



# **PLANNING COMMISSION AGENDA REPORT**

*III. 7*

MEETING DATE: JANUARY 24, 2005

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-03-33 (TIME EXTENSION)  
168, 172, AND 178 MERRILL PLACE**

**DATE: JANUARY 11, 2005**

**FOR FURTHER INFORMATION CONTACT: MEL LEE, SENIOR PLANNER (714) 754-5611**

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## **PROJECT DESCRIPTION**

The applicant is requesting approval of a one-year extension of time for a design review to construct a 5-unit, two-story, small lot common interest development with a variance from average individual lot area requirements (3,500 sq. ft. average required; 3,245 sq. ft. average proposed).

## **APPLICANT**

The applicant is Yolanda Huapaya, representing the property owner, Patriot Development Company.

## **RECOMMENDATION**

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

Handwritten signature of Mel Lee in black ink.

MEL LEE  
Senior Planner

Handwritten signature of R. Michael Robinson in black ink.

R. MICHAEL ROBINSON  
Asst. Development Services Director

**BACKGROUND**

On December 8, 2003, Planning Commission approved a design review and variance for the proposed 5-unit residential project. The project was delayed due to a change in designers, and was submitted to the Building Division for plan check in November 2004. Because the developer is unable to obtain permits before the expiration of the project's approval, the applicant is requesting a time extension. The approval of the tentative tract map for the subdivision of the project (T-16560) is valid until April 26, 2006.

**ANALYSIS**

Code allows the Commission to extend the approval of a planning application for successive one-year periods upon showing a good cause by the applicant.

There have been no changes in the city codes that affect the project as originally approved. All previously approved conditions of approval remain in effect for this project. Copies of the conditions of approval and original staff report for PA-03-33 are attached to this report.

**ALTERNATIVES**

If the time extension were not approved, it would prevent the project from being constructed.

**CONCLUSION**

The developer has been working diligently to complete the project, which will provide additional homeownership opportunities in the city. Therefore, staff recommends that the time extension be granted.

Attachments:       Draft Planning Commission Resolution  
                          Exhibit "A" - Draft findings  
                          Exhibit "B" - Conditions of Approval  
                          Applicant's Time Extension Request  
                          Staff Report for PA-03-33  
                          Location Map  
                          Plans/Photos

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

Tim Roberts  
Patriot Development Company  
2518 N. Santiago Boulevard  
Orange, CA 92861

Yolanda Huapaya  
One Stop Permit Service  
10522 Brier Lane  
Santa Ana, CA 92705

File: 012405PA0333TimeExt	Date: 011205	Time: 1130a.m.
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**RESOLUTION NO. PC-05-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING A ONE-YEAR  
EXTENSION OF TIME FOR PLANNING APPLICATION PA-  
03-33**

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

WHEREAS, an application was filed by Yolanda Huapaya, representing Patriot Development Company, with respect to the real property located at 168, 172, and 176 Merrill Place, requesting approval of a requesting approval of an extension of time for a design review to construct a 5-unit, two-story, small lot common interest development with a variance from average individual lot area requirements (3,500 sq. ft. average required; 3,245 sq. ft. average proposed); and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 24, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** the extension of time to December 8, 2005 for Planning Application PA-03-33 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 PA-03-33 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 24th day of January, 2005.**

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Chair, Costa Mesa  
Planning Commission

*A*



## EXHIBIT "A"

**FINDINGS**

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(e) in that the project is compatible and harmonious with the neighborhood because it is consistent with the Cape Cod architecture and the safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site feature including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) and the variance is appropriate because the additional 3 feet required in the front 10-foot setback to allow construction of a handicap accessible sidewalk in compliance with ADA requirements, contributes to the reduction in the overall lot size. The application has provided an additional 6.4% open space above the minimum requirement of open space and the density of the project is well within the allowed density and is actually less than what would be allowed. Also, the shape of the property and the parcel requires the lengthy driveway creating a special circumstance that justifies the variance.
- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project complies with the City of Costa Mesa Zoning Code for the reasons stated above and because the setbacks meet the intent and spirit of the Residential Design Guideline in that they are consistent with the Cape Cod architectural style within the context of the neighborhood.
- D. 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.
- E. The project, as conditioned, is consistent with Chapter XII, Article 3, 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.

## EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. 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.
2. Prior to issuance of building permits, applicant shall contact the U.S. 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.
3. Street addresses shall be displayed on the front of the houses adjacent to the entry and in a manner visible from the street. Street address numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
4. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to Orange Avenue, 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.
5. The applicant shall contact Comcast (cable television) at 200 Paularino, Costa Mesa, (888.255.5789) prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
6. The conditions of approval, ordinance and code provisions of PA-03-33 shall be blueprinted on the face of the site plan.
7. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
8. 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.

9. Building elevations for the units closest to Merrill Place shall have enhanced architectural details and window treatments under the direction of Planning staff.
10. Second floor windows shall be designed and placed to minimize direct lines-of-sight into windows on adjacent properties, and to minimize visibility into abutting residential side and rear yards. Every effort shall be made to maintain the privacy of abutting property owners.
11. 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.
12. If any archaeological objects are encountered during construction, the contractor shall stop work immediately and notify the City.
13. Existing mature vegetation shall be retained wherever possible. Should it be necessary to remove existing vegetation, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed, and shall be replaced on a 1-to-1 basis. This condition shall be completed under the direction of the Planning Division.
14. 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.
- Eng. 15. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
- Police 16. A list of security recommendations has been provided by the Police Department for the applicant's consideration.

**ONE STOP PERMIT SERVICE**  
**PLANNING & BUILDING SERVICES**  
10522 Brier Lane  
Santa Ana, CA 92705

**Yolanda Huapaya**  
Tel: (714) 393-6251  
Fax: (714) 544-0710  
E-mail: [onestoppermits@sbcglobal.net](mailto:onestoppermits@sbcglobal.net)

December 2, 2004

RECEIVED  
CITY OF COSTA MESA  
DEVELOPMENT SERVICES DEPARTMENT

Mr. Mel Lee, Associate Planner  
City of Costa Mesa Planning Department  
77 Fair Drive  
Costa Mesa, CA 92626

DEC - 3 2004

Re: Time Extension of Planning Application Approval/PA-03-33 (Merrill Place)

Dear Mel:

On behalf of Patriot Development and as their agent, I am submitting this letter to you requesting an extension of our approval of planning application PA-03-33. This application was approved last December for construction of (5) single-family homes. Please also find enclosed the required time extension fee of \$285.00 and the 500' radius map, which includes the mailing labels for notification of the surrounding property owners.

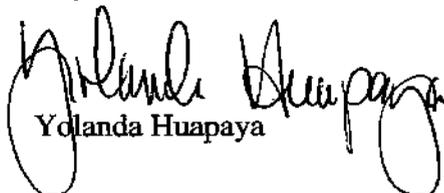
The project was delayed due to unforeseen problems with our previous designer and the need to hire a new architect to design the plans to comply with all of our conditions of approval. At this time we have submitted plans to the Building Dept. for grading, architectural review and have also obtained demolition permits to demolish the existing (3) single-family home structures on the property.

The grading plans have received comments from both the Building Department and the Engineering Department. We expect to re-submit for final grading review in the next week with grading permit issuance following shortly thereafter. The architectural plans are in plan review and we expect comments by December 7<sup>th</sup>. The demolition of the (3) existing homes has begun and we hope to obtain final inspection in the next couple of weeks so we can begin the grading process.

As you can see from the activity in the last month, we are moving quickly to get the construction of the homes begun and our hope is to start construction next month.

We thank you in advance for your consideration of our time extension request. If you should have any questions, please contact me at the above listed number.

Regards,

  
Yolanda Huapaya



# PLANNING COMMISSION AGENDA REPORT

U.7.

MEETING DATE: DECEMBER 8, 2003

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-03-33  
168, 172, AND 178 MERRILL PLACE

DATE: NOVEMBER 26, 2003

FOR FURTHER INFORMATION CONTACT: MEL LEE, ASSOCIATE PLANNER  
(714). 754-5611

## DESCRIPTION

The applicant is requesting approval of a design review to construct a 5-unit, two-story, small lot common interest development with a variance from average individual lot area requirements (3,500 sq. ft. average required; 3,245 sq. ft. average proposed).

## APPLICANT

The applicant is Tim Roberts, representing the owner of the property, Lissoy Family Trust.

## RECOMMENDATION

Deny by adoption of Planning Commission resolution.

Handwritten signature of Mel Lee.

MEL LEE  
Associate Planner

Handwritten signature of Perry L. Valentine.

PERRY L. VALANTINE  
Asst. Development Services Director

## BACKGROUND

The project site consists of three separate lots approximately 6,800 square feet each. Each lot contains a single-family residence. The existing residences are proposed to be demolished, and the lots combined, to accommodate the 5-unit project.

## ANALYSIS

### Design Review

Small lot, common interest developments of three or more units require Planning Commission consideration through the design review process. The homes consist of three basic floor plans: Plan 1 (proposed for Lots 1 through 3) is a two-story, three bedroom unit, 2,750 square feet in area (including the garage); Plan 4 (proposed for Lot 4 only) is a two-story, four bedroom home, 3,105 square feet in area (including the garage); and Plan 5 (proposed for Lot 5 only) is a two story, three bedroom home, 2,262 square feet in area (including the garage). The exterior design is a Cape Code type theme with asphalt shingle roofs, decorative window and door trims, and exterior siding finishes. Each home has a two-car garage, plus two open spaces within the driveways leading to the garages.

### Variance

City code allows granting a variance where special circumstances applicable to the property exist (such as an unusual lot size, lot shape, topography, or similar features) and where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered.

It is staff's opinion that there are no special circumstances applicable to the property such as an unusual lot size, lot shape, topography, or similar features. The combined lots exceed the required lot width and lot area for the R2-MD zone, the site is rectangular and flat, and, since all of the existing structures on the site are proposed to be removed to accommodate the proposed development, there would be no existing site improvements that would justify approval of the variance.

### Other Issues

Staff has reviewed the project with regard to the recently revised Residential Design Guidelines. Specifically, Section 5.1 of the Residential Design Guidelines requires an average side setback of 10 feet for the second story (this applies to setbacks from adjacent properties, not to setbacks from adjacent units within the same development). An exception for the setback may be granted if the proposed second story construction is consistent with the prevailing 2-story design within the same residential tract. In addition, second story construction is required to provide

File Name: 120803PA0333

Date: 11/24/03

Time: 1:15 p.m.

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

Tim Roberts  
Patriot Development Company  
2518 N. Santiago Boulevard  
Orange, CA 92861

Lisoy Family Trust  
17800 Mitchell Street  
Irvine, CA 92614

Abstract Consulting Group  
5645 E. San Juan Drive  
Orange, CA 92869

DESCRIPTION/JUSTIFICATION

Application #: PA-03-33 Environmental Determination: Exempt  
Address: 168, 172, 176 Merrill Place

1. Fully describe your request: We are requesting that we receive approval to subdivide the 3 above mentioned lots into a 5 small lot subdivision. The property has 3 older houses in terrible shape.

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 proposed use falls within the existing zoning for the area. Our neighbors on both sides have greater density through their development projects which have improved the area.

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.

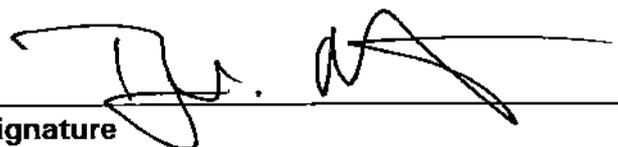
N/A

3. This project is: (check where appropriate)

- In a flood zone.
- Subject to future street widening.
- In the Redevelopment Area.
- 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.
- Is included in the publication indicated above.

Signature 

Date 7/22/03

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RESOLUTION NO. PC-03-79

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING APPLICATION  
PA-03-33**

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

WHEREAS, an application was filed by Tim Roberts, representing Lissoy Family Trust, with respect to the real property located at 168, 172, and 176 Merrill Place, requesting approval of a design review to construct a 5-unit, two-story, small lot common interest development with a variance from average individual lot area requirements (3,500 sq. ft. average required; 3,245 sq. ft. average proposed); and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 8, 2003.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** PA-03-33 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 PA-03-08 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this resolution, and any recommendation for approval herein contained, shall be deemed null and void.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of December, 2003.

  
Chair, Costa Mesa  
Planning Commission



**EXHIBIT "A"****FINDINGS**

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(e) in that the project is compatible and harmonious with the neighborhood because it is consistent with the Cape Cod architecture and the safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site feature including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) and the variance is appropriate because the additional 3 feet required in the front 10-foot setback to allow construction of a handicap accessible sidewalk in compliance with ADA requirements, contributes to the reduction in the overall lot size. The application has provided an additional 6.4% open space above the minimum requirement of open space and the density of the project is well within the allowed density and is actually less than what would be allowed. Also, the shape of the property and the parcel requires the lengthy driveway creating a special circumstance that justifies the variance.
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- D. 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.
- E. The project, as conditioned, is consistent with Chapter XII, Article 3, 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.

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- Police 16. A list of security recommendations has been provided by the Police Department for the applicant's consideration.



# **CITY OF COSTA MESA**

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

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DEVELOPMENT SERVICES DEPARTMENT

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