



# PLANNING COMMISSION AGENDA REPORT

MEETING DATE: NOVEMBER 22, 2004

*III. 4*  
ITEM NUMBER:

SUBJECT: PRIORITIZATION OF PROGRAM AND SERVICE EFFORTS –  
PERMIT PROCESSING REGULATIONS

DATE: NOVEMBER 10, 2004

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, ACTING PLANNING AND  
REDEVELOPMENT MANAGER  
(714) 754-5604

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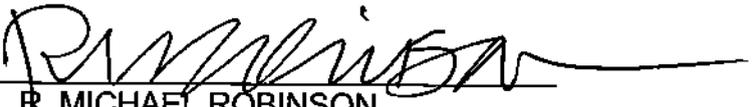
## DESCRIPTION

In response to City Council direction, staff prepared an analysis of various ways the City's zoning permit processing regulations could be further streamlined.

## RECOMMENDATION

Provide direction to staff regarding the proposed amendments to the permit processing regulations and the preparation of a draft ordinance.

  
KIMBERLY BRANDT  
Acting, Planning & Redevelopment Mgr.

  
R. MICHAEL ROBINSON  
Assistant Development Svs. Director

## **BACKGROUND**

At the June 21, 2004 meeting, City Council discussed a number of budget-related programs and service efforts. One of the items selected for further review was the permit processing regulations.

On September 7, 2004, the Council reviewed several proposals recommended by staff, and then Council referred the report to the Planning Commission for review and recommendations on a 4-1 vote (Cowan voting no).

On October 8, 2004, Commission continued this item for two weeks.

## **ANALYSIS**

A copy of the meeting minutes and Council report are attached to this report. Council's request to review the City's permit processing regulations provides an opportunity to streamline project review with cost reduction in mind.

## **CONCLUSION**

Once the Commission has completed its review and recommendations, staff will draft an ordinance reflecting the Commission's recommendations.

Attachments:           1.     City Council staff report  
                              2.     Council meeting minutes

Distribution:           Deputy City Manager - Dev. Svs. Director  
                              Senior Deputy City Attorney  
                              Public Services Director  
                              City Engineer  
                              Fire Protection Analyst  
                              Staff (4)  
                              File (2)

File: 112204PermitRegsKim	Date: 110904	Time: 2 pm
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**ATTACHMENT 1**  
**CITY COUNCIL STAFF REPORT**



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: SEPTEMBER 7, 2004

ITEM NUMBER:

**SUBJECT: PRIORITIZATION OF PROGRAM AND SERVICE EFFORTS –  
PERMIT PROCESSING REGULATIONS**

**DATE: AUGUST 17, 2004**

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

**PRESENTATION BY: R. MICHAEL ROBINSON, PLANNING & REDEVELOPMENT MANAGER**

**FOR FURTHER INFORMATION CONTACT: R. MICHAEL ROBINSON, PLANNING &  
REDEVELOPMENT MANAGER (714) 754-5610**

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## **RECOMMENDATION:**

Provide direction to staff regarding the permit processing regulations.

## **BACKGROUND:**

At the June 21, 2004 meeting, City Council discussed a number of budget-related programs and service efforts. One of the items that was selected for further review was the permit processing regulations. The attached report (Attachment 1) was prepared to detail the purpose and costs associated with the current permit processing regulations.

## **ANALYSIS:**

Permit processing regulations are established at two levels. At the highest level, State Planning and Zoning Law sets forth general processing requirements in terms of public notice and hearing procedures. With the possible exception on the limit of number of allowable general plan amendments (four amendments per mandatory element per calendar year), local governments have broad latitude to establish their own development procedures and permit processing regulations.

## **EXISTING REGULATIONS:**

In Costa Mesa, permit processing regulations are included in the Zoning Code (Title 13 of the Municipal Code), specifically Chapters III (Planning Applications) and IV (Citywide Land Use Matrix). Copies of each chapter are included as attachments to this report (Attachment 2 is Chapter III; Attachment 3 is Chapter IV). A brief description of each chapter follows:

**Chapter III – Planning Applications:** This chapter identifies the wide range of discretionary planning applications used by the City to review and approve development projects. It also describes the application review process by identifying the final decision making authority (i.e. staff, Zoning Administrator,

- Eliminate on-site public notice posting;
- Limit public notice for second-story Minor Design Reviews to adjoining parcels only instead of a 500-foot radius; or allow over-the-counter staff approval of second-story residential construction (i.e. require building permit only, instead of Minor Design Review).

**Chapter IV – Citywide land Use Matrix Recommendations:** Recommendations for this section are primarily designed to reduce the number of uses that require either Conditional or Minor Conditional Use Permits. As a result of City Council interest in this subject, staff reviewed the current Citywide Land Use Matrix for recommended changes to streamline this part of the process. The results are highlighted in Attachment 5.

**PROCESSING TIME OPPORTUNITIES:**

Another topic for permit streamlining consideration is the length of time required to process individual applications. As noted in Attachment 4, processing time varies considerably, depending upon the final decision-making body. It should also be noted that processing times for City Council actions do not account for large projects with EIRs. Processing time for these projects will typically require at least one year.

Staff is aware of the need for an efficient and timely review of private development projects, and continually reviews ways to simplify and shorten the processing time. This is done not only for the benefit of the project applicants, but also for the benefit of staff to ensure that our own internal procedures are as efficient and effective as possible. As a result of these efforts, staff has received a number of comments from applicants that Costa Mesa's processing times are shorter than most similarly sized communities in Southern California.

Finally, Housing Element Policy HOU-2.1 allows and encourages developers to "piggyback" or file concurrent applications if multiple approvals are required for a single project. While this policy is directed at housing projects, it is a policy and procedure that staff applies to nonresidential projects as well.

**BUDGET IMPLICATIONS:**

Permit processing fees are designed to be "revenue neutral" with the application fee covering direct staff costs. However, the aggregate of all these incremental savings may allow for a staffing reduction in future fiscal years.

**ALTERNATIVES:**

Staff recommendations for streamlining the City's existing permit processing regulations are presented in previous section. Should Council wish staff to explore additional alternatives, such direction should be provided to staff.

**FISCAL REVIEW:**

Financial Management has reviewed the information for accuracy.

**LEGAL REVIEW:**

# ATTACHMENT 1

## Priorities & Service Priorities Discussion Item – Permit Processing Regulations



# ATTACHMENT 2

## Chapter III, Title 13 – Planning Applications

CHAPTER III. PLANNING APPLICATIONS

Sec. 13-27. PURPOSE

The purpose of this chapter is to establish the parameters for the numerous types of discretionary planning applications and to identify processing procedures.

Sec. 13-28. TYPES

- (a) **Administrative adjustment.** Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(a).

<b>TABLE 13-28(a)</b>	
<b>ADMINISTRATIVE ADJUSTMENTS</b>	
<b>Standard</b>	<b>Deviation Range</b>
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of 19 feet from the front property line.	More than 20% but no more than 40%
Decrease in required rear yard depth.	More than 20% but no more than 40%
Decrease in required side yard width.	More than 20% but no more than 40%
Increase in maximum fence/wall height.	More than 33 1/3% but no more than 50%
Increase in depth of permitted projections into required yards.	More than 20% but no more than 40%
Deviation in sign area, height, setbacks, separation and other sign specifications	More than 10% but no more than 20%
Decrease in required distance between main structures	More than 20% but no more than 40%
Decrease in required distance between accessory and main structures	More than 20% but no more than 40%

- (b) **Conditional use permit.** Any use specified in this Zoning Code as requiring a conditional use permit.
- (c) **Density bonus or incentive.** Any request for incentives to produce lower income and senior housing per State Government Code Section 65915.
- (d) **Design review.** Any construction that results in 3 or more dwelling units on a development lot in any residential zone, except planned development, shall be subject to design review.
- (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 and/or new 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.
  - (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 second-story additions on lots with more than 2 dwelling units that meets all of the following criteria:
    - a. Results in a second-story floor area that does not exceed 50% of the first-story floor area; and
    - b. Complies with residential design guidelines adopted by the 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

**Costa Mesa Zoning Code**

- (1) **Two-story residential construction:** In the R1 zone, any two-story construction or second-floor addition; and in the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot which results in 2 or fewer dwelling units, or second-story additions on lots with more than 2 dwelling units that meets any of the following criteria:
  - (a) Results in a second-story floor area that exceeds 50% of the first-story floor area; and/or
  - (b) Does not comply with residential design guidelines adopted by the City Council.
- (2) Reserved for future use.
- (3) Any deviation from development standards specified in this Zoning Code as requiring a minor design review.

(j) **Minor modification.** Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(j)(1).

(1)

<b>TABLE 13-28(j)(1)</b>	
<b>MINOR MODIFICATION</b>	
<b>Standard</b>	<b>Deviation Range</b>
Decrease in required front yard depth: provided that in residential zones, the garage is set back a minimum of 19 feet from the front property line.	20% or less
Decrease in required rear yard depth.	20% or less
Decrease in required side yard width.	20% or less
Increase in maximum fence/wall height.	33 1/3% or less
Decrease in 5-foot setback on street side for fences/walls in excess of 36 inches on corner lots in multi-family residential zones.	100% or less
Increase in depth of permitted projections into required yards.	20% or less
Decrease in minimum driveway width for two or more dwelling units.	to not less than 10 feet
Deviation in sign area, height, setbacks, separation and other sign specifications	10% or less
Decrease in required distance between main structures	20% or less
Decrease in required distance between accessory and main structures	20% or less

- (2) Minor building additions that encroach into required setbacks no further than the existing main structure, excluding architectural features. However, no nonconforming setback width or depth may be decreased further, and the building addition shall comply with all other applicable sections of this Zoning Code and other codes.
- (3) Fabric awnings which project no more than 5 feet from the building face.
- (4) Any deviation from development standards specified in this Zoning Code as requiring a minor modification.

(k) **Mobile home park conversion.** Any conversion of an existing mobile home park to any other use permitted or conditionally permitted in the applicable zoning district.

(l) **Planned signing program.** A voluntary, optional alternative to the general sign regulations, except in the C1-S zone where it is required.

Costa Mesa Zoning Code

TABLE 13-29(c) PLANNING APPLICATION REVIEW PROCESS					
PLANNING APPLICATIONS	PUBLIC NOTICE REQUIRED	PUBLIC HEARING REQUIRED	RECOMMENDING AUTHORITY	FINAL REVIEW AUTHORITY	NOTICE OF DECISION REQUIRED
Development Review Minor Modification	No	No	None	Planning Division	No
Lot Line Adjustment	No	No	None	Zoning Administrator	Yes
Administrative Adjustment Minor Conditional Use Permit Minor Design Review Planned Signing Program	Yes	No	None	Zoning Administrator	Yes
Design Review Mobile Home Park Conversion Residential Common Interest Development Conversion Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance	Yes	Yes	Planning Division	Planning Commission	Yes
Conditional Use Permit Density Bonus Master Plan Master Plan- preliminary	Yes	Yes	Planning Division	Planning Commission (except where noted otherwise in this Zoning Code)	Yes
Redevelopment Action	Yes	Yes	Planning Commission	Redevelopment Agency	Yes
Rezone	Yes	Yes	Planning Commission; and, if located in a Redevelopment Project Area, the Redevelopment Agency	City Council	No
Local Register of Historic Places	No	No	Planning Commission or other Commission /Committee as designated by the City Council	City Council	Yes
Certificate of Appropriateness	No	No	Planning Commission or other Commission Committee as designated by the City Council	Planning Commission or other Commission Committee as designated by City Council	No

## Costa Mesa Zoning Code

- c. The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

### (2) Conditional use permit and minor conditional use permit findings:

- a. The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.
- b. Granting the conditional use permit or minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.
- c. Granting the conditional use permit or minor conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.

### (3) Density bonus findings:

- a. The request is consistent with the General Plan, any applicable specific plan, City Council policy number 500-3 and CHAPTER IX SPECIAL REGULATIONS, ARTICLE 4 DENSITY BONUSES AND OTHER INCENTIVES.
- b. The requested density bonus and incentive or concessions or in-lieu incentives constitute the minimum amount necessary to provide housing at the target rents or sale prices.

### (4) Lot line adjustment findings:

- a. The lot line adjustment and improvements are consistent with the General Plan, any applicable specific plan and this Zoning Code.

### (5) Master plan findings:

- a. The master plan meets the broader goals of the General Plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.

### (6) Minor modification findings:

- a. The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.
- b. The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development.

### (7) Mobile home park conversion findings:

- a. The impacts of the conversion on the residents of the mobile home park have been duly considered as required by the State Government Code.

## Costa Mesa Zoning Code

- e. The division and development will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.
  - f. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State Water Code Section 13000).
- (14) Design review and minor design review findings:
- a. The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.
  - b. The visual prominence associated with the construction of a two-story house or addition in a predominately single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.
- (h) Decision.
- (1) After the public hearing, if required, the final review authority may approve, conditionally approve or deny any application for the planning application based upon the standards and intent set forth in the applicable provisions of this Zoning Code. In the case of a denial, the applicant shall be notified of the circumstances of the denial.
  - (2) For planning applications which require the Planning Commission to make a recommendation to the final review authority, the authority shall not approve any major change or additions in any proposed planning application until the proposed change or addition has been referred to the Planning Commission for a report, unless the change or addition was previously considered by the Planning Commission. It shall not be necessary for the Planning Commission to hold a public hearing to review the referral. Failure of the Planning Commission to report to the final review authority within 40 days after the referral shall be deemed approval of the proposed change or addition.
- (i) Notice of decision.
- (1) Notice of the Zoning Administrator's decision shall be given within 5 days of the decision to the City Council, Planning Commission and to any affected party requesting the notice. Any member of the Planning Commission or City Council may request review of a Zoning Administrator's decision within 7 days of the notice of the decision. No fee shall be charged for such review.
  - (2) Notice of the Planning Commission's and/or Redevelopment Agency's decision shall be given within 5 days to the City Council and to any affected party requesting the notice. Any member of the City Council may request review of the decision within 7 days of the notice of the decision. No fee shall be charged for such review.
- (j) Appeals. Appeals of the final review authority shall be filed within 7 days of the public hearing or the date of the notice of decision according to the procedures set forth in TITLE 2, CHAPTER IX APPEAL, REHEARING AND REVIEW PROCEDURE.
- (k) Time limits.
- (1) Planning applications shall run with the land until revoked, except as provided in this section or in a condition imposed at the time of granting the planning application.

Costa Mesa Zoning Code

- (2) Amendments to master plans which comply with Section 13-28(f)(1) may be authorized by the Planning Division.
- (q) **Concurrent processing.** Unless otherwise stated in this Zoning Code, applications for proposed projects which require two or more planning application approvals may be processed concurrently. Final project approval shall not be granted until all necessary approvals have been obtained.



# **CITY OF COSTA MESA**

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DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT  
PLEASE CONTACT THE PLANNING DIVISION  
AT (714) 754-5245.**