CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 5, 2009 ITEM NUMBER:

SUBJECT: SECOND READING OF ORDINANCE 09-3 ADOPTING CODE AMENDMENT CO-09-01 RELATED TO NEW PARKING STANDARDS FOR SINGLE FAMILY DETACHED HOMES WITH FIVE OR MORE BEDROOMS

DATE: APRIL 23, 2009

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MINOO ASHABI, SENIOR PLANNER
KIMBERLY BRANDT, DEV. SVS. DIRECTOR

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

RECOMMENDATION:

Give second reading to attached ordinance that amends Zoning Code (Title 13) for new parking standards related to new construction of single family detached homes and room additions with five or more bedrooms.

ANALYSIS:

On April 21, 2009, City Council gave first reading to the attached ordinance by a 5-0 vote related to new definitions and 3-2 vote (Mayor Pro Tem Leece and Councilmember Bever voting no) for applicability of the new standards. Staff has no further information on this item.

MINOO ASHABI, AIA
Senior Planner

KIMBERLY BRANDT AICP
Asst. Development Svs. Director

DISTRIBUTION: City Manager
Asst. City Manager
City Attorney
Asst. Dev. Svs. Director
Public Services Director
City Clerk (2)
Staff (4)
Planning Staff (8)
File (2)

ATTACHMENT: Ordinance 09-3

File: 050509CO0901	Date: 042309	Time: 11:15 a.m.

ORDINANCE NO. 09-3

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-09-01, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING 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

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:

"**Tandem Parking** –An arrangement of parking spaces one behind the other, such that a parking space must be driven across in order to access another space. Tandem garage parking signifies the placement of standard parking spaces one behind the other within the enclosed area of a garage."

"**Room, Home Office** – A room designed and intended to be used for a household office or small business related activity within a residence. Within a single-family detached residence, this room is strictly not intended for sleeping purposes, and lacks direct access to a bathroom. The home office may also be referred to as a studio, den, study, or library."

b. Amend Chapter I, Section 13-6, Definitions, by modifying the definition of bedrooms:

"**Room, Bedroom** - A fully-enclosed room designed or intended to be used for sleeping purposes within a residence. Within a single-family detached residence, a room meeting the definition of a home office shall not be included in the bedroom count."

c. Amend Chapter VI, Section 13-85, as follows:

"Sec. 13-85. PARKING REQUIRED

In the residential districts, the following minimum off-street parking spaces shall be provided. The parking spaces shall provide safe and adequate ingress and egress and shall be maintained in connection with the building or structure and use of land.

(a) **R1 zone and small-lot single-family common interest developments (excluding townhouses).** Off-street parking in the form of a garage and open parking shall be provided as follows:

TABLE 13-85(a) Off-Street Parking Standards for Single-Family Detached Residences in R1 zone and Small-Lot, Detached, Residential Common Interest Developments		
Single-Family Detached Residence with 4 Bedrooms or Fewer		
Garage Parking Spaces	**Open Parking Spaces[1]**	**Total Parking Spaces**
2	Lots without garage access from alley: 2	4
	Lots with garage access from alley: 1	3
Single-Family Detached Residence with 5 Bedrooms or More[3]		
New Construction		
Garage Parking Spaces[2]	**Open Parking Spaces[1, 2]**	**Total Parking Spaces**
3	Lots without garage access from alley: 2	5
	Lots with garage access from alley: 1	4
Bedroom Additions		
Garage Parking Spaces[2]	**Open Parking Spaces[1, 2]**	**Total Parking Spaces**
2	Lots without garage access from alley: 3	5
	Lots with garage access from alley: 2	4

1. In R1 zones, required open parking may be provided in a garage or on a minimum 19-foot long, individual driveway leading to a garage. In common-interest developments, required open parking may be provided on an individual unit's driveway or within the common area. Open parking provided as tandem spaces is subject to approval of a minor conditional use permit.
2. For single-family detached residences with five bedrooms or more, tandem parking of up to two standard vehicles is permitted in the garage as it relates to new construction. Tandem garage parking shall exclusively consist of two standard parking spaces.

(1) Required garage dimensions: Each garage space shall have interior dimensions that are a minimum 10 feet wide by 20 feet long, unobstructed inside measurements. Each residence shall have no more than 700 square feet of garage area unless authorized by a minor conditional use permit.

(2) Application to an existing residence: The off-street parking requirements stated above shall not be applied to an existing residence at the time the residence is increased in size and/or the number of bedrooms is increased unless the total number of bedrooms is increased to 5 or more bedrooms.

(3) With approval of a minor modification, the Planning Division may allow the retention of an existing driveway access from a street to satisfy open parking requirements, at such time that garage access is proposed from an abutting alley.

(b) **R2-MD, R2-HD, R3, PDR-LD, PDR-MD, PDR-HD, PDR-NCM and residential components of developments in the PDC and PDI zones.** At the time of the construction of any building and/or when a structure is enlarged or increased by adding a bedroom(s), required parking shall be provided per Table 13-85. Exceptions:
(1) For lots that are zoned multiple-family residential and contain only one single-family detached residence, the parking requirements in Table 13-85(a) shall be applied.
(2) For individual lots in common-interest developments that contain only one single-family detached residence (excluding townhouses), the parking requirements in Table 13-85(a) shall be applied.

(c) **Reduction of required parking prohibited.** A property owner or property manager shall make available to tenants and guests the parking required by this subsection. No property owner or property manager shall lease, rent, sell, or otherwise make unavailable to residents and guests required parking. Furthermore, the rental of a dwelling unit shall be deemed to include the exclusive use of at least one (1) covered parking space and equal access to the required open spaces reserved for residents.

(d) **Parking for accessory apartments and granny units.** Accessory apartments and granny units as provided for elsewhere in this Zoning Code shall be provided with at least two (2) on-site parking spaces in addition to parking required for the existing single-family residence. The parking need not be covered. City of Costa Mesa Parking Standards shall apply."

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.

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ALLAN R. MANSOOR
Mayor of the City of Costa Mesa

ATTEST:

_____
City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

_____
City Attorney