# CITY COUNCIL AGENDA REPORT

**MEETING DATE: APRIL 7, 2009** **ITEM NO:**

**SUBJECT:** **REVIEW OF PLANNING APPLICATION PA-09-03**
**2172 MYRAN DRIVE**

**DATE:** **MARCH 26, 2009**

**FROM:** **DEVELOPMENT SERVICES DEPARTMENT**

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

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

## RECOMMENDATION:

Adopt a resolution upholding, reversing, or modifying Planning Commission's decision to approve a proposed two-unit condominium project.

## BACKGROUND:

### Review Summary:

Mayor Pro Tem Leece requested City Council review of Commission's approval of Planning Application PA-09-03, for a detached, two-unit, two-story condominium project. A request to deviate from the City's Residential Design Guidelines for average second story side setbacks for the front unit (Building B) was also part of the request.

The property shares a 25-foot wide private vehicle access easement with three other properties: 2156, 2160, and 2166 Myran Drive. The applicant also owns 2160 Myran Drive and is requesting approval of an identical project on that property as Planning Application PA-09-02. The remaining two lots (2156 and 2166 Myran Drive) are owned by other individuals.

### Planning Commission Action on PA-09-03:

On March 9, 2009, Commission approved the project on a 3-2 vote (Vice Chair Fisler and Commissioner Clark voted no).

During the hearing, Commission discussed adding an additional condition of approval to the project in response to concerns voiced by an adjacent neighbor during the hearing:

- Signs shall be posted stating parking of vehicles within the private vehicle access easement shall not be permitted.

Although this condition was not included in Commission's motion to approve the project, staff believes it was Commission's intent to do so. Therefore, this condition is included in Exhibit "B" of the resolution (see Alternative 1 in the following section).

A detailed description of the request and additional background information can be found in the Commission staff report dated March 9, 2009 (Attachment 6).

**ALTERNATIVES CONSIDERED:**

City Council may consider the following alternatives:

1. *Uphold Planning Commission's approval of the project with the following additional condition of approval:*
   23. Signs shall be posted stating parking of vehicles within the private vehicle access easement shall not be permitted. This alternative corresponds to the draft resolution contained in Attachment 3A.
2. *Reverse the Planning Commission's decision and deny the project.* This alternative corresponds to the draft resolution contained in Attachment 3B.

**FISCAL REVIEW:**

Fiscal review is not required.

**LEGAL REVIEW:**

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

**CONCLUSION:**

Commission approved the project because they believed the project complies with the Zoning Code requirements and the intent of the City's Residential Design Guidelines.

MEL LEE, AICP
Senior Planner

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

Attachments:
1. Location Map
2. Plans
3. Draft City Council Resolutions
4. Review Application
5. Minutes of March 9, 2009 Planning Commission Meeting
6. Planning Commission Staff Report for the March 9, 2009 Planning Commission Meeting, which can also be found at http://www.ci.costa-mesa.ca.us/council/planning/2009-03-09/030909PA0902PA0903.pdf
7. Planning Commission Resolution
8. Site Photos Presented by Adjacent Property Owner During the March 9, 2009 Planning Commission Meeting

Distribution: City Manager
Assistant City Manager
City Attorney
Public Services Director
City Clerk (2)
Staff (4)
File (2)

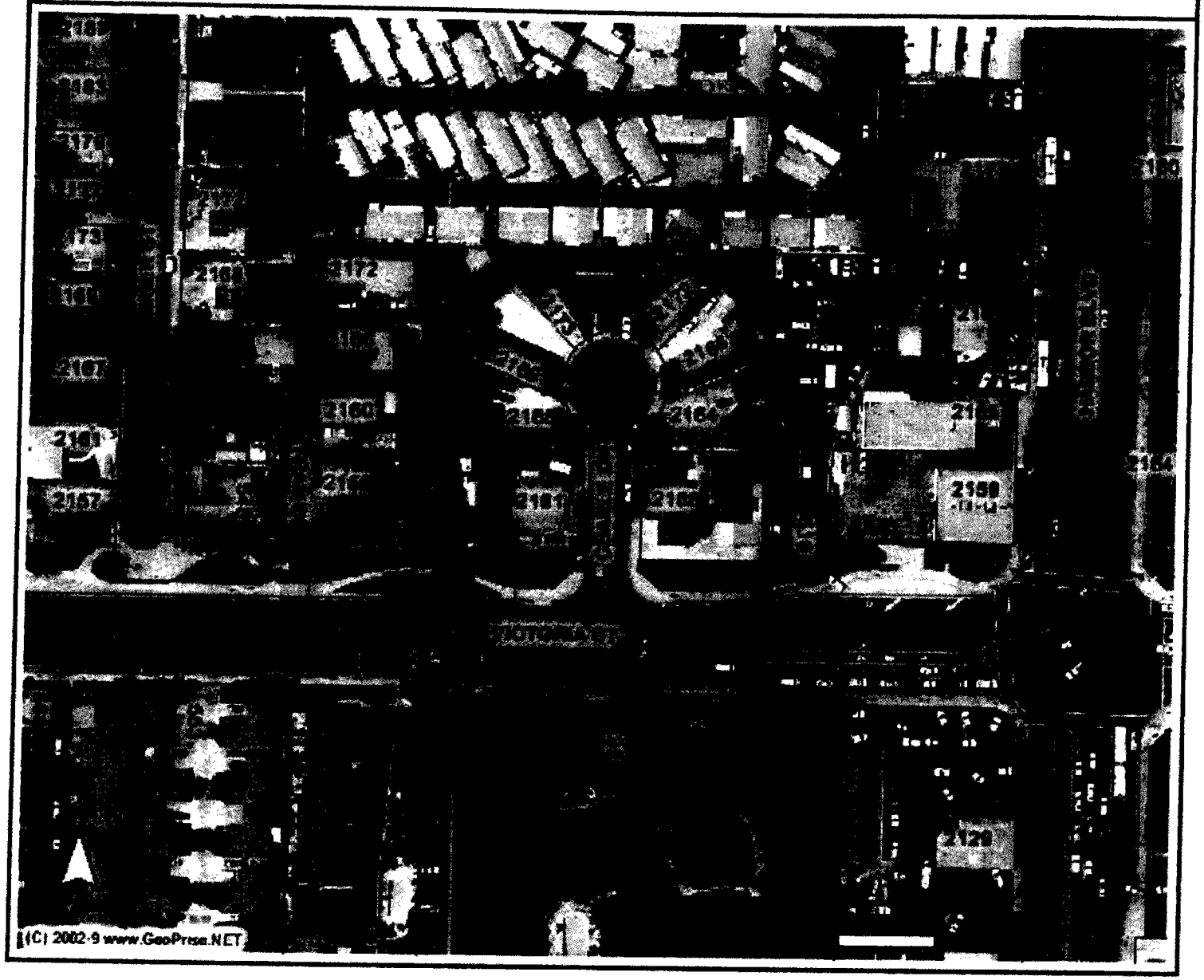
Willard Chilcott
1561-C Orange Avenue
Costa Mesa, CA 92627

Brad Smith, Architect
425 30th Street, Suite #22
Newport Beach, CA 92663

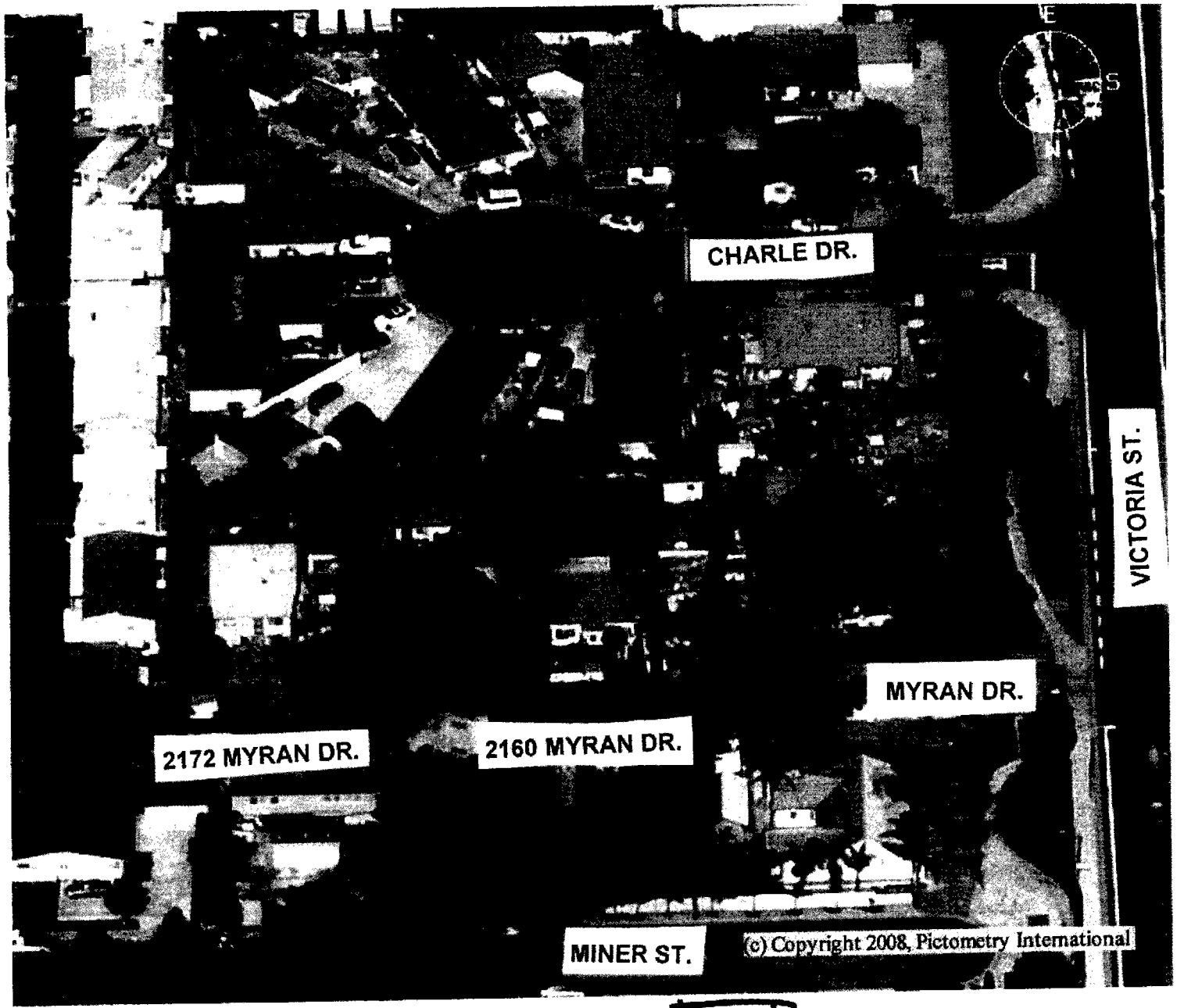
| | | |
|---|---|---|
| File: 040709PA0903Review | Date: 032609 | Time: 11:15 a.m. |

# ATTACHMENT 1
# LOCATION MAP AND SITE PHOTOS

**Map Display**



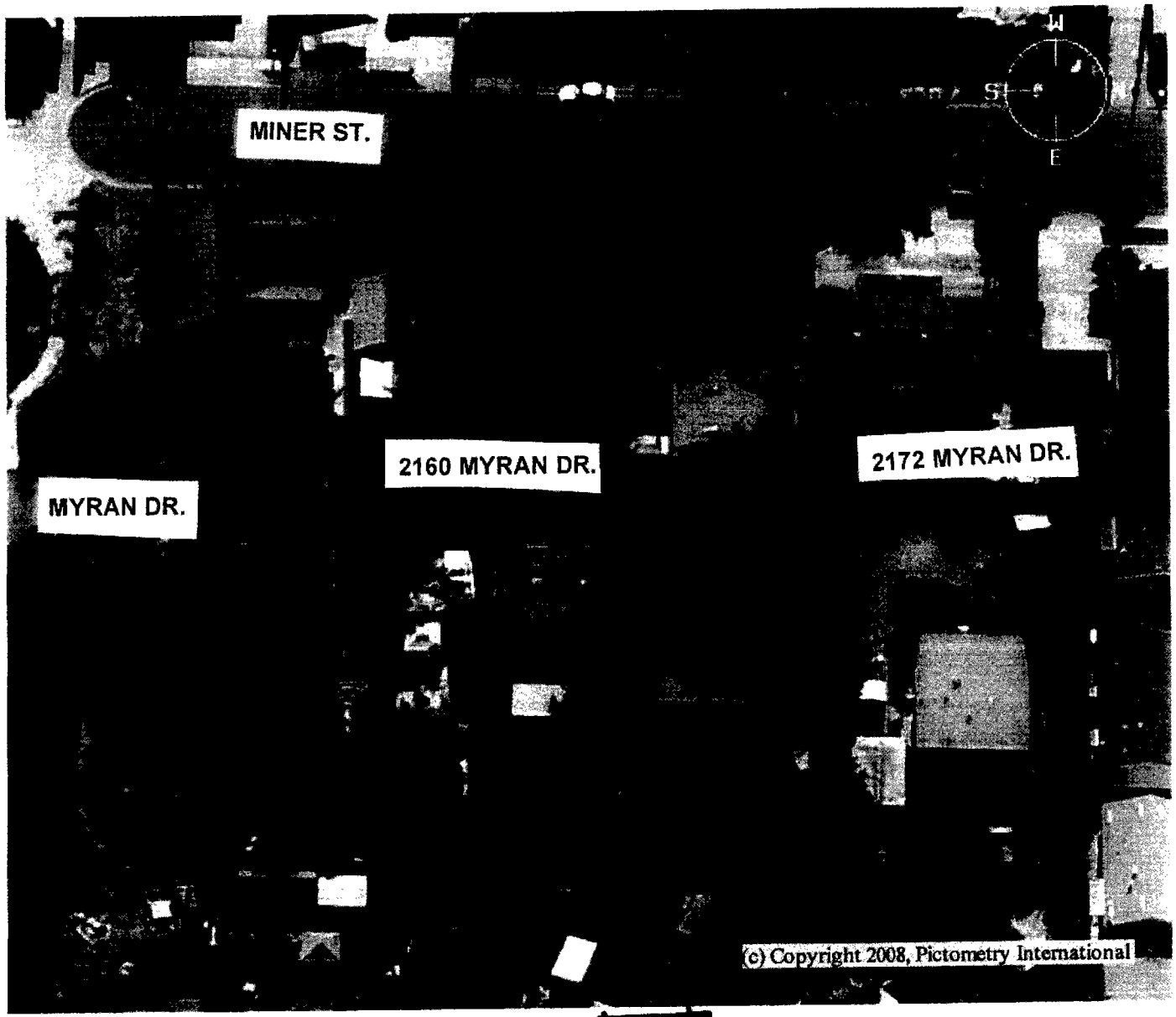

5




Zoom 100 %

Zoom In | Zoom Out | View From ~~North~~ | ~~South~~ | ~~East~~ | West | ~~Ortho~~ | Tool: none

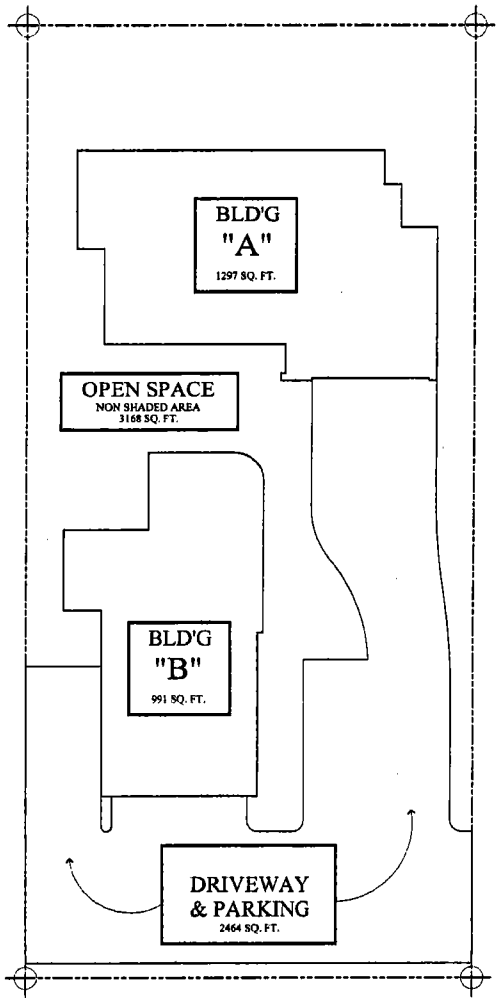
6




Zoom 100 %

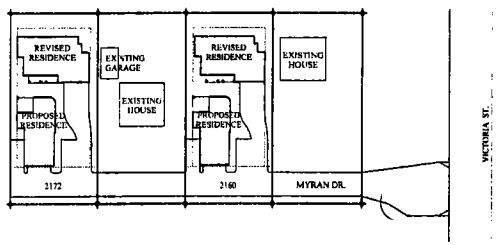
Zoom In | Zoom Out | View From ~~North~~ ~~South~~ East ~~West~~ ~~Ortho~~ | Tool: none

# ATTACHMENT 2
# PLANS



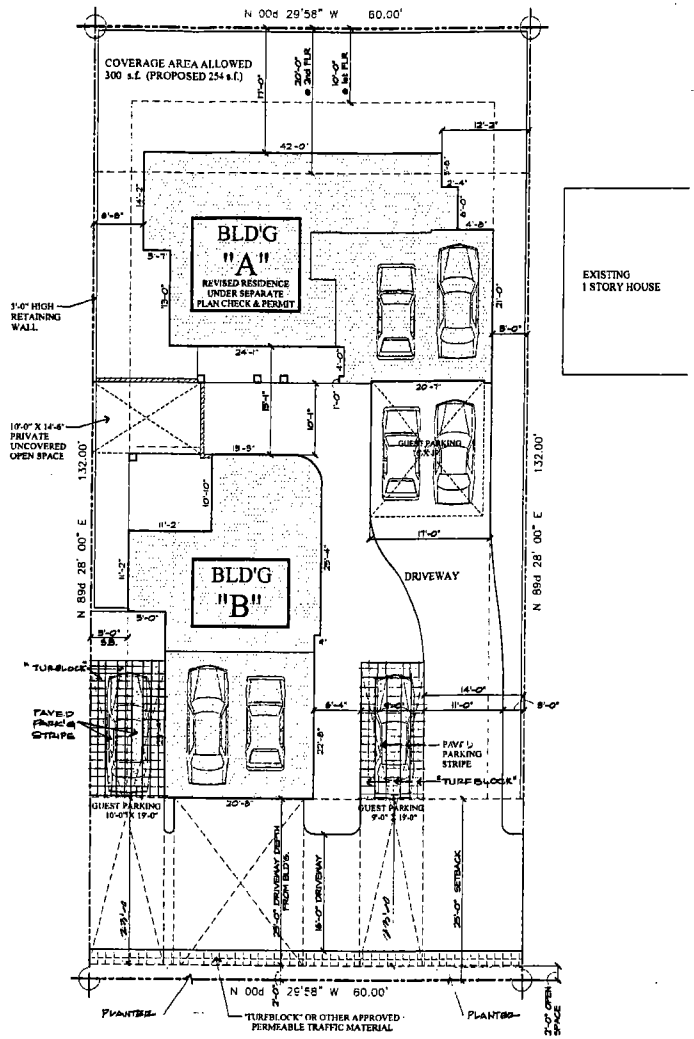

COVERAGE PLAN

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




SITE KEY PLAN

SCALE: 1" = 40'-0"




SITE PLAN

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

## SITE TABULATION

| BUILDING COVERAGE: | FOOTPRINT | GARAGE | 1st FLR LIVING | 2nd FLR LIVING | TOTAL LIVING | TOTw/GAR |
|---|---|---|---|---|---|---|
| BUILDING A | 1297 sf | 439 sf | 858 sf | 1,017 sf | 1,875 sf | 2,314 sf |
| BUILDING B | 991 sf | 420 sf | 571 sf | 785 sf | 1,356 sf | 1,776 sf |
| BUILDING TOTAL | 2,288 sf | | | | | |
| DRIVEWAY | 2,464 sf | | | | | |
| OPEN SPACE | 3,168 sf (40%) | | | | | |
| TOTAL LOT AREA | 7,920.0 sf | | | | | |


WILLARD CHILCOTT &
STEPHANIE FAWLEY


A RESIDENTIAL DEVELOPMENT
2172 MYRAN DR. - BLDG "B"
COSTA MESA, CA. 92627

## LEGAL

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

## PROJECT DESCRIPTION

PROPOSED: TWO SINGLE FAMILY HOMES WITH AN ATTACHED TWO CAR GARAGE & (2) GUEST PARKING SPACES BOTH HOMES ARE OF CALIFORNIA CONTEMPORARY DESIGN FEATURING SMOOTH STUCCO WALLS, STANDING SEAM ROOFING AND WROUGHT IRON ACCENTS. EACH HOME HAS 3 BEDROOMS PLUS A DEN.

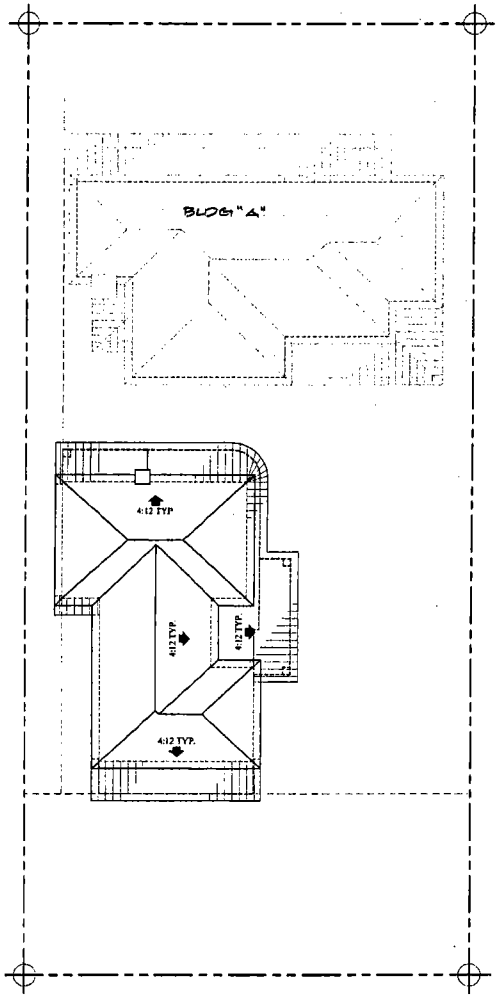

BRADFORD C. SMITH, ARCHITECT
(949) 631 - 3682 FAX: (949) 631 - 3685
425 30th St. Ste. #22
NEWPORT BEACH, CALIFORNIA


NORTH

A-1

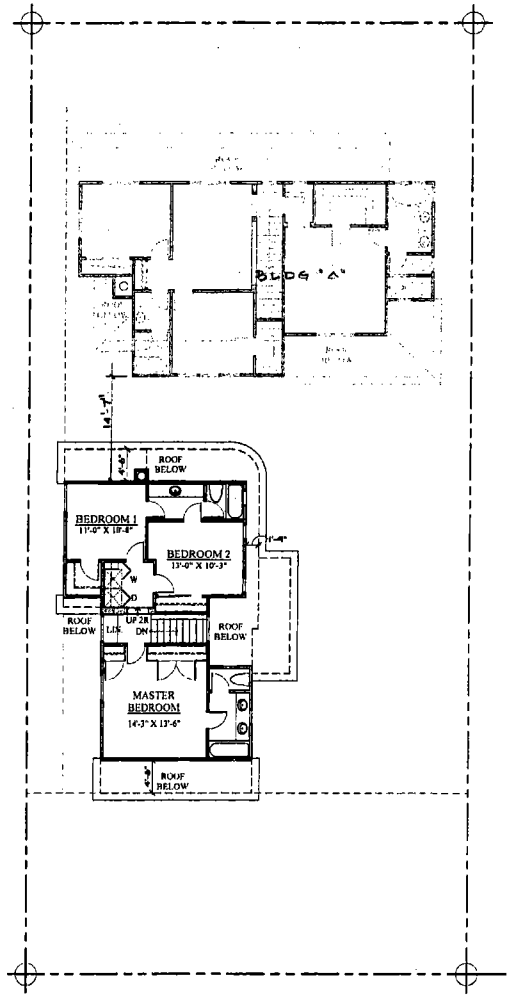
2-2-09

9



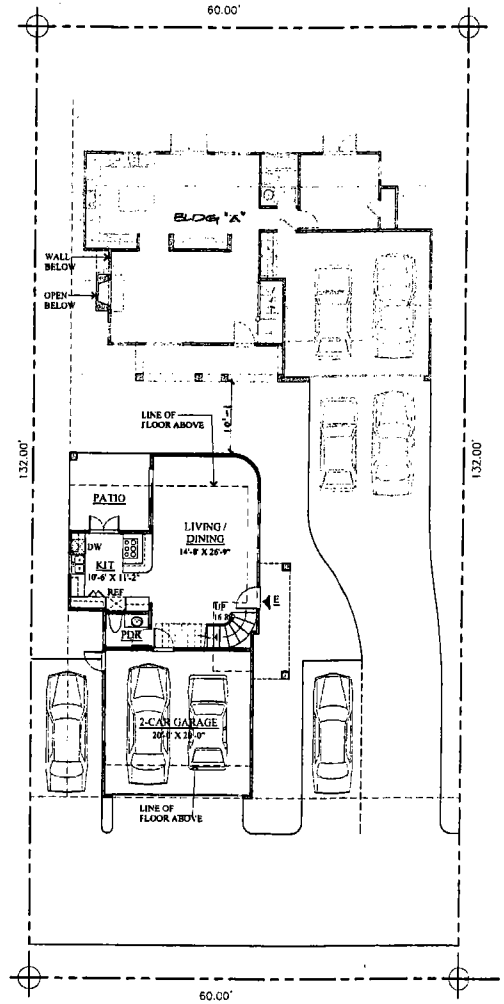

ROOF PLAN

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




SECOND FLOOR PLAN

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




FIRST FLOOR PLAN

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

WILLARD CHILCOTT & STEPHANIE FAWLEY
A RESIDENTIAL DEVELOPMENT
2172 MYRAN DR. BLDG "B"
COSTA MESA, CA. 92627

FLOOR PLANS

BRADFORD C. SMITH, ARCHITECT
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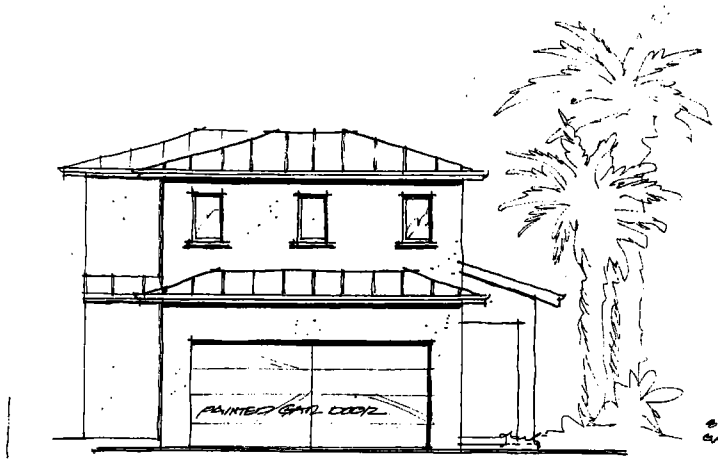
NEWPORT BEACH, CALIFORNIA

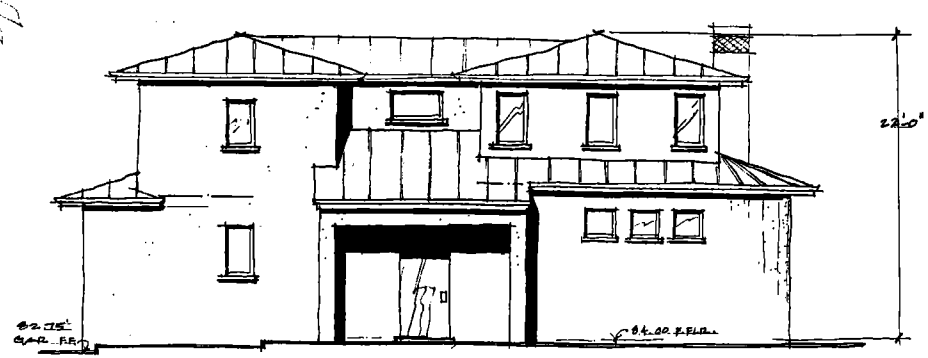
NORTH

A-2
1-2-08



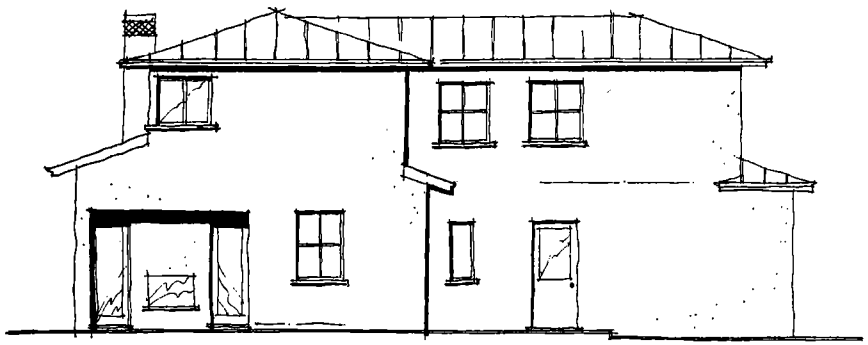

FRONT ELEVATION

SCALE: 1/4" = 1'-0"



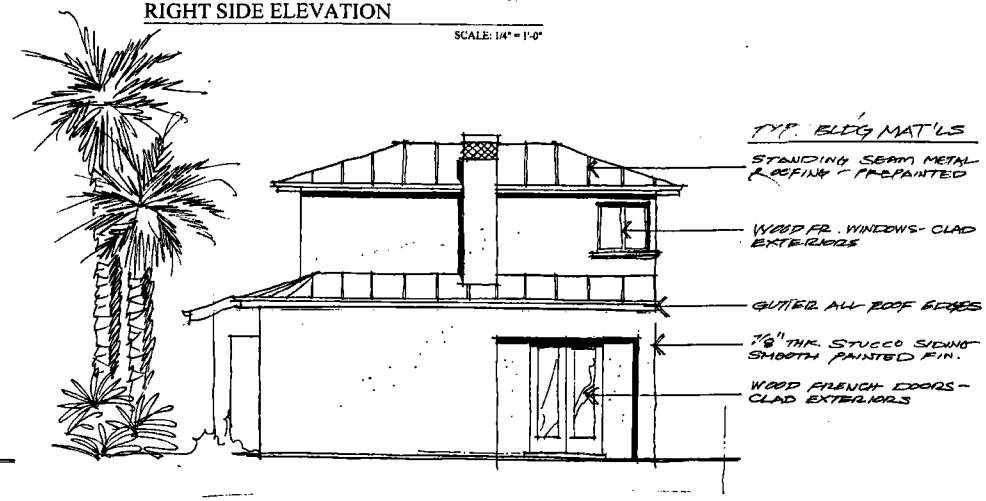

RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"




REAR ELEVATION

SCALE: 1/4" = 1'-0"

WILLARD CHILCOTT & STEPHANIE FAWLEY
A RESIDENTIAL DEVELOPMENT
2172 MYRAN DR. BLDG "B"
COSTA MESA, CA. 92627

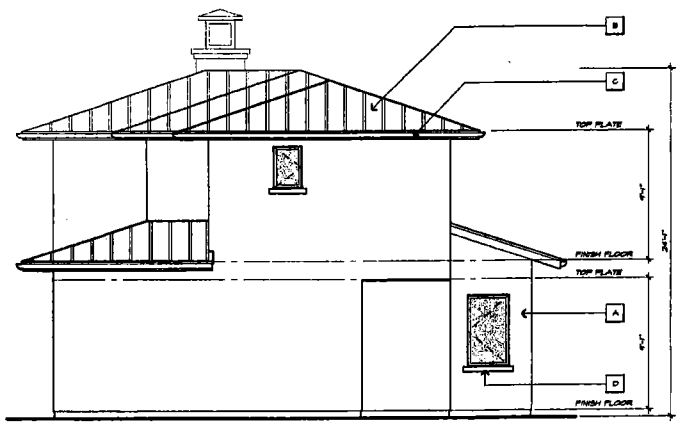
EXTERIOR ELEVATIONS

BRADFORD C. SMITH, ARCHITECT
(949) 631 - 3682 FAX: (949) 631 - 3685
425 30th St. Ste. #22
NEWPORT BEACH, CALIFORNIA

NORTH

A-3

9-3-08




## RIGHT ELEVATION

## REAR ELEVATION

### ELEVATION PLAN LEGEND

A. STUCCO FINISH BY: "L.A. HABRA PRODUCTS, INC. OR EQUAL. USE "L.A. HABRA ACRYLIC FINISH", TEXTURE: MEDIUM LIGHTLY TEXTURED, "SAND-LIKE" FLOATED FINISH. COLOR: SEASHELL.

B. METAL ROOF BY: - STEEL TILE COMPANY "STANDING SEAM" OR EQUAL COLOR: "PATINA" ICBO # 2240 INSTALL PER MANUFACTURER'S SPECIFICATIONS

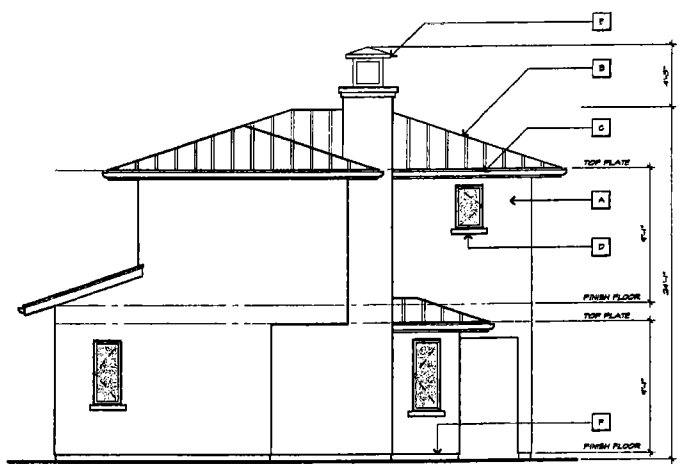
C. RAIN GUTTERS AND DOWNSPOUTS BY: CONTRACTOR TO SELECT AND INSTALL. SEE ROOF PLAN FOR SPECIFICATIONS

D. STUCCO OVER 2 X 4 TRIM AT SILL

E. U.B.C. APPROVAL SPARK ARRESTOR.

F. STUCCO MESH SCREED SEE DETAIL 4/D-1

G. BUILDING ADDRESS




## LEFT ELEVATION

## FRONT ELEVATION

12

REVISIONS
1. BLDG DEPT. 07-14-09
2. BLDG DEPT. 08-22-09
3.
4.

R.A. JEHEBER
PLANNING/DESIGN CONSULTANTS
NO 32ND STREET, SUITE 202
NEWPORT BEACH, CA. 92663
949-723-8183 OFFICE

CUSTOM HOME PLANS FOR:
WILLARD CHILCOTT & STEPHANIE FAWLEY
2172 MYRAN DRIVE
COSTA MESA, CALIFORNIA

SHEET TITLE: EXTERIOR ELEVATIONS
PLOTTED: 10/18/2008
MINOR CHANGE REVISION #: 2A-04-B
SCALE: 1/4" = 1'-0"
JOB NO.: 3004-07
SHEET #: A-5

10/24/2008 2:58 PM
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# ATTACHMENT 3
# DRAFT RESOLUTIONS

# ATTACHMENT 3A

## RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF PLANNING APPLICATION PA-09-03 FOR 2172 MYRAN DRIVE WITH MODIFICATIONS**

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

WHEREAS, an application was filed by Willard Chilcott, owner of real property located at 2172 Myran Drive, requesting approval of a design review for a two-unit, two-story common interest development (condominium), for which one of the units does not comply with the City's Residential Design Guidelines for average second-story side setbacks; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 9, 2009 and PA-09-03 was approved; and

WHEREAS, on March 11, 2009, 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 April 7, 2009.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby **UPHOLDS THE PLANNING COMMISSION'S APPROVAL AS MODIFIED** PA-09-03 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-09-03 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 7th day of April, 2009.**

**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 (PA-09-03 FOR 2172 MYRAN DRIVE)

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

1. The proposed use 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 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 substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the project complies with the City of Costa Mesa Zoning Code, and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. 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. The visual prominence associated with the construction of a two-story residence has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls. Privacy of the adjoining neighbors will not be impacted because second-story windows will be required to be placed to minimize direct lines-of-sight into yard areas and windows on neighboring properties.

C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.

D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

E. The buildings for this development are at an excessive distance from the street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of buildings on the property can be minimized by installation of a residential sprinkler system.

# EXHIBIT "B"

## CONDITIONS OF APPROVAL WITH MODIFICATION (PA-09-03 FOR 2172 MYRAN DRIVE)

Plng.

1. Street addresses shall be displayed on the fascia adjacent to the main entrance or front door in a manner visible from the private street. Numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
2. 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.
3. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
4. The conditions of approval for PA-09-02 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
5. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water 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 storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.
6. Prior to issuance of grading or building permits, the applicant shall obtain approval of a hydrology and drainage study showing the method of disposal of storm water.
7. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 7 p.m., on Saturday; there shall be no construction activity on Sundays and Federal holidays.
8. 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.
9. 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.

10. Exterior elevations shall be submitted for pre-plan check review and approval by the Planning Division. Once the exterior elevations have been reviewed and approved by the Planning Division, the exterior elevations shall be incorporated into the plan check drawings.
11. 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.
12. Bedroom windows on the north (left side) elevation for Building B shall be limited to small and/or high windows to minimize visibility into the abutting yards. Every effort shall be made to maintain the privacy of abutting property owners.
13. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
14. Applicant shall provide a new paved driveway surface within the private easement, extending from the subject property to Victoria Street, minimum 16 feet in width, subject to approval by the Planning Division.
15. The paving specified in condition of approval number 14 shall extend to the northerly end of the property line, to include the existing turn-around.
16. To avoid an alley-like appearance, the driveway shall be developed without a center swale. Design shall be approved by the Planning Division.
17. The site plan submitted with initial working drawings shall contain a notation specifying the project is a one-lot condominium.
18. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
19. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
20. Property line walls or fences shall be constructed at the completion of the rough grading. At the time of removal of any separation barrier including, but not limited to existing fencing, structures or property line hedges, a temporary chain link security fence, minimum six feet high, shall be put in place prior to demolition permit being issued for the property, to separate the subject property from 2166 Myran Drive, which shall remain in place until property line walls or fences have been constructed.

| | | |
|---|---|---|
| | 21. | Parking of vehicles within the private vehicle access easement shall not be permitted. |
| Eng. | 22. | Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling. |
| City Council | 23. | Signs shall be posted stating parking of vehicles within the private vehicle access easement shall not be permitted. |

# ATTACHMENT 3B

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING THE PLANNING COMMISSION'S DECISION REGARDING PLANNING APPLICATION PA-09-03 FOR 2172 MYRAN DRIVE**

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

WHEREAS, an application was filed by Willard Chilcott, owner of real property located at 2172 Myran Drive, requesting approval of a design review for a two-unit, two-story common interest development (condominium), for which one of the units does not comply with the City's Residential Design Guidelines for average second-story side setbacks; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 9, 2009 and PA-09-03 was approved; and

WHEREAS, on March 11, 2009, 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 April 7, 2009.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A, the City Council hereby **REVERSES THE PLANNING COMMISION'S DECISION AND DENIES** Planning Application PA-09-03 with respect to the property described above.

**PASSED AND ADOPTED this 7th day of April, 2009.**

**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 (PA-09-03 FOR 2172 MYRAN DRIVE)

A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:

1. The project is not compatible and harmonious with uses on surrounding properties.
2. The project is not consistent with the General Plan.
3. 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 Costa Mesa Municipal Code Section 13-29(14) in that the project does not meet 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.

C. The Costa Mesa City Council has denied Planning Application PA-09-03. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

# ATTACHMENT 4
# REVIEW APPLICATION

RECEIVED
CITY CLERK

2009 MAR 11 AM 9:35

CITY OF COSTA MESA

Costa Mesa

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* Wendy Leece

Address Mayor Pro Tem, Costa Mesa City Council

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.)

Approval of Planning Application PA-09-03 – 2172 Myran Drive

Decision by: Planning Commission

Reasons for requesting appeal, rehearing, or review:

City Council review requested for above application.

Date: 3-10-09 Signature: Wendy Leece

*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 5
# COMMISSION MINUTES

5. **Planning Application PA-09-02, for Willard Chilcott, for a design review for a two-unit, two-story, common interest development with less than a 10-foot average side setback for one of the units (8 ft. proposed), rear unit previously approved under DR-06-06, located at 2160 Myran Drive, in an R2-MD zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed Planning Application PA-09-02 and Planning Application PA-09-03 together, because the proposed projects are identical. He responded to questions from the Commission regarding drainage; grading; meeting the average 10-foot side setback requirement for the second floor for Building "B"; pavers; and the landscape strip.

Brad Smith, architect, agreed to all the conditions and said there was a sewer lateral for all four parcels. He said he is willing to shift Building "B" to the right to meet the average 10-foot setback on the second floor.

The Chair, Commissioner McCarthy, Commissioner Mensinger, and Mr. Smith discussed 2160 Myran Drive and the right side open space; the five-foot first floor offset; and the start date of constructing Building "A".

Mr. Lee pointed out that the owner will be constructing both projects at the same time.

City Engineer Ernesto Munoz noted that regarding sewer capacity, the manhole is in front of 2172 Myran Drive, the sewer line extends out to Victoria Street, and capacity is adequate.

The Chair, Mr. Munoz, and Mr. Smith continued to discuss the sewer and Mr. Munoz added that there is capacity according to the grading plans.

Donna Magrina expressed concern regarding protection of Pamela Frankel's quiet enjoyment of her next door property and the large tree. She was also concerned about the number of cars and people coming in and out and encroaching on her friend's property.

Pamela Frankel, neighbor, expressed concern regarding the impact this project will bring to her life; parking in turn-around area; and her quiet enjoyment being affected.

Linda O'Connell, a friend of Ms. Frankel, noted her concern for her friend's quiet place.

A discussion ensued and Ms. Frankel was allowed to return to the podium and added that the driveway is a prime vehicle turn-around area.

Mr. Smith returned to the podium and stated the large tree will stay and pointed out that the owner has rights to build in this zone.

The Commissioners discussed the general area, and the length of construction time to build the project.

Willard Chilcott, owner, explained to Commissioner Mensinger that he cannot guarantee the exact start date of construction because of the economy and financing. He said he intends to build both homes at the same time on each property.

Mr. Smith returned to the podium and explained to Commissioner Mensinger that the homeowner association will maintain the common area.

The Commissioners, Mr. Munoz, and Mr. Lee discussed the width of the easement and the public street; the zoning history; water runoff; and drainage.

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

Commissioner Clark stated these two units are inappropriate for the area. He proceeded to make a motion.

MOTION: Deny Planning Application PA-09-02 based on the denial findings contained in Exhibit "A".
Motion made by Commissioner Sam Clark, seconded by Vice Chair James Fisler.

During discussion on the motion, Vice Chair Fisler commented that he was torn on this project and would not support it.

The Chair noted the uniqueness of the project and said he would not support the motion.

Commissioner Mensinger stated that the architect needs to address the neighbors' concerns better.

Commissioner Clark added that the two units are overbearing and greatly impact the street.

Commissioner Mensinger began to make a substitute motion including both projects and Planning Commission Secretary Kimberly Brandt asked that a separate motion be made for each project.

**MOTION: Approve Planning Application PA-09-02, by adoption of Planning Commission Resolution PC-09-09, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B". Moved by Commissioner Stephen Mensinger, seconded by Commissioner Colin McCarthy.**

The motion carried by the following roll call vote:
Ayes: Chair James Righeimer, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger
Noes: Vice Chair James Fisler, and Commissioner Sam Clark
Absent: None.

6. **Planning Application PA-09-03, for Willard Chilcott, for a design review for a two-unit, two-story, common interest development with less than a 10-foot average side setback for one of the units (8 ft. proposed), rear unit previously approved under ZA-04-15, located at 2172 Myran Drive, in an R2-MD zone. Environmental determination: exempt.**

**MOTION: Approve Planning Application PA-09-03, by adoption of Planning Commission Resolution PC-09-10, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B". Moved by Commissioner Stephen Mensinger, seconded by Commissioner Colin McCarthy.**

The motion carried by the following roll call vote:
Ayes: Chair James Righeimer, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger
Noes: Vice Chair James Fisler, and Commissioner Sam Clark
Absent: None.

The Chair explained the appeal process.

# ATTACHMENT 6
# COMMISSION REPORT

# PLANNING COMMISSION AGENDA REPORT

VI.5 and VI.6

MEETING DATE: MARCH 9, 2009 ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-09-02 FOR 2160 MYRAN DRIVE AND PA-09-03 FOR 2172 MYRAN DRIVE

DATE: FEBRUARY 26, 2009

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

## DESCRIPTION

The applicant is requesting approval of a design review for a detached, two-unit, two-story condominium project for two separate lots that share a common private vehicle access easement. A request to deviate from the City's Residential Design Guidelines for average second story side setbacks for one of the units is also proposed.

Because the two properties and the proposed projects are identical, a single staff report addressing both projects has been prepared.

## APPLICANT

The applicant is Willard Chilcot, who is also the owner of the property.

## PROJECT CONSULTANT

Brad Smith, Architect
425 30th Street, Suite #22
Newport Beach, CA 92663

## RECOMMENDATIONS

1. Approve PA-09-02 for 2160 Myran Drive by adoption of Planning Commission resolution, subject to conditions.
2. Approve PA-09-03 for 2172 Myran Drive by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

## BACKGROUND

The properties are situated on Myran Drive, a 25-foot wide private vehicle access easement located on the north side of Victoria Street, west of Harbor Boulevard. Four lots have direct vehicle access to the private easement: 2156, 2160, 2166, and 2172 Myran Drive. The applicant, who is also the property owner and developer, owns the two lots that comprise these applications (2160 and 2172 Myran Drive); the remaining two lots (2156 and 2166 Myran Drive) are owned by separate individuals. All four lots contain residential structures, which were constructed prior to the City's incorporation (late 1940's), and are in various states of condition.

### Previous Zoning Applications for Both Properties

In late 2003 and early 2004, the applicant submitted two separate Zoning Applications to construct identical, two-story, single family residences, identified on the attached plans as "Building A", on each lot. The applications were approved by the City Zoning Administrator; however, both applications were opposed by the residents of the other two lots that share the private easement. Both of the Zoning Administrator's approvals were appealed to the Planning Commission, which upheld the approvals, and further appealed to the City Council, which also upheld the approvals. A project timeline, with website links to the various reports and meeting minutes, is contained in the tables below.

| PROJECT TIMELINE – 2160 MYRAN DRIVE | |
|---|---|
| **November 20, 2003** | Minor Design Review ZA-03-76 to construct a two-story, 2,376 square-foot residence approved by the Zoning Administrator. |
| **January 12, 2004** | Approval of ZA-03-76 upheld by Planning Commission on appeal.<br><br>Commission Report Link:<br>http://www.ci.costa-mesa.ca.us/council/planning/2004-01-12/011204ZA0376.pdf<br><br>Commission Minutes Link:<br>http://www.ci.costa-mesa.ca.us/council/planning/pm_040112.pdf |
| **February 17, 2004** | Approval of ZA-03-76 upheld by City Council on appeal.<br><br>Council Report Link:<br>http://www.ci.costa-mesa.ca.us/council/agenda/20040217/021704ZA0376.pdf<br><br>Council Minutes Link:<br>http://www.ci.costa-mesa.ca.us/council/minutes/2004-02-17.pdf |
| **March 24, 2005** | One-year extension of time approved by the Zoning Administrator. |
| **February 17, 2006** | Approval of ZA-03-76 expires. |
| **May 11, 2006** | Residence re-approved as Development Review DR-06-06.[1] |
| **June 20, 2007** | One-year extension of time approved by Planning staff. |
| **June 20, 2008** | One-year extension of time approved by Planning staff. |
| **May 11, 2009** | Expiration date for DR-06-06, unless an additional one-year extension is requested prior to expiration or is superseded by the approval of PA-09-02. |

[1] Because Building A was revised to comply with the Residential Design Guidelines, the new application was approved as a Development Review instead of a Minor Design Review.

Building A were approved, the applicant proposed a five-foot wide landscape planter at the far (west) side of the easement to soften the pavement edge of the driveway. To accommodate the required backout for the garage and parking spaces for Building B, the applicant is proposing a combination of two-foot wide landscape planter and three-foot wide grasscrete pavers at the far side of the private easement to accommodate the backout of vehicles. Although this reduces the required backout distance from 25 feet to 23 feet, this revision has been reviewed and approved by the Transportation Services Division because the corresponding width of the garage and open parking spaces for Building B has been increased to allow better circulation of vehicles entering and leaving the parking spaces.

The conditions of approval and code requirements for the repaving of the entire private easement to Victoria Street, preservation of existing trees and fences on abutting properties, and providing adequate site drainage, have been carried over from the prior Zoning Application approvals.

## GENERAL PLAN CONFORMITY

The property has a general plan designation of Medium Density Residential. Under this designation two units are allowed for each lot and two units are proposed. Therefore, if approved, the use and density would conform to the City's General Plan.

## ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project for both properties. If the projects were to be approved, the applicant would be required to obtain approval of a parcel map to facilitate the common interest development.
2. Deny the project for both properties. The applicant could not submit substantially the same type of application for six months. The applicant would still be permitted to construct the previously approved residences for both properties (Building A).

## ENVIRONMENTAL DETERMINATION

If approved, the project would be exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction.

## CONCLUSION

As a two-unit common interest development, the development of both properties will comply with the Zoning Code requirements and the intent of the City's Residential Design Guidelines. Therefore, staff recommends approval of the projects.

Attachments for
PA-09-02:

~~1A. Planning Commission Resolutions (Approval and Denial)~~
~~2A. Location Map~~
~~3A. Plans~~

# ATTACHMENT 7
# COMMISSION RESOLUTION

**RESOLUTION NO. PC-09-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-09-03 FOR 2172 MYRAN DRIVE**

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

WHEREAS, an application was filed by was filed by Willard Chilcott, owner of real property located at 2172 Myran Drive, requesting approval of a Design Review for a two-unit, two-story common interest development (condominiums), for which one of the units does not comply with the City's Residential Design Guidelines for average second-story side setbacks; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 9, 2009.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** PA-09-03 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-09-03 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 9th day of March, 2009.**

Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA )
)ss
COUNTY OF ORANGE )

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on March 9, 2009, by the following votes:

AYES: COMMISSIONERS: RIGHEIMER, MCCARTHY, MENSINGER

NOES: COMMISSIONERS: FISLER, CLARK

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

Kimberly Brandt

Secretary, Costa Mesa
Planning Commission

# EXHIBIT "A"

## FINDINGS – APPROVAL (PA-09-03 FOR 2172 MYRAN DRIVE)

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

1. The proposed use 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 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.

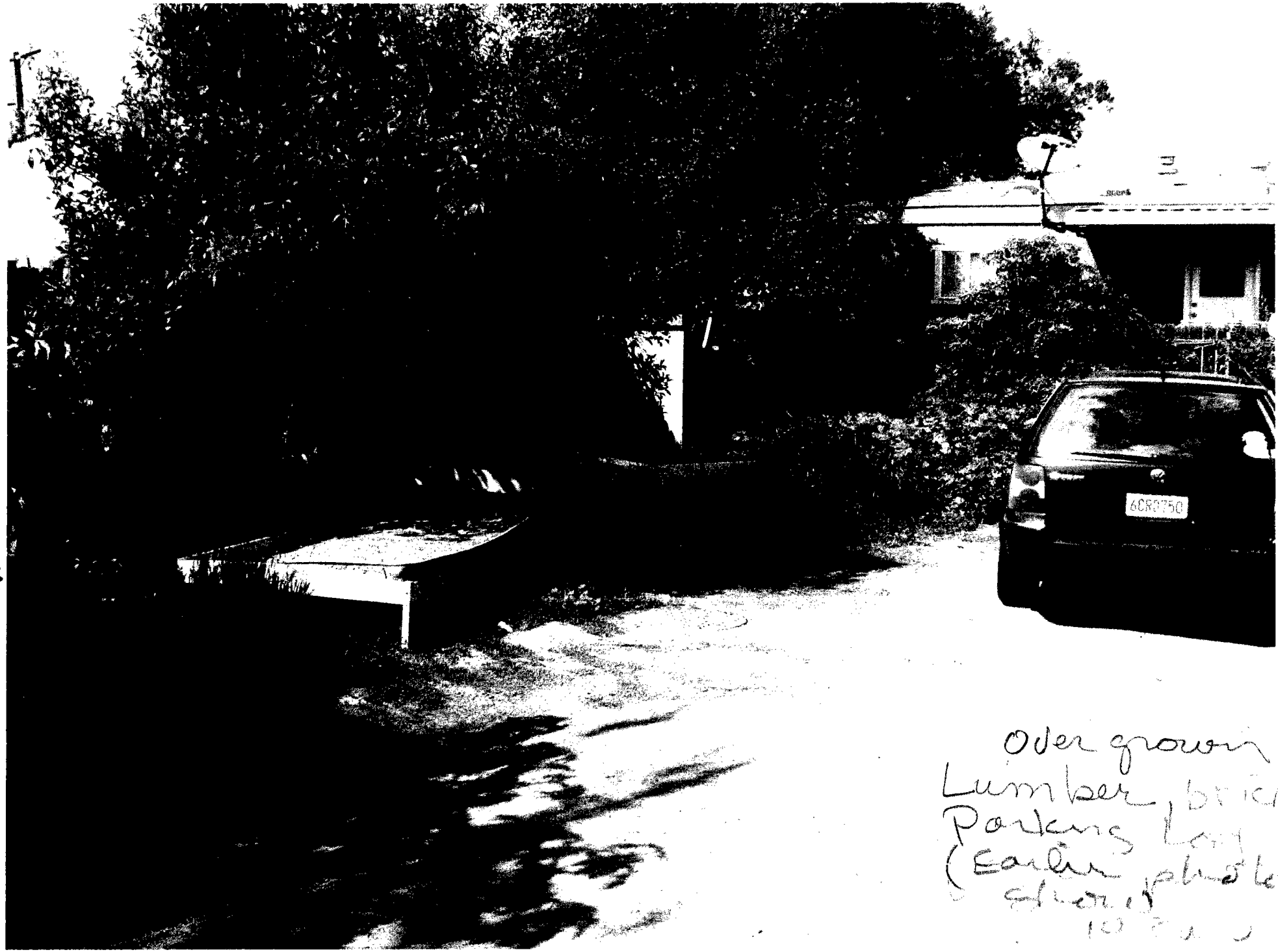
B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the project complies with the City of Costa Mesa Zoning Code, and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. 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. The visual prominence associated with the construction of a two-story residence has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls. Privacy of the adjoining neighbors will not be impacted because second-story windows will be required to be placed to minimize direct lines-of-sight into yard areas and windows on neighboring properties.

C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.

D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

E. The buildings for this development are at an excessive distance from the street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of buildings on the property can be minimized by installation of a residential sprinkler system.

# ATTACHMENT 8
# PHOTOS PRESENTED DURING COMMISSION MEETING




Over grown
Lumber, bricks
Parking Log
(Earlier photos
show)