PLANNING COMMISSION AGENDA REPORT

VI. a

MEETING DATE: JANUARY 28, 2008 ITEM NUMBER:

SUBJECT: REVIEW OF ZONING ADMINISTRATOR'S APPROVAL FOR ZA-07-66
1147 GLENEAGLES TERRACE

DATE: JANUARY 17, 2008

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

PROJECT DESCRIPTION

Review of Zoning Administrator's approval of a minor conditional use permit to legalize a deck, deck expansion, and patio trellises over the bluff crest.

APPLICANT

The applicant and property owner is Alan Hall.

RECOMMENDATION

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

HANH NGUYEN
Assistant Planner

KIMBERLY BRANDT, AICP
Assistant Development Svs. Director

BACKGROUND

On December 20, 2007, the Zoning Administrator approved a minor conditional use permit to legalize the reconstruction and expansion of an existing deck and recently constructed patio trellises, which extend beyond the bluff edge.

On December 21, 2007, Planning Commissioner Sam Clark requested that Planning Commission review this project due to multiple concerns raised by the neighbors.

ANALYSIS

The site has an existing deck at the rear of the residence that projects eight feet beyond the bluff crest, 24 feet from the rear property line. The City issued a building permit for the deck in 1984, which was prior to the City's requirement for a 10-foot bluff edge setback. The property owner recently rebuilt and expanded the width of the deck and added two patio trellises without City approval.

The Zoning Administrator approved the legalization of the deck reconstruction, deck expansion, and patio trellises because the resulting rear setback of 24 feet would not change from the originally permitted deck in 1984. The rear of the property faces southwest and the trellises provide relief and protection from the sun. The site contains existing dense trees at the bottom of the slope (along the rear property line) that screen the trellises from neighboring views. Furthermore, there are several other properties in the general vicinity with patios and decks projecting beyond the bluff crest.

Staff has received several protests against the project. The neighbors have expressed concerns with slope stability and construction activities without permits. Conditions have been included to ensure that the deck and trellises are properly built to maintain the stability of the slope and that dense landscaping will continue to be provided to screen the deck. Another condition was included, requiring the property owner to obtain permits for all construction/installation activities.

GENERAL PLAN CONFORMITY

The deck and trellises are consistent with General Plan Land Use Objective LU-2A.13 in that a geotechnical report will be required to ensure that the development protects the integrity of the existing slope. The natural topography will also be protected because the deck cantilevers over the slope, minimizing disturbances to the slope.

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 Class 1, Existing Facilities, of CEQA.

ALTERNATIVES

The Commission has the following alternatives:

1. Uphold Zoning Administrator's decision, approving the proposed project, subject to conditions;
2. Modify Zoning Administrator's decision, subject to conditions; or
3. Overturn Zoning Administrator's decision and deny the project, which would require the property owner to remove the non-permitted construction.

CONCLUSION

It is the Zoning Administrator's opinion that, as conditioned, the legalization of the deck's reconstruction, deck's expansion, and patio trellises to encroach beyond the bluff edge, will not endanger the slope's stability and is compatible with other properties in the general vicinity.

Attachments: Draft Planning Commission Resolution
Exhibit "A" Draft Findings
Exhibit "B" Draft Conditions of Approval
Review application
Applicant's project description letter
Zoning Administrator's letter
Neighbor Letters
Photographs of the site
Zoning/Location Map
Plans

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

Alan Hall
1147 Gleneagles Terrace
Costa Mesa, CA 92627

File Name: 012808ZA0766Review	Date: 011708	Time: 1:00 p.m.

RESOLUTION NO. PC-08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S DECISION APPROVING ZONING APPLICATION ZA-07-66

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

WHEREAS, an application was filed by Alan Hall, owner of real property located at 1147 Gleneagles Terrace, requesting a minor conditional use permit to legalize the reconstruction and expansion of an existing deck and new construction of patio trellises, on a single-family residence; and

WHEREAS, on December 20, 2007, the Zoning Administrator issued a letter approving the project; and

WHEREAS, on December 21, 2007, Commissioner Sam Clark requested Planning Commission review of the project; and

WHEREAS, the Planning Commission conducted a public hearing of the Zoning Administrator's decision on January 28, 2008.

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** the Zoning Administrator 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 for Zoning Application ZA-07-66, and upon the applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws.

PASSED AND ADOPTED this 28th day of January, 2008.

_____

Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on January 28, 2008, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

A. The information presented complies with Costa Mesa Municipal Code Sections 13-34 and 13-29(g)(2) in that allowing the deck and trellises to extend beyond the bluff edge is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed deck encroachment is compatible with other deck encroachments in the immediate vicinity and, as conditioned, would not detract from the visual identity and integrity of the bluff. The deck will not interfere with access for fire protection and a geotechnical report will be required to confirm the structure will not endanger the stability of the slope. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.

B. The proposed project 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 have been considered.
   3. The project is consistent with the General Plan designation for the property.
   4. The zoning application is for a project-specific case and does not establish a precedent for future development.

C. 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 Class 1, Existing Facilities, of CEQA.

D. 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. Any portion of the above ground deck and support structures shall maintain a minimum five-foot setback from each side property line.
2. Any support posts for the deck shall be located as close to the bluff edge as feasible to minimize visual impacts to the bluff.
3. The property owner shall obtain building permits to legalize the deck, trellises, and any other installation/construction activities. The property owner shall obtain final inspections for the project within 30 days of the effective date of project approval. If the property owner fails to obtain final inspection within 30 days of the effective date of project approval, the property owner shall submit a written request for a 30-day extension of time. The request shall explain the reason for the delay and provide an approximate completion time. Approval of the extension of time shall be determined by the Planning Division.
4. Existing landscaping shall be maintained to the satisfaction of the Planning Division to screen the deck, trellises, and support structures.
5. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. 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.
6. The minor conditional use permit may be referred to the Zoning Administrator for modification at any time if the conditions of approval have not been complied with, if the use is operated in violation of applicable laws or ordinances or, if in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.
7. The conditions of approval and Code requirements of Zoning Application ZA-07-66 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
8. The applicant shall contact the Planning Division to arrange for Planning inspection of the site prior to Building final inspection. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.

Costa Mesa

City of Costa Mesa

☐ Appeal of Planning Commission Decision - $1070.00
☐ Appeal of Zoning Administrator/Staff Decision -$670.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name* Sam Clark, Planning Commission
Address
Phone Representing

REQUEST FOR: ☐ REHEARING ☐ APPEAL ☒ REVIEW**

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

ZA-07-57 1157 Gleneagles Terrace
ZA-07-66 1147 Gleneagles Terrace

Decision by: Zoning Administrator
Reasons for requesting appeal, rehearing, or review:

Multiple concerns raised by the neighbors.

Date: 12/21/07 Signature:

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

For office use only – do not write below this line

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

11/16/07

TO ZONEING ADMINISTRATOR,

AS YOU CAN SEE IN THE PICTURES I PROVIDED, I AM TRYING TO IMPROVE THE BEAUTY AND VALUE OF MY PROPERTY IN THAT I HAD PLANTED 9 BEAUTIFUL TREES ON MY SLOPE, WHICH HIDES MY DECK AND PATIO COVER. MY WIFE AND I ARE TRYING TO DO OUR PART TO ENHANCE THE BEAUTY OF LIVING IN COSTA MESA. SO PLEASE ALLOW US TO HAVE THIS PATIO COVER APPROVED BY YOU.

THANK YOU,

Alan Hall

Mr. & Mrs. Alan Hall
1147 Glen Eagles Terrace
Costa Mesa, Ca. 92627

CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

December 20, 2007

Alan Hall
1147 Gleneagles Terrace
Costa Mesa, CA 92627

RE: ZONING APPLICATION ZA-07-66
MINOR CONDITIONAL USE PERMIT TO LEGALIZE A DECK AND PATIO TRELLISES OVER THE BLUFF EDGE
1147 GLENEAGLES TERRACE, COSTA MESA

Dear Mr. Hall:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5 p.m. on December 27, 2007, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

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

Sincerely,

Kimberly Brandt

KIMBERLY BRANDT, AICP
Zoning Administrator

Attachments: Project description
Findings
Conditions of approval
Approved conceptual plans

cc: Gary Wong, Engineering
Fire Protection Analyst
Building Division

Building Division (714) 754-5273 • Code Enforcement (714) 754-5623 • Planning Division (714) 754-5245
FAX (714) 754-4856 • TDD (714) 754-5244 • www.ci.costa-mesa.ca.us

PROJECT DESCRIPTION

- The subject property is zoned Single-Family Residence (R1) and is bounded by Gleneagles Terrace to the east (front), Aviemore Terrace to the west (rear), and single-family residences to the north and south (sides).
- The site has an existing deck at the rear of the residence that projects eight feet beyond the bluff crest, 24 feet from the rear property line. The deck was approved in 1984, prior to the City's requirement for a 10-foot bluff setback. The property owner recently rebuilt the deck and added two patio trellises on the deck without City approval. The trellises are located on each side of the deck and the height of the trellises equals the roof of existing residence.
- A minor conditional use permit is required because the rebuilt deck and the patio trellises are considered new structures and are subject to current development standards, including the 10-foot setback from the bluff crest. Furthermore, review of the application revealed that the south (left) side of existing deck has been widened (19 feet wide originally approved/ 22 feet existing); staff has included it in the minor conditional use permit request.
- Staff supports the legalization of the deck, deck extension, and patio trellises because the resulting rear setback of 24 feet would not changed from the originally approved setback. The rear of the property faces southwest and the trellises provide relief from the sun. The site also contains existing dense trees at the bottom of the slope (along the rear property line) that screen the trellises from neighboring views. Furthermore, there are several other properties in the general vicinity with patios and decks projecting beyond the bluff crest.
- Conditions have been included to ensure that the deck and trellises are properly built to maintain the stability of the slope and that dense landscaping will continue to be provided to screen the deck.
- The deck and trellises are consistent with General Plan Land Use Objective LU-2A.13 in that a geotechnical report will be required to ensure that the development protects the integrity of the existing slope. The natural topography will also be protected because the deck cantilevers over the slope, minimizing disturbances to the slope.
- Staff has received several opposition statements for the project. The neighbors have expressed concerns of slope stability and construction activities without permits, including two walls, an air condition unit, and solar panels. Code enforcement has been investigating the site and found that the rooftop air condition unit was approved in 1999 and that the walls were not in violation of Code. Staff has included a condition requiring the property owner to obtain permits for all construction/installation activities, including the solar panels.
- The deck will not obstruct Fire Department access to the back of the lot or the bluff.

FINDINGS

A. The information presented complies with Costa Mesa Municipal Code Sections 13-34 and 13-29(g)(2) in that allowing the deck and trellises to extend beyond the bluff setback is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed deck encroachment is compatible with other deck encroachments in the immediate vicinity and, as conditioned, would not detract from the visual identity and integrity of the bluff.

The deck will not interfere with access for fire protection and a geotechnical report will be required to confirm the structure will not endanger the stability of the slope. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.

B. The proposed project 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 project is consistent with the General Plan designation for the property.
   4. The zoning application is for a project-specific case and does not establish a precedent for future development.

C. 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 Class 1, Existing Facilities, of CEQA.

D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

Plng.
1. Any portion of the above ground deck and support structures shall maintain a minimum five-foot setback from each side property line.
2. The proposed support posts for the deck shall be located a minimum of four feet behind the deck's edge to minimize visual impacts to the bluff.
3. The property owner shall obtain building permits to legalize the deck, trellises, solar panels, and any other installation/construction activities. The property owner shall obtain final inspections for the project within 30 days of the effective date of project approval. If the property owner fails to obtain final inspection within 30 days of the effective date of project approval, the property owner shall submit a written request for a 30-day extension of time. The request shall explain the reason for the delay and provide an approximate completion time. Approval of the extension of time shall be determined by the Planning Division.
4. Existing landscaping shall be maintained to the satisfaction of the Planning Division to screen the deck, trellises, and support structures.
5. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. 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.
6. The minor conditional use permit may be referred to the Zoning Administrator for modification at any time if the conditions of approval have not been

complied with, if the use is operated in violation of applicable laws or ordinances or, if in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.

7. The conditions of approval and Code requirements of Zoning Application ZA-07-66 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
8. The applicant shall contact the Planning Division to arrange for Planning inspection of the site prior to Building final inspection. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.

CODE REQUIREMENTS

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

Plng.	1.	Approval of the zoning application is valid for one (1) year from the effective date of project approval and will expire at the end of that period unless all conditions of approval have been complied with.
Bus. Lic.	2.	All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
Bldg.	3.	Comply with the requirements of the California Code of Regulations, Title 24, also known as the California Building Standards Code, as amended by the City of Costa Mesa. **Plan check submittals beginning January 1, 2008, shall comply with the 2007 CBC based on the 2006 IBC.**
	4.	Submit structural engineering calculations to the Building Division at the time plans are submitted for building plan check.
	5.	Submit a soils/geotechnical report. One boring shall be at least 15 feet deep. Report recommendations shall be blueprinted on the plans.
Fire	6.	Comply with all Fire Code requirements.

ZA-07-66
1147 Gleneagles Terrace

Public Comments

Jeffrey Childs
1139 Aviemore Terrace

Property owner objects to project. City should not give applicant special privilege by approving the illegal deck and trellises.

12/12/07 HT

Sonia
1160 Gleneagles Terrace

Concern about the stability of the slope.

12/18/07 HT

GERI S. CICERO

1147 Aviemore Terrace ~ Costa Mesa, CA 92627 Telephone: 949/645-1121

December 15, 2007

Attn: Planning Division
City of Costa Mesa
P O Box1200
Costa Mesa, CA 92628

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT
DEC 17 2007

Subject: Zoning Application 07-66 Alan and Gail Hall

Dear Members of the Planning Division:

Let us be clear about the subject property. The twenty-year old deck is oversized for the permit granted to them back in 1987. To simply allow these owners to go ahead and receive a "permit" for work that was done illegally is a travesty of the City's permit process. This back pedaling to accomplish their own personal ends is unconscionable.

- At the very least there should be a geotechnical survey to assure those of us living on Aviemore Terrace below these people that we **are Safe!** I would look to the city if there are any future damages.

- When will you address the two illegal walls at this subject property? Also the unpermitted air conditioner? Also the unpermitted solar panels?

- When will you address the Illegal Wall built next to my home on Aviemore without permits, variances or proper setback? **These are the same owners. What they have done in the neighborhood is a flagrant slap in the face of the permit process.**

These owners have taken advantage of the system to erect whatever they please without consideration of the neighbors, Marina Highlands Community or City.

Since we on Aviemore Terrace are directly below Gleneagles, we would be adversely impacted if a slippage occurred. Therefore, I am opposed to granting the variance requested for the above zoning application.

Thank you for your thoughtful consideration.

Respectfully submitted,

Geri S. Cicero

Geri S. Cicero
Work: 714.567.7388
A/P 422.331.17

C: Planning Commission
City Councilwoman Wendy Leece

P:12.15.007.g1

December 9, 2007

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT
DEC 17 2007

Attn: Planning Division
City of Costa Mesa
P O Box1200
Costa Mesa, CA 92628

Subject: Zoning Application 07-66 Alan and Gail Hall
Zoning Application 07-57 Andrew Miller for Scott Savian

Dear Members of the Planning Division:

From the beginning of the Marina Highlands tract, houses were required to be back 10 feet from the edge of the bluff. This was mainly to assure the *integrity* of the steep hillside from slippage and erosion, and also to preserve the panoramic views of neighbors.

Since we, on Aviemore Terrace, are directly below Gleneagles, we would be adversely impacted if such slippage occurred. Therefore, we are opposed to granting the variance requested at the above zoning application addresses on Gleneagles.

Thank you for your consideration.

Respectfully,

Donald R. Howell

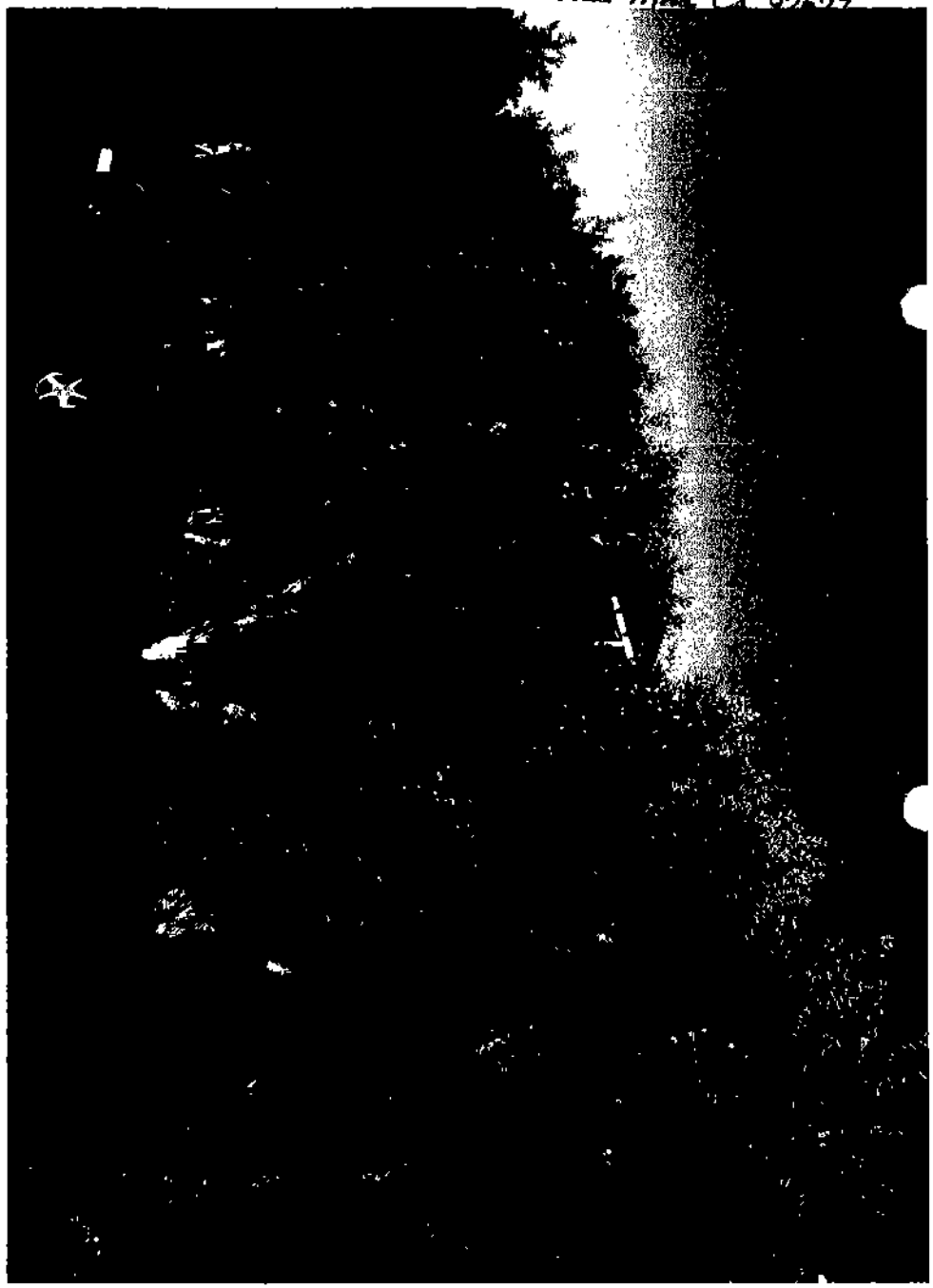
Mrs Donald Howell

Mr. and Mrs. Donald R. Howell
1143 Aviemore Terrace
Costa Mesa, CA 92627

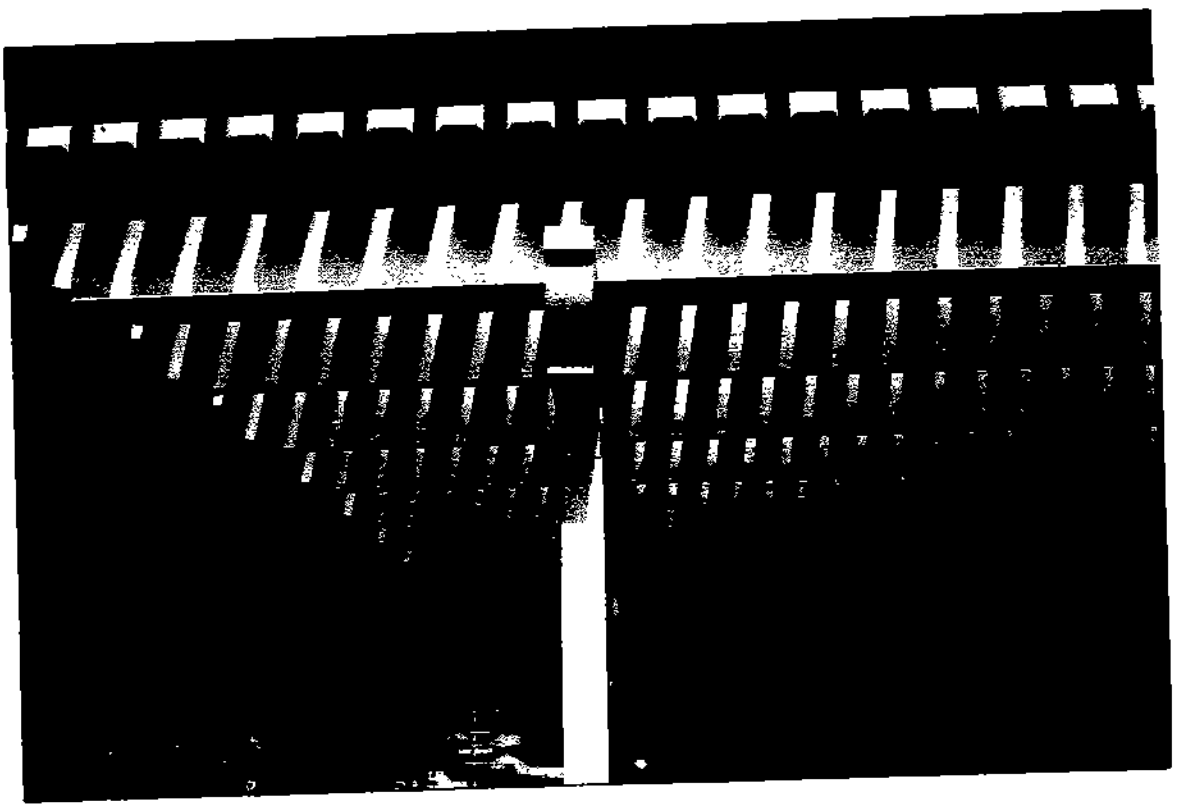
C:12.09.007.gl

1147 Glen eagles Terrace 1/15/08

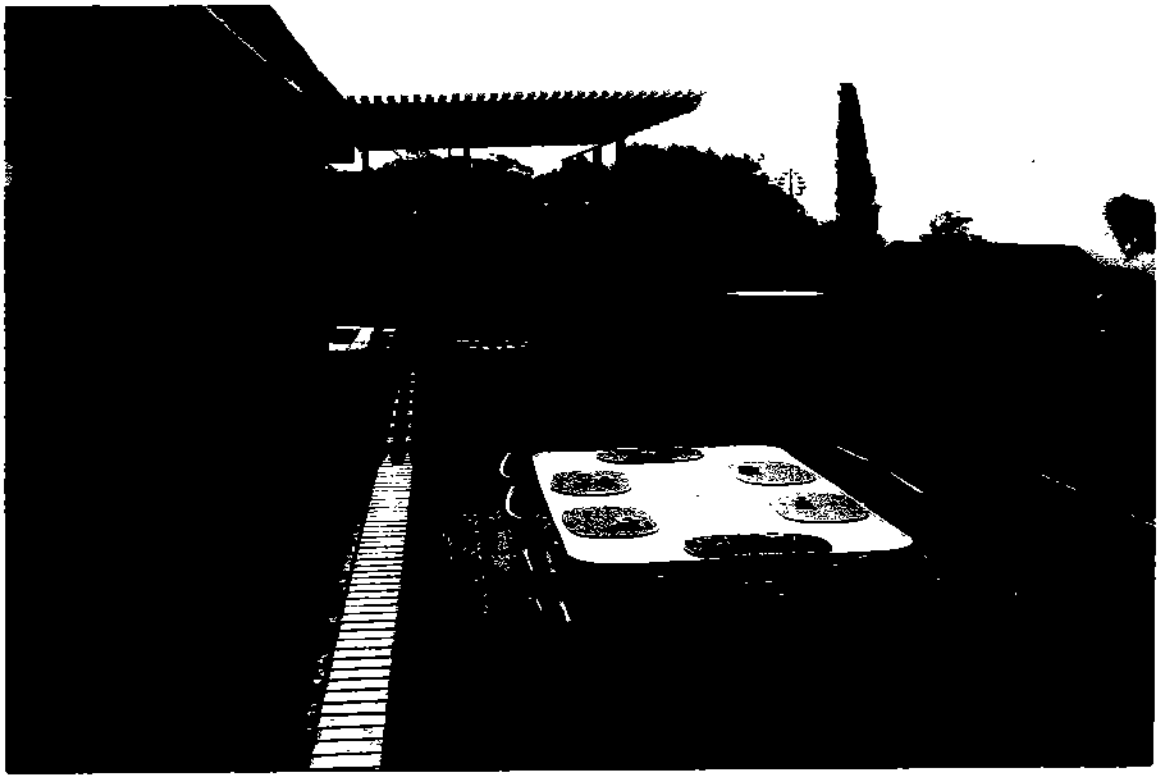
Mr. & Mrs. Alan Hall
1147 Glen Eagles Terrace
Costa Mesa, Ca. 92627

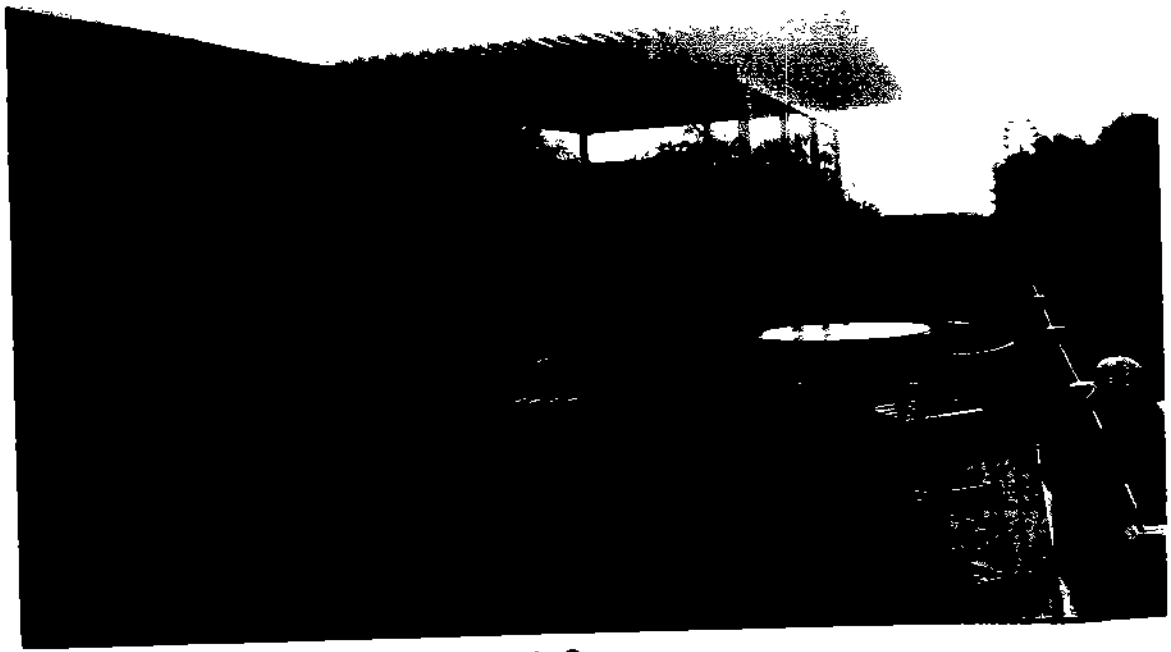


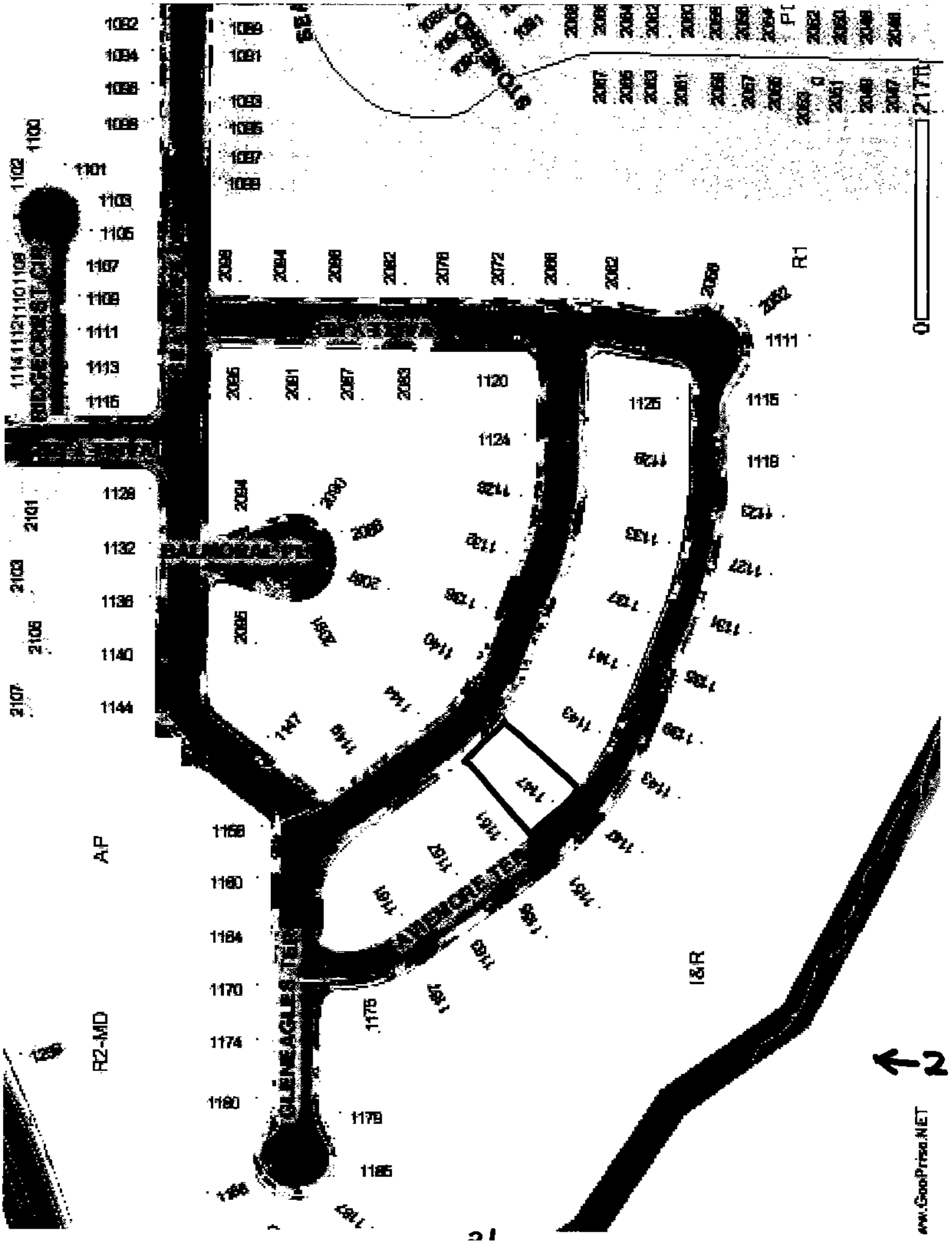
Mr. & Mrs. Alan Hall
1147 Glen Eagles Terrace
Costa Mesa, Ca. 92627



Mr. & Mrs. Alan Hale
1147 Glen Eagles Terrace
Costa Mesa, Ca. 92627





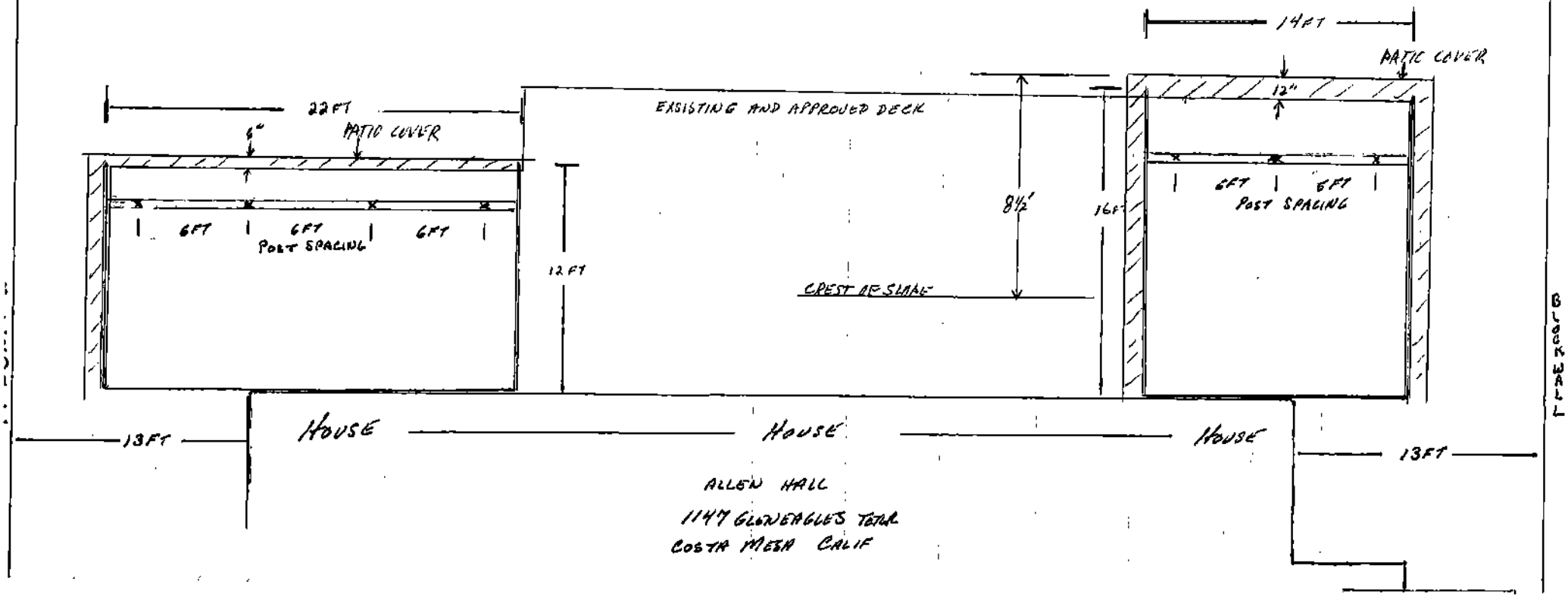


AP
R2-MD
I&R
R1
0
217ft
←2
www.GeoPrise.NET

www.GeoPrints.NET

Mr. & Mrs. Allen Hall
1147 Glen Eagles Terrace
Costa Mesa, Ca. 92627

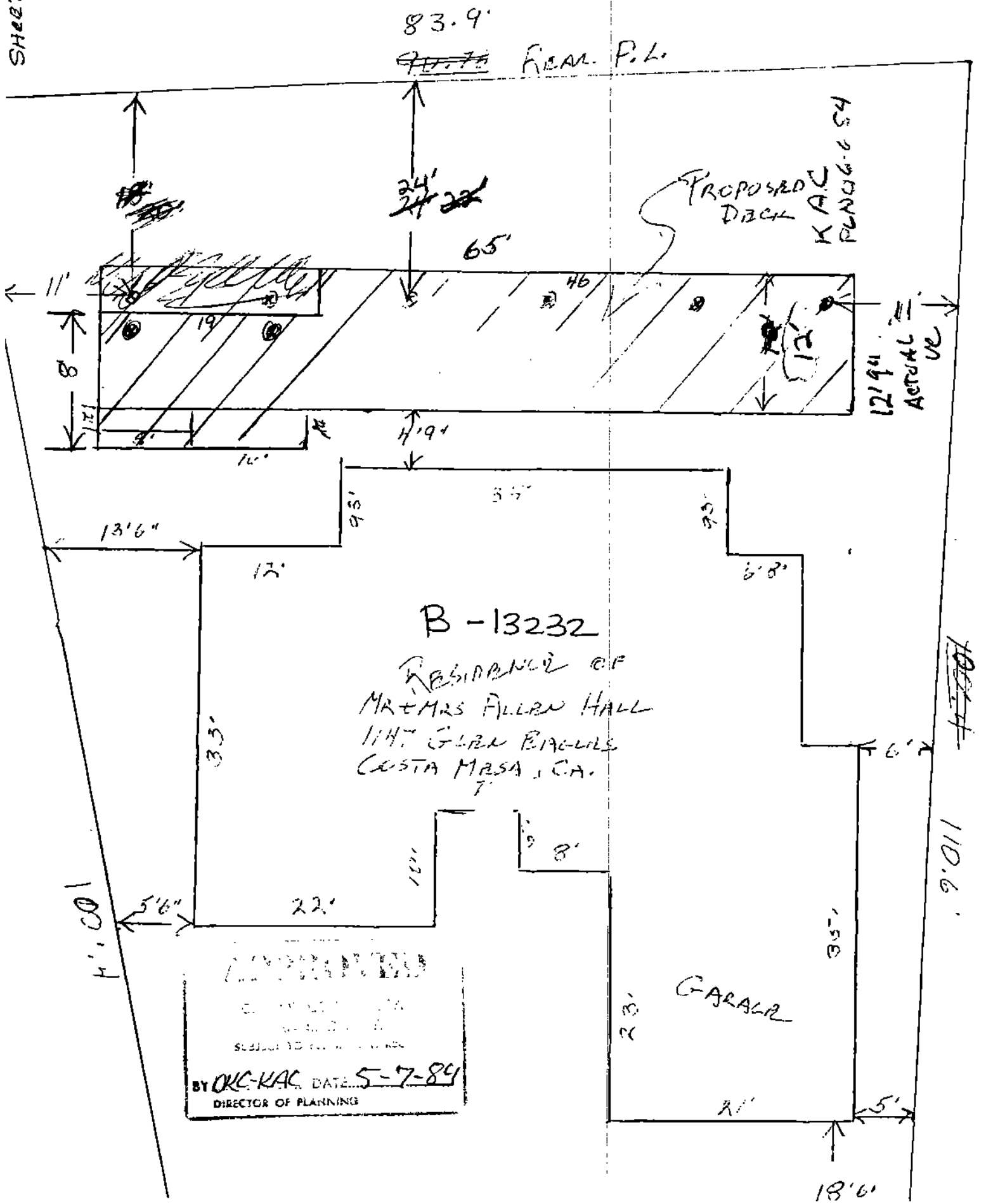
MINOR CONDITIONAL USE PERMIT/
~~ADMINISTRATIVE ADJUSTMENT NO.~~ ZA-07-66
Approval in Concept
SUBJECT TO CONDITIONS
CITY OF COSTA MESA
PLANNING DEPT.
BY [illegible] DATE 12/20/07



ALLEN HALL
1147 GLENEAGLES TERR
COSTA MESA CALIF

ZA. 07.66

SHEET 3 OF 3



APPROVED
SUBJECT TO ATTACHED CONDITIONS
BY OKC-KAC DATE 5-7-84
DIRECTOR OF PLANNING