



# **PLANNING COMMISSION AGENDA REPORT**

VI.1

MEETING DATE: MARCH 9, 2009

ITEM NUMBER

**SUBJECT: CODE AMENDMENT CO-09-01 TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO NEW PARKING STANDARDS FOR SINGLE-FAMILY DETACHED UNITS WITH FIVE OR MORE BEDROOMS**

**DATE: FEBRUARY 24, 2009**

**FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA, SENIOR PLANNER  
(714) 754-5610**

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## **DESCRIPTION**

Code Amendment CO-09-01 is an amendment to Title 13 of the Costa Mesa Municipal Code (Zoning Code) to require one additional garage space for specified single-family detached residences, such as new homes with five or more bedrooms and for newly-remodeled homes involving an increase in the number of bedrooms to five bedrooms or more.

## **RECOMMENDATION**

Recommend that City Council introduce and give first reading to ordinance.

MINOO ASHABI, AIA  
Senior Planner

KIMBERLY BRANDT, AICP  
Assistant Dev. Svs. Director

## **BACKGROUND**

On October 7, 2008, the Planning Commission recommended to City Council a Zoning Code amendment that would require one additional garage space for homes with five or more bedrooms, allow a tandem garage parking space to satisfy the additional parking requirement; and, establish maximum front yard coverage standards for paved areas in all residential zones. In addition, Commission recommended amending Property Maintenance Code (Title 20) regulations to specify acceptable parking configurations for vehicles on residential driveways.

Council expressed concerns on the proposed code amendments, and on 5-0 vote referred the proposed code amendment back to Commission for reconsideration. Council also requested staff to obtain input from Building Industry Association (BIA), Chamber of Commerce, and Homeowner Associations.

The following is summary of concerns noted by Council related to proposed amendment:

- Most home sites may not be able to accommodate an extra garage space without major modification to the house layout and construction of a garage could add significant cost to a simple room addition;
- The proposal needs to clarify the definition of a five-bedroom house and a home office vs. bedroom;
- The proposed should clarify whether or not the requirement would be retroactive or subject to a specific threshold for compliance (i.e., require removal of excess driveway at time of issuance of permit for a room addition).

On February 2, 2009, Commission held a study session and discussed the alternatives. The BIA, homeowners associations and Recreation Vehicle Owners Association were notified and no comments were received. Commission directed staff to prepare three separate draft ordinances for each of the following issues:

1. Code Amendment CO-09-01: Require an additional garage space for single-family detached homes with five or more bedrooms.
2. Code Amendment CO-09-02: Establish a maximum driveway standard for single-family residences in R1 Zoning; and,
3. Code Amendment CO-09-03: Specify legal vehicle parking on residential driveways.

This report addresses the additional garage space requirement.

## **ANALYSIS**

The proposed Ordinance would require one additional garage space for a total of five parking spaces for single-family homes or additions to existing homes that result in an increase in the bedroom count to five or more bedrooms (*Two-car garage currently required, three-car garage proposed*).

### ***Bedroom/Home Office Definitions***

Council emphasized the need to make a distinction between home offices and bedrooms in the Zoning Code.

A bedroom is currently defined as “any room normally used for sleeping purposes, whether designed as a bedroom or as a den, study, library, or other similar term excluding dining room, living room, kitchen, and baths.”

Currently, one parking standard is applied to all single-family homes. However, for multiple family projects, parking requirements are based on the number of bedrooms. Home offices and/or dens are currently counted as a bedroom for calculating parking requirements.

This code amendment would allow one home office with no closet and direct access to a bathroom to be excluded from the total number of bedrooms. For example, a new single-family house with four bedrooms and a home office will be exempt from the three-car garage requirement.

For definitions related to this amendment related to Chapter I, Section 13-6, Definitions, refer to Section 1(a) of the attached Ordinance.

### ***New Tandem Garage Provision***

As drafted, Ordinance would allow construction of a tandem garage to meet the additional parking requirement for a three-car garage. This provision would allow up to one tandem parking (one parking space in front of another parking space) within a garage to be counted toward the parking requirement. This configuration is currently prohibited in the Zoning Code.

### ***Applicability***

Staff proposes that projects that have obtained planning approval prior to effective date of this Ordinance will not be subject to the new regulations. The new Ordinance is applicable as follows:

- New construction of single-family detached residences with five bedrooms or more in the R1 zone.
- New construction of single-family detached residences in a small-lot, detached, residential common interest development.
- Newly-remodeled single-family detached residences which are increased in size to five bedrooms or more.

### ***Deviations***

Deviations from this standard would be subject to approval of a variance and specific variance findings by the Planning Commission. This process would allow Commission to review variance requests on a case-by-case basis.

**ENVIRONMENTAL DETERMINATION:**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

**CONCLUSION:**

The central purpose of this amendment is to require additional parking for single-family detached residences with five bedrooms or more. Parking may be provided in the form of a traditional three-car garage or a tandem garage. For zoning purposes, the Ordinance also excludes home offices from being counted as a bedroom. The new parking regulations would only apply to single-family detached residences, including newly-constructed or newly-remodeled residences resulting in five bedrooms or more.

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

Attachment: Ordinance

Costa Mesa Recreation Vehicle Owners Assoc.  
Attn: Frank Leingang  
3368 California Street  
Costa Mesa, CA 92626

Costa Mesa Recreation Vehicle Owners Assoc.  
Attn: Dave Goss  
2021 Kornat Drive  
Costa Mesa, CA 92626

Mesa Verde Community Inc.  
Attn: Robin Lefler  
3018 Samoa Place  
Costa Mesa, CA 92626

Building Industry Association OC Chapter  
Attn: Bryan Starr  
17744 Sky Park Circle, Suite 170  
Irvine, CA 92614

Costa Mesa Chamber of Commerce  
1700 Adams Ave., Suite No. 101  
Costa Mesa, CA 92626

ORDINANCE NO. 09-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-09-01, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING STANDARDS FOR SINGLE-FAMILY DETACHED UNITS WITH FIVE OR MORE BEDROOMS IN R1 ZONES AND SMALL LOT, DETACHED, SINGLE-FAMILY COMMON INTEREST DEVELOPMENTS

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

SECTION 1: TITLE 13. Title 13 of the Costa Mesa Municipal Code is hereby amended as follows:

- a. Amend Chapter I, Section 13-6, Definitions, by adding the following new definitions:

“Tandem Parking –An arrangement of parking spaces one behind the other, such that a parking space must be driven across in order to access another space. Tandem garage parking signifies the placement of standard parking spaces one behind the other within the enclosed area of a garage.”

“Room, Home Office – A room designed and intended to be used for a household office or small business related activity within a residence. Within a single-family detached residence, this room is strictly not intended for sleeping purposes, lacks a closet space, and/or direct access to a bathroom, and shall not be counted as a bedroom. The home office may also be referred to as a studio, den, study, or library.

- b. Amend Chapter I, Section 13-6, Definitions, by modifying the definition of bedrooms:

“Room, Bedroom –Any room normally used for sleeping purposes, whether designed as a bedroom or as a den, study, library or other similar term excluding dining room, living room, kitchen and baths. A fully-enclosed room designed or intended to be used for sleeping purposes within a residence. Within a single-family detached residence, a room meeting the definition of a home office shall not be included in the bedroom count.

- c. Amend Chapter VI, Section 13-85, as follows:

*“Sec. 13-85. PARKING REQUIRED*

In the residential districts, the following minimum off-street parking spaces shall be provided. The parking spaces shall provide safe and adequate ingress and egress and shall be maintained in connection with the building or structure and use of land.

- (a) **R1 zone and small-lot single-family common interest developments (excluding townhouses).** Off-street parking in the form of a garage and open parking shall be provided as follows:

<b>TABLE 13-85(a)</b>		
<b><u>Off-Street Parking Standards for Single-Family Detached Residences in R1 zone and Small-Lot, Detached, Residential Common Interest Developments</u></b>		
<b><u>Single-Family Detached Residence with 4 Bedrooms or Fewer</u></b>		
<b><u>Garage Parking Spaces</u></b>	<b><u>Open Parking Spaces<sup>1</sup></u></b>	<b><u>Total Parking Spaces</u></b>
2	Lots without garage access from alley: 2	<u>4</u>
	Lots with garage access from alley: 1	<u>3</u>
<b><u>Single-Family Detached Residence with 5 Bedrooms or More<sup>4</sup></u></b>		
<b><u>New Construction and Additions<sup>2</sup></u></b>		
<b><u>Garage Parking Spaces<sup>3</sup></u></b>	<b><u>Open Parking Spaces<sup>1</sup></u></b>	<b><u>Total Parking Spaces</u></b>
<u>3</u>	<u>Lots without garage access from alley: 2</u>	<u>5</u>
	<u>Lots with garage access from alley: 1</u>	<u>4</u>
<p>1. In R1 zones, required open parking may be provided in a garage or on a minimum 19- foot long, individual driveway leading to a garage. In common-interest developments, required open parking may be provided on an individual unit's driveway or within the common area.</p> <p>2. <u>For single-family detached residences with five bedrooms or more, tandem parking of up to two standard vehicles is permitted in the garage. Tandem garage parking shall exclusively consist of two standard parking spaces. Tandem parking of two or more vehicles on an individual driveway does not satisfy the open parking requirements.</u></p> <p>3. <u>For purposes of applying parking requirements, a room meeting the definition of a home office as stated in Section 13-6, Definitions, shall not be counted as a bedroom in a single-family detached residence.</u></p>		

- (1) **Required garage dimensions:** Each garage space shall have interior dimensions that are a minimum 10 feet wide by 20 feet long, unobstructed inside measurements. Each residence shall have no more than 700 square feet of garage area unless authorized by a minor conditional use permit.
- (2) **Application to an existing residence:** The off-street parking requirements stated above shall not be applied to an existing residence at the time the residence is increased in size and/or the number of bedrooms is increased. The off-street parking requirements stated above for single-family detached residences with 4 bedrooms or fewer shall not be applied to an existing residence at the time the residence is increased in size, unless the number is increased to 5 or more bedrooms.

- (3) With approval of a minor modification, the Planning Division may allow the retention of an existing driveway access from a street to satisfy open parking requirements, at such time that garage access is proposed from an abutting alley.
- (b) (c) **R2-MD, R2-HD, R3, PDR-LD, PDR-MD, PDR-HD, PDR-NCM and residential components of developments in the PDC and PDI zones.** At the time of the construction of any building and/or when a structure is enlarged or increased by adding a bedroom(s), required parking shall be provided per Table 13-85. Exceptions:
- (1) For lots that are zoned multiple-family residential and contain only one single-family detached residence dwelling unit, the parking requirements in subsection (a) Table 13-85(a) shall be applied.
- (2) For individual lots in common-interest developments that contain only one single-family detached residence dwelling unit (excluding townhouses), the parking requirements in subsection (a) Table 13-85(a) shall be applied.
- (e) (d) **Reduction of required parking prohibited.** A property owner or property manager shall make available to tenants and guests the parking required by this subsection. No property owner or property manager shall lease, rent, sell, or otherwise make unavailable to residents and guests required parking. Furthermore, the rental of a dwelling unit shall be deemed to include the exclusive use of at least one (1) covered parking space and equal access to the required open spaces reserved for residents.
- (e) (e) **Parking for accessory apartments and granny units.** Accessory apartments and granny units as provided for elsewhere in this Zoning Code shall be provided with at least two (2) on-site parking spaces in addition to parking required for the existing single-family residence. The parking need not be covered. City of Costa Mesa Parking Standards shall apply."

**SECTION 2: ENVIRONMENTAL DETERMINATION.** The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment..

**SECTION 3: INCONSISTENCIES.** Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

**SECTION 4: APPLICABILITY.** Any existing and legally established development prior to the effective date of this ordinance is considered a legal, nonconforming development with respect to the provisions of this ordinance. Thus, any provision or clause of this ordinance shall not be retroactively applied. The provisions of this ordinance shall be applicable to new development or existing development undergoing major structural

alterations, consistent with the development parameters regarding nonconforming uses, developments, and lots in Chapter X of Title 13 of the Costa Mesa Municipal Code. The provisions of this ordinance shall not be applied to any proposed project that has received zoning approval prior to the effective date of this ordinance.

**SECTION 5: SEVERABILITY.** If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 6: PUBLICATION.** This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the 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 \_\_\_\_\_ 2009.**

\_\_\_\_\_  
ALLAN R. MANSOOR  
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk of the City of Costa Mesa

\_\_\_\_\_  
City Attorney

