



PLANNING COMMISSION AGENDA REPORT

VII. 2

MEETING DATE: APRIL 28, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-08-03
231 FLOWER STREET

DATE: APRIL 17, 2007

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

PROJECT DESCRIPTION / BACKGROUND

The applicant is requesting approval of variances from building and chimney height, an administrative adjustment to deviate from required side yard setback, and a minor conditional use permit for excess garage area, for a two-story single family residence, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio and average second floor side setback.

This item was continued to the April 28, 2008 meeting at the request of the applicant. The original staff report and an updated resolution are attached for reference.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

Attachments: Draft Planning Commission Resolution – Denial
Exhibit "A" - Draft Findings for Denial
Draft Planning Commission Resolution – Approval
Exhibit "A" - Draft Findings for Approval
Exhibit "B" - Draft Conditions of Approval
April 14, 2008 Staff Report and Attachments

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

Bert W. Tarayao, AIA
89 Pelican Court
Newport Beach, CA 92660

Daniel and Jani Judge
220 E. 19th Street
Costa Mesa, CA 92627

RESOLUTION NO. PC-08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-08-03

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

WHEREAS, an application was filed by Bert Tarayo, representing Daniel and Jani Judge, owners of the real property located at 231 Flower Street, requesting approval of variances from building and chimney height; an administrative adjustment to deviate from required side yard setback; a minor conditional use permit for excess garage area; and a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio and average second floor side setback, to construct a 2-story, single-family residence; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 28, 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-08-03 with respect to the property described above.

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

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS - DENIAL

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed development is not compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - The proposed project does not comply with applicable performance standards prescribed in the Zoning Code.
 - The project is not consistent with the General Plan.
 - The cumulative effect of all of the planning applications have been considered.
- B. The information presented does not comply with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do not exist to justify granting of the variances from overall building height and chimney height, or the administrative adjustment from side yard setback. Specifically, the lot is rectangular and flat, and exceeds the minimum lot size and lot width required by code for the R1 zone (6,000 square foot minimum lot size required; 10,116 square foot lot size provided; 50 feet minimum lot width required; 81 foot lot width provided); therefore, there are no special circumstances applicable to the property due to unusual lot size, shape, or topography. Additionally, strict application of the zoning ordinance would not deprive the property owner of privileges enjoyed by owners of other properties in the vicinity because the proposed height would exceed most of the existing two-story residences on the same street. There is no basis for approval of the administrative adjustment because the existing 3-foot setback is for a one-story detached garage, versus the proposed one-and two-story structure over the proposed garage, which, with a reduced increases the bulk and massing impacts on the abutting property. Also, as indicated earlier, because the lot width exceeds the code minimums, the structure can be redesigned to comply with the required setback per code.
- 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 variances and administrative adjustment render the minor design review infeasible.

- D. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the minor conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the minor conditional use permit will allow a use, density or intensity that is not in accordance with the general plan designation for the property. Although the size of the garage and workshop is integrated into the overall residence and the design is consistent with the parking of vehicles and other garage uses, the denial of the requested variances and administrative adjustment render the minor conditional use permit infeasible.
- E. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's 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.

RESOLUTION NO. PC-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-08-03

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

WHEREAS, an application was filed by Bert Tarayo, representing Daniel and Jani Judge, owners of the real property located at 231 Flower Street, requesting approval of variances from building and chimney height; an administrative adjustment to deviate from required side yard setback; a minor conditional use permit for excess garage area; and a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio and average second floor side setback, to construct a 2-story, single-family residence; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 28, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** PA-08-03 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-08-03 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 28th day of April, 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS - APPROVAL

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed development is 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 complies with applicable performance standards prescribed in the Zoning Code.
 - The project is consistent with the General Plan.
 - The cumulative effect of all of the planning applications have been considered.
- B. The information presented complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variances from overall building height and chimney height, and the administrative adjustment from side yard setback. Strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity.
- C. The information presented complies with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, with the proposed deviations from the Zoning Code, is compatible and harmonious with existing and/or anticipated development on surrounding properties. The design of the second story is generally consistent with the purpose and intent of the City's Residential Design Guidelines.
- D. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the minor conditional use permit will allow a use, density or intensity that is in accordance with the general plan designation for the property.
- E. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's 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-08-03 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. Exterior stairway access to the second floor shall be eliminated.
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.

Dear Planning Commission,

We live at 234 Flower Street and just received your Official City Notice regarding Planning Application PA-08-03, for variances in construction of a two story single family residence for Daniel and Jani Judge at 231 Flower Street.

Regarding the building height variance for an increase from 27 feet to 29 foot 10 inches, we have no problem with that. The Judges stopped by and showed us their plans and we feel it will be an asset to the neighborhood.

But regarding the proposed administrative adjustment for a reduced side setback for the first floor from 5 feet to 3 feet, we do have a problem with that. We feel for our neighbors who live at 233 Flower Street. This variance will have an adverse impact their property and will block much of the afternoon sunlight from their front yard where they spend much of their time.

We are also opposed to the second floor minimum setback deviation from 10 feet to 7 foot 8 inches, as it will also impose on their space.

We are not opposed to the 82% second to first floor ratio deviation. Nor are we opposed to the conditional use permit for the 843 sq. ft. garage.

Thank you sincerely,
Doug and Shannon Holgate
234 Flower Street
Costa Mesa, Ca. 92627
949 631-4311
April 2, 2008



RECEIVED
CITY OF COSTA MESA
DEPARTMENT OF COMMUNITY DEVELOPMENT

APR - 9 2008



PLANNING COMMISSION AGENDA REPORT

VII.5

MEETING DATE: APRIL 14, 2008

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-08-03
231 FLOWER STREET**

DATE: APRIL 3, 2008

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

DESCRIPTION

The applicant is requesting approval of variances from building and chimney height, an administrative adjustment to deviate from required side yard setback, and a minor conditional use permit for excess garage area, for a two-story single family residence, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio and average second floor side setback.

APPLICANT

The applicant is Bert Tarayo, representing Daniel and Jani Judge, who are the owners of the property.

RECOMMENDATION

Deny by adoption of the attached resolution.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 231 Flower Street Application: PA-08-03
 Request: Variations from building and chimney height, an administrative adjustment to deviate from required side yard setback, and a minor conditional use permit for excess garage area, for a two-story single family residence, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio and average second floor side setback.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

| | |
|--|--|
| Zone: <u>R1</u> | North: <u>Surrounding properties</u> |
| General Plan: <u>Low Density Residential</u> | South: <u>are zoned R1 single-family</u> |
| Lot Dimensions: <u>81 FT X 125 FT</u> | East: <u>residential and contain</u> |
| Lot Area: <u>10,116 SF</u> | West: <u>residential uses</u> |
| Existing Development: <u>1-story residence and detached garage</u> | |

DEVELOPMENT STANDARD COMPARISON

| Development Standard | Required/Allowed | Proposed/Provided |
|---|---------------------|-------------------------------------|
| Lot Size: | | |
| Lot Width | 50 FT | 81 FT |
| Lot Area | 6,000 SF | 10,116 SF |
| Density: | | |
| Zone | 1 du/6,000 SF | 1 du/10,116 SF |
| General Plan | 1 du/5,445 SF | 1 du/10,116 SF |
| Building Coverage: | | |
| Buildings | NA | 3,514 SF (35%) |
| Paving | NA | 366 SF (4%) |
| Open Space | 4,046 SF (40%) | 6,236 SF (61%) |
| TOTAL | | 10,116 SF (100%) |
| Building Height: | 2 Stories / 27 FT | 2 Stories / 29 FT, 10 IN (1) |
| Chimney Height | 29 FT | 33 FT (1) |
| First Floor Area Including Garage, But Not Including Covered Outdoor Areas | NA | 3,514 SF |
| Second Floor Area, Including Deck | NA | 2,902 SF |
| 2nd Floor% of 1st Floor (2) | 80% | 82.5% (3) |
| Rear Yard Lot Coverage | NA | NA |
| Setbacks: | | |
| Front | 20 FT | 20 FT |
| Side (1st floor left/right) | 5 FT/ 5/FT | 3 FT (4) 10 FT |
| Side (2nd floor left/right) | 10 FT Avg. (2) | 7.6 FT Avg. (3) 14 FT |
| Rear | 10 FT | 10 FT |
| Parking: | | |
| Covered | 2 | 3 |
| Open | 1 | 0 |
| TOTAL | 3 Spaces | 3 Spaces |
| (1) Does not comply with code -- variance requested | | |
| (2) Residential Design Guideline | | |
| (3) Does not comply with Residential Design Guideline | | |
| (4) Does not comply with code -- administrative adjustment requested | | |
| CEQA Status | Exempt, Class 3 | |
| Final Action | Planning Commission | |

BACKGROUND

The site contains a one-story single family residence and detached garage, the majority of which will be demolished to accommodate the proposed project.

ANALYSIS

The applicant is proposing to construct a two-story, 4-bedroom residence and attached 3-car garage. The applicant is requesting approval of the following for the project:

- Variances from building height (27 feet allowed; 29 feet, 10 inches proposed) and chimney height (29 feet allowed; 33 feet proposed);
- Administrative adjustment for the left side yard setback (5 feet allowed; 3 feet proposed);
- Minor conditional use permit for excess garage area (700 square feet maximum allowed; 842 square feet proposed);
- Minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio (80% allowed; 82% proposed) and average second floor side setback on the left side (east) elevation (10-foot average setback allowed; 7.6 feet proposed).

Variances

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.

It is staff's opinion that there is no basis for approval of the requested variances because the lot is rectangular and flat, and exceeds the minimum lot size and lot width required by code for the R1 zone (6,000 square foot minimum lot size required; 10,116 square foot lot size provided; 50 feet minimum lot width required; 81 foot lot width provided).

Additionally, strict application of the zoning ordinance would not deprive the property owner of privileges enjoyed by owners of other properties in the vicinity because the proposed height would exceed most of the existing two-story residences on the same street¹, as shown in the map exhibit attached to this report and summarized in the table below.

| Address | Overall Building Height (Approximate) | Year Built |
|--------------------------|--|-------------------|
| 205 Flower Street | 24 Feet, 7 Inches | 1984 |
| 220 Flower Street | 27 Feet, 0 Inches | 2006 |
| 230 Flower Street | 25 Feet, 0 Inches Building and Chimney | 1984 |
| 231 Flower Street | 29 Feet, 10 Inches (Building) | NA |

¹ 200 Flower Street, 212 Flower Street, and 217 Flower Street also contain two-story structures; however, staff could not verify the height of these structures from City records.

| | | |
|---------------------------|---|------|
| (Subject Property) | 33 Feet, 0 Inches (Chimney) | |
| 240 Flower Street | 24 Feet, 0 Inches (Building) 27 Feet, 0 Inches (Chimney) | 1999 |
| 243 Flower Street | 23 Feet, 0 Inches | 1999 |
| 246 Flower Street | 24 Feet, 6 Inches | 2005 |

Based on this information, staff is not in support of the requested variances.

Administrative Adjustment

The applicant is requesting approval of an administrative adjustment to retain the existing 3-foot side setback of the existing detached garage to accommodate an exterior stair leading to the second floor office/guestroom. It is staff's opinion that there is no basis for approval of the administrative adjustment because the existing 3-foot setback is for a one-story detached garage. The proposed one-and two-story structure over the proposed garage, with a reduced 3-foot setback, increases the bulk and massing impacts on the abutting property. Also, as indicated earlier, because the lot width exceeds the code minimum (50 foot lot width required; 80 foot lot width existing), the structure can be redesigned to comply with the required setback per code. As a result, staff is not in support of the administrative adjustment.

Additionally, staff is concerned with the proposed exterior stairway access to the second floor in this location due to the potential of a future property owner to convert the office/guestroom into an apartment unit. Because an interior stairway is already proposed, staff recommends that the exterior stair be eliminated if the project is approved. If the Commission chooses to approve the project with the exterior stairway, staff recommends the recordation of a land use restriction stating that the office/guestroom cannot be modified to accommodate a second unit without City approval.

Minor Conditional Use Permit

The applicant is proposing an attached 3-car garage and workshop that exceeds the 700 square foot maximum allowed under Code (842 square feet is proposed). As a result, the applicant is requesting approval of minor conditional use permit.

Staff does not have a concern with the size of the garage and workshop because it is integrated into the overall residence and the design is consistent with the parking of vehicles and other residential garage uses. However, even though staff does not have a concern with the larger garage as proposed, staff cannot support the minor conditional use permit based on the variances and administrative adjustment as discussed earlier in this report.

Minor Design Review

To minimize second story mass, the City's Residential Design Guidelines recommend the second floor not exceed 80% of the first floor area and the second story be set back an average of 10 feet from the (interior) side property line. The proposed second floor to first floor ratio is 82% and the second floor interior side elevation has a 7.6-foot average side setback on the left side (east) elevation. It is staff's opinion that the elevations

incorporate 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 building and chimney height and side yard setback as discussed earlier in this report, staff cannot support the minor design review.

GENERAL PLAN CONFORMITY

The property has a general plan designation of Low Density Residential. Under the general plan designation one unit is allowed on the site and one unit is proposed. As a result, the use and density conforms to the City's General Plan, however, as previously discussed, the design of the project does not comply with several requirements of the Zoning Code, necessitating the variance and administrative adjustment request.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Deny the project as recommended by staff;
2. Approve the project with the appropriate variance 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 variances and the administrative adjustment due to special circumstances related to the property or the deprivation of privileges enjoyed by other property owners in the vicinity. 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
 Map Showing Existing 2-Story Structures
 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)

Bert W. Tarayao, AIA
89 Pelican Court
Newport Beach, CA 92660

Daniel and Jani Judge
220 E. 19th Street
Costa Mesa, CA 92627

| | | |
|--------------------|--------------|-----------------|
| File: 041408PA0803 | Date: 040308 | Time: 9:00 a.m. |
|--------------------|--------------|-----------------|

tarayan architects a.i.a.

January 21, 2008

Judge Residence Remodel & Addition
231 Flower Street
Costa Mesa, CA

The proposed Judge remodel and addition will be built on a 10,116 sq ft lot in the two hundred block of Flower Street. There are 21 homes on the street, 8 of which are two stories. The Judge home will extend that number to 9 two-story homes.

We are asking for consideration and approval of the following items:

Minor Conditional Use Permit

1. An 843 sq ft garage in lieu of the maximum 700 sq ft as stipulated in the off-street parking standards. Approval of this request will allow the required (3) parking spaces to be enclosed.

Administrative Adjustment

2. Approval for the side open stairway to be built on the location of the existing garage side setback of three feet.

Minor Design Review

3. The Residential Guidelines require an average second-story side setback of ten feet. We have an average of 7'-8" on the east property line. The home on the adjacent property is a single story building. A portion of one bedroom window (Bedroom 2) overlooks the neighbor's window. The distance between these two windows is 9'-10". There is an existing 6' wood fence that will remain. A second bedroom window (Bedroom 1) overlooks the neighbor's sliding door. The distance between these is 34'-6". There is an existing 8' wood fence that will remain. The west average second-story side setback is 31'-7"

The first floor average setback at the east property line is 9'-2".

2nd to 1st Floor ratio exceeds 80% by 3%. (2811.28 s.f. vs. 2901.31 s.f.)

Variance

4. A maximum roof height of 29'-10" in a portion of the second story in lieu of the 27' maximum height stipulated in the zoning ordinance. The length of this portion of the roof is 35'-1".

There are several roof planes in the design that articulate the massing of the home to meet the City's desire to promote design excellence through scale and character. The lowest roof is 13'-6". The average height of the aggregate roof is 25'-5".

In comparing the impact of massing regulations on a given property, one must understand the characteristics of the lot (size, topography, view, etc.) and the potential outcome that a building's design can have on the neighboring properties.

It is apparent that the initial zoning regulations within this neighborhood were based upon a series of relatively similar sized lots reflective of a given density,

created to aid in controlling development and the impact on the quality of life ultimately imposed upon one another, not to mention the surrounding community as a whole.

On occasion, lots are split and joined with adjacent lots, resulting in 1 ½ wide lots which provide a variable to the original land use initially not considered in the local zoning regulations. This circumstance adds a pleasurable breakup to the repetitive lot widths within a uniformly subdivided streetscape, while coincidentally aiding the community by reducing the neighborhood density.

With the wider lots regulated by ordinances made in consideration of thinner ones, the guidelines pertaining to avoiding infringement on the neighboring lots is sometimes detrimental to quality design.

One can see (EXHIBIT B Sheet A4.2) that a smaller lot can produce an encumbering design as the limitations approach the maximums. On the other hand (EXHIBIT A Sheet A4.1), the wider lot can house a larger product with less infringement on the neighboring properties when conscientiously designed. Unfortunately, as seen in the second design, the resulting height limitations are exceeded due to the need to cover the larger building footprint.

The project could be redesigned with smaller roof spans utilizing central courtyard and/or multiple wing configurations (necessary to maintain the same allowable building area), but the resulting building masses and subsequent longer predominant ridge lines would naturally move outward toward the perimeter boundaries of the lot, much like the roof formations that occur on the thinner lots (EXHIBIT B Sheet A4.2), thus with an increasing negative impact on the neighboring properties.

Understanding that the current regulations acknowledge the effectiveness of a stepping back of elements such as second floors along side yard setbacks, where it is most detrimental to the impact on a neighboring lot, it should be appreciated that the proposed design promotes a diminishing roofline. Not only has the design respected this philosophy along the sides, the same is reflected at the front and rear yards as well.

With relatively minimal impact even to the most distant properties (as the surrounding neighborhood is virtually level, and therefore irrelevant to any potential issues of view obstruction) and any effect on the nearby surrounding lots being nil (as described above), it is evident that the only owner affected by the height limitation would be our client and that their desire for quality of life is solely within the spirit of the design guidelines and truly addresses the concerns of building mass and the consideration of others.

With the exception of the four requested items above we meet or exceed the requirements of the Zoning Code and the Residential Guidelines.

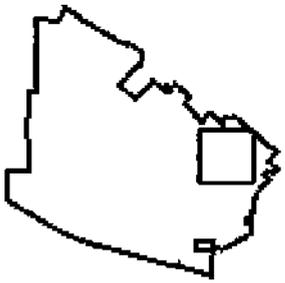
After reviewing our design we believe one can conclude that the proposed design meets the spirit of the design guidelines through thoughtful articulation, massing, appropriate building materials, finishes and detailing.

EXISTING TWO-STORY STRUCTURES (SEE TABLE IN STAFF REPORT)

Map Display



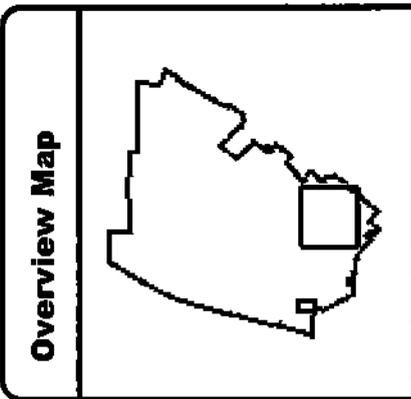
Overview Map



Legend

- Address Medium
- Address Points
- Street Names
- Street Centerlines
- Parcel Lines
- Level 1 Ortho Photo
- Parcels
- ROW Polygons

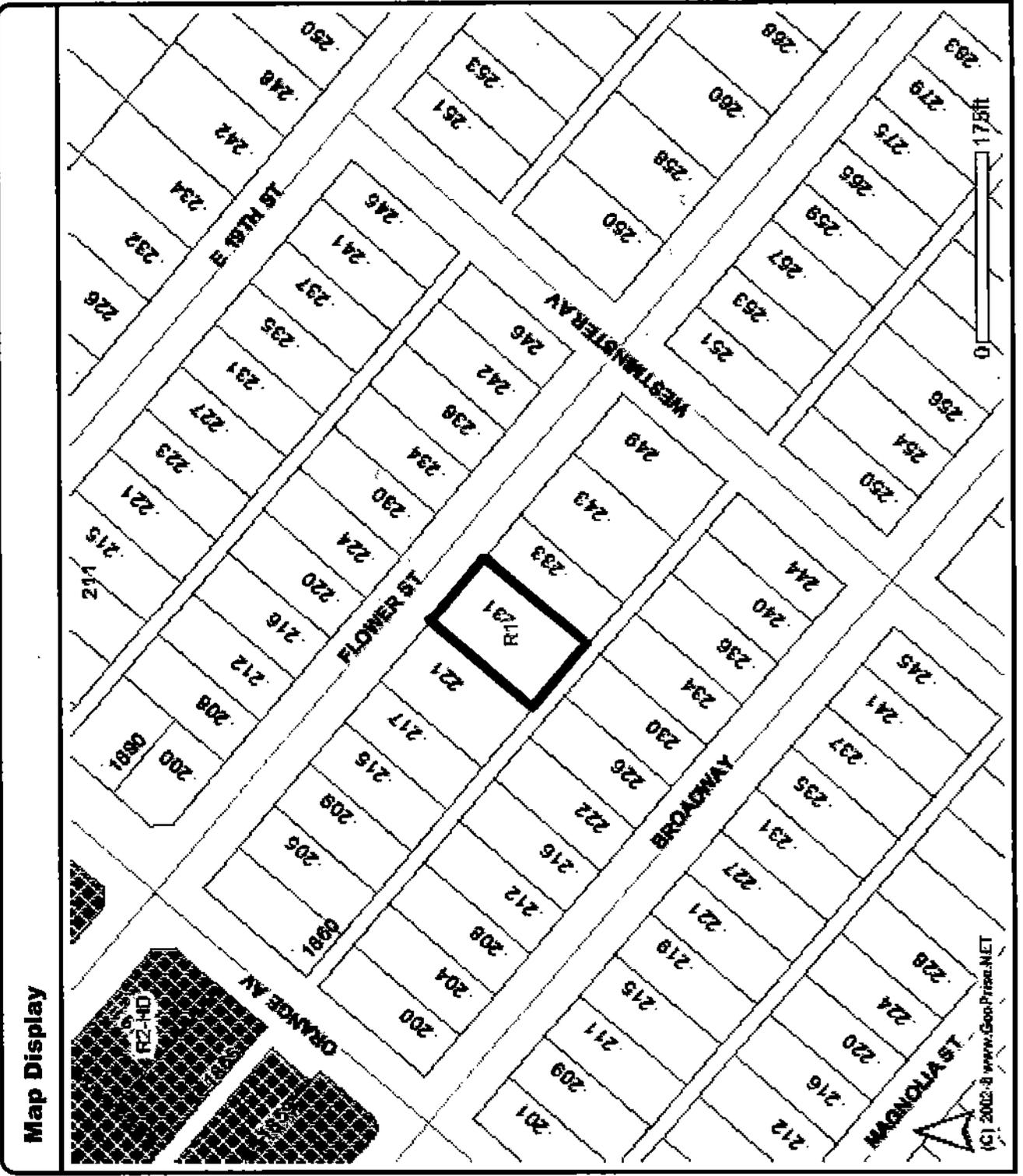
(C) 2002-8 GeoPrise.NET



Overview Map

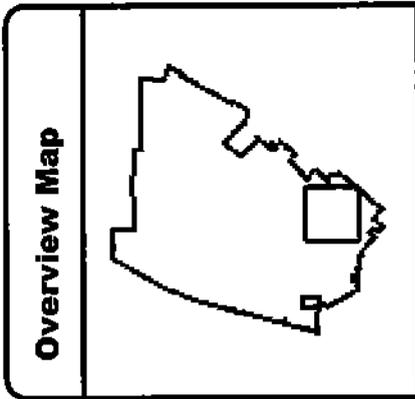
Legend

| | |
|--------------------|--------|
| Address Medium | Zoning |
| Address Points | AP |
| Street Names | C1 |
| Street Centerlines | C1-S |
| Parcel Lines | C2 |
| | CL |
| | ILR |
| | ILR-S |
| | MG |
| | MP |
| | P |
| | PDC |
| | PDI |
| | PDR-HD |
| | (cont) |



Map Display

(C) 2002-8 www.GeoPrise.NET



Legend

| | |
|--------------------|---------------------|
| Address Medium | Level 1 Ortho Photo |
| Address Points | Parcels |
| Street Names | ROW |
| Street Centerlines | Polygons |
| Parcel Lines | |





Design Studio of Michael McKay
Landscape Architects, Planners and Consultants

VII. 2

PA-08-03

APR 17 2008

April 17, 2008

Mr. Mel Lee
Senior Planner
City of Costa Mesa

Regarding: Planning Application PA-08-03
231 Flower Street, Costa Mesa

Mr. Lee and Planning Commission,

The purpose of this letter and the attached signatures of twenty four residents and legal voters, is to state our objections to this planning application, clearly and emphatically, to the Planning Department, the Planning Commission, and the City Council.

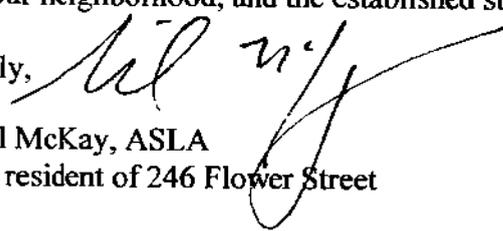
We are very concerned about the overbuilding of the lots on the Eastside of Costa Mesa. The guidelines and codes are quite clear, and provide an acceptable, reasonable, and approved baseline to design within, protecting life safety issues with five foot side-yard setbacks and ten foot average side setbacks; height limitations of roofs and chimneys to respect the existing character, scale and proportion of the neighborhoods, limiting second story coverage to minimize the massive appearance of two story structures and minimize negative solar and privacy issues on adjacent homes, and keeping the garage structure within the defined square footage rather than exceeding once again with another massive structure on the lot.

We request the Planning Department, Planning Commission, and City Council to deny approval for all requested items, and insist that the applicant design within the approved standards, and within context and scale of the neighborhood. Especially with the understanding that this is an oversize lot, and the negative impacts will be that much greater.

We need to be firm about the standards and codes, to protect the character and quality of our neighborhoods for the future, and not allow the standards and codes to be slowly diminished by various applicants applying for deviations and variances.

We are gathering more signatures and a number of us will be in attendance at the continued Planning Commission action on April 28 to protest this application, and stand up for our neighborhood, and the established standards and guidelines.

Sincerely,


Michael McKay, ASLA
29 year resident of 246 Flower Street

246 Flower Street – Costa Mesa, California 92627
Tel. 949.378.3238 – mmckaydesign@aol.com

April 8, 2008

Costa Mesa Planning Commission
City Hall, 77 Fair Drive
Costa Mesa, California

Re: Planning Application PA-08-03 for 231 Flower Street
Objection to all variances and deviations being requested

Attention Costa Mesa Planning Commission:

We the undersigned residents of Costa Mesa, hereby memorialize our protest and **objection** to the variances and deviations being applied for by Planning Application PA-08-03, established by the City of Costa Mesa to control the overbuilding of our neighborhoods, and protect the quality of our community.

We hereby object to the following variance items as noted on the public notice sent out 3/28/08:

1. **Object** to the granting of a variance of height requirements from the permitted 27 feet to the requested variance of 29 feet and 10 inches.
2. **Object** to the granting of a variance of side setback for the first floor from 5 feet required to 3 feet proposed.
3. **Object** to expand the garage area from the 700 square feet allowed to 843 square feet requested.
4. **Object** to deviating from the recommended 80% second to first floor ratio to an expanded 82% second to first floor ratio.
5. **Object** to reducing the 10 foot average side setback from 10 feet the proposed 7 foot 8 inch proposed.

We the undersigned recommend the Planning Commission **reject the requested variances** on behalf of the existing residents of the area and recommend that the Planning Applicant design within the established guidelines of Costa Mesa, and respect our neighborhood of Flower Street and the Eastside for the charm and character that makes it a desirable and special place to live.

We the undersigned are **hereby registering our objection to the Planning Application PA-08-03** and the aforementioned variance items 1 through 5 as noted above:

1. Paul & Kathi Hill 251 Flower ST C.M.
2. Rod & Leslie Opp 242 Flower CM
3. Randy & Debbie Yanaga 255 E. 19th St. C.M.
4. Camden Yanaga 255 E 19th St CM
5. Cheryl Kyle 230 Broadway

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We the undersigned are **hereby registering our objection to the Planning Application PA-08-03** and the aforementioned variance items 1 through 5 as noted above:

1. Michael McKay 246 Flower Street
2. Denise McKay 246 Flower Street
3. Jim Miller 245 E. 19TH STREET
4. Indi Miller 245 E. 19TH STREET
5. Melinda Brunjantz 249 Flower St.

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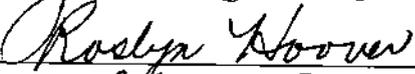
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1. 
2. 
3. 
4. Steve Cortez 250 Broadway Costa Mesa, CA 92627
5. Erin McKay 246 Flower Street, Costa Mesa, CA 92627

April 8, 2008

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We the undersigned are **hereby registering our objection to the Planning Application PA-08-03** and the aforementioned variance items 1 through 5 as noted above:

1. Claire McKay 246 Flower St., Costa Mesa, CA 92627
2. Sydney Myland 250 Broadway CM CA 92627
3. Dave & Ulgera 251 E 19th C.M., CA 92627
4. Marianne Ulgera 251 E. 19th CM, CA 92627

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1. *Asst* 233 Flower St.
2. *Ken Miller* 233 Flower St.
3. _____
4. _____
5. _____