



PLANNING COMMISSION AGENDA REPORT

J.L.A.

MEETING DATE: FEBRUARY 13, 2006

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-05-42
2590 ORANGE AVENUE**

DATE: FEBRUARY 3, 2006

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

DESCRIPTION

The applicant is requesting approval of variances from lot area and lot width requirements in conjunction with a development review to construct two, 2 story, 3,200 square foot single-family residences.

APPLICANT

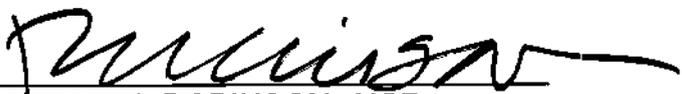
The applicant is Pete Volbeda, representing the owner of the property, Jim Cefalia.

RECOMMENDATION

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



MEL LEE, AICP
Senior Planner



R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 2590 Orange Ave Application: PA-05-42

Request: Construct Two, 2-story residential units with variances from lot size and width.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	<u>R2-MD</u>	North:	<u>R2-MD, residences</u>
General Plan:	<u>Medium Density Residential</u>	South:	<u>(Acr Susannah Pl) R-1, residences</u>
Lot Dimensions:	<u>71 FT x 120 FT</u>	East:	<u>R-1, residence</u>
Lot Area:	<u>8,295 SF</u>	West:	<u>(Acr Orange Av) R2-MD, residences</u>
Existing Development:	<u>Single family residence</u>		

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	100 FT	58 FT (Lot 1)* 62 FT (Lot 2)*
Lot Area	12,000 SF	4,118 SF (Lot 1)* 4,177 SF (Lot 2)*
Density:		
Zone	1 du/3,630 SF	1 du/4,147 SF
General Plan	1 du/3,630 SF	1 du/4,147 SF
Building Coverage (Development Lot):		
Buildings	NA	3,238 SF (39%)
Paving	NA	924 SF (11%)
Open Space	3,318 SF (40%)	4,133 SF (50%)
TOTAL		8,295 SF (100%)
Open Space (Individual Lots)	Lot 1: 1,647 SF (40%) Lot 2: 1,671 SF (40%)	Lot 1: 2,037 SF (49%) Lot 2: 2,096 SF (51%)
Building Height:		
Chimney Height	29 FT	26 FT
First Floor Area (Including Garage)	NA	1,619 SF
Second Floor Area	NA	1,292 SF
2nd Floor % of 1st Floor**	80%	80%
Rear Yard Lot Coverage	25% (290 SF)	23% - 267 SF (Lot 1) 25% - 290 SF (Lot 2)
Setbacks (Susannah Place considered front):		
Front	20 FT	22 FT (Both Lots)
Side (left/right)	10 FT/ 5 FT (1 Story) 10 FT Avg. (2 Story)**	Lot 1: 10 FT/10 FT (Both Stories) Lot 2: 5 FT/10 FT (Both Stories)
Rear	10 FT (1 Story) 20 FT (2 Story)	13 FT/20 FT (Both Lots)
Parking:		
Covered	2	2
Open	2	2
TOTAL	4 Spaces	4 Spaces
Interior garage dimension	20 FT	20 FT

NA = Not Applicable or No Requirement
 *Does Not Comply With Code; variances requested
 **Residential Design Guideline
 CEQA Status Exempt, Class 3
 Final Action Planning Commission

BACKGROUND

The site contains an existing one-story residence, which is proposed to be demolished to accommodate the proposed project.

The applicant is proposing to construct two, 2 story, 3,200 square foot single-family residences on the property. On July 11, 2005, Planning Commission approved PA-05-07, a similar project proposed by the applicant, at 147 23rd Street, located at the southwest corner of Elden Avenue and 23rd Street. A copy of the meeting minutes and approved plan are attached to this report for reference.

ANALYSIS

Because the property is zoned R2-MD, two units are allowable, however, the applicant is proposing to sell the units independent of one another; in order to do that, the property would need to be subdivided into two lots. Code Section 13-32 requires newly subdivided R2-MD zoned properties to provide a minimum lot size of 12,000 square feet and a minimum lot width of 100 feet, neither of which can be met with this property. Because the proposed lots would not comply with the minimum lot width or lot size specified in the R2-MD zone, the applicant is requesting approval of a variance.

If the variances were to be approved, the applicant would need to submit a separate parcel map application to subdivide the lots.

Variances

Code Section 13-29(g)(1) 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 properties in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered.

The existing property is nonconforming with regard to lot size (8,295 square feet is existing) and lot width (71 feet is existing). The R2-MD zoning of the property allows 2 units to be constructed on the property; however, the site does not provide adequate lot size or frontage to allow the lot to be subdivided so that the units could be sold independent of one another. When the Commission approved the similar variances for PA-05-07, the Commission made findings that approval of the variance would provide additional home ownership opportunities. Additionally, as discussed later in this report, the project will have the design characteristics of two single-family homes rather than two apartment (i.e., rental) units. Therefore, staff supports the project. Staff has also included a condition of approval (condition no. 12) requiring the recordation of a land use restriction stating that no second dwelling unit shall be permitted on either parcel. Approval of the variance will also allow Susannah Place to be considered the front of both parcels so as to allow the setbacks for the proposed residences to be consistent with the other properties along the street.

A comparison of the two projects is provided in the table below:

	147 23 rd Street (PA-05-07)	2590 Orange Avenue (PA-05-42)
Lot Size (Before Subdivision)	8,924 SF	8,295 SF
Lot Size (After Subdivision)	4,469 SF (Lot 1) 4,455 SF (Lot 2)	4,118 SF (Lot 1) 4,177 SF (Lot 2)
Lot Width	59 FT (Lot 1) 61 FT (Lot 2)	58 FT (Lot 1) 62 FT (Lot 2)

On January 9, 2006, Planning Commission denied PA-05-14, a variance from lot width requirements (50 feet required; 28 and 34 feet proposed) to subdivide an existing R1 lot at 2003 Republic Avenue to construct two homes on each proposed lot. In denying the variance, Planning Commission found that because the property was zoned R1, the subdivision would increase the number of units allowed for the property and create a substandard lot width for the two resulting R1 zoned parcels. As indicated earlier, the project proposed for this site will not increase the number of units allowed for the site (two are allowed; two are proposed) and the lot width, while not in compliance with the 100 foot minimum lot width for R2-MD, is consistent with the 50 foot minimum lot width allowed for single family residences. The resulting development and lot orientation would also be consistent with the other lots fronting onto Susannah Place.

If the variance from lot size and lot width are not approved, the applicant could still construct the residences as rental units.

Development Review

A development review is required for the two proposed residences. Normally, development reviews are considered by staff; however, to expedite processing, the request is being combined with the variances.

The applicant is proposing to construct two detached, residential units approximately 3,200 square feet in size. The units comply with setbacks, parking, and open space requirements for detached residential units. Although both units are two-story, a minor design review is not required because the design of the residences meets the intent of the City's Residential Design Guidelines. Specifically, the proposed two-story residences incorporate multiple building planes and breaks in the elevations and roofs to create visual interest and adequate transitions from the first to second floor. Privacy impacts from second story windows on adjacent properties would be minimal because of the orientation of the windows facing toward the street and the distance between the second story windows and the structures on the abutting residential properties.

ENVIRONMENTAL DETERMINATION

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

ALTERNATIVES

The Commission has the following alternatives:

1. Approve the development review and variances; or

#

2. Deny the development review and variances. The applicant could not submit substantially the same type of application for six months, but could still construct two units on the property that could not be sold independent of one another.

CONCLUSION

Because the project is similar in design to a project previously approved by the Commission, the units themselves satisfy all applicable code requirements and the Residential Design Guidelines, and the orientation of the units will be consistent with the abutting properties, staff recommends approval of the project.

Attachments:

1. Draft Planning Commission Resolution
2. Exhibit "A" - Draft Findings
3. Exhibit "B" - Draft Conditions of Approval
4. Applicant's Project Description and Justification
5. Location Map
6. Plans/Photos
7. Planning Commission Minutes of July 11, 2005 and Approved Site Plan for PA-05-07

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

Pete Volbeda
615 N. Benson Avenue, Suite C
Upland, CA 91786

Jim Cefalia
930 W. Oceanfront
Newport Beach, CA 92662

File Name: 021306PA0542	Date: 012506	Time: 11:00 a.m.
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RESOLUTION NO. PC-06-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF COSTA MESA APPROVING PLANNING APPLICATION PA-05-42**

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

WHEREAS, an application was filed by Pete Volbeda, representing the owner of the property, Jim Cefalia, with respect to the real property located at 2590 Orange Avenue, requesting approval of variances from lot area (12,000 square feet required; approximately 4,000 square feet proposed) and lot width (100 feet required; 58 feet and 62 feet proposed) in conjunction with a development review to construct two, 2 story, 3,200 square foot single family residences; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 13, 2006.

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-05-42 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-05-42 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 13th day of February, 2006.

Bill Perkins, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, 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 February 13, 2006, by the following votes:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variances from lot size and lot width requirements. Strict application of the zoning ordinance would deprive the property owners of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, the property provides 2 single-family units with home ownership opportunities. The project will have the design characteristics of two single-family homes rather than two apartment (i.e., rental) units. The units will not exceed the maximum allowable density for the site and the orientation of the units will be consistent with the abutting properties and the lot width is consistent with the 50-foot minimum lot width allowed for single-family residences.
- B. The information presented substantially complies with Costa Mesa Municipal Code with regard to the development review in that the project complies with the City of Costa Mesa Zoning Code and 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.
- C. The proposed project, complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - a. The proposed building and site development is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed building and site development is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- 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 is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

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 each unit. 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, 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-05-42 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. 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.
 9. 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.
10. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on 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.
 - Eng. 11. 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.
 12. A land use restriction executed by and between the applicant and the City of Costa Mesa shall be recorded prior to the recordation of the parcel map. The land use restriction shall state that no second dwelling unit shall be permitted on either parcel. The applicant shall submit to the Planning Division, a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so the document may be prepared.
 - Trans. 13. Provide a sidewalk easement at the drive approach locations to meet ADA requirements for pedestrian accessibility.

CITY OF COSTA MESA PLANNING APPLICATION

PROJECT DESCRIPTION AND JUSTIFICATION

1. Project Address: 2590 Orange

2. Fully describe your request:

Variance & Design Review & Lot split

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))

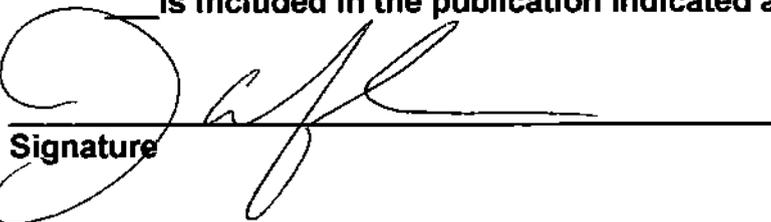
5. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST reproduced on the rear of this page and have determined the project:

Is not included in the publication indicated above.

Is included in the publication indicated above.

Signature

Date



9/20/05

JAN - 3 2006

**Planning Application PA-05-42
2590 Orange, Costa Mesa**

This application is requesting approval to subdivide an existing lot into two with variances from minimum lot width and area requirements. However, this application can be justified in several ways.

Findings

- A. The information presented complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variances from minimum lot width and area requirements. The resulting Parcels will have direct frontage on the public street an element typical to all single family homes throughout the City of Costa Mesa. The development, even after subdivision, satisfies the City's residential development standards and residential design guidelines. Also, the number of units cannot be increased even with the approval of the subdivision. This lot is unusually large for a single lot and when subdivided each lot will be approximately a 1,000 s.f. greater than the 3,630 s.f minimum required for a 3 lot subdivision.
- B. The outcome of this application will not affect the physical development of the lot because of its R-2 zoning but will determine whether the two units will be ownership or rental units. The approval of the applicant's requests will allow additional homeownership opportunities. Granting the variance will not allow a use, density, or intensity, which is not in accordance with the general plan designation for the property. Also, if the homes are built for homeowners and not rental property the detail inside and outside will be much more appealing to the neighborhood.
- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - a. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features have been considered.
 - c. The project is consistent with the General Plan
 - d. The cumulative effects of all planning applications have been considered.
- D. Strict application of the Zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity under identical zoning classifications. On June 28th, 2004 the Planning Commission approved planning application PA-04-02 located at 120 and 122 Monte Vista Ave. which is the same type of project but the parcel has shared access. Our proposed project is typical of the single family homes in the City of Costa Mesa because it has separate driveways and no shared access. Also, on July 11, 2005 the Planning Commission

approved planning application PA-05-07 located on 147 23rd St which is the same project the applicant is proposing.

ZONING/LOCATION MAP

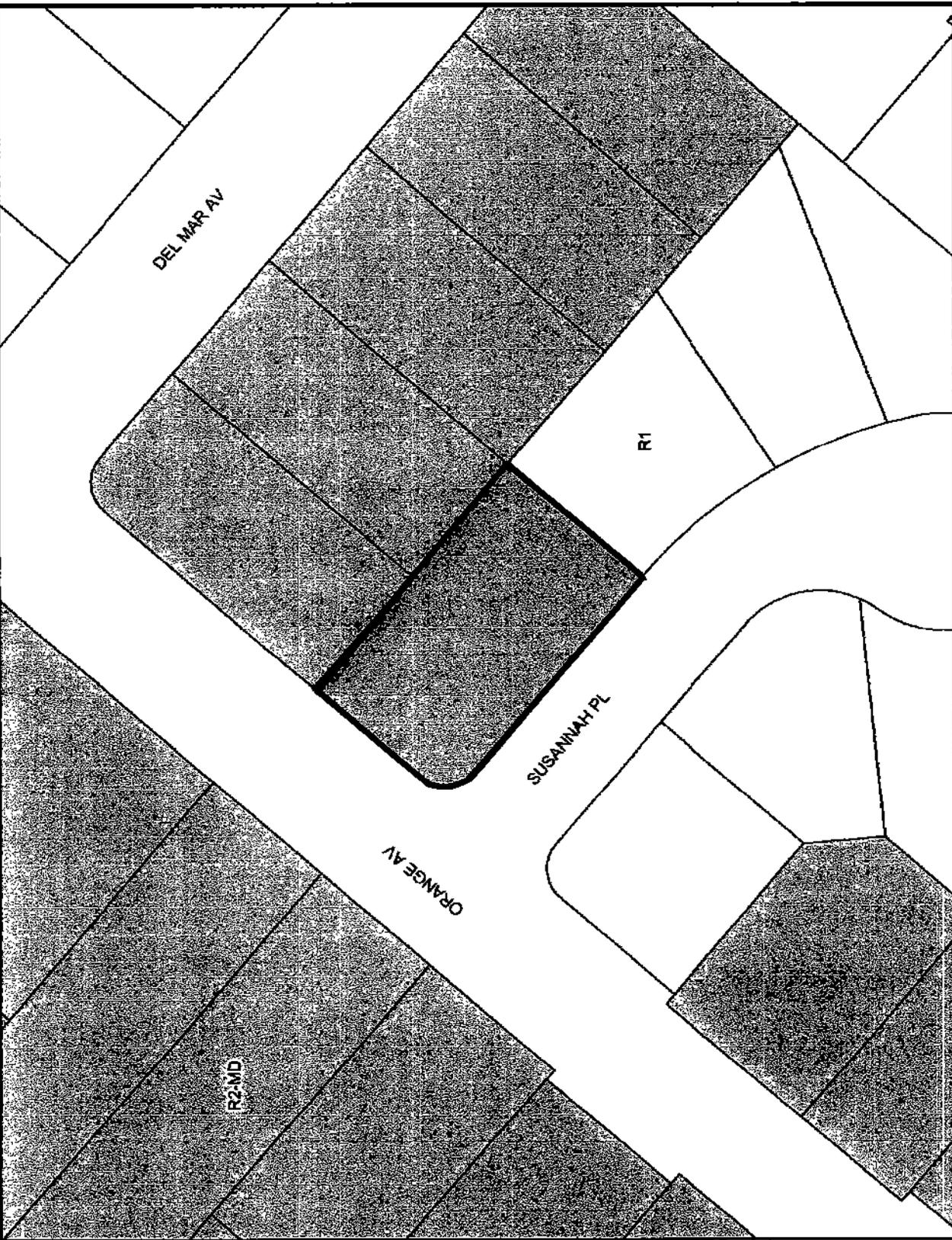
PA-05-42

Legend

Street Names

Parcel Lines

Zoning



17

2590 ORANGE AVENUE

Legend

Street Names

Parcel Lines

Ortho
Photography



DATE	
REVISION	
DESCRIPTION	
BY	
CHECKED	
DATE	

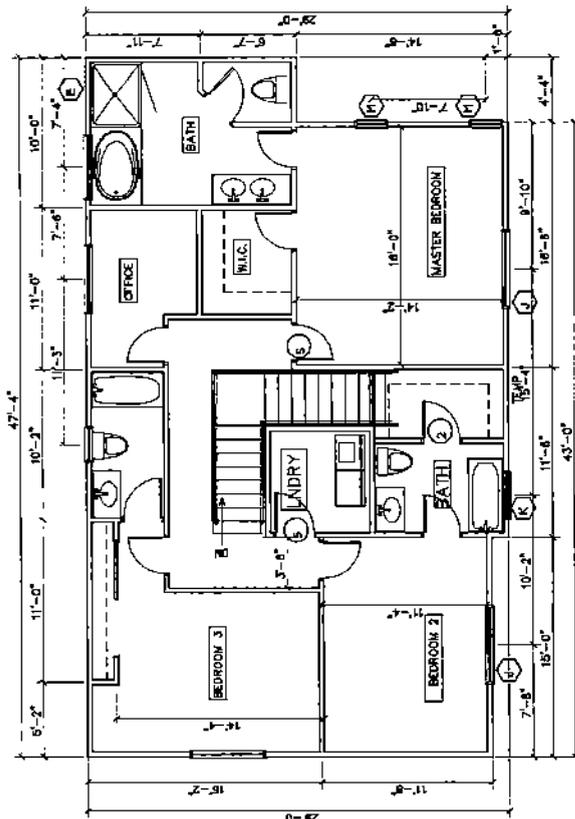
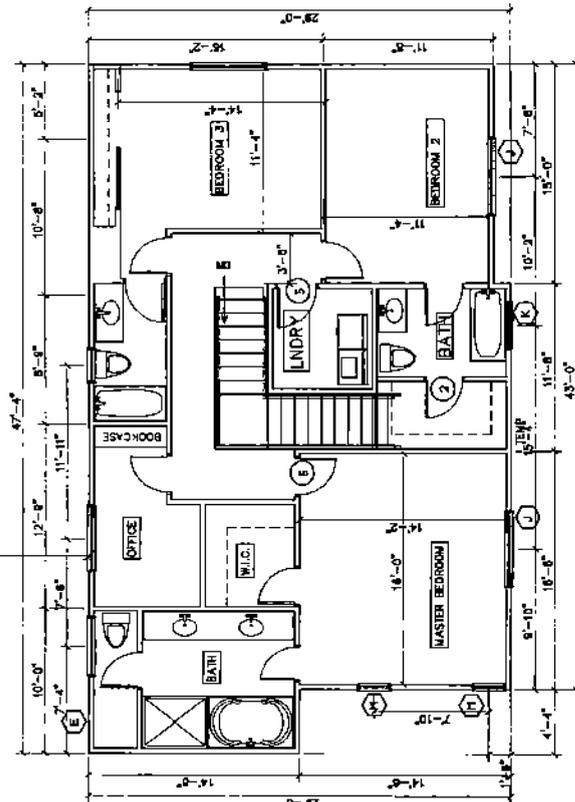
EXTERIOR BALCONIES, EXTERIOR EAVES, TRELLISES AND OTHER SIMILAR STRUCTURES ATTACHED TO A HABITABLE STORY OR FLOOR SHALL BE OF THE SAME MATERIAL AND FINISH AS THE FLOOR THEREON. SEE SECTION 05110 FOR EAVES OPENINGS INTO ATTIC, UNDERLOOR OR OTHER UNFINISHED SPACE. ALL SUCH OPENINGS SHALL BE COVERED WITH CORROSION RESISTANT WIRE MESH WITH 1/4" DIA. OPENINGS OF 1/4" DIA.

120 FT PL

62.5 FT PL
 UNIT 1

57.50 FT PL
 UNIT 2

20'-0"



71.0 FT PL

1295 SQ FT ALLOWED
 1292 SQ FT SHOWN

63 FT PL

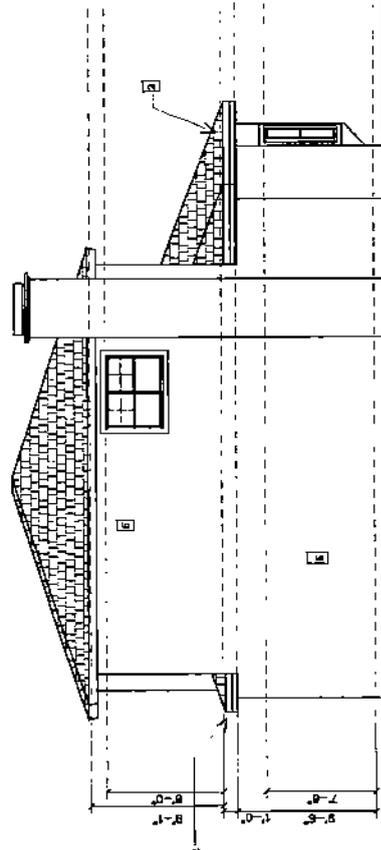
106 FT PL

58.02 FT PL

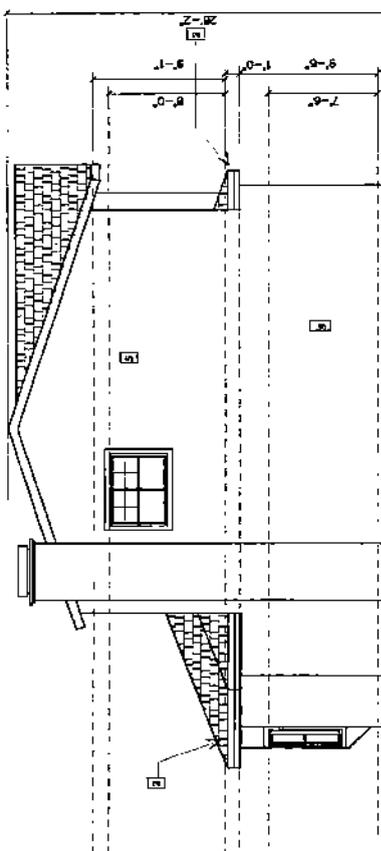
2ND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

DATE	
REVISION	
BY	
CHECKED	
DESIGNED	
DATE	

7/11/02

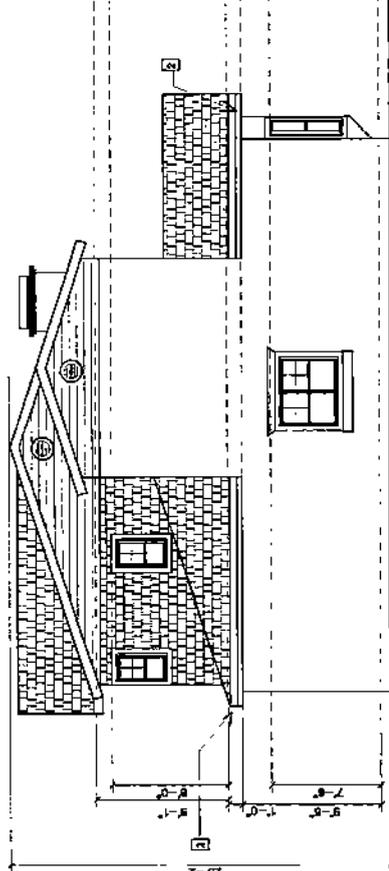


RIGHT SIDE ELEVATION UNIT 1 SOUTH
SCALE: 1/4"=1'

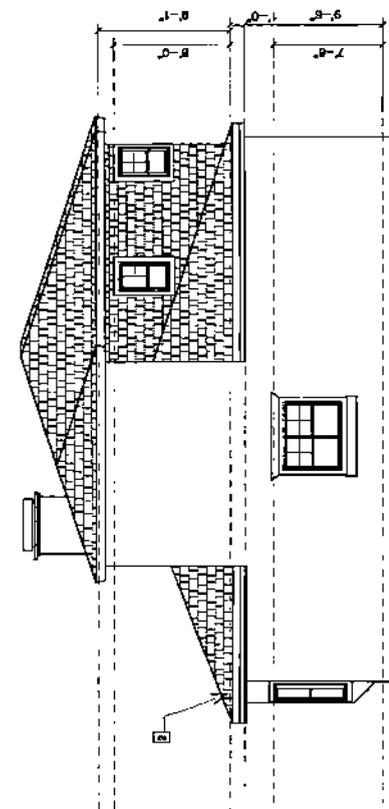


LEFT SIDE ELEVATION UNIT 1 NORTH
SCALE: 1/4"=1'

- 1 ROOF TILE/ LIFETIME DESERT BREEZE CT
- 2 2X10 FASCIA BD NORFOLK BROWN DF
- 3 EXTERIOR SHINGLE SIDING, CEDAR, TEAK BROWN DE
- 4 2X4 TRIM TYPICAL AT 2ND FLOOR, NORFOLK BROWN
- 5 EXTERIOR PLASTER



LEFT SIDE ELEVATION UNIT 1 SOUTH
SCALE: 1/4"=1'



RIGHT SIDE ELEVATION UNIT 2 NORTH
SCALE: 1/4"=1'