



# **PLANNING COMMISSION AGENDA REPORT**

VII.3

MEETING DATE: APRIL 23, 2007

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-06-01 (TIME EXTENSION)  
2378 AND 2380 NORSE AVENUE, COSTA MESA**

**DATE: APRIL 12, 2007**

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

---

## **DESCRIPTION**

The applicant is requesting an extension of time for approval of a four-unit, two-story common interest development.

## **APPLICANT**

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

## **RECOMMENDATION**

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

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

## **BACKGROUND/DISCUSSION**

On March 27, 2006, Planning Commission approved Planning Application PA-06-01. The project consists of a four-unit, two-story, detached, common interest development on two adjoining properties, which would be consolidated into a single development site. The developer requested 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).

Code Section 13-29(k)(2) allows the Commission to approve successive one-year time extensions upon showing good cause by the applicant. Although the project has been submitted to the Building Safety Division for plan check, the applicant was not able to obtain building permits prior to the expiration of PA-06-01. There have been no changes in the City Codes that affect the project as originally approved.

On January 8, 2007, Planning Commission approved Parcel Map PM-06-257 to facilitate the subdivision of the project into a common interest development. Per Code Section 13-216, approval of the map is valid for two years.

## **ALTERNATIVES**

If the extension were not approved, the applicant would not be able to obtain building permits to proceed with construction of the project.

## **GENERAL PLAN CONFORMITY**

Approval of the time extension will have no effect on the City's General Plan.

## **ENVIRONMENTAL DETERMINATION**

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.

## **CONCLUSION**

Approval of the extension will allow the previously approved project to proceed.

Attachments:       Draft PC Resolution  
                      Exhibit "A" – Draft Findings  
                      Exhibit "B" – Draft Conditions of Approval  
                      Extension Request  
                      Zoning/Location Map  
                      Plans  
                      Staff Report for PA-06-01

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

Matt Harty and Scott Trestik  
448 Magnolia Street  
Costa Mesa, CA 92627

|                           |              |                 |
|---------------------------|--------------|-----------------|
| File: 042307PA0601TimeExt | Date: 041207 | Time: 1:45 p.m. |
|---------------------------|--------------|-----------------|

**RESOLUTION NO. 07-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING A TIME EXTENSION  
FOR PLANNING APPLICATION PA-06-01**

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

WHEREAS, a request for a one-year extension of time for PA-06-01 was filed by Matt Harty and Scott Trestik, with respect to the real properties located at 2378 and 2380 Norse Avenue, for 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, two-story, detached residential units; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 23, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions in Exhibit "B," the Planning Commission hereby **APPROVES** the extension of time for Planning Application PA-06-01, to expire on **MARCH 27, 2008**, with respect to the property described above.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine the adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-06-01 and upon the applicant's compliance with each and all of the conditions contained in Exhibit "B."

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, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 23rd day of April, 2007.**

---

Donn Hall, 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 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**

- Plng. 1. The applicant is reminded that all conditions of approval, code requirements, and special district requirements, of Planning Application PA-06-01 shall be complied with.

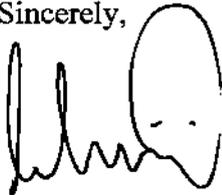
City of Costa Mesa  
Planning Department  
77 Fair Drive  
Costa Mesa, CA 92628

To Whom It May Concern:

I would like to process an extension for Planning Application number PA-06-01 for six months. We have been working over the past year attempting to procure the design documents and provide the appropriate information to the city and the county for this development. It has taken longer than anticipated to complete the design and administration. At this point, we have submitted for plan check, received comments and have resubmitted with corrections. The plans should be approved soon, but this will be beyond our one year time frame.

We appreciate your attention to this matter.

Sincerely,

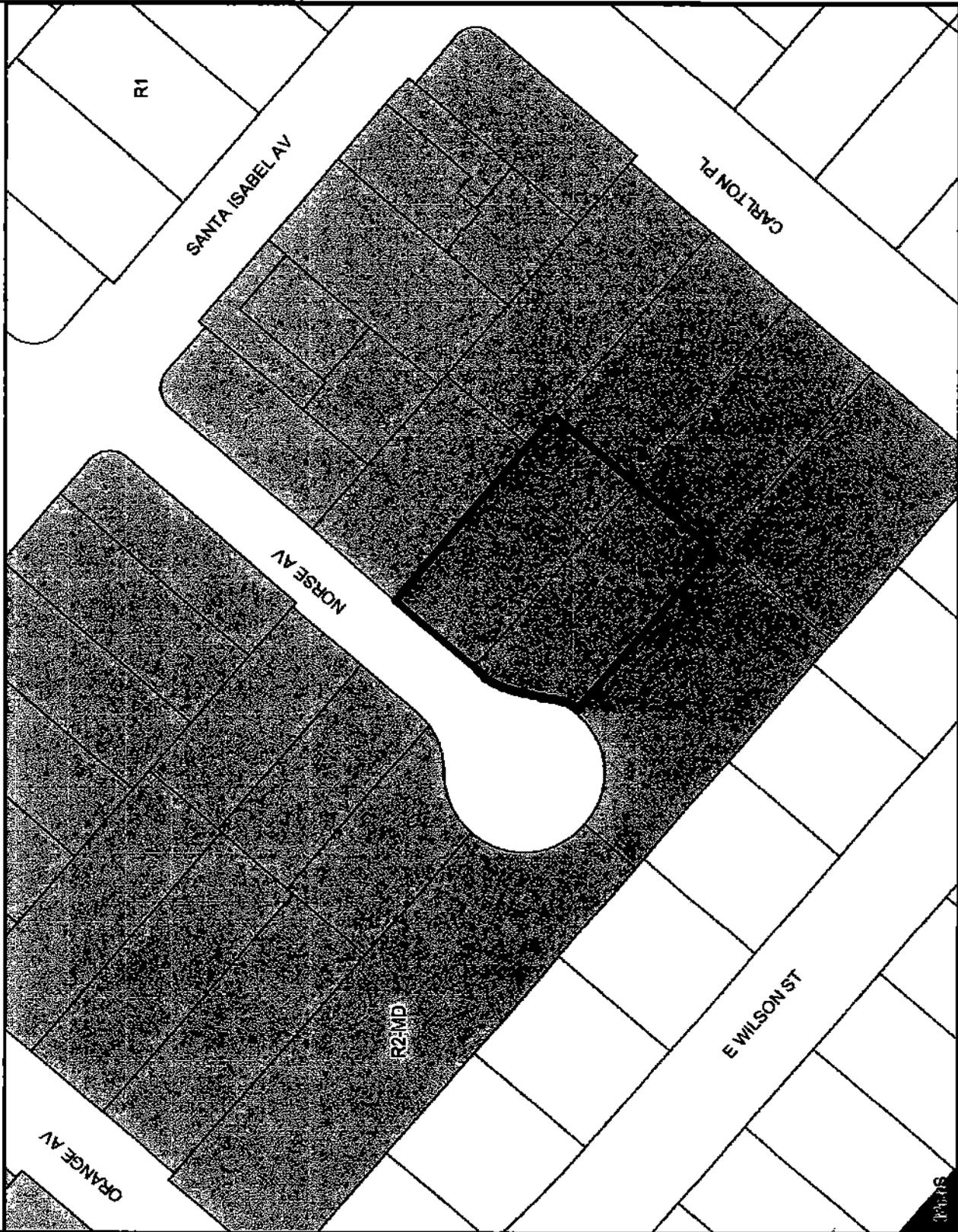


Scott Trestik Harty

Cc Matt Harty, Dennis Wilkinson, file

# ZONING/LOCATION MAP

PA-06-01



## Legend

Street Names

Parcel Lines

Zoning

- AP
- C1
- C1-S
- C2
- CL
- IMR
- IMR-E
- MG
- MP
- P
- PDC
- PDI
- PDR-HD
- PDR-LO
- PDR-MD
- PDR-NCM
- R1
- R2-HD
- R2-MD
- R3
- TC
- Parcels

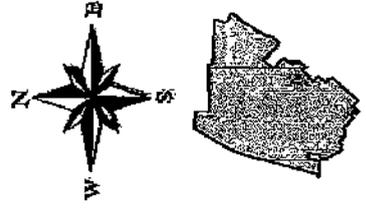


10  
-13

# 2378 AND 2380 NORSE AVE.

## Legend

- Street Names
- Parcel Lines
- Ortho Photography
- Parcels



11  
14



# **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.**