

RESOLUTION NO. PC-11-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-11-14 AND PARCEL MAP PM-11-120**

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

WHEREAS, an application was filed by David Hendryx, authorized agent for SCEL Properties LLC, owner of real property located at 2201 and 2203 Santa Ana Ave., for the following:

- Subdivision of the property into two separate lots for development of two single family residences.
- A Planning Application for construction of two single family residences on two lots to be separated by a parcel map. The Planning Application includes the following:
 - a. Single-story residence and two story garage and second dwelling unit at 2201 Santa Ana Avenue:
 - Variance from minimum rear yard setback (20 feet required for second floor, 10 feet proposed);
 - Minor modification from minimum front yard setback (20 feet required, 16 feet proposed);
 - Minor modification from minimum side yard setback (5 feet required, 4 feet proposed); and,
 - Deviation from Residential Design Guidelines for the 80 percent first floor to second floor ratio related to the second unit (80 percent recommended, 100 percent proposed).
 - b. Two-story residence and a detached three-car garage at 2203 Santa Ana Ave.:
 - Deviation from Residential Design Guidelines for the 80 percent first floor to second floor ratio related to the second unit (80 percent recommended, 100 percent proposed).
 - Deviation from Residential Design Guidelines for second floor side yard setback (10 feet recommended, 5 feet proposed).

WHEREAS, a duly noticed public hearing held by the Planning Commission on November 14, 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** Planning Application PA-11-14 and Parcel Map PM-11-120.

PASSED AND ADOPTED this 14th day of November, 2011.

COLIN MCCARTHY
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:
1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
 2. The proposed project does not comply with the performance standards as prescribed in the Zoning Code.
 3. The proposed project is not consistent with the General Plan or Zoning Code.
- B. The proposed project does not comply with Costa Mesa Municipal Code Section Code Section 13-29(g)(1) because:
1. There are no special circumstances applicable to the property. The strict application of development standards does not deprive the property of privileges enjoyed by others in the vicinity.
 2. The deviations constitute a grant of special privileges inconsistent with other properties in the vicinity.
 3. The granting of the deviation will allow a use, density, or intensity which is not in accordance with the general plan designation for the property.
- C. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the project does not meet the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.
- D. The subdivision of the property for residential condominiums is not consistent with the City's General Plan and Zoning Code.
- E. The Costa Mesa Planning Commission has denied Planning Application PA-11-14 and Parcel Map PM-11-120. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- F. 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 PLANNING APPLICATION PA-11-14 AND PARCEL MAP PM-11-120

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

WHEREAS, an application was filed by David Hendryx, authorized agent for SCEL Properties LLC, owner of real property located at 2201 and 2203 Santa Ana Ave., for the following:

- Subdivision of the property into two separate lots for development of two single family residences.
- Planning Application for construction of two single family residences on two lots to be separated by a parcel map. The Planning Application includes the following:
 - a. Single-story residence and two story garage and second dwelling unit at 2201 Santa Ana Avenue:
 - Variance from minimum rear yard setback (20 feet required for second floor, 10 feet proposed);
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 - Minor modification from minimum side yard setback (5 feet required, 4 feet proposed); and,
 - Deviation from Residential Design Guidelines for the 80 percent first floor to second floor ratio related to the second unit (80 percent recommended, 100 percent proposed).
 - b. Two-story residence and a detached three-car garage at 2203 Santa Ana Ave.:
 - Deviation from Residential Design Guidelines for the 80 percent first floor to second floor ratio related to the second unit (80 percent recommended, 100 percent proposed).
 - Deviation from Residential Design Guidelines for second floor side yard setback (10 feet recommended, 5 feet proposed).

WHEREAS, a duly noticed public hearing held by the Planning Commission on November 14, 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** Planning Application PA-11-14 and Parcel Map PM-11-120.

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-11-14 and Parcel Map PM-11-120 and upon applicant's compliance with each and all of the conditions in Exhibit "B", and 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 14th day of November, 2011.

COLIN MCCARTHY
Chair, Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (APPROVAL)

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project, as conditioned, is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The proposed project complies with Costa Mesa Municipal Code Section Code Section 13-29(g)(1) because:
1. Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity. The project site is an oversized parcel, over 14,000 square feet in area, unique to that block with a depth of 165 feet. Subdivision of the parcel into two parcels is permitted in R1 zone. Parcels on the east side of Santa Ana Ave. north of the property include two 55-foot wide parcels and one 60-foot parcel at the corner. The proposed parcels will maintain the same depth and exceed the minimum lot size requirement (6,750 and 7,425 square feet proposed). The proposed configuration provides for a minimum 10-foot side setback for the corner lot and a 14-foot and 5-foot setback on the sides for the interior lot. The low density character of the parcel will be maintained since the two-story second unit is situated facing the street with a 22-foot depth at 10 feet from the side property line and no windows facing the neighboring property.
 2. As conditioned, deviation granted will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and same zoning. The side yard setback and the street setbacks will be enhanced with trees and landscaping for privacy and adequate separation between structures and no windows are proposed facing the neighboring structure. In addition, the manufactured structures are predesigned to certain specification with no flexibility in customizing the footprint of the structure to fit the lot size. The site design also needs to adhere to minimum separation requirements between structures and maintaining the existing location of the underground and aboveground facilities.
 3. The granting of the deviation will maintain the single family residential density of the property with addition of a second unit and not allow a use, density, or intensity which is not in accordance with the general plan designation for the property. The newly-created parcels would strictly be developed under the requirements of the Low Density Residential land use designation and R1 zone.

The development of the two parcels will maintain the current lot depth consistent with other parcels on the block and meet the minimum lot size and open space requirements of the R1 zoning district.

- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project, despite the requested deviation from second story side setbacks, meets the purpose and intent of the Residential Design Guidelines and exhibits excellence in architectural design. Specifically, the building elevations incorporate variation in depth of floor plans, rooflines, multiple building planes, and offsets to provide architectural interest and visual relief from off-site. The proposed development would not negatively impact the surrounding properties or aesthetics of the neighborhood in that the single story and two-story variation on each parcel will make the development compatible with other structures in the neighborhood. The second floor windows are required to be designed so as to minimize privacy impacts and direct views into windows on the adjacent properties.
- D. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(6) in that the project will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood. The project is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development. Specifically, with the proposed configuration, the lot sizes and the open space exceed the minimum requirement. In addition, adequate setback between structures will be maintained since the new residential structures are 20 feet apart from each other and separated by landscaping and driveway.
- E. The subdivision of the property for development of two single family parcels residential condominiums is consistent with the City's General Plan and Zoning Code.
- F. The proposed use of the subdivision is for residential ownership purposes, which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- G. The subject property is physically suitable to accommodate Parcel Map PM-11-120 in terms of type, design, and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- H. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.

- I. The subdivision will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the subdivision.
- J. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- K. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- L. 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

- Plng. 1. The conditions of approval, code requirements, and special district requirements of PA-11-14 and PM-11-120 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
2. The approved address of each unit shall be blueprinted on the site plan and on all floor plans in the working drawings.
3. 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.
4. Second floor windows shall be smaller view-obscuring windows and be offset to avoid direct lines of sight into abutting second story windows abutting the project, subject to approval by Planning staff.
5. The proposed flagstone veneer shall be extended for the full height of the first floor for the 2203 Santa Ana Ave. parcel. Decorative wrought iron railing shall be installed at the front steps and the front porch for 2201 Santa Ana Ave. parcel and the second unit shall be enhanced with a decorative wainscot on front façade consistent with the main unit. These architectural enhancements are subject to final approval of the Development Services Director.
6. The developer shall provide decorative hardscape for the driveway of Parcel 1 (2201 Santa Ana Ave.) to provide visual relief from the street. Final materials shall be subject to approval by the Planning Division.
7. The developer shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.
8. A minimum 6-foot high decorative masonry wall (split-face, stucco finish, or other material approved by Planning) shall be installed at the around the perimeter of the development.
9. Prior to issuance of building permits, developer shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
10. The developer shall contact the current cable service provider prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
11. 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.
12. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
 13. The expiration of Planning Application PA-11-14 shall coincide with the expiration of Parcel Map PM-11-120; therefore, both applications shall be valid for 24 months from the date of the resolution. It should be noted that a request for a 12-month time extension must be made prior to the expiration date and must reference both applications.
 14. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, 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.
 15. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 16. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
 17. The landscape setback area visible from Santa Ana Avenue and 22nd Street shall be landscaped with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain five 24-inch box trees and one accent 36-inch box tree within the street setbacks and a minimum of one 36-inch box tree in the rear yard (2201 Santa Ana Ave.) to improve the interface with the adjacent parcel. The tree shall be of a species with a wide canopy and an overall height of greater than 25 feet at its maturity.
 18. The primary residence shall be owner occupied and the second unit shall be served from the same utility meters (electric, gas and water) as the main dwelling unit on the property.
 19. A land use restriction, executed by and between the applicant and the City of Costa Mesa, shall be recorded prior to the issuance of building permits. This land use restriction shall inform future property owners that the second unit shall be occupied by no more than two residents, each of whom is no less than 62 years of age. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.
 - Eng. 20. 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.
 21. Per requirements of Real Property, City of Costa Mesa, Engineering Division, dedicate a diagonal corner cut-off at the corner of 22nd Street and Santa Ana Avenue.
 22. Comply with conditions for Parcel Map No. 2011-120.

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. 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.
2. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
3. Development shall comply with all requirements of Section 13-32, Title 13, of the Costa Mesa Municipal Code relating to development standards for residential projects.
4. Proof of recordation of the parcel map shall be submitted prior to issuance of building permits.
5. All new on-site utility services shall be installed underground.
6. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
7. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- Bldg. 8. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2010 California Energy Code (or the applicable adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code (at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
9. Submit grading plans, and an erosion control plan for this project.
10. Submit a soils report for this project. Soils report recommendation shall be blueprinted on both the architectural and grading plans.
- Eng. 11. For demolition, grading, or building permits involving projects with a valuation of \$10,000 or more, the contractor shall use a City-permitted hauler(s) to haul any debris or solid waste from the job site (refer to Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to

an administrative penalty as follows: \$1,000 or 3% of the total project value, whichever is greater.

12. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
13. A Construction Access Permit and deposit of \$730 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.
14. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.
15. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk.
16. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches.
17. Relocate street light in connection with the drive approach as required by the Public Services Department.
18. Fulfill Drainage Ordinance Fee requirements prior to approval of Final Map.
19. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Final Map.
20. Submit Subdivision Application and comply with conditions of approval and code requirements.
21. Two copies of the Final Map and one copy of the Property Boundary closure calculations shall be submitted to the City of Costa Mesa Engineering Division for checking.
22. Submit updated Title Report of subject property.
23. The Parcel Map shall be developed in full compliance of CCMMC Sec. 13-208 through 13-261 inclusive.
24. Submit seven copies, one duplicate mylar and an electronic copy of recorded map or signed plan to Engineering Division, City of Costa Mesa, prior to occupancy.
25. In accordance with C.C.M.M.C. Section 13-230, the Subdivider shall submit street improvement plans and/or off-site plans at the time of first submittal of the Final Tract Map. Plan check fee shall be paid per

C.C.M.M.C. Section 13-231.

- 26. Prior to recordation of a final map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor and shall submit to the City Engineer and the County Surveyor a digital-graphic file of said map in a manner described in Subarticle 11/12, Sections 7-9-330/7-9-337 of the Orange County Subdivision Code.
- 27. Survey Monuments shall be preserved and referenced or set pursuant to Section 8771 of the Professional Land Surveyors Act and Business and Professional code.
- 28. Submit cash deposit or surety bond to guarantee monumentation prior to approval of the map. Amount to be determined by City Engineer.
- Fire 29. Dwellings will require the installation of a residential fire sprinkler system.
- 30. Provide smoke detectors.
- Trans. 31. Construct residential driveway approach at the location specified on the submitted site plan.
- 32. Provide drive approach dimensions on site plan including width and "X" dimensions. The "X" dimension of the proposed drive approach shall be located a minimum of 2 feet from the property line and existing street light.
- 33. Show the existing street light location on site plan.
- 34. Show required open parking spaces on site plan with dimensions.

SPECIAL DISTRICT REQUIREMENTS

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

- Sani 1. It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 to obtain Sanitary 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.
- School 3. Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits.
- State 4. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation.