



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 21, 2009

ITEM NUMBER:

SUBJECT: CODE AMENDMENT CO-09-02 AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING MAXIMUM DRIVEWAY WIDTH STANDARDS FOR R1 PROPERTIES

DATE: APRIL 8, 2009

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY: MINOO ASHABI, SENIOR PLANNER
DONALD LAMM, AICP, DEV. SVS. DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, SENIOR PLANNER
(714) 754-5610**

RECOMMENDATION

Pursuant to Planning Commission's recommendation, give first reading to an Ordinance amending Title 13 (Zoning Code). Code amendment will establish driveway width standards for single family detached residences in R1 zones.

BACKGROUND

Purpose of Code Amendment CO-09-02

The purpose of establishing maximum driveway width is to ensure that a reasonable proportion of the front yard is used for parking purposes and remainder of front yard is available for landscape and decorative hardscaping.

Summary of Public Hearings and Previous Actions

The following is the summary list of previous actions taken on this item:

- On August 25, 2008, the Planning Commission recommended to City Council a Zoning Code amendment to establish maximum front yard paved areas in residential zones.
- On October 7, 2008, Council expressed concerns on the proposed code amendments, and on 5-0 vote referred the proposed code amendment back to Commission for reconsideration.
- On February 2, 2009, Commission held a study session and discussed the alternatives. The BIA, homeowners associations and Recreation Vehicle Owners Association were notified and no comments were received. Commission directed staff to prepare a draft ordinance for Code Amendment CO-09-02 to establish a maximum driveway standard for single-family residences in R1 Zoning.

- On March 9, 2009, the Commission recommended approval of the proposed Zoning Code amendment on a 5-0 vote.
- On April 7, 2009, Council continued this item to April 21st due to the number of public hearing items.

Minutes of March 9, 2009 Planning Commission meeting is included as Attachment 2.

The March 9, 2009 Planning Commission staff report can be accessed on line at:
<http://www.ci.costa-mesa.ca.us/council/planning/2009-03-09/030909CO-0902.pdf>

ANALYSIS

The Code amendment would establish driveway width standards for single-family residences in R1 zoning districts. The Zoning Code currently only includes a minimum width standard of 10 feet for driveways. There is no maximum driveway width or minimum landscape standards for R1 zones. The proposed ordinance will amend the Zoning Code to require the following:

Description	Residential Driveway Width
For lots that are less than 50 feet wide	Maximum 20-foot width
For lots that are greater than 50 feet wide	Driveway width shall be a maximum of 50 percent of the lot width, or a maximum 30-foot width, whichever is less.

New definitions of “driveway” and “paved area” are also added to Section 1(a) of the attached Ordinance.

If approved, this code amendment will not be retroactively enforced and only apply to new single-family residences, major remodels and room additions as appropriate.

Deviations

Deviations from this standard would be subject to approval of a variance and specific variance findings by the Planning Commission. This process would allow Commission to review variance requests on a case-by-case basis.

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 the CEQA Guidelines.

ALTERNATIVES

City Council may consider the following alternatives:

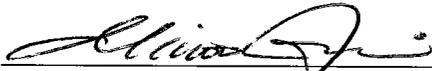
1. Give first reading to the Ordinance as recommended by Planning Commission.
2. Give first reading to the Ordinance, with any modifications.
3. Retain the City's existing zoning provisions and receive and file the report.
Ordinance

LEGAL REVIEW

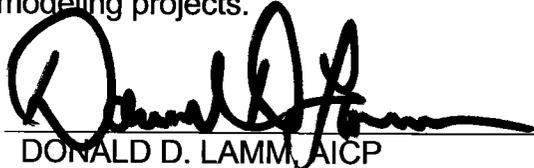
The City Attorney's office has approved the Ordinance as to form.

CONCLUSION

Code Amendment CO-09-02 will add new maximum driveway-width standards for specified single-family detached homes and remodeling projects.



MINOO ASHABI, AIA
Senior Planner



DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

- Attachments: 1. Ordinance
2. March 9, 2009 - Planning Meeting Minutes

- cc: City Manager
Assistant City Manager
City Attorney
City Clerk
Public Services Director
Transportation Manager
Chief of Code Enforcement
Staff (4)
File (2)

Costa Mesa Recreation Vehicle Owners Assoc.
Attn: Frank Leingang
3368 California Street
Costa Mesa, CA 92626

Costa Mesa Recreation Vehicle Owners Assoc.
Attn: Dave Goss
2021 Kornat Drive
Costa Mesa, CA 92626

Mesa Verde Community Inc.
Attn: Robin Lefler
3018 Samoa Place
Costa Mesa, CA 92626

Building Industry Association OC Chapter
Attn: Bryan Starr
17744 Sky Park Circle, Suite 170
Irvine, CA 92614

Costa Mesa Chamber of Commerce
1700 Adams Ave., Suite No. 101
Costa Mesa, CA 92626

File: 042109CO0902	Date: 040909	Time: 3:15 p.m.
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ORDINANCE NO. 09-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-09-02, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING RESIDENTIAL DRIVEWAY WIDTH STANDARDS FOR SPECIFIED SINGLE-FAMILY DETACHED HOMES.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: TITLE 13. Title 13 of the Costa Mesa Municipal Code is hereby amended as follows:

- a. Amend Chapter I, Section 13-6, Definitions, by adding the following new definitions:

“Driveway, individual –The paved area strictly leading to the garage/carport of a residence. This paved area serves vehicle parking purposes and does not extend beyond the garage/carport unless a curvilinear design is necessary for the turning radius.”

“Driveway, common – A paved area for vehicle circulation and parking purposes which features joint use between two or more parties.

“Paved Area – Ground surface covered with cobblestone, clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, or asphaltic or rubber mixture which may include sand, stone, or gravel as an ingredient to create a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered paved area.”

- b. Amend the driveway width requirement of Table 13-32, as follows:

TABLE 13-32 [TABLE EXCERPT OF DRIVEWAY WIDTH REQUIREMENT ONLY] RESIDENTIAL DEVELOPMENT STANDARDS				
STANDARDS	R1	R2-MD	R2-HD	R3
Driveway width	<p><u>For all individual driveways: 10 foot minimum width</u></p> <p><u>For lots less than 50 feet wide: 20 foot maximum width</u></p> <p><u>For lots greater than 50 feet wide: Driveway width shall be a maximum of 50 percent of the lot width, or a maximum 30 foot width, whichever is less.”</u></p>	<p>Same as R1, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit.</p>		

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 pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment..

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 or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: APPLICABILITY. Any existing and legally established development prior to the effective date of this ordinance is considered a legal, nonconforming development with respect to the provisions of this ordinance. Thus, any provision or clause of this ordinance shall not be retroactively applied. The provisions of this ordinance shall be applicable to new development or existing development undergoing major structural alterations, consistent with the development parameters regarding nonconforming uses, developments, and lots in Chapter X of Title 13 of the Costa Mesa Municipal Code. The provisions of this ordinance shall not be applied to any proposed project that has received zoning approval prior to the effective date of this ordinance.

SECTION 5: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 6: PUBLICATION. 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 _____ 2009.

ALLAN R. MANSOOR
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger
 Noes: None.
 Absent: None.

1. **Zoning Code Amendment CO-09-01 for an ordinance to amend Sections 13-6 and 13-85 of Title 13 of the Costa Mesa Municipal Code related to off-street parking standards for single-family detached units with five or more bedrooms in R1 zones and small lot, detached, single-family common interest developments. Environmental determination: exempt.**

Senior Planner Minoo Ashabi reviewed the information in the staff report and noted that an amended ordinance had been provided to the Commission. She responded to questions from the Commission regarding rewording of Section 1(a)'s "Room, Home Office" definition; the impact on new construction; building industry's input; and including "and/or" in the definition.

Deputy City Attorney Tom Duarte commented that he understands the intent of this section of the ordinance and it can be reworded.

No one else wished to speak and the Chair closed the public hearing.

**MOTION: Recommend that City Council give first reading to the ordinance with the appropriate changes in language to Section 1(a) related to definition of "Room, Home Office."
 Moved by Commissioner Sam Clark, seconded by Commissioner Colin McCarthy.**

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger
 Noes: None.
 Absent: None.

2. **Zoning Code Amendment CO-09-02 for an ordinance to amend Section 13-6 and Table 13-32 of Title 13 of the Costa Mesa Municipal Code related to maximum driveway-width standards for residential developments. Environmental determination: exempt.**

Senior Planner Minoo Ashabi reviewed the information in the staff report and responded to a question from the Commission regarding adding missing words to Section 1(a)'s definition of "Driveway, individual."

No one else wished to speak and the Chair closed the public hearing.

**MOTION: Recommend that City Council give first reading to the ordinance, as amended, adding the words "for the" on Page 5, Section 1(a), after the word "necessary," related to definition of "Driveway, individual."
 Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.**

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger
 Noes: None.
 Absent: None.

3. **Zoning Code Amendment CO-09-03 for an ordinance to amend Table 20-6(c) of Title 20 of the Costa Mesa Municipal Code related to vehicle parking on residential driveways. Environmental determination: exempt.**

Senior Planner Minoo Ashabi reviewed the information in the staff report and the supplemental memorandum dated March 4, 2009. She responded to questions from the Commission regarding Council's previous concerns; enforcement upon adoption of the ordinance; and parking perpendicular to the street.

No one else wished to speak and the Chair closed the public hearing.

**MOTION: Recommend that City Council give first reading to the ordinance as provided in the supplemental memo dated March 4, 2009.
 Moved by Commissioner Stephen Mensinger, seconded by Commissioner Colin McCarthy.**

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger
 Noes: None.
 Absent: None.

Planning Commission Secretary Kimberly Brandt stated that these three code amendments would be scheduled for the City Council meeting of April 7, 2009.

5. **Planning Application PA-09-02, for Willard Chilcott, for a design review for a two-unit, two-story, common interest development with less than a 10-foot average side setback for one of the units (8 ft. proposed), rear unit previously approved under DR-06-06, located at 2160 Myran Drive, in an R2-MD zone. Environmental determination: exempt.**