



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 9, 2014

ITEM NUMBER: PH-1

SUBJECT: AMENDMENT TO CITY OF COSTA MESA RESIDENTIAL DESIGN GUIDELINES

DATE: MAY 29, 2014

FROM: PLANNING DIVISION/ DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA PRINCIPAL PLANNER
(714) 754-5610 minoo.ashabi@costamesaca.gov

DESCRIPTION

Amend the Residential Design Guidelines to remove the requirement to mail a notice to adjacent property owners related to two-story construction projects (new and additions) that meet the recommendations of the guidelines.

RECOMMENDATION

Recommend to City Council that the Residential Design Guidelines be amended as shown in Attachment 3.

BACKGROUND

The Costa Mesa Residential Guidelines were initially adopted in 2001 in response to the goals and policies of the City's General Plan Community Design Element. The guidelines work in concert with the City's Zoning Code to promote quality and compatible design. The guidelines have been revised in 2003 and 2005 allowing more flexibility in the review process and second story additions for existing structures with less than 10 feet side yard setback.

The guidelines include general provisions with respect to massing, articulation and four-sided architecture so that residential developments exhibit excellence in terms of high quality design, materials and details. The guidelines were recently amended in October 2013 to exempt residential units of less than 2,500 square feet from the recommended average side yard setback and to allow an increase in the second floor footprint of up to 100 percent of first floor.

Analysis

Section 2 of the guidelines refers to Approval Procedures for residential projects. Two-story projects that meet the recommendations of the guidelines are currently subject to certain procedures. Staff needs to mail a notice to property owners that share a property line with the proposed development site and allow a 7-day appeal period prior to issuance of the building permit.

During the review process, staff considers potential privacy impacts of the project and works with the applicant to relocate windows, revise sill heights, use opaque glass or install landscaping for screening. In addition, all residential projects are reviewed with respect to Residential Guidelines in terms of consistent architectural style, massing, off-sets and use of various building materials. Projects that meet all the recommendations of the guidelines are required to be delayed additional 7 days prior to building permit issuance. This causes an undue burden on applicants and allow an appeal at a very late stage of project planning and construction drawing. Any potential change to the window location or building design effects the construction drawings, specifications and Title 24 energy calculations and is costly and time consuming for the applicants.

The existing noticing requirements is recommended to remain in effect for projects on Aviemore Terrace, since there are view issues related to the bluffs that need further review and are unique to this area of the City.

During the past few years, there has been only one appeal of staff's decision filed for Planning Commission review (February 10, 2014). In this case, the Planning Commission upheld staff's decision and it was determined that the design guidelines were appropriately applied in terms of massing and window placement and the second floor did not impose any significant privacy matters beyond what existed on the site.

Staff is recommending approval of the following revision to the guidelines:

Section 2
Approval Procedures

..." For residential projects that meet the criteria listed below, the Planning Division is the final review authority. ~~For new two-story construction or additions, the Planning Division shall mail a notice of zoning approval to all owners of properties that share a common property line with the proposed project on the day zoning approval is given. An exception to this notice provision is for residential projects located on Aviemore Terrace.~~ For Aviemore Terrace, the Planning Division shall also mail notice to all owners of properties that share a common property line with the project as well as owners of properties across the street within 100 feet of the proposed project on the day zoning approval is given. The properties owners who receive notice shall have 7 days from the date of the notice to file an appeal of the Planning Division's decision to the Planning Commission, in accordance with Section 2-303 of the Costa Mesa Municipal Code. The Planning Division's decision will become final after 7 days if no appeal is filed. Please consult with the Planning Division for any questions regarding the review and approval process."

ENVIRONMENTAL DETERMINATION

The revision 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 pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the proposed amendment to the Residential Design Guidelines will have a significant effect on the environment.

LEGAL REVIEW

The City Attorney's office has approved the attached resolutions as to form.

CONCLUSION

Staff is recommending revising the Residential Design Guidelines to remove the noticing requirement of adjacent property owners with respect to two-story new construction and additions since these projects are allowed by right in residential districts and compliance with the Residential Design Guidelines are reviewed during the applications process on a case by case basis.

The recommended revisions to residential guidelines will be consistent with the goals and policies of the General Plan Community Design Element in that excellence is architectural design and prevailing character of the neighborhood will be recommended and applicable to review of two-story structures. The current requirement for noticing and 7-day appeal period potentially delays permit issues and could cause an undue burden on applicants who may be asked to revise construction drawings after having complied with the requirements of the Design Guidelines.


MINOO ASHABI
Principal Planner


JERRY GUARRACINO, AICP
Interim Assistant Director of Development Services

- Attachments:
1. Planning Commission Resolution
 2. Current Guidelines – red marked
 3. Draft Revised Guidelines – Clean Copy

- Distribution:
- Director of Economic & Development/Deputy CEO
 - Senior Deputy City Attorney
 - Public Services Director
 - City Engineer
 - Transportation Services Manager
 - Fire Protection Analyst
 - Staff (6)
 - File (2)

RESOLUTION NO. PC-14-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE CITY'S RESIDENTIAL DESIGN GUIDELINES.

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

WHEREAS, the City Council adopted Resolution No. 01-29 on May, 2001, adopting Residential Design Guidelines,

WHEREAS, the guidelines were subsequently revised in 2003 and 2005 and 2013 and the latest version was adopted on December 3, 2013.

WHEREAS, the revised guidelines will eliminate the requirement of mailing a notice to abutting property owners for two-story new construction and additions (except for properties on Avimore Terrace) that meet all the requirements of the guidelines. As previously required, proposals that do not meet the recommendations of the guidelines will be subject to a Development Review in case of room additions and up to two-unit constructions in multiple family zones.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 9, 2014 with all persons provided an opportunity to speak for and against the proposed project;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), Find that the project is deemed exempt from further review under Section 15061 (b)(3) - General Rule.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the City Council amend the Residential Design Guidelines as described in attached "Exhibit A."

PASSED AND ADOPTED this 9th day of June 2014.

Jim Fitzpatrick, Chair
Costa Mesa Planning Commission



Residential Design Guidelines

***The City of Costa Mesa Planning Division
2nd Floor, 77 Fair Drive
Costa Mesa, CA 92628
(714) 754-5245***

www.ci.costa-mesa.ca.us

Adopted May 7, 2001
Amended June 18, 2001
Amended August 18, 2003
Amended March 1, 2005
Amended December -2013

Draft Amendment June 2014

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1. Purpose

These Residential Design Guidelines are intended to promote design excellence in new residential construction. The 2000 General Plan includes the following policies related to residential development:

CD-7A.1 Ensure that new and remodeled structures are designed in architectural styles which reflect the City’s diversity, yet are compatible in scale and character with existing buildings and natural surroundings within residential neighborhoods. Develop and adopt design guidelines for residential development.

CD-7A.2 Preserve the character and scale of Costa Mesa’s established residential neighborhoods; where residential development or redevelopment is proposed, require as a condition of approval that it is consistent with the prevailing character of existing development in the immediate vicinity, and that it does not have a substantial adverse impact on the adjacent areas.

In view of these policies, the City of Costa Mesa encourages architectural diversity that considers the existing neighborhood character and anticipated trends and development.

These Residential Design Guidelines are intended to implement the goals, objectives, and policies of the 2000 General Plan as they relate to residential development. To achieve this, all residential construction shall be subject to the following architectural design guidelines, as appropriate, with the exception of single-story construction in an R1 zone.

It should be noted that these design guidelines are to be used in conjunction with the City of Costa Mesa Zoning Code, which provides numerous development standards that are applicable to new residential construction and additions. Please consult the Planning Division for appropriate zoning information.

2. Approval Procedures

Unless stated otherwise, deviations from these guidelines shall require the approval of a Minor Design Review. A Minor Design Review is a discretionary review process that requires approval by the Zoning Administrator. The City provides public notice in the form of a mailing to all property owners within 500 feet of your property and a posting of a notice on the property.

For residential projects that meet the criteria listed below, the Planning Division is the final review authority. ~~For new two-story construction or additions, the Planning Division shall mail a notice of zoning approval to all owners of properties that share a common property line with the proposed project on the day zoning approval is given. An exception to this notice provision is for residential projects located on Aviemore Terrace.~~ For Aviemore Terrace, the Planning Division shall also mail notice to to all owners of properties that share a common property line with the

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project as well as owners of properties across the street within 100 feet of the proposed project on the day zoning approval is given. The properties owners who receive notice shall have 7 days from the date of the notice to file an appeal of the Planning Division’s decision to the Planning Commission, in accordance with Section 2-303 of the Costa Mesa Municipal Code. The Planning Division’s decision will become final after 7 days if no appeal is filed. Please consult with the Planning Division for any questions regarding the review and approval process.

Planning Division Review of Residential Projects		
Zone	Number of Units	Criteria ¹
R1	2 or less	Two-story residential construction or addition that complies with these Residential Design Guidelines.
R2-MD, R2-HD, and R3		
1. A residential project that does not meet all of these criteria will require minor design review or design review approval. Please consult with the Planning Division to determine the appropriate review process.		

3. Second-Story Designs

- Two story structures shall be designed with articulation and off-sets on all elevations to avoid a boxy appearance from the street and neighboring views. Four sided architecture should be considered by applying the same materials, finishes, and architectural treatments to all sides and not limited to only the front elevation.
- Second-story floor areas should not exceed 100% of the first-story floor area (including garage area, if attached). Open balconies are included in the footprint area of the second floor.

4. Building Mass and Form Considerations

- To enhance variety and interest, long, unbroken building facades should be avoided and offsets and building projections made an integral part of residential design. Providing individual and identifiable entries to units is also encouraged to add interest and variety to the streetscene.
- Variety should be accomplished through variation in building heights and forms.
- Variation in depth of floor plans to create interesting massing is encouraged. Structures having dwelling units attached side-by-side should avoid the long-row effect by consisting of no more than 6 dwelling units. The Planning Division may approve alternative designs, which accomplish the same purpose.



4. Consideration shall be given to the effect of proposed development on the light, air, and privacy of adjacent properties.
5. Second-story construction should use additional design techniques to provide visual relief to the side yard. This includes, but is not limited to: horizontal and/or vertical plane breaks; roof plane breaks; varied roof forms; openings such as breezeways; limiting the length of the second story; and, appropriate architectural details.

Appropriate Massing and Form



Variation in rooflines and horizontal articulation of elevations creates greater architectural interest.



Variable rooflines, porches, and balconies provide relief along facades.



Combinations of hipped and gable ended roofs are appropriate.



Recesses in building plane provide visual relief.

5. Second-Story Side Setback

1. The second-story interior side building elevation should be set back an average of 10 feet, but shall be no closer than 5 feet from the side property line.

Exception: This requirement would not apply to the following:

- a. The distance between dwelling units within the same development in multiple-family residential zones; or
- b. The initial development in planned development zones (subsequent additions would be subject to this requirement); or
- c. Second-story construction that is consistent with the prevailing two-story design within the same residential tract; or
- d. Second-story additions to existing residences with current side yard setbacks that are less than 10 feet; provided that the current width of the side yard is not further decreased. A minimum 5-foot setback shall be required; or
- e. Two-story new construction less than 2,500 square feet of living area (not including garage).

6. Elevation Treatments

1. Architectural projections are encouraged to provide visual focus and emphasize some aspect of design such as an entryway or major window.
2. Elevations with stepping forms both horizontally and vertically are encouraged to soften and provide transition to second-stories.
3. With emphasis on front and street-facing elevations, building elevations should incorporate enhanced detailing, which may include articulations, projections, and use of varied building materials.
4. Elevations should incorporate multiple building planes and offsets, and may include porches and patio covers and enhancement of exterior openings (doors/windows).

Please see following photographs for examples of architectural elements.

Architectural Elements



Architectural enhancement through variation in detailing is encouraged. Note the use of shutters, decorative porch supports, and stone accents around the garage.

The use of dormer elements and Palladian windows add interest to the front and side elevations.

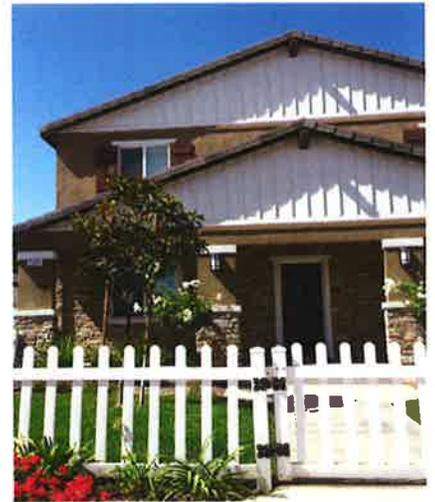
7. Roof Forms

1. Variation in roof forms, orientation and pitch are encouraged to provide visual interest.
2. Consideration of a variety of roof types and color tones provides relief from monotony and enhances the appearance of a neighborhood.
3. The maximum building height of 27 feet, as specified in the Zoning Code, will only be allowed for structures with sloped-roof designs. Structures proposed with flat roofs, for either the entire structure or a portion thereof, should be designed to be consistent with the bulk and scale of the structures in the surrounding neighborhood, and overall height of the portion of the structure where the flat roof is proposed should not exceed 22 feet.

8. Window Placement

1. Second-story windows should incorporate off-sets to minimize direct views into the windows of existing, neighboring structures.
2. The use of screen landscaping to minimize privacy impacts should also be considered.

Examples of Appropriate Materials and Architectural Details





9. Integration of Second-Story Construction

1. Second-story additions to existing residential structures should be designed to appear as though they were part of the original house construction, and should be well integrated into the design of the existing structure.
2. In both new construction and additions, the second-story floor-to-ceiling dimension should be similar to the first-story floor-to-ceiling dimension, so that the second story does not appear out of proportion or top heavy in relation to the first story.

10. Site Planning Considerations

1. The location and orientation of all buildings should be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, groves, waterways, scenic points, historic spots or landmarks, bluffs or slopes should be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations.

11. Consistency in Architectural Design

1. New residential structures and additions should strive to be well crafted in their own style and detail. A consistent architectural design should be considered in choosing materials, finishes, decorative details, color and accent features (i.e., shutters, window treatment, wainscot, etc.).



Residential Design Guidelines

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Draft Amendment June 2014

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PH-1

ROSALES, MARTHA

From: Eleanor Egan <mamalili@pacbell.net>
Sent: Thursday, June 05, 2014 4:53 PM
To: PLANNING COMMISSION
Subject: June 9 Agenda Public Hearing No. 1

To the Honorable Planning Commission of the City of Costa Mesa:

While I understand the staff's desire to eliminate unnecessary steps to development approvals, I recommend that the Planning Commission retain the present notice requirements.

First, the usual requirement is merely notification to 3 abutting properties, not burdensome.

Second, although the staff may conclude that all design guidelines have been met, it is always possible that a mistake may creep in.

Third, there may be peculiar circumstances unknown to the staff that an affected neighbor could reveal.

Fourth, residents appreciate receiving notice and tend to be upset when unexpected changes come without warning.

For the above reasons, I recommend that the Planning Commission retain the present notice requirements.

Eleanor M. Egan

DH-1

ASHABI, MINOO

Subject:

FW: Planning Meeting of Monday June 9, 2014

From: Charlene Ashendorf [mailto:cmash.oc@gmail.com]

Sent: Thursday, June 05, 2014 9:57 AM

To: Jim Fitzpatrick

Cc: ASHABI, MINOO

Subject: Planning Meeting of Monday June 9, 2014

Dear Chair Fitzpatrick and members of the Planning Commission:

A work-related Board of Directors meeting keeps me from attending the Planning Commission meeting on Monday evening. However, I would like to voice my opposition of Public Hearing Item #1.

Instituting a citywide change to Section 2 of the City's Residential Design guidelines that will eliminate the requirement to notice by mail property owners who are adjacent to a home that will add a second story or the development of a second story is clearly leaving this type of construction solely in the hands of local government without appropriate and adequate input and consideration of the neighbors. While the residential guidelines are fairly thorough they are neither complete nor take into account the overall intent of a neighborhood.

I urge you to not support this recommendation to the city council.

Thank you

*Charlene M. Ashendorf
, Costa Mesa Resident*

No kind action ever stops with itself. One kind action leads to another. Good example is followed. A single act of kindness throws out roots in all directions, and the roots spring up and make new trees. The greatest work that kindness does to others is that it makes them kind themselves. A. Earhart

City of Costa Mesa
77 Fair Drive, Costa Mesa, CA 92626
Planning Division

June 6, 2014

Attention: Minoo Ashabi, AIA Principle Planner

RE: Planning Commission Agenda Report for Meeting Date June 9, 2014
Item Number PH-1, "Amendment to City of Costa Mesa Residential Design Guidelines "

To Whom It May Concern:

I would like to register a dissenting opinion, or at least a concern, regarding the above-referenced Consent Calendar item.

Let me state from the start, I am not a developer, a builder or a lawyer. I am just a Costa Mesa homeowner with some concerns.

The above-referenced item amends the Costa Mesa Residential Design Guidelines related to mailing notification to adjacent property owners for two-story construction. It would eliminate the requirement for staff to mail a notice to property owners that share a property line with the proposed 2-story development site, and would eliminate the associated 7-day appeal process.

My concern is that neither the agenda report for Item Number PH-1, nor the City of Costa Mesa Residential Design Guidelines, address the State of California Solar Easement Law (Civil code sections 801 & 801.5), which provides the opportunity to protect future solar access via a negotiated easement with neighboring property owners. See attachment that summarizes provisions of this law.

The staff analysis for Item Number PH-1 addresses building mass in passing, but seems to focus primarily on privacy impacts. The Residential Design Guidelines (Section 4, Paragraph 4) state that "Consideration shall be given to the effect of proposed development on the light, air and privacy of adjacent properties". This statement appears to address quality-of-life issues, and does not specifically address detrimental effects of casting shadows on adjacent property's photovoltaic or hot water solar panel systems. I could find no other statements in the Residential Design Guidelines that specifically address shading of existing solar panel systems by new construction on adjacent properties.

I am 3 years into a 20-year lease with Solar City for a photovoltaic solar electrical system, with all solar panels mounted on the South-facing roof of my single-story house. Both I, and Solar City, would have a problem with my neighbor to the South of me if that neighbor constructed a second-story addition that impinged on my current solar panel sun exposure. (Under the terms of my lease, Solar City guarantees that my solar system will produce a minimum amount of electricity, and if it does not, they must refund me the shortfall in cash. Plenty of inducement for them to get involved in a solar easement matter).

Under the State of California Solar Easement Law, If my neighbor to the South of my property had plans to build a second-story addition that would impinge on my solar panel sun exposure, I could negotiate (or sue for) a solar easement through their property. But, without the notification and 7-day appeal process which the above-referenced Consent Calendar item proposes to eliminate, I might not receive timely notification that I must initiate the solar easement process.

I would not have a problem with elimination of the notification provision, if the City of Costa Mesa Residential Design Guidelines were updated to deal with the modern reality of photovoltaic power systems. Look around...there are solar panels going-up on roofs all over Costa Mesa. A section should be added to the Guidelines to specifically address second-story impacts on existing neighboring solar systems. Residents contemplating a second-story addition should be made aware through the Guidelines that their neighbors with pre-existing solar systems have the legal right to stop a second-story project in its tracks if the project impinges on the neighbor's solar panel sun exposure.

In the absence of such a section in the Guidelines, I must object to the approval of Item Number PH-1 at this time.

Thank you for your consideration.



Jon B. Rowe
1843 Gisler Ave.
Costa Mesa, CA 92626
714-434-7785

Attachment: California's Solar Access Laws, by Kurt Newick & Andy Black

cc: Jerry Guarracino, Interim Assistant Director of Development Services
Tom Hatch, Chief Executive Officer
Gary Armstrong, Economic Development Director
Ernesto Munoz, Public Services Director
Tom Duarte, City Attorney
Jim Fitzpatrick, Costa Mesa Planning Commission Chairman
PlanningCommission@costamesaca.gov

California's Solar Access Laws

By Kurt Newick & Andy Black

California has several laws designed to encourage solar access and prevent restrictions on solar energy systems. These laws address municipal restrictions, residential landscaping, and homeowner association restrictions.

- Solar Rights Act amended in 2004 by AB 2473 (Civil code section 714, Health and Safety Code section 17959.1, Government code section 65850.5): Prohibits local governments from restricting the installation of a solar energy system based on aesthetics.
- Solar Rights Act amended in 2003 by AB 1407 (Civil Code section 714): Requires that public entities do not place unreasonable restrictions on the procurement of solar energy systems when applying for state-sponsored grants and loans.
- Solar Shade Control Act of 1979 (Public Resources Code sections 25980-25986): addresses shade from neighboring vegetation.
- Solar Rights Act of 1978 (Civil Code section 714): Homeowner associations must not place unreasonable restrictions on homeowners wishing to install solar energy systems.
- Solar Easement Law (Civil code sections 801 & 801.5): Provides the opportunity to protect future solar access via a negotiated easement with neighboring property owners.
- Many cities and counties have local solar access laws and guidelines. For regional specific information on these and financial incentives, including tax credits, that make solar power more affordable, go to www.dsireusa.org.

Solar Rights Act amended by AB 2473

This law became effective on 1/1/2005. It is the intent of this law that “local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes.” Local authorities shall approve applications through permit issuance and can only restrict solar installations based on health and safety reasons. It is thus intended to encourage installations by removing obstacles and minimizing permitting costs. Additional key changes limit aesthetic solar restrictions to those that cost less than \$2,000 and limits a building official’s review of solar installations to only those items that relate to specific health and safety requirements or local, state and federal law.

Solar Rights Act modified by AB 1407

This law prohibits public entities from receiving state grant funding or loans for solar energy systems if it places unreasonable restrictions on their installations. This law specifically

applies to cities, counties and other public entities and thus does not directly affect private parties.

Solar Shade Control Act of 1979

This act prohibits shading of solar collectors that result from tree growth occurring after a solar collector is installed. It applies to solar systems for electric generation, water heating and space heating or cooling.

It states that no plant may be placed or allowed to grow such that it shades a collector more than 10% from 10 am to 2 pm. It does not apply to plants already in place or replacement of plants that die after the installation of the solar collectors. It does require trees already in place, but not yet shading the system, to be trimmed and maintained so that they do not impact the system.

The solar collectors are required to meet building setback requirements, or a minimum of 5 feet from the property line and 10 feet from the ground. Further setback is required if the collector is lower than 10 feet.

A city or county may adopt an ordinance exempting its jurisdiction from the provisions of the act. Alternatively, some cities have passed ordinances that are more favorable to solar. In some cases, they require existing vegetation to be cleared to allow good solar access in at least some suitable place on a property.

Solar Rights Act of 1978

This law relates to homeowner associations. This code states that Community Covenants and Restrictions (CC&Rs) that prohibit or unreasonably restrict the installation or use of solar energy systems are void and unenforceable. It does provide for reasonable restrictions that don't significantly (more than 20%) increase the cost or reduce the output of a solar system from the original design.

Reasonable restrictions include 1) that the owner of the system take responsibility for roof maintenance, repair and replacement and 2) that the installers indemnify the association for any damage caused by the installation, maintenance, or use of the solar energy system.

Any homeowner covered by CC&Rs who has a roof immediately above his or her living space can use the roof for a solar system. A strategy to get maximum flexibility and output from the final "compromise" design is to propose a system designed to optimize solar production, at minimum cost, not considering other factors. Then, through the necessary negotiation stages to adjust for aesthetics, a final design might be achieved that isn't far from the owners original intention.

There may be significant costs associated with taking on responsibility for the roof maintenance that should be discussed and negotiated before project advancement. It may be possible to have a portion of association dues for roofing held separately.

Solar Easement Law

A solar easement can be written up and attached to the deed of neighboring properties to legally protect your right to receive future sunlight. Such an easement can be used to address concerns regarding neighboring structural changes. New developments may be required to include a solar access easement (a deed restriction to protect solar access within a development). Local building codes regarding building height restrictions, building set back requirements relative to property lines and solar orientation relative to neighboring properties may reduce the need for an easement.

To view these California laws see: www.leginfo.ca.gov/calaw.html

California Municipalities with specific Solar Access Laws/Guidelines

- Los Angeles - Zoning Code
- Marin County - Energy Conservation
- Sacramento - Zoning and Subdivision Regulations
- San Diego County - Solar Access Regulations
- San Jose - Solar Access Design Guidelines
- Santa Cruz - Solar Access Ordinance
- Santa Cruz County - Solar Access Protection
- Sebastopol - Solar Access

FOR MORE INFORMATION

DSIRE Database Summary of California Solar benefits – scroll down to end for Solar Access laws:

<http://www.dsireusa.org/library/includes/statesearch.cfm?State=CA&back=fintab&CurrentPageID=7&Search=TableState>

Energy Efficiency and Renewable Energy:

<http://www.eere.energy.gov/consumerinfo/factsheets/ja1.html>

Includes reference material, example solar access ordinances, bibliography including web resources.

American Planning Association 1313 East 60th Street Chicago, IL 60637(312) 955-9100 <http://www.planning.org/>

PH-1

ASHABI, MINOO

Subject: FW: An Amendment to the City's Residential Design Guidelines Related to Mailing Notice to Adjacent Properties for Two-Story Construction

From: cbreatore@yahoo.com [mailto:cbreatore@yahoo.com]

Sent: Friday, June 06, 2014 9:37 AM

To: ASHABI, MINOO

Subject: An Amendment to the City's Residential Design Guidelines Related to Mailing Notice to Adjacent Properties for Two-Story Construction

June 6, 2014

For Planning Commission Meeting/ Public Hearing on Monday June 9, 6:00pm

This letter must be included in the official record of the Public Hearing on the Matter

Subject: An Amendment to the City's Residential Design Guidelines Related to Mailing Notice to Adjacent Properties for Two-Story Construction

Dear City Planning Commissioners, Principal Planner Minoo Ashabi & Director Gary Armstrong,

Please find my response to the above subject:

I am opposed to removal of the requirement of notification to neighbors abutting 2nd story additions and new construction. Since the design guidelines have had major changes in the past year, i.e. smaller setbacks, 1st floor, second floor ratio being changed to 100%, larger more "boxy" designs and other changes, I don't think this is the best time to stop notifications. In light of these changes as an abutting property owner I would want more information, not less. I understand the city would like to provide timely processing of plans for homeowners, and I understand this. That said, to completely abandon notification to abutting neighbors is unfair and troubling. To place the onus on the property owner to discuss changes with neighbors is not the best way to handle the situation. Surely you are aware that there may be some discrepancies in this communication.

Why not continue the notifications to the abutting property owners in the interest of neighborhood communications and cohesiveness? To expect next door neighbors to put aside their feelings about their own homes and ignore them is unacceptable to me as a homeowner. I understand the idea of a property owner making improvements to their home but the existing home owners should be considered also.

There may be issues of privacy, light and air and mitigations that could be discussed in a timely fashion. This type of action in our city can cause animosity between existing neighbors and those who will be moving into our neighborhoods. Please don't remove our rights to information for the existing property owners, and future homeowners in Costa Mesa.

I'm confident the Costa Mesa Planning department and Staff will continue to provide the excellent service to all of the residents and property owners in our city if the notifications remain part of the process.

Also, in reviewing the Residential Design Guidelines document provided with the staff report, the images give photographic depiction of street view architecture design examples. I would like to see

more photographic views of side and rear yard design examples added. I believe this would give both applicants, abutting property owners and property owners citywide an idea of what homes could look when the design guidelines are followed. It would also help the average property owner to understand the planning terms and descriptions provided in this important document.

Thank you for your time,
Cynthia Benedict
1989 Federal Avenue
Costa Mesa 92627
949-645-8735

ASHABI, MINOO

From: Cynthia McDonald <cmcdonald.home@gmail.com>
Sent: Sunday, June 08, 2014 11:49 PM
To: ASHABI, MINOO
Cc: jimfitzeco@gmail.com; rdickson.cmpc@gmail.com; colinkmccarthy@yahoo.com; aventrue@ca.rr.com; twsesler@gmail.com; ARMSTRONG, GARY; GUARRACINO, JERRY
Subject: Planning Commission Agenda Item No. PH-1 (June 9, 2014) - Proposed Changes to Residential Design Guidelines

I am opposed to the amendment of the Residential Design Guidelines to remove the requirement to mail a notice to adjacent property owners related to two story construction projects that meet recommended guidelines for the following reasons:

1. Without the giving of notice the City is denying the adjacent property owner its right to appeal the Staff's decision. While there has only been one appeal in recent years, this doesn't mean that Staff is perfect and doesn't make mistakes. Should they make a mistake, and that mistake wasn't caught until the project had commenced or was well underway, the work to correct that error would be costly. This could expose the City to litigation if a mistake was made and was not caught in time to avoid cost to the project owner. Further, the cost to the City of appeals, because they are so few, is minimal, and therefore is not a burden to Staff or the City.
2. By denying the adjacent property owner any notice of the proposed project until the project commences, property owners lose the ability to negotiate with the owner of the proposed project. Even if the project meets recommended guidelines, it may not be the best project in terms of being a "good neighbor" and the adjacent property owner should have the ability to review plans, determine if they want to speak to the proposed project owner and see if any changes can be made that would make both parties happy.

Please retain the existing noticing requirement. Thank you for your consideration.

Cynthia McDonald
Costa Mesa resident
(address and contact information provided upon request)

Wright, Ashaki

From: ROSALES, MARTHA
Sent: Monday, June 09, 2014 4:59 PM
To: ASHABI, MINOO
Cc: Wright, Ashaki
Subject: PH-1 Correspondence

Ms. Minoo,

I just received a call from a Costa Mesa East Side resident who wanted to remain anonymous and said she was not able to attend tonight's Planning Commission meeting. The caller wanted to voice her opinion as a homeowner against the approving the amendment to the Residential Design Guidelines.

As a homeowner she still wants to be notified via mail of any proposed projects in her area.

Thank you,
Martha
"Have a great day!"