



PLANNING COMMISSION

AGENDA REPORT

VII.3

MEETING DATE: APRIL 11, 2011

ITEM NUMBER:

**SUBJECT: ZONING APPLICATION ZA-09-37 A1
AMENDMENT TO PREVIOUSLY-APPROVED MINOR CONDITIONAL USE PERMIT
FOR AN ENCROACHMENT INTO THE BLUFF CREST SETBACK
1151 GLENEAGLES TERRACE**

DATE: MARCH 31, 2011

**FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
(714) 754-5609 (RROBBINS@CI.COSTA-MESA.CA.US)**

DESCRIPTION

Amendment to minor conditional use permit for a previously-approved bedroom/bathroom addition and deck with a patio cover that encroaches into the required setback from the bluff crest (10 ft. setback required; up to 10 ft. extending past bluff crest approved) to allow:

1. 18 in. deep eaves on the sides of the patio cover that extends past the bluff crest (no eaves previously shown);
2. The bedroom/bathroom addition to encroach further into bluff crest setback (5 ft. setback from the bluff crest approved; 4 ft. 3 in. setback proposed);
3. The fireplace and solid wall (including support post of the patio cover) to extend past the bluff crest (4 ft. past the bluff crest proposed; 0 ft. past the bluff crest approved); and
4. Additional roof height for both the patio cover (14 ft. 6 in. proposed; 12 ft. 6 in. approved) and bedroom/bathroom addition (13 ft. 6 in. proposed; 12 ft. 6 in. approved).

APPLICANT

William and Lea Lowe, the property owners.

RECOMMENDATION

Deny by adoption of Planning Commission resolution.

REBECCA ROBBINS
Assistant Planner

KHANH NGUYEN
Asst. Development Services Director

BACKGROUND

Project Site

The property is zoned Single-Family Residential (R1) and is bounded by Gleneagles Terrace to the east (front), Avimore Terrace to the west (rear), and single-family residences to the north and south (sides). The property is part of the Marina Highlands neighborhood, with southerly and westerly views to the Pacific Ocean.

History

On December 24, 2009, the Zoning Administrator approved Minor Conditional Use Permit ZA-09-37 for a single story addition, setback five feet from the bluff crest, and a deck the width of the residence with a 21-foot wide patio cover both projecting 10 feet past the bluff crest. A deck wing wall along the right (north) property line was originally proposed; however, it was the Zoning Administrator's determination that this was inconsistent with prior approvals and would obscure the view of the abutting neighbor to the north. Consequently, plans were revised – and approved – consisting of a solid wall to the bluff crest, with the safety railing extending past the bluff crest to be constructed of glass or plexiglass. Overall height for both the cover and bedroom/bathroom addition was limited to 12 ft. 6 in.

The Zoning Administrator approved the request since there are several other properties in the vicinity with homes built to the bluff crest including decks that cantilever over the bluff edge. The abutting properties on either side received approvals for additions and covered decks in January 2008.

During the public review and comment period for the project, staff received one correspondence from an Avimore Terrace resident based on concerns with slope stability. To address this concern, conditions were included to ensure that construction is properly built to maintain the stability of the slope.

Late January 2010, approximately one month after the public review period and the expiration of the appeal window, a neighbor voiced concerns about the patio cover (including its roof pitch and extension of 10 feet past the bluff crest), and the impact on his privacy and views. Late 2010 (September and December), two comments were received by neighbors with concerns regarding the size and mass of the project.

On March 21, 2011, the property owner submitted an application to amend the previously-approved minor conditional use permit to legalize modifications made to the project during construction. The City's Zoning Administrator typically reviews minor conditional use permits and amendments; however, staff referred this request to the Planning Commission due to the sensitivity of construction on a bluff property and concerns raised by neighbors.

Zoning Code Provision

Any construction closer than 10 ft. from the bluff crest requires a minor conditional use permit; approval of the permit requires satisfaction that the building or structure that encroaches into a bluff crest setback does not:

- (a) Endanger stability of the slope;
- (b) Substantially interfere with access for fire protection; and
- (c) Detract from the visual identity and integrity of the bluffs.

ANALYSIS

Project Description

The property owner proposes the following modifications to the previously-approved project:

1. 18 in. deep eaves for a patio cover that extends past the bluff crest (no eaves previously shown);
2. The bedroom/bathroom addition to encroach further into bluff crest setback (5 ft. from the bluff crest approved; 4 ft. 3 in. proposed);
3. The fireplace and solid wall (including support post of the patio cover) to extend past the bluff crest (4 ft. past the bluff crest proposed; 0 ft. past the bluff crest approved); and
4. Additional roof height for both the patio cover (14 ft. 6 in. proposed; 12 ft. 6 in. approved) and bedroom/bathroom addition (13 ft. 6 in. proposed; 12 ft. 6 in. approved). The increase in roof height will result in a 1 ft. 10 in. height increase for the chimney, as required by Building Codes. With the proposed 14 ft. 6 in. height, the chimney will need to be approximately 16 ft. 4 in. high.

Although there was an eave constructed on the west end of the patio (facing Aviemore Terrace) the contractor has confirmed that this will be cut back and will not extend beyond 10 feet from the bluff crest as approved on the approved building plans; a condition has been included reminding the applicant of this requirement.

Justifications for Denial

As analyzed by staff, the following are justifications for denial of the proposed amendment to the previously-approved minor conditional use permit.

- *The proposed is not consistent with past reviews for encroachments into the bluff crest setback typically approved for additions and decks with covers.*

Although there are several approvals for single-story additions to the bluff crest and decks that extend beyond the bluff crest for properties in the vicinity, staff is unaware of any approvals for solid walls that extend beyond the bluff crest.

- *The accumulation of all the requested modifications will detract from the visual identity of the bluffs.*

The Zoning Administrator carefully reviewed the original submittal in 2009 requiring several revisions to reduce the visual impact of the project on the bluff. The plan that was ultimately approved was determined to be in keeping with the architectural style of the house while maintaining the visual identity of the bluff. It is staff's opinion that any further encroachment would detract from the visual identity of the bluffs.

- The modifications will create a visual intrusion on the neighborhood with increased bulk and massing.

Staff has received several comments with concerns from neighbors regarding the size and mass of the existing project; the proposed modifications would further encroach and increase the overall coverage of the bluff.

GENERAL PLAN CONFORMITY

The proposed modifications to the previously-approved encroachments into the bluff crest setback are not consistent with General Plan Land Use Objective LU-2A.13 in that the encroachments impact the visual identity of the bluff crest.

ALTERNATIVES:

The Planning Commission has the following alternatives:

1. Deny the proposed amendment to the previously-approved project. The applicant would then be unable to apply for the same requests for 6 months.
2. Approve the proposed amendment to the previously-approved project, subject to conditions. This would allow the project to proceed, subject to the recommended conditions of approval.
3. Approve the proposed amendment to the previously-approved project, with modifications, subject to conditions. This would allow the project to proceed, as modified by Planning Commission, subject to the recommended conditions of approval.

ENVIRONMENTAL DETERMINATION

If the request is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved. If the request is approved, it would be exempt from the provisions of the California Environmental Quality Act under Section 15311 for Existing Facilities.

CONCLUSION

It is staff's opinion that the proposed amendment to the setback of the bedroom/bathroom addition and covered decks will impact the visual identity of the bluff, will increase the bulk and massing of the additions and, therefore, is not compatible with approvals for similar additions to other homes in the vicinity. However, resolutions for approval and denial are attached to the report for the Commission's consideration.

- Attachments:
1. Draft Planning Commission Resolutions – Approval and Denial
 2. Applicants Letter/Site Photos
 3. Location Map
 4. Plans
 5. Zoning Administrator's Letter

cc: Development Services Director
Deputy City Attorney
City Engineer
Transportation Svs. Mgr.
Fire Protection Analyst
Staff (4)
File (2)

William & Lea Lowe
1151 Gleneagles Terrace
Costa Mesa, CA 92627

File: 041111ZA0937A1

Date: 032911

Time: 11:30 a.m.

RESOLUTION NO. PC-11-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF COSTA MESA DENYING ZONING APPLICATION ZA-09-37 A1**

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

WHEREAS, an application was filed by William Lowe, owner of real property located at 1151 Gleneagles Terrace, in a Single Family Residential (R1) zone;

WHEREAS, the proposal is an amendment to minor conditional use permit ZA-09-37 for a previously-approved bedroom/bathroom addition and deck with roof cover that encroaches into the required setback from the bluff crest to allow: (1) 18 in. deep eaves on the sides of the patio cover that extends past the bluff crest; (2) the bedroom/bathroom addition to encroach further into bluff crest setback (4 ft. 3 in. setback from bluff crest); (3) fireplace and solid wall (including support post of the patio cover) to extend past the bluff crest (4 ft. past the bluff crest); and (4) additional roof height for both the patio cover (14 ft. 6 in.) and bedroom/bathroom addition (13 ft. 6 in.);

WHEREAS, a duly noticed public hearing held by the Planning Commission on April 11, 2011 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Zoning Application ZA-09-37 A1 with respect to the property described above.

PASSED AND ADOPTED this 11th day of April, 2011.

Colin McCarthy, Chair,
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- A. The information presented complies with Costa Mesa Municipal Code Sections 13-34 and 13-29(g)(2) in that allowing the residential addition and covered decks to encroach further than previously approved into the bluff crest setback 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. Specifically, the proposed would increase the mass and bulk of the additions and detract from the visual identity and integrity of the bluff. 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.
- B. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed encroachment is not compatible and harmonious with uses both on-site as well as those on surrounding properties.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project is not consistent with the General Plan designation for the property.
 4. The zoning application would establish a precedent for future development.
- C. The Costa Mesa Planning Commission has denied Zoning Application ZA-09-37 A1. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project amendment because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

RESOLUTION NO. PC-11-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF COSTA MESA APPROVING ZONING APPLICATION ZA-09-37
A1**

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

WHEREAS, an application was filed by William Lowe, owner of real property located at 1151 Gleneagles Terrace, in a Single Family Residential (R1) zone;

WHEREAS, the proposal is an amendment to minor conditional use permit ZA-09-37 for a previously-approved bedroom/bathroom addition and deck with roof cover that encroaches into the required setback from the bluff crest to allow: (1) 18 in. deep eaves on the sides of the patio cover that extends past the bluff crest; (2) the bedroom/bathroom addition to encroach further into bluff crest setback (4 ft. 3 in. setback from bluff crest); (3) fireplace and solid wall (including support post of the patio cover) to extend past the bluff crest (4 ft. past the bluff crest); and (4) additional roof height for both the patio cover (14 ft. 6 in.) and bedroom/bathroom addition (13 ft. 6 in.);

WHEREAS, a duly noticed public hearing held by the Planning Commission on April 11, 2011 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Zoning Application ZA-09-37 A1 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-09-37 A1 and upon applicant's compliance with each and all of the conditions 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 April, 2011.

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Colin McCarthy, Chair,
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (APPROVAL)

- A. The information presented complies with Costa Mesa Municipal Code Sections 13-34 and 13-29(g)(2) in that allowing the residential addition and covered decks to encroach into the bluff crest setback is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed development is compatible with other encroachments in the immediate vicinity and, as conditioned, would not detract from the visual identity and integrity of the bluff. The decks should not interfere with access for fire protection and a geotechnical report is required to confirm the improvements will not endanger the stability of the slope. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project is consistent with the General Plan designation for the property.
 4. The zoning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from Class 1, Existing Facilities, of CEQA.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL (IF APPROVED – MODIFIED FROM ZA-09-37)

- Plng.
1. All structures shall maintain a minimum five-foot setback from each side property line with exception to the areas containing a roof cover with 18" eaves.
 2. Any future residential addition shall not project beyond the bluff crest without proper City approval.
 3. The deck wing wall along the right side (west) property line extending over the bluff crest shall contain glass panels on the bottom, not exceed 42 inches in height from the decks' floors, and shall remain open on the top, extending up to the deck roof.
 4. The proposed support posts for the decks shall be located as close to the bluff edge as feasible to minimize visual impacts to the bluff.
 5. The eave overhang on the rear (west) side of the patio cover shall be removed. No portion of the patio cover may extend more than 10 feet from the bluff crest shown on the approved building plans.
 6. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
 7. Landscaping shall be provided, to the satisfaction of the Planning Division, to screen the decks and support structures. Landscaping material shall consist of dense, evergreen plants and trees.
 8. Two (2) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
 9. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
 10. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 11. The conditions of approval and Code requirements of Zoning Application ZA-09-37 A1 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.

24 March 2011

Planning Commission
City of Costa Mesa
Post Office Box 1200
Costa Mesa, CA 92628-1200

My wife and I are remodeling our residence located at 1151 Gleneagles Terrace, Costa Mesa (Reference Permit No.: BC10-00292). The remodel involves expanding our current Master Bedroom and Master Bathroom and constructing a deck on the rear of our property. Since we are located on a bluff on the west-side of town, we applied for, and received, a Minor Conditional Permit.

The original designer that we employed to design this remodel, as well as guide us through the city approval process, was incapable of completing the effort. We then employed a licensed architect to complete the design and prepare the detailed plans for submittal to the city for Plan Check to obtain the Building Permit. In response to concerns identified by the City and a neighbor during the Plan Check, the plans were modified. We incorporated these design changes to the extent that we felt was practical to accommodate city staff concerns regarding bluff development and to minimize impacts to the view angles of the neighbor while maintaining our preferences. These modifications are described below:

The solid sidewall of the deck cover was reduced in length and moved back to the edge of the bluff to reduce any impact to the neighbor's view angles. We considered this change as affecting our design negatively. We preferred the original larger wall area.

The solid sidewall is desired to block view lines from the adjacent neighbor's deck into our dining room, living room, and bedroom. We also desired to minimize noise from the adjacent neighbor's house when his sliding doors are opened since the interior of his house is concrete floors with cinder block walls. With the sliding doors opened, the house is a like a amphitheater.

The support posts for the deck cover were moved from their original design location at the edge of the deck to closer to the bluff crest, again, to minimize the impact to the neighbor's view angles. This revision resulted in a significant impact to the design and complexity of construction of the deck foundation.

We incorporated glass panels in the deck railing design. Our adjacent neighbor has solid wood railings and we desired a similar railing design. In response to a request from the city staff, we incorporated the requested glass panels to minimize the impact to the neighbor's view angles.

The deck cover support beam was raised in height from the code required seven (7) foot height to eight (8) foot constructed height. This increased the view sight line through our property, again, to minimize any impact to the neighbor's view angles. This increase in height of the roof support beam contributes to the raised roof height which is an issue.

We have obtained the Building Permit and are well along with the construction. Several issues have been identified with the construction that can be traced to the change in designers and the implementation of the design by the contractor and subcontractor.

Issue 1:

The deck cover has been constructed with eaves. The approved plans do not reflect eaves on either side of this cover.

Discussion:

We were recently told by city staff that there were discussions between our original designer and city staff regarding the property coverage of the deck, its cover, and the bedroom/bathroom expansion prior to the approval of the Minor Conditional Permit. During these discussions, apparently it was agreed that eaves would not be incorporated on the deck cover in order to minimize the area covered within the bluff setback area by our construction. We had no knowledge of these discussions or the agreements that were made. What was also omitted at this time was the installation of gutters for rainwater control and drainage.

Our original designer, as well as the architect that replaced him, were told that we considered the rain runoff issue a major item to be addressed in the design. A review of the original design shows drains in the deck but no description of gutters to capture the rain runoff.

At the initiation of construction, the issue of how to handle the rain runoff of the deck cover was discussed with the contractor and sub-contractor. This discussion was to determine how to handle the rain runoff and the prevention of erosion of the bluff by identifying all aspects of a bluff erosion control system. It was envisioned that this system would consist of the installation of gutters on the eaves of the bedroom/bathroom expansion, the rear of the existing house structure, and on the deck cover. These gutters covering the entire rear portion of the completed structure would collect rainwater and channel it to drains on the deck. These drains would then conduct the rainwater to drain pipes running from the deck down to Aviemore Terrace at the rear of our property and then into the storm drain located at the bottom of our property.

An additional reason for the eaves is to provide weather protection from rain and, to some extent, sun to the sidewall and door on the west-side of the deck. This protection would reduce the possibility of weather damage to the stucco and door, and the development of mold. The approved plans reflect eaves on the bedroom/bathroom expansion and on the existing house structure, but not on the deck cover. Eaves were constructed on the deck cover without realizing that they were not on the plans.

The addition of eaves, with planned gutters, will result in an increase in coverage of the property surface area within the ten (10) foot bluff setback on the west-side of the property.

Request and Rationale:

We are requesting that the Planning Commission approve the incorporation of eaves and gutters on the deck cover. As noted in the discussion, the addition of eaves would make the implementation of the rain runoff control system much simpler and much more efficient than alternative designs. Gutters could be installed without eaves but significant effort would be required to accomplish the installation and the efficiency of the system would be significantly diminished. In addition, the incorporation of eaves on the deck

cover results in an architecturally pleasant design and blends in with the current house structure design, especially the bedroom/bathroom expansion.

Without approval of this request, even the installation of gutters on the westside of the deck cover would not be permitted due to the encroachment into the bluff setback area on both sides of the deck cover.

We feel that the increase in coverage of the surface area within the bluff setback area is minimal and the increased efficiency of the rainwater collection system would offset any other affects.

Issue 2:

This issue concerns the height of the roofs on the bedroom/bathroom expansion and on the deck cover. The approved plans show a height dimension of 12 feet 6 inches for the deck cover. The measured height of the bedroom/bathroom expansion is 13 feet 2 inches; the measured height of the deck cover is 14 feet 4 inches.

Discussion:

During the construction of the bedroom/bathroom expansion, my instructions to the contractor were to "provide more than adequate vent openings and to provide sufficient headroom for me to access the expansion area for maintenance and whatever else I would need to do in that area". The design for the expansion reflects the bedroom heater duct being routed to the outside wall and sufficient access would be required for its installation and maintenance. The roof was constructed with a pitch to match the existing house structure and to provide adequate access and ventilation in the expansion attic and from there into the existing house attic. This bedroom/bathroom roof exceeds the plan dimension by eight (8) inches but is well below the existing house roof height.

The construction of the deck cover followed a similar path. Again, I instructed the contractor to provide the same features as the bedroom/bathroom expansion. This roof was also constructed with a pitch similar to that of the existing house structure and a height to provide adequate access and ventilation to the existing house attic. There are electrical lines and a natural gas line installed in this new area and access to these lines is required from a safety standpoint. This structure exceeds the plan dimension by one (1) foot 10 inches and does not exceed the height of the current house roof.

Request and Rationale:

We are requesting that the Planning Commission approve the height exceedances of the bedroom/bathroom expansion roof and the deck cover roof.

The bedroom/bathroom expansion roof matches the existing house roof and results in a pleasing, uniform design consistent with the existing house design. The pitch of the roof helps guide rainwater into the gutters attached to the eaves. In addition, the height provides adequate clearance for access to the expansion attic for maintenance of the heater duct and efficient air movement within the attic for cooling and ventilation without appearing unnecessarily high or exceeding the current height of the house roof.

The deck cover roof also matches the existing house roof and, again, provides a pleasing, uniform design consistent with the existing house design. The pitch of this roof will guide rainwater into the attached gutters and also provide adequate access to the electrical lines and gas line in the extended attic area.

In addition, the Planning Commission is requested to approve the installation of rain gutters on the bedroom/bathroom expansion since these gutters are located within the bluff setback area.

Issue 3:

The fireplace extends beyond the bluff crest by approximately 13 inches. The rear wall of the fireplace extends towards the easterly property line approximately 16 inches. The fireplace dimensions were changed to reflect the requirements of the fireplace insert purchased. The width of the fireplace was reduced from six feet six inches to five feet. In addition, the fireplace insert was located slightly different in height from that shown on the approved plans.

Discussion:

During the construction the base for the fireplace was centered in the middle ceiling bay between two roof beams. The ceiling fan will be located within this same bay. This resulted in a stronger roof structure design while providing a more pleasing visual appearance. The base was incorporated into the side support foundation for the deck and was formed as part of the concrete pour for the foundation and the grade beam. The fireplace base was also moved outboard approximately four inches from its original location.

Request and Rationale:

The fireplace base was cast as an integral part of the deck foundation and is located approximately 19 inches from the grade beam. Although part of the base extends beyond the bluff crest, the edge of the fireplace is behind the line of the neighbor's residence structure and no impact to view lines is expected. Also, the structure of the fireplace base is secure and no danger of movement is anticipated in spite of partially extending beyond the bluff crest. The clearance from the fireplace to the westerly property line is approximately 61 inches. The clearance from the house and deck structure to the westerly property line is approximately 77 inches. We feel that the location of the fireplace is acceptable considering the structural design and the location of view lines.

Issue 4:

The portion of the deck sidewall between the fireplace and cover support post is proposed to be a solid wall. This solid wall extends beyond the bluff crest but is not considered to be interfering with view lines. The approved plans show an opaque glass railing.

Discussion:

As a result of the redesign of the attachment of the cover support post to the grade beam and the revised location of the fireplace described above, approximately 17 inches of clearance exists between the fireplace structure and the cover support post. We

considered this space too narrow to install the opaque glass railing. We are requesting that the solid wall be extended from the fireplace structure to the cover support post.

Request and Rationale:

We request that the Planning Commission accept this change to the approved plans. Extending the solid wall would also contribute to making the sound wall more effective in providing a barrier to the noise from the adjacent neighbor's residence.

Issue 5:

The Master bedroom/bathroom expansion extends out 7 feet 10 inches, the drawing shows 7 feet 2 inches.

Discussion:

During the layout of the foundations for the Master bedroom/bathroom expansion, the outer wall of the expansion was located to accommodate the installation of a wider door from the bedroom, the construction of a toilet compartment, the installation of an outer door accessing the deck, and the relocation and installation of the existing vanities and medicine cabinets. This resulted in the expansion being 8 inches longer than the approved plans show.

Request and Rationale:

The wider door from the bedroom into the bathroom was required to meet code requirements. The outer door from the deck to the bathroom was required to facilitate using the bathroom by people out on the deck. The only other access to bathroom facilities would be by traveling through the living room and down a long hall to a bathroom. We desired to reuse the existing vanities and cabinets since they were fairly new and in great condition. The toilet compartment was desired for privacy concerns.

We are requesting that the Planning Commission approve the additional 8 inches. The size and mass of the foundations will ensure that no ground movement will occur and the setback from the bluff crest will range from 4 feet 4 inches to 4 feet 6 inches. The majority of the setback will be in the 4 feet 6 inches range. The original setback was 5 feet 0 inches to 5 feet 2 inches. This addition projection of the structure will not impact any neighbor's view sight lines.

The building plans were not as complete and clear as they should have been. In addition, the architect did not appropriately address the topography of the bluff in the design drawings. This is a contributing factor to the conflict between the existing building and the details on the drawings. From the beginning the contractor and foundation subcontractor had to use their experience and technical knowledge to overcome deficiencies and omissions in the plans. Our concrete subcontractor and general contractor were forced to use "best design practices" in consultation with the structural engineer to layout and construct the caissons and foundations including the grade beam. This resulted in changes to dimensions and locations of structural components and contributed to several of the issues described in this letter. One of the most significant changes was the location and attachment of the cover support posts to the grade beam. That change was documented in a revision to the approved plans reviewed and approved by the city.

Pictures are provided in a Planning Commission Presentation to illustrate the concerns and support our requests.

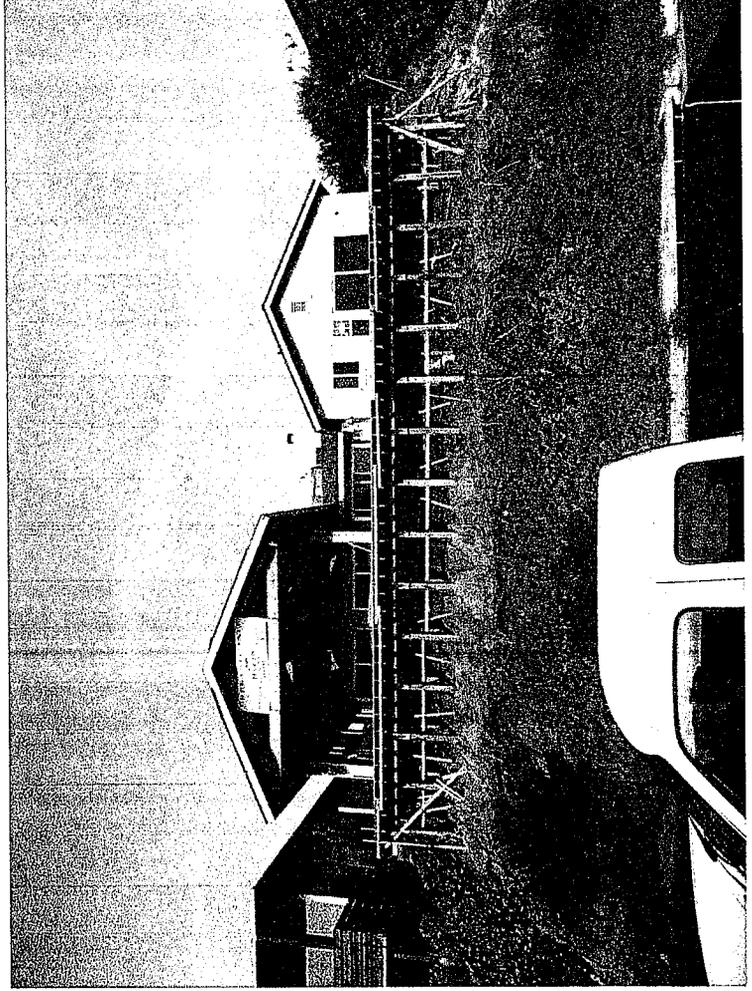
We appreciate your attention to these requests. My wife and I cordially invite the members of the Planning Commission, and their staff, to visit our home to see for themselves what we have accomplished and how these requested changes would contribute to a more attractive remodel.

If you have any questions, please contact us.

A handwritten signature in cursive script that reads "Lea & William Lowe".

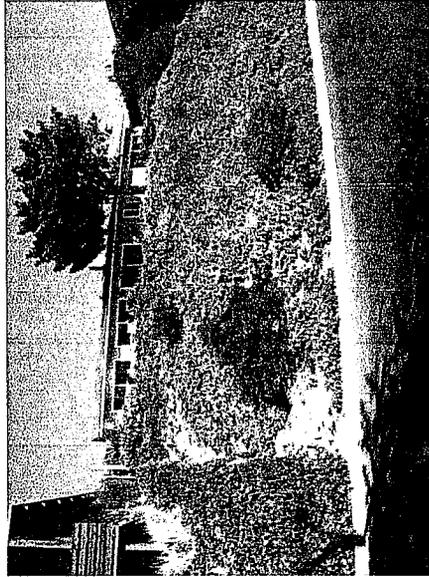
Lea and William Lowe
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wwlowe@earthlink.net

**HOME REMODEL AT
1151 GLENEAGLES TERRACE
COSTA MESA, CA**

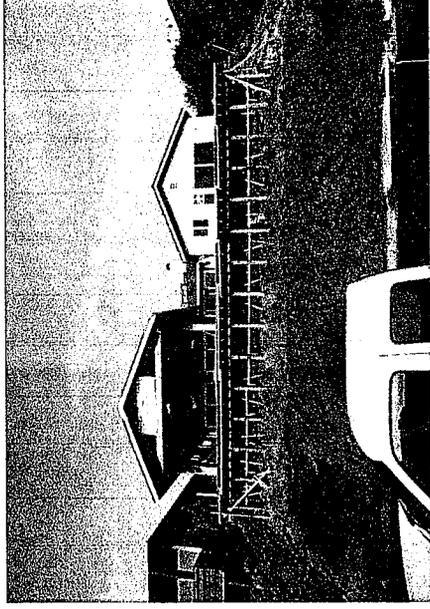


EXPANSION OF MASTER BEDROOM/BATHROOM AND ADDITION OF DECK

BEFORE

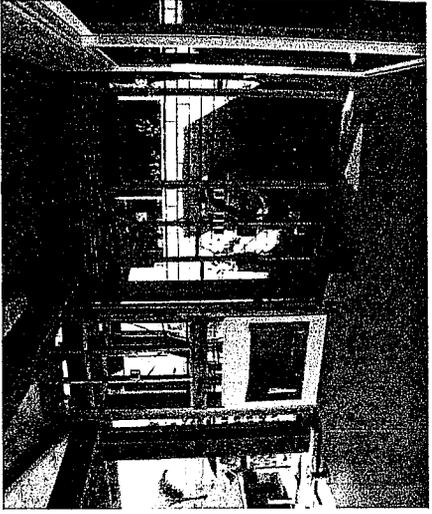
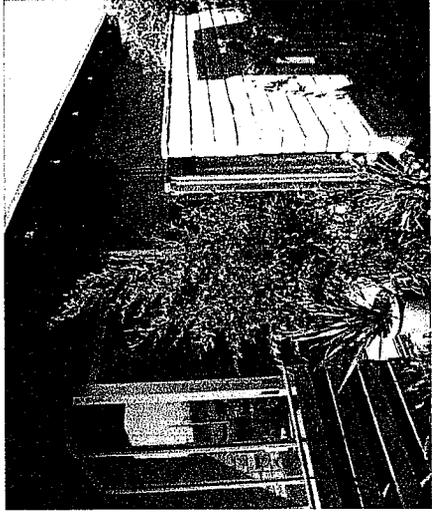
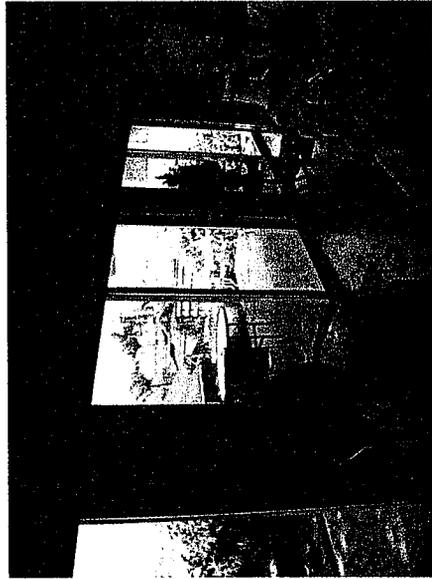


CURRENT



- **BEDROOM/BATHROOM EXPANSION AND ADDITION OF DECK COVER WERE DESIGNED AND EXPECTED TO LOOK AS PART OF ORIGINAL HOUSE**
- **EFFORT WAS MADE TO ELIMINATE APPEARING AS AN "ADD-ON"**

DECK COVER DESIGN INTENDED TO ELIMINATE PRIVACY AND NOISE ISSUES



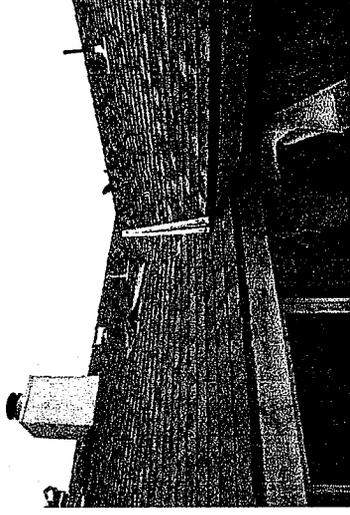
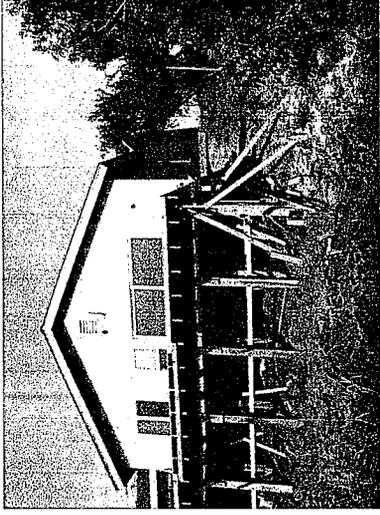
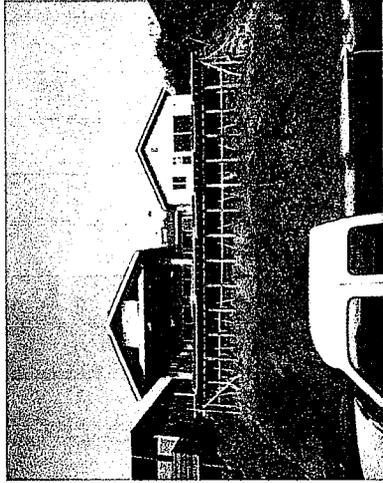
PROBLEM:

- SIGHT-LINES FROM ADJACENT RESIDENCE LOOKED INTO OUR DINING ROOM, LIVING ROOM, AND BEDROOM
- WHEN ADJACENT RESIDENCE SLIDING DOORS ARE OPENED, ADJACENT HOUSE BECOMES AN AMPITHEATER

RESOLUTION:

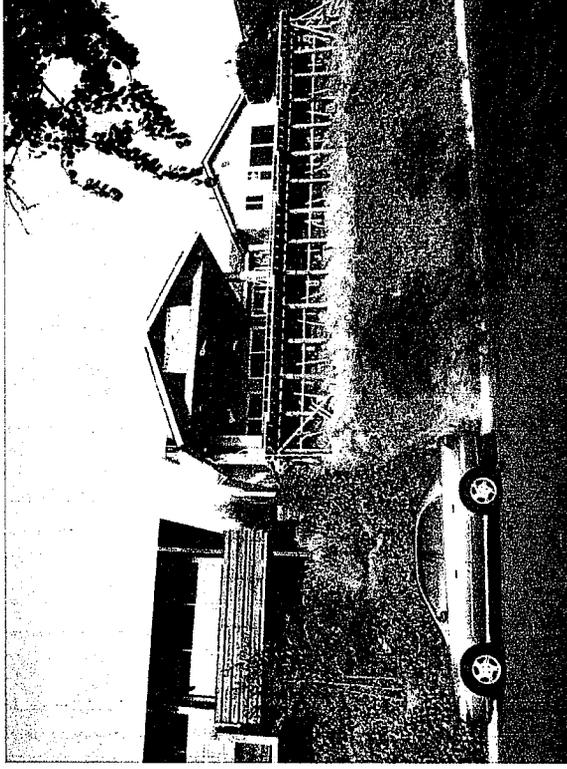
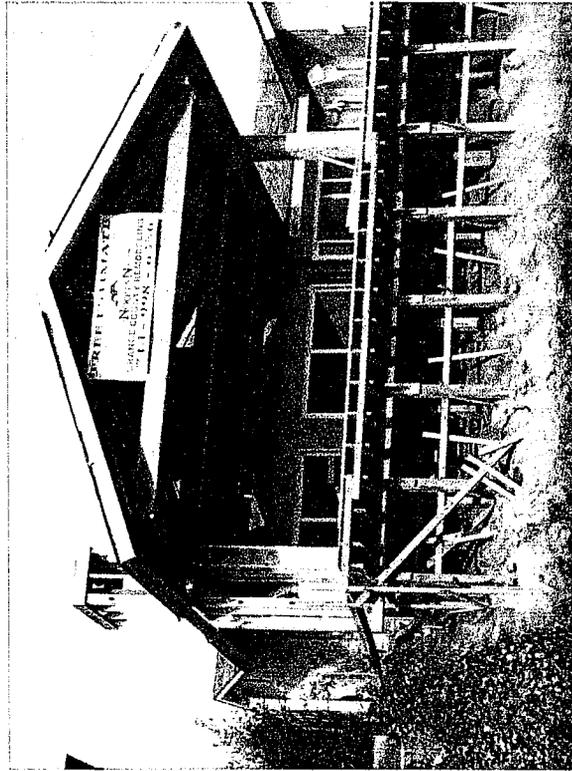
- SOLID WALL AT SIDE OF OUR DECK WAS DESIGNED TO BLOCK SIGHT-LINES AND TO MINIMIZE NOISE WHEN ADJACENT SLIDING DOORS WERE OPENED

**HEIGHT OF BEDROOM/BATHROOM EXPANSION ROOF
EXCEEDS APPROVED PLAN DIMENSION
INSTALLATION OF GUTTERS NOT ON APPROVED PLANS**



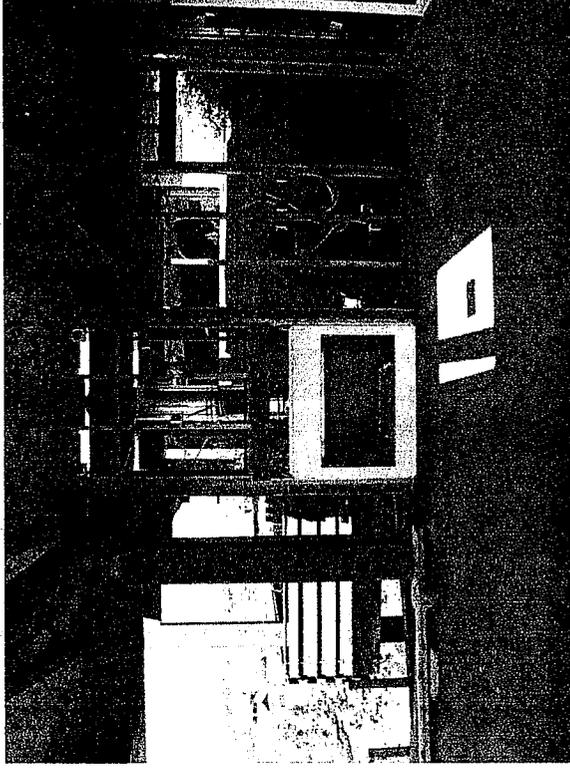
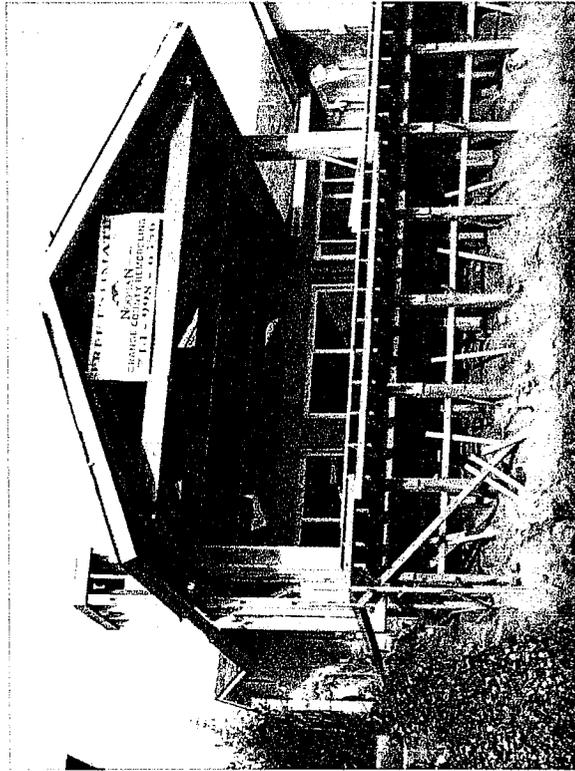
- ROOF PITCH OF MASTER BEDROOM/BATHROOM EXPANSION IS IN PROPORTION TO STRUCTURE AND EXISTING HOUSE
 - ROOF HEIGHT PROVIDES CLEARANCE FOR ADDITION OF HEATER DUCT
 - INTENT WAS TO MAKE EXPANSION APPEAR AS PART OF ORIGINAL HOUSE STRUCTURE
 - FLATER PITCH WOULD MAKE ROOF LOOK SQUAT AND AN OBVIOUS ADDITION
- APPROVAL REQUIRED FOR INSTALLATION OF RAIN GUTTERS

**DECK COVER ROOF EAVES AND GUTTERS NOT ON APPROVED PLANS
DECK COVER ROOF HEIGHT EXCEEDS APPROVED PLAN DIMENSION**



- **ROOF PITCH OF DECK COVER IS IN PROPORTION TO DECK ROOF STRUCTURE AND EXISTING HOUSE STRUCTURE**
 - **FLATER PITCH WOULD MAKE ROOF LOOK SQUAT AND AN OBVIOUS ADDITION**
 - **ROOF HEIGHT PROVIDES CLEARANCE FOR INSTALLATION AND MAINTAINANCE OF ELECTRICAL WIRING AND NATURAL GAS LINE**
 - **EAVES OF DECK COVER ARE IN PROPORTION TO DECK ROOF STRUCTURE AND HOUSE STRUCTURE**
 - **EAVES PROVIDE MOUNTING FOR RAIN GUTTERS**

**FIREPLACE EXTENDS BEYOND BLUFF CREST AND FIREPLACE EXTENDS INTO
SIDE YARD CLEARANCE IN EXCESS OF APPROVED PLANS**



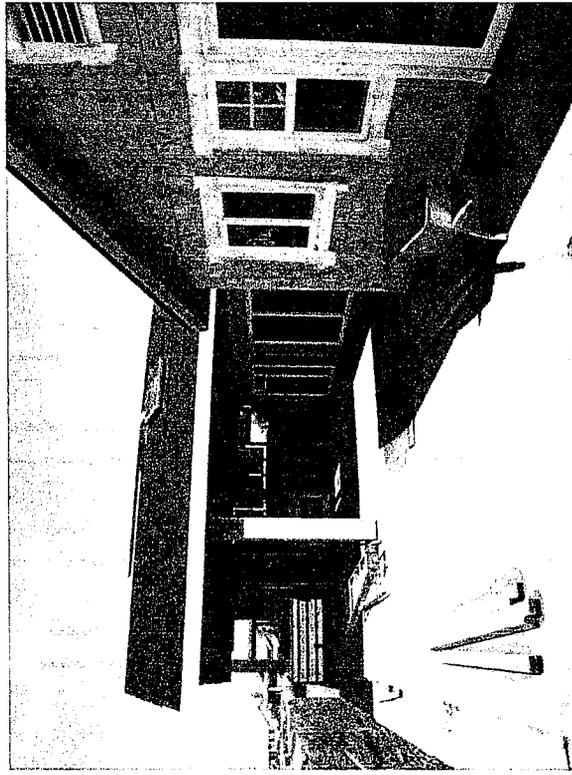
- FIREPLACE WAS CENTERED IN MIDDLE BAY OF ROOF
- ELIMINATED NEED TO CUT OR BUILD AROUND ROOF SUPPORT STRUCTURE
- CEILING FAN WILL BE INSTALLED IN CENTER BAY ALSO
- FIREPLACE BASE WAS CAST AS AN INTEGRAL PART OF DECK FOUNDATION
- MAIN PORTION OF FIREPLACE BASE IS ABOVE BLUFF CREST
- CLEARANCE TO PROPERTY LINE IS 61 INCHES

**PORTION OF DECK SIDEWALL BETWEEN FIREPLACE AND ROOF SUPPORT
POST WAS PROPOSED TO BE FROSTED GLASS RAIL**



- DESIGN OF ROOF SUPPORT BEAM INSTALLATION TO GRADE BEAM AND REVISED LOCATION OF FIREPLACE RESULTS IN APPROXIMATELY 17 INCH OPENING
 - THIS SPACE WAS CONSIDERED TO BE TOO NARROW FOR INSTALLATION OF GLASS RAILING
 - EXTENDING SOLID WALL ALSO PROVIDES ADDITIONAL PRIVACY AND IMPROVES WALL SOUND BLOCKING CAPABILITIES

MASTER BEDROOM/BATHROOM EXPANSION EXTENDS OUT 8 INCHES BEYOND APPROVED PLAN DIMENSION AND IMPACTS BLUFF CREST SETBACK



- APPROVED PLANS SHOW 7 FEET 2 INCHES EXTENSION, ACTUAL EXTENSION IS 7 FEET 8 INCHES
 - GROWTH WAS DUE TO ACCOMMODATING TOILET COMPARTMENT, REUSE OF EXISTING BATHROOM VANITIES AND CABINETS, INSTALLATION OF OUTSIDE DOOR, AND INCREASED SIZE OF INTERIOR DOOR
 - SETBACK TO BLUFF CREST RANGES FROM 4 FEET 4 INCHES TO 4 FEET 6 INCHES WITH MAJORITY OF SETBACK AT 4 FEET 6 INCHES

REQUESTED CHANGE APPROVALS

**WE ARE REQUESTING THAT THE PLANNING COMMISSION APPROVE THE
FOLLOWING REQUESTED CHANGES:
APPROVAL OF EAVES ON DECK ROOF WITH INSTALLATION OF GUTTERS**

**APPROVAL OF HEIGHT EXCEEDANCES FOR BEDROOM/BATHROOM
EXPANSION AND DECK ROOF**

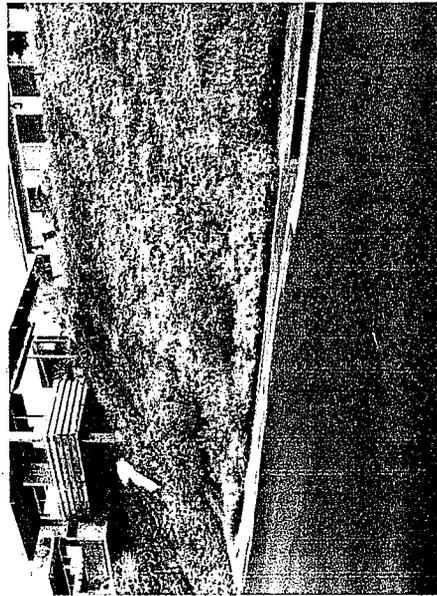
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**APPROVAL OF RELOCATED FIREPLACE
APPROVAL OF REDUCED SIDE YARD CLEARANCE AND PARTIAL
EXTENSION BEYOND BLUFF CREST**

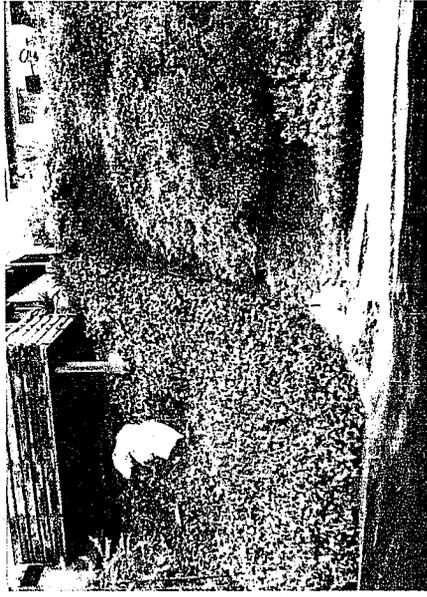
**APPROVAL OF DECK SIDEWALL BETWEEN FIREPLACE AND ROOF
SUPPORT POST TO BE SOLID**

**APPROVAL OF MASTER BEDROOM/BATHROOM EXPANSION INTO BLUFF
CREST SETBACK AREA
SETBACK WILL BE FROM 4 FEET 4 INCHES TO 4 FEET 6 INCHES**

WHY RAINWATER RUNOFF CONTROL IS IMPORTANT



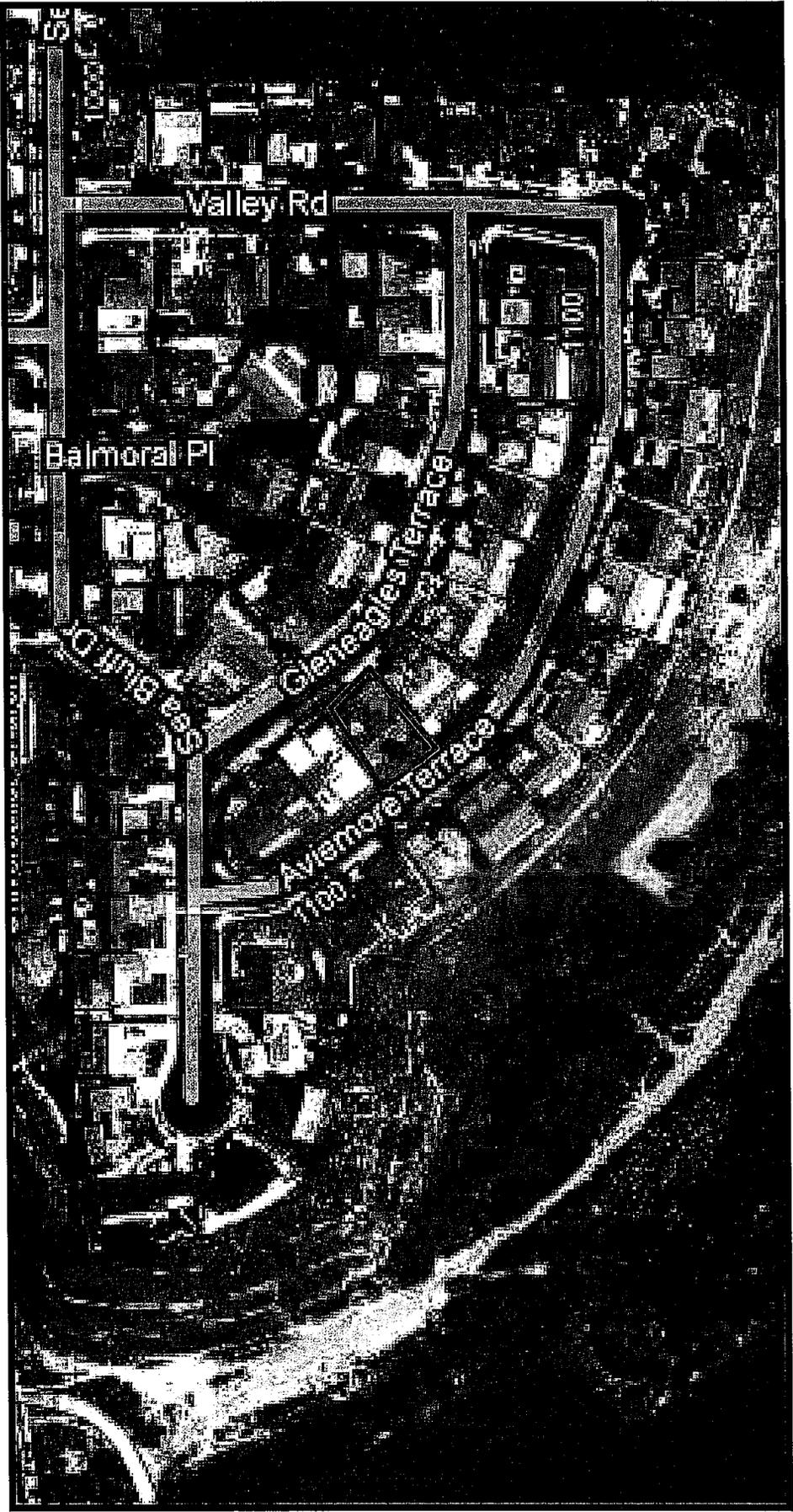
- EROSION ON OUR BLUFF SLOPE LAST YEAR
- ADJACENT PROPERTY OWNER ADDED DRAIN LINES SHORTLY AFTERWARDS

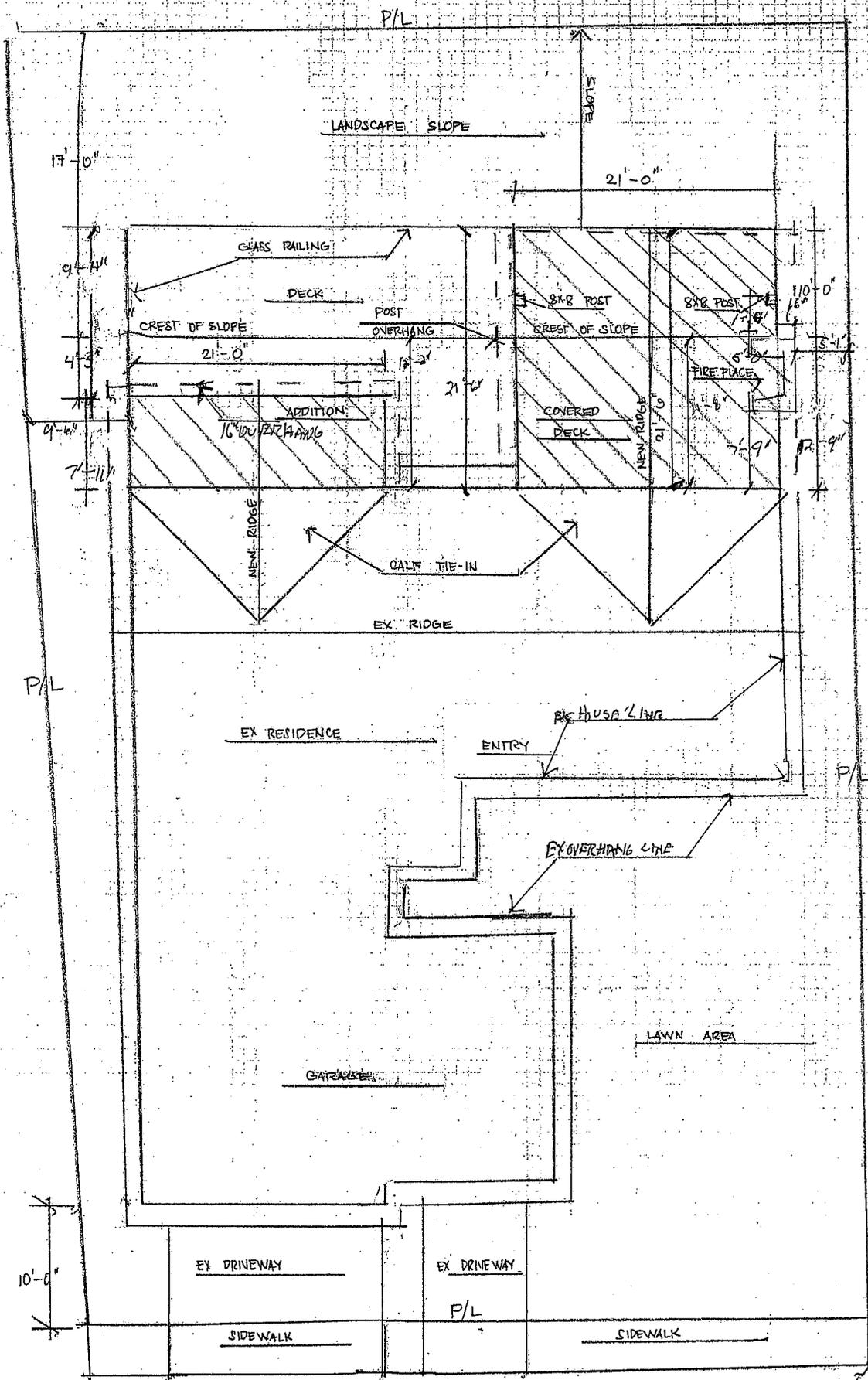


- RUNOFF WAS FROM ADJACENT PROPERTY
- NO CORRECTION FOR ROOF RUNOFF
- CONTINUED THREAT OF BLUFF EROSION

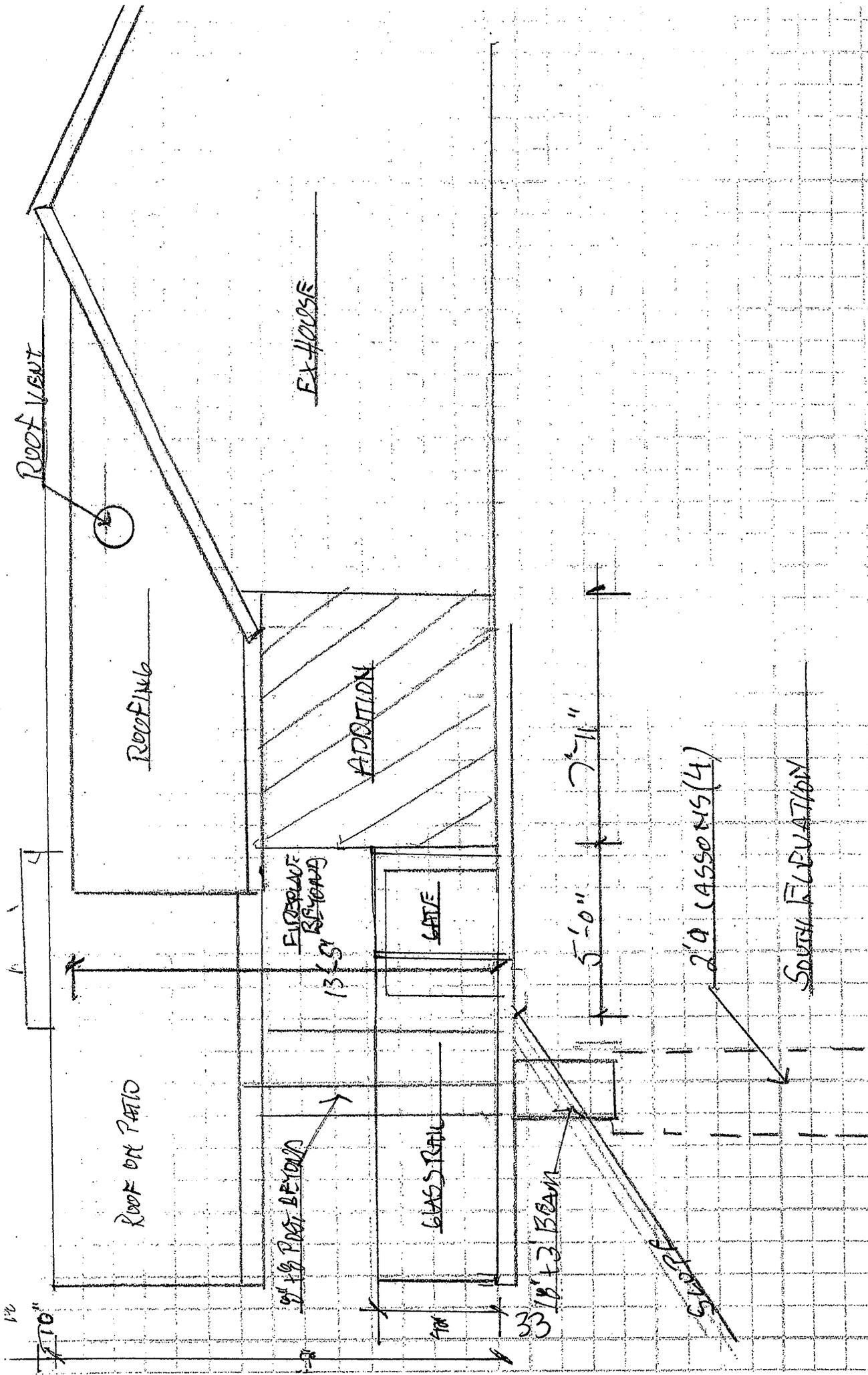


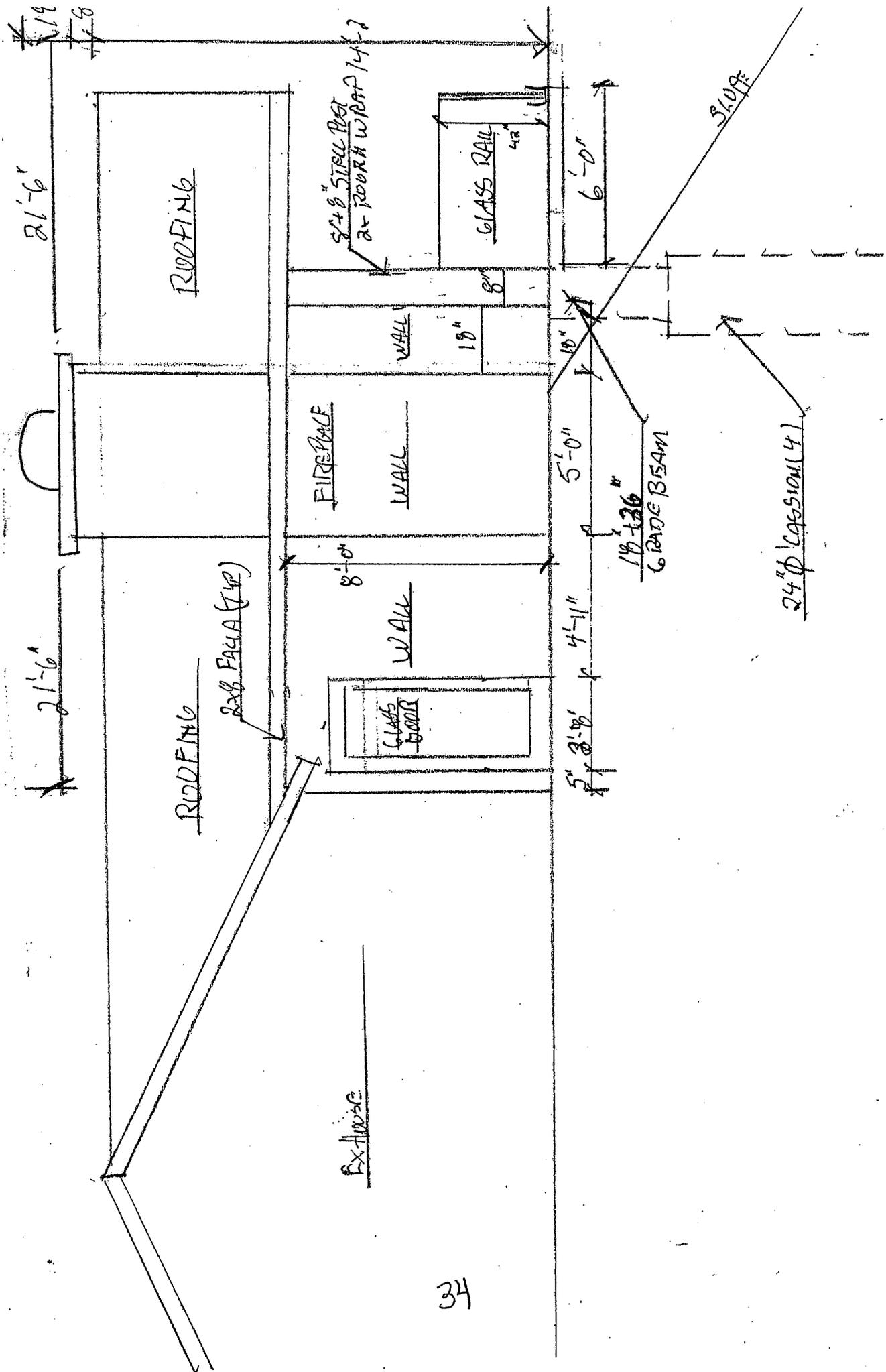
LOCATION MAP
1151 GLENEAGLES TERRACE

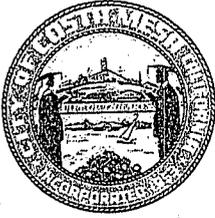




30 SCALE 1/8" = 1'







CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

December 24, 2009

Tim Johnson
5215 River Avenue
Newport Beach, CA 92663

**RE: ZONING APPLICATION ZA-09-37
MINOR CONDITIONAL USE PERMIT FOR A RESIDENTIAL ADDITION
CLOSE TO AND EXTENDING OVER THE BLUFF CREST
1151 GLENEAGLES TERRACE, COSTA MESA**

Dear Mr. Johnson:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5 p.m. on December 31, 2009, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Rebecca Robbins, at (714) 754-5609 or rrobbins@ci.costa-mesa.ca.us.

Sincerely,

Willa Bouwens-Killeen

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project description
 Findings
 Conditions of approval
 Approved conceptual plans

cc: Engineering
 Fire Protection Analyst
 Building Division

Bill Lowe
1151 Gleneagles Terrace
Costa Mesa, CA 92627

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PROJECT DESCRIPTION:

- The property is zoned Single-Family Residential (R1) and is bounded by Gleneagles Terrace to the east (front), Avimore Terrace to the west (rear), and single-family residences to the north and south (sides).
- The applicant proposes a single story addition setback, five feet from the bluff crest, and decks projecting 10 feet past the bluff crest. A deck wing wall will extend along the right side property line. The wall is to be solid to the bluff crest, with a safety railing extending over the bluff crest constructed of glass or plexiglass and open at the top to the roof. Decking along the left side property line is open, aside from the safety railing, starting five feet from the bluff crest, and extending 10 feet past the bluff crest. Since the addition and decks encroach within the required bluff crest setback and includes decks that extend over the bluff crest, a minor conditional use permit is required.
- Staff supports the addition and covered decks because there are several other properties in the general vicinity with homes built at the bluff crest and decks projecting 10 feet beyond the bluff crest. The abutting properties on either side have received approvals for similar additions and decks in January 2008.
- Conditions have been included to ensure that the structure is properly built to maintain the stability of the slope and that dense landscaping will be provided at the property's rear to screen the decks.
- The covered decks and residential addition are consistent with General Plan Land Use Objective LU-2A.13 in that a geotechnical report will be required to ensure that the integrity of the existing slope is protected. The natural topography and views will also be protected because the residential addition will be setback five feet from the bluff crest, the solid wall of the deck along the right side property line will not extend past the bluff crest, and only decks will cantilever, with their transparent railings, over 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 residential addition and covered decks to encroach into the bluff crest setback is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed development is compatible with other encroachments in the immediate vicinity and, as conditioned, would not detract from the visual identity and integrity of the bluff. The decks should not interfere with access for fire protection and a geotechnical report is required to confirm the improvements will not endanger the stability of the slope. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been

- considered.
3. The project is consistent with the General Plan designation for the property.
 4. The zoning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from Class 1 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. All structures shall maintain a minimum five-foot setback from each side property line.
 2. Any future residential addition shall not project beyond the bluff crest without proper City approval.
 3. The deck wing wall along the right side property line extending over the bluff crest shall contain glass panels on the bottom, not exceed 36 inches in height from the decks' floors, and shall remain open on the top, extending up to the deck roof.
 4. The proposed support posts for the decks shall be located as close to the bluff edge as feasible to minimize visual impacts to the bluff.
 5. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
 6. Landscaping shall be provided, to the satisfaction of the Planning Division, to screen the decks and support structures. Landscaping material shall consist of dense, evergreen plants and trees.
 7. Two (2) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
 8. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
 9. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 10. 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.
 11. The conditions of approval and Code requirements of Zoning

Application ZA-09-37 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 planning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining building permits for the authorized construction and initiates construction. If the applicant is unable to obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the planning application. |
| Bus.
Lic. | 2. | All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained. |
| Bldg. | 3. | Comply with the requirements of the 2007 California Building Code. |
| | 4. | Submit a soils/geotechnical report Submit a soils report as part of the building plan check package. One boring shall be at least 10 feet deep. Soils report recommendations shall be blueprinted on the plans. |
| | 5. | Submit grading and drainage plan. |
| | 6. | Provide erosion control measures and plans. |
| Eng. | 7. | A Construction Access Permit and deposit of \$730.00 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. |
| Fire | 8. | Provide approved smoke detectors to be installed in accordance with the 2001 Edition of the Uniform Fire Code. |
| | 9. | Comply with all Fire Code requirements. |

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

- | | | |
|-------|----|---|
| Sani. | 1. | It is recommended that the applicant contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements. |
| AQMD | 2. | Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district. |