



PLANNING COMMISSION AGENDA REPORT

III.5.

MEETING DATE: NOVEMBER 22, 2004

ITEM NUMBER:

SUBJECT: REVIEW OF POSSIBLE ZONING CODE AMENDMENTS TO CLARIFY EXISTING ZONING DEFINITIONS AND STANDARDS

DATE: NOVEMBER 9, 2004

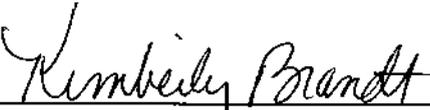
**FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, ACTING PLANNING AND REDEVELOPMENT MANAGER
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DESCRIPTION

Review of possible Zoning Code amendments to clarify existing zoning definitions and standards, including a revision of the definition of "mobilehome park conversion" to include closure of a mobilehome park.

RECOMMENDATION

Provide staff direction regarding any additional minor zoning code amendments.



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Assistant Development Svs. Director

BACKGROUND/ANALYSIS

Periodically, staff addresses minor Zoning Code amendments through a single ordinance. Through the course of administering the Zoning Code, staff notes sections that need to be amended in order to clarify the Code's intent.

Attachment 1 contains a list of the proposed amendments with an explanation of the need for the change. Staff is seeking input as to whether or not the Commission wishes to add any additional minor code amendments to the list. It is likely the draft ordinance will be scheduled for the Commission's December 13, 2004 meeting.

ENVIRONMENTAL DETERMINATION

No environmental analysis is needed at this time.

Attachments: 1. Proposed Zoning Code Amendments
 2. Existing Zoning Code Provisions

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

ATTACHMENT 1
PROPOSED ZONING CODE AMENDMENTS

PROPOSED ZONING CODE AMENDMENTS

1. Amend definitions in Section 13-6 related to mobilehomes. These amendments will accomplish the following: 1) Qualify certain types of “recreational vehicles” as mobilehomes, when the recreational vehicle is used as the occupant’s permanent residence; 2) Exclude from the definition of mobilehome lot those lots where the mobilehome park owner owns the mobilehome which sits upon the lot. This will then remove these lots from being subject to the City’s “mobilehome park conversion” procedures.

“Manufactured housing. Detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, ~~including structures known as manufactured homes and mobile homes.~~ For the purpose of this Zoning Code, a factory-built single-family structure that is manufactured under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, transportable in one or more sections, built on a permanent chassis and used as a place of human habitation, shall be considered a single-family home and shall be reviewed under the same standards as a site-built structure.

Mobilehome. See ~~Manufactured housing.~~ This term shall mean a “mobilehome” as defined in California Civil Code Section 798.3. “Mobilehome” also includes a “recreational vehicle” as defined in the California Civil Code Section 799.29, when the recreational vehicle is used as the occupant’s primary place of residence as established by nine months continuous residency at that mobilehome park. This definition excludes motor homes, truck campers, and camping trailers.

Mobilehome lot. This term means any area or tract of land, or portion thereof, occupied or held out for occupancy by a mobilehome that is not owned by the mobilehome park owner.

Mobilehome park. Any area or tract of land where 2 or more mobile home lots are rented or leased, held out for lease or rent, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobile homes. A mobile home park also means a mobile home development constructed according to the requirements of Part 2.1 (commencing with Section 18200) of Division 13 of the State Health and Safety Code, and intended for use and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit development. This term shall mean a “mobilehome park” as defined in California Civil Code Section 798.4, and any park where two or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes that are not owned by the mobilehome park owner.”

2. Amend residential definitions in Section 13-20 to correct the minimum lot size. This code section was overlooked when the minimum lot sizes were increased in 2002.
 - (b) **R2-MD Multiple-Family Residential District, Medium Density.** This district is intended to promote the development of multi-family rental as well as ownership properties on lots with a minimum size of ~~7,260~~ 12,000 square feet. The maximum density allowed is 3,630 square feet per dwelling unit, which equals 12 dwelling units per gross acre. Legal lots existing as of March 16, 1992 with a minimum lot area of 6,000 sq. ft. up to 7,260 sq. ft. are allowed 2 dwelling units.
 - (c) **R2-HD Multiple-Family Residential District, High Density.** This district is intended to promote the development of multi-family rental as well as ownership dwelling units on lots with a minimum size of ~~6,000~~ 12,000 square feet. The maximum density allowed is 3,000 square feet per dwelling unit, which equals 14.52 dwelling units per gross acre.

(d) R3 Multiple-Family Residential District. Like the R2-MD and R2-HD districts, this district is intended to promote the development of multi-family rental as well as ownership dwelling units. The required minimum lot size is ~~6,000~~ 12,000 square feet. The maximum density allowed is 2,178 square feet per dwelling unit, which equals 20 dwelling units per gross acre.

3. Revise Lot Line Adjustment description (Section 13-28(f)) to reflect a recent state law amendment that limits lot line adjustment to no more than four lots..

“(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 ~~two or~~ no more than four abutting lots.”

4. Amend the definition of mobilehome park conversion procedure in Section 13-28(k) to include mobilehome park closures. This would require a mobilehome park owner to apply to the City for approval to close the park.

“(k) Mobile Home Park conversion. Any conversion of an existing park as that term is defined in Section 13-200.80, to any other use permitted or conditionally permitted in the applicable zoning district. For purposes of this subdivision, “conversion” means any full or partial conversion, change of use of a mobilehome park to any other use, including a change to vacant land, closure, or cessation of use of the mobilehome park or any change to the mobilehome park that could result in the loss of mobilehome lots.”

5. Clarify Table 13-32 regarding alley setback for side property lines in all of the residential zones.

"TABLE 13-32 RESIDENTIAL DEVELOPMENT STANDARDS				
STANDARDS	R1	R2-MD	R2-HD	R3
LANDSCAPING (See also Chapter VII)				
SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS AND STRUCTURES (Minimum distances given, unless otherwise noted. All setbacks from streets are measured from the ultimate property line shown on the Master Plan of Highways)				
Side	Interior property line: 5 feet. Note: Accessory structures that do not exceed 6½ feet in height in the R1 zone or 15 feet in height in the other residential zones may have a zero side setback. Property line abutting a public street: 10 feet. Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the property line. <u>Property line abutting an alley: 5 feet.</u>			

6. Revise Table 13-32 to require landscaping in the R1 zone. A similar code amendment should also be done in Title 20 Property Maintenance.

TABLE 13-32 RESIDENTIAL DEVELOPMENT STANDARDS				
STANDARDS	R1	R2-MD	R2-HD	R3
LANDSCAPING (See also Chapter VII).				
<u>Landscaping Required.</u>	<u>All unpaved areas visible from the public right-of-way shall be landscaped and maintained in a healthy condition, free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation.</u>			See Chapter VII, LANDSCAPING.
In all zones except R-1, landscaped parkways with a combined width of 10 feet, but not less than 3 feet on one side, shall be provided along the sides of interior private streets and/or common driveways. The parkway on the house side of private streets or common driveways shall be a minimum of 5 feet in width.				

7. Recognize the FCC preemption regarding antennas and delete requirement in Section 13-41(b) New Residential Common Interest Developments

~~“(4) No exterior television antenna shall be permitted, but a common underground cable service to all dwelling units may be provided.”~~

8. Amend development/operational standards for restaurants and bars to include/address "seasonal events" (not a special event) (Section 13-48). These types of events were previously addressed in the City's "special event" provisions in Title 9 of the municipal code, but they were excluded in the recently adopted "special event" regulations. These might include Halloween or New Year's Eve parties.

“(c) Seasonal events that include live entertainment, dancing, and/or amplified music may be allowed without a conditional use permit or public entertainment permit provided that it complies with the following standards. Each establishment is limited to four nonconsecutive events per calendar year.

- (1) The event shall not exceed 1 day in duration;
- (2) The event shall be conducted entirely indoors; and
- (3) The event shall comply with the Chapter XII NOISE CONTROL.”

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9. Clarify Table 13-58 regarding the maximum density allowed for 1901 Newport Boulevard and the alley setback for side property lines in the planned development zones.

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	<u>Note: The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre.</u>
Perimeter Open Space per Section 13- 61 PERIMETER OPEN SPACE CRITERIA.	20 feet abutting all public rights-of-way, excluding alleys (may be reduced in the PDC and PDR-NCM zones pursuant to Section 13-61 PERIMETER OPEN SPACE CRITERIA).					

10. Clarify text of certain paragraphs in Section 13-75 regarding fence and wall standards and establish a maximum height for walls and fences in commercial and industrial zones.

“Sec. 13-75. FENCES AND WALLS

- (a) In residential zones, including planned development, except R-1: All interior property lines shall have a 6-foot high solid opaque walls or fences at least 6 feet in height that conform to the City's Walls, Fences and Landscaping Standards.
- (b) In commercial zones, including planned development: All interior property lines abutting residentially-zoned property shall have solid masonry walls, at least 6 feet but no more than 8 feet in height, unless an environmental study requires additional height.
- (c) In industrial zones, including planned development: A solid masonry wall, at least 6 feet in height shall be constructed along all property lines which abut a residential or commercial zone. The maximum wall height shall not exceed 8 feet, unless an environmental study requires additional height.
- (e) Fences and walls placed on interior property lines or and between the property line and the required setback line for main buildings shall conform to the City's Walls, Fences and Landscaping Standards.”

11. Clarify text regarding incentives for rebuilding nonconforming dwelling units in the residential zones (Section 13-205(b)).

- (1) Continuous use Provision of garages instead of carports for greater security.
 (20) Other amenities that enhance the project for and the overall neighborhood.

ATTACHMENT 2

EXISTING ZONING CODE PROVISIONS

Kitchen. Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and preparation of food.

Landscaping. Plant materials such as lawn, groundcover, trees and shrubs.

Loft. An intermediate floor placed within a room, where the clear height above and below the loft is not less than seven feet, and where the aggregate area of the loft does not exceed one third of the area of the room in which it is located.

Lot. (a) A parcel of real property when shown as a delineated parcel of land with a number or designation on a subdivision map or parcel map recorded in the office of the County Recorder, and created in conformance with the Subdivision Map Act and applicable local ordinances.

(b) A parcel of real property when shown on a record of survey map or deed filed in the office of the County Recorder, when such map or deed was filed as the result of and was made a condition of a lot division approved under the authority of prior ordinances.

Lot area. The total land area of a project after all required dedications or reservations for public improvements including but not limited to streets, parks, schools, and flood control channels. This phrase does not apply in the Planned Development zones where the phrase "site area", as defined in CHAPTER V DEVELOPMENT STANDARDS, is used.

Lot, corner. A lot abutting on and at the intersection of two or more streets which intersect at an angle that is equal to or less than 135 degrees.

Lot, depth. The average of the horizontal distance between the front and the rear lot lines.

Lot, development. The master lot or project site upon which a development will be constructed.

Lot, individual dwelling unit. An individual building site or lot within a development intended for construction of a single attached or detached dwelling unit.

Lot, interior. A lot abutting only one street, or a lot abutting two streets which intersect at an angle greater than 135 degrees.

Lot, width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the front building setback line.

Manufactured housing. Detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, including structures known as manufactured homes and mobile homes. For the purpose of this Zoning Code, a factory-built single-family structure that is manufactured under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, transportable in one or more sections, built on a permanent chassis and used as a place of human habitation, shall be considered a single-family home and shall be reviewed under the same standards as a site-built structure.

Master plan. The overall development plan for a parcel or parcels which is depicted in both a written and graphic format.

Master Plan of Highways. The graphic representation of the City's ultimate circulation system contained in the General Plan. It illustrates the alignment of the major, primary, secondary and collector highways.

Median. A paved or planted area separating a parking area, street, or highway, into two or more lanes or directions of travel.

Minor conditional use permit. A discretionary approval granted by the Zoning Administrator which allows a use or activity not allowed as a matter of right, based on specified findings.

Minor modification. A discretionary entitlement granted by the Planning Division, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Mixed use development. The development of lot(s) or structure(s) with two or more different land uses such as, but not limited to a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Mobile home. See **Manufactured housing.**

Mobile home park. Any area or tract of land where 2 or more mobile home lots are rented or leased, held out for lease or rent, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobile homes. A mobile home park also means a mobile home development constructed according to the requirements of Part 2.1 (commencing with Section 18200) of Division 13 of the State Health and Safety Code, and intended for use and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit development.

Motel. Any building or combination of buildings of one- to 3-stories in height having 6 or more guest rooms with parking located convenient to the guest rooms and providing temporary lodging for automobile tourists and transient visitors. Typically, guest rooms have direct access to available parking without passing through a common lobby area. Motels also include auto courts, tourist courts, motor lodges, motor inns and motor hotels.

Municipal Code. City of Costa Mesa Municipal Code.

Open space. An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas; first floor decks; unenclosed patios with solid or lattice roofs; water courses; and surfaces covered by not more than 5 feet in depth by projections which are at least 8 feet above grade.

Open space shall not include the following: driveways; parking lots; other surfaces designed or intended for vehicular travel; and upper floor decks, balconies or areas under projections which are less than 8 feet above grade.

Open space, common. An area of land reserved primarily for the leisure and recreational use of all residents of a planned development or common interest development and owned in common by them, generally through a homeowners' association.

Open space, private. An area of land located adjacent to an individual dwelling unit, owned or leased and maintained by its residents, and reserved exclusively for their use.

Organizational documents. The declaration of restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management or operation of all or any part of a project.

Parcel. Same as **Lot.**

Parkway. The area of a public street that lies between the curb and the adjacent property line or physical boundary definition, which is used for landscaping and/or passive recreational purposes.

Peak hour. The hour during the AM peak period (typically 7:00 a.m. - 9:00 a.m.) or the PM peak period (typically 3:00 p.m. - 6:00 p.m.) in which the greatest number of vehicle trips are generated by a given land use or are traveling on a given roadway.

CHAPTER II. ZONING DISTRICTS ESTABLISHED

Sec. 13-19. PURPOSE

The intent of this chapter is to establish and state the purpose of the various zoning districts, as well as to describe their boundaries on the official zoning map.

Sec. 13-20. ZONING DISTRICTS

In order to classify, regulate, restrict and separate the uses of land and buildings, regulate the height and bulk of buildings and the area of yards and other open spaces about buildings, and regulate population density, the following classes of zones are established:

- (a) **R1 Single-Family Residential District.** This district is intended to promote the development of single-family detached units located on lots with a minimum lot size of 6,000 square feet, and a maximum density of 7.26 dwelling units per gross acre.
- (b) **R2-MD Multiple-Family Residential District, Medium Density.** This district is intended to promote the development of multi-family rental as well as ownership properties on lots with a minimum size of 7,260 square feet. The maximum density allowed is 3,630 square feet per dwelling unit which equals 12 dwelling units per gross acre. Legal lots existing as of March 16, 1992 with a minimum lot area of 6,000 sq. ft. up to 7,260 sq. ft. are allowed 2 dwelling units.
- (c) **R2-HD Multiple-Family Residential District, High Density.** This district is intended to promote the development of multi-family rental as well as ownership dwelling units on lots with a minimum size of 6,000 square feet. The maximum density allowed is 3,000 square feet per dwelling unit which equals 14.52 dwelling units per gross acre.
- (d) **R3 Multiple-Family Residential District.** Like the R2-MD and R2-HD districts, this district is intended to promote the development of multi-family rental as well as ownership dwelling units. The required minimum lot size is 6,000 square feet. The maximum density allowed is 2,178 square feet per dwelling unit which equals 20 dwelling units per gross acre.
- (e) **AP Administrative and Professional District.** This district is intended to establish areas within which public administrative, professional and business offices may be located. It is the further purpose of this district to limit the intensity of use within the district to be compatible with the types of activities generally associated with office developments.
- (f) **CL Commercial Limited District.** This district is intended for unique areas of land which, due to the proximity of residential development or the potential for traffic circulation hazards, require special precautions to be taken to assure appropriate development. The district is also intended for industrial areas where commercial uses must be considered according to their compatibility with existing or permitted industrial uses.
- (g) **C1 Local Business District.** This district is intended to meet the local business needs of the community by providing a wide range of goods and services in a variety of locations throughout the City. The permitted and conditional uses as well as development standards are aimed toward reducing impacts on surrounding properties especially in those areas where residential uses are in the vicinity.
- (h) **C2 General Business District.** This district is intended to provide for those uses which offer a wide range of goods and services which are generally less compatible with more sensitive land uses of a residential or institutional nature.
- (i) **C1-S Shopping Center District.** This district is intended for large commercial lots constructed as a unified and integrated development. It is the further purpose to provide a wide range of goods and services on a community and regional scale.

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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) Reserved for future use; and
- (6) 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 two or more abutting lots.

(g) Master plan. Prior to development in the Planned Development (PD), Town Center (TC), Shopping Center (C1-S), 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 zones, and are not required in C1-S, I&R-S and I&R zones.

(1) Amendments to the master plan. 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; or
- g. A reduction in required street pavement widths.

(2) Substantial amendments to the master plan encompassing one or more of the above listed changes shall be processed and reviewed pursuant to the provisions for new master plans.

(3) Minor amendments.

- a. Minor amendments to existing master plans in planned development zones are subject to Section 13-56 MASTER PLAN REQUIRED.
- b. Minor amendments to existing master plans in the TC, C1-S, I&R, and I&R-S zones may be approved by development review if the Planning Division finds that the proposed construction does not materially affect required open space, floor area ratio, and parking requirements specified in the approved master plan. Furthermore, if the minor amendment results in an overall building square footage that exceeds the maximum building square footage allowed by the approved master plan, the Planning Division must find that the minor amendment is consistent with the floor area ratio and trip budget standards established by the General Plan, as applicable.

(h) Minor conditional use permit. Any use or deviation from development standards specified in this Zoning Code as requiring a minor conditional use permit.

(i) Minor design review. The following shall be subject to minor design review:

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- (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)

TABLE 13-28(j)(1)	
MINOR MODIFICATION	
Standard	Deviation Range
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.

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(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.

**TABLE 13-32
RESIDENTIAL DEVELOPMENT STANDARDS**

STANDARDS	R1	R2-MD	R2-HD	R3
SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS AND STRUCTURES (Minimum distances given, unless otherwise noted. All setbacks from streets are measured from the ultimate property line shown on the Master Plan of Highways).				
Front	20 feet			
Side	Interior property line: 5 feet. Note: Accessory structures that do not exceed 6½ feet in height in the R1 zone or 15 feet in height in the other residential zones may have a zero side setback. Property line abutting a public street: 10 feet. Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the property line.			
Rear (not abutting a publicly dedicated alley)	20 feet for 2 story structures. 10 feet for 1 story structures (15-foot maximum height) provided that maximum rear yard coverage is not exceeded. Note: Accessory structures that do not exceed 6½ feet in height in the R1 zone or 15 feet in height in the R2 zones may have a zero rear yard setback, except on corner lots in the R2 zones. Corner lots in the R2-MD, R2-HD & R3 zones: a. Where the rear property line of a corner lot adjoins the side property line of another lot, no detached accessory structure shall be allowed on the corner lot, except within the rear quarter of the corner lot farthest from the side street. b. Where the rear property line of a corner lot abuts a public or private street, accessory structures shall maintain setbacks for main structures.		15 feet for 2 story structures. 10 feet for 1 story structures (15-foot maximum height). Note: Accessory structures that do not exceed 15 feet in height may have a zero rear yard setback, except on corner lots (see R2-MD and R2-HD column for setbacks for corner lots).	
Rear Yard Coverage (Maximum)	Rear (not abutting a publicly dedicated alley, street, or park): Main Buildings: 25% of rear yard area.* Accessory Buildings: 50% of rear yard area.* * Rear yard area equals lot width, measured from side property line to side property line, multiplied by 20 feet. Rear abutting a publicly dedicated alley, street or park: Not applicable		Not applicable	
Rear Abutting a Publicly Dedicated Alley, Street, or Park	5 feet; however, garages may be required to setback further to ensure adequate back up distance. Rear Yard Coverage does not apply. Note: Accessory structures that do not exceed 6½ feet in height in the R1 zone or 15 feet in height in the other residential zones may have a zero rear yard setback, except on corner lots in the R2 and R3 zones where accessory structures shall maintain setbacks for main structures.			
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see Section 13-34 BLUFF-TOP DEVELOPMENT).			
PROJECTIONS (Maximum amount 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 or building separation area.			
Chimneys	2 feet above maximum building height.			
Fireplaces	2 feet into required setback or building separation area.			
PARKING (See Chapter VI).				
LANDSCAPING (See also Chapter VII).				
In all zones except R-1, landscaped parkways with a combined width of 10 feet, but not less than 3 feet on one side, shall be provided along the sides of interior private streets and/or common driveways. The parkway on the house side of private streets or common driveways shall be a minimum of 5 feet in width.				

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- (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.

ARTICLE 4. ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED

Sec. 13-46. PURPOSE

The purpose of this article is to regulate and provide development standards for establishments where food or beverages are served. The proximity of residential uses to these types of establishments is a concern of this article. Where the distance criterion of 200 feet from residentially-zoned property is given in this article, it shall be measured from the property line of the site to the property line of the nearest residentially-zoned property.

Sec. 13-47. PERMITTED AND CONDITIONALLY PERMITTED USES

Establishments where food or beverages are served are subject to the review and approval procedures shown in Table 13-47. In instances where more than one review procedure is applicable to an establishment, the more stringent procedure shall apply.

Sec. 13-48. GENERAL DEVELOPMENT STANDARDS

Establishments where food or beverages are served are subject to the following development standards.

- (a) Outdoor seating areas are permitted provided that that area does not encroach into required street setback, parking and circulation, or interior landscaped areas; except as approved through the issuance of a minor conditional use permit or as allowed in certain planned development zones.
- (b) All establishments shall comply with the applicable standards and review procedures indicated in Table 13-47, as well as with all other development standards of the appropriate zoning district.



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**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.

Sec. 13-75. FENCES AND WALLS

- (a) In residential zones, including planned development, except R-1: All interior property lines shall have solid opaque walls or fences, at least 6 feet in height.
- (b) In commercial zones, including planned development: All interior property lines abutting residentially-zoned property shall have solid masonry walls, at least 6 feet in height.
- (c) In industrial zones, including planned development: A solid masonry wall, at least 6 feet in height shall be constructed along all property lines which abut a residential or commercial zone.
- (d) If a fence or wall is constructed adjacent to a public street, the fence or wall shall be approved by the Planning Division in terms of its compatibility and harmony with the proposed building and site development and buildings and site developments existing or approved for the general neighborhood. No fence or wall located in any street setback shall obscure the required street setback landscaping in the commercial and industrial zones.
- (e) Fences and walls placed between the property line and the required setback line for main buildings shall conform to the City's Walls, Fences and Landscaping Standards.
- (f) Fences and walls located in proximity to street intersections or where a driveway intersects a sidewalk shall conform to the City's Walls, Fences and Landscaping Standards.
- (g) The standards referred to in subsections (e) and (f) shall be adopted by resolution of the City Council.
- (h) It shall be unlawful to construct, install, maintain or allow to exist any barbed wire, razor wire, concertina ribbon or similar item in any required setback abutting a public right-of-way. In all other locations, barbed wire, razor wire, concertina ribbon and similar items shall maintain a minimum vertical clearance of 6 feet 8 inches from grade.
- (i) It shall be unlawful to install, maintain or allow to exist any electrified fence or any glass, nails or similar items embedded in walls or fences at any location.
- (j) Chain link fences. In all non-residential zones, chain link fencing is prohibited in any required setback abutting a public right-of-way. In all residential zones, chain link fencing is prohibited in any area visible from a public street or alley.
 - 1. Chain link fence removal. A property owner of any residential or planned development property that has an existing chain link fence visible from a public street or alley, shall remove the chain link fence at such time the property owner obtains a building permit, or cumulative building permits over a consecutive twelve month period, for property improvements valued at \$30,000 or more. The chain link fence shall be completely removed prior to the finalization of the last building permit(s) that exceeds the \$30,000 valuation.
- (k) Security gates, in all zones, are subject to review and approval by the Planning Division in conjunction with the Fire Department and Transportation Division.

Sec. 13-76. RIGHT-OF-WAY DEDICATIONS

- (a) Wherever acquisition of private property is deemed necessary for right-of-way improvement purposes pursuant to the Master Plan of Highways or adopted standards and codes maintained by the Public Services Department, the owner of the property shall be required to

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Sec. 13-205. PROVISIONS FOR MULTI-FAMILY ZONES FOR REBUILDING AFTER VOLUNTARY DESTRUCTION.

(a) If units in the R2-MD, R2-HD, R3 or PDR zones are voluntarily demolished, an equal or lesser number of units may be rebuilt so long as the development complies with all other applicable sections of this Zoning Code and other codes. This includes but is not limited to the following development standards: building setback, lot coverage, building height, parking, open space and landscaping. Furthermore, the allowable density or number of units to be redeveloped shall be limited to the General Plan rebuilding incentive for the current land use designation. The resulting number of units shall not exceed the existing number of legal nonconforming units nor be more than the number of units that would have been allowed on March 15, 1992. The rebuilding shall not increase the development's nonconformity.

(b) Consideration may be given through the Master Plan process, to allow rebuilding of existing multiple family residential projects that do not fully meet all the other applicable sections of this Zoning Code and other code standards. Consideration shall be given to the provision of tandem parking for units requiring more than one dedicated parking space and for cantilevered second story living areas over drive or yard areas. Through the Master Plan process, the rebuilding project must demonstrate why strict compliance with each of the current standards is either infeasible or unnecessary. In exchange for any deviation from current standards, the project must provide additional amenities such as those listed below:

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- (1) Continuous use garages instead of carports for greater security.
 - (2) Useable open space with amenities.
 - (3) Flower beds and adequate lawns of sufficient area to create a useable recreation area.
 - (4) Individual vegetable garden areas screened by hedges.
 - (5) Masonry planters, potted flowers and shrubs on decks and balcony flower boxes.
 - (6) Trellises with vines.
 - (7) Minimum size trees based on box size rather than gallons such that 30% or more of the trees are a minimum 24-inch box size.
 - (8) CC&Rs to ensure landscape maintenance.
 - (9) On-site manager for projects of 15 units or less.
 - (10) Awnings, especially along the front for color and product definition, and a better facade.
 - (11) Stamped concrete or decorative paving at entrances and critical driveway intersections.
 - (12) Meandering rather than straight sidewalks.
 - (13) Terraced elevations at all sides to reduce scale and massing.
 - (14) Upgraded windows and doors for noise reduction.
 - (15) Covered/screened dumpsters for projects of 4 units or less.
 - (16) Concrete slab where the trash truck would stop to compact trash to prevent damage, or contract for roll-off service so that the trash truck does not come on-site.
 - (17) Orientation of units away from the street toward interior courtyards.
 - (18) Adequate lighting for security (beyond parking and driveway lighting required by code).
 - (19) Gates and intercom system for security.
 - (20) Other amenities that enhance the project for the neighborhood.



(c) In reviewing the Master Plan, the Planning Commission shall decide if the degree of deviation is warranted, if the proposed amenities are sufficient to offset the deviation, and if the maximum allowable density shall be reduced due to the deviation.

(d) The Master Plan shall be processed as shown in CHAPTER III PLANNING APPLICATIONS.

(e) Findings. The findings necessary to grant the Master Plan are:

- (1) Full compliance with current development standards would make rebuilding infeasible;