



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: JANUARY 26, 2015

ITEM NUMBER

PH-3

SUBJECT: CODE AMENDMENT CO-15-01 – AMENDMENT TO TITLE 13, CHAPTER V, ARTICLE 2.5, RESIDENTIAL SMALL LOT SUBDIVISIONS, OF THE COSTA MESA MUNICIPAL CODE

DATE: JANUARY 9, 2015

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA
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DESCRIPTION

Code Amendment CO-15-01 is a Zoning Code amendment related to the Small Lot Subdivision Ordinance adopted on April 1, 2014. To promote consistency with certain standards for residential development in the R2-MD, R2-HD, and R3 zones, minor changes to the following standards are proposed by staff:

- 1) Establish an interior side yard setback requirement of 5 feet (10 feet currently required);
- 2) Remove reference to a further reduction of the side/rear setback based on certain findings by the Development Services Director;
- 3) Add language providing flexibility to allow two-car and three-car garages, provided that the overall number of parking spaces are still met and that a minimum of one open parking space is provided per unit.

RECOMMENDATION

Recommend that the City Council approve the ordinance and give first reading,

BACKGROUND

On April 1, 2014, the City adopted the Small Lot Subdivision Ordinance (Ord. No. 14-04) that allowed subdivision of multiple family zoning lots into small fee simple lots without requiring a common lot or forming a homeowners association. The ordinance is applicable to a residential subdivision of two to 15 units in the R2-MD, R2-HD, and R3 zones.

The objectives of the small lot ordinance involved the following:

- Promote construction of single-family detached housing for homeownership.
- Allow development of a small lot subdivision without a common lot, therefore eliminating a requirement for an incorporated Homeowner's Association (HOA).
- Require CC&Rs to be recorded for all small lot subdivisions to allow some form of governance without an HOA.
- Allow the option to establish a Maintenance Association or unincorporated HOA.
- Establish new development standards for a small lot subdivision to eliminate multiple requests for variance relief under the residential common-interest regulations.
- Allow minimum of 30% open space for the development lot.

The Small Lot Ordinance established certain development standards and maintenance mechanisms for multi-family residential lots within the densities allowed by the General Plan. The ordinance was not intended to increase the density in any of the multiple family residential zones, modify the minimum requirement for parking spaces, or change the approval process for small subdivisions.

ANALYSIS

Proposed Amendments

Promoting Overall Consistency of Residential Development Standards

Since the adoption of the ordinance, seven small lot subdivisions have been approved. Staff is proposing to clean-up some apparent inconsistencies with certain adopted SLO standards, as compared to the residential common-interest development standards in the R2 and R3 zones. The purpose of the proposed text amendments is to ensure that zoning requirements for small lot subdivisions are not more restrictive than the current requirements for residential common-interest developments in these zoning districts.

To rectify apparent inconsistencies, staff is recommending the following revisions shown in redline:

Front Development Lot:	20 feet
Side yard and rear (interior)	10 feet for one-story, two-story and three-story development <u>5 feet</u> This setback can be reduced to a minimum of five feet on a case by case basis depending on the setbacks of adjacent properties and if the building design includes off-sets, variety of roof slopes and massing, and excellence in design in terms of materials, colors and additional articulation as deemed appropriate by Development Services Director
Rear yard (interior)	10 feet for one-story, two-story, and three-story development [no change]
Side (street side, if applicable)	10 feet Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the ultimate public or private right of way.
Rear Abutting a Publicly Dedicated Alley	5 feet; however, garages may be required to set back further to ensure adequate back up distance. Rear Yard Coverage does not apply.

Staff is also recommending an additional finding be added to allow flexibility for the provision of a two-car or three-car garage in a small lot subdivision.

The three key changes are described in the following sections.

1. Change interior side yard setback from 10 feet (current requirement) to 5 feet to be consistent with the side setback requirement in R2 and R3 zones.

Current Requirement

Since the intent of the ordinance was to allow more flexibility in site planning, the rear and side yard setbacks were treated the same on the interior perimeter of the site and a 10-foot setback was adopted. The ordinance allowed a reduction of this setback to 5 feet on a case by case basis, depending on the orientation and setback of structures on adjacent properties and exceptional architecture.

In comparison to the residential development standards for common-interest developments in the R2-MD, R2-HD, and R3 zones where a 5-foot setback is allowed, the 10-foot interior side setback in the SLO is more restrictive. [Attachment 4, Excerpt of Table 13-41(b)].

The majority of preliminary concept plans have featured 5-foot side yard setbacks. Since adoption of the ordinance seven projects were approved with the new subdivision standards. Of these projects, three were able to meet the minimum 10-foot side yard standard and four were granted a reduction in the setback as noted below. A sample site plan with showing adjacent structures is included as Attachment 3:

Project Address	Number of Units	Approved Side Yard Setback
389 Rochester Street	2	10 feet
1631 Tustin Ave.	10	10 feet
1944 Church Street	2	10 feet
2294 Pacific Ave.	5	5 feet
270 Palmer Ave.	2	4 feet
320 E. 18th Street	2	5 feet
2661 Orange Ave.	5	5 feet

In addition to the above projects, there are currently two projects in review that are unable to meet the side yard setback requirement due to narrow configuration of the lot. Since adoption of the ordinance, the development community has expressed concerns meeting this requirement, and therefore many proposals feature a 5-foot setback.

No changes to the currently required 10-foot rear setback are proposed by staff because this requirement is already consistent with the residential common-interest development standard for a rear setback.

2. Remove all references to an interior side or rear setback reduction as deemed appropriate by the Development Services Director.

Relative to the interior side/rear setback requirement, the Code indicates that “This setback can be reduced to a minimum of five feet on a case by case basis depending on the setbacks of adjacent properties and if the building design includes off sets, variety of roof slopes and massing, and excellence in design in terms of materials, colors, and additional articulation as deemed appropriate by the Development Services Director.”

Staff recommends that this verbiage be removed for the following reasons:

- Establishing a 5-foot side setback requirement will eliminate the need for this flexibility.
- Because the Planning Commission is the final review authority, it is problematic to allow a setback reduction at the staff level. Even though the ordinance allows flexibility on a case by case basis, the current setback requirement is causing uncertainty in the process in that the preliminary plans may be supported by staff; however, the Planning Commission is the final decision making body and the process is subject to a public review.
- Removal of this language will require that any deviations from the rear and side setback requirements must meet the required findings for a minor modification, administration adjustment or variance as stipulated by Code.

3. Add a finding allowing flexibility for Garage Parking

Staff is not recommending any changes to the overall numeric parking requirements as adopted in the Small Lot Ordinance (table below). The small lot ordinance requires the same number of parking spaces in terms of overall numbers in comparison with the common interest development; however, the regulations are more specific with regard to number of enclosed and open spaces.

However, the current regulations are very specific with regard to the number of required “garage” spaces and “open” spaces. Therefore, a variance would be required for any deviation involving open parking spaces provided in a two-car garage for two-bedroom units or a three-car garage for three-bedroom/or more units. For example, a two-bedroom residence featuring a two-car garage and one open parking space (3 total) would need a variance from the parking requirement to allow the open parking to be supplied within the two-car garage. This is an unintended consequence of the parking requirement as adopted. Staff suggests adding the following language for clarification purposes to eliminate the need for a variance request:

Parking	<ul style="list-style-type: none"> • Three bedroom or more units (including a den or home office) – two garage spaces and two open parking spaces • Two bedrooms or less units (including a den) — one garage space and two open parking- • No tandem parking is permitted for open or guest parking spaces. • For developments with 5 or more units (up to 10 units) where open/guest parking spaces are provided in driveways in front of garages for exclusive use of that unit, one additional on-site guest parking shall be provided. Two additional open guest-parking shall be provided for developments with more than 10 units. • <u>For all small lot developments subject to the provisions of this article, all open parking not located within an individual driveway shall be unassigned and nonexclusive. Required open parking may be provided in a two-car or three-car garage provided that a minimum of one open parking space is provided per unit.</u>
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Because of the concerns with use of garage spaces as storage space, City Council has been encouraging site plans that provide open parking spaces that are not exclusive and open for guest usage. Parking spaces in front of garages or tucked between units have been mostly discouraged. The current parking regulations for the small lot ordinance reflects this concern and an additional guest parking space is required for 5 or more units.

No changes are proposed to the total number of parking or the additional parking space required by the ordinance. In addition, a new standard condition of approval has been included to require enforcement of parking use by the homeowners / maintenance association and submittal of an annual report to the Planning Department.

The condition is stated as follows:

“The CC&Rs shall contain provisions requiring that the Homeowner’s Association or Maintenance Association submit a signed affidavit to the City of Costa Mesa on an annual basis to certify the following:

- The two-car garages in the residential community are being used for vehicle parking by the resident(s).
- The vehicle parking areas within the garage are not obstructed by storage items, including but not limited to, toys, clothing, tools, boxes, equipment, etc.
- The resident(s) have consented to voluntary inspections of the garage to verify parking availability within the garage, as needed.

The form and content of the affidavit shall be provided by the City Attorney's office. Failure to file the annual affidavit is considered a violation of this condition."

GENERAL PLAN CONFORMITY

The proposed amendment to ordinance is consistent with the following goals and policies of the General Plan:

- LU -1 A.1, LU -1A.4, LU -10.4, HOU -1.9, HOU -2.4, HOU -4.4, CD -7A.1 and CD -7A.2.

PUBLIC NOTICE

Code requires publication of a display AD in the local newspaper (Daily Pilot) for Title 13 Code Amendments. At the time of publication of this report, no public comments have been received. Any correspondence will be forwarded to the Planning Commission under separate cover. In addition to the newspaper ad, homeowners associations and other neighboring cities and government agencies were notified by mail.

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.

LEGAL REVIEW

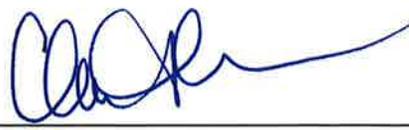
The staff report and the draft ordinance has been reviewed and approved by the City Attorney.

CONCLUSION

Since adoption of the Small Lot Subdivision ordinance, certain inconsistencies have been identified. The proposed amendment will establish a minimum standard without a discretionary process consistent with the common interest development standards. The amendment to parking regulations will not revise the overall number of required parking spaces but allow flexibility in terms of garage spaces.



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Distribution: Director of Economic & Development Services/Deputy CEO
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (6)
File (2)
File (2)

Attachments: 1. Draft Ordinance
2. Ordinance 14-04
3. Sample Site Plan
4. Zoning Code Excerpt

ORDINANCE NO. 15-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-15-01 AMENDING TITLE 13, CHAPTER V, ARTICLE 2.5, RESIDENTIAL SMALL LOT SUBDIVISION STANDARDS

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

SECTION 1: FINDINGS

The Small Lot Ordinance which allows subdivision of 15 or less fee simple lots for multiple family properties was adopted on April 1, 2014. The ordinance allows development of detached residential units on individual parcels instead of condominium ownership. Since adoption, several applications have been processed and additional are in review. It has been realized that the side yard setback of 10 feet is challenging for development of narrow multiple family lots and in most cases a reduction has been granted as allowed by current code. To make the development standards consistent with the common interest development regarding side yard setback and parking, two revisions to development standards are hereby approved.

SECTION 2: Title 13, Chapter V, Article 2.5, Table 13-42, Small Lot Subdivision Standards, of the Costa Mesa Municipal Code is hereby amended as follows:

TABLE 13-42 SMALL LOT SUBDIVISION STANDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
Maximum Number of Stories & Building Height	2 stories/ 27 feet, except as allowed in the Westside Overlay Districts. Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. In zoning districts where the maximum number of stories is two stories, attics above second stories shall be an integral part of the second story roofline and not appear as a 3 rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.
Maximum Density (based on gross acreage)	Same as underlying zoning district or as specified in an applicable specific plan.
Minimum Open Space (development lot)	30% of total lot area. No asphalt shall be permitted for paved areas. Parking and driveways shall consist of decorative concrete, pavers or other materials as deemed appropriate by the Development Services Director.
Minimum Open Space (individual unit)	200 square feet with no dimension less than 10 feet.

**TABLE 13-42
SMALL LOT SUBDIVISION STANDARDS**

STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
Development Lot	Separately owned private property interests or any portion thereof, necessary or desirable for common use, are subject to recordation of an easement for reciprocal access and maintenance. All areas of a development with 5 or more parcels, subject to a reciprocal access and/or maintenance easement shall be maintained by an association that may be incorporated or unincorporated. The association may be referred to as a maintenance association.
Parking	<ul style="list-style-type: none"> • Three bedroom or more units (including a den or home office) – two garage spaces and two open parking spaces • Two bedrooms or less units (including a den) –one garage space and two open parking. • No tandem parking is permitted for open or guest parking spaces. For developments with 5 or more units (up to 10 units) where open/guest parking spaces are provided in driveways in front of garages for exclusive use of that unit, one additional on-site guest parking shall be provided. Two additional open guest-parking shall be provided for developments with more than 10 units. • <u>For all small lot developments subject to the provisions of this article, all open parking not located within an individual driveway shall be unassigned and nonexclusive. Required open parking may be provided in a two-car or three-car garage provided that a minimum of one open parking space is provided per unit.</u>
Distance between buildings	No minimum distance required subject to compliance with Building and Fire Code standards.
Driveway width (development lot)	10-foot minimum, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit. Driveway width shall be a maximum of 26 feet for lots less than 50 feet wide and a maximum of 50% for lots greater than 50 feet wide.
Driveway length	<p>Straight-in driveways to garages shall have a minimum length of 19-feet from the ultimate public or private right of way. No driveways shall be more than 5 feet in length if parking is not provided in front of garage.</p> <p>Driveways accessing rear parcels shall be in compliance with the requirements of the Parking Design Standards, minimum separation between driveways and maximum 50% hardscape requirement.</p>
Mechanical equipment, excluding antennas and flush-mounted solar panels on roofs	Roof-top location is prohibited unless completely screened from public rights-of-way and adjacent properties.
Front Development Lot:	20 feet
Side yard and rear (interior)	<p><u>5 feet.</u></p> <p>10 feet for one story, two-story and three-story development.</p> <p>This setback can be reduced to a minimum of five feet on a case by case basis depending on the setbacks of adjacent properties and if the building design includes off-sets, variety of roof slopes and massing, and excellence in design in terms of materials, colors and additional articulation as deemed appropriate by Development Services Director</p>
Rear yard (interior)	10 feet

TABLE 13-42 SMALL LOT SUBDIVISION STANDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
Side (street side, if applicable)	10 feet Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the ultimate public or private right of way.
Rear Abutting a Publicly Dedicated Alley	5 feet; however, garages may be required to set back further to ensure adequate back up distance. Rear Yard Coverage does not apply.
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see Section 13-34 BLUFF-TOP DEVELOPMENT).
Roof or Eaves Overhang; Awning	2 feet 6 inches into required side setback or building separation area. 5 feet into required front or rear setback.
Open, unenclosed stairways.	Not permitted
Chimneys	May extend 2 feet above maximum building height.
Automatic roll-up garage doors	Required
Location of Open Parking	Guest parking shall be located within a reasonable distance of the unit it serves. Detached garages that are not located within a reasonable distance to the units they are intended to serve are prohibited.
Trash Storage	All units shall be provided with a small alcove inside or outside the unit to allow storage of at least three trash carts without encroaching into the garage space. All efforts shall be made to provide on-site trash service. Trash carts shall be stored on-site for trash pick up to the greatest extent possible.
Above-Ground Pools and Spas	Prohibited in front yards and subject to 5-foot side and rear setback from the main structures.
LANDSCAPING	
A detailed landscape plan prepared pursuant to CHAPTER VII LANDSCAPING STANDARDS shall be approved by the Planning Division prior to issuance of any building permits.	
SIGNS (See Chapter VIII).	
FENCES AND WALLS	
Fences and walls placed between the property line and required setback line for main buildings shall conform to the City's walls, fences, and landscaping standards.	
See ARTICLE 9 GENERAL SITE IMPROVEMENT STANDARDS of this chapter for further information.	

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 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 _____ 2015.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

ORDINANCE NO. 14-04

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-13-04 AMENDING TITLE 13, CHAPTERS I, IV, AND V RELATED TO DEFINITIONS, LAND USE MATRIX AND NEW ARTICLE 13-42

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

SECTION 1: FINDINGS.

City of Costa Mesa recognizes that homeownership is an important aspect of community building. The City of Costa Mesa is promoting homeownership by providing the opportunity for development of a variety of housing types at various price ranges. The small lot ordinance will allow development of detached or townhome style residential units on individual parcels instead of condominium ownership.

SECTION 2: Title 13 of the Costa Mesa Municipal Code is hereby amended as follows:

- A. Section 13-6 "Definitions" of Article 2 "Definitions" of Chapter I "General" is hereby amended to insert the following definition:

Small Lot Subdivision. A residential development containing a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel and the land is subdivided into fee simple parcels containing each unit. Each individual lot is provided with either a direct access to public street/ alley or an easement access through a recorded subdivision map.

- B. Chapter IV; Table 13-30, Citywide Land Use Matrix is hereby amended as follows:

Add Small Lot Subdivisions as Land Use No. 2.2 to Table 13-30 as permitted use in multi-family residential zones.

TABLE 13-30 CITY OF COSTA MESA LAND USE MATRIX																					
LAND USES	Z O N E S																				
	R1	R2 M D	R2 H D	R3	A P	C L	C 1	C 2	C 1 S ¹	T C ¹	M G	M P	P D R L D ¹	P D R M D ¹	P D R H D ¹	P D R N C M ¹	P D C ¹	P D I ¹	I & R ¹	I & R S ¹	P
RESIDENTIAL USES																					
1. Single-family dwellings (single housekeeping units)	P ⁴	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•
2. Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	•
2.1 Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	•
2.2 Small lot subdivisions, residential	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

- C. Article 2.5. "Residential Small Lot Subdivision" of Chapter V "Development Standards" is hereby created to read as follows:

ARTICLE 2.5 RESIDENTIAL SMALL LOT SUBDIVISIONS

SECTION 13-42.1 PURPOSE

The purpose of this article is to regulate development and subdivision of small lots within residential zoning districts and overlay districts where residential and live/work projects are permitted. The ownership and occupancy of these developments shall be subject to applicable laws for the general health, safety and welfare of the public. This type of subdivision is intended to provide flexible development standards and to promote a wider range of homeownership of individual lots in multiple-family residential and overlay zoning districts.

SECTION 13-42.2 PLANNING APPLICATION REQUIRED

- a) Small lot subdivisions are permitted in appropriate residential or urban plan overlay districts, subject to approval of the following planning application as may be applicable. This requirement is in addition to other permits or certificates required by law.
- 1) All new small lot development projects shall be processed according to the design review procedures contained in Section 13-29.
 - 2) All small lot development projects require approval of a tentative tract or parcel map as required by law. A tentative tract map or parcel map shall not be required until a design review has been approved; however, the map may be processed concurrently.
- b) No person shall construct, sell, lease, convey, maintain or use a lot in a small lot subdivision project within the City without first complying with the provisions of this article.

SECTION 13-42.3 DEVELOPMENT STANDARDS AND REQUIREMENTS:

- a) **Applicability.** The provisions of this section shall apply to all new residential small lot subdivisions of 15 lots or less in multi-family zones and overlay zones where residential and live/work development are permitted.
- b) **Development standards.** Table 13-42 identifies the development standards for small lot subdivision developments. See also ARTICLE 9 GENERAL SITE IMPROVEMENT STANDARDS of this chapter for additional requirements. Projects shall comply with all applicable standard plans and specifications and adopted City and State codes, as well as the following provisions:
1. The location and orientation of all buildings shall be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, groves, waterways, scenic points, historic spots or landmarks, bluffs or slopes shall be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations. Pre-existing development should guide the building setbacks and new development should preserve the existing character of the neighborhood.
 2. The site design must consider both the design elements of each unit and how these designs will enhance the overall neighborhood character and vitality of the street

and sidewalk. Building setbacks and site planning must relate to surrounding built form, respecting the overall neighborhood character and existing topography. Additionally, each unit must exhibit a high level of design quality with well-articulated entries and facades, proportionate windows, quality building materials and contextual landscaping.

3. All structures proposed to be constructed within a project shall conform to the following requirements:
 - a. Each unit shall be provided with direct pedestrian and vehicular access to a public street, or an alley or a common drive connecting to a public street/alley.
 - b. Structures having dwelling units attached side by side shall be composed of no more than 4 dwelling units.
 - c. Structures having dwelling units attached side by side shall include a break in the facade by having an offset in the front building line.
 - d. Structure shall be constructed to minimize impact of the proposed development on the light, air and privacy of adjacent properties.
4. On-site lighting shall be provided in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties, and shall be of a type approved by the Development Services Department.
5. The development shall comply with the provisions of CHAPTER XI. SUBDIVISIONS, which may include, but are not limited to, land dedication and improvements, such as drainage improvements and payment of fees.
6. Outside uncovered and unenclosed storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited unless specifically designated areas for the exclusive storage of such vehicles are set aside on the final master plan and provided for in the covenants, conditions, and restrictions. Where such areas are provided, they shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of 6-foot high opaque fences and permanently maintained landscaping.

TABLE 13-42 SMALL LOT SUBDIVISION STANDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
Maximum Number of Stories & Building Height	2 stories/ 27 feet, except as allowed in the Westside Overlay Districts. Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. In zoning districts where the maximum number of stories is two stories, attics above second stories shall be an integral part of the second story roofline and not appear as a 3 rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.
Maximum Density (based on gross acreage)	Same as underlying zoning district or as specified in an applicable specific plan.
Minimum Open Space (development lot)	30% of total lot area. No asphalt shall be permitted for paved areas. Parking and driveways shall consist of decorative concrete, pavers or other materials as deemed appropriate by the Development Services Director.

TABLE 13-42 SMALL LOT SUBDIVISION STANDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
Minimum Open Space (individual unit)	200 square feet with no dimension less than 10 feet.
Development Lot	Separately owned private property interests or any portion thereof, necessary or desirable for common use, are subject to recordation of an easement for reciprocal access and maintenance. All areas of a development with 5 or more parcels, subject to a reciprocal access and/or maintenance easement shall be maintained by an association that may be incorporated or unincorporated. The association may be referred to as a maintenance association.
Parking	<ul style="list-style-type: none"> • Three bedroom or more units (including a den or home office) – two garage spaces and two open parking spaces • Two bedrooms or less units (including a den) – one garage space and two open parking • No tandem parking is permitted for open or guest parking spaces or garages. • For developments with 5 or more units (up to 10 units) where open/guest parking spaces are provided in driveways in front of garages for exclusive use of that unit, one additional on-site guest parking shall be provided. Two additional open guest-parking shall be provided for developments with more than 10 units.
Distance between buildings	No minimum distance required subject to compliance with Building and Fire Code standards.
Driveway width (development lot)	10-foot minimum, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit. Driveway width shall be a maximum of 26 feet for lots less than 50 feet wide and a maximum of 50% for lots greater than 50 feet wide.
Driveway length	<p>Straight-in driveways to garages shall have a minimum length of 19-feet from the ultimate public or private right of way. No driveways shall be more than 5 feet in length if parking is not provided in front of garage.</p> <p>Driveways accessing rear parcels shall be in compliance with the requirements of the Parking Design Standards, minimum separation between driveways and maximum 50% hardscape requirement.</p>
Mechanical equipment, excluding antennas and flush-mounted solar panels on roofs	Roof-top location is prohibited unless completely screened from public rights-of-way and adjacent properties.
Front Development Lot;	20 feet
Side and rear (interior)	<p>10 feet for one story, two-stories and three-story development</p> <p>This setback can be reduced to a minimum of five feet on a case by case basis depending on the setbacks of adjacent properties and if the building design includes off-sets, variety of roof slopes and massing, and excellence in design in terms of materials, colors and additional articulation as deemed appropriate by Development Services Director</p>
Side (street side, if applicable)	<p>10 feet</p> <p>Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the ultimate public or private right of way.</p>
Rear Abutting a Publicly Dedicated Alley	5 feet; however, garages may be required to set back further to ensure adequate back up distance. Rear Yard Coverage does not apply.
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see Section 13-34 BLUFF-TOP DEVELOPMENT).
Roof or Eaves Overhang; Awning	<p>2 feet 6 inches into required side setback or building separation area.</p> <p>5 feet into required front or rear setback.</p>

TABLE 13-42 SMALL LOT SUBDIVISION STANDARDS	
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)
Open, unenclosed stairways.	Not permitted
Chimneys	May extend 2 feet above maximum building height.
Automatic roll-up garage doors	Required
Location of Open Parking	Guest parking shall be located within a reasonable distance of the unit it serves. Detached garages that are not located within a reasonable distance to the units they are intended to serve are prohibited.
Trash Storage	All units shall be provided with a small alcove inside or outside the unit to allow storage of at least three trash carts without encroaching into the garage space. All efforts shall be made to provide on-site trash service. Trash carts shall be stored on-site for trash pick up to the greatest extent possible.
Above-Ground Pools and Spas	Prohibited in front yards and subject to 5-foot side and rear setback from the main structures.
LANDSCAPING	
A detailed landscape plan prepared pursuant to CHAPTER VII LANDSCAPING STANDARDS shall be approved by the Planning Division prior to issuance of any building permits.	
SIGNS (See Chapter VIII).	
FENCES AND WALLS	
Fences and walls placed between the property line and required setback line for main buildings shall conform to the City's walls, fences, and landscaping standards.	
See ARTICLE 9 GENERAL SITE IMPROVEMENT STANDARDS of this chapter for further information.	

(c) **Documents required.**

- (1) Project approval is subject to submission of complete organizational documents setting forth a plan or manner of permanent care and maintenance of any open spaces, recreational areas and commonly used areas/facilities. No such documents shall be acceptable until approved by the City Attorney as to legal form and effect, and by the Planning Division as to suitability for the proposed use of the open areas.
- (2) Prior to entering into a sales agreement for any property within a small lot subdivision, the developer shall disclose general information regarding the property to the future homebuyers, including but not limited to the following:
 - a. The type, thickness, and R-value of the insulation that has been installed in the home
 - b. Any exposed hazards during and after construction (Lead-based paint, asbestos, etc.)
 - c. Uses other than residential in proximity to the project
 - d. Unusual adjacent zoning
 - e. Distance to airport if within two miles
 - f. Where soils, filled ground and geologic information is available

- g. Any special costs that will be incurred by the lot buyer as a result of the installation of a building foundation or any other construction due to unusual soil/geological conditions
 - h. If there is fill in excess of 2 feet
 - i. Schools servicing subdivision and any special conditions.
 - j. Any unusual flooding conditions
 - k. Conditions of approval by the City and any resale restrictions
 - l. Dedications and easements
 - m. Project phasing plan
 - n. CC&Rs
- (3) All small lot subdivisions shall file a declaration of covenants to be submitted with the application for approval. The declaration of covenants shall include, but not be limited to, the following provisions.
- a. The homeowners' association or a maintenance association (as applicable) shall be established prior to the sale of any unit(s).
 - b. Membership in the homeowners or maintenance association shall be mandatory for each owner and any successive owner.
 - c. Provisions to restrict parking upon other than approved and developed parking spaces and to require that garages be kept available for resident parking shall be written into the covenants, conditions and restrictions for each project.
 - d. If the development is constructed in increments or phases which require one or more final maps, reciprocal covenants, conditions, and restrictions and reciprocal management and maintenance agreements shall be established which will cause a merging of increments as they are completed, and embody one homeowners' association with common areas for the total development.
 - e. The declaration of covenants shall contain language or provisions substantially as follows:
 - i. "The covenants, conditions and restrictions of this declaration shall run to the City of Costa Mesa insofar as they shall apply to the maintenance of the "common areas" as herein defined."
 - ii. "In the event the association or other legally responsible person(s) fail to maintain the common area in such manner as to cause same to constitute a public nuisance, the City may, upon proper notice and hearing, institute summary abatement procedures and impose a lien for the costs of such abatement upon the common area, individual units or the whole thereof as provided by law."

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 1st day of April, 2014.



James M. Righeimer, Mayor

ATTEST:



Brenda Green, City Clerk

APPROVED AS TO FORM:



Thomas Duarte, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 14-04 was introduced at a regular meeting of said City Council held on the 4th day of March, 2014, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 1st day of April, 2014, by the following roll call vote:

AYES: COUNCIL MEMBERS: Mensinger, Monahan, and Righeimer

NOES: COUNCIL MEMBERS: Genis and Leece

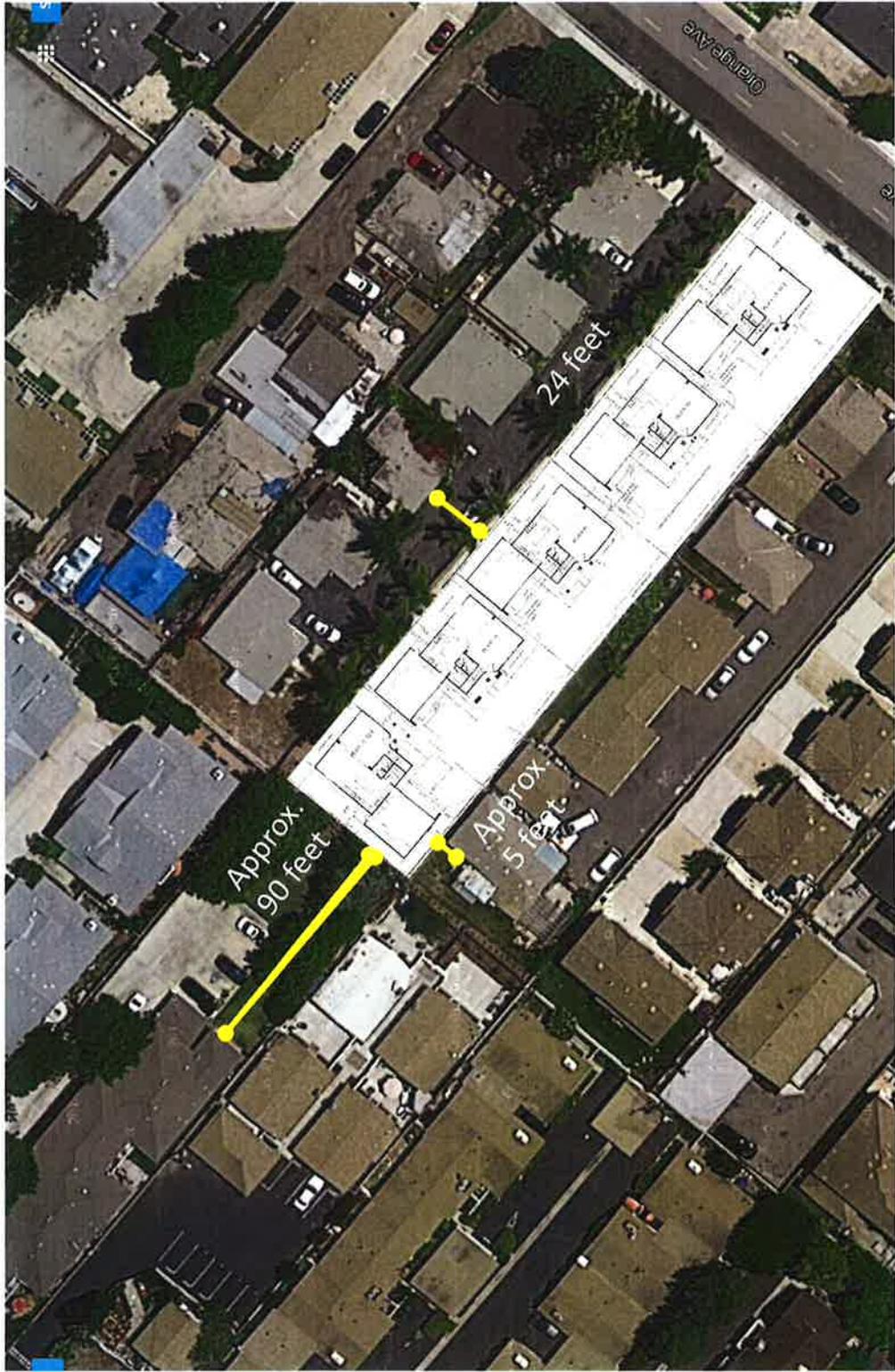
ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this 2nd day of April, 2014.



Brenda Green, City Clerk

ATTACHMENT 3 – SAMPLE SITE PLAN



Proximity of Existing Neighboring Structures / Illustrative Exhibit Only – Map Not to Scale

Costa Mesa Zoning Code

TABLE 13-41(b) RESIDENTIAL COMMON INTEREST DEVELOPMENT STANDARDS		
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS
Individual Dwelling Unit Minimum Lot Area	All zones: 3,000 square feet with an overall average of 3,500 square feet. The required common lot shall not be included in the calculation of lot area. Note: Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.	No minimum requirement.
Common lot required	All projects shall be designed with a minimum of one lot to be held in common ownership and maintained by a homeowners association. This lot shall be used for common driveways, parking areas, and at least 10 feet of street setback landscaped areas.	
Maximum Number of Stories & Building Height	2 stories/ 27 feet, except as allowed in the Planned Development or Town Center zoning districts. Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.	
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. In zoning districts where the maximum number of stories is two stories, attics above second stories shall be an integral part of the second story roofline and not appear as a 3 rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.	
Maximum Density (based on gross acreage)	Same as underlying zoning district or as specified in an applicable specific plan.	
Minimum Open Space		
Development Lot:	40% of total lot area. <i>Exception:</i> For high-rise residential projects, see the North Costa Mesa Specific Plan.	
Individual Dwelling Unit Lot:	40% overall, with a minimum 400 square-foot area with no dimension less than 15 feet.	Not applicable.
Private Open Space:	Same as individual dwelling unit lot above.	An adjoining patio required with no dimension less than 10 feet. <i>Exception:</i> Not applicable to high-rise residential projects in the North Costa Mesa Specific Plan.
Common Open Space	Common open space areas shall be designed and located within the development to allow maximum use by all residents. Enclosed buildings used for recreation or leisure facilities should not be used to satisfy more than 15 per cent of required open space.	
Distance between buildings	10-foot minimum between main buildings 6-foot minimum between main buildings and accessory structures	
Driveway width	10-foot minimum, except 16-foot minimum driveway is required if the driveway serves tenants and/or guest parking for more than one dwelling unit.	
Driveway length	Straight-in driveways to garages shall have a minimum length of 19-feet from the ultimate property line.	
Storage	Not applicable.	Each unit shall be provided with 200 cubic feet of securable storage exterior to the unit. If this storage is provided within the garage or carport it shall be located at the front of the parking area so as not to obstruct the required clear dimensions of the covered parking space (per the City of Costa Mesa Parking Design Standards) at any point less than 4 feet above the finished surface level of the parking stall. <i>Exception:</i> Not applicable to high-rise residential projects in the North Costa Mesa Specific Plan.

Costa Mesa Zoning Code

**TABLE 13-41(b)
RESIDENTIAL COMMON INTEREST DEVELOPMENT STANDARDS**

STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS
Mechanical equipment, excluding antennas and flush-mounted solar panels on roofs .	Roof-top location is prohibited.	Screening required from public rights-of-way and adjacent properties.
SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS AND STRUCTURES (Minimum distances given, unless otherwise noted. All setbacks from streets to development lots are measured from the ultimate property line shown on the Master Plan of Highways).		
Front Development Lot:	20 feet	20 feet
Individual Dwelling Unit Lot:	None	Not applicable
Side (interior) Development Lot:	5 feet	
Side (street side, if applicable) Development Lot:	10 feet Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the property line.	
Rear (not abutting a publicly dedicated alley) Development Lot:	20 feet for 2 story structures in R2-MD and R2-HD zones; 15 feet for 2 story structures in the R-3 zone. 10 feet for 1 story structures (15-foot maximum height) provided that maximum rear yard coverage is not exceeded. <i>Exception:</i> Rear yard coverage does not apply to the R-3 zone. <i>Note:</i> Accessory structures that do not exceed 15 feet in height may have a zero rear yard setback, except on corner lots. Corner lots in the R2-MD, R2-HD & R3 zones: a. Where the rear property line of a corner lot adjoins the side property line of another lot, no detached accessory structure shall be allowed on the corner lot, except within the rear quarter of the corner lot farthest from the side street. b. Where the rear property line of a corner lot abuts a public or private street, accessory structures shall maintain setbacks for main structures.	
Rear Yard Coverage (Maximum) in the R2-MD and R2-HD zones	Main Buildings: 25% of rear yard area.* Accessory Buildings: 50% of rear yard area.* * Rear yard area equals lot width, measured from side property line to side property line, multiplied by 20 feet.	
Rear Abutting a Publicly Dedicated Alley	5 feet; however, garages may be required to set back further to ensure adequate back up distance. Rear Yard Coverage does not apply. Note: Accessory structures that do not exceed 15 feet in height may have a zero rear yard setback, except on corner lots where accessory structures shall maintain setbacks for main structures.	
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see Section 13-34 BLUFF-TOP DEVELOPMENT).	

Costa Mesa Zoning Code

**TABLE 13-41(b)
RESIDENTIAL COMMON INTEREST DEVELOPMENT STANDARDS**

STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS
PROJECTIONS (maximum depth of projections given)		
Roof or Eaves Overhang; Awning	2 feet 6 inches into required side setback or building separation area. 5 feet into required front or rear setback.	
Open, unenclosed stairways.	2 feet 6 inches into required setback or building separation area.	
Chimneys	2 feet above maximum building height.	
Fireplaces	2 feet into required setback or building separation area.	
PARKING (See Chapter VI).		
2-car garage required.	Yes	Not required.
Automatic roll-up garage door with remote controlled door opener required.	Yes	Yes, if garages are provided.
Location of Covered Parking	Required covered tenant parking shall be located within a reasonable distance of the unit it serves. Detached garages that are not located within a reasonable distance to the units they are intended to serve are prohibited.	
LANDSCAPING		
A detailed landscape plan prepared pursuant to CHAPTER VII LANDSCAPING STANDARDS shall be approved by the Planning Division prior to issuance of any building permits.		
Landscape parkways with a combined width of 10 feet, but not less than 3 feet on one side, shall be provided along the sides of interior private streets and/or common driveways. The parkway on the house side of private streets or common driveways shall be a minimum of 5 feet in width.		
SIGNS (See Chapter VIII).		
POOLS AND SPAS		
Above-ground pools and spas shall not be located in the required front yard setback from a public street and are subject to 5-foot side and 10-foot rear yard setbacks for main structures. Additional setbacks may be applicable pursuant to building code requirements.		
FENCES AND WALLS		
Fences and walls placed between the property line and required setback line for main buildings shall conform the City's walls, fences, and landscaping standards. See ARTICLE 9 GENERAL SITE IMPROVEMENT STANDARDS of this chapter for further information.		