CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 17, 2011 ITEM NUMBER:

SUBJECT: APPEAL ZONING APPLICATION ZA-09-37 A1
AMENDMENT TO PREVIOUSLY-APPROVED MINOR CONDITIONAL USE PERMIT FOR AN ENCROACHMENT INTO THE BLUFF CREST SETBACK
1151 GLENEAGLES TERRACE

DATE: MAY 5, 2011

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: REBECCA ROBBINS, ASSISTANT PLANNER
KHANH NGUYEN, INTERIM DEV. SVS. DIRECTOR

FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS (714) 754-5609
RROBBINS@CI.COSTA-MESA.CA.US

RECOMMENDATION:

Adopt the attached resolution to uphold or reverse Planning Commission's decision to deny Zoning Application ZA-09-37 A1.

BACKGROUND:

Project Site

The property is zoned Single-Family Residential (R1) and is bounded by Gleneagles Terrace to the east (front), Aviemore Terrace to the west (rear), and single-family residences to the north and south (sides). The property is part of the Marina Highlands neighborhood, with southerly and westerly views to the Pacific Ocean.

Planning Commission Action

On April 11, 2011, by a vote of 4 to 0, Planning Commission denied ZA-09-37 A1, an amendment to minor conditional use permit for a previously-approved bedroom/bathroom addition and deck with a patio cover that encroaches into the required setback from the bluff crest (10 foot setback required; up to 10 feet extending past bluff crest approved) for:

1. 18 inch deep eaves on the sides of the patio cover that extends past the bluff crest (no eaves previously shown);
2. The bedroom/bathroom addition to encroach further into bluff crest setback (5 foot setback from the bluff crest approved; 4 foot 3 inch setback proposed);
3. The fireplace and solid wall (including support post of the patio cover) to extend past the bluff crest (4 feet past the bluff crest proposed; 0 feet past the bluff crest approved); and

4. Additional roof height for both the patio cover (14 feet 6 inches proposed; 12 feet 6 inches approved) and bedroom/bathroom addition (13 feet 6 inches proposed; 12 feet 6 inches approved).

The Commission determined that the amendment to the setback of the bedroom/bathroom addition and covered decks will impact the visual identity of the bluff, will increase the bulk and massing of the additions and, therefore, is not compatible with approvals for similar additions to other homes in the vicinity. The Planning Commission staff report with attachments from April 11, 2011 can be viewed at: http://www.ci.costa-mesa.ca.us/council/planning/2011-04-11/041111ZA0937A1.pdf.

Appeal by the Applicant

On April 15, 2011, William and Lea Lowe filed an appeal of Planning Commission's denial of Zoning Application ZA-09-37 A1. However, the appeal by the applicant is for selected items from the original request. The applicant is appealing the denial of the following items:

2. The bedroom/bathroom addition to encroach further into bluff crest setback (5 foot setback from the bluff crest approved; 4 foot 3 inch setback proposed);
4. Additional roof height for the bedroom/bathroom addition only (13 feet 6 inches proposed; 12 feet 6 inches approved).

The applicant has stated that the other modifications under numbers 1, 3, and 4 (additional height for the patio cover) will be corrected and is not part of this appeal request.

ALTERNATIVES CONSIDERED:

City Council may consider the following alternatives:

1. *Uphold Planning Commission's decision to deny ZA-09-37 A1*. If Council denies the application, the project may not be constructed with the requested modifications and a similar request may not be submitted for six months. The applicant can still proceed to construct the project per the approved plans for Zoning Application ZA-09-37.

2. *Reverse Planning Commission's denial decision, with modifications, subject to conditions*. This would allow the project to proceed, as modified by City Council, subject to the recommended conditions of approval.

3. *Reverse Planning Commission's decision and approve ZA-09-37 A1.* This would allow the project to proceed with the requested modifications, subject to the recommended conditions of approval.

FISCAL REVIEW:

Fiscal review is not required.

LEGAL REVIEW:

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

ENVIRONMENTAL REVIEW:

If the appeal request is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved. If the appeal request is approved, it would be exempt from the provisions of the California Environmental Quality Act under Section 15311 for Existing Facilities.

CONCLUSION:

The Planning Commission denied ZA-09-37 A1, based on findings that determined the proposed amendment to the setback of the bedroom/bathroom addition and covered decks will impact the visual identity of the bluff, will increase the bulk and massing of the additions and, therefore, is not compatible with approvals for similar additions to other homes in the vicinity.

REBECCA ROBBINS
Assistant Planner

KHANH NGUYEN
Interim Development Services Director

DISTRIBUTION:

Chief Executive Officer
Assistant Chief Executive Officer
City Attorney
Public Services Director
Transportation Svs. Manager
City Clerk (2)
Staff (4)
Planning Staff (8)
File (2)

William & Lea Lowe
1151 Gleneagles Terrace
Costa Mesa, CA 92627

ATTACHMENTS:

1. Draft Resolutions
2. Appeal Form
3. Planning Commission Staff Report
4. Location/Aerial Map
5. Plans
6. Correspondence Received from Public
7. Planning Commission Denial Resolution

File: 051711ZA0937A1Appeal	Date: 050511	Time: 11:30 a.m.

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO UPHOLD THE PLANNING COMMISSION'S ACTION TO DENY ZONING APPLICATION ZA-09-37 A1

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

WHEREAS, an application was filed by William Lowe, owner of real property located at 1151 Gleneagles Terrace, in a Single Family Residential (R1) zone;

WHEREAS, the proposal was an amendment to minor conditional use permit ZA-09-37 for a previously-approved bedroom/bathroom addition and deck with roof cover that encroaches into the required setback from the bluff crest to allow: (1) 18 in. deep eaves on the sides of the patio cover that extends past the bluff crest; (2) the bedroom/bathroom addition to encroach further into bluff crest setback (4 ft. 3 in. setback from bluff crest); (3) fireplace and solid wall (including support post of the patio cover) to extend past the bluff crest (4 ft. past the bluff crest); and (4) additional roof height for both the patio cover (14 ft. 6 in.) and bedroom/bathroom addition (13 ft. 6 in.);

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 11, 2011, with all persons provided an opportunity to speak for and against the proposed project, and ZA-09-37 A1 was denied by the Planning Commission;

WHEREAS, an appeal of ZA-09-37 A1 was filed on April 15, 2011 by William and Lea Lowe, the property owners, for selected items from the original request including: (1) the bedroom/bathroom addition to encroach further into bluff crest setback (4 ft. 3 in. setback from bluff crest) and (2) additional roof height for the bedroom/bathroom addition (13 ft. 6 in.);

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 action to **DENY** Zoning Application ZA-09-37 A1.

PASSED AND ADOPTED this 17th day of May 2011.

GARY MONAHAN
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

EXHIBIT "A"

FINDINGS (Denial)

A. The information presented complies with Costa Mesa Municipal Code Sections 13-34 and 13-29(g)(2) in that allowing the residential addition and covered decks to encroach further then previously approved into the bluff crest setback is not compatible with developments in the same general area. Granting the minor conditional use permit will be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed would increase the mass and bulk of the additions and detract from the visual identity and integrity of the bluff. Granting the minor conditional use permit will allow a use, density, or intensity that is not in accordance with the general plan designation for the property.

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

1. The proposed encroachment is not compatible and harmonious with uses both on-site as well as those on surrounding properties.

2. Safety and compatibility of the design of the buildings, parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.

3. The project is not consistent with the General Plan designation for the property.

4. The zoning application would establish a precedent for future development.

C. The Costa Mesa Planning Commission has denied Zoning Application ZA-09-37 A1. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project amendment 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.

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO REVERSE THE PLANNING COMMISSION'S DENIAL AND APPROVE ZONING APPLICATION ZA-09-37 A1

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

WHEREAS, an application was filed by William Lowe, owner of real property located at 1151 Gleneagles Terrace, in a Single Family Residential (R1) zone;

WHEREAS, the proposal was an amendment to minor conditional use permit ZA-09-37 for a previously-approved bedroom/bathroom addition and deck with roof cover that encroaches into the required setback from the bluff crest to allow: (1) 18 in. deep eaves on the sides of the patio cover that extends past the bluff crest; (2) the bedroom/bathroom addition to encroach further into bluff crest setback (4 ft. 3 in. setback from bluff crest); (3) fireplace and solid wall (including support post of the patio cover) to extend past the bluff crest (4 ft. past the bluff crest); and (4) additional roof height for both the patio cover (14 ft. 6 in.) and bedroom/bathroom addition (13 ft. 6 in.);

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 11, 2011, with all persons provided an opportunity to speak for and against the proposed project, and ZA-09-37 A1 was denied by the Planning Commission;

WHEREAS, an appeal of ZA-09-37 A1 was filed on April 15, 2011 by William and Lea Lowe, the property owners, for selected items from the original request including: (1) the bedroom/bathroom addition to encroach further into bluff crest setback (4 ft. 3 in. setback from bluff crest) and (2) additional roof height for the bedroom/bathroom addition (13 ft. 6 in.);

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the City Council hereby **REVERSES** the Planning Commission's denial and **APPROVES** Zoning Application ZA-09-37 A1.

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 Zoning Application ZA-09-37 A1 and upon applicant's compliance with each and all of the conditions 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 17th day of May 2011.

GARY MONAHAN
Mayor, City of Costa Mesa

ATTEST:

CITY CLERK OF THE
CITY OF COSTA MESA

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT "A"

FINDINGS (Approval)

A. The information presented complies with Costa Mesa Municipal Code Sections 13-34 and 13-29(g)(2) in that allowing the residential addition and covered decks to encroach into the bluff crest setback is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed development is compatible with other encroachments in the immediate vicinity and, as conditioned, would not detract from the visual identity and integrity of the bluff. The decks should not interfere with access for fire protection and a geotechnical report is required to confirm the improvements will not endanger the stability of the slope. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.

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

1. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.

2. Safety and compatibility of the design of the buildings, parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.

3. The project is consistent with the General Plan designation for the property.

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

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 Class 1, Existing Facilities, of CEQA.

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

EXHIBIT "B"

CONDITIONS OF APPROVAL (IF APPROVED – MODIFIED FROM ZA-09-37)

Plng.

1. All structures shall maintain a minimum five-foot setback from each side property line. The 18 inch eaves on the sides (north and south) of the patio roof cover shall be removed.
2. Any future residential addition shall not project beyond the bluff crest without proper City approval.
3. The deck wing wall along the right side (west) property line extending over the bluff crest shall contain glass panels on the bottom, not exceed 42 inches in height from the decks' floors, and shall remain open on the top, extending up to the deck roof.
4. The proposed support posts for the decks shall be located as close to the bluff edge as feasible to minimize visual impacts to the bluff.
5. The eave overhang on the rear (west) side of the patio cover shall be removed. No portion of the patio cover may extend more than 10 feet from the bluff crest shown on the approved building plans.
6. The roof height for the patio cover shall be corrected to a maximum height of 12 feet 6 inches.
7. The fireplace and solid wall shall be corrected as to not extend past the bluff crest.
8. 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.
9. Landscaping shall be provided, to the satisfaction of the Planning Division, to screen the decks and support structures. Landscaping material shall consist of dense, evergreen plants and trees.
10. Two (2) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
11. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
12. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
13. The conditions of approval and Code requirements of Zoning Application ZA-09-37 A1 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
14. The applicant shall contact the Planning Division to arrange for Planning inspection of the site prior to Building final inspection. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, JULIE FOLCIK, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution No. 10__ as considered at a regular meeting of said City Council held on the ____ day of _____, 2011, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2011, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2011

_____
City Clerk, City of Costa Mesa

//

RECEIVED
CITY CLERK

2011 APR 15 PM 3:03

CITY OF COSTA MESA
BY

Costa Mesa

City of Costa Mesa

☒ Appeal of Planning Commission Decision/Rehearing - $1,220.00
☐ Appeal of Zoning Administrator/Staff Decision -$690.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name* WILLIAM AND LEA LOWE
Address 1151 GLENEAGLES TERRACE COSTA MESA CA 92627-4030
Phone 949 631-8630 representing SELF

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 ZA-09-37A1 DENIED BY PLANNING COMMISSION RESOLUTION, PC-11-13, DATED APRIL 11, 2011

Decision by: PLANNING COMMISSION
Reasons for requesting appeal, rehearing, or review:

WE ARE APPLYING FOR RECONSIDERATION OF OUR REQUEST FOR OUR MASTER BEDROOM/BATHROOM ADDITION TO ENCROACH FURTHER INTO THE BLUFF CREST SETBACK: 4 FEET 3 INCHES PROPOSED, 5 ~~FEET~~ FEET APPROVED; AND ADDITIONAL HEIGHT FOR THE MASTER BEDROOM/BATHROOM ROOF: 13 FEET 6 INCHES PROPOSED, 12 FEET 6 INCHES APPROVED.

WE WILL CORRECT THE FOLLOWING DEVIATIONS TO THE APPROVED PLANS FOR OUR RESIDENCE REMODEL:

- THE 18 ~~INCHE~~ INCH EAVES ON THE SIDES OF THE PATIO COVER THAT EXTENDS PAST THE BLUFF CREST WILL BE REMOVED.
- THE FIREPLACE AND SOLID WALL THAT EXTENDS PAST THE BLUFF CREST WILL BE REVISED/RELOCATED TO REMOVE ANY EXTENSION PAST THE BLUFF CREST.
- THE ADDITIONAL ROOF HEIGHT OF THE PATIO ROOF (14 FEET 6 INCHES PROPOSED, 12 FEET 6 INCHES APPROVED) WILL BE REMODELED TO NOT EXCEED THE 12 FEET 6 INCHES APPROVED

Date: 15 APRIL 2011 Signature: William W. Lowe

*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:

15 April 2011

Khanh Nguyen
77 Fair Drive
Costa Mesa, CA 92626

Mr. Nguyen,

My wife and I own the residence at 1151 Gleneagles Terrace, Costa Mesa, California. We submitted a request to the Planning Commission for approval of changes to our approved plans for a remodel of our residence. Planning Application ZAQ-09-31 A1 was denied by the Planning Commission (Resolution PC-11-13) on April 11, 2011.

The purpose of this letter is to document that my wife and I will correct the exceptions from the approved plans for the Deck Cover, fireplace, and solid wall that were identified in that Planning Application. These exceptions include:

> The 18 inch eaves on the sides of the patio cover that extends past the bluff crest will be removed
>
> The fireplace and solid wall that extends past the bluff crest will be revised/relocated to remove any extension past the bluff crest
>
> The additional roof height of the patio cover roof (14 feet 6 inches proposed, 12 feet 6 inches approved) will be remodeled to not exceed the 12 feet 6 inches height approved

We will be appealing the Planning Commission decision denying the request for the Master Bedroom/Bathroom addition to encroach into the bluff crest setback: 4 feet 3 inches proposed, 5 feet approved; and the request that the height of the Master Bedroom/Bathroom roof be increased to 13 feet 6 inches proposed, 12 feet 6 inches approved.

We look forward to completing the construction of the deck cover and side wall.

Lea and William Lowe

Lea and William Lowe
1151 Gleneagles Terrace
Costa Mesa, CA 92627-4030

cc: Rebecca Robbins

PLANNING COMMISSION AGENDA REPORT

VII.3

MEETING DATE: APRIL 11, 2011 ITEM NUMBER:

SUBJECT: ZONING APPLICATION ZA-09-37 A1
AMENDMENT TO PREVIOUSLY-APPROVED MINOR CONDITIONAL USE PERMIT FOR AN ENCORACHMENT INTO THE BLUFF CREST SETBACK
1151 GLENEAGLES TERRACE

DATE: MARCH 31, 2011

FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
(714) 754-5609 (RROBBINS@CI.COSTA-MESA.CA.US)

DESCRIPTION

Amendment to minor conditional use permit for a previously-approved bedroom/bathroom addition and deck with a patio cover that encroaches into the required setback from the bluff crest (10 ft. setback required; up to 10 ft. extending past bluff crest approved) to allow:

1. 18 in. deep eaves on the sides of the patio cover that extends past the bluff crest (no eaves previously shown);
2. The bedroom/bathroom addition to encroach further into bluff crest setback (5 ft. setback from the bluff crest approved; 4 ft. 3 in. setback proposed);
3. The fireplace and solid wall (including support post of the patio cover) to extend past the bluff crest (4 ft. past the bluff crest proposed; 0 ft. past the bluff crest approved); and
4. Additional roof height for both the patio cover (14 ft. 6 in. proposed; 12 ft. 6 in. approved) and bedroom/bathroom addition (13 ft. 6 in. proposed; 12 ft. 6 in. approved).

APPLICANT

William and Lea Lowe, the property owners.

RECOMMENDATION

Deny by adoption of Planning Commission resolution.

REBECCA ROBBINS
Assistant Planner

KHANH NGUYEN
Asst. Development Services Director

BACKGROUND

Project Site

The property is zoned Single-Family Residential (R1) and is bounded by Gleneagles Terrace to the east (front), Aviemore Terrace to the west (rear), and single-family residences to the north and south (sides). The property is part of the Marina Highlands neighborhood, with southerly and westerly views to the Pacific Ocean.

History

On December 24, 2009, the Zoning Administrator approved Minor Conditional Use Permit ZA-09-37 for a single story addition, setback five feet from the bluff crest, and a deck the width of the residence with a 21-foot wide patio cover both projecting 10 feet past the bluff crest. A deck wing wall along the right (north) property line was originally proposed; however, it was the Zoning Administrator's determination that this was inconsistent with prior approvals and would obscure the view of the abutting neighbor to the north. Consequently, plans were revised – and approved – consisting of a solid wall to the bluff crest, with the safety railing extending past the bluff crest to be constructed of glass or plexiglass. Overall height for both the cover and bedroom/bathroom addition was limited to 12 ft. 6 in.

The Zoning Administrator approved the request since there are several other properties in the vicinity with homes built to the bluff crest including decks that cantilever over the bluff edge. The abutting properties on either side received approvals for additions and covered decks in January 2008.

During the public review and comment period for the project, staff received one correspondence from an Aviemore Terrace resident based on concerns with slope stability. To address this concern, conditions were included to ensure that construction is properly built to maintain the stability of the slope.

Late January 2010, approximately one month after the public review period and the expiration of the appeal window, a neighbor voiced concerns about the patio cover (including its roof pitch and extension of 10 feet past the bluff crest), and the impact on his privacy and views. Late 2010 (September and December), two comments were received by neighbors with concerns regarding the size and mass of the project.

On March 21, 2011, the property owner submitted an application to amend the previously-approved minor conditional use permit to legalize modifications made to the project during construction. The City's Zoning Administrator typically reviews minor conditional use permits and amendments; however, staff referred this request to the Planning Commission due to the sensitivity of construction on a bluff property and concerns raised by neighbors.

Zoning Code Provision

Any construction closer than 10 ft. from the bluff crest requires a minor conditional use permit; approval of the permit requires satisfaction that the building or structure that encroaches into a bluff crest setback does not:

(a) Endanger stability of the slope;
(b) Substantially interfere with access for fire protection; and
(c) Detract from the visual identity and integrity of the bluffs.

ANALYSIS

Project Description

The property owner proposes the following modifications to the previously-approved project:

1. 18 in. deep eaves for a patio cover that extends past the bluff crest (no eaves previously shown);
2. The bedroom/bathroom addition to encroach further into bluff crest setback (5 ft. from the bluff crest approved; 4 ft. 3 in. proposed);
3. The fireplace and solid wall (including support post of the patio cover) to extend past the bluff crest (4 ft. past the bluff crest proposed; 0 ft. past the bluff crest approved); and
4. Additional roof height for both the patio cover (14 ft. 6 in. proposed; 12 ft. 6 in. approved) and bedroom/bathroom addition (13 ft. 6 in. proposed; 12 ft. 6 in. approved). The increase in roof height will result in a 1 ft. 10 in. height increase for the chimney, as required by Building Codes. With the proposed 14 ft. 6 in. height, the chimney will need to be approximately 16 ft. 4 in. high.

Although there was an eave constructed on the west end of the patio (facing Aviemore Terrace) the contractor has confirmed that this will be cut back and will not extend beyond 10 feet from the bluff crest as approved on the approved building plans; a condition has been included reminding the applicant of this requirement.

Justifications for Denial

As analyzed by staff, the following are justifications for denial of the proposed amendment to the previously-approved minor conditional use permit.

- *The proposed is not consistent with past reviews for encroachments into the bluff crest setback typically approved for additions and decks with covers.*

  Although there are several approvals for single-story additions to the bluff crest and decks that extend beyond the bluff crest for properties in the vicinity, staff is unaware of any approvals for solid walls that extend beyond the bluff crest.

- *The accumulation of all the requested modifications will detract from the visual identity of the bluffs.*

  The Zoning Administrator carefully reviewed the original submittal in 2009 requiring several revisions to reduce the visual impact of the project on the bluff. The plan that was ultimately approved was determined to be in keeping with the architectural style of the house while maintaining the visual identity of the bluff. It is staff's opinion that any further encroachment would detract from the visual identity of the bluffs.

- *The modifications will create a visual intrusion on the neighborhood with increased bulk and massing.*

  Staff has received several comments with concerns from neighbors regarding the size and mass of the existing project; the proposed modifications would further encroach and increase the overall coverage of the bluff.

GENERAL PLAN CONFORMITY

The proposed modifications to the previously-approved encroachments into the bluff crest setback are not consistent with General Plan Land Use Objective LU-2A.13 in that the encroachments impact the visual identity of the bluff crest.

ALTERNATIVES:

The Planning Commission has the following alternatives:

1. *Deny the proposed amendment to the previously-approved project.* The applicant would then be unable to apply for the same requests for 6 months.

2. *Approve the proposed amendment to the previously-approved project, subject to conditions.* This would allow the project to proceed, subject to the recommended conditions of approval.

3. *Approve the proposed amendment to the previously-approved project, with modifications, subject to conditions.* This would allow the project to proceed, as modified by Planning Commission, subject to the recommended conditions of approval.

ENVIRONMENTAL DETERMINATION

If the request is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved. If the request is approved, it would be exempt from the provisions of the California Environmental Quality Act under Section 15311 for Existing Facilities.

CONCLUSION

It is staff's opinion that the proposed amendment to the setback of the bedroom/bathroom addition and covered decks will impact the visual identity of the bluff, will increase the bulk and massing of the additions and, therefore, is not compatible with approvals for similar additions to other homes in the vicinity. However, resolutions for approval and denial are attached to the report for the Commission's consideration.

Attachments:
~~1. Draft Planning Commission Resolutions – Approval and Denial~~
2. Applicants Letter/Site Photos
~~3. Location Map~~
~~4. Plans~~
5. Zoning Administrator's Letter

cc: Development Services Director
Deputy City Attorney
City Engineer
Transportation Svs. Mgr.
Fire Protection Analyst
Staff (4)
File (2)

William & Lea Lowe
1151 Gleneagles Terrace
Costa Mesa, CA 92627

File: 041111ZA0937A1	Date: 032911	Time: 11:30 a.m.

24 March 2011

Planning Commission
City of Costa Mesa
Post Office Box 1200
Costa Mesa, CA 92628-1200

My wife and I are remodeling our residence located at 1151 Gleneagles Terrace, Costa Mesa (Reference Permit No.: BC10-00292). The remodel involves expanding our current Master Bedroom and Master Bathroom and constructing a deck on the rear of our property. Since we are located on a bluff on the west-side of town, we applied for, and received, a Minor Conditional Permit.

The original designer that we employed to design this remodel, as well as guide us through the city approval process, was incapable of completing the effort. We then employed a licensed architect to complete the design and prepare the detailed plans for submittal to the city for Plan Check to obtain the Building Permit. In response to concerns identified by the City and a neighbor during the Plan Check, the plans were modified. We incorporated these design changes to the extent that we felt was practical to accommodate city staff concerns regarding bluff development and to minimize impacts to the view angles of the neighbor while maintaining our preferences. These modifications are described below:

The solid sidewall of the deck cover was reduced in length and moved back to the edge of the bluff to reduce any impact to the neighbor's view angles. We considered this change as affecting our design negatively. We preferred the original larger wall area.

The solid sidewall is desired to block view lines from the adjacent neighbor's deck into our dining room, living room, and bedroom. We also desired to minimize noise from the adjacent neighbor's house when his sliding doors are opened since the interior of his house is concrete floors with cinder block walls. With the sliding doors opened, the house is a like a amphitheater.

The support posts for the deck cover were moved from their original design location at the edge of the deck to closer to the bluff crest, again, to minimize the impact to the neighbor's view angles. This revision resulted in a significant impact to the design and complexity of construction of the deck foundation.

We incorporated glass panels in the deck railing design. Our adjacent neighbor has solid wood railings and we desired a similar railing design. In response to a request from the city staff, we incorporated the requested glass panels to minimize the impact to the neighbor's view angles.

The deck cover support beam was raised in height from the code required seven (7) foot height to eight (8) foot constructed height. This increased the view sight line through our property, again, to minimize any impact to the neighbor's view angles. This increase in height of the roof support beam contributes to the raised roof height which is an issue.

We have obtained the Building Permit and are well along with the construction. Several issues have been identified with the construction that can be traced to the change in designers and the implementation of the design by the contractor and subcontractor.

Issue 1:

The deck cover has been constructed with eaves. The approved plans do not reflect eaves on either side of this cover.

Discussion:

We were recently told by city staff that there were discussions between our original designer and city staff regarding the property coverage of the deck, its cover, and the bedroom/bathroom expansion prior to the approval of the Minor Conditional Permit. During these discussions, apparently it was agreed that eaves would not be incorporated on the deck cover in order to minimize the area covered within the bluff setback area by our construction. We had no knowledge of these discussions or the agreements that were made. What was also omitted at this time was the installation of gutters for rainwater control and drainage.

Our original designer, as well as the architect that replaced him, were told that we considered the rain runoff issue a major item to be addressed in the design. A review of the original design shows drains in the deck but no description of gutters to capture the rain runoff.

At the initiation of construction, the issue of how to handle the rain runoff of the deck cover was discussed with the contractor and sub-contractor. This discussion was to determine how to handle the rain runoff and the prevention of erosion of the bluff by identifying all aspects of a bluff erosion control system. It was envisioned that this system would consist of the installation of gutters on the eaves of the bedroom/bathroom expansion, the rear of the existing house structure, and on the deck cover. These gutters covering the entire rear portion of the completed structure would collect rainwater and channel it to drains on the deck. These drains would then conduct the rainwater to drain pipes running from the deck down to Aviemore Terrace at the rear of our property and then into the storm drain located at the bottom of our property.

An additional reason for the eaves is to provide weather protection from rain and, to some extent, sun to the sidewall and door on the west-side of the deck. This protection would reduce the possibility of weather damage to the stucco and door, and the development of mold. The approved plans reflect eaves on the bedroom/bathroom expansion and on the existing house structure, but not on the deck cover. Eaves were constructed on the deck cover without realizing that they were not on the plans.

The addition of eaves, with planned gutters, will result in an increase in coverage of the property surface area within the ten (10) foot bluff setback on the west-side of the property.

Request and Rationale:

We are requesting that the Planning Commission approve the incorporation of eaves and gutters on the deck cover. As noted in the discussion, the addition of eaves would make the implementation of the rain runoff control system much simpler and much more efficient than alternative designs. Gutters could be installed without eaves but significant effort would be required to accomplish the installation and the efficiency of the system would be significantly diminished. In addition, the incorporation of eaves on the deck

cover results in an architecturally pleasant design and blends in with the current house structure design, especially the bedroom/bathroom expansion.

Without approval of this request, even the installation of gutters on the westside of the deck cover would not be permitted due to the encroachment into the bluff setback area on both sides of the deck cover.

We feel that the increase in coverage of the surface area within the bluff setback area is minimal and the increased efficiency of the rainwater collection system would offset any other affects.

Issue 2:

This issue concerns the height of the roofs on the bedroom/bathroom expansion and on the deck cover. The approved plans show a height dimension of 12 feet 6 inches for the deck cover. The measured height of the bedroom/bathroom expansion is 13 feet 2 inches; the measured height of the deck cover is 14 feet 4 inches.

Discussion:

During the construction of the bedroom/bathroom expansion, my instructions to the contractor were to "provide more than adequate vent openings and to provide sufficient headroom for me to access the expansion area for maintenance and whatever else I would need to do in that area". The design for the expansion reflects the bedroom heater duct being routed to the outside wall and sufficient access would be required for its installation and maintenance. The roof was constructed with a pitch to match the existing house structure and to provide adequate access and ventilation in the expansion attic and from there into the existing house attic. This bedroom/bathroom roof exceeds the plan dimension by eight (8) inches but is well below the existing house roof height.

The construction of the deck cover followed a similar path. Again, I instructed the contractor to provide the same features as the bedroom/bathroom expansion. This roof was also constructed with a pitch similar to that of the existing house structure and a height to provide adequate access and ventilation to the existing house attic. There are electrical lines and a natural gas line installed in this new area and access to these lines is required from a safety standpoint. This structure exceeds the plan dimension by one (1) foot 10 inches and does not exceed the height of the current house roof.

Request and Rationale:

We are requesting that the Planning Commission approve the height exceedances of the bedroom/bathroom expansion roof and the deck cover roof.

The bedroom/bathroom expansion roof matches the existing house roof and results in a pleasing, uniform design consistent with the existing house design. The pitch of the roof helps guide rainwater into the gutters attached to the eaves. In addition, the height provides adequate clearance for access to the expansion attic for maintenance of the heater duct and efficient air movement within the attic for cooling and ventilation without appearing unnecessarily high or exceeding the current height of the house roof.

The deck cover roof also matches the existing house roof and, again, provides a pleasing, uniform design consistent with the existing house design. The pitch of this roof will guide rainwater into the attached gutters and also provide adequate access to the electrical lines and gas line in the extended attic area.

In addition, the Planning Commission is requested to approve the installation of rain gutters on the bedroom/bathroom expansion since these gutters are located within the bluff setback area.

Issue 3:

The fireplace extends beyond the bluff crest by approximately 13 inches. The rear wall of the fireplace extends towards the easterly property line approximately 16 inches. The fireplace dimensions were changed to reflect the requirements of the fireplace insert purchased. The width of the fireplace was reduced from six feet six inches to five feet. In addition, the fireplace insert was located slightly different in height from that shown on the approved plans.

Discussion:

During the construction the base for the fireplace was centered in the middle ceiling bay between two roof beams. The ceiling fan will be located within this same bay. This resulted in a stronger roof structure design while providing a more pleasing visual appearance. The base was incorporated into the side support foundation for the deck and was formed as part of the concrete pour for the foundation and the grade beam. The fireplace base was also moved outboard approximately four inches from its original location.

Request and Rationale:

The fireplace base was cast as an integral part of the deck foundation and is located approximately 19 inches from the grade beam. Although part of the base extends beyond the bluff crest, the edge of the fireplace is behind the line of the neighbor's residence structure and no impact to view lines is expected. Also, the structure of the fireplace base is secure and no danger of movement is anticipated in spite of partially extending beyond the bluff crest. The clearance from the fireplace to the westerly property line is approximately 61 inches. The clearance from the house and deck structure to the westerly property line is approximately 77 inches. We feel that the location of the fireplace is acceptable considering the structural design and the location of view lines.

Issue 4:

The portion of the deck sidewall between the fireplace and cover support post is proposed to be a solid wall. This solid wall extends beyond the bluff crest but is not considered to be interfering with view lines. The approved plans show an opaque glass railing.

Discussion:

As a result of the redesign of the attachment of the cover support post to the grade beam and the revised location of the fireplace described above, approximately 17 inches of clearance exists between the fireplace structure and the cover support post. We

considered this space too narrow to install the opaque glass railing. We are requesting that the solid wall be extended from the fireplace structure to the cover support post.

Request and Rationale:

We request that the Planning Commission accept this change to the approved plans. Extending the solid wall would also contribute to making the sound wall more effective in providing a barrier to the noise from the adjacent neighbor's residence.

Issue 5:

The Master bedroom/bathroom expansion extends out 7 feet 10 inches, the drawing shows 7 feet 2 inches.

Discussion:

During the layout of the foundations for the Master bedroom/bathroom expansion, the outer wall of the expansion was located to accommodate the installation of a wider door from the bedroom, the construction of a toilet compartment, the installation of an outer door accessing the deck, and the relocation and installation of the existing vanities and medicine cabinets. This resulted in the expansion being 8 inches longer than the approved plans show.

Request and Rationale:

The wider door from the bedroom into the bathroom was required to meet code requirements. The outer door from the deck to the bathroom was required to facilitate using the bathroom by people out on the deck. The only other access to bathroom facilities would be by traveling through the living room and down a long hall to a bathroom. We desired to reuse the existing vanities and cabinets since they were fairly new and in great condition. The toilet compartment was desired for privacy concerns.

We are requesting that the Planning Commission approve the additional 8 inches. The size and mass of the foundations will ensure that no ground movement will occur and the setback from the bluff crest will range from 4 feet 4 inches to 4 feet 6 inches. The majority of the setback will be in the 4 feet 6 inches range. The original setback was 5 feet 0 inches to 5 feet 2 inches. This addition projection of the structure will not impact any neighbor's view sight lines.

The building plans were not as complete and clear as they should have been. In addition, the architect did not appropriately address the topography of the bluff in the design drawings. This is a contributing factor to the conflict between the existing building and the details on the drawings. From the beginning the contractor and foundation subcontractor had to use their experience and technical knowledge to overcome deficiencies and omissions in the plans. Our concrete subcontractor and general contractor were forced to use "best design practices" in consultation with the structural engineer to layout and construct the caissons and foundations including the grade beam. This resulted in changes to dimensions and locations of structural components and contributed to several of the issues described in this letter. One of the most significant changes was the location and attachment of the cover support posts to the grade beam. That change was documented in a revision to the approved plans reviewed and approved by the city.

Pictures are provided in a Planning Commission Presentation to illustrate the concerns and support our requests.

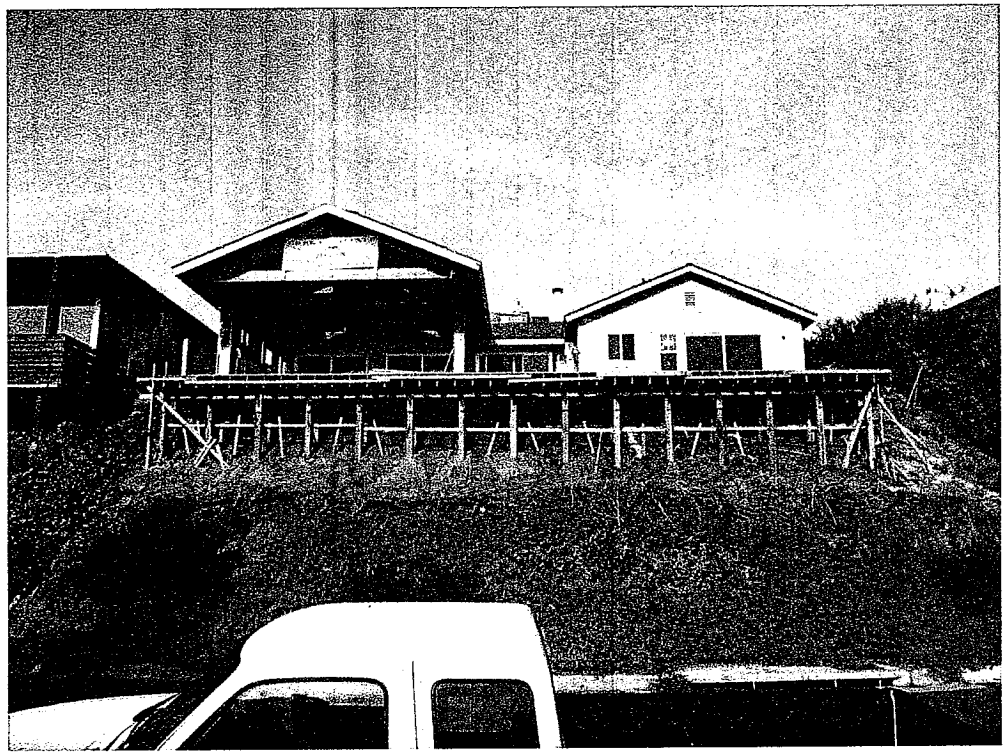
We appreciate your attention to these requests. My wife and I cordially invite the members of the Planning Commission, and their staff, to visit our home to see for themselves what we have accomplished and how these requested changes would contribute to a more attractive remodel.

If you have any questions, please contact us.

Lea & William Lowe

Lea and William Lowe
1151 Gleneagles Terrace
Costa Mesa, CA 92627-4030
949-631-8630
wwlowe@earthlink.net

HOME REMODEL AT
1151 GLENEAGLES TERRACE
COSTA MESA, CA



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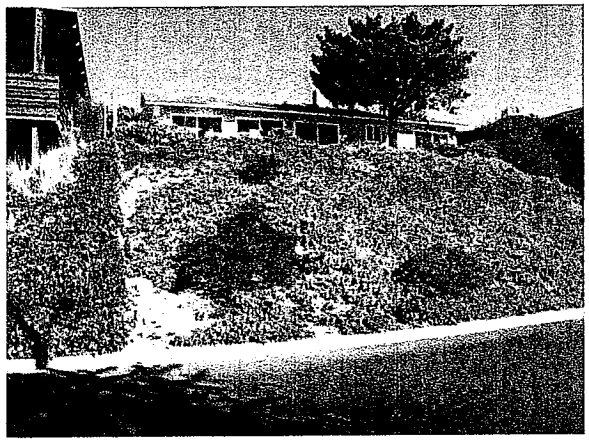
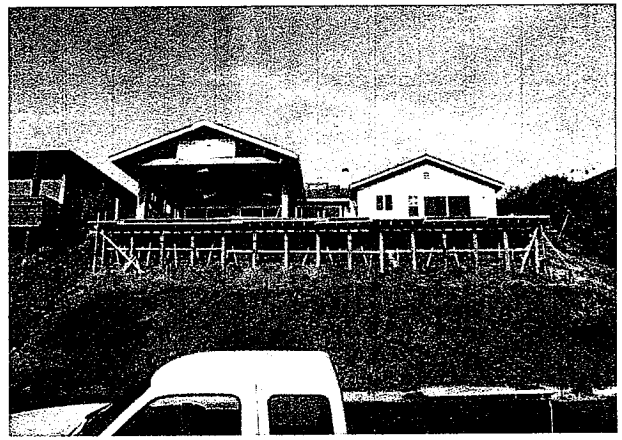
EXPANSION OF MASTER BEDROOM/BATHROOM AND ADDITION OF DECK

BEFORE

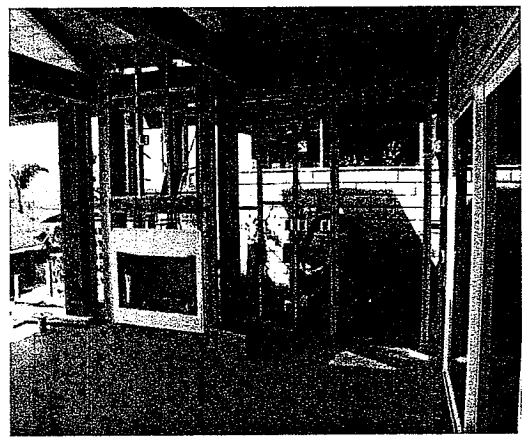


CURRENT



- **BEDROOM/BATHROOM EXPANSION AND ADDITION OF DECK COVER WERE DESIGNED AND EXPECTED TO LOOK AS PART OF ORIGINAL HOUSE**
- **EFFORT WAS MADE TO ELIMINATE APPEARING AS AN "ADD-ON"**

DECK COVER DESIGN INTENDED TO ELIMINATE PRIVACY AND NOISE ISSUES



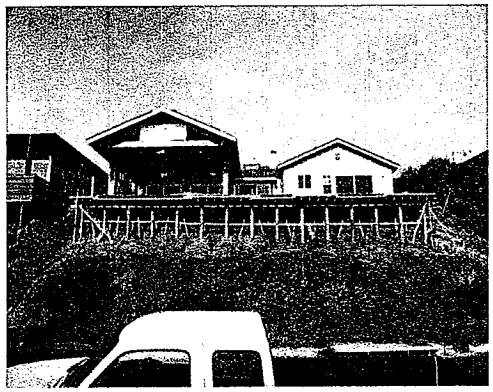
PROBLEM:

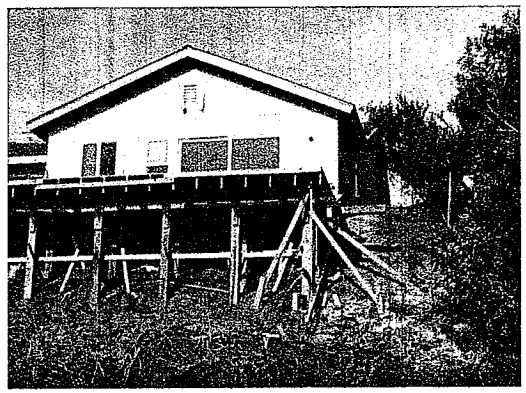
- **SIGHT-LINES FROM ADJACENT RESIDENCE LOOKED INTO OUR DINING ROOM, LIVING ROOM, AND BEDROOM**
- **WHEN ADJACENT RESIDENCE SLIDING DOORS ARE OPENED, ADJACENT HOUSE BECOMES AN AMPITHEATER**

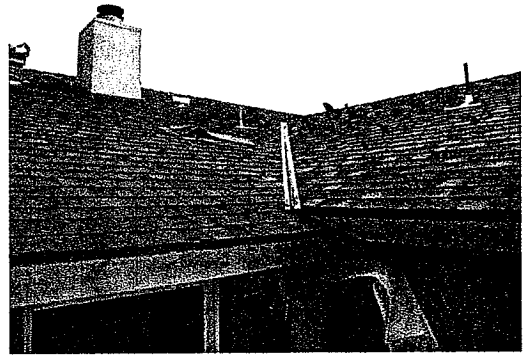
RESOLUTION:

- **SOLID WALL AT SIDE OF OUR DECK WAS DESIGNED TO BLOCK SIGHT-LINES AND TO MINIMIZE NOISE WHEN ADJACENT SLIDING DOORS WERE OPENED**

HEIGHT OF BEDROOM/BATHROOM EXPANSION ROOF EXCEEDS APPROVED PLAN DIMENSION INSTALLATION OF GUTTERS NOT ON APPROVED PLANS







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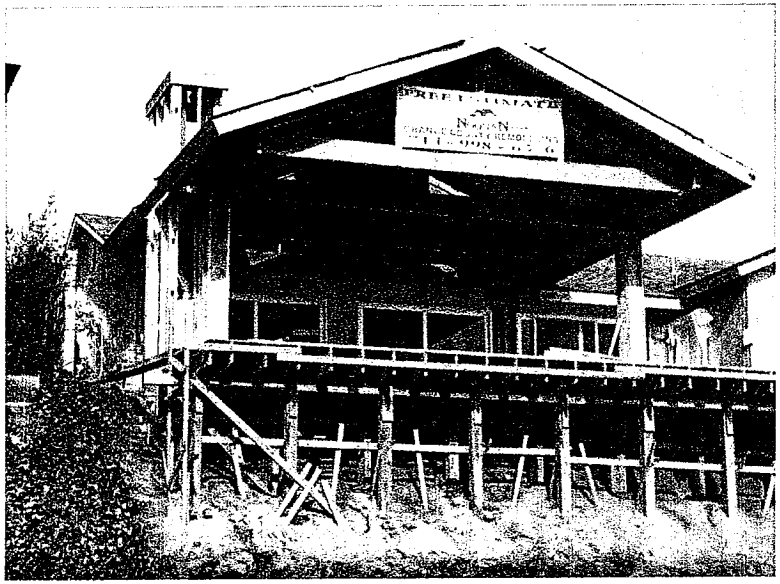
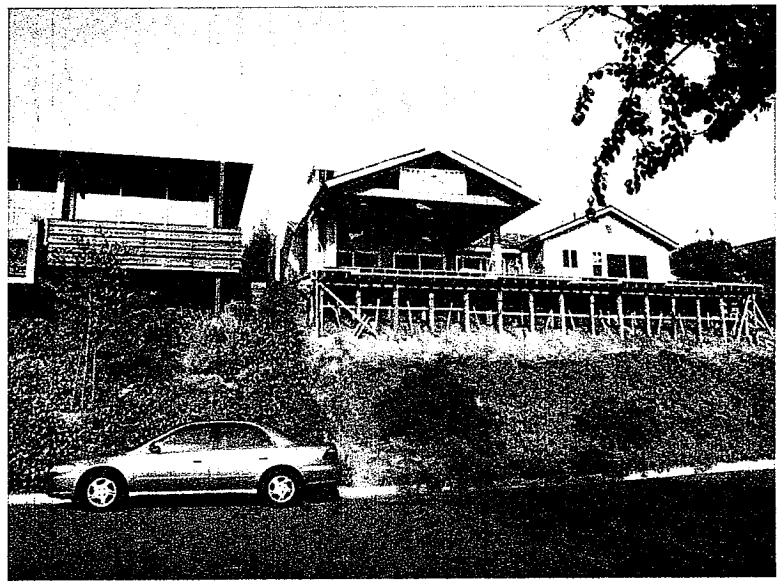
- ROOF PITCH OF MASTER BEDROOM/BATHROOM EXPANSION IS IN PROPORTION TO STRUCTURE AND EXISTING HOUSE
  - ROOF HEIGHT PROVIDES CLEARANCE FOR ADDITION OF HEATER DUCT
  - INTENT WAS TO MAKE EXPANSION APPEAR AS PART OF ORIGINAL HOUSE STRUCTURE
  - FLATER PITCH WOULD MAKE ROOF LOOK SQUAT AND AN OBVIOUS ADDITION
- APPROVAL REQUIRED FOR INSTALLATION OF RAIN GUTTERS

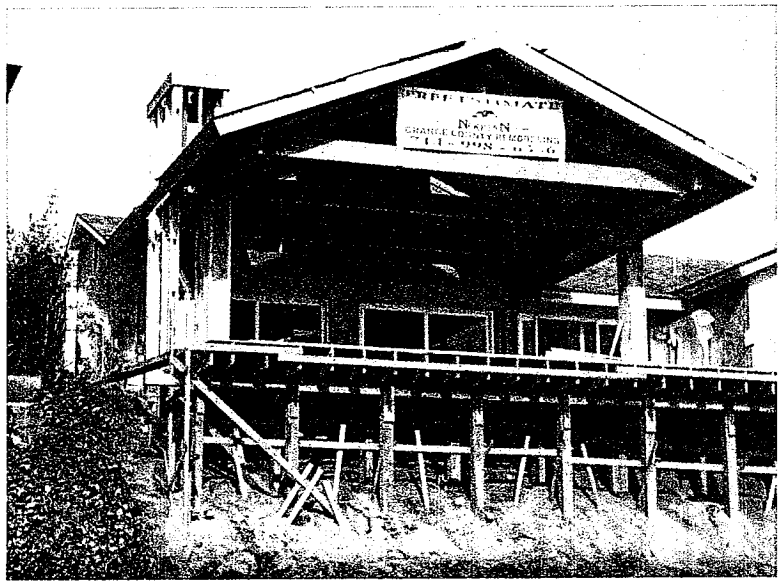
DECK COVER ROOF EAVES AND GUTTERS NOT ON APPROVED PLANS
DECK COVER ROOF HEIGHT EXCEEDS APPROVED PLAN DIMENSION





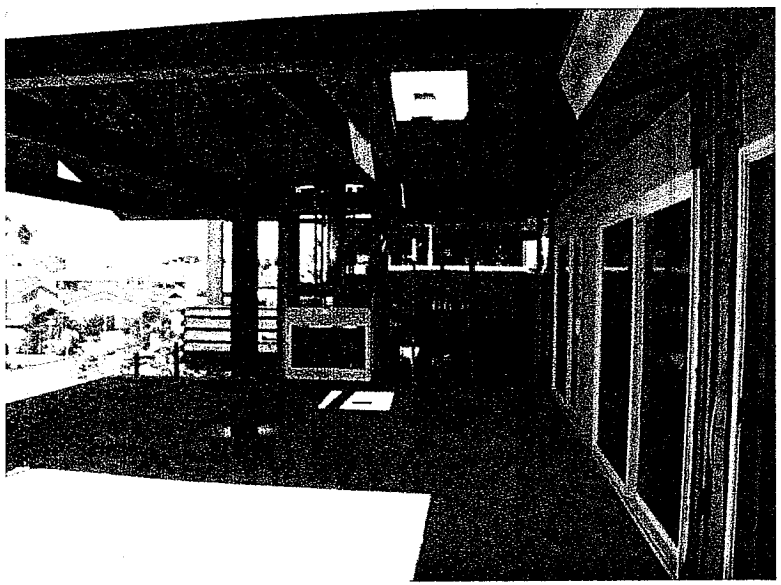
- ROOF PITCH OF DECK COVER IS IN PROPORTION TO DECK ROOF STRUCTURE AND EXISTING HOUSE STRUCTURE
  - FLATER PITCH WOULD MAKE ROOF LOOK SQUAT AND AN OBVIOUS ADDITION
  - ROOF HEIGHT PROVIDES CLEARANCE FOR INSTALLATION AND MAINTAINANCE OF ELECTRICAL WIRING AND NATURAL GAS LINE
- EAVES OF DECK COVER ARE IN PROPORTION TO DECK ROOF STRUCTURE AND HOUSE STRUCTURE
  - EAVES PROVIDE MOUNTING FOR RAIN GUTTERS

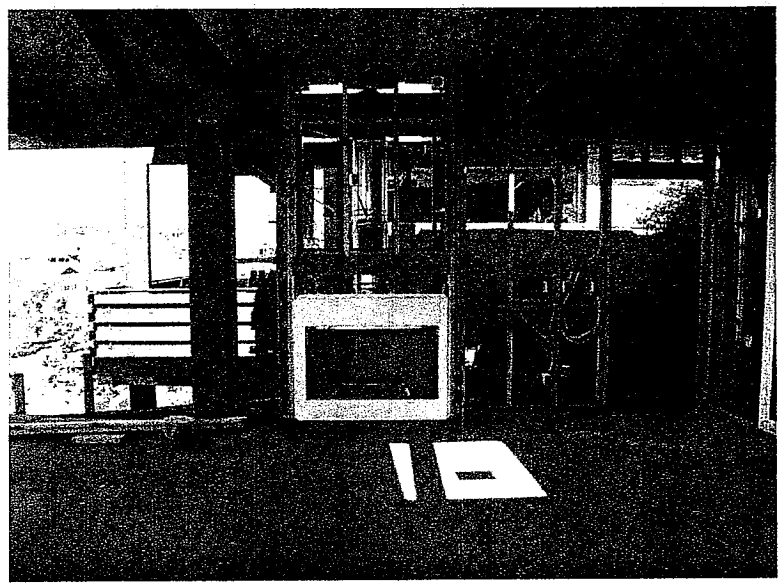
FIREPLACE EXTENDS BEYOND BLUFF CREST AND FIREPLACE EXTENDS INTO SIDE YARD CLEARANCE IN EXCESS OF APPROVED PLANS



- FIREPLACE WAS CENTERED IN MIDDLE BAY OF ROOF
  - ELIMINATED NEED TO CUT OR BUILD AROUND ROOF SUPPORT STRUCTURE
  - CEILING FAN WILL BE INSTALLED IN CENTER BAY ALSO
- FIREPLACE BASE WAS CAST AS AN INTEGRAL PART OF DECK FOUNDATION
  - MAIN PORTION OF FIREPLACE BASE IS ABOVE BLUFF CREST
  - CLEARANCE TO PROPERTY LINE IS 61 INCHES

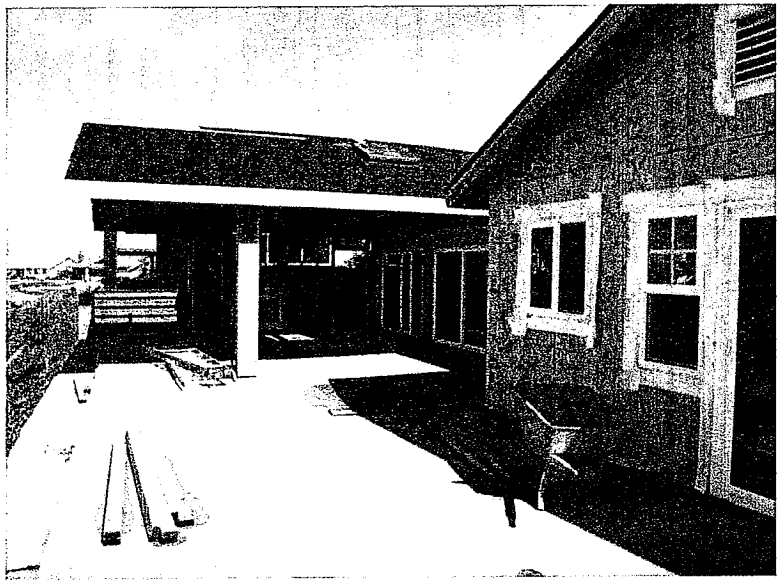
PORTION OF DECK SIDEWALL BETWEEN FIREPLACE AND ROOF SUPPORT POST WAS PROPOSED TO BE FROSTED GLASS RAIL

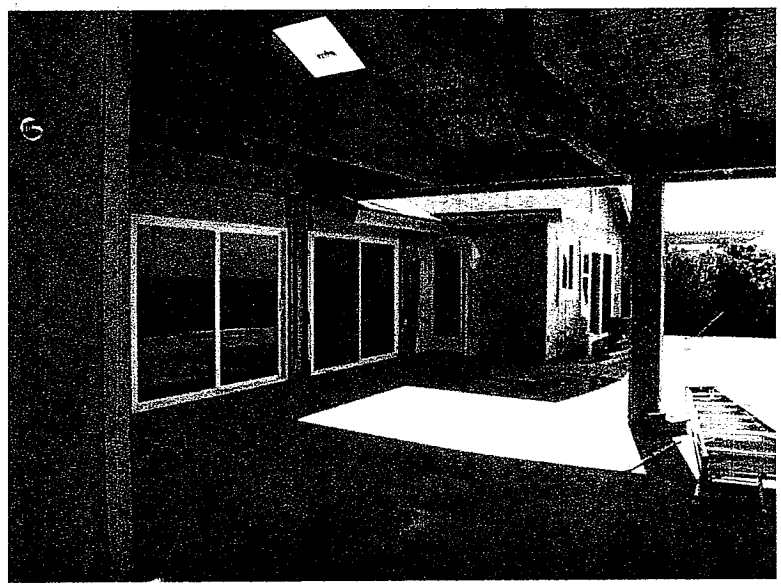




- DESIGN OF ROOF SUPPORT BEAM INSTALLATION TO GRADE BEAM AND REVISED LOCATION OF FIREPLACE RESULTS IN APPROXIMATELY 17 INCH OPENING
  - THIS SPACE WAS CONSIDERED TO BE TOO NARROW FOR INSTALLATION OF GLASS RAILING
  - EXTENDING SOLID WALL ALSO PROVIDES ADDITIONAL PRIVACY AND IMPROVES WALL SOUND BLOCKING CAPABILITIES

MASTER BEDROOM/BATHROOM EXPANSION EXTENDS OUT 8 INCHES BEYOND APPROVED PLAN DIMENSION AND IMPACTS BLUFF CREST SETBACK





- APPROVED PLANS SHOW 7 FEET 2 INCHES EXTENSION, ACTUAL EXTENSION IS 7 FEET 8 INCHES
  - GROWTH WAS DUE TO ACCOMMDATING TOILET COMPARTMENT, REUSE OF EXISTING BATHROOM VANITIES AND CABINETS, INSTALLATION OF OUTSIDE DOOR, AND INCREASED SIZE OF INTERIOR DOOR
  - SETBACK TO BLUFF CREST RANGES FROM 4 FEET 4 INCHES TO 4 FEET 6 INCHES WITH MAJORITY OF SETBACK AT 4 FEET 6 INCHES

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REQUESTED CHANGE APPROVALS

WE ARE REQUESTING THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING REQUESTED CHANGES:

APPROVAL OF EAVES ON DECK ROOF WITH INSTALLATION OF GUTTERS

APPROVAL OF HEIGHT EXCEEDANCES FOR BEDROOM/BATHROOM EXPANSION AND DECK ROOF

APPROVAL OF RELOCATED FIREPLACE

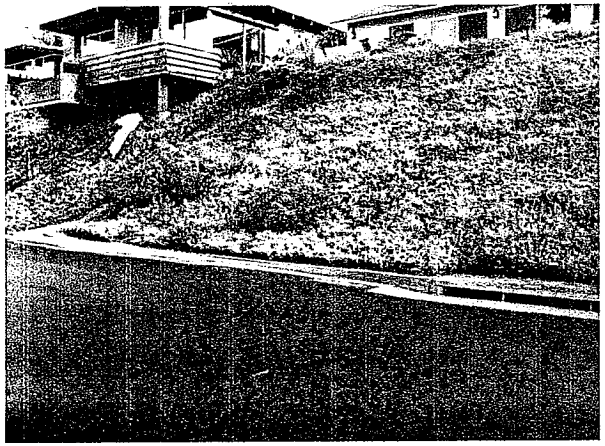
APPROVAL OF REDUCED SIDE YARD CLEARANCE AND PARTIAL EXTENSION BEYOND BLUFF CREST

APPROVAL OF DECK SIDEWALL BETWEEN FIREPLACE AND ROOF SUPPORT POST TO BE SOLID

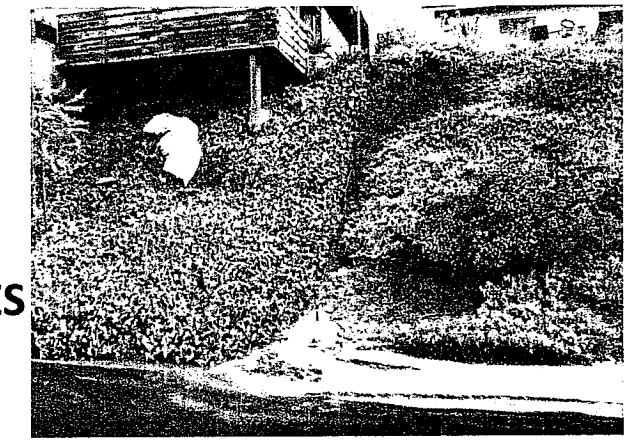
APPROVAL OF MASTER BEDROOM/BATHROOM EXPANSION INTO BLUFF CREST SETBACK AREA

SETBACK WILL BE FROM 4 FEET 4 INCHES TO 4 FEET 6 INCHES

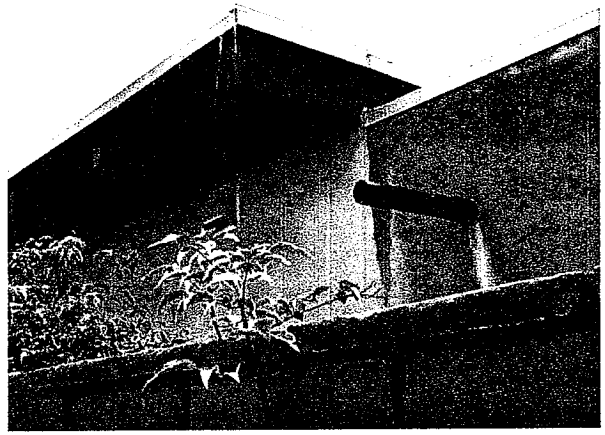
WHY RAINWATER RUNOFF CONTROL IS IMPORTANT



- EROSION ON OUR BLUFF SLOPE LAST YEAR
- ADJACENT PROPERTY OWNER ADDED DRAIN LINES SHORTLY AFTERWARDS



- RUNOFF WAS FROM ADJACENT PROPERTY
- NO CORRECTION FOR ROOF RUNOFF
- CONTINUED THREAT OF BLUFF EROSION



CITY OF COSTA MESA

P.O. BOX 1200 · 77 FAIR DRIVE · CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

December 24, 2009

Tim Johnson
5215 River Avenue
Newport Beach, CA 92663

RE: ZONING APPLICATION ZA-09-37
MINOR CONDITIONAL USE PERMIT FOR A RESIDENTIAL ADDITION CLOSE TO AND EXTENDING OVER THE BLUFF CREST
1151 GLENEAGLES TERRACE, COSTA MESA

Dear Mr. Johnson:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5 p.m. on December 31, 2009, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Rebecca Robbins, at (714) 754-5609 or rrobbins@ci.costa-mesa.ca.us.

Sincerely,

W Bouwens Killeen

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project description
Findings
Conditions of approval
Approved conceptual plans

cc: Engineering
Fire Protection Analyst
Building Division

Bill Lowe
1151 Gleneagles Terrace
Costa Mesa, CA 92627

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PROJECT DESCRIPTION:

- The property is zoned Single-Family Residential (R1) and is bounded by Gleneagles Terrace to the east (front), Aviemore Terrace to the west (rear), and single-family residences to the north and south (sides).
- The applicant proposes a single story addition setback, five feet from the bluff crest, and decks projecting 10 feet past the bluff crest. A deck wing wall will extend along the right side property line. The wall is to be solid to the bluff crest, with a safety railing extending over the bluff crest constructed of glass or plexiglass and open at the top to the roof. Decking along the left side property line is open, aside from the safety railing, starting five feet from the bluff crest, and extending 10 feet past the bluff crest. Since the addition and decks encroach within the required bluff crest setback and includes decks that extend over the bluff crest, a minor conditional use permit is required.
- Staff supports the addition and covered decks because there are several other properties in the general vicinity with homes built at the bluff crest and decks projecting 10 feet beyond the bluff crest. The abutting properties on either side have received approvals for similar additions and decks in January 2008.
- Conditions have been included to ensure that the structure is properly built to maintain the stability of the slope and that dense landscaping will be provided at the property's rear to screen the decks.
- The covered decks and residential addition are consistent with General Plan Land Use Objective LU-2A.13 in that a geotechnical report will be required to ensure that the integrity of the existing slope is protected. The natural topography and views will also be protected because the residential addition will be setback five feet from the bluff crest, the solid wall of the deck along the right side property line will not extend past the bluff crest, and only decks will cantilever, with their transparent railings, over the bluff.

FINDINGS

A. The information presented complies with Costa Mesa Municipal Code Sections 13-34 and 13-29(g)(2) in that allowing the residential addition and covered decks to encroach into the bluff crest setback is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed development is compatible with other encroachments in the immediate vicinity and, as conditioned, would not detract from the visual identity and integrity of the bluff. The decks should not interfere with access for fire protection and a geotechnical report is required to confirm the improvements will not endanger the stability of the slope. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.

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

1. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
2. Safety and compatibility of the design of the buildings, parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been

considered.

3. The project is consistent with the General Plan designation for the property.
4. The zoning application is for a project-specific case and does not establish a precedent for future development.

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 Class 1 of CEQA.

D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

Plng.

1. All structures shall maintain a minimum five-foot setback from each side property line.
2. Any future residential addition shall not project beyond the bluff crest without proper City approval.
3. The deck wing wall along the right side property line extending over the bluff crest shall contain glass panels on the bottom, not exceed 36 inches in height from the decks' floors, and shall remain open on the top, extending up to the deck roof.
4. The proposed support posts for the decks shall be located as close to the bluff edge as feasible to minimize visual impacts to the bluff.
5. 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.
6. Landscaping shall be provided, to the satisfaction of the Planning Division, to screen the decks and support structures. Landscaping material shall consist of dense, evergreen plants and trees.
7. Two (2) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
8. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
9. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
10. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
11. The conditions of approval and Code requirements of Zoning

Application ZA-09-37 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

12. The applicant shall contact the Planning Division to arrange for Planning inspection of the site prior to Building final inspection. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.

CODE REQUIREMENTS

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

Plng.	1.	Approval of the planning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining building permits for the authorized construction and initiates construction. If the applicant is unable to obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the planning application.
Bus. Lic.	2.	All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
Bldg.	3.	Comply with the requirements of the 2007 California Building Code.
	4.	Submit a soils/geotechnical report Submit a soils report as part of the building plan check package. One boring shall be at least 10 feet deep. Soils report recommendations shall be blueprinted on the plans.
	5.	Submit grading and drainage plan.
	6.	Provide erosion control measures and plans.
Eng.	7.	A Construction Access Permit and deposit of **$730.00** will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
Fire	8.	Provide approved smoke detectors to be installed in accordance with the 2001 Edition of the Uniform Fire Code.
	9.	Comply with all Fire Code requirements.

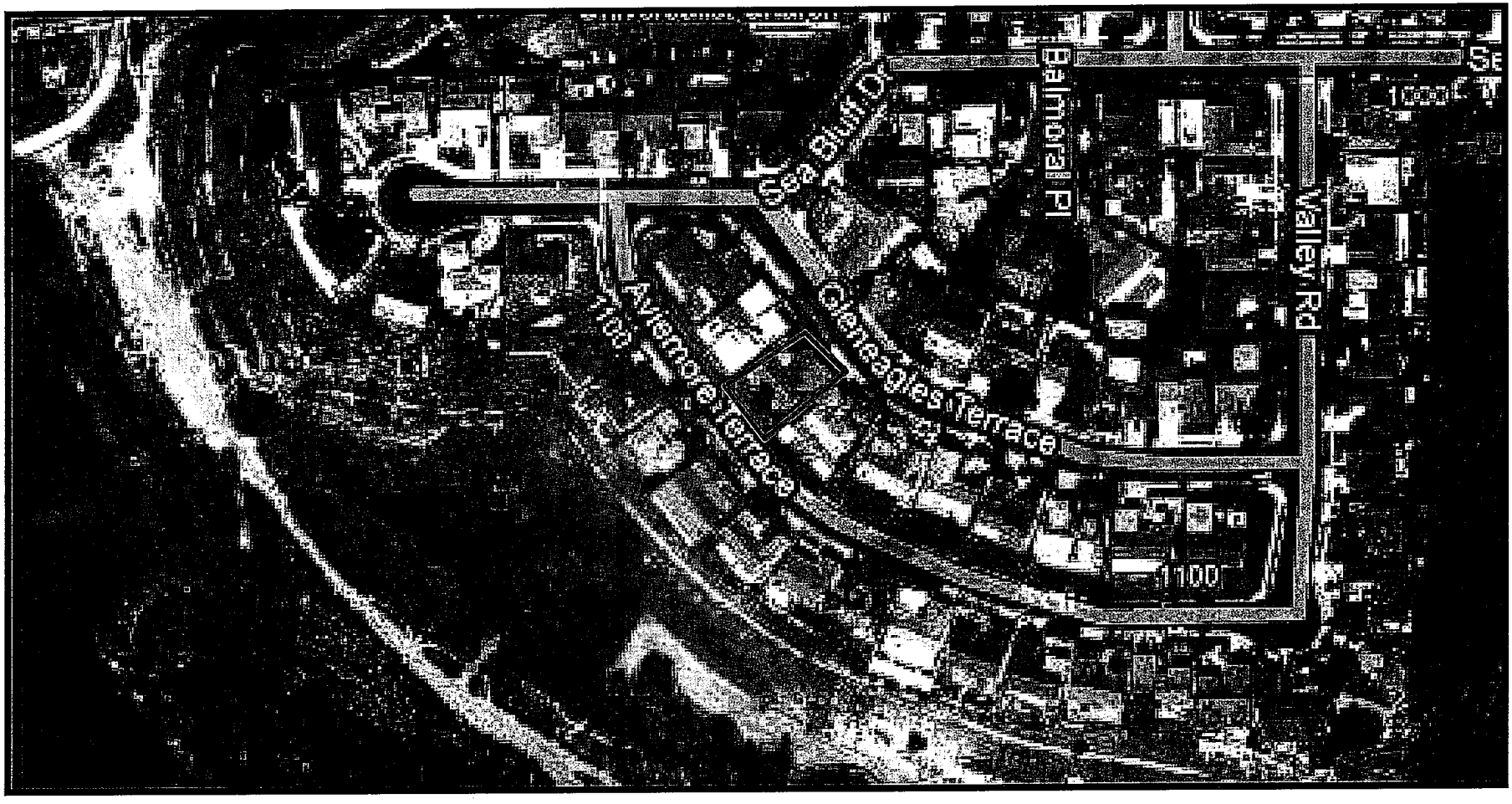
SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

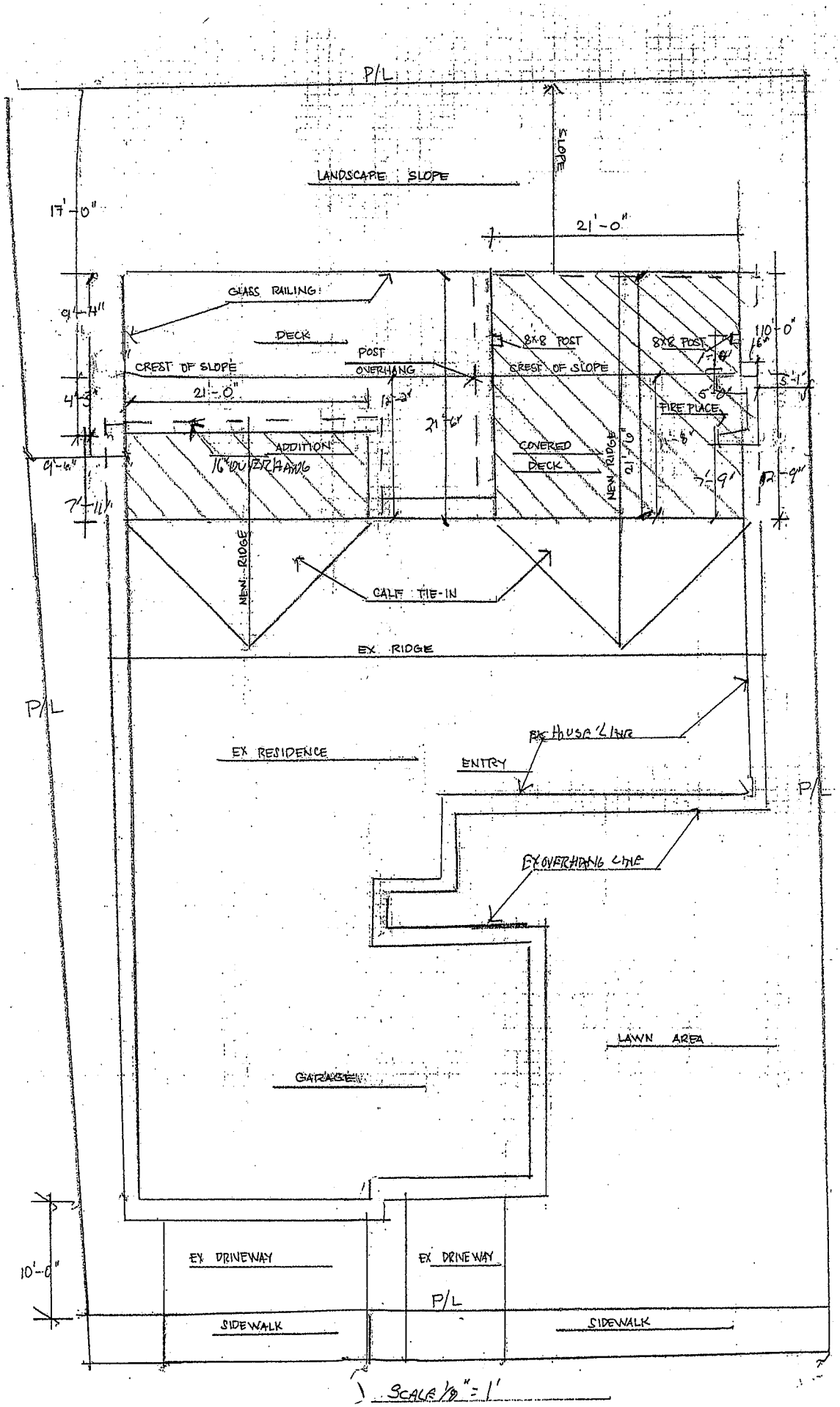
Sani.	1.	It is recommended that the applicant contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.
AQMD	2.	Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.

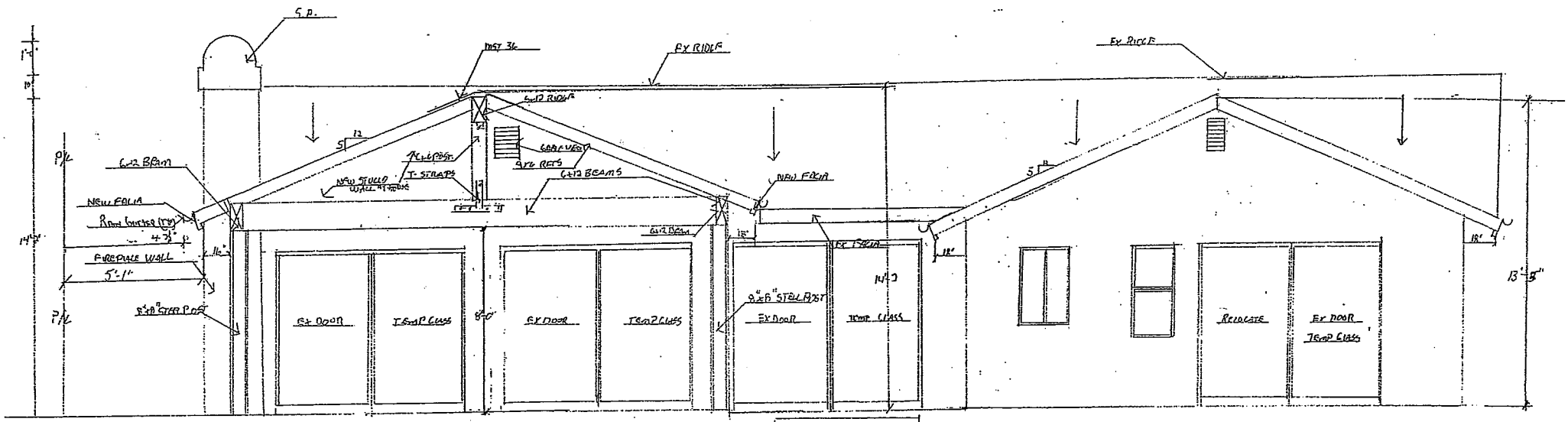
LOCATION MAP

1151 GLENEAGLES TERRACE

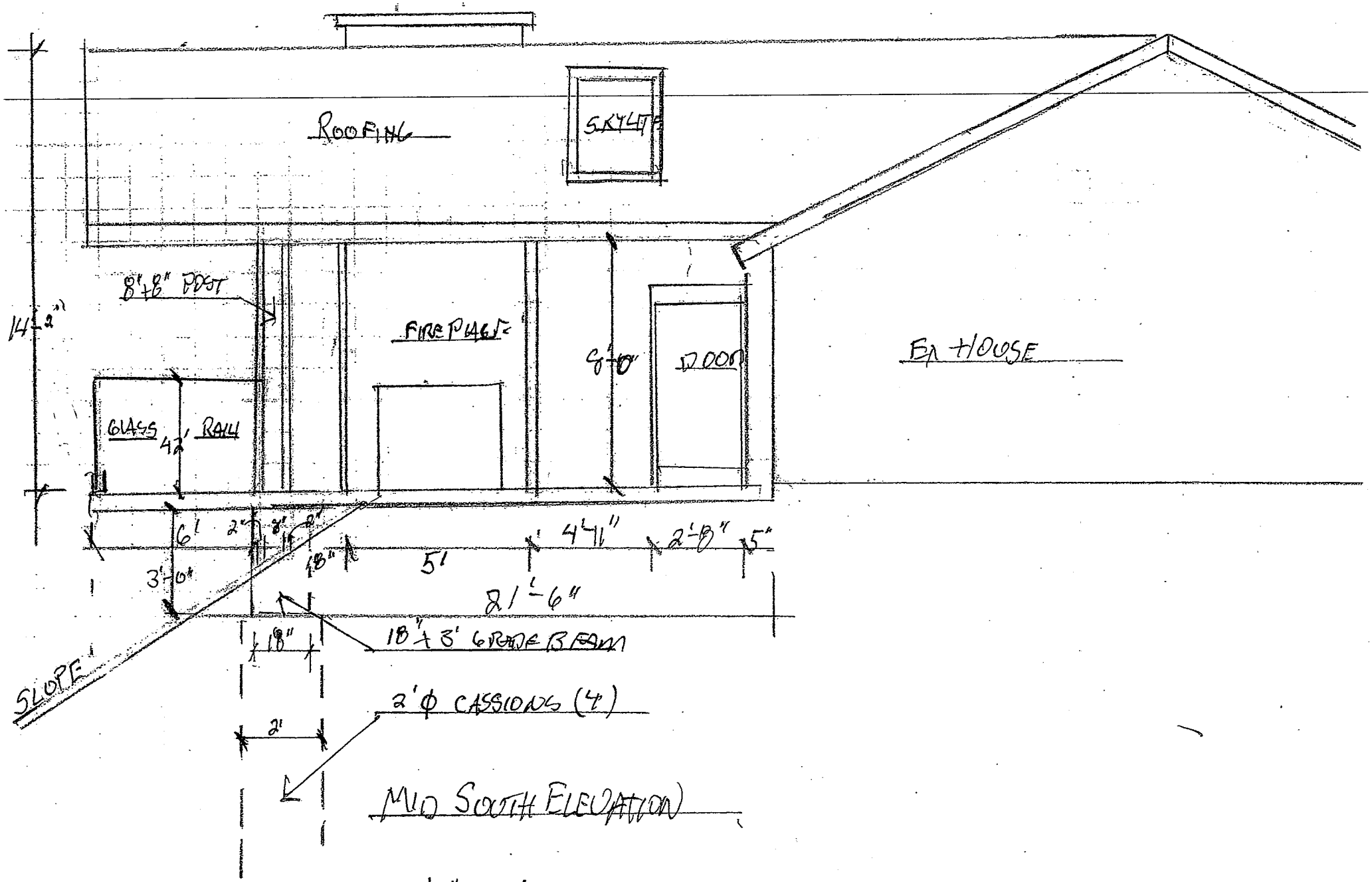


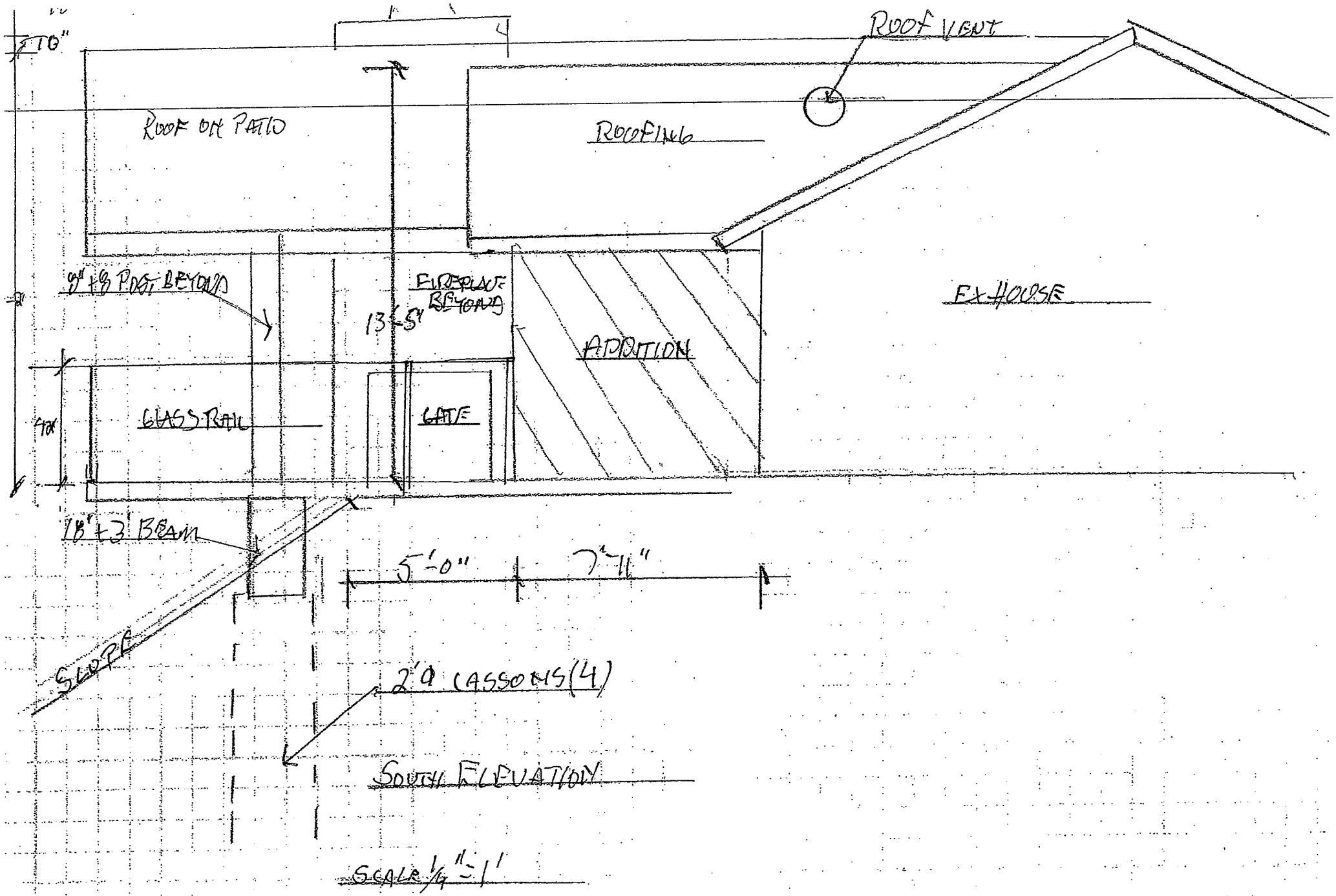
ATTACHMENT 4

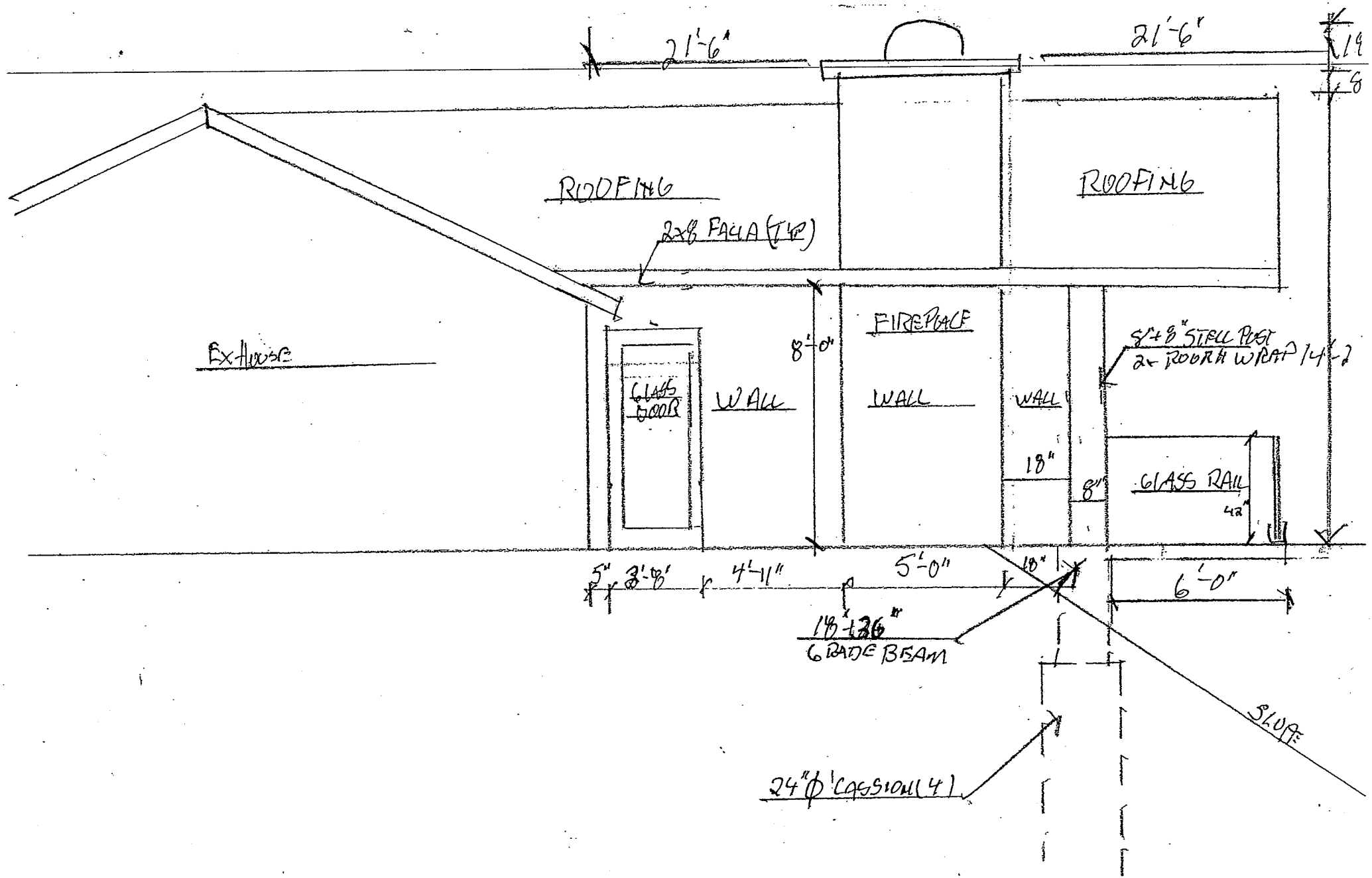

P/L
SLOPE
LANDSCAPE SLOPE
17'-0"
21'-0"
GLASS RAILING
DECK
POST
OVERHANG
CREST OF SLOPE
8x8 POST
8x8 POST
CREST OF SLOPE
21'-0"
FIRE PLACE
ADDITION
16" OVERHANG
COVERED
DECK
NEW RIDGE
NEW RIDGE
CALF TIE-IN
EX. RIDGE
P/L
EX HOUSE LINE
EX RESIDENCE
ENTRY
P/L
EX OVERHANG LINE
LAWN AREA
GARAGE
10'-0"
EX DRIVEWAY
EX DRIVEWAY
P/L
SIDEWALK
SIDEWALK
SCALE 1/8" = 1'



BILL LOWE
1151 GLENEAGLES


ROOFING
SKYLITE
8"+8" POST
14'-2"
FIREPLACE
8'-0"
DOOR
EX HOUSE
GLASS
42'
RAIL
6'
2"
8"
2"
18"
5'
4'-11"
2'-8"
5"
3'-0"
21'-6"
18"
18"+3' GRADE BEAM
SLOPE
2'φ CASSIONS (4)
2'
MID SOUTH ELEVATION
SCALE 1/4" = 1'


10"
ROOF VENT
ROOF ON PATIO
ROOFING
9" + 8 POST BEYOND
FIREPLACE BEYOND
13'-5"
EX HOUSE
ADDITION
GLASS RAIL
GATE
18" + 3' BEAM
5'-0"
7'-11"
SLOPE
2'0 CASSONS (4)
SOUTH ELEVATION
SCALE 1/4" = 1'


21'-6"
21'-6"
19
8
ROOFING
ROOFING
2x8 FACIA (TYP)
FIREPLACE
8'-0"
8"+8" STEEL POST
2x ROOFH WRAP 14'-2
EXHOUSE
GLASS DOOR
WALL
WALL
WALL
18"
8"
GLASS RAIL
42"
5"
3'-8"
4'-11"
5'-0"
18"
6'-0"
18"+36"
GRADE BEAM
SLOPE
24"Ø CASSION (4)

VII, 3
ZA-09-37 A1

From: Colm OConnor [mailto:firstcolm@yahoo.com]
Sent: Monday, April 04, 2011 5:05 PM
To: PLANNING COMMISSION
Subject: ZA-09-37 A1

I am a neighbor of William Lowe 1151 Gleneagles Terrace, Costa Mesa; I have seen the work that has been completed to date and I have read the Offical City Notice. I have no objection to the proposed amendment as described in the notice.

Colm O'Connor
1129 Gleneagles Terrace
Costa Mesa, Ca. 92627

VII. 3
ZA-09-37A1

From: Simon Bibeau [mailto:sbibeau@socal.rr.com]
Sent: Sunday, April 10, 2011 8:19 PM
To: FLYNN, CLAIRE; BOUWENS-KILLEEN, WILLA; ROBBINS, REBECCA
Subject: 1151 Gleneagles

Dear Planning/Committee, hope all is well. Unfortunately I will not be able to attend the hearing tomorrow regarding the 1151 Gleneagles additions.

Please make sure the attached letter is read during the meeting tomorrow.

Please call or email me with any questions

Thanks Simon

Dear Planning/Committee,

We are opposed to the request for additional modifications for 1151 Gleneagles (Application Number ZA-09-37 A1) for the following reasons:

We don't believe that this addition is compatible with the neighborhood, nor would we want such a bluff intrusion of this extent next to our home or elsewhere in the neighborhood.

This approved addition was already more than elsewhere in the neighborhood. The deck is larger (a single depth of 10'+ for the entire width of the property) and it has a larger deck roof (covering the full depth of the deck) than any previous home in our neighborhood. To allow this additional modification would only worsen the issue and is unacceptable.

A wall extending past the bluff edge, particularly right next to the neighbor's property line, should not be allowed.

The original notice sent to the neighborhood was not indicative of the size of the project--it did not mention the deck cover at all, so, at the time, we and several neighbors did not object.

It appears that the deck is actually already much more that approved 10' at the SE end.

Please add to the non-compliances that the deck cover currently actually goes even further over the bluff than the deck. The cover is the bigger issue and has to be limited to the 10' restriction (though we believe this is much to far).

It is our recommendation that the deck consider the actual bluff line and be limited to the 10' as originally approved. Further, the roof cover is not harmonious with the neighborhood and if allowed would open the way for more such additions which would all detract from the identity of the bluffs.

With best regards,

Simon Bibeau

Simon Bibeau

1167 Aviemore Terrace, Costa Mesa 92627

VII. 3
ZA-09-37 A1

From: Cicero, Geri [mailto:Geri.Cicero@ceoit.ocgov.com]
Sent: Monday, April 11, 2011 1:35 PM
To: PLANNING COMMISSION
Cc: susie.cicero@sbcglobal.net
Subject: ZA.09.37 A1 1151 Gleneagles Terr
Importance: High

My concern about the conditional use permit amendment for the above property is that there is more weight on a hill that is above me and related safety. What does the geo-technical report allow and have the new dimensions been discussed with the company that performed the report?

My address is 1147 Aviemore Terrace

Thank you for your attention to detail and caution.

Geri Cicero,
Administrative Assistant
Orange County Data Center
Affiliated Computer Services
A Xerox Company
1400 S. Grand Ave.
Santa Ana, CA 92705

email: geri.cicero@ceoit.ocgov.com

EGA
consultants

Received
City of Costa Mesa
Development Services Department
APR 11 2011

VII. 3
ZA-09-37 A1

engineering
geotechnical
applications

April 9, 2011
Project No. TJ580.1

CITY OF COSTA MESA
77 Fair Drive 2nd Floor
Costa Mesa, CA 92626

Attention: Rebecca Robbins, Building Planner

Subject: **Project Consultation - Approved Pier and Grade Beams, Setbacks and Drainage**
FOR NEW REAR YARD DECK EXTENSION and ADDITIONS
AT 1151 GLENEAGLES TERRACE
COSTA MESA, CALIFORNIA

Application No. ZA-09-37- A1

Reference: "**Geotechnical Investigation** For Proposed Residential Additions - Rear Yard Deck Extension at 1151 Gleneagles Terrace, Costa Mesa, California," by EGA Consultants, LLC, dated November 11, 2009.

Dear Ms. Robbins,

In accordance with the 2010 CBC and the City of Costa Mesa building requirements, we are submitting this Compliance Report to certify that we have observed and approved the caisson drilling operation as well as the grade beam and foundation trenches and hereby verify that such work is in conformance with the approved Soils Report (referenced above).

The new rear yard deck, bedroom/bathroom addition and fireplace foundations are supported by the drilled, cast-in-place caissons and grade beams. On December 8, through December 9, 2010, a total of four (4), 24" diameter caisson boreholes were drilled by Peter Drilling, Inc. each to total depths of 15 feet below lowest adjacent slope grade. Representatives from our firm inspected and confirmed that the four boreholes extend a minimum 12 ft. into competent native materials. The caisson embedments meet or exceed the specifications outlined in the above-referenced Soils Report and the Foundation Plan by Shucri Yaghi, Consulting Engineers (dated July 9, 2010 and revised on August 6, 2010 and on September 30, 2010).

Note: The new construction locations in relation to the rear yard, southwest-facing slope are as follows:

1. New bedroom/bathroom foundation setback 4 ft. 3 inches from top of slope.
2. New deck fireplace foundation extends 4 ft. past the top of slope.

The above foundation elements are tied-in and supported by the new pier and grade beam system. Therefore, from a geotechnical standpoint there is no added surcharge to the slope. The underpinning and new construction is approved from a geotechnical standpoint.

375-C Monte Vista Avenue • Costa Mesa, CA 92627 • (949) 642-9309 • FAX (949) 642-1290

We recommend installing additional rain gutters and down spouts along the residence perimeters. All downspouts should be tight-lined into area drains. All drains should be directed to a suitable discharge, such as the curb-face at Aviemore Terrace. Under no circumstances should water be allowed to pond adjacent to the residence slabs, standing structures, and the rear slope.

Based on the findings of our geotechnical investigation and our continuous observations and testing during the pier, grade beam, foundation and steel doweling phases, the on-site new construction will not impact the geologic stability/safety of the subject or surrounding sites. Geologic hazards such as landsliding, settlement, or slippage are not present or future factors at the subject or adjacent sites, provided the proposed drainage diverts surface and roof gutter runoff to a suitable outlet, away from the slope and foundations.

This opportunity to be of service is appreciated. If you have any questions, please call.

Very truly yours,

EGA Consultants, LLC

DAVID A. WORTHINGTON CEG 2124
Principal Engineering Geologist

REGISTERED GEOLOGIST
David A. Worthington
No. CEG 2124
CERTIFIED ENGINEERING GEOLOGIST
11/12
STATE OF CALIFORNIA

Copies: (2) Addressee
(1) Mr. William Lowe, Homeowner

VII.3
ZA-09-37 A1

3 April 2011

Ms. Kimberly Brandt
Development Services Director
City of Costa Mesa
Post Office Box 1200
Costa Mesa, CA 92628-1200

REC'D APR - 5 2011

Ms. Brandt -

My wife and I have reviewed the material being submitted for the Planning Commission Hearing scheduled for April 11, 2011, regarding our Zoning Application ZA-09-37A1. We take exception with Item 3 in the Description: "The fireplace and solid wall (including support post of the patio cover) to extend past the bluff crest (4 ft. past the bluff crest proposed; 0 ft. past the bluff crest approved)".

The approved plans clearly show the support posts for the deck cover to be located beyond the bluff crest. These posts were identified in the initial proposals for our project at the edge of the deck and were relocated back towards the bluff crest to minimize the impact to our neighbor's view line. To portray them in the manner stated is misleading. In addition, as the photographs in the attached briefing demonstrate, the proposed fireplace extends 13 inches beyond the bluff crest. The proposed extended solid wall at the edge of the fireplace would be approximately 17 inches wide. The summation of the two proposals is 30 inches.

Please provide a set of the enclosed presentation to each Commission member in order that they may be able to consider the facts when making their decision.

If you have any questions, please contact us.

Lea & Bill Lowe

Lea and William Lowe
1151 Gleneagles Terrace
Costa Mesa, CA 92627-4030

wwlowe@earthlink.net

enclosure

ZONING APPLICATION ZA-09-37A1, DATED MARCH 31, 2011

FIREPLACE AND SOLID WALL EXTENDING FOUR (4) FEET BEYOND BLUFF CREST

SUBMITTED BY: LEA AND BILL LOWE

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FIREPLACE AND SOLID WALL EXTENDING BEYOND BLUFF CREST

- PLANNING COMMISSION AGENDA REPORT DESCRIPTION ITEM 3 STATES:
  - "THE FIREPLACE AND SOLID (INCLUDING SUPPORT POST OF PATIO COVER) TO EXTEND PAST THE BLUFF CREST (4 FT. PAST THE BLUFF CREST PROPOSED; O FT. PAST THE BLUFF CREST APPROVED)"
- FIGURE 1 ON SHEET 3 REFLECTS ORIGINAL DRAWING SHOWING SUPPORT POSTS FOR COVER AT EDGE OF DECK
  - SUPPORT POSTS WERE RELOCATED CLOSER TO BLUFF CREST AS PART OF APPROVAL PROCESS
  - FIGURE 2 IS SECTION FROM APPROVED PLANS SHOWING RELOCATED SUPPORT POSTS
    - SUPPORT POSTS WERE APPROVED TO EXTEND BEYOND BLUFF CREST
- PHOTO 1 ON SHEET 4 REFLECTS PROPOSED FIREPLACE AND SOLID WALL
  - POINTING TO LINE ON FIREPLACE MARKING BLUFF CREST AT 11 FEET 8 INCHES FROM HOUSE WALL
    - DATUM MARK IS FROM APPROVED PLANS

54

FIREPLACE AND SOLID WALL EXTENDING BEYOND BLUFF CREST

- PHOTO 2 ON SHEET 4 REFLECTS PROPOSED FIREPLACE END STRUCTURE
  - LINE ON FIREPLACE MARKS BLUFF CREST AT 11 FEET 8 INCHES FROM HOUSE WALL
    - END WALL OF FIREPLACE EXTENDS 13 INCHES BEYOND BLUFF CREST
- PHOTO 3 ON SHEET 5 REFLECTS PROPOSED SOLID WALL EXTENSION
  - WALL IS 17 INCHES WIDE
    - DUE TO NARROW SIZE, WE CONSIDERED IT MORE PRACTICAL TO FINISH WALL IN PLACE OF GLASS RAILING
- PHOTO 4 ON SHEET 5 REFLECTS PROPOSED FIREPLACE AND SOLID WALL RELATIVE TO NEIGHBOR'S VIEWLINE
  - NEIGHBOR'S REAR WALL, IS PARALLEL TO EDGE OF FIREPLACE
  - ANY INCREASE TO VIEWLINE TO RIGHT OF PHOTO IS INTO OUR RESIDENCE, NOT BLUFF VIEWING
  - EXTENSION OF SOLID WALL BLOCKS VIEWLINE MINIMALLY
    - INCREASES OUR PRIVICY, BOTH FROM PEERING AND NOISE

FIREPLACE AND SOLID WALL EXTENDING BEYOND BLUFF CREST

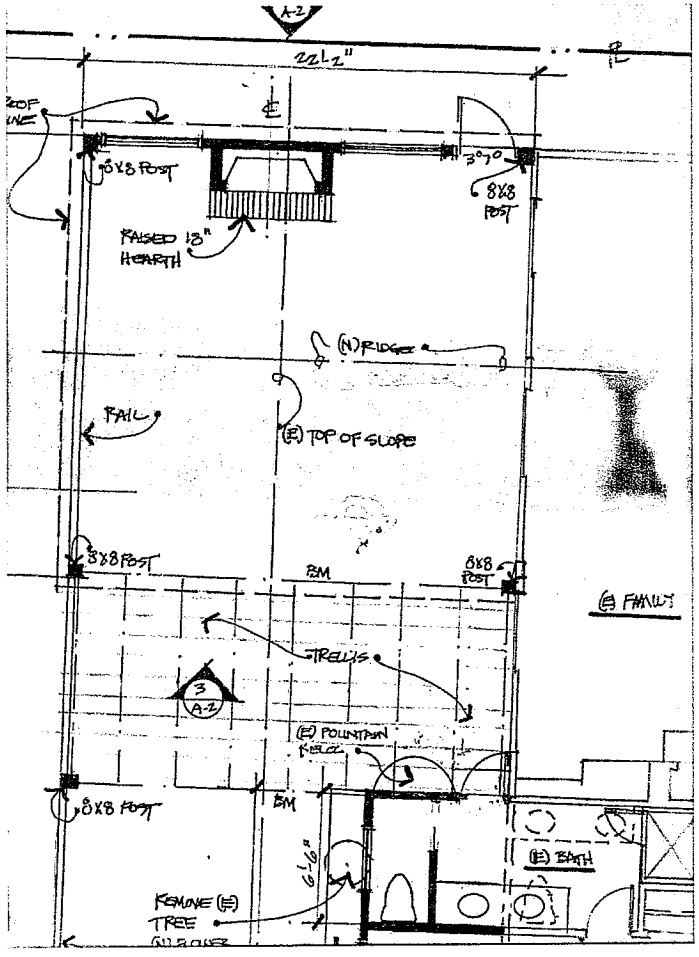

FIGURE 1
SECTION FROM ORIGINAL DRAWING

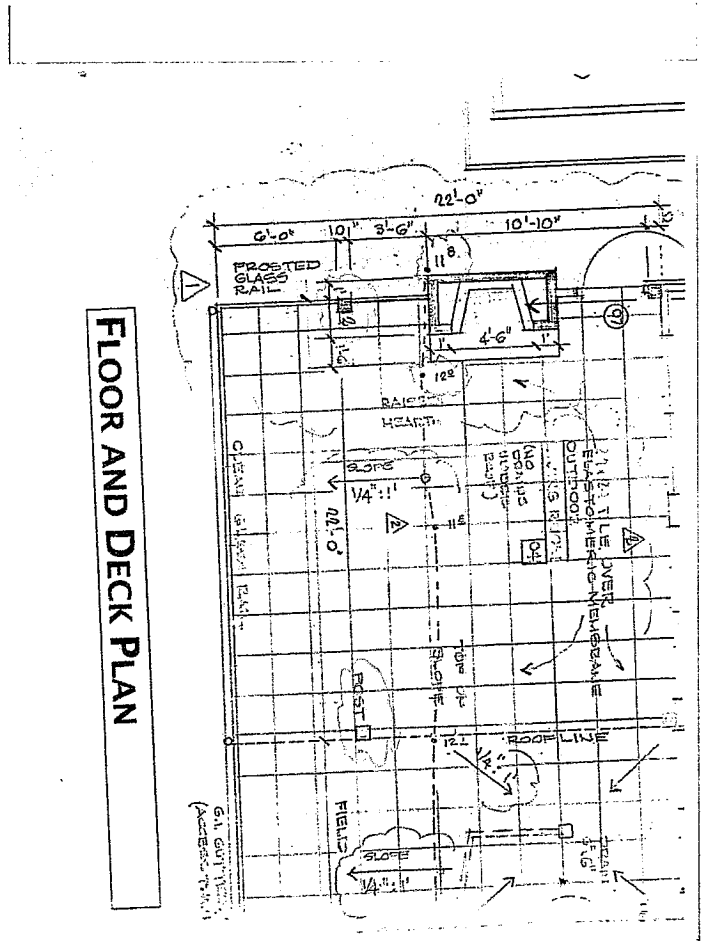

FIGURE 2
SECTION FROM APPROVED PLANS

56

FIREPLACE AND SOLID WALL EXTENDING BEYOND BLUFF CREST

PHOTOGRAPH 1
PROPOSED FIREPLACE AND SOLID WALL (POINTING TO MARK ON FIREPLACE MARKING BLUFF CREST – 11 ft 8 in)

PHOTOGRAPH 2
PROPOSED FIREPLACE STRUCTURE EXTENDING BEYOND BLUFF CREST (13 in)

FIREPLACE AND SOLID WALL EXTENDING BEYOND BLUFF CREST

PHOTOGRAPH 3
PROPOSED SOLID WALL EXTENSION
BEYOND FIREPLACE
(17 in)

PHOTOGRAPH 4
PROPOSED FIREPLACE AND SOLID WALL
RELATIVE TO NEIGHBOR'S VIEWLINE
(FIREPLACE WALL IS ALMOST PARALLEL WITH
NEIGHBOR'S REAR WALL)

FIREPLACE AND SOLID WALL EXTENDING BEYOND BLUFF CREST

- CONCLUSION:
  - PROPOSED FIREPLACE AND SOLID WALL DO NOT EXTEND FOUR (4) FEET BEYOND BLUFF CREST
    - TOTAL EXTENSION, OF PROPOSED RELOCATED FIREPLACE AND PROPOSED SOLID WALL EXTENSION, IS 30 INCHES
    - SUPPORT POSTS FOR COVER HAS ALWAYS BEEN LOCATED BEYOND BLUFF CREST AND SHOULD NOT HAVE BEEN INCLUDED IN NOTED EXCEPTION
  - PROPOSED FIREPLACE AND SOLID WALL ARE DEMONSTRATED TO RESULT IN MINIMAL IMPACT TO NEIGHBOR'S VIEWLINE
    - THEY WOULD PROVIDE PRIVACY AND SECURITY TO US

59

RESOLUTION NO. PC-11-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING ZONING APPLICATION ZA-09-37 A1

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

WHEREAS, an application was filed by William Lowe, owner of real property located at 1151 Gleneagles Terrace, in a Single Family Residential (R1) zone;

WHEREAS, the proposal is an amendment to minor conditional use permit ZA-09-37 for a previously-approved bedroom/bathroom addition and deck with roof cover that encroaches into the required setback from the bluff crest to allow: (1) 18 in. deep eaves on the sides of the patio cover that extends past the bluff crest; (2) the bedroom/bathroom addition to encroach further into bluff crest setback (4 ft. 3 in. setback from bluff crest); (3) fireplace and solid wall (including support post of the patio cover) to extend past the bluff crest (4 ft. past the bluff crest); and (4) additional roof height for both the patio cover (14 ft. 6 in.) and bedroom/bathroom addition (13 ft. 6 in.);

WHEREAS, a duly noticed public hearing held by the Planning Commission on April 11, 2011 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Zoning Application ZA-09-37 A1 with respect to the property described above.

PASSED AND ADOPTED this 11th day of April, 2011.

Colin McCarthy, Chair,
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Assistant 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 April 11, 2011, by the following votes:

AYES: COMMISSIONERS: MCCARTHY, CLARK, DICKSON, SALCEDO

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: FITZPATRICK

ABSTAIN: COMMISSIONERS: NONE

Claire Flynn

Claire Flynn, Assistant Secretary
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

A. The information presented complies with Costa Mesa Municipal Code Sections 13-34 and 13-29(g)(2) in that allowing the residential addition and covered decks to encroach further then previously approved into the bluff crest setback is not compatible with developments in the same general area. Granting the minor conditional use permit will be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed would increase the mass and bulk of the additions and detract from the visual identity and integrity of the bluff. Granting the minor conditional use permit will allow a use, density, or intensity that is not in accordance with the general plan designation for the property.

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

1. The proposed encroachment is not compatible and harmonious with uses both on-site as well as those on surrounding properties.

2. Safety and compatibility of the design of the buildings, parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.

3. The project is not consistent with the General Plan designation for the property.

4. The zoning application would establish a precedent for future development.

C. The Costa Mesa Planning Commission has denied Zoning Application ZA-09-37 A1. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project amendment 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.