



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 7, 2006

ITEM NUMBER:

**SUBJECT: REVIEW OF PLANNING APPLICATION PA-05-42
2590 ORANGE AVENUE**

DATE: FEBRUARY 22, 2006

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MEL LEE, AICP, SENIOR PLANNER

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

RECOMMENDATION:

Conduct a public hearing and adopt resolution either upholding, reversing, or modifying Planning Commission's decision.

BACKGROUND:

On February 13, 2006, Planning Commission, on a 3-2 vote (Commissioners Fisler and Egan voting no) approved the project. On February 21, 2006, a review of the Planning Commission's decision was filed by Council Member Dixon.

ANALYSIS:

The review request states that the proposed project is inconsistent with the existing neighborhood and establishes a precedent for future such requests.

The site contains an existing one-story residence, which is proposed to be demolished to accommodate the proposed project. Because the property is zoned R2-MD, two units are allowable, however, the applicant is proposing to sell the units independent of one another; in order to do that, the applicant is requesting a variance to allow the lots to be subdivided at a future date. Code Section 13-32 requires R2-MD zoned properties to provide a minimum lot size of 12,000 square feet and a minimum lot width of 100 feet, neither of which can be met with this property. Because the proposed lots would not comply with the minimum lot width or lot size specified in the R2-MD zone, the applicant requested approval of a variance, which was approved by the Commission.

The Commission determined that the project proposed for this site will not increase the number of units allowed for the site (two are allowed; two are proposed) and the lot width, while not in compliance with the 100 foot minimum lot width for R2-MD, is

consistent with the 50 foot minimum lot width allowed for single family residences in the R1 zone. The resulting development and lot orientation would also be consistent with the other lots fronting onto Susannah Place. The units themselves comply with all applicable development standards, including on-site parking, building setbacks, and open space, as well as the City's Residential Design Guidelines.

On July 11, 2005, Planning Commission approved a similar project proposed by the applicant, at 147 23rd Street, located at the southwest corner of Elden Avenue and 23rd Street (PA-05-07), which is under construction.

ALTERNATIVES CONSIDERED:

City Council may consider the following alternatives:

- (1) Uphold Planning Commission's decision to approve the project; or
- (2) Reverse Planning Commission's decision and deny the project. If the City Council wishes to deny the project, modifications to the findings will need to be made. The applicant could not submit substantially the same type of application for six months, but could still construct two rental units on the property.

FISCAL REVIEW:

Fiscal review is not necessary.

LEGAL REVIEW:

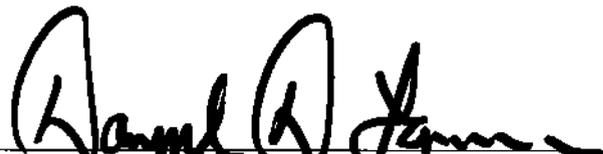
Legal review is not necessary.

CONCLUSION:

Planning Commission approved the project because the project is similar in design to a project previously approved by the Commission, the units increase home ownership opportunities within the City, and the units themselves comply with code requirements and the Residential Design Guidelines.



MEL LEE, AICP
Senior Planner



DONALD D. LAMM, AICP
Deputy City Mgr./Development Svs. Dir.

DISTRIBUTION: City Manager
City Attorney
City Clerk (2)
Staff (4)
File

Pete Volbeda
615 N. Benson Avenue, Suite C
Upland, CA 91786

Jim Cefalia
930 W. Oceanfront
Newport Beach, CA 92662

- ATTACHMENTS:
1. Location Map
 2. Plans
 3. Draft City Council Resolution
 4. Exhibit "A" Draft Findings
 5. Exhibit "B" Conditions of Approval
 6. Appeal
 7. Petition Submitted at the Planning Commission Meeting of February 13, 2006
 8. Minutes from Planning Commission Meeting of February 13, 2006
 9. Planning Staff Reports and Attachments
 10. Planning Commission Resolution

File Name: 022306PA0542Appeal	Date: 022306	Time: 2:30 p.m.
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ZONING/LOCATION MAP

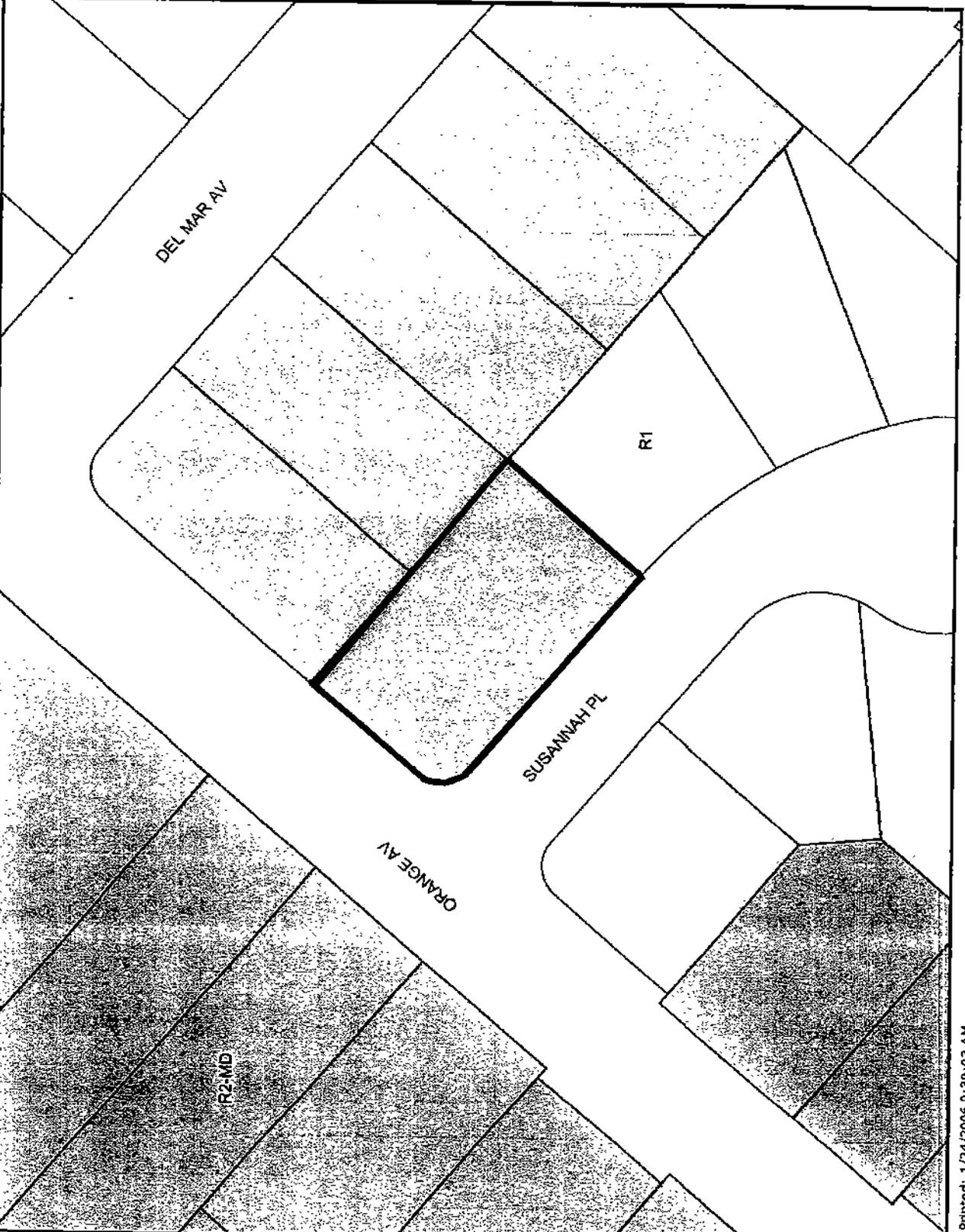
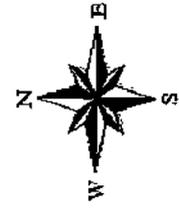
PA-05-42

Legend

Street Names

Parcel Lines

Zoning

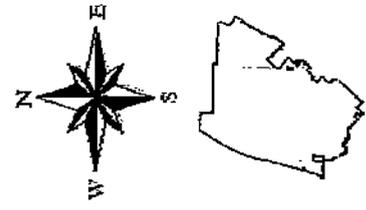


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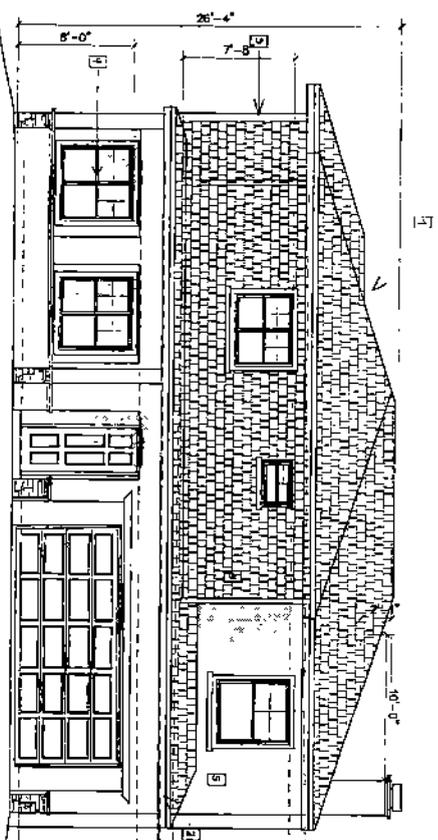
2590 ORANGE AVENUE

Legend

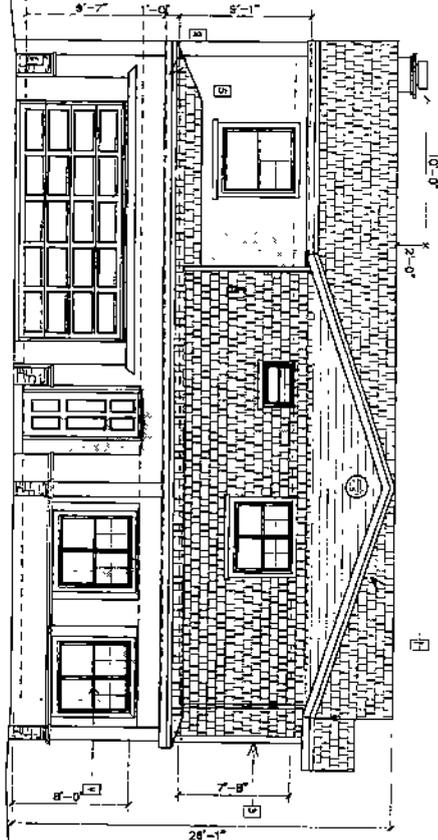
- Street Names
- Parcel Lines
- Ortho Photography



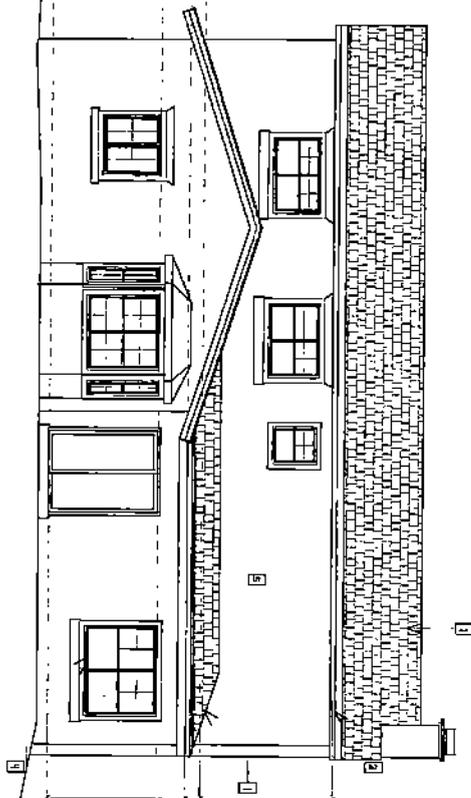
9 FRONT ELEVATION UNIT 1



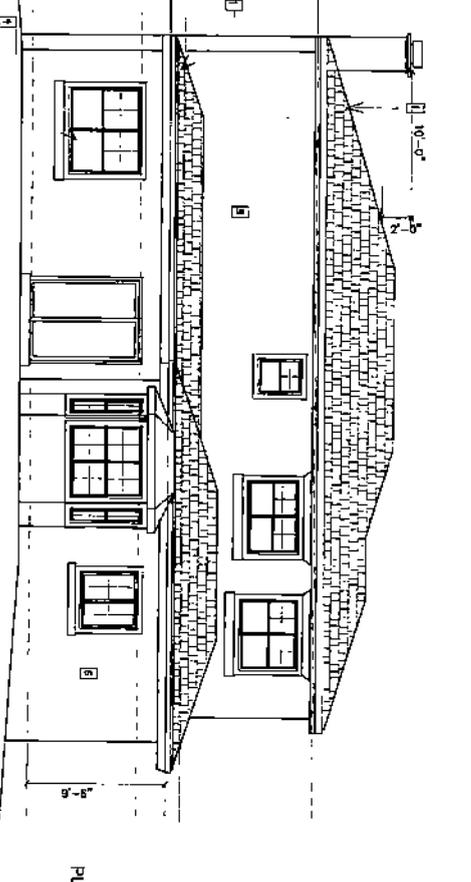
FRONT ELEVATION UNIT 2



REAR ELEVATION UNIT 2 WEST SCALE: 1/4"=1'-0"



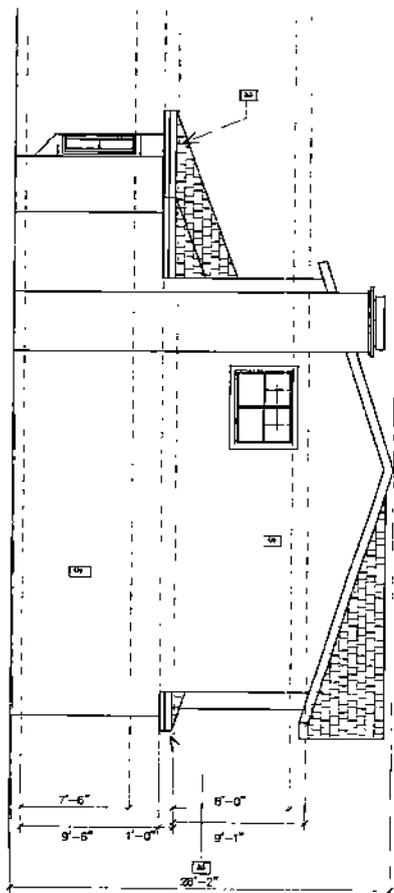
REAR ELEVATION UNIT 1 WEST SCALE: 1/4"=1'-0"



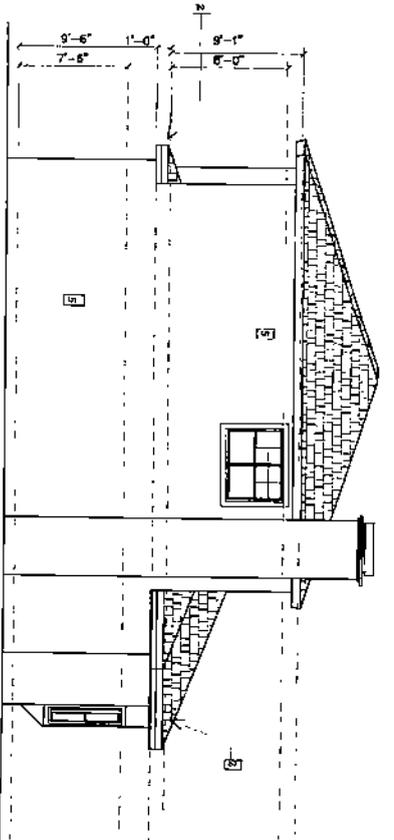
- 1 ROOF TILE: LIFETIME DESERT BREEZE CT
- 2 2X10 T&G ON 20' SPACING
- 3 EXTERIOR SIDING: CEDAR, TEAK BROWN DE
- 4 2X4 TRIM TYPICAL - NORFOLK BROWN
- 5 EXTERIOR PLASTER: LA HABRA CEMENT
- 6 CULTURAL STONE/ RUSTIC SOUTHERN LIMESTONE

79-05-42

DATE	PLANNING	DATE	PLANNING
DESIGN	PLANNING	DATE	PLANNING
CHECKED	PLANNING	DATE	PLANNING
OWNER	PLANNING	DATE	PLANNING
ELEVATIONS		DATE: 05/20/05	
OWNER: JIM CEFALIA PA 05-42		PETE VOLBODA Architecture Planning	
2590 ORANGE (&SUZANAH), COSTA MESA		615 N BENSON AVE SUITE C, UPLAND, CA 91766	
		TEL. 909 373 1150	
		FAX 373 1152	

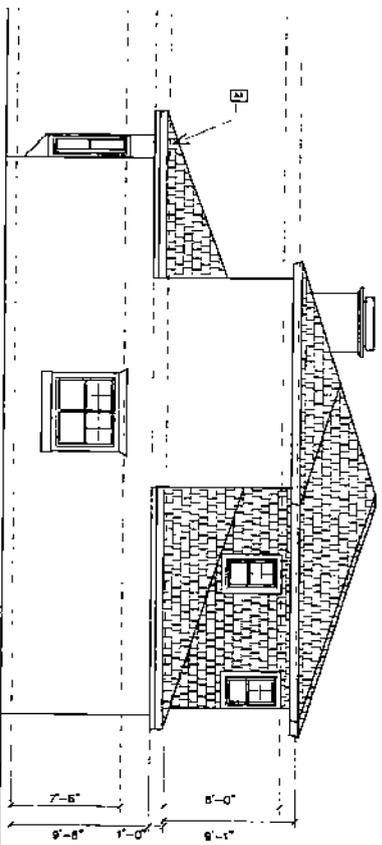


LEFT SIDE ELEVATION UNIT 1 NORTH
SCALE: 1/4"=1'-0"

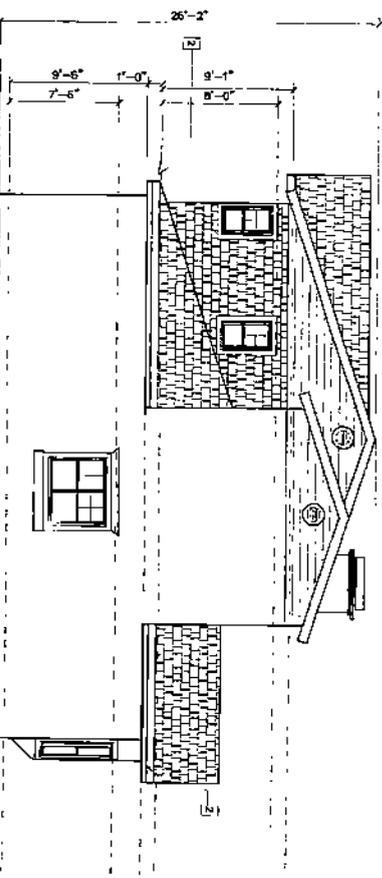


RIGHT SIDE ELEVATION UNIT 1 SOUTH
SCALE: 1/4"=1'-0"

- 1 ROOF TILE LIFETIME DESERT BREEZE CT
- 2 ZMO FASCIA BID NORFOLK BROWN D.E
- 3 EXTERIOR SHINGLE SIDING CEDAR TEAK BROWN D.E
- 4 ZM TRIM TYPICAL AT 2ND FLOOR NORFOLK BROWN
- 5 EXTERIOR PLASTER



RIGHT SIDE ELEVATION UNIT 2 NORTH
SCALE: 1/4"=1'-0"



LEFT SIDE ELEVATION UNIT 1 SOUTH
SCALE: 1/4"=1'-0"

10

29-05/12

10	ELEVATIONS	OWNER: JIM CEFALIA PA 05-42 2590 ORANGE (&SUZANAH), COSTA MESA	DESIGN	DATE	
			DRAWN BY	DATE	
			CHECKED	DATE	
			DATE		

PETE VOLBEDA Architecture Planning
615 N BENSON AVE SUITE C, UPLAND, CA 91786
TEL 909 373 1150 FAX 373 1152

RESOLUTION NO. 06-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COSTA MESA APPROVING PLANNING
APPLICATION PA-05-42**

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

WHEREAS, an application was filed by Pete Volbeda, representing the owner of the property, Jim Cefalia, with respect to the real property located at 2590 Orange Avenue, requesting approval of variances from lot area (12,000 square feet required; approximately 4,000 square feet proposed) and lot width (100 feet required; 58 feet and 62 feet proposed) in conjunction with a development review to construct two, 2 story, 3,200 square foot single family residences; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 13, 2006.

WHEREAS, on February 21, 2006, PA-05-42 was called for review by City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on March 7, 2006.

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** Planning Application PA-05-42 for 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 Planning Application PA-05-42 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 7th day of March, 2006.

ATTEST:

**Deputy City Clerk of the City of
Costa Mesa**

Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

FINDINGS

- A. The information presented complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variances from lot size and lot width requirements. Strict application of the zoning ordinance would deprive the property owners of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, the property provides 2 single-family units with home ownership opportunities. The project will have the design characteristics of two single-family homes rather than two apartment (i.e., rental) units. The units will not exceed the maximum allowable density for the site and the orientation of the units will be consistent with the abutting properties,
- B. The information presented substantially complies with Costa Mesa Municipal Code with regard to the development review 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.
- C. The proposed project, complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - a. The proposed building and site development is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed building and site development is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- D. 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.
- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
2. Prior to issuance of building permits, applicant shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
3. Street addresses shall be displayed on the front of each unit. Street address numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
4. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be 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, 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.
5. The applicant shall contact Comcast (cable television) at 200 Paularino, Costa Mesa, (888.255.5789) prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
6. The conditions of approval, ordinance and code provisions of PA-05-42 shall be blueprinted on the face of the site plan.
7. The applicant shall contact the Planning Division to arrange 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.
8. 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.
9. Existing mature vegetation shall be retained wherever possible. Should it be necessary to remove existing vegetation, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed, and shall be replaced on a 1-to-1 basis. This condition shall

- be completed under the direction of the Planning Division.
10. 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 6 p.m. on Saturday. Construction is prohibited on Sundays 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.
- Eng. 11. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
12. A land use restriction executed by and between the applicant and the City of Costa Mesa shall be recorded prior to the recordation of the parcel map. The land use restriction shall state that no second dwelling unit shall be permitted on either parcel. The applicant shall submit to the Planning Division, a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so the document may be prepared.
- Trans. 13. Provide a sidewalk easement at the drive approach locations to meet ADA requirements for pedestrian accessibility.

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-05-42

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

WHEREAS, an application was filed by Pete Volbeda, representing the owner of the property, Jim Cefalia, with respect to the real property located at 2590 Orange Avenue, requesting approval of variances from lot area (12,000 square feet required; approximately 4,000 square feet proposed) and lot width (100 feet required; 58 feet and 62 feet proposed) in conjunction with a development review to construct two, 2 story, 3,200 square foot single family residences; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 13, 2006.

WHEREAS, on February 21, 2006, PA-05-42 was appealed to City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on March 7, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby **DENIES** Planning Application PA-05-42 with respect to the property described above.

PASSED AND ADOPTED this 7th day of March, 2006.

ATTEST:

**Deputy City Clerk of the City of
Costa Mesa**

Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

City Attorney

CITY OF COSTA MESA
P. O. Box 1200
Costa Mesa, CA 92628-1200

FEE: \$ 0

APPLICATION FOR REVIEW, APPEAL OR REHEARING

Applicant Name Council Member Linda Dixon

Address 77 Fair Drive, Costa Mesa, CA 92626

Phone (714) 754-5327 Representing Adjacent Homeowners

REQUEST FOR: REVIEW** APPEAL REHEARING

Decision of which review, appeal or rehearing is requested: (give number of rezoning, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) PA-05-42 (2590 Orange Avenue) - February 13, 2006

Decision by: Planning Commission

Reasons for requesting review, appeal or rehearing:

The approved variance is inconsistent with the existing neighborhood and establishes a precedent for future such requests.

Date: 2/21/06 Signature: Linda W. Dixon

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF: **MARCH 7, 2006**
If review, appeal or rehearing is for person or body other than City Council/Planning Commission, date of hearing of review, appeal or rehearing:

* If you are serving as the agent for another person, please identify the person you represent and provide proof of agency.
** Review may be requested only by City Council or City Council Member
Costa Mesa/Forms 1/Application for Review-Appeal-Rehearing

Petition Against Planning Application PA-05-42 Variance

Susannah Place is a short cul-de-sac street with 9 homes and 15 street parking spaces. We the homeowners residing on Susannah Place in Costa Mesa, CA object to the variance described in Planning Application PA-05-42 . The proposed variance will have an adverse affect on each of the homes and residents on Susannah Place. The following issues are the basis of our objection to this proposed variance:

- 1) The variance calls for a 33% reduction in lot size than that allowed for in the city plan. This deviation will set precedent for other surrounding and nearby properties to request similar variances. The net negative effect will be an increase in residential density beyond the capacity called for in the master plan. There is already an over population in our local schools and this will only worsen the problem. In addition, this will compound an already congested traffic flow on Orange Avenue.
- 2) Susannah Place already has an existing parking problem. There are not enough parking spaces for the residents of Susannah Place. The proposed variance will in effect remove 3 to 4 additional parking spaces while at the same time adding a potential 3 to 6 cars. This street receives the overflow of vehicles from the residents on Orange Avenue who have nowhere else to park because of the increase multi-unit residences that have been allowed to propagate through prior city approved variances. The lack of available parking spaces results in cars being illegally parked in driveways such that residences cannot egress from their garage. There have been incidences of residents accidentally backing out of their garage into the illegally parked cars. More importantly, vehicles illegally park on the corners of Susannah Place and Orange Avenue cause an obstruction of vision onto Orange Avenue. It is impossible to see oncoming traffic on Orange Avenue. It is only a matter of time before a serious if not deadly car accident results. The city should investigate the potential liability that could result from this negligence.
- 3) Residents have invested life earnings into their homes and properties. When we acquired our homes, we did so knowing what the zoning was in our neighborhood. The value of our homes has appreciated based upon being single family dwellings. The addition or two high density noncompliant, two story buildings will bring down our property values and has the potential of causing financial hardship.

The profit derived for the property owner and the City Of Costa Mesa, by the construction of these two nonconforming buildings, as a result of the proposed variance will come as an expense to the existing residents on Susannah Place. The residents, not the 2690 Orange Avenue property owner will suffer if this variance is approved. We the Susannah Place property owners are against the aforesaid variance and request the Costa Mesa Planning Commission to vote no accordingly.

Name RICHARD NELSON Address 210 SUSANNAH PL, C.M., CA

Signature  Date 2-12-06

Name  Address 203 SUSANNAH PL C.M.

Signature Noem Diaz Date 2/12/06

Petition Against Planning Application PA-05-42 Variance (Continued, Page 2)

Name STEVE PERTSCH Address 201 SUSANAH PLACE

Signature [Signature] Date 2-12-2006

Name Jarasa [Signature] Address 208 Susannah Pl.

Signature TERESA CATLIN Date 12 Feb 06

Name Jon Henderson Address 205 Susannah Place

Signature Jon Henderson Date 2/12/06

Name Victor Packham Address 209 SUSANNAH PLACE

Signature Victor Packham Date 2-12-06

Name GUNDAK CHRISTENSEN Address 206 SUSANNAH PL.

Signature [Signature] Date 2/12/06

Name Susan K. Dilby Address 2500 WESTMINSTER AVE

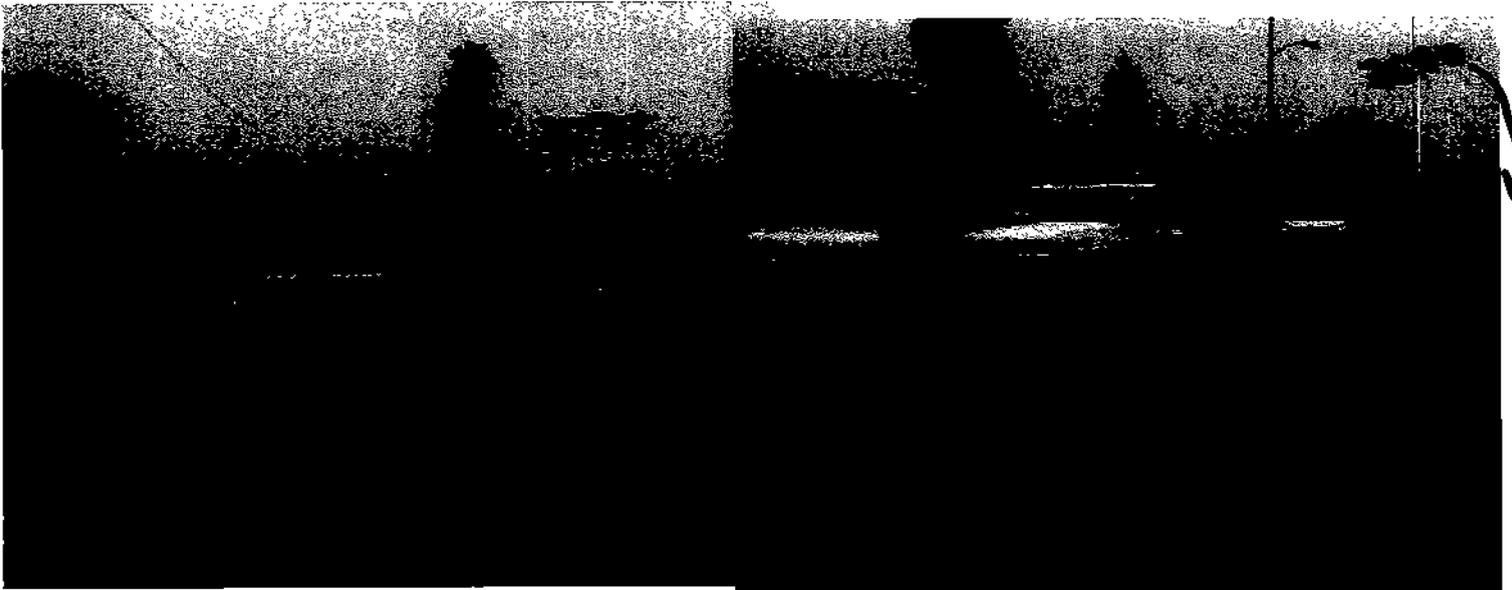
Signature [Signature] Date 2/13/06

Name _____ Address _____

Signature _____ Date _____

(owner 207 Susannah M)

CUL DE SAC PICTURES



LOOKING SOUTH FROM 2690



LOOKING NORTH FROM 2690

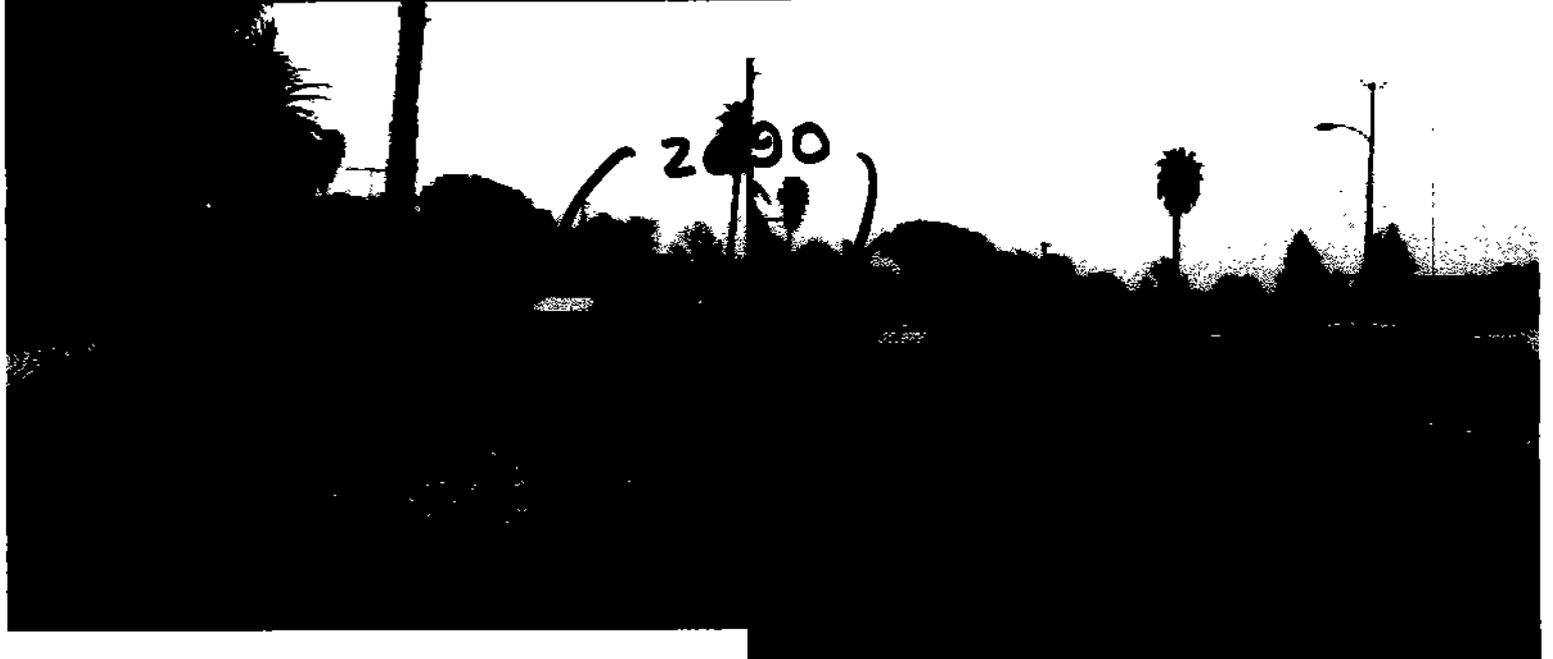
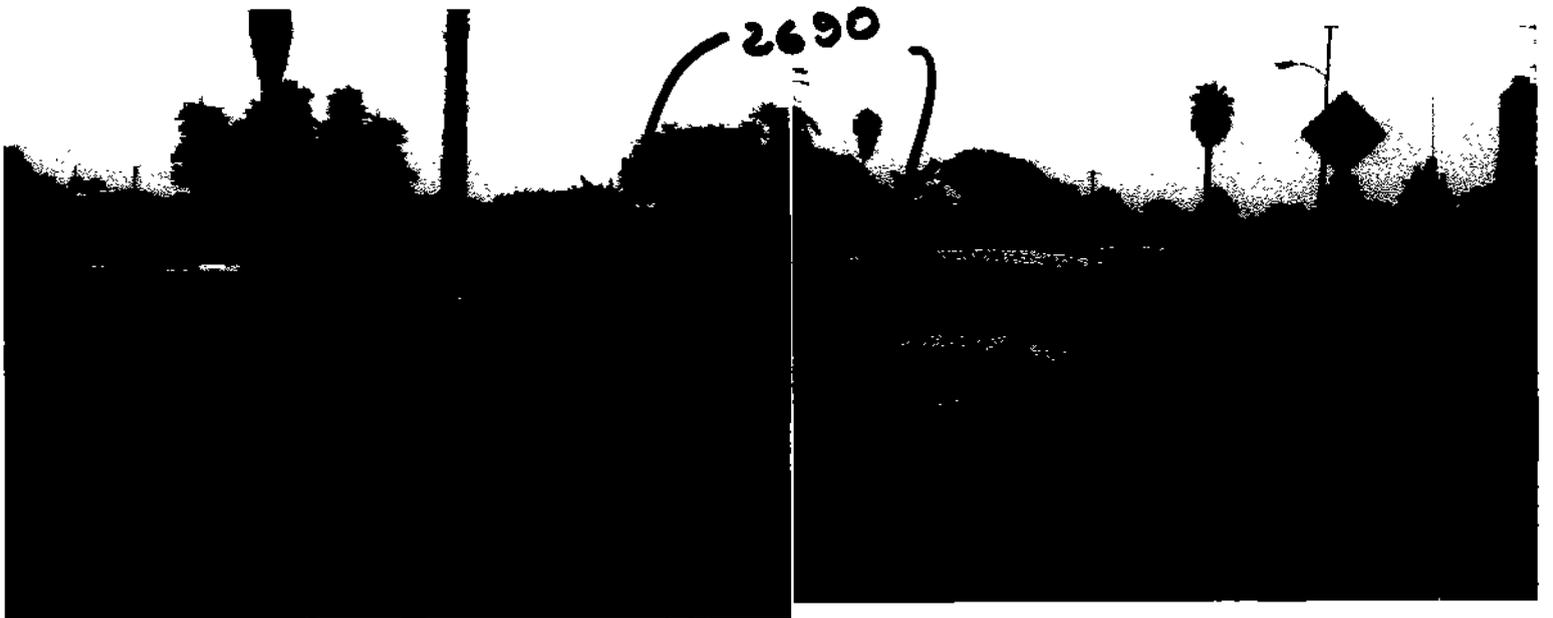


2690



21

FAIRWAY & DELMAR



LEE, MEL

From: TIFFANY, JANE
Sent: Wednesday, February 15, 2006 7:39 AM
To: 'bill.perkins10@sbcglobal.net'; 'donnhall@earthlink.net'; 'mamalili@pacbell.net'; 'j.fisler@worldnet.att.net'; 'garlich.bmrof@worldnet.att.net'
Cc: ROBINSON, MIKE; LEE, MEL
Subject: FW: planning application PA-05-42

-----Original Message-----

From: Islandlifecat@aol.com [mailto:Islandlifecat@aol.com]
Sent: Tuesday, February 14, 2006 8:00 PM
To: PLANNING COMMISSION
Cc: CMCouncil
Subject: planning application PA-05-42

On the 13th of Feb. 2006 the residents of Susanah Pl. attended a public hearing at City Hall. It was not until just before our hearing that one of the residents of Susanah Pl. received a 20 page " **PLANNING COMMISSION AGENDA REPORT.** " As I read what I could over my fellow neighbors shoulder I kept seeing the dreaded word " **VARIANCE.** "

Variance- the license to engage in an act contrary to a usual rule, seems to be the easy way of getting around the city zoning rules of Costa Mesa. Had I known about the 20 page agenda report before the public hearing I, and the residents of Susanah Pl., would have been as prepared as Mr. Pete Volbeda.

Variance- a difference between what is expected and what actually takes place, is what I experienced on the evening of Monday the 13th. I expected fairness. I am a homeowner. I live in my home. Everyone that lives on Susanah PL. owns their homes and lives in them. We were never considered in this proposal of making 2590 Orange into a Susanh Pl. address.

No one is disputing the right to build on a R2 lot if it is kept to the guidelines of a R2 zone. I am sure that when Mr. Joe Cefalia bought 2590 Orange in May of 2005 he new of the zoning laws. I can only assume there was insight to the motive of his purchase, perhaps to change the zoning to suit his need. What is in Question here is the integrity of the Costa Mesa Zoning Ordinance Law.

2590 Orange is not an unusual lot size or shape. The zoning ordinance is anything but strict. What is the special circumstance that would allow granting a variance to this lot?

Mr. Cefalia would like to sub-divide an 8,295 sf lot that is R2, and change the address from Orange to Susanah Pl., as I understand it he would like to build two homes to then turn around and resale as two separate lots. This will send a precedent for future development. Mr. Cefalia is not a homeowner he is an investor.

At the end of the planning commission hearing it was voted 3 to 2 in favour of the applicant Pete Voldea who represented Jim Cefalia. I went back to City Hall on the 14th to file an appeal only to find out it would cost me \$955.00. I am not an investor nor am I a developer so of course I could not pay the fee.

Zoning laws are not only there to help home owners build, I thought they were also there

to protect what a home owner has! What passed last evening is not compatible or harmonious to Susanah Pl. The inadequate street parking is already unbearable. To take away one more parking spot for a driveway is madness. And I will say it once more, this only sets a precedent for future development.

Thank you for your time,
Treece Catlin

208 susanah Pl.
costa mesa,ca

Excerpt from the minutes of the Planning Commission meeting of February 13, 2006

PLANNING APPLICATION

PA-05-42

Cefalia/Volbeda

The Chair opened the public hearing for consideration of Planning Application PA-05-42 for Pete Volbeda, authorized agent for Joe Cefalia, for a variance from minimum lot size requirements (12,000 sq. ft. required, approximately 4,000 sq. ft. per lot proposed) and lot width requirements (100 ft. required, 58 ft. and 62 ft. proposed); consider Susannah Place instead of Orange Avenue as the front of Parcel #2; in conjunction with a development review for the construction of 2, two-story, single-family residences, located at 2590 Orange Avenue, in an R2-MD zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and gave a presentation. He said staff was recommending approval, by adoption of Planning Commission resolution, subject to conditions.

In response to a question from Commissioner Fisler regarding the actual standard for the lot width of an R1 zoned property, Mr. Lee explained that 50 feet minimum lot width is the standard for R1, and 100 feet is the minimum standard for this zoning district which is R2-MD. Commissioner Fisler confirmed with Mr. Lee that if both lots became R1 and the front becomes "Susannah Place", they would both meet the 50 feet requirement. In response to another question from Commissioner Fisler regarding the average lot size required if there is more than 1 lot, Mr. Lee explained that for common interest developments code specifies a minimum 3,000 square foot with an average 3,500 square foot for each lot. In this instance, the proposal is not for a common-interest development. This would be an actual subdivision for two completely separate and independent lots; there is no average.

Commissioner Egan asked if this were to be a common-interest development, how would that change the applicable standards and the variances that would need to be approved. Mr. Lee explained that in order for a common-interest development to be approved, a variance for the minimum number of units would be required. Under current code, 3 or more units are required for a common-interest development. However, minimum lot width and lot sizes would not apply in that instance, because there would be one lot that would be required to be held in common with the properties, and if that were the case, then there would be no physically separated and subdivided lots.

Commissioner Egan asked if the ordinance that would eliminate the minimum "3 units" requirement, has gone before City Council yet. Mr. Robinson said that item is on the Council agenda for next Tuesday, February 21st.

Commissioner Garlich, anticipating Council may pass this waiver, asked whether a common-interest development had any advantages to the proposed lot split. Mr. Lee stated that the only advantage in this instance would be that one lot could be held in common. He said what distinguishes a common-interest development from this project, is that under a common-interest development, a homeowners association would be responsible for maintenance of the common areas, which would not be the case for this development since each lot is physically separated and would be owned independent from the other.

Commissioner Fisler asked Mr. Lee to review minimum lot sizes with him again for R1, R2-MD and HD and R3 zoning districts. Commissioner Fisler confirmed that R1 lots have a minimum lot size of 6,000 square feet and these are 4,100 square feet.

Pete Volbeda, architect for the project and representing the property owner, 615 North Benson Avenue, Upland, agreed to the conditions of approval. Mr. Volbeda explained that this project is similar to a previous project on 23rd Street. He said their belief is in pride of ownership and that the property will be better maintained better with a good appearance if these are ownership units. He noted that the project exceeds the lot size requirements; there is more open space than required; and they are below the standards when applicable and it is better than the required ordinance. One of the reasons they don't want a common lot development is because with 2 members you would have a lot of tie votes. Mr. Volbeda requested approval of the project by the Planning Commission.

Commissioner Egan stated that previously when Planning Commission has approved a 2-lot condominium development, the conditions of approval included an arbitration agreement in the event there was a stalemate between the 2 owners. Mr. Volbeda responded that somebody has to pay for the arbitrator and then argue about which arbitrator to choose, etc. He felt it would be much easier with separate ownership.

PA-05-42
PUBLIC COMMENT

- Teresa Catlin, 2078 Susannah Place, Costa Mesa, explained that Susannah Place is a very small cul-de-sac and the project proposes 2 driveways. She said the cul-de-sac couldn't accommodate the people who live there now because of all the new developments on Santa Ana, Del Mar, and Orange Avenue and people needing a place to park. People are so bold now that they even park in front of the driveways and have to be towed away.
- Richard Nelson, 210 Susannah Place, Costa Mesa, submitted a petition signed by approximately 9 residents and property owners on Susannah Place including himself. The residents opposed the

variance because having 2 more homes on the cul-de-sac would cause exacerbation of already overcrowded local schools; it would cause a negative effect in residential density beyond the General Plan capacity; it will compound the existing congested traffic flow on Orange Avenue; the variance will remove 3 to 4 additional parking spaces while at the same time, adding a potential of 3 to 6 cars; and the addition of two high-density noncompliant, two-story buildings will bring down their property values and has the potential of causing financial hardship. •Norm Dias, 203 Susannah Place, Costa Mesa, said that for whatever reason, City Council has decided that Costa Mesa needs to have more housing for people and he is not opposed to that, but he is opposed to the density which he watching this City constantly escalate. If the City continues to allow this to move eastward, there will be a parade of developers wanting to come in and buy up these large parcels and divide them. He believed this project was short by a huge percentage and not by 50 feet. He said he got a ticket in his own driveway because the driveways are too short. The Police Department wouldn't negate the ticket because of ADA rules. He asked if people cannot park in their own driveways because of the ADA rules, where should they park? Everyday from 6 p.m. on, the street is so congested; there is no parking left. How does the City know these people won't buy these places and turn them into rentals? Commissioner Egan, addressing Mr. Dias, said given that the zoning is R2 and the applicant has a right to put 2 units on his property, is there a difference between making it 2 single-family homes, 2 condominiums, or 2 rental units? Mr. Dias felt if they have the square-footage as required by the City, for any or all of the above-mentioned designations of residence, and he didn't think it mattered what goes there. He believed that they should follow the guidelines established by the City to have the square-footage to build what they are asking to build. •Patty Pertschi, 201 Susannah Place, Costa Mesa, said her concerns regarding this project, are the driveways and why the address which is currently Orange Avenue is going to be switched to Susannah Place.

Pete Volbeda returned to the podium to address the issues. He explained that this site has a drive approach on Orange Avenue and on Susannah Place, and Orange Avenue is a very busy street. He felt putting both driveways on Susannah Place should relieve a lot of traffic. In addition, they are dedicating 3 feet of their site to allow the sidewalk to go through on Susannah Place. There is about 20 feet of distance required for the parking stall in front of the garage. He said if they do not get approved this evening, they can proceed and build these as rental units, but they prefer ownership units.

In response to the Chair, Mr. Lee said the City code specifies that a minimum of four parking spaces as shown in the plan; 2 garage spaces, and 2 outside on the driveway leading to the garage (19 to 20 feet in length clear of any public right-of-way, including sidewalks so that the vehicles do not overhang into the public right-of-way in violation of the ADA regulation). The Chair wished to draft language into the conditions of approval for this code requirement and the applicant agreed.

Vice Chair Hall said that as he understands the situation, by right, the property owners could build 2 units for rental. Mr. Lee confirmed and agreed they could also build units of equal size as shown on the site plan. Vice Chair Hall surmised that the only difference between what is permitted and what they are asking for is home ownership. He believed there would be plenty of parking. He said he heard one of the speakers say he was ticketed because his car was hanging over the driveway against ADA requirements. He confirmed it was the fault of the driveway length. Vice Chair Hall asked if there was something that could be done so that these people are not subjected to that. Mr. Munoz stated that the City must meet ADA federal requirements, and the home that was built does not allow the car to be fully clear of the sidewalk so it's a problem. Mr. Munoz felt it could be discussed with the Police Department and the Transportation Services Division to see if there is a way to exempt those people from having the violations problem. The Chair requested that Mr. Munoz discuss this with the property owners and get back to them with the results of the discussions with the Police Department and Transportation Services. Mr. Munoz agreed. Vice Chair Hall also suggested that maybe the people on Susannah Place need to apply for a restricted parking status, which would give them permit parking only. Mr. Lee stated that there is a procedure to allow for permit parking on a public street, which is typically reviewed by the Transportation Services Division, which makes their recommendation to City Council. Vice Chair Hall said he understands that on address assignments, normally addresses are assigned to the narrow side of the lot and when this lot is divided, the narrow side now becomes Susannah Place. He felt these changes would be far superior than having 2 rental units built on the street, and he felt it would improve the driveway problems.

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

MOTION:
PA-05-42
Approved

A motion was made by Vice Chair Hall, seconded by Chair Perkins, and carried 3-2 (Fisler and Egan voted no) to approve Planning Application PA-05-42, by adoption of Planning Commission Resolution PC-06-09, based on analysis and information in the Planning Division staff report and findings contained in exhibit "A", subject to conditions in exhibit "B."

During discussion on the motion, the Chair wished to add a condition that would require people to park in their garages and on their driveways. Commissioner Egan requested that legal counsel give an opinion on that request. Deputy City Attorney Tom Duarte stated that his first understanding of the Chair's request was to comply with the code, but as just stated by the Chair, the City cannot condition property owners not to park on public streets. Commissioner Garlich offered that we already have the code that requires the garage must have space for a two-car garage if it is a two-car garage. There is no code that says a car has to be parked in there.

Commissioner Fisler said he would not support this motion and said he was the losing end of a 4 to 1 vote on the previous project on 23rd Street. He felt the applicants wanted to move the orientation of these two substandard lots onto Susannah Place making them R1 lots. He said the 2-story homes may eventually show up on that street; as a realtor he encourages home ownership, but not at the expense and integrity of the street.

SUBSTITUTE MOTION:
PA-05-42
Failed to carry

A motion was made Commissioner Fisler, seconded by Commissioner Egan, and failed to carry 2-3 (Garlich, Perkins and Hall voted no), to deny Planning Application PA-05-42.

During discussion on the motion, Chair Perkins said that although Commissioner Fisler brings up some valid points about the parking, he felt the possibility of this property being developed as rental units was just not an option.

Commissioner Egan said because of the zoning, the owner can put 2 individual single-family homes requiring a lot split and variances, rental units with no variance, or a common-interest development with no variances assuming City Council adopts the ordinance. She said she sees no basis for a finding that shows the owner is deprived of any property rights that similarly situated owners in the vicinity and in the same zoning district enjoy, and he can do a common interest development which would solve some of these problems. It would eliminate the variances and they could have a common driveway, which would put one less driveway on the street and for these reasons she supports the substitute motion.

Vice Chair Hall agreed that this could be developed as a common interest development, which would be exactly the same project we have here. He believed that this is the best for people on the street.

Commissioner Garlich stated that both of these motions are well-founded, however, he felt that when you put all the conflicts to-

gether, the fact that the small lot developments standards that were born out of the concern of developments on the eastside would allow a 3,500 square-foot lot size as sufficient, but these far exceed that. The opportunities to do the same things with a common interest development, and the fact that 2 units could be there as rentals, it seems if you try to use common sense as Vice Chair Hall has, if you wind up this proposal, it best serves the community in terms of ownership versus rental, in terms of individual ownership, as opposed to any kind of difficulties that might come from common ownership. The lot width is the same as an RI lot would require and parking problems are a problem everywhere, but he did not believe it makes any worse under a number of scenarios and when all of this is said and done, approving this project is slightly better than not approving it, and he would not support the substitute motion.

The Chair then called the substitute motion as shown above and then called for the original motion as shown above.

The Chair explained the appeal process.



PLANNING COMMISSION AGENDA REPORT

III.4.

MEETING DATE: FEBRUARY 13, 2006

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-42
2590 ORANGE AVENUE

DATE: FEBRUARY 3, 2006

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

DESCRIPTION

The applicant is requesting approval of variances from lot area and lot width requirements in conjunction with a development review to construct two, 2 story, 3,200 square foot single-family residences.

APPLICANT

The applicant is Pete Volbeda, representing the owner of the property, Jim Cefalia.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

Handwritten signature of Mel Lee.

MEL LEE, AICP
Senior Planner

Handwritten signature of R. Michael Robinson.

R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 2590 Orange Ave Application: PA-05-42

Request: Construct Two, 2-story residential units with variances from lot size and width.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	<u>R2-MD</u>	North:	<u>R2-MD, residences</u>
General Plan:	<u>Medium Density Residential</u>	South:	<u>(Acr Susannah Pl) R-1, residences</u>
Lot Dimensions:	<u>71 FT x 120 FT</u>	East:	<u>R-1, residence</u>
Lot Area:	<u>8,295 SF</u>	West:	<u>(Acr Orange Av) R2-MD, residences</u>
Existing Development:	<u>Single family residence</u>		

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	100 FT	58 FT (Lot 1)* 62 FT (Lot 2)*
Lot Area	12,000 SF	4,118 SF (Lot 1)* 4,177 SF (Lot 2)*
Density:		
Zone	1 du/3,630 SF	1 du/4,147 SF
General Plan	1 du/3,630 SF	1 du/4,147 SF
Building Coverage (Development Lot):		
Buildings	NA	3,238 SF (39%)
Paving	NA	924 SF (11%)
Open Space	3,318 SF (40%)	4,133 SF (50%)
TOTAL		8,295 SF (100%)
Open Space (Individual Lots)	Lot 1: 1,647 SF (40%) Lot 2: 1,671 SF (40%)	Lot 1: 2,037 SF (49%) Lot 2: 2,096 SF (51%)
Building Height:		
Chimney Height	2 Stories/27 FT	2 Stories/26 FT
First Floor Area (Including Garage)	29 FT	26 FT
Second Floor Area	NA	1,819 SF
2nd Floor % of 1st Floor**	NA	1,292 SF
Rear Yard Lot Coverage	80%	80%
	25% (290 SF)	23% - 267 SF (Lot 1) 25% - 290 SF (Lot 2)
Setbacks (Susannah Place considered front):		
Front	20 FT	22 FT (Both Lots)
Side (left/right)	10 FT/ 5 FT (1 Story) 10 FT Avg. (2 Story)**	Lot 1: 10 FT/10 FT (Both Stories) Lot 2: 5 FT/10 FT (Both Stories)
Rear	10 FT (1 Story) 20 FT (2 Story)	13 FT/20 FT (Both Lots)
Parking:		
Covered	2	2
Open	2	2
TOTAL	4 Spaces	4 Spaces
Interior garage dimension	20 FT	20 FT

NA = Not Applicable or No Requirement
 *Does Not Comply With Code; variances requested
 **Residential Design Guideline
 CEQA Status Exempt, Class 3
 Final Action Planning Commission

BACKGROUND

The site contains an existing one-story residence, which is proposed to be demolished to accommodate the proposed project.

The applicant is proposing to construct two, 2 story, 3,200 square foot single-family residences on the property. On July 11, 2005, Planning Commission approved PA-05-07, a similar project proposed by the applicant, at 147 23rd Street, located at the southwest corner of Elden Avenue and 23rd Street. A copy of the meeting minutes and approved plan are attached to this report for reference.

ANALYSIS

Because the property is zoned R2-MD, two units are allowable, however, the applicant is proposing to sell the units independent of one another; in order to do that, the property would need to be subdivided into two lots. Code Section 13-32 requires newly subdivided R2-MD zoned properties to provide a minimum lot size of 12,000 square feet and a minimum lot width of 100 feet, neither of which can be met with this property. Because the proposed lots would not comply with the minimum lot width or lot size specified in the R2-MD zone, the applicant is requesting approval of a variance.

If the variances were to be approved, the applicant would need to submit a separate parcel map application to subdivide the lots.

Variances

Code Section 13-29(g)(1) allows granting a variance where special circumstances applicable to the property exist, such as an unusual lot size, lot shape, topography, or similar features, and where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered.

The existing property is nonconforming with regard to lot size (8,295 square feet is existing) and lot width (71 feet is existing). The R2-MD zoning of the property allows 2 units to be constructed on the property; however, the site does not provide adequate lot size or frontage to allow the lot to be subdivided so that the units could be sold independent of one another. When the Commission approved the similar variances for PA-05-07, the Commission made findings that approval of the variance would provide additional home ownership opportunities. Additionally, as discussed later in this report, the project will have the design characteristics of two single-family homes rather than two apartment (i.e., rental) units. Therefore, staff supports the project. Staff has also included a condition of approval (condition no. 12) requiring the recordation of a land use restriction stating that no second dwelling unit shall be permitted on either parcel. Approval of the variance will also allow Susannah Place to be considered the front of both parcels so as to allow the setbacks for the proposed residences to be consistent with the other properties along the street.

A comparison of the two projects is provided in the table below:

	147 23 rd Street (PA-05-07)	2590 Orange Avenue (PA-05-42)
Lot Size (Before Subdivision)	8,924 SF	8,295 SF
Lot Size (After Subdivision)	4,469 SF (Lot 1) 4,455 SF (Lot 2)	4,118 SF (Lot 1) 4,177 SF (Lot 2)
Lot Width	59 FT (Lot 1) 61 FT (Lot 2)	58 FT (Lot 1) 62 FT (Lot 2)

On January 9, 2006, Planning Commission denied PA-05-14, a variance from lot width requirements (50 feet required; 28 and 34 feet proposed) to subdivide an existing R1 lot at 2003 Republic Avenue to construct two homes on each proposed lot. In denying the variance, Planning Commission found that because the property was zoned R1, the subdivision would increase the number of units allowed for the property and create a substandard lot width for the two resulting R1 zoned parcels. As indicated earlier, the project proposed for this site will not increase the number of units allowed for the site (two are allowed; two are proposed) and the lot width, while not in compliance with the 100 foot minimum lot width for R2-MD, is consistent with the 50 foot minimum lot width allowed for single family residences. The resulting development and lot orientation would also be consistent with the other lots fronting onto Susannah Place.

If the variance from lot size and lot width are not approved, the applicant could still construct the residences as rental units.

Development Review

A development review is required for the two proposed residences. Normally, development reviews are considered by staff; however, to expedite processing, the request is being combined with the variances.

The applicant is proposing to construct two detached, residential units approximately 3,200 square feet in size. The units comply with setbacks, parking, and open space requirements for detached residential units. Although both units are two-story, a minor design review is not required because the design of the residences meets the intent of the City's Residential Design Guidelines. Specifically, the proposed two-story residences incorporate multiple building planes and breaks in the elevations and roofs to create visual interest and adequate transitions from the first to second floor. Privacy impacts from second story windows on adjacent properties would be minimal because of the orientation of the windows facing toward the street and the distance between the second story windows and the structures on the abutting residential properties.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

ALTERNATIVES

The Commission has the following alternatives:

1. Approve the development review and variances; or

2. Deny the development review and variances. The applicant could not submit substantially the same type of application for six months, but could still construct two units on the property that could not be sold independent of one another.

CONCLUSION

Because the project is similar in design to a project previously approved by the Commission, the units themselves satisfy all applicable code requirements and the Residential Design Guidelines, and the orientation of the units will be consistent with the abutting properties, staff recommends approval of the project.

Attachments:

1. Draft Planning Commission Resolution
2. Exhibit "A" - Draft Findings
3. Exhibit "B" - Draft Conditions of Approval
4. Applicant's Project Description and Justification
5. Location Map
6. Plans/Photos
7. Planning Commission Minutes of July 11, 2005 and Approved Site Plan for PA-05-07

cc: Deputy City Mgr.-Dev. Svs. Director
Senior Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Pete Volbeda
615 N. Benson Avenue, Suite C
Upland, CA 91786

Jim Cefalia
930 W. Oceanfront
Newport Beach, CA 92662

File Name: 021306PA0542

Date: 012506

Time: 11:00 a.m.

CITY OF COSTA MESA PLANNING APPLICATION
PROJECT DESCRIPTION AND JUSTIFICATION

1. Project Address: 2690 Orange

2. Fully describe your request:

Variance & Design Review & Lot split

3. Justification:

A. For a Conditional Use Permit or Minor Conditional Use Permit: On a separate sheet, 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: On a separate sheet, 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.

4. This project is: (check where appropriate)

In a flood zone. In the Redevelopment Area.

Subject to future street widening. In a Specific Plan Area.

Includes a drive-through facility.
(Special notice requirements, pursuant to GC Section 65091 (d))

5. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST reproduced on the rear of this page and have determined the project:

Is not included in the publication indicated above.

Is included in the publication indicated above.


Signature

9/20/05
Date

JAN - 3 2006

**Planning Application PA-05-42
2590 Orange, Costa Mesa**

This application is requesting approval to subdivide an existing lot into two with variances from minimum lot width and area requirements. However, this application can be justified in several ways.

Findings

- A. The information presented complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variances from minimum lot width and area requirements. The resulting Parcels will have direct frontage on the public street an element typical to all single family homes throughout the City of Costa Mesa. The development, even after subdivision, satisfies the City's residential development standards and residential design guidelines. Also, the number of units cannot be increased even with the approval of the subdivision. This lot is unusually large for a single lot and when subdivided each lot will be approximately a 1,000 s.f. greater than the 3,630 s.f minimum required for a 3 lot subdivision.
- B. The outcome of this application will not affect the physical development of the lot because of its R-2 zoning but will determine whether the two units will be ownership or rental units. The approval of the applicant's requests will allow additional homeownership opportunities. Granting the variance will not allow a use, density, or intensity, which is not in accordance with the general plan designation for the property. Also, if the homes are built for homeowners and not rental property the detail inside and outside will be much more appealing to the neighborhood.
- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - a. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features have been considered.
 - c. The project is consistent with the General Plan
 - d. The cumulative effects of all planning applications have been considered.
- D. Strict application of the Zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity under identical zoning classifications. On June 28th, 2004 the Planning Commission approved planning application PA-04-02 located at 120 and 122 Monte Vista Ave. which is the same type of project but the parcel has shared access. Our proposed project is typical of the single family homes in the City of Costa Mesa because it has separate driveways and no shared access. Also, on July 11, 2005 the Planning Commission

approved planning application PA-05-07 located on 147 23rd St which is the same project the applicant is proposing.

**PLANNING COMMISSION MINUTES AND
APPROVED SITE PLAN FOR PA-05-07
147 23RD STREET**

is open up to the ridge creating a more open feel as viewed from the neighboring property to the rear. He said it is staff's opinion, that if it is enclosed up to the ridge, it would create an obtrusive view.

Commissioner Fisler said he did not support Vice Chair Hall's motion because it created an intrusive view. He said he supports Commissioner Garlich's motion and felt it may even provide some sense of privacy between the two neighbors rather than just having an open space.

The Chair explained the appeal process.

PLANNING APPLICATION
PA-05-07

Cefalia/Volbeda

The Chair opened the public hearing for consideration of Planning Application PA-05-07 for Pete Volbeda, authorized agent for Jim Cefalia, for a variance from minimum lot area requirements (12,000 square feet required; 4,455 square feet and 4,469 square feet proposed), and lot width requirements (100 feet required; 59 feet and 61 feet proposed); in conjunction with a development review for 2, two-story, 3,200 square-foot, single-family houses, located at 147 23rd Street, in an R2-MD zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and made a presentation. He said staff was recommending denial of the variances and approval of the development review, by adoption of Planning Commission resolution, subject to conditions.

Mr. Lee stated that as far as the design of the two residences, they comply with the Residential Design Guidelines, which is why a development review is being processed for this development rather than a minor design review. They comply with architectural treatments, articulation, second floor to first floor ratios, etc. The only request subject to code deviation is for the lot size and lot width.

Mr. Lee displayed a side-by-side view of this property next to 120 and 122 Monte Vista Street properties. He said when this project went to hearing in June of last year, the Planning Commission approved that variance on the basis that the surrounding properties were already fully developed and contained a multiple family residences. As a result, this lot could not be combined with any of the surrounding properties. However, in this instance, staff was not able to make that finding because even though this property is not part of this development, there is a possibility for lot-consolidation.

In response to a question from Commissioner Fisler, Mr. Lee said this lot is 85' x 102'.

In response to a question from Commissioner Garlich regarding the adjacent property, Mr. Lee explained that the applicant made contact with the owner of this property, and they are not interested in selling at this time. Commissioner Garlich confirmed with Mr. Lee that the applicant, if he could acquire the adjacent property, could in fact build a much more dense project than this one would be in terms of units, parking, etc. Commissioner Garlich said it seems to him there are a lot of reasons why this project would be a good thing to do for Costa Mesa, i.e., provide ownership housing instead of rental property. You don't need a common-interest development if you can divide the two lots and have separate recordation of those deeds and for all these reasons, it seems like a good thing to do, but there is an ordinance that says it is not. He asked about the purpose of this ordinance. Mr. Lee said his understanding is that the reason the City became more restrictive with requirements was because whenever you have a homeowners association (2 owners), it causes a "stalemate" whenever issues of property maintenance or access issues arise. To avoid those problems, the code was amended to require common interest developments to be of 3 or more units.

MOTION:
PA-05-07
This original motion was approved after the substitute motion below was called.

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 3-2 (Perkins and Fisler voted no) to approve by adoption of Planning Commission Resolution PC-05-46, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following modifications:

Conditions of Approval

12. A land use restriction executed by and between the applicant and the City of Costa Mesa shall be recorded prior to the recordation of the parcel map. The land use restriction shall state that no second dwelling unit shall be permitted on either parcel. The applicant shall submit to the Planning Division, a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so the document may be prepared.

Findings

Replace finding "A" as follows:

- A. The information presented complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variances from lot size and lot width requirements. Strict application of the zoning ordinance would deprive the property owners of the privileges enjoyed by other owners of other property in the vicinity under identical zoning classifications. Specifically, the property provides 2 single-family units with home ownership opportunities. The property also provides an open space plan that exceeds the requirement by 7% (42% required).
- B. *Same.*
- C. The proposed project exclusive of the variances from lot size and lot width discussed in Finding A, complies with Costa Mesa Municipal Code Section 13-29(e) because: ...
- D. *Same.*
- E. *Same.*

During discussion on the motion, Commissioner Garlich stated that there are all sorts of reasons that approving this project seems like the good thing to do. It also seems that the reason staff was more or less required to make the finding of denial, was based on the ordinance of 12,000 square-feet. He said there is a lot room within that ordinance to question whether it rises to the level of denial of this application. He said it sounds that the intent to encourage lot combinations is not a mandate to require them in all cases, particularly when it may be difficult to do so. It also seems to be aimed at creating a lot size that would allow 3 units to allow a common-interest development, and in many respects, this project will be better than that since there will be no need for common areas, and there will be single ownership of homes, which otherwise could be built and rented anyway; the City does not want rentals, but rather ownership homes. The project will also have 49% open space against the 40% open space requirement.

A motion was made by Chair Perkins, seconded by Commission Fisler and failed to carry by 2-3 (Garlich, Egan and Hall voted no), to go with staff's recommendation to approve the development review but deny the variance.

During discussion on the motion, the Chair said he felt this should be the in the hands of City Council. The City Council has put to-

SUBSTITUTE MOTION:
PA-05-07
Failed

Commissioner Hall suggested the substitute motion be called without further analysis.

The Chair called the substitute motion as shown above.

Commissioner Garlich suggested the original motion be called.

The Chair called the original motion as shown above.

The Chair explained the appeal process.

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT:

None.

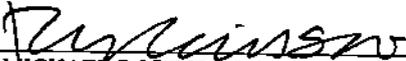
REPORT OF THE CITY ATTORNEY'S OFFICE:

None.

ADJOURNMENT:

There being no further business, Chairman Perkins adjourned the meeting at 8:45 p.m. to the Planning Commission meeting of Monday, July 25, 2005.

Submitted by:


R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION

OWNER: JIM CEFALIA
 930 V OCEANFRONT
 NEWPORT BEACH, CA 92662
 PH 949 479 5505
 FAX 949 475 4665

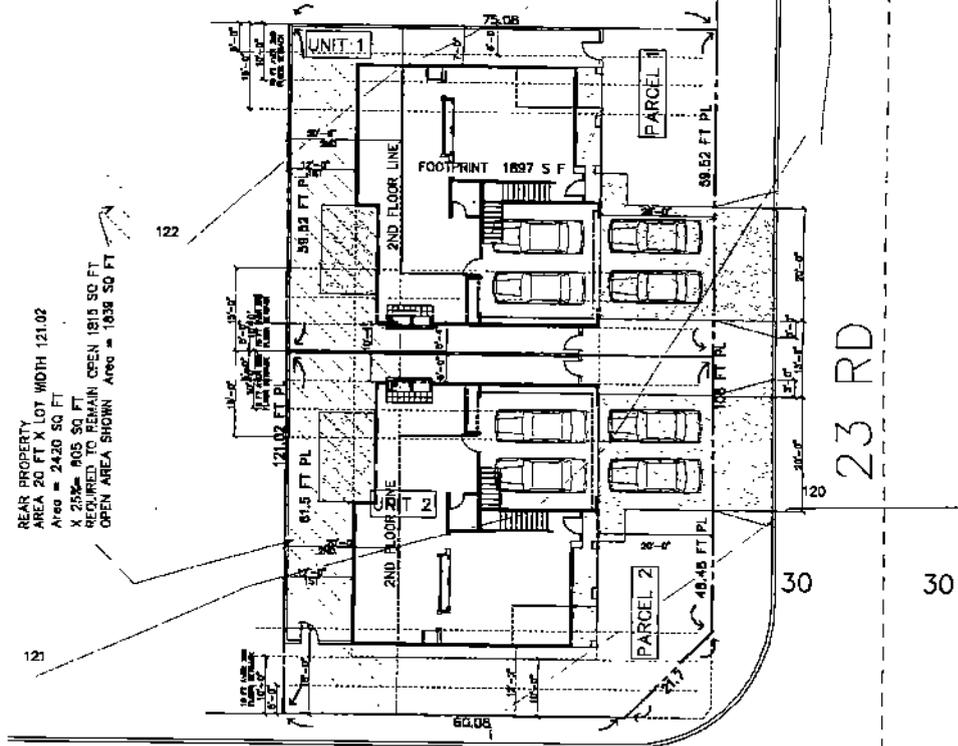
PLANNING REVIEW AND VARIANCE
 FOR A 2 LOT SUBDIVISION

REAR PROPERTY
 AREA 20 FT X LOT WIDTH 121.02
 AREA = 2420 SQ FT
 X 25% = 605 SQ FT
 REQUIRED TO REMAIN OPEN 1815 SQ FT
 OPEN AREA SHOWN AREA = 1038 SQ FT

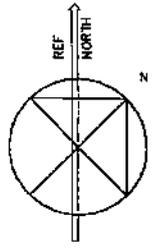
FOOTPRINT 1892 X 2-3784 SQ FT
 TOTAL FOOTPRINT 3784 OPEN SPACE 9189 SF 97.8%

FRONT STRACK 20 FT
 SIDE INTERIOR 8 FT
 SIDE STREET 10 FT
 20 FT AT DRIVEWAY
 REAR YARD 20 FT
 25% MAX REAR YARD COVERAGE BY MAIN BLDG

1ST FLOOR AREA (INCL GAR PORCH & LIVING) = 1892 SF
 ALLOW 2ND FLOOR AREA 1513 SQ FT
 2ND FLOOR ACTUAL AREA 1215 SQ FT



SITE PLAN
 SCALE = 1:10



45

PA-05-07

OWNER: JIM CEFALIA ELDEN AND 23RD ST. COSTA MESA	DATE: 05/07
PETE VOLBERG PLANNING	SCALE: 1:10
615 N BENSON AVE SUITE C IRVINE, CA 92706 TEL: 909 373 1500	PROJECT: 05-07

RESOLUTION NO. PC-06- 09

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF COSTA MESA APPROVING PLANNING APPLICATION PA-05-42**

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

WHEREAS, an application was filed by Pete Volbeda, representing the owner of the property, Jim Cefalia, with respect to the real property located at 2590 Orange Avenue, requesting approval of variances from lot area (12,000 square feet required; approximately 4,000 square feet proposed) and lot width (100 feet required; 58 feet and 62 feet proposed) in conjunction with a development review to construct two, 2 story, 3,200 square foot single family residences; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 13, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** PA-05-42 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 PA-05-42 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 13th day of February, 2006.



Bill Perkins, Chair
Costa Mesa Planning Commission

