



PLANNING COMMISSION AGENDA REPORT

VII. 1

MEETING DATE: JANUARY 22, 2007

ITEM NUMBER:

**SUBJECT: APPEAL OF PLANNING STAFF APPROVAL FOR BUILDING PERMIT
3175 BARBADOS PLACE**

DATE: JANUARY 11, 2007

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

PROJECT DESCRIPTION

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

APPLICANT

The project applicant is property owner James Kime. The appellant is Cynthia Ann Jaconelli.

RECOMMENDATION

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


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Assistant Development Svs. Director

PLANNING APPLICATION SUMMARY

Location: 3175 Barbados Place Permit No.: B06-01521

Request: Appeal of an 884 sq.ft. second-floor addition.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R1 Single Family Residence</u>	North: <u>Surrounding properties</u>
General Plan: <u>Low Density Residential</u>	South: <u>are all R1</u>
Lot Dimensions: <u>62 ft. x 102 ft.</u>	East: <u>zoned and</u>
Lot Area: <u>6,324 sq.ft.</u>	West: <u>developed.</u>
Existing Development: <u>A 1,224 sq.ft. single-story, single-family residence with a 455 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/ 6,324 sq.ft.
General Plan	1 du:5,445 sq. ft.	
Building Coverage:		
Building	N/A	27%(1,679 sq.ft.)
Paving	N/A	16%(1,020 sq.ft.)
Open Space	40% (2,530 sq.ft.)	57% (3,625 sq.ft.)
TOTAL	100%	100%
Building Height:		
	2 stories/27 ft.	2 stories/24 ft.
Ratio of 2 nd floor to 1 st floor ¹	80% (1,343 sq.ft.) maximum	53% (884 sq.ft.)
Setback		
Front	20 ft.	22 ft.
Side (left/right) - 1 st story	5 ft./5 ft.	5 ft./6 ft.
Side (left/right) - 2 nd story ¹	5 ft./5 ft.	5 ft./6 ft.
Rear	20 ft.	25 ft.
Parking:		
Covered	2	2
Open	2	0 ²
TOTAL	4	2²

¹ Residential Design Guideline

² Existing, nonconforming.

CEQA Status Exempt-Ministerial Project
 Final Action Planning Commission

BACKGROUND

The property owner/applicant submitted plans for an 884 square-foot second-floor addition and a 34 square-foot covered porch to his single-story residence. The second-floor addition will be located along the right (north) side of the residence.

On November 30, 2006, Planning staff conceptually approved the addition. On December 7, 2006, the neighbor to the north of the subject site filed an appeal of staff's decision. The appellant states the proposed second-story addition would block sunlight to her home and prohibit the installation of solar panels, decrease her property value, and negatively impact her privacy. The neighbor to the northwest (1697 Madagascar Street) also submitted a written objection to this project because of privacy and parking concerns.

ANALYSIS

A minor design review was not required for the second-floor addition because it complies with the City's Residential Design Guidelines. To minimize second story mass, the design guidelines recommend that the second floor not exceed 80% of the first floor area and that the addition incorporate design techniques to provide visual relief to the side yard since it matches the current 6-foot first floor north side setback. The proposed second floor to first floor ratio is 53% and the proposed construction incorporates window trims, siding, and a belly band to break up the elevations and to provide architectural interest and visual relief from off-site. Additionally, the second floor is set back more than 40 feet from the front property line and does not extend along the entire length of the first floor on the north elevation, which faces the appellant's property. The overall building height (24 feet) is also below the 27 feet maximum allowed by Code.

The City's Residential Development Standards and Design Guidelines were developed to provide adequate light, air, and privacy to developing parcels as well as adjacent parcels. As noted above, the proposed addition meets or exceeds these criteria and will minimize the impacts on the appellant's property.

The second floor windows are also designed and placed so as to minimize privacy impacts and direct views into windows on the adjacent properties. There are three windows proposed on the right (north) elevation facing the appellant's property, two of which are bathroom windows proposed to contain obscured glass. The third window overlooks the single-story residence to the north. The second floor is located approximately 25 feet from the rear (west) property line, which exceeds the 20-foot minimum required by Code.

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, minimum 6,000 square-foot in area. The site contains one dwelling unit on a 6,324 square-foot lot, which is 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 and approve the proposed addition, which would allow the applicant to obtain a building permit and begin construction;
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 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)

James Kime
3175 Barbados Place
Costa Mesa, CA 92626

Cynthia Ann Jaconelli
3181 Barbados Place
Costa Mesa, CA 92626

Christopher Schilling
3176 Barbados Place
Costa Mesa, CA 92626

Goode John S Sr & D L Trust
3174 Bermuda Drive
Costa Mesa, CA 92626

Rachel Langdale
1697 Madagascar Street
Costa Mesa, CA 92626

File: 012207B0601521Appeal	Date: 010907	Time: 11:00 a.m.
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RESOLUTION NO. PC-07-

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 3175 BARBADOS PLACE

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

WHEREAS, an application was filed by James Kime, owner of real property located at 3175 Barbados Place, requesting approval for an 884 square-foot, second-story addition to an existing single-story, single-family residence; and

WHEREAS, on November 30, 2006, Planning staff issued a letter conceptually approving the second-story addition; and

WHEREAS, on December 7, 2006, a neighbor appealed Planning staff's decision; and

WHEREAS, the Planning Commission conducted a public hearing of Planning staff's decision on January 22, 2007.

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 22nd day of January 2007.

Bill Perkins, Chair
Costa Mesa Planning Commission

RESOLUTION NO. PC-07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVERSING PLANNING STAFF'S DECISION, DENYING A BUILDING PERMIT FOR A SECOND-STORY ADDITION AT 3175 BARBADOS PLACE

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

WHEREAS, an application was filed by James Kime, owner of real property located at 3175 Barbados Place, requesting approval for an 884 square-foot, second-story addition to an existing single-story, single-family residence; and

WHEREAS, on November 30, 2006, Planning staff issued a letter conceptually approving the second-story addition; and

WHEREAS, on December 7, 2006, a neighbor appealed Planning staff's decision; and

WHEREAS, the Planning Commission conducted a public hearing of Planning staff's decision on January 22, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning staff's approval, with respect to the property described above.

PASSED AND ADOPTED this 22nd day of January 2007.

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 second to first floor ratio is 53% and the proposed construction incorporates window trims, sidings, and a belly band to break up the elevations and to provide architectural interest and visual relief from off-site. The second story windows are also placed and designed so as to minimize privacy impacts and direct views into windows on the adjacent properties.
- 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. 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.
 2. Any future second-floor windows shall be reviewed and approved by the Planning Division prior to installation.

APPLICATION FOR REVIEW, APPEAL OR REHEARING

Applicant Name CYNTHIA ANN JACONELLI
Address 3181 BARBADOS PLACE COSTA MESA, CA 92626
Phone 714 549-5886 Representing* _____

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.) ZONING APPROVAL (B06-01521)

3175 BARBADOS PLACE - SINGLE STORY REMODEL AND AN 884 sqft
Second floor Addition 11-30-06 - COVERING (NORTH) FACING
SINGLE STORY HOME WITH POOL (Should stay single / extend Living Room
and BACKYARD

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

SEE ENCLOSED (Photos / Document) FINISHING: 2 yrs REMODELING HOME NOT WORKING
Little money left for (SOLAR PANELS) to Heat HOME + Pool (Pool) + (Sunporch) Built
With HOME. Family's BEEN HERE SINCE 1970's. ALREADY HAD SPOOKEN - SIGNED
PLANNED, ORDERED AND GAVE DEPOSIT FOR SOLAR PANELS / HAVE gotten Building Permits
AND GOING UP FEW WEEKS! HAD THEM COME BACK ON THERE TIME TO SEE IF THERE'S ANY
WHERE ELSE THEY CAN GO - THEY LOOKED AND SAID NO - AND TOLD ME THEY WILL NOT WORK
GOOD ENOUGH WITH KNOWING - BEING (NORTH) OF THEM. TO DENY USE OF PURCHASES
(ECHO/ENERGY) SAVING (SOLAR PANELS) IS NOT GOOD FOR A CITY WHO PRIDES THEMSELVES
ON RECYCLING AND OTHER ECHO PROJECTS (MIGHT WANT TO GO TO THE MEDIA) IF YOU LET THIS HAPPEN
BESIDE PROPERTY VALUE GOING DOWN (SEE ENCLOSED Professional Real Estate Agent 25 yrs Quote)
THERE WILL BE NO SUN ANYWHERE (around) OR (IN POOL) ONLY HAVE 2X12 FT SPACE AS IT IS!
SEE ENCLOSED PHOTO EXPLAINING) ALSO MY BED ROOM ONLY HAS ONE WINDOW FOR SOURCE OF LIGHT
WILL NOT HAVE ANY LIGHT AT ALL. BESIDES NO PRIVACY EVEN IF YOU PUT BATHROOM, THEY
STILL CAN LOOK SEE EVERYTHING - (THEY HAVE YOUNG BOYS) I FEEL THEY CAN EXTEND FRONT LIVING ROOM
AND BACKYARD WHICH THEY
SELDOM USE.

Date: Dec 5, 2006 Signature: Cynthia Jacconelli

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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
Costa Mesa/Forms1/Application for Review-Appeal-Rehearing

APPLICATION FOR REVIEW, APPEAL OR REHEARING

Applicant Name CYNTHIA ANN JACONELLI
Address 3181 BARBADOS PLACE COSTA MESA, CA 92626
Phone 714 549-5886 Representing* _____

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ZONING APPROVAL (B06-01521) 3175

BARBADOS PLACE - Thank you FOR YOUR TIME AND TROUBLE TO SERIOUSLY THINK THIS OVER - Not How City MAKES MONEY ON Property TAXES THIS TIME (AM) THE 1% out of 100 - that you will have to Realize this DOES NOT WORK!
(2nd page)

Decision by: _____ Reasons for requesting review, appeal or rehearing: TO CONCLUDE AND REVIEW

1. SOLAR PANELS - Purchased (DEPOSIT/PAID) Building Permit - schedule to go up in few weeks - NO other place to put them - they check

2. Property Value: Because of the 2 story being North of them

with Built in Pool when Home was Built - will have NO sun - not even a little around pool or IN pool - IF I EVER DESIDE TO SELL - How these Home covers

(OUR HOME) AND (PAST HOME) EVEN PART OF THE POOL WE WILL BE IN THE SHADE/DARK 90% of the Year. How would you like it if you

could Never enjoy or grow Anythg in your Backyard being North of them!

As it is Now - my Pool is in the SHADE Due to there over Grown tree - this is Why (one reason) I need to Heat it - BEEN Here (Family) Since I was 9 yr old

Am 44 now - Since the 70's we never needed to heat the Pool - But Always Planned to my Parents have Both Past Awey But my father had purchase Panels But Died

Before he could put them up I hate to say this But I like to Lay out Topless Plus have (A SPA) I'd Like to enjoy - without swim wear will never be able to do this

It is a Big upset/stressful (CHANGING MY WHOLE LIFE) And I had just refinanced my parent home.

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* 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

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