



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: JUNE 23, 2016
SUBJECT: ZONING ADMINISTRATOR DECISION(S)

This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. Project descriptions have been kept brief for this notice. 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.

ZA-16-12 **1143 AVIEMORE TERRACE**

A minor conditional use permit for the construction of a deck with metal railings; a BBQ; pool and spa; patio cover; and 6-foot high masonry walls within the required 10-foot setback from the bluff edge with the pool/spa and deck to extend a maximum of 10 feet past the bluff edge as well as the installation of a wrought iron fence around the remainder of the perimeter of the property.

Approved, subject to conditions of approval.

Comments received: Two residents expressed concerns regarding precedent and construction techniques.

June 8, 2016

City of Costa Mesa
Development Services Department
Attn: Daniel Inloes and Willa
77 Fair Drive
Costa Mesa, CA 92626

RE: ZA-16-12
1143 Avimore Terrace

Attn: Zoning Administrator

I have been noticed that you are preparing to make a decision regarding the application identified above. It is stated to be a 'minor conditional use permit' for the construction of a bluff top swimming pool/spa with accompanying patio decks, BBQ, walls/fencing and landscaping.

I own and live at the western adjacent property at 1147 Avimore. Therefore this proposal will have a significant impact upon my property. My primary concern is the safety, integrity and stability of the bluff due to the proposed construction. I have reviewed the following documents that have been submitted. Tom Steinfeld has been my consultant on this proposed project (Architect/Retired.)

1. (Reduced copy of) Enlarged Site Plan dated 12-21-15 by Farpointe Design Group
2. Initial Geotechnical Engineering Report (for new residence and deck) by Coast Geotechnical, Inc. dated May 15, 2013 for said property
3. First Addendum (for pool) to above report dated April 29, 2016
4. Copies of 2 miscellaneous letters and CM Planning Application by applicant

My 1st concern is that the 'plans' submitted are not of sufficient completeness and detail to show that the proposed project is compliant with the specific design requirements of the Geotechnical Reports. If the applicant has purposely submitted incomplete documentation just to receive 'Design Approval in Concept' with the CUP application, then that should be duly noted. The full impact of this development will not be known until the quantity, size, locations and depth of the deck and pool foundation caissons are shown on completed plans.

My 2nd concern is that the application documents do not identify the processes and procedures necessary to physically gain access to the rear slope of the property with the appropriate construction materials, equipment and vehicles. A project of this scope and magnitude is going to have a significant impact on the neighborhood for the duration of construction. I would like to see that the

"Conditions of Approval' be very specific about how the applicant must mitigate the disturbances of the neighborhood.

My 3rd concern is that I am aware of some anecdotal knowledge of a collapsed storm drain and a sinkhole within the area. Do the City Planning and Engineering departments have any specific knowledge of these issues and if so, are they pertinent to this proposal?

I recognize the right of my neighbor to be able to improve and enjoy their property. I do not object to the nature of this proposal. My concern is for the safety and stability of the hillside that each of us has the pleasure to enjoy. I want to make sure that this action maintains that pleasure for us all. Any deterioration and/or undermining of the slope DURING and AFTER this construction has the potential to severely affect the slope at my property and or the property to the east of the applicant. This is why I am very strongly expressing my concerns about the accuracy and thoroughness of the proposed project documents. Through all of this Building and Safety must work with the Owner and his contractor to honor the permit system of the City. The system protects the owners of all property owners on this bluff.

Respectfully submitted,



Geri S. Cicero, Owner of Record
1147 Aviemore
Costa Mesa, CA 92627
503-752-3902

C. Tom Steinfeld
County of Orange/Public Works
OC Parks



P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200 • (714) 754-5245

City of Costa Mesa

TELEPHONE RECORD

Date: 6/7/2016

Name: Carmen Pennino

Address: 1179 Gleneagles Terrace

Call Received by: Daniel Inloes

COMMENTS: (Use Back or Attach Additional Sheets as Necessary)

Carmen expressed concern in regards to the encroachment of the pool and deck into the bluff crest. She was concerned about the stability of the bluffs, and proliferation of the additional encroachments if we allow this one especially since this one includes a pool which has not been approved to exceed the code setback on bluff crests on Avimore Terrace in the past.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

June 23, 2016

Kim Koch
Farpointe, Inc.
151 E. Whittier Blvd., Ste E
La Habra, CA 90631

**RE ZONING APPLICATION ZA-16-12 – MINOR CONDITIONAL USE PERMIT
TO CONSTRUCT VARIOUS IMPROVEMENTS WITHIN THE BLUFF CREST
SETBACK AS WELL AS PAST THE BLUFF CREST
1143 AVIEMORE TERRACE, COSTA MESA**

Dear Mr. Koch:

City staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval and code requirements (attached). The decision will become final at 5:00 p.m. on June 30, 2016, 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, Daniel Inloes, at 714.754.5088, or at daniel.inloes@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description
Findings
Conditions of Approval, Code Requirements, and Special District
Approved Conceptual Plans

cc: Engineering
Fire Protection Analyst
Building Safety Division

PROJECT DESCRIPTION

Location

The subject property (1143 Aviemore Terrace) is located in the middle of Aviemore Terrace which is in an R1 (Single Family Residential) zone. The lot is 6,566 square feet and has an existing one-story single family residence and attached garage. The subject property is sided by single-family single-story properties also zoned R1 that also abut the bluff.

Background

On February 11, 2013, Planning Commission approved Planning Application PA-13-01 which included a minor conditional use permit to construct an unenclosed deck that encroaches into the required bluff crest setback (10-foot setback from bluff crest required; proposed deck was approved extend approximately eight feet over the bluff crest while maintaining the minimum 5-foot setbacks on both sides, totaling 874 sq.ft.). However, the minor conditional use permit expired since building permits for the deck were not obtained within the one-year approval period nor was construction initiated.

Proposed Project

The applicant is proposing to construct a pool, deck, and wrought iron fence over the bluff crest and construct a patio cover, block wall, and built in BBQ within the bluff crest setback. Code requires a minor conditional use permit to build any structure closer than 10 feet from the bluff crest.

The proposed improvements include:

1. Deck: The 286 square foot deck is shown to extend to a maximum of 9-foot 10-inches beyond the bluff crest but would maintain a minimum 10-foot setback from the rear property line and a five-foot setback from the right side property line. The proposed rear setback is consistent with that approved for the deck under PA-13-01.
2. Pool: The 497 square foot pool and spa would extend to a maximum of 5-feet 7-inches beyond the bluff crest while maintaining a minimum 13-foot setback from the rear property line and a seven-foot setback from the left side property line.
3. Block Wall: A new six-foot high block wall is to extend from the house to the bluff crest.
4. Wrought Iron Fence: This proposed fence will be constructed on the side and rear property lines, enclosing the remainder of the property past the block wall.
5. Patio Cover: A steel frame patio cover with retractable sunscreen would cover 507 square feet of hardscape between the house and the proposed deck. This patio cover is shown to encroach 8-foot 10-inches into the bluff crest setback.

6. BBQ: The built-in BBQ would contain a counter, sink, refrigerator, and grill and is shown to encroach 8-foot 10-inches into the setback.

ANALYSIS

While the proposed project proposes structures that protrude past the bluff crest and other additions that are to be constructed closer than 10 feet from the bluff crest, the project still meets Zoning Code requirements and General Plan policies. The proposed additions with the corresponding conditions of approval produce a safe, minimally invasive, and neighborhood consistent project.

- *The proposed project satisfies the performance standards contained within Costa Mesa Municipal Code Section 13-34.*

Code allows buildings or structures to be constructed closer than 10 feet from a bluff crest as permitted under a minor conditional use permit if the building or structure will not endanger the stability of the slope; does not substantially interfere with access for fire protection; and does not detract from the visual identity and integrity of the bluffs.

Geotechnical studies were required by staff and produced by a third party, Coast Geotechnical, Inc. These studies provide site specific recommendations to address the necessary support structures for the deck as well as an addendum which addresses the pool. A condition of approval requires the developer to adhere to the geotechnical studies recommendations including but not limited to the method, dimensions, and any stipulations of the presence of experts on site during construction.

Access for fire protection will not be compromised since a minimum five-foot setback is shown on both sides of the property and a minimum 10-foot setback from the rear property line. Furthermore, access with a minimum clearance of 6 feet will be provided between the rear of the house and any vertical improvements (BBQ structure; patio cover posts) allowing adequate access. A condition of approval was added to stipulate that the side setback must stay free and clear on both sides of the proposed deck and pool so that emergency responders have clear and open access to the bluffs below the deck and pool.

The project will be conditioned to provide circular caissons that are setback from the edge of the deck to minimize visual impact from Talbert Regional Park. Furthermore, the deck and pool will be screened by drought tolerant, ecology appropriate plants to minimize visibility of the structures from Talbert Regional Park. The deck railing is proposed to consist of metal cabling which should be virtually imperceptible.

- *The project, as proposed, is consistent with the General Plan.*

As proposed and with the inclusion of the proposed conditions of approval (the same conditions of approval have been placed on similar projects in the area) the project would meet policies CD-5.1 and CD-5.2 from the Community Design Element:

CD-5.1 Preserve and optimize natural views and open spaces in Costa Mesa.

CD-5.2 Control the visual impacts of new development on natural views of the coast and the wetlands.

- *The project will be developed to be consistent with the neighborhood character.*

Furthermore, the proposed project is consistent with General Plan CD-7A.1 and CD-7A.2 from the Community Design Element:

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 the 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, required 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 adjacent areas.

The proposed project maintains the required rear and side yard setbacks for R1 properties. While the project is requesting to encroach on the bluff crest, there are at least four other properties on Avimore Terrace which are constructed closer than ten feet from a bluff crest. This project does not exceed the current encroachment found on Avimore Terrace or Gleneagles Terrace (the street above Avimore with homes that sit on a bluff as well) and is consistent with Planning Commission's approval under PA-13-01.

While there appears to be no other pool that extends past the bluff crest along Avimore Terrace, the pool will not be readily visible from off-site since it is a flat surface that will not be enclosed with a fence or railing (like the abutting deck) and, as conditioned, will have appropriate landscaping planted along the base, screening both levels of the pool from view from Talbert Regional Park. The same conditions of approval have been placed on similar projects in the neighborhood.

FINDINGS

A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

1. The proposed improvements are consistent with the previous encroachment approved under PA-13-01 compatible as well as with developments in the same general area, with the minimum ten-foot setback from property line maintained and the proposed encroachment of the bluff crest in keeping with other similar encroachments along Aviemore Terrace; nor, as designed and conditioned, will it detract from the visual identity and integrity of the bluffs.

2. 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 nor will it endanger the stability of the slope because the new structures will be required to comply with all requirements of the California Building Code and the proposed recommendations within the geotechnical engineering investigation and the first addendum to the geotechnical investigation prepared for the project. Additionally, adequate access will remain available so that access for fire protection is maintained.

3. 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 since R1 allows for the construction of decks, pools, BBQs, and patio covers. None of these improvements alter density or intensity of the site.

B. The information presented complies with Costa Mesa Municipal Code Section 13-29(e) in that:

1. There will be a compatible and harmonious relationship between the proposed improvements and the site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood. The subject property is a residential development and proposed improvements are associated amenities for this use and are in keeping with the size and location of the property. The addition of patio covers, decks, pools, and BBQs are in keeping with typical improvements to other R1 properties in the neighborhood.

2. Safety and compatibility of the design of buildings, parking area, landscaping, luminaries, and other site features which may include functional aspects of the site development such as automobile, emergency personnel, and pedestrian circulation have been considered and will not be affected by the new structure.

3. The structure complies with performance standards described elsewhere in the Zoning Code. All development standards are met and the proposed improvements will be appropriately screened from view from Talbert Regional Park.

4. The proposed additions are consistent with the General Plan, specifically Community Design Element Objectives: CD-5.1, CD-5.2, CD-7A.1 & CD-7A.2.
 5. This zoning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15303, Class 3(e), New Construction, of the CEQA Guidelines.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Plng.
1. The project shall be limited to the type of improvements as described in this staff report and in the attached plans. Any change in the use, size, or design shall require review by the Planning Division and may require an amendment to the Minor Conditional Use Permit.
 2. Any portion of the aboveground deck and support structures shall maintain a five-foot setback from each side of the property line.
 3. The proposed caissons or support posts shall be of a cylindrical shape and shall be located a minimum of four feet behind the deck's edge to minimize visual impacts to the bluff.
 4. The conditions of approval, code requirements, and special district requirements of ZA-16-12 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 5. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to occupancy permit. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 6. Landscaping shall be provided to the satisfaction of the Planning Division to screen the proposed deck, the edge of the pool/spa, and support structures. Landscaping material shall be drought-tolerant and ecologically appropriate for Talbert Regional Park
 7. Any new mechanical equipment such as pool equipment shall be screened from view in a manner approved by the Planning Division. All roof-mounted equipment is prohibited.
 8. The railing along the deck shall consist of metal cabling with support posts – with no top solid railing at the top – to minimize visual impacts to Talbert Regional Park.
 9. The side setback shall remain clear and unobstructed on both sides the proposed deck and pool so that emergency responders have clear and

- open access to the bluffs below the deck and pool.
- Bldg 10. Prior to issuing the Building permit the conditions of approval shall be required to be incorporated on the approved Architectural plans.
- Pub 11. Maintain the public Right-of-Way in a "wet down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.
- Serv. 12. Run-off from the deck shall be collected and drained to the front of the property onto Aviemore Terrace.

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 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
2. 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.
3. 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 shall be installed under the direction of the Planning Division.
- Bldg. 4. 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.
5. Submit a precise grading plans, an erosion control plan and a hydrology study. If it is determined that a grading plan is not required a drainage plan shall be provided. A precise grading plan shall not be required if any of the following are met:
- 1- An excavation which does not exceed 50 CY on any one site and which is less than 2 feet in vertical depth, or which does not create a cut slope greater than 1 ½:1 (excluding foundation area).
- 2- A fill less than 1 foot 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.

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

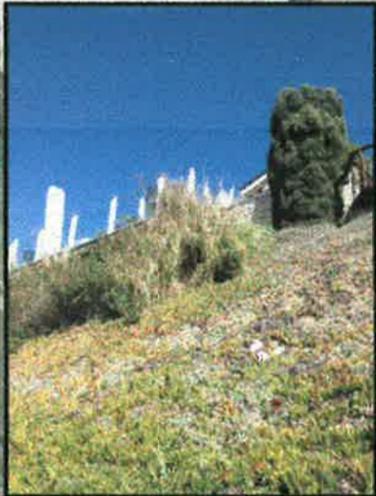
6. Submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and the precise grading plans.
- Bus. Lic. 7. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections will not be granted until all such licenses have been obtained.
- Eng. 8. 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.
9. 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 prepared by a registered Civil Engineer or Architect. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa.
10. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
11. Obtain an encroachment permit from the Engineering Division for any work in the City public right-of-way. Pay required permit fee & cash deposit or surety bond to guarantee construction of off-site street improvements at time of permit per section 15-31 & 15-32, C.C.M.M.C. as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.
12. Fulfill Drainage Fee requirements per City of Costa Mesa Ordinance No. 06-1 prior to approval of Final Map/Approval of Plans.

SPECIAL DISTRICT REQUIREMENTS

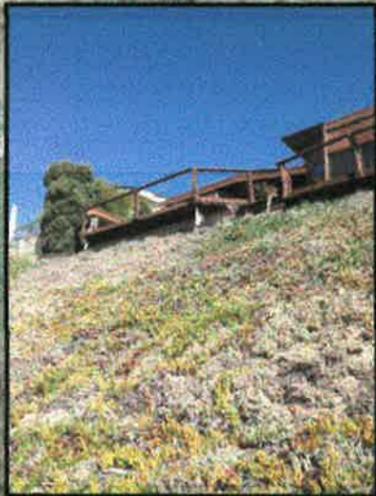
The requirements of the following special districts are hereby forwarded to the applicant:

- Sani. 1. It is recommended that the applicant contact the Costa Mesa Sanitary District at 949.645.8400 for current district requirements.
- AQMD 2. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
- CDFA 3. Comply with the requirements of the California Department of Food and

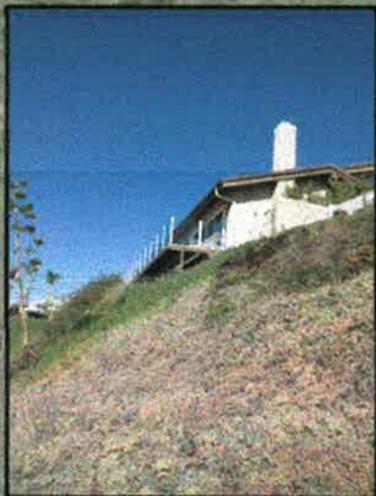
Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.



1163 AVIEMORE TERRACE
(±8'-10' DECK OVERHANG)



1159 AVIEMORE TERRACE
(±5'-6' DECK OVERHANG)



1151 AVIEMORE TERRACE
(±8'-10' DECK OVERHANG)



1157 GLENEAGLES TERRACE
(±8'-10' DECK OVERHANG)



1151 GLENEAGLES TERRACE
(±10'-12' DECK OVERHANG)



SUBJECT PROPERTY
1143 AVIEMORE TERRACE

1147 AVIEMORE TERRACE
(NO DECK)

1139 AVIEMORE TERRACE
(NO DECK)

