



CITY COUNCIL AGENDA REPORT

MEETING DATE: JULY 1, 2008

ITEM NO:

**SUBJECT: REVIEW OF PLANNING APPLICATION PA-08-07
242 OGLE STREET**

DATE: JUNE 19, 2008

FROM: DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

PRESENTATION BY: DONALD D. LAMM, DIRECTOR AND MEL LEE, SENIOR PLANNER

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

RECOMMENDATION:

Adopt attached resolution approving as modified Planning Application PA-08-07 –
A two-story residence over a four-car garage and workshop with the following deviations from the development standards:

- a. An administrative adjustment from required side yard setback; and
- b. A minor modification to retain an existing driveway leading from the street.

BACKGROUND

Project Summary:

The property is located on the north side of Ogle Street behind the retail center occupied by Staples. The project was originally proposed as a detached two-story residence over a four-car garage and workshop with the following deviations from the development standards:

- a. Administrative adjustments from the required side yard setback for the proposed building and building separation between the existing residence;
- b. Minor design review to deviate from the City's Residential Design Guidelines for second floor to first floor ratio; and
- c. Minor modifications to retain the existing driveway from Ogle Street and extend a nonconforming side setback for the existing residence with a new closet.

Previous Actions:

On April 14, 2008, Planning Commission approved the project on a 3-2 vote (Commissioners Rigeimer and Egan voting no). The meeting minutes are contained in Attachment 8. On April 21, 2008, a review of the Commission's decision was requested by Mayor Pro Tem Mansoor.

The project review was continued from the May 6, 2008 City Council meeting to provide the applicant an opportunity to redesign the project to address issues related to the proposed second floor to first floor ratio; to relocate a proposed laundry room; and to redesign the proposed first floor workshop to prevent the workshop from being converted into an illegal third unit. The meeting minutes are contained in Attachment 7. The applicant requested an additional continuance to the July 1, 2008 meeting to allow for additional time to redesign the project.

ANALYSIS

Following Council's action on May 6, 2008, Mel Lee and Don Lamm met with the property owners Mr. and Mrs. Danny K. Dunbar and their architect Laura K. Dunbar. The owners and their architect were very amenable to identifying solutions which would address Council member concerns. As such, a revised site plan/floor plan was created which connects the buildings, moves the exterior laundry room, and overall makes this a better project. Furthermore, Director Lamm requested an interior wall be removed between the "workshop" and one of the double car garages thereby confirming all of that area will be automotive and workshop related. The attached plans now reflect all of these revisions and staff is satisfied with these solutions.

Specifically, the applicant/owners have made the following modifications to the project:

- a. Attached the proposed residence to the existing one-story residence, thereby eliminating the requested administrative adjustment for building separation and the minor design review to deviate from the City's Residential Design Guidelines for second floor to first floor ratio;
- b. Reduced the size of the proposed workshop from 668 square feet to 468 square feet by incorporating a third tandem parking stall within one of the two-car garages; and
- c. Relocated the laundry room to be more accessible to the front unit.

Staff is also recommending an additional condition of approval (number eight) requiring the recordation of a land use restriction notifying future property owners that the proposed workshop shall not be converted into a third unit. With these modifications, staff supports the project.

ALTERNATIVES CONSIDERED

City Council may consider the following alternatives:

1. Approve the Planning Application as Revised. Council's action will allow the applicant to construct the proposed residence as revised.
2. Deny the Planning Application. If denied, the applicant would not be able to move forward with the proposed project. However, in six months the applicant could resubmit the proposed project for reconsideration.

ENVIRONMENTAL REVIEW

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

FISCAL REVIEW

This project does not require any fiscal review.

LEGAL REVIEW

The City Attorney's Office has reviewed the attached resolutions and approved them as to form.

CONCLUSION

City Council continued consideration of this application allowing the project architect sufficient time to address Council's concerns. Staff met with the property owners and their architect to identify design solutions. The owner and architect were very amenable to finding solutions, and as such, concurred with staff requests for modifying the building's design. Attached are the revised plans recommended for approval by staff and acceptable to the property owners.



MEL LEE, AICP
Senior Planner



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

- Attachments:
1. Zoning/Location Map
 2. Revised Plans
 3. Original Plans
 4. Draft City Council Resolution – Approval
Exhibit "A" – Draft Findings for Approval
Exhibit "B" – Draft Conditions of Approval
 5. Draft City Council Resolution – Denial
Exhibit "A" – Draft Findings for Denial
 6. Review Request
 7. Minutes of City Council Meeting of May 6, 2008
 8. Minutes of Planning Commission Meeting of April 14, 2008
 9. Planning Division Staff Report
 10. 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)

Laura Kay Dunbar
Dunbar/Collings Architecture
499 Arnett Avenue
Ventura, CA 93003

Danny K. and Dorothy M. Dunbar
P.O. Box 15606
Newport Beach, CA 92659-5606

File: 070108PA0807Review	Date: 061908	Time: 10:45 a.m.
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ATTACHMENT 1

Overview Map



Map Display



Legend

- | | | | | |
|---------------------------------|-----------------------|--------------------------------|----------------------------------|-----------------|
| Address
#Medium | Primary
#SECONDARY | Waterway
#Waterway
Lines | Hydrolo-
gy
#Channel-
| Street
Names |
| Freeway
| Roads
| Collector
| Freeway
| Major
|
| Interpoint
#(LWD
(count)) | | | | |



ATTACHMENT 2

PROJECT INFORMATION

OWNER'S NAME: Dan & Jean Dunbar
 OWNER'S ADDRESS: P.O. Box 28208
 Newport Beach, CA 92628

JOB ADDRESS: 242 Ogile Street
 Costa Mesa, CA 92626

A.E. NO./PERM: 428-205-01
 LOT AREA: 6,250 sq. ft.

ZONING: R2-HD
 CONSTRUCTION TYPE: 1 1/2 S.F.

USE: Single Family Residence
 ARCHITECT: Lundberg Design
 10000 Wilshire Avenue
 Suite 100
 Los Angeles, CA 90024
 (310) 471-7700

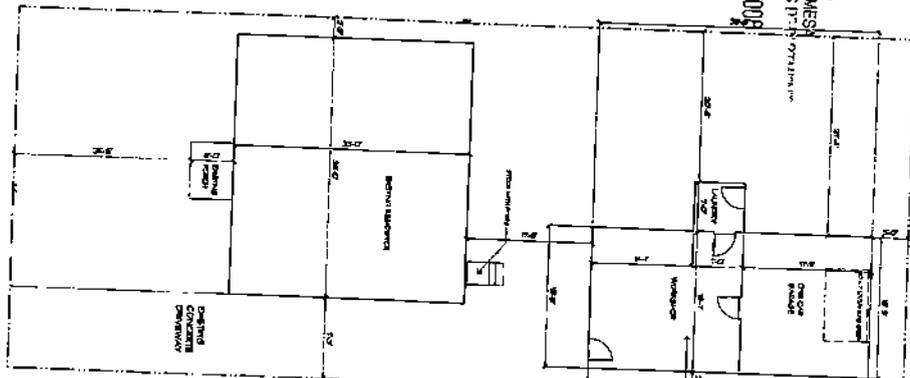
SCOPE OF PROJECT
 Existing Single Family Residence
 One story with 2 bedrooms and 4 standard 1 car garage
 Replacement with 2 bedrooms and 4 standard 1 car garage
 Addition with 2 bedrooms and 2 standard 1 car garage
 TOTAL: 2 - Single Family Dwellings with 2 bedrooms each
 2 - 2 car garage

SQUARE FOOTAGE CALCULATIONS

Existing Dwelling	1,150 sq. ft.
Existing Porch	1,233 sq. ft.
Total Existing Coverage	2,383 sq. ft.
Proposed Single Family Dwelling	1,224 sq. ft.
Proposed Porch	1,357 sq. ft.
Total proposed coverage of existing dwelling	2,581 sq. ft.
Existing Dwelling (to be removed)	415 sq. ft.
Proposed Single Family Dwelling	672 sq. ft.
Proposed Porch	718 sq. ft.
Total proposed coverage of new dwelling	1,390 sq. ft.
Proposed Dwelling Area (new design)	1,321 sq. ft.
Proposed Porch	320 sq. ft.
Proposed Deck	26 sq. ft.
Total Building Sq. Ft. (includes exterior porch, deck, porch)	4,277 sq. ft.

Design: Open Studio
 Lot Area: Lot Coverage - Dwelling/Porch = 40% of Lot Area
 Lot Area = 6,250 sq. ft. x .40 = 2,500 sq. ft.
 Lot Coverage of Dwelling
 Dwelling/Porch Area: 2,777 + 1,810 + 148 + 207 + 5,952 sq. ft.
 4,992 + 1,810 + 148 + 207 sq. ft.
 2,997 - 2,985 = 2,510 + 2,500 sq. ft. = 2,500 sq. ft.
 Open space requirement satisfied

RECEIVED
 CITY OF COSTA MESA
 PLANNING DEPARTMENT
 JUN 19 2008



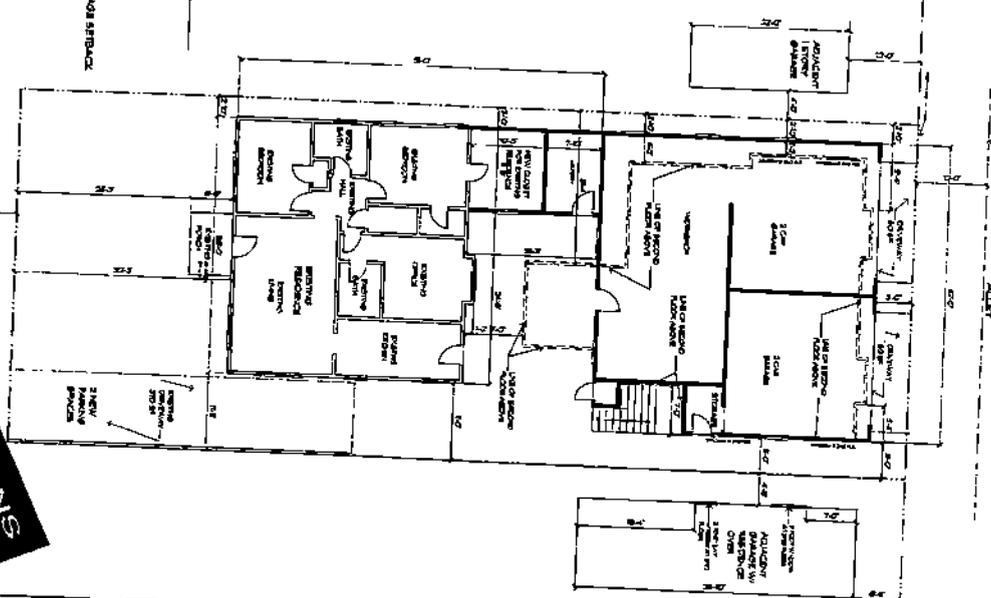
EXISTING SITE PLAN
 1/8" = 1'-0"

PARKING REQUIREMENTS

EXISTING PARKING: 2 SPACES
 REQUIRED PARKING FOR NEW UNIT: 4 SPACES
 PROPOSED PARKING: 4 SPACES
 CONFORMANCE WITH 2 CAR GARAGES
 2 RECOMMENDED 2 SPACING DRIVEWAY

SETBACK MEASUREMENTS

WEST SIDEYARD SETBACKS:
 11'6" TO 11'9"
 11'6" TO 11'9"
 6'5" TO 7' TO 11'25"
 14'6" TO 21'4" TO 3'0"
 AREA / LENGTH = AVERAGE SETBACK
 (14 + 6)2 + (7 + 25)2 / (16 + 30) = 8.25 + 8.75 = 17.00 = 10.87' AVERAGE SETBACK
 EAST SIDEYARD SETBACKS:
 16'0" TO 6'0" TO 12'25"
 4'12" TO 9' TO 10'25"
 15' TO 16'7" TO 14'0"
 AREA / LENGTH = AVERAGE SETBACK
 (12.5 + 10.25 + 10 + 28.0) / (16 + 30) = 6.88 + 8.1 + 10 = 14.98' AVERAGE SETBACK



REVISED PLANS

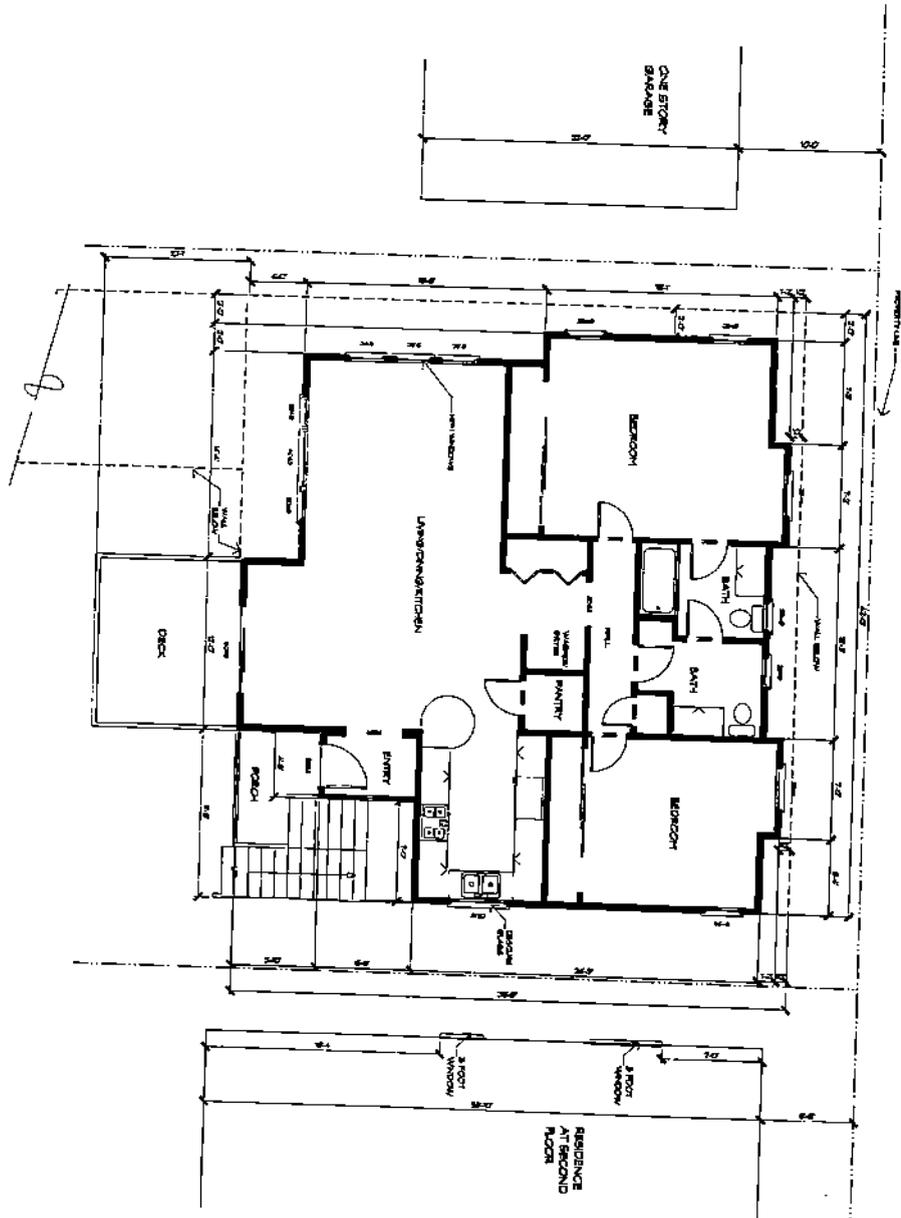
SITE PLAN
 1/8" = 1'-0"

PROPOSED SECOND DWELLING FOR
DAN AND JEAN DUNBAR
 242 OGILE STREET COSTA MESA, CA
 JOB # 01-016664
 SITE PLAN

SHEET
A-1
 OF

DATE: 02/20/08
 REV: 00/00/00

SECOND FLOOR PLAN



1/4" = 1'-0"

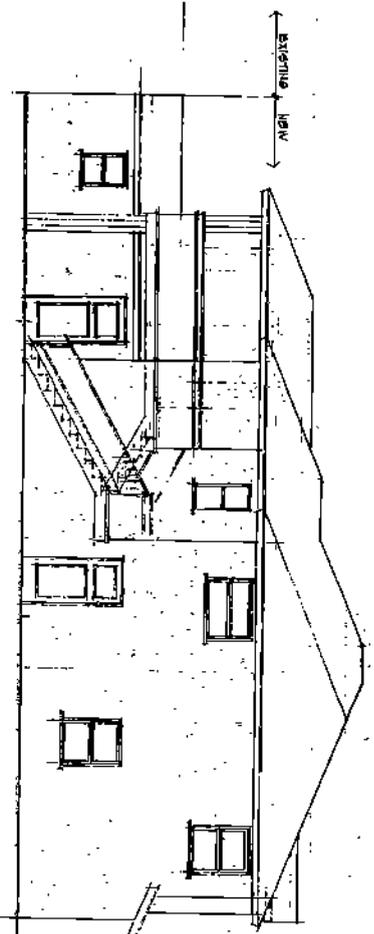
SHEET
A-3
 OF
 19

PROPOSED SECOND FLOOR PLAN FOR
DAN AND JEAN DUNBAR
 245 DOLE STREET COSTA MESA, CA
 JOB # 01-01-066-A
 SECOND FLOOR PLAN

DUNBAR/
COLLINGS
 ARCHITECTURE
 DESIGN
 PLANNING
 CONSULTATION

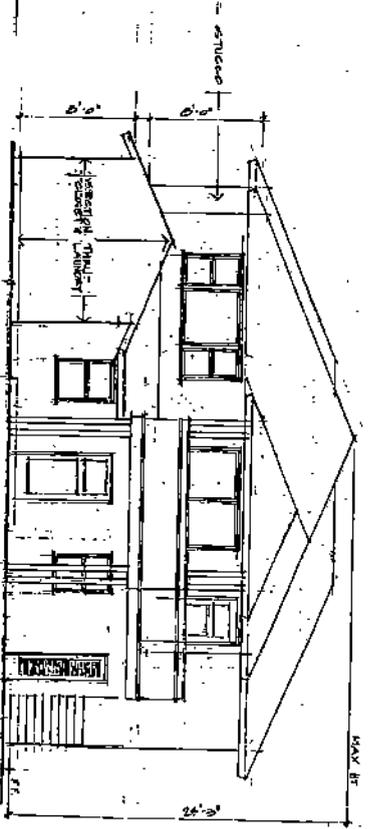
497 ARNETT AVENUE
 VENTURA, CALIFORNIA 93143
 805/462-7148

CONTRACT NO.
 01-01-066-A



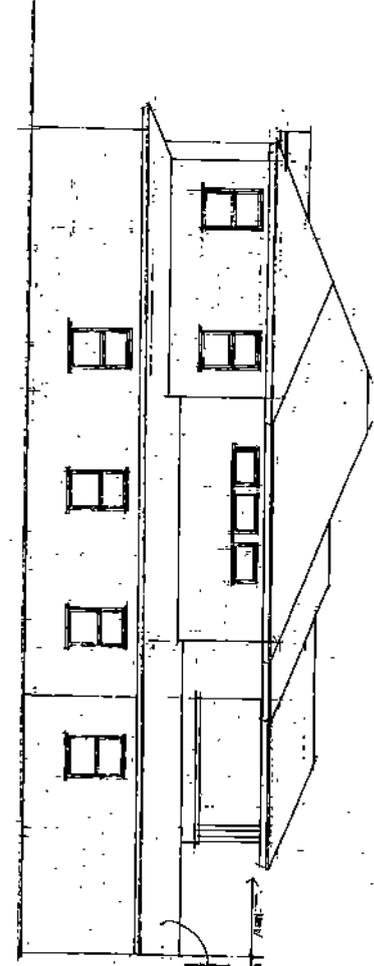
RIGHT ELEVATION (South East)

1/4" = 1'-0"



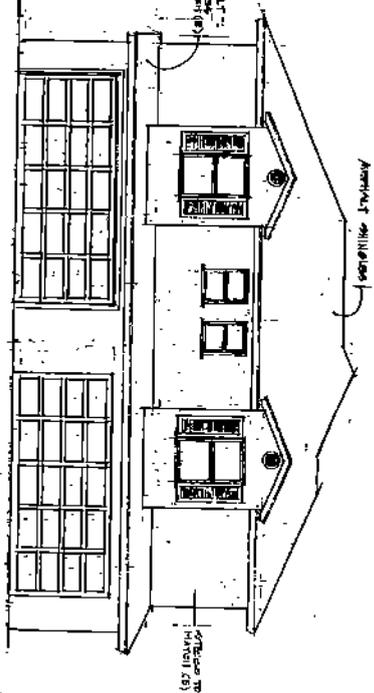
FRONT ELEVATION (South West)

1/4" = 1'-0"



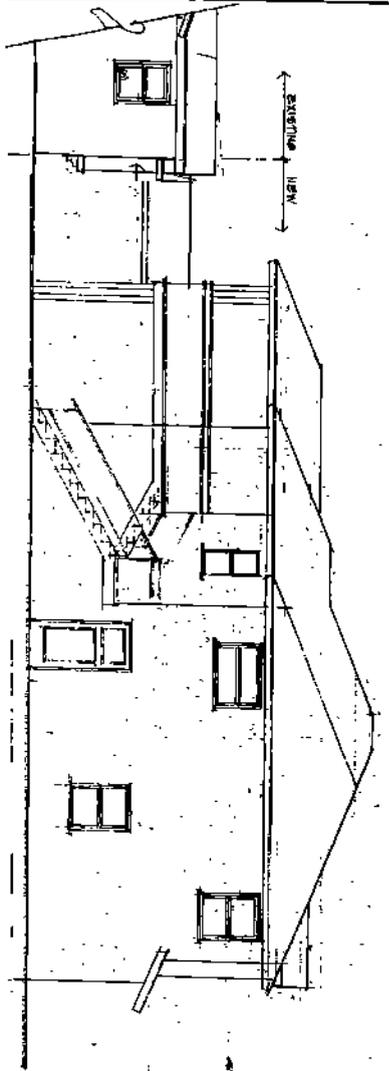
LEFT ELEVATION (North West)

1/4" = 1'-0"

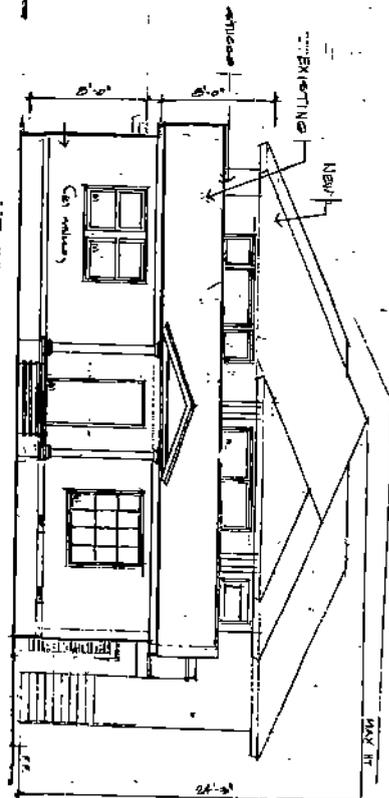


ALLEY ELEVATION (North East)

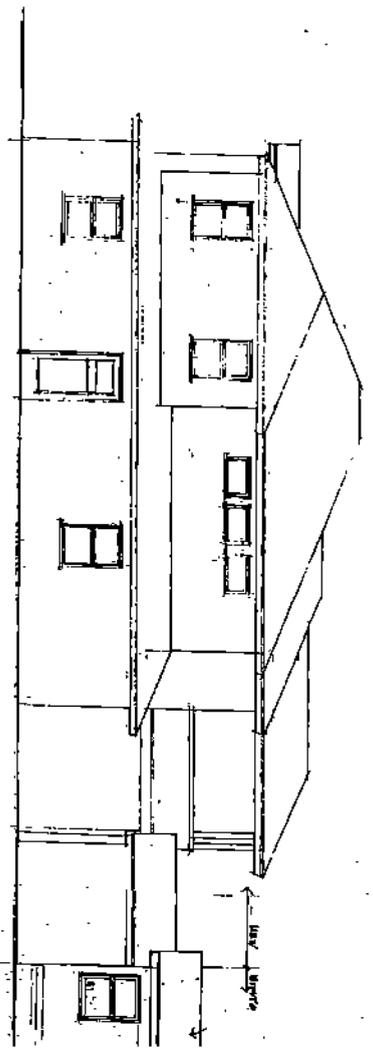
1/4" = 1'-0"



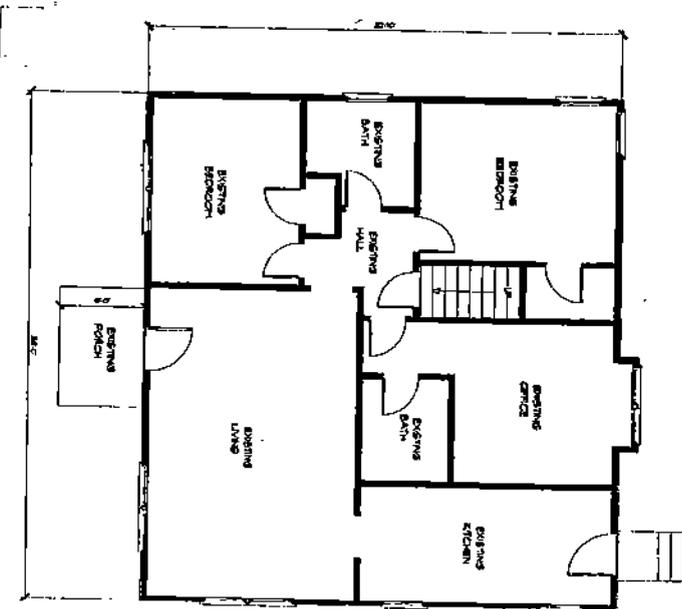
RIGHT ELEVATION (south east) 1/4" = 1'-0"



FRONT ELEVATION (south west) 1/4" = 1'-0"



LEFT ELEVATION (north west) 1/4" = 1'-0"



EXISTING FLOOR PLAN 1/4" = 1'-0"

ATTACHMENT 3

PROJECT INFORMATION

OWNER: Dan & Jean Dunbar
 201 S. 24th St
 Tempe, AZ 85281

DATE: 02/19/08

PROJECT: RECEIVED
 CITY OF COSTA MESA
 DEVELOPMENT SERVICES DEPARTMENT

DATE: FEB 19 2008

ADDRESS: 3202 Ogile Street
 Costa Mesa, CA 92626

LOT AREA: 4,500 sq. ft.

CONSTRUCTION TYPE: R-2, 1-D

DATE: 02/19/08

ARCHITECT: Dunbar/Collings Architects
 407 Abbott Avenue
 Ventura, CA 93003
 (805) 644-7769

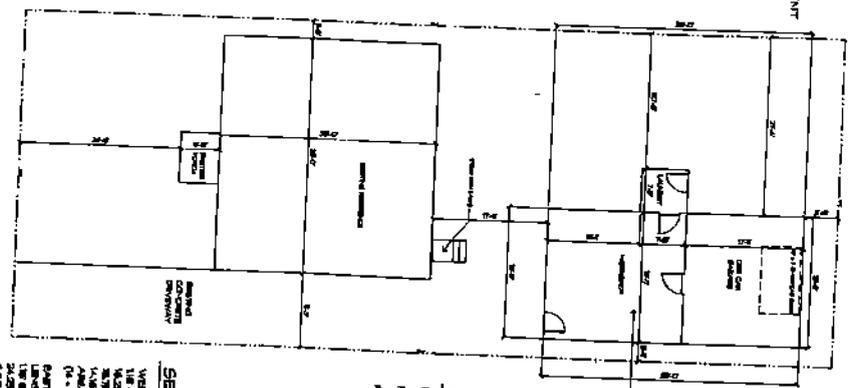
SCORE OF PROJECT

Building Height: 10' max
 Overall Footprint: 2,500 sq. ft. max
 Overall Lot Coverage: 55% max
 Overall Lot Area: 4,500 sq. ft.

SQUARE FOOTAGE CALCULATIONS

Existing Dwelling	1,000 sq. ft.
Proposed Addition	1,500 sq. ft.
Total Proposed	2,500 sq. ft.
Proposed Garage	400 sq. ft.
Proposed Deck	100 sq. ft.
Proposed Pool	100 sq. ft.
Proposed Driveway	100 sq. ft.
Proposed Stairs	100 sq. ft.
Proposed Other	100 sq. ft.
Total Proposed	2,500 sq. ft.

EXISTING SITE PLAN



1/8" = 1'-0"

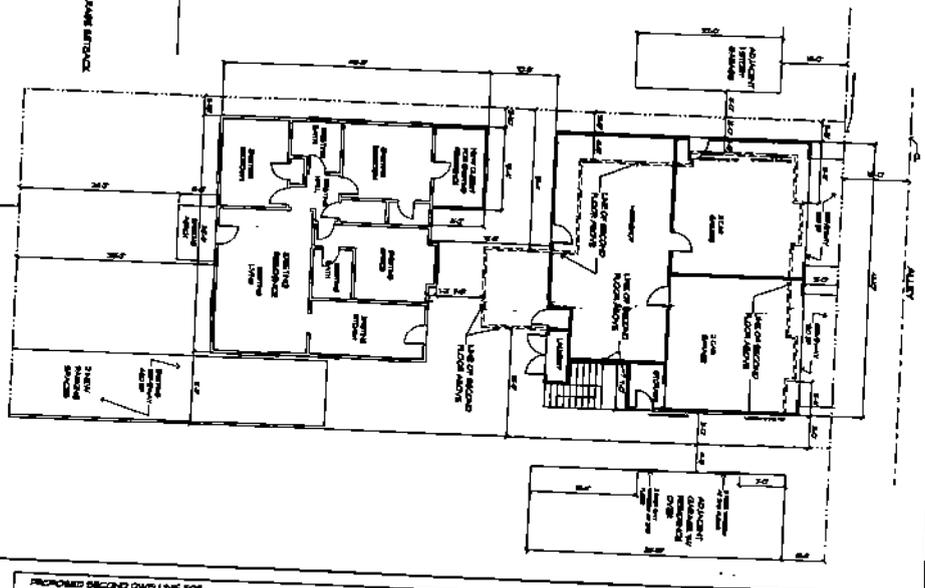
PARKING REQUIREMENTS

REQUIRED PARKING: 4 SPACES
 PROVIDED PARKING: 4 SPACES
 2 SPACES FOR GARAGE
 2 SPACES FOR DRIVEWAY

SETBACK MEASUREMENTS

FRONT SETBACK: 5'-0"
 REAR SETBACK: 5'-0"
 SIDE SETBACK: 5'-0"
 DRIVEWAY SETBACK: 5'-0"
 POOL SETBACK: 5'-0"
 DECK SETBACK: 5'-0"
 STAIRS SETBACK: 5'-0"
 OTHER SETBACKS: 5'-0"

SITE PLAN



1/8" = 1'-0"

PROJECT: DAN AND JEAN DUNBAR
 3202 OGILE STREET COSTA MESA CA

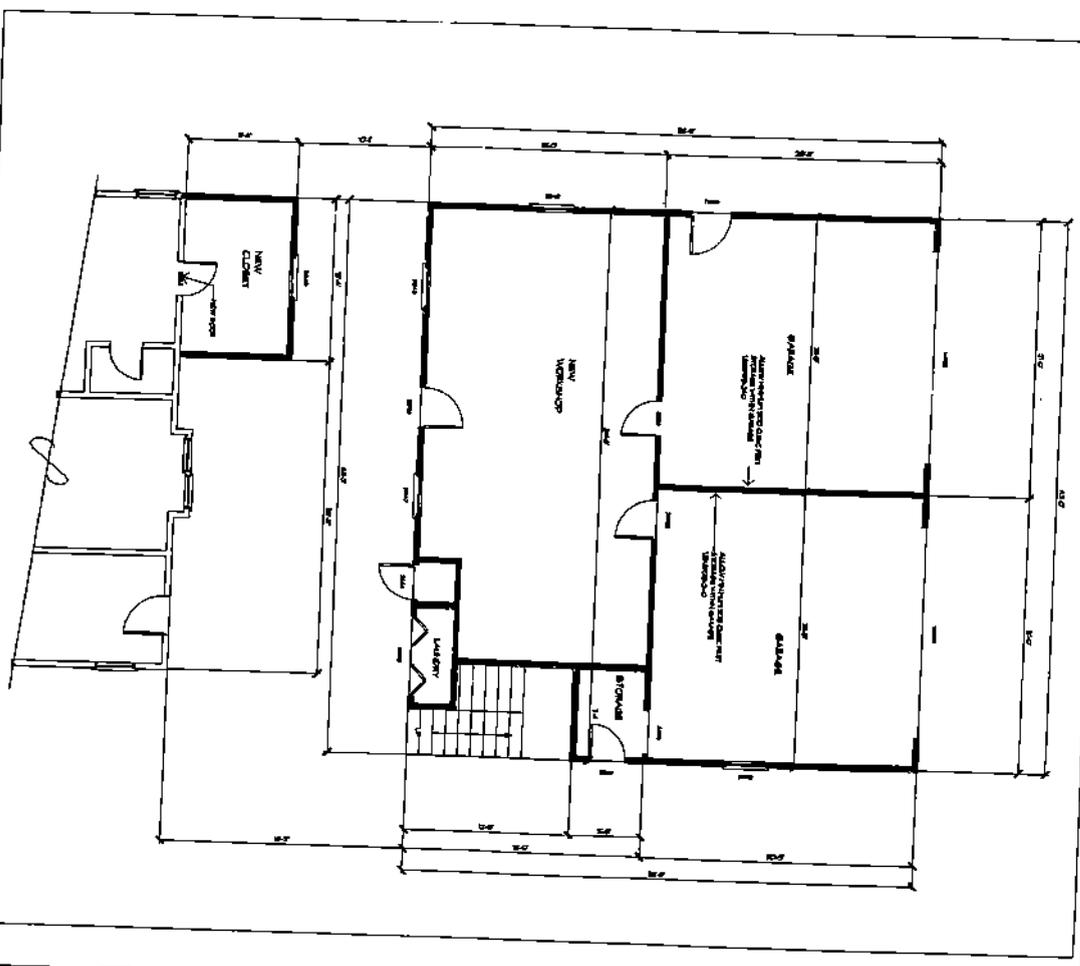
REPROVED SECOND DWELLING FOR
 DAN AND JEAN DUNBAR
 3202 OGILE STREET COSTA MESA CA

DUNBAR/COLLINGS
 ARCHITECTS
 407 ABBOTT AVENUE
 VENTURA, CALIFORNIA 93003
 (805) 644-7769

407 ABBOTT AVENUE
 VENTURA, CALIFORNIA 93003
 (805) 644-7769

FIRST FLOOR PLAN

1/4" = 1'-0"



8

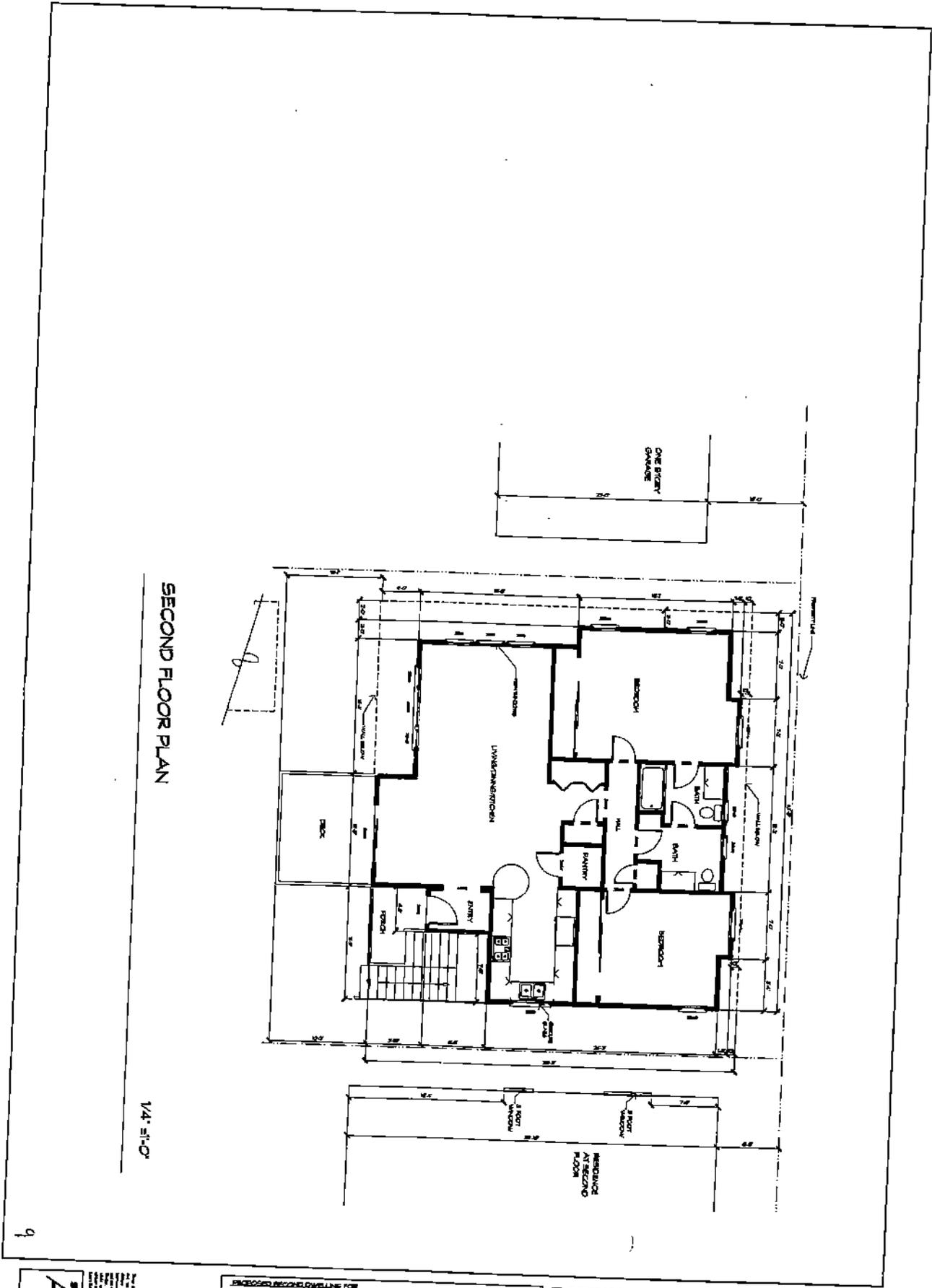
DUNBAR/ COLLINGS ARCHITECTS
 SHEET
 A-2
 OF

PROPOSED SECOND DWELLING FOR
 DAN AND JEAN DUNBAR
 242 OCEAN STREET COSTA MESA, CA
 100 N OCEAN BLVD
 FIRST FLOOR PLAN

DUNBAR/
 COLLINGS
 ARCHITECTS
 475 ARBETT AVENUE
 COSTA MESA, CALIFORNIA 92626
 714/441-7785

475 ARBETT AVENUE
 COSTA MESA, CALIFORNIA 92626
 714/441-7785

CONTRACT NO.
 1000000000



SECOND FLOOR PLAN

1/4" = 1'-0"

9

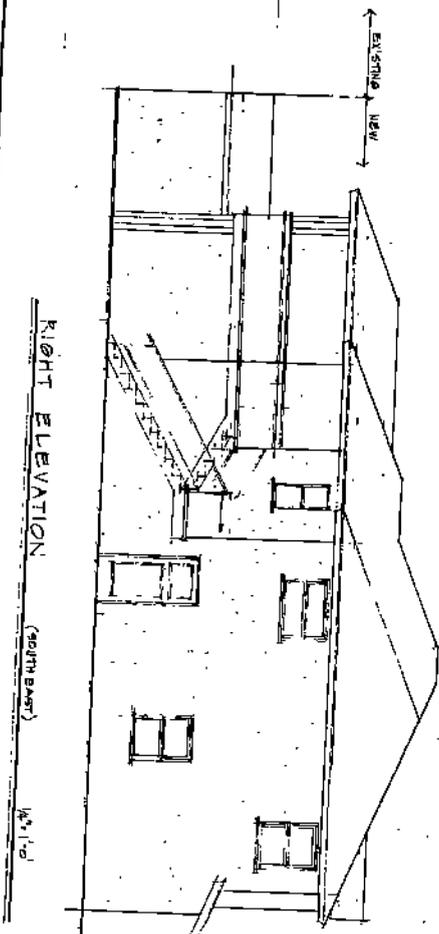
SHEET
A-3
 OF

PREPARED SPECIFICATIONS FOR
GAIL AND JEAN DUNBAR
 240 COLLE STREET COSTA MESA, CA
 JOB # CH-01-881-A
SECOND FLOOR PLAN

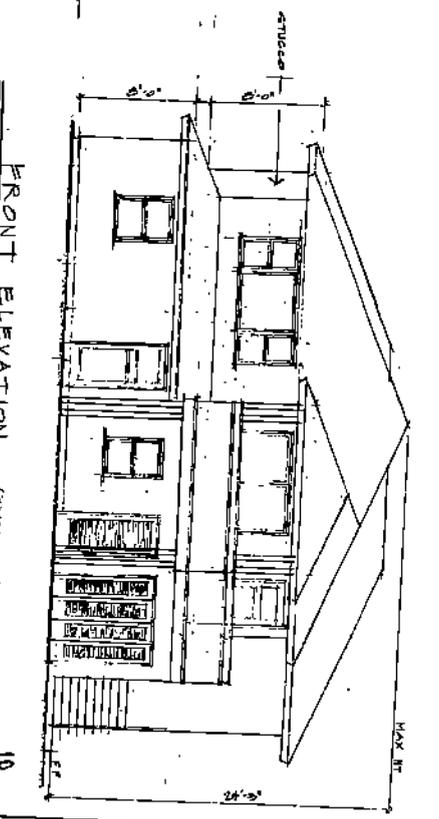
**DUNBAR/
 COLLINGS**
 ARCHITECTURE
 DESIGN
 CONSULTING
 ARCHITECTS

497 ARBETH AVENUE
 PORTOLA, CALIFORNIA 93060
 8824617249

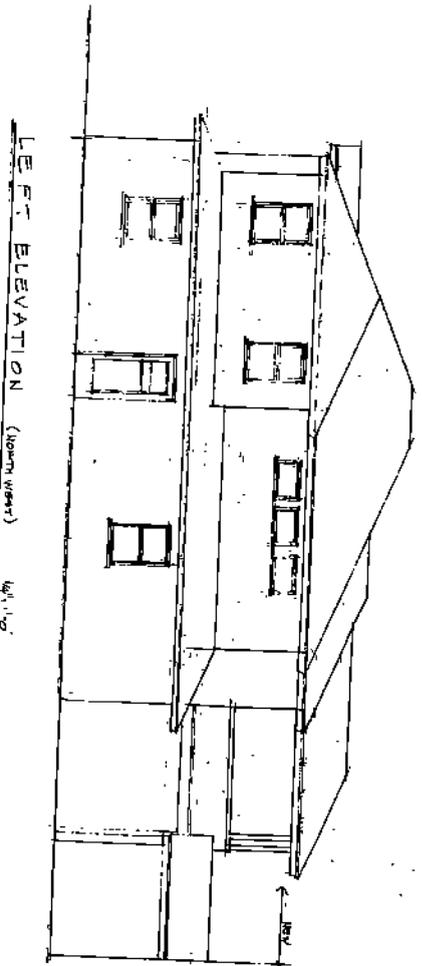
DATE
 10/11/88



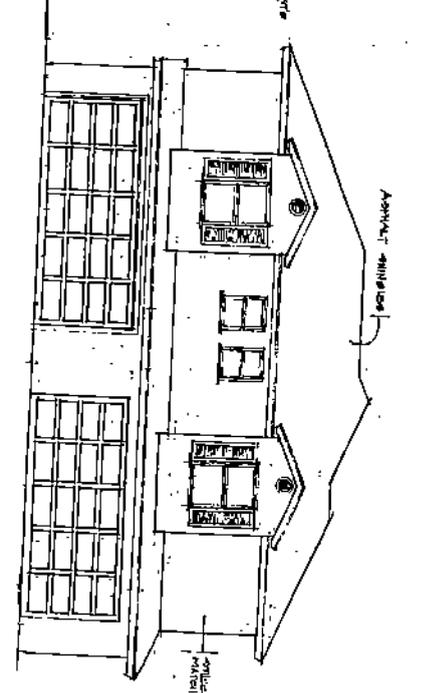
RIGHT ELEVATION (SOUTH EAST) 1/4" = 1'-0"



FRONT ELEVATION (NORTH WEST) 1/4" = 1'-0"



LEFT ELEVATION (NORTH WEST) 1/4" = 1'-0"



ALLEY ELEVATION (NORTH EAST) 1/4" = 1'-0"

SHEET
A-4

PROPOSED SECOND DWELLING FOR
DAN AND JEAN DUNBAR
342 COLE STREET COSTA MESA, CA

ELEVATIONS OF PROPOSED BUILDING

DUNBAR/
COLLINGS
ARCHITECTURE
DESIGN
PLANNING
CONSULTATION

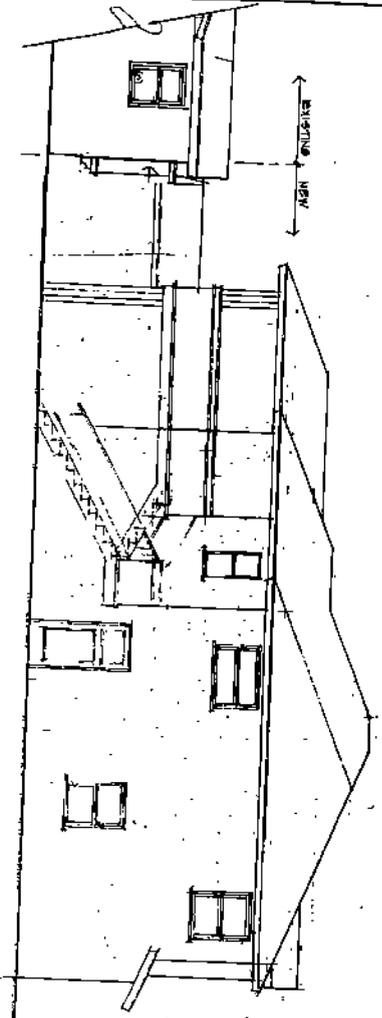
499 ARBETT AVENUE
VENTURA, CALIFORNIA 93003

DATE: 1/24/74

RIGHT ELEVATION

(SOUTH EAST)

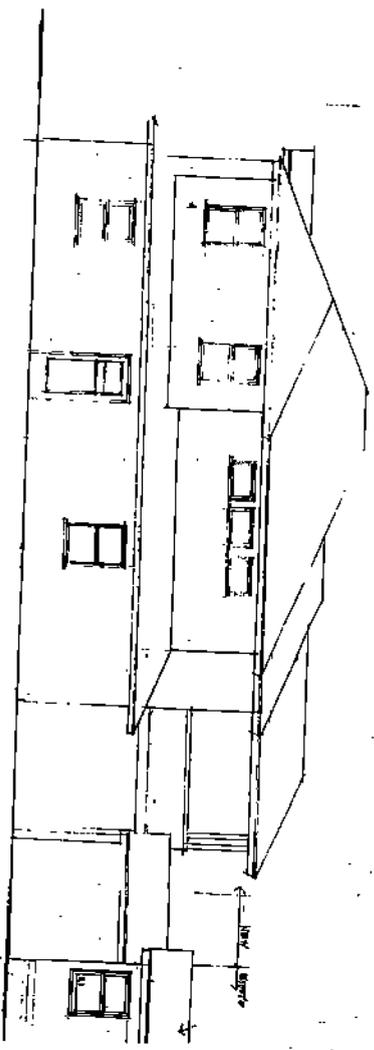
14' x 11' 0"



LEFT ELEVATION

(SOUTH WEST)

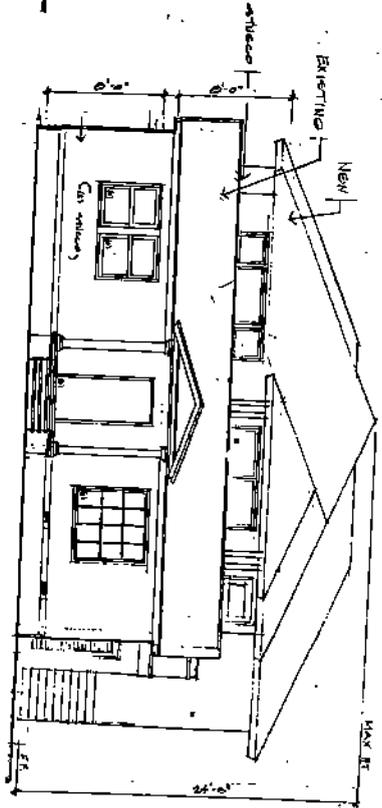
14' x 11' 0"



FRONT ELEVATION

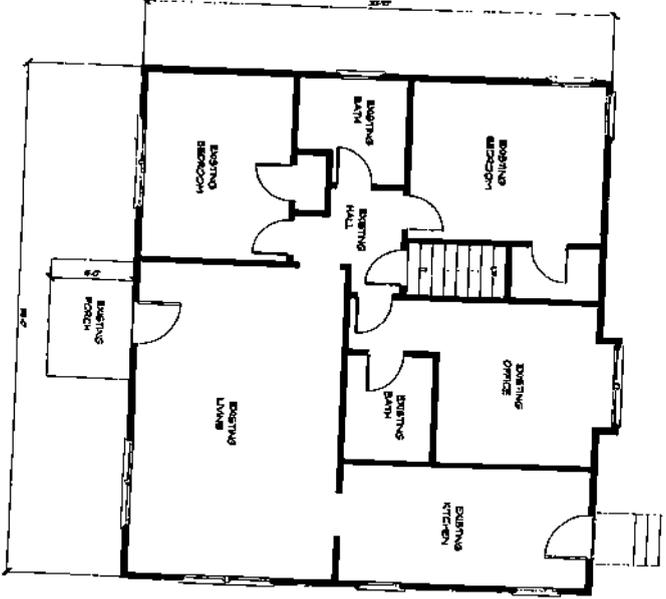
(SOUTH WEST)

14' x 11' 0"



EXISTING FLOOR PLAN

14' x 11' 0"



20
SHEET
A-5

NOT TO SCALE
ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE
CONSTRUCTION OF THIS PLAN IS SUBJECT TO THE APPROVAL OF THE LOCAL AGENCIES
DATE: 10/15/11

PROPOSED SECOND DWELLING FOR
DAN AND JEAN DUNBAR
242 OGLE STREET COSTA MESA CA
JOB # 000-000-000-000
ELEVATIONS/FLOOR PLANS OF EXISTING RESIDENCE

**DUNBAR/
COLLINGS**
ARCHITECTURE
DESIGN
PLANNING
CONSULTATION

599 ARNETT AVENUE
VENTURA, CALIFORNIA 93001

DUNBAR/COLLINGS

ATTACHMENT 4

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA APPROVING PLANNING APPLICATION PA-08-
07 AS MODIFIED**

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

WHEREAS, an application was filed by Laura Kay Dunbar, representing Danny K. and Dorothy M. Dunbar, owners of the real property located at 242 Ogle Street, requesting approval of an administrative adjustment from required side yard setback for a new two-story residential unit. Additionally, the applicant is requesting a minor modification to retain an existing driveway leading from the street; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 14, 2008, and PA-08-07 was approved; and

WHEREAS, on April 21, 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 May 6, 2008; and

WHEREAS, the City Council continued the item to the meeting of June 3, 2008 to allow the applicant to redesign the project to address the issues related to the proposed second floor to first floor ratio, to relocate the proposed laundry room, and to redesign the proposed first floor workshop to prevent the workshop from being converted into an illegal third unit; and

WHEREAS, the applicant requested an additional continuance to the meeting of July 1, 2008 to allow for additional time to redesign the project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby **APPROVES AS MODIFIED** PA-08-07 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-08-07 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 1st day of July, 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 - APPROVAL**

- A. The proposed project, as modified, complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The development is compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - The development complies with applicable performance standards prescribed in the Zoning Code.
 - The development is consistent with the General Plan.
 - The cumulative effect of all of the planning applications has been considered.
- B. The information presented complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do exist to justify granting of the administrative adjustments from side setback. Specifically, the site is nonconforming with regard to minimum lot size and minimum lot width. Project approval would not constitute a grant of special privileges inconsistent with similar properties within the same zoning district. Furthermore, it has been determined that the parking variance is not necessary due the existing nonconforming unit on the property and that the proposed 6 on-site parking spaces are adequate for this development.
- C. The information presented does comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, as modified, is compatible and harmonious with existing and/or anticipated development on surrounding properties. Additionally, the design of the second story is generally consistent with the purpose and intent of the City's Residential Design Guidelines.
- D. The information presented does comply with Costa Mesa Municipal Code Section 13-29(g)(6) with regard to the minor modifications to retain the existing driveway in that the improvement is compatible with the design of existing and anticipated development in the vicinity.
- 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 15303 for New Construction.
- F. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
2. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
3. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 36 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
4. The conditions of approval and ordinance or code provisions of Planning Application PA-08-07 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
5. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, additional second story windows, 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 design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
6. Street addresses shall be displayed manner visible to the street and alley. Street address numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
7. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
8. A land use restriction, executed by and between the property owner 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 workshop shall not be converted into an additional third unit. 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.

- Eng. 9. 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.

ATTACHMENT 5

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-08-07

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

WHEREAS, an application was filed by Laura Kay Dunbar, representing Danny K. and Dorothy M. Dunbar, owners of the real property located at 242 Ogle Street, requesting approval of an administrative adjustment from required side yard setback for a new two-story residential unit. Additionally, the applicant is requesting a minor modification to retain an existing driveway leading from the street; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 14, 2008, and PA-08-07 was approved; and

WHEREAS, on April 21, 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 May 6, 2008; and

WHEREAS, the City Council continued the item to the meeting of June 3, 2008 to allow the applicant to redesign the project to address the issues related to the proposed second floor to first floor ratio, to relocate the proposed laundry room, and to redesign the proposed first floor workshop to prevent the workshop from being converted into an illegal third unit; and

WHEREAS, the applicant requested an additional continuance to the meeting of July 1, 2008 to allow for additional time to redesign the project.

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-08-07 with respect to the property described above.

PASSED AND ADOPTED this 1st day of July, 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 - DENIAL

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed development is not compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - The proposed project does not comply with applicable performance standards prescribed in the Zoning Code.
 - The project is not consistent with the General Plan.
 - The cumulative effect of all of the planning applications have been considered.
- 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 administrative adjustments from side setback. Project approval would constitute a grant of special privileges inconsistent with similar properties within the same zoning district.
- C. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, is not compatible and harmonious with existing and/or anticipated development on surrounding properties.
- D. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(6) with regard to the minor modifications to retain the existing driveway in that the improvement is not compatible with the design of existing and anticipated development in the vicinity.
- 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 15303 for New Construction.
- F. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 6



City of Costa Mesa

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

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name* Allan Mansoor
 Address Mayor Pro Tem, City of Costa Mesa
 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.)

Planning Application PA-08-07 - 242 Ogle Street

Decision by: Planning Commission

Reasons for requesting appeal, rehearing, or review:

Review of Planning Commission's decision to approve the deviations from required side yard setback and building separation, as well as proposed 91% second floor to first floor ratio for the proposed project.

RECEIVED
 CITY CLERK
 2008 APR 21 PM 12:28
 CITY OF COSTA MESA
 BY _____

Date: 4-21-08 Signature: *Allan Mansoor*

*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:

ATTACHMENT 7

**FROM THE MINUTES OF THE MAY 6, 2008
CITY COUNCIL MEETING**

(a). Type of fencing for the south side of Joann Street Bike Trail.

(b). Consider recommendation to move up the construction of landscape and irrigation improvements on the west side of Harbor Boulevard from north of 2299 Harbor Boulevard to Fair Drive from its current ranking on the priority list.

Parks Project Manager Bart Mejia presented the staff report and responded to questions from the Council relative to fencing options and landscaping suggestions.

Discussion ensued among the City Council and City staff relating to benches, monument sign identifying the golf course, safety lighting, and consistency of planted trees.

MOTION: Approve the type of fencing for the south side of Joann Street Bike Trail as recommended by the Parks and Recreation Commission.

Moved by Mayor Eric R. Bever, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Mayor Pro Tem Allan R. Mansoor, Council Member Linda W. Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

MOTION: Approved to move up the construction of landscape and irrigation improvements on the west side of Harbor Boulevard from north of 2299 Harbor Boulevard to Fair Drive from its current ranking on the priority list as recommended by the Parks and Recreation Commission.

Moved by Mayor Eric R. Bever, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Mayor Pro Tem Allan R. Mansoor, Council Member Linda W. Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

VII. PUBLIC HEARING



1. PUBLIC HEARING: Review of the Planning Commission's determination for Planning Application PA-08-07, for Laura Dunbar, authorized agent for Danny Dunbar, for construction of a two-story second dwelling unit with a minor design review for 91% second-to-first floor ratio (80% maximum

recommended); administrative adjustments for 3-ft. side setback (5 ft. required); and 6 ft. and 7 ft. building separations (10 ft. required), with minor modifications to retain an existing driveway and to extend a nonconforming side setback of the existing front unit with a new closet, located at 242 Ogle Street, in an R2-HD (Multiple-Family Residential District, High Density) zone. Environmental determination: exempt.

Senior Planner Mel Lee summarized the staff report and responded to questions from the City Council. Mayor Pro Tem Mansoor requested the review and expressed concerns relative to the side set-backs variances, the location of the outside laundry facility, and the location and size of the workshop area.

Laura Dunbar, Costa Mesa, architect for the project and representative of the applicant summarized the concerns that were worked out at the Planning Commission, pointed out the project was previously approved, that the exterior laundry room would service both units, expressed the need for the workshop and addressed the concern for the potential for conversion of the workshop into a third unit, and that deleting the workshop would through of the floor ratio for the upper unit. She suggested that deed restrictions and inspection of the units when a property is sold to make sure that an illegal unit does not exist. She responded to questions from the Council relative the laundry room, the workshop, the first floor to second floor ratio. She felt that if given an opportunity to redesign and connect the buildings that the floor ratio and the building separation would be satisfied.

Mayor Pro Tem Mansoor felt that if the project could be redesigned that moving the laundry facility should also be explored perhaps in the front unit.

MOTION: Deny the project, using the findings previously presented by staff and refer the redesign to the Planning Commission with guidelines that the variance would not be permitted unless the workshop is deleted from the plan.

Moved by Mayor Pro Tem Allan R. Mansoor, seconded by Council Member Linda W. Dixon.

After some clarification by staff on the technical aspects of his motion the Mayor Pro Tem withdrew his motion.

MOTION: Deny the project and refer the redesign to the Planning Commission with the guidelines that the variance would not be permitted unless the potential of an illegal unit is satisfied.

Moved by Mayor Pro Tem Allan R. Mansoor, seconded by Council Member Linda W. Dixon.

Discussion ensued and staff responded to questions of the Council relative to deed restrictions, inspections, a change of ownership, redesign

of the laundry facilities, and Floor Area Ratio (FAR).

Council Member Foley confirmed with the Mrs. Dunbar her willingness to relocate the laundry facilities. Council Member Foley noted that referring it to the Planning Commission level would delay the project. She confirmed with staff regarding the parameters of a redesign in the context of a continuance of the hearing.

SUBSTITUTE MOTION: Continue to the June 3, 2008, meeting and direct staff to work with the applicant address the issues of the first floor and second floor ratio as well as to move the laundry facilities upstairs and to resolve the concerns regarding the workshop area and the potential for an illegal unit.

Moved by Council Member Katrina Foley, seconded by Council Member Wendy Leece.

Mayor Pro Tem Mansoor commented that he would not support the substitute motion as he felt that the redesign issues such as the attachment building, relocation of the laundry units could be addressed at the Planning Commission level.

Council Member Foley opined that referring it back to the Planning Commission would cause further delays and felt it could be handled at the council level.

The substitute motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Linda W. Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: Mayor Pro Tem Allan R. Mansoor

Absent: None.

2. PUBLIC HEARING: Specific Plan SP-08-01, for David Wilson, authorized agent for South Coast Plaza, to amend the North Costa Mesa Specific Plan and Theater and Arts District Plan by modifying several pages of text in the Theater and Arts District Plan, located east of Bristol Street, south of Sunflower Avenue, west of Avenue of the Arts, and north of Interstate 405, in a TC (Town Center District) zone. Environmental determination: exempt.

Director of Development Services Don Lamm briefed the staff report.

David Wilson, representative for South Coast Plaza, gave an overview of the proposed changes and responded to questions from the City Council.

MOTION: Adopt Resolution No. 08-33: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING SPECIFIC PLAN SP-08-01, AN AMENDMENT TO THE NORTH COSTA MESA SPECIFIC PLAN.

Moved by Mayor Eric R. Bever, seconded by Council Member Katrina

ATTACHMENT 8

04-14-08 PC Minute Excerpt for PA-08-07 - Unofficial Until Approved

6. Planning Application PA-08-07, for Laura Dunbar, authorized agent for Danny and Dorothy Dunbar, for construction of a two-story second dwelling unit with a variance from parking (7 spaces required; 6 spaces proposed); a minor design review for 91% second-to-first floor ratio (80% maximum recommended); administrative adjustments for 3-ft. side setback (5 ft. required); and 6 ft. and 7 ft. building separations (10 ft. required) with minor modifications to retain an existing driveway and to extend a nonconforming side setback of the existing front unit with a new closet, located at 242 Ogle Street, in an R2-HD zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report, and there were no questions of staff.

Laura Dunbar, applicant, agreed to all the conditions of approval. She stated that the parking spaces were grandfathered in and provided a letter to the Commission showing her alternative parking proposal to meet the parking requirements.

The Chair and Mr. Lee discussed the existing parking, the credited parking spaces, and the 4 additional parking spaces required for the new portion of the project.

Commissioner Righeimer and Ms. Dunbar discussed the design of the workshop, its square footage, and garage usage.

The Commission, Planning Commission Secretary Kimberly Brandt, and Mr. Lee discussed parking calculations for the project factoring in the number of units and bedrooms.

Commissioner Righeimer mentioned the 3' side variance and the administrative adjustment.

John Steed, Newport Beach, spoke in favor of the project noting that he is a developer in the area.

Ms. Dunbar said she has made every effort to comply, allowing 5' on one side, open space, and following staff's design guidelines.

Commissioner Egan, Commissioner Righeimer, and Ms. Dunbar discussed the variance for the garage and its square footage.

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

MOTION: Approve Planning Application PA-08-07, by adoption of Planning Commission Resolution PC-08-36, based on the evidence in the record and

the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.

F. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code. Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

During discussion on the motion, Commissioner Egan suggested adopting an interpretation to allow 6 parking spaces and Ms. Brandt stated she was working on the approval findings.

Commissioner Righeimer expressed his concern regarding the workshop and asked if the maker of the motion was willing to make a change and Vice Chair Fisler said he wanted to his keep his motion as is.

Vice Chair Fisler and Commissioner Egan discussed the side setback on the right side and the front and rear units.

Ms. Brandt read the findings for approval into the record.

Vice Chair Fisler and Commissioner Clark discussed including a finding stating that the parking variance has been deemed unnecessary due to the interpretation of the Zoning Code, and they both agreed.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, and Commissioner Sam Clark

Noes: Commissioner Eleanor Egan, and Commissioner James Righeimer

Absent: None.

ATTACHMENT 9



CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 6, 2008

ITEM NO:

**SUBJECT: REVIEW OF PLANNING APPLICATION PA-08-07
242 OGLE STREET**

DATE: APRIL 24, 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

This application has been submitted by the property owner at 242 Ogle Street. At present, there is a single family house with a detached one car garage and workshop on this property, in an R-2 zone. The owner proposes to demolish the garage/workshop structure and build a new two story structure to include; two double car garages totaling 872 sq. ft. and a 668 sq. ft. workshop on the ground floor, with alley access to the garages; and, a 1,281 sq. ft. two bedroom two bathroom apartment, with a 120 sq. ft. balcony, on the second floor. Additionally, a minor addition is proposed to the main house to accommodate a new 100 sq. ft. closet room.

In conjunction with the project, the applicant is requesting approval of the following deviations from the City's development standards:

- Administrative adjustments from the required side yard setback for the proposed building (5 feet required; 3 feet proposed on the left side) and building separation between the existing residence and the new second floor deck (10 feet required; 6 feet and 7 feet proposed);
- Minor design review to deviate from the City's Residential Design Guidelines for second floor to first floor ratio for the new building (80% recommended; 91% proposed);

- Minor modifications retain the existing driveway from Ogle Street and extend a nonconforming side setback for the existing residence with the new closet (5 feet required; 2 feet, 10 inches existing).

A variance from on-site parking requirements (7 spaces required; 6 spaces proposed) was part of the original public notice and discussed in the Planning Commission staff report; however, it was determined that the variance was not required because two nonconforming parking spaces are provided for the existing residence on the property within the existing driveway from Ogle Street which, coupled with the 4 proposed garage spaces, provides adequate parking for this project (6 spaces required; 6 spaces proposed).

On April 14, 2008, Planning Commission approved the project on a 3-2 vote (Commissioners Righeimer and Egan voting no). On April 21, 2008, a review of the Commission's decision was requested by Mayor Pro Tem Mansoor.

ANALYSIS

A detailed analysis of the project and the requested entitlements is provided in the Planning Staff report attached to this memo.

As noted in the minute excerpts of the hearing, which are also attached, a concern was raised by the Commission regarding the design of the proposed workshop and the potential for a future property owner to illegally convert it to a third apartment; however, the applicant stated that it was not designed for this purpose (it will be used for the storage of the property owner's model trains). The majority of the Commissioners did not have a concern with the new workshop or the other requested deviation. The Commission found that approval was warranted due to the nonconforming lot width (100 feet required for newly subdivided lots; 50 feet existing) and lot size (12,000 square feet required for newly subdivided lots; 6,250 square feet existing) and approved the project with no modifications or additional conditions of approval.

ALTERNATIVES CONSIDERED

City Council may consider the following alternatives:

1. Uphold Planning Commission's decision to approve the project;
2. Uphold Planning Commission's decision to approve the project with modifications and/or additional conditions of approval; or
3. Deny the project. If the project is denied, appropriate findings would need to be made.

FISCAL REVIEW

Fiscal review is not required.

LEGAL REVIEW

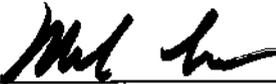
The attached resolutions were reviewed and approved by the City Attorney for form.

ENVIRONMENTAL REVIEW

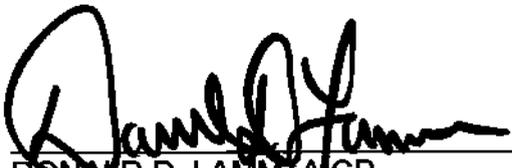
Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

CONCLUSION

The Planning Commission approved the applicant's request to construct the project with the requested deviations on the basis of the nonconforming lot size and lot width of the property.



MEL LEE, AICP
Senior Planner



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

- Attachments:
- Zoning/Location Map
 - Plans
 - Draft City Council Resolution - Approval
 - Exhibit "A" – Draft Findings for Approval
 - Exhibit "B" – Draft Conditions of Approval
 - Draft City Council Resolution - Denial
 - Exhibit "A" – Draft Findings for Denial
 - Review Request
 - Minutes of Planning Commission meeting of April 14, 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)

Laura Kay Dunbar
Dunbar/Collings Architecture
499 Arnett Avenue
Ventura, CA 93003

Danny K. and Dorothy M. Dunbar
P.O. Box 15606
Newport Beach, CA 92659-5606



PLANNING COMMISSION AGENDA REPORT

VII. 6

MEETING DATE: APRIL 14, 2008

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-08-07
242 OGLE STREET**

DATE: APRIL 3, 2008

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

DESCRIPTION

The applicant is requesting approval of a variance from required on-site parking, administrative adjustments from required side yard setback and building separation, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio, for a new two-story residential unit. Additionally, the applicant is requesting minor modifications to retain an existing driveway and extend an existing nonconforming side setback for the existing residence with a new closet.

APPLICANT

The applicant is Laura Kay Dunbar, representing Dan and Dorothy Dunbar, who are the owners of the property.

RECOMMENDATION

Deny by adoption of the attached resolution.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 242 Ogle Street Application: PA-08-07
 Request: Variance from required on-site parking, administrative adjustments from required side yard setback and building separation, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio, for a new two-story residential unit. Additionally, the applicant is requesting minor modifications to retain an existing driveway and extend an existing nonconforming side setback for the existing residence with a new closet.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: R2-HD North: (Across Alley) C1-S, shopping center
 General Plan: High Density Residential South: (Across Ogle St.) R3, residences
 Lot Dimensions: 50 FT X 125 FT East: R2-HD, residences
 Lot Area: 6,250 SF West: R2-HD, residences
 Existing Development: One-story residence (to remain) and detached accessory structure (to be demolished).

DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed	Proposed/Provided
Lot Size:		
Lot Width	100 FT	50 FT (1)
Lot Area	12,000 SF	6,250 SF (1)
Density:		
Zone	1 du/3,000 SF	1 du/3,125 SF
General Plan	1 du/3,000 SF	1 du/3,125 SF
Building Coverage:		
Buildings	NA	2,996 SF (48%)
Paving	NA	718 SF (11%)
Open Space	2,500 SF (40%)	2,536 SF (41%)
TOTAL		6,250 SF (100%)
Building Height:	2 Stories 27 FT	2 Stories 24 FT, 3 IN
Chimney Height	NA	NA
First Floor Area (Including Garage)	NA	1,540 SF
Second Floor Area	NA	1,401 SF
2nd Floor% of 1st Floor (2)	80%	91% (3)
Rear Yard Lot Coverage	NA	NA
Setbacks (Proposed Building):		
Front	20 FT	72 FT
Side (1st floor left/right)	5 FT / 5 FT	3 FT(4)/5 FT
Side (2nd floor left/right)	10 FT Avg. (2)	11 FT/10 FT
Rear (alley)	5 FT	5 FT
Setbacks (Existing Building):		
Front	20 FT	24 FT
Side (left/right)	5 FT / 5 FT	2 FT, 10 IN (5)/11 FT, 2 IN
Rear (alley)	5 FT	54 FT
Building Separation:	10 FT	6 FT-7 FT (4)
Parking:		
Covered	2	4
Open	5	2
TOTAL	7 Spaces	6 Spaces (6)
Interior garage dimension	20 FT	20 FT
(1) The property is legal nonconforming (2) Residential Design Guideline (3) Does not comply with Residential Design Guideline (4) Does not comply with code - administrative adjustment requested (5) Minor modification requested - see staff report discussion (6) Does not comply with code - variance requested		
CEQA Status	Exempt, Class 3	
Final Action	Planning Commission	

BACKGROUND

The site contains a one-story single family residence (to remain) and a detached one-car garage and workshop, which will be demolished to accommodate the proposed residential unit.

ANALYSIS

The developer is proposing to construct a two-story, detached, residential unit. The applicant is requesting approval of the following for the project:

- Variance from on-site parking (7 spaces required; 6 spaces proposed);
- Administrative adjustments from the required side yard setback for the proposed unit (5 feet required; 3 feet proposed on the left side) and building separation between the existing residence and the second floor deck of the proposed unit (10 feet required; 6 feet and 7 feet proposed);
- Minor design review to deviate from the City's Residential Design Guidelines for second floor to first floor ratio (80% recommended; 91% proposed);
- Minor modifications retain the existing driveway from Ogle Street and extend a nonconforming side setback for the existing residence with a new closet (5 feet required; 2 feet, 10 inches existing).

Variance

The applicant is requesting approval of a variance from the 7 on-site parking spaces required by code for this project (6 on-site parking spaces are proposed: 4 covered garage spaces accessed from the alley and 2 open parking spaces in the existing driveway accessed from Ogle Street). 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 the site is nonconforming with regard to minimum lot size (12,000 square feet required; 6,250 square feet existing) and minimum lot width (100 feet required; 50 feet existing), it is staff's opinion that this does not provide a basis for approval of the variance from parking. It is also staff's opinion that approval of the variance would constitute a grant of special privileges inconsistent with similar properties within the same zoning district, as there have been many residential projects on nonconforming lots that have complied with the on-site parking requirements per code.

Administrative Adjustments

The applicant is requesting approval of an administrative adjustment to allow a 3-foot side setback on the left (west side) elevation for the proposed unit, as well as a reduction in required building separation between the existing residence and the second floor deck of the proposed unit. As with the requested parking deviation, staff does not believe there is basis for approval of the administrative adjustment because the proposed unit is an

entirely new structure (the existing detached one car garage and workshop at the rear of the property is proposed to be demolished). Therefore, it is staff's opinion that the proposed building could be redesigned to comply with the setback and building separation requirements and the administrative adjustment should not be granted.

Minor Design Review

To minimize second story mass, the City's Residential Design Guidelines recommend that the second floor area not exceed 80% of the first floor area. The proposed second floor to first floor ratio is 91%. It is staff's opinion that the buildings incorporate sufficient variation in depth of floor plans, rooflines, multiple building planes, and offsets to provide architectural interest and visual relief from off-site. However, because the project does not comply with the parking, setback, and building separation requirements discussed earlier in this report, staff cannot support the minor design review.

Minor Modifications

Code Section 13-85(a)(3) allows a property to retain an existing driveway from a street when garages are proposed off an alley through a minor modification. Additionally, Code Section 13-28(j)(2) allows minor building additions to encroach into required setbacks no further than the existing structure through a minor modification, in this case, a proposed closet extension to the existing residence. It is staff's opinion that there is justification to retain the existing driveway to provide the proposed open parking spaces, as well as to allow the closet extension; however, staff cannot support the minor modifications based on the variance and administrative adjustments for the project as discussed earlier in this report.

GENERAL PLAN CONFORMITY

The property has a general plan designation of High Density Residential. Under the general plan designation two units are allowed on the site and two units are proposed. As a result, the use and density conforms to the City's General Plan. However, as previously discussed, the project does not comply with certain requirements of the Zoning Code, necessitating the variance and administrative adjustment requests.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Deny the project as recommended by staff;
2. Approve the project with the appropriate findings and recommended conditions of approval.

If the application is denied, the residence cannot be built as proposed. The applicant could not submit substantially the same type of project for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction.

CONCLUSION

It is staff's opinion that there are not adequate findings to justify approval of the variance and the administrative adjustments. Because the variance and administrative adjustments are related to the proposed residence, which is entirely new construction, special circumstances related to the property or the deprivation of privileges enjoyed by other property owners in the vicinity are not present. As a result, the other entitlements related to the project also cannot be supported. Therefore, staff recommends denial of the entire project.

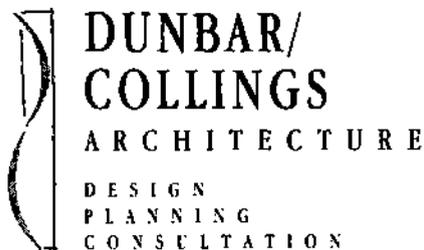
Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Zoning Map/Location Map
 Plans

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

Laura Kay Dunbar
Dunbar/Collings Architecture
499 Arnett Avenue
Ventura, CA 93003

Danny K. and Dorothy M. Dunbar
P.O. Box 15606
Newport Beach, CA 92659-5606

File: 041408PA0807	Date: 040308	Time: 3:45 p.m.
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499 ARNETT AVENUE
VENTURA, CALIFORNIA 93003
805/644/7769

January 29, 2008

Hanh Nguyen
Planning Division
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92628

Re: Zoning Application ZA-07-02 242 Ogle Street, Costa Mesa

Dear Hanh,

We are proposing 6 parking spaces for the above project. Currently, the residence has a detached one garage accessed from the rear alley and a driveway from Ogle Street. The existing driveway does not lead to the garage door. The proposed project consists of a 2 bedroom unit located above a 4 car garage with no changes to the existing residence. The new proposal allows 4 covered garage spaces and 2 uncovered spaces on the existing driveway giving a total of 6 spaces, 4 are required for the new unit and 2 are for the existing unit. This design permits the most optimal use for the parking area while maintaining the open space requirement.

Sincerely,

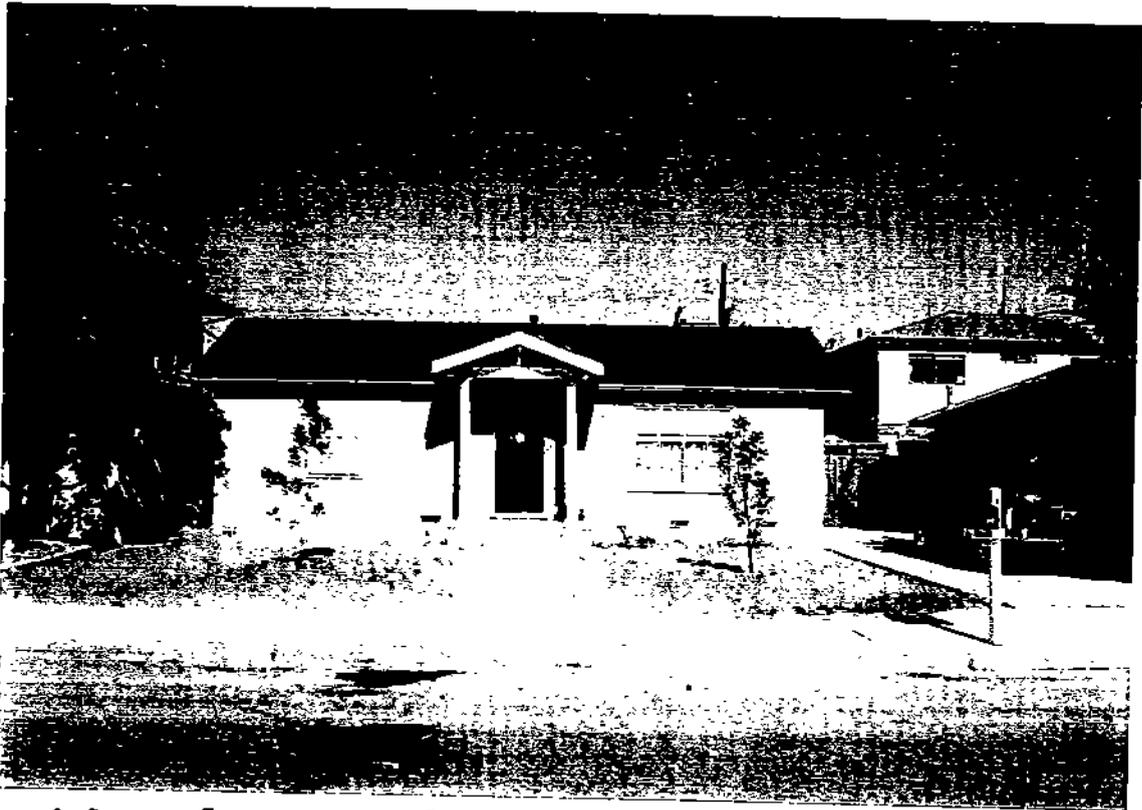

Laura Kay Dunbar

Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of property from Ogle Street looking north



View of adjacent property to the west on Ogle Street

Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of adjacent properties on Ogle Street to the northwest



View of Ogle Street looking northwest

Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of adjacent property to the east on Ogle Street



View of property directly across Ogle Street

Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of Ogle Street looking southwest



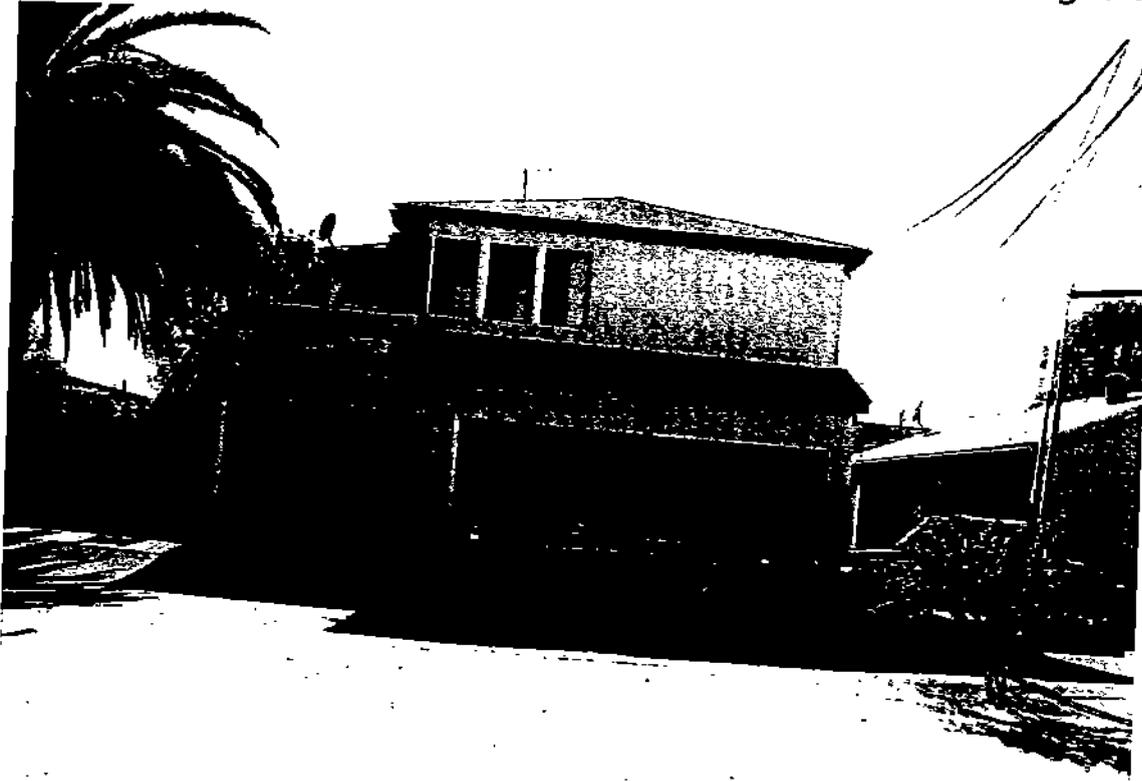
View of property from rear alley looking south

Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View from alley of adjacent property to the east



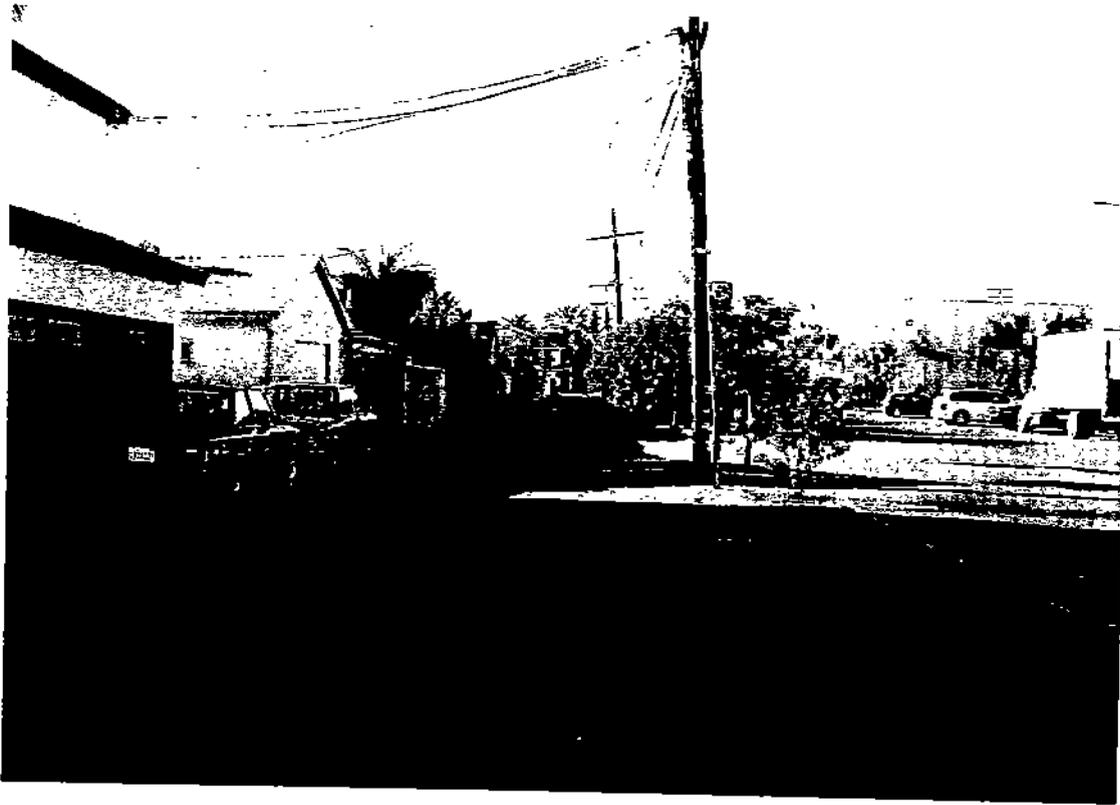
View from alley of adjacent property to the west

Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of alley looking to the west



View of commercial properties directly to the north

ATTACHMENT 10

RESOLUTION NO. PC-08 - 36

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-08-07

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

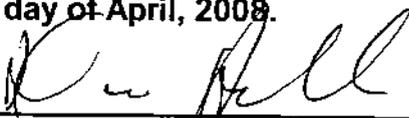
WHEREAS, an application was filed by Laura Kay Dunbar, representing Danny K. and Dorothy M. Dunbar, owners of the real property located at 242 Ogle Street, requesting approval of a variance from required on-site parking, administrative adjustments from required side yard setback and building separation, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio, for a new two-story residential unit. Additionally, the applicant is requesting minor modifications to retain an existing driveway and extend an existing nonconforming side setback for the existing residence with a new closet; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 14, 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-08-07 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-08-07 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 14th day of April, 2008.



Donn Hall, Chair
Costa Mesa Planning Commission

