



# **PLANNING COMMISSION**

## **AGENDA REPORT**

VII. 1

MEETING DATE: JULY 11, 2011

ITEM NUMBER

**SUBJECT: ZONING CODE AMENDMENT CO-10-06 TO AMEND TITLE 13, ARTICLE 2 DEFINITIONS, AND CHAPTERS III, IV, V, VI, AND XII OF THE COSTA MESA MUNICIPAL CODE RELATING TO RESIDENTIAL SECOND UNITS (A.K.A GRANNY UNITS, AND ACCESSORY APARTMENTS)**

**DATE: JUNE 30, 2011**

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### **DESCRIPTION**

**Code Amendment CO-10-06** is an amendment to Title 13 of the Costa Mesa Municipal Code to revise the regulations regarding second units.

A second unit is defined as a second dwelling unit that is established in conjunction with and subordinate to a primary dwelling unit. The second unit may be attached to the primary dwelling unit or located in a detached accessory building on the same lot. It may also be referred to as an accessory apartment, granny unit, granny flat, or in-law apartment.

### **RECOMMENDATION**

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

## **BACKGROUND**

Granny units and accessory apartments are subject to specific development standards, including a requirement to provide two open parking spaces to serve the unit. These second dwelling units are allowed in R1 (single-family residential district) zones, subject to compliance with development standards.

Since 1998, there have been 18 granny units approved in an R1 zone and 16 have been constructed to date.

These second units are required to comply with the residential development standards of the R1 zone, including other requirements applicable to second units:

- Additional parking (two open parking spaces)
- A Land Use Restriction which limits sets forth occupancy restrictions
- Unit size limitations and setback standards

On August 3, 2010, the City Council directed staff to move forward with this amendment as recommended by the Planning Commission.

On May 23, 2011, Planning Commission conducted a special study session regarding illegal construction of second units. Planning staff reviewed the existing land use context and Code regulations for these structures. The City Attorney's office provided legal review of current State law which promotes the production of second units by streamlining the development review process.

## **ANALYSIS**

### ***Code Amendment CO-10-06***

The purpose of the code amendment is to:

- Update the Code requirements to be consistent with State law and the City's Housing Element
- Address the Planning Commission's and City Council's concerns regarding the construction of granny units.

The following discussion highlights proposed changes to the Zoning Code. The redlined/strikeout exhibits are provided as Attachment 1 and the Draft Ordinance as Attachment 2.

### ***Amendments Consistent with State Law***

- Replace individual references to granny units and accessory apartments with a new definition:

Current Code does not have a definition for a second unit. The Code Amendment creates a new definition to include granny units and accessory apartments.

**“Second unit.** A second dwelling unit established in conjunction with and subordinate to a primary dwelling unit. The second unit may be attached to the primary dwelling unit or located in a detached accessory building on the same lot. It may also be referred to as an accessory apartment, granny unit, granny flat, or in-law apartment.”

(Attachment 1C and 1D: Title 13, Article 2, Definitions)

- Create consistent reference to second units as a land use category.

Current Code has individual references to granny units and accessory apartments in the Land Use Matrix. The Code Amendment creates a single category for second units, but there are no changes to the existing regulation that second units are only permitted in the R1 zone.

(Attachment 1G, 1H, and 1I: Chapter IV City Land Use Matrix, Table 13-30 City of Costa Mesa Land Use Matrix)

- Promote the creation of second units and consider them in conformance with General Plan density standards.

Current Code implies – but does not clearly specify -- that second units in R1 zones are consistent with the General Plan with regard to density limits. The Code Amendment makes it clear that second units may be considered consistent with the General Plan subject to compliance with requirements.

#### **“Sec. 13-35. SECOND UNITS**

Pursuant to Government Code § 65852.2, local governments have the authority to adopt regulations designed to promote second units. A second unit which conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the General Plan designation and zoning classification for the lot. “

(Attachment 1A: Chapter V, Section 13-35)

- Allow ministerial review of second unit applications.

Current Code requires a discretionary review process called a “development review” for a granny unit application. The Code Amendment eliminates this processing requirement and allows second unit applications to be considered ministerially by Planning staff. (Attachment 1F: Chapter III Planning Applications, Section 13-28(e))

However, any deviations from the residential development standards or design guidelines are still subject to the typical processing procedures. No changes in this regard are proposed.

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“An application for a one-story second unit shall be considered ministerially by the Development Services Director or his/her designee. Where deviations from the

residential development standards are requested, the second unit application is subject to the application processing procedures as set forth in TITLE 13, CHAPTER III PLANNING APPLICATIONS. An appeal shall be in accordance with TITLE 2, CHAPTER IX APPEAL, REHEARING AND REVIEW PROCEDURE.”

### ***Amendments Consistent with Planning Commission's Objective***

The Planning Commission has expressed interest to amend the Zoning Code to better define and regulate second units to preserve the character of single-family neighborhoods. The proposed Zoning Code Amendment would achieve this objective as follows (see Attachment 1A for redlined text):

- *Remove Land Use Restrictions.*

Current Code requires a Land Use Restriction for granny units to be restricted to persons 62 years of age or older. The Code Amendment eliminates the requirement for Land Use Restriction. However, the amendment imposes a requirement for the primary unit to be owner occupied to be consistent with State Law at the time of application.

“An applicant for a building permit to construct a second unit must be the owner-occupant of the existing primary dwelling unit.”

- *Limit opportunities to convert illegal structures into second units.*

Current Code allows granny units to be built (subject to requirements) on a R1 lot regardless of lot size. Accessory apartments may be built on lots with a minimum size of 10,860 square feet.

The Code Amendment is intended to limit opportunities to convert illegal structures into granny units by establishing a density standard for a second unit in an R1 zone; thereby limiting the number of R1 lots that are permitted to have a second unit.

The amendment makes an important change by instituting a minimum lot size of 7,260 square feet for second units. This density criteria is consistent with the General Plan density for the Medium Density Residential designation which allows multiple units to be constructed on a single lot.

Because this lot size (7,260 square feet or greater) represents about 40% of the R1 lots in the City, this would significantly limit the number of second units that are constructed in the R1 zone. However, over 4,000 residential properties may still be eligible for a second unit, subject to compliance with development standards. Therefore, staff believes that there is sufficient land inventory for future development of second units in compliance with the Housing Element.

"A second unit shall be limited to a lot in the R1 zone with a minimum size of 7,260 square feet."

- Ensure adequate parking for second units.

Current Code requires two open parking spaces for second units. State Law establishes a minimum standard of one parking space for a second unit. Since the City's current parking requirements exceed the State's standards, there are no changes proposed.

Government Code Section 65852.2(e) limits parking requirements to one parking space per unit or bedroom; however, this subsection allows a locality to make specific findings for additional parking requirements. In this case, Title 13, Chapter VI, Off-Street Parking Requirements, of the Costa Mesa Municipal Code requires a minimum of two parking spaces for a studio apartment. Staff believes it is appropriate to apply this minimum standard of two parking spaces for a second unit, and this would be in addition to the parking required for the primary dwelling unit. Therefore, no changes are proposed to the parking requirement.

"Two open parking spaces shall be provided for the second unit. The parking required for the primary dwelling unit pursuant to CHAPTER VI OFF-STREET PARKING STANDARDS shall not be attributed to the second unit. The parking need not be covered."

### **Other Cities**

Staff reviewed the second unit ordinances in the Cities of Irvine and Huntington Beach. These ordinances appear to mirror State Law requirements with no material differences, such as increased parking requirements.

### **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:**

Pursuant to the Planning Commission's direction, the proposed Code Amendment is intended to better define and regulate second units to preserve the character of single-family neighborhoods and comply with State Law requirements.



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Distribution: Assistant City Attorney  
Dev. Svs. Director  
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Transportation Manager  
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File (2)

Attachment: 1. Redlined/Strikeout Exhibits  
2. Draft Ordinance

## Costa Mesa Zoning Code

**Sec. 13-35. SECOND UNITS**

Pursuant to Government Code § 65852.2, local governments have the authority to adopt regulations designed to promote second units. A second unit which conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the General Plan designation and zoning classification for the lot.

The following criteria constitute the standards that the City shall use to evaluate a proposed second unit.

- (a) An applicant for a building permit to construct a second unit must be the owner-occupant of the existing primary dwelling unit.
- (b) A second unit shall be limited to a lot in the R1 zone with a minimum lot size of 7,260 square feet.
- (c) A second unit shall not be intended for sale but may be rented.
- (d) The primary dwelling unit shall be a single-family residence.
- (e) If detached from the primary dwelling unit, the second unit size shall not exceed 1,200 square feet.
- (f) If attached to the primary dwelling unit, the second unit size shall not exceed 30 percent of the existing living area of the primary dwelling unit.
- (g) Two open parking spaces shall be provided for the second unit. The parking required for the primary dwelling unit pursuant to CHAPTER VI OFF-STREET PARKING STANDARDS shall not be attributed to the second unit. The parking need not be covered.
- (h) A second unit shall comply with the residential development standards shown in TITLE 13, CHAPTER V, TABLE 13-32 and shall be subject to all applicable residential design guidelines.
- (i) An application for a one-story second unit shall be considered ministerially by the Development Services Director or his/her designee. Where deviations from the residential development standards are requested, the second unit application is subject to the application processing procedures as set forth in TITLE 13, CHAPTER III PLANNING APPLICATIONS. An appeal shall be in accordance with TITLE 2, CHAPTER IX APPEAL, REHEARING AND REVIEW PROCEDURE.
- (i) An application for a second unit involving second story construction may be subject to minor design review pursuant to TITLE 13, CHAPTER III PLANNING APPLICATIONS.

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**Sec. 13-35. ACCESSORY APARTMENTS**

Requests for the construction of, or conversion to, accessory apartments shall meet the criteria specified in State Government Code Section 65852.2 and the following criteria:

- (a) ~~One dwelling unit on the property shall be owner occupied. A "Notice and Declaration of Land Use Restriction" to this effect shall be signed and recorded prior to issuance of building permits for the accessory apartment.~~
- (b) ~~Accessory apartments shall be limited to those lots large enough to support 2 units without exceeding the General Plan density of units per acre for the lots on which they are to be located.~~
- (c) ~~Two open parking spaces shall be provided for the accessory apartment.~~
- (d) ~~Accessory apartments shall comply with this Zoning Code's required setbacks for main buildings shown in Table 13-32 and shall be located a minimum of 10 feet from any main building and a minimum of 6 feet from any accessory building.~~
- (e) ~~Second-story construction to accommodate an accessory apartment may be subject to minor design review pursuant to Chapter III PLANNING APPLICATIONS and shall be subject to all applicable residential design guidelines.~~

**Sec. 13-36. GRANNY UNITS Reserved for future use.**

Requests for the construction of, or conversion to, granny units shall be submitted to the Planning Division for development review approval. Granny units shall meet the criteria specified in State Government Code Section 65852.1 and the following criteria:

- (a) ~~A "Notice and Declaration of Land Use Restriction" outlining the occupancy limits for the granny unit per State Government Code Section 65852.1 shall be signed and recorded prior to issuance of building permits for the granny unit.~~
- (b) ~~Two open parking spaces shall be provided for the granny unit.~~
- (c) ~~Granny units shall comply with this Zoning Code's required setbacks for main buildings shown in Table 13-32 and shall be located a minimum of 10 feet from any main building and a minimum of 6 feet from any accessory building.~~

## Costa Mesa Zoning Code

## ARTICLE 2. DEFINITIONS

## Sec. 13-5. PURPOSE

The intent of this article to define certain words and phrases which are used in this Zoning Code. Additional definitions may also be given in conjunction with the special regulations contained in CHAPTER IX SPECIAL LAND USE REGULATIONS and CHAPTER XII SPECIAL FEE ASSESSMENTS.

## Sec. 13-6. DEFINITIONS

**Abutting.** Sharing a common boundary, of at least one point.

**Accessory apartment.** ~~A second dwelling unit within a main or accessory building located on the same lot with the main building.~~

**Accessory building.** A building or part of a building which is subordinate to, and the use of which is incidental to that of the main building or use on the same lot.

**Accessory use.** A use incidental and subordinate to, and devoted exclusively to the main use of the land or building thereon.

**Adjacent.** Same as **Abutting**, but also includes properties which are separated by a public right-of-way, not exceeding 120 feet in width.

**Administrative adjustment.** A discretionary entitlement, usually granted by the Zoning Administrator, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

**Adult business.** See CHAPTER IX SPECIAL LAND USE REGULATIONS, ARTICLE 1 ADULT BUSINESSES for specific definitions and terms.

**Alteration (structure).** Any construction, addition or physical change in the internal arrangement of rooms or the supporting members of a structure, or change in the appearance of any structure, except paint.

**Ambient noise level.** The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

**Antenna.** Any structure, including but not limited to a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction, intended for the purpose of receiving or transmitting communication to or from another antenna, device or orbiting satellite, as well as supporting equipment necessary to install or mount the antenna.

**Antenna, amateur radio.** An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

**Antenna, communication.** All types of receiving and transmitting antennas, except satellite dish antennas and amateur radio antennas. Communication antenna includes, but is not limited to, cable television antennas, cellular radiotelephone cell antennas, FM digital communication antennas, microwave telephone communication antennas, and shortwave communication and other similar antennas.

**Antenna height.** The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

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**Residential, single-family.** Detached single-family home where there is no more than one primary dwelling unit on a lot.

**Residential, multi-family.** Apartments, common interest developments, townhouses and similar multiple-family residential developments, including detached single-family homes where there is more than one primary dwelling unit on a lot.

**Room, Bedroom.** 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.

**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, and lacks direct access to a bathroom. The home office may also be referred to as a studio, den, study, or library.

**Second unit.** A second dwelling unit established in conjunction with and subordinate to a primary dwelling unit. The second unit may be attached to the primary dwelling unit or located in a detached accessory building on the same lot. It may also be referred to as an accessory apartment, granny unit, granny flat, or in-law apartment.

**Senior congregate care facility.** A structure(s) providing residence for 13 or more senior citizens with kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

**Setback.** The required distance that a building, structure, parking or other designated item must be located from a property line or lot line.

**Single housekeeping unit.** The functional equivalent of a traditional family, whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses."

**Single room occupancy residential hotel.** A residential hotel, allowed in certain commercial zones, that contains units designed for long-term occupancy by a single person, although double occupancy may be permitted.

**Slope.** The degree of deviation of a surface from the horizontal plane, usually expressed in percent or degrees.

**Specific plan.** A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of State Government Code Section 65450 et seq..

**State.** State of California.

**Story.** For purposes related to zoning regulations, a story is that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall constitute a story. An attic shall not be considered a story. A basement or cellar shall not be considered a story, if the finished floor level directly above the basement or cellar is less than 4 feet above finish grade at all locations. Any uncovered deck or activity area above the first story shall be considered a story.

**Street.** A public or private thoroughfare that provides primary access to adjacent land and local traffic movements. Streets do not include driveways which only provide access to parking areas.

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CHAPTER III. PLANNING APPLICATIONS

Sec. 13-27. PURPOSE

The purpose of this chapter is to establish the parameters for the numerous types of discretionary planning applications and to identify processing procedures.

Sec. 13-28. TYPES

- (a) **Administrative adjustment.** Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(a).

TABLE 13-28(a) ADMINISTRATIVE ADJUSTMENTS	
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.	More than 20% but no more than 40%
Decrease in required rear yard depth.	More than 20% but no more than 40%
Decrease in required side yard width.	More than 20% but no more than 40%
Increase in maximum fence/wall height.	More than 33 1/3% but no more than 50%
Increase in depth of permitted projections into required yards.	More than 20% but no more than 40%
Deviation in sign area, height, setbacks, separation and other sign specifications	More than 10% but no more than 20%
Decrease in required distance between main structures	More than 20% but no more than 40%
Decrease in required distance between accessory and main structures	More than 20% but no more than 40%

- (b) **Conditional use permit.** Any use specified in this Zoning Code as requiring a conditional use permit.
- (b)(1) **Common interest development conversion.** For residential projects, a proposal to convert an occupied or previously occupied apartment complex to a residential common interest development project. To request a conversion for a newly constructed project, the apartment complex shall have received final building approval for occupancy. For non-residential projects, a proposal to convert an occupied or previously occupied non-residential complex to a non-residential common interest development. Non-residential includes industrial, commercial, office, and/or mixed-use project.
- (c) **Density bonus or incentive.** Any request for incentives to produce lower income and senior housing per State Government Code Section 65915.
- (d) **Design review.** Any construction that results in 3 or more dwelling units on a development lot in any residential zone, except planned development, shall be subject to design review.
- (e) **Development review.** The following shall be subject to development review:
  - (1) Single-story residential construction: In the R2-MD, R2-HD, and R3 zones, any single-story construction of 2 or fewer new single-story dwelling units. *Exception:* New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the Planning Division.
  - (2) Two-story residential construction: In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are 2 or fewer dwelling units or any second-

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story addition on a lot with more than 2 dwelling units that complies with any residential design guidelines adopted by City Council.

- (3) Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones. However, building additions that do not 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)~~~~(4)~~ Lot line adjustment; and
- ~~(56)~~ 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 no more than four abutting lots.
- (g) **Master plan.** Prior to development in the Planned Development (PD), Town Center (TC), Shopping Center (C1-S), Mixed-Use Overlay (MU), 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 and MU zones, and are not required in C1-S, I&R-S, and I&R zones.
- (1) Minor changes: 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;
  - g. A reduction in required street pavement widths;
  - h. An increase of more than 6 inches in building height; or
  - i. A decrease in building setback greater than can be approved by a minor modification by the Development Services Director.
- (2) Major amendments. Substantial amendments to the master plan encompassing one or more of the minor changes listed in subparagraphs (1a) through (1i), or any proposed change determined by the Development Services Director as a major amendment, shall be subject to review and approval by the Zoning Administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the Zoning Administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the General Plan, as applicable.
- (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, MU, 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.

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TABLE 13-30  
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																					
	R 1	R 2 M D	R 2 H D	R 3	R A P	C L	C 1	C 2	C 1 S <sup>1</sup>	T C <sup>1</sup>	M G	M P	P D R L D <sup>1</sup>	P D R M D <sup>1</sup>	P D R H D <sup>1</sup>	P D R N C M <sup>1</sup>	P D C <sup>1</sup>	P D I <sup>1</sup>	I & R S <sup>1</sup>	I & R		
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	•	C <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	•
ACCESSORY USES																						
12. Accessory apartments (subject to the requirements of Section 13-35 ACCESSORY APARTMENTS) Reserved for future use.	P <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
13. Animals, keeping of	SEE TITLE 3, ANIMALS AND FOWL																					
14. Antennas: Amateur radio, Satellite dish, Communication	SEE CHAPTER IX, ARTICLE 2, ANTENNAS																					
15. Reserved for future use	M C	M C	M C	M C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
15.1 Incidental residential use that includes a toilet, bathtub, shower, or any combination thereof. 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.	M C	M C	M C	M C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
16. Day care facilities (15 children or more) (see also Nursery schools)	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C	C C

45.2  
Chapter IV Citywide Land Use Matrix  
Revised 3/88 Ordinance 98-5; 4/00 Ordinance 00-5; 2/01 Ordinance 01-1; 3/02 Ordinance 02-4; 6/02 Ordinance 02-12; 2/05 Ordinance 05-2; 7/05 Ordinance 05-11; 9/06 Ordinance 06-18  
Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.  
This use is subject to the requirements of the referenced Municipal Code article or section.  
If residential uses exist, accessory uses shall be permitted.  
For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

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TABLE 13-30  
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																					
	R 1	R 2 M D	R 2 H D	R 3	A P	C L	C 1	C 2	C 1 S <sup>1</sup>	T C <sup>1</sup>	M G	M P	P D R L D <sup>1</sup>	P D R M D <sup>1</sup>	P D R H D <sup>1</sup>	P D R N C M <sup>1</sup>	P D C <sup>1</sup>	P D I <sup>1</sup>	I & R <sup>1</sup>	I & R S <sup>1</sup>	P	
17. Family day care - large (7-14 children) (subject to the requirements of Section 13-37 LARGE FAMILY DAY CARE HOMES)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup> <sub>3</sub>	P	•	•	•
18. Family day care - small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P <sup>3</sup>	P <sup>3</sup>	P	•	•	•
19. Garage/yard sales - no more than 2 events permitted a year, not to exceed 3 consecutive days	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P <sup>3</sup>	P <sup>3</sup>	•	•	•	•
20. Reserved for future use. Granny units- (subject to the requirements of Section 13-36-GRANNY-UNITS)	P <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
21. Home occupations (subject to the requirements of CHAPTER IX, ARTICLE 6, HOME OCCUPATIONS)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup> <sub>3</sub>	P <sup>2,3</sup>	M C <sup>2</sup> <sub>3</sub>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup>	•	•	•			
22. Home occupations that generate traffic and do not involve more than one customer/client at a time or more than 8 customers/clients per day (subject to the requirements of CHAPTER IX, ARTICLE 6, HOME OCCUPATIONS)	M C <sup>2</sup>	M C <sup>2</sup>	M C <sup>2</sup>	M C <sup>2</sup>	MC <sup>2,3</sup>	M C <sup>2</sup> <sub>3</sub>	MC <sup>2,3</sup>	M C <sup>2</sup> <sub>3</sub>	M C <sup>2</sup> <sub>3</sub>	MC <sup>2</sup>	M C <sup>2</sup>	M C <sup>2</sup>	M C <sup>2</sup>	M C <sup>2,3</sup>	MC <sup>2,3</sup>	M C <sup>2</sup> <sub>3</sub>	•	•	•			
22.1. Nonresidential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

Revised 1/02 Ordinance 01-30; 3/02 Ordinance 02-4; 2/05 Ordinance 05-11; 2/06 Ordinance 05-11; 2/06 Ordinance 05-2; 02/07 Ordinance 07-2

1. Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix; if the proposed use is determined to be compatible with the adopted master plan.
2. This use is subject to the requirements of the referenced Municipal Code article or section.
3. If residential uses exist, accessory uses shall be permitted.
4. For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

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Costa Mesa Zoning Code

TABLE 13-30  
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																						
	R 1	R 2 M D	R 2 H D	R 3	R A P	C L	C 1	C 2	C 1 S <sup>1</sup>	T C <sup>1</sup>	M G	M P	P D R L D <sup>1</sup>	P D R M D <sup>1</sup>	P D R H D <sup>1</sup>	P D R N C M <sup>1</sup>	P D C <sup>1</sup>	P D I <sup>1</sup>	I & R S <sup>1</sup>	I & R S <sup>1</sup>	P		
22.2 Second Unit (subject to the requirements of CHAPTER V, SECTION 13-35 SECOND UNITS)	P <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
22.32 Temporary real estate and construction offices (subject to the requirements of CHAPTER IX, ARTICLE 10, TEMPORARY TRAILERS)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>									
<b>INSTITUTIONAL AND RECREATIONAL USES</b>																							
23. Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
24. Churches and other places of religious assembly (Subject to the requirements of ARTICLE 4.5 DEVELOPMENT STANDARDS FOR CHURCHES AND OTHER PLACES OF RELIGIOUS ASSEMBLY)	C <sup>2</sup>	C <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>									
25. Civic and community clubs	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
26. Convalescent hospitals; Nursing homes	•	C	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•	•
27. Country clubs; golf courses	C	C	C	C	C	•	•	•	•	•	•	•	C	C	C	C	C	C	C	C	C	C	C
28. Crematories - See also Mortuaries services	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•	•
29. Fairgrounds; Outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31. Libraries, privately-operated	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
31a. Medical marijuana dispensary	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
32. Mortuary services without crematories	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•	•

Chapter IV Citywide Land Use Matrix

45.2

Revised 3/98 Ordinance 98-5; 4/00 Ordinance 00-5; 2/01 Ordinance 01-1; 3/02 Ordinance 02-4; 6/02 Ordinance 02-12; 2/05 Ordinance 05-2; 7/05 Ordinance 05-11; 9/06 Ordinance 06-18

Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.

This use is subject to the requirements of the referenced Municipal Code article or section.

1. If residential uses exist, accessory uses shall be permitted.

2. For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

## Costa Mesa Zoning Code

- (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 unless the total number of bedrooms 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) **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, the parking requirements in Table 13-85(a) shall be applied.
  - (2) For individual lots in common-interest developments that contain only one single-family detached residence (excluding townhouses), the parking requirements in Table 13-85(a) shall be applied.
- (c) **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 covered parking space and equal access to the required open spaces reserved for residents.
- (d) **Parking for ~~accessory apartments and granny~~ second units.** ~~Accessory apartments and granny units as provided for elsewhere in this Zoning Code~~ Residential second units 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.

**Sec. 13-86. PARKING REQUIRED IN MIXED-USE OVERLAY ZONE**

In the mixed-use overlay zone, residential parking rates are provided in the applicable urban plan.

Costa Mesa Zoning Code

Table 13-275 DEVELOPMENT IMPACT CRITERIA				
PROJECT DEVELOPMENT SIZE	INTERSECTION CONDITION	ICU INCREASE <sup>1</sup>	MITIGATION MEASURE(S)	INTENT OF MITIGATION MEASURE(S)
Projects generating less than 100 peak hour trip ends	Adequate (Standard Level of Service or better)	Less than 1%	Payment of impact fee	Contribute to implementation of the Comprehensive Transportation System Improvement Program
	<b>OR</b> Deficient (exceeds Standard Level of Service)	1% or greater		
Projects generating 100 or more peak hour trip ends	Adequate (Standard Level of Service or better)	Less than 1%	Payment of impact fee	Contribute to implementation of the Comprehensive Transportation System Improvement Program
	<b>OR</b> Deficient (exceeds Standard Level of Service)	1% or greater	Payment of impact fee and improvement construction by developer under conditions listed in footnote #2	Contribute to implementation of the Comprehensive Transportation System Improvement Program and mitigate development project's impacts
1. ICU = Intersection Capacity Utilization 2. When the project contributes 50% or more of the incremental impact at the intersection and all of the improvements identified in the General Plan at the subject location are required as mitigation. If all of the improvements identified in the General Plan are not required as mitigation, then only the improvements determined necessary by the Public Services Director shall be constructed by the developer.				

**Sec. 13-276. EXEMPTIONS**

(a) **Exempt development projects.** Projects which fall within any of the categories listed below shall be exempt from the provisions of this article:

- (1) Any residential construction that does not increase the number of permanent housing units on the lot where the construction takes place, such as remodeling or rebuilding an existing house or units. ~~Granny units and accessory apartments~~ Second units are also exempt.
- (2) Any industrial or commercial construction that neither increases the footprint nor square footage or changes the use on the lot where the construction takes place, such as remodeling or rebuilding an existing structure, and does not increase peak hour trip generation.
- (3) Public benefit facilities limited to public libraries, public administration facilities, public parks, public utilities, schools and related facilities.
- (4) Facilities serving the health and safety of the public, limited to hospitals, police, fire and safety facilities.

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## ORDINANCE NO. 11-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-10-06, AMENDING TITLE 13, ARTICLE 2 DEFINITIONS, AND CHAPTERS III, IV, V, VI, AND XII OF THE COSTA MESA MUNICIPAL CODE RELATING TO RESIDENTIAL SECOND UNITS, GRANNY UNITS, AND ACCESSORY APARTMENTS.**

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

**WHEREAS**, the State Second Unit Law in California Government Code Section 65852.2 intends to promote the creation of second units in residential zones and to require ministerial consideration of second-unit applications to streamline the development review process for second units;

**WHEREAS**, California Government Code Section 65583.1 (a portion of State Housing Element Law) allows identification of the realistic capacity for second units in addressing a locality's share of the regional housing need;

**WHEREAS**, the City of Costa Mesa General Plan indicates that the City will continue to promote second units as an alternative affordable housing option for seniors and lower-income individuals as part of the Year 2008 to 2014 Housing Element;

**WHEREAS**, the Costa Mesa City Council finds that the amendments to Title 13 of the Costa Mesa Municipal Code regarding second units (also referred to as granny units, accessory apartments, in-law apartments) are consistent with the intent of the State Second Unit Law;

**WHEREAS**, the Costa Mesa City Council acknowledges that Government Code Section 65852.2(e) limits parking requirements to one parking space per unit or bedroom; however, this subsection allows a locality to make specific findings for additional parking requirements. In this case, Title 13, Chapter VI, Off-Street Parking Requirements, of the Costa Mesa Municipal Code requires a minimum of two parking spaces for a studio apartment. The Costa Mesa City Council finds it appropriate to apply this minimum standard of two parking spaces for a second unit, and this would be in addition to the parking required for the primary dwelling unit.

**SECTION 1: TITLE 13 (ZONING CODE) AMENDMENTS.** Title 13 of the Costa Mesa Municipal Code is hereby amended as follows:

- A. Article 2, Definitions is amended to remove definition of accessory apartment.
- B. Article 2, Definitions is amended to include a new definition for a second unit to read as follows:

**"Second unit.** A second dwelling unit established in conjunction with and subordinate to a primary dwelling unit. The second unit may be attached to the primary dwelling unit or located

in a detached accessory building on the same lot. It may also be referred to as an accessory apartment, granny unit, granny flat, or in-law apartment.”

C. Chapter III Planning Applications, Section 13-28(e) is amended to read as follows:

“(e) **Development review.** The following shall be subject to development review:

- (1) Single-story residential construction: In the R2-MD, R2-HD, and R3 zones, any single-story construction of 2 or fewer new single-story dwelling units. *Exception:* New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the Planning Division.
- (2) Two-story residential construction: In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are 2 or fewer dwelling units or any second-story addition on a lot with more than 2 dwelling units that complies with any residential design guidelines adopted by City Council.
- (3) Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones. However, building additions that do not 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) Lot line adjustment; and
- (5) Any other use specified in this Zoning Code as requiring development review.”

D. Chapter IV City Land Use Matrix, Table 13-30 City of Costa Mesa Land Use Matrix, Row 12, Row 20, Row 22.2, and Row 22.3 is hereby amended as shown in Exhibit “A.”

E. Chapter V Development Standards, Sections 13-35 and 13-36 are hereby amended to read as follows:

“**Sec. 13-35. SECOND UNITS**

Pursuant to Government Code § 65852.2, local governments have the authority to adopt regulations designed to promote second units. A second unit which conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the General Plan designation and zoning classification for the lot.

The following criteria constitute the standards that the City shall use to evaluate a proposed second unit.

- (a) An applicant for a building permit to construct a second unit must be the owner-occupant of the existing primary dwelling unit.

- (b) A second unit shall be limited to a lot in the R1 zone with a minimum lot size of 7,260 square feet.
- (c) A second unit shall not be intended for sale but may be rented.
- (d) The primary dwelling unit shall be a single-family residence.
- (e) If detached from the primary dwelling unit, the second unit size shall not exceed 1,200 square feet.
- (f) If attached to the primary dwelling unit, the second unit size shall not exceed 30 percent of the existing living area of the primary dwelling unit.
- (g) Two open parking spaces shall be provided for the second unit. The parking required for the primary dwelling unit pursuant to CHAPTER VI OFF-STREET PARKING STANDARDS shall not be attributed to the second unit. The parking need not be covered.
- (h) A second unit shall comply with the residential development standards shown in TITLE 13, CHAPTER V, TABLE 13-32 and shall be subject to all applicable residential design guidelines.
- (i) An application for a one-story second unit shall be considered ministerially by the Development Services Director or his/her designee. Where deviations from the residential development standards are requested, the second unit application is subject to the application processing procedures as set forth in TITLE 13, CHAPTER III PLANNING APPLICATIONS. An appeal shall be in accordance with TITLE 2, CHAPTER IX APPEAL, REHEARING AND REVIEW PROCEDURE.
- (i) An application for a second unit involving second story construction may be subject to minor design review pursuant to TITLE 13, CHAPTER III PLANNING APPLICATIONS.

**Sec. 13-36.** Reserved for future use."

G. Chapter VI Off-Street Parking Standards, Section 13-85(d) is hereby amended to read as follows:

**"(d) Parking for second units.** Residential second units 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."

H. Chapter XII Special Fee Assessments, Section 13-276(a)(1) is hereby amended to read as follows:

**"Sec. 13-276. EXEMPTIONS**

(a) **Exempt development projects.** Projects which fall within any of the categories listed below shall be exempt from the provisions of this article:

- (1) Any residential construction that does not increase the number of permanent housing units on the lot where the construction takes place, such as remodeling or rebuilding an existing house or units. Second units are also exempt."

**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: 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 5: 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 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 \_\_\_\_\_ 2011.

\_\_\_\_\_  
GARY MONAHAN  
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

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

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



# EXHIBIT A

Costa Mesa Zoning Code

TABLE 13-30  
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																				
	R 1	R 2 M D	R 2 H D	R 3	A P	C L 1	C 1 2	C 1 S <sup>1</sup>	T C <sup>1</sup>	M G P	M P	P D R L D <sup>1</sup>	P D R M D <sup>1</sup>	P D R H D <sup>1</sup>	P D R N C M <sup>1</sup>	P D C <sup>1</sup>	P D I <sup>1</sup>	I & R <sup>1</sup>	I & R S <sup>1</sup>	P	
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	C <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	•
ACCESSORY USES																					
12. Accessory apartments (subject to the requirements of Section 13-35-ACCESSORY APARTMENTS) Reserved for future use.	P <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
13. Animals, keeping of	SEE TITLE 3, ANIMALS AND FOWL																				
14. Antennas: Amateur radio, Satellite dish, Communication	SEE CHAPTER IX, ARTICLE 2, ANTENNAS																				
15. Reserved for future use	M	M	M	M	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
15.1 Incidental residential use that includes a toilet, bathtub, shower, or any combination thereof. 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.	C	C	C	C	•	•	•	•	•	•	•	MC	M	M	M	M	M	M	M	M	•
16. Day care facilities (15 children or more) (see also Nursery schools)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	•

45.2 Chapter IV Citywide Land Use Matrix

Revised 3/98 Ordinance 98-5; 4/00 Ordinance 00-5; 2/01 Ordinance 01-1; 3/02 Ordinance 02-4; 6/02 Ordinance 02-12; 2/05 Ordinance 05-2; 7/05 Ordinance 05-11; 9/06 Ordinance 06-18

- Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.
- This use is subject to the requirements of the referenced Municipal Code article or section.
- If residential uses exist, accessory uses shall be permitted.
- For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

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TABLE 13-30  
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																					
	R 1	R 2 M D	R 2 H D	R 3	A P	C L	C 1	C 2	C 1 S <sup>1</sup>	T C <sup>1</sup>	M G	M P	P D R L D <sup>1</sup>	P D R M D <sup>1</sup>	P D R H D <sup>1</sup>	P D R N C M <sup>1</sup>	P D C <sup>1</sup>	P D I <sup>1</sup>	I & R <sup>1</sup>	I & R S <sup>1</sup>	P	
17. Family day care - large (7-14 children) (subject to the requirements of Section 13-37 LARGE FAMILY DAY CARE HOMES)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	•	•	•	•	•	•	•	•	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup> <sub>3</sub>	P	•	•	•
18. Family day care - small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P <sup>3</sup>	P <sup>3</sup>	P	•	•	•
19. Garage/yard sales - no more than 2 events permitted a year, not to exceed 3 consecutive days	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P <sup>3</sup>	P <sup>3</sup>	•	•	•	•
20. Reserved for future use. Granny units- (subject to the requirements of Section 13-36-GRANNY-UNITS)	P <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
21. Home occupations (subject to the requirements of CHAPTER IX, ARTICLE 6, HOME OCCUPATIONS)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,3</sup>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup> <sub>3</sub>	P <sup>2,3</sup>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup> <sub>3</sub>	P <sup>2</sup>	•	•	•
22. Home occupations that generate traffic and do not involve more than one customer/client at a time or more than 8 customers/clients per day (subject to the requirements of CHAPTER IX, ARTICLE 6, HOME OCCUPATIONS)	M C <sup>2</sup>	M C <sup>2</sup>	M C <sup>2</sup>	M C <sup>2</sup>	MC <sup>2,3</sup>	M C <sup>2</sup> <sub>3</sub>	MC <sup>2,3</sup>	M C <sup>2</sup> <sub>3</sub>	M C <sup>2</sup> <sub>3</sub>	M C <sup>2</sup>	M C <sup>2</sup>	M C <sup>2</sup>	M C <sup>2</sup>	M C <sup>2</sup> <sub>3</sub>	MC <sup>2,3</sup>	M C <sup>2</sup> <sub>3</sub>	•	•	•			
22.1. Nonresidential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

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1. Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.
2. This use is subject to the requirements of the referenced Municipal Code article or section.
3. If residential uses exist, accessory uses shall be permitted.
4. For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

TABLE 13-30  
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																			
	R 1	R 2 M D	R 2 H D	R 3	A P	C L 1	C 2	C 1 S <sup>1</sup>	T C <sup>1</sup>	M G	M P	P D R L D <sup>1</sup>	P D R H D <sup>1</sup>	P D R N C M <sup>1</sup>	P D C <sup>1</sup>	P D I <sup>1</sup>	I & R <sup>1</sup>	I & R S <sup>1</sup>	P	
22.2 Second Unit (subject to the requirements of CHAPTER V, SECTION 13-35 SECOND UNITS)	P <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
22.32 Temporary real estate and construction offices (subject to the requirements of CHAPTER IX, ARTICLE 10, TEMPORARY TRAILERS)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>							
<b>INSTITUTIONAL AND RECREATIONAL USES</b>																				
23. Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
24. Churches and other places of religious assembly (Subject to the requirements of ARTICLE 4.5 DEVELOPMENT STANDARDS FOR CHURCHES AND OTHER PLACES OF RELIGIOUS ASSEMBLY)	C <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>					
25. Civic and community clubs	C	C	C	C	C	C	P	P	P	C	C	C	C	C	C	C	C	C	C	C
26. Convalescent hospitals; Nursing homes	•	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•
27. Country clubs; golf courses	C	C	C	C	•	•	•	•	•	•	•	C	C	C	C	C	C	C	C	C
28. Crematories - See also Mortuaries services	•	•	•	•	•	•	•	C	•	C	C	•	•	•	•	•	•	•	•	•
29. Fairgrounds; Outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31. Libraries, privately-operated	C	C	C	C	•	•	C	C	C	C	C	C	C	C	C	C	C	C	C	C
31a. Medical marijuana dispensary	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
32. Mortuary services without crematories	•	•	•	•	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•

Chapter IV Citywide Land Use Matrix

45.2

- Revised 3/98 Ordinance 98-5; 4/00 Ordinance 00-5; 2/01 Ordinance 01-1; 3/02 Ordinance 02-4; 6/02 Ordinance 02-12; 2/05 Ordinance 05-2; 7/05 Ordinance 05-11; 9/06 Ordinance 06-18
- Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.
  - This use is subject to the requirements of the referenced Municipal Code article or section.
  - If residential uses exist, accessory uses shall be permitted.
  - For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

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