



# **PLANNING COMMISSION AGENDA REPORT**

VIII. 3

MEETING DATE: APRIL 11, 2011

ITEM NUMBER:

SUBJECT: MANDATORY SELF-CERTIFICATION PROGRAM REGARDING THE LEGAL USE OF APARTMENT GARAGES

DATE: MARCH 30, 2011

FOR FURTHER INFORMATION CONTACT: CLAIRE FLYNN, PLANNING ADMINISTRATOR  
(714) 754-5278 (CFLYNN@CI.COSTA-MESA.CA.US)

## DESCRIPTION

Pursuant to Planning Commission direction, this report describes various strategies to address the illegal use of garages as habitable space in apartment complexes.

## RECOMMENDATION

Direct staff to seek Council authorization to initiate the program.

  
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CLAIRE FLYNN, AICP  
Planning Administrator

  
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KHANH NGUYEN  
Asst. Development Services Director

**ANALYSIS:**

***Strategy for Preventing Apartment Garages Being Used as Living (Habitable) Space:***

1. Propose to City Council to implement a Mandatory Self-Certification Program regarding the legal use of garages for complexes that contain 3 to 16 units. Staff estimates there are approximately 715 apartment complexes in the city which would be subject to this program.
  - a. Requirement that the property owner submit on an annual basis a form certifying that all apartment garages are being used and maintained in compliance with all City Zoning and Building Codes. Certification form will coincide with the annual Business License Issuance/Renewal.
  - b. An Administration Fee shall be calculated/collected on a per unit basis.
  - c. Exemptions would be granted for complexes with carports; proof would be required.
  - d. Program to be administered by either part-time or contract Code Enforcement staff services (approximately 20 hours/week) with cost offset by Administrative fee.
  - e. Garage inspections would be performed based on complaints and/or field observations. It may be necessary to obtain a court-issued warrant to gain access into a garage.
  - f. Any Building Code violations will be referred to the Building Safety Division
  
2. Amend the Zoning Code as follows:
  - a. Prohibit garages in new apartment construction—only carports. Exempt apartment complexes of a certain size.
  - b. For existing apartment projects, prohibit the conversion of carports into garages.
  - c. For existing and new apartments, prohibit the installation of an access door from the interior of an apartment that directly leads to a garage.
  
3. Public Education
  - a. Publish a flyer detailing the danger of garages being used for a living area. Publish in both English and Spanish. Publish flyer on City web page and mail to every apartment owner in conjunction with business licenses. Coordinate with Apartment Association, Chamber of Commerce, and South Coast Metro Alliance.
  - b. This can be initiated immediately

Attached is a draft informational flyer to increase public awareness about the dangers of living in garages.

**CONCLUSION:**

Subject to the City Council's authorization of this work activity, staff will return to the Planning Commission with the finer details of the proposed program and requisite Code amendment.

Attachment 1 – Flyer

cc: Assistant City Attorney  
Public Services Director  
City Engineer  
Transportation Svs. Manager  
Fire Protection Analyst  
Staff (4)  
File

South Coast Metro Alliance  
Costa Mesa Chamber of Commerce  
Apartment Association of Orange County

File: 041111MandatorySelfCertAptGarages	Date: 032911	Time: 11:45 a.m.
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# Illegal Garage Conversions

Did you know it is illegal to convert or use your garage as a living area?

The City of Costa Mesa is committed to the safety and well being of all residents and their neighborhoods. Recent experience shows that living in a garage results in loss of life, and Costa Mesa takes this code violation seriously.

An illegal garage conversion occurs when a property owner or tenant uses, alters, or modifies a garage for living purposes without obtaining the proper approvals or permits from the City.

When a garage is illegally used as living area, serious health and safety issues are created. Improperly installed electrical wiring may cause fires, improper venting of water heaters may cause asphyxiation resulting in death, and improperly installed plumbing may lead to other health hazards. Other health and safety issues include inadequate numbers and locations of emergency exits or windows, lack of fire resistant construction materials, and insufficient fire prevention systems and/or smoke alarms.

In addition to safety concerns, illegal garage conversions also affect the quality of life in your neighborhood. Converted garages increase the demand for City services such as refuse collection and sewer capacity, the number of cars parked on City streets, and the number of people living in our neighborhoods, leading to a decrease in the quality of life for all residents.

A garage is intended solely for the parking of vehicles and storage of personal items. Please be aware that legal action may be taken against any property owner and/or tenant who structurally alters, lives in, and/or rents out a garage for living space.

With your cooperation, we will continue to keep the City of Costa Mesa a healthy, safe, and clean place to live.



*This can lead to . . .*

*A tragedy!*



**Questions regarding garage conversions,  
please contact Code Enforcement**

*Phone: (714) 754-5607*

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Costa Mesa, CA 92626

[WWW.CI.COSTA-MESA.CA.US](http://WWW.CI.COSTA-MESA.CA.US)