

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

RECEIVED  
CITY CLERK

VIII-1

2008 MAR 25 AM 11:56  
FEE: \$

Applicant Name: Mayor Eric R. Bever

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

Address: 77 Fair Drive

Phone: (714) 754-5285

Representing:

Decision upon which appeal or rehearing is requested: (Give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.): PA-07-48

Decision by: City Council

Reason (s) for requesting appeal or rehearing:

This request for a rehearing is based on two key components of the motion approved by the City Council at its meeting of March 18, 2008.

1. Although the City Attorney advised the City Council during the course of deliberations that it could not use the subject of the alley as a basis for its determination, Council Member Leece's motion specifically makes reference to the alley as part of the justification for reversing the Planning Commission's denial.
2. The motion as offered by Council Member Leece and approved by the City Council is internally inconsistent and contradictory. The verbatim transcript below – as prepared by the City Clerk – demonstrates this point. The non-permitted two-car garage and granny unit cannot both be found to (a) be in compliance with the zoning and building codes and (b) granted a variance and administrative adjustment to legalize the unit in question.

"Motion: the Alternative No. 2, to reverse the Planning Commission's decision and approve all of the entitlements related to the request, including the variances, an administrative adjustment to legalize the detached two-car garage and granny unit with the additional recommended conditions of approval attached, which particularly means that the zoning code and the building codes would be that the granny unit would be in compliance with the zoning code and the building codes, and those are written into the conditions."

I would respectfully request that this matter be referred back to the Planning Commission.

Date: MARCH 25, 2008

Signature: 

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For Office Use Only - Do Not Write Below This Line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: MARCH 18, 2008

ITEM NO: **VII-1**

**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**

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## **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.<sup>1</sup> 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**

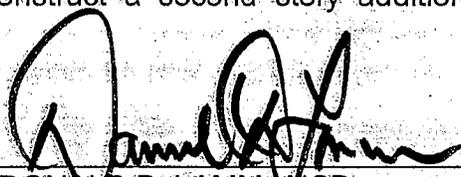
Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

### **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

<sup>1</sup> 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

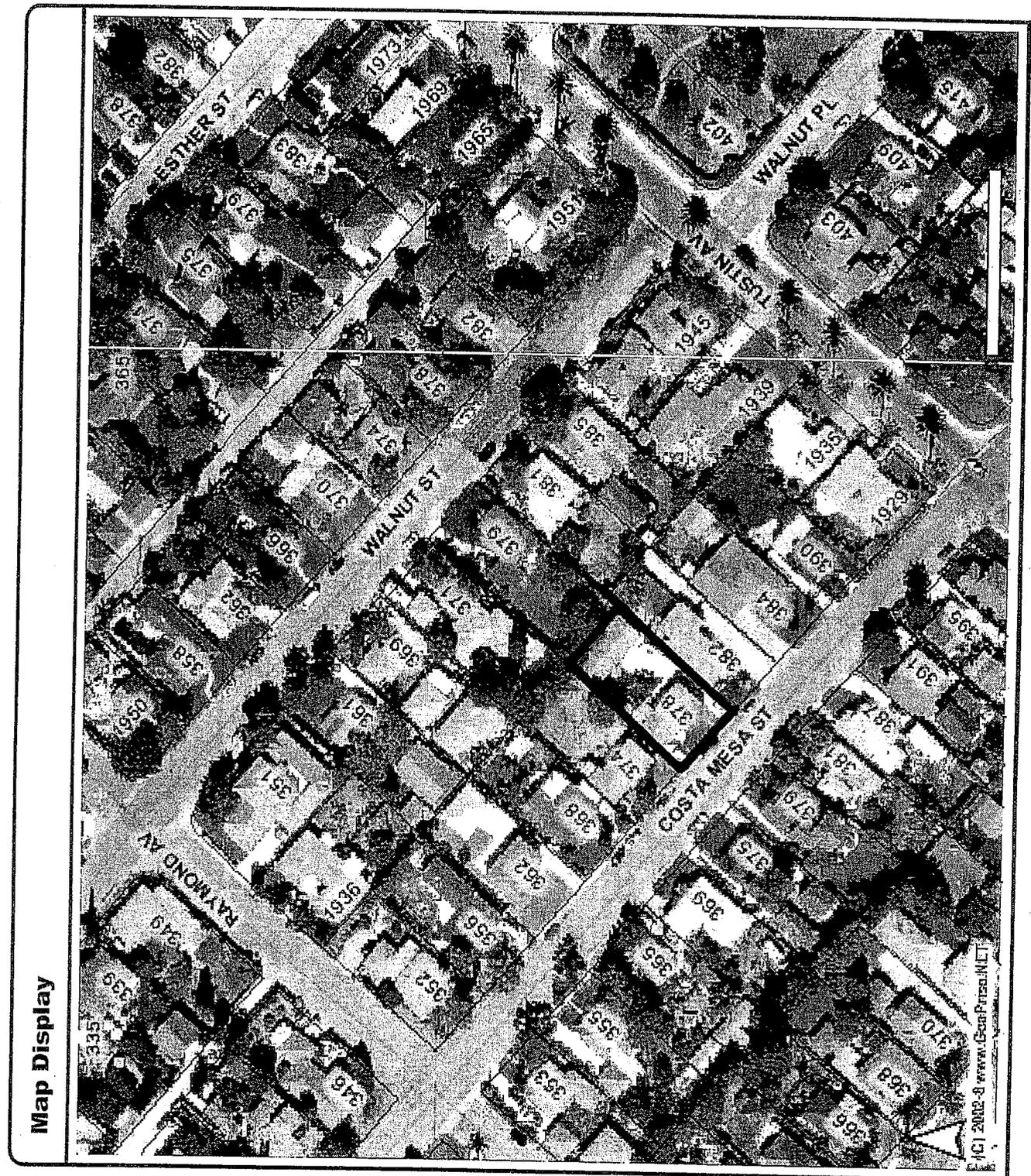
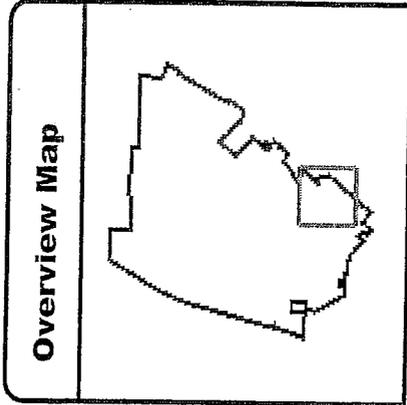
Distribution: City Manager  
Assistant City Manager  
City Attorney  
Deputy City Mgr.-Development Svs. Dir.  
Public Services Director  
City Clerk (2)  
Staff (4)  
File (2)

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	Level 1 Ortho Photo
Address Points	Parcels
Street Names	ROW
Street Centerlines	Polygon- s
Parcel Lines	



6











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:

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

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**Mayor of the City of Costa Mesa**

**APPROVED AS TO FORM:**

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**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)**

- 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 16. The rear structure shall be demolished.  
Comm.

**ADDITIONAL CONDITIONS OF APPROVAL (IF DETACHED STRUCTURE IS APPROVED)**

- Plng. 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 Zoning Administrator/Staff Decision - \$670.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW A MESA

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  
(714) 548-1520  
944.

FEB - 1 2008

VI.6  
PA-07-48

1 Feb 08

Planning Commission

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

C. Joe Devine, III  
Sgt Major, USMC. Retd.

Enc. 1.



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



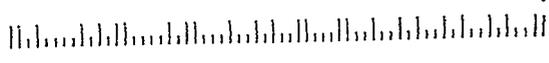
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US POSTAGE

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

FEB - 4 2008

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

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 things 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 displeasing.

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

FEB - 5 2008

D. B. Waite  
328 E. 19<sup>th</sup>. 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. 19<sup>th</sup> 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

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**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

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02/19/2008

25

VI.3  
PA-07-48

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

RECEIVED  
CITY OF COSTA MESA  
FEB 27 2008  
ce

February 19, 2008

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

VI.3  
PA-07-48

February 21, 2008

Re: PA 07-48

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

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.

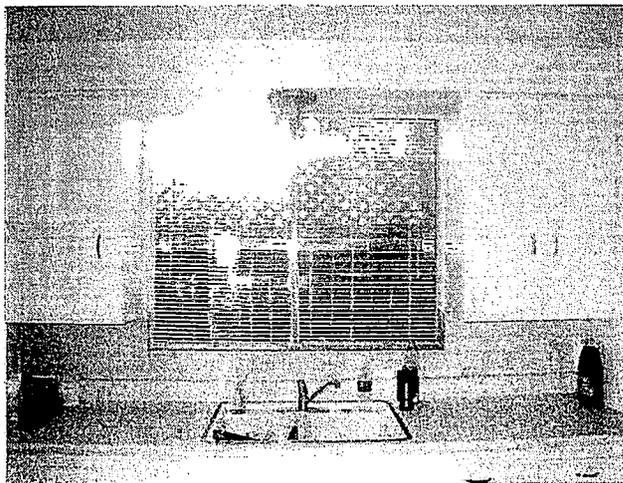
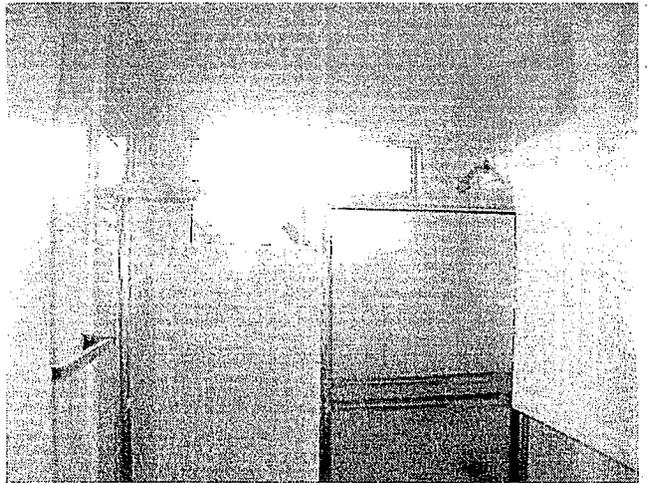
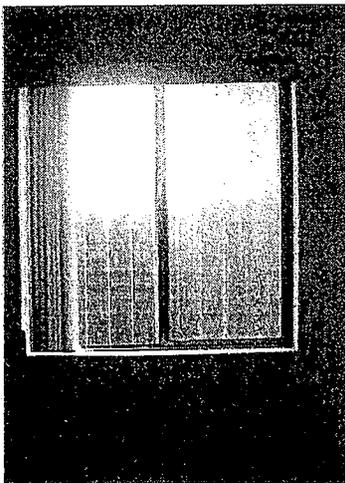
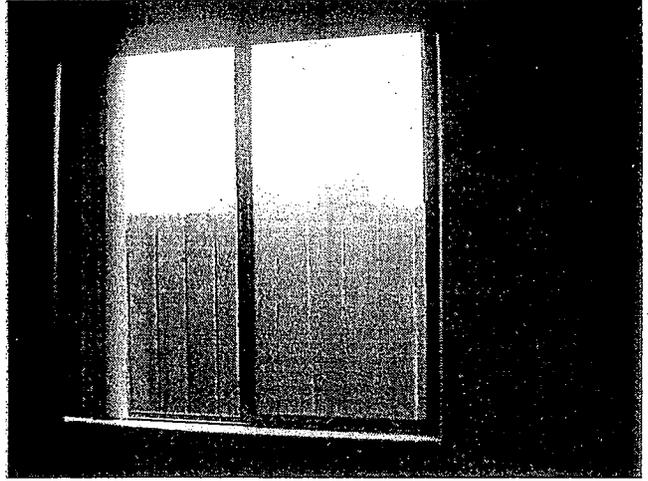
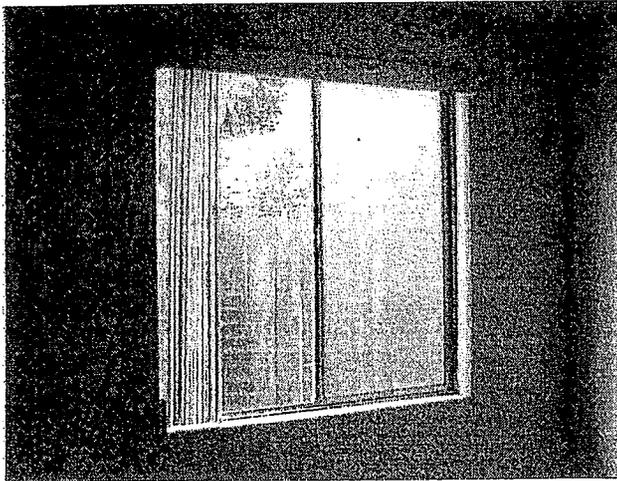
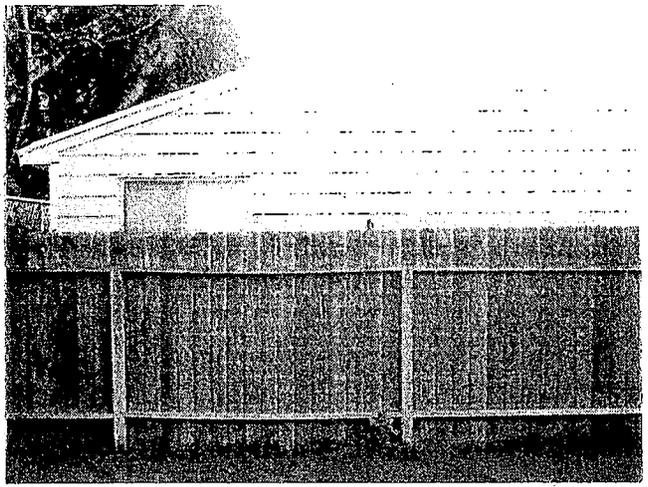
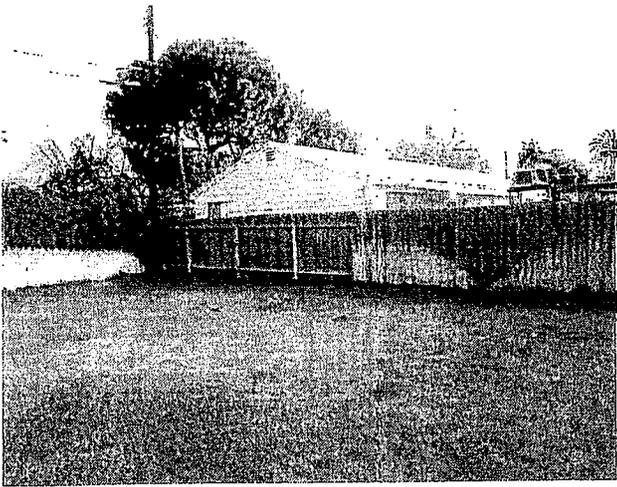
Photos: 1. From the neighbor to the west backyard, facing east is the bedroom window.

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

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**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  
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x

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 Fisler 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.