



PLANNING COMMISSION

AGENDA REPORT

VII 2

MEETING DATE: NOVEMBER 14, 2011

ITEM NUMBER:

SUBJECT: ILLEGAL USE OF GARAGES AS HABITABLE SPACE

DATE: NOVEMBER 2, 2011

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

DESCRIPTION

Pursuant to Planning Commission direction, a public education flyer was created to address the illegal use of garages as habitable space in apartment complexes. As a follow-up, Chair McCarthy requested that this item be agendaized to explore further development of a fire code / life safety related program for illegal garages.

RECOMMENDATION

Provide direction to staff regarding a fire code / life safety program for illegal garages.

ANALYSIS

On April 11, 2011, the Planning Commission considered various strategies, including a voluntary self-certification program, to prevent the illegal use of garages as habitable space.

On September 12, 2011, Planning Commission approved a garage flyer for general circulation.

Planning Commission had considered the following three strategies (see Exhibit A below) and directed staff to move forward with Item Number 3, Public Education.

Exhibit A

Strategies 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. There are approximately 715 apartment complexes in the city within this number of units.

2. Amend the Zoning Code as follows:
 - a. Prohibit in new apartment construction garages—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 living area (see attached). Publish in both English and Spanish. Have flyer on web page and mailed 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

SUMMARY

There is interest to create a voluntary compliance / educational program. Based on the direction of the Planning Commission (or City Council as applicable), the new Fire Chief, Tom Arnold, will be overseeing any work efforts regarding the development of a program to address illegal garage conversions.

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

Emily Osterberg
Apartment Association of Orange County

Ed Fawcett
Chamber of Commerce

Diane Pritchett
South Coast Metro Alliance