



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: NOVEMBER 16, 2010

ITEM NUMBER:

**SUBJECT: CODE AMENDMENT CO-10-03 TO TITLE 20 OF COSTA MESA MUNICIPAL CODE RELATED TO INOPERABLE VEHICLE PARKING IN RESIDENTIAL PROPERTIES**

**DATE: OCTOBER 22, 2010**

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

**PRESENTATION BY: MINOO ASHABI, SENIOR PLANNER  
KIMBERLY BRANDT, AICP, DIRECTOR**

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

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## **RECOMMENDATION:**

Pursuant to Planning Commission's recommendation, give first reading and waive further reading of an Ordinance amending Title 20 of the Costa Mesa Municipal Code (Property Maintenance Code) to revise the regulations regarding parking of inoperable vehicles on residential properties.

## **BACKGROUND:**

Since 2008, the Planning Commission has expressed concerns regarding the City's current regulations related to parking inoperable vehicles on residential driveways. Currently Title 20 allows parking of inoperable vehicles on residential driveways provided they are covered by a vehicle cover. This provision has been actively enforced by Code Enforcement; however, the stored vehicles typically remain at one location for an indefinite period of time and cause concerns with neighbors. In addition to unsightly views, the inoperable vehicles block access to the garage and discourage the use of the garage for storing operable vehicles. Code also allows parking of inoperable vehicles in garages and behind walls or fences so they are screened from public view; staff is not recommending any changes to these provisions.

On August 3, 2010, the City Council directed staff to move forward with this amendment as recommended by the Planning Commission.

On October 11, 2010, the Planning Commission on a 5-0 vote recommended approval of the proposed code amendment.

The October 11, 2010 Planning Commission staff report can be accessed on line at:  
<http://www.ci.costa-mesa.ca.us/CMCalendar.htm>

**ANALYSIS:**

The purpose of this Code amendment is to improve the overall appearance of the streetscapes in residential neighborhoods and to encourage residents to use their garages for storing inoperable and operable vehicles. The proposed code amendment will prohibit the parking or storing of inoperable vehicles on driveways leading to garages (refer to attached ordinance). If approved, the storage of inoperable vehicles will be only permitted in garages or behind a 6-foot high permanent solid fencing or wall on a paved area that is not within a building setback area adjacent to a street.

**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 it can be seen with certainty that there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

**LEGAL REVIEW:**

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

**CONCLUSION:**

The proposed Code amendment will further restrict the parking of inoperable vehicles on residential properties so that they are screened from public view, thereby improving the overall appearance of the City's residential neighborhoods.

  
MINOO ASHABI, AIA  
Senior Planner

  
KIMBERLY BRANDT, AICP  
Development Services Director

Attachments: Ordinance

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

ORDINANCE NO. 10-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-10-03, AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE PARKING AND STORAGE OF INOPERABLE VEHICLES ON RESIDENTIAL PROPERTIES

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

SECTION 1: TITLE 20. Table 20-6(c) of Title 20 of the Costa Mesa Municipal Code is hereby amended as follows:

<b><u>"Table 20-6(c) [EXCERPT OF PARKING AND STORAGE OPTIONS ONLY]"</u></b>			
<b><u>VEHICLE STORAGE AND PARKING REGULATIONS</u></b>			
	<b>RESIDENTIAL ZONES AND RESIDENTIALLY-DEVELOPED PROPERTY</b>		
<b>Parking and Storage Options</b>	<b>Vehicle and Recreational Vehicles</b>	<b>Inoperative Vehicles</b>	<b>Wrecked or dismantled vehicles, or part thereof</b>
<p><b>4. Other residential storage options.</b> Stored or parked on a paved area that meets the following criteria:</p> <p>a. A <u>screened paved area</u> <del>surface</del> that is not within the required building setback area abutting a public street excluding alleys; and,</p> <p>b. The screening shall consist of 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 <u>exceptions</u> to subparagraphs a. and b. above <del>is</del> <u>are</u> that <u>vehicles and recreational vehicles</u> may <u>also</u> be stored or parked <del>on a paved driveway connecting a garage or carport with a public or private street as follows:-</del></p> <p style="margin-left: 40px;">i. <u>On a paved driveway connecting a garage or carport with a public or private street or alley; or</u></p> <p style="margin-left: 40px;">ii. <u>On a paved parking space which is accessible from the alley for properties developed with a single family detached residence.</u></p>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
	P <sup>1</sup>	P <sup>1,2</sup> •	•
<p>P = Permitted • = Prohibited</p> <p>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. <del>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).</del></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: 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 \_\_\_\_\_ 2010.

\_\_\_\_\_  
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

