



PLANNING COMMISSION AGENDA REPORT

X.5

MEETING DATE: FEBRUARY 12, 2007

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-06-68
2590 ORANGE AVENUE

DATE: FEBRUARY 1, 2007

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

DESCRIPTION

The applicant is requesting approval of variances from front and rear yard setback requirements, as well as rear yard coverage requirements, in conjunction with a design review to construct a two-unit, 2-story, common interest development.

APPLICANT

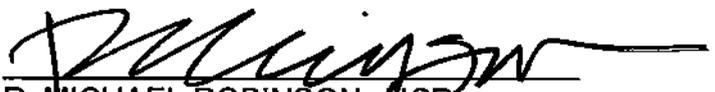
The applicant is Jim Cefalia, representing Joe and Stella Cefalia, the owners of the property.

RECOMMENDATION

Deny by adoption of Planning Commission resolution.



MEL LEE, AICP
Senior Planner



R. MICHAEL ROBINSON, AICP
Ass. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 2590 Orange Avenue Application: PA-06-68

Request: Construct a two-unit, 2-story common interest development with variances from front and rear setbacks and rear yard lot coverage.

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 (Development Lot)	100 FT	71 FT (1)
Lot Area (Development Lot)	12,000 SF	8,295 SF (1)
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	3,436 SF (41%)
Paving	NA	704 SF (9%)
Open Space	3,318 SF (40%)	4,155 SF (50%)
TOTAL		8,295 SF (100%)
Building Height:		
Building Height	2 Stories/27 FT	2 Stories/26 FT
Chimney Height	29 FT	29 FT
First Floor Area (Including Garage)	NA	1,718 SF
Second Floor Area	NA	1,273 SF
2nd Floor % of 1st Floor (2)	80%	74%
Rear Yard Lot Coverage	25% (355 SF)	36% (517 SF) (3)
Setbacks		
Front (Orange Av.)	20 FT	10 FT (3)
Side (left/right – Susannah Pl.)	5 FT/ 10 FT (1 Story) 10 FT Avg. (2 Story) (2)	10 FT/20 FT (Both Stories)
Rear	10 FT (1 Story) 20 FT (2 Story)	5 FT (3)
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

(1) The property is legal nonconforming

(2) Residential Design Guideline

(3) Does Not Comply With Code; variance requested

CEQA Status Exempt, Class 3 (New Construction)

Final Action Planning Commission

BACKGROUND

The property is zoned R2-MD and contains a fire-damaged one-story single family residence, which is proposed to be demolished to accommodate the proposed project. The R2-MD zoning of the property allows a maximum of 2 dwelling units on the property.

On February 13, 2006, Planning Commission considered Planning Application PA-05-42, a request by the applicant to subdivide the property into two separate lots with variances from lot size and lot width to accommodate two, 2-story, single family detached units (one on each lot). At the hearing, several surrounding residents spoke in opposition to the project, stating the following concerns:

1. The reduction of on-street parking on Susannah Place (which is a cul de sac street) as a result of the two driveway approaches for the proposed units.
2. The size and scale of the proposed units were not compatible with the surrounding neighborhood.

Planning Commission approved the project on a 3-2 vote (Commissioners Fidler and Egan voting no). Commission's decision was called up for City Council review by Council Member Dixon. At the March 21, 2006 City Council meeting, after similar concerns were noted by the surrounding residents, Council continued the hearing to April 18, 2006, to allow the applicant an opportunity to redesign the project to address the issues raised by the residents. The project was denied by Council at the April 18, 2006 meeting on a 3-1 vote (Council Member Bever voting no, Council Member Monahan absent) after the applicant stated he did not wish to redesign the project. Copies of the Planning Commission and City Council meeting minutes for PA-05-42 are attached to this report for reference.

On October 26, 2006, six months after the denial of the project, the applicant submitted a new application for a two-unit common interest development.

ANALYSIS

Unlike the subdivision of the property into two separate lots proposed under PA-05-42, the applicant is proposing a two-unit common interest development (airspace) to allow the units to be sold independently of one another; as a result, variances from lot size and lot width are not required. Although the units are oriented towards Susannah Place, Orange Avenue is considered the front of the lot under the Code. As a result, variances from front and rear setbacks, as well as rear yard lot coverage, is required (again, these setback variances were not required under PA-05-42 because the property was proposed to be subdivided into two separate lots under that application).

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 denying the variance under PA-05-42 for minimum lot size and width, City Council found that there were no special circumstances applicable to the property to justify approval of the variance. Council also found that the proposed units did not comply with the intent of the City Zoning Code and Residential Design Guidelines because the mass, scale, and character of the units were not compatible with the surrounding neighborhood. Also, as indicated earlier, Council was also concerned that the two drive approaches on Susannah Place would reduce the amount of on-street parking for the neighborhood.

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

	PA-06-68	PA-05-42
Unit Size (Including Garage)	2,991 Sq. Ft. (Both Units)	2,911 Sq. Ft. (Both Units)
Open Space	4,155 Sq. Ft. (50%)	4,133 Sq. Ft. (50%)
No. of Driveways	2	2
Building Height	21 FT, 6 IN	21 FT, 6 IN
Front Setback*	10 FT	10 FT, 6 IN
Side Setback (Left/Right)	20 FT	22 FT
Rear Setback*	5 FT	5 FT

*Per Code, Orange Avenue is considered the front of the lot.

As noted in the table above, the proposed units are similar (in fact, nearly identical) to the proposed project denied by City Council under PA-05-42. Because the mass and scale issues of the units noted by the City Council and the surrounding residents, as well as the reduced on-street parking, have not been addressed, it is staff's opinion that the findings for approval of this project (including the requested variances) cannot be made.

ENVIRONMENTAL DETERMINATION

The project, if approved, is exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction.

ALTERNATIVES

The Commission has the following alternatives:

1. Approve the project as proposed, with appropriate conditions of approval; or
2. Deny the project. The applicant may appeal the Commission's decision to City Council.

CONCLUSION

Because the project is similar in design to the project previously denied by City Council based upon incompatibility of the proposed units with the surrounding neighborhood, staff recommends denial of the project.

- Attachments:
1. Draft Planning Commission Resolution
 2. Exhibit "A" - Draft Findings
 3. Exhibit "B" - Draft Conditions of Approval
 4. Planning Commission and City Council Minutes for PA-05-42
 5. Location Map
 6. Plans for PA-06-68 and PA-05-42

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

Jim Cefalia
930 W. Oceanfront
Newport Beach, CA 92662

Joe and Stella Cefalia
1649 Bayside
Corona Del Mar, CA 92625

File Name: 021207PA0668	Date: 020107	Time: 10:20 a.m.
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RESOLUTION NO. PC-07-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-06-68**

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

WHEREAS, an application was filed by Jim Cefalia, representing the owners of the property, Joe and Stella Cefalia, with respect to the real property located at 2590 Orange Avenue, requesting approval of variances from front and rear setbacks and rear yard coverage, in conjunction with a design review to construct a two-unit, 2-story, common interest development; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 12, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** PA-06-68 with respect to the property described above.

PASSED AND ADOPTED this 12th day of February, 2007.

Chair, Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented substantially does not comply with Costa Mesa Municipal Code Section 13-29(g)(1) in that special circumstances applicable to the property do not exist to justify granting of the variances from lot size and lot width requirements. There are no special circumstances applicable to this property such as unusual lot size, lot shape, topography or similar features with regard to the requested variance. Specifically, the property can be developed as two residential units in conformity with the City of Costa Mesa Zoning Code and Residential Design Guidelines and there is no deprivation of a property right that is enjoyed by other properties within the neighborhood.
- B. The project does not comply with Costa Mesa Zoning Code and does not meet the purpose and intent of the Residential Design Guidelines with respect to compatibility with the scale and character of existing buildings and natural surroundings within the established residential community. Specifically, the project is similar to a project which was previously denied due to the incompatibility of the mass and scale of the units to the surrounding residential neighborhood, as well as reduced on-street parking resulting from the number of driveways required to serve this project.
- C. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - a. The proposed building and site development is not compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. The proposed building and site development is not consistent with the General Plan.
 - c. The planning application establishes 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 under Section 15303 for New Construction.
- E. The project is exempt from Chapter XII, Article 3, and Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

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. 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 the current cable company 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-06-68 shall be blueprinted on the face of the site plan.
7. 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. Every effort shall be made to maintain the privacy of abutting property owners.
8. 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.
9. 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.
 10. 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.
 11. 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.
 12. 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.
 13. A separate parcel map shall be submitted to facilitate the common interest development (condominiums).
 14. The CC&R's shall require that garage spaces be used for parking only. Any changes made to this provision require prior review and approval by the City of Costa Mesa.
 15. The CC&R's shall include a provision mandating binding arbitration in the event of any dispute between the two property owners relating to the homeowner's association.
 - Eng. 16. 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.

**PLANNING COMMISSION MINUTES FOR PA-05-42
2590 ORANGE AVENUE
FEBRUARY 13, 2006**

was the result of a birthday party celebration in the rear room was pushed out into the parking lot where numerous shots were fired. At that time, the Commission bent over backwards to preserve the property owner's investment. Hoping that we would be protecting the public safety at the same time, one of the 2 CUP's was revoked and restricted hours of operation and added other conditions were put into place. Ninety days later, there has been another "assault with a deadly weapon." Commissioner Egan said she felt the Commission has to do what they can to protect public safety because somebody is going to get killed. She said she is not inclined to continue the matter—the owner has the opportunity to appeal the revocation to the City Council should the Commission go that route.

Commissioner Garlich agreed with Commissioner Egan's assessment and said his core concern is exactly what she said, somebody is going to get killed over there if the Commission doesn't do something, and do it tonight. He felt he had personally gone the extra mile in the last hearing and stuck his neck out to try to give the owners and operators the benefit of the doubt. Since then, three incidents have taken place, one of which was assault with a deadly weapon. He felt the key phrase he heard tonight was, "unbeknownst to me." He said everything that goes on over there seems to be "unbeknownst" to the people who are running this operation. He said the only thing the Commission can do this evening, is to revoke the conditional use permit, and further, he did not support an extension or a continuance either. He said the work that was done by the previous attorney may or may not have been satisfactory to his client, but for the record, his attorney did call him (Commissioner Garlich) over a week ago. He does not want our Police Department to have to use their resources to enforce these kinds of conditional uses. The only way we know what's going on is if our police officers go there and monitor it. Under the current basic discretionary approval that exists, they can operate as restaurant until 10 p.m. He said that people, who can't tell that there are 500 people in a room, maybe wouldn't be able to tell when it's 10 p.m. He said he has no confidence that anything is going to be enforced, and he doesn't want anybody killed at that restaurant on his watch.

The Chair said he also supports this motion. He said he was also concerned when he heard the owner say he did not know when something happened. He felt owners, operators and management of restaurants, bars, etc., should all be mindful, especially where alcohol is concerned.

Vice Chair Hall said he was going to make a substitute motion, but having heard the Commission's testimony, he believed it would be a waste of time to continue the item. He said he sees the opportunity for the operators of the Corner Office Sports Bar and Grill to appeal to the City Council as somewhat of a continuation. He said he would rather see it continued, but he would support the motion.

Commissioner Fister said he would support the motion and that on October 10th of last year, Commissioners Egan, Garlich, and himself, voted to help the restaurant. He felt that by revoking PA-03-39, there would be no live music or DJ and that this would fix the problem because he didn't want to add a fatal blow to this business without giving them that chance. Now, he does not think that was the answer so he would support the motion.

The Chair explained the appeal process.

The Chair opened the public hearing for consideration of Planning Application PA-05-42 for Pete Volbeda, authorized agent for Joe Cefalia, for a variance from minimum lot size requirements (12,000 sq. ft. required, approximately 4,000 sq. ft. per lot proposed) and lot width requirements (100 ft. required, 58 ft. and 62 ft. proposed); consider Susannah Place instead of Orange Avenue as the front of Parcel #2; in conjunction with a development review for the construction of 2, two-story, single-family residences, located at 2590 Orange Avenue, in an



PLANNING APPLICATION
PA-05-42

Cefalia/Volbeda

R2-MD zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and gave a presentation. He said staff was recommending approval, by adoption of Planning Commission resolution, subject to conditions.

In response to a question from Commissioner Fisler regarding the actual standard for the lot width of an R1 zoned property, Mr. Lee explained that 50 feet minimum lot width is the standard for R1, and 100 feet is the minimum standard for this zoning district which is R2-MD. Commissioner Fisler confirmed with Mr. Lee that if both lots became R1 and the front becomes "Susannah Place", they would both meet the 50 feet requirement. In response to another question from Commissioner Fisler regarding the average lot size required if there is more than 1 lot, Mr. Lee explained that for common interest developments code specifies a minimum 3,000 square foot with an average 3,500 square foot for each lot. In this instance, the proposal is not for a common-interest development. This would be an actual subdivision for two completely separate and independent lots; there is no average.

Commissioner Egan asked if this were to be a common-interest development, how would that change the applicable standards and the variances that would need to be approved. Mr. Lee explained that in order for a common-interest development to be approved, a variance for the minimum number of units would be required. Under current code, 3 or more units are required for a common-interest development. However, minimum lot width and lot sizes would not apply in that instance, because there would be one lot that would be required to be held in common with the properties, and if that were the case, then there would be no physically separated and subdivided lots.

Commissioner Egan asked if the ordinance that would eliminate the minimum "3 units" requirement, has gone before City Council yet. Mr. Robinson said that item is on the Council agenda for next Tuesday, February 21st.

Commissioner Garlich, anticipating Council may pass this waiver, asked whether a common-interest development had any advantages to the proposed lot split. Mr. Lee stated that the only advantage in this instance would be that one lot could be held in common. He said what distinguishes a common-interest development from this project, is that under a common-interest development, a homeowners association would be responsible for maintenance of the common areas, which would not be the case for this development since each lot is physically separated and would be owned independent from the other.

Commissioner Fisler asked Mr. Lee to review minimum lot sizes with him again for R1, R2-MD and HD and R3 zoning districts. Commissioner Fisler confirmed that R1 lots have a minimum lot size of 6,000 square feet and these are 4,100 square feet.

Pete Volbeda, architect for the project and representing the property owner, 615 North Benson Avenue, Upland, agreed to the conditions of approval. Mr. Volbeda explained that this project is similar to a previous project on 23rd Street. He said their belief is in pride of ownership and that the property will be better maintained better with a good appearance if these are ownership units. He noted that the project exceeds the lot size requirements: there is more open space than required; and they are below the standards when applicable and it is better than the required ordinance. One of the reasons they don't want a common lot development is because with 2 members you would have a lot of tie votes. Mr. Volbeda requested approval of the project by the Planning Commission.

Commissioner Egan stated that previously when Planning Commis-

sion has approved a 2-lot condominium development, the conditions of approval included an arbitration agreement in the event there was a stalemate between the 2 owners. Mr. Volbeda responded that somebody has to pay for the arbitrator and then argue about which arbitrator to choose, etc. He felt it would be much easier with separate ownership.

PA-05-42
PUBLIC COMMENT

•Teresa Catlin, 2078 Susannah Place, Costa Mesa, explained that Susannah Place is a very small cul-de-sac and the project proposes 2 driveways. She said the cul-de-sac couldn't accommodate the people who live there now because of all the new developments on Santa Ana, Del Mar, and Orange Avenue and people needing a place to park. People are so bold now that they even park in front of the driveways and have to be towed away. •Richard Nelson, 210 Susannah Place, Costa Mesa, submitted a petition signed by approximately 9 residents and property owners on Susannah Place including himself. The residents opposed the variance because having 2 more homes on the cul-de-sac would cause exacerbation of already overcrowded local schools; it would cause a negative effect in residential density beyond the General Plan capacity; it will compound the existing congested traffic flow on Orange Avenue; the variance will remove 3 to 4 additional parking spaces while at the same time, adding a potential of 3 to 6 cars; and the addition of two high-density noncompliant, two-story buildings will bring down their property values and has the potential of causing financial hardship. •Norm Dias, 203 Susannah Place, Costa Mesa, said that for whatever reason, City Council has decided that Costa Mesa needs to have more housing for people and he is not opposed to that, but he is opposed to the density which he watching this City constantly escalate. If the City continues to allow this to move eastward, there will be a parade of developers wanting to come in and buy up these large parcels and divide them. He believed this project was short by a huge percentage and not by 50 feet. He said he got a ticket in his own driveway because the driveways are too short. The Police Department wouldn't negate the ticket because of ADA rules. He asked if people cannot park in their own driveways because of the ADA rules, where should they park? Everyday from 6 p.m. on, the street is so congested; there is no parking left. How does the City know these people won't buy these places and turn them into rentals? Commissioner Egan, addressing Mr. Dias, said given that the zoning is R2 and the applicant has a right to put 2 units on his property, is there a difference between making it 2 single-family homes, 2 condominiums, or 2 rental units? Mr. Dias felt if they have the square-footage as required by the City, for any or all of the above-mentioned designations of residence, and he didn't think it mattered what goes there. He believed that they should follow the guidelines established by the City to have the square-footage to build what they are asking to build. •Patty Pertschi, 201 Susannah Place, Costa Mesa, said her concerns regarding this project, are the driveways and why the address which is currently Orange Avenue is going to be switched to Susannah Place.

Pete Volbeda returned to the podium to address the issues. He explained that this site has a drive approach on Orange Avenue and on Susannah Place, and Orange Avenue is a very busy street. He felt putting both driveways on Susannah Place should relieve a lot of traffic. In addition, they are dedicating 3 feet of their site to allow the sidewalk to go through on Susannah Place. There is about 20 feet of distance required for the parking stall in front of the garage. He said if they do not get approved this evening, they can proceed and build these as rental units, but they prefer ownership units.

In response to the Chair, Mr. Lee said the City code specifies that a minimum of four parking spaces as shown in the plan; 2 garage

spaces, and 2 outside on the driveway leading to the garage (19 to 20 feet in length clear of any public right-of-way, including sidewalks so that the vehicles do not overhang into the public right-of-way in violation of the ADA regulation). The Chair wished to draft language into the conditions of approval for this code requirement and the applicant agreed.

Vice Chair Hall said it is his understanding that, by right, the property owners could build 2 units for rental. Mr. Lee confirmed and agreed they could also build units of equal size as shown on the site plan. Vice Chair Hall felt the only difference between what is permitted and what they are asking for is home ownership. He believed there would be plenty of parking. He said he heard one of the speakers say he was ticketed because his car was hanging over the driveway against ADA requirements. He confirmed the driveway length was at fault. Vice Chair Hall asked if there was something that could be done so that these people are not subjected to that. Mr. Munoz stated that the City must meet ADA federal requirements, and this home does not allow the car to be fully clear of the sidewalk so it's a problem. Mr. Munoz felt it could be discussed with the Police Department and Transportation Services Division to see if there is a way to exempt those people from having violation problems. The Chair requested that Mr. Munoz discuss this with the property owners and get back to them with the results of his discussions with the Police Department and Transportation Services. Mr. Munoz agreed. Vice Chair Hall also suggested that the people on Susannah Place should apply for a restricted parking status, which would give them permit parking only. Mr. Lee stated that there is a procedure to allow for permit parking on a public street, which is typically reviewed by the Transportation Services Division, which makes their recommendation to City Council. Vice Chair Hall said he understands that on address assignments, normally addresses are assigned to the narrow side of the lot and when this lot is divided, the narrow side now becomes Susannah Place. He felt these changes would be far superior to having 2 rental units built on that street, and he felt it would improve the driveway problems.

No one else wished to speak and the Chair closed the public hearing.

MOTION:
PA-05-42
Approved

A motion was made by Vice Chair Hall, seconded by Chair Perkins, and carried 3-2 (Fisler and Egan voted no) to approve Planning Application PA-05-42, by adoption of Planning Commission Resolution PC-06-09, based on analysis and information in the Planning Division staff report and findings contained in exhibit "A", subject to conditions in exhibit "B."

During discussion on the motion, the Chair wished to add a condition that would require people to park in their garages and on their driveways. Commissioner Egan requested that legal counsel give an opinion on that request. Deputy City Attorney Tom Duarte stated that his first understanding of the Chair's request was to comply with code, but as just stated by the Chair, the City cannot condition property owners not to park on public streets. Commissioner Garlich offered that we already have the code that requires garage space be provided for a two-car garage, if it is a two-car garage. There is no code that says a car has to be parked in there.

Commissioner Fisler said he would not support this motion and said he was at the losing end of a 4 to 1 vote on the previous project on 23rd Street. He felt the applicants wanted to move the orientation of these two substandard lots onto Susannah Place making them R1 lots. He said 2-story homes may eventually show up on that street, as a realtor he encourages home ownership, but not at the expense and integrity of the street.

SUBSTITUTE MOTION:
PA-05-42

A motion was made Commissioner Fisler, seconded by Commissioner Egan, and failed to carry 2-3 (Garlich, Perkins and Hall voted no), to

Failed to carry

deny Planning Application PA-05-42.

During discussion on the motion, Chair Perkins said that although Commissioner Fisler brings up some valid points about the parking, he felt the possibility of this property being developed as rental units was just not an option.

Commissioner Egan said because of the zoning, the owner could put 2 individual single-family homes requiring a lot split and variances, rental units with no variance, or a common-interest development with no variances assuming City Council adopts the ordinance. She said she sees no basis for a finding that shows the owner is deprived of any property rights that similarly situated owners in the vicinity and in the same zoning district enjoy, and he can do a common interest development which would solve some of these problems. It would eliminate the variances and they could have a common driveway, which would put one less driveway on the street and for these reasons she supports the substitute motion.

Vice Chair Hall agreed this could be developed as a common interest development, which would be exactly the same project presented here. He believed this is the best choice for people on the street.

Commissioner Garlich stated that both of these motions are well-founded, however, he felt when you put all the conflicts together, the fact that the small lot developments standards that were born out of the concern of developments on the eastside would allow a 3,500 square-foot lot size was sufficient, but these far exceed that. The opportunities to do the same things with a common interest development, and the fact that 2 units could be there as rentals, it seems if you try to use common sense as Vice Chair Hall has, if you wind up this proposal. It best serves the community in terms of ownership versus rental, and individual ownership, as opposed to any kind of difficulties that might come from common ownership. The lot width is the same as an R1 lot would require, and parking problems are a problem everywhere, but he did not believe it makes it any worse under a number of scenarios given. When all of this is said and done, approving this project is slightly better than not approving it, and he would not support the substitute motion.

The Chair then called the substitute motion as shown above and then called for the original motion as shown above.

The Chair explained the appeal process.

PLANNING APPLICATION
PA-05-55

Deutsch SDL/Cruz.

The Chair opened the public hearing for consideration of Planning Application PA-05-55 for Ron Cruz, authorized agent for Deutsch SDL, LTD, and Legacy Partners, for a conditional use permit to provide overflow off-site parking (interior and exterior) at 102 Kalmus Drive, for offices located at 2955-2995 Red Hill Avenue, in an MG zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and gave a presentation. He said staff was recommending approval, by adoption of Planning Commission resolution, subject to conditions. He noted that a condition has been included that would require the Zoning Administrator to review the CUP in 6 months to determine if the proposed off-street parking and shuttle service has been effective in reducing the amount of on-street parking.

Commissioner Garlich commented that Mr. Lee's presentation and the report indicates that the property owner is doing this to improve the parking opportunities for the employees. Mr. Lee confirmed. Further, he said because of extensive modifications to the building, they already have the parking plan in place and that is what necessitates the conditional use permit.

In response to a question from the Chair regarding condition of ap-

**CITY COUNCIL MINUTES FOR PA-05-42 (REVIEW)
2590 ORANGE AVENUE
MARCH 21, 2006 AND APRIL 18, 2006**

sign on behalf of the City; and approved Budget Adjustment No. 06-051a in the amount of \$135,692.00.

Moved by Council Member Linda Dixon, seconded by Mayor Pro Tem Eric Bever.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley

Noes: None.

Absent: Council Member Gary Monahan

21. **Memorandum of Understanding (MOU) with Fairview Developmental Center for a five-year term for use of open space on the property for athletic fields.**

Mayor Mansoor indicated his support of the MOU and expressed that his desire for the Pop Warner baseball team to be re-allocated a field that was previously lost.

Mike Berry, Costa Mesa, expressed support of the MOU, and reiterated the need for more fields, particularly in the spring and fall seasons.

Chris Blank, Costa Mesa, felt that children and adults need a safe place to play.

Richard Gillock, Costa Mesa, suggested that his neighborhood park had some openspace that could be utilized for a playing field.

MOTION: Approve; and authorize the Mayor and City Clerk to sign, on behalf of the City and authorize staff to negotiate a lease with State of California for use of property located along the 2500 block of Merrimac Way.

Moved by Mayor Pro Tem Eric Bever, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley

Noes: None.

Absent: Council Member Gary Monahan

PUBLIC HEARING

The City Clerk announced that this was the time and place set for a Public Hearing to consider:

- * 1. **PUBLIC HEARING: Continued from the meeting of March 7, 2006, Request for Review by Council Member Dixon of the Planning Commission's approval for Planning Application PA-05-42 for Pete Volbeda, authorized agent for Joe Cefalia, for a variance from minimum lot size requirements (12,000 sq. ft. required; approximately 4,000 sq. ft. per lot proposed) and lot**

width requirements (100 ft. required; 58 ft. and 62 ft. proposed) to subdivide an existing nonconforming lot into two and to consider Susannah Place instead of Orange Avenue as the front of Parcel 2, in conjunction with a development review for the construction of two, two-story single-family residences, located at 2590 Orange Avenue, in an R2-MD zone. Environmental determination: exempt.

The Affidavits of Publication and of mailing are on file in the City Clerk's Office.

The Senior Planner summarized the Agenda Report and responded to questions from the City Council.

Council Member Dixon expressing her reasons for the request for review indicated that approving the project with such variances would set a precedent. She also felt that proposed homes were not compatible with the scale and character of the neighborhood.

Pete Volbeda, Upland, architect for the project, requested that the Council to uphold the decision of the Planning Commission. He advised that with the approval of the subdivision it will allow the development to proceed without a homeowners association, and that there would be eight parking spaces added onsite relieving some parking issues.

Council Member Dixon advised that she would be requesting the project be redesigned with one drive way.

Terese Capland, Costa Mesa, expressed concerns regarding oversized homes built on undersized lots.

Dana (no last name given), Costa Mesa, expressed concern regarding the increase of density in the neighborhood with the project as well as potential parking issues.

Victor Packman, Costa Mesa, indicated that he felt that the proposed development was not compatible with the neighborhood.

Richard Nelson, Costa Mesa, speaking in opposition to the project pointed out the impact he felt the proposed development would have on the neighborhood.

Norm (inaudible), Costa Mesa, expressed preference to low impact rentals than that of the impact of a high density development.

Gunner Christianson, Costa Mesa, expressed opposition to the claim that the "variance will not set a precedence for future development."

Erin Nelson, Costa Mesa, encouraged the Council to deny the project.

Beth Refakes, Costa Mesa, expressed concern relative to the parking problems, and suggested that the project be re-evaluated or designed.

Council Member Dixon commented that she would like Mr. Cefalia to work with staff to redesign the project that works with one driveway.

Council Member Foley stated that she does not support a driveway on Orange Avenue as it is a busy street. She indicated that she would like to see staff work out a way to find a creative way to add parking to the existing proposed driveways.

Pete Volbeda, pointed out that the property is zoned R-2, and requested the Council to approve the project, as proposed for two single family homes.

MOTION: Continue the hearing to April 18, 2006 at 7:00 p.m. and direct staff to work within the existing zoning, to reduce the home size, to look at the option of a driveway on Susannah and look at the option of a driveway on Orange Avenue.

Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

Council Member Dixon requested the maker of the motion to add that the applicant take into consideration a common interest development (one driveway). Mayor Mansoor agreed.

Council Member Foley requested that the motion include that staff work to keep the entrance of the home on Susannah Place. The Mayor felt that it should be an option for staff to consider but that it need not be added to the motion.

The motion restated:

MOTION: Continue the hearing to April 18, 2006 at 7:00 p.m. and direct staff to work within the existing zoning, to reduce the home size, to look at the option of a driveway on Susannah Place and at the option of a driveway on Orange Avenue and for the applicant take into consideration a common interest development (with one driveway).

Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley

Noes: None.

Abstain: Council Member Gary Monahan

Absent: None.

The Mayor recessed the meeting at 8:51 p.m.

The Mayor Reconvened the meeting at 9:01 p.m.

OLD BUSINESS

1. From the meeting of March 7, 2006, second reading and adoption of



CONTINUED PUBLIC HEARING: PLANNING APPLICATION PA-05-42, 2590
ORANGE AVENUE: JIM CEFALIA, APPLICANT

PA-05-42, development review to construct two, detached, two-story, 3,200 square foot residences on property located at 2590 Orange Avenue, in a R2-MD zone with a variance from minimum lot size requirements (12,000 square feet required, approximately 4,000 square feet per lot proposed), lot width requirements (100 feet required, 58 feet and 62 feet proposed), and consideration of Susannah Place, instead of Orange Avenue, as the front of Parcel 2; Jim Cefalia, applicant, and Pete Volbeda, agent. Environmental determination: Exempt. Report submitted by the Development Services Department/Planning Division is on file in the City Clerk's office.

The Interim City Clerk announced that the public hearing on Planning Application PA-05-42 was continued from the March 21, 2006 meeting. Review of the Planning Commission's decision had been requested by Council Member Dixon, and public hearing scheduled and continued from the meetings of March 7 and 21, 2006 to this date. The Interim City Clerk reported that the Affidavits of Publication and Mailing were on file in the City Clerk's office. She advised that a request for continuance from the applicant had been received.

Mayor Mansoor acknowledged the request for continuance and asked the applicant if it was his architect's intent to submit a project consistent with the guidelines discussed at the March 21st City Council meeting. Following a brief discussion with the City Council, Mr. Cefalia responded that he did not want to change his project.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Dixon, the City Council denied the request for continuance of the public hearing. Council Member Monahan absent.
MOTION CARRIED.

Mayor Mansoor opened the public hearing and asked if anyone wished to address the City Council on the matter.

The following persons spoke:

1. Teresa Catlin, a resident on Orange Avenue, stated she was opposed to the variance requests and emphasized insufficient parking was available in the area now.
2. Victor Paxton, a resident on Susannah Place, noted the neighborhood was composed of residents who have lived there for 20 and 30 years in single-story homes and did not wish to see the neighborhood change.
3. Richard Nelson, a resident of Susannah Place, opined that the proposed project would alter the appearance of the neighborhood and pointed out that General Plan policies state that the character of the established neighborhood should be preserved and that proposed structures should be compatible with the existing neighborhood.
4. Norm Glass, a resident of Susannah, encouraged the City Council to retain Orange as the frontage street, to require the project to have a common driveway for the two units, and to retain the limited off-site parking spaces that were now available.
5. Dana Elrich, a resident of Susannah Place, believed that a precedent would be set if the project were approved as requested. He encouraged the City Council not to use their neighborhood to set a new precedent for Costa Mesa.
6. Aaron Nelson, a resident of Susannah Place, stated that the requested variances were excessive, the project would negatively impact the appearance of the neighborhood and would reduce the limited parking spaces now available.
7. Jennifer Friend of Selman Breitman, attorney representing the applicant, stated that the units satisfy applicable Building and Zoning Code requirements, the project would have seven percent more open space and would not be over-developed. She further stated the issue was whether or not the applicant could subdivide his property into two lots.

Mayor Mansoor asked if anyone else wished to address the City Council; hearing no response, he closed the public hearing.

Council discussion ensued. Mayor Pro Tem Bever stated he understood the applicant's property rights and the rights of the neighborhood and that in his opinion the neighborhood was on the verge of change. He believed the main issue was parking. He suggested that the residents petition the City for resident permit parking. In response to Mayor Pro Tem Bever, Senior Planner Mel Lee advised that the applicant could submit an application to construct two units, either as rental units or a two-unit common interest development, which would not be subject to a public hearing, provided compliance with Code requirements.

MOTION: On motion by Council Member Dixon, seconded by Council Member Mansoor, the City Council adopted Resolution No. 06-38 entitled:

RESOLUTION NO. 06-38: A RESOLUTION OF THE CITY COUNCIL OF THE CITY COSTA MESA REVERSING THE DECISION OF THE PLANNING COMMISSION AND DENYING PLANNING APPLICATION PA-05-42.

Mayor Pro Tem Bever stated he could not support the motion because he disagreed with the proposed findings for the project.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, DIXON, AND FOLEY

NOES: COUNCIL MEMBERS: BEVER

ABSENT: COUNCIL MEMBERS: MONAHAN

MOTION CARRIED. The Mayor declared Resolution No. 06-38 duly passed and adopted.

RECESS: The Mayor declared the meeting recessed at 8:22 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:40 p.m., with all Council Members being present, except Council Member Monahan.

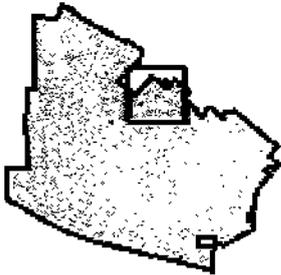
OLD BUSINESS

1. **ORDINANCE NO. 06-7: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFONRIA, ADOPTING ZONING CODE AMENDMENT CO-06-13 THAT AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING DENSITY BONUSES AND OTHER INCENTIVES.**

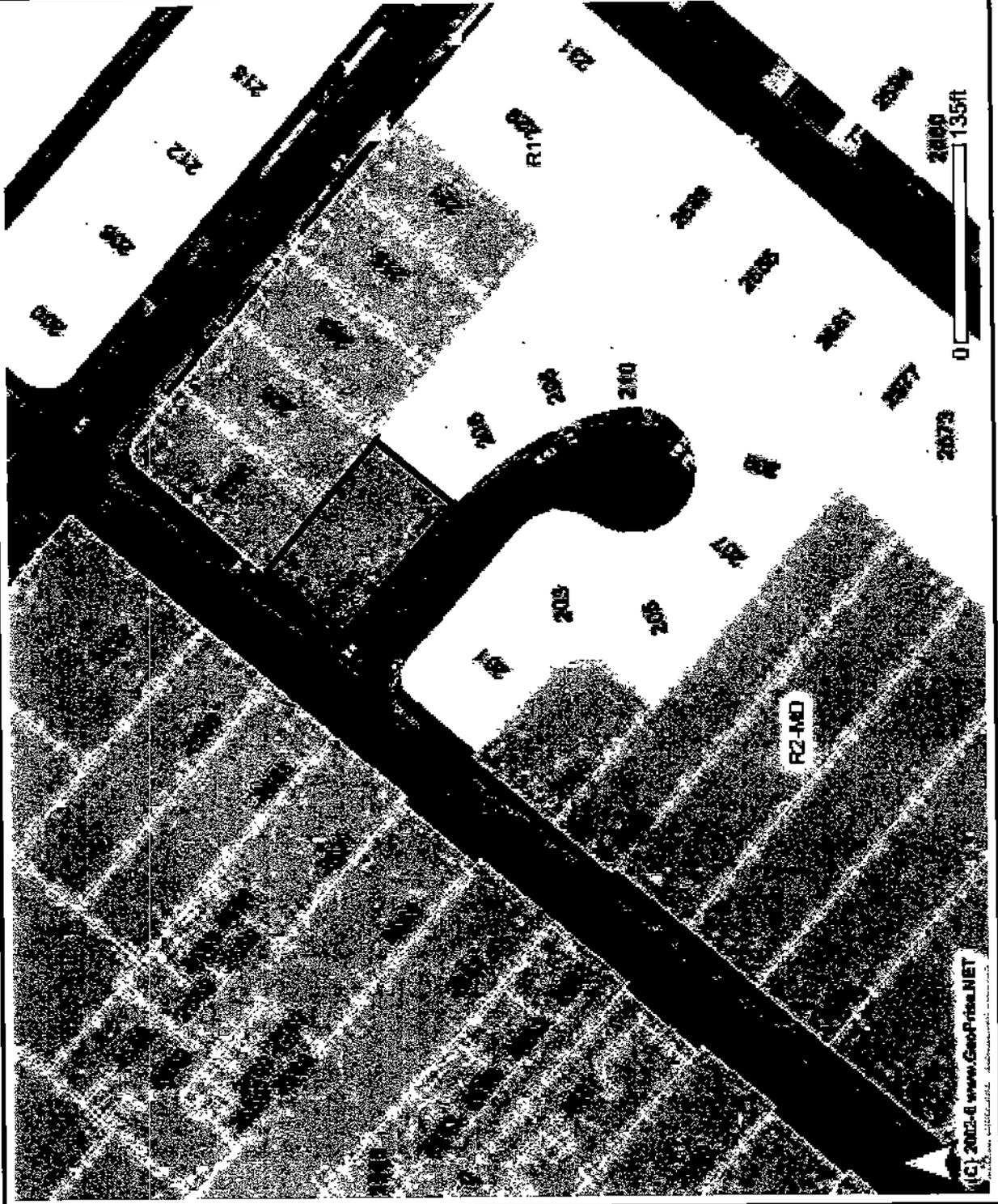
The Interim City Clerk read the title of Ordinance No. 06-7 which was introduced for first reading at the April 4, 2006 meeting.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Dixon, the City Council waived further reading and adopted Ordinance No. 06-07.

Overview Map



Map Display



Legend

- Address Medium
- Address Points
- Freeway
- Roads
- Collector Freeway
- Major
- Newport Blvd (coast)
- Primary SECONDARY Waterway Lines
- Hydrology Channels
- Street Names



CITY OF COSTA MESA

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DEVELOPMENT SERVICES DEPARTMENT

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