



PLANNING COMMISSION AGENDA REPORT

VII. 6

MEETING DATE: APRIL 14, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-08-07
242 OGLE STREET

DATE: APRIL 3, 2008

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

DESCRIPTION

The applicant is requesting approval of a variance from required on-site parking, administrative adjustments from required side yard setback and building separation, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio, for a new two-story residential unit. Additionally, the applicant is requesting minor modifications to retain an existing driveway and extend an existing nonconforming side setback for the existing residence with a new closet.

APPLICANT

The applicant is Laura Kay Dunbar, representing Dan and Dorothy Dunbar, who are the owners of the property.

RECOMMENDATION

Deny by adoption of the attached resolution.

Handwritten signature of Mel Lee.

MEL LEE, AICP
Senior Planner

Handwritten signature of Kimberly Brandt.

KIMBERLY BRANDT, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 242 Ogle Street Application: PA-08-07
 Request: Variance from required on-site parking, administrative adjustments from required side yard setback and building separation, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio, for a new two-story residential unit. Additionally, the applicant is requesting minor modifications to retain an existing driveway and extend an existing nonconforming side setback for the existing residence with a new closet.

SUBJECT PROPERTY:

Zone: R2-HD
 General Plan: High Density Residential
 Lot Dimensions: 50 FT X 125 FT
 Lot Area: 6,250 SF
 Existing Development: One-story residence (to remain) and detached accessory structure (to be demolished).

SURROUNDING PROPERTY:

North: (Across Alley) C1-S, shopping center
 South: (Across Ogle St.) R3, residences
 East: R2-HD, residences
 West: R2-HD, residences

DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed	Proposed/Provided
Lot Size:		
Lot Width	100 FT	50 FT (1)
Lot Area	12,000 SF	6,250 SF (1)
Density:		
Zone	1 du/3,000 SF	1 du/3,125 SF
General Plan	1 du/3,000 SF	1 du/3,125 SF
Building Coverage:		
Buildings	NA	2,996 SF (48%)
Paving	NA	718 SF (11%)
Open Space	2,500 SF (40%)	2,536 SF (41%)
TOTAL		6,250 SF (100%)
Building Height:		
Building Height	2 Stories 27 FT	2 Stories 24 FT, 3 IN
Chimney Height	NA	NA
First Floor Area (Including Garage)	NA	1,540 SF
Second Floor Area	NA	1,401 SF
2nd Floor% of 1st Floor (2)	80%	91.5%
Rear Yard Lot Coverage	NA	NA
Setbacks (Proposed Building):		
Front	20 FT	72 FT
Side (1st floor left/right)	5 FT / 5 FT	5 FT / 5 FT
Side (2nd floor left/right)	10 FT Avg. (2)	11 FT / 10 FT
Rear (alley)	5 FT	5 FT
Setbacks (Existing Building):		
Front	20 FT	24 FT
Side (left/right)	5 FT / 5 FT	2 FT / 10 FT 11 FT, 2 IN
Rear (alley)	5 FT	54 FT
Building Separation:	10 FT	6 FT 10 FT
Parking:		
Covered	2	4
Open	5	2
TOTAL	7 Spaces	6 Spaces 6
Interior garage dimension	20 FT	20 FT
(1) The property is legal nonconforming (2) Residential Design Guideline (3) Does not comply with Residential Design Guideline (4) Does not comply with code - administrative adjustment requested (5) Minor modification requested - see statement on discussion (6) Does not comply with code - variance requested		
CEQA Status	Exempt, Class 3	
Final Action	Planning Commission	

BACKGROUND

The site contains a one-story single family residence (to remain) and a detached one-car garage and workshop, which will be demolished to accommodate the proposed residential unit.

ANALYSIS

The developer is proposing to construct a two-story, detached, residential unit. The applicant is requesting approval of the following for the project:

- Variance from on-site parking (7 spaces required; 6 spaces proposed);
- Administrative adjustments from the required side yard setback for the proposed unit (5 feet required; 3 feet proposed on the left side) and building separation between the existing residence and the second floor deck of the proposed unit (10 feet required; 6 feet and 7 feet proposed);
- Minor design review to deviate from the City's Residential Design Guidelines for second floor to first floor ratio (80% recommended; 91% proposed);
- Minor modifications retain the existing driveway from Ogle Street and extend a nonconforming side setback for the existing residence with a new closet (5 feet required; 2 feet, 10 inches existing).

Variance

The applicant is requesting approval of a variance from the 7 on-site parking spaces required by code for this project (6 on-site parking spaces are proposed: 4 covered garage spaces accessed from the alley and 2 open parking spaces in the existing driveway accessed from Ogle Street). Code Section 13-29(g)(1) allows granting a variance where special circumstances applicable to the property exist, such as an unusual lot size, lot shape, topography, or similar features, and where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered.

Although the site is nonconforming with regard to minimum lot size (12,000 square feet required; 6,250 square feet existing) and minimum lot width (100 feet required; 50 feet existing), it is staff's opinion that this does not provide a basis for approval of the variance from parking. It is also staff's opinion that approval of the variance would constitute a grant of special privileges inconsistent with similar properties within the same zoning district, as there have been many residential projects on nonconforming lots that have complied with the on-site parking requirements per code.

Administrative Adjustments

The applicant is requesting approval of an administrative adjustment to allow a 3-foot side setback on the left (west side) elevation for the proposed unit, as well as a reduction in required building separation between the existing residence and the second floor deck of the proposed unit. As with the requested parking deviation, staff does not believe there is basis for approval of the administrative adjustment because the proposed unit is an

entirely new structure (the existing detached one car garage and workshop at the rear of the property is proposed to be demolished). Therefore, it is staff's opinion that the proposed building could be redesigned to comply with the setback and building separation requirements and the administrative adjustment should not be granted.

Minor Design Review

To minimize second story mass, the City's Residential Design Guidelines recommend that the second floor area not exceed 80% of the first floor area. The proposed second floor to first floor ratio is 91%. It is staff's opinion that the buildings incorporate sufficient variation in depth of floor plans, rooflines, multiple building planes, and offsets to provide architectural interest and visual relief from off-site. However, because the project does not comply with the parking, setback, and building separation requirements discussed earlier in this report, staff cannot support the minor design review.

Minor Modifications

Code Section 13-85(a)(3) allows a property to retain an existing driveway from a street when garages are proposed off an alley through a minor modification. Additionally, Code Section 13-28(j)(2) allows minor building additions to encroach into required setbacks no further than the existing structure through a minor modification, in this case, a proposed closet extension to the existing residence. It is staff's opinion that there is justification to retain the existing driveway to provide the proposed open parking spaces, as well as to allow the closet extension; however, staff cannot support the minor modifications based on the variance and administrative adjustments for the project as discussed earlier in this report.

GENERAL PLAN CONFORMITY

The property has a general plan designation of High Density Residential. Under the general plan designation two units are allowed on the site and two units are proposed. As a result, the use and density conforms to the City's General Plan. However, as previously discussed, the project does not comply with certain requirements of the Zoning Code, necessitating the variance and administrative adjustment requests.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Deny the project as recommended by staff;
2. Approve the project with the appropriate findings and recommended conditions of approval.

If the application is denied, the residence cannot be built as proposed. The applicant could not submit substantially the same type of project for six months.

ENVIRONMENTAL DETERMINATION

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

CONCLUSION

It is staff's opinion that there are not adequate findings to justify approval of the variance and the administrative adjustments. Because the variance and administrative adjustments are related to the proposed residence, which is entirely new construction, special circumstances related to the property or the deprivation of privileges enjoyed by other property owners in the vicinity are not present. As a result, the other entitlements related to the project also cannot be supported. Therefore, staff recommends denial of the entire project.

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

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

Laura Kay Dunbar
Dunbar/Collings Architecture
499 Arnett Avenue
Ventura, CA 93003

Danny K. and Dorothy M. Dunbar
P.O. Box 15606
Newport Beach, CA 92659-5606

File: 041408PA0807	Date: 040308	Time: 3:45 p.m.
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RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-08-07**

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

WHEREAS, an application was filed by Laura Kay Dunbar, representing Danny K. and Dorothy M. Dunbar, owners of the real property located at 242 Ogle Street, requesting approval of a variance from required on-site parking, administrative adjustments from required side yard setback and building separation, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio, for a new two-story residential unit. Additionally, the applicant is requesting minor modifications to retain an existing driveway and extend an existing nonconforming side setback for the existing residence with a new closet; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 14, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A, the Planning Commission hereby **DENIES** Planning Application PA-08-07 with respect to the property described above.

PASSED AND ADOPTED this 14th day of April, 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed development is not compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - The proposed project does not comply with applicable performance standards prescribed in the Zoning Code.
 - The project is not consistent with the General Plan.
 - The cumulative effect of all of the planning applications have been considered.
- B. The information presented does not comply with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do not exist to justify granting of the variance from on-site parking or the administrative adjustments from side setback and building separation. Specifically, although the site is nonconforming with regard to minimum lot size and minimum lot width, there have been many projects on lots with similar nonconformities that have complied with the applicable code requirements. Therefore, project approval would constitute a grant of special privileges inconsistent with similar properties within the same zoning district.
- C. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, with the proposed deviations from the Zoning Code, is not compatible and harmonious with existing and/or anticipated development on surrounding properties. Although the design of the second story is generally consistent with the purpose and intent of the City's Residential Design Guidelines, the denial of the requested variance and administrative adjustments render the proposed project under the minor design review infeasible.
- D. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(6) with regard to the minor modifications to retain the existing driveway and to allow the minor building additions to encroach into required setbacks in that the improvement is not compatible with the design of existing and anticipated development in the vicinity. Specifically, since the project cannot provide the number of on-site parking spaces required by code, as well as the deviations from setbacks and building separation discussed earlier in this report, the minor modifications are infeasible.
- E. The project has been reviewed for compliance with the California Environmental

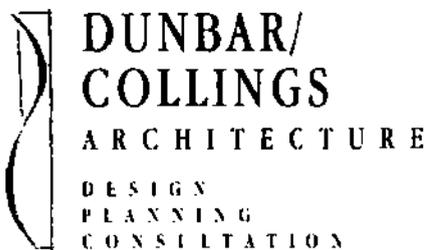
Quality Act (CEQA), the CEQA Guidelines; and the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.

- F. 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 (If Project is Approved)**

- Plng.
1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
 2. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 3. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 36 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
 4. The conditions of approval and ordinance or code provisions of Planning Application PA-08-07 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 5. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, additional second story windows, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
 6. Street addresses shall be displayed manner visible to the street and alley. Street address numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
 7. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.

- Eng. 8. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.



499 ARNETT AVENUE
VENTURA, CALIFORNIA 93003
805/644/7769

January 29, 2008

Hanh Nguyen
Planning Division
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92628

Re: Zoning Application ZA-07-02 242 Ogle Street, Costa Mesa

Dear Hanh,

We are proposing 6 parking spaces for the above project. Currently, the residence has a detached one garage accessed from the rear alley and a driveway from Ogle Street. The existing driveway does not lead to the garage door. The proposed project consists of a 2 bedroom unit located above a 4 car garage with no changes to the existing residence. The new proposal allows 4 covered garage spaces and 2 uncovered spaces on the existing driveway giving a total of 6 spaces, 4 are required for the new unit and 2 are for the existing unit. This design permits the most optimal use for the parking area while maintaining the open space requirement.

Sincerely,

A handwritten signature in black ink that reads "Laura Kay Dunbar". The signature is fluid and cursive, with a large loop at the end of the last name.

Laura Kay Dunbar

Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of property from Ogle Street looking north



View of adjacent property to the west on Ogle Street

Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of adjacent properties on Ogle Street to the northwest



View of Ogle Street looking northwest

Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of adjacent property to the east on Ogle Street



View of property directly across Ogle Street

Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of Ogle Street looking southwest



View of property from rear alley looking south

Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View from alley of adjacent property to the east



View from alley of adjacent property to the west

Ogle Street Property

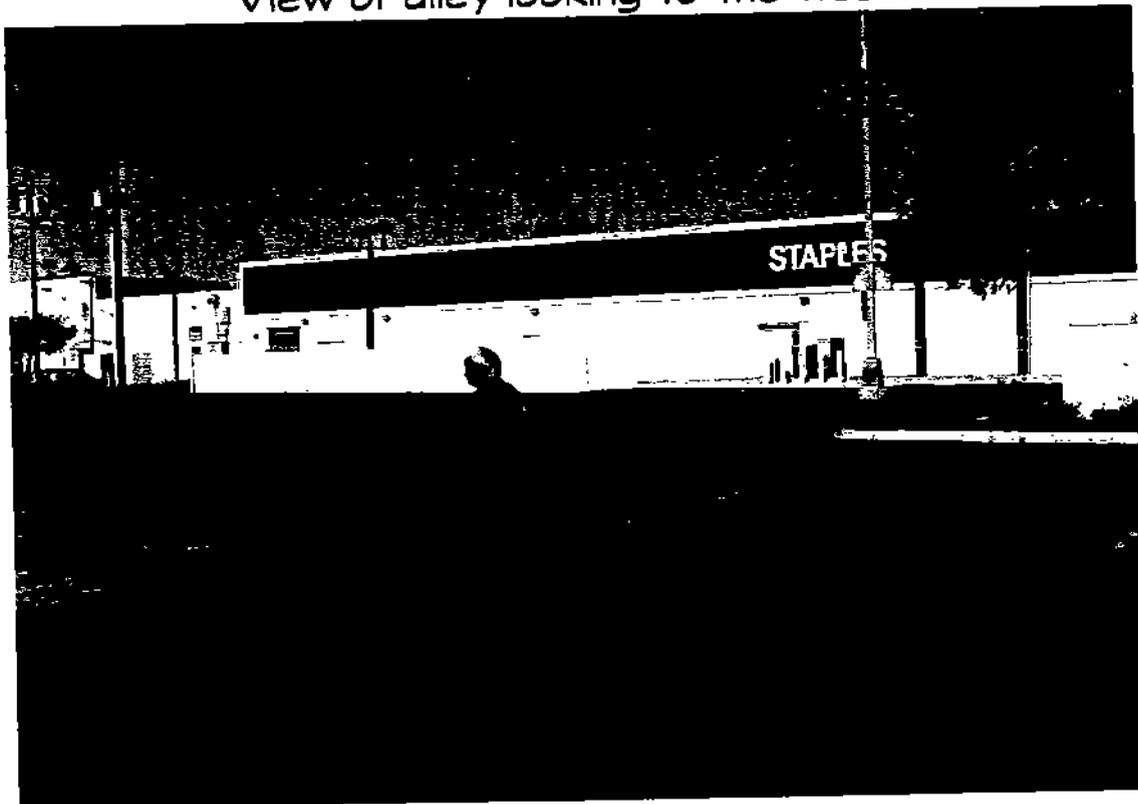
December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of alley looking to the west

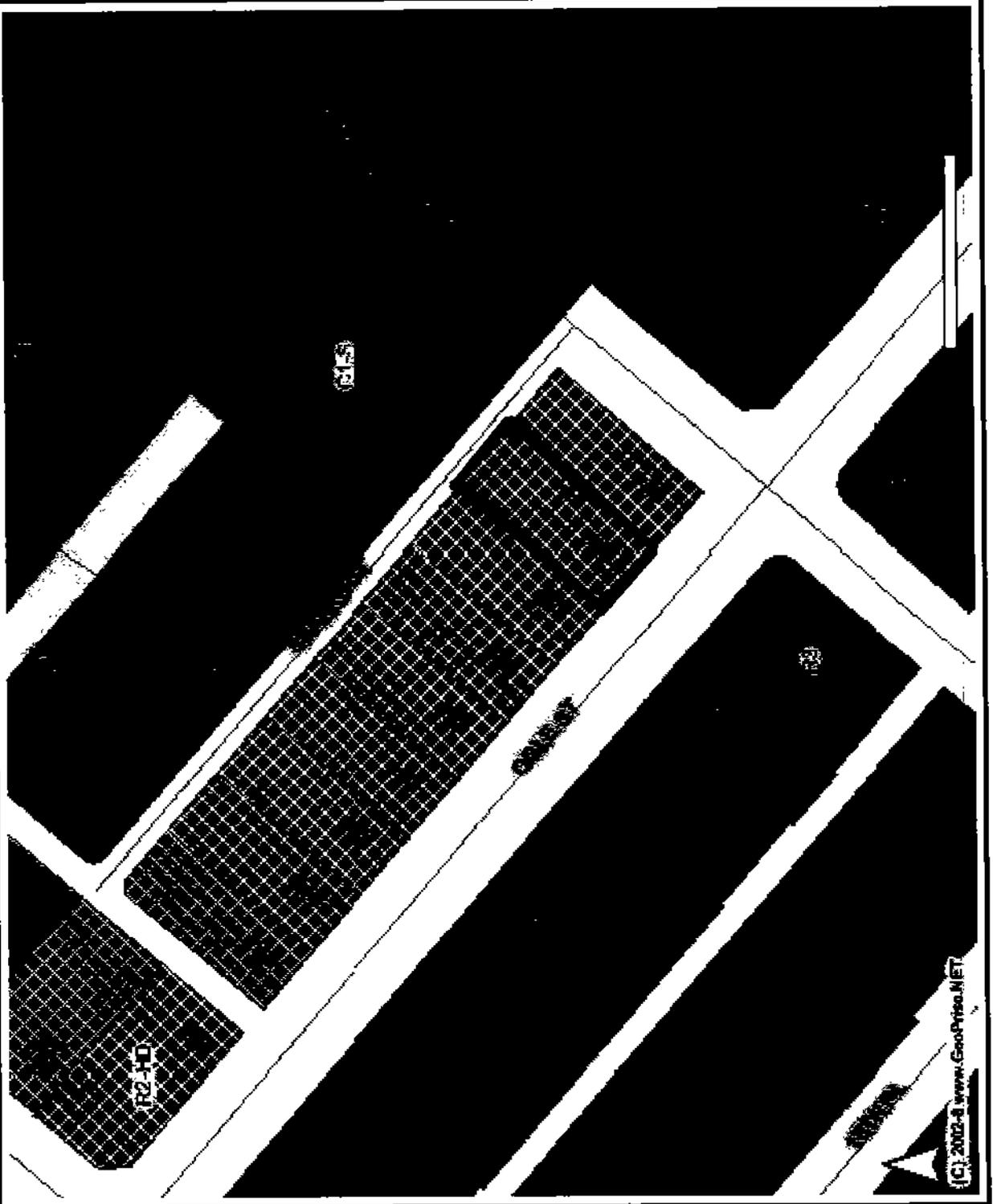


View of commercial properties directly to the north

Overview Map



Map Display



Legend

- | | |
|----------------|----------------------------------|
| Address Medium | Primary Secondary Waterway Lines |
| Address Points | Hydrology Channels |
| Freeway | Street Names |
| Roads | |
| Collector | |
| Freeway | |
| Major | |
| BLVD | |
| (cont) | |

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Overview Map



Map Display



Legend

- | | |
|----------------|----------------|
| Address Medium | Primary |
| Address Points | SECONDARY |
| Freeway | Waterway Lines |
| Roads | Hydrology |
| Collector | Channel |
| Freeway | Street Names |
| Major | |
| Intersect | |
| BLVD | |
| (cont) | |

(C) 2008-8 GeoPrise.net

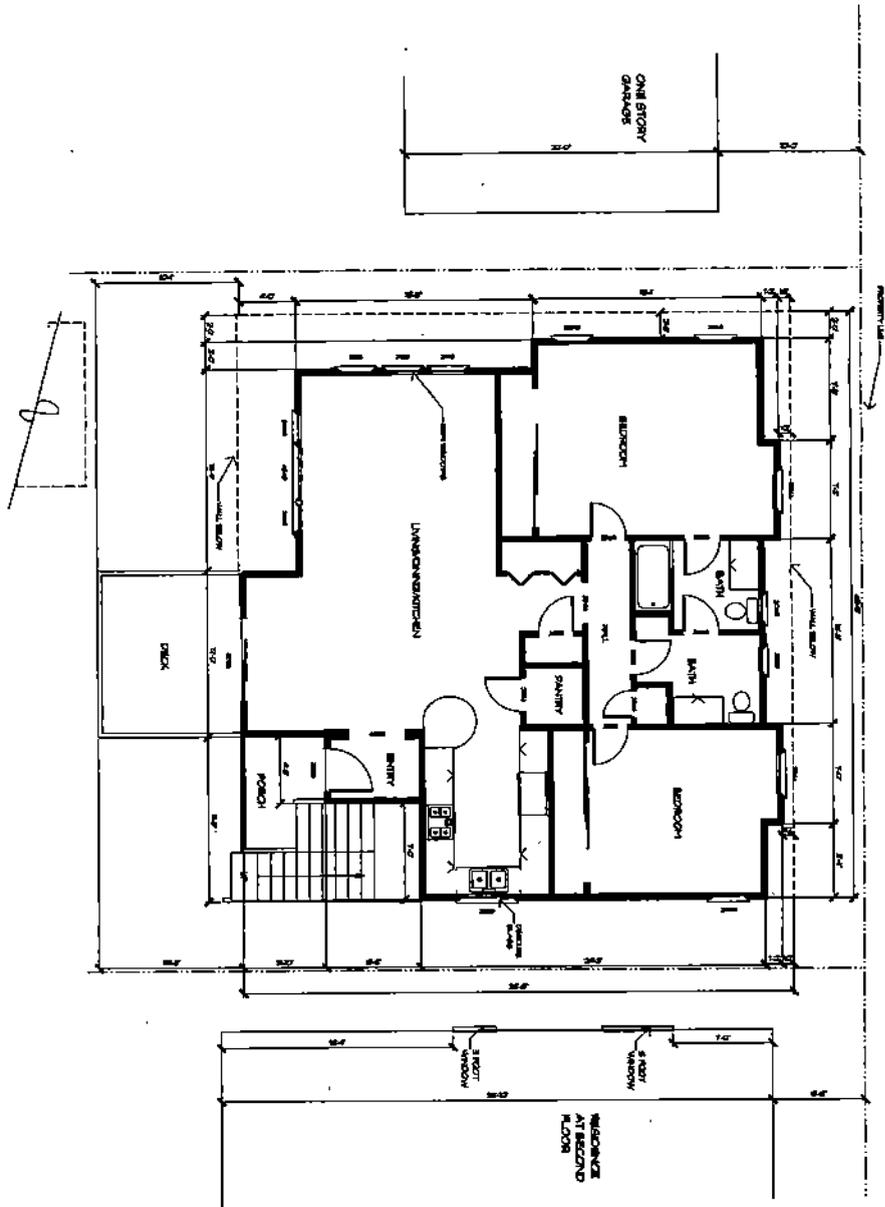


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Zoom In Zoom Out View From North South East West Ortho Tool: none

SECOND FLOOR PLAN

1/4" = 1'-0"



SHEET
A-3
 OF

PREPARED SECOND DRAWING FOR
DAN AND JEAN DUNBAR
 242 OGLE STREET COSTA MESA, CA
 JOB # 01-01-884-A
SECOND FLOOR PLAN

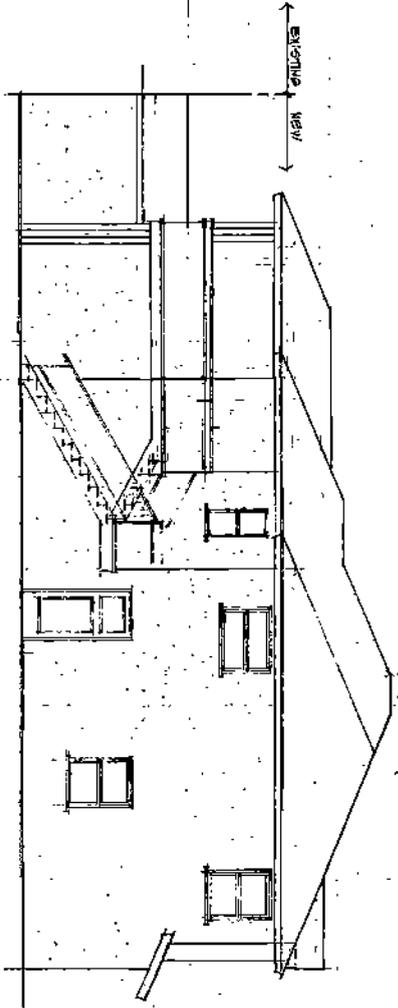
DUNBAR/
COLLINGS
 ARCHITECTURE
 DESIGN
 PLANNING
 CONSULTATION

659 ARBAYE AVENUE
 VENTURA, CALIFORNIA 93003
 805/646-7749

DATE/REVISIONS
 NO.

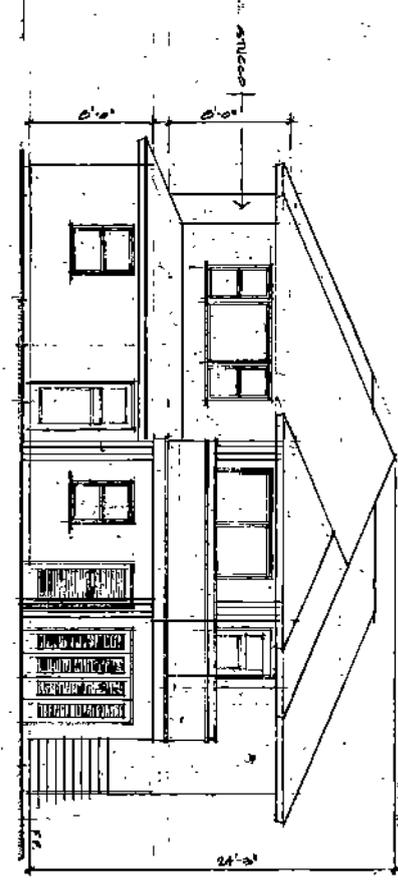
RIGHT ELEVATION (SOUTH EAST)

1/4" = 1'-0"



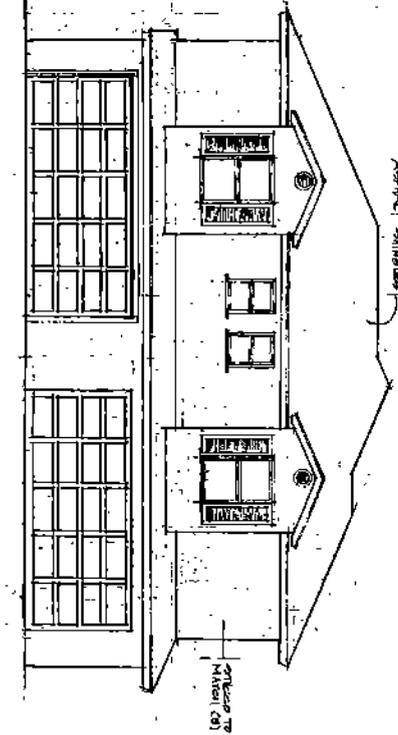
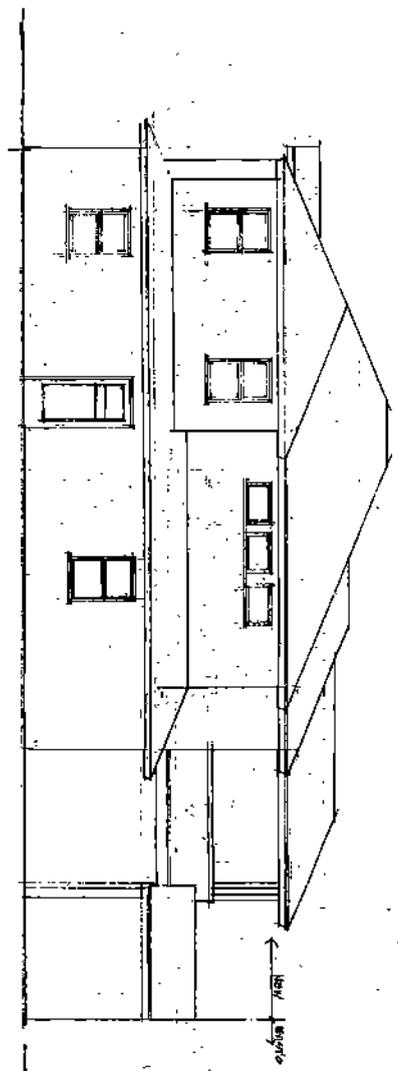
FRONT ELEVATION (SOUTH WEST)

1/4" = 1'-0"



LEFT ELEVATION (NORTH WEST)

ALLEY ELEVATION (NORTH EAST)



SHEET
A-4

PROPOSED SECOND FLOOR PLAN FOR DAN AND JEAN DUNBAR
342 COLLE STREET COSTA MESA, CA

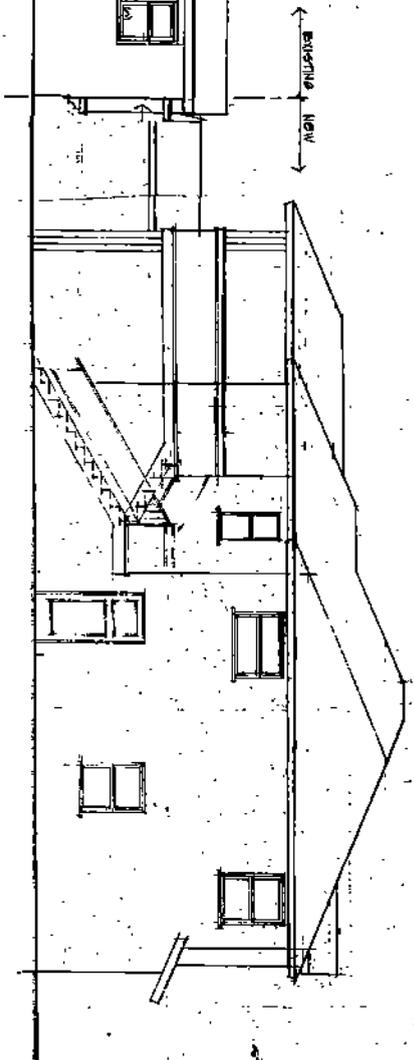
ELEVATIONS OF PROPOSED BUILDING

DUNBAR/
COLLINGS
ARCHITECTURE
DESIGN
PLANNING
CONSULTATION

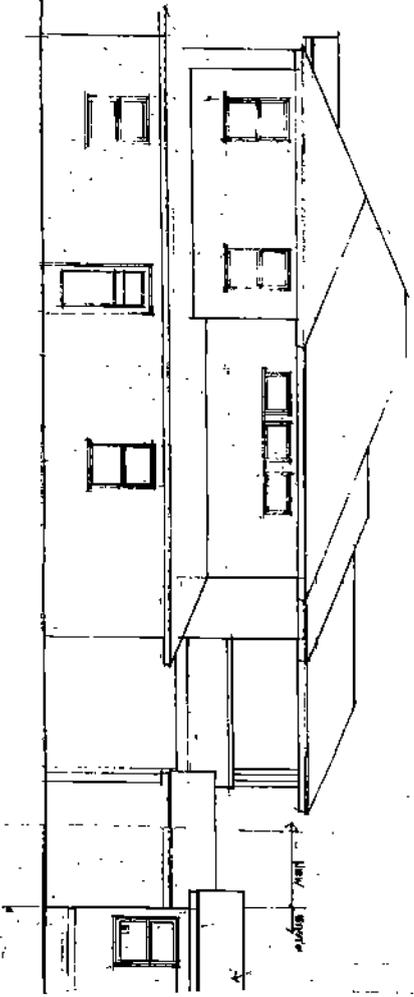
199 ARNETT AVENUE
VENTURA, CALIFORNIA 93003
805/644/7369

24

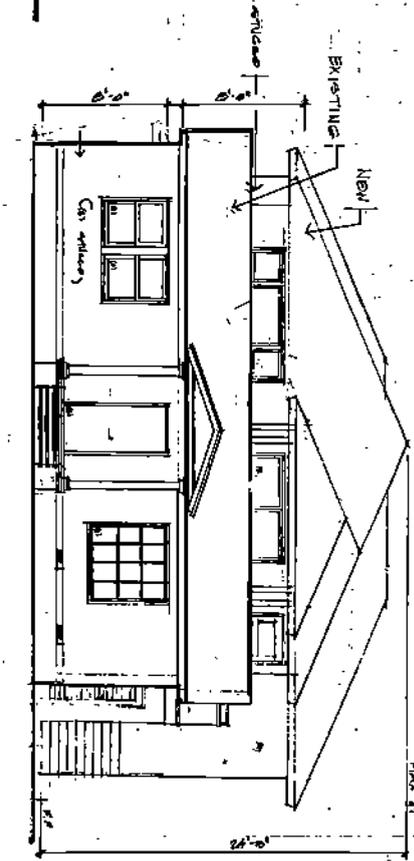
RIGHT ELEVATION (SOUTH EAST) 1/4" = 1'-0"



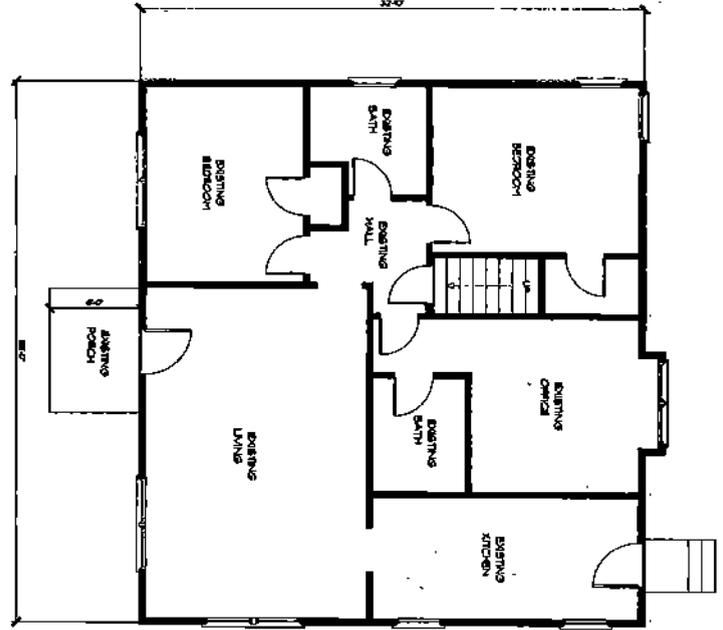
LEFT ELEVATION (SOUTH WEST) 1/4" = 1'-0"



FRONT ELEVATION (SOUTH WEST) 1/4" = 1'-0"



EXISTING FLOOR PLAN 1/4" = 1'-0"



SHEET
A-5

DATE: 1/19/79

EXISTING SECOND-DWELLING
DAN AND JEAN DUNBAR
 243 OULE STREET COSTA MESA, CA
 JOB # 01-01-061-A

**DUNBAR/
 COLLINGS**
 ARCHITECTURE
 DESIGN
 PLANNING
 CONSULTATION

499 ARNETT AVENUE
 VENTURA, CALIFORNIA 93603
 805/664/7769

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DATE: 1/19/79