



PLANNING COMMISSION AGENDA REPORT

VI.1

MEETING DATE: FEBRUARY 11, 2008

ITEM NUMBER:

SUBJECT: REVIEW OF ZONING ADMINISTRATOR'S APPROVAL OF ZA-07-53
1151 AVIEMORE TERRACE

DATE: JANUARY 31, 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 for a deck reconstruction and legalization of a block wall and denial of the deck expansion, located within 10 feet of the bluff crest.

APPLICANT

The applicant is Dante Facchina, representing the property owner, 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 January 10, 2008, the Zoning Administrator approved a minor conditional use permit to allow reconstruction of an existing deck to its original depth and width and to legalize a block wall located within 10 feet of the bluff crest, but denied the applicant's request to extend the depth of the deck.

On January 14, 2008, Planning Commissioner Sam Clark requested that Planning Commission review this project due to multiple concerns raised by the neighbors.

ANALYSIS

The Marina Highlands neighborhood, including Avimore Terrace, has southerly and westerly views to the Pacific Ocean. As such over the years, the neighborhood's residents have expressed concerns regarding view preservation and bluff stability/preservation. Because the rear of the project site is primarily composed of bluff area, there is limited space for usable backyard area; consequently, the original house included a deck cantilevering over the bluff crest to provide usable backyard area.

The existing residence was constructed in 1978 with a portion of the residence on the bluff crest and a rear yard deck that projects between 1 foot and 8 feet beyond the bluff crest. Staff presumes that the deck was part of the original residential construction because the building permit (attached) indicates a minimum 22-foot rear yard setback was provided; whereas the plans indicate that the residence is located a minimum of 32 feet from the rear property line (a minimum 24-foot rear setback including the existing deck). The applicant proposes to rebuild and extend the deck's depth by 8 feet, resulting in a 16-foot rear setback. This project also includes legalization of a recently built block wall that is two feet from the bluff crest of the south (left) property line.

The Zoning Administrator approved the deck's reconstruction to its original depth and width but denied the deck expansion because a 16-foot rear yard setback is not consistent with other existing and recently approved deck setbacks on Avimore Terrace. Based on the aerial photographs and staff's site visits, the other decks appear to have more than 20-foot setbacks along the rear property line, abutting the park. The most recent deck approval was for 1163 Avimore Terrace, which projects a maximum of five feet beyond the bluff crest and provides a 27-foot rear yard setback. The Zoning Administrator determined that the existing deck dimensions will adequately accommodate recreational uses and patio furniture and that maintaining the 24-foot rear setback will minimize the disruption to the natural bluff line compared to a 16-foot rear setback.

The Zoning Administrator approved the legalization of the recently-constructed block wall along the south side of the property because it does not extend beyond the house; thereby, it has no impacts on the visual identity of the bluff.

Staff has received several communications opposing the project. The neighbors have expressed concerns of slope stability and construction activities without permits.

Conditions have been included to ensure that the deck is properly built to maintain the stability of the slope and that landscaping will be provided to screen the underside of the deck. The block wall is also prohibited from extending beyond its present location, which is 2 feet behind the bluff crest. A building permit is not required for the block wall; and the Building Safety Division has determined that the block wall only requires standard footings.

GENERAL PLAN CONFORMITY

As conditioned, the deck is 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 is cantilevered 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 block wall and existing deck.

CONCLUSION

It is the Zoning Administrator's opinion that, as conditioned, both the deck and block wall are compatible with other deck and wall encroachments in the immediate vicinity and they will not detract from the visual identity and integrity of the bluff.

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
Building permit for the residence's original construction
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

Alan Hall
1151 Aviemore Terrace
Costa Mesa, CA 92627

Dante Facchina
PO Box 5337
Huntington Beach, CA 92615

File Name: 021108ZA0753Review	Date: 013108	Time: 9:00 a.m.
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RESOLUTION NO. PC-08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S DECISION AND APPROVING ZONING APPLICATION ZA-07-53

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

WHEREAS, an application was filed by Dante Facchina, authorized agent for Alan Hall and Christine Jenkins, owners of real property located at 1151 Avimore Terrace, requesting a minor conditional use permit for a deck reconstruction and expansion and to legalize a block wall, on a single-family residence; and

WHEREAS, on January 10, 2008, the Zoning Administrator issued a letter approving the deck reconstruction and block wall and denying the deck expansion; and

WHEREAS, on January 14, 2008, 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 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 **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-07-53, 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. 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 complies with Costa Mesa Municipal Code Sections 13-34 and 13-29(g)(2) in that allowing the deck and block wall, as modified by staff, are 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 deck area will be limited to its existing depth and width, with a maximum projection of 8 feet beyond the bluff edge and a minimum 24-foot rear setback. The block wall along the south property line is also limited to its existing location, with a minimum setback of 2 feet behind the bluff crest. Both the deck and wall are compatible with other deck and wall encroachments in the immediate vicinity and, as conditioned, they will not detract from the visual identity and integrity of the bluff. The deck and wall will not interfere with access for fire protection and a geotechnical report will be required to confirm the deck 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**

- PIng.
1. The deck area shall be limited to its existing depth and width, with the deck projection ranging from 1 foot to a maximum of 8 feet beyond the bluff edge.
 2. A minimum 24-foot rear setback shall be maintained for all structures, including the deck.
 3. Safety railing around the deck shall be constructed with open railing and/or plexiglass, not to exceed 42 inches in height, to minimize visual impacts from public view.
 4. The block wall along the south side of the property shall not extend beyond its present location (2 feet behind the bluff crest).
 5. Any portion of the above ground deck and support structures shall maintain a minimum five-foot setback from each side property line.
 6. Any support posts for the decks shall be located as close to the bluff crest as feasible to minimize visual impacts to the bluff.
 7. The property owner shall obtain building permits for the deck and any other installation/construction activities.
 8. Landscaping shall be installed to the satisfaction of the Planning Division to screen the deck's support structures. Landscape material shall consist of fire-retardant and drought-tolerant shrubs and ground covers.
 9. 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.
 10. 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.
 11. The conditions of approval, Code requirements, and special district requirement of Zoning Application ZA-07-53 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 12. 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.

CITY OF COSTA MESA
P. O. Box 1200
Costa Mesa, CA 92628-1200

received
1/14/08

FEE: \$ _____

APPLICATION FOR REVIEW, APPEAL OR REHEARING

Applicant Name Sam Clark

Address _____

Phone _____ Representing* _____

REQUEST FOR: REVIEW** APPEAL REHEARING

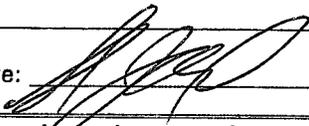
Decision of which review, appeal or rehearing is requested: (give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) ZA-07-53

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

Review objections and impacts.

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES

JAN 14 2008

Date: 1/14/08 Signature: 

For office use only -- do not write below this line

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

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

Development Services Department
 City of Costa Mesa
 77 Fair Drive
 Costa Mesa, Ca. 92628-1200

November 30, 2007

Subject: 1151 Aviemore Terr., Costa Mesa, Ca.

Dear Sir:

On November 1, 2007 we received a notice that we were in violation of Municipal code 13.34 Bluff-top Development.

We would like to take this opportunity to point out the condition of the Bluff in question. We have attached a tract map No. 3470 which high lights in orange all the lots that have block walls up to the crest, and in some cases go beyond the crest of the bluff. See attached pictures for the lots in questions.

LOT 11
 14
 17
 22
 23
 37
 38
 39 (2 sides)
 40 (2 sides)
 41
 44
 45

We have a 2 feet set back from the bluff crest and you can see from the pictures that there is no endanger of the slope stability, is a 7 feet fire access for fire protection and that the quality of the construction does not detract from the visual identity and integrity of the bluff. See attached pictures for lot No. 21. Furthermore, the existing wall on the adjacent lot No. 20 is an eye sore and is termite infested and is rotten. See attached pictures for lot No. 20.

In light of the above 12 homes that are on the bluff and the existing walls, we are requesting that you void the violation and allow the wall to stand as constructed.

Yours truly,



Dante D. Facchina
 Agent for Hall / Jenkins
 1140 Gleneagles Terrace
 Costa Mesa, Ca. 9262

Phone: 714-717-8849

Enclosures: Tract Map and 18 Pictures

10

Friday, November 30, 2007 America Online: Nestatlaguna

8/21/07

City of Costa Mesa, Development Services Department
77 Fair Drive, P.O. Box 1200, Costa Mesa, Ca. 92628-1200

Subject: Minor Conditional Use Permit
1151 Aviemore St. Costa Mesa, Calif. 92627

Request permit to replace existing deck at rear of home at 1151 Aviemore (see attached photos) and extend the deck 8 feet. This extension of the deck would be compatable with the home at 1163 Aviemore which completed an 8 foot extension to the deck within the last 12 months (see attached photos). The proposed extension complies with city code and does not violate code restrictions. This addition would provide adequate deck space in lieu of a rear yard.

Approved:

Development Services Department

Date:



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

January 10, 2008

Dante Facchina
PO Box 5337
Huntington Beach, CA 92615

**RE: ZONING APPLICATION ZA-07-53
MINOR CONDITIONAL USE PERMIT FOR A DECK EXTENSION AND TO
LEGALIZE A BLOCK WALL ENCROACHING INTO BLUFF EDGE SETBACK
1151 AVIEMORE TERRACE, COSTA MESA**

Dear Mr. Facchina:

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, as modified by staff, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5 p.m. on January 17, 2008, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or is called up for review 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, AICP
Zoning Administrator

Attachments: Project description
Findings
Conditions of approval
Approved conceptual plans

cc: Gary Wong, Engineering
Fire Protection Analyst
Building Division

Alan Hall and Christine Jenkins
1147 Gleneagles Terrace
Costa Mesa, CA 92627

Alan Hall and Christine Jenkins
1151 Aviemore Terrace
Costa Mesa, CA 92627

12

PROJECT DESCRIPTION

- The subject property is zoned Single-Family Residence (R1) and is bounded by Aviemore Terrace to the east (front), single-family residences to the north and south (sides), and Talbert Regional Park to the west (rear).
- The existing residence was constructed on the bluff edge in 1978, with a rear yard deck that projects beyond the bluff crest.
- A minor conditional use permit is required because the applicant proposes to extend the deck by eight feet, resulting in a 16-foot rear setback, and to legalize a recently-constructed block wall along the south side of the property, located two feet behind the bluff crest (10 feet setback from bluff crest required). Staff also included the existing deck in this minor conditional use permit request to allow reconstruction of the deck.
- Staff does not support the proposed deck extension because the resulting setback of 16 feet is not consistent with other existing and recently approved deck setbacks, which have more than 20-foot setbacks, along the rear property line, abutting the park. Instead, staff will allow the reconstruction of the existing deck, which projects a maximum of 8 feet beyond the bluff crest, minimum 24 feet from the rear property line. It is staff's opinion that an adequate outdoor area is provided because the deck area at the north side of the residence is approximately 280 square feet (12 feet by 24 feet), which exceeds the Code required 10-foot by 10-foot minimum private open space for multi-family residential projects. Staff believes the existing deck will adequately accommodate recreational uses and patio furniture. Furthermore, the 24-foot rear setback will minimize the disruption to the natural bluff line compared to a 16-foot rear setback. A condition has been included requiring that the safety railing around the deck be constructed with open railing and/or plexiglass, not to exceed 42 inches in height, to minimize visual impacts.
- Staff supports the legalization of the recently-constructed block wall along the south side of the property because there are other block walls in the immediate area that are constructed to the bluff crest. However, a condition has been included prohibiting the wall from extending beyond its present location, which is 2 feet behind the bluff crest.
- Conditions have also been included to ensure that the deck is properly built to maintain the stability of the slope and that dense landscaping will be provided to screen the underside of the deck.
- The deck is 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 is cantilevered over the slope, minimizing disturbances to the slope.
- Staff has received several communications opposing the project. The neighbors have expressed concerns of slope stability and construction activities without permits. Approval of the minor conditional use permit will allow the legalization of the block wall and reconstruction of the deck to its original configuration; compliance with the condition requiring the property owner to obtain permits for all construction/installation activities will help ensure the deck is safely constructed.
- 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 block wall, as modified by staff, are 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 deck area will be limited to its existing dimensions and configuration, with a maximum projection of 8 feet beyond the bluff edge and minimum 24-foot rear setback. The block wall along the south property line is also limited to its existing location, with a minimum setback of 2 feet behind the bluff crest. Both the deck and wall are compatible with other deck and wall encroachments in the immediate vicinity and, as conditioned, they will not detract from the visual identity and integrity of the bluff. The deck and wall will not interfere with access for fire protection and a geotechnical report will be required to confirm the structures 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.

CONDITIONS OF APPROVAL

- Plng.
1. The deck area shall be limited to its existing dimensions and configuration, with the deck projection ranging from 1 foot to a maximum of 8 feet beyond the bluff edge.
 2. A minimum 24-foot rear setback shall be maintained for all structures, including but not limited to, decks and walls.
 3. Safety railing around the deck shall be constructed with open railing and/or plexiglass, not to exceed 42 inches in height, to minimize visual impacts from public view.
 4. The block wall along the south side of the property shall not extend beyond its present location (2 feet behind the bluff crest).

5. Any portion of the above ground deck and support structures shall maintain a minimum five-foot setback from each side property line.
6. Any support posts for the decks shall be located as close to the bluff edge as feasible to minimize visual impacts to the bluff.
7. The property owner shall obtain building permits for the deck, block wall, and any other installation/construction activities.
8. Landscaping shall be installed to the satisfaction of the Planning Division to screen the deck's support structures. Landscape material shall consist of fire-retardant and drought-tolerant trees, shrubs, and ground covers.
9. 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.
10. 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.
11. The conditions of approval, Code requirements, and special district requirement of Zoning Application ZA-07-53 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
12. 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. |
| | 2. | Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets. |
| | 3. | Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance. |
| Bus.
Lic. | 4. | 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. | 5. | 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. |

6. Submit structural engineering calculations to the Building Division at the time plans are submitted for building plan check.
7. Submit a soils/geotechnical report. One boring shall be at least 15 feet deep. Report recommendations shall be blueprinted on the plans.
8. Comply with the requirements of the State of California Seismic Hazard zone.
- Fire 9. Comply with all Fire Code requirements.
- Eng. 10. A Construction Access Permit and deposit of **\$560.00** will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.

SPECIAL DISTRICT REQUIREMENTS

The requirement of the following special district is hereby forwarded to the applicant:

- CDFA 1. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JAN 28 2008

1-28-08
Costa Mesa Planning Division,

Reference , 1151 Aviemore Terrace, Costa Mesa, Ca. 92627

With record rain like we experienced this week, I am nervous about hillside construction causing additional erosion and slippage. Hillside slippage has occurred on this property previously. I believe the City and County engineering departments are evaluating at this time a drainage system which may run through this property and is not working properly.

I am uncomfortable with an expansion of the existing deck on this home because it would require digging into the hillside to support the construction. If a new deck is built please require that an adequate rainwater drain system for this project be installed since it already extends past the bluff crest.

Also I am not in favor of a brick privacy wall to be built on the hillside for several reasons, erosion potential if the hillside were dug into, and it would reduce views for neighbors and myself. An alternative see through type of fence could be built to accomplish the same security purpose.

Respectfully,
Dan Hakala-homeowner



1159 Aviemore Terrace
Costa Mesa, Ca. 92627
Phone 949-548-6784

1151 Aviemore Terrace
ZA-07-53

Rosalyn Bashore

Neighbor opposes project due to slope stability concerns.

12/31/07 HT

From the Desk of...

HILDA VETURIS

Called 1/10/08 10:45 A.M.

Cambria Briggs called to

Comment on ZA-07-53:

"No one should build out on
bluff's edge until County portion
below has been shored up."

H

GERI S. CICERO

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

January 5, 2008

Attn: Planning Division
City of Costa Mesa
P O Box 1200
Costa Mesa, CA 92628

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JAN - 7 2008

Subject: Zoning Application 07-53
Located at: 1151 Aviemore Terrace, Costa Mesa
Dante Facchina for: Alan and Gail Hall and Christine Jenkins

Dear Members of the Planning Division:

Let us be clear about the subject property. The variance is requested for a wall that is already built at the site in violation of the City's code. 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. According to other neighbors, this property has been Red Tagged a number of times for failure to comply with permit regulations.

- I live on Aviemore Terrace next door to the subject property. **I look to the City to keep me safe!** I would look to the City if there are any future damages.
- **Pushing the existing deck out another eight feet is unconscionable and unrealistic when thinking of environmentally sound building on this bluff.**
- Our Street/Tract is Adjacent to the County's Talbert Preserve **to indicate that there is No Environmental Determination for the subject property is very wrong in my estimation.**
- **These owners are the same people who are applying for permits - after the fact on their personal residence, ZA 07-66. 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, City or County Park.

Since I and other citizens live on Aviemore Terrace, we would be adversely impacted if a slippage occurred. Therefore, I am deeply opposed to granting the variance requested for the above zoning application. Thank you for your thoughtful consideration.

Respectfully submitted,



Geri S. Cicero
Work: 714.567.7388
A/P 422.331.17

C: Planning Commission
City Councilwoman Wendy Leece
Bryan Speegle, Dir/RDMD OC w/City Notice
Mario Mainero, Chief/Staff to J.Moorlach OC Supervisor w/City Notice

19

P:01.10.2008.g1

January 1, 2008

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JAN - 7 2008

Attn: Planning Division
City of Costa Mesa
P O Box 1200
Costa Mesa, CA 92628

Subject: Zoning Application 07-53 Dante Facchina
For: Alan & Gail Hall and Christine Jenkins

Dear Members of the Planning Division:

We were surprised to learn that the owners of 1151 Avimore Terrace are seeking a variance, after the fact for work already completed!

We are at 1143 Avimore Terrace, two homes from the subject property and we are deeply concerned that any encroachment beyond the original 10-foot setback from the bluff's edge weakens the integrity of the hillside, and can lead to slippage and serious damage to the entire bluff.

We are, therefore deeply opposed to the granting of this variance and feel the City should enforce its own rules.

Thank you for your consideration.

Respectfully,

Mr. D. R. Howell

MRS. D. R. Howell
Mr. and Mrs. Donald R. Howell

1143 Avimore Terrace
Costa Mesa, CA 92627

January 7, 2008

Attn: Planning Division
City of Costa Mesa
P O Box 1200
Costa Mesa, CA 92628

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JAN - 9 2008

Subject: Zoning Application 07-53
Located at: 1151 Aviemore Terrace, Costa Mesa
Dante Facchina for: Alan and Gail Hall and Christine Jenkins
Permit to extend a rear deck 16 feet past the bluff crest and wall

Dear Members of the Planning Division:

I am the owner of two properties located on Aviemore, both 1127 and 1131. I am retired from the LA City Fire Department for 27 years. I feel very strongly about preserving the integrity of my properties for my children. As such, I am very concerned about the actions in our neighborhood with respect to lack of permits.

The backyard of the Hall's home at 1147 Gleneagles faces more or less southerly, which is the ocean view side of their home. They have at least a six-foot block wall on the east and west sides of their property. Both of those block walls extend past the back of their home, through their back yard and a few feet beyond the flat part of their backyard, past the bluff crest. At the end of the flat portion of their backyard, their property goes downhill to Aviemore Terrace. At the southerly end of their six-foot block wall, they have vegetation growing on their bank (hill) that is the same elevation as their six-foot block wall. That vegetation extends south at this height for another six or ten feet. By extending their six-foot block walls past their flat bluff crest and extending another 6-10 feet of vegetation past the end of their bluff crest, they have spoiled and destroyed the view of the adjacent neighbors. The neighbors on the west side have a blocked view to their east; and the neighbors on the east side have a blocked view to their west. They have destroyed both properties' panoramic views.

The Halls are the only homeowners on Gleneagles that have done such an inconsiderate act to their neighbors. Now the Halls and Jenkins who are rebuilding the house at 1151 Aviemore want to almost do the same inconsiderate act again to the neighbors on both sides of that property.

Again, I own two homes on Aviemore Terrace 1127/1131, and I believe that I would be very disturbed and emotionally upset if either one of my neighbors did the same inconsiderate acts against me as the Halls have done and are attempting to do again.

Respectfully submitted,

Bob Reeder
1127 and 1131 Aviemore Terrace
Costa Mesa, CA 92627
949.645.4164

C:Bob Reeder

21

1-8-08

To Costa Mesa Zoning Administrator, copy please to Planning Department

I am writing in response to zoning application ZA-07-53, with subject property located at 1151 Aviemore Terrace, Costa Mesa. My home is located exactly next door. Here is my stance.

Hopefully you are aware that in previous rainy seasons there was substantial ground slippage on the property's hillside.

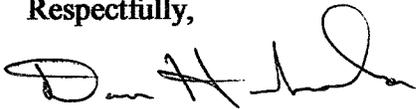
I see no need or usefulness to extend a privacy block wall past the bluffline. It will kill views for several neighbors as well as myself and is not necessary for security purposes. If a fence is desired on the hillside for security purposes please allow them to install a well engineered see through type perhaps the cyclone type, electric, or rod iron. I am concerned any cutting or digging into the hillside may cause erosion which could expand toward or onto my property, thus create damage in the future.

Regarding the deck expansion, (the existing deck I estimate to be more than 600 square feet as is) currently protrudes over the hillside bluff line in its current state. Again for the safety of the hillside I am against any expansion of more than four feet of additional decking over the hill to be constructed even if well engineered with super heavy duty construction techniques and methods. A four foot expansion from the existing deck will add about 250 more square feet. The existing deck is in disrepair and is probably not safe so it needs to be rebuilt. I believe a drainage system should be required to help keep erosion of the hillside from occurring.

In summary, I oppose the block wall to be built past the bluffline, and would prefer the deck to remain as is in size, or at most, a four foot extension be approved with rainwater drainage capture running to the street, not on the hillside.

Thank you for your careful consideration of these important issues.

Respectfully,



Dan Hakala
1159 Aviemore Terrace
Costa Mesa, Ca. 92627 phone 949-631-5695

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JAN - 9 2008

From: Cicero, Geri [mailto:Geri.Cicero@ceoit.ocgov.com]
Sent: Tuesday, January 15, 2008 9:25 AM
To: LEECE, WENDY; BRANDT, KIMBERLY
Subject: RE: 1151 Avimore Terrace 02.11.2008
Importance: High

- Wendy thank you for your watchful eye on the City process as it affects us on Avimore.
- Kimberly, please reign in your folks to assure that owners follow the rules of the City processes.

1. Is this PC Review for **both the block wall and the deck**?
2. Shouldn't the block wall to have different footings on the bluff side vs.. the street side?
3. Neighbors on Avimore have asked if I've received any information and they too are looking for answers from the City.
4. By the way - the original deck has been demolished. Are they working within the parameters of the permit process by doing this?

Please take the time to stand below Avimore and look up at the Gleneagles properties above my home - as to the various configurations of block walls (most built by Dante F.!) We on Avimore feel it looks like a trailer park. We on Avimore don't want that look for our street. Be careful what you allow, as it sets a dangerous precedent for our bluff safety, not to mention view distortion!

There are many of the walls built sans permit on Gleneagles. Avimore has been a different story, I believe.

Thank You!

Geri Cicero, 714.567.7388

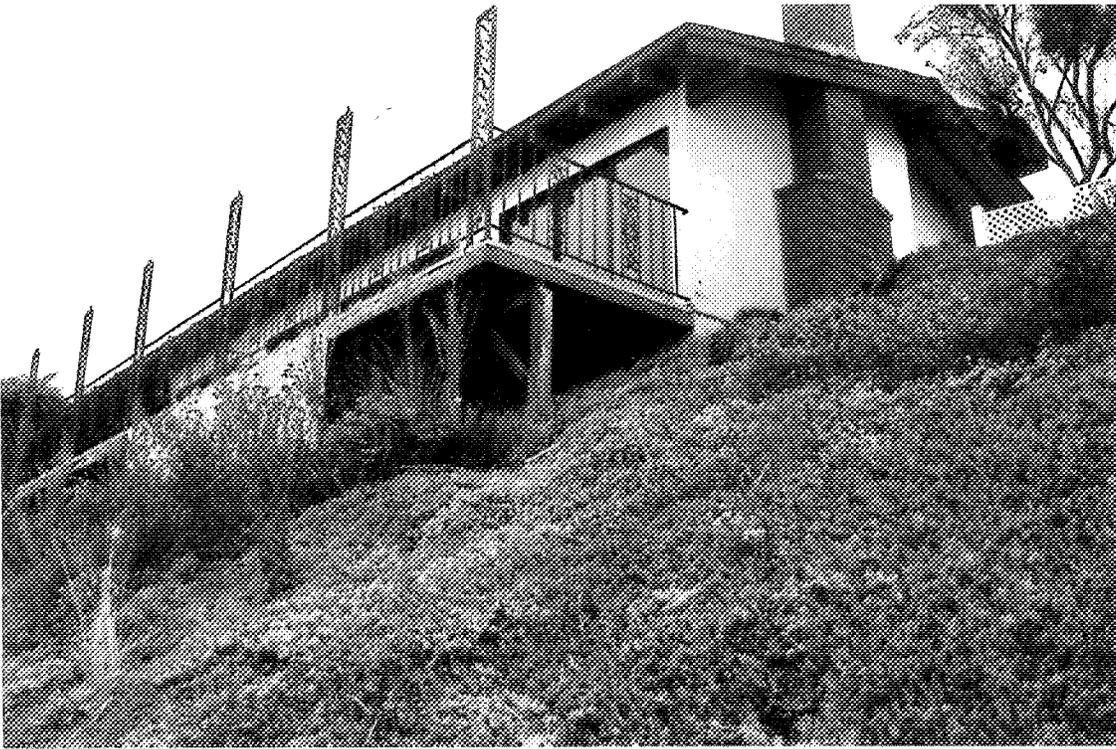
email: geri.cicero@ceoit.ocgov.com



1151 Aviemore Terrace



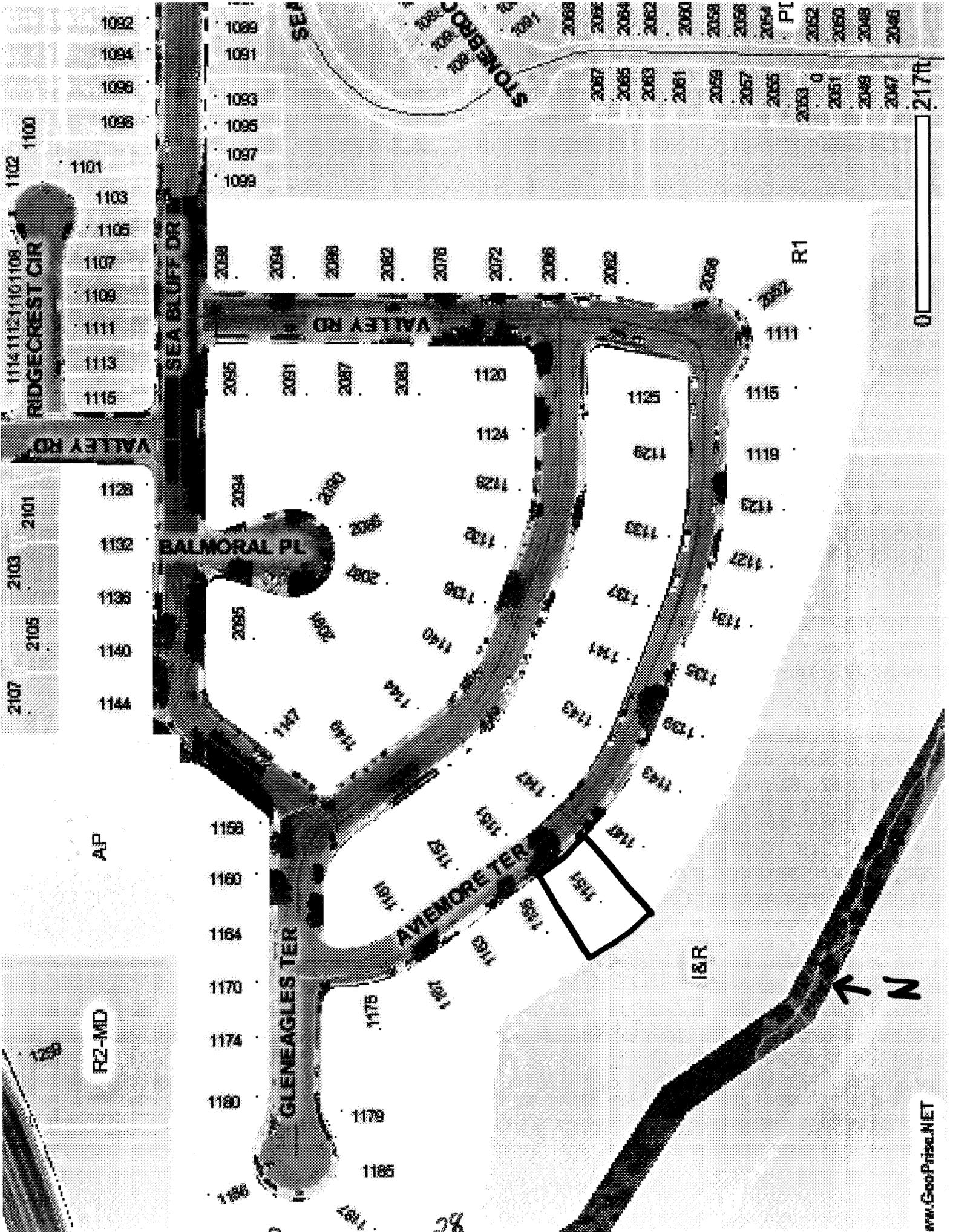
1151 Aviemore Terrace



1151 Aviemore Terrace



1151 Aviemore Terrace '11/15/08



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2107 2105 2103 2101
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A.P.
 R2-MD
 1239

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 N



44960

2-2-77 0971 12003

COSTA MESA BUILDING-SAFETY DEPARTMENT
P.O. BOX 1200 COSTA MESA, CALIFORNIA 92626

APPLICATION FOR STRUCTURAL PERMIT

For Applicant to Fill in Completely - Use Ink Only

RECEIVED BY *WLC* DATE RECEIVED *11-2-77* DATE ISSUED *2-21-78*
 A.P. NO. *115-631-16* PERMIT NO. _____
 BUILDING ADDRESS *1151 AVIEMORE TERR*
 TRACT *3470* LOT *21* BLOCK _____
 NEW ADD ALTER REPAIR MOVING DEMOLISH
 OWNER *BOYD UPCHURCH*
 MAIL ADDRESS *455 N. WILTON PL.*
 CITY *L.A.* *90004* TEL. NO. *463-7970*
 CONSTRUCTION LENDER _____
 BRANCH _____
 ADDRESS _____
 ARCHITECT OR ENGINEER *LES KEPHART* TEL. NO. *675-2159*
 ADDRESS *326 W. 5th - Burbank* *92661*
 CONTRACTOR *OWNER*
 ADDRESS _____
 CITY _____ TEL. NO. _____
 STATE LIC. NO. _____ CITY LIC. NO. _____
 SIZE OF LOT *110x82* NO. OF BLDGS. NOW ON LOT *-*
 USE OF EXISTING BLDG. *RESIDENCE*
 Separate permits are required for electric, plumbing and heating work.
 USE OF BUILDING AND WORK TO BE PERFORMED
NEW RESIDENCE WITH ATT GAR
 I hereby acknowledge that I have read this application and state that the above information is correct and agree to comply with all laws regulating building construction, and I shall not employ any person in violation of the workman's compensation laws of the State of California.
 I hereby certify that I am properly licensed as a contractor under the State of California Business and Professions Code, Division 3, Chapter 9, and that such licenses are in full force and effect, or I am exempt from the provisions of the State of California Business and Professions Code, Division 3, Chapter 9.
 Signature of Permittee *Jerry Upchurch*
 Authorized Agent

FIRE ZONE *1* TYPE *V* GROUP *I & J*
 APPROVED BY *WLC* DATE *2-21-78*
 ZONE *R1* NO. OF PLANS *2* USE OF NEW BUILDING *Single Family*
 YARDS APPROVED MAIN BUILDING _____ YARDS APPROVED ACCESSORY BUILDING _____
 (FROM C/L STREET) FRONT *10* FT. _____ FT.
 R. SIDE *5* FT. _____ FT.
 L. SIDE *5* FT. _____ FT.
 REAR *22* FT. *3* _____ FT.
 DISTANCE BET. MAIN BLDGS. _____ BET. MAIN & ACCESS. BLDGS. _____
 VAR. # _____ DATE APPROVED _____
 C.U.P. # _____
 APPROVED BY *CWR* DATE *2-21-78*
 3050 SQ. FT. *J=471*
 THE AMOUNT SHOWN UNDER VALUATION IS FOR THE PURPOSE OF ESTABLISHING A PERMIT FEE ONLY:
 VALUATION *\$79000* PERMIT FEE \$ _____
 PLAN CHECK \$ *122.50*
 TAX \$ *5.53*
 TOTAL PAID \$ *128.03*

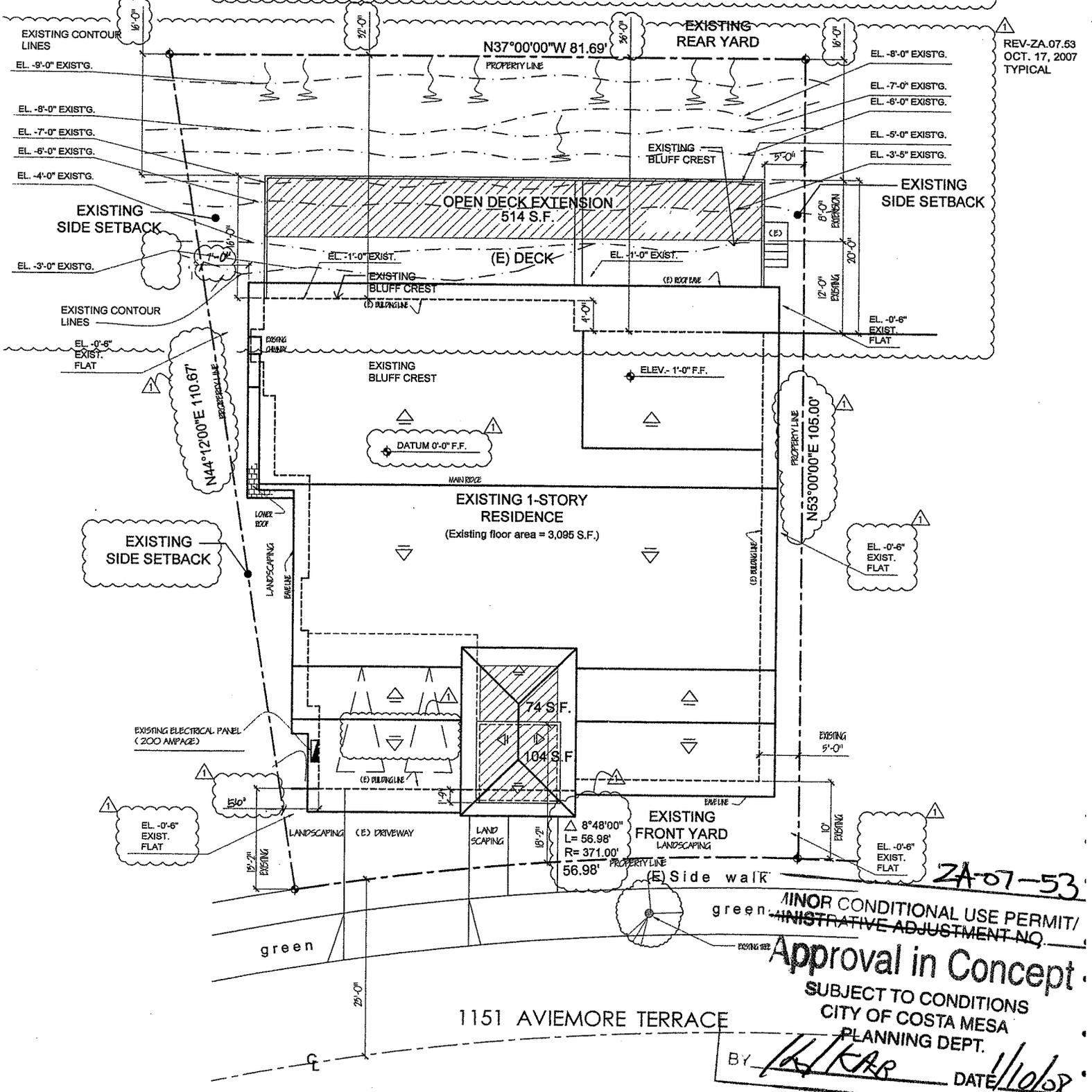
WHEN PROPERLY VALIDATED, THIS IS A PERMIT

CMF 0335-46 (BU-28), rev. 8/75

\$245.00

DEVELOPMENT & RENOVATION TO EXISTING 1-STORY FAMILY RESIDENCE

BRIEF LEGAL DESCRIPTION: LOT 21, TRACT NO. 3470, M.M. 124 PAGES 5 AND 6



REV-ZA.07.53
OCT. 17, 2007
TYPICAL

2A-07-53

MINOR CONDITIONAL USE PERMIT/
ADMINISTRATIVE ADJUSTMENT NO.

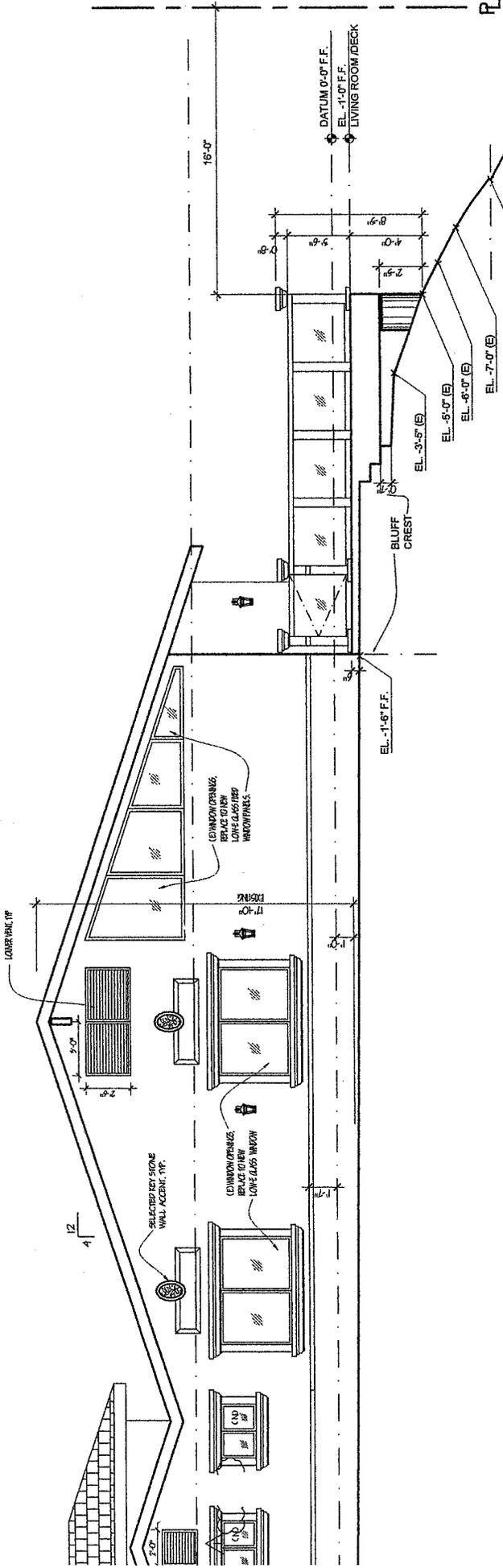
Approval in Concept

SUBJECT TO CONDITIONS
CITY OF COSTA MESA
PLANNING DEPT.

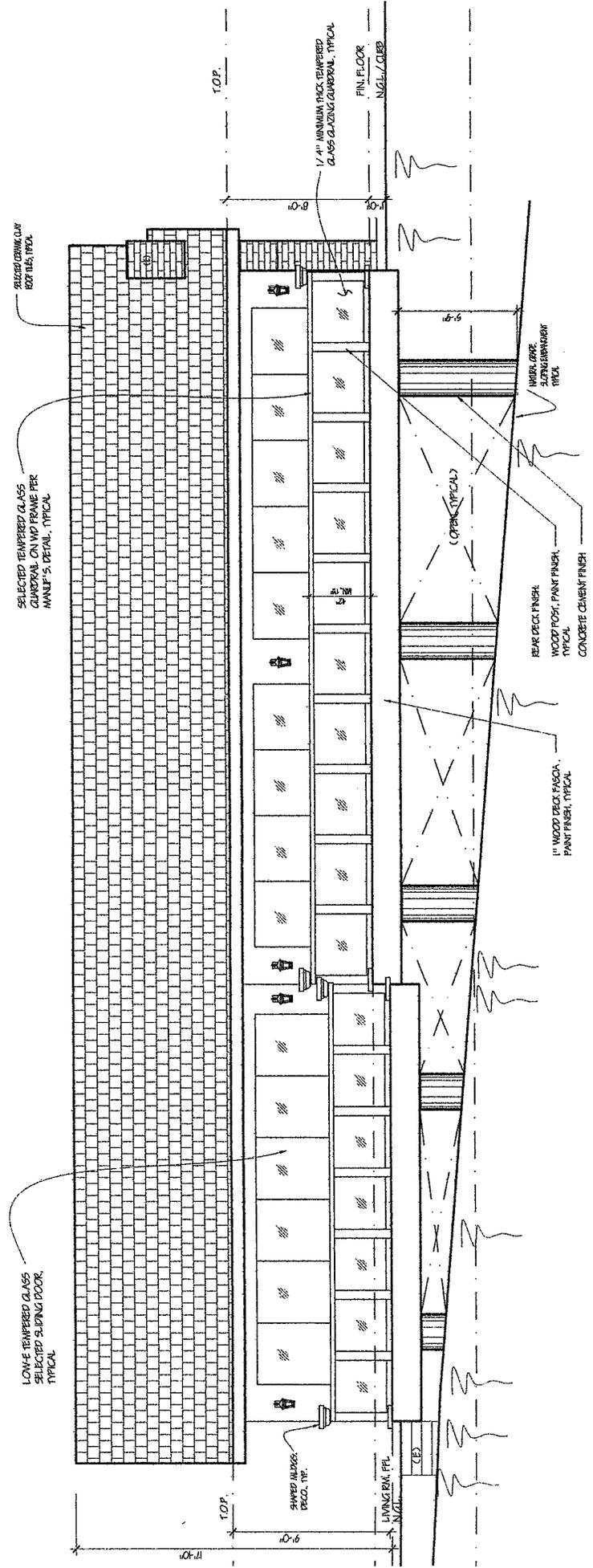
By W. KAR DATE 11/10/07

NOTES IN THE FIELD. PLANS ARE A FIELD CONDITIONS MAY VARY AND THE FIELD RESPONSIBLE UNDER ANY PERFORMANCE IN THE CONSTRUCTION CONTRACT AND FOR ANY DISCREPANCIES

SITE PLAN Scale 1/8" = 1'-0" **1**



NORTH-WEST RIGHT SIDE ELEVATION Scale 1/4" = 1'-0"



WEST REAR SIDE ELEVATION

Scale
1/4" = 1'-0"

2

