



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: NOVEMBER 14, 2016

ITEM NUMBER: PH-2

**SUBJECT:** PLANNING APPLICATION PA-16-57: VARIANCE REQUEST TO ALLOW A DETACHED ACCESSORY STRUCTURE TO BE LOCATED WITHIN THE REAR YARD SETBACK AND MINOR MODIFICATION REQUEST TO DEVIATE FROM REQUIRED BUILDING SEPARATION LOCATED AT 321 ROCHESTER STREET

**DATE:** NOVEMBER 4, 2016

**FROM:** PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** RYAN LOOMIS, ASSOCIATE PLANNER

**FOR FURTHER INFORMATION CONTACT:** RYAN LOOMIS, AICP, ASSOCIATE PLANNER  
(714) 754-5608, ryan.loomis@costamesaca.gov

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## **DESCRIPTION**

The proposed project involves the development of a detached two-story accessory structure in the R2-MD zone to be used as an exercise room and storage on the first floor, and office on the second floor, with the following requests:

- **Variance** to reduce the rear yard setback requirements (20 feet for two-story structures required; 5 feet proposed).
- **Minor Modification** to reduce the building separation from an existing detached garage (6 feet minimum required; 5 feet – 6 inches proposed).

## **APPLICANT**

Mark Rogers is both the authorized agent and property owner of 321 Rochester Street.

## **ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15303 for New Construction or Conversion of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures including, but not limited to accessory (appurtenant) structures. If the use is denied, they would be exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

## **RECOMMENDATION**

Staff recommends the Planning Commission approve the project by adoption of Planning Commission resolution, subject to conditions.



## **BACKGROUND**

### ***Project Site/Environs***

The project site is a rectangular-shaped lot approximately 6,753 SF in area. The project site is zoned R2-MD (Multi-Family Residential, Medium Density) and has a General Plan Land Use Designation of Medium Density Residential (MDR). The site is located south of Rochester Street west of Tustin Avenue, and east of Santa Ana Avenue, and is surrounded by medium density residential homes to the north, south, east, and west.

Currently, the site is developed with a one-story two-bedroom/two bath residential unit with a detached one-car garage. The existing garage is located behind the home with access provided by an existing concrete driveway off of Rochester Street. A private alley is located behind the project site along the northern portion of the neighboring properties that front Cabrillo Street. The project site is not accessed from the alley, as it is not party to the reciprocal ingress and egress easement.

## **ANALYSIS**

### ***Project Description***

The proposed project involves the development of a detached two-story accessory structure in the R2-MD zone to be used as an exercise room and storage on the first floor, and office on the second floor, with a variance from rear yard setback requirements as well as a minor modification to allow a reduction in the separation requirements from an existing detached garage. The building will meet the five-foot interior side yard setback. There are no records on file for the detached garage, however it is estimated to have been built in 1940's. The garage is approximately 1'-6" from the side setback, and 5'-6" from the main house. Minor Modification MM-01-34 was approved for a 5'-6" separation between main house and detached garage.

#### ***Variance from Rear Yard Setback Requirements***

The project proposes a new two-story detached accessory building to be 5 feet from the rear property line. Per the Code, the rear setback requirement is 20 feet for two-story structures when the property does not abut a publicly dedicated alley, street, or park. However, the rear setback requirement is 5 feet for one or two-story structures when the property abuts a publicly dedicated alley, street, or park. The proposed project abuts a private alley. This alley is used similarly to a public alley for the properties behind 321 Rochester Street (Cabrillo Street residents) through a recorded reciprocal easement agreement. As such, many of the buildings along the rear portion of the properties abutting the private alley have been developed at a five-foot setback or less. The applicant, therefore, is requesting a variance from rear setback due to the existing development pattern of other properties in the area. The project meets the rear yard coverage requirements.

#### ***Minor Modification from Building Separation Requirements***

The project proposes a new detached accessory building to be 5 feet - 6 inches from the existing detached garage. Per the Code, the building separation requirement is six feet between accessory buildings. As such, a Minor Modification is requested to allow six-inch encroachment into required building separation area. (A staircase is proposed

within this separation area but since it is open and unenclosed, complies with Zoning Code which permits a 2 foot-6-inch encroachment into the required separation.)

### *Parking*

As previously noted, the existing property contains a one-car detached garage with open parking on a driveway accessed from Rochester Street. The accessory building is not proposed as a second unit (a separate dwelling unit on the property), and therefore, no additional parking is required. No modifications or changes are proposed for the garage and parking.

### *Design and Architecture*

Planning staff reviewed the project for conformance with the Residential Design Guidelines. The proposed project incorporates various architectural enhancements encouraged by the Guidelines, including vertical plane breaks through a second story overhang, providing a second story deck, use of vinyl windows, providing four-sided architecture, and using the consistent architectural materials and colors as the main house. The project's second story to first story ratio exceeds 100% ratio guideline (project proposes 123% ratio), however this is to provide the second-story deck and patio cover. Also, the overhang provides for a vertical plane break. The proposed design would allow maximum use of open space within the rear yard. The property will also meet rear yard coverage requirements.

Two powder rooms – one on each floor – and a wet bar and small refrigerator on the second floor are shown on the plans. Past policy has been to prohibit wet bars in detached structures since it could lend itself to conversion to a second unit. Consequently, staff will be including a condition of approval requiring removal of the wet bar and refrigerator from the plans/project.

### **JUSTIFICATION FOR APPROVAL**

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings. Staff recommends approval of the proposed project, based on an assessment of facts and findings which are also reflected in the draft resolution as noted below:

### *Variance Findings*

- *The private alley along rear property line and existing development pattern on surrounding properties is a basis to approve a variance from the rear year building setbacks.* Because the property does not abut a publicly dedicated alley, the Zoning Code requires a 20-foot setback for a two-story structure. However, an approximately 20-foot wide private alley exists along the rear properties of the Cabrillo Street residences, which are located behind the project site. The alley is used similarly to a public alley and provides ingress and egress access for abutting properties through a recorded reciprocal easement agreement. As such, many of the buildings along the rear portion of the properties abutting the private alley have been developed close to the alley. The alley is protected by a recorded agreement, involving ten property owners which would be

difficult to rescind, virtually guaranteeing that the alley remains, providing permanent separation from this structure from the structures to the south. In addition, most of the Cabrillo residents have their garages accessed off the private alley, further ensuring the alley will remain in the future.



- The project meets the purpose and intent of the residential design guidelines. The proposed project incorporates various architectural enhancements encouraged by the Residential Design Guidelines. The project uses four-sided architecture by applying gap siding along each side of the building. The gap siding will match with the color and siding found on the main house. Vinyl windows will be provided along the east and west elevations, and the second story windows facing the neighboring property (west elevation) will be smaller transom style windows to minimize visibility into the neighboring property. The design guidelines recommend a 100% second story to first story ratio; however, the accessory building does propose to exceed this guideline (the project proposes 123% ratio). The second story will overhang the first story by two feet to accommodate the second story deck and patio cover, as well as to provide a vertical plane break for the building. The two-foot overhang will only occur along the interior east elevation. Appropriate massing and form will be maintained for the project site, as the proposed two-story accessory building will be built along the rear of the property behind the existing one-story house. This development pattern is consistent with other properties throughout the neighborhood, as shown in photo below. Also, the building's location within the rear portion of the property will help minimize visibility from the public right-of-way. The proposed design and orientation would also allow maximum use of open space within the rear yard, and the building will be in conformance with the rear yard coverage requirements.



- The proposed project is consistent with the General Plan/Zoning Code with regards to use, density and intensity. The proposed project is located in the MDR (Medium Density Residential) land use and the R2-MD (Multiple Family Residential District, Medium Density) zone. The MDR land use allows 12 dwelling units per acre, and the R2-MD zone permits 1 dwelling unit per 3,630 square-foot lots. The existing lot size is 0.16 acres, which would allow a maximum of two units on the property. The property currently has one unit on the property, and no additional dwelling units are proposed by the proposed project. To comply with development standards for accessory buildings and parking standards established in the Zoning Code, a condition of approval is included requiring the property owner to remove the wet bar and under counter fridge, as well as record a land use restriction (prior to the issuance of building permits) stating the accessory building shall be used as an exercise room, storage, and office, and not be converted to a second dwelling unit. As such, the proposed project will not intensify or increase the density of the property beyond what is allowed by the existing General Plan land use and zone.

#### *Minor Modification Findings*

- The proposed project's request for a Minor Modification to allow a maximum 20% reduction in required distance between accessory buildings 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 proposed 6-inch reduction in the required 6-foot

separation (8% reduction) does not affect neighboring properties. The building will be required to abide by all building and fire codes as it relates to building separation. As such, staff supports the request for minor modification because the project will not be 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 proposed project is compatible with the existing development in the vicinity.* The building is proposed within rear portion of the property with minimal visibility from the public right-of-way. The property will maintain a one-story house along the front with a second story building in the rear, which is commonly found throughout the neighborhood. This type of development exemplifies appropriate massing and form. The placement of the proposed detached accessory structure would not conflict with any neighboring buildings, as the neighboring property to the west has no buildings that would align with the proposed structure. Therefore, there are no conflicts with alignment of neighboring second story windows. Also, second story windows facing the neighboring property (west elevation) will be smaller transom style windows. The proposed second-story deck would be oriented toward the interior portion of the project site's rear yard. The proposed location of the accessory building would allow continued maximum use of open space within the rear yard of the project site.

## **GENERAL PLAN AND ZONING CODE CONFORMANCE**

Pursuant to an approved planning application, the proposed project would be in conformance with the following planning documents:

- General Plan
- Zoning Code

### ***Conformance with the City of Costa Mesa General Plan***

Future development of all land within the City of Costa Mesa is guided by the 2015-2035 General Plan adopted in 2016. The Land Use Element of the General Plan directs long-range development in the City by indicating the location and extent of development to be allowed. The Community Design Element promotes quality design for every aspect of a community, such as buildings, structures, paths, corridors, districts, nodes, landmarks, natural features, and significant landscaping. It ensures each development in the private or public realm enhances the sense of place for the City, district, and the site itself. The General Plan sets forth land use goals, policies, and objectives that guide new development.

The following analysis evaluates the proposed project's consistency with specific goals, and objectives of the General Plan's Land Use Element and Community Design Element.

- **Policy LU-3.8:** Ensure that new development reflects existing design standards, qualities, and features that are in context with nearby development and surrounding residential neighborhoods.

- **Policy LU-3.12:** Ensure that new development reflects existing design standards, qualities, and features that are in context with nearby development.
- **Policy CD-7.1:** Ensure that new and remodeled structures are designed in architectural styles that reflect the City's eclectic quality, yet are compatible in scale and character with existing buildings and the natural surroundings within residential neighborhoods. Continue to update and maintain the Costa Mesa Residential Guidelines.

**Consistency:** The project meets the purpose and intent of the Residential Design Guidelines. The proposed building incorporates various architectural enhancements encouraged by the guidelines, including offsetting the second-story structure to provide vertical plane break, providing a second story deck, and using four-sided architecture by applying the gap siding on all four sides. The gap siding will match with the color and siding of the main house. Vinyl windows will be provided along the east and west elevations, and the second story windows facing the neighboring property (west elevation) will be smaller transom style windows to minimize visibility into the neighboring property. Appropriate massing and form will be maintained for the project site, as the proposed two-story accessory building will be built along the rear of the property, behind the existing one-story house. This development pattern is consistent with other properties throughout the neighborhood

- **Policy LU-3.10:** Minimize effects of new development on the privacy and character of surrounding neighborhoods.
- **Policy CD-7.2:** Preserve the character and scale of Costa Mesa's established residential neighborhoods where possible; when new residential development is proposed, encourage that the new structures are consistent with the prevailing character of existing development in the immediate vicinity, and that new development does not have a substantial adverse impact on adjacent areas.

**Consistency:** The placement of the proposed building would not conflict with any neighboring buildings, as the neighboring property to the west has no buildings that would align with the proposed structure. The second story windows facing the neighboring property (west elevation) will be smaller transom style windows to minimize visibility into the neighboring property. Also, the 20-foot private alley behind the property provides distance between the proposed building and existing or future buildings along the rear property line. Therefore, there will be no conflict with alignment of any neighboring structures.

### ***Conformance with the Zoning Code***

As discussed in the previous section, the project requests two deviations from the Zoning Code; however, it is staff's opinion that the proposed project meets or exceeds the intent of the City's Zoning Code with regard to the development standards for the R2-MD zone.

### **LEGAL REVIEW**

The draft resolutions have been reviewed and approved as to form by the City Attorney's Office.

## **PUBLIC NOTICE**

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. Mailed notice. A public notice was mailed to all property owners within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property. (See attached Notification Radius Map.)
2. On-site posting. A public notice was posted on each street frontage of the project site.
3. Newspaper publication. A public notice was published once in the Daily Pilot newspaper.

As of November 4th, 2016, no communications have been received regarding this proposal. Any public comments received prior to the November 14th, 2016 Planning Commission will be provided in a supplemental memo.

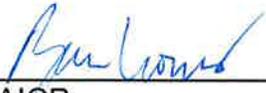
## **ALTERNATIVES**

The Planning Commission has the following alternatives:

1. *Approve the project with modifications.* The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.
2. *Deny the project.* If the Planning Commission believes that there are insufficient facts to support the findings for approval, Planning Commission must deny the application and provide facts in support. If the project were denied, the applicant could not submit substantially the same type of application for six months.

## **CONCLUSION**

The proposed project requests a variance to encroach in the required rear setback, and a minor modification to allow for the proposed accessory building to encroach into the required six-foot building separation from an existing detached garage. The use as proposed, with the recommended conditions of approval, will be consistent with City's Zoning Code and General Plan, and has been determined will minimize any adverse impacts to the surrounding properties. The project conforms to the City's General Plan and Residential Design Guidelines, and the proposed improvements are consistent with the scale and character of the established residential neighborhood. Therefore, staff recommends approval of Planning Application PA-16-57, subject to the conditions in the draft resolution (Attachment 4).

  
RYAN LOOMIS, AICP  
Associate Planner

  
JAY TREVINO, AICP  
Economic Development & Development  
Services Director/ Consultant

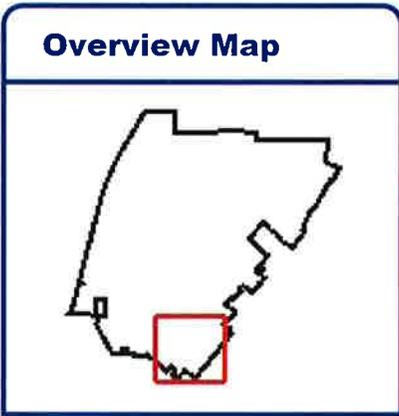
Attachments:

1. Vicinity Map, Zoning Map, and 500' Radius Map
2. Existing Color Site Photos
3. Applicant's Project Description
4. Draft Planning Commission Resolution
5. Public Correspondence/Emails
6. Site Plan/Floor Plan/Elevations
7. Exhibit Showing Neighboring Structures within 20' of Alley

cc:

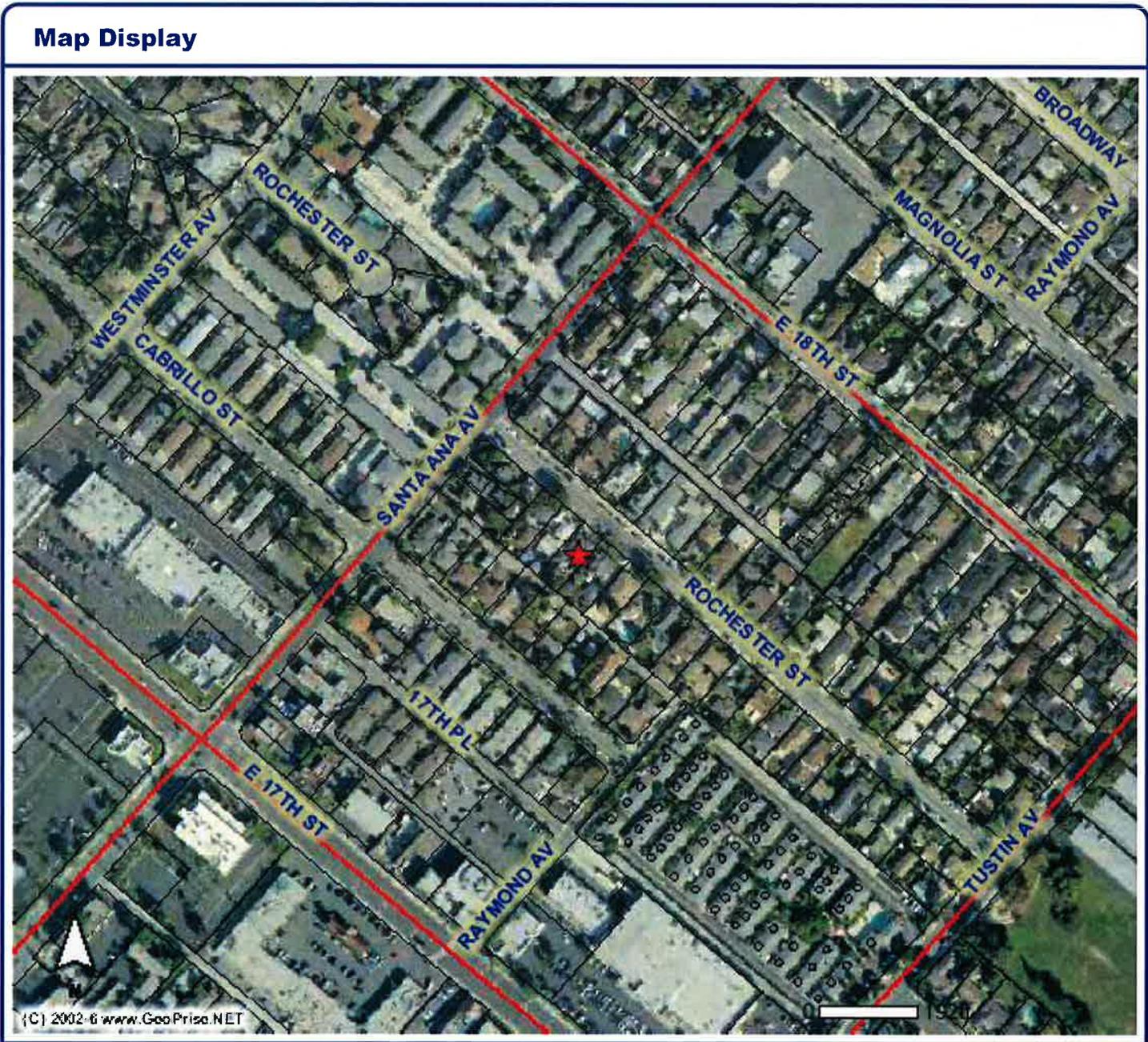
- Director of Economic & Development / Deputy CEO
- Sr. Deputy City Attorney
- Public Services Director
- City Engineer
- Transportation Services Manager
- Fire Protection Analyst
- File (2)

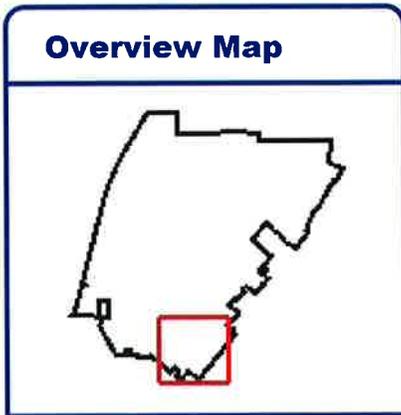
Authorized Agent: Mark Rogers  
321 Rochester Street  
Costa Mesa, CA 92627



### Legend

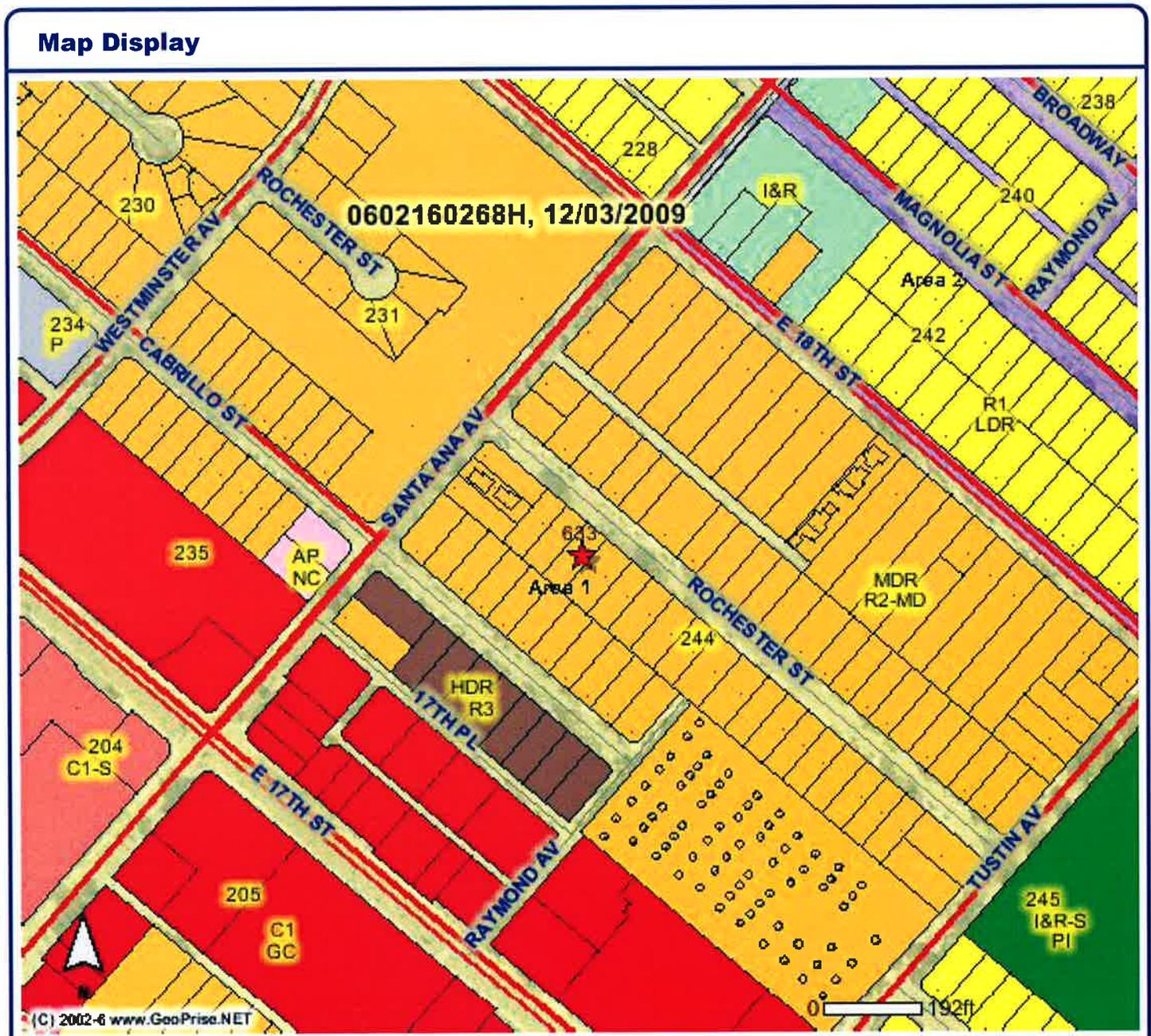
 Address Points	 Roads	 Major Newport BLVD	 SECONDARY Hydrology Channels
 Freeway	 Collector Freeway (cont)	 Primary (cont)	





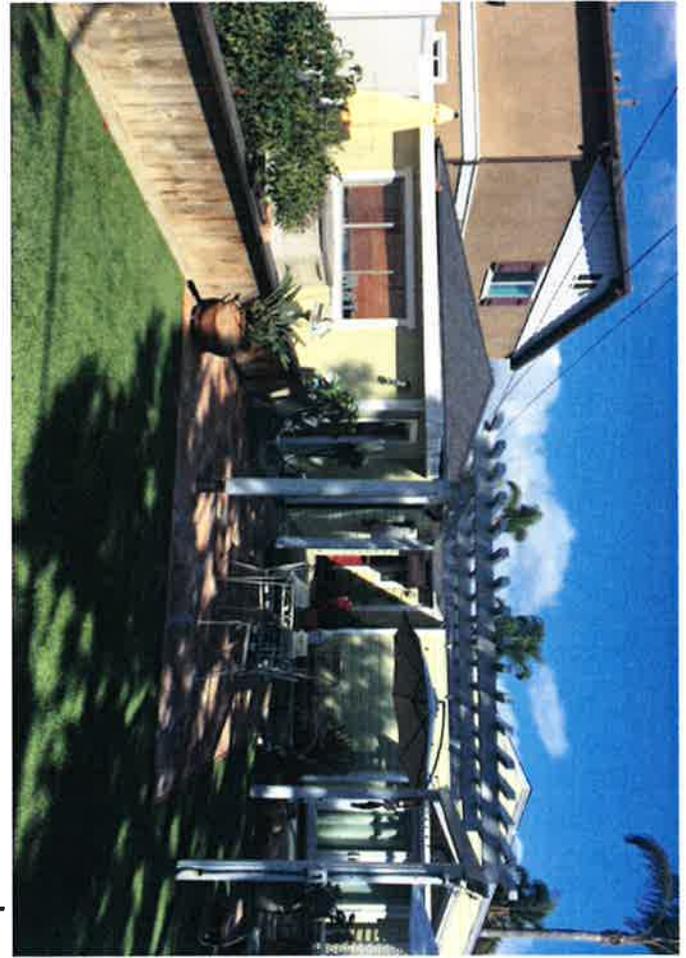
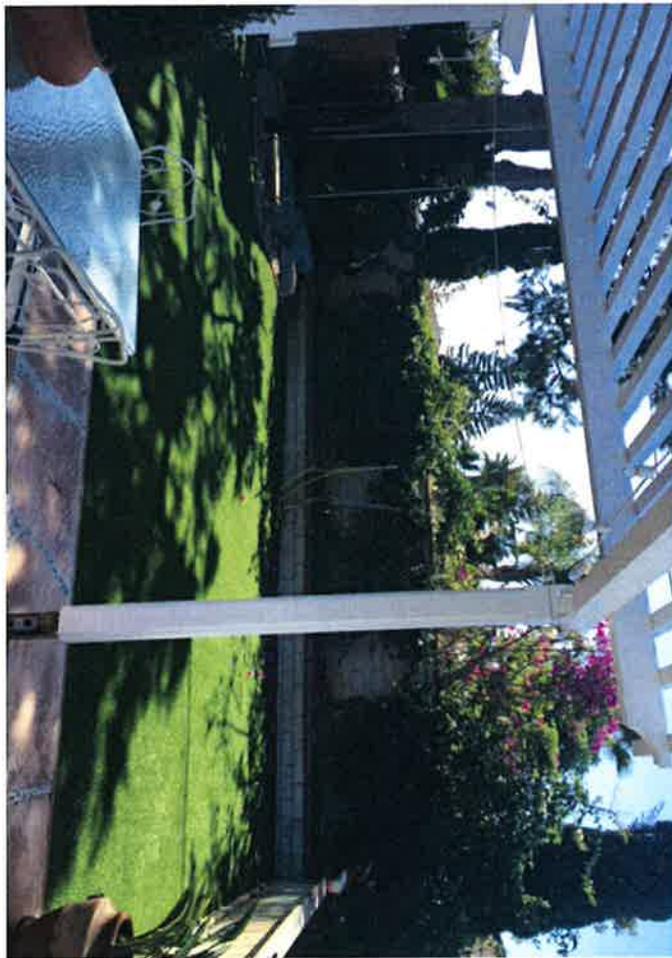
### Legend

Address Points	Newport BLVD Primary	Parcel Lines	C1-S
Freeway	SECONDARY Hydrology Channels	City Boundary	CL
Roads	Water Ways	Zoning	I&R
Collector Freeway	Street Names	AP	I&R-S
Major (cont)	Street Centerlines	C1 (cont)	MG
			MP
			P
			PDC (cont)











APPLICATION FOR VARIANCE  
321 Rochester

**Context:**

The residence was built in 1948 and purchased by the current owners in 1986. The home has been through two permitted remodels. We have maintained a positive relationship with our neighbors and we are one of ten owner occupied properties on the street.

**Existing Condition:**

The home is a single-story house. The property is currently 63% open space with a 25% floor area ratio. It is well maintained and an asset to the neighborhood. It has a value that attracts the success for the area. The original structure has been restored and remodeled twice by the applicant, all under the required permitting process.

There has been a sober living home two doors away to the east from the property and now there is an additional sober living home immediately next door to the west.

The pattern of owner occupied and rental properties is roughly 30%.

Many properties adjacent to the rear of the subject property are addressed to the 300 block of Cabrillo Street. Most of them are multi-family dwellings, all taking access from the private alley. There are 10 units taking access from the alley for properties located Cabrillo and 6 taking access from Rochester.

A diagram has been provided to illustrate the existing building pattern coincident with the existing condition.

**Proposal:**

The request is to build a second unit while maintaining 52% open space, and 100% of the existing single story structure. Proposed massing and orientation are designed to be compatible with the surrounding neighborhood. This proposal requests a variance for two minor modifications; instead of a 20' setback from the alley between Cabrillo and Rochester, a 5' setback. Rather than destroying the original 1948 garage, retain it as a part of the second structure with a 1 hour fire safe envelope. The total lot, excluding the 10' right of way from Rochester will remain within the minimum open space percentage requirement.

**Justification:**

- The owners' design accommodates the long term plan for the family.
- The addition is designed to blend into the neighborhood.
- All previous and future work will be completed by the owner/ occupant.

- The alley between Rochester and Cabrillo will forever be a vehicular access way for the adjoining streets.
- All other alleys in the area allow for reduced setbacks.
- The retention of this property is a long term asset to the Eastside Community character.

#### PROJECT DESCRIPTION:

This property is located at 321 Rochester Street in a single-family residential neighborhood in the R2-MD zone. The lot is a 6,800 square-foot rectangular shaped parcel (50 feet wide by 136 feet deep). The property is developed with 1,600 square-foot single story residence and a 368 square-foot detached 2-car garage. The garages' side yard setback is non-conforming (5 feet required, 3 feet provided).

The proposed project comprises the following:

- Construction of a two-story addition to the rear of the existing garage, to include a 738 square-foot first floor and an 820 square-foot second floor.
- Total addition – 1,558 square feet

An application for a variance is required because of the following proposed deviations from the Residential Development Standards:

- Rear lot setback of 20 feet required, 5 feet provided
- Setback from existing structure of 6 feet required, 6 inches provided

The property adjoins a private alley in which a number of properties have structures within the required 20 foot rear yard setback.

The proposed project will result in an open space percentage of greater than 50 percent.

## RESOLUTION NO. PC-16-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-57 REQUESTING A VARIANCE TO DEVIATE FROM THE REQUIRED REAR YARD SETBACK, AND MINOR MODIFICATION TO DEVIATE FROM REQUIRED BUILDING SEPARATION DISTANCE FOR A DETACHED ACCESSORY STRUCTURE LOCATED AT 321 ROCHESTER STREET**

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

WHEREAS, an application was filed by Mark Rogers, authorized agent and property owner of 321 Rochester Street, requesting approval of a detached two-story accessory structure in the R2-MD zone to be used as an exercise room and storage on the first floor, and office on the second floor, with the following deviations:

- **Variance** to reduce the rear yard setback requirements (20 feet required; 5 feet proposed).
- **Minor Modification** to reduce the building separation from an existing detached garage (6 feet minimum required; 5 feet – 6 inches proposed); and

WHEREAS, a duly noticed public hearing held by the Planning Commission on November 14th, 2016 with all persons having the opportunity to speak 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-16-57 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-16-57 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, 2016.**

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Robert L. Dickson Jr., Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA )  
 )ss  
COUNTY OF ORANGE )

I, Jay Trevino, Acting Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on November 14th, 2016 by the following votes:

**AYES: COMMISSIONERS**

**NOES: COMMISSIONERS**

**ABSENT: COMMISSIONERS**

**ABSTAIN: COMMISSIONERS**

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Jay Trevino, Acting Secretary  
Costa Mesa Planning Commission

## EXHIBIT "A"

### FINDINGS

- A. The proposed detached accessory structure complies with Costa Mesa Municipal Code Section 13-29(e) because:

**Finding:** The proposed use is compatible and harmonious with uses on surrounding properties.

**Facts in Support of Finding:** The variance request would be consistent with other similar properties in the area. A private alley is located behind the rear property line of the project site. Many buildings along the private alley are located within 10 feet of the private alley. The project also meets the purpose and intent of the residential design guidelines. The proposed building incorporates various architectural enhancements encouraged by the Guidelines, including offsetting the second-story structure to provide building articulation, providing a second story deck, and using gap siding that matches with the color and siding of the main house. The residential design guidelines recommend a 100% second story to first story ratio, however the accessory building does propose to exceed this guideline (the project proposes 123% ratio). The second story will overhang the first story by two feet to accommodate the second story deck and patio cover, as well as to provide a vertical plane break for the building. The two-foot overhang will only occur along the interior east elevation. The placement of the proposed building would not conflict with any neighboring buildings, as the neighboring property to the west has no buildings that would align with the proposed structure.

**Finding:** 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.

**Facts in Support of Finding:** The proposed detached accessory structure will have no effect on parking, as the structure will be built behind an existing detached garage and driveway. The rear property contains existing landscaping. In regards to safety lighting, code requires all exterior lighting to be shielded and/or directed away from residential areas.

**Finding:** The project, as conditioned, is consistent with the General Plan.

**Facts in Support of Finding:** The proposed use is consistent with specific policies of the General Plan's Land Use Element and Community Design Element. The proposed project will be compatible in scale and character with existing buildings and the surrounding properties. The proposed design will encourage maximized use of open space.

**Finding:** The planning application is for a project-specific case and does not establish a precedent for future development.

**Facts in Support of Finding:** Approval will apply to this project-specific location. Conditions have been included that are specific to the proposed project.

- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) for the variances in that:

**Finding:** Because of special circumstances applicable to the property, the strict application of development standards deprives the property of privileges enjoyed by others in the vicinity under identical zoning classifications.

**Finding:** The deviation granted shall be subject to such conditions as 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 zone in which the property is situated.

**Facts in Support of Finding:** Because the property does not abut a publicly dedicated alley, the Zoning Code requires a 20-foot setback for the two-story structure. However, an approximately 20-foot wide private alley exists along the rear properties of the Cabrillo Street residences, which are located behind the project site. The alley is used similarly to a public alley and provides ingress and egress access for abutting properties through a recorded reciprocal easement agreement. As such, many of the buildings along the rear portion of the properties abutting the private alley have been developed close to the alley. The alley is protected by a recorded agreement, involving ten property owners, which would be difficult to rescind, virtually guaranteeing that the alley remains, providing permanent separation from this structure from the structures to the south. In addition, most of the Cabrillo residents have their garages accessed off the private alley, further ensuring the alley will remain in the future.

**Finding:** The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

**Facts in Support of Finding:** The proposed project is located in the MDR (Medium Density Residential) land use and the R2-MD (Multiple Family Residential District, Medium Density) zone. The MDR land use allows 12 dwelling units per acre, and the R2-MD zone permits 1 dwelling unit per 3,630 square-foot lots. The existing lot size is 0.16 acres, which would allow a maximum of two units on the property. The property currently has one unit on the property, and no additional units are proposed by the proposed project. To comply with development standards for accessory buildings and parking standards established in the Zoning Code, a condition of approval is included requiring the property owner to record a land use restriction, prior to the issuance of building permits, stating the accessory building shall be used as an exercise room, storage, and office, and not be converted to a second dwelling unit. As such, the proposed project will not intensify or densify the property beyond what is allowed by the existing General Plan land use and zone.

- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(6) for minor modification request in that:

**Finding:** The improvement 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 the property and improvements within the neighborhood.

**Facts in Support of Finding:** The proposed 6-inch reduction in the required 6-foot separation does not affect neighboring properties. The building will be required to abide by all building and fire codes as it relates to building separation. As such, staff supports the request for minor modification because the project will not be 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.

**Finding:** The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any applicable features relative to a compatible and attractive development.

**Facts in Support of Finding:** The proposed project incorporates various architectural enhancements encouraged by the Guidelines and is compatible with the existing main building on the property. The gap siding will match with the color and siding found on the main house. Vinyl windows will be provided along the east and west elevations, and the second story windows facing the neighboring property (west elevation) will be smaller transom style windows to minimize visibility into the neighboring property. Appropriate massing and form will be maintained for the project site, as the proposed two-story accessory building will be built along the rear of the property behind the existing one-story house. This development pattern is consistent with other properties throughout the neighborhood. Also, the building's location within the rear portion of the property will help minimize visibility from the public right-of-way. The proposed design and orientation would also allow maximum use of open space within the rear yard, and the building will be in conformance with the rear yard coverage requirements. Also, the proposed location of the accessory building would allow continued maximum use of open space within the rear yard of the project site, and provide for 52% open space.

- D. The project is exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction.
- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## EXHIBIT "B"

### CONDITIONS OF APPROVAL

- Plng. 1. The conditions of approval, code requirements, and special district requirements for Planning Application PA-16-57 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
2. The applicant shall remove the "Wet Bar" and "Under Counter Fridge" for the Second Floor, as shown on the submitted plans, prior to the approval of the final building permits.
3. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the Building Division's final inspections. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
4. The new second-story detached accessory structure shall maintain consistent color, including matching roofing materials and façade colors, with the existing unit located on the front portion of the property for compatibility.
5. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, additional second story windows, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. The two new second-story units shall maintain consistent color, including matching roofing materials and façade colors as the main house for compatibility. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
6. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water 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 storm water 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 continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.
7. The detached accessory building shall be served from the same utility meters (electric, gas and water) as the main dwelling unit on the property unless otherwise approved by the Development Services Director.
8. A land use restriction, executed by and between the property owner and the City of Costa Mesa, shall be recorded prior to the issuance of building permits. The form, substance, and content of the land use restriction shall be approved by the City Attorney's office and the

Development Services Director. The land use restriction shall contain the following provisions:

- The main residence shall be owner occupied.
  - The detached accessory building shall not be used as a second unit but only those uses approved by PA-16-57, including an exercise room and storage on the first floor, and office on the second floor.
  - The property owner 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.
9. Every effort shall be made to follow sustainable building (i.e., "green") practices in the construction of the residence. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
  10. Landscape plans shall incorporate water-efficient landscape treatment. Any artificial turf shall be reviewed and approved by the Planning Division.
  11. The detached accessory building shall not be assigned a new or separate address.
  12. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
  13. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
  14. Any new walls or fences shall conform to the City's Walls, Fences, and Landscaping Standards.

## **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.

2. Any new mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division. All roof-mounted equipment is prohibited.
3. All construction-related activity shall be limited to between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 9 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.
4. All on-site utility services shall be installed underground.
5. Installation of all 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 vault, wall cabinet, or wall box under the direction of the Planning Division.
6. All unpaved areas visible from public rights-of-ways shall be landscaped and the landscaping shall be maintained in a healthy condition, free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation.
7. 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 and the City's Water Efficient Landscape Guidelines, 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. The two (2) sets of landscape and irrigation plans shall be attached to two of the final building plan sets.
8. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
- Bus. Lic. 9. 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. 10. Comply with the requirements of the adopted 2013 California Residential Code, 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code and 2013 California Energy Code (or the applicable adopted, California Residential Code, California Building Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
11. Submit grading plans and an erosion control plan. A precise grading plans shall not be required if any of the following are met:
  - a. An excavation which does not exceed 50 CY on any one site and which is less than 2 FT in vertical depth, or which does not create a cut slope greater than 1.5:1 (excluding foundation area).
  - b. A fill less than 1 FT in depth placed on natural grade with a slope

flatter than 5:1, which does not exceed 50 CY on any one lot and does not obstruct a drainage course.

c. A fill less than 3 FT in depth, not intended to support structures, which does not exceed 50 CY on any one lot and does not obstruct a drainage course.

12. Submit a soils report for this project. Soil's report recommendations shall be blueprinted on both the architectural and grading plans.
13. On graded sites the top exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent. 2010 California Building Code CRC 403.1.7.3  
Lot shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet. CRC R401.3
14. Projections, including eaves, shall be one-hour fire resistive construction, heavy timber or of noncombustible material if they project into the 5 foot setback area from the property line. They may project a maximum of 12 inches beyond the 3 FT setback. CRC Tables R302.1(1) and R302.1(2).
- Fire 15. Prior to the issuance of a Building Permit, the City of Costa Mesa Fire Department shall review and approve the project design features to assess compliance with the California Building Code and California Fire Code.
16. The project shall provide an automatic fire sprinkler system according to NFPA 13D.
17. Provide smoke detectors per CRC

### **SPECIAL DISTRICT REQUIREMENTS**

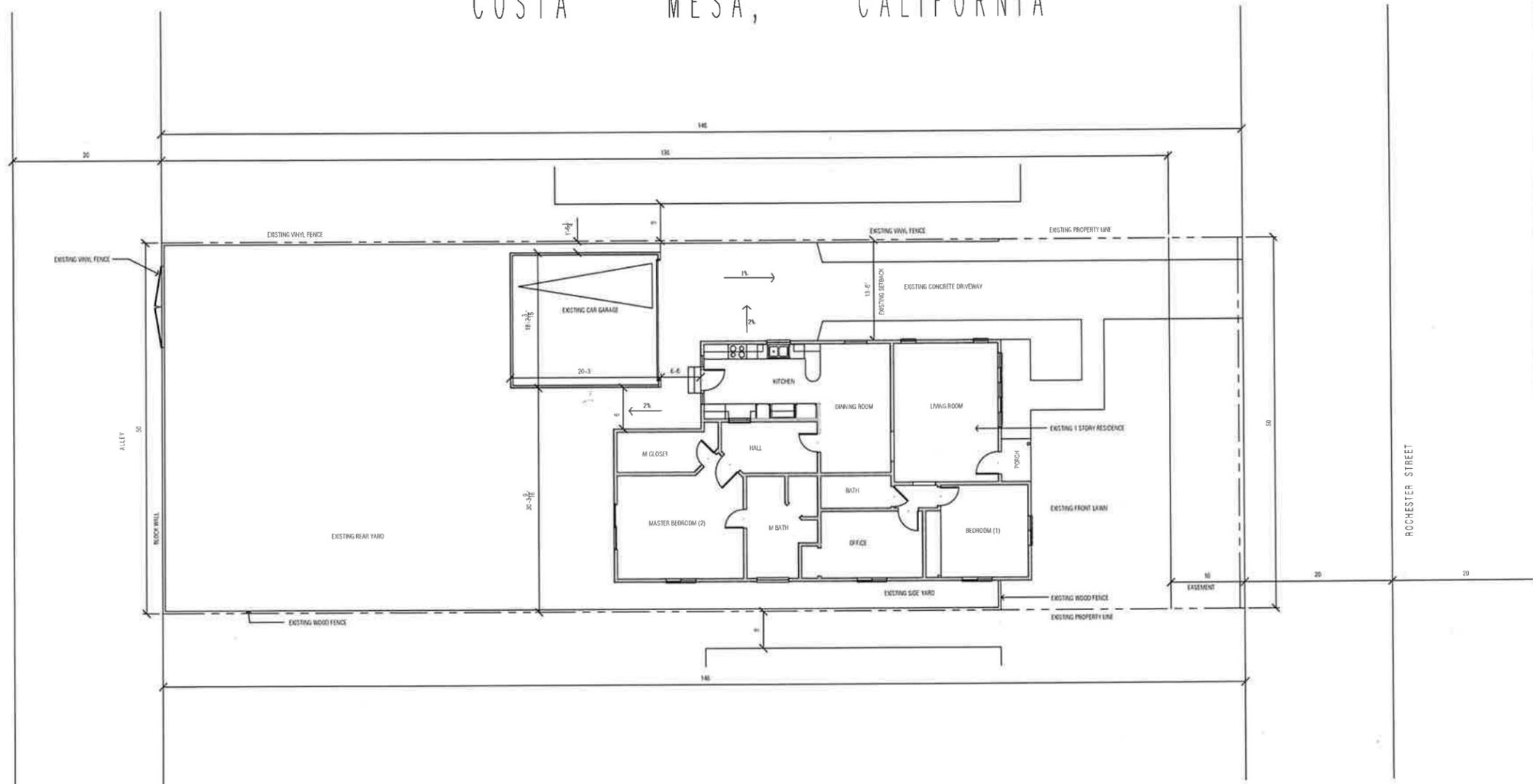
The requirements of the following special districts are hereby forwarded to the applicant:

- |       |   |
|-------|---|
| Sani. | 1. It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.   |
| AQMD  | 2. Prior to demolition contact South Coast Air Quality Management District located at:<br>21865 Copley Dr.<br>Diamond Bar, CA 91765-4178<br>Tel: 909- 396-2000  |
| State | 3. Applicant shall comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information. |

As of November 4, 2016, no communications have been received regarding this proposal. Any public comments received prior to the November 14th, 2016 Planning Commission will be provided in a supplemental memo.

# ROGERS RESIDENCE

COSTA MESA, CALIFORNIA

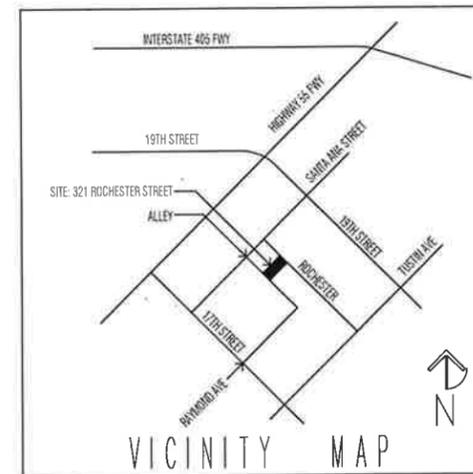


## PROJECT INFORMATION

PROJECT ADDRESS: 321 ROCHESTER STREET, COSTA MESA  
 OWNER: MARK AND TERI ROGERS  
 321 ROCHESTER STREET  
 COSTA MESA, CA 92627  
 949.722.1956  
 DESIGNER: TRG LAND  
 STRUCTURAL ENGINEER:  
 ZONING: R2-MD  
 LOT SIZE: 6,800 SQ. FT.  
 EXISTING RESIDENCE: 1,687 SQ. FT. 24.8%  
 GARAGE: 368 SQ. FT. 5.4%  
 ADDITION: 675 SQ. FT. 9.9%  
 DRIVEWAY: 550 SQ. FT. 8.1%  
 OPEN SPACE: 3,520 SQ. FT. 51.8%  
 REAR YARD COVERAGE: 270 SQ. FT./1,000 SQ. FT. 27.0%

## SITE PLAN EXISTING

SCALE: 1/8" = 1'-0"



No.	Revision/Issue	Date

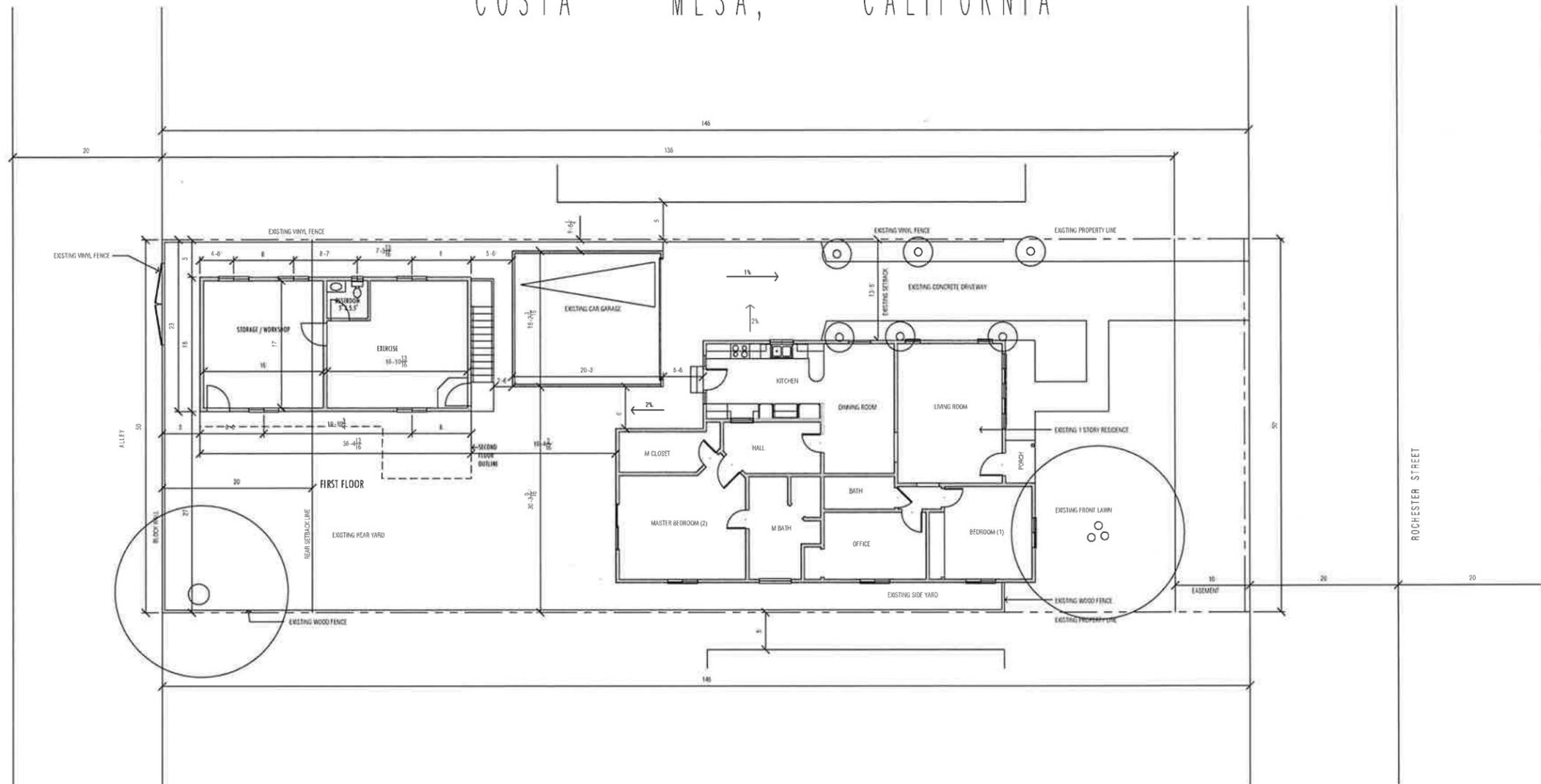
Firm Name and Address

Project Name and Address  
 ROGER'S RESIDENCE  
 321 ROCHESTER STREET  
 COSTA MESA, CA  
 92627

Project ROGER'S RESIDENCE	Sheet 1/4
Date 10/07/2016	
Scale 1/8" = 1' - 0"	

# ROGERS RESIDENCE

COSTA MESA, CALIFORNIA



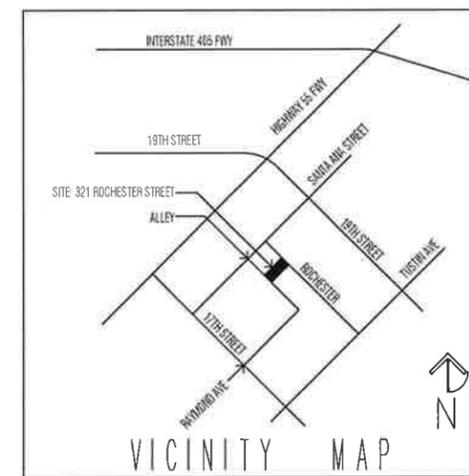
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## SITE PLAN PROPOSED



SCALE: 1/8" = 1'-0"



### General Notes

No.	Revision/Issue	Date

#### Firm Name and Address

#### Project Name and Address

ROGER'S RESIDENCE  
 321 ROCHESTER STREET  
 COSTA MESA, CA  
 92627

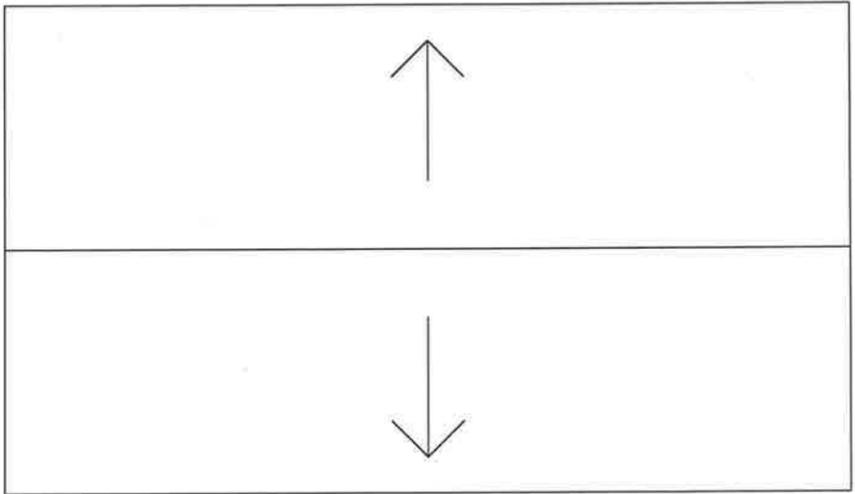
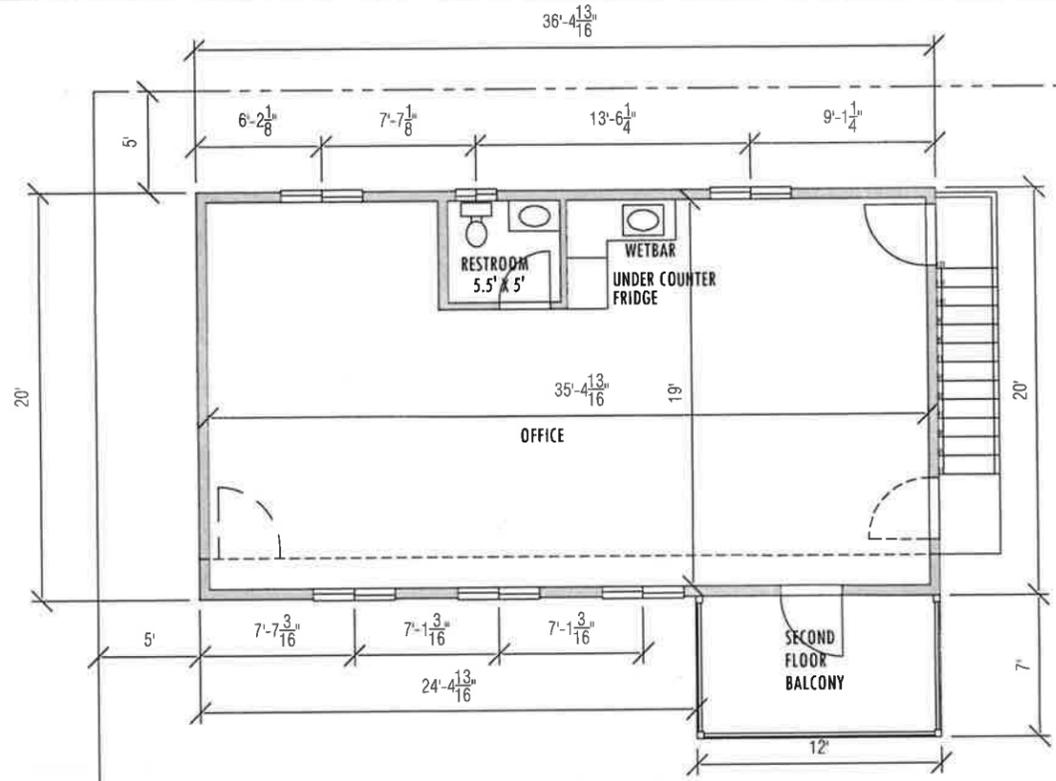
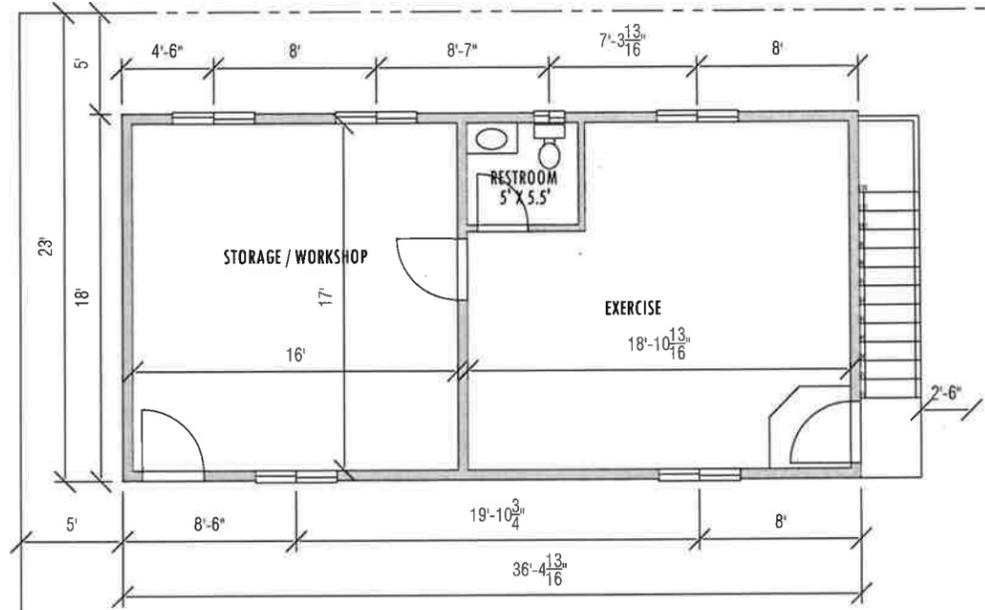
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 Date: 10/07/2016

Scale: 1/8" = 1' - 0"

#### Sheet

2/4



General Notes

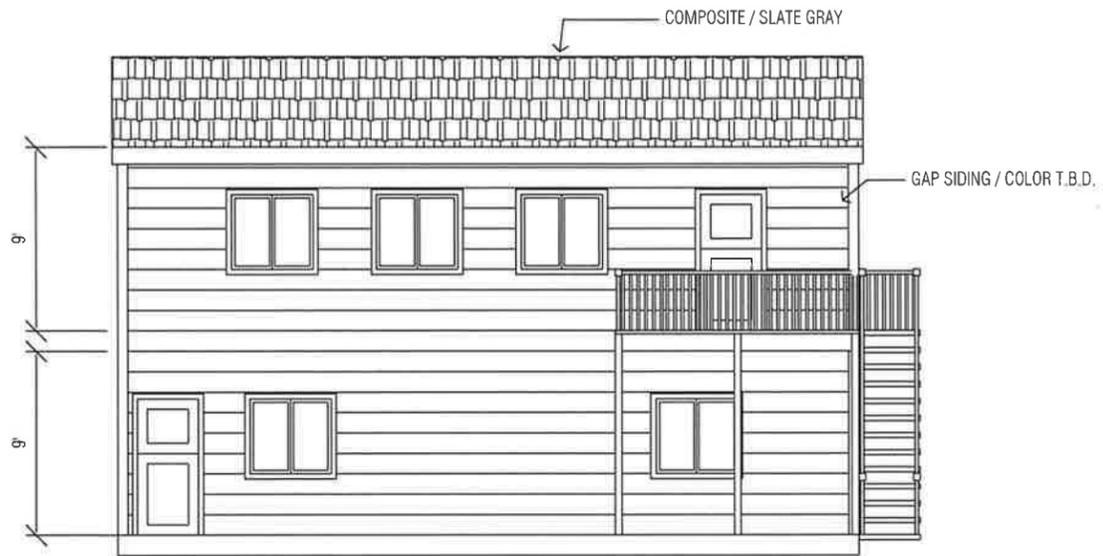
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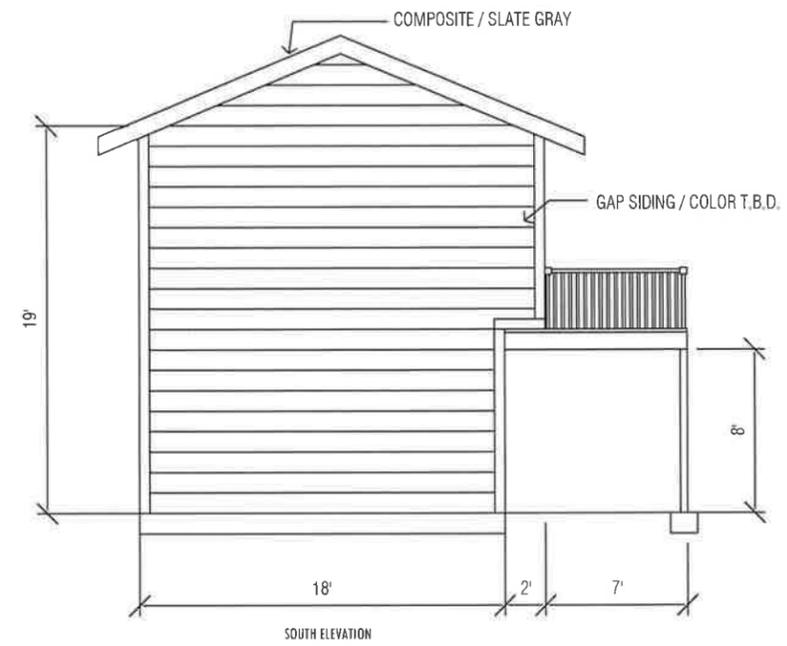
Project Name and Address  
 ROGER'S RESIDENCE  
 321 ROCHESTER STREET  
 COSTA MESA, CA  
 92627

Project ROGER'S RESIDENCE	Sheet
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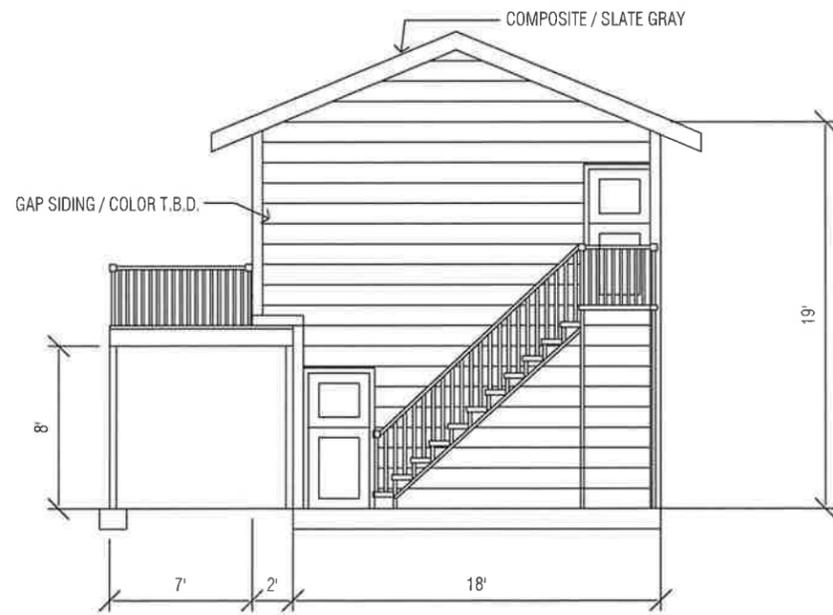
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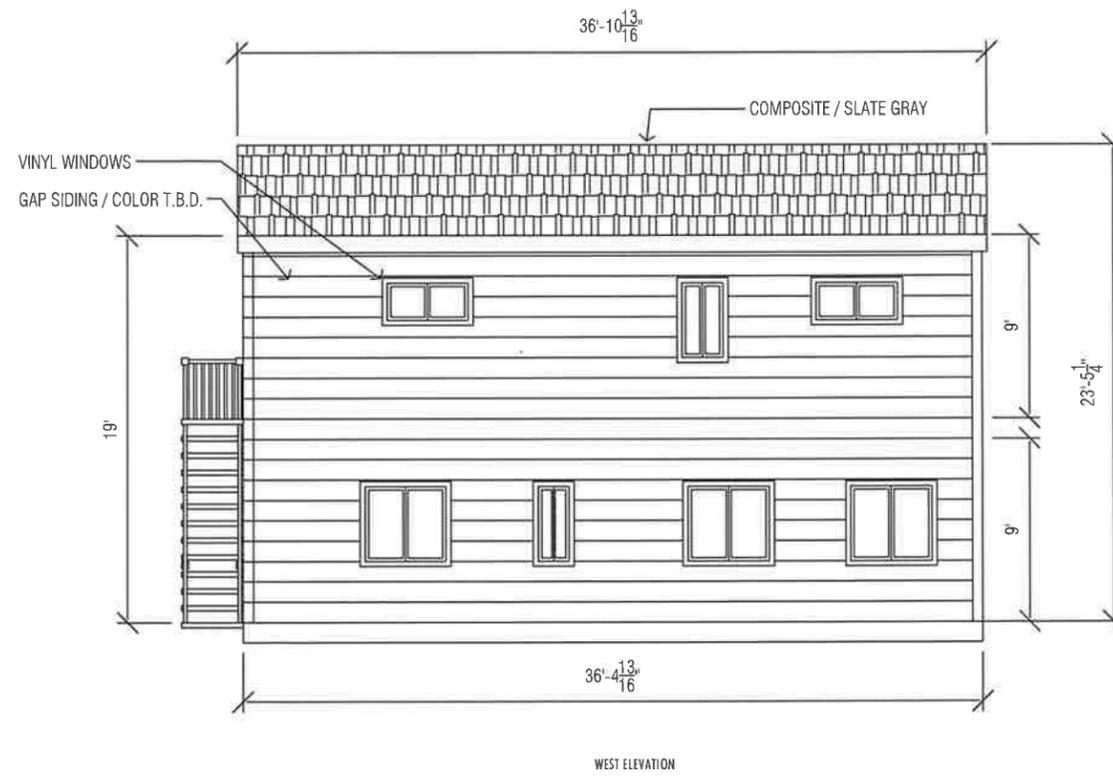
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

General Notes

No.	Revision/Issue	Date

Firm Name and Address

Project Name and Address  
 ROGER'S RESIDENCE  
 321 ROCHESTER STREET  
 COSTA MESA, CA  
 92627

Project ROGER'S RESIDENCE	Sheet 4/4
Date 10/07/2016	
Scale 1/4" = 1' - 0"	

