



# CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 5, 2009

ITEM NUMBER:

**SUBJECT:** SECOND READING OF ORDINANCE 09-4 ADOPTING CODE AMENDMENT CO-09-02 RELATED TO NEW DRIVEWAY WIDTH STANDARDS FOR NEW SINGLE FAMILY DETACHED HOMES

**DATE:** APRIL 23, 2009

**FROM:** DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

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

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

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## RECOMMENDATION:

Give second reading to attached ordinance that amends Zoning Code (Title 13) for new driveway width standards related to new construction of single-family detached homes.

## ANALYSIS:

On April 21, 2009, City Council gave first reading to the attached ordinance by a 3-2 vote (Mayor Pro Tem Leece and Councilmember Bever voting no). 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 09-4



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**ATTACHMENT:** Ordinance 09-4

**ORDINANCE NO. 09-4**

**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:

<b>“TABLE 13-32 [TABLE EXCERPT OF DRIVEWAY WIDTH REQUIREMENT ONLY] RESIDENTIAL DEVELOPMENT STANDARDS</b>				
<b>STANDARDS</b>	<b>R1</b>	<b>R2-MD</b>	<b>R2-HD</b>	<b>R3</b>
Driveway width	For all individual driveways: 10 foot minimum width  For lots less than 50 feet wide: 26 foot maximum width <sup>1</sup>  For lots greater than 50 feet wide: Driveway width shall be a maximum of 50 percent of the lot width, or a maximum 36 foot width, whichever is less. <sup>1</sup>	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.		
1. The maximum driveway width standards are only applicable to the construction of new single-family residences.”				

**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

