



PLANNING COMMISSION

AGENDA REPORT

VI.8

MEETING DATE: FEBRUARY 11, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-07-50
2605 WESTMINSTER PLACE

DATE: JANUARY 31, 2007

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER
714.754.5136

DESCRIPTION

Applicant requests a variance to allow a second driveway in the required front setback, minor conditional use permits to allow excess garage area as well as a bathroom not located within the residence, with a minor design review for a proposed second story addition.

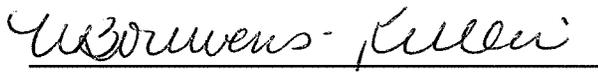
APPLICANT

Property owners Jack and Cindy Douglas are processing this request.

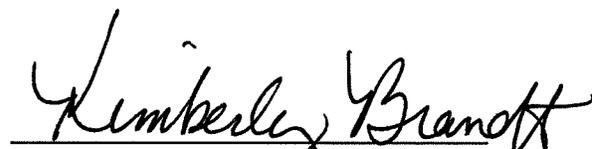
RECOMMENDATION

By adoption of Planning Commission resolution:

1. Deny the variance.
2. Approve the minor conditional use permits, as modified by staff, subject to conditions.
3. Withdraw the minor design review.



WILLA BOUWENS-KILLEEN, AICP
Principal Planner



KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

The applicant proposes constructing a new 1,060 sq.ft. garage on the left side and behind an existing, 2-story, single family residence. The new garage would include a $\frac{3}{4}$ bath that is not accessible from inside the residence. To access the garage, the applicant proposes a new driveway off the existing driveway on the right side of the property that encroaches into the required 20-foot front setback. Additionally, the property owner proposes a small ground floor addition (108 sq.ft.) to allow an expansion of the existing kitchen with a 236 sq.ft. addition to the second floor master bedroom suite above.

A variance is required because Code permits only one driveway, leading to a garage, to be placed within the required front setback. Additionally, two minor conditional use permits are required; one for the new garage (700 sq.ft. total maximum allowed; 1,490 sq.ft. proposed over two garages) and to allow the $\frac{3}{4}$ bath in the new garage. All other applicable development standards, including the City's Residential Design Guidelines, will be satisfied. (A minor design review, to deviate from the second-to-first floor ratio standards, was included in the notice for this project. However, after reviewing the plans, Planning staff found that the proposed project complies with this requirement; consequently, the minor design review is no longer necessary and can be withdrawn.)

ANALYSIS

Variance

The second driveway is needed to access the proposed second garage, and it is proposed to be constructed on the left side of the property, curving around the front of the house to intersect with the existing driveway at the right side of the property, thus eliminating the need for a second drive approach. Because cars are normally parked in a driveway and additional driveways reduce the amount of landscape visible to the street, Code permits only one driveway per frontage, necessitating the variance.

The applicant proposes installing a 6-foot high wall at a 10-foot front setback (as permitted by Code) and along the left side property line, as well as remodeling the existing landscaping within the front yard. The new driveway is to consist of decorative paving and will be screened by the new wall, a gate, and the remodeled landscaping.

Staff is concerned that the proposed driveway will encourage owners to park vehicles, especially RVs, in the front setback. Even with the proposed 6-foot high wall, RVs parked in the setback area would be readily visible from the street. Access to the second garage will be necessary but, in staff's opinion, can be provided without a fully paved driveway. Therefore, staff recommends denial of the driveway but should Planning Commission wish to approve the garage (see following discussion), conditions have been included requiring the plans to be modified as follows:

1. A screening gate shall be installed flush, or behind the front of the left side of the residence; no other wall, fence, or gate shall be permitted in front of the screening gate.
2. Paving shall be limited to the 24-foot long side yard directly adjacent to the left side of the residence, behind the gate.

3. Any access to the left side yard and second garage shall be limited to grasscrete or other material that supports landscaping, under the direction of Planning staff.

Minor Conditional Use Permits

The new detached garage is proposed at 1,060 sq.ft.; a 430 sq.ft. garage already exists on the site. Code does not permit more than 700 sq.ft. of garage area per residence so that the garage, as accessory square footage to the residence, remains incidental to the primary use of the property. However, Code also permits additional garage area through a minor conditional use permit, so requests can be reviewed on a case-by-case basis. In this case, the proposed total 1,490 sq.ft. of garage area is approximately 47% of the proposed 3,193 sq.ft. residence.

The applicant proposes using this additional garage area to store a classic car and motorcycles, as well as a recreation room and workshop. The applicant wishes to keep the space as one large area to allow greater flexibility in its use. With the exception of the excess area, the garage complies with all applicable development standards and more than adequate open space will be provided (40% or 3,376 sq.ft. required; 54% or 4,551 sq.ft. proposed, as modified by Planning staff).

Although the size of the garage is almost half the size of the proposed house, staff recommends approval because of the variety of uses proposed for the space. However, staff is concerned with the overhead doors and window proposed on the left side and rear of the garage. The applicant proposes these doors to provide better access to the backyard for future projects, such as installation of a pool. The doors and window are within 5 feet to 10 feet from adjoining neighbors and use of this area as a workshop could generate noise impacts. A sliding door is proposed on the right side of the garage, which will be approximately 35 feet away from the right side property line. It is staff's opinion that this one door should provide adequate access to the back yard for future projects while minimizing potential impacts on neighbors; therefore, if approved, staff recommends that no overhead doors be allowed on the left and rear elevations and that windows in these elevations be non openable. Staff also recommends that, due to the long length of the garage (64 feet) that the south elevation of the garage be enhanced to soften its appearance for the adjoining neighbor.

A ¾ bath is also proposed in the new garage. The bath is proposed because the applicant plans on installing a pool in the back yard in the future. The only other bathroom on the ground floor of the house is not readily accessible from the back yard. Staff supports the additional bathroom but is concerned that, occasionally, independent bathrooms in garages can encourage conversion to separate dwelling units by future property owners. A condition of approval is included requiring a land use restriction to notify future property owners that the property is limited to one dwelling unit.

The applicant also conducts a development and construction management business from their home. The applicant is reminded that home businesses are restricted as to the type of equipment and/or vehicles they may store at their home and that approval of the excess garage area does not include any approvals to store additional equipment and/or vehicles at home or otherwise expand their home based business past that permitted by

the Zoning Code. The previously discussed land use restriction will also include a reminder of those limitations.

GENERAL PLAN CONSISTENCY

The proposed construction, as conditioned, will not change the single-family residential use of the property; therefore, the property will remain consistent with the Low Density Residential General Plan designation of the site.

ALTERNATIVES

Planning Commission's alternatives are as follows:

1. Deny the variance for the second driveway but approve the minor conditional use permits for the garage and bathroom;
2. Approve the variance and the minor conditional use permits; or
3. Deny the variance and the minor conditional use permits. The applicant could not apply for substantially the same project for the next six months.

ENVIRONMENTAL DETERMINATION

This request is exempt from the provisions of the California Environmental Quality Act under category 15301 – Existing Facilities.

CONCLUSION

The proposed driveway could encourage parking/storage of vehicles within the required front setback. Staff's modification will allow for access to the second garage and screened storage for vehicles behind the required setback. The proposed garage, as recommended by staff, will be used for a variety of activities, and will still allow open space in excess of Code requirements to be provided. The existing bathroom on the first floor of the house is not readily accessible from the back yard; the new $\frac{3}{4}$ bath will allow convenient access especially with the planned construction of a pool in the back yard.

Attachments: Draft Planning Commission Resolution
Exhibit "A" - Draft Findings
Exhibit "B" - Draft Conditions of Approval
Applicant's Project Description and Justification
Location Map
Plans

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

Jack and Cindy Douglas
2605 Westminster Place
Costa Mesa, CA 92627

File: 021108PA0750	Date: 013108	Time: 8:30 a.m.
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RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
COSTA MESA APPROVING A PORTION OF PLANNING APPLICATION
PA-07-50**

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

WHEREAS, an application was filed by Jack and Cindy Douglas, with respect to the real property located at 2605 Westminster Place, requesting approval of a variance to allow a second driveway to encroach in the required 20-foot deep front setback and minor conditional use permits to allow excess garage area and a bathroom that is not within the residence, in the R1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 11, 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 **APPROVES** the minor conditional use permits for the excess garage area and the bathroom proposed but **DENIES** the proposed variance for the second driveway under Planning Application PA-07-50, 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 Planning Application PA-07-50 and upon 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. 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 11th day of February, 2008.

Donn Hall, Chair,
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented does not substantially 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 variance to allow a second driveway within the required 20-foot deep front setback. Specifically, the proposed driveway could encourage parking/storage of vehicles within the required front setback. Access to the second garage will be necessary but can be provided without a fully paved driveway. Strict application of the zoning ordinance will not deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification, since the proposed garage area and driveway are in excess of Code minimums.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed minor conditional use permit for excess garage area with a $\frac{3}{4}$ bath not contained within the residence, as modified by Planning staff, is substantially compatible with developments in the same general area. Specifically, excess garage area will not cause the site to fall below required open space standards and will be placed at the rear of the property and, therefore, not readily visible from the street. Removal of the two overhead doors should minimize impacts on adjoining neighbors. Access to the existing first floor bathroom from the back yard is difficult and the new bath will serve the pool proposed to be constructed in the back yard in the future. Granting the 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.
- 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 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. A land use restriction, informing owners that only one dwelling unit may exist on the property and that the home based business must be operated in compliance with Code requirements including, but not limited the type of equipment and/or vehicles that may be stored at the property, shall be executed by and between the applicant and the City of Costa Mesa and shall be recorded prior to the issuance of building permits. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.
2. A screening gate shall be installed flush, or behind the front of the left side of the residence; no other wall, fence, or gate shall be permitted in front of the screening gate.
 3. Paving shall be limited to the 24-foot long side yard directly adjacent to the left side of the residence, behind the gate.
 4. Any access to the left side yard paving permitted under condition of approval number 3 and second garage shall be limited to grasscrete or other material that supports landscaping, under the direction of Planning staff.
 5. The overhead garage doors on the left side and rear of the garage shall be deleted. Any windows in these two elevations shall be non operable.
 6. The south elevations of the garage shall be enhanced under the direction of Planning staff.
 7. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-07-50 shall be blueprinted on the face of the site plan.
 8. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to final inspections. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 9. Two sets of detailed landscape and irrigation plans shall be submitted as part of the project plan check review and approval process. Two sets of the landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection.
 10. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, 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 may be required on a 1:1 basis. This condition shall be completed under the direction of the Planning Division.
 11. 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 application to (re)process the modification through a discretionary review process such as a minor design review or variance, or in the requirement to modify the construction to reflect the approved plans.



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DEVELOPMENT SERVICES

JAN - 2 2008

January 2, 2008

Ms. Hanh Nguyen
CITY of COSTA MESA
Planning Department
P.O. Box 1200
Costa Mesa, California 92628-1200

RE: Douglas Residential Remodel
2605 Westminster Place

Dear Ms. Nguyen:

Thank you for your email today and acknowledgement that the application is being processed. The response to your question regarding the purpose for the side and rear garage doors follows. The rear door will serve as future access to the rear of the home for small equipment (i.e. Bobcat type equipment) that may be required from time to time for pool construction or maintenance and landscape maintenance. In addition to the future access use, the nature of the enclosed space is a recreation room associated with the outdoor pool area and as a hobby shop. Both the rear and side garage doors will provide ventilation and light to this interior space in an economical manner. In time, the side door may be removed and replaced with a large sliding stackable type glass door but the current budget does not allow for that expense. It was important in the structural design that these openings in the walls be taken into account. The actual design of the doors themselves remains in flux. They will be sectional roll-up or sliding type doors as opposed tilt-up doors and will not encroach into the rear or side yard setbacks when open.

Hopefully we have adequately answered you concerns. Please contact us with any questions or comments regarding these or other issues we have failed to address.

Very truly yours,

Jack Douglas, Jr.

Cindy Douglas

Jack Douglas, Jr. □ 2605 Westminster Place □ Costa Mesa, California 92627-4643



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DEC 06 2007

December 4, 2007

Ms. Hanh Nguyen
CITY of COSTA MESA
Planning Department
P.O. Box 1200
Costa Mesa, California 92628-1200

RE: Douglas Residential Remodel
2605 Westminster Place

Dear Ms. Nguyen:

Pursuant to our conversation this date and the resubmittal of plans for the proposed remodel of our home at the above referenced address, we wish to clarify certain aspects of the plan that fall outside the Planning Department's guidelines. Before listing the issues and our response, let us assure you and your staff that as residents of Costa Mesa for over 25-years our primary intent is to create a home that is more aesthetically pleasing to our neighbors, in conformance with the general upgrading of our neighborhood, and better suited to our current and future needs.

The issues as we perceive them are as follows:

Issue: The proposed "auxiliary space" is excessive in comparison to the size of the house.

Response: At the current time, we own two vehicles that we use daily for basic transportation needs. Those vehicles are parked in our driveway 24-hours a day unless we are using them for transportation. We would certainly prefer to park these vehicles in the existing 2-car garage but it contains a small classic car which cannot be parked outside because it is not weatherproof and two cruising motorcycles that cannot be parked outside for security reasons. Therefore, a portion of the "auxiliary space" will be used to house the classic car and motorcycles that are used on an occasional basis for recreation leaving the existing garage available for transportation vehicle parking. Another portion of the new space will be used as a hobby workshop allowing space for various woodworking projects to remain in progress without daily clean-up. Finally, a portion of the space will be utilized as a family recreation area adjacent to the planned swimming pool and spa area. This use includes a bathroom that will include an indoor sauna and/or steam room. The current plans do not delineate these different uses within the new "garage" because we do not see these uses as being necessarily separate. The display of a fine classic automobile and motorcycles seems completely in keeping with the recreational use associated with the pool area.

Issue: The proposed concrete within the 20-foot set back area at the front entrance to the home.

Response: It is our strong desire to update and improve the street elevation of our home from its existing condition. This is in keeping with our desire to remove the parked vehicles

Jack Douglas, Jr. □ 2605 Westminster Place □ Costa Mesa, California 92627-4643

Ms. Hanh Nguyen
CITY of COSTA MESA
Planning Department
December 4, 2007
Douglas Residence remodel

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DEVELOPMENT SERVICES DEPARTMENT

DEC 06 2007

from the driveway area discussed above. This proposed plan includes the complete removal of the existing concrete driveway and walkway to the front door. The new driveway and entry walkway will be more integrated to maximize the square footage of landscaping in the front yard and the hardscape will be enhanced from the current gray concrete. We currently anticipate a colored concrete with a combination acid washed and exposed aggregate finish. Planning Staff has advised that a portion of the "walkway" at the front entry is also used as "driveway" access to the new rear garage and is within the 20-foot setback area. In fact, this is true but the visual appearance will be that of a much enhanced main entry to the home and this drive access is for the occasional use of recreational vehicles only. The enhanced elevation will include a portico entry into the enclosed front courtyard and main entry doors, plaster surround fenestration to the second floor window above the existing garage, new (less garage looking) garage door and significant landscape additions both inside and outside the courtyard.

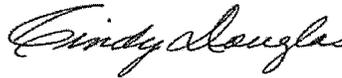
We have enclosed some photographs of other homes that depict the type of driveway and main entry area we are attempting to create at our home. In addition, there are photographs of other homes in our immediate neighborhood that substantiate that our proposed addition is consistent with the existing architecture and land use.

In closing, we recognize that our retirement years are coming close and we want to stay in our Costa Mesa neighborhood. However, as typical baby boom empty nesters we find that a 4-bedroom 2-car garage home does fit our current or future needs as well as a 2- bedroom 4-car garage home would. Although we have little desire to reduce the number of bedrooms, increasing the amount of garage space for recreational needs will become a future trend that we wish to implement now. Thank you for your consideration and we look forward to reviewing these issues in more detail with you in person. Please contact us with any questions or comments regarding these or other issues we have failed to address.

Very truly yours,



Jack Douglas, Jr.



Cindy Douglas

Overview Map



Legend

Address
Large

Address
Points

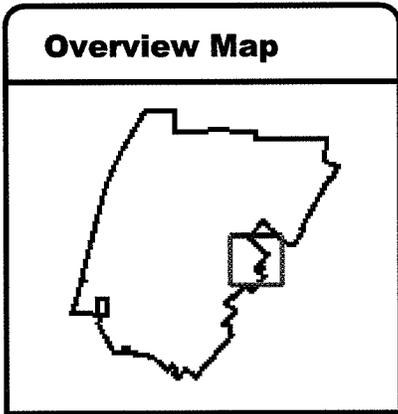
Roads
Collector
Freeway
(cont)

Major
Newport BLVD
Primary
(cont)



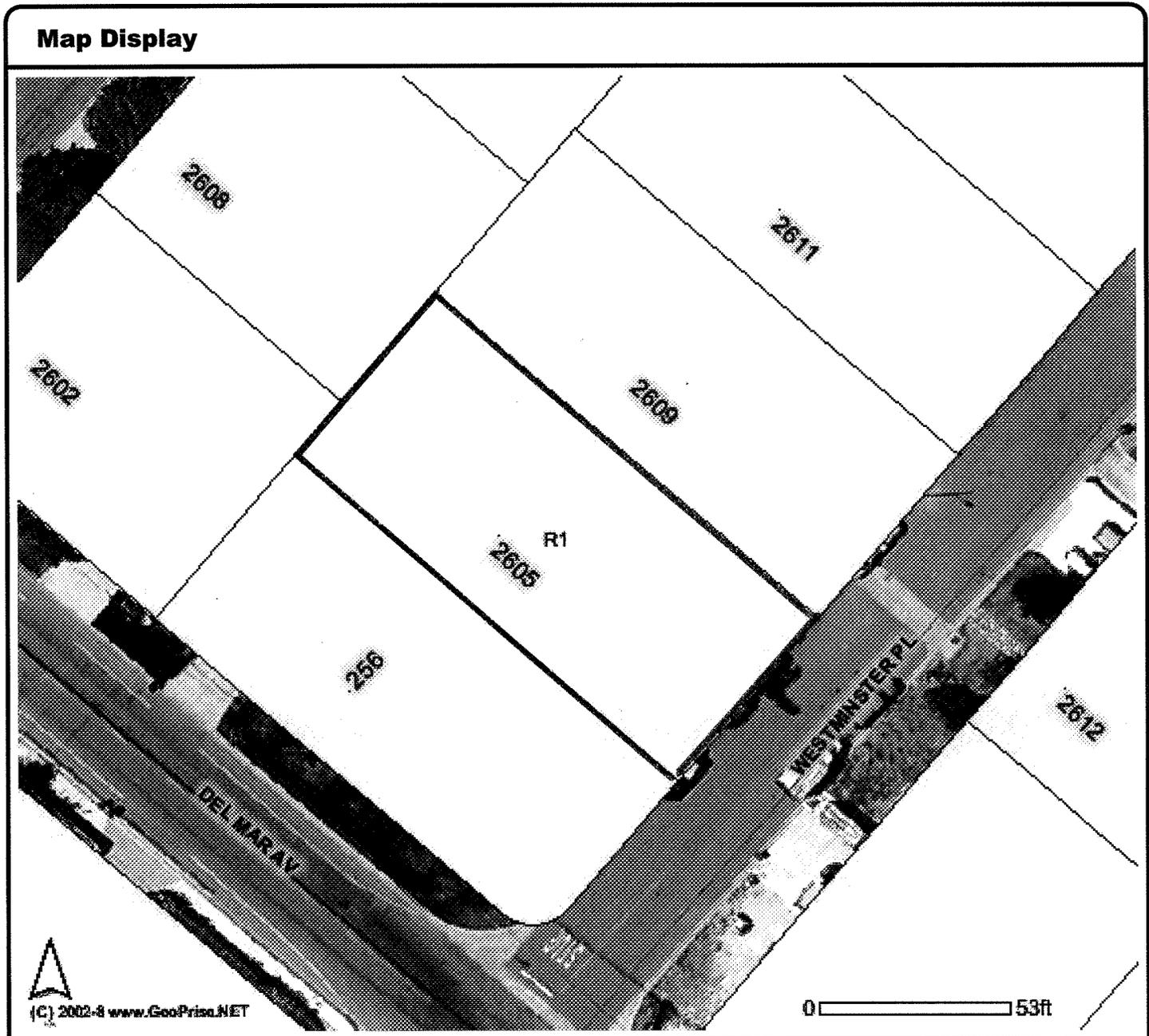
Map Display

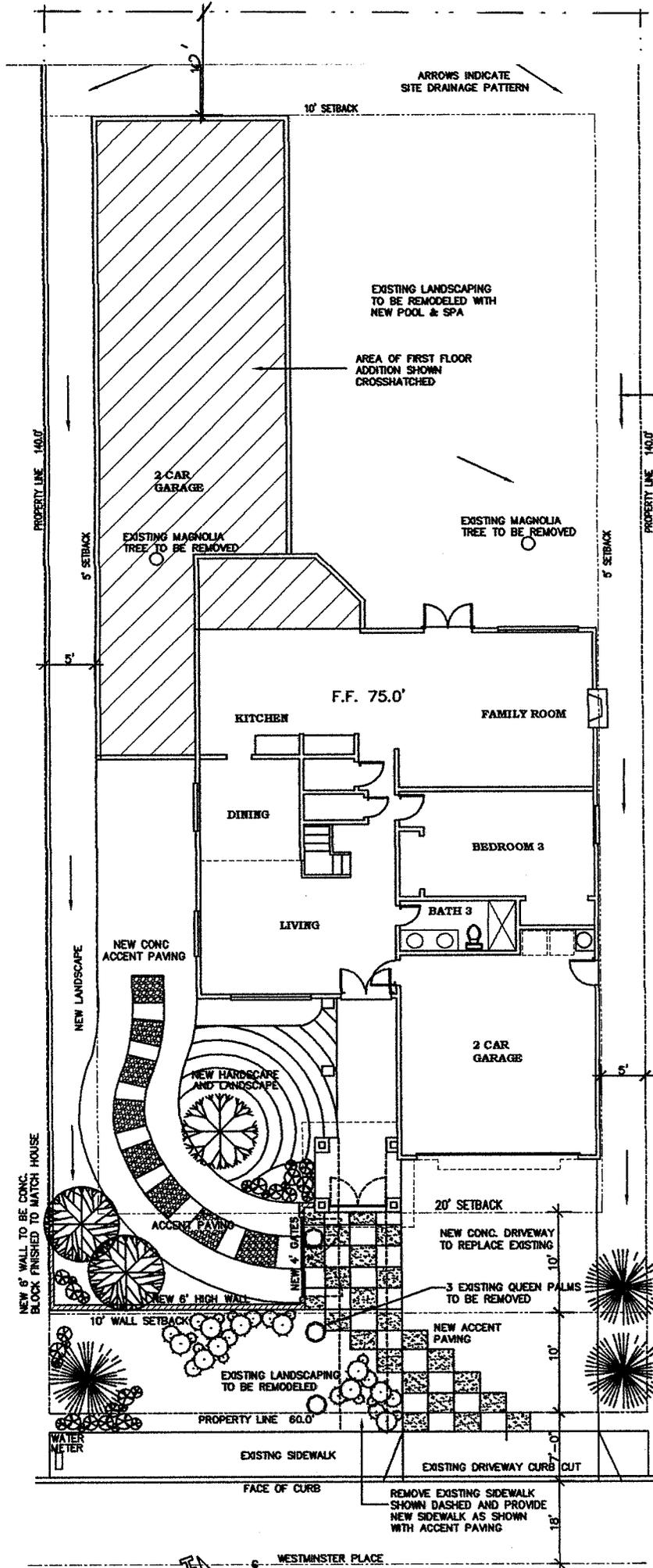




Legend

Address Large		Freeway Roads		Newport BLVD Primary		Hydrology Channels	
Address Points		Collector Freeway Major (cont)		SECONDARY Waterway Lines		Street Names	
						Street Centerlines	

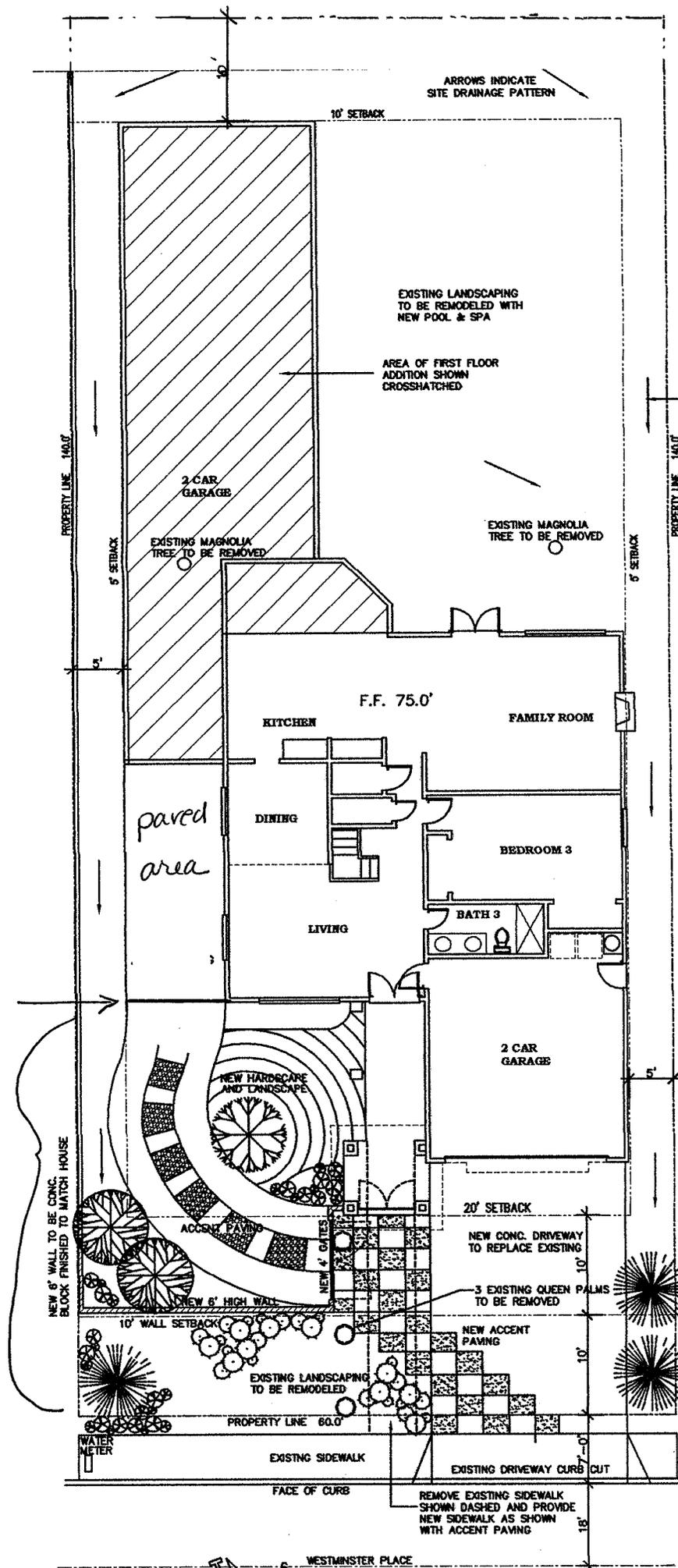




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 DEC 04 2007

*As proposed
 by applicant*

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As proposed
by Planning
Staff

