



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 18, 2008

ITEM NO:

**SUBJECT: REVIEW OF PLANNING APPLICATION PA-07-48
378 COSTA MESA STREET**

DATE: MARCH 6, 2008

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

RECOMMENDED ACTION

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

BACKGROUND

On February 25, 2008, Planning Commission denied, without prejudice, a portion of Planning Application PA-07-48 pertaining to variances from rear yard setback, rear yard coverage, and open space requirements, and an administrative adjustment for reduced side yard setbacks, to legalize a detached structure containing a two-car garage and granny unit. However, Commission approved the proposed second-story addition to the main residence that exceeds the 80% second floor to first floor ratio recommended by the City's Residential Design Guidelines, and a minor modification to allow first- and second-story encroachments into the front yard setback.

On February 29, 2008, a request to review Commission's decision with respect to the denial of the variances and administrative adjustment for the detached structure was filed by Council Member Leece, on behalf of the project applicant.

ANALYSIS

According to the applicant, the detached structure was built around 1961. The City has no record of a building permit for the structure. The Commission determined on a 3-1 vote (Commission Chair Hall voting no; Commissioner Clark absent) that there was no basis to approve the variances and administrative adjustment to legalize the detached structure because the structure does not comply with either the current zoning code setback requirements or the zoning code setback requirements at the time it was originally built. Additionally, Commission felt that approving the structure could establish a precedent for legalizing non-permitted structures based upon the length of time they have existed on a residential property. The Commission also found that there were no special circumstances applicable to the property such as unusual lot size or

shape to justify the request.¹ The variances and administrative adjustment were denied without prejudice to allow the applicant to submit plans for a new structure in compliance with code requirements within the 6-month period stipulated in Code Section 13-29(n).

The Commission did not have any concerns with the proposed second story addition to the main residence and approved that portion of the project.

ALTERNATIVES CONSIDERED

City Council may consider the following alternatives:

1. Uphold Planning Commission's decision to approve the project in respect to the minor design review and minor modifications for the second story addition to the main residence, and deny, without prejudice, the project in respect to the variances and administrative adjustment to legalize the detached two-car garage and granny unit;
2. Reverse Planning Commission's decision and approve all of the entitlements related to the request, including the variances and administrative adjustment to legalize the detached two-car garage and granny unit, with the additional recommended conditions of approval attached; or
3. Deny the entire project. If the project is denied, appropriate findings would need to be made.

FISCAL REVIEW

Fiscal review is not required.

LEGAL REVIEW

Legal review is not required.

ENVIRONMENTAL REVIEW

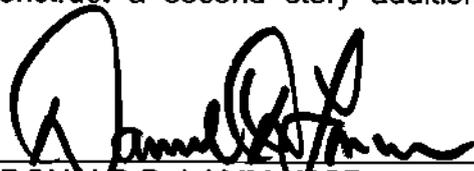
Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

CONCLUSION

The Planning Commission denied the applicant's request to legalize the detached structure finding there was no basis to approve the variances and administrative adjustment, however, the request to construct a second story addition to the main residence was approved.



MEL LEE, AICP
Senior Planner



DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

¹ It was suggested that there may have been an alley at the rear of the property sometime in the past that affected the placement of the structure. However, staff found no evidence of an alley existing on this property or within the block.

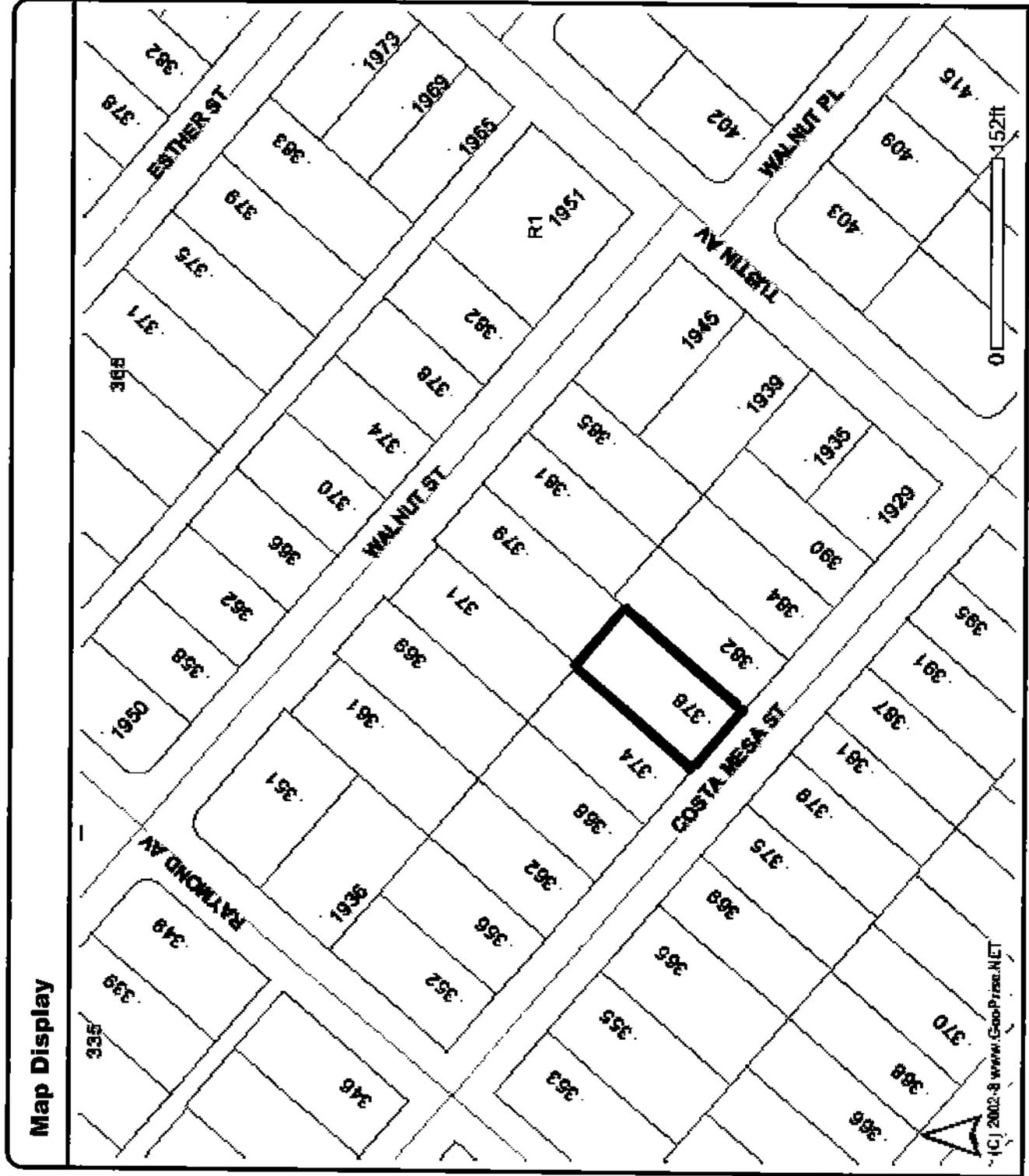
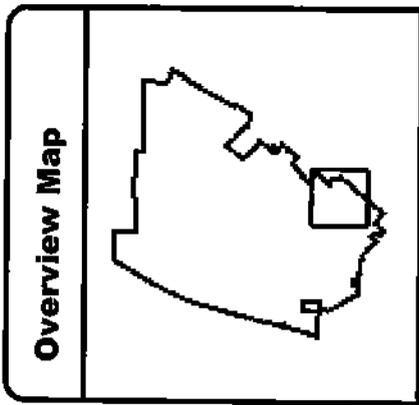
Attachments: Zoning/Location Map
Plans
Draft City Council Resolution
Exhibit "A" – Draft Findings
Exhibit "B" – Draft Conditions of Approval
Review Request
Copies of Public Correspondence
Minutes of Planning Commission meeting of February 25, 2008
Planning Division Staff Report
Planning Commission Resolution

Distribution: City Manager
Assistant City Manager
City Attorney
Deputy City Mgr.-Development Svs. Dir.
Public Services Director
City Clerk (2)
Staff (4)
File (2)

Richard and Wendy Schones
378 Costa Mesa Street
Costa Mesa, CA 92627

Gary F. Schones
2140 Jefferson
Riverside, CA 92504

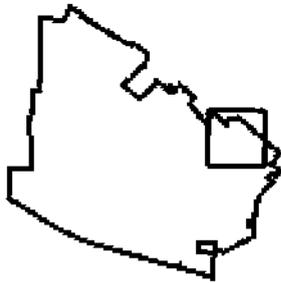
File: 031808PA0748Review	Date: 030408	Time: 11:00 a.m.
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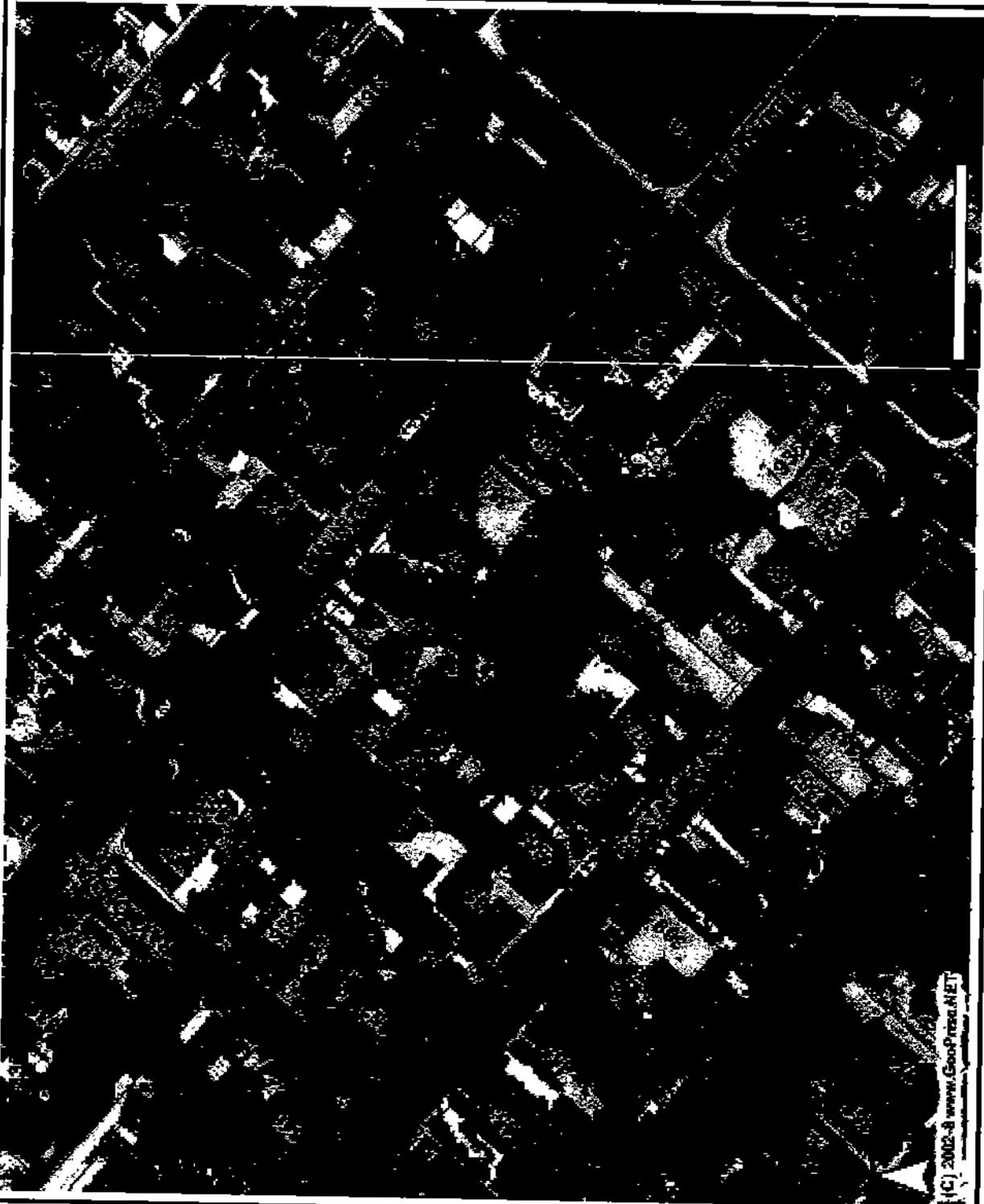
Legend

Address Medium	Zoning
Address Points	AP
Street Names	C1
Street Centerlines	C1-S
Parcel Lines	C2
	CL
	ISR
	ISR-S
	MG
	MP
	P
	PDC
	POI
	PDR-11D (court)

Overview Map



Map Display

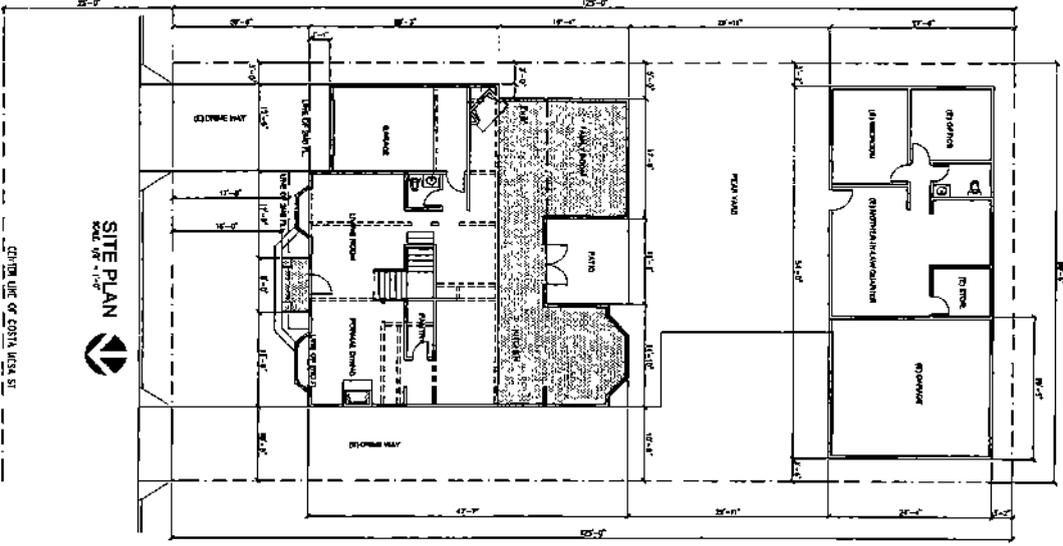
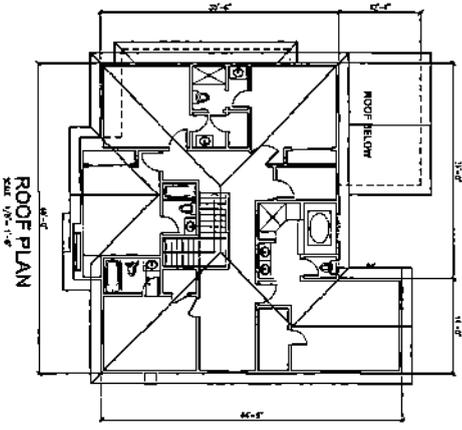


(C) 2002-8 www.GeoPrise.NET

Legend

- Address Medium
- Address Points
- Street Names
- Street Centerlines
- Parcel Lines
- Level 9 Ortho Photo
- Parcels
- ROW Polygon





- QUALITY STANDARDS**
- PROJECT ADDRESS: 378 COSTA MESA ST
COSTA MESA, CA 92627
 - OWNER: GARY SICHONES
 - ARCHITECT: AJOI ARCHITECTS
222 COSTA MESA STREET
COSTA MESA, CA 92627
TEL: (408) 535-4444
 - LOT #18 TRACT 448 JPM # 428-361-18
LOT COVERAGE 3,488 SF / 1,592 SF = 44.12%
 - BUILDING SQUARE FOOTAGE:
A. (1) GROUND FLOOR: 1,045 SF
B. (0) SECOND FLOOR: 700 SF
C. (0) SECOND FLOOR: 1,790 SF
D. (0) PORCH: 30 SF
E. (0) PATIO W/ TREES: 153 SF
F. (1) ONE CAR GARAGE: 448 SF
G. (1) ONE CAR GARAGE: 448 SF
H. # ADJUSTED 1/4-1/4 QUARTER: 1,573.53 SF
 - CONTRACTOR: TRC, INC.
 - CONTRACT NUMBER: 18-01
 - DATE: 08/11/07
 - DATE: 08/11/07
 - DATE: 08/11/07

ROOM ADDITION
378 COSTA MESA STREET
COSTA MESA, CA 92627

OWNER: GARY SICHONES
378 COSTA MESA STREET
COSTA MESA, CA 92627
TEL: (408) 535-4444

NO.	DATE	DESCRIPTION
1	11-11-07	ISSUED FOR PERMITS
2	08-11-07	ISSUED FOR PERMITS
3	08-11-07	ISSUED FOR PERMITS
4	08-11-07	ISSUED FOR PERMITS
5	08-11-07	ISSUED FOR PERMITS
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98	08-11-07	ISSUED FOR PERMITS
99	08-11-07	ISSUED FOR PERMITS
100	08-11-07	ISSUED FOR PERMITS

PA. 07.48

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-48**

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

WHEREAS, an application was filed by Richard and Wendy Schones, representing Gary F. Schones, owner of real property located at 378 Costa Mesa Street, requesting approval of variances from rear yard setback, rear yard coverage, and open space requirements, and administrative adjustment for reduced side yard setbacks, to legalize a detached two-car garage and granny unit, with a minor design review for a proposed second story addition to the main residence that does not meet the City's Residential Design Guidelines, as well as minor modifications to allow first and second story encroachments into the front yard setback; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 25, 2008, and PA-07-48 was approved in respect to the minor design review and minor modifications for the second story addition to the main residence, but denied, without prejudice, in respect to the variances and administrative adjustment to legalize the detached two-car garage and granny unit; and

WHEREAS, on February 29, 2008, Planning Commission's decision was called up for review to the City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on March 18, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby **APPROVES** PA-07-48 in respect to the minor design review and minor modifications, but **DENIES** the variances and administrative adjustment 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 Planning Application PA-07-48 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. 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 18th day of March, 2008.

ATTEST:

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 proposed project, as modified, complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed addition is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project, as modified and conditioned, is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented does not comply with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do not exist to justify granting of the variances from rear yard setback requirements, rear yard coverage requirements, minimum open space requirements, as well as the administrative adjustment from side yard setback requirements. Specifically, the site is rectangular and flat, and does not have special circumstances such as unusual lot size, lot shape, or topography. Additionally, approval of the variance and administrative adjustment could establish a precedent for legalizing non-permitted structures based upon the length of time they have existed on a residential property.
- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the proposed development 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. This 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 any other applicable design features. Specifically, although the second floor does not comply with the 80% second floor to first floor ratio recommended in the City's Residential Design Guidelines, the proposed second story incorporates variation in rooflines and architectural articulation to create visual interest. Privacy of the adjoining neighbors will not be negatively impacted because the second floor windows have been placed to minimize visibility into the abutting yards on the adjoining properties.
- D. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(6) with regard to the minor modification because granting the minor modification will not be materially detrimental to the health, safety, and general

welfare of persons residing within the immediate vicinity of the project or to property and improvements within the neighborhood. The improvement enhances the design of the existing and anticipated development in the vicinity. Specifically, the encroachments on the first and second floor do not extend the entire length of the front elevation and over half of the front elevation complies with the required front setback. The proposed encroachments will also provide visual interest to the front of the house

- E. 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 under Section 15301 for Existing Facilities.
- F. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL (FOR SECOND STORY CONSTRUCTION)

- PIng.
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. The second-story addition shall be architecturally compatible with regard to building materials, style, colors, etc. Plans submitted for plan check shall indicate how this will be accomplished.
 3. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
 4. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 5. The conditions of approval, ordinance and code provisions of PA-07-48 shall be blueprinted on the face of the site plan.
 6. Any future second-floor windows shall be reviewed and approved by the Planning Division prior to installation. The windows shall be designed and placed to minimize direct lines-of-sight into windows on adjacent neighboring properties and to minimize visibility into abutting residential side and rear yards. Every effort shall be made to maintain the privacy of abutting property owners.
 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.

11. Deleted.
12. Deleted.
13. The applicant shall replace the existing solid wall and window for the attached one car-garage for the main residence with an operable garage door.
14. Deleted.
- Eng. 15. 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.
- Planning Comm. 16. The rear structure shall be demolished.

ADDITIONAL CONDITIONS OF APPROVAL (IF DETACHED STRUCTURE IS APPROVED)

- PInG. 1. The second-story addition and granny unit shall be architecturally compatible with regard to building materials, style, colors, etc. Plans submitted for plan check shall indicate how this will be accomplished.
2. The granny unit shall be served from the same utility meters (electric, gas and water) as the main dwelling unit on the property.
3. A land use restriction, executed by and between the applicant and the City of Costa Mesa, shall be recorded prior to the issuance of building permits. This land use restriction shall inform future property owners that the granny unit shall be occupied by no more than two residents, each of whom is no less than 62 years of age, and that one of the units on the subject property shall be owner occupied. 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 that the document may be prepared.
4. The applicant shall obtain all necessary permits and inspections, and make any other modifications as required by the California Building Code for the detached granny unit and garage, prior to building final of the second-story addition to the main residence.

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA DENYING PLANNING APPLICATION PA-07-48**

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

WHEREAS, an application was filed by Richard and Wendy Schones, representing Gary F. Schones, owner of real property located at 378 Costa Mesa Street, requesting approval of variances from rear yard setback, rear yard coverage, and open space requirements, and administrative adjustments for reduced side yard setbacks, to legalize a detached garage and granny unit, with a minor design review for a proposed second story addition to the main residence that does not meet the City's Residential Design Guidelines, as well as minor modifications to allow first and second story encroachments into the front yard setback; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 25, 2008, and PA-07-48 was approved in respect to the minor design review and minor modifications for the second story addition to the main residence, but denied, without prejudice, in respect to the variances and administrative adjustment to legalize the detached two-car garage and granny unit; and

WHEREAS, on February 29, 2008, Planning Commission's decision was called up for review to the City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on March 18, 2008.

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-07-48 with respect to the property described above.

PASSED AND ADOPTED this 18th day of March, 2008.

ATTEST:

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

RECEIVED
CITY CLERK

- Appeal of Planning Commission Decision - \$1070.00
- Appeal of Planning Administrator/Staff Decision - \$670.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name* Wendy Leece, Council Member BY _____
 Address _____
 Phone _____ Representing _____

REQUEST FOR: REHEARING APPEAL REVIEW**

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

PA-07-48 378 Costa Mesa Street

Decision by: Planning Commission
Reasons for requesting appeal, rehearing, or review:

RECEIVED
CITY CLERK
2008 FEB 29 PM 3:54
CITY OF COSTA MESA
BY _____

Date: 2/29/08 Signature: [Signature]

*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
 **Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only - do not write below this line

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

C. Joe Devine, III
344 Walnut Street
Costa Mesa, California 92627

FEB - 1 2008

VI.6
PA-07-48

(714) 548-1520

949.

1 Feb 08

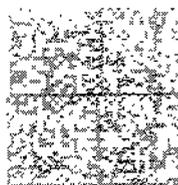
Planning Commission

1. I am strongly against Planning Application PA-07-48, Case of Richard & Wendy Schoner.
2. As a property owner at above address for over fifty (50) years, against any modification to current Order.

C. Joe Devine, III
Sgt Wayne W. Mc. Reta



City of Costa Mesa
P.O. Box 1200
Costa Mesa, CA 92628-1200



084235001 7
\$00.285
01 28 2008
Mailed P.O.# 92628
US POSTAGE

Enc. 1.

426-293-09
Devine Trust
344 Walnut St
Costa Mesa Ca 92627

Official Notice
Affects Your Property
PLEASE READ!

Enc. 1

21



VI.6
PA-07-48

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

From: sylvia marson [mailto:sylviamarson@sbcglobal.net]
Sent: Saturday, February 02, 2008 12:47 PM
To: PLANNING COMMISSION
Subject: Ping App PA-07-48 Schones

FEB - 4 2008

To Donn Hall and Costa Mesa Planning Commission,

Please read the article in today's Daily Pilot as it discusses the importance of permeable soil and landscaping to recharge ground water. This is one of the variances requested in the application- to allow more covered yard.

There are four issues in this application: setbacks, yard coverage, building height and illegal granny unit. I am opposed to the City approving variances for such things as reducing side and front setbacks, increased cement yard coverage and exceeding building heights (second to first floor ratio) and legalizing granny units. All these thing add to the already increased density of our neighborhoods and contribute to increased noise, cars and traffic. It also makes the neighborhoods look too crowded and is esthetically unpleasing.

We built an addition to our house twenty years ago and did not get any variances and we followed all regulations and I must say the house is perfectly fine and not over built (McMansions). There is no need for anyone to get a variance on the development requirements as you can build a very adequate house within requirements.

The only variances that would be necessary are those minor issues that create hardships. I do not believe any of the items in the application sound like hardship items. If they can afford to remodel, they can afford to do it right.

I am opposed to approving all variances in this application.

Please reply to this email to confirm receipt of this letter. Thank you.

S.Marson
339 Walnut
CM

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

VI. 6
PA-07-48

FEB - 5 2008

D. B. Waite
328 E. 19th. Street
Costa Mesa, CA 92627
949/642-5566

Costa Mesa Planning Commission
Public Hearing Monday, February 11, 2008

RE: Planning Application PA-07-48
378 Costa Mesa St
Costa Mesa, CA 92627

My name is D. B. Waite and I have lived at 328 E. 19th Street for forty years. All the property east of Santa Ana Avenue to Irvine Avenue is Zoned for R-1. Regarding the Planning Application PA-07-48, I am against this proposed granny unit. (Is there a granny?) If built, the granny unit will probably become a rental unit, the first of many "granny units" and then evidentially the area will be rezoned to become an R-2 zone. If this is allowed to happen, the next thing will be apartments and condos to replace homes. I am therefore adamantly against this proposal.



NOTE TO FILE:

On February 11, 2008, I received a call from Art Williams, a resident at 428 Walnut Street, in opposition to the approval of any Code deviations for PA-07-48 for 378 Costa Mesa Street.

By: Mel
2/11/08

FEB 19 2008

VI.3
PA-07-48

From: Fproyce@aol.com [mailto:Fproyce@aol.com]
Sent: Monday, February 18, 2008 16:12 AM
To: PLANNING COMMISSION
Cc: LEE, MEL
Subject: Planning Application PA-07-48, 378 Costa Mesa St.

Dear Ones,

We live across the street from Wendy and Rich Schones.

Please accept this email as our official request to be on the record that we SUPPORT the re-model at 378 Costa Mesa St.

We are supportive of continued up-grading of older Costa Mesa homes - and we support a fine and healthy family life such as the Schones' provide for their children - which stabilizes our neighborhood as well.

If we can answer any questions, feel free to contact us.

Sincerely,

Frank and Patty Royce
381 Costa Mesa St.
Costa Mesa, CA 92627

VI.3
PA-07-48

365 Costa Mesa St.
Costa Mesa
Calif. 92627-2354

February 19, 2008

RECEIVED
CITY OF COSTA MESA
FEB 27 2008
ce

City of Costa Mesa
Planning Commission
POB 1200
Costa Mesa
Calif. 92628-1200

Re: Planning Application PA-07-48

Gentlemen:

This is to object to the mansionization of the house to which this application applies.

House size is directly related to family size, which in turn is related to the number of cars the family has, which finally relates to traffic. The bigger the house, the more cars we can expect.

Presently, the house is sized for a small family, and we can expect the number of cars is likely to be no more than four. If the house is expanded, a large family will in all probability occupy it sooner or later, and the number of cars will increase, adding to our traffic problem.

In addition, a large family means a greater load on our utilities and an increase in air pollution.

The building code, with its open space requirements, rear yard coverage requirements, and setbacks was created with these problems in mind.

Please uphold the principles for which the building code was enacted and deny this application.

Yours truly,



Richard Herman

FEB 22 2008

February 21, 2008

Re: PA 07-48

Request for reconsideration regarding conditions of approval page four (4) paragraph two (2).

VI.3
PA-07-48

We respectfully request reconsideration regarding the removal of the existing kitchen, bathroom and bedroom windows.

This structure has been in place since 1961 and as stated on page 4, first paragraph, line 7, "The granny unit appears to be structurally sound and the City has no record of Code Enforcement complaints related to the unit." With consideration that the City has not had a single complaint regarding the structure nor its inhabitants in almost half a century.

<u>Windows:</u>	<u>Kitchen</u>	<u>Bathroom</u>	<u>Bedroom</u>
Height x Width	58" x 46"	22" x 46"	48" x 48"
Floor to window	48"	72"	48"

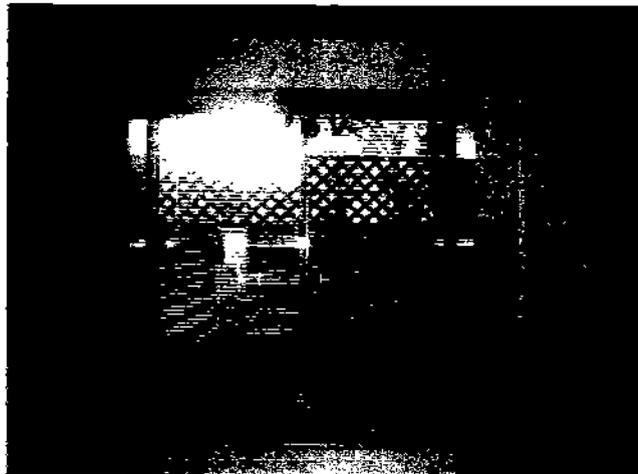
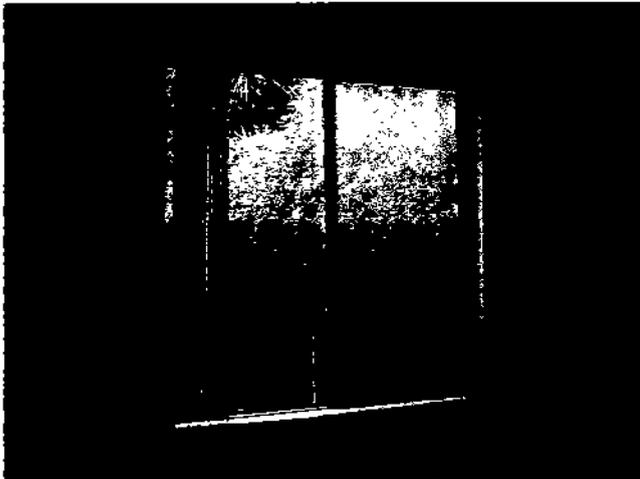
Topography: The kitchen and bathroom windows are on the back of the house facing north and the bedroom window faces west. On page 20 of the Agenda Report clearly shows the heavy foliage obstructing the lines of site into and out of the aforementioned windows. What is not visible is the 6 foot high redwood fence to the west and a 6 foot high fence with an additional 2 foot high wooden lattice to the north. Combining the fence and foliage allows for privacy to the tenants of the granny unit and neighbors.

- Photos:
- 1.From the neighbor to the west backyard, facing east is the bedroom window.
 - 2.Same location, just further into the backyard.
 - 3.From inside the bedroom looking out. Facing directly north.
 - 4.From inside the bedroom looking out. Facing directly west south west.
 - 5.From inside the bedroom looking out. Facing directly west.
 - 6.Bathroom window
 - 7.Kitchen window, facing north east.

Neighbors: The neighbor to the west (374 Costa Mesa St.) is a renter and does not have any concerns regarding the project. He has contacted the owner to express his approval. The Owner of 381 Walnut St. (Rieki's) has expressed their approval as well.

We greatly appreciate your attention to this matter.

Rich and Wendy Schones
Agent for Gary Schones



VI.3
PA-07-48

From: LEE, MEL
Sent: Monday, February 25, 2008 8:57 AM
To: VIERA, CORRIE; BRANDT, KIMBERLY
Subject: PA-07-48 (378 Costa Mesa Street)

For the file and the Commissioners:

I received a call from Keri Ciano, a resident at 310 Costa Mesa Street, who is in support of the proposed project.

Mel Lee, AICP
Senior Planner
City of Costa Mesa
77 Fair Drive, Costa Mesa, 92628
Ph. (714) 754-5611 Fax. (714) 754-4856
mlee@ci.costamesa.ca.us



3. From the meeting of February 11, 2008, Planning Application PA-07-48, for Richard and Wendy Schones, authorized agents for Gary F. Schones, for variances from rear setback requirements (10 ft. required; 3 ft. existing), rear yard coverage requirements (25% maximum permitted; 76% existing) and open space requirements (40% required; 36% proposed); and an administrative adjustment for reduced side setbacks (5 ft. required; 3 ft. proposed) to legalize a garage and granny unit at the rear of the property in conjunction with a minor design review for an existing single-family residence to exceed the recommended 80% second-to-first floor ratio (90% proposed) and a minor modification to allow first and second-story encroachments into the front setback (20 ft. required; 16 ft. proposed), located at 378 Costa Mesa Street, in an R1 zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and responded to questions from the Commission regarding the granny unit, square footage of the lot, and rear yard coverage.

Richard and Wendy Schones, applicants, and Gary Schones, owner, introduced themselves. They gave no presentation.

Mr. Gary Schones replied to Commissioner Righeimer that his father built the unit in the back of the property.

B.J. Donald, Costa Mesa, opposed the project stating that it does not meet the criteria according to the Code and the reduction in open space would result in flooding.

Ms. Schones said she understood the concerns, but noted there have been no flooding issues in the past 40 years. She also stated that the granny unit would be used to take care of her family.

The Chair closed the public hearing.

Commissioner Righeimer discussed the issues of this project, specifically that the granny unit does not comply with several Zoning Code requirements.

Vice Chair Fidler stated he did not want to approve the granny unit based on non-compliance with the Zoning Code.

Commissioner Egan mentioned there was no basis for the variances from the Code requirements for the granny unit.

The Chair noted his concerns relating to this project and discussed with Deputy City Attorney Christian Bettenhausen not taking any action on the granny unit.

MOTION: Approved Planning Application PA-07-48 with respect to the minor design review and minor modification; denied the variances and administrative adjustments and required removal of the rear unit and garage, without prejudice, by adoption of Planning Commission Resolution PC-08-21, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".

Moved by Commissioner Eleanor Egan, seconded by Vice Chair James Fisler.

During discussion on the motion, Commissioner Righeimer recommended that the removal of the rear unit be added to the motion.

Commissioner Egan agreed to the change with the additional wording, "without prejudice," and the Vice Chair agreed to the changes.

Vice Chair Fisler, Commissioner Egan, Commissioner Righeimer, Planning Commission Secretary Kimberly Brandt, and Mr. Lee discussed processing the granny unit at staff level, if it meets all the Zoning Code requirements. There also was a discussion concerning the parking requirements, the Zoning Code, and the non-conforming garage for the main unit.

The motion carried by the following roll call vote:

Ayes: Vice Chair James Fisler, Commissioner Eleanor Egan, and
Commissioner James Righeimer

Noes: Chair Donn Hall

Absent: Commissioner Sam Clark

The Chair explained the appeal process.

The Vice Chair mentioned that Condition of Approval No. 2 should be changed, and Nos. 11, 12, and 14 be deleted.

The Chair suggested that another motion be made to confirm the changes to both the findings and the conditions of approval.

MOTION: Confirmed the following modifications to the findings in Exhibit "A" and the conditions of approval in Exhibit "B" for Planning Application PA-07-48, as follows:

FINDINGS

A. The proposed project, as modified, complies with Costa Mesa Municipal Code Section 13-29(e) because:

- 1. The proposed use addition is compatible and harmonious with uses on surrounding properties.**
- 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional**

aspects of the site development such as automobile and pedestrian circulation have been considered.

3. The project, as modified and conditioned, is consistent with the General Plan.

4. The planning application is for a project-specific case and does not establish a precedent for future development.

B. The information presented does not comply with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do not exist to justify granting of the variances from rear yard setback requirements, rear yard coverage requirements, minimum open space requirements, as well as the administrative adjustment from side yard setback requirements. Specifically, ~~the property complies with the other requirements to accommodate a granny unit, such as maximum size of the unit and on-site parking. The second unit also appears to be structurally sound and the City has no record of Code Enforcement complaints related to the unit.~~ site is rectangular and flat, and does not have special circumstances such as unusual lot size, lot shape, or topography. Additionally, approval of the variance could establish a precedent for legalizing non-permitted structures based upon the length of time they have existed on a residential property.

CONDITIONS OF APPROVAL

~~2. The granny unit and the second-story addition shall be architecturally compatible with regard to building materials, style, colors, etc. Plans submitted for plan check shall indicate how this will be accomplished.~~

~~11. The granny unit shall be served from the same utility meters (electric, gas and water) as the main dwelling unit on the property.~~

~~12. A land use restriction, executed by and between the applicant and the City of Costa Mesa, shall be recorded prior to the issuance of building permits. This land use restriction shall inform future property owners that the granny unit shall be occupied by no more than two residents, each of whom is no less than 62 years of age, and that one of the units on the subject property shall be owner occupied. 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 that the document may be prepared.~~

~~14. The applicant shall obtain all necessary permits and inspections, and make any other modifications as required by the California Building Code for the detached granny unit and garage, prior to building final of the second-story addition to the main residence.~~

16. The rear unit and garage shall be removed.

Moved by Commissioner Eleanor Egan, seconded by Vice Chair James Fisler.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Eleanor Egan,
and Commissioner James Righeimer

Noes: None.

Absent: Commissioner Sam Clark

The Chair reiterated the appeal process.



PLANNING COMMISSION AGENDA REPORT

VI.3

MEETING DATE: FEBRUARY 25, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-07-48
378 COSTA MESA STREET

DATE: FEBRUARY 14, 2008

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

DESCRIPTION

The applicants are requesting approval of variances from rear yard setback, rear yard coverage, and open space requirements, and an administrative adjustment for reduced side yard setbacks, to legalize a detached garage and granny unit, with a minor design review for a proposed second story addition to the main residence that does not meet the City's Residential Design Guidelines, as well as minor modifications to allow first- and second-story encroachments into the front yard setback.

APPLICANT

The applicants are Richard and Wendy Schones, authorized agents for Gary Schones, the owner of the property.

RECOMMENDATION

Approve by adoption of the attached resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 378 Costa Mesa Street Application: PA-07-48

Request: Variations from rear setback requirements, rear yard coverage, and open space, and an administrative adjustment for reduced side yard setbacks, to legalize a detached garage and granny unit. Also included is a minor design review for a proposed second story addition to the main residence that does not meet the City's Residential Design Guidelines, as well as minor modifications to allow first- and second-story encroachments into the front yard setback.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R1 (Single Family Residential)</u>	North: <u>Surrounding properties are</u>
General Plan: <u>Low Density Residential</u>	South: <u>zoned R1 Single-Family Residential</u>
Lot Dimensions: <u>60.5 FT X 125 FT</u>	East: <u>and contain</u>
Lot Area: <u>7,562 SF</u>	West: <u>residences.</u>
Existing Development: <u>A one-story single family residence with an attached one-car garage and a detached two-car garage and granny unit.</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
Density:		
Zone	1 du: 6,000 SF	1 du: 7,562 SF (1)
General Plan	1 du: 5,445 SF	
Building Coverage:		
Building – Existing		34% (2,603 SF)
Building – Addition		9% (700 SF)
Paving/Driveways		20% (1,545 SF)
TOTAL – Coverage		64% (4,848 SF)
Open Space	40% (3,025 SF)	36% (2,714 SF) (2)
Building Height:	2 stories/27 FT	2 stories/27 FT, 8 IN (3)
Chimney Height:	29 FT	27 FT, 8 IN
Ratio of 2nd Floor to 1st Floor (4)	80%	90% (5)
Setbacks (Main Residence):		
Front	20 FT	16 FT (6)
Side (left/right) – 1st story	5 FT/5 FT	3 FT (7)/10 FT, 6 IN
Side (left/right) – 2nd story (4)	10 FT Avg./10 FT Avg.	10 FT Avg./10.5 FT Avg.
Rear	10 FT (1 Story)/20 FT (2 Story)	56 FT
Setbacks (Detached Residence and Garage):		
Front	20 FT	96 FT
Side (left/right) – 1st story	5 FT/5 FT	3 FT, 2 IN /3 FT, 4 IN (2)
Rear	10 FT	3 FT, 2 IN (2)
Distance Between Buildings	10 FT	29 FT, 11 IN
Rear Yard Coverage	25% Max.	76% (2)
Parking:		
Covered	2	3
Open	4	3
TOTAL	6	6

- (1) Per State law, granny units, as a type of second unit, are not considered to exceed the allowable density for residentially-zoned properties (Government Code Section 65852.2).
- (2) Variations and/or Administrative Adjustments requested.
- (3) If approved, building height will be required to not exceed 27 FT.
- (4) Residential Design Guideline.
- (5) Exceeds Residential Design Guideline – see staff report discussion.
- (6) Minor Modification requested.
- (7) Legal nonconforming.

CEQA Status: Exempt, Class 1 (Existing Facilities)
 Final Action: Planning Commission

BACKGROUND

The property contains a one-story, three-bedroom, 1,095 square-foot single-family residence with an attached 194 square-foot one car garage¹. According to the applicant, the main residence was constructed in the late 1940's; County Assessor's records confirm the main residence was constructed in 1948. Because the residence was constructed prior to the City's incorporation in 1953, the City does not have copies of the original building permit.

A detached, one-story, two-bedroom, 828 square-foot granny unit with an attached 486 square-foot two-car garage exists at the rear of the property. According to the applicant, this building was constructed in the early 1960's, after the City's incorporation. However, the City has no record of a permit for this building.

ANALYSIS

The applicant is proposing to expand the first floor of the main residence by 700 square feet by enlarging the family room and kitchen, and to construct a second-story addition consisting of 5 bedrooms and 4 bathrooms. The applicant is also proposing to legalize the detached granny unit and garage. The following entitlements are requested:

- Variance from rear yard setback requirements for the granny unit (10 feet required; 3 feet, 2 inches existing);
- Variance from rear yard coverage requirements for the granny unit (25% maximum coverage allowed; 76% coverage existing);
- Variance from minimum open space requirements (40% allowed; 36% proposed);
- Administrative Adjustments from side yard setback requirements for the granny unit (5 feet allowed; 3 feet, 2 inches and 3 feet, 4 inches existing);
- Minor Design Review for the second story addition, which exceeds the 80% second-floor to first-floor ratio recommended in the City's Residential Design Guidelines (90% second-floor to first-floor ratio proposed);
- Minor Modifications to allow first- and second-story encroachments into the required front yard setback (20 feet required; 16 feet proposed).

Variance and Administrative Adjustments

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.

Although there are no special circumstances applicable to the property, which is rectangular and flat, staff is of the opinion that approval of the variances and administrative adjustments is justified because the structure has not adversely impacted

¹ The garage door was filled in with a solid wall and window; if approved, the applicant will be required to install an operable garage door.

the surrounding properties in the 40-plus years it was built. Furthermore, the property complies with the other requirements for a granny unit, such as maximum size of the unit (1,200 square feet allowed, excluding the garage; 828 square feet existing) and on-site parking (6 on-site spaces required, including the main residence, 6 on-site spaces provided). Additionally, State law encourages the development of second units such as granny units and accessory apartments, as an alternative form of housing (Government Code Section 65852.150). The granny unit appears to be structurally sound and the City has no record of Code Enforcement complaints related to the unit. Based on these factors, it is staff's opinion that there is sufficient justification for approval of the deviations.

The applicant will be required to obtain all necessary building permits and inspections for the granny unit and garage prior to building final of the additions proposed for the main residence, including the removal of the existing kitchen, bathroom, and office windows on the side and rear elevations in order to comply with the Building Code². The removal of these windows will also reduce privacy impacts on the abutting properties. The applicant will also be required to upgrade the appearance of the structure to match the main residence. Finally, the applicant will be required to record a Land Use Restriction (LUR) to, amongst other requirements, limit the occupancy of the unit to a maximum of two persons 62 years of age or older. ✓

Minor Design Review

The City's Residential Design Guidelines recommends maximum second-story floor area to not exceed 80% of the first floor (90% is proposed for the new second story). It is staff's opinion that the design of the addition complies with the intent of the City's Residential Design Guidelines because the proposed second story incorporates variation in rooflines and architectural articulation to create visual interest. Privacy of the adjoining neighbors will not be negatively impacted because the second floor windows have been placed to minimize visibility into the abutting yards on the adjoining properties.

Minor Modification

It is staff's opinion that there is basis to support the minor modification to allow the reduction in the front setback because the proposed first- and second-story encroachments do not extend the entire length of the front elevation; 13 feet of the 45-foot long front elevation is setback 17 feet from the front property line, and 8 feet is setback 16 feet from the front property line; the remaining 24 feet of the front elevation will be set back at least 20 feet from the front property line. Because the applicant is remodeling the existing house, which cannot be set back further from the front property line, the proposed encroachments will also provide visual interest to the front of the house.

² California Building Code does not allow wall openings within 5 feet of a property line.

GENERAL PLAN CONFORMITY

The property has a general plan designation of Low Density Residential. Under State law, granny units are not considered to exceed the allowable density for residentially-zoned properties. Therefore, the use and density conforms to the City's General Plan.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project with the appropriate findings as recommended by staff; or
2. Deny the project. The applicant could not submit substantially the same type of application for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

It is staff's opinion that the project, as conditioned, will be compatible with surrounding properties. Therefore, staff recommends approval of the project.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Correspondence Received from Public
 Zoning Map/Location Map
 Plans

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

Richard and Wendy Schones
 378 Costa Mesa Street
 Costa Mesa, CA 92627

Gary F. Schones
 2140 Jefferson
 Riverside, CA 92504

File: 022508PA0748	Date: 021408	Time: 2:30 p.m.
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Application letter for

378 Costa Mesa St. Costa Mesa, CA 92627

Owner: Gary Schones

Agent/Applicants: Richard and Wendy Schones

November 20, 2007

We are requesting a plan check at the aforementioned address. We would greatly appreciate your favorable consideration of an addition and remodel to our current residence.

The property is 125 feet deep by 60.5 feet wide totaling 7,562.5 square feet. On the front of the property sits a residence. The rear of the property sits a mother-in-law quarters that is 828 square feet with an attached two car garage that is 486 square feet. The whole structure is 1,314 square feet.

Currently the existing house that sits on the front of the property is three bedrooms, 1 bath, approximately 1095 square foot, one story single family residence.

The first floor will increase in size to 2,174 square feet as we will be adding approximately 1,079 square feet to the first floor, this number includes the new addition (700 square feet), existing garage (194 square feet), front entry porch (32 square feet), covered patio (153 square feet). This square footage includes the kitchen, breakfast nook, family room, formal dining, den, quarter bath, single car garage, front porch and covered patio.

Our proposed plan is to add a 1,790 square foot second floor. To the second floor we will be adding five bedrooms and four bathrooms to accommodate our family of six.

In total the proposed addition and remodel will have five bedrooms, five bathrooms and increase in size to approximately 3,964 square feet. Lot coverage (proposed): 1,314 square feet (mother-in-law quarters and garage) plus 2,174 square feet (proposed new ground floor) is 3,488 square feet. Lot size is 7,562 square feet giving us 46.12% lot coverage. Total garage square footage will be 680 square feet.

This property was originally purchased in 1946 by my grandparents, Joe and Harriet Schones. My father, Gary Schones, inherited the property in 2006.

We are requesting a variance to bring our mother-in-law quarters and garage to legal nonconforming status also a minor conditional use permit to allow for a legal nonconforming bathroom in the mother-in-law quarters. Finally we are requesting a minor modification for a seventeen foot setback for the proposed second story and first floor, second floor ratio slight increase to 82%.

RESOLUTION NO. PC-08-21

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-48**

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

WHEREAS, an application was filed by was filed by Richard and Wendy Schones, representing Gary F. Schones, owner of real property located at 378 Costa Mesa Street, requesting approval of variances from rear yard setback, rear yard coverage, and open space requirements, and administrative adjustment for reduced side yard setbacks, to legalize a detached garage and granny unit, with a minor design review for a proposed second story addition to the main residence that does not meet the City's Residential Design Guidelines, as well as minor modifications to allow first and second story encroachments into the front yard setback; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 25, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** PA-07-48 in respect to the minor design review and minor modifications, but **DENIES** the variances and administrative adjustment 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 Planning Application PA-07-48 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. 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 25th day of February, 2008.



Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project, as modified, complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed addition is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project, as modified and conditioned, is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented does not comply with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do not exist to justify granting of the variances from rear yard setback requirements, rear yard coverage requirements, minimum open space requirements, as well as the administrative adjustment from side yard setback requirements. Specifically, the site is rectangular and flat, and does not have special circumstances such as unusual lot size, lot shape, or topography. Additionally, approval of the variance and administrative adjustment could establish a precedent for legalizing non-permitted structures based upon the length of time they have existed on a residential property.
- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the proposed development 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. This 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 any other applicable design features. Specifically, although the second floor does not comply with the 80% second floor to first floor ratio recommended in the City's Residential Design Guidelines, the proposed second story incorporates variation in rooflines and architectural articulation to create visual interest. Privacy of the adjoining neighbors will not be negatively impacted because the second floor windows have been placed to minimize visibility into the abutting yards on the adjoining properties.
- D. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(6) with regard to the minor modification because granting the minor modification will not be materially detrimental to the health, safety, and general

welfare of persons residing within the immediate vicinity of the project or to property and improvements within the neighborhood. The improvement enhances the design of the existing and anticipated development in the vicinity. Specifically, the encroachments on the first and second floor do not extend the entire length of the front elevation and over half of the front elevation complies with the required front setback. The proposed encroachments will also provide visual interest to the front of the house

- E. 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 under Section 15301 for Existing Facilities.
- F. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

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. The second-story addition shall be architecturally compatible with regard to building materials, style, colors, etc. Plans submitted for plan check shall indicate how this will be accomplished.
 3. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
 4. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 5. The conditions of approval, ordinance and code provisions of PA-07-48 shall be blueprinted on the face of the site plan.
 6. Any future second-floor windows shall be reviewed and approved by the Planning Division prior to installation. The windows shall be designed and placed to minimize direct lines-of-sight into windows on adjacent neighboring properties and to minimize visibility into abutting residential side and rear yards. Every effort shall be made to maintain the privacy of abutting property owners.
 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.

- 11. Deleted.
- 12. Deleted.
- 13. The applicant shall replace the existing solid wall and window for the attached one car-garage for the main residence with an operable garage door.
- 14. Deleted.
- Eng. 15. 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.
- Planning Comm. 16. The rear structure shall be demolished.