



CITY COUNCIL AGENDA REPORT

MEETING DATE: JUNE 1, 2010

ITEM NUMBER:

**SUBJECT: REQUEST FOR WAIVER OF BUILDING PERMIT FEES
378 COSTA MESA STREET**

DATE: MAY 18, 2010

FROM: DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY: MEL LEE, SENIOR PLANNER
KIMBERLY BRANDT, DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: MEL LEE, SENIOR PLANNER 714-754-5611
mlee@ci.costa-mesa.ca.us**

RECOMMENDATION:

Consider a request to waive building plan check and permit fees for the partial demolition of an illegally constructed detached structure, and subsequent reconstruction of the remaining structure, located at 378 Costa Mesa Street. The fee waiver is being requested by the Schones family, the owners of the property.

BACKGROUND:

On February 17, 2009, City Council upheld Planning Commission's denial of Planning Application PA-08-30, a request to legalize a detached living unit and garage on an R1 (Single Family Residential) zoned property with the following variances:

1. Minimum site open space (40% required);
2. Side setbacks (5 feet required);
3. Rear setback (10 feet required); and
4. Rear yard lot coverage (25 percent maximum required).

As part of the motion for denial of the application, City Council directed the property owner to do one of the following within one year of the Council's decision date: (1) modify the structure to comply with the Zoning Code; or (2) remove the structure.

The minutes of the February 17, 2009 City Council meeting can be found on the City's website at the below link:

<http://www.ci.costa-mesa.ca.us/council/minutes/2009-02-17.pdf>

Because the property owner took no action within the past year to either legalize or remove the detached structure, a meeting with the property owner and City Prosecutor was held on April 26, 2010. As a result of the meeting, the property owner agreed to modify the structure to comply with the applicable Zoning Code requirements. As a result, no further Zoning Code variance requests would be required.

ANALYSIS:

The property owner submitted a request to the City Council via email to waive the building plan check and permit fees necessary to demolish and reconstruct the remaining structure to bring the structure into compliance with the Zoning Code. Fee waiver requests may be considered by the City Council on a case-by-case basis.

According to the Building Safety Division, the demolition plan check and permit fee is estimated at \$300.00 and the building plan check and permit fee for the remaining structure is estimated at \$500.00, for a total fee amount of \$800.00. The actual fees could be more or less than these estimated amounts.

ALTERNATIVES

City Council may consider the following alternatives:

1. Waive the building plan check and permit fees as requested by the property owner.
2. Do not waive the building plan check and permit fees. This would require the property owner to pay the full fee amount.

FISCAL REVIEW

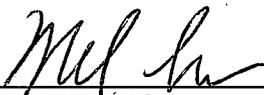
The waiver of the building plan check and permit fees is a one-time waiver.

LEGAL REVIEW

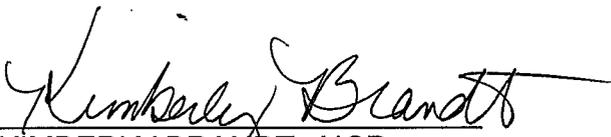
No legal review is required.

CONCLUSION

The requested fee waiver is related to City's Council direction for the property owner to bring the detached structure into compliance with the applicable Zoning and Building Codes.



MEL LEE, AICP
Senior Planner



KIMBERLY BRANDT, AICP
Development Services Director

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

Dr. Richard Schones and Mrs. Wendy Schones
378 Costa Mesa Street
Costa Mesa, CA 92627

Mr. Gary F. Schones
2140 Jefferson
Riverside, CA 92504

- Attachments: 1. Waiver Request
2. Photos of Existing Structure

File: 060110378CostaMesaStFeeWaiver	Date: 052010	Time: 8:45 a.m.
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From: Rich & Wendy Schones
Sent: Monday, May 17, 2010 9:55 AM
To: Wendy Schones
Subject: 378 Costa Mesa St.

Dear Council Member,

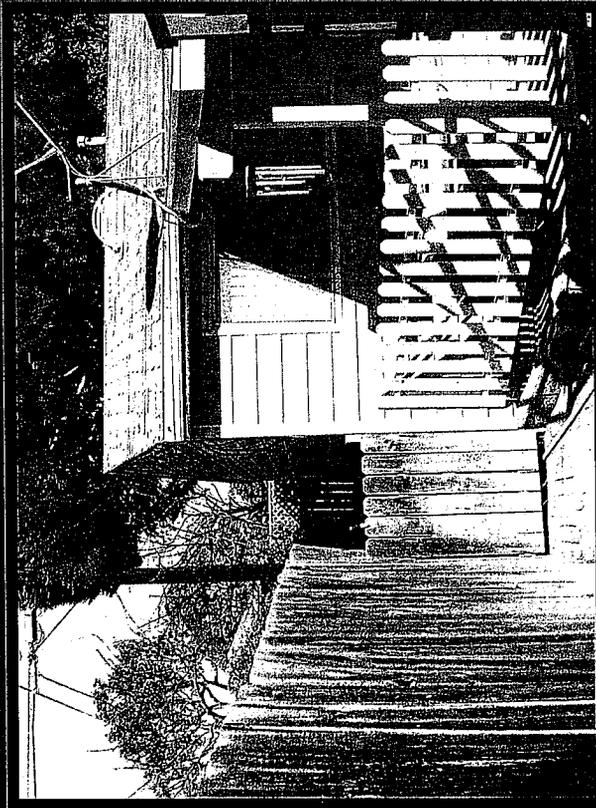
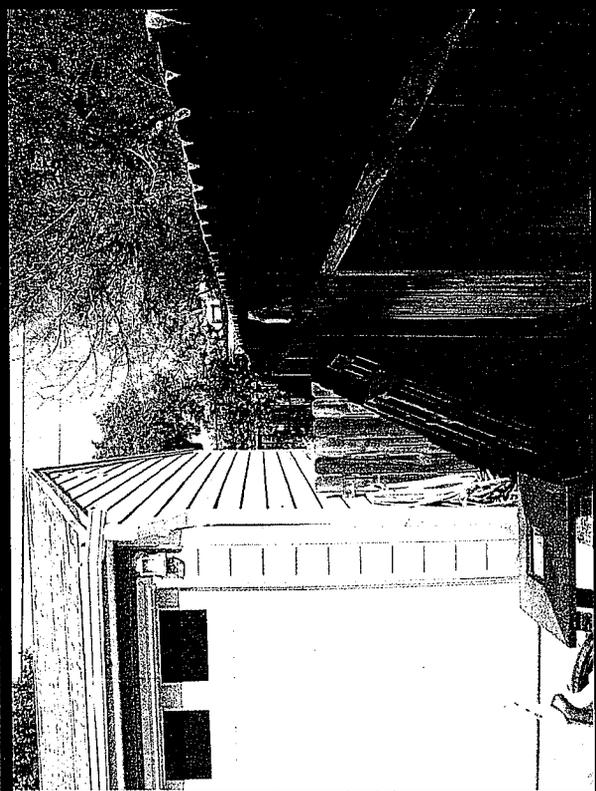
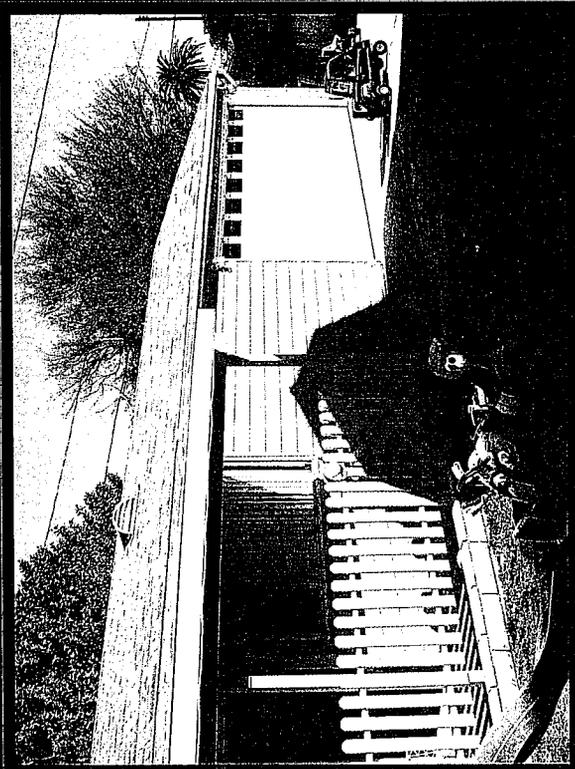
As you may know, we are at the point of where we are in violation for not tearing down our granny unit. I have had several meetings with Mel Lee and the city prosecutor, and I am in the process of getting the property corrected to city code.

I recall during the last council meeting regarding our property, a council member mentioned to waive all future permit fees regarding demolition and rehabilitation. In order to do this, it must be brought up to council and voted on.

I am respectfully requesting that the city council bring this matter forward and waive all fees in conjunction with this project as soon as possible so that I may comply with Mr. Peelman's instructions.

Thank you for your time,
Rich Schones
378 Costa Mesa St.
Costa Mesa, CA 92627
949-515-4896

*The Schones Family
Rich, Wendy, Sarah, Hannah, Emma & Luke
Hebrews 11:1*



DETACHED UNIT AND GARAGE AT 378 COSTA MESA ST.