



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 4, 2014

ITEM NUMBER:

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DECISION TO UPHOLD THE PLANNING DIVISION'S ZONING APPROVAL TO ALLOW ADDITIONS TO THE FIRST AND SECOND STORY OF AN EXISTING TWO-STORY HOUSE LOCATED AT 3384 WIMBLEDON WAY.

DATE: FEBRUARY 20, 2013

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: ANTONIO GARDEA, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: ANTONIO GARDEA (714) 754-5692 antonio.gardea@costamesaca.gov

RECOMMENDATION

Uphold the Planning Commission's decision to affirm the Planning Divisions Zoning Approval to allow construction of first and second story additions to an existing two-story residence subject to conditions of approval.

BACKGROUND

All residential construction is subject to the architectural design guidelines, with the exception of single-story construction in an R-1 zone. On December 30, 2013, a Building Permit application (BC13-00844) was filed on behalf of the property owners (Craig & Michelle Holiday) to construct additions to the existing two story home. Following the Design Guidelines noticing requirement, on January 10, 2014, an official Notice of Zoning Approval was mailed to the property owners that share a common property line with the proposed project.

On January 17, 2014, an appeal was filed on behalf of the property owner to the east (Michael York on behalf of George Youssef). The project was scheduled for the February 10, 2014 Planning Commission meeting. Prior to the hearing, a request to postpone the item was submitted to provide additional notice of the hearing and more time for the appellant to prepare for the hearing. A supplemental memo outlining the notification procedure for an appeal of a Zoning Approval and staff's actions to meet the process was provided to the Commission (Attachment 2). No motion was made to postpone the item.

On February 10, 2014, the Planning Commission considered the appeal and by a 3-0 vote (Commissioner Dickson absent; Commissioner Sesler recused) upheld the Zoning Approval. The applicant described the plans and the modifications made to ensure the neighbor's privacy on the rear and side. The applicant also spoke about their efforts to reach out and discuss the project with the neighbors. The appellant's representative provided

information, including photos describing potential privacy and view impacts. The Planning Commissioners and Chair discussed the merits of the project and the option to install landscaping to mitigate any privacy impacts. An addendum to the motion adding a condition of approval to install landscaping was not supported. Chair Fitzpatrick deemed it an unreasonable burden for the applicant to mitigate an existing circumstance. No other changes to the proposed project were discussed.

Request for City Council Review

On February 18th, Mr. York, filed an appeal of the Planning Commission decision (Attachment 1) on behalf of the property owners adjacent to the north (Marcia Young) and east (George Youssef). The appeal stated that the development does not comply with the Residential Design Guidelines and rules for zero-lot line properties, including the second story design, window placement, and effects on light, air, privacy and views of adjacent properties. The appeal also stated that the homeowner does not have approval from the governing homeowners association.

The City Council hearing is a **de novo hearing** in which the City Council may consider the project in its entirety.

De Novo Hearing

The purpose of this report is to highlight and/or clarify the evidence in the administrative record that was presented to the Planning Commission prior to its action to approve the proposed project.

PLANNING APPLICATION SUMMARY

Location: 3384 Wimbledon Way Application: BC13-00844

Request: Construction of first and second story additions to an existing two-story single family residence.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

<p>Zone: <u>Planned Development Residential – Medium Density (PDR - MD)</u></p> <p>General Plan: <u>Medium Density Residential</u></p> <p>Lot Dimensions: <u>Irregular</u> <u>Approx. 54.04' X 148.20'</u></p> <p>Lot Area: <u>7,237 SF</u></p> <p>Existing Development: <u>Two-story, single-family residence with attached three-car garage. Residence was constructed as a zero-lot line development (SP-76-03/ZE-78-34).</u></p>	<p>North: <u>Single-family residences- single story. Properties face Wimbledon Way</u></p> <p>South: <u>Single-family residences- two stories. Properties face Salinas Avenue</u></p> <p>East: <u>Single-family residences- two stories. Properties are located at the intersection (southwest corner) of Deedee Drive and Debra Drive.</u></p> <p>West: <u>Single-family residences- two stories. Properties face Wimbledon Way</u></p>
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DEVELOPMENT STANDARD COMPARISON

Development Standard

Required/Allowed

Proposed/Provided

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Area	N/A	Approx. 7,237 SF
Maximum Site Coverage	N/A	N/A
Perimeter Open Space	20 feet abutting all public rights-of-way	24'-0"
Open Space	45% of total site area, inclusive of Perimeter Open Space.	50%
Maximum Floor Area Ratio	N/A	N/A
Height	N/A	N/A
Setbacks		
Bluff-top Setback.	No building or structure closer than 10 feet from bluff crest	N/A
Front (west)	5 feet; Garage shall be setback more than 23 feet from the face of the street curb.	24'-0"
Side (north)	0 feet on one side; 10 feet combination of both sides.	5'-0" (first and second floor)
Side (south)		5'-6" (first floor) 17'-0' (second floor)
Rear (east)	5 feet	28'-0" (First Floor) 30'-0" (Second Floor)
CEQA Status	Exempt	
Final Action	Planning Division – Appealed to Planning Commission	

Basis for Appeal

The following issues were noted in the submitted appeal:

Comment: The development does not comply with the City of Costa Mesa Residential Design Guidelines and the rules governing zero-lot line properties including, but not limited to, those regarding second-story designs, windows and window placements, open space and light, air, and privacy of adjacent properties.

Response: The project complies with the Residential Design Guidelines. Staff analyzed the project against the various criteria contained in the Guidelines, including the first to second story percentage, building mass and form considerations, second story setback, elevation treatments, roof forms, window placement and integration of the second story construction. Further analysis is provided below and in the Planning Commission staff report (Attachment 2).

The property is located in a Planned Development District and designed as a zero lot line development. A boundary survey prepared by the applicant shows that the property is set back five feet from the northerly property line. City records indicate that the property immediately to the north at 3388 Wimbledon Way retains an easement over the five-foot side yard area. No construction is indicated within the easement area. The subject residence is currently designed with no windows along the north façade for the benefit of the neighboring property owner and to ensure privacy. The proposed second story windows that face directly to the north are non-operable, with a sill height of six feet and obscure glass. The design of the addition uses a gabled roof that allows breezes to flow between the houses and minimizes the overall size of shadows cast to the neighboring property.

Comment: The development is contrary to the Costa Mesa Zoning Code, Chapter V, Development Standards.

Response: The project is located within the Wimbledon Village Tract approved as Specific Plan 76-03 on May 16, 1977 and Final Development Plan ZE-78-34 approved on June 5, 1978. As part of the Specific Plan approval, the zoning of the parcel was changed to PDR-MD. The proposed addition complies with the PDR-MD development standards, including minimum open space, maximum height, private open space, setbacks and parking. For a complete list of applicable development standards, please refer to Project Summary Sheet.

Comment: The development, contrary to the Zoning Approval, will have more than no or a minimal effect on light, air, privacy and views.

Response: The developments standards in the code, including setbacks, opens space requirments, and building height limits have been established to ensure that light, air and privacy between dwelling units is maintained. The project as proposed complies with each of the applicable development standards and therefore was determined to have minimal effect on the light, air and privacy of adjacent homes. The objectives of the Residential Design Guidelines do not include preservation of views. In addition to complying with the development standards of the zone a variety of design techniques

have been incorporated into the project to enhance neighborhood compatibility. The first and second story additions to the two-story home are designed to reflect the existing architectural character. Effects on the light, air and privacy of adjacent properties are minimized by using a sloped roof design and by the location, type and size of windows on the second story.

Comment: The homeowner does not have the approval of the governing homeowners association.

Response: The applicant submitted a copy of the approval of the Architectural Committee/Board of the Wimbledon Village Homeowners Association dated September 17, 2013 (Attachment 3). An attachment to the approval letter indicates that the neighboring property owners within the Wimbledon Village HOA were aware of the pending project.

ANALYSIS

Project Site

The property is located on Wimbledon Way immediately north of Salinas Avenue. The property is within the Planned Development Residential–Medium Density zone (PDR-MD) and was developed as part of a zero lot line single-family residential development (ZE-78-34).

Zoning & Design Guidelines Compliance

According to Zoning Code Section 13-56 (2), the Planning Division may approve second story additions that meet the *setback standards*, 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 compliance with these standards and guidelines is described below. Maximum site coverage is not applicable in the PDR-MD zone.

Setbacks

The proposed additions comply with the minimum required side and rear setback requirements. The minimum side yard setback is a combined ten feet. The existing house is set back five feet from the adjacent property to the north. Because the homes were developed as a zero lot line development, the property owner to the north retains an easement over the existing five foot setback.

Residential Design Guidelines

As part of the review of the project against the Residential Design Guidelines, staff analyzed design element criteria including the roof form, window placement, and integration of the second story construction. The project design proposes only clerestory windows with opaque, i.e. frosted, glass on the north elevation to ensure continued

privacy to the adjacent neighbor. Two other second story window on the north elevation, needed for ingress and egress, are positioned perpendicular to the northerly property line and would not offer direct views of the adjacent property. The second story window placement and type of glass used will minimize perceived privacy impacts. The design incorporates the same roof forms, floor to ceiling heights are the same, and the exterior finishes would match the existing so that the addition is well integrated into the existing home.

Open Space

The Planned Development District zoning requires that 45 percent of the total site area be preserved as open space. The amount of open space provided is 50 percent of the lot area and does not include the second story deck and also excludes the driveway area.

Parking

A minimum of four parking spaces are required five bedroom homes. The existing residence has a three car garage and at least two more vehicles can accommodated in the driveway.

FINDINGS

The Planning Commission adopted the following finding upholding Planning Division's approval of the project:

- The proposed project complies with Costa Mesa Municipal Code Section 13-56 (2) because the proposed second story additions 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. The second story 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. In terms of the second story windows facing the rear, (east) adequate distance (30 feet) is provided from the neighboring property to limit direct views in to the neighbor's rear yard. An adequate amount of open space is provided (50 percent of the lot), the code requires a minimum of 45 percent open space. 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.

LEGAL REVIEW:

The City Attorney's office has approved the attached resolution as to form.

CONCLUSION

The additions comply with the development standards for the PDR-MD District and are consistent with the Residential Design Guidelines. The proposed second story addition will not have an adverse impact to surrounding properties. Therefore, staff recommends that the City Council deny the appeal and uphold Zoning Approval BC 13-00844, subject to the Conditions of Approval.

ANTONIO GARDEA
Senior Planner

GARY ARMSTRONG, AICP
Economic and Development Services
Director / Deputy CEO

ATTACHMENTS:

1. [Appeal](#)
2. [Planning Commission Staff Report, Supplemental, and Appellant Items](#)
3. [Homeowners Approval Letter](#)
4. [City Council Resolution](#)

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



CITY COUNCIL

SUPPLEMENTAL REPORT

MEETING DATE: MARCH 4, 2014

ITEM NUMBER: PH-2

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DECISION TO UPHOLD THE PLANNING DIVISION'S ZONING APPROVAL TO ALLOW ADDITIONS TO THE FIRST AND SECOND STORY OF AN EXISTING TWO-STORY HOUSE LOCATED AT 3384 WIMBLEDON WAY.

DATE: FEBRUARY 28, 2014

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: ANTONIO GARDEA, SENIOR PLANNER 

FOR FURTHER INFORMATION CONTACT: ANTONIO GARDEA (714) 754-5692
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The purpose of this memo is to provide a more legible Plot Plan per the request of Councilmember Genis.

The attached are the Boundary Survey of the residence showing the existing side and rear yard setbacks, as well as the Site Plan indicating the proposed setbacks. The setbacks are as follows:

Setbacks	Existing (Boundary Survey)	Proposed
Front (west)	24'	24'
Side (north)	5.03	5' (first and second floor)
Side (south)	12.79'	5.5' (first floor) 17' (second floor)
Rear (east)	41.47'	28' (First Floor) 30' (Second Floor)

- Attachment: 1. Boundary Survey
2. Proposed Site Coverage Plan

cc: Chief Executive Officer
Assistant Chief Executive Officer
Director of Economic & Development/Deputy CEO
Public Services Director
City Attorney
Transportation Services Manager
City Engineer
City Clerk (9)
Staff (7)
File (2)

ATTACHMENT 2

