



CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 20, 2011

ITEM NUMBER:

SUBJECT: ZONING CODE AMENDMENT CO-10-06 TO AMEND TITLE 13, ARTICLE 2 DEFINITIONS, AND CHAPTERS III, IV, V, VI, AND XII OF THE COSTA MESA MUNICIPAL CODE RELATING TO RESIDENTIAL SECOND UNITS (A.K.A GRANNY UNITS, AND ACCESSORY APARTMENTS)

DATE: SEPTEMBER 6, 2011

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: CLAIRE FLYNN, ACTING ASST. DEVELOPMENT SERVICES DIRECTOR

**FOR FURTHER INFORMATION CONTACT: CLAIRE FLYNN, (714) 754-5278
cflynn@ci.costa-mesa.ca.us**

RECOMMENDATION

Introduce and give first reading to ordinance.

BACKGROUND

Description of Ordinance

Code Amendment CO-10-06 is an amendment to Title 13 of the Costa Mesa Municipal Code to revise the regulations regarding second units. (Attachment 2, Draft Ordinance)

A second unit is defined as a second dwelling unit that is established in conjunction with and subordinate to a primary dwelling unit. The second unit may be attached to the primary dwelling unit or located in a detached accessory building on the same lot. It may also be referred to as an accessory apartment, granny unit, granny flat, or in-law apartment.

Granny units and accessory apartments are subject to specific development standards, including a requirement to provide two open parking spaces to serve the unit. These second dwelling units are allowed in R1 (single-family residential district) zones, subject to compliance with development standards.

Since 1998, there have been about 19 second units approved in an R1 zone and 17 have been constructed to date.

Meeting History

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

On May 23, 2011, Planning Commission conducted a special study session regarding illegal construction of second units. Planning staff reviewed the existing land use context and Code regulations for these structures. The City Attorney's office provided legal review of current State law which promotes the production of second units by streamlining the development review process.

On July 11, 2011, Planning Commission conducted a public hearing and recommended that City Council approve the ordinance. The Planning Commission report and meeting minutes can be downloaded per the following the links:

http://www.ci.costa-mesa.ca.us/council/planning/pa_110711.pdf
http://www.ci.costa-mesa.ca.us/council/planning/pm_110711.pdf

ANALYSIS

Code Amendment CO-10-06

The purpose of the code amendment is to:

- Update the Code requirements to be consistent with State law and the City's Housing Element
- Address the Planning Commission's and City Council's concerns regarding the construction of granny units.

The following discussion highlights proposed changes to the Zoning Code. The redlined/strikeout exhibits are provided as Attachment 1 and the Draft Ordinance as Attachment 2.

Amendments Consistent with State Law

- *Replace individual references to granny units and accessory apartments with a new definition:*

Current Code does not have a definition for a second unit. The Code Amendment creates a new definition to include granny units and accessory apartments.

"Second unit. A second dwelling unit established in conjunction with and subordinate to a primary dwelling unit. The second unit may be attached to the primary dwelling unit or located in a detached accessory building on the same lot. It may also be referred to as an accessory apartment, granny unit, granny flat, or in-law apartment." (Attachment 3B, Definitions)

- Create consistent reference to second units as a land use category.

Current Code has individual references to granny units and accessory apartments in the Land Use Matrix. The Code Amendment creates a single category for second units, but there are no changes to the existing regulation that second units are only permitted in the R1 zone. (Attachment 3D, 3E, 3F: Chapter IV City Land Use Matrix, Table 13-30 City of Costa Mesa Land Use Matrix)

- Promote the creation of second units and consider them in conformance with General Plan density standards.

Current Code implies – but does not clearly specify -- that second units in R1 zones are consistent with the General Plan with regard to density limits. The Code Amendment makes it clear that second units may be considered consistent with the General Plan subject to compliance with requirements.

“Sec. 13-35. SECOND UNITS

Pursuant to Government Code § 65852.2, local governments have the authority to adopt regulations designed to promote second units. A second unit which conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the General Plan designation and zoning classification for the lot. “ (Attachment 3G and 3H)

- Allow ministerial review of second unit applications.

Current Code requires a discretionary review process called a “development review” for a granny unit application. The Code Amendment eliminates this processing requirement and allows second unit applications to be considered ministerially by Planning staff. (Attachment 3C: Chapter III Planning Applications, Section 13-28(e))

“An application for a second unit shall be considered ministerially by the Development Services Director or his/her designee. Exception: Where deviations from the residential development standards are requested, the second unit application is subject to the application processing procedures as set forth in TITLE 13, CHAPTER III PLANNING APPLICATIONS. An appeal shall be in accordance with TITLE 2, CHAPTER IX APPEAL, REHEARING AND REVIEW PROCEDURE.”

This report has been forwarded to the State Housing and Community Development Department and no comments have been received at the time of publication.

Amendments Consistent with Planning Commission's Objective

The Planning Commission has expressed interest to amend the Zoning Code to better define and regulate second units to preserve the character of single-family neighborhoods. The proposed Zoning Code Amendment would achieve this objective as follows (see Attachment 1A for redlined text):

- *Require Land Use Restriction related to Owner Occupancy.*

Current Code requires a Land Use Restriction for granny units to be restricted to persons 62 years of age or older. The Code Amendment eliminates the requirement for Land Use Restriction. However, the amendment imposes a requirement for the primary unit to be owner occupied. (Attachment 3H)

“A Land Use Restriction requiring that the primary dwelling unit be owner occupied shall be recorded on the property prior to the issuance of a building permit for the second unit and shall be valid as long as the second unit exists.”

- *Require Conditional Use Permits for bathrooms with showers or bathtubs in accessory structures.*

Planning Commission had expressed concerns with accessory structures becoming illegal second units. This change to the Code would require a CUP (where currently a MCUP is required) to allow Planning Commission to consider these types of projects on a case-by-case basis. Language from the attached supplemental memo to the Planning Commission is included in the draft Ordinance. (Attachment 1)

- *Limit opportunities to convert illegal structures into second units.*

- Current Code allows granny units to be built (subject to requirements) on a R1 lot regardless of lot size. This represents **100%** of R1 lots.
- Current Code allows accessory apartments to be built on lots with a minimum size of 10,860 square feet. This represents less than **1%** of R1 lots.
- Proposed Code Amendment will limit second units (i.e. granny flats or accessory apartments) to about **40%** of R1 lots by establishing a minimum lot size requirement of 7,260 square feet.

The Code Amendment is intended to limit opportunities to convert illegal structures into granny units by establishing a density standard for a second unit in an R1 zone that is consistent with the General Plan (1 unit per 3,630 square feet).

The amendment makes an important change by instituting a minimum lot size of 7,260 square feet for second units. This density criterion is consistent with the General Plan density for the Medium Density Residential designation which allows multiple units to be constructed on a single lot.

Because this lot size (7,260 square feet or greater) represents about 40% of the R1 lots in the City, this would significantly limit the number of second units that are constructed in the R1 zone. However, the Housing Element contains a program which promotes second units to increase housing opportunities in Costa Mesa. It is important to maintain this housing goal. Despite this minimum lot size standard for second units, there will be approximately 4,000 residential properties still eligible for a second unit, subject to compliance with development standards. Therefore, staff believes that there is sufficient land inventory for future development of second units in compliance with the Housing Element. (Attachment 3H)

Applicability of Ordinance

Subsequent to the Planning Commission meeting, an issue was raised with regard to the applicability of the ordinance provisions on second-unit projects currently in process. The attached ordinance includes a provision that the Ordinance would not apply to second-unit applications that have been submitted on or before the effective date of the ordinance. At this time, one second-unit application is currently in process.

Other Cities

Staff reviewed the second unit ordinances in the Cities of Irvine and Huntington Beach. These ordinances appear to mirror State Law requirements with no material differences.

These second units are required to comply with the residential development standards of the R1 zone, including other requirements applicable to second units:

- A Land Use Restriction which limits sets forth occupancy restrictions
- Unit size limitations and setback standards

Unlike these other Cities, Costa Mesa currently requires two open parking spaces for each second unit.

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

Planning staff has worked closely with the City Attorney's office to ensure that the proposed Code amendment is consistent with State Law. The City Attorney's office has approved the draft Ordinance as to form.

ALTERNATIVES

1. Adopt Ordinance. The Code amendment is consistent with State Law requirements for second units.
2. Receive and file. No changes to the existing regulations will be implemented.

CONCLUSION

Pursuant to the Planning Commission's direction, the proposed Code Amendment is intended to better define and regulate second units to preserve the character of single-family neighborhoods and comply with State Law requirements.



CLAIRE L. FLYNN, AICP
Acting Asst. Development Services Director



KHANH NGUYEN
Interim Development Services Director

cc: Chief Executive Officer
City Attorney
Public Services Director
Transportation Svs. Manager
City Engineer
City Clerk
Staff (4)
File (2)

Attachment: 1. Supplemental memo to Planning Commission
2. Draft Ordinance
3. Redlined/Strikeout Exhibits

File: 092011CO1006	Date: 090811	Time: 4:00 p.m.
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PLANNING COMMISSION SUPPLEMENTAL REPORT

MEETING DATE: JULY 11, 2011

ITEM NUMBER

SUBJECT: ZONING CODE AMENDMENT CO-10-06 TO AMEND TITLE 13, ARTICLE 2 DEFINITIONS, AND CHAPTERS III, IV, V, VI, AND XII OF THE COSTA MESA MUNICIPAL CODE RELATING TO RESIDENTIAL SECOND UNITS (A.K.A GRANNY UNITS, AND ACCESSORY APARTMENTS)

DATE: JULY 7, 2011

FOR FURTHER INFORMATION CONTACT: CLAIRE FLYNN, ACT. ASST. DEV. SVCS. DIRECTOR
(714) 754-5278

Bathrooms within Accessory Structures

The purpose of this memo is to recommend an additional change to the Zoning Code to address second units. A revised Ordinance is attached with this change shown in yellow highlighting.

Subject to approval of a Minor Conditional Use Permit, Code allows a combination of a toilet, bathtub, or shower to be constructed as an accessory use in a single family residential zone. This applies to an accessory use contained in a detached structure or contained within the main structure with no interior connection. (Title 13, Table 13-30).

Planning Commission expressed concerns with permitting bathrooms in accessory structures because these structures may have the potential of being illegally converted to a second unit. Staff recommends that such proposals be considered by the Planning Commission as a Conditional Use Permit in the R1 zone and PDR-LD zone. This would elevate these applications to a Planning Commission public hearing in these select zones, while a MCUP is still required in multi-family zones. However, it should be noted that accessory uses with a powder room (toilet and sink only) are permitted by right and no changes are proposed to this regulation.

Staff recommends that this additional amendment be included in Zoning Code Amendment CO-10-07 as shown below.

Costa Mesa Zoning Code

TABLE 13-30 CITY OF COSTA MESA LAND USE MATRIX																					
LAND USES	Z O N E S																				
	R 1	R 2 M D	R 2 H D	R 3	A P	C L	C 1	C 2	C 1 S ¹	T C ¹	M G	M P	P D R L D ¹	P D R M D ¹	P D R H D ¹	P D R N C M ¹	P D C ¹	P D I ¹	I & R ¹	I & R S ¹	P
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	C ²	C ²	•	•	•	•	•	•	•	•	•	•	•	•	•
ACCESSORY USES																					
12. Accessory apartments (subject to the requirements of Section 13.36 ACCESSORY APARTMENTS) Reserved for future use.	R ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
13. Animals, keeping of	SEE TITLE 3, ANIMALS AND FOWL																				
14. Antennas: Amateur radio, Satellite dish, Communication	SEE CHAPTER IX, ARTICLE 2, ANTENNAS																				
15. Reserved for future use																					
15.1 Incidental residential use that includes a toilet in combination with a bathtub or shower, bathtub, shower, or any combination thereof. This applies to an accessory use contained in a detached structure, or contained within the main structure with no interior connection between the main and incidental use.	M C	M C	M C	M C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

ORDINANCE NO. 11-_____

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-10-06, AMENDING TITLE 13, ARTICLE 2 DEFINITIONS, AND CHAPTERS III, IV, V, VI, AND XII OF THE COSTA MESA MUNICIPAL CODE RELATING TO RESIDENTIAL SECOND UNITS, GRANNY UNITS, AND ACCESSORY APARTMENTS.

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

WHEREAS, the State Second Unit Law in California Government Code Section 65852.2 intends to promote the creation of second units in residential zones and to require ministerial consideration of second-unit applications to streamline the development review process for second units;

WHEREAS, California Government Code Section 65583.1 (a portion of State Housing Element Law) allows identification of the realistic capacity for second units in addressing a locality's share of the regional housing need;

WHEREAS, the City of Costa Mesa General Plan indicates that the City will continue to promote second units as an alternative affordable housing option for seniors and lower-income individuals as part of the Year 2008 to 2014 Housing Element;

WHEREAS, the Costa Mesa City Council finds that the amendments to Title 13 of the Costa Mesa Municipal Code regarding second units (also referred to as granny units, accessory apartments, in-law apartments) are consistent with the intent of the State Second Unit Law;

WHEREAS, the Costa Mesa City Council acknowledges that Government Code Section 65852.2(e) limits parking requirements to one parking space per unit or bedroom; however, this subsection allows a locality to make specific findings for additional parking requirements. In this case, Title 13, Chapter VI, Off-Street Parking Requirements, of the Costa Mesa Municipal Code requires a minimum of two parking spaces for a studio apartment. The Costa Mesa City Council finds it appropriate to apply this minimum standard of two parking spaces for a second unit, and this would be would be in addition to the parking required for the primary dwelling unit.

WHEREAS, the new regulations shall not be applicable to second-unit applications that are submitted to the City on or before the effective date of this Ordinance.

SECTION 1: TITLE 13 (ZONING CODE) AMENDMENTS. Title 13 of the Costa Mesa Municipal Code is hereby amended as follows:

- A. Article 2, Definitions, is amended to remove definition of accessory apartment.
- B. Article 2, Definitions, is amended to include a new definition for a second unit to read as follows:

“Second unit. A second dwelling unit established in conjunction with and subordinate to a primary dwelling unit. The second unit may be attached to the primary dwelling unit or located in a detached accessory building on the same lot. It may also be referred to as an accessory apartment, granny unit, granny flat, or in-law apartment.”

- C. Chapter III, Planning Applications, Section 13-28(e) is amended to read as follows:

“(e) Development review. The following shall be subject to development review:

- (1) Single-story residential construction: In the R2-MD, R2-HD, and R3 zones, any single-story construction of 2 or fewer new single-story dwelling units. *Exception:* New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the Planning Division.
 - (2) Two-story residential construction: In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are 2 or fewer dwelling units or any second-story addition on a lot with more than 2 dwelling units that complies with any residential design guidelines adopted by City Council.
 - (3) Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones. However, building additions that do not exceed 2,000 square feet or 50% of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review.
 - (4) Lot line adjustment; and
 - (5) Any other use specified in this Zoning Code as requiring development review.”
- D. Chapter IV, City Land Use Matrix, Table 13-30 City of Costa Mesa Land Use Matrix, Row 12, Row 15.1, Row 20, Row 22.2, and Row 22.3 are hereby amended as shown in Exhibit “A.”

- E. Chapter V, Development Standards, Article 1, Residential Districts, Section 13-31 is hereby amended to read as follows:

“Sec. 13-31. PURPOSE

The purpose of this article is to achieve the following:

- (a) Ensure adequate light, air, privacy and open space for each dwelling unit.
- (b) Minimize traffic congestion and avoid overloading of public services and utilities.
- (c) Protect residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke and other objectionable influences.
- (d) Locate development which retains the scale and character of existing residential neighborhoods and facilitates the upgrade of declining and mixed-density residential neighborhoods.
- (e) Provide for the creation and ministerial consideration of second units in the R1 zone (Single-Family Residential District) at the allowable General Plan density for the lot.”

- F. Chapter V, Development Standards, Sections 13-35 and 13-36 are hereby amended to read as follows:

“Sec. 13-35. SECOND UNITS

Pursuant to Government Code § 65852.2, local governments have the authority to adopt regulations designed to promote second units. A second unit which conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the General Plan designation and zoning classification for the lot.

The following criteria constitute the standards that the City shall use to evaluate a proposed second unit.

- (a) A Land Use Restriction requiring that the primary dwelling unit be owner occupied shall be recorded on the property prior to the issuance of a building permit for the second unit and shall be valid as long as the second unit exists.
- (b) A second unit shall be limited to a lot in the R1 zone with a minimum lot size of 7,260 square feet.
- (c) A second unit shall not be intended for sale but may be rented.

- (d) The primary dwelling unit shall be a single-family residence.
- (e) If detached from the primary dwelling unit, the second unit size shall not exceed 1,200 square feet.
- (f) If attached to the primary dwelling unit, the second unit size shall not exceed 30 percent of the existing living area of the primary dwelling unit.
- (g) Two open parking spaces shall be provided for the second unit. The parking required for the primary dwelling unit pursuant to CHAPTER VI OFF-STREET PARKING STANDARDS shall not be attributed to the second unit. The parking need not be covered.
- (h) A second unit shall comply with the residential development standards shown in TITLE 13, CHAPTER V, TABLE 13-32 and shall be subject to all applicable residential design guidelines.
- (i) An application for a second unit shall be considered ministerially by the Development Services Director or his/her designee. Exception: Where deviations from the residential development standards are requested, the second unit application is subject to the application processing procedures as set forth in TITLE 13, CHAPTER III PLANNING APPLICATIONS. An appeal shall be in accordance with TITLE 2, CHAPTER IX APPEAL, REHEARING AND REVIEW PROCEDURE.
- (i) An application for a second unit involving second story construction may be subject to minor design review pursuant to TITLE 13, CHAPTER III PLANNING APPLICATIONS.

Sec. 13-36. Reserved for future use.”

G. Chapter VI, Off-Street Parking Standards, Section 13-85(d) is hereby amended to read as follows:

“(d) Parking for second units. Residential second units 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.”

H. Chapter XII Special Fee Assessments, Section 13-276(a)(1) is hereby amended to read as follows:

“Sec. 13-276. EXEMPTIONS

(a) **Exempt development projects.** Projects which fall within any of the categories listed below shall be exempt from the provisions of this article:

- (1) Any residential construction that does not increase the number of permanent housing units on the lot where the construction takes place, such as remodeling or rebuilding an existing house or units. Second units are also exempt.”

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 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 _____ 2011.

GARY MONAHAN
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

EXHIBIT "A"
Costa Mesa Zoning Code

**TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX**

LAND USES	ZONES																							
	R 1	R 2 M D	R 2 H D	R 3	A P	C L	C 1	C 2	C 1 2	C 1 S ¹	C T C ¹	M G P	M P	P D R L D ¹	P D R M D ¹	P D R H D ¹	P D R N C M ¹	P D C ¹	P D I ¹	I & R ¹	I & R S ¹	P		
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	•	C ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
ACCESSORY USES																								
12. Accessory apartments (subject to the requirements of Section 13-35-ACCESSORY-APARTMENTS) Reserved for future use.	P ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
13. Animals, keeping of	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
14. Antennas: Amateur radio, Satellite dish, Communication	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
15. Reserved for future use	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
15.1 Incidental residential use that includes a toilet in combination with a bathtub or shower, bathtub, shower, or any combination thereof. This applies to an accessory use contained in a detached structure, or contained within the main structure with no interior connection between the main and incidental use.	M C	M C	M C	M C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
16. Day care facilities (15 children or more) (see also Nursery schools)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	•

45.2

Chapter IV Citywide Land Use Matrix

Revised 3/98 Ordinance 98-5; 4/00 Ordinance 00-5; 2/01 Ordinance 01-1; 3/02 Ordinance 02-4; 6/02 Ordinance 02-12; 2/05 Ordinance 05-2; 7/05 Ordinance 05-11; 9/06 Ordinance 06-18

Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.

This use is subject to the requirements of the referenced Municipal Code article or section.

If residential uses exist, accessory uses shall be permitted.

For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																					
	R 1	R 2 M D	R 2 H D	R 3	A P	C L	C 1	C 2	C 1 S ¹	T C ¹	M G	M P	P D R L D ¹	P D R M D ¹	P D R H D ¹	P D R N C M ¹	P D C ¹	P D I ¹	I & R ¹	I & R S ¹	P	
17. Family day care - large (7-14 children) (subject to the requirements of Section 13-37 LARGE FAMILY DAY CARE HOMES)	P ²	P ²	P ²	P ²	•	•	•	•	•	•	•	•	P ²	P ²	P ²	P ²	P ²	P ^{2,3}	P ^{2,3}	P	•	•
18. Family day care - small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P ³	P ³	P	•	•	•
19. Garage/yard sales - no more than 2 events permitted a year, not to exceed 3 consecutive days	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P ³	P ³	•	•	•	•
20. Reserved for future use. <u>Granny-units</u> (subject to the requirements of Section 13-36-GRANNY-UNITS)	P ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
21. Home occupations (subject to the requirements of CHAPTER IX, ARTICLE 6, HOME OCCUPATIONS)	P ²	P ²	P ²	P ²	P ^{2,3}	P ²	P ²	P ²	P ²	P ^{2,3}	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ^{2,3}	P ²	•	•	•
22. Home occupations that generate traffic and do not involve more than one customer/client at a time or more than 8 customers/clients per day (subject to the requirements of CHAPTER IX, ARTICLE 6, HOME OCCUPATIONS)	M C ²	M C ²	M C ²	M C ²	MC ^{2,3}	M C ²	M C ²	M C ²	M C ²	MC ^{2,3}	MC ^{2,3}	M C ²	MC ²	M C ²	M C ²	M C ²	M C ^{2,3}	MC ^{2,3}	M C ²	•	•	•
22.1. Nonresidential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

1. Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.
2. This use is subject to the requirements of the referenced Municipal Code article or section.
3. If residential uses exist, accessory uses shall be permitted.
4. For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																					
	R 1	R 2 M D	R 2 H D	R 3	A P	C L	C 1	C 2	C 1 S ¹	T C ¹	M G P	M P	P D R L D ¹	P D R M D ¹	P D R H D ¹	P D R N C M ¹	P D C ¹	P D I ¹	I & R S ¹	I & R S ¹	P	
22.2 Second Unit (subject to the requirements of CHAPTER V, SECTION 13-35 SECOND UNITS)	P ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
22.32 Temporary real estate and construction offices (subject to the requirements of CHAPTER IX, ARTICLE 10, TEMPORARY TRAILERS)	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²								
INSTITUTIONAL AND RECREATIONAL USES																						
23. Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
24. Churches and other places of religious assembly (Subject to the requirements of ARTICLE 4.5 DEVELOPMENT STANDARDS FOR CHURCHES AND OTHER PLACES OF RELIGIOUS ASSEMBLY)	C ²	P ²	P ²	C ²	P ²	P ²	C ²	C ²	C ²	C ²	C ²	C ²	C ²	C ²	C ²	C ²						
25. Civic and community clubs	C	C	C	C	C	C	C	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C
26. Convalescent hospitals; Nursing homes	•	C	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•
27. Country clubs; golf courses	C	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	C	C	C	C
28. Crematories - See also Mortuaries services	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
29. Fairgrounds; Outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31. Libraries, privately-operated	C	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	C	C	C	C
31a. Medical marijuana dispensary	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
32. Mortuary services without crematories	•	•	•	•	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Chapter IV Citywide Land Use Matrix

45.2

- Revised 3/98 Ordinance 98-5; 4/00 Ordinance 00-5; 2/01 Ordinance 01-1; 3/02 Ordinance 02-4; 6/02 Ordinance 02-12; 2/05 Ordinance 05-2; 7/05 Ordinance 05-11; 9/06 Ordinance 06-18
- Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.
 - This use is subject to the requirements of the referenced Municipal Code article or section.
 - If residential uses exist, accessory uses shall be permitted.
 - For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

Costa Mesa Zoning Code
ARTICLE 2. DEFINITIONS

Sec. 13-5. PURPOSE

The intent of this article to define certain words and phrases which are used in this Zoning Code. Additional definitions may also be given in conjunction with the special regulations contained in CHAPTER IX SPECIAL LAND USE REGULATIONS and CHAPTER XII SPECIAL FEE ASSESSMENTS.

Sec. 13-6. DEFINITIONS

Abutting. Sharing a common boundary, of at least one point.

~~**Accessory apartment.** A second dwelling unit within a main or accessory building located on the same lot with the main building.~~

Accessory building. A building or part of a building which is subordinate to, and the use of which is incidental to that of the main building or use on the same lot.

Accessory use. A use incidental and subordinate to, and devoted exclusively to the main use of the land or building thereon.

Adjacent. Same as **Abutting**, but also includes properties which are separated by a public right-of-way, not exceeding 120 feet in width.

Administrative adjustment. A discretionary entitlement, usually granted by the Zoning Administrator, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Adult business. See CHAPTER IX SPECIAL LAND USE REGULATIONS, ARTICLE 1 ADULT BUSINESSES for specific definitions and terms.

Alteration (structure). Any construction, addition or physical change in the internal arrangement of rooms or the supporting members of a structure, or change in the appearance of any structure, except paint.

Ambient noise level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

Antenna. Any structure, including but not limited to a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction, intended for the purpose of receiving or transmitting communication to or from another antenna, device or orbiting satellite, as well as supporting equipment necessary to install or mount the antenna.

Antenna, amateur radio. An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna, communication. All types of receiving and transmitting antennas, except satellite dish antennas and amateur radio antennas. Communication antenna includes, but is not limited to, cable television antennas, cellular radiotelephone cell antennas, FM digital communication antennas, microwave telephone communication antennas, and shortwave communication and other similar antennas.

Antenna height. The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

Costa Mesa Zoning Code

Residential, single-family. Detached single-family home where there is no more than one primary dwelling unit on a lot.

Residential, multi-family. Apartments, common interest developments, townhouses and similar multiple-family residential developments, including detached single-family homes where there is more than one primary dwelling unit on a lot.

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.

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.

Second unit. A second dwelling unit established in conjunction with and subordinate to a primary dwelling unit. The second unit may be attached to the primary dwelling unit or located in a detached accessory building on the same lot. It may also be referred to as an accessory apartment, granny unit, granny flat, or in-law apartment.

Senior congregate care facility. A structure(s) providing residence for 13 or more senior citizens with kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

Setback. The required distance that a building, structure, parking or other designated item must be located from a property line or lot line.

Single housekeeping unit. The functional equivalent of a traditional family, whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses."

Single room occupancy residential hotel. A residential hotel, allowed in certain commercial zones, that contains units designed for long-term occupancy by a single person, although double occupancy may be permitted.

Slope. The degree of deviation of a surface from the horizontal plane, usually expressed in percent or degrees.

Specific plan. A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of State Government Code Section 65450 et seq..

State. State of California.

Story. For purposes related to zoning regulations, a story is that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall constitute a story. An attic shall not be considered a story. A basement or cellar shall not be considered a story, if the finished floor level directly above the basement or cellar is less than 4 feet above finish grade at all locations. Any uncovered deck or activity area above the first story shall be considered a story.

Street. A public or private thoroughfare that provides primary access to adjacent land and local traffic movements. Streets do not include driveways which only provide access to parking areas.

(e) Development review. The following shall be subject to development review:

- (1) Single-story residential construction: In the R2-MD, R2-HD, and R3 zones, any single-story construction of 2 or fewer new single-story dwelling units. *Exception:* New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the Planning Division.
- (2) Two-story residential construction: In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are 2 or fewer dwelling units or any second-story addition on a lot with more than 2 dwelling units that complies with any residential design guidelines adopted by City Council.
- (3) Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones. However, building additions that do not exceed 2,000 square feet or 50% of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review.
- ~~(4)~~ — Granny units in an R1 zone;
- ~~(5)-(4)~~ Lot line adjustment; and
- ~~(56)~~ Any other use specified in this Zoning Code as requiring development review.

(f) Lot line adjustment. Any adjustment to an existing lot line between two lots, where the land taken from one lot is added to an abutting lot and/or where a greater number of lots than originally existed is not created. A lot line adjustment may be used to combine no more than four abutting lots.**(g) Master plan.** Prior to development in the Planned Development (PD), Town Center (TC), Shopping Center (C1-S), Mixed-Use Overlay (MU), and both Institutional and Recreational (I&R and I&R-S) zoning districts, a master plan is required. Preliminary master plans are required in the TC zone, are optional in PD and MU zones, and are not required in C1-S, I&R-S, and I&R zones.

- (1) Minor changes: Minor changes in the location, siting or character of buildings and structures may be authorized by the Planning Division if required by the final engineering or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:
 - a. A change in the use or character of the development;
 - b. An increase in the overall density or floor area ratio of the development;
 - c. An increase in overall coverage of structures;
 - d. A reduction or change in character of approved open space;
 - e. A reduction of required off-street parking;
 - f. A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks;
 - g. A reduction in required street pavement widths;
 - h. An increase of more than 6 inches in building height; or
 - i. A decrease in building setback greater than can be approved by a minor modification by the Development Services Director.
- (2) Major amendments. Substantial amendments to the master plan encompassing one or more of the minor changes listed in subparagraphs (1a) through (1i), or any proposed change determined by the Development Services Director as a major amendment, shall be subject to review and approval by the Zoning Administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the Zoning Administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the General Plan, as applicable.
- (3) Minor amendments.

Costa Mesa Zoning Code

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																					
	R 1	R 2 M D	R 2 H D	R 3	R A P	C L	C 1	C 2	C 1 S ¹	T C ¹	M G	M P	P D R L D ¹	P D R M D ¹	P D R H D ¹	P D R N C M ¹	P D C ¹	P D I ¹	I & R S ¹	I & R ¹		
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	•	C ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•
ACCESSORY USES																						
12. Accessory apartments (subject to the requirements of Section 13-35 ACCESSORY APARTMENTS) Reserved for future use.	P ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
13. Animals, keeping of																						
14. Antennas: Amateur radio, Satellite dish, Communication																						
15. Reserved for future use																						
15.1 Incidental residential use that includes a toilet in combination with a bathtub or shower, bathtub, shower, or any combination thereof. This applies to an accessory use contained in a detached structure, or contained within the main structure with no interior connection between the main and incidental use.	M C	M C	M C	M C	•	•	•	•	•	•	•	•	MC	M C	M C	M C	M C ³	M C ³	M C	•	•	•
16. Day care facilities (15 children or more) (see also Nursery schools)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P

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Chapter IV Citywide Land Use Matrix
7/05 Ordinance 05-11; 9/06 Ordinance 06-18

- Revised 3/98 Ordinance 98-5; 4/00 Ordinance 00-5; 2/01 Ordinance 01-1; 3/02 Ordinance 02-4; 6/02 Ordinance 02-12; 2/05 Ordinance 05-2; 7/05 Ordinance 05-11; 9/06 Ordinance 06-18
- Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix; if the proposed use is determined to be compatible with the adopted master plan.
- This use is subject to the requirements of the referenced Municipal Code article or section.
- If residential uses exist, accessory uses shall be permitted.
- For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																					
	R 1	R 2 M D	R 2 H D	R 3	R A P	C L 1	C C 1	C C 2	C C 1 S ¹	T C ¹	M G	M P	P D R L D ¹	P D R M D ¹	P D R H D ¹	P D R N C M ¹	P D C ¹	P D I ¹	I & R ¹	I & R S ¹	P	
17. Family day care - large (7-14 children) (subject to the requirements of Section 13-37 LARGE FAMILY DAY CARE HOMES)	P ²	P ²	P ²	P ²	•	•	•	•	•	•	•	•	P ²	P ²	P ²	P ²	P ² ₃	P ² ₃	P	•	•	•
18. Family day care - small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P ³	P ³	P	•	•	•
19. Garage/yard sales - no more than 2 events permitted a year, not to exceed 3 consecutive days	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P ³	P ³	•	•	•	•
20. Reserved for future use. Granny units- (subject to the requirements of Section 13-36-GRANNY UNITS)	P ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
21. Home occupations (subject to the requirements of CHAPTER IX, ARTICLE 6, HOME OCCUPATIONS)	P ²	P ²	P ²	P ²	P ^{2,3}	P ² ₃	P ² ₃	P ² ₃	P ² ₃	P ^{2,3}	P ² ₃	P ² ₃	P ²	P ²	P ²	P ²	P ² ₃	P ^{2,3}	P ²	•	•	•
22. Home occupations that generate traffic and do not involve more than one customer/client at a time or more than 8 customers/clients per day (subject to the requirements of CHAPTER IX, ARTICLE 6, HOME OCCUPATIONS)	M C ²	M C ²	M C ²	M C ²	MC ^{2,3}	M C ² ₃	MC ^{2,3}	M C ² ₃	M C ² ₃	MC ²	M C ²	M C ²	M C ²	M C ² ₃	MC ^{2,3}	M C ² ₃	•	•	•			
22.1. Nonresidential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

1. Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.
2. This use is subject to the requirements of the referenced Municipal Code article or section.
3. If residential uses exist, accessory uses shall be permitted.
4. For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																				
	R 1	R 2 M D	R 2 H D	R 3	R A P	C L 1	C C 1 2	C C 1 S ¹	T C ¹	M G	M P	P D R L D ¹	P D R M D ¹	P D R H D ¹	P D R N C M ¹	P D C ¹	P D I ¹	I & R ¹	I & R S ¹	P	
22.2 Second Unit (subject to the requirements of CHAPTER V, SECTION 13-35 SECOND UNITS)	P ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
22.32 Temporary real estate and construction offices (subject to the requirements of CHAPTER IX, ARTICLE 10, TEMPORARY TRAILERS)	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²								
INSTITUTIONAL AND RECREATIONAL USES																					
23. Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
24. Churches and other places of religious assembly (Subject to the requirements of ARTICLE 4.5 DEVELOPMENT STANDARDS FOR CHURCHES AND OTHER PLACES OF RELIGIOUS ASSEMBLY)	C ²	P ²	P ²	C ²	P ²	P ²	C ²	C ²	C ²	C ²	C ²	C ²	C ²	C ²	C ²						
25. Civic and community clubs	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C	C	
26. Convalescent hospitals; Nursing homes	•	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	
27. Country clubs; golf courses	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
28. Crematories - See also Mortuaries services	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
29. Fairgrounds; Outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
31. Libraries, privately-operated	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
31a. Medical marijuana dispensary	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
32. Mortuary services without crematories	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	

Revised 3/98 Ordinance 98-5; 4/00 Ordinance 00-5; 2/01 Ordinance 01-1; 3/02 Ordinance 02-4; 6/02 Ordinance 02-12; 2/05 Ordinance 05-2; 7/05 Ordinance 05-11; 9/06 Ordinance 06-18

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Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.

This use is subject to the requirements of the referenced Municipal Code article or section.

If residential uses exist, accessory uses shall be permitted.

For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

Costa Mesa Zoning Code

CHAPTER V. DEVELOPMENT STANDARDS
ARTICLE 1. RESIDENTIAL DISTRICTS

Sec. 13-31. PURPOSE

The purpose of this article is to achieve the following:

- (a) Ensure adequate light, air, privacy and open space for each dwelling unit.
- (b) Minimize traffic congestion and avoid overloading of public services and utilities.
- (c) Protect residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke and other objectionable influences.
- (d) Locate development which retains the scale and character of existing residential neighborhoods and facilitates the upgrade of declining and mixed-density residential neighborhoods.
- (e) Provide for the creation and ministerial consideration of second units in the R1 zone (Single-Family Residential District) at the allowable General Plan density for the lot.

Sec. 13-32. DEVELOPMENT STANDARDS

Table 13-32 identifies development standards in the residential zones, with the exception of development standards for common interest developments (see ARTICLE 2 COMMON INTEREST DEVELOPMENTS). See also ARTICLE 9 GENERAL SITE IMPROVEMENT STANDARDS of this chapter for additional requirements for all the residential zones.

Sec. 13-32.1. GENERAL GROUP HOME STANDARDS

The City Council may adopt general standards that may be applied to group home applications on a case-by-case basis. The final review authority may use these standards to impose conditions upon discretionary approvals to achieve the purposes set forth in Section 13-31 and to maintain neighborhood stability and cohesiveness by regulating transient residents.

Sec. 13-32.2. REFERRAL FACILITY.

The following standards are applicable to referral facilities:

- (a) No referral facility may be located within 500 feet of property that is zoned as R-1 or PDR-LD, or within 500 feet of a school, park, place of worship, or licensed day care facility.
- (b) A referral facility must have a manager on-site, 24-hours every day to ensure the orderly operation of the facility and its compliance with all applicable laws, regulations, and conditions.
- (c) No referral facility shall admit a resident who has been convicted of any crime involving physical force against a person, illegal possession of a weapon, possession, or use of a weapon in the commission of a crime, or a felony involving a controlled substance."

Sec. 13-33. ACCESSORY BUILDINGS AND STRUCTURES

- (a) Accessory buildings or structures constructed closer than 75 feet from the front property line or on the front one-half of the lot, whichever is less, shall be reviewed by the Planning Division for adequate screening and compatibility with the main structure.
- (b) Underground structures including fallout shelters shall be allowed to be constructed on any part of the lot provided they are built below grade level.

Sec. 13-35. SECOND UNITS

Pursuant to Government Code § 65852.2, local governments have the authority to adopt regulations designed to promote second units. A second unit which conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the General Plan designation and zoning classification for the lot.

The following criteria constitute the standards that the City shall use to evaluate a proposed second unit.

- (a) A Land Use Restriction requiring that the primary dwelling unit be owner occupied shall be recorded on the property prior to the issuance of a building permit for the second unit and shall be valid as long as the second unit exists..
- (b) A second unit shall be limited to a lot in the R1 zone with a minimum lot size of 7,260 square feet.
- (c) A second unit shall not be intended for sale but may be rented.
- (d) The primary dwelling unit shall be a single-family residence.
- (e) If detached from the primary dwelling unit, the second unit size shall not exceed 1,200 square feet.
- (f) If attached to the primary dwelling unit, the second unit size shall not exceed 30 percent of the existing living area of the primary dwelling unit.
- (g) Two open parking spaces shall be provided for the second unit. The parking required for the primary dwelling unit pursuant to CHAPTER VI OFF-STREET PARKING STANDARDS shall not be attributed to the second unit. The parking need not be covered.
- (h) A second unit shall comply with the residential development standards shown in TITLE 13, CHAPTER V, TABLE 13-32 and shall be subject to all applicable residential design guidelines.
- (i) An application for a second unit shall be considered ministerially by the Development Services Director or his/her designee. Exception: Where deviations from the residential development standards are requested, the second unit application is subject to the application processing procedures as set forth in TITLE 13, CHAPTER III PLANNING APPLICATIONS. An appeal shall be in accordance with TITLE 2, CHAPTER IX APPEAL, REHEARING AND REVIEW PROCEDURE.
- (i) An application for a second unit involving second story construction may be subject to minor design review pursuant to TITLE 13, CHAPTER III PLANNING APPLICATIONS.

Sec. 13-35. ACCESSORY APARTMENTS

~~Requests for the construction of, or conversion to, accessory apartments shall meet the criteria specified in State Government Code Section 65852.2 and the following criteria:~~

- ~~(a) One dwelling unit on the property shall be owner-occupied. A "Notice and Declaration of Land Use Restriction" to this effect shall be signed and recorded prior to issuance of building permits for the accessory apartment.~~
- ~~(b) Accessory apartments shall be limited to those lots large enough to support 2 units without exceeding the General Plan density of units per acre for the lots on which they are to be located.~~
- ~~(c) Two open parking spaces shall be provided for the accessory apartment.~~
- ~~(d) Accessory apartments shall comply with this Zoning Code's required setbacks for main buildings shown in Table 13-32 and shall be located a minimum of 10 feet from any main building and a minimum of 6 feet from any accessory building.~~
- ~~(e) Second-story construction to accommodate an accessory apartment may be subject to minor design review pursuant to Chapter III PLANNING APPLICATIONS and shall be subject to all applicable residential design guidelines.~~

Sec. 13-36. GRANNY UNITS Reserved for future use.

~~Requests for the construction of, or conversion to, granny units shall be submitted to the Planning Division for development review approval. Granny units shall meet the criteria specified in State Government Code Section 65852.1 and the following criteria:~~

- ~~(a) A "Notice and Declaration of Land Use Restriction" outlining the occupancy limits for the granny unit per State Government Code Section 65852.1 shall be signed and recorded prior to issuance of building permits for the granny unit.~~
- ~~(b) Two open parking spaces shall be provided for the granny unit.~~
- ~~(c) Granny units shall comply with this Zoning Code's required setbacks for main buildings shown in Table 13-32 and shall be located a minimum of 10 feet from any main building and a minimum of 6 feet from any accessory building.~~

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- (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 covered parking space and equal access to the required open spaces reserved for residents.
- (d) **Parking for accessory apartments and granny second units.** ~~Accessory apartments and granny units as provided for elsewhere in this Zoning Code~~ Residential second units 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.

Sec. 13-86. PARKING REQUIRED IN MIXED-USE OVERLAY ZONE

In the mixed-use overlay zone, residential parking rates are provided in the applicable urban plan.

Table 13-275 DEVELOPMENT IMPACT CRITERIA				
PROJECT DEVELOPMENT SIZE	INTERSECTION CONDITION	ICU INCREASE ¹	MITIGATION MEASURE(S)	INTENT OF MITIGATION MEASURE(S)
Projects generating less than 100 peak hour trip ends	Adequate (Standard Level of Service or better)	Less than 1%	Payment of impact fee	Contribute to implementation of the Comprehensive Transportation System Improvement Program
	OR Deficient (exceeds Standard Level of Service)	1% or greater		
Projects generating 100 or more peak hour tripends	Adequate (Standard Level of Service or better)	Less than 1%	Payment of impact fee	Contribute to implementation of the Comprehensive Transportation System Improvement Program
	OR Deficient (exceeds Standard Level of Service)	1% or greater	Payment of impact fee and improvement construction by developer under conditions listed in footnote #2	Contribute to implementation of the Comprehensive Transportation System Improvement Program and mitigate development project's impacts
1. ICU = Intersection Capacity Utilization 2. When the project contributes 50% or more of the incremental impact at the intersection and all of the improvements identified in the General Plan at the subject location are required as mitigation. If all of the improvements identified in the General Plan are not required as mitigation, then only the improvements determined necessary by the Public Services Director shall be constructed by the developer.				

Sec. 13-276. EXEMPTIONS

(a) **Exempt development projects.** Projects which fall within any of the categories listed below shall be exempt from the provisions of this article:

- (1) Any residential construction that does not increase the number of permanent housing units on the lot where the construction takes place, such as remodeling or rebuilding an existing house or units. ~~Granny units and accessory apartments~~ Second units are also exempt.
- (2) Any industrial or commercial construction that neither increases the footprint nor square footage or changes the use on the lot where the construction takes place, such as remodeling or rebuilding an existing structure, and does not increase peak hour trip generation.
- (3) Public benefit facilities limited to public libraries, public administration facilities, public parks, public utilities, schools and related facilities.
- (4) Facilities serving the health and safety of the public, limited to hospitals, police, fire and safety facilities.