



PLANNING COMMISSION AGENDA REPORT

U1.5.

MEETING DATE: SEPTEMBER 27, 2004

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-04-22
330 EAST 15TH STREET

DATE: SEPTEMBER 16, 2004

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

DESCRIPTION

The applicant is requesting approval of a design review to construct a 3-unit, 2-story, small lot, common interest development with a minor modification for a reduction in driveway width (16 ft. required; 10 ft. proposed) and a variance from average lot size requirements (3,500 sq. ft. average required; 3,251 sq. ft. average proposed).

APPLICANT

Bradford L. Smith is representing the property owner, Linda Stiefel.

RECOMMENDATION

Deny by adoption of Planning Commission resolution.

Handwritten signature of Wendy Shih in black ink.

WENDY SHIH
Associate Planner

Handwritten signature of Willa Bouwens-Killeen in black ink.

WILLA BOUWENS-KILLEEN
Senior Planner

PLANNING APPLICATION SUMMARY

Location: 330 East 15th Street Application: PA-04-22

Request: Design review to construct a 3-unit, 2-story, small lot, common interest development with a minor modification for a reduction in driveway width (16 ft. required; 10 ft. proposed) and a variance from average lot size requirements (3,500 sq. ft. average required; 3,251 sq. ft. average proposed).

SUBJECT PROPERTY:

Zone: R2-MD
 General Plan: Medium Density Residential
 Lot Dimensions: 69 ft. x 168 ft.
 Lot Area: 11,592 sq. ft.
 Existing Development: Two apartment units.

SURROUNDING PROPERTY:

North: R2-MD
 South: Residential (Newport Beach)
 East: R2-MD
 West: Newport Heights Elementary (Newport Beach)

DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed	Proposed/Provided
Lot Size:		
Lot Width (Development Lot)	100 ft.	60 ft.*
Lot Area (Development Lot)	12,000 sq. ft.	11,592 sq. ft.*
Lot Area (Indiv. Lot Minus Common Area)	3,000 sq. ft. min./3,500 sq. ft. avg.	3,002 sq. ft. min./3,251 sq. ft. avg.
Density:		
Zone/General Plan	1 du/3,630 sq. ft.	1 du/3,864 sq. ft.
Building Coverage (Development Lot):		
Buildings	N/A	31% (3,569 sq. ft.)
Paving	N/A	22% (2,613 sq. ft.)
Open Space	40% (4,636.8 sq. ft.)	47% (5,410 sq. ft.)
TOTAL	100%	100% (11,592 sq. ft.)
Open Space (Individual Lots)	40%	Lot 1 46% (1,546 sq.ft.) Lot 2 46% (1,387 sq.ft.) Lot 3 47% (1,622 sq.ft.)
Building Height:		
Ratio of 2 nd floor to first floor***	2 stories/27 ft. 80%	2 stories/ 23 ft. Lot 1 83% (1,037 sq. ft./1,242 sq. ft.) Lot 2 88% (931 sq. ft./1,057 sq. ft.) Lot 3 78% (985 sq. ft./1,270 sq. ft.)
Setback (Development Lot)		
Front	20 ft.	20 ft.
Side (left/right)	5 ft./5 ft.	5 ft./5 ft.
Rear (1 st story/2 nd story)	10 ft./20 ft.	11 ft./20 ft.
2 nd Floor Side Setbacks (left/right)***	10 ft. average	Lot 1 8.3 ft. avg./ 25 ft.+ Lot 2 7 ft. avg./ 35 ft. + Lot 3 5 ft./5 ft.
Rear Yard Coverage	25% (345 sq. ft.)	25% (343 sq. ft.)
Separation between units	10 ft.	10 ft. min.
Private Open Space	400 sq. ft./ 15 ft. min. dimension	400 sq. ft./ 15 ft. min. dimension
Parking:		
Covered	6	6
Open	6	6
TOTAL	12 Spaces	12 Spaces
Driveway Width:	16 ft.	10 ft.***
Driveway parkway	10 ft. wide/ 3 ft. min. dimension	16 ft. wide/ 3 ft. min. dimension

CEQA Status Exempt, Class 32
 Final Action Planning Commission

*Existing nonconforming.
 **Variance requested.
 ***Design guidelines.
 ****Minor Modification requested.

BACKGROUND/PROJECT DESCRIPTION

This application was scheduled for the Planning Commission meeting of September 13, 2004. In response to Planning Commission's concerns at the September 7, 2004, study session, the applicant requested a continuance to revise the plan. The revised plan eliminates the request for the minimum lot size variances.

Original Proposal

Lot 1	Lot 2	Lot 3	Average Lot Size
3,000 sq.ft.	2,884 sq.ft.	3,508 sq.ft.	3,131 sq.ft. average

Revised Proposal

Lot 1	Lot 2	Lot 3	Average Lot Size
3,346 sq.ft.	3,002 sq.ft.	3,406 sq.ft.	3,251 sq.ft. average

The property is developed with two apartment units. The applicant proposes to demolish the units and construct a 3-unit, 2-story, small lot common interest development. All three units will have three bedrooms and three bathrooms, ranging in size from 1,988 sq. ft. to 2,279 sq. ft. (including garage). The revised proposal includes the previously requested variance from average lot size (3,500 sq. ft. average required; 3,251 sq. ft. average proposed) and a new request for a minor modification to allow a reduction in the common lot driveway width (16 ft. required; 10 ft. proposed).

ANALYSIS*VARIANCE FOR AVERAGE LOT SIZE*

The Zoning Code requires single-family units located on individual dwelling unit lots, to have a minimum of 3,000 sq. ft. with an overall average of 3,500 sq. ft. lot sizes. The required common lot, which includes driveway and at least 10 ft. of street setback landscaping, is not included in the calculation of lot area. Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.

The proposal requests a variance from the average lot area requirement. Staff cannot support this request for a number of reasons. First, no other useable open space is provided within the overall development to qualify for the lot reduction.

Second, special circumstances applicable to the property, such as lot size, shape, or topography do not exist to justify approval of the variance. Although the lot width and size are existing, nonconforming (100 ft. wide and 12,000 sq. ft. required; 60 ft. wide and 11,592 sq. ft. existing), and the density allowance is 3 units, there are several other recent development proposals on nonconforming lots that comply with development standards. The following table lists some of those projects.

2459 Elden Avenue	60' x 300' lot (nonconforming lot width)	4 units allowed; 3 SFR units proposed/approved
2441 Elden Avenue	66' x 305' lot (nonconforming lot width)	5 units allowed; 4 SFR units proposed/approved
1561 Orange Avenue	98' x 125' lot (nonconforming lot width)	3 units allowed; 3 SFR units proposed/approved

1992 Anaheim Avenue	56.78' x 194.2' = 11,027 sq. ft. lot (nonconforming lot width and size)	3 units allowed; 3 apartment units proposed
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The last property (1992 Anaheim Avenue) contains an existing single-family residence on the front of the lot and cannot meet the driveway landscaping requirement. With exception of that requirement, all other development standards are met. With a minimum of 3 units on the property, code allows a development to be a common-interest development. However, since that particular property cannot satisfy development standards for a common-interest development, they are proposing rental units.

It is staff's opinion that approval of the variance from average lot size would constitute a grant of special privilege inconsistent with the limitation upon other properties in the multiple-family residential zones. The proposal for small-lot, single-family homes with the variance is inconsistent with the General Plan land use objectives in that LU-1C.5 requires consideration of "development standards which tie density to lot width as well as area".

Staff is also concerned about the lot line configuration proposed to subdivide the lots, especially between Lots 2 and 3. The lot line dividing those lots includes jogs and Lot 2 extends into the common drive/back-out area in front of the Lot 3 driveway/open parking spaces. The untidy lot line would make maintenance responsibilities confusing.

MINOR MODIFICATION FOR DRIVEWAY WIDTH

The applicant requests a minor modification for reduced common driveway width (16 ft. required; 10 ft. proposed) in order to increase the individual lot sizes and to eliminate the minimum lot size variance. Staff is not opposed to the minor modification for common driveway width reduction because it would serve only three units and would still provide adequate access for all three units. However, as discussed above, staff cannot support the variance from average lot size requirements. A reduction in common driveway width and an increase in individual lot sizes would not eliminate the proposed variance.

If the Planning Commission approves the project with a variance from average lot size requirement and minor modification for a reduction in common driveway width, staff is recommending conditions to increase the planter areas adjacent to the residences on Lots 1 and 2 to match the property line separating individual lots and common lot, and to reduce the drive approach to match the reduced driveway width. The landscaping/open space calculations in the summary table include the added planter areas.

DESIGN REVIEW FOR TWO-STORY CONSTRUCTION

The revised plan eliminates the need for minimum lot size variance by reconfiguring the lot lines. The design of the two-story structures remain unchanged.

With exception of the requested variance, the proposed construction meets or exceeds all residential development standards and the intent of the design guidelines. Buildings 1 and 2 each propose more than 80% second-to-first floor ratio (83% for Bldg. 1 and 88% for Bldg. 2), and none of the buildings provide a 10 ft. average second floor side setback (5ft. – 8 ft. average proposed on the left (west) side and 5 ft. – 25 ft.+ on the right (east) side). However, they incorporate variable rooflines and multiple building planes to break up the elevations and provide architectural interest and visual relief on the sides.

Staff has conducted a field inspection and is of the opinion the proposed development would not negatively impact the surrounding properties or aesthetics of the neighborhood. There are many 2-story residences in the area so it would not appear out of place or obtrusive. Privacy impacts are minimized because: (a) the property is separated from the adjoining residences to the right (east) by a driveway; (b) the residence on the lot to the rear (north) is angled in such a way that window alignment is offset; and (c) Newport Heights Elementary School's playground area abuts the subject site to the left (west).

ALTERNATIVES

The Planning Commission may consider the following options:

1. Deny Planning Application PA-04-22 for the two-story, small-lot, common interest development.
2. Deny the variance for average lot size and minor modification for reduced driveway width but approve the design review for three, two-story units. The units can be rental units or airspace condos provided that all applicable development standards, including, but not limited to parking and open space requirements, are met.
3. Approve Planning Application PA-04-22 for the two-story, small-lot, common interest development, subject to conditions.

ENVIRONMENTAL DETERMINATION

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

CONCLUSION

Although the proposed construction complies with the development standards and the intent of the design guidelines, special circumstances do not exist to justify approval of the variance from average lot size requirements. It is staff's opinion that approval of the variance would constitute a grant of special privileges inconsistent with the limitation upon other properties in the multiple-family residential zones. The untidy lot lines would also make maintenance responsibilities confusing. The previous staff report and plans for the original proposal are attached for your reference.

Attachments: Draft Planning Commission Resolution
Exhibit "A" - Draft Findings
Exhibit "B" - Draft Conditions of Approval
Applicant's Project Description and Justification
Zoning/Location Map
Plans (revised)
Planning Commission Agenda Report for the September 13, 2004, meeting
Plans (original)

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

Bradford L. Smith
365 B Old Newport Blvd.
Newport Beach, CA 92663

Linda Stiefel
3359 Via Tivoli
Costa Mesa, CA 92626

File: 092704PA0422Wendy	Date: 091504	Time: 800p.m.
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RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING
APPLICATION PA-04-22**

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

WHEREAS, an application was filed by Bradford L. Smith, representing the property owner, Linda Stiefel, with respect to the real property located at 330 East 15th Street, requesting approval of design review to construct a 3-unit, 2-story, small lot, common interest development with a minor modification for reduced common driveway width (16 ft. required; 10 ft. proposed) and a variance from average lot size (3,500 sq. ft. average required; 3,251 sq. ft. average proposed); and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 13, 2004, and September 27, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-04-22 with respect to the property described above.

PASSED AND ADOPTED this 27th day of September, 2004.

Chair, Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Perry Valantine, 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 September 27, 2004, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed variance does not comply with Costa Mesa Municipal Code Section 13-29 (g) because special circumstances applicable to the property do not exist, and application of development standards would not deprive such property of privileges enjoyed by others in the vicinity under identical zoning classifications. Approval of the variance would constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. The lot lines dividing the lots include jogs and Lot 2 extends into the common drive/back-out area in front of the Lot 3 driveway/open parking spaces. The untidy lot lines would make maintenance responsibilities confusing.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14)(a) in that the proposed construction is substantially compatible and harmonious with existing and/or anticipated development on surrounding properties. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and plane breaks, and any other applicable design features.
- 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 CEQA.
- D. The project, as conditioned, is consistent with Chapter IX, Article 12, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.
- E. The rear building of this development is at an excessive distance from the street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of buildings on the property can be somewhat reduced by installation of a residential sprinkler system.

EXHIBIT "B"**CONDITIONS OF APPROVAL (If project is approved)**

- Plng.
1. The planter areas adjacent to Lots 1 and 2 shall be increased to match the lot lines separating individual lots and the common driveway lot. This condition shall be completed under the direction of Planning staff.
 2. The drive approach shall be reduced to match the 10 ft. common driveway width. This condition shall be completed under the direction of the Planning and Transportation Services staff.
 3. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
 4. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 5. 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 storm water 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 storm water 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.
 6. To avoid an alley-like appearance, if the driveway is paved with asphalt, it shall be developed without a center concrete swale. Design shall be approved by the Planning Division.
 7. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
 8. The applicant shall contact AT&T/Broadband Cable Television of Costa Mesa at 200 Paularino, Costa Mesa, (888.255.5789) prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 9. The conditions of approval and ordinance or code provisions and special district requirements of PA-04-22 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

10. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
11. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning staff.
12. Grading, materials delivery, equipment operation, and other 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.
13. Block walls shall be provided on all interior lot lines. New block walls shall be decorative block, subject to approval by the Planning Division. The wall(s) shall have a finished quality on both sides. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them. Block walls visible from the street shall be decorative block and set back from adjacent sidewalks to provide a landscape planter area, subject to approval by the Planning Division.
14. Decorative paving shall be provided at the driveway entry area. This condition shall be completed under the direction of Planning Division.
- * 15. The final map shall show easements or other provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and the US Postal Service.
- * 16. The site plan submitted with initial working drawings shall contain a notation specifying the project is a 3-unit, small lot, common interest development.
- Eng. 17. At the time of development, 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.

* Applicable to common-interest developments.

CITY OF COSTA MESA PLANNING APPLICATION

PROJECT DESCRIPTION AND JUSTIFICATION

1. Project Address: 330 E 15th ST,
COSTA MESA CA
2. Fully describe your request: PERMISSION TO BUILD
(3) NEW HOMES ON (1) EXISTING LOT THROUGH "COMMON
INTEREST DEVELOPMENT" PROCESS. THIS ALSO
REQUIRES DEMOLITION/REMOVAL OF (2) EXISTING
HOMES
3. Justification:
 - A. For a Conditional Use Permit or Minor Conditional Use Permit: On a separate sheet, 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.
 - B. For a variance or Administrative Adjustment: On a separate sheet, 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.

4. This project is: (check where appropriate)

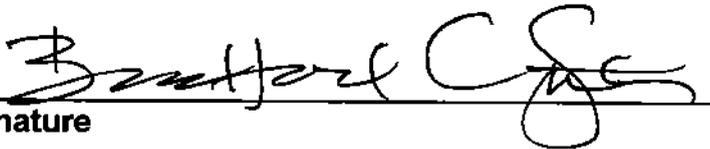
- In a flood zone. In the Redevelopment Area.
- Subject to future street widening. In a Specific Plan Area.
- Includes a drive-through facility.
(Special notice requirements, pursuant to GC Section 65091 (d))

5. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST reproduced on the rear of this page and have determined the project:

Is not included in the publication indicated above.

Is included in the publication indicated above.

Signature



Date

5/15/14

LINDA STIEFEL

330 E. 15th Street
Costa Mesa, CA 92627

June 7, 2004

City of Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, CA 92628

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT
JUN 11 2004

Re: Variance Application PA-04-22

Commissioners:

We submit this letter to ask that you consider approval of our variance request based on the following:

1. The proposed project meets all zoning requirements except Lot 2 is under 3,000 sq. ft. and the average lot size is under 3,500 sq. ft.

This is caused by the narrow width of the site—which precludes the homes fronting on 15th Street. Lot A becomes a long, disproportionately sized area that deprives lots 1 and 2 of the footages necessary to comply.

2. The density of the project is mitigated by the placement of the homes on the westerly portion of the site, minimizing impact to the neighbor at 356 E. 15th and taking advantage of the open public space provided by Newport Elementary School.
3. Although the project does not satisfy the individual lot size requirement, it is meeting the spirit and intent of the code, is compatible with the surrounding structures, and will enhance the neighborhood and surrounding property values.

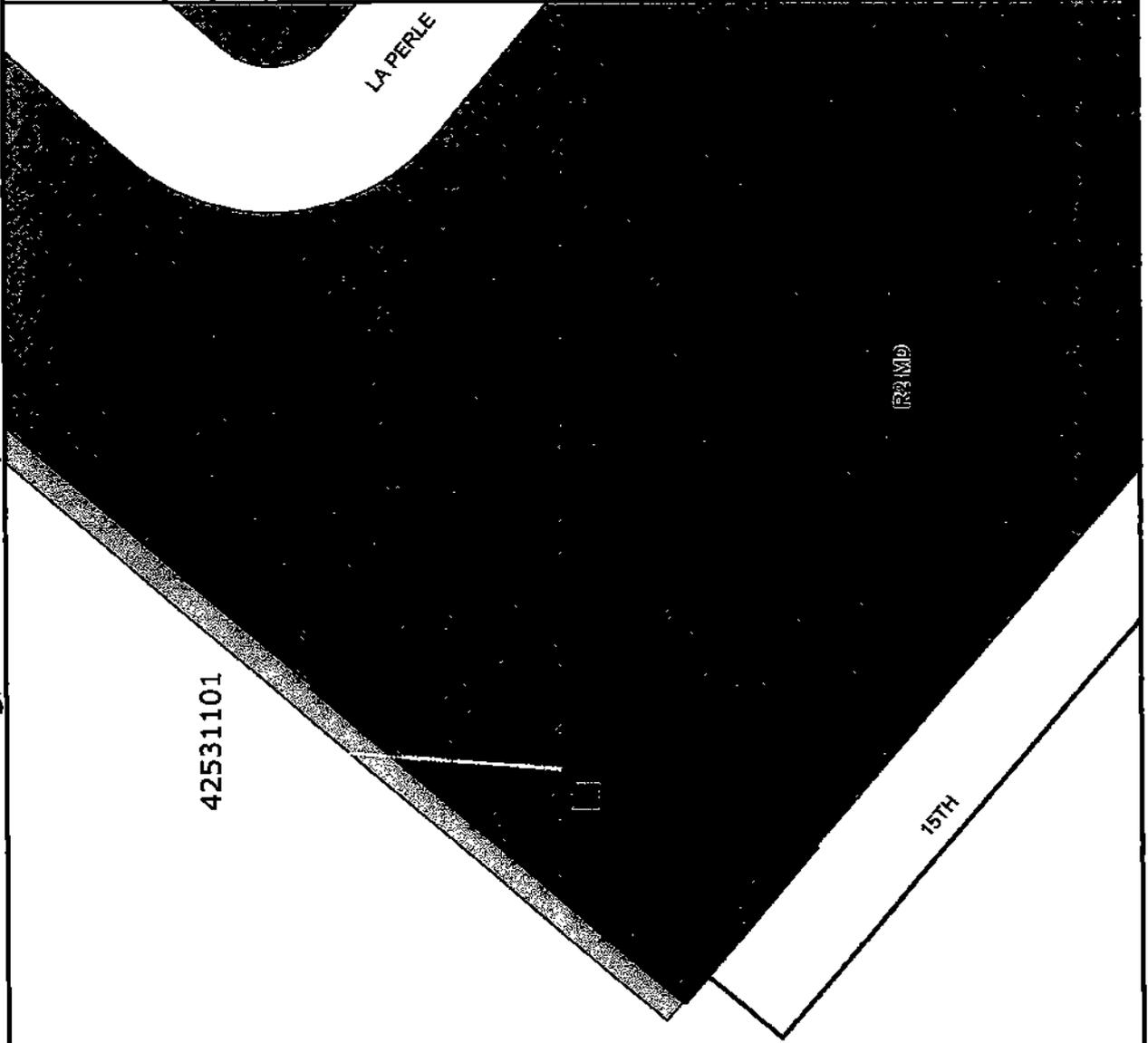
It is our hope that you will find this sufficient reason to grant the variance request.

Respectfully,


Linda Stiefel

330 East 15th Street

Zoning/Location Map



Legend

- Selected Features
- Street Names
- Parcel Lines
- City Boundary
- Zoning
- Other
- Administrative & Professional
- Local Business
- Local Business & School
- General Business Commercial Limited
- Institutional & Recreational
- Institutional - School
- General Industrial
- Industrial Park
- OCFD
- Off Street Parking
- Planned Development Commercial

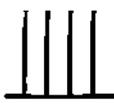
330 East 15th Street

Aerial Photograph

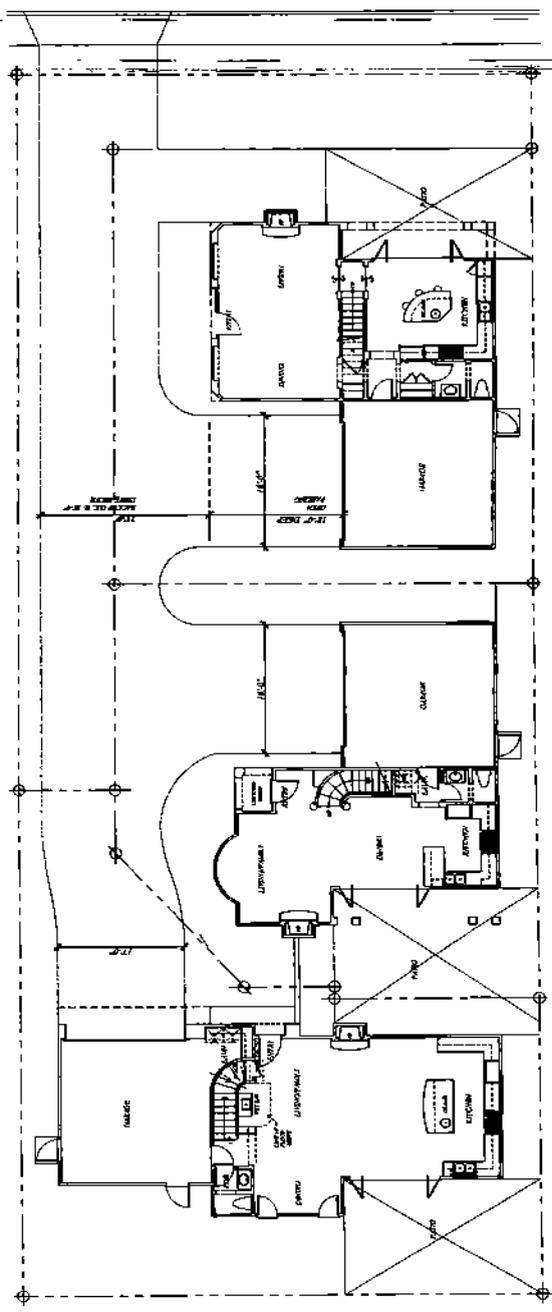


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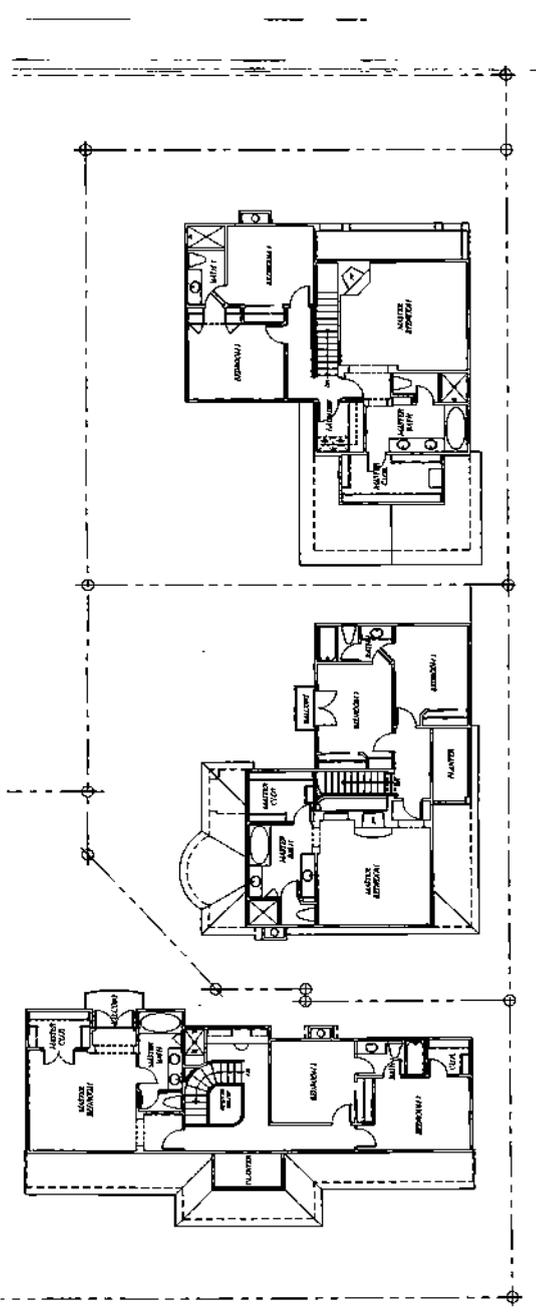
-  Selected Features
-  Street Names
-  Parcel Lines
-  City Boundary
-  Ortho Photography
-  Parcels



FIRST FLOOR PLANS



SECOND FLOOR PLANS





CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT
PLEASE CONTACT THE PLANNING DIVISION
AT (714) 754-5245.**