



PLANNING COMMISSION AGENDA REPORT

III. 4.

MEETING DATE: MARCH 27, 2006

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-06-01
2378 AND 2380 NORSE AVENUE

DATE: MARCH 16, 2006

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

DESCRIPTION

The applicant is requesting approval of variances from common interest development standards in conjunction with a design review to construct four, 2-story, detached residential units.

APPLICANT

The applicants are Matt Harty and Scott Trestik, who are also the owners of the properties.

RECOMMENDATION

Deny by adoption of the attached resolution.

Handwritten signature of Mel Lee in black ink.

MEL LEE, AICP
Senior Planner

Handwritten signature of R. Michael Robinson in black ink.

R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 2378 and 2380 Norse Avenue Application: PA-06-01
 Request: Four detached, 2-story residences with variances from common interest development requirements.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R2-MD</u>	North: <u>Surrounding properties</u>
General Plan: <u>Medium Density Residential</u>	South: <u>are zoned</u>
Lot Dimensions: <u>Irregular</u>	East: <u>residential and contain</u>
Lot Area: <u>16,080 SF</u>	West: <u>residential uses</u>
Existing Development: <u>Residences (to be demolished)</u>	

DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed	Proposed/Provided
Lot Size:		
Lot Width	100 FT	120 FT
Lot Area (Total Site)	12,000 SF	16,080 SF
Lot Area (Indiv. Lot Minus Common Area)	3,000 SF min/3,500 SF avg	2,820 SF min*/3,291 SF avg* Lot 1: 3,116 SF Lots 2 and 3: 3,615 SF each Lot 4: 2,820 SF*
Density:		
Zone	1 du/3,630 SF	1 du/4,020 SF
General Plan	1 du/3,630 SF	1 du/4,020 SF
Building Coverage (Development Lot):		
Buildings	NA	5,649 SF (35%)
Paving	NA	3,421 SF (21%)
Open Space	6,432 SF (40%)	7,010 SF (44%)
TOTAL		16,080 SF (100%)
Open Space (Individual Lots)	Lot 1: 1,246 SF (40%) Lots 2 and 3: 1,446 SF (40%) each Lot 4: 1,128 SF (40%)	Lot 1: 1,486 SF (48%) Lots 2 and 3: 1,759 SF (49%) each Lot 4: 1,238 SF (44%)
Open Space Dimensions and SF (Individual Lots)	15 FT Min. Dim./400 SF	Lot 1: 16 FT Min. Dim./646 SF Lots 2 and 3: 20 FT Min. Dim./777 SF each Lot 4: 13 FT, 8 IN Min. Dim*/403 SF
Building Height:	2 Stories 27 FT	2 Stories 25 FT
Chimney Height	29 FT	29 FT
First Floor Area (Including Garage)	NA	1,517 SF (Plan 1) 1,291 SF (Plan 2) 1,244 SF (Plan 3)
Second Floor Area	NA	1,102 SF (Plan 1) 958 SF (Plan 2) 921 SF (Plan 3)
2nd Floor% of 1st Floor**	80%	73% (Plan 1) 74% (Plan 2) 74% (Plan 3)
Rear Yard Lot Coverage	25% (600 SF)	14% (340 SF)
Setbacks (Buildings)		
Front	20 FT	10 FT*
Side (left/right)	5 FT (1 Story)/10 FT Avg. (2 Story)**	5 FT/10 FT
Rear	10 FT (1 Story)/20 FT (2 Story)	10 FT/20 FT
Common Lot Width/Front Landscape and 6 FT Wall Setback	10 FT	1 FT*
Parking:		
Covered	2	2
Open	2	2
TOTAL	4 Spaces	4 Spaces
Interior garage dimension	20 FT	20 FT

*Does not comply with code – variance requested.

**Residential Design Guideline

CEQA Status	Exempt, Class 32
Final Action	Planning Commission

BACKGROUND

The two subject properties are located on Norse Avenue, a small cul de sac street that contains several single-and multiple-family residences. The property addressed as 2378 Norse Avenue (to the south) fronts on the cul de sac at the end of the street and contains a duplex; the property addressed as 2380 Norse Avenue (to the north) contains a single-family residence.

ANALYSIS

The developer is proposing to construct a 4-unit, two-story, detached, common interest development on the two properties, which would be consolidated into a single development site. The developer is requesting approval of the following variances for the project:

- Front building setback (20 feet required; 10 feet proposed);
- Front street landscape/common area lot width and 6 foot high fence setback (10 feet required; 1 foot proposed);
- Private open space minimum dimension (15 feet required; 13 feet, 8 inches proposed); and
- Minimum and average lot sizes (3,000 square feet minimum/3,500 square feet average required; 2,820 square feet minimum/3,291 square feet average proposed).

All of the above code deficiencies occur at Lot 4 of the proposed development, which abuts the cul de sac, and all four lots combined cannot satisfy the average lot size requirement. In early 2004, Planning Commission and City Council revised the code for small lot common interest developments to exclude common areas (such as driveways) from the minimum and average lot size requirements to ensure that these types of projects have sufficient private open space for future residents.

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.

In the project description/justification form provided by the applicant, the applicant states that approval of the variance is justified due to the cul de sac, which results in a loss of buildable area for the project site. Although the cul de sac could be considered as creating an unusual lot shape for the subject property, as well as subtracting approximately 480 square feet of buildable lot area from the project site¹, it is staff's opinion that there is no basis for approval of the requested variances because the

¹ The combined area for both lots equals 16,560 square feet without the cul de sac, and 16,080 square feet with the cul de sac, a difference of 480 square feet.

combined lots exceed the minimum lot size required by code by 4,080 square feet (12,000 square foot minimum lot size required; 16,080 square foot lot size proposed), which easily offsets the amount of lot area lost as a result of the cul de sac. Additionally, it should be noted that even if the cul de sac did not exist, the project would still not comply with the average lot size requirements for small lot common interest developments per the table below:

Minimum Lot Size (Code)	3,000 square feet
Average Lot Size (Code)	3,500 square feet
Minimum Lot Size (With Cul De Sac)	2,820 square feet (Lot 4)*
Average Lot Size (With Cul De Sac)	3,291 square feet (All Lots)*
Minimum Lot Size (Without Cul De Sac)	3,116 (Lots 1 and 4)
Average Lot Size (Without Cul De Sac)	3,365 square feet (All Lots)*

*Does not comply with code

Without the cul de sac, the project would still necessitate a variance from code, which indicates the site may not be appropriate for a small lot common interest development. With the inclusion of the cul de sac, the cumulative effect of several variances from the Zoning Code requirements (front building setback, front street landscape/common lot width and 6 foot high fence setback, private open space minimum dimension, and minimum and average lot sizes) may also be an indication.

The applicant could eliminate one unit from the proposed development and construct a three-unit small lot common interest development or construct an attached 4-unit ownership project that satisfies all of the code requirements. This is not an uncommon situation when a developer chooses to pursue a small lot development over other development options. Typically, a certain number of units are allowed for a project site based upon density, but, depending upon the type of project (such as small lot residential developments) the developer may not be able to achieve the maximum number of units allowable for the site. Recent examples include 2287 thru 2295 Pacific Avenue, approved by the Planning Commission on December 12, 2005, as PA-05-53 and Tract Map T-16926 (10 units proposed, 14 units allowed) and the site adjacent to the Fairview Developmental Center at 2501 Harbor Boulevard (37 units proposed, 60 units allowed) approved under PA-05-36.

Design Review

Under Code, a design review is required when the construction of 3 or more residences on a development lot is proposed. Because all of the residences are two-story, the units are required to comply with the intent of the City's Residential Design Guidelines. It is staff's opinion that the residences comply with the guidelines, specifically; by incorporating multiple building planes and breaks in the elevations and roofs to create visual interest and adequate transitions from the first to second floor. However, because the findings for the approval of the variances discussed earlier cannot be made, the units themselves cannot be approved.

af

GENERAL PLAN CONFORMITY

The property has a general plan designation of Medium Density Residential. Under the general plan designation four units are allowed on the site and four units are proposed. As a result, the use and density conforms to the City's General Plan, however, as previously discussed, the type of project does not comply with certain requirements of the Zoning Code, necessitating the variance request.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Deny the project as recommended by staff;
2. Approve the project with the appropriate variance findings.

If the application is denied, the applicant could redesign the project to accommodate a three-lot small lot common interest development or a four-unit attached project.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15332 for In-Fill Development Projects

CONCLUSION

It is staff's opinion that due to the variances associated with the project cannot be justified due to special circumstances related to the property. While staff recognizes the cul de sac does offer a site design challenge, the combined lot size exceeds the minimum lot size by 4,080 square feet. The requested variance from minimum and average lot sizes in inconsistent with recent (2004) code amendments to ensure that small lot common interest developments provide sufficient open space for future residents. Therefore, staff recommends denial of the project.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Zoning Map/Location Map
 Plans

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

Matt Harty and Scott Trestik
 240 22nd Street
 Costa Mesa, CA 92627

PLANNING DIVISION - CITY OF COSTA MESA
DESCRIPTION/JUSTIFICATION

Application #: PA-06-01

Environmental Determination: Exempt Class 32

Address:

2380 & 2378 NORSE AVE COSTA MESA

1. Fully describe your request:

We are requesting reductions in the front yard set backs and a reduction in the private yard area for lot # 4. (combine existing two (2) lots B into tract four (4) detached homes.

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.

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.
When NORSE Ave was originally created it did not include a cul de sac and all lots extended to the right of way for the straight street. In subsequent years the cul de sac was created to the detriment of the front of lot #4.
* please see attached.

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

01/12/05
Date

RESOLUTION NO. PC-06-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-06-01**

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

WHEREAS, an application was filed by Matt Harty and Scott Trestik, with respect to the real properties located at 2378 and 2380 Norse Avenue, requesting approval of variances from common interest development standards including front building setback, front street landscape/common lot width and 6 foot high fence setback, private open space minimum dimension, and minimum and average lot sizes, in conjunction with a design review to construct four, 2-story, detached residential units; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 27, 2006.

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-06-01 with respect to the property described above.

PASSED AND ADOPTED this 27th day of March, 2006.

Bill Perkins, Chair
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed development is not compatible and harmonious with uses on surrounding properties.
 - 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.
 - The proposed project does not comply with applicable performance standards prescribed in the Zoning Code.
 - The project is not consistent with the General Plan.
 - The cumulative effect of all of the planning applications have been considered.
- B. The information presented does not comply with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do not exist to justify granting of the variances from front building setback; front street landscape/common lot width and 6 foot high fence setback; private open space minimum dimension; and minimum and average lot sizes. Although the cul de sac could be considered as creating an unusual lot shape for the subject property, there is no basis for approval of the requested variances because the combined lots exceed the minimum lot size required by code by 4,080 square feet (12,000 square foot minimum lot size required; 16,080 square foot lot size proposed), which easily offsets the amount of lot area lost as a result of the cul de sac. Additionally, if the cul de sac did not exist, the project would still not comply with the average lot size requirements for small lot common interest developments, indicating that the site may not be appropriate for this development. A unit could be eliminated from the proposed development or an attached 4-unit project could be constructed that satisfies all code requirements
- C. The information presented substantially complies with Section 13-29(g)(14) of the Costa Mesa Municipal Code with regard to the design 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, however, because the findings for the approval of the variances discussed earlier cannot be made, the units themselves cannot be approved.
- 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 under Section 15332 for In-Fill Development Projects.

- E. The project, as conditioned, is consistent with Chapter IX, Article 11, 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.

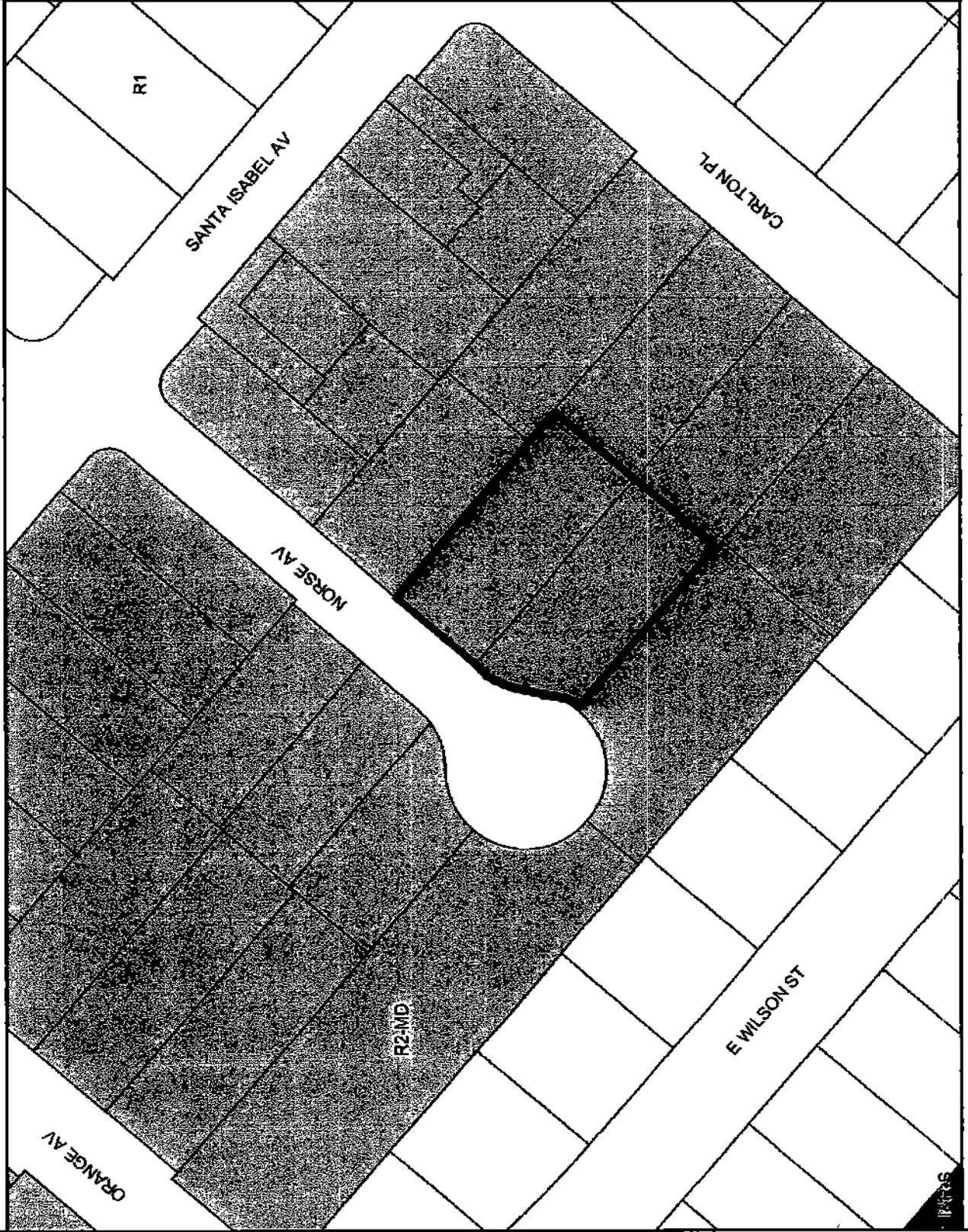
EXHIBIT "B"**CONDITIONS OF APPROVAL (If Project is Approved)**

- 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. The applicant shall contact the Planning Division to arrange a 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.
 3. 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 36 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site 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 be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
 4. The conditions of approval and ordinance or code provisions of Planning Application PA-06-01 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 5. To avoid an alley-like appearance, if driveways are paved with asphalt, they shall be developed without a center concrete swale. Design shall be approved by the Planning Division.
 6. The elevations of units visible from off-site shall have enhanced architectural details and window treatments per the direction of Planning staff.
 7. 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.
 8. Street addresses shall be displayed on the front of the house adjacent to the main entrance or front door of each residence in a manner visible to the private 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.
 9. The site plan submitted with initial working drawings shall contain a notation specifying the ultimate interior property lines.

10. 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.
11. The applicant shall provide a decorative perimeter wall, subject to the approval of the Planning Division.
- Eng. 12. 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.

ZONING/LOCATION MAP

PA-06-01



Legend

Street Names

Parcel Lines

Zoning

- AP
- C1
- C1-S
- C2
- CL
- IMR
- IMR-S
- MG
- MP
- P
- PDC
- POI
- PDR-HD
- PDR-LD
- PDR-MD
- PDR-NCM
- R1
- R2-HD
- R2-MD
- R3
- TC

Parcels



2378 AND 2380 NORSE AVE.

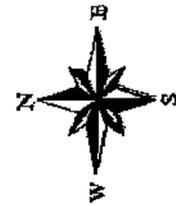
Legend

Street Names

Parcel Lines

Ortho
Photography

Parcels



DATE	
BY	
CHECKED	
SCALE	
PROJECT	
NO.	
SHEET	
TOTAL	
DATE	

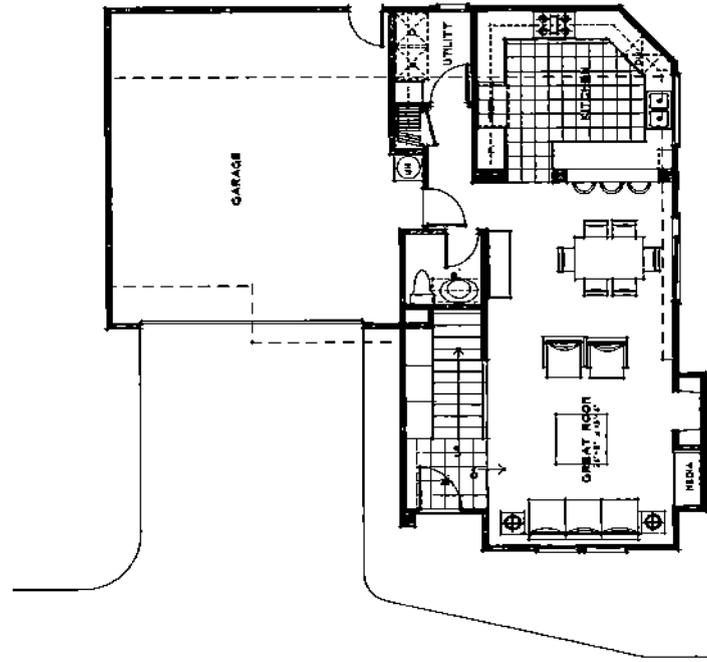
WILKINSON
ASSOCIATES
1500 RED HILL AVENUE
SUNNYVALE, CA 94086
TEL: 415-961-1000
FAX: 415-961-1001



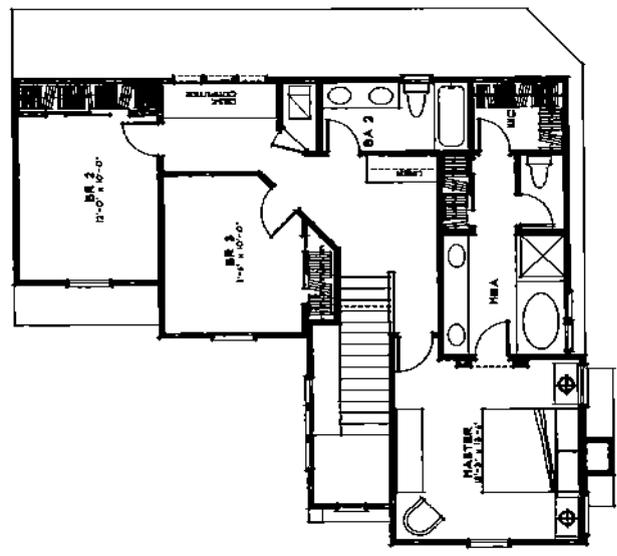
NORSE SINGLE FAMILY
TRESTIK HARTY, INC
2165 FAIRVIEW ROAD, WOS
COSTA MESA, CA 92627
44564343

PLAN 3
SHEET NO. 1 OF 1
DATE: 11/11/01

A3.1



TABULATION	
FIRST FLOOR	114
SECOND FLOOR	501
TOTAL	615
GARAGE	418



DATE	
BY	

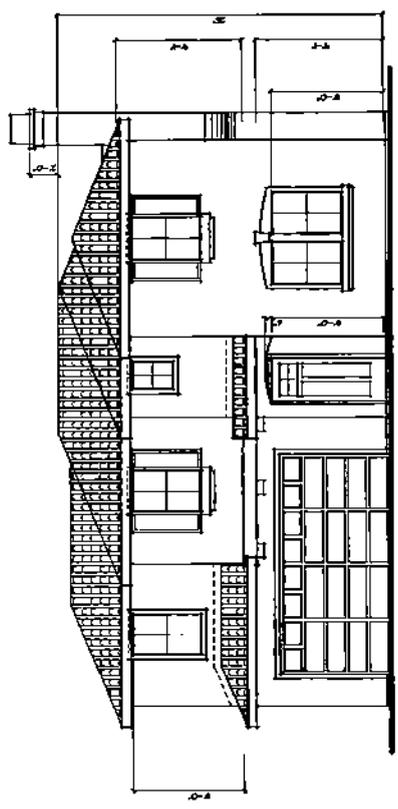
BILKINSON ASSOCIATES
 ARCHITECTS
 1700 WEST AVENUE
 SUITE 100
 SAN JOSE, CA 95128
 TEL: 415-251-1100



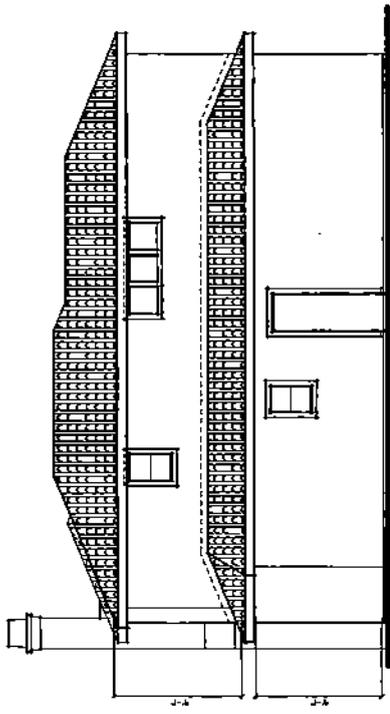
NORSE SINGLE FAMILY
 TRESTLE HARTY, INC.
 2803 FAIRVIEW ROAD, #105
 COSTA MESA, CA 92627
 714.535.4343

PLAN 3 - ELEVATIONS

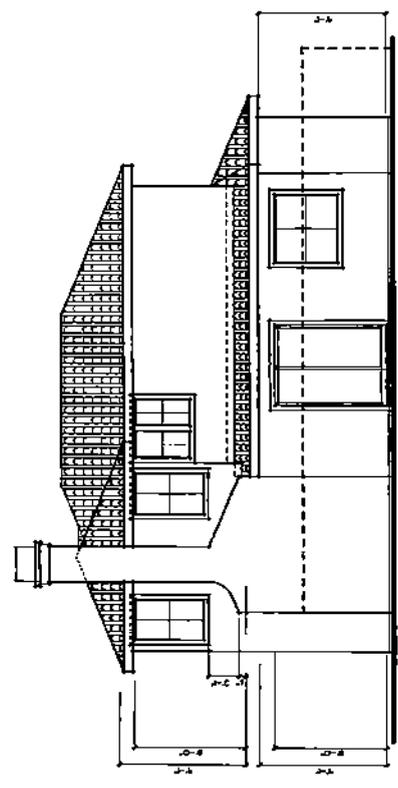
NO.	
DATE	
BY	
CHKD.	
APP.	
SCALE	
PROJECT	
A3.2	



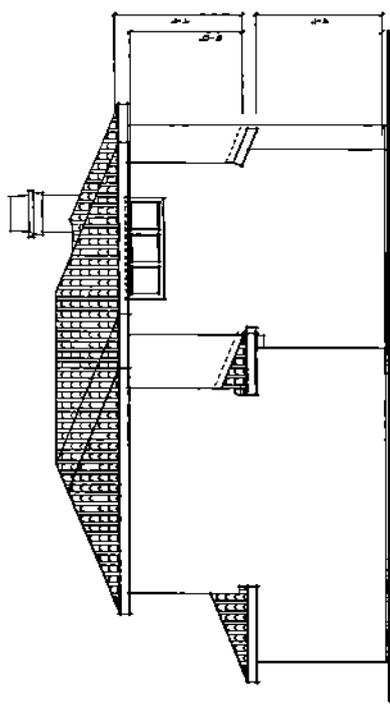
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION