction of a unit, the density bonus shall be rounded up to the next highest full unit. This unit number shall be considered the Density Bonus which may be granted by the City or which will establish the basis for determining the in-lieu incentives.
- 3) Provision of housing units qualifying for consideration under Government Code Section 65915 shall not exempt a project from complying with all applicable development standards and other requirements of law and/or obtaining necessary Variances or Conditional Use Permits, unless such standards are waived or modified as an in-lieu incentive or concession.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT MEANS OF COMPLIANCE WITH GOVERNMENT CODE SECTION 65915 (DENSITY BONUSES AND OTHER INCENTIVES)	POLICY NUMBER 500-3	EFFECTIVE DATE Revised 09/30/91	PAGE 2 of 2
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4) Provision of affordable or senior housing units, as provided for in Government Code Section 65915, shall be assured by a recorded Land Use Restriction and Density Bonus/Incentive Agreement executed by and between the owner and the City of Costa Mesa. The provisions of such agreement shall remain in full force and effect for ten (10) or thirty (30) years.

5) Rental rates shall be based on the affordable limits in Article 26 of Title 13 of the Costa Mesa Municipal Code tied to the number of bedrooms per unit in the following manner.

The maximum monthly rent rates shall not exceed the rent derived from the following formula with actual rental rates being set on a case by case basis:

$$\text{Low income} = (0.60 \times \text{area median income} \times 0.30) \div 12$$

$$\text{Very low income} = (0.50 \times \text{area median income} \times 0.30) \div 12$$

The area median income is published by HUD adjusted per household size.

The following relationship shall be used to establish the actual rental rate.

A studio unit shall be rented based on a one (1) person household.

A one-bedroom unit shall be rented based on a two (2) person household.

A two-bedroom unit shall be rented based on a three (3) person household.

A three-bedroom unit shall be rented based on a four (4) person household.

6) Maximum sales prices shall be based on the affordable limits in Article 26 of Title 13 of the Costa Mesa Municipal Code adjusted for unit size times 2.75. The total down-payment amount for affordable/senior ownership units should not exceed 10% of the purchase price.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT

NOTIFICATION OF TENANTS

POLICY
NUMBER

500-4

EFFECTIVE
DATE

3-18-91

PAGE

1 of 1

BACKGROUND

The California Government Code and the Costa Mesa Municipal Code require that notice of public hearings or administrative actions relating to certain land use matters be mailed to owners of property within 300 feet of the affected property. Concern has been expressed that the impacts of land use decisions often affect tenants renting or leasing properties which are not occupied by the owners.

PURPOSE

It is the purpose of this policy to declare the intent of the City Council that notice of hearings or administrative actions relating to land use matters be mailed to occupants as well as owners of properties.

POLICY

When State law or local ordinance requires that notice of a public hearing or administrative action be mailed to owners of real property, notice shall also be mailed to occupants of those properties that are not owner-occupied.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT SINGLE ROOM OCCUPANCY (SRO) RESIDENTIAL HOTELS	POLICY NUMBER 500-5	EFFECTIVE DATE 09/01/91	PAGE 1 of 4
---	---------------------------	-------------------------------	----------------

BACKGROUND

Title 13 of the Costa Mesa Municipal Code establishes what uses are allowed by right and with conditional use permits in various zones. Single Room Occupancy (SRO) residential hotels are not mentioned in the Code. The City can decide what similar uses can be considered with a conditional use permit in commercial zones.

PURPOSE

It is the purpose of this policy to:

1. Allow SRO residential hotels to be considered with a conditional use permit in all commercial zones where hotels are allowed with a conditional use permit.
2. Establish guidelines to assist the City in the future review of SRO proposals.
3. Provide the means for establishing housing available to citizens of Costa Mesa within the low and very low income segments of the population recognizing that there is a portion of the labor force within the business community that is in these lower income levels. Traditional housing in Costa Mesa is simply not affordable to this segment. SRO's should provide a new source of housing for this segment of the employment population of Costa Mesa.

POLICY

1. Process

SRO residential hotels may be considered with a conditional use permit in any commercial zone where hotels are allowed and where the General Plan designation is either General Commercial or Commercial Center.

Proposed SRO developments should be brought to a study session with the Planning Commission and the Staff very early in the process to get initial feedback on the proposals.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT SINGLE ROOM OCCUPANCY (SRO)
RESIDENTIAL HOTELS

POLICY
NUMBER
500-5

EFFECTIVE
DATE
09/01/91

PAGE
2 of 4

2. Location

SRO residential hotels should be located within proximity (1,000 ft.) to transit stops or within proximity to major employment areas. Ideally, SROs should also be located within proximity to grocery stores, retail stores, and services.

3. Room Sizes and Occupancy Limits

The following limits should apply to new SRO developments.

Minimum size for single occupancy	175 sq.ft.
Minimum size for double occupancy	220 sq.ft.
Maximum size	450 sq.ft.
Maximum percent double occupancy	10%

Average unit size should not exceed 300 sq.ft. The maximum unit size of 450 sq.ft. should only be considered for conversion projects or SROs designed exclusively for senior citizens.

4. Unit Requirements

Each unit should be furnished with a bed, chair, table, color television, and telephone. Each unit should have a kitchen and fully enclosed bathroom.

5. Parking

SRO hotels should be parked at 0.5 space per single occupancy guest room. Parking should increase to a minimum of 0.8 space per unit for single occupancy guest rooms that are larger than the minimum room size standard. Parking should further be increased to 1 space per unit for any rooms that are at the maximum size limit, unless the units are restricted to senior citizens. Double occupancy units should have double the parking requirement of single occupancy rooms based on the preceding formula.

Secure bicycle parking should also be provided.

6. Management and Security

A complete management plan shall be submitted with each project. The plan should address hotel staffing: maid service, 24-hour live-in manager, desk clerk, security, and janitorial service staff. The plan should discuss both internal and exterior security including controlled entry and exit, guest sign-in and regulations on guests, and video camera monitoring of common use areas including parking and open space.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
SINGLE ROOM OCCUPANCY (SRO) RESIDENTIAL HOTELS	500-5	09/01/91	3 of 4

7. Rental Term

SRO rooms may be rented on a monthly, weekly or daily basis. Daily rentals should be limited to a maximum of 10% of all rooms or a total of 5 rooms whichever is less. Monthly rentals should be predominant.

8. Rental Rates

All SRO units should be rented at or below the low income affordable rental rate with at least 50% of the units affordable to very low income tenants. Additionally, 50% of that segment should be available at rentals not to exceed 20% of 50% of the median income for the low end of the very low income classification. Every effort should be made to establish rental rates that are affordable to service workers at the low end of the very low income classification.

9. Common Areas

Common areas should be provided as follows:

400 sq.ft. minimum.

If the project exceeds 30 units the common areas should be increased by 10 sq.ft. per unit above 30 units. The common area should be divided between interior and exterior areas with neither having less than 40% of the total.

10. Storage Areas

Each unit should be provided with a closet and/or storage area of at least 40 cu.ft. and a locker of at least 10 cu.ft. should be provide for each unit.

11. Transient Occupancy Tax

SROs processed in accordance with this policy should be exempt from the City's Transient Occupancy Tax.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT SINGLE ROOM OCCUPANCY (SRO) RESIDENTIAL HOTELS	POLICY NUMBER 500-5	EFFECTIVE DATE 09/01/91	PAGE 4 of 4
---	---------------------------	-------------------------------	----------------

12. Laundry Facilities

Laundry facilities (coin operated washers and dryers) shall be provided near the common indoor open space area.

13. Additional Standards

The Uniform Building Code and Uniform Fire Code shall also apply to SROs.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
SPECIAL EVENT STREET BANNERS	500-6	8/1/94 REV. 3/1/06	1 of 3

BACKGROUND

In communities where street banners have not been properly controlled, they have contributed to visual clutter, improper installation, and confusion. In many instances, such banners fail to achieve their original objective of communicating legible, comprehensible, and pertinent public information in an aesthetically pleasing way. The City Council has previously received requests for these types of banners without the benefit of formally approved guidelines and standards.

PURPOSE

The purpose of this policy is to:

1. Provide the City Council and staff with guidelines which can be used to evaluate various requests to install street banners.
2. Establish policies, procedures and standards for the installation, monitoring, and removal of street banners.
3. Provide clear direction to those Costa Mesa based non-profit organizations and businesses wishing to use street banners to promote a special event or holiday.

POLICY

The following criteria shall apply to all organizations requesting City Council approval to install street banners. The requesting organization or business shall be based in or serve Costa Mesa. In the case of a charitable organization, they must possess proof of "non-profit status" from the State of California and local government agencies.

1. Installation Requests

Each request to install street banners shall be submitted at least thirty (30) days in advance of the proposed installation date and shall include at minimum:

- A. Date, time, location and nature of special event or dates of holiday to be promoted.
- B. Benefit of the banner to the general public.
- C. Map detailing specific number and locations of banners to be installed.
- D. Specific installation and removal dates.
- E. Delineation of banner content, size, material and colors. Holiday banners may contain messages relating to nationally recognized or official holidays. Although sponsorship may be listed on both special event and holiday banners, in no case shall the identification of the

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
SPECIAL EVENT STREET BANNERS	500-6	8/1/94 REV. 3/1/06	2 of 3

sponsor exceed six inches in height or occupy more than a tenth of the face of the banner. Displaying any advertising other than the sponsor's name is not permitted. Advertising specific products is not permitted.

F. Specific number of banners to be installed.

G. Application Fee - Refer to the City of Costa Mesa's current User Fees and Charges manual, adopted by the City Council.

2. **Banner Composition**

All banners shall comply with the License Agreement between Southern California Edison and the City of Costa Mesa.

3. **Number of Banners**

The number of banners shall not exceed sixty.

4. **Installation Period**

Banners shall be installed for no more than sixty days. Specific dates and times for installation and removal are subject to change, by the City in order to minimize impacts to the public i.e. motorists, businesses, and/or public construction projects.

5. **Banner Locations**

In order to minimize impacts to residential properties, banners shall be restricted to light standards located on arterial streets with commercial or industrial frontage. Other locations may be acceptable if deemed appropriate by the City Council.

6. **Indemnification**

The organization shall provide acceptable proof of insurance and indemnification to the City as deemed appropriate by the City Manager or his designee.

7. **Installation and Removal**

Upon approval by the City, the requesting organization shall provide the City with a finalized copy of the contract for installation and approval.

8. **Approval Process**

The City Manager or his designee shall have final approval of all banner requests meeting the above guidelines.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
SPECIAL EVENT STREET BANNERS	500-6	8/1/94 REV. 3/1/06	3 of 3

Banner requests which do not meet the above guidelines shall require Council review at which time the Council shall determine whether to approve the request.

Any approval granted shall be subject to the provisions in the License Agreement between the City and Southern California Edison. The applicant must agree to comply with and be bound by this agreement and perform the City's obligations under the Agreement with respect to the applicant's banners.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
PRIVATE SECURITY COMPANY IDENTIFICATION SIGNS	500-7	6/3/96	1

BACKGROUND

Many private citizens and business owners are employing private security companies to augment the City's Police Department services. The sign regulations in the City's zoning code allow private security company identification signs in the public rights-of-way subject to this policy of the City Council and the issuance of an encroachment permit.

PURPOSE

It is the purpose of this Policy to:

1. Allow the use of the public rights-of-way for signage that will deter potential criminal activities in the City of Costa Mesa.
2. Provide the Planning Commission and Staff with guidelines which can be used to evaluate requests to install private security company identification signs in the public rights-of-way.
3. Establish policies and standards for the size, number, and location of these signs, as well as provide procedures for permitting these signs.

PROCEDURE

The following criteria shall apply to all private security companies requesting Planning Commission approval to install identification signs in the public rights-of-way:

1. Application Required

Each request to install identification signs shall be submitted to the Public Services Director at least 45 days in advance of the proposed installation date and shall include at a minimum:

- A. Eight copies of a plan detailing the specifications of the sign including copy and/or logo, colors, material, sign face dimensions and total sign area.
- B. Written documentation that the private security company provides patrol services for a substantial number of property owners or tenants in the neighborhood or area, and that private property is not available for the display of the signs proposed to be placed in the public rights-of-way.
- C. Eight copies of a map which depicts the number and location of the signs.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
PRIVATE SECURITY COMPANY IDENTIFICATION SIGNS	500-7	6/3/96	2

- D. Written approval by Southern California Edison Company, if Southern California Edison Company's light standards are to be used.
- E. Written proof that the private security company has liability insurance coverage for the signs in compliance with Costa Mesa Municipal Code Section 15-271.

2. Design and Location Criteria

All identification signs shall comply with the following criteria:

- A. Sign copy shall be limited to the neighborhood or area to be patrolled; the name and/or logo of security company may also be included.
- B. Signs shall be non-illuminated, but may have a nighttime reflective finish.
- C. Individual sign faces may not exceed 2 square feet in area.
- D. Sign and pole installation shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices.
- E. Sign posts shall be break-away style metal poles, consistent with current City standards.
- F. Signs shall comply with any specifications required by Southern California Edison Company, when applicable.
- G. To minimize sign clutter, signs shall be located directly adjacent to the primary entrance and exit points of neighborhoods or areas being patrolled. Signs on the interior streets are not permitted.
- H. The location and method of attachment of all signs shall be reviewed and approved by the Public Services Director or his designee. The private security company shall be responsible for installing and maintaining the signs.
- I. The private security company shall relocate or remove signs as directed by the Public Services Director to accommodate construction or maintenance of public improvements or when necessary for public convenience and welfare.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
PRIVATE SECURITY COMPANY IDENTIFICATION SIGNS	500-7	6/3/96	3

3. Approval Process

Upon receipt of a complete application, the Public Services Director shall schedule the request for consideration at the next available Planning Commission meeting.

In order to approve the request, the Planning Commission shall make all findings specified in Section 4 of this policy. Furthermore, subsequent to Planning Commission approval of the request, the applicant shall be required to obtain an encroachment permit from the Public Services Director, consistent with Costa Mesa Municipal Code Section 15-13, prior to the installation of any sign in the public rights-of-way.

4. Findings

The Planning Commission shall make all of the following findings in approving a request:

- A. The private security company provides patrol services for a substantial number of property owners or tenants in the neighborhood or area, and that private property is not available for the display of the signs proposed to be placed in the public rights-of-way;
- B. The proposed signs meet the design and location criteria specified in Costa Mesa Municipal Code Section 13-968 and this City Council policy, and the location of the signs has been approved by the Public Services Director; and
- C. The private security company has filed written proof that it has liability insurance coverage in compliance with Costa Mesa Municipal Code Section 15-271.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
REVIEW PROCESS FOR APPLICATIONS FOR NEW AND TRANSFER OF LIQUOR LICENSES, AND PROTEST AND ACCUSATION LETTERS BY CITY COUNCIL	500-8	11/3/97 Revised 11/17/09	1 of 4

PURPOSE:

The purpose of this policy is to establish a clear and efficient process for review of applications for new Alcoholic Beverage Control (ABC) licenses and transfers of existing ABC licenses, and for filing of protest and accusations letters by City Council. The authority of the City Council in the review of ABC licenses is delegated to Zoning Administrator or the Planning Commission where indicated.

PROCEDURE:

Section 1: When notice of an application for a liquor license, or transfer thereof, is received by any officer or employee of the City of Costa Mesa, the notice shall be stamped with the date received and promptly delivered to the Director of Development Services or his or her designee.

Section 2: Upon receipt of the notice, the Director shall transmit a copy of the notice to the Police Chief or his or her designee with a request for information necessary to make findings provided herein. The Police Chief and Director shall prepare a report on the application and shall transmit said report to the decision-making body or person, as provided herein.

Section 3: Upon receipt of the notice and report by the Director and Police Chief on the application, the decision-making body or person may make findings appropriate for the type of application or take no action within its sole discretion as provided herein.

Section 4: Council Delegation of Duties to Zoning Administrator or his/her designee. The following liquor license transactions shall be processed by the Zoning Administrator or his/her designee, after consultation with the Police Department:

- Person-to-person transfer;
- Stock transfer;
- Drop partner(s);
- Add partners(s); and,
- New on-sale and off-sale licenses for businesses exempt from discretionary review pursuant to the Zoning Code;
- New or premise-to-premise transfer of on-sale license Types 41 and 47 for bona fide eating places exempt from discretionary review pursuant to the Zoning Code.
- New or premise-to-premise transfer of on-sale license Types 41 and 47 for bona fide eating place that requires approval of a minor conditional use permit pursuant the Zoning Code.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
REVIEW PROCESS FOR APPLICATIONS FOR NEW AND TRANSFER OF LIQUOR LICENSES, AND PROTEST AND ACCUSATION LETTERS BY CITY COUNCIL	500-8	11/3/97 Revised 11/17/09	2 of 4

The Zoning Administrator or his/her designee may make a finding of public convenience or necessity as provided for in Business and Professions Code (BPC) Section 23816 or 23958.4(b)(2) for these license transactions if the business has been in operation consistent with the zoning code requirements and the new license has little or no effect on the operation of the business.

The Zoning Administrator shall transmit notice of his or her decision to both the Planning Commission and the City Council within five (5) days of the decision. Such decision may be appealed by an interested party or called up for review by the Planning Commission or City Council within seven (7) days of the date of the notice of the decision in accordance with procedures set forth in Costa Mesa Municipal Code Section 2-300 et seq.

If a finding of Public Convenience or Necessity is not required, one of the following two actions will occur:

- a. If the Planning Division and Police Department find that there has not been a history of problems related to the alcohol establishment or the applicant, the Planning Division shall forward the application to the City Clerk for inclusion in the City Council reading-folder.
- b. If the Planning Division and Police Department find that there has been a history of problems related to the alcohol establishment or the applicant, the Planning Division shall forward the application to the City Clerk for inclusion on the next available City Council agenda under "New Business."

Section 5: Council Delegation of Duties to Planning Commission. Land uses involving the following liquor license transactions require approval of a conditional use permit (CUP) Planning Commission may make findings of public convenience and necessity as required for these license transactions:

- New or premise-to premise -transfer of on-sale establishment (restaurant, bar, nightclub, etc.) that will be open between 11 p.m. and 6 a.m. or that proposes live entertainment;
- Change of license from bona-fide eating, place to a "public premises" (bar) that is open between 11 p.m. and 2 a.m.;
- New mini-market, liquor store, or convenience store;
- Existing mini-market, liquor store, or convenience store that is subject to a new conditional use permit application in accordance with Title 13, Chapter IX, Section 13-200.71 requirements.
- Sale of alcoholic beverages in conjunction with the concurrent sale of gasoline; and,
- Premise-to-premise transfer of off-sale license if in conjunction with an action requiring review by the Planning Commission.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
REVIEW PROCESS FOR APPLICATIONS FOR NEW AND TRANSFER OF LIQUOR LICENSES, AND PROTEST AND ACCUSATION LETTERS BY CITY COUNCIL	500-8	11/3/97 Revised 11/17/09	3 of 4

The Planning Commission may make a finding of public convenience or necessity as provided for in Business and Professions Code (BPC) Section 23817.7 or 23958.4(b)(2), in conjunction with action on the CUP. The Planning Commission shall transmit notice of its decision to the City Council: within five (5) days of the decision. Such decision may be appealed by an interested party or called up for review by the Planning Commission or City Council within seven (7) days of the date of the notice of the decision in accordance with procedures set forth in Costa Mesa Municipal Code Section 2-300 et seq.

Section 6: Duties for License Transactions Retained by City Council. The following liquor license transactions shall be referred to the City Council for determination of a finding of public convenience or necessity as provided for in BPC Section 23817.7 or 23958.4(b)(2):

- New on-sale licenses for existing bars that are open for customer service between the hours of 11:00 p.m. and 2:00 a.m.,
- New off-sale licenses for businesses not included in section 4 or 5 of this policy.
- Premise-to-premise transfer of off-sale licenses not included in section 4 or 5 of this policy.

Section 7: Protest Letter. With regard to an application for an original liquor license or transfer of an existing liquor license not covered in Sections 4, 5 or 6 (including a person-to person transfer), or an existing licensed premises without a pending application, City Council may file a protest letter pursuant to BPC Sec. 24013 or an accusation letter pursuant to BPC Sec. 24203, where the City Council find that reasonable or probable cause exist to request the denial of the application or revocation of an existing license pursuant to BPC Sec. 24013, 24200, and 24203.

Section 8: Where the thirty (30) day period to file a protest letter may expire before consideration by the City Council of those licenses discussed under Sections 4, 5, 6 or 7, the Police Chief or his or her designees is authorized to file a letter requesting an extension with the Department of Alcohol Beverage Control pursuant to BPC Sec. 23987.

Section 9: Upon the City Council making a determination to file a protest or accusation letter, the City Clerk shall promptly transmit a letter of such protest or accusation, signed by the authorized officer, to the Department of Alcoholic Beverage Control. The letter of protest or accusation should be in a form approved by the City Attorney. Upon filing of a letter of protest or accusation, all pertinent records on such premises and notices shall be transmitted to the City Attorney for prosecution at the protest or accusation hearing.

Section 10: For a protest or accusation letter under Sections 7 and 8, the ground or grounds to support a denial of an application or revocation of a license include, but are limited to the following grounds:

- a) The continuance of the license would be contrary to the public welfare or morals;
- b) A violation of the Revenue and Taxation Code and any rules of the ABC Department;

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
REVIEW PROCESS FOR APPLICATIONS FOR NEW AND TRANSFER OF LIQUOR LICENSES, AND PROTEST AND ACCUSATION LETTERS BY CITY COUNCIL	500-8	11/3/97 Revised 11/17/09	4 of 4

c) A misrepresentation of material fact by the applicant in obtaining a license;

d) A conviction of a public offense involving moral turpitude or federal law relating to Alcoholic beverages;

e) Failure to take reasonable steps to correct objectionable conditions at the licensed premises, any public sidewalk abutting the licensed premises, or immediately, adjacent area that is owned, leased or rented by licensee which constitutes a public nuisance, within a reasonable time after receipt of notice to correct such conditions by either ABC Department, District Attorney, City Attorney or County Counsel:

1) "Objectionable conditions" under subsection (e) includes, but is not limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passerby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise;

2) "Any public sidewalk abutting a licensed premises" under subsection (e) includes the publicly owned, pedestrian traveled way, not more than 20 feet from the premises, that is located between the licensed premises and immediately adjacent area owned, leased or rented by the licensee, and a public street;

3) "Reasonable steps" under subsection (e) include calling the police (timely calls to police cannot be construed as evidence of objectionable conditions) and requesting persons to leave the premises that are contributing to the objectionable conditions.

Section 11: Where desired, City Council, Planning Commission, or Zoning Administrator may recommend conditions of approval applicable to the sales of alcoholic beverages. These conditions shall be forwarded to ABC by the Planning Division.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT NEWPORT BOULEVARD SPECIFIC PLAN CONFORMITY REVIEW PROCEDURE	POLICY NUMBER 500-9	EFFECTIVE DATE 2/3/97	PAGE 1 OF 2
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BACKGROUND

In July 1996, the City Council adopted a specific plan for the east side of Newport Boulevard between 19th Street and Mesa Drive. The specific plan contains the following development standard:

- 2.9 In conjunction with new commercial development, deviations from required building setbacks on rear and side property lines may be approved by the Planning Commission without a variance, provided that the reduced setbacks improve the proposed development's compatibility with surrounding uses, particularly residential uses.

PURPOSE

It is the purpose of this policy to establish the procedure for the Planning Commission review of deviations from required rear and side setbacks for commercial developments in the specific plan area. This procedure shall be called "Newport Boulevard Specific Plan Conformity Review".

PROCEDURE

1. Application Required

Each request for a Newport Boulevard Specific Plan Conformity Review shall be made to the Planning Division on the forms provided. Plans and information reasonably needed to analyze the application may be required. A list of required plans and information shall be available from the Planning Division.

2. Fees

The application shall be accompanied by the fee required for a conditional use permit, as established by resolution of the City Council.

3. Public Hearing Required

Upon receipt of a complete application for a Newport Boulevard Specific Plan Conformity Review, the Planning Division shall fix a time and place of the public hearing before the Planning Commission and provide public notice, pursuant to the provisions for conditional use permits, as specified in the City of Costa Mesa Municipal Code and applicable City Council policies.

CITY OF COSTA MESA, CALIFORNIA

C O U N C I L P O L I C Y

SUBJECT NEWPORT BOULEVARD SPECIFIC PLAN CONFORMITY REVIEW PROCEDURE	POLICY NUMBER 500-9	EFFECTIVE DATE 2/3/97	PAGE 2 OF 2
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4. Review Criteria

The Planning Commission shall consider in its review of the proposed deviation:

- (a) The compatible and harmonious relationship between the proposed building and site development, and the building and site developments that exist or have been approved for the general neighborhood.
- (b) The safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.
- (c) Granting the deviation from building setbacks will improve the proposed development's compatibility with surrounding land uses, particularly residential uses, over that which would be provided if the property were developed in strict compliance with the building setbacks required by the City of Costa Mesa Municipal Code. Examples of an improved interface with adjacent properties include, but are not limited to, elimination of noise, odor and/or visual impacts associated with loading areas, parking areas, trash enclosures, service areas, etc., adjacent to residential property lines.

5. Findings

The Planning Commission shall make all of the following findings in approving a deviation from the required side and/or rear building setbacks:

- (a) The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.
- (b) Granting the deviation from building setbacks will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.
- (c) Granting the deviation from building setbacks will reduce potential impacts on residential property.
- (d) Granting the deviation from building setbacks allows a use, density or intensity which is in accordance with the General Plan designation and conforms with the intent of the Newport Boulevard Specific Plan.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT REVIEW PROCEDURE FOR LIMITED DEVIATIONS FROM FLOOR AREA RATIO STANDARDS

POLICY NUMBER
500-10

EFFECTIVE DATE
11/3/97

PAGE
1 of 3

BACKGROUND

In March 1992, the City Council adopted the 1990 General Plan which established floor area ratio standards (FARs) for nonresidential development in the City. The 1990 General Plan was amended in November 1997 to allow limited deviations from certain FARs. The land use designations and FAR categories in which the General Plan allows deviations to be considered are as follows:

Table 1		
FLOOR AREA RATIO STANDARDS DEVIATIONS		
General Plan Land Use Designation	Maximum Moderate Traffic FAR	
	Without Deviation	With Deviation
Commercial-Residential	0.30	0.35
Neighborhood Commercial	0.25	0.30
General Commercial	0.30	0.35
Commercial Center	0.35	0.40
Light Industry	0.25	0.30
Industrial Park	0.30	0.35

PURPOSE

It is the purpose of this policy to establish the procedure for the Director of Development Services or his/her designee to review proposed deviations from certain floor area standards as allowed by the General Plan. This procedure shall be called "Floor Area Ratio Standard Deviation Review".

PROCEDURE

1. Application Required

Each request for a Floor Area Ratio Standard Deviation Review shall be made to the Planning Division on the forms provided. Plans and information reasonably needed to analyze the application may be required. A list of required plans and information shall be available from the Planning Division.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT REVIEW PROCEDURE FOR LIMITED DEVIATIONS FROM
FLOOR AREA RATIO STANDARDS

POLICY
NUMBER
500-10

EFFECTIVE
DATE
11/3/97

PAGE
2 of 3

2. Fees

The application shall be accompanied by the fee required for a development review, as established by resolution of the City Council.

3. Review Criteria

The Director of Development Services shall consider in its review of the proposed deviation:

- (a) The compatible and harmonious relationship between the proposed building and site development, and the building and site developments that exist or have been approved for the general neighborhood.
- (b) Granting the limited deviation from the floor area ratio standard shall not cause the daily trip generation for the property to exceed the existing daily trip generation for the site without the proposed project or the maximum allowable traffic generation for the Moderate Traffic FAR category, whichever is greater. A land use restriction recorded against the affected property(s) shall be placed as a condition of approval to ensure that traffic generation is within the parameters of the City's traffic model.

4. Findings

The Development Services Director shall make all of the following findings in approving a deviation from a floor area standard:

- (a) The proposed deviation is consistent with the General Plan.
- (b) The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.
- (c) Granting the limited deviation from the floor area ratio standard shall not cause the daily trip generation for the property to exceed 1) the existing daily trip generation for the site without the proposed project, or 2) the maximum allowable daily trip generation for the Moderate Traffic FAR category.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
REVIEW PROCEDURE FOR LIMITED DEVIATIONS FROM FLOOR AREA RATIO STANDARDS	500-10	11/3/97	3 of 3

5. Notice of Decision

Notice of the Development Services Director's decision shall be given within 5 days of the decision to the City Council, Planning Commission and to any affected party requesting notice. Any member of the Planning Commission or City Council may request review of the decision within 7 days of the notice of the decision. No fee shall be charged for such review.