



PLANNING COMMISSION

AGENDA REPORT

VI.1

MEETING DATE: DECEMBER 11, 2006

ITEM NUMBER:

SUBJECT: APPEAL OF PLANNING STAFF APPROVAL FOR BUILDING PERMIT
3089 KLONDIKE AVENUE

DATE: NOVEMBER 30, 2006

FOR FURTHER INFORMATION CONTACT: HANH NGUYEN, ASSISTANT PLANNER (714) 754-5640

PROJECT DESCRIPTION

Appeal of Planning staff's approval for a two-story addition to an existing two-story, single-family residence.

APPLICANT

The project applicant is Phillip Bennett, authorized agent for Jay and Julie Arcemont, property owners. The appellants are Yousef Nouhad and Ibtisam Abboud.

RECOMMENDATION

Uphold, reverse, or modify Planning staff's decision, by adoption of Planning Commission resolution.



HANH NGUYEN
Assistant Planner



R. MICHAEL ROBINSON, AICP
Assistant Development Svs. Director

PLANNING APPLICATION SUMMARY

Location: 3089 Klondike Avenue Permit No.: B06-00379

Request: A 337 sq. ft. second-floor addition and a 137 sq. ft. balcony, in conjunction with a 472 sq. ft. first-floor addition.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R1 Single Family Residence</u>	North: <u>R1 Single-Family Residence</u>
General Plan: <u>Low Density Residential</u>	South: <u>R1 Single-Family Residence</u>
Lot Dimensions: <u>55 ft. by 120.5 ft.</u>	East: <u>R1 Single-Family Residence</u>
Lot Area: <u>6,627 sq. ft.</u>	West: <u>R1 Single-Family Residence</u>
Existing Development: <u>A 2,251 sq. ft., two-story, single-family residence with a 486 sq. ft., attached garage.</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
Density:		
Zone	1 du: 6,000 sq. ft.	1 du: 6,627 sq. ft.
General Plan	1 du: 5,445 sq. ft.	
Building Coverage:		
Building – existing residence		17% (1,130 sq. ft.)
Building – residence addition		6% (391 sq. ft.)
Building – existing garage		7% (486 sq. ft.)
Building – garage addition		1% (81 sq. ft.)
Paving/Driveway		11% (725 sq. ft.)
TOTAL – coverage		42% (2,813 sq. ft.)
Open Space	40% (2,651 sq. ft.)	58% (3,814 sq. ft.)
Building Height:		
	2 stories/27 ft.	2 stories/23 ft.
Ratio of 2 nd floor to 1 st floor ¹	80% x 2,088 sq. ft. 1 st floor=1,670 sq. ft.	85% (1,765 sq. ft.) ^{2,3}
Setback		
Front	20 ft.	25 ft.
Side (left/right) – 1 st story	5 ft./5 ft.	5 ft./5 ft.
Side (left/right) – 2 nd story ¹	5 ft./5 ft.	5 ft./5 ft.
Rear	20 ft.	40 ft.
Parking:		
Covered	2	2
Open	2	2
TOTAL	4	4

¹ Residential Design Guideline

² Includes 137 sq. ft. 2nd floor deck

³ Includes 170 sq. ft. existing 1st floor vaulted ceiling area

CEQA Status Exempt-Ministerial Project
 Final Action Planning Commission

BACKGROUND

On October 27, 2006, Planning staff conceptually approved a second-story addition for the subject property. On October 30, 2006, the neighbors to the north of the subject site filed an appeal of staff's decision. The appellants state the proposed second-story addition and balcony would negatively impact their privacy and block sunlight to their home. The rear neighbor also submitted a written objection of this project because of noise and privacy concerns.

ANALYSIS

The applicant proposes a 337 square-foot second-floor addition and a 137 square-foot balcony in conjunction with a 472 square-foot first-floor addition to an existing two-story residence. The second-floor addition will be located on the north (right) and rear (west) sides of the residence.

A minor design review was not required for the second-floor addition and balcony because they complied with the intent of the Residential Design Guidelines. Staff originally calculated the second-to-first floor ratio as 76% (80% maximum recommended), which did not include a 170 square-foot, first floor vaulted ceiling area. However, including the vaulted ceiling results in an 85% ratio. Staff did not include the vaulted ceiling because it is existing and located on the south (left) side of the residence, where the building elevation will be unchanged with the proposed addition. Along the north elevation, a portion of the proposed second floor will be offset from the first floor. The building mass is broken by a roof between the first and second floor. As part of the plan check approval, staff required that an architectural band be incorporated onto the front-most portion of the north elevation to provide additional visual interest. The proposed second story is compatible with other two-story residences in the neighborhood.

Privacy impacts to the adjacent neighbors would be minimal because of the proposed second-story window and balcony setbacks and locations. The proposed windows and balcony will be located at least 40 feet from the rear property line; 20 feet minimum required. The balcony will also be set back 10 feet and 16 feet from the south (left) and north (right) property lines, respectively (five feet minimum required). The proposed second floor windows on the north elevation will be clerestory windows; therefore, privacy impacts to the north neighbor are minimized.

GENERAL PLAN CONFORMITY

The General Plan designation for the property is Low Density Residential, which allows a maximum density of one dwelling unit per 5,445 square feet of lot area; however, the property is zoned R1, which allows a maximum density of one dwelling unit per lot, on minimum 6,000 square-foot lot area. The site contains one dwelling unit on a 6,627 square-foot lot, consistent with both the General Plan and Zoning designations.

ENVIRONMENTAL DETERMINATION

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

ALTERNATIVES

The Commission has the following alternatives:

1. Uphold Planning staff's decision, approving the proposed project, which would allow the applicant to make the corrections recommended by Planning staff and obtain a building permit;
2. Overturn Planning staff's decision and deny the project, which would prohibit the applicant from obtaining a building permit;
3. Approve the project with modifications.

CONCLUSION

Planning staff determined that the proposed second-story addition, including balcony, satisfies the Residential Design Guidelines.

Attachments: Draft Planning Commission Resolution
Exhibit "A" Draft Findings
Exhibit "B" Draft Conditions of Approval
Appeal application
Planning staff letter
Neighbor Letter
Photographs of the site
Location Map
Plans

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

Jay and Julie Arcemont
3089 Klondike Avenue
Costa Mesa, CA 92626

Phil Bennett
12361 Baja Panorama
Santa Ana, CA 92705

Armando Oseguera
3081 Klondike Avenue
Costa Mesa, CA 92626

Yousef Nouhad and Ibtissam Abboun
3093 Klondike Avenue
Costa Mesa, CA 92626

Tony and Abie Chehade
3074 Yukon
Costa Mesa, CA 92626

Nhanh Nguyen
3085 Klondike Avenue
Costa Mesa, CA 92626

File Name: 121106B0600379Appeal	Date: 11/29/06	Time: 8:00 a.m.
---------------------------------	----------------	-----------------

RESOLUTION NO. PC-06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING PLANNING STAFF'S DECISION FOR A BUILDING PERMIT, APPROVING A SECOND-STORY ADDITION AT 3089 KLONDIKE AVENUE

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

WHEREAS, an application was filed by Phillip Bennett, authorized agent for Jay and Julie Arcemont, owners of real property located at 3089 Klondike Avenue, requesting approval for a 337 square-foot, second-story addition and balcony to an existing two-story, single-family residence; and

WHEREAS, on October 27, 2006, Planning staff issued a letter conceptually approving the second-story addition; and

WHEREAS, on October 30, 2006, a neighbor appealed Planning staff's decision; and

WHEREAS, the Planning Commission conducted a public hearing of Planning staff's decision on December 11, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **UPHOLDS** Planning staff's decision 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. 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.

PASSED AND ADOPTED this 11th day of December, 2006.

Bill Perkins, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed addition complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The proposed development is consistent with both the General Plan and the Zoning designations because the proposed construction will not increase the number of dwelling units on the property.
 4. The proposed development satisfies the City's Residential Design Guidelines. Specifically, the proposed second-story side setbacks are compatible with other two-story residences in the general vicinity. Visual interest including an architectural band and a roof between the first and second floor is incorporated onto the north elevation to minimize building mass. Privacy of the adjoining neighbors would not be impacted because of the locations and setbacks of the second-story windows and deck.
- B. The project is exempt from the provisions of the California Environmental Quality Act for ministerial projects.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. An architectural band shall be incorporated into the front-most portion of the north elevation, between the first and second floor. The band shall be painted the same color as the residence.
 2. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
 3. Any future second-floor windows shall be reviewed and approved by the Planning Division prior to installation. The windows shall be designed and placed to minimize direct lines-of-sight into windows on adjacent neighboring properties and to minimize visibility into abutting residential side and rear yards.

APPLICATION FOR REVIEW, APPEAL OR REHEARING

Applicant Name Yousef Nouhad & Ibtisam Abboud
Address 3093 Klondike Ave. - Costa Mesa, C.A 92626-2950
Phone 714(641-4819) Representing * RE: Zoning Approval (B06-00379)
3089 Klondike Aven., Costa Mesa.
REQUEST FOR: REVIEW** APPEAL REHEARING

Decision of which review, appeal or rehearing is requested: (give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) _____

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

OCT 30 2006

Decision by: _____ Reasons for requesting review, appeal or rehearing: _____

Yousef Nouhad and Ibtisam Abboud, the Owners and residents for 25 years at 3093 - Klondike Avenue in Costa Mesa, C.A. 92626-2950 - UAS. Do not approve at all any circumstances Jay and Julie Arcemont project (B06-00379)st (3089 Klondike Ave. in Costa Mesa) because of our privacy especially the second floor, windows and Balcony location, and it will block the sunlight coming into our home. We feel this project will invade our privacy and do not approve of it. Also, this matter has brought to us last minute.

Date: 10-30-06 Signature: Yousef E. Nouhad - Ibtisam Abboud
Yousef E. Nouhad Ibtisam Abboud
For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
If review, appeal or rehearing is for person or body other than City Council/Planning Commission, date of hearing of review, appeal or rehearing:

* If you are serving as the agent for another person, please identify the person you represent and provide proof of agency.
** Review may be requested only by City Council or City Council Member



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

OFFICIAL PUBLIC NOTICE OF ZONING APPROVAL

October 27, 2006

**RE: ZONING APPROVAL (B06-00379)
3089 KLONDIKE AVENUE, COSTA MESA**

The Planning Division has completed its review of the above-referenced project. Based on the following project description, the project has been approved.

PROJECT DESCRIPTION:

The property owner proposes a 337 square-foot second-floor addition in conjunction with a first-floor addition to an existing two-story residence. A minor design review is not required for the second-floor addition because the second story satisfies the Residential Design Guidelines. Privacy impacts to the adjacent neighbors would be minimal because of the proposed second-story window setbacks and locations.

The zoning approval will become final at 5 p.m. on November 3, 2006, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or is called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this notice, please feel free to contact the project planner, Hanh Nguyen, at (714) 754-5640.

Distribution:

File

Jay and Julie Arcemont
3089 Klondike Avenue
Costa Mesa, CA 92626

Armando Oseguera
3081 Klondike Avenue
Costa Mesa, CA 92626

Yousef Nouhad and Ibtissam Abboun
3093 Klondike Avenue
Costa Mesa, CA 92626

Tony and Abie Chehade
3074 Yukon
Costa Mesa, CA 92626

Nhanh Nguyen
3085 Klondike Avenue
Costa Mesa, CA 92626

11

Hanh Nguyen
City of Costa Mesa
Development Services Department
P.O. Box 1200
77 Fair Drive, Costa Mesa,
Ca. 92628-1200.
Re: 3089 Klondike Ave. Costa Mesa.

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

OCT 31 2006

Dear Ms. Nguyen:

Thank you for your letter dated October 27, 2006 regarding the above property's new project of adding a 337 square feet and a balcony to their original house.

We strongly object the second story addition and the balcony, as they will be on full view of our bedrooms and the entire backyard, which gives us zero privacy. As it is you can observe from the picture enclosed that their rock formation waterslide is already higher than our fence, anytime they go up to use it even small children, let alone the adults, can look over the backyard all the way to the kitchen and to the bedrooms, **which creates a violation to our privacy.**



I would like to also mention that our house is on ONE level so they can easily look into our house from their second level, which makes us uncomfortable in our own home.

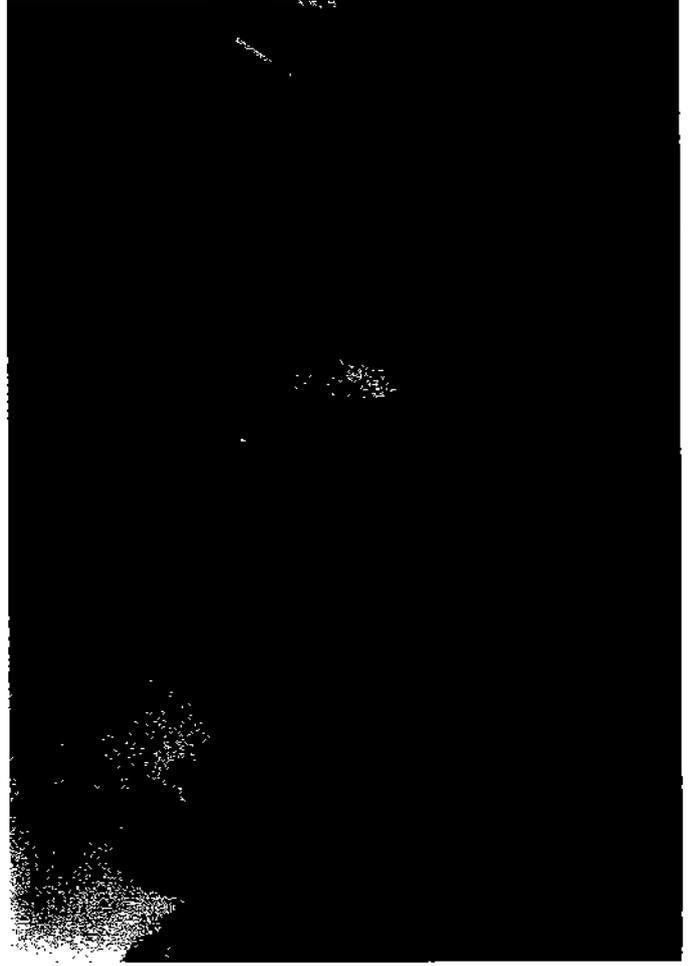
Please take all this into consideration and thank you for your attention.

P.S. Could you please also send me a copy of the staff report,

I appreciate it very much.

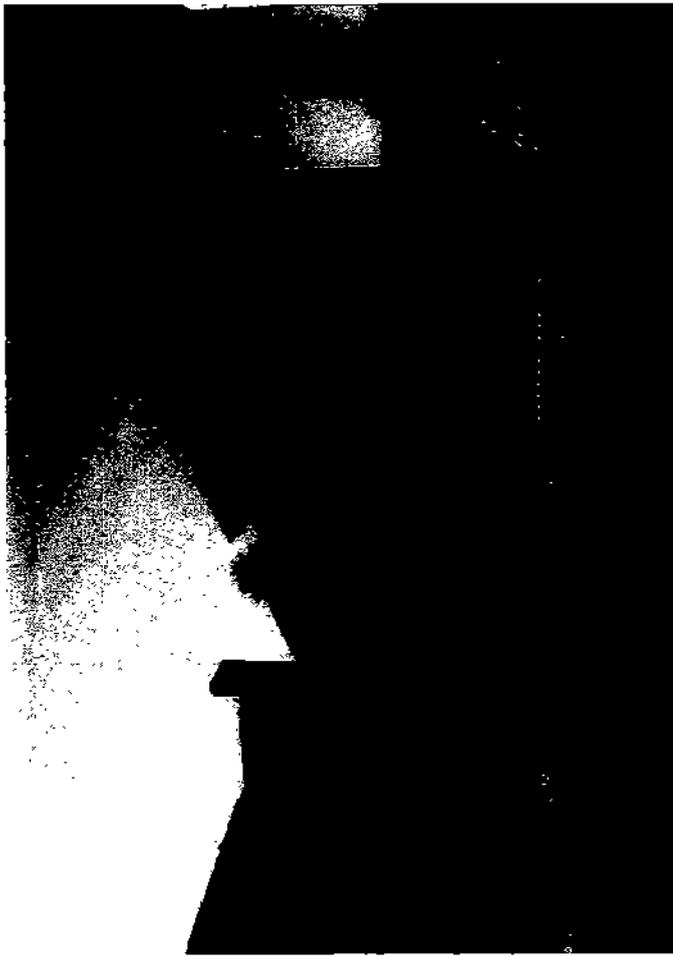
Sincerely,
Abie Chehade
3074 Yukon Ave., Costa Mesa, Ca. 92626
(714) 966-1291.

Abie Chehade
10-31-2006.

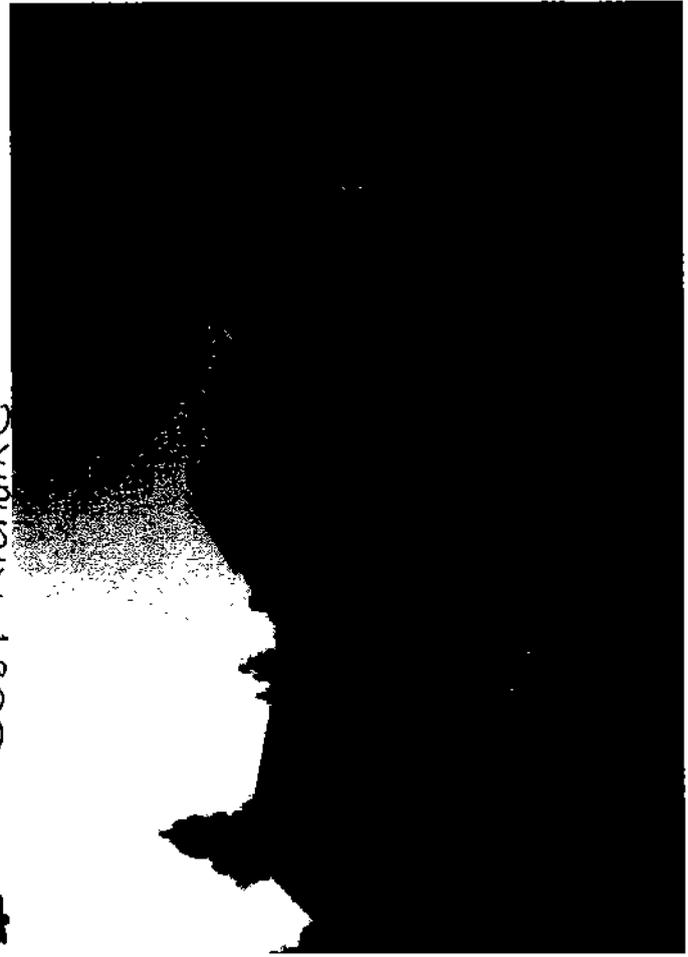


↑ 3089 Klondike

↑ 3085 Klondike



3089 Klondike

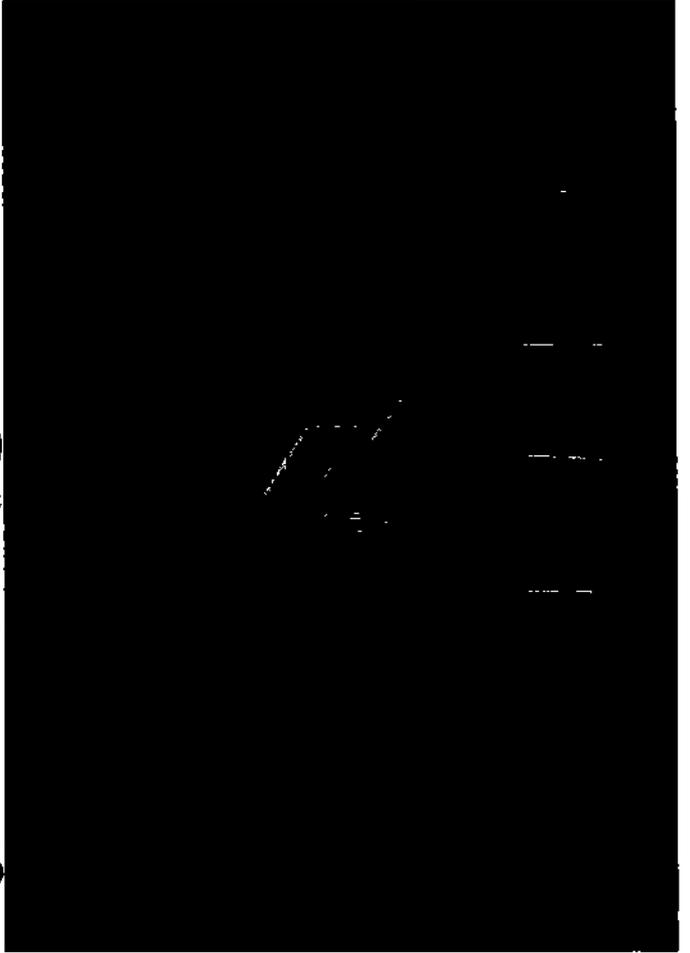


11/15/04

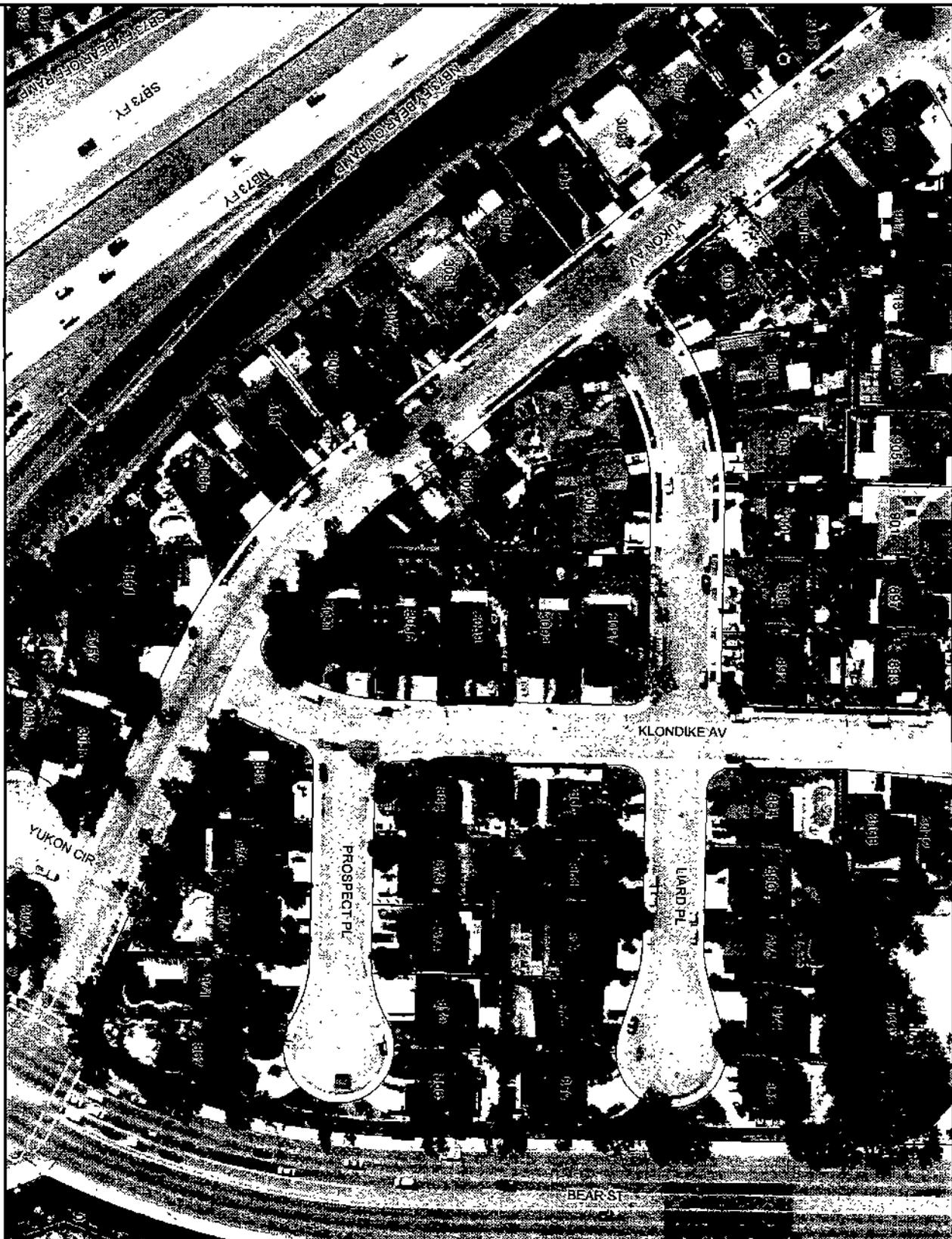


← 3093 Klondike

5 ← 3089 Klondike



3089 Klondike Avenue



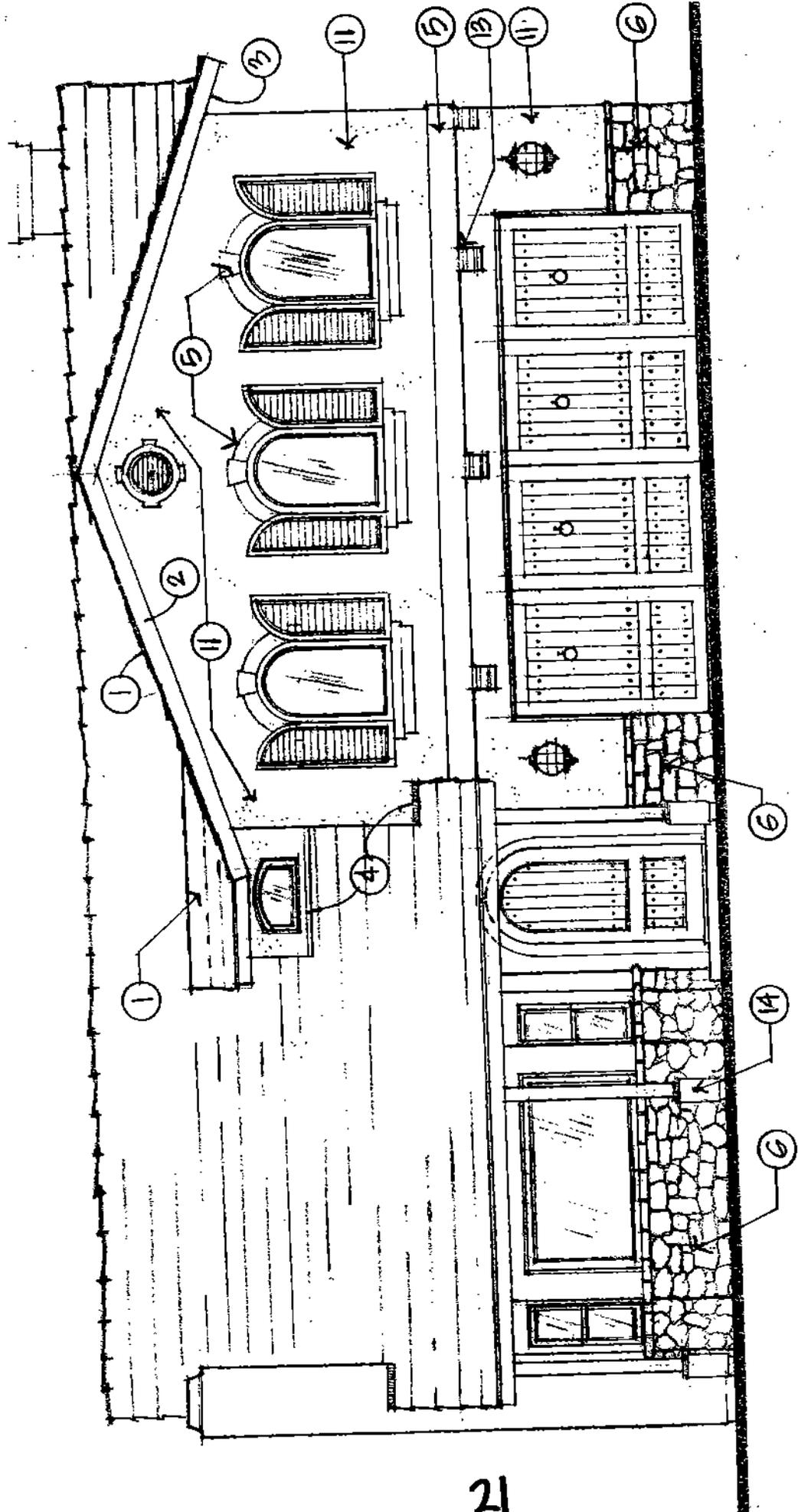
Printed: 11/22/2006 10:30:04 AM

Legend

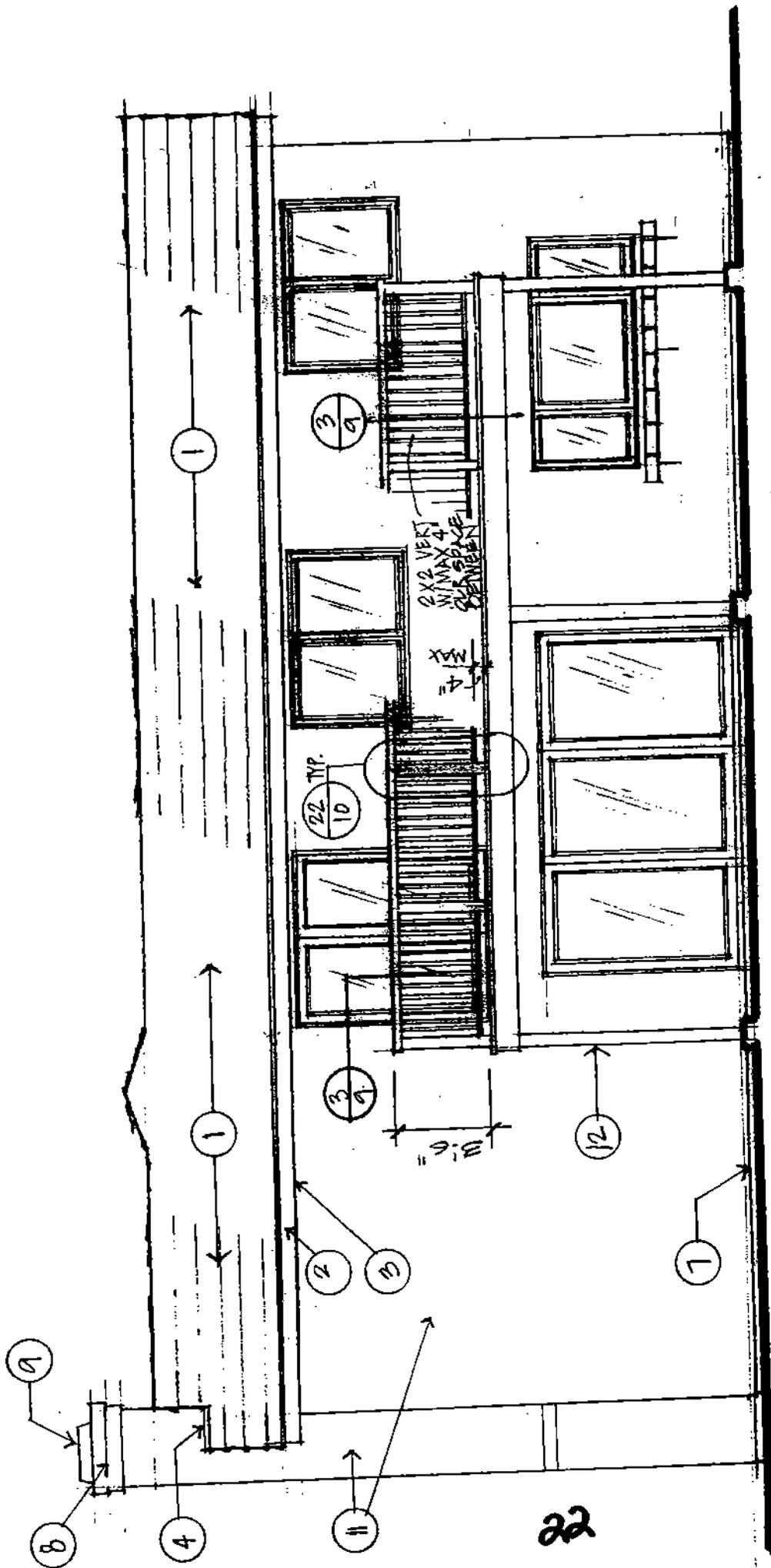
- Parcel Addresses
- Street Names
- Parcel Lines
- Ortho Photography
- Parcels



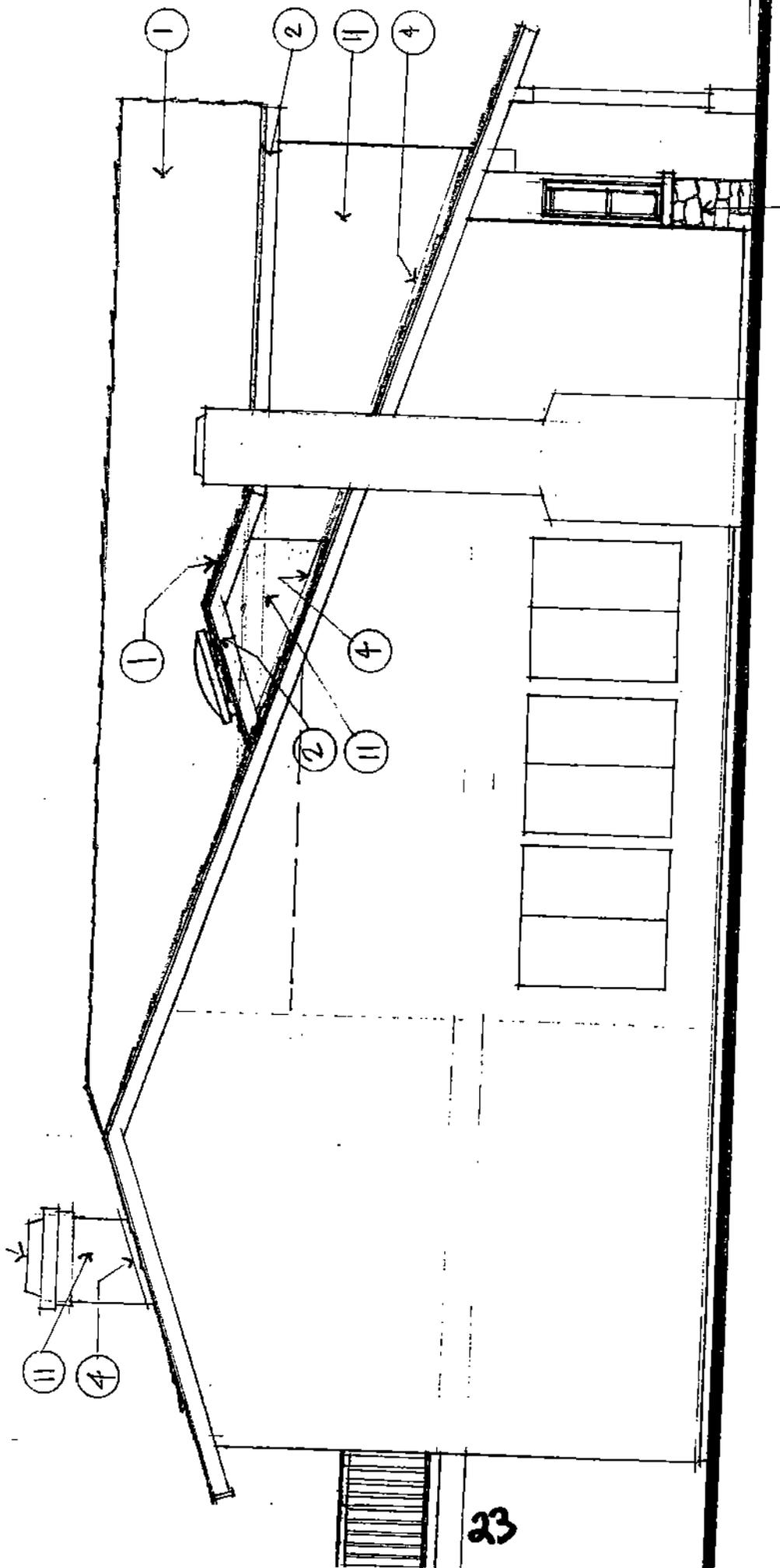
Powered By GeoSmart.net



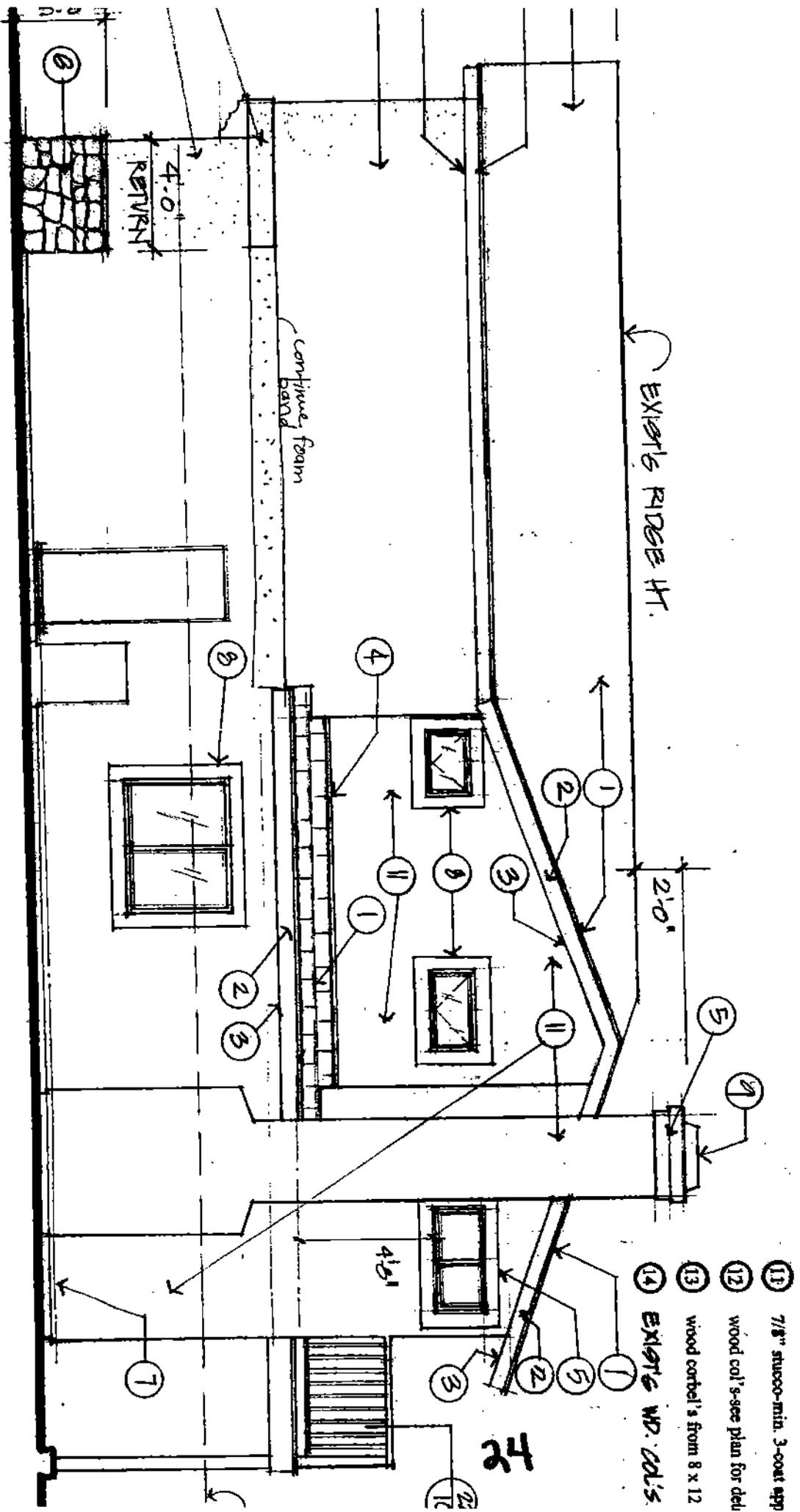
Front Elevation



Rear Elevation



South Elevation (Left side)



North Elevation (Right side)

- ⑪ 7/8" stucco-min. 3-coat app
- ⑫ wood col's-see plan for det
- ⑬ wood corbel's from 8 x 12
- ⑭ EXISTING WD. COL'S

76