

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA UPHOLDING THE PLANNING DIVISION'S ZONING APPROVAL OF BUILDING PERMIT APPLICATION B13-00844 FOR CONSTRUCTION OF ADDITIONS TO THE FIRST AND SECOND STORY OF AN EXISTING TWO-STORY RESIDENCE.

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

WHEREAS, an application was filed by David Maffei, representing Craig and Michelle Holiday, owners of property located at 3384 Wimbledon Way, requesting a Building Permit to allow construction of an addition consists of 739 square feet of living area to the first floor and 966 square feet of living area to the second floor for a total area of 1,705 square feet;

WHEREAS, the Planning Division approved the building permit application with a requirement for installation of frosted glass for second story north-facing windows and provided an Official Public Notice of Zoning Approval to property owners with common property lines to the project on January 10, 2014;

WHEREAS, an appeal of the Planning Division's Zoning Approval was filed on January 17, 2014 by Michael York, representing George Youssef, the adjacent property owner;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 10, 2014 and, with all persons having the opportunity to speak for and against the proposed project, the Planning Commission upheld the Planning Division's Zoning Approval;

WHEREAS, an appeal of the Planning Commission decision was filed on February 18, 2014 by Michael York, representing George Youssef and Marcia Young, property owners to the north and east of the project; and

WHEREAS, a duly noticed public hearing was held by the City Council on March 4, 2014 and, with all persons having the opportunity to speak for and against the proposed project.

THEREFORE 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 decision to uphold the Planning Division's Zoning Approval and **APPROVES** Building Permit Application BC13-00844.

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 Building Permit Application BC13-00844 and upon applicant's compliance with each and all of the conditions in Exhibit "B", and 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 4th day of March, 2014.

JIM RIGHEIMER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution No. 14__ as considered at a regular meeting of said City Council held on the ____ day of _____, 2014, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2014, 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 _____, 2014

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-56 (2) because the proposed second story additions that meet the setback standards for the PDR-MD zone, comply with the Residential Design Guidelines adopted by the City Council, and do not materially affect the required open space, site coverage or parking.

The proposed project complies with the Zoning Code as follows. The additions on the ground floor provide a combined side yard setback of ten feet, six inches. A minimum combined side yard setback of ten feet is required. The proposed additions comply with the minimum required front and rear setbacks. The existing front setback is 24 feet from the front property line and the rear setback will be a minimum of 28 feet from the rear (east) property line. According to the PDR-MD standards, five-foot front and rear setbacks are required.

- B. The second story addition is well integrated with the existing house as it incorporates the existing roof design and exterior building finishes. The location of windows does not impose privacy impacts to the neighbors in that the north facing, second story windows would be opaque and angled to avoid direct views to the adjacent property to the north.
- C. The second story windows facing the rear (east), allow adequate distance (30 feet) from the neighboring property to limit direct views in to the neighbor's rear yard.
- D. An adequate amount of open space is provided (50 percent of the lot), the code requires a minimum of 45 percent open space.
- E. The residence has an existing three-car garage which is set back more than 19 feet from the front property line to provide open parking spaces on the driveway.
- F. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- G. 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

- Plng.
1. The conditions of approval for Building Permit BC13-00844 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 2. No modification(s) of the approved floor plans, 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 or a variance, or in the requirement to modify the construction to reflect the approved plans.
 3. The second story windows on the north façade of the building shall be opaque/translucent (i.e. frosted) glass.
 4. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.