



CITY COUNCIL AGENDA REPORT

MEETING DATE: January 18, 2005

ITEM NUMBER:

SUBJECT: DRAFT ORDINANCE AMENDING TITLES 13 AND 18 TO CLARIFY EXISTING ZONING DEFINITIONS AND STANDARDS AND TO ADD REGULATIONS REGARDING SEASONAL EVENTS AND LANDSCAPING REQUIREMENTS IN THE R1 ZONE.

DATE: JANUARY 4, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: KIMBERLY BRANDT, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604

RECOMMENDATION:

1. Give first reading to the draft ordinance, which amends the Zoning Code (Title 13) and Private Property Maintenance (Title 20), to clarify existing zoning definitions and standards and add regulations regarding seasonal events and landscaping requirements in the R1 zone.
2. Provide staff direction regarding amendments to the City's definitions of "mobilehome", "mobilehome park", "mobilehome lot", and "mobilehome park conversion".

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.

Planning Commission reviewed the proposed changes on November 8 and 22, 2004 and directed staff to prepare an ordinance incorporating the recommended amendments. Attachment 1 contains the draft ordinance. On December 13, 2004, Commission recommended that Council give first reading to the attached draft ordinance on a 3-0 vote.

On November 22, 2004, Planning Commission also forwarded to City Council recommended changes to the City's definitions of "mobilehome", "mobilehome lot", "mobilehome park", and "mobilehome park conversion", on a 3-1 vote (Bever voted no, DeMaio absent).

The Commission meeting minutes and staff reports are contained in Attachments 3 and 4.

ANALYSIS:

Attachment 2 contains the list of the proposed amendments with an explanation of the need for the change. Only two changes are considered additions to the Zoning Code.

The first addition affects the single-family (R1) zone, and it is a requirement for landscaping in any yard area that is visible from a public street. Currently, the zoning code includes no such provision, and subsequently, a property owner can have only dirt/soil in these visible yard areas, provided that they are kept weed free. The proposed amendments to Titles 13 and 20 (subsections c. and i. of the draft ordinance) will close this loophole. Currently in the City's multiple-family zones, landscaping is required to be installed and maintained pursuant to approved plans.

The second addition is in respect to a new land use category termed "seasonal events" for restaurants and bars. These types of events were previously addressed in the City's "special event" code provisions (Title 9), but they were excluded in the recent amendments to this section. An example of a "seasonal event" is an indoor annual Halloween or New Year's Eve party. See subsection e. of the draft ordinance.

Definitions Related to "Mobilehomes": The Commission recommended amendments will accomplish the following: 1) Qualify certain types of "recreational vehicles" as mobilehomes, when the recreational vehicle is used as the occupant's permanent residence; 2) Exclude from the definition of "mobilehome" those units which the mobilehome park owner owns and rents to tenants. This amendment clarifies that these mobilehomes are not subject to the City's "mobilehome park conversion" procedures. Additionally, the "mobilehome park conversion" permit process would be expanded to include mobilehome park closures. Additional information is contained in the November 22, 2004 staff report (Attachment 3). Staff seeks Council direction whether to proceed with drafting an ordinance that includes Commission's recommendations.

ALTERNATIVES CONSIDERED:

Council may choose to do any of the following:

1. Give first reading to the draft ordinance as recommended by the Planning Commission;
2. Modify any of the recommended changes to the zoning code; or
3. Take no action on the draft ordinance, and thereby retain the City's current zoning code.

FISCAL REVIEW:

Fiscal review is not required for this ordinance.

LEGAL REVIEW:

The City Attorney's office has reviewed the draft ordinance and approved it as to form.

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.

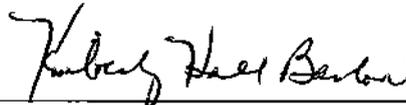
CONCLUSION:

These minor code amendments will clarify existing zoning regulations. The addition of landscaping regulations for the single-family residential zone will eliminate the “loophole” that allowed yards that are visible from public streets to consist of only dirt/soil with no landscaping. Finally, the proposed new land use category of “seasonal events” addresses a gap that became evident due to the recently amended Special Event regulations.

Staff is also seeking direction as to whether or not to proceed with an ordinance that amends the City’s various definitions related to mobilehomes.


KIMBERLY BRANDT
Principal Planner


DONALD D. LAMM
Deputy City Mgr. – Dev. Svcs. Director


KIMBERLY HALL BARLOW
City Attorney

- DISTRIBUTION:
- City Manager
 - Assistant City Manager
 - City Attorney
 - Deputy City Manager – Dev. Svcs. Dir.
 - Public Services Director
 - City Clerk (2)
 - Staff (4)
 - File (2)

- ATTACHMENTS:
- 1 Draft strike-through ordinance
 - 2 Description of draft Ordinance amendments
 - 3 Planning Commission meeting minutes
 - 4 Planning Commission staff reports

ATTACHMENT 1

DRAFT STRIKE-THROUGH ORDINANCE

ORDINANCE NO. 05-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLES 13 AND 20 OF THE COSTA MESA MUNICIPAL CODE TO CLARIFY EXISTING DEFINITIONS AND STANDARDS AND TO ADD REGULATIONS REGARDING SEASONAL EVENTS AND LANDSCAPING REQUIREMENTS IN THE R1, SINGLE-FAMILY RESIDENTIAL DISTRICT.

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 Section 13-20(b) through (d) to read as follows:

“(b) R2-MD Multiple-Family Residential District, Medium Density. This district is intended to promote the development of multi-family rental as well as ownership properties on lots with a minimum size of ~~7,260~~ 12,000 square feet. The maximum density allowed is 3,630 square feet per dwelling unit, which equals 12 dwelling units per gross acre. Legal lots existing as of March 16, 1992 with a minimum lot area of 6,000 sq. ft. up to 7,260 sq. ft. are allowed 2 dwelling units.

(c) R2-HD Multiple-Family Residential District, High Density. This district is intended to promote the development of multi-family rental as well as ownership dwelling units on lots with a minimum size of ~~6,000~~ 12,000 square feet. The maximum density allowed is 3,000 square feet per dwelling unit, which equals 14.52 dwelling units per gross acre.

(d) R3 Multiple-Family Residential District. Like the R2-MD and R2-HD districts, this district is intended to promote the development of multi-family rental as well as ownership dwelling units. The required minimum lot size is ~~6,000~~ 12,000 square feet. The maximum density allowed is 2,178 square feet per dwelling unit, which equals 20 dwelling units per gross acre.”

b. Amend Section 13-28(f) to read as follows:

“(f) Lot line adjustment. Any adjustment to an existing lot line between two lots, where the land taken from one lot is added to an abutting lot and/or where a greater number of lots than originally existed is not created. A lot line adjustment may be used to combine ~~two or~~ no more than four abutting lots.”

c. Amend the following rows of Table 13-32 to read as follows:

TABLE 13-32 RESIDENTIAL DEVELOPMENT STANDARDS				
STANDARDS	R1	R2-MD	R2-HD	R3
LANDSCAPING (See also Chapter VII).				
SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS AND STRUCTURES (Minimum distances given; unless otherwise noted. All setbacks from streets are measured from the ultimate property line shown on the Master Plan of Highways).				
Side	Interior property line: 5 feet. Note: Accessory structures that do not exceed 6½ feet in height in the R1 zone or 15 feet in height in the other residential zones may have a zero side setback. Property line abutting a public street: 10 feet. Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the property line. Property line abutting an alley: 5 feet."			
LANDSCAPING (See also Chapter VII).				
<u>Landscaping Required.</u>	<u>All unpaved areas visible from the public right-of-way shall be landscaped and the landscaping shall be maintained in a healthy condition, free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation.</u>		<u>See Chapter VII, LANDSCAPING."</u>	

d. Delete Section 13-41(b) in its entirety and reserve for future use.

~~"(4) No exterior television antenna shall be permitted, but a common underground cable service to all dwelling units may be provided. Reserved."~~

e. Amend Section 13-48 to include the following subsection:

"(c) Seasonal events that include live entertainment, dancing, and/or amplified music may be allowed without a conditional use permit or live entertainment permit provided that it complies with the following standards. Each establishment is limited to four nonconsecutive events per calendar year.

- (1) The event shall not exceed 1 day in duration;
- (2) The event shall be conducted entirely indoors; and
- (3) The event shall comply with Chapter XII NOISE CONTROL."

f. Amend the following rows of Table 13-58 to read as follows:

TABLE 13-58 PLANNED DEVELOPMENT STANDARDS						
DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Maximum Density per Section 13-59 MAXIMUM DENSITY CRITERIA. (dwelling units per acre)	8	12	20	35	20	Note: <u>The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre.</u>
Perimeter Open Space per Section 13-61 PERIMETER OPEN SPACE CRITERIA.	20 feet abutting all public rights-of-way, <u>excluding alleys</u> (may be reduced in the PDC and PDR-NCM zones pursuant to Section 13-61 PERIMETER OPEN SPACE CRITERIA).					

g. Amend Section 13-75(a) through (e) to read as follows:

"Sec. 13-75. FENCES AND WALLS

- (a) In residential zones, including planned development, except R-1: All interior property lines shall have a 6-foot high solid opaque walls or fences at least 6 feet in height that conform to the City's Walls, Fences and Landscaping Standards.
- (b) In commercial zones, including planned development: All interior property lines abutting residentially-zoned property shall have solid masonry walls, at least 6 feet but no more than 8 feet in height, unless an environmental study requires additional height.
- (c) In industrial zones, including planned development: A solid masonry wall, at least 6 feet in height shall be constructed along all property lines which abut a residential or commercial zone. The maximum wall height shall not exceed 8 feet, unless an environmental study requires additional height.
- (d) If a fence or wall is constructed adjacent to a public street, the fence or wall shall be approved by the Planning Division in terms of its compatibility and harmony with the proposed building and site development and buildings and site developments existing or approved for the general neighborhood. For arterial streets that are adjacent to residential developments, new arterial walls shall comply with the City's Streetscape and Median Development Standards. No fence or wall located in any street setback shall obscure the required street setback landscaping in the commercial and industrial zones.
- (e) Fences and walls placed on interior property lines or and between the property line and the required setback line for main buildings shall conform to the City's Walls, Fences and Landscaping Standards."

h. Amend Section 13-205(b)(1) and (20) to read as follows:

“Sec. 13-205 PROVISIONS FOR MULTI-FAMILY ZONES FOR REBUILDING AFTER VOLUNTARY DESTRUCTION

- (1) ~~Continuous-use~~ Provision of garages instead of carports for greater security.
- (20) Other amenities that enhance the project ~~for~~ and the overall neighborhood.”

i. Amend Section 20-7(o) to read as follows:

- (o) **“Landscaping.** With the exception of R-1 properties, all landscaping on the property shall be maintained pursuant to Section 13-108 LANDSCAPE MAINTENANCE of this Code. For R-1 properties, all unpaved areas visible from the public right-of-way shall be landscaped and the landscaping visible from public rights-of-way shall be maintained in a healthy condition free of dying, dead, diseased, decayed, discarded and/or overgrown vegetation.”

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

City Attorney

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. 04-__ was introduced and considered section by section at a regular meeting of said City Council held on the ___ day of _____, 2004, 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 2

DESCRIPTION OF DRAFT ORDINANCE AMENDMENTS

PROPOSED ZONING CODE AMENDMENTS

1. Amend residential definitions in Section 13-20 to correct the minimum lot size. This code section was overlooked when the minimum lot sizes were increased in 2002.
 - (b) **R2-MD Multiple-Family Residential District, Medium Density.** This district is intended to promote the development of multi-family rental as well as ownership properties on lots with a minimum size of ~~7,260~~ 12,000 square feet. The maximum density allowed is 3,630 square feet per dwelling unit, which equals 12 dwelling units per gross acre. Legal lots existing as of March 16, 1992 with a minimum lot area of 6,000 sq. ft. up to 7,260 sq. ft. are allowed 2 dwelling units.
 - (c) **R2-HD Multiple-Family Residential District, High Density.** This district is intended to promote the development of multi-family rental as well as ownership dwelling units on lots with a minimum size of ~~6,000~~ 12,000 square feet. The maximum density allowed is 3,000 square feet per dwelling unit, which equals 14.52 dwelling units per gross acre.
 - (d) **R3 Multiple-Family Residential District.** Like the R2-MD and R2-HD districts, this district is intended to promote the development of multi-family rental as well as ownership dwelling units. The required minimum lot size is ~~6,000~~ 12,000 square feet. The maximum density allowed is 2,178 square feet per dwelling unit, which equals 20 dwelling units per gross acre.

2. Revise Lot Line Adjustment description (Section 13-28(f)) to reflect a recent state law amendment that limits lot line adjustment to no more than four lots..

“(f) **Lot line adjustment.** Any adjustment to an existing lot line between two lots, where the land taken from one lot is added to an abutting lot and/or where a greater number of lots than originally existed is not created. A lot line adjustment may be used to combine ~~two or~~ no more than four abutting lots.”

3. Clarify Table 13-32 regarding alley setback for side property lines in all of the residential zones.

"TABLE 13-32 RESIDENTIAL DEVELOPMENT STANDARDS				
STANDARDS	R1	R2-MD	R2-HD	R3
LANDSCAPING (See also Chapter VII).				
SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS AND STRUCTURES (Minimum distances given, unless otherwise noted. All setbacks from streets are measured from the ultimate property line shown on the Master Plan of Highways)				
Side	Interior property line: 5 feet. Note: Accessory structures that do not exceed 6½ feet in height in the R1 zone or 15 feet in height in the other residential zones may have a zero side setback. Property line abutting a public street: 10 feet. Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the property line. Property line abutting an alley: 5 feet.			

4. Revise Table 13-32 to require landscaping in the R1 zone. A similar code amendment should also be done in Title 20 Property Maintenance.

TABLE 13-32 RESIDENTIAL DEVELOPMENT STANDARDS			
STANDARDS	R1	R2-MD	R2-HD
LANDSCAPING (See also Chapter VII).			
<u>Landscaping Required.</u>	<u>All unpaved areas visible from the public right-of-way shall be landscaped and maintained in a healthy condition, free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation.</u>	<u>See Chapter VII, LANDSCAPING.</u>	
In all zones except R-1, landscaped parkways with a combined width of 10 feet, but not less than 3 feet on one side, shall be provided along the sides of interior private streets and/or common driveways. The parkway on the house side of private streets or common driveways shall be a minimum of 5 feet in width."			

5. Recognize the FCC preemption regarding antennas and delete requirement in Section 13-41(b) New Residential Common Interest Developments

~~"(4) No exterior television antenna shall be permitted, but a common underground cable service to all dwelling units may be provided."~~

6. Amend development/operational standards for restaurants and bars to include/address "seasonal events" (not a special event) (Section 13-48). These types of events were previously addressed in the City's "special event" provisions in Title 9 of the municipal code, but they were excluded in the recently adopted "special event" regulations. These might include Halloween or New Year's Eve parties.

"(c) Seasonal events that include live entertainment, dancing, and/or amplified music may be allowed without a conditional use permit or public entertainment permit provided that it complies with the following standards. Each establishment is limited to four nonconsecutive events per calendar year.

- (1) The event shall not exceed 1 day in duration;
- (2) The event shall be conducted entirely indoors; and
- (3) The event shall comply with the Chapter XII NOISE CONTROL."

7. Clarify Table 13-58 regarding the maximum density allowed for 1901 Newport Boulevard and the alley setback for side property lines in the planned development zones.

TABLE 13-58 PLANNED DEVELOPMENT STANDARDS						
DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Maximum Density per Section 13- 59 MAXIMUM DENSITY CRITERIA. (dwelling units per acre)	8	12	20	35	20	<u>Note: The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre.</u>
Perimeter Open Space per Section 13- 61 PERIMETER OPEN SPACE CRITERIA.	20 feet abutting all public rights-of-way, <u>excluding alleys</u> (may be reduced in the PDC and PDR-NCM zones pursuant to Section 13-61 PERIMETER OPEN SPACE CRITERIA).					

8. Clarify text of certain paragraphs in Section 13-75 regarding fence and wall standards and establish a maximum height for walls and fences in commercial and industrial zones.

“Sec. 13-75. FENCES AND WALLS

- (a) In residential zones, including planned development, except R-1: All interior property lines shall have a 6-foot high solid opaque walls or fences at least 6 feet in height that conform to the City's Walls, Fences and Landscaping Standards.
- (b) In commercial zones, including planned development: All interior property lines abutting residentially-zoned property shall have solid masonry walls, at least 6 feet but no more than 8 feet in height, unless an environmental study requires additional height.
- (c) In industrial zones, including planned development: A solid masonry wall, at least 6 feet in height shall be constructed along all property lines which abut a residential or commercial zone. The maximum wall height shall not exceed 8 feet, unless an environmental study requires additional height.
- (d) If a fence or wall is constructed adjacent to a public street, the fence or wall shall be approved by the Planning Division in terms of its compatibility and harmony with the proposed building and site development and buildings and site developments existing or approved for the general neighborhood. For arterial streets that are adjacent to residential developments, new arterial walls shall comply with the City's Streetscape and Median Development Standards. No fence or wall located in any street setback shall obscure the required street setback landscaping in the commercial and industrial zones.
(Note: Planning Commission did not review the text clarification shown above.)
- (e) Fences and walls placed on interior property lines or and between the property line and the required setback line for main buildings shall conform to the City's Walls, Fences and Landscaping Standards.”

9. Clarify text regarding incentives for rebuilding nonconforming dwelling units in the residential zones (Section 13-205(b)).

- (1) ~~Continuous use~~ Provision of garages instead of carports for greater security.
- (20) Other amenities that enhance the project ~~for~~ and the overall neighborhood.”

ATTACHMENT 3

PLANNING COMMISSION MEETING MINUTES



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE CITY CLERK AT (714) 754-5223**