



City of Costa Mesa Inter Office Memorandum

TO: CITY COUNCIL AND PLANNING COMMISSION
CC: TOM HATCH, GARY ARMSTRONG, AND CLAIRE FLYNN
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR
DATE: JULY 3, 2013
SUBJECT: ZONING ADMINISTRATOR DECISION(S)

WKB

This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. The decision(s) will become final unless a member of the Planning Commission or City Council requests a review of the decision(s) or an interested party files an appeal by 5:00 p.m. on July 10, 2013. Project descriptions have been kept brief for this notice. As a result, there may be details to the project or conditions of approval that would be of interest to you in deciding whether to request a review of a decision. Please feel free to contact me by e-mail at willa.bouwens-killeen@costamesaca.gov if you have any questions or would like further details.

PA-08-03 271 Flower Street

Fifth request for time extension for a minor conditional use permit for excess garage area (700 sq. ft. allowed; 843 sq. ft. proposed) and a minor design review for a new two-story residence with less than a 10-foot average second story setback (8.5 feet proposed).

Approved, subject to conditions.

Comments received: None.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

July 3, 2013

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

**RE: FIFTH EXTENSION OF TIME FOR PLANNING APPLICATION PA-08-03
231 FLOWER STREET, COSTA MESA**

Dear Mr. Tarayao:

Staff's review of your time extension request for the above-referenced project has been completed. The request, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval, code requirements, and special district requirements (attached). The decision will become final at 5:00 p.m. on July 10, 2013, unless appealed by an affected party including filing of the necessary application and payment of the appropriate fee or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Mel Lee, at 714.754.5611, or via e-mail at mel.lee@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description
Findings
Conditions of Approval

cc: Engineering
Fire Protection Analyst
Building Safety Division

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

PROJECT DESCRIPTION:

- The property is located on the City's east side and is mid-block on Flower Street between Orange Avenue and Westminster Avenue.
- On June 23, 2008, Planning Commission approved Planning Application PA-08-03 for a proposed two-story, four-bedroom residence and attached three-car garage; which includes a:
 - Minor conditional use permit for excess garage area (700 square feet maximum allowed; 843 square feet proposed);
 - Minor design review to deviate from the City's Residential Design Guidelines for recommended average second floor side setback on the left side (east) elevation (10-foot average setback allowed; 8.6 feet proposed).
- The applicant initially also requested approval of variances from building and chimney height, necessitating Planning Commission review as PA-08-03; however, because the applicant redesigned the project to eliminate the variance requests, the time extension is being approved by the Zoning Administrator instead of the Planning Commission.
- One-year extensions of time were granted by the Zoning Administrator on June 18, 2009, July 8, 2010, July 7, 2011, and July 22, 2012. This is the fifth time extension request for the project.
- Approval of the requested extension for PA-08-03 will expire on June 23, 2014, unless the applicant obtains building permits prior to that date. Because of the amount of time that has transpired since the original approval, this will be the last extension of time granted for this request. Consequently, if the applicant wishes to continue with the project and is unable to obtain building permits prior to June 23, 2014, a completely new application will be required.

Time Extension Request

Code allows the granting of an extension of time for a Planning Application upon "showing of good cause by the applicant". The time extension does not change the previously-adopted findings and conditions of approval for PA-08-03, and there have been no changes to the Zoning Code that would affect the project as currently approved. The applicant has not been able to secure financing to proceed with the proposed project due to the current and recent past economic circumstances related to home lending.

Title 20 Compliance

At this time, there are no open Code Enforcement cases on this property. Staff inspected the property on July 1, 2013 and found no property maintenance issues.

CONCLUSION

It is staff's opinion that approval of the extension, retroactive to June 23, 2014, is appropriate and consistent with the previous time extension granted for this project.

FINDINGS:

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g) in that the proposed development is compatible and harmonious with existing and/or anticipated development on surrounding properties. The design of the second story is generally consistent with the purpose and intent of the City's Residential Design Guidelines.
- B. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property. Specifically, the size of the garage is integrated into the overall residence and the design is consistent with the parking of vehicles and other garage uses.
- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The project, as revised, is compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - The project complies with applicable performance standards prescribed in the Zoning Code.
 - The project is consistent with the General Plan.
 - The cumulative effect of all of the planning applications have been considered.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL:

- Plng. 1. All applicable conditions of approval, code requirements, and special district requirements for PA-08-03 shall be complied with (attached).
2. Approval of PA-08-03 will expire on June 23, 2014, unless the applicant obtains building permits prior to that date. If the applicant is unable to obtain building permits within the time period, the application will expire and an entirely new application will be required.

NEW CODE REQUIREMENTS AS OF JULY 3, 2013:

- Bldg. 1. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2010 California Energy Code (or the applicable adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code (at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
2. Submit grading plans, an erosion control plan, and a hydrology study. Surface drainage grade shall have a minimum fall of 5% away from foundation walls 2010 CRC Section R403.1.
3. Submit a soils report for this project. Soils Report recommendations shall be blueprinted on both the architectural and grading plans. Soils Report shall address how the new slope shall be maintained to avoid any future failure.
4. On graded sites the top of 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 Residential Code Section R403.1.7.3.
5. Lots shall be graded to drain surface water away from foundation walls. The grade shall be a minimum of 6 inches within the first 10 feet. 2010 California Residential Code Section R40.1.3.
6. Projections, including eaves, shall be one-hour fire restrictive construction, heavy timber, or be of non-combustible material if they project into the five-foot setback area measured from the property line. The maximum projection may be 12 inches beyond the three-foot setback. CRC Tables R302.1(1) and R302.1(2).
7. Contact the Air Quality Management District (AQMD) at 1 (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
8. Contact the California Department of Food and Agriculture (CDFA) at 714-708-1910 to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Applicant must comply with CDFA requirements.
- Eng. 9. For demolition, grading, or building permits involving projects with a valuation of \$10,000 or more, the contractor shall use a City-permitted hauler(s) to haul any debris or solid waste from the job site (refer to Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to an administrative penalty as follows: \$1,000 or 3% of the total project value, whichever is greater.

EXHIBIT "B"

CONDITIONS OF APPROVAL (If Project is Approved)

- Ping.
1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
 2. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 3. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 36 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
 4. The conditions of approval and ordinance or code provisions of Planning Application PA-08-03 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 5. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, additional second story windows, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
 6. Exterior stairway access to the second floor, the first floor closet (labeled beach "stuff"), and the outdoor shower on the left (east side) of the residence shall be eliminated.
 7. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
- Eng.
8. Maintain the public right-of-way in a "wet-down" condition to prevent

excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

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.

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| Plng. | <ol style="list-style-type: none"> 1. Approval of Planning Application PA-08-03 is valid for a period of one (1) year and will expire at the end of their respective periods unless building permits and/or recordation of the map is obtained and construction commences, or the applicant applies for and is granted an extension of time by the Costa Mesa Planning Commission. 2. Development shall comply with all requirements of Section 13-32 and Chapter V, Article 2, of Title 13 of the Costa Mesa Municipal Code relating to development standards for single family residential projects. 3. Garages shall be provided with and automatic garage door opener. 4. The paving under required covered parking spaces shall be Portland Cement Concrete (PCC). 5. Street addresses shall be displayed manner visible to the street and alley. Street address numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background. 6. All on-site utility services shall be installed underground. 7. 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. 8. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-103 through 13-108 shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to the issuance of building permits. 9. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance. |
| Bus.
Lic. | <ol style="list-style-type: none"> 10. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and final releases will not be granted until all such licenses have been obtained. |
| Bldg. | <ol style="list-style-type: none"> 11. Construction shall comply with the requirements of the 2007 California Building Code. 12. Provide erosion control plans. 13. Submit a soils report for this project. One boring shall be 15'-0" |

- deep. Soils report recommendations shall be blueprinted on the plans.
- Eng. 14. Submit grading and drainage plans for this project.
15. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-29(2)(b) of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
16. A Construction Access Permit and deposit of \$560 will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
17. Dedicate a 2.5-foot wide easement for public alley right-of-way purposes. NOTE: Revise plans to shift the trash enclosure and landscape planter out of this easement area.
18. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and repave half of the alley adjacent to property per City requirements.
19. Submit required cash deposit or surety bond to guarantee construction of off-site street improvements at time of permit per Section 15-32, C.C.M.M.C. and as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.
20. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. Residential sidewalk per City of Costa Mesa Standards as shown on the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk. Curb and gutter shall be replaced as necessary.
21. Submit legal description for new area of dedication, plat of new dedication area, both prepared by a registered Civil Engineer or Land Surveyor, and updated Title Report of subject property.
22. Comply with streetscape & median development standards. Remove private improvements (non-standard brick pavers) in public right-of-way.
23. Fulfill Drainage Ordinance Fee requirements prior to approval of plans.
24. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of plans.
25. Construction of a new public sidewalk may require the removal of

a City parkway tree. Applicant is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the City for the loss of trees from the public right-of-way. Conditions of the Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months, therefore, the applicant/developer is advised to identify all tree affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays.

- Fire 26. Provide approved smoke detectors to be installed in accordance with the 2001 Edition of the Uniform Fire Code.

SPECIAL DISTRICT REQUIREMENTS

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

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| Sani. | 1. | It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 to obtain Sanitary District requirements. |
| AQMD | 2. | Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district. |
| School | 3. | Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits. |
| State | 4. | Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information. |