



# **PLANNING COMMISSION**

## **AGENDA REPORT**

MEETING DATE: APRIL 10, 2017

ITEM NUMBER: PH-2

**SUBJECT:** CODE AMENDMENT CO-16-04 – AMENDMENT TO TITLE 13, CHAPTER V – DEVELOPMENT STANDARDS, ARTICLE 1 -- RESIDENTIAL DISTRICTS AND TABLE 13-32; AND CHAPTER VIII -- SIGNS, ARTICLE 2 -- DEFINITIONS AND TABLE 13-115 OF THE COSTA MESA MUNICIPAL CODE

**DATE:** MARCH 30, 2017

**FROM:** PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR

**FOR FURTHER INFORMATION CONTACT:** WILLA BOUWENS-KILLEEN, AICP (714) 754-5153  
willabouwens-killeen@costamesaca.gov

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### **DESCRIPTION**

Code Amendment CO-16-04 is a Zoning Code amendment related to accessory structures in the R1 – Single Family Residential zone, as well as banners under the Sign Code. Proposed changes include:

- An increase in building height that would allow a decrease in setbacks for certain accessory structures; and
- To include a definition and related standards for *non-commercial banners* in addition to those banners used for advertising purposes.

### **ENVIRONMENTAL DETERMINATION**

The proposed ordinance is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (General Rule).

### **RECOMMENDATION**

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act section 15061(b)(3); and
2. Recommend that the City Council approve Code Amendment CO-16-04 and give first reading.

**BACKGROUND**

***Accessory Structures***

In the early 1990's, the Zoning Code was modified, increasing the setbacks for any accessory structure over 6-1/2 feet in height in the R1 zone. Previously, a 0-foot setback was permitted from interior side and rear property lines; that was changed to 5-foot and 10-foot setbacks from the interior side and rear property lines, respectively, for any accessory structure that exceed 6-1/2-feet in height. Since most standard sheds exceed a 6-1/2-foot height – and, therefore, require increased setbacks -- concerns have been expressed that the increased setbacks result in wasted, unusable space between the accessory structure and the property lines.

***Sign Code***

The Sign Code was recently modified to reflect a change in temporary, portable signs. During City Council's first reading of the ordinance, it was requested that the same type of distinction (commercial versus non-commercial) be made for banners. To allow the temporary, portable sign (which include non-commercial signs such as campaign signs) regulations to proceed, it was agreed to return with the banner amendments at a later date.

**ANALYSIS**

***Accessory Structures***

In the R1 zone, Code currently permits 0-foot setbacks from interior rear and side property lines only if the accessory structure does not exceed 6-1/2-feet in height; many standard sheds exceed that height. However, while staff understands the desire of property owners to maximize the use of their yards, one of staff's main concerns is that modification of the Code to allow too high of an accessory structure at 0-foot setbacks could result in negative visual impacts on surrounding property owners. Therefore, staff recommends that the reduced setbacks be permitted only for accessory structures up to 8-feet in height and 120 sq.ft. in area. (Accessory structures up to 120 sq.ft. in area are exempt from building permit requirements.) Structures in excess of that height would be subject to the same setbacks as the main structure. Additionally, since more of the accessory buildings will now be visible to surrounding properties, changes are proposed to allow staff greater ability to review accessory structures for architectural compatibility with the subject and surrounding properties.

The proposed changes to the Code are noted in red:

TABLE [13-32](#)  
RESIDENTIAL DEVELOPMENT STANDARDS

SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS AND STRUCTURES (Minimum distances given, unless otherwise noted. All setbacks from streets are measured from the ultimate property line shown on the master plan of highways).				
<b>STANDARDS</b>	<b>R1</b>	<b>R2-MD</b>	<b>R2-HD</b>	<b>R3</b>

Front	20 feet	
Side	<p>Interior property line: 5 feet. Note: Accessory structures that do not exceed <u>6½ 8 feet in height and 120 sq.ft. in area</u> in the R1 zone or 15 feet in height in the other residential zones may have a zero side setback.</p> <p>Property line abutting a public street: 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.</p> <p>Property line abutting an alley: 5 feet</p>	
Rear (not abutting a publicly dedicated alley)	<p>20 feet for 2 story structures. 10 feet for 1 story structures (15 foot maximum height) provided that maximum rear yard coverage is not exceeded.</p> <p>Note: Accessory structures that do not exceed <u>6½ 8 feet in height and 120 sq.ft. in area</u> in the R1 zone or 15 feet in height in the R2 zones may have a zero rear yard setback, except on corner lots in the R2 zones.</p> <p><u>Corner lots in the R2-MD, R2-HD &amp; R3 zones:</u></p> <p>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.</p> <p>b. Where the rear property line of a corner lot abuts a public or private street, accessory structures shall maintain setbacks for main structures.</p>	<p>15 feet for 2 story structures. 10 feet for 1 story structures (15-foot maximum height).</p> <p>Note: Accessory structures that do not exceed 15 feet in height may have a zero rear yard setback, except on corner lots (see R2-MD and R2-HD column for setbacks for corner lots).</p>
Rear yard coverage (maximum)	<p>Rear (not abutting a publicly dedicated alley, street, or park): Main Buildings: 25% of rear yard area.* Accessory Buildings: 50% of rear yard area.*</p> <p>* Rear yard area equals lot width, measured from side property line to side property line, multiplied by 20 feet.</p> <p>Rear abutting a publicly dedicated alley, street, or park: Not applicable</p>	Not applicable
Rear abutting a publicly dedicated alley, street, or park	<p>5 feet; however, garages may be required to setback further to ensure adequate back up distance. Rear Yard Coverage does not apply.</p> <p>Note: Accessory structures that do not exceed <u>6½ 8 feet in height and 120 sq.ft. in area</u> in the R1 zone or 15 feet in height in the other residential zones may have a zero rear yard</p>	

	setback, except on corner lots in the R2 and R3 zones where accessory structures shall maintain setbacks for main structures.
Bluff top setback	No building or structure closer than 10 feet from bluff crest (see <a href="#">section 13-34</a> BLUFF-TOP DEVELOPMENT).

**Sec. 13-33. - Accessory buildings and structures.**

- (a) Accessory buildings or structures ~~constructed closer than seventy-five (75) feet from the front property line or on the front one-half (1/2) of the lot, whichever is less, over 6 feet in height~~ shall be reviewed by the planning division for ~~adequate screening and architectural~~ compatibility with the main structure.

**Sign Code**

During the City Council’s August 2, 2016 meeting regarding portable signs, it was noted that the Sign Code is silent as regards non-commercial banners; consequently, direction was given to amend the Sign Code to address non-commercial banners.

The definition of *banner* would be retained as exists; an additional definition, for non-commercial banners, is proposed to be added:

*Banner, flag, or pennant.* Any cloth, bunting, plastic, paper, or similar material used for advertising purposes on private property and not within the public right-of-way. Flags of a nation or of the State of California, displayed as such in an appropriate manner, are excepted from these regulations. See also *street banner*.

*Non-commercial banner.* Any cloth, bunting, plastic, paper, or similar material which is not used for advertising purposes on private property and not within the public right-of-way. Examples of non-commercial banners generally include, but are not limited to, signs that espouse a political or religious viewpoint, and signs commenting on public official(s) or matter(s) of public discourse.

Additionally, standards for non-commercial banners in all zones are proposed to be added. To allow for consistency, the same area standards for banners in multiple family residential zones and non-residential zones are proposed for non-commercial banners. Since existing area (size) standards effectively prohibit the display of banners in single-family residential zones, a standard needed to be generated. Staff looked at typical non-commercial banners on line and, on that basis, recommends a maximum area of 20 sq.ft. In addition, the same development standards that apply to banners are proposed. Lastly, the same time limit standards adopted by City Council in August for non-commercial portable signs on private properties are proposed for all non-commercial banners in all zones.

	<u>SINGLE-FAMILY RESIDENTIAL ZONES</u>	<u>MULTIPLE-FAMILY RESIDENTIAL ZONES</u>	<u>COMMERCIAL ZONES</u>	<u>INDUSTRIAL ZONES</u>	<u>INSTITUTIONAL ZONES</u>
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<u>NON-COMMERCIAL BANNERS ON PRIVATE PROPERTY</u>			
<u>MAXIMUM AREA</u>	<u>20 sq.ft.</u>	<u>0.5 ft. per unit. Maximum area: 100 sq. ft. per site.</u>	<u>0.5 sq ft. per lineal foot of building frontage facing the street. Minimum entitlement: 25 sq. ft. per tenant. Maximum area: 75 sq. ft. per tenant.</u>
<u>TIME LIMITS</u>	<u>Subject to the time periods set forth in Section 13-123(a)(5)</u>		
<u>DEVELOPMENT STANDARDS</u>	<u>1. The entire surface of the banner must be securely affixed to either a building wall of the residence or business (the building wall must abut a public street or on-site parking area serving the residence or business), or to the sign face of a freestanding sign.</u> <u>2. May not be attached to any staff, pole, line, framing, vehicle, or similar support.</u> <u>3. May not project above roof.</u> <u>4. Must be maintained in good condition; removed or replaced if torn, faded, or dirty.</u> <u>5. Limit one banner per tenant or building occupant on each street frontage maximum.</u>		

**GENERAL PLAN CONFORMITY**

The proposed amendments are consistent with the following objective of the General Plan:

**Objective LU-1F.** Establish policies, standards, and procedures to minimize blighting influences and maintain the integrity of stable neighborhoods.

**PUBLIC NOTICE**

Code requires publication of a display advertisement in the local newspaper (Daily Pilot) for amendments to 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.

**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 CEQA Guidelines Section 15061(b)(3) (general rule), 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, as this regulation affects only temporary signage, the revisions caused by the ordinance are technical, rather than substantive in nature, and this ordinance authorizes that which is, for practical purposes, nearly the baseline condition.

**LEGAL REVIEW**

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

**CONCLUSION**

Adoption of the ordinance will allow greater flexibility for the placement and installation of small storage sheds in the single-family residential zone as well as addressing non-commercial banners throughout the City.



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WILLA BOUWENS-KILLEEN, AICP  
Zoning Administrator



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JAY TREVINO, AICP  
Development Services Department  
Consultant

Attachment: 1. Draft Ordinance

Distribution: Development Services Department Consultant  
Senior Deputy City Attorney  
Public Services Director  
City Engineer  
Transportation Services Manager  
Fire Protection Analyst  
File (2)

**ORDINANCE NO. 17-**

**AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-16-04 AMENDMENT TO TITLE 13, CHAPTER V – DEVELOPMENT STANDARDS, ARTICLE 1 -- RESIDENTIAL DISTRICTS AND TABLE 13-32; CHAPTER VIII -- SIGNS, ARTICLE 2 -- DEFINITIONS AND ARTICLE 3, TABLE 13-115 SIGN REGULATIONS OF THE COSTA MESA MUNICIPAL CODE**

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

**SECTION 1: FINDINGS**

The City Council finds as follows:

WHEREAS, Code Amendment CO-16-04 to amend Title 13, Chapter 1 would allow greater flexibility for placing small storage sheds in the R1 – Single Family Residential zone.

WHEREAS, The Code Amendment would also amend Chapter VIII of Title 13 to provide a distinction between banners and non-commercial banners.

WHEREAS, The ordinance is intended to treat all banners and non-commercial banners in an equal manner, regardless of the content of such signs.

WHEREAS, The regulations established by this ordinance do not impermissibly infringe upon speech as there are multiple alternate methods via which the public may communicate including via signs placed on private property in a manner consistent with applicable law.

**SECTION 2:** Title 13, Chapter V, Article 1, Development Standards, Table 13-32 of the Costa Mesa Municipal Code, is hereby amended as follows:

**RESIDENTIAL DEVELOPMENT STANDARDS**

SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS AND STRUCTURES (Minimum distances given, unless otherwise noted. All setbacks from streets are measured from the ultimate property line shown on the master plan of highways).				
<b>STANDARDS</b>	<b>R1</b>	<b>R2-MD</b>	<b>R2-HD</b>	<b>R3</b>
Front	20 feet			
Side	Interior property line: 5 feet. Note: Accessory structures that do not exceed <u>6½ 8 feet in height and 120 sq.ft. in area</u> in the R1 zone or 15 feet in height in the other residential zones may have a zero side setback. Property line abutting a public street: 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. Property line abutting an alley: 5 feet	
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Rear yard coverage (maximum)	<p>Rear (not abutting a publicly dedicated alley, street, or park):          Main Buildings: 25% of rear yard area.*          Accessory Buildings: 50% of rear yard area.*</p> <p>* Rear yard area equals lot width, measured from side property line to side property line, multiplied by 20 feet.</p> <p>Rear abutting a publicly dedicated alley, street, or park: Not applicable</p>	Not applicable
Rear abutting a publicly dedicated alley, street, or park	<p>5 feet; however, garages may be required to setback further to ensure adequate back up distance. Rear Yard Coverage does not apply.</p> <p>Note: Accessory structures that do not exceed <u>6½ 8 feet in height and 120 sq.ft. in area</u> in the R1 zone or 15 feet in height in the other residential zones may have a zero rear yard setback, except on corner lots in the R2 and R3 zones where accessory structures shall maintain setbacks for main structures.</p>	
Bluff top setback	No building or structure closer than 10 feet from bluff crest (see <a href="#">section 13-34</a> BLUFF-TOP DEVELOPMENT).	



**SECTION 3:** Title 13, Chapter V, Article 1, Development Standards, of the Costa Mesa Municipal Code, is hereby amended as follows:

**Sec. 13-33. - Accessory buildings and structures.**

(a) Accessory buildings or structures ~~constructed closer than seventy-five (75) feet from the front property line or on the front one-half (1/2) of the lot, whichever is less, over 6 feet in height~~ shall be reviewed by the planning division for ~~adequate screening and architectural~~ compatibility with the main structure.

**SECTION 4:** Title 13, Chapter VIII, Article 1, Section 13-111. -- Definitions, is hereby amended to add the following:

Non-commercial banner. Any cloth, bunting, plastic, paper, or similar material which is not used for advertising purposes on private property and not within the public right-of-way. Examples of non-commercial banners generally include, but are not limited to, signs that espouse a political or religious viewpoint, and signs commenting on public official(s) or matter(s) of public discourse.

**SECTION 5:** Title 13, Chapter VIII, Article 3, Table 13-115 (“Sign Regulations and Design Standards”), of the Costa Mesa Municipal Code is hereby amended to add the following:

	<u>SINGLE-FAMILY RESIDENTIAL ZONES</u>	<u>MULTIPLE-FAMILY RESIDENTIAL ZONES</u>	<u>COMMERCIAL ZONES</u>	<u>INDUSTRIAL ZONES</u>	<u>INSTITUTIONAL ZONES</u>
<u>NON-COMMERCIAL BANNERS ON PRIVATE PROPERTY</u>					
<u>MAXIMUM AREA</u>	<u>20 sq.ft.</u>	<u>0.5 ft. per unit. Maximum area: 100 sq. ft. per site.</u>	<u>0.5 sq ft. per lineal foot of building frontage facing the street. Minimum entitlement: 25 sq. ft. per tenant. Maximum area: 75 sq. ft. per tenant.</u>		
<u>TIME LIMITS</u>	<u>Subject to the time periods set forth in Section 13-123(a)(5)</u>				
<u>DEVELOPMENT STANDARDS</u>	<ol style="list-style-type: none"> <li><u>1. The entire surface of the banner must be securely affixed to either a building wall of the residence or business (the building wall must abut a public street or on-site parking area serving the residence or business), or to the sign face of a freestanding sign.</u></li> <li><u>2. May not be attached to any staff, pole, line, framing, vehicle, or similar support.</u></li> <li><u>3. May not project above roof.</u></li> <li><u>4. Must be maintained in good condition; removed or replaced if torn, faded, or dirty.</u></li> </ol>				

	<p><u>5. Limit one banner per tenant or building occupant on each street frontage maximum.</u></p>
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**SECTION 6: 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 CEQA Guidelines Section 15061(b)(3) (General Rule), in that the City Council hereby finds that it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment as this regulation affects only temporary signage, the revisions caused by the ordinance are technical, rather than substantive in nature, and this ordinance authorizes that which is, for practical purposes, nearly the baseline condition.

**SECTION 7: 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 8: 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 9: 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 \_\_\_\_\_ 2017.**

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

ATTEST:

APPROVED AS TO FORM:

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

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

STATE OF CALIFORNIA)

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COUNTY OF ORANGE )

I, -----, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 17-\_\_\_ as introduced and considered section by section at a regular meeting of said City Council held on the \_\_\_ day of \_\_\_\_\_, 2016, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the \_\_\_ day of \_\_\_\_\_, 2017, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_ day of \_\_\_\_\_, 2017.

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