



PLANNING COMMISSION AGENDA REPORT

U. 2

MEETING DATE: April 12, 2004

ITEM NUMBER:

SUBJECT: APPEAL OF MINOR DESIGN REVIEW ZA-03-93
983 GROVE PLACE

DATE: APRIL 1, 2004

FOR FURTHER INFORMATION CONTACT: HANH TRAN, ASSISTANT PLANNER
714.754.5640

DESCRIPTION

The applicant is appealing the Zoning Administrator's denial of ZA-03-93, a minor design review to allow the construction of a new, two-story, single-family residence.

APPLICANT

The property owner, Victor Schubert, appealed the Zoning Administrator's denial.

RECOMMENDATION

Approve revised plans by adoption of Planning Commission resolution, subject to conditions.

Handwritten signature of Hanh Tran.

HANH TRAN
Assistant Planner

Handwritten signature of Perry L. Valentine.

PERRY L. VALANTINE
Asst. Development Services Director

PLANNING APPLICATION SUMMARY
(Revised 4/1/04)

Location: 983 Grove Place Application: ZA-03-93

Request: Minor Design Review for construction of a new two-story residence.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R1</u>	North: <u>R1, Single-family residences</u>
General Plan: <u>Low Density Residential</u>	South: <u>I&R, Canyon Park</u>
Lot Dimensions: <u>66 ft. by 120 ft.</u>	East: <u>R1, Single-family residences</u>
Lot Area: <u>7,920 sq.ft.</u>	West: <u>R1, Single-family residences</u>
Existing Development: <u>1,240 sq.ft. one-story, single-family residence with a 440 sq.ft. detached, two-car garage.</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
Density:		
Zone	1du:6,000 sq.ft.	1 du:7,920 sq.ft.
General Plan	1 du:5,445 sq.ft.	1 du:7,920 sq.ft.
Lot Size:	6,000 sq.ft.	7,920 sq.ft.
Building Coverage:		
Buildings		28% (2,220 sq.ft.)
Paving		17% (1,334 sq.ft.)
Open Space	40% (3,168 sq.ft.)	55% (4,366 sq.ft.)
TOTAL		100% (7,920 sq.ft.)
Building Height:	2 stories/27 ft.	2 stories/25.5 ft.
Chimney	29 ft.	27.5 ft.
Ratio of 2 nd floor to 1 st floor*	80% x 1,820 1 st floor = 1,456 sq.ft.	76% (1,381 sq.ft.)
Setback		
Front	20 ft.	20 ft.
Separation from garage	6 ft.	28 ft.
Side (left/right) - 1 st story	5 ft./5 ft.	10 ft./5 ft.
Side (left/right) - 2 nd story*	10 ft. average/10ft. average	10 ft./9.3 ft.
Rear - 1 st floor	10 ft.	51 ft.
Rear - 2 nd floor	20 ft.	51 ft.
Parking:		
Covered	2	2
Open	2	2
TOTAL	4	4
Driveway width:	10 ft.	10 ft.

* Residential Design Guidelines

CEQA Status Exempt-Class 3
Final Action Planning Commission

BACKGROUND/ANALYSIS

On March 8, 2004, the Planning Commission continued this application to the meeting of April 12, 2004, allowing the applicant time to work with staff in redesigning the project to provide more articulation to the elevations and minimize the building mass.

The applicant has redesigned the project and has provided the following revisions to the plans:

1. Dormer windows have been provided on the front elevation to provide additional articulation.
2. The depth of the first story has been expanded toward right side of the property by 220 sq.ft., resulting in a 5 ft. side setback on the first floor.
3. The second story bathroom at the right side of the home has been expanded by 3 ft. toward the right property line to provide articulation to the right elevation; resulting in a 9.3 ft. average side yard setback.
4. The second to first floor ratio has decreased from 99% to 76%.

In addition to the above-referenced revisions, the applicant has included perspective drawings to illustrate that the entire mass of the house would not be visible at normal viewing angles.

The applicant also proposes no change to the left and rear elevations. It is staff's opinion that the chimney, front porch, and architectural elements of the second story provide sufficient relief to the left elevation. Staff is not much concerned about the mass of the rear elevation because the property backs up to Canyon Park and the two-story building is 51 ft. from the rear property line. Any visual prominence caused by the rear elevation is minimized by the location and setback of the building on the property.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project, as revised by the applicant;
2. Request additional modifications; or
3. Deny the project. If the project is denied, the applicant would be unable to file a request for substantially the same development for six months.

CONCLUSION

Although the revised design does not strictly satisfy the average 10' setback criterion on the right side yard, the second to first floor area ratio is below 80% and the transitions between the first and second floor have been provided by the extension of

the first floor. As a result, staff is in support of the revised application because the intent of the residential design guidelines has been met.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings of Approval
 Exhibit "B" - Draft Conditions of Approval
 Minutes of 3/8/04 Planning Commission meeting
 Staff report from Planning Commission meeting of 3/8/04
 Revised Plans

File Name: 041204ZA0393

Date: 3/31/04

Time: 8 AM

cc: Deputy City Mgr. - Dev. Svcs. Director
 Sr. Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Bob Wilson
485 E. 18th Street
Costa Mesa, CA 92627

Victor Schubert
485 E. 18th Street
Costa Mesa, CA 92627

RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING MINOR DESIGN
REVIEW ZA-03-93**

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

WHEREAS, an application was filed by Bob Wilson, authorized agent for Victor Schubert, with respect to the real property located at 983 Grove Place, requesting approval of a minor design review to allow construction of a new, two-story, single-family residence in the R1 zone; and

WHEREAS, the Zoning Administrator denied the request on February 5, 2004; and

WHEREAS, the property owner filed an appeal of the Zoning Administrator's decision on February 12, 2004; and

WHEREAS, duly noticed public hearings were held by the Planning Commission on March 8, 2004 and April 12, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Minor Design Review ZA-03-93 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Minor Design Review ZA-03-93 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". 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 12th day of April, 2004.

Chair, Costa Mesa
Planning Commission

RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING MINOR DESIGN REVIEW
ZA-03-93**

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

WHEREAS, an application was filed by Bob Wilson, authorized agent for Victor Schubert, with respect to the real property located at 983 Grove Place, requesting approval of a minor design review to allow construction of a new, two-story, single-family residence in the R1 zone; and

WHEREAS, the Zoning Administrator denied the request on February 5, 2004; and

WHEREAS, the property owner filed an appeal of the Zoning Administrator's decision on February 12, 2004; and

WHEREAS, duly noticed public hearings were held by the Planning Commission on March 8, 2004 and April 12, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Minor Design Review ZA-03-93 with respect to the property described above.

PASSED AND ADOPTED this 12th of April, 2004.

Chair, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This minor design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features. Specifically, the second to first floor ratio is 76%, whereas the residential guidelines allow up to 80%. Although the project provides only a 9.3 ft. average setback on the right side of the property, the first and second story walls have been articulated to minimize the building mass. As a result, the intent of the guidelines has been satisfied.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- PIng. 1. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
2. The conditions of approval and ordinance or code provisions and special district requirements of Minor Design Review ZA-03-93 shall be printed on the face of the site plan.
3. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the final building inspection. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
- Eng. 4. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.

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. | <ol style="list-style-type: none"> 1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections will not be granted until all such licenses have been obtained. 2. Approval of the zoning action is valid for one (1) year and will expire at the end of that period unless building permits are obtained and construction commences, or the applicant applies for and is granted an extension of time. 3. Development shall comply with all requirements of Title 13 of the Costa Mesa Municipal Code relating to development standards for single-family residential projects. 4. All new on-site utility services shall be installed underground or provision made for future undergrounding, if it is impractical at this time. 5. Any new mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division. Roof-mounted equipment is prohibited. Any new air conditioning units shall be placed a minimum of 5 feet away from any property line. |
| Bldg. | <ol style="list-style-type: none"> 6. Comply with the requirements of the California Code of Regulations, Title 24, also known as the California Building Standards Code, as amended by the City of Costa Mesa. 7. Prior to or concurrent with the submittal of plans for grading/building/ plan check/submittal of final subdivision map for engineering plan check, the applicant shall prepare and submit documentation for compliance with the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ; National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002 for Storm Water Discharges Associated with Construction Activity (General Permit); the California Regional Water Quality Control Board (RWQCB) Santa Ana Region Order No. R8-2002-0010 and NPDES Permit No. CAS618030; and, the City of Costa Mesa Ordinance No. 97-20 for compliance with NPDES Permit for the City of Costa Mesa. Such documentation shall include a Storm Water Pollution Prevention Plan if over 1 acre (if over 5 acres if submitted prior to March 10, 2003) and a Water Quality Management Plan (WQMP) identifying and detailing the implementation of the applicable Best Management Practices (BMPs). |
| Fire | <ol style="list-style-type: none"> 8. Provide approved smoke detectors to be installed in accordance |

- with the 1997 Edition of the Uniform Fire Code.
9. Provide address numerals that conform to Fire Department standards with respect to size (4") and location.
- Eng. 10. At the time of development submit for approval an off-site plan to the Engineering Division that shows sewer, water, existing parkway improvements and the limits of work on the site, both prepared by a civil engineer or architect. Construction access approval must be obtained prior to building or engineering permits being issued by the City of Costa Mesa. Pay offsite plan check fee to the Engineering Division. An approved offsite plan and fee shall be required prior to engineering/utility permits being issued by the City.
11. A site access permit and deposit of \$350.00 for street sweeping will be required by the Engineering Division prior to the start of any on- or off-site work.

SPECIAL DISTRICT REQUIREMENTS

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

- Sani. 1. Applicant shall contact the Costa Mesa Sanitary District at (949) 631-1731 for current district requirements.
2. Orange County Sanitation District fees, fixture fees, inspection fees, and sewer permit required prior to issuance of building permits. To receive credit for buildings to be demolished, call (714) 754-5307 for inspection.
3. Developer shall submit a plan showing sewer improvements that meets with the District Engineer's approval to the Building Division as a part of the plans submitted for plan check.
4. Developer shall contact the Costa Mesa Sanitary District at 714.754.5043 to pay trash collection program fees and arrange for service for all new residences using curbside services. Residences using bin or dumpster service are exempt from this requirement.
- School 5. Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits.



PLANNING COMMISSION AGENDA REPORT

U11.2.
ITEM NUMBER:

MEETING DATE: MARCH 8, 2004

SUBJECT: APPEAL OF MINOR DESIGN REVIEW ZA-03-93
983 GROVE PLACE

DATE: FEBRUARY 26, 2004

FOR FURTHER INFORMATION CONTACT: HANH TRAN, ASSISTANT PLANNER
714.754.5640

DESCRIPTION

The applicant is appealing the Zoning Administrator's denial of ZA-03-93, a minor design review to allow the construction of a new, two-story, single-family residence.

APPLICANT

The property owner, Victor Schubert, appealed the Zoning Administrator's denial.

RECOMMENDATION

Uphold the Zoning Administrator's denial.

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HANH TRAN
Assistant Planner

Handwritten signature of Perry L. Valentine in cursive.

PERRY L. VALANTINE
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 983 Grove Place Application: ZA-03-93

Request: Minor Design Review for construction of a new two-story residence.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R1</u>	North: <u>R1, Single-family residences</u>
General Plan: <u>Low Density Residential</u>	South: <u>I&R, Canyon Park</u>
Lot Dimensions: <u>66 ft. by 120 ft.</u>	East: <u>R1, Single-family residences</u>
Lot Area: <u>7,920 sq.ft.</u>	West: <u>R1, Single-family residences</u>
Existing Development: <u>1,240 sq.ft. one-story, single-family residence with a 440 sq.ft. detached, two-car garage.</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
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Paving		17% (1,334 sq.ft.)
Open Space	40% (3,168 sq.ft.)	58% (4,586 sq.ft.)
TOTAL		100% (7,920 sq.ft.)
Building Height:	2 stories/27 ft.	2 stories/25.5 ft.
Chimney	29 ft.	27.5 ft.
Ratio of 2 nd floor to 1 st floor*	80% x 1,600 1 st floor = 1,280 sq.ft.	99% (1,576 sq.ft.)**
Setback		
Front	20 ft.	20 ft.
Separation from garage	6 ft.	28 ft.
Side (left/right) – 1 st story	5 ft./5 ft.	10 ft./10 ft.
Side (left/right) – 2 nd story*	10 ft. average/10ft. average	10 ft./10 ft.
Rear – 1 st floor	10 ft.	51 ft.
Rear – 2 nd floor	20 ft.	51 ft.
Parking:		
Covered	2	2
Open	2	2
TOTAL	4	4
Driveway width:	10 ft.	10 ft.

* Residential Design Guidelines

** Does not satisfy the Residential Design Guidelines

CEQA Status Exempt-Class 3

Final Action Planning Commission

BACKGROUND

On February 5, 2004, the Zoning Administrator denied the applicant's requested minor design review to demolish the existing single-story residence and construct a new two-story house.

The Zoning Administrator found that the proposed two-story structure is too large, and the visual prominence of the structure would not be sufficiently reduced through appropriate transitions between the first and second floors. The resulting structure would have an overpowering appearance over the neighboring single-story residences and is incompatible with the surrounding neighborhood.

The applicant appealed the decision on February 12, 2004, requesting that the plans be approved as submitted.

ANALYSIS

Summary of Appeal

As stated in the attached appeal form, the applicant claimed that the project site is located in a redevelopment area and presented the following arguments:

1. That there are existing two-story homes in the neighborhood;
2. That the City's residential design guidelines calling out for an 80% second to first floor ratio was misplaced for the proposed design;
3. That the project's denial was based on the size of the home; and
4. That the application would not have been made had the applicant known that staff would not support the project.

Staff's Response

The project site is not located within a redevelopment area.

The 2000 General Plan policies CD-7A.1 & CD-7A.2 are intended to promote and protect the unique identity of residential neighborhoods within the City. New and remodeled structures should preserve the scale and prevailing character of existing development in the immediate vicinity, and not have a substantial adverse impact on adjacent areas. In instances when the guidelines may yield an unsatisfactory design or the applicant may propose a design that meets the intent of the design guidelines but not the specific criteria, overriding consideration will be given to projects meeting the intent of the guidelines.

The prevailing character of the project's neighborhood is comprised of single-story homes with low-pitched roofs, built in the 1950's. Most of the two-story homes in the neighborhood have second floors over only a portion of the first story. The proposed construction has a second to first floor ratio of 99%, whereas the

residential guidelines suggest a maximum ratio of 80%. The project's second story would cover the entire first story, which is not compatible with other two-story homes in the immediate vicinity.

The large homes the applicant identified on pages 3, 4, and 6 of his appeal application are homes built prior to the adoption of the City's residential design guidelines and the design review process. The second story at 1010 W. 19th St. (shown on page 5 of the applicant's appeal application) was approved because the second story is built over only a portion of the first floor, not over the entire first floor, as the applicant proposes.

Although the proposed house is less than 3,200 sq. ft. with a 10-foot setback on both sides of the second floor, the first floor is proposed at the same 10-foot side setbacks. The design of the house, not the size, results in an appearance of a large building mass broken only by some window and roof treatments. Additionally, the front elevation of the proposed project may be architecturally pleasing, however, the side elevations contain limited architectural articulation.

The applicant stated that an application would not have been made had he known that it would be denied. Staff cannot determine the approval/denial of a project until the application is submitted and a thorough analysis has been completed. Upon receipt of the application, staff had met with the applicant on various occasions to discuss the design issues. The original plans requested a 5-foot side yard setback for both floors and provided no relief between the first and second story. Although the applicant had made numerous attempts to comply with Code and was able to provide an average 10-foot side yard setback for the second floor, the final submitted plans resulted in a 99% second to first floor ratio with the first floor being in line with the second floor. Consequently, the two-story building appears massive and imposing to the adjoining properties.

The Zoning Administrator determined that the project would have a substantial adverse impact on the surrounding properties and, therefore, denied the project.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project, as proposed by the applicant; or
2. Deny the project. If the project is denied, the applicant would be unable to file a request for substantially the same development for six months.

CONCLUSION

The proposed structure satisfies applicable Zoning Code requirements; however, it does not satisfy all of the City's residential design guidelines. The Zoning Administrator found that the project does not meet specific criteria (project exceeds 80% second to first floor ratio) and does not satisfy the intent (preserve existing character of neighborhood) of the guidelines.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings of Denial
 Exhibit "B" - Draft Conditions of Approval
 Appeal form
 Zoning Administrator's letter for ZA-03-93
 Applicant's Description/Justification
 Location/Zoning Map
 Air Photo
 Plans
 Neighbor's Objection

File Name: 030804ZA0393

Date: 2/25/04

Time: 8:30 am

cc: Deputy City Mgr. - Dev. Svcs. Director
 Sr. Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Victor Schubert
485 E. 18th Street
Costa Mesa, CA 92627

Bob Wilson
485 E. 18th Street
Costa Mesa, CA 92627

CITY OF COSTA MESA
P.O. BOX 1200
COSTA MESA, CALIFORNIA 92626
APPLICATION FOR APPEAL OR REHEARING

FEE: \$ 305.00

Applicant Name Mr. Victor J. Schubert

Address 983 Grove Place, Costa Mesa, CA 92627

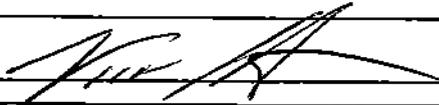
Phone 949-660-5000, ext. 205 Representing Owner

Decision upon which appeal or rehearing is requested: (Give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) Rejection of zoning application ZA-03-93 over Residential Design Guideline.

Decision by: Valantine

Reason(s) for requesting appeal or rehearing:

Please see attached six page document.

Date: Feb. 12, 2004 Signature: 

For Office Use Only -- Do Not Write Below This Line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

8 March 04

**Appeal of Zoning Application ZA-03-93
February 12, 2004**

1. Project Description

Zoning Application ZA-03-93 was rejected by letter dated February 5, 2004, based on the "Residential Design Guideline" section 3.2 which states:

"Second-story floor areas should not exceed 80% of the first-story floor area (including garage area, if attached)."

Additionally, the rejection letter states that:

"The resulting structure is too large and out of scale with the prevailing character of development in the immediate vicinity."

The project is in an area considered a redevelopment area by the City of Costa Mesa.

2. Basis of Appeal

There are two points of appeal;

- (i) The resulting structure is consistent with the goal of redeveloping this area, the actual development in the area, and the Code Requirements.
- (ii) The formulistic application of the 80% guideline is misplaced for the design proposed.

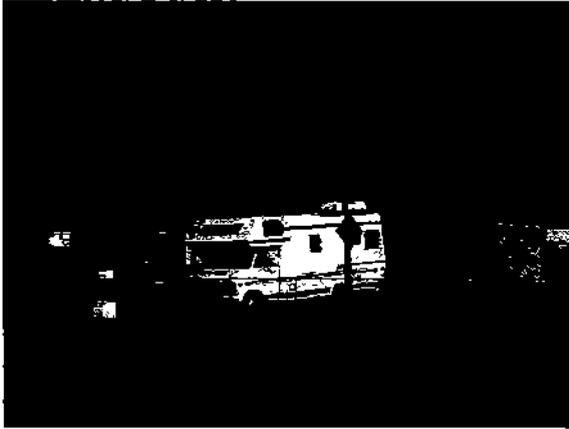
3. Argument

(i) The rejection based on the size of the home.

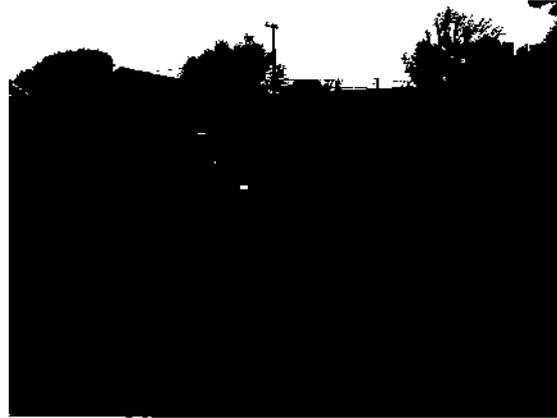
(A) To limit Applicant to a structure size consistent with the original structures is inconsistent with the purpose of a redevelopment area.

As noted in the February 5, 2004 rejection letter: "The majority of the homes in the immediate vicinity are single-story with low-pitched roofs." What is not noted is that these homes were largely built in the 1950's and are in a redevelopment area.

Examples of such single-story homes with low-pitched roofs, include the following:



Corner of Linden and State



990 Grove

In fact, the current structure on the project site is exactly that type of structure:



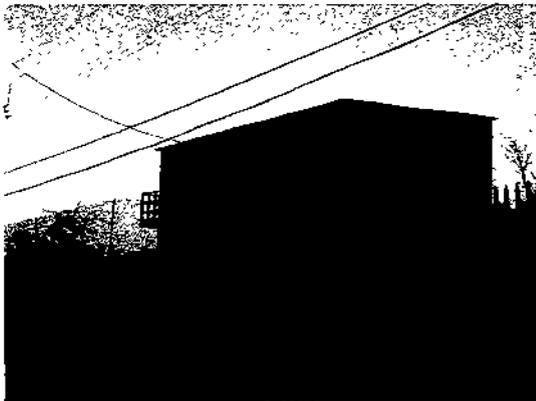
983 Grove Place

This area will not be redeveloped if it is held down to its original level. The proposed project is consistent with the redevelopment and will represent a substantial improvement over the original structures.

(B)The immediate vicinity has at least 3 homes with second stories.

While the rejection letter says that the “majority” of homes have a single story, there is a clear development pattern of larger homes. Especially along the perimeter of Canyon Park, which this property abuts.

Indeed, there are at least three homes on Applicant's street which have second-stories. These are pictures of two of those two-story structures, within a few houses of the project:



1015 Grove Place

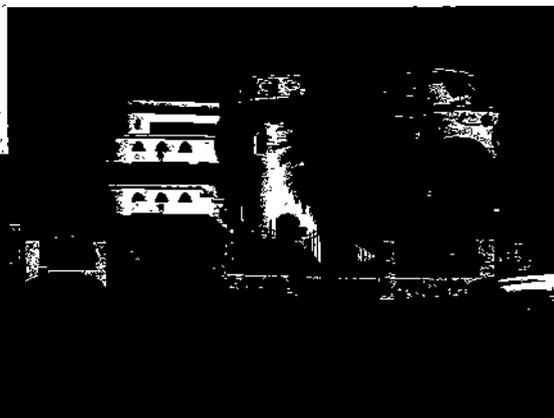


963 Grove Place

Additionally, across the Canyon, Applicant's home faces these two properties:



Whitter Av.



1004 Arbor

These homes appear to be substantially larger than the one Applicant is proposing – the Arbor property even has a moat !

While the “majority” of homes are still single story, it is clear that larger structures have been, and are continuing to be, built.

(C) The Code would allow for a structure nearly twice the size of the proposed project

One purpose of this project is to provide a larger home for Applicant's family. The Municipal Code sets limits for the size that a home can be. Applicant has detrimentally relied on this Code in the design of the project.

The Municipal Code sets a size limit with its “Minimum Open Space” requirement; which requires 40% of the lot to be open space. The current plan has 58% open space.

The Municipal Code sets a size limit with its "Minimum Lot Size" requirement; the proposed project is on a lot nearly 2,000 feet larger than required by code.

Using these limits, and the 80% guideline, Applicant calculates that a home nearly 6,000 square feet could be built. The proposed project is ½ that size.

Had applicant known that this was a permissible rejection - that a 3,100 square foot home was "too large" - applicant would have not gone through the expense of even proposing a new structure.

(ii) The formulistic application of the 80% guideline is misplaced for the design proposed.

The rejection letter contains quotes from the "Design Guidelines," yet it fails to note that the "Design Guidelines" also states:

"It is recognized that there will be instances when these guidelines may yield an unsatisfactory design or the applicant may propose a design that meets the intent of these design guidelines but not specific criteria."

No attempt was made by the City of Costa Mesa to identify that it even considered this point when rejecting the proposed design.

Both the Guidelines and the rejection letter note that this rule is intended to "...promote design excellence in new residential construction...." The 80% rule alone will not achieve the "design excellence" standard.

In fact, it is biased in favor of those who simply remodel a small portion of the existing structure, which can result in an overall visual impact that should not meet an overall standard of "design excellence".

Note the following homes in my neighborhood:



Corner of Republic & Grove Place



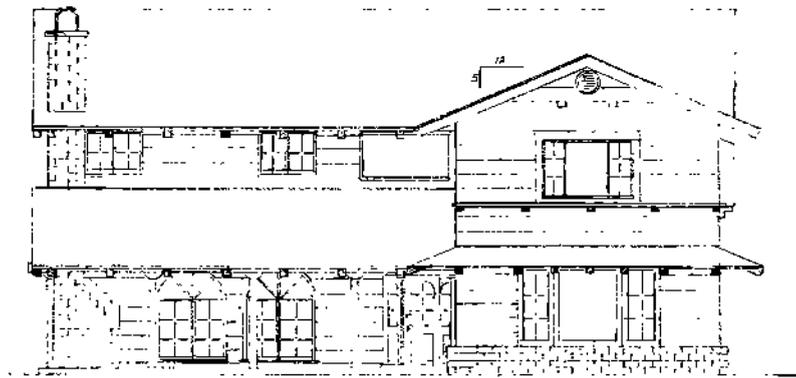
963 Grove Place

These homes conform to the 80% rule, but in Applicants view they are an example of where "...these guidelines may yield an unsatisfactory design..."

Compare the following home under construction – again, one that meets the 80% rule and apparently conforms to the “design excellence” standard - with a curb-view of the proposed project.



1010 W 19th Street



FRONT ELEVATION

Proposed Project

In Applicant’s opinion the proposed design far exceeds any “design excellence” that will be embodied in the 19th street construction.

Care has been taken to assure that the curb-view of the project will be aesthetically pleasing. Compare the project with another “conforming” two- story structure:



2033 Republic

Again, Applicant contends that the proposed design will exceed the standard set by the this property, and many of the other properties discussed above, including Applicant’s own existing home.

Conclusion

It is respectfully submitted that this home will improve the neighborhood and is appropriate not only for the neighborhood as it is now, but will encourage others to invest in this community.

Applicant requests the Commission to approve the plans as submitted.

ZA-03-93

983 GROVE PLACE

February 4, 2004

Resident at 989 Grove Place has not seen plans for the proposed project at 983 Grove Place, yet opposes the project because she does not want a monster house next to her and she does not believe that the house matches with the neighborhood.

Hanh

ZA-03-93
983 GROVE PLACE

Mildred Nicholson called to say that, although she hasn't seen the plans, she doesn't want any second stories. She doesn't know why the house has to be that big (number of bedrooms, second story, etc.).

PLV
January 27, 2004

LEE, MEL

From: FLYNN, CLAIRE
Sent: Monday, January 26, 2004 9:05 AM
To: BOUWENS-KILLEEN, WILLA
Cc: LEE, MEL
Subject: Minor Design Review for Grove Place

the following message was received from a resident requesting that her verbal opposition to this project be included in the public record:

Mildred Nicholson
2063 Republic Avenue

She objects to: 1) putting a box on top of the house, 2) potential fire hazard of buildings be close together, 3) increased traffic from the home being used as a rental unit. She does not want her neighborhood to resemble Corona del Mar and wishes it to stay the way it is. She declined to submit any objections in writing.

Thanks.

Claire L. Flynn, AICP
Associate Planner



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

February 5, 2004

Bob Wilson
485 E. 18th Street
Costa Mesa, CA 92627

**RE: ZONING APPLICATION ZA-03-93
983 GROVE PLACE, COSTA MESA**

Dear Mr. Wilson:

The minor design review for the above-referenced property has been completed. The application has been denied, based on the following project description and findings:

PROJECT DESCRIPTION

The applicant proposes to demolish the existing single-story residence and construct a new two-story house. The existing driveway and detached two-car garage will remain. The majority of the homes in the immediate vicinity are single-story with low-pitched roofs. Second story additions have been made to some of the houses but they only cover a portion of the first floor.

The proposed construction has a second to first floor ratio of 99%, whereas the residential guidelines suggest a maximum ratio of 80%. Additionally, although a 10-foot setback is proposed for both sides of the second floor, the first floor is proposed at the same setbacks, resulting in a large building mass broken up only by windows and some roof treatments. Consequently, the proposed two-story house would be out of scale with the prevailing character of development in the immediate vicinity. As a result, the proposed project does not satisfy the intent of the residential design guidelines.

FINDINGS

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project does not meet the purpose and intent of the Residential Design Guidelines, which are intended to promote design

excellence in new residential construction, with consideration being given to compatibility with the established residential community. This minor design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features. Specifically, the second to first floor ratio is 99%, whereas the residential design guidelines suggest a maximum of 80%. The first and second story walls are on the same plane, creating a massive building appearance with unbroken wall surfaces. The resulting structure is too large and out of scale with the prevailing character of development in the immediate vicinity. As a result, the proposed construction does not satisfy the intent of Code.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

Upon receipt of this letter, your project has been denied. The decision will become final at 5 p.m. on February 12, 2004, 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, Hanh Tran, at (714) 754-5640, between 8 a.m. and 12 noon.

Sincerely,



PERRY L. VALANTINE
Zoning Administrator

cc: Engineering
Fire Protection Analyst
Water District
Building Division

Application #:

Environmental Determination:

Address:

983 Grove Place

1. Fully describe your request: I, wish to build a new two story residence on my property. The proposed structure will have a 5' ft. setback on the west side yard. We will remove the existing house & foundation and bring it up to grade.

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

The area has many two story home presently, compatible with our design. 1015, 1003, 963, Grove Place. 2019, 2033, 2054, 2070, Republic 2113 National, and 973 Oak. The structure will be on the front part of the lot and will not restrict present views.

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

___ In a flood zone.

___ In the Redevelopment Area.

___ Subject to future street widening.

___ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

___ Is not included in the publication indicated above.

X Is included in the publication indicated above.

Bob J. Wilson
Signature

10/14/03
Date

Proposed Response Points

Item 1

We would prefer to not cut out a piece of the back porch
The house has been moved forward to allow enough room to move

Item 2

This has 2 points based on each of the paragraphs in the New Residential Design Guidelines, page 8, item 5.

Paragraph 1

---States that the average set back should be 10 feet. Ours is very close- on one side it is 5 feet and on the other it is 12 feet, making the average setback $(12+5)/2= 8.5$ feet

---(C) says that the rule does not apply if it is "consistent with the prevailing two story design within the neighborhood. Bob has counted 23 homes with a similar 5 foot set back, which may be most of the two story homes in the neighborhood.

Paragraph 2

--States that their should be visual relief on what is our "Right Side Elevation".

We have the following elements that they wanted:

- varied roof forms
- breeze way openings, in the form of the front/ back porches
- siding
- numerous windows

---Further, no one can see this side

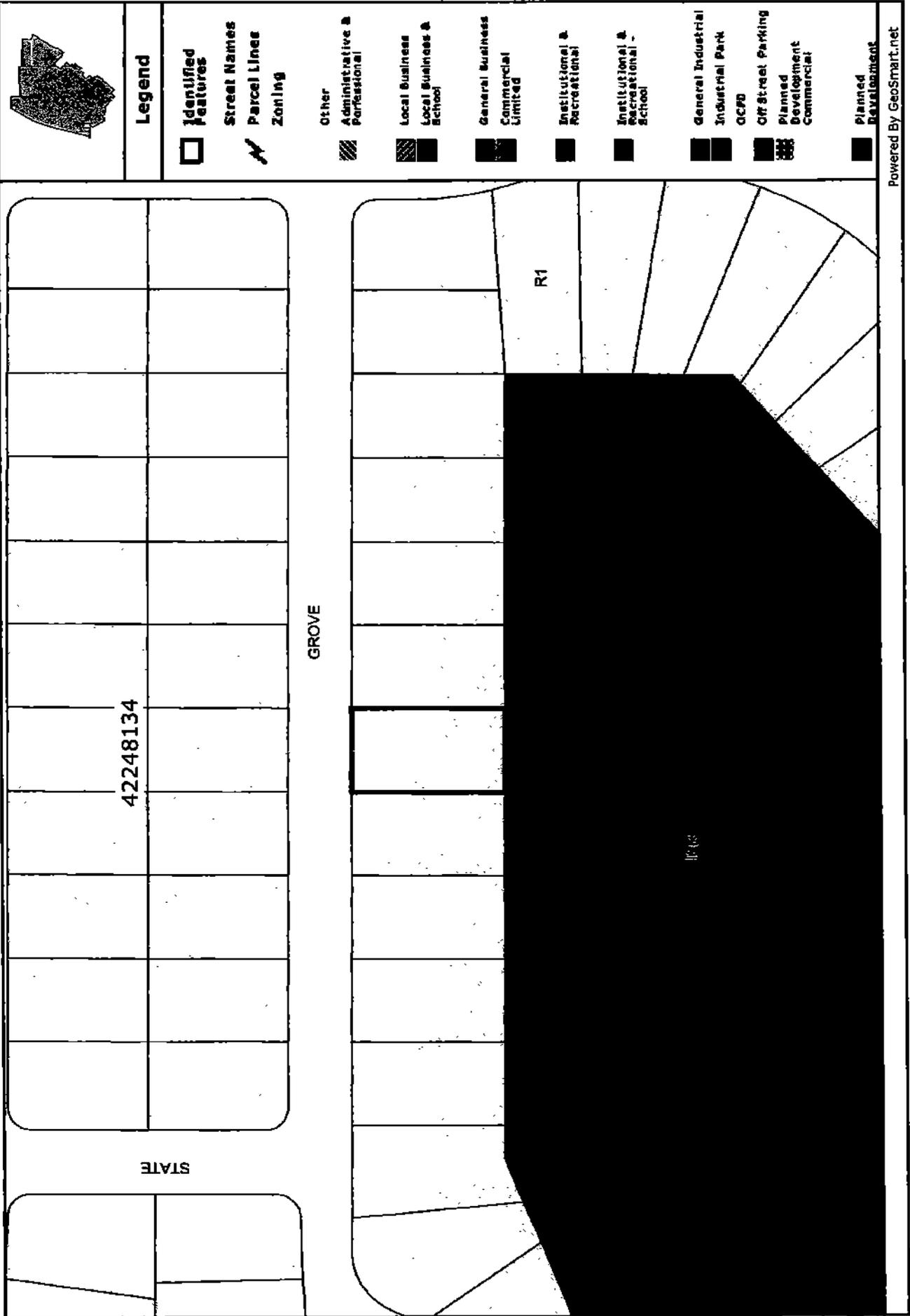
- it is not visible by the neighbor, as his home is there
- it is not visible from the front and back because of trees

---the proposed changes would cut out 5 feet from two of the children's bed rooms and bathrooms, significantly effecting the value of the new home

- the proposed changes would break up the current architectural features of a continuous front and back porch running the length of the structure

LOCATION / ZONING MAP

ZA-03-93 -- 983 GROVE PLACE



STATE

42248134

GROVE

R1



Legend

- Identified Features
- Street Names
- Parcel Lines
- Zoning
- Other
- Administrative & Professional
- Local Business
- Local Business & School
- General Business Commercial Limited
- Institutional & Recreational
- Institutional & Recreational - School
- General Industrial
- Industrial Park
- CCPD
- Off Street Parking
- Planned Development Commercial
- Planned Reclamation

ZA-03-93

983 GROVE PLACE

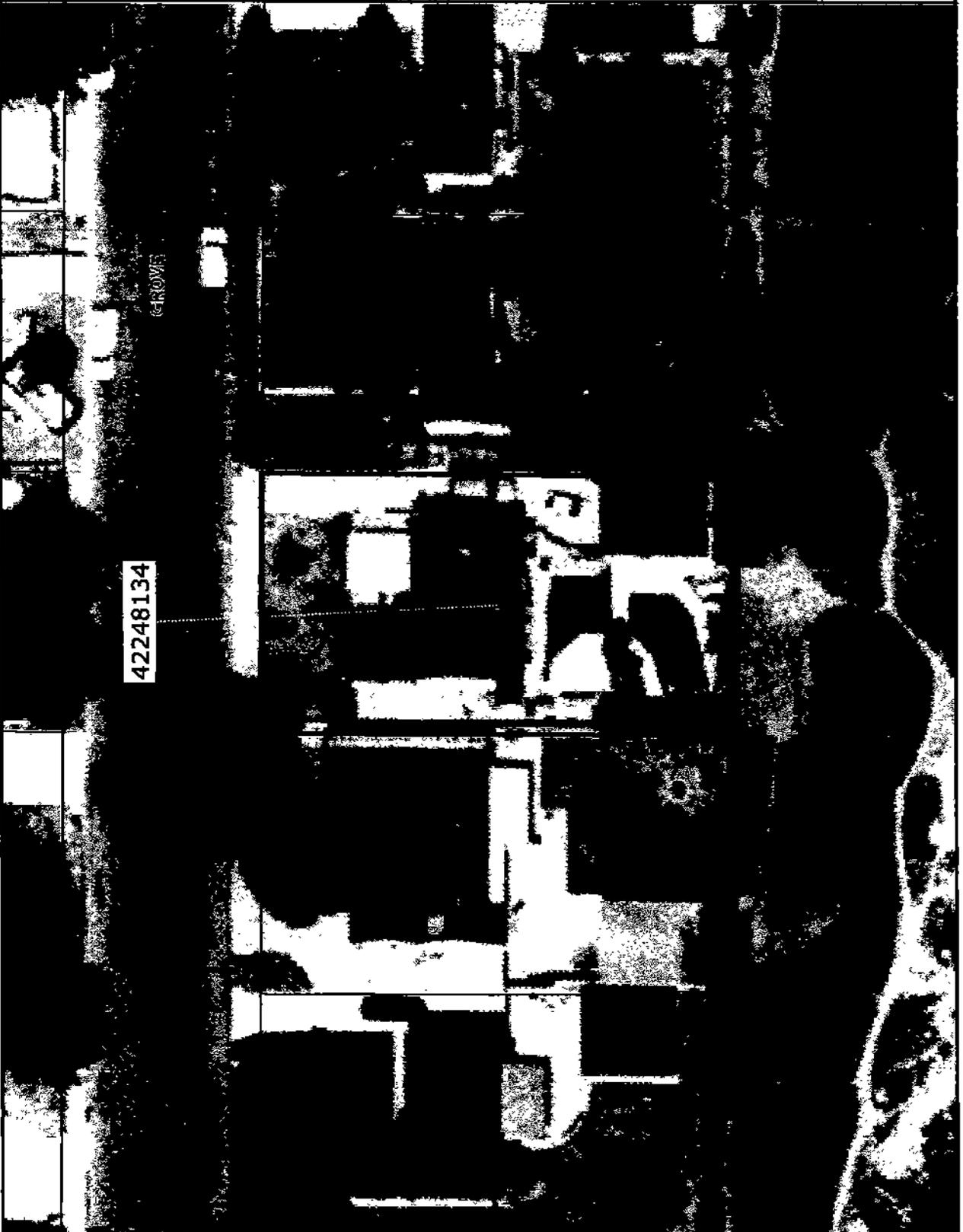
42248134

GROVE



Legend

-  Feature Buffer
-  Identified Features
-  Selected Features
-  Street Names
-  Parcel Lines
-  Ortho Photography
-  Parcels

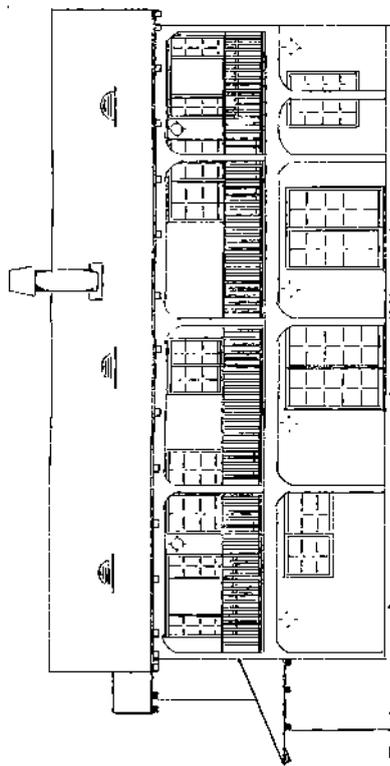


REVISIONS

ELEVATIONS

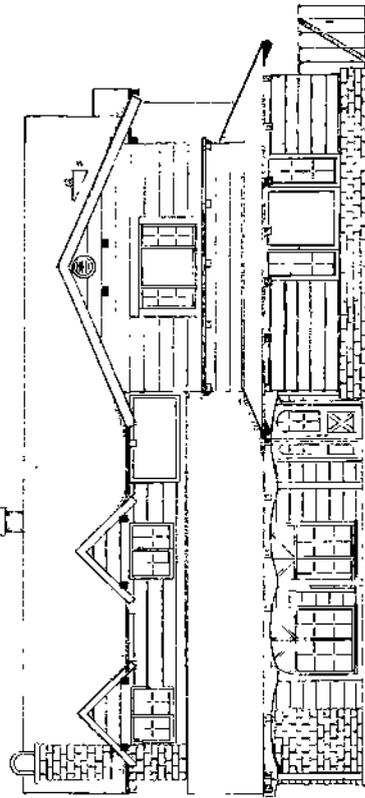
PROPOSED TWO STORY RESIDENCE
 FOR
 VICTOR & AMBER SCHUBERT
 983 GROVE PL COSTA MESA, CA

DATE: 03/16/04
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SHEET: 6
 OF: 9 SHEETS



REAR ELEVATION

EXTERIOR FINISH
 7/8" Stucco over wire mesh and waterproof paper.
 Sinks where occurs will be fabricated. Lap Seals applied over
 waterproof paper. ICBO # ABS
 All door, porches and roof overhangs will be 1x4 S4S starter
 beam.
INTERIOR FINISH
 1/2" Sheetrock, taped and finished to the owners specifications
 SPS Type X sheetrock will be used under the stairwell for fire stop as
 required by code.



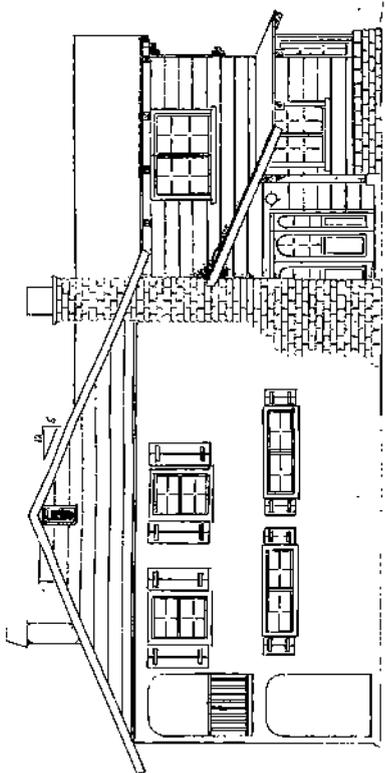
FRONT ELEVATION

Building address will be placed on the front of the front elevation. (Block
 number is 6" high in a contrasting color. (as shown sheet # 6))

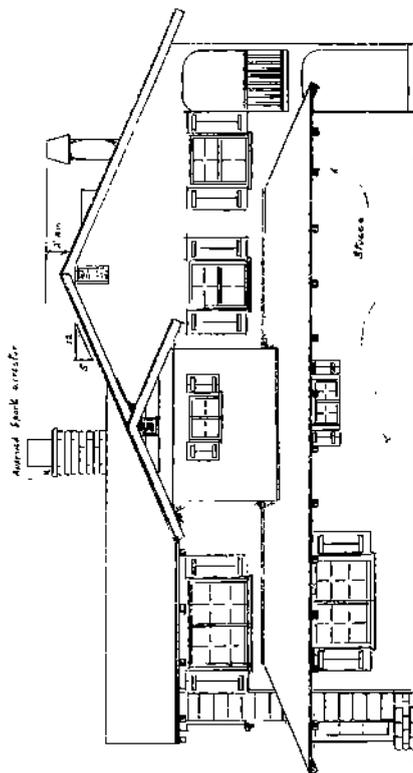
ELEVATIONS

PROPOSED TWO STORY RESIDENCE
 FOR
 VICTOR & AMBER SCHUBERT
 983 GROVE PL. COSTA MESA, CA

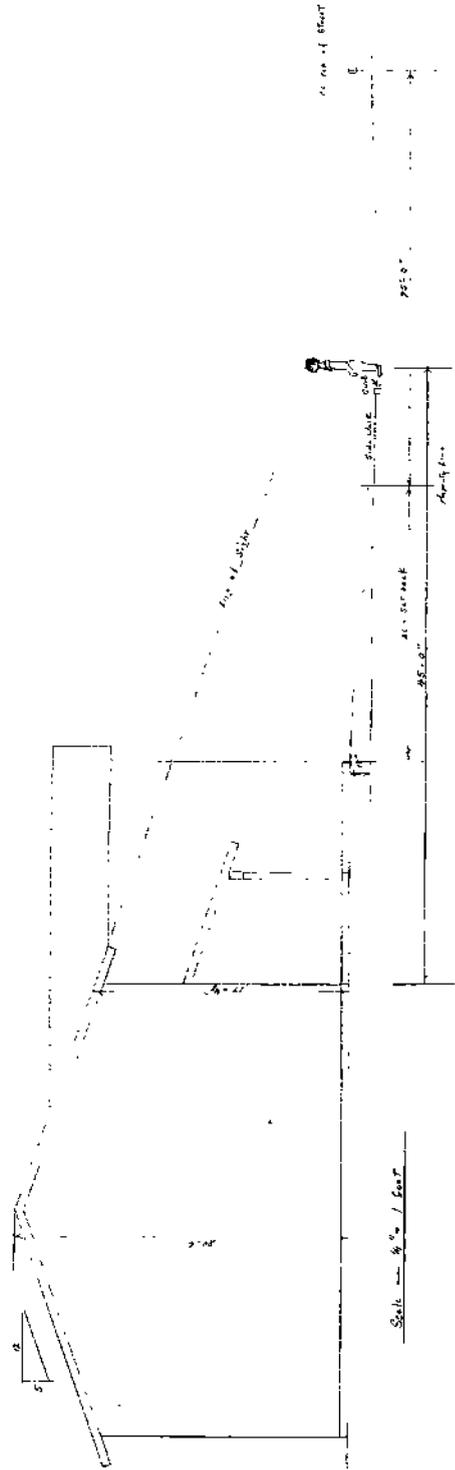
Date: 11/15/10
Scale: 1/8" = 1'-0"
Drawn by: J. Schubert
Checked by: J. Schubert
Sheet: 7
Of: 9



LEFT SIDE ELEVATION

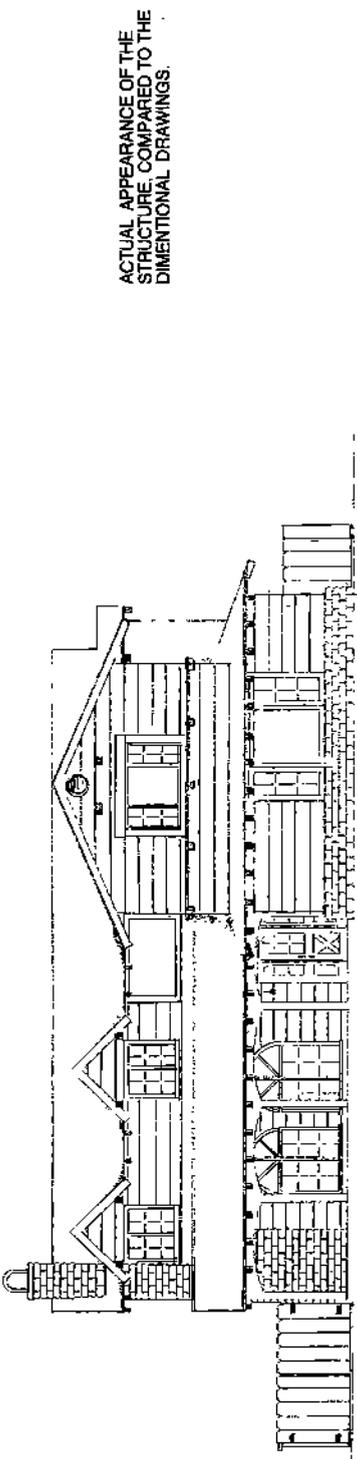


RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

Note:
 From directly across the street standing on the front porch less than
 half of the second story roof can be seen.
 From the rear of the proposed house the roof can not be seen except
 for one or two houses at least a hundred yards away.



ACTUAL APPEARANCE OF THE
 STRUCTURE, COMPARED TO THE
 DIMENSIONAL DRAWINGS

The front elevation shows about as much roof mass as
 can be seen at any given angle.