



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JULY 12, 2010

VII. 1
ITEM NUMBER:

SUBJECT: DIRECTION TO SEEK COUNCIL AUTHORIZATION FOR STAFF WORK ACTIVITIES OF FOUR HOURS OR MORE

DATE: JUNE 30, 2010

FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
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DESCRIPTION:

Work activity such as potential Zoning Code amendments, special research, and studies that require more than four hours of staff time, are required to be authorized by City Council.

Planning Commissioners have requested that certain work efforts be initiated related to:

1. Minor Conditional Use Permits for Accessory Uses in Residential Zones
2. Block Wall Requirement in Residential Zones
3. Street Banners in the Public Right-of-Way

To implement these requests, this requires a two-step process:

- **Step One:** Staff receives direction from the Planning Commission on (any or all) requests to be forwarded to City Council for authorization.
- **Step Two:** The request(s) to seek Council authorization for more than 4 hours of work activity will be agendized at a future Council meeting under New Business.

RECOMMENDATION:

Direct staff to seek Council authorization for any or all of the requested work activities by minute order.

REBECCA ROBBINS
Assistant Planner

KHANH NGUYEN
Acting Asst. Development Services Director

ANALYSIS

ITEM 1. MINOR CONDITIONAL USE PERMITS FOR ACCESSORY USES

Per Commissioner Fitzpatrick's request, this work activity involves consideration of a Zoning Code amendment to the regulations of accessory uses in residential areas. The key concern involves the illegal use of these detached structures with bathroom facilities as a second dwelling unit.

The City's Land Use Matrix requires that an incidental residential use that includes a toilet, bathtub, shower, or any combination thereof, obtains a minor conditional use permit. This applies to an accessory use contained in a detached structure, or contained within the main structure with no interior connection between the main and incidental use.

Through the minor conditional use permit, several conditions of approval (below) are in place to ensure the accessory use will not be converted into a dwelling unit.

CONDITIONS OF APPROVAL

- Plng.
1. The accessory structure shall not be used as a separate dwelling unit.
 2. The accessory structure shall not contain a kitchen, kitchenette, and/or wet bar without prior City approval.
 3. The accessory structure shall be served from the same utility meters (electric, gas, and water) as the main dwelling unit on the property.
 4. A land use restriction executed by and between the property owner and the City of Costa Mesa shall be recorded prior to the issuance of building permits. This land use restriction shall inform future property owners that the accessory structure shall not be used and/or sold as a separate dwelling unit and shall not contain a kitchen, kitchenette, and/or wet bar. The applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.
 5. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the Building Division's final inspections. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.

Typically, accessory bathrooms are approved in conjunction with a pool or for convenience purposes in a detached recreation room/office.

Attached is a list of recent approvals (since 2008) for accessory bathrooms within the City.

ITEM 2. BLOCK WALL REQUIREMENT IN RESIDENTIAL ZONES

Per Commissioner Mensinger's request, this work activity involves consideration of a Zoning Code amendment to the regulations for perimeter block walls for residential properties. Code currently does not specify the type of material for perimeter walls. In other words, block walls or wood fences (or a combination thereof) are allowed. The concern was raised due to existing properties that may have inconsistent fencing with a combination of a wood fence on one side and a block wall on the other, OR poorly maintained wood fences.

In residential zones, including planned development, except R-1, all interior property lines of the master development lot are required to have 6-foot high solid opaque walls or fences that conform to the City's Walls, Fences, and Landscaping Standards.

ITEM 3. STREET BANNERS IN THE PUBLIC RIGHT-OF-WAY

Per Commissioner Mensinger's request, this work activity involves street banners in the public right-of-way. These street banners would be wide banners which stretch across the street width, from one side to the other. This work request would involve an amendment to a standing Council policy on street banners (attached).

Council Policy 500-6, Special Event Street Banners, was originally adopted in 1994. This policy currently restricts banners to light standards located on arterial streets with commercial or industrial frontage. Other locations may be acceptable if deemed appropriate by City Council.

In addition, this policy requires that all banners comply with the License Agreement between Southern California Edison and the City of Costa Mesa. This License Agreement limits the size of the banners to be standard-sized, single-hung or double-hung banners on SCE light poles. The Agreement does not address the wider street banners connected to two different poles over the street.

CONCLUSION

Pursuant to the Planning Commission's direction, staff will seek Council authorization to proceed with any or all of the specified work requests. Council authorization is required because the work activity requires more than 4 hours of staff time.

- Attachment:
1. Table of accessory bathrooms approved from 2008-current
 2. City's Walls, Fences, and Landscaping Standards
 3. Council Policy 500-6

- cc:
- Director of Public Services
 - Development Services Director
 - Deputy City Attorney
 - City Engineer
 - Transportation Manager
 - Fire Protection Analyst
 - Staff (4)
 - File (2)

File: 071210StaffHoursAuthorization	Date: 063010	Time: 2:15 p.m.
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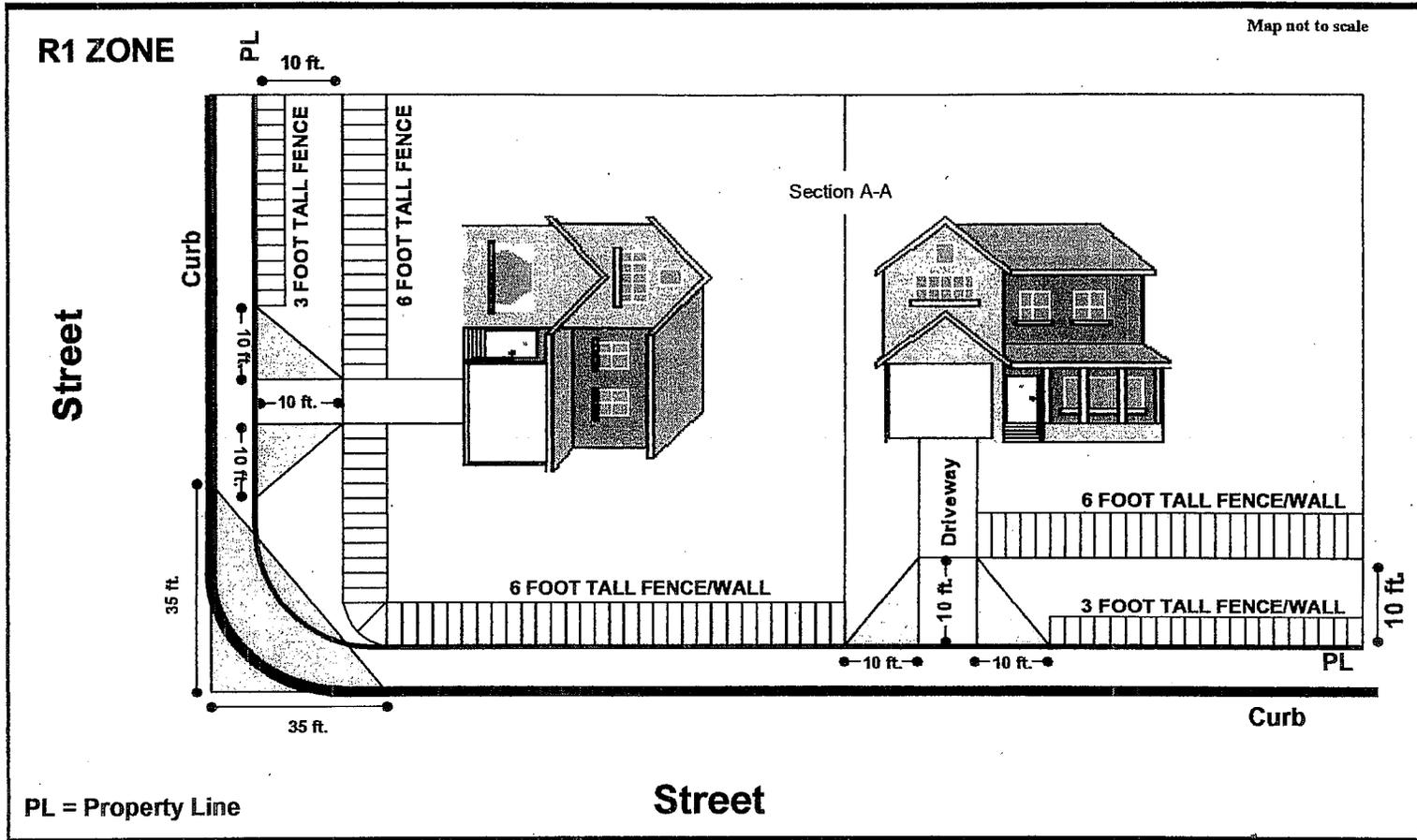
ATTACHMENT 1

Zoning Administrator Decisions on Accessory Bathroom Applications 2008-Current

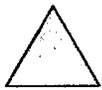
	Application	Address	Description	Decision
1.	ZA-07-72	2460 Orange Ave	Pool bathroom with no interior connection to the residence	Approved 01/24/2008
2.	ZA-08-05	499 E 18 th St	Toilet and shower in a detached accessory structure containing a garage, workout room, game room, and office	Approved 02/21/2008
3.	ZA-08-09	1978 Orange Ave	Pool bathroom with a toilet and shower in a detached garage	Approved 03/20/2008
4.	ZA-08-33	2605 Westminster Pl	Full bathroom in a detached recreation room in conjunction with a pool	Approved 10/09/2008
5.	ZA-08-44	2587 Westminster St	Toilet and sink in a detached accessory structure containing a garage, workout room, recreation room, and office	Approved 01/22/2009
6.	ZA-09-28	1588 Riverside Pl	Pool bathroom with no interior connection to residence	Approved 08/06/2009
7.	ZA-10-18	257 Knox Pl	Toilet and shower in detached playroom	Approved 05/06/2010



City of Costa Mesa
**WALLS, FENCES, AND LANDSCAPING
 STANDARDS AND SPECIFICATIONS**



Visibility
 Triangle



- Height of walls, fences, and landscaping shall conform with Figure 1 (on reverse side of this handout) to allow for visibility at intersections and driveways.
- Corner / street cutoffs may be increased or decreased by staff due to street design/configuration.
- Any walls or fences exceeding the maximum specified height limits require discretionary review.
- Check with the Building Division for any additional requirements.

R2-MD, R2-HD, & R-3 ZONES:

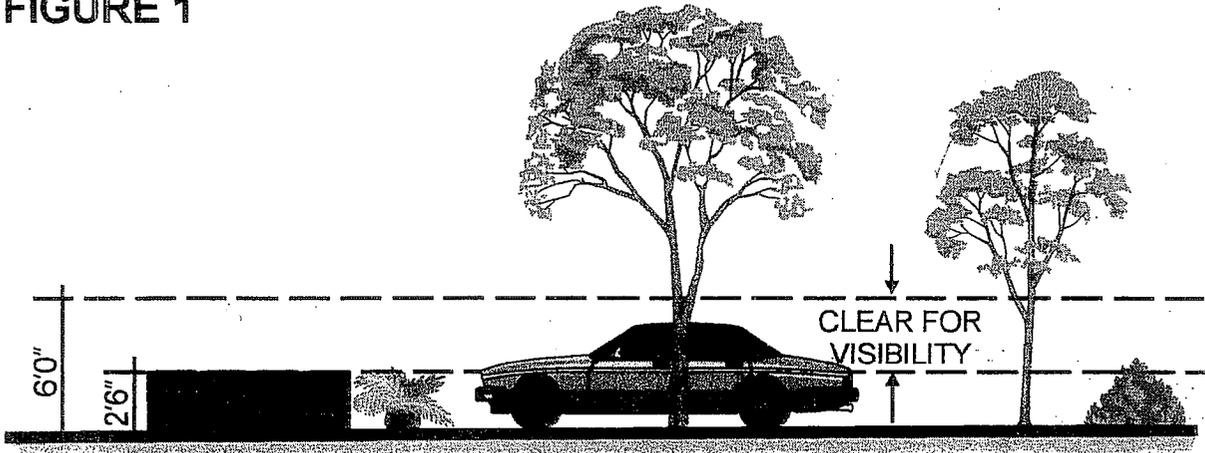
Walls, fences, and landscaping shall conform to the standards and specifications for the R1 zone.

Exception: On corner lots, wall and fences in excess of 36" in height shall be set back 5 feet from the street side property line.

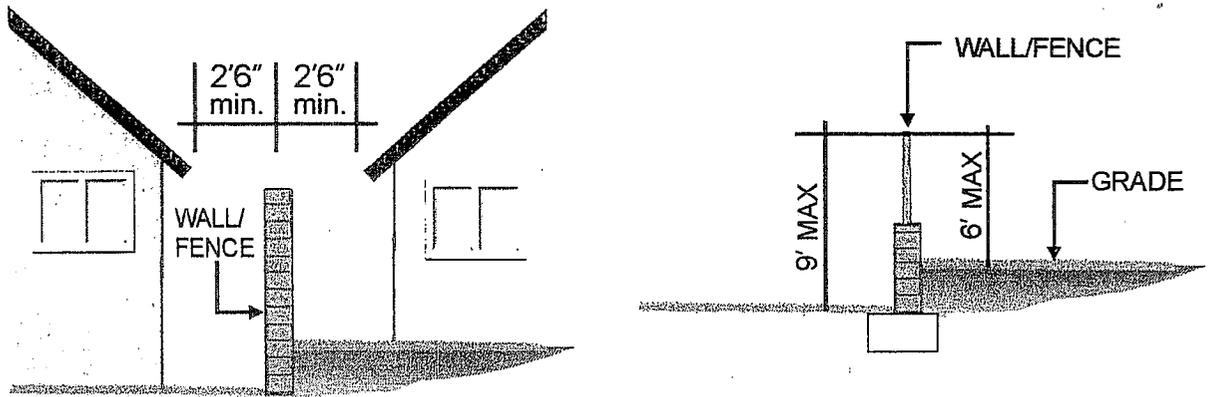
COMMERCIAL/INDUSTRIAL ZONES:

No fence or wall shall obscure the setback landscaping required adjacent to a public right-of-way.

FIGURE 1



SECTION A-A



ADOPTED BY RESOLUTION: NO. 01-29 on May 7, 2001

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
SPECIAL EVENT STREET BANNERS	500-6	8/1/94 REV. 3/1/06	1 of 3

BACKGROUND

In communities where street banners have not been properly controlled, they have contributed to visual clutter, improper installation, and confusion. In many instances, such banners fail to achieve their original objective of communicating legible, comprehensible, and pertinent public information in an aesthetically pleasing way. The City Council has previously received requests for these types of banners without the benefit of formally approved guidelines and standards.

PURPOSE

The purpose of this policy is to:

1. Provide the City Council and staff with guidelines which can be used to evaluate various requests to install street banners.
2. Establish policies, procedures and standards for the installation, monitoring, and removal of street banners.
3. Provide clear direction to those Costa Mesa based non-profit organizations and businesses wishing to use street banners to promote a special event or holiday.

POLICY

The following criteria shall apply to all organizations requesting City Council approval to install street banners. The requesting organization or business shall be based in or serve Costa Mesa. In the case of a charitable organization, they must possess proof of "non-profit status" from the State of California and local government agencies.

1. Installation Requests

Each request to install street banners shall be submitted at least thirty (30) days in advance of the proposed installation date and shall include at minimum:

- A. Date, time, location and nature of special event or dates of holiday to be promoted.
- B. Benefit of the banner to the general public.
- C. Map detailing specific number and locations of banners to be installed.
- D. Specific installation and removal dates.
- E. Delineation of banner content, size, material and colors. Holiday banners may contain messages relating to nationally recognized or official holidays. Although sponsorship may be listed on both special event and holiday banners, in no case shall the identification of the sponsor exceed six inches in height or occupy more than a tenth of the face of the banner.

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Displaying any advertising other than the sponsor's name is not permitted. Advertising specific products is not permitted.

F. Specific number of banners to be installed.

G. Application Fee - Refer to the City of Costa Mesa's current User Fees and Charges manual, adopted by the City Council.

2. **Banner Composition**

All banners shall comply with the License Agreement between Southern California Edison and the City of Costa Mesa.

3. **Number of Banners**

The number of banners shall not exceed sixty.

4. **Installation Period**

Banners shall be installed for no more than sixty days. Specific dates and times for installation and removal are subject to change, by the City in order to minimize impacts to the public i.e. motorists, businesses, and/or public construction projects.

5. **Banner Locations**

In order to minimize impacts to residential properties, banners shall be restricted to light standards located on arterial streets with commercial or industrial frontage. Other locations may be acceptable if deemed appropriate by the City Council.

6. **Indemnification**

The organization shall provide acceptable proof of insurance and indemnification to the City as deemed appropriate by the City Manager or his designee.

7. **Installation and Removal**

Upon approval by the City, the requesting organization shall provide the City with a finalized copy of the contract for installation and approval.

8. **Approval Process**

The City Manager or his designee shall have final approval of all banner requests meeting the above guidelines.

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

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SPECIAL EVENT STREET BANNERS	500-6	8/1/94 REV. 3/1/06	3 of 3

Banner requests which do not meet the above guidelines shall require Council review at which time the Council shall determine whether to approve the request.

Any approval granted shall be subject to the provisions in the License Agreement between the City and Southern California Edison. The applicant must agree to comply with and be bound by this agreement and perform the City's obligations under the Agreement with respect to the applicant's banners.