



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: FEBRUARY 17, 2004

ITEM NO:

**SUBJECT: APPEAL OF MINOR DESIGN REVIEW ZA-03-76  
2160 MYRAN DRIVE**

**DATE: JANUARY 30, 2004**

**FROM: DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: MEL LEE, ASSOCIATE PLANNER**

**FOR FURTHER INFORMATION CONTACT: MEL LEE, ASSOCIATE PLANNER (714) 754-5611**

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## **RECOMMENDATION:**

Conduct a public hearing and either uphold, reverse, or modify Planning Commission's decision.

## **BACKGROUND:**

On November 20, 2003, the Zoning Administrator approved a request to construct a two-story, 2,376 square foot residence on an R2-MD lot, which is large enough for two units. Council Members Steel and Cowan, and Planning Commissioner Foley, appealed the Zoning Administrator's decision on November 26, 2003 on the basis that the amount of public opposition to the project necessitated a public hearing before the Planning Commission.

Planning Commission considered the appeal at their January 12, 2004 meeting and upheld the approval on a 3-1 vote (Commissioner Foley voting no, Commissioner DeMaio absent). On January 16, 2004, an appeal of the Planning Commission approval was filed by Council Member Steel on behalf of area residents.

## **ANALYSIS:**

In the appeal of the Planning Commission's action, the appellant has identified several issues. These issues, and staff responses, are discussed below.

## **APPELLANT'S ISSUES:**

### **Traffic and Parking**

- Entering and exiting Myran Drive requires shared use of a two-way left turn lane and is very dangerous, especially during peak hours.
- There is limited access for emergency vehicles (Fire, ambulance, etc.) on narrow Myran Drive. Imagine the consequences if even more cars and traffic are added.
- Parking is limited on Myran Drive. In the case of any social gathering or added

guest parking, vehicle overflow will most certainly have a negative effect on adjacent streets. Added parking problems such as these are an unwelcome inconvenience.

- Overspill of guest parking from Casa Victoria and other existing housing communities is already a problem in the area.

#### Character and Community

- Myran Drive is an unusual historic lane with no thru traffic. The four existing homes are all on one side of this narrow easement, and back up to the adjacent Charle Street.
- Myran Drive is an oasis of sorts with its beautiful old trees and a park-like atmosphere (only two blocks from the businesses and activity of Harbor Boulevard).
- All of the existing homes on this street are comparable in scale and character: 1) all are single-story; 2) all are similar in size and appearance (small unique older homes with detached garages and yards with open spaces).
- It is totally possible to build or remodel in a way that respects the already existing scale and character of that neighborhood. That is all those residents ask.

#### Privacy and Quality of Life

- Overbearing two-story structures would: 1) face into homes and yards, 2) ruin their privacy, 3) block their view of sky, trees and open space, 4) interfere with airflow and breezes on hot days.
- They (area residents) have a right to reasonable enjoyment of what is good and beautiful about their neighborhood.
- They (area residents) ask that form follow function rather than profit.

Additionally, the appeal states that the project should be denied because it does not comply with General Plan policies CD-7A.1 and CD-7A.2; the project would start a "domino effect" of larger two story residences in the neighborhood, and the project ignores the property rights of long-term residents. The appeal also suggested that if the approval is upheld, conditions should be added to move the intrusive second story window and deck to face south or east, and construct a block wall to mitigate noise and privacy concerns.

#### RESPONSES:

##### Traffic and Parking

The property is accessed from Myran Drive, a 25-foot wide private easement that provides vehicle access from Victoria Street. The easement crosses the west end of the four lots on Myran Drive, including the subject property. The proposed residence will not have a significant adverse impact on parking or traffic because

the proposed residence will replace an existing residence and detached garage on the property. Required parking (2 spaces within the garage and 2 spaces within the driveway leading to the garage) will be provided on site and no parking is proposed within the easement. Traffic impacts are not anticipated because Myran Drive is not a through street and the only persons that utilize the street are the residents and their visitors. Because large emergency vehicles (such as Fire trucks) cannot turn around on Myran Drive, the Fire Department is requiring that the proposed residence provide fire sprinklers. The applicant has agreed to comply with this requirement.

### Character and Community

The purpose and intent of the Residential Design Guidelines is to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. The Residential Design Guidelines "...encourage(s) architectural diversity that considers the existing neighborhood character and anticipated trends and development."<sup>1</sup> The existing residences within the immediate area are single story; the existing residences on Myran Drive were constructed in the late 1940's and early 1950's. The visual prominence associated with the construction of a two-story residence (which reflects the current trend in residential development) in a predominately single-story neighborhood has been reduced through conformance to all applicable development standards and the Residential Design Guidelines.

Specifically, the second-story area is approximately 80% of the first floor and the second story has an average 10-foot side setback. The residence incorporates variation in building heights and forms as well as variation in the depth of the floor plans to alleviate building mass. Appropriate transitions between first and second floors have been made as well as the provision of second floor offsets to avoid unrelieved two-story walls.

### Privacy and Quality of Life

Privacy impacts on adjoining properties will be reduced due to the following factors:

- North (left side): The only window - a second-story bathroom window - is small and will be screened by existing trees on the adjacent property;
- East (rear): Second-story bedroom and family room windows are set back 20 feet from property line, as required by the zoning code;
- South (right side): Second-story bathroom windows are small windows. The deck will be set back 13 feet from the property line and will overlook the roof of the residence on the adjacent property.

Additionally, Planning Commission modified condition of approval number 9 requiring the applicant to work with staff to ensure first and second floor front

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<sup>1</sup> Costa Mesa Residential Design Guidelines, Page 10

windows be designed and placed to minimize visibility into abutting yards, and added condition of approval number 14 requiring the applicant to work with staff to resolve privacy issues related to the second floor balcony, such as screening.

Based on the above issues, the Planning Commission determined that the project was consistent with City's General Plan and the policies cited in the appeal. The applicant has indicated an intention to redevelop the property at 2172 Myran Drive (the second lot to the north of the subject property), and possibly to build a second unit on the subject property – 2160 Myran Drive. Such proposals, if the structures were two stories in height, would be subject to separate minor design review applications, residential development standards, residential design guidelines, and public notification.

**ALTERNATIVES CONSIDERED:**

The available alternatives are:

- (1) Uphold Planning Commission's decision to approve the request;
- (2) Reverse Planning Commission's decision and deny the request. If the City Council wishes to deny the request, modifications to the findings will need to be made.

**FISCAL REVIEW:**

There is no fiscal impact as a result of this project.

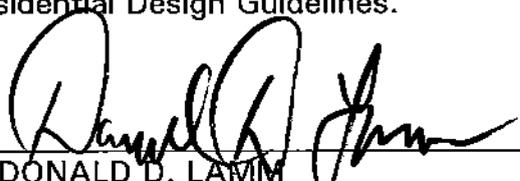
**LEGAL REVIEW:**

Legal review is not required for this project.

**CONCLUSION:**

Despite the issues raised by area residents, the Planning Commission upheld the Zoning Administrator's approval of the proposed residence because it complies with all applicable development standards and Residential Design Guidelines.

  
\_\_\_\_\_  
MEL LEE  
Associate Planner

  
\_\_\_\_\_  
DONALD D. LAMIM  
Dep. City Mgr.-Dev. Svs. Director

**DISTRIBUTION:** City Manager  
City Attorney  
Public Services Director  
City Clerk (2)

Staff (4)  
File (2)

Willard Chilcott  
167B Rochester Street  
Costa Mesa, CA 92627

Brad Smith Architect  
365 Old Newport Boulevard  
Newport Beach, CA 92663

Distribution List

File Name: 021704ZA0376

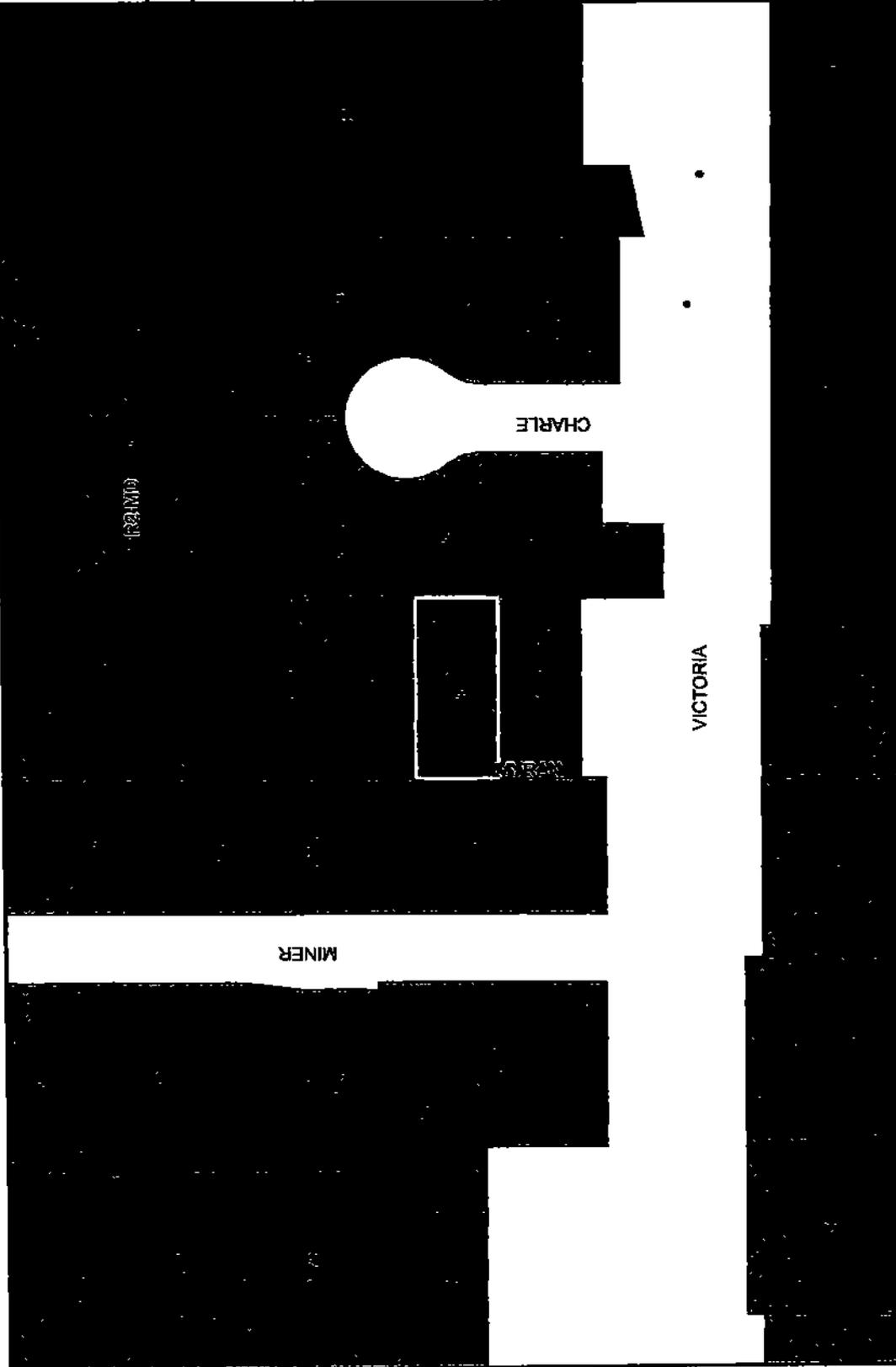
Date: 2/02/04

Time 4:15 pm

**ATTACHMENTS:** Location Map  
Plans and Photos  
Draft City Council Resolution  
Exhibit "A" Draft Findings  
Exhibit "B" Conditions of Approval  
Appeal  
Minutes from Planning Commission Meeting of January 12, 2004  
Planning Staff Report  
Planning Commission Resolution  
Zoning Administrator Letter dated November 20, 2003  
Public Comments for ZA-03-76 (Under Separate Cover)

# ZONING/LOCATION MAP

ZA-03-76 (APPEAL)



## Legend

- Selected Features**
- Parcel Addresses
- Address Points
- Hydrology Channels
- Street Names
- Parcel Lines
- City Boundary
- Water Ways
- Zoning
- Other
- Administrative & Professional
- Local Business
- Local Business & School
- General Business Commercial Limited
- Institutional & Recreational



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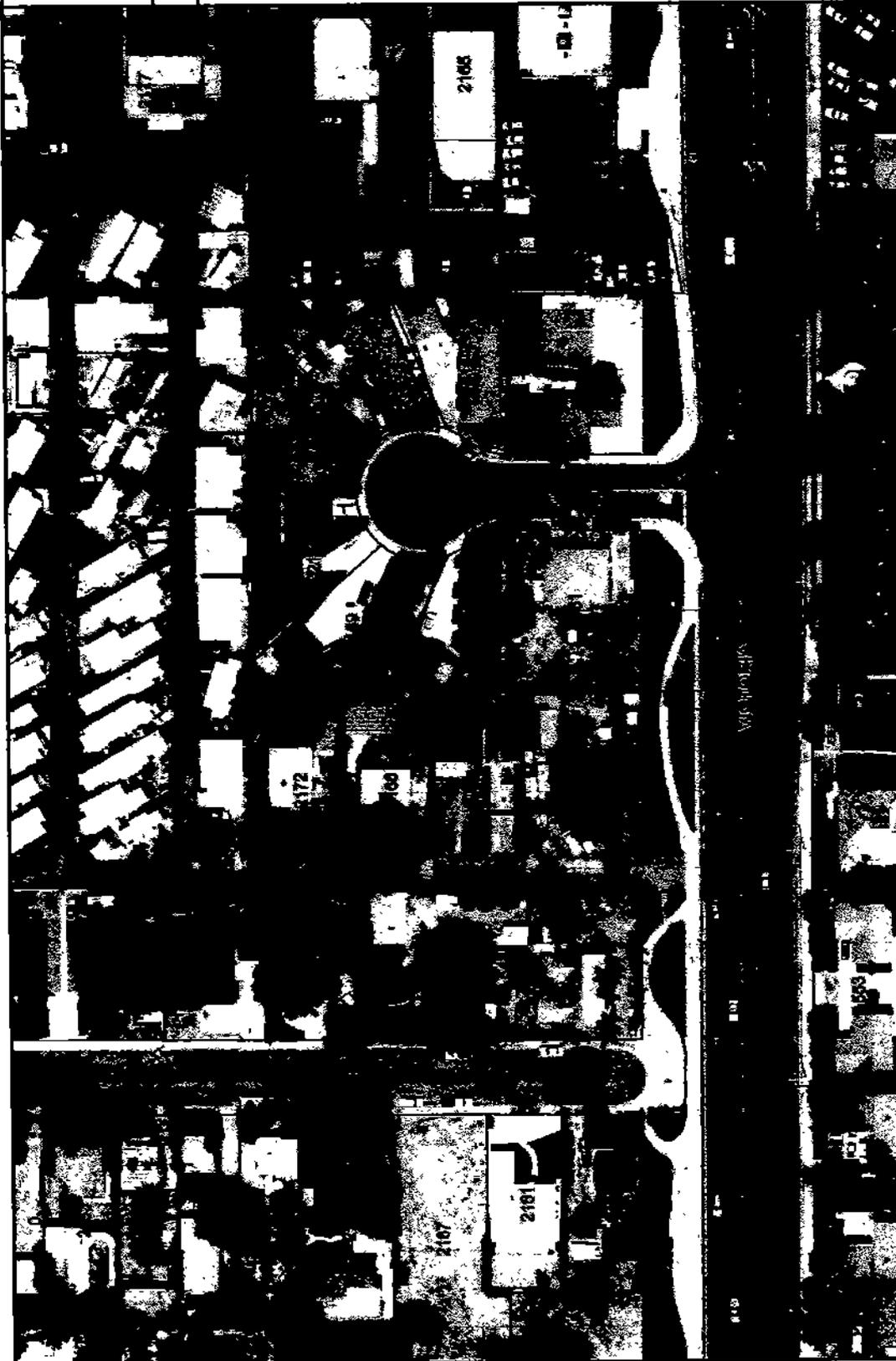
*WARNING: This map does not meet national map accuracy standards and cannot be used for engineering pur*



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# MYRAN DRIVE

Aerial Photo



## Legend

- Parcel Addresses
- Street Names
- Parcel Lines
- Ortho Photography
- Parcels



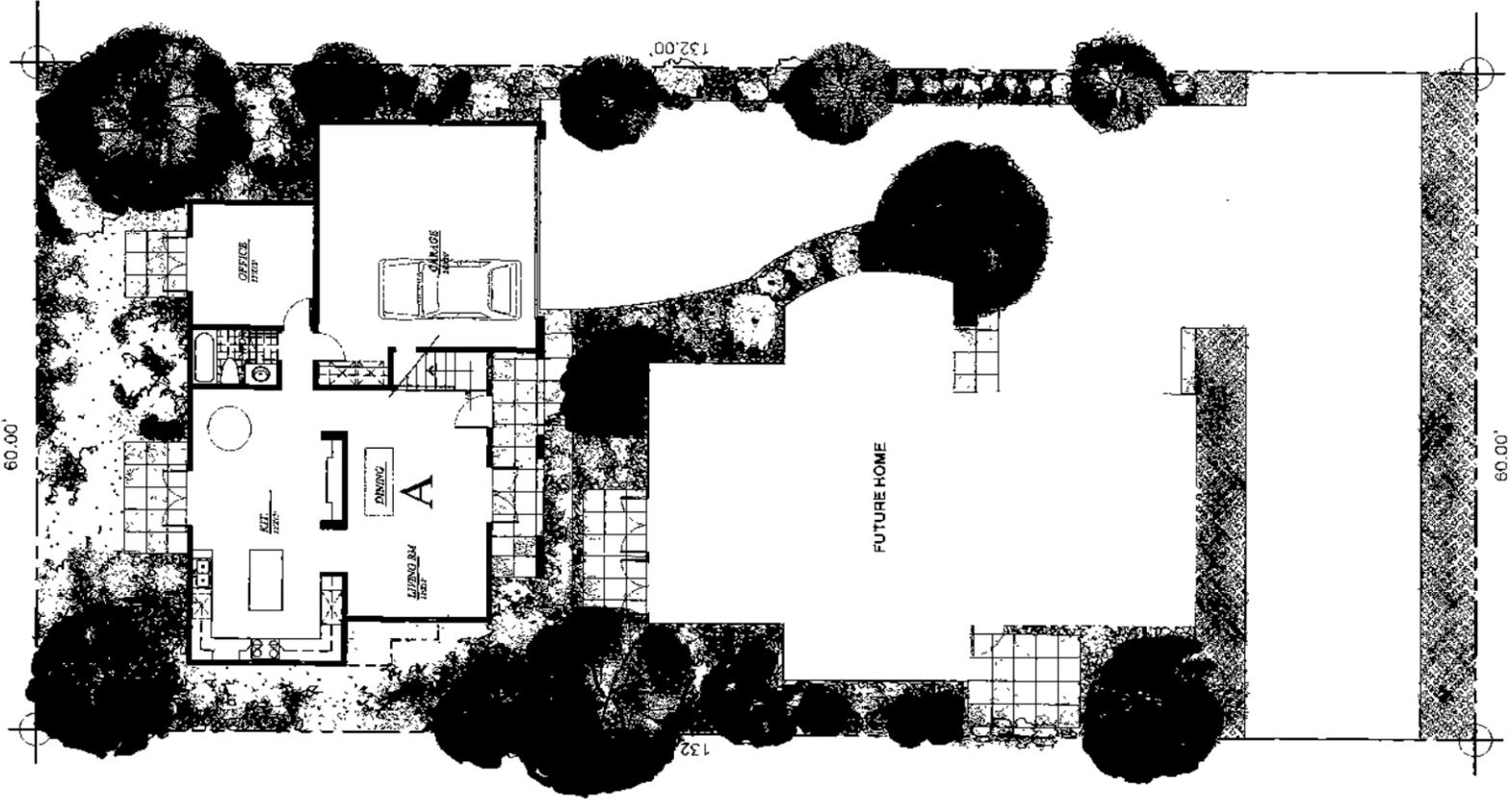
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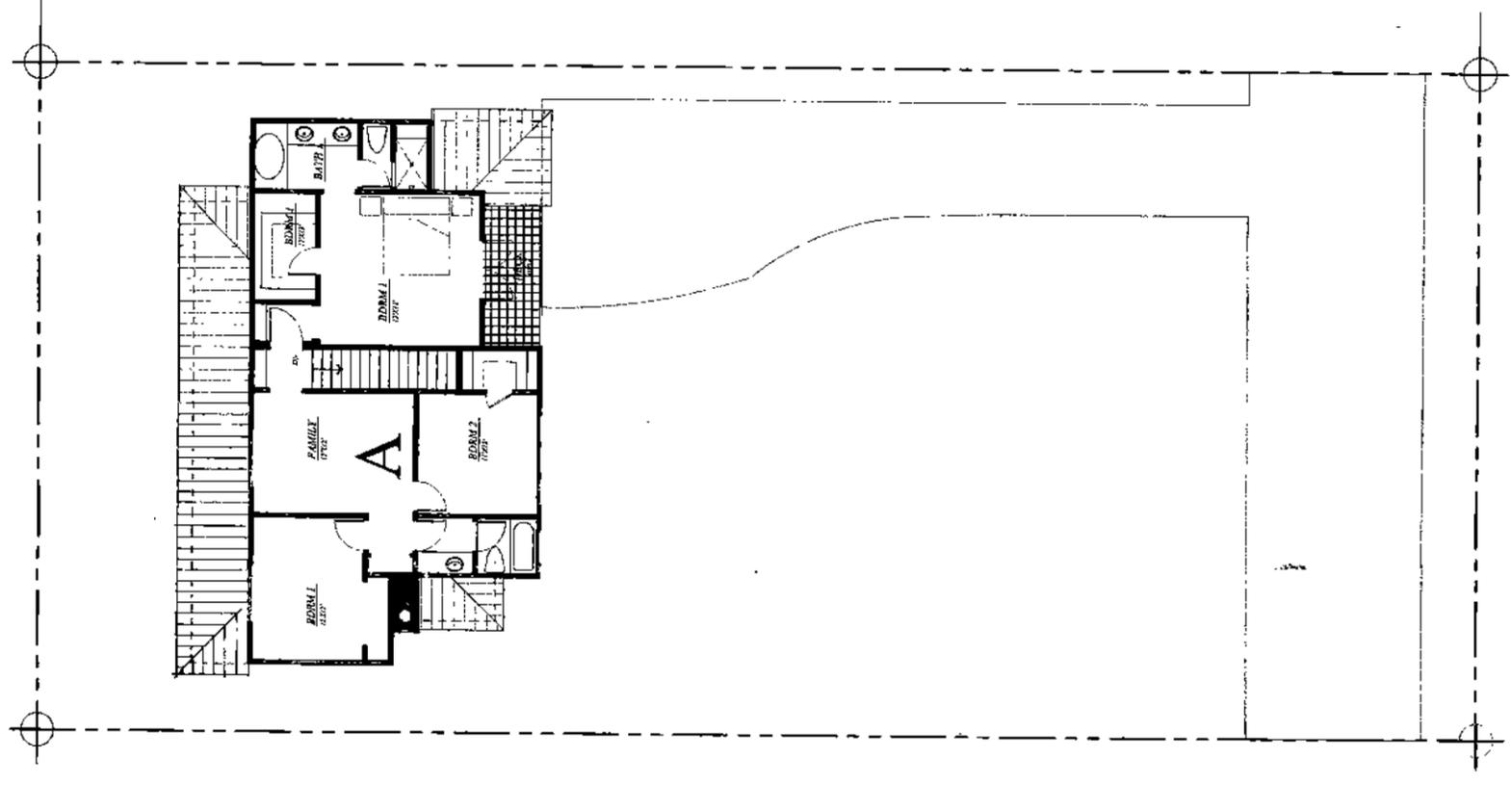
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LOWER LEVEL PLAN

SCALE: 1/8" = 1'-0"

WILLARD CHILCOTT & STEPHANIE FAWLEY  
 A RESIDENTIAL DEVELOPMENT  
 2160 MYRAN DR.  
 COSTA MESA, CA. 92627



UPPER LEVEL PLAN

SCALE: 1/8" = 1'-0"

*DESIGN REVIEW*  
 MINOR CONDITIONAL-USE PERMIT/  
 ADMINISTRATIVE ADJUSTMENT NO. ZA-03-76  
**Approval in Concept**  
 SUBJECT TO CONDITIONS  
 CITY OF COSTA MESA  
 PLANNING DEPT.  
 BY *MEL FOR* DATE *11/20/03*

ZONING: R-2 MD

**PROJECT DESCRIPTION**

PROPOSED: TWO SINGLE FAMILY HOMES WITH ATTACHED  
 TWO CAR GARAGE. BOTH HOMES ARE OF CALIFORNIA  
 CONTEMPORARY DESIGN FEATURING SMOOTH STUCCO  
 WALLS, STANDING SEAM ROOFING AND WROUGHT IRON  
 ACCENTS.



BRADFORD C. SMITH, ARCHITECT  
 (949) 631 - 3682 FAX: (949) 631 - 3685  
 365 B OLD NEWPORT BLVD.  
 NEWPORT BEACH, CALIFORNIA



VICINITY MAP

SITE TABULATION

BUILDING COVERAGE:	AREA	GARAGE	1 st FLR	2 nd FLR	TOTAL	TOTW/GAR
BUILDING A (3 BDRM.)	1,320 sf	427 sf	893 sf	1,056 sf	1,949 sf	2,376 sf
PAVING	1,810 sf					
OPEN SPACE	4,780 sf					
TOTAL	7,920 sf					
PARKING GARAGE	2 SP					
PARKING GUEST	2 SP					
PARKING TOTAL	4 SP					

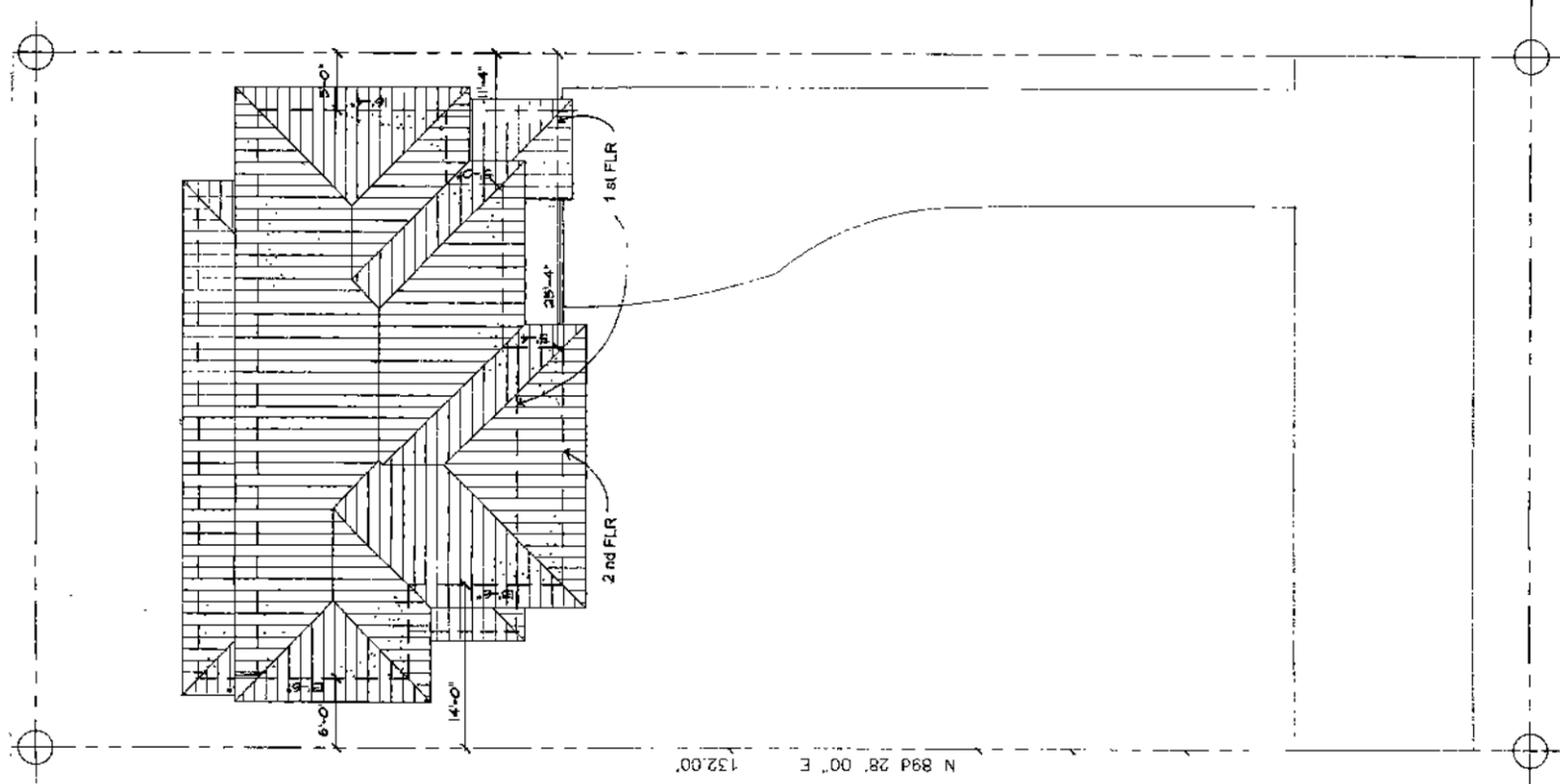
LEGAL

TRACT 1163  
 LOT 35  
 A.P. NO. 422-203-07  
 ZONING: R-2 MD

PROJECT DESCRIPTION

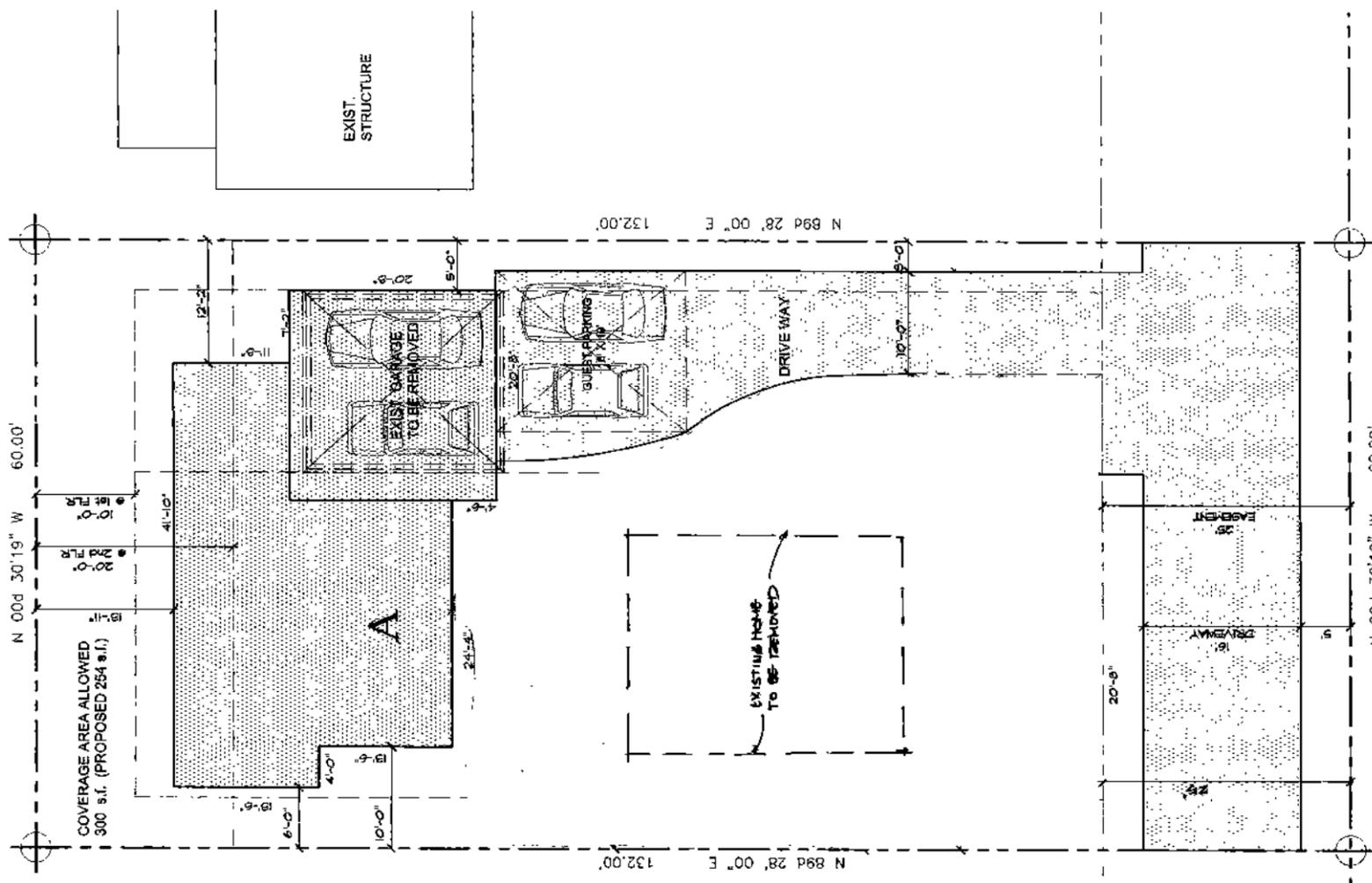
PROPOSED: TWO SINGLE FAMILY HOMES WITH ATTACHED TWO CAR GARAGE. BOTH HOMES ARE OF CALIFORNIA CONTEMPORARY DESIGN FEATURING SMOOTH STUCCO WALLS, STANDING SEAM ROOFING AND WROUGHT IRON ACCENTS.

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ROOF PLAN

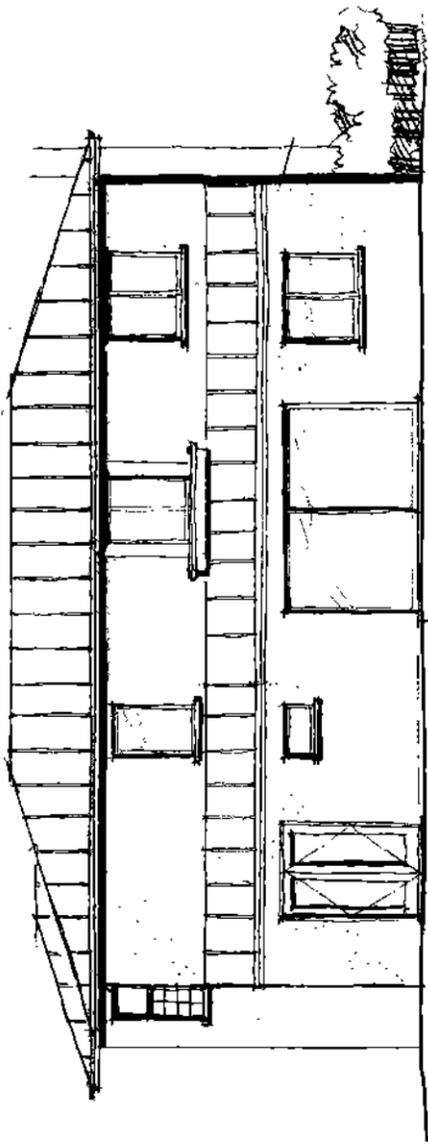
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SITE PLAN

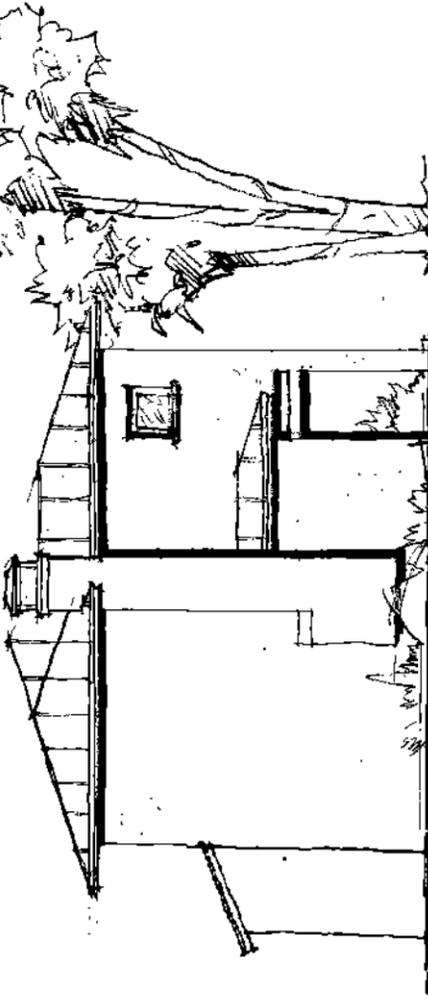
SCALE: 1/8" = 1'-0"

WILLARD CHILCOTT & STEPHANIE FAWLEY  
 A RESIDENTIAL DEVELOPMENT  
 2160 MYRAN DR.  
 COSTA MESA, CA 92627



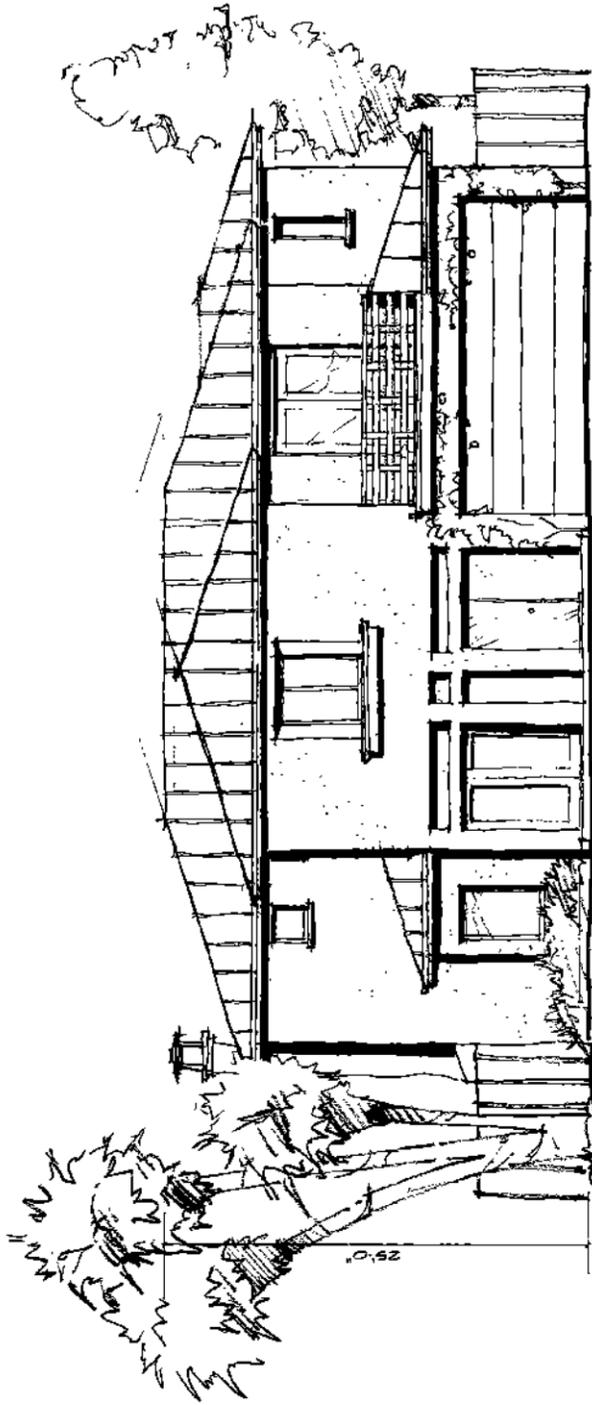
REAR

SCALE: 3/16" = 1'-0"



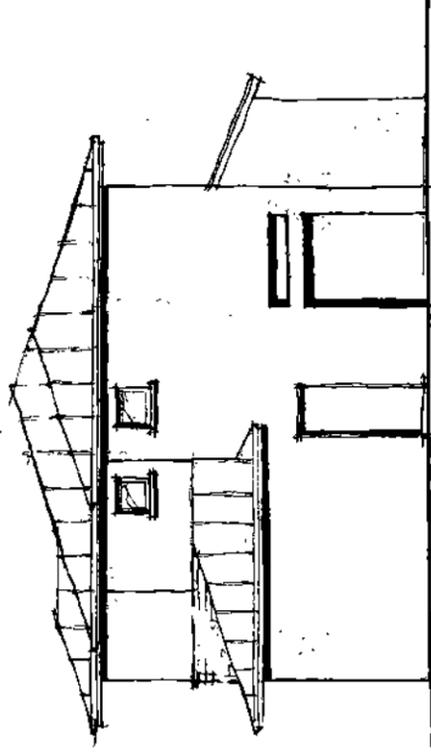
LEFT SIDE

SCALE: 3/16" = 1'-0"



FRONT

SCALE: 3/16" = 1'-0"



RIGHT

SCALE: 3/16" = 1'-0"

WILLARD CHILCOTT & STEPHANIE FAWLEY

A RESIDENTIAL DEVELOPMENT  
2160 MYRAN DR.  
COSTA MESA, CA. 92627

BUILDING A ELEVATIONS

BRADFORD C. SMITH, ARCHITECT

(949) 631 - 3682 FAX: (949) 631 - 3685  
365 B OLD NEWPORT BLVD.  
NEWPORT BEACH, CALIFORNIA



**RESOLUTION NO. 04-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
COSTA MESA APPROVING MINOR DESIGN REVIEW ZA-  
03-76**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS  
FOLLOWS:

WHEREAS, an application was filed by Brad Smith Architect, representing Willard Chilcott with respect to the real property located at 2160 Myran Drive, requesting approval of a minor design review to demolish an existing one story residence and construct a new two-story, 2,376 square foot residence construct a two-story, single family residence; and

WHEREAS, on November 20, 2003 the Zoning Administrator approved Minor Design Review ZA-03-76; and

WHEREAS, Minor Design Review ZA-03-76 was appealed to the Planning Commission; and

WHEREAS, Planning Commission upheld the Zoning Administrator's approval at a duly noticed public hearing on January 12, 2004; and

WHEREAS, ZA-03-76 was appealed to City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on February 17, 2004.

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the City Council hereby **APPROVES** ZA-03-76 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for ZA-03-76 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this resolution, and any recommendation for approval herein contained, shall be deemed null and void.

//

**PASSED AND ADOPTED this 17th day of February, 2004.**

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

ATTEST:

APPROVED AS TO FORM:

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

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

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

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certifies that the above and foregoing Resolution No. \_\_\_\_\_ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the \_\_\_\_ day of February, 2004.

IN WITNESS WHEREOF, I have herby set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_\_\_ day of February, 2004.

\_\_\_\_\_  
Deputy City Clerk and ex-officio Clerk of the  
City Council of the City of Costa Mesa

**EXHIBIT "A"****FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. The residence conforms to all development standards and the residential design guidelines. Specifically, the second-story area is approximately 80% of the first floor and the second story has an average 10-foot side setback. The residence incorporates variation in building heights and forms as well as variation in the depth of the floor plans to alleviate building mass. This minor design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and other applicable design features. Although this will be the first two-story residence in the immediate neighborhood, the proposed residence conforms to residential development standards and residential design guidelines. The visual prominence associated with the construction of a two-story house in a predominately single-story neighborhood has been reduced through appropriate transitions between first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is compatible and harmonious with uses on surrounding properties because the residence conforms to all development standards and the residential design guidelines. Visual and privacy impacts on adjoining properties will be reduced due to mass and scale of the structure, location of windows, varied roof forms and roof plane breaks, and other applicable design features.
  2. Safety and compatibility of the design of the buildings, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  3. The project is consistent with the General Plan.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- E. The building is at an excessive distance from the public street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire

hydrant. Problems associated with the depth of the building on this property can be reduced by installation of a residential sprinkler system.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- Plng.
1. Street addresses shall be displayed on the fascia adjacent to the main entrance or front door in a manner visible from the private street. Numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
  2. The conditions of approval for ZA-03-76 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  3. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.
  4. Prior to issuance of grading or building permits, the applicant shall obtain approval of a hydrology and drainage study showing the method of disposal of stormwater. Because the applicant has indicated an intention the redevelop the property at 2172 Myran Drive, said study shall also include that property as well.
  5. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 7 p.m., on Saturday; there shall be no construction activity on Sunday, and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
  6. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
  7. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
  8. Exterior elevations shall be submitted for pre-plan check review and

approval by the Planning Division. Once the exterior elevations have been reviewed and approved by the Planning Division, the exterior elevations shall be incorporated into the plan check drawings.

9. Applicant and staff shall work together to ensure first and second floor front windows are designed and placed to minimize visibility into the abutting yards. Every effort shall be made to maintain the privacy of abutting property owners.
10. Applicant is advised that this approval does not constitute approval to construct the second "future unit" indicated on the submitted plans, and such development will be subject to a separate minor design review process and public notification (if the structure is two stories in height), as well as applicable residential development standards and residential design guidelines. Applicant is also advised that the design and location of the subject residence will not provide a basis to support any requests for deviation from the residential development standards and residential design guidelines including, but not limited to, setbacks, open space, or parking requirements for the "future unit".
11. At the time the residence is ready for occupancy, the applicant shall provide landscaping in the yard area between Myran Drive and the proposed residence if approval and/or permits for the "future unit" have not yet been obtained.
12. Applicant shall provide a paved driveway surface within the private street, extending from the subject property to Victoria Street, minimum 16 feet in width, subject to approval by the Planning Division.
- Eng. 13. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.
14. Applicant shall work with staff to resolve privacy issues with the balcony, such as screening.

**RESOLUTION NO. 04-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
COSTA MESA DENYING MINOR DESIGN REVIEW ZA-03-  
76**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS  
FOLLOWS:

WHEREAS, an application was filed by Brad Smith Architect, representing Willard Chilcott with respect to the real property located at 2160 Myran Drive, requesting approval of a minor design review to demolish an existing one story residence and construct a new two-story, 2,376 square foot residence construct a two-story, single family residence; and

WHEREAS, on November 20, 2003 the Zoning Administrator approved Minor Design Review ZA-03-76; and

WHEREAS, Minor Design Review ZA-03-76 was appealed to the Planning Commission; and

WHEREAS, Planning Commission upheld the Zoning Administrator's approval at a duly noticed public hearing on January 12, 2004; and

WHEREAS, ZA-03-76 was appealed to City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on February 17, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby **DENIES** ZA-03-76 with respect to the property described above.

**PASSED AND ADOPTED this 17th day of February, 2004.**

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Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

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

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

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

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certifies that the above and foregoing Resolution No. \_\_\_\_\_ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the \_\_\_\_\_ day of February, 2004.

IN WITNESS WHEREOF, I have herby set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_\_\_ day of February, 2004.

\_\_\_\_\_  
Deputy City Clerk and ex-officio Clerk of the  
City Council of the City of Costa Mesa

COSTA MESA, CALIFORNIA  
P.O. BOX 1200  
COSTA MESA, CALIFORNIA 92626  
**APPLICATION FOR APPEAL OR REHEARING**

FEE: \$  
~~RECEIVED~~  
CITY CLERK

04 JAN 16 PM 3:41

Applicant Name: Chris M. Steel, Council Member

CITY OF COSTA MESA  
BY \_\_\_\_\_

Address: 77 Fair Drive, Costa Mesa, CA 92626

Phone: (949) 548-8663

Representing: Area Residents

Decision upon which appeal or rehearing is requested: (Give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known):

ZA-03-76 2160 Myran Drive, 1/12/04

Decision by: Planning Commission

**Reason(s) for requesting appeal or rehearing:**

The residents of Myran Drive, Charlie Street, Miner Street, Casa Victoria, and other existing Victoria Street apartment complexes, oppose the proposed construction (ZA-03-76) on Myran Drive. The huge two-story structure will negatively impact their entire neighborhood in numerous ways. The following are their objections to the plans for construction:

**Traffic and Parking**

- Entering and exiting Myran Drive requires shared use of a two-way left turn lane and is very dangerous, especially during peak hours.
- There is limited access for emergency vehicles (fire, ambulance, etc) on narrow Myran Drive. Imagine the consequences if even more cars and traffic are added.
- Parking is limited on Myran Drive. In the case of any social gathering or added guest parking, vehicle overflow will most certainly have a negative effect on adjacent streets. Added parking problems such as these are an unwelcome inconvenience.
- Overspill of guest parking from Casa Victoria and other existing housing communities is already a problem in this area.

**Character and Continuity**

- Myran Drive is an unusual historic lane with no thru traffic. The four existing homes are all on one side of this narrow easement, and back up to the adjacent Charlie Street.
- Myran Drive is an oasis of sorts with its beautiful old trees and a park-like atmosphere (only two blocks from the businesses and activity of Harbor Blvd.)
- All of the existing homes on this street are comparable in scale and character: 1) all are single-story, 2) all are similar in size and appearance (small, unique older homes with detached garages and yards with open spaces)
- It is totally possible to build or remodel in a way that respects the already existing scale and character of that neighborhood. That is all those residents ask.

For Office Use Only - Do Not Write Below This Line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

19 February 17, 2004

Privacy and Quality of Life

- Overbearing two-story structures would: 1)face into the homes and yards, 2)ruin their privacy, 3)block their view of sky, trees and open space, 4)interfere with airflow and breezes on hot days
- I believe that they have a right to reasonable enjoyment of what is good and beautiful about their neighborhood
- They ask that form follow function rather than profit

1. Project needs to be denied because it does not meet the following Design Guidelines:

CD-7A.1 "New and remodeled structures must be compatible in scale and character with existing buildings within residential neighborhoods." Residence to be demolished is 616 sq. ft. and proposed residence is 2,376 sq. ft.

CD-7A.2 "Must preserve the character and scale of Costa Mesa's established residential neighborhoods and requires as a condition of approval, that it is consistent with the prevailing character of existing development in the immediate vicinity, and that it does not have a substantial adverse impact on the adjacent areas." This project has severe adverse impact overshadowing all surrounding properties and destroys the privacy of all neighbors on all sides. At present, there are NO second story windows or second story decks.

2. "Domino Effect." This huge building is only the first of four intended. Approval of this project will set a precedent for approval for three more similar structures, destroying the integrity of this unique older rural neighborhood. This over-development will adversely impact available parking, traffic flow, and existing infrastructure on this unique, narrow private driveway/easement.
3. This project ignores the property rights of existing long-term residents. It ignores the greater good of this community. Over 130 individuals are on record opposing ZA-03-76.
4. Conditions for Approval need to be specific to include:
  - A. Move intrusive second story windows and deck to face South or East.
  - B. Initiate construction with a maximum height block wall to mitigate noise and privacy concerns. (Requested on record by all neighbors on all sides)

Date: 1-14-04

Signature: Chris M. Sted

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SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:



# PLANNING COMMISSION AGENDA REPORT

*II.3.*

MEETING DATE: JANUARY 12, 2004

ITEM NUMBER:

SUBJECT: APPEAL OF MINOR DESIGN REVIEW ZA-03-76  
2160 MYRAN DRIVE

DATE: DECEMBER 31, 2003

FOR FURTHER INFORMATION CONTACT: MEL LEE, ASSOCIATE PLANNER  
(714) 754-5611

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## PROJECT DESCRIPTION

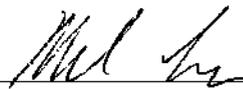
Appeal of the Zoning Administrator's approval of a minor design review to construct a two-story, 2,376 square foot residence.

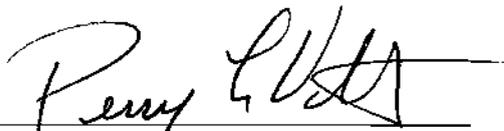
## APPLICANT

The applicant is Brad Smith, representing the property owner, Willard Chilcott.

## RECOMMENDATION

Uphold Zoning Administrator's approval of ZA-03-76.

  
\_\_\_\_\_  
MEL LEE  
Associate Planner

  
\_\_\_\_\_  
PERRY L. VALANTINE  
Asst. Development Services Director

## PLANNING APPLICATION SUMMARY

Location: 2160 Myran Drive Application: ZA-03-76 (Appeal)  
 Request: One 2 story residential unit

### SUBJECT PROPERTY:

Zone: R2-MD  
 General Plan: Medium Density Residential  
 Lot Dimensions: 60 FTx132 FT  
 Lot Area: 7,920 SF  
 Existing Development: Residence and detached garage

### SURROUNDING PROPERTY:

North: Surrounding properties are residential  
 South: and constructed with residences

### DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
<b>Lot Size:</b>		
Lot Width	100 FT	60 FT*
Lot Area	12,000 SF	7,920 SF*
<b>Density:</b>		
Zone	1 du/3,630 SF	1 du/7,920 SF
General Plan	1 du/3,630 SF	1 du/7,920 SF
<b>Building Coverage:</b>		
Buildings	NA	1,320 SF (17%)
Paving	NA	2,256 SF (28%)
Open Space	3,168 SF (40%)	4,344 SF (55%)
TOTAL		7,920 SF (100%)
Building Height:	2 Stories 27 FT	25 FT
Chimney Height	29 FT	25 FT
First Floor Area (Including Garage)	NA	1,320 SF
Second Floor Area		1,056 SF
Ratio of First Floor to Second Floor	80%	80%
<b>Setback</b>		
Front	20 FT	60 FT
Side (left/right)	5 FT (1 Story) 10 FT Avg. (2 Story)	5 FT (1 Story) 10 FT Avg. (2 Story)
Rear	10 FT (1 Sty)/20 FT (2 Sty)	13 FT, 11 IN/20 FT
Rear Yard Lot Coverage	300 SF (25%)	254 SF (21%)
<b>Parking:</b>		
Covered	1	2
Open	3	2
TOTAL	4 Spaces	4 Spaces
Driveway Width:	10 FT	10 FT

NA = Not Applicable or No Requirement

\*The lot is legal nonconforming

CEQA Status Exempt

Final Action Planning Commission

## **BACKGROUND**

On November 20, 2003, the Zoning Administrator approved a request to demolish an existing one story, 616 square foot residence and detached, 396 square foot, two car garage and construct a new two-story, 2,376 square foot residence. Council Members Steel and Cowan, and Planning Commissioner Foley, appealed the Zoning Administrator's decision on November 26, 2003 on the basis that the amount of public opposition to the project necessitates a public hearing before the Planning Commission.

## **ANALYSIS**

The property, which is zoned R2-MD, is accessed from Myran Drive, a private street that also provides access from Victoria Street to three other parcels. The proposed residence will contain a living room, kitchen, dining room, bathroom, office, and attached two-car garage on the first floor; and three bedrooms, two bathrooms, and a family room on the second floor. A 60 square foot master bedroom deck is proposed at the front of the house. The exterior materials consist of a standing-seam metal roof, decorative window and door trims, and exterior plaster finishes.

The minor design review process was created to provide the City with discretionary review over proposed second-story residential construction. The process also provides neighbors with prior notice of the proposed construction and an opportunity to express any opinions or concerns about possible impacts before a decision is rendered. The project is opposed by neighboring property owners on Myran Drive who believe that the proposed residence will destroy their privacy and would be a detriment to the neighborhood, which is predominately single story residences constructed in the 1950's. Copies of letters and petitions received by staff are included as a separate document to this report.

A major part of the minor design review process involves evaluation of the proposed construction with respect to the City's Residential Design Guidelines. These guidelines were created to help ensure that the proposed construction is compatible and harmonious with other properties in the neighborhood. In this regard, staff notes the following:

1. The second-story area is approximately 80% of the first floor per Section 3.2 of the Residential Design Guidelines;
2. The residence incorporates variation in building heights and forms, as well as variation in the depth of the floor plans to alleviate building mass, per Section 4 of the Residential Design Guidelines;
3. The second story has an average 10-foot side setback per Section 5.1 of the Residential Design Guidelines;
4. Privacy impacts on adjoining properties will be reduced due to the following factors:

- North (left side): The only window - a second-story bathroom window - is small and will be screened by existing trees on the adjacent property;
- East (rear): Second-story bedroom and family room windows are set back 20 feet from property line per code;
- South (right side): Second-story bathroom windows are small windows. The deck will be set back 13 feet from the property line and will overlook the roof of the residence on the adjacent property.

The Zoning Administrator determined that the visual prominence associated with the construction of a two-story house in a predominately single-story neighborhood was appropriately reduced as a result of the above items.

#### Other Issues

The applicant initially proposed a second two-story residence on the portion of the lot closer to the private street. This proposal has been deleted from the current plan but could be submitted at a later date. The applicant has also indicated an intention to redevelop the property at 2172 Myran Drive (the second lot to the north of the subject property). Future redevelopment (if the structure(s) are two stories in height) would be subject to a separate minor design review application, residential development standards and residential design guidelines, and public notification.

#### ALTERNATIVES

The Commission has the following alternatives:

1. Uphold the Zoning Administrator's approval of ZA-03-76;
2. Overturn the Zoning Administrator's approval and deny ZA-03-76; or
3. Approve ZA-03-76 with modifications.

#### CONCLUSION

Based on the issues identified in the Zoning Administrator's decision letter and this report, staff does not recommend overturning the Zoning Administrator's approval of ZA-03-76.

Attachments: Planning Commission Resolution  
Exhibit "A" Draft Findings  
Exhibit "B" Conditions of Approval  
Applicant's Project Description and Justification  
Appeals  
Zoning Administrator Letter dated November 20, 2003  
Zoning/Location Map  
Plans

File Name: 011204ZA0376

Date: 12/23/03

Time: 2:15 p.m.

cc: Deputy City Manager - Dev. Svcs. Director  
Assistant City Attorney  
City Engineer  
Fire Protection Analyst  
Staff (4)  
File (2)

Willard Chilcott  
167B Rochester Street  
Costa Mesa, CA 92627

Brad Smith Architect  
365 Old Newport Boulevard  
Newport Beach, CA 92663

Distribution List

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #: *ZA-03-76*

Environmental Determination: *EXEMPT*

Address:

*2160 Myran Dr, Costa Mesa*

1. Fully describe your request:

*To construct a single family detached home at 2160 Myran Dr.*

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

In a flood zone.

In the Redevelopment Area.

Subject to future street widening.

In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

Is not included in the publication indicated above.

Is included in the publication indicated above.

*Willard Chafetz*  
\_\_\_\_\_  
Signature

*26*

*10/27/03*  
\_\_\_\_\_  
Date

CITY OF COSTA MESA  
P.O. BOX 1200  
COSTA MESA, CALIFORNIA 92626  
APPLICATION FOR APPEAL OR REHEARING

FEE: \$ 0

Applicant Name Chris Steel

Address 77 Fair Drive, Costa Mesa

Phone \_\_\_\_\_ Representing \_\_\_\_\_

Decision upon which appeal or rehearing is requested: (Give number of rezoning, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) 2A-03-76, 2160 Myran Drive  
November 20, 2003

Decision by: Zoning Administrator

Reason(s) for requesting appeal or rehearing:  
Policy issues and public opposition necessitate a public hearing.

Date: 11/25/03 Signature: Chris M. Steel

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SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

RECEIVED  
CITY OF COSTA MESA  
DEVELOPMENT DEPARTMENT

NOV 26 2003

JANUARY 12, 2004

NOV-26-2003 WED 10:54 AM

FAX NO.

CITY OF COSTA MESA  
P.O. BOX 1200

COSTA MESA, CALIFORNIA 92626

APPLICATION FOR APPEAL OR REHEARING

FEE: \$ 0

Applicant Name Libby Cowan

Address 77 Fair Drive, Costa Mesa

Phone \_\_\_\_\_ Representing \_\_\_\_\_

Decision upon which appeal or rehearing is requested: (Give number of rezoning, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) ZA-03-76, 2160 Myran Drive

November 20, 2003

Decision by: Zoning Administrator

Reason(s) for requesting appeal or rehearing:

The amount of public response indicates that this project needs  
a Planning Commission Public Hearing.

Date: 11/25/03

Signature: *Libby Cowan*

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SCHEDULED FOR THE CITY COUNCIL PLANNING COMMISSION MEETING OF:

JANUARY 12, 2004



Excerpt from the minutes of the Planning Commission meeting of January 12, 2004

APPEAL OF MINOR  
DESIGN REVIEW ZA-03-76

Chilcott/Smith

The Chair opened the public hearing for consideration of an appeal of Minor Design Review ZA-03-76 for Brad Smith, authorized agent for Willard Chilcott, to construct a 2-story 2,376 sq. ft. residence, located at 2160 Myran Drive in an R2-MD zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a visual presentation of the site characteristics. He advised that this application was appealed to the Commission by two Council Members, and Planning Commissioner Foley, based on the amount of public comments that this project generated. He said staff is recommending approval by adoption of Planning Commission resolution, subject to conditions, based on the review criteria of the City's Zoning Code and Residential Design Guidelines, and the determination that the proposed development is consistent with those requirements.

In response to a question from the Chair regarding the future, potential use of property, Mr. Lee stated that the property is zoned R2-MD, and this particular property does have sufficient site area to accommodate 2 residences. One is proposed at this time, and there may be a future proposal for a second residence in front of this unit. It would be subject to a separate minor design review process if the structure is also proposed to be 2-story.

There was discussion between staff, Commissioner Foley, and Vice Chair Perkins regarding the reason the second unit proposal was withdrawn by the applicant and the meaning of condition of approval #10. Mr. Lee added that condition #10 says that the approval of this unit doesn't automatically guarantee the ability to build a second unit.

In response to a request from Commissioner Foley to explain the fact that Myran Drive is not a public street and to elaborate on the easement issue, Mr. Lee explained that Myran Drive is a private right-of-way for road purposes; its not a public street, and there are easements for the various utilities that serve those homes.

In response to a question from Commissioner Foley, Mr. Valentine stated that this property was zoned R2-MD some time before 1961 and has always been a private street. He believed the homes were built in the early 50's.

Brad Smith, architect and agent for the owner, 365 Old Newport Boulevard, Newport Beach, agreed to the conditions of approval. In response to a question from Vice Chair Perkins regarding the second, future unit, Mr. Smith believed they could come back with a serviceable footprint and meet the open space requirements, "within a few years."

Commissioner Bever said it is his understanding this project meets all the requirements, and that the guidelines intend to promote design excellence, which he believed this project has. However, he received a phone call from a neighbor regarding privacy issues with the front balcony and asked if the balcony was necessary, or could it be screened. There was discussion between Commissioner Bever and Brad Smith, regarding this subject. In response to a question from the Chair, Mr. Smith was agreeable to a condition requiring him to work with staff in resolving this issue.

There was discussion between Commissioner Foley and the architect regarding ways in which he might address the "bulkiness" of the building or consider another design alternative. There was further discussion between Commissioner Bever and Commissioner Foley regarding design elements because she felt the appearance of the building was bulky and incompatible with the neighborhood.

There was discussion between Commissioner Foley and the architect regarding: (a) consideration of a design that would make the 2-story unit appear as one story; and (b) the ability to meet open space requirements while trying to put 2 homes on the site, and create a marketable product.

Tiny Hyder, 2156 Myran Drive, Costa Mesa, opposed the project because it is a 2-story home, and not in scale or in character with the existing homes. She said her objections included 6 opposition statements from other neighbors, which included no paving or laying asphalt without consent; no light structures may be fastened to the fencing temporarily or permanently, or placed in the ground (street lights). She also asked that there be no construction allowed on Sundays.

In response to a question from Commissioner Foley regarding street width, Mr. Lee stated that minimum public street width allowing 2-way traffic and parking on at least one side, is at least 36 feet in width. In further response, Mr. Valentine explained that the distinction between a street and a driveway is that a street has curbs on both sides with pavement in the middle, and is the type of development normally seen where there is a larger number of units or area involved. In this instance, it is more similar to the 5-unit project on Merrill Place the Commission approved late last year, where there was a driveway serving 3 to 5 of the units with the same concept as in the this case, and the driveway is required to be 16' wide.

Commissioner Foley asked if all the lots on this private street (Myran Drive) were to be developed in the same manner as requested this evening, would they all fit on that street, and would everybody be able to make this same request. Mr. Valentine confirmed that all four properties are large enough for two units and the street

or the driveway would be 16' wide from Victoria Street across all 4 properties, and all 4 properties would take access to and from that driveway. There was further discussion between Commissioner Foley and Mr. Valentine regarding the ability of each property to build the same as the others.

Terry Shaw, 420 Bernard Street, Costa Mesa, opposed the project because the project seems out of context with the area and suggested a 1-1/2-story house. He felt the windows could be opaque so the residents could not see out and that the suggestion of no work on the Sabbath was appropriate.

Joelle Frankel, 2166 Myran Drive, Costa Mesa, opposed the project because she was born and raised at this address. She felt that Myran Drive is a modern day oasis and the proposed construction would have a negative effect on all the residents on Myran Drive. She said she understands that this project meets the standards and design guidelines but they were established for buildings and homes on ordinary streets and Myran Drive is anything but ordinary. No other homes have decks and the proposed deck will stick out like an eyesore; none of the homes have windows facing into each other's yards, but the second-story at the back of the proposed unit has windows that face west taking away privacy. She asked how they would accommodate the use of a 25-foot easement for driving and passing and requested additional information regarding any new requirements.

In response to the 25' easement road, Mr. Lee stated that theoretically, the residents could agree among themselves to preserve the trees shown in the photograph because they wouldn't want to pave the entire 25' easement.

Barbara Beck, 443 Flower Street, Costa Mesa, said one more charming, older neighborhood with detached garages, is losing their open yard space. She felt the Commission should consider rezoning the street back to R1. A two-story home in the back yard obliterates the open space feeling for everyone else that surrounds it.

Pamela Frankel, 2166 Myran Drive, Costa Mesa, said she feels boxed in by the project and her home is between the 2 properties intended for development. She said the current proposal has been opposed by 65 surrounding residents who signed a petition, and over 130 letters, all within 500 feet, which are on file with the City. It basically says the proposal is too big for the area. She said the oversized unit will ruin the character and continuity of this unique little street and the Commission's decision should be for the greater good. She said the owner has a right to build, but it should be in scale and character with the neighborhood.

Beth Refakas, 320 Magnolia Street, Costa Mesa, stated that the proposed project appears to be out of scale with the rest of the neighborhood; the deck is a problem especially since it is close to an adjoining neighbor; windows look directly into someone's back yard; and parking will be a problem.

Larry Weichman, 1525 Mesa Verde Drive East, Costa Mesa, spoke in favor of the project because he believed that everyone spends a lot of time talking about improving the Westside and this is an example of a project that would improve the area. The recent 2-story home project on Madison Street where all the neighbors came out and spoke against it, it has actually improved the street, and he felt this project would do the same. He said he was having difficulty with the applicant having to pave the entire street as a part of his approval process. It's a great project and the developer has addressed the concerns of privacy, placement of the windows, and the deck.

In response to the Chair regarding Mr. Weichman's concerns about the driveway, Mr. Lee explained that code requires that a paved surface must be provided in order to provide vehicular access to the development. It would include the area from his property out to Victoria, and will also apply to the other lot when or if an application is filed and approved to build there.

Owner of the property, Willard Chilcott, 167B Rochester Street, Costa Mesa, addressed the issues of the previous speakers. With regard to the objections about the project, he pointed out that there are 2 form letters in the report, 50 of which were signed by people who live in a 3-4 story apartment building on Harbor Boulevard and Victoria Street, and it is odd that they would be concerned about what's happening on Myran Drive, given the distance and nature of their building and the fact that they are renters. Only 11 were from the surrounding area and although the report is large, it is misleading.

Mr. Chilcott requested that the photographs he brought be displayed for the Commission and viewers. They showed instances of dilapidated conditions and debris that exist in the areas surrounding his property and some of which is on his property. He believed that developing this property would renew the vitality and appearance of the neighborhood and would increase property values within the area. He displayed photographs of the house that is to be demolished and Ms. Frankel's house. He said the fourth home along that street currently has a problem where all the drainage goes under the house, and it will have to be eventually torn down for health reasons. When he builds, he will have to raise the grade by a couple of feet just to get the water to drain out to Victoria Street with a piping system under the easement to get it out. Mr. Chilcott pointed out that these

homes were built in the late 1940's and he did not understand how he could build something like that to be compatible.

In response to question from Vice Chair Perkins, Mr. Chilcott said he purchased the property 2 years ago.

Commissioner Foley said she would not expect Mr. Chilcott to be compatible with any code enforcement problems that are on any of the properties adjacent to his own property but in looking at the pictures, she sees that this is a very "rural-type street" and that is what she believes is the character of that street. Said she would agree that there could be redevelopment improvement on this street, especially if there is a sewage problem. She said it seemed to her there is a way to build new buildings on the street similar to the one on Flower Street where you are still improving the property value, but not building a large, boxy building that doesn't really fit in with this type of a street. Obviously, these are old buildings but the character is one of a single-family, detached garage style; anyone could make a whole brand new development with that same size, type and style, with that little character feel.

In response to a question from Vice Chair Perkins regarding a condition that would allow the applicant to work with staff on the balcony issue, Mr. Chilcott said he was agreeable. He said he would also be agreeable to a condition that would include working with staff to resolve window privacy issues.

No one else wished to speak, and the Chair closed the public hearing.

MOTION:  
ZA-03-76  
Upheld Zoning Administrator's  
Decision with modifications

A motion was made by Vice Chair Perkins, seconded by Chairman Garlich and carried 3-1 (Foley voted no; DeMaio absent) to uphold Zoning Administrator's decision, by adoption of Planning Commission Resolution PC-04-02, based on analysis and information contained in the Planning Division staff report and findings in exhibit "A", subject to conditions in exhibit "B" with the following modifications:

#### Conditions of Approval

5. Construction, grading materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 7 p.m. on Saturday; there shall be no construction activity on Sunday and Federal holidays.
9. Applicant and staff shall work together to ensure first and second-floor front windows are designed and placed to minimize visibility into the abutting yards. Every effort...

14. Applicant shall work with staff to resolve privacy issues with the balcony, such as screening.

During the motion the Chair confirmed with the applicant that he was agreeable to the conditions in the motion.

Chairman Garlich commented that the people who live in areas where these changes start, often don't like them, but the people who own the property have a right to expect the City to abide by its own rules. He reminded everyone that the Commission spent the better part of last year on this subject to deal with these questions of mass, scale, privacy, and that these issues have received a lot of attention. He noted on page 2 of the supplemental report, the reference to, "the City of Costa Mesa encourages architectural diversity that considers the existing neighborhood character and anticipated trends and development" has been dealt with before as Mr. Weichman mentioned previously. He said it's difficult to make findings that deny people the right to develop their property according to the rules.

Vice Chair Perkins reiterated the Chair's comments on the time and effort the Commission spent on working out the residential design guidelines. He felt it would be a good project for the neighborhood if approved and the applicant has been working with City consistently to address the issues. He hoped with further efforts between staff and the applicant, the balcony and privacy issues would be worked out soon and that the applicant and neighbors would work together.

In a point of clarification, Mr. Valentine confirmed that the windows in question are the front windows. Mr. Lee suggested that condition of approval #9 be modified to reflect that change.

Commissioner Foley said she would not support the motion because in looking at these projects on a case-by-case basis, applying the guidelines based on the character of that neighborhood, and taking into consideration anticipated redevelopment, she believed there is a good project that could come forward that would be consistent with the rural, tranquil street this property is located on. She summarized that the proposed project: changes forever the character of that neighborhood on this small private street to a typical tract home style development; all the homes on that street are single-story with detached garages; there would be a negative adverse impact on the neighborhood on that street; second stories as indicated by one of the speakers would be in the back yard and eliminate backyard open space; there are no other decks on Myran Drive; the guidelines were established to assess buildings and houses on typical residential streets and this is a unique street and requires a different kind of approach; there are currently no windows into each other's yards;

there's currently no boxy architecture; the type of design proposed for that street is going to result in a precedent for big, boxy, typical tract home development—it is not a full-size street; demolishing the 616 square-foot home now on the premises and replacing it with a home 4 times the size is going to have a negative and adverse impact on that street.

The Chair explained the appeal process.



# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

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DEVELOPMENT SERVICES DEPARTMENT

November 20, 2003

Brad Smith Architect  
365 Old Newport Boulevard  
Newport Beach, CA 92663

**RE: MINOR DESIGN REVIEW ZA-03-76**  
**2160 MYRAN DRIVE, COSTA MESA**

Dear Mr. Smith:

The minor design review for the above-referenced project has been completed. The application has been approved, based on the following project description and findings, subject to the conditions set forth below:

## **PROJECT DESCRIPTION**

The applicant is proposing to demolish an existing one story, 616 square foot residence and detached, 396 square foot, two car garage and construct a new two-story, 2,376 square foot residence. The proposed residence will contain a living room, kitchen, dining room, bathroom, office, and attached two-car garage on the first floor; and three bedrooms, two bathrooms, and a family room on the second floor. A 60 square foot master bedroom deck is proposed at the front of the house. The exterior materials consist of a metal roof, decorative window and door trims, and exterior plaster finishes. The property, which is zoned R2-MD, is accessed from Myran Drive, a private street that also provides access from Victoria Street to three other parcels.

Because the second story of the residence exceeds 50% of the first floor (80% is proposed), a minor design review is required. The purpose of the minor design review is to ensure that the scale and massing of proposed second-story construction will not negatively impact the neighborhood. In this case, the homes abutting the property are one-story. Although this will be the first two-story residence in the immediate area (there is a two-story residence to the northwest, on Miner Street), the proposed residence conforms to residential development standards and residential design guidelines. The second-story area is approximately 80% of the

30

first floor and the second story has an average 10-foot side setback. The residence incorporates variation in building heights and forms as well as variation in the depth of the floor plans to alleviate building mass. The visual prominence associated with the construction of a two-story house in a predominately single-story neighborhood has been reduced through appropriate transitions between first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls. In addition, privacy impacts on adjoining properties will be reduced due to the following factors:

1. North (left side): Second story bathroom window is a small window and will be screened by existing trees on the adjacent property;
2. East (rear): Second story bedroom and family room windows are set back 20 feet from property line per code;
3. South (right side): Second story bathroom windows are small windows. The deck will be set back 13 feet from the property line and will overlook the roof of the residence on the adjacent property.

The applicant initially proposed a second two-story residence on the portion of the lot closer to the private street. This proposal has been deleted from the current plan but could be submitted at a later date. The applicant has also indicated an intention to redevelop the property at 2172 Myran Drive (one lot to the north of the subject property). Future redevelopment (if the structure(s) are two stories in height) would be subject to a separate minor design review application, residential development standards and residential design guidelines, and public notification.

### **FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. The residence conforms to all development standards and the residential design guidelines. Specifically, the second-story area is approximately 80% of the first floor and the second story has an average 10-foot side setback. The residence incorporates variation in building heights and forms as well as variation in the depth of the floor plans to alleviate building mass. This minor design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and other applicable design features. Although this will be the first two-story residence in the immediate neighborhood, the proposed residence conforms to residential development standards and residential design guidelines. The visual prominence associated with the construction of a two-story house in a predominately single-story neighborhood has been reduced through appropriate transitions between first and second floors

and the provision of second floor offsets to avoid unrelieved two-story walls.

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is compatible and harmonious with uses on surrounding properties because the residence conforms to all development standards and the residential design guidelines. Visual and privacy impacts on adjoining properties will be reduced due to mass and scale of the structure, location of windows, varied roof forms and roof plane breaks, and other applicable design features.
  2. Safety and compatibility of the design of the buildings, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  3. The project is consistent with the General Plan.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- E. The building is at an excessive distance from the public street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of the building on this property can be reduced by installation of a residential sprinkler system.

#### **CONDITIONS OF APPROVAL**

- Plng. 1. Street addresses shall be displayed on the fascia adjacent to the main entrance or front door in a manner visible from the private street. Numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
2. The conditions of approval for ZA-03-76 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump

method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.

4. Prior to issuance of grading or building permits, the applicant shall obtain approval of a hydrology and drainage study showing the method of disposal of stormwater. Because the applicant has indicated an intention to redevelop the property at 2172 Myran Drive, said study shall also include that property as well.
5. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 7 p.m., on Saturday, Sunday, and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
6. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
7. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
8. Exterior elevations shall be submitted for pre-plan check review and approval by the Planning Division. Once the exterior elevations have been reviewed and approved by the Planning Division, the exterior elevations shall be incorporated into the plan check drawings.
9. Second floor windows shall be designed and placed to minimize visibility into the abutting yards. Every effort shall be made to maintain the privacy of abutting property owners.
10. Applicant is advised that this approval does not constitute approval to construct the second "future unit" indicated on the submitted plans, and such development will be subject to a separate minor design review process and public notification (if the structure is two stories in height), as well as applicable residential development standards and residential design guidelines. Applicant is also advised that the design and location of the subject residence will not provide a basis to support any requests for deviation from the residential development standards and residential design guidelines including, but not limited to, setbacks, open space, or parking requirements for the "future unit".
11. At the time the residence is ready for occupancy, the applicant shall

provide landscaping in the yard area between Myran Drive and the proposed residence if approval and/or permits for the "future unit" have not yet been obtained.

12. Applicant shall provide a paved driveway surface within the private street, extending from the subject property to Victoria Street, minimum 16 feet in width, subject to approval by the Planning Division.
- Eng. 13. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.

### **CODE REQUIREMENTS**

The following list of federal, state and local laws applicable to the project has been compiled by staff for the developer's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Ping. 1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
2. Approval of the zoning action is valid for one (1) year and will expire at the end of that period unless building permits are obtained and business commences or the applicant applies for and is granted an extension of time.
3. Development shall comply with all requirements of Section 13-32, Title 13, of the Costa Mesa Municipal Code relating to development standards for residential projects.
4. A minimum 20-foot by 20-foot clear interior dimension shall be provided for the garage.
5. Minimum garage door width shall be 16 feet.
6. All new on-site utility services shall be installed underground.
7. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
8. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
9. Five (5) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Three (3) sets shall be provided to the representative water agency and two (2) set shall be submitted to the Planning Division for review. Plans shall be approved by the water agency with two (2) approved sets

forwarded by the applicant to the Planning Division for final approval prior to issuance of building permits.

10. Two (2) sets of landscape and irrigation plans, approved by both the water agency and the Planning Division, shall be attached to two of the final building plan sets.
11. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-103 through 13-108 as well as irrigation requirements set forth by the water agency. Consult with the representative water agency. Mesa Consolidated Water District, Ray Barela (949) 631-1291.
12. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
- Bldg. 13. Comply with the requirements of the California Code of Regulations, Title 24, also known as the California Building Standards Code, as amended by the City of Costa Mesa.
14. Prior to or concurrent with the submittal of plans for grading/building/plan check/submittal of final subdivision map for engineering plan check, the applicant shall prepare and submit documentation for compliance with the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ; National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002 for Storm Water Discharges Associated with Construction Activity (General Permit); the California Regional Water Quality Control Board (RWQCB) Santa Ana Region Order No. R8-2002-0010 and NPDES Permit No. CAS618030; and, the City of Costa Mesa Ordinance No. 97-20 for compliance with NPDES Permit for the City of Costa Mesa. Such documentation shall include a Storm Water Pollution Prevention Plan (if over 5 acres) and a Water Quality Management Plan (WQMP) identifying and detailing the implementation of the applicable Best Management Practices (BMPs).
15. The project applicant shall require the contractor to comply with the SCAQMD's regulations during construction, including Rule 402 which specifies that there be no dust impacts offsite sufficient to cause a nuisance, and SCAQMD Rule 403, which restricts visible emissions from construction. Specific measures to reduce fugitive dust shall include the following:
  - a. Moisten soil prior to grading.
  - b. Water exposed surfaces at least twice a day under calm conditions and as often as needed on windy days when winds are less than 25 miles per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
  - c. Treat any area that will be exposed for extended periods with a

soil conditioner to stabilize soil or temporarily plant with vegetation.

- d. Wash mud-covered tires and under-carriages of trucks leaving construction sites.
  - e. Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud which would otherwise be carried off by trucks departing project sites.
  - f. Securely cover loads of dirt with a tight fitting tarp on any truck leaving the construction sites to dispose of excavated soil.
  - g. Cease grading during periods when winds exceed 25 miles per hour.
  - h. Provide for permanent sealing of all graded areas, as applicable, at the earliest practicable time after soil disturbance.
- Eng. 16. A construction access permit and deposit of \$350 for street sweeping will be required by the Engineering Division prior to the start of any on- or off-site work.
- Fire 17. Provide an automatic fire sprinkler system according to NFPA 13D.

#### **SPECIAL DISTRICT REQUIREMENTS**

The requirement of the following special districts are hereby forwarded to the applicant:

- Sani. 1. Developer will be required to construct sewers to serve this project, at his own expense, meeting the approval of the Costa Mesa Sanitary District.
2. County Sanitation District fees, fixture fees, inspection fees, and sewer permit are required prior to installation of sewer. To receive credit for buildings to be demolished, call (714) 754-5307.
3. Developer shall submit a plan showing sewer improvements that meets the District Engineer's approval to the Building Division as part of the plans submitted for plan check.
4. The developer is required to contact the Costa Mesa Sanitary District at (714) 754-5307 to arrange final sign-off prior to certificate of occupancy being released.
5. Developer shall contact the Costa Mesa Sanitary District at (714) 754-5043 to pay trash collection program fees and arrange for service for all new residences using curbside services. Residences using bin or dumpster services are exempt from this requirement.
- School 6. Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits.
- State 7. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at

(714) 708-1910 for information.

Upon receipt of this letter, your project has been approved, subject to the above-listed conditions. A copy of the conceptually-approved plans is enclosed. The decision will become final at 5 p.m. on December 1, 2003, unless appealed by an affected party or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Mel Lee, at (714) 754-5611, between 1 p.m. and 5 p.m., Monday through Friday.

Sincerely,



PERRY L. VALANTINE  
Zoning Administrator

Enclosure: Conceptually-approved plans

cc: Engineering  
Fire Protection Analyst  
Water District  
Building Division

Willard Chilcott  
167B Rochester Street  
Costa Mesa, CA 92627

Distribution List

RESOLUTION NO. PC-04-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING MINOR DESIGN  
REVIEW ZA-03-76**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES  
AS FOLLOWS:

WHEREAS, an application was filed by Brad Smith Architect, representing Willard Chilcott with respect to the real property located at 2160 Myran Drive, requesting approval of a minor design review to demolish an existing one story residence and construct a new two-story, 2,376 square foot residence construct a two-story, single family residence; and

WHEREAS, the Zoning Administrator approved Minor Design Review ZA-03-76 on November 20, 2003; and

WHEREAS, Minor Design Review ZA-03-76 was appealed to the Planning Commission; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 12, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Minor Design Review ZA-03-76 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for Minor Design Review ZA-03-76 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED** this 12th day of January, 2004.

  
\_\_\_\_\_  
Chair, Costa Mesa  
Planning Commission  
38

STATE OF CALIFORNIA )  
 )ss  
COUNTY OF ORANGE )

I, Perry L. Valantine, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on January 12, 2004, by the following votes:

AYES: COMMISSIONERS: Garlich; Perkins and Bever

NOES: COMMISSIONERS: Foley

ABSENT: COMMISSIONERS: DeMaio

ABSTAIN: COMMISSIONERS

  
\_\_\_\_\_  
Secretary, Costa Mesa  
Planning Commission

## EXHIBIT "A"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. The residence conforms to all development standards and the residential design guidelines. Specifically, the second-story area is approximately 80% of the first floor and the second story has an average 10-foot side setback. The residence incorporates variation in building heights and forms as well as variation in the depth of the floor plans to alleviate building mass. This minor design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and other applicable design features. Although this will be the first two-story residence in the immediate neighborhood, the proposed residence conforms to residential development standards and residential design guidelines. The visual prominence associated with the construction of a two-story house in a predominately single-story neighborhood has been reduced through appropriate transitions between first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is compatible and harmonious with uses on surrounding properties because the residence conforms to all development standards and the residential design guidelines. Visual and privacy impacts on adjoining properties will be reduced due to mass and scale of the structure, location of windows, varied roof forms and roof plane breaks, and other applicable design features.
  2. Safety and compatibility of the design of the buildings, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  3. The project is consistent with the General Plan.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- E. The building is at an excessive distance from the public street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of the building on this property can be reduced by installation of a residential sprinkler system.

## EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. Street addresses shall be displayed on the fascia adjacent to the main entrance or front door in a manner visible from the private street. Numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
2. The conditions of approval for ZA-03-76 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.
4. Prior to issuance of grading or building permits, the applicant shall obtain approval of a hydrology and drainage study showing the method of disposal of stormwater. Because the applicant has indicated an intention to redevelop the property at 2172 Myran Drive, said study shall also include that property as well.
5. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 7 p.m., on Saturday; there shall be no construction activity on Sunday and Federal holidays.
6. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
7. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
8. Exterior elevations shall be submitted for pre-plan check review and approval by the Planning Division. Once the exterior elevations have been reviewed and approved by the Planning Division, the exterior elevations shall be incorporated into the plan check drawings.

9. Applicant and staff shall work together to ensure first and second-floor front windows are designed and placed to minimize visibility into the abutting yards. Every effort shall be made to maintain the privacy of abutting property owners.
10. Applicant is advised that this approval does not constitute approval to construct the second "future unit" indicated on the submitted plans, and such development will be subject to a separate minor design review process and public notification (if the structure is two stories in height), as well as applicable residential development standards and residential design guidelines. Applicant is also advised that the design and location of the subject residence will not provide a basis to support any requests for deviation from the residential development standards and residential design guidelines including, but not limited to, setbacks, open space, or parking requirements for the "future unit".
11. At the time the residence is ready for occupancy, the applicant shall provide landscaping in the yard area between Myran Drive and the proposed residence if approval and/or permits for the "future unit" have not yet been obtained.
12. Applicant shall provide a paved driveway surface within the private street, extending from the subject property to Victoria Street, minimum 16 feet in width, subject to approval by the Planning Division.
- Eng. 13. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.
14. Applicant shall work with staff to resolve privacy issues with the balcony, such as screening.