



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 21, 2009

ITEM NUMBER:

SUBJECT: CODE AMENDMENT CO-09-03 AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING LEGAL VEHICLE PARKING ON RESIDENTIAL DRIVEWAYS

DATE: APRIL 7, 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 20 (Property Maintenance Code). Code amendment will specify vehicle parking on residential driveways.

BACKGROUND

Purpose of Code Amendment CO-09-03

The purpose of this code amendment is to encourage use of garage spaces for storing vehicles and to ensure garages are accessible for daily use.

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 Code amendment to specify acceptable parking configurations for vehicles on residential driveways.
- 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-09-03 to specify legal vehicle parking on residential driveways.

- 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-09-03Notice.pdf>

ANALYSIS

To ensure that vehicles are parked within driveways and in direction to garage doors, staff is recommending the following parking configuration on residential driveways:

- Require that vehicles be parked perpendicular to street in direction of the garage door for straight-in residential driveways; and,
- Prohibit vehicles from overhanging beyond driveways and onto sidewalks and yard areas.

This code amendment may result in additional vehicles parked on public streets (maximum of 72 hours) in cases that driveways are not long enough to accommodate a vehicle without encroaching onto sidewalk and the owner chooses not to park in garage. In respect to recreational vehicles, if a driveway cannot accommodate a recreational vehicle without extending beyond driveway or encroaching into public right-of-way, off-site storage may be required. The Municipal Code only permits parking of recreational vehicles on public streets for a limited time and for loading and unloading purposes.

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

The proposed Ordinance will establish appropriate standards for parking on residential driveways so that garages are readily available for parking vehicles.


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
3. March 9, 2009 – Supplemental Memo and attachment

- 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: 042109CO0903	Date: 040909	Time: 3:30 p.m.
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ORDINANCE NO. 09-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING CODE AMENDMENT CO-09-03, AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING VEHICLE PARKING ON RESIDENTIAL DRIVEWAYS

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

SECTION 1: TITLE 20. Title 20 of the Costa Mesa Municipal Code is hereby amended as follows:

a. Amend Table 20-(c) as follows:

<u>“Table 20-6(c) [EXCERPT OF PARKING AND STORAGE OPTIONS ONLY]</u>			
<u>VEHICLE STORAGE AND PARKING REGULATIONS</u>			
	RESIDENTIAL ZONES AND RESIDENTIALLY-DEVELOPED PROPERTY		
Parking and Storage Options	Vehicle and Recreational Vehicles (Operable Vehicles)	Inoperative Vehicles	Wrecked or dismantled vehicles, or part thereof
<p>4. Other residential parking and storage options as described below:</p> <p>a. A paved area that is not within required building setback area abutting a public street, excluding alleys; and,</p> <p>b. Screened by a 6-foot high permanent, solid, opaque fence or wall. The fence or wall shall be constructed and maintained in accordance with applicable development standards for fences and walls contained in the City of Costa Mesa Zoning Code. A building may also serve to screen the storage area.</p> <p>c. The exception to subparagraphs a. and b. above is that a vehicle may be stored or parked on a paved driveway connecting a garage or carport with a public or private street. <u>Additionally, a vehicle shall not overhang or extend beyond the driveway area or overhang the public right-of-way including sidewalks.</u></p> <p><u>Note: Vehicles shall be parked perpendicular to the street on driveways that provide straight-in access from a public street.</u></p> <p><u>For the purposes of this section, driveway width shall be equal to the width of the existing garage or carport structure it is serving. There are two exceptions which would allow an expanded driveway width for vehicle parking purposes:</u></p> <p><u>(1) A driveway serving a single-car garage/carport OR</u> <u>(2) A driveway serving a detached garage/carport located in the rear of the property.</u></p> <p><u>In the cases described in (1) and (2) above, the driveway width may be expanded up to twenty feet wide in the front building setback area, provided that the driveway width does not extend past the building side setback of the existing residence or garage/carport.</u></p>	P ¹	P ¹	P ¹
	P ¹	P ²	•

P= Permitted

• = Prohibited

1. Excludes buses, tow trucks, dump trucks, flatbed trucks, tractors, tractor trailers, truck trailers; or any other commercial vehicle over 25 feet long or 8 feet in height or 90 inches wide, except as allowed in Section 20-6(a).
2. Provided that the inoperative vehicle is covered by a vehicle cover, made for that purpose and maintained in good condition, and in compliance with Section 20-7(c).

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: 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 5: 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 Mino 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 Mino 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 Mino 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.**



PLANNING COMMISSION

SUPPLEMENTAL MEMORANDUM

ATTACHMENT 3

M.L. VA.

MEETING DATE: MARCH 9, 2009

**SUBJECT: CODE AMENDMENT CO-09-03 TO TITLE 20 OF COSTA MESA MUNICIPAL CODE
RELATED TO VEHICLE PARKING PROVISIONS FOR RESIDENTIAL PROPERTIES
REVISED DRAFT ORDINANCE**

DATE: MARCH 4, 2009

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

MA

The purpose of this supplemental memo is to modify the draft ordinance to: 1) to establish the driveway width of existing residential properties for the purposes of regulating where vehicles can be stored or parked; and, 2) to allow two exceptions to the maximum driveway width requirement. Staff has included two exceptions that the Commission may consider, which would allow an expanded driveway width for vehicles parking purposes as follows:

- 1) A driveway serving a single-car garage/carport; or,
- 2) A driveway serving a detached garage/carport located in the rear of the property.

Please refer to Figures 1 and 2 which depict expanded driveways.

Attachment: 1. Revised Draft Ordinance for Title 20
2. Illustrations

Distribution: Assistant City Attorney
Deputy City Manager- Dev. Svs. Director
Public Services Director
City Engineer
Staff (4)
File (2)

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Parking and Storage Options	Vehicle and Recreational Vehicles	Inoperative Vehicles	Wrecked or dismantled vehicles, or part thereof
<p>4. Other residential storage options. Stored or parked on a paved area that meets criteria a. and b. <u>and c.</u> below:</p> <p>a. A paved area that is not within required building setback area abutting a public street, excluding alleys; and,</p> <p>b. Screened by a 6-foot high permanent, solid, opaque fence or wall. The fence or wall shall be constructed and maintained in accordance with applicable development standards for fences and walls contained in the City of Costa Mesa Zoning Code. A building may also serve to screen the storage area.</p> <p>c. The exception to subparagraphs a. and b. above is that a vehicle may be stored or parked on a paved driveway connecting a garage or carport with a public or private street. <u>Additionally, a vehicle shall not overhang or extend beyond the driveway area or overhang the public right-of-way including sidewalks.</u></p> <p><u>Note: Vehicles shall be parked perpendicular to the street on driveways that provide straight-in access from a public street.</u></p> <p><u>For the purposes of this section, driveway width shall be equal to the width of the existing garage or carport structure it is serving. There are two exceptions which would allow an expanded driveway width for vehicle parking purposes:</u></p> <p><u>(1) A driveway serving a single-car garage/carport OR</u> <u>(2) A driveway serving a detached garage/carport located in the rear of the property</u></p> <p><u>In the cases described in (1) and (2) above, the driveway width may be expanded up to twenty feet wide in the front building setback area, provided that the driveway width does not extend past the building side setback of the existing residence or garage/carport.</u></p>	P ¹	P ¹	P ¹

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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

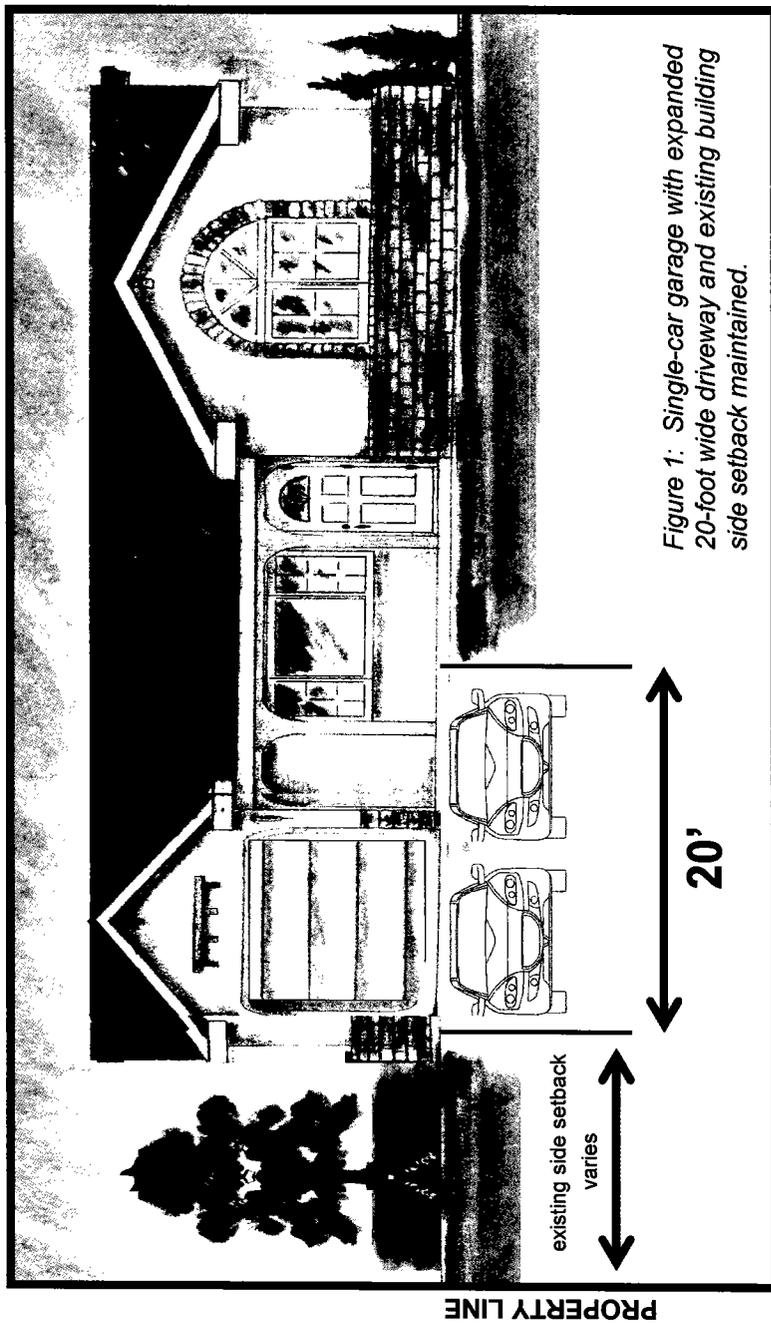
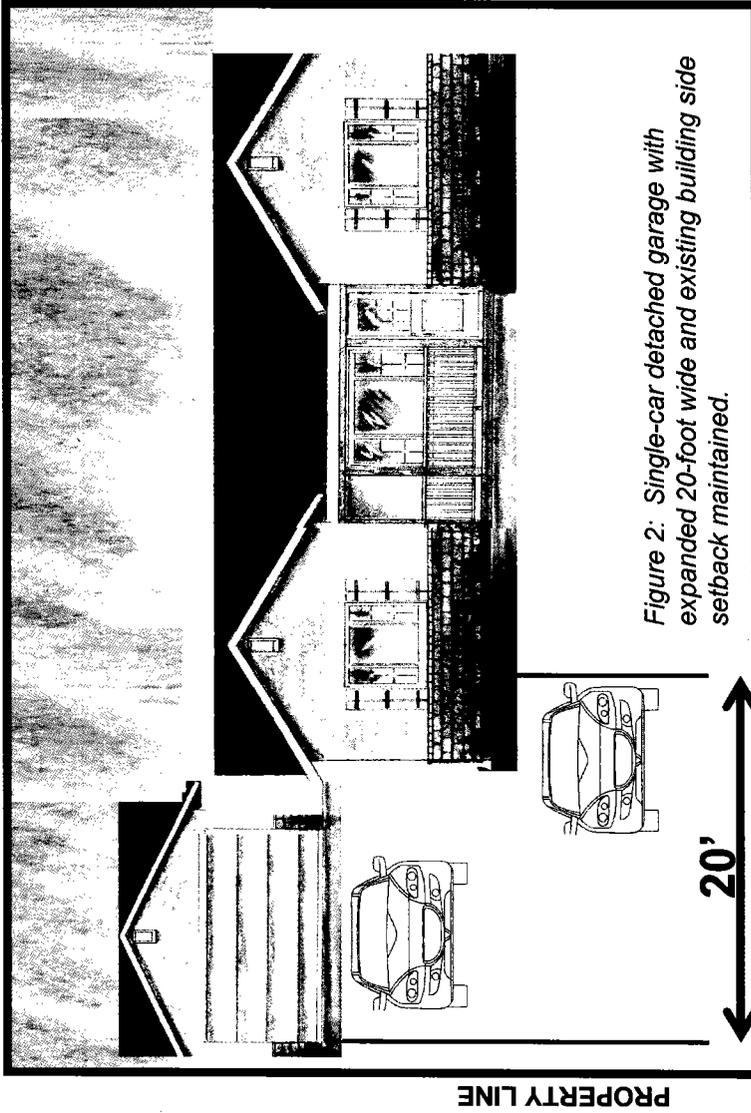


Figure 1: Single-car garage with expanded 20-foot wide driveway and existing building side setback maintained.

not to scale



not to scale