PLANNING COMMISSION AGENDA REPORT

VI.1

MEETING DATE: SEPTEMBER 25, 2006 ITEM NUMBER:

SUBJECT: ZONING CODE AMENDMENT CO-06-07 AMENDING TITLE 13, CHAPTER V, ARTICLE 6 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE REVIEW PROCEDURES FOR RESIDENTIAL SECOND-STORY ADDITIONS IN PLANNED DEVELOPMENT ZONES

DATE: SEPTEMBER 14, 2006

FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN,AICP
PRINCIPAL PLANNER
(714) 754-5153

DESCRIPTION

Amend the City of Costa Mesa Zoning Code to restore consistency between the review procedures of the Planned Development (PD) zone and other residential zones, for residential second-story additions.

RECOMMENDATION

Recommend that City Council give first reading of the attached ordinance amending the Zoning Code regarding residential second-story additions in the PD zone.

WILLA BOUWENS-KILLEEN, AICP
Principal Planner

R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND/ANALYSIS

In August 2003, City Council modified the Residential Design guidelines, requiring a Minor Design Review if, in addition to other guidelines, proposed second-story residential construction exceeded a 50% second floor to first floor ratio. In March 2005, in response to City Council's direction to streamline processing for residential second story construction and other Zoning Code procedures, the 50% threshold was increased to an 80% threshold in the R1, R2-MD, R2-HD, and R3 zoning districts. Unfortunately due to Staff's oversight, the 50% threshold was not likewise increased to 80% in the Planned Development (PD) zones. This threshold determines whether Planning staff or the Zoning Administrator approves a second-story; second stories that are 80% or less of the first floor may be reviewed by Planning staff (an administrative process with no Planning fee and notice limited to the abutting neighbors) while second-story additions that exceed 80% of the first floor require Zoning Administrator action through a Minor Design Review application (Planning fee and notice to all property owners within a 500-foot radius).

The proposed ordinance remedies this discrepancy in the PD zone, thereby allowing Planning staff to review and approve (with notice to the abutting neighbors) all second story construction that complies with the residential design guidelines.

GENERAL PLAN CONFORMITY

The proposed code amendment impacts a processing method only; there will be no effect on the General Plan.

ALTERNATIVES

Planning Commission can either recommend City Council approve the modification or retain the 50% threshold. Retention of this threshold will continue a more stringent review requirement for residential second-story additions in PD zones when compared to other residential zones.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.

CONCLUSION

Amendment of the Code will provide the same review procedures for residential second-story additions in all zones.

Attachments: Ordinance

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

ORDINANCE NO. 06-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-06-07 WHICH AMENDS TITLE 13, CHAPTER V, ARTICLE 6 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE REVIEW PROCEDURES FOR RESIDENTIAL SECOND-STORY ADDITIONS IN PLANNED DEVELOPMENT ZONES

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

Section 1. Title 13, Chapter V, Article 6 of the Costa Mesa Municipal Code is hereby amended to read as follows:

Amend Section 13-56.(c)(2) as follows:

(2) Residential buildings – second story additions. In cases where the master plan does not include criteria for future second-story additions, the Planning Division may approve any proposed second-story addition that meets the setback standards established in subjection (1) and all of the following criteria. Any second-story addition that does not meet all of the following criteria will be subject to minor design review.

~~a. Results in a second story floor area that does not exceed 50% of the first story floor area;~~

~~b.~~ a. Complies with residential design guidelines adopted by the City Council; and

~~c.~~ b. Does not materially affect the required open space, site coverage, or parking of the planned development.

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) of the CEQA Guidelines.

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

Section 4. 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 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this ____ day of _____, 2006

_____
Mayor

ATTEST:

_____
City Clerk of the
City of Costa Mesa

APPROVED AS TO FORM:

_____
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. 06-__ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2006, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2006, 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 _____, 2006.

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