



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 23, 2004

ITEM NUMBER:

SUBJECT: DRAFT ORDINANCE CLARIFYING MINIMUM LOT SIZE AND COMMON LOT REQUIREMENTS IN SMALL-LOT DEVELOPMENTS LOCATED IN RESIDENTIAL AND PLANNED DEVELOPMENT ZONING DISTRICTS

DATE: FEBRUARY 12, 2004

**FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, SENIOR PLANNER
(714) 754-5604**

DESCRIPTION

A draft ordinance clarifying the minimum lot size and common lot requirements in small-lot developments located in residential and planned development zoning districts.

RECOMMENDATION

Recommend to City Council that first reading be given to the draft ordinance.

Handwritten signature of Kimberly Brandt in black ink.

KIMBERLY BRANDT
Senior Planner

Handwritten signature of R. Michael Robinson in black ink.

R. MICHAEL ROBINSON
Planning & Redevelopment Mgr.

Handwritten signature of Perry L. Valentine in black ink.

PERRY L. VALANTINE
Asst. Development Services Director

BACKGROUND

The Planning Commission recently reviewed a small-lot residential development and expressed concern that the Zoning Code was not clear in the requirement that the “common lot” is not to be included when calculating the individual dwelling unit’s lot area. State law requires a common lot in a common interest development, and it is typically composed of the common driveway, parking areas and landscaped areas.

The intent of the City’s minimum lot size requirement for individual lots in a small-lot residential project is to ensure that each lot is large enough to support useable and private open space for each homeowner. If the common lot were included in calculating the size of each residential lot, it would inflate the lot sizes and make it more difficult to decipher the amount of private open space that is available to each lot. When this code requirement was adopted in 2001, both the Planning Commission and City Council gave considerable attention to establishing a minimum lot area for the individual lots.

ANALYSIS

Currently, the common lot and minimum lot area requirements are located in separate sections of the Zoning code. The common lot requirement is stated in Section 13-41(b)(6), while the minimum lot area is included in Tables 13-41(b) and 13-58 (see Attachment 1). This may be the source of the confusion regarding the relationship of these requirements.

The draft ordinance (Attachment 2) makes the appropriate changes to the residential and planned development regulations by incorporating the current text regarding the common lot requirement directly into the Zoning Code tables that discuss small-lot residential developments. Additional language has also been added to these tables that clearly states the common lot shall not be included in the lot area calculation for individual lots.

LEGAL REVIEW

The City Attorney’s office has reviewed the draft ordinance and approved as to form.

ALTERNATIVES

The Planning Commission may recommend to City Council specific changes to the draft ordinance, or the Planning Commission may recommend to Council retention of the City’s current Zoning Code language.

ENVIRONMENTAL DETERMINATION

These code amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and have been found to be exempt.

CONCLUSION

The proposed Zoning Code amendments will clarify the City's existing requirements for a "common lot" in small-lot residential developments, and that the common lot is not included in the calculation of individual lot size.

Attachments: 1. Existing Zoning regulations
 2. Draft ordinance

File Name: 022304SMLOTDEVORD

Date: 2/10/04

Time: 10:10 p.m.

cc: Deputy City Manager - Dev. Svcs.
 Assistant Development Services Director
 Sr. Deputy City Attorney
 City Engineer
 Staff (4)
 File (2)

ATTACHMENT 1 EXISTING ZONING REGULATIONS

Sec. 13-41. NEW RESIDENTIAL COMMON INTEREST DEVELOPMENTS

- (a) **Applicability.** The provisions of this section shall apply to all proposed new residential common interest development projects.
- (b) **Development standards.** Table 13-41(b) identifies the development standards for common interest developments. See also ARTICLE 9 GENERAL SITE IMPROVEMENT STANDARDS of this chapter for additional requirements. Projects shall comply with all applicable standard plans and specifications and adopted City and State codes, as well as the following provisions:
- (1) The location and orientation of all buildings shall be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, groves, waterways, scenic points, historic spots or landmarks, bluffs or slopes shall be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations.
 - (2) All structures proposed to be constructed within a project shall conform to the following requirements:
 - a. Structures having dwelling units attached side by side shall avoid the long-row effect by being composed of no more than 6 dwelling units. Alternative designs which accomplish the same purpose may be approved by the Planning Division.
 - b. Structures having dwelling units attached side by side shall avoid the long-row effect with a break in the facade by having an offset in the front building line of at least 4 feet for every 2 dwelling units within such structure. Alternate designs which accomplish the same purpose may be approved by the Planning Division.
 - c. Consideration shall be given to the effect of proposed development on the light, air and privacy of adjacent properties.
 - (3) Outside uncovered and unenclosed storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited unless specifically designated areas for the exclusive storage of such vehicles are set aside on the final master plan and provided for in the association's covenants, conditions, and restrictions. Where such areas are provided, they shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of 6-foot high opaque fences and permanently maintained landscaping.
 - (4) No exterior television antenna shall be permitted, but a common underground cable service to all dwelling units may be provided.
 - (5) The developer shall install an on-site lighting system in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties, and shall be of a type approved by the Development Services Department.
 - (6) All projects shall be designed with a minimum of one lot to be held in common ownership and maintained by a homeowners association. This lot shall be used for common driveways, parking areas, and at least 10 feet of street setback landscaped areas.

TABLE 13-41(b)

COMMON INTEREST DEVELOPMENT STANDARDS

STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS
Individual Dwelling Unit Minimum Lot Area	All zones: 3,000 square feet with an overall average of 3,500 square feet. Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.	No minimum requirement.
Minimum Number of Units	3	3
Maximum Number of Stories & Building Height	2 stories/ 27 feet Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.	
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. Attics above second stories shall be an integral part of the second story roofline and not appear as a 3 rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.	
Maximum Density (based on gross acreage)	Same as underlying zoning district.	
Minimum Open Space Development Lot:	40% of total lot area.	
Individual Dwelling Unit Lot:	40% overall, with a minimum 400 square-foot area with no dimension less than 15 feet.	Not applicable.
Private Open Space:	Same as individual dwelling unit lot above.	An adjoining patio required with no dimension less than 10 feet.
Common Open Space	Common open space areas shall be designed and located within the development to allow maximum use by all residents. Enclosed buildings used for recreation or leisure facilities should not be used to satisfy more than 15 per cent of required open space.	
Distance between buildings	10-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures	
Driveway width	10-foot minimum, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit.	
Driveway length	Straight-in driveways to garages shall have a minimum length of 19-feet from the ultimate property line.	
Storage	Not applicable.	Each unit shall be provided with 200 cubic feet of securable storage exterior to the unit. If this storage is provided within the garage or carport it shall be located so as not to obstruct the required clear dimensions of the covered parking space (per the City of Costa Mesa Parking Design Standards) at any point less than 4 feet above the finished surface level of the parking stall.
Mechanical equipment, excluding antennas and flush-mounted solar panels on roofs.	Roof-top location is prohibited.	Screening required from public rights-of-way and adjacent properties.

Costa Mesa Zoning Code

**TABLE 13-58
PLANNED DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Maximum Density per Section 13-59 MAXIMUM DENSITY CRITERIA. (dwelling units per acre)	8	12	20	35	20	
Density in Mixed Use Projects	The density of the residential component of a mixed use Planned Development shall be calculated by dividing the total number of dwelling units proposed by that portion of the total site area ¹ devoted to residential uses, including required parking, landscaping, open space, and driveways to serve the residential component. The density permitted within the residential component shall be determined by the criteria established in Section 13-59 MAXIMUM DENSITY CRITERIA.					
Maximum Site Coverage ² NOTE: Site coverage of multi-story projects with integrated parking structures shall be based upon the usable floor area at the street or grade level, exclusive of parking areas, driveways, plazas, courtyards or pedestrian walkways.	Not applicable				30% outside the Downtown Redevelopment Project Area 35% within the Downtown Redevelopment Project Area	50%
Perimeter Open Space per Section 13-61 PERIMETER OPEN SPACE CRITERIA.	20 feet abutting all public rights-of-way (may be reduced in the PDC and PDR-NCM zones pursuant to Section 13-61 PERIMETER OPEN SPACE CRITERIA.)					
Open Space	45% of total site area ¹ , inclusive of Perimeter Open Space. See Section 13-60 REQUIRED OPEN SPACE CRITERIA FOR PLANNED DEVELOPMENT RESIDENTIAL.		42% of total site area ¹ , inclusive of Perimeter Open Space. See Section 13-60 REQUIRED OPEN SPACE CRITERIA FOR PLANNED DEVELOPMENT RESIDENTIAL.		See Perimeter Open Space and CHAPTER VI PARKING.	
Bluff-top Setback.	No building or structure closer than 10 feet from bluff crest (see Section 13-62(h) ADDITIONAL DEVELOPMENT STANDARDS.)					
Minimum Development Lot Area required for a rezone	1 acre					
Maximum Floor Area Ratio	Refer to CHAPTER V, ARTICLE 8 FLOOR AREA RATIOS.					
PARKING (See Chapter VI).						
LANDSCAPING (See Chapter VII).						
SIGNS (See Chapter VIII).						

¹ Site area is defined as the area equal to the original lot size, less the area occupied by adjacent dedicated streets.

² Site coverage is defined as that portion of the site area within planned development commercial and industrial projects occupied by buildings. Site coverage shall not include parking structures, surface parking lots, driveways, plazas, courtyards or sidewalks.

TABLE 13-58 (CONTINUED)						
PLANNED DEVELOPMENT STANDARDS						
DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
PROJECTIONS (Maximum depth of projections given)						
Roof or Eaves Overhang; Awning	2 feet 6 inches into required side setback or building separation area. 5 feet into required front or rear setback.					
Open, unenclosed stairways.	2 feet 6 inches into required setback area.					
Chimneys	2 feet above maximum building height.					
Fireplaces	2 feet into required setback or building separation area					
ADDITIONAL DEVELOPMENT STANDARDS						
Uses Underroof	All nonresidential uses shall be conducted underroof except as allowed by a minor conditional use permit or as permitted elsewhere in this Zoning Code. Exceptions include sidewalk sales and parking lot sales which are allowed on the basis of a maximum of 4 sales per fiscal year with a maximum length of 3 days per sale and subject to obtaining a business permit.					
Outdoor Storage (incidental to main use)	Permitted in non-residential areas of a planned development when: Storage does not interfere with required parking or vehicular access; storage is not in required setback area abutting a public right-of-way; storage does not decrease required landscaping; storage is completely screened from view from street or adjacent properties; and storage complies with all applicable codes and regulations including, but not limited to, the Uniform Fire Code. Shipping containers shall also comply with setback requirements for structures, floor area ratio standards, and parking requirements. A permanent foundations shall be required for shipping containers. Storage not meeting these criteria requires approval of a minor conditional use permit.					
Master Plan Required	Yes. Preliminary master plan is optional pursuant to Section 13-56(a).					
SMALL LOT RESIDENTIAL PROJECTS						
Minimum Lot Size	5,000 square feet with an overall average of 5,500 Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.-	3,000 square feet with an overall average of 3,500 square feet. Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.	Not applicable.			
Minimum Lot Width	40 feet					
Maximum Number of Stories & Building Height	2 stories/27 feet Note: Lots, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.					



TABLE 13-58 (CONTINUED)

PLANNED DEVELOPMENT STANDARDS

DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. Attics above second stories shall be an integral part of the second story roofline and not appear as a 3 rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.					
Private Open Space for Individual Dwelling Unit Lots	40% overall, with a minimum 400 square-foot area with no dimension less than 15 feet.					
Mechanical equipment, excluding antennas and flush-mounted solar panels on roofs.	Roof-top location is prohibited.					
Minimum Front Setback for Individual Dwelling Unit Lots	5 feet <i>Exception:</i> If a sidewalk is provided along the front of the lot, the garage shall be setback less than 9 feet or more than 23 feet from the face of the street curb. If a sidewalk is not provided along the front of the lot, the garage shall be either setback 5 feet or more than 19 feet from the face of the street curb.					
Minimum Side Setback for Individual Dwelling Unit Lots	0 feet on one side; 10 feet combination of both sides.					
Minimum Rear Setback for Individual Dwelling Unit Lots	5 feet					
2-car garage required	Yes					
Automatic Garage Door Opener	Required - if garage is setback less than 9 feet from the face of the street curb.					
Pools and Spas	Above-ground pools and spas shall not be located in the required front yard setback from a public street and are subject to 5-foot side and rear yard setbacks for main structures. Additional setbacks may be applicable pursuant to building code requirements.					

**ATTACHMENT 2
DRAFT ORDINANCE**

ORDINANCE NO. 04-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING MINIMUM LOT SIZE AND COMMON LOT REQUIREMENTS IN SMALL-LOT RESIDENTIAL PROJECTS LOCATED IN RESIDENTIAL AND PLANNED DEVELOPMENT ZONING DISTRICTS.

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

Section 1. Subparagraph (6) of Section 13-41(b) of the Costa Mesa Municipal Code is hereby deleted and reserved for future use.

~~“(6) All projects shall be designed with a minimum of one lot to be held in common ownership and maintained by a homeowners association. This lot shall be used for common driveways, parking areas, and at least 10 feet of street setback landscaped areas. Reserved.”~~

Section 2. Table 13-41(b) of the Costa Mesa Municipal Code is hereby amended to include the following information:

TABLE 13-41(b) COMMON INTEREST DEVELOPMENT STANDARDS		
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS
Individual Dwelling Unit Minimum Lot Area	All zones: 3,000 square feet with an overall average of 3,500 square feet. <u>The required common lot shall not be included in the calculation of lot area.</u> Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.	No minimum requirement.
<u>Common lot required</u>	<u>All projects shall be designed with a minimum of one lot to be held in common ownership and maintained by a homeowners association. This lot shall be used for common driveways, parking areas, and at least 10 feet of street setback landscaped areas.</u>	

Section 3. Table 13-58 of the Costa Mesa Municipal Code is hereby amended to include the following information:

"TABLE 13-58 (CONTINUED)						
PLANNED DEVELOPMENT STANDARDS						
DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
<u>Common Interest Developments</u>	Permitted. Refer to CHAPTER V, ARTICLE 2, COMMON INTEREST DEVELOPMENTS. In any instance where the development standards in CHAPTER V, ARTICLE 2 conflict with the development standards in this article, the development standards in this article shall take precedence.					
SMALL LOT RESIDENTIAL PROJECTS						
Minimum Lot Size	5,000 square feet with an overall average of 5,500 square feet. <u>The required perimeter open space and any common lot shall not be included in the calculation of lot size</u> Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.	3,000 square feet with an overall average of 3,500 square feet. <u>The required perimeter open space and any common lot shall not be included in the calculation of lot size</u> Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.	Not applicable."			

Section 4. 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.

Section 5. 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 no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 6. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this

Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 7. Publication. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect thirty (30) days after its final passage.

PASSED AND ADOPTED this ____ day of _____, 2004

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk of the
City of Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 04-__ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2004, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2004, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2004.

Deputy City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa