



# 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 *MA*  
**DATE:** JUNE 20, 2013  
**SUBJECT:** ZONING ADMINISTRATOR DECISION(S)

---

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 June 27, 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](mailto:willa.bouwens-killeen@costamesaca.gov) if you have any questions or would like further details.

**ZA-13-11** 185 The Masters Circle

- Administrative adjustment to legalize the encroachment of an existing sunroom on the rear yard setback (10 feet required; 6 feet proposed).
- Minor modification for proposed second story construction in the rear yard setback (20 feet required; 16 feet proposed).

Approved, subject to conditions.

Comments received: One letter received, but comments unrelated to the project.

June 19, 2013

City Hall Planning  
77 Fair Dr.  
Costa Mesa  
Ca. 92628

Planning Division:

I am Robert Redmond living at 189 The Masters Cir. Costa Mesa, California. Living directly next door to the proposed remodel at 185 The Masters Cir. application number ZA-13-11.

I would like to make the following public comment for the record. We live on a beautiful golf course, there are stray golf balls, broken windows, and close calls at times; part of life living on a golf course. With that said, I have no intention of allowing a screen or any type of barrier erected in the future that would block my view of the golf course in anyway.

I thank you for allowing me to make the above comment for the public record.

Yours sincerely,

---

Robert Redmond  
189 The Masters Cir.  
Costa Mesa  
Ca. 92627  
Tel:  
(714) 549-4637



# CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

June 20, 2013

Mr. Keith Bongard  
28251 Estima  
Mission Viejo, CA 92692

**RE: ZONING APPLICATION ZA 13-11  
ADMINISTRATIVE ADJUSTMENT/MINOR MODIFICATION  
FOR REDUCED REAR YARD SETBACKS  
185 THE MASTERS CIRCLE**

Dear Mr. Bongard:

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, code requirements, and special district requirements (attached). The decision will become final at 5:00 p.m. on June 27, 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, Raynald F. Pascua at (714) 754-5631, or at [ray.pascua@costamesaca.gov](mailto:ray.pascua@costamesaca.gov).

Sincerely,

WILLA BOUWEN-KILLEEN, AICP  
Zoning Administrator

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

cc:      Engineering  
         Fire Protection Services  
         Building Safety Division



## **PROJECT DESCRIPTION**

The subject property is a 5,315 square foot, irregularly-shaped lot located within Tract 6508. It is zoned R-1, Single-Family Residential District, and is immediately adjacent to the Santa Ana Country Club Golf Course. Presently, the site is improved with a 3,065 square foot, two-story single family detached residence with an attached two-car garage.

At the rear of the house is an existing elevated deck accessible from bedrooms. A portion of the elevated deck was legally permitted to encroach into the required rear yard setback through the approval of a variance application (PA-94-30 -- approved May 23, 1994). Subsequently, a ground level sunroom was constructed beneath the elevated deck without prior City approval.

The project involves the following applications:

- Administrative Adjustment to legalize the encroachment of an existing sunroom on the rear yard setback (10 feet required, 6 feet proposed)
- Minor Modification for proposed second story construction in the rear yard setback (20 feet required, 16 feet proposed)

## **ANALYSIS**

As noted, the sunroom was constructed beneath an existing elevated deck without City approval. Based on the submitted plans, a portion of the sunroom encroaches in to the required 10 foot rear yard setback to within six feet of the rear property line, as measured at its closest point. The sunroom meets the minimum side yard setback requirement of five feet.

For the proposed second floor room addition, the applicant is requesting approval to deviate from the 20 foot rear yard setback requirement to come within 16 feet of the rear property line, due to several factors involving the lot. The second story room addition meets the minimum side yard setback requirement of five feet.

In addition to the irregular shape of the lot, it is also less than the typical 6,000 square feet minimum. The rear property line runs at a 45 degree angle from west to east and as a result, the rear yard area has an uneven depth. The orientation of the residence also contributes to the odd shape of the rear yard area. The subject lot is one of 7 lots with the 50-lot subdivision of Tract 6508 that has angled rear property lines. All of the other lots have rear property lines that run evenly from side property line to side property line and have relatively equal depths for the rear yard area. Lastly, the lot abuts a private golf course; therefore, there are no perceived "intrusion" impacts on adjacent properties.

## **FINDINGS**

### **1. REVIEW CRITERIA FOR ALL PLANNING APPLICATIONS**

The proposal complies with Costa Mesa Municipal Code Section 13-29(e) because:

1. A compatible and harmonious relationship exists between the proposed building and site development, and the building and site developments and uses that exist or have been approved for the general 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 and pedestrian circulation.
3. Compliance with any performance standards as prescribed elsewhere in this Zoning Code.
4. Consistency with the general plan and any applicable specific plan.
5. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
6. When more than one (1) planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.
7. For residential developments, consistency with any applicable design guidelines adopted by City Council resolution.

### **2. ADMINISTRATIVE ADJUSTMENT FINDINGS**

The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) because:

#### **ADMINISTRATIVE ADJUSTMENT FINDINGS**

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



b. 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.

c. The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Additional facts and findings are as follows:

Granting approval of the Administrative Adjustment application does not constitute a grant of special privileges since the subject property has inherent physical limitations, such as the lot size being less than the minimum required and is irregularly-shaped that make home improvement projects, such as room additions and patio covers difficult to design and comply with the minimum rear yard requirements and other development standards.

The subject property is less than the typical 6,000 square foot minimum for an R1 lot. Additionally, the rear property line runs at an angle that results in the rear yard area being irregularly-shaped. The orientation of the residence on the property, further contributes to the oddly-shaped rear yard area. The property is located immediately adjacent to the Santa Ana Country Club Golf Course; therefore, there should be no perceived impacts.

The deviation is to allow the encroachment of an existing, ground-level sunroom into the required 10 foot rear yard setback. The subject property is in the Low Density Residential General Plan land use area and the deviation will not result in a use, density or intensity that is not in accordance with this land use designation.

#### MINOR MODIFICATION FINDINGS

a. 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 property and improvements within the neighborhood.

b. 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 other applicable features relative to a compatible and attractive development.

Additional facts and findings are as follows:

The Minor Modification application is a request to deviate from the rear yard setback (20 feet required, 16 feet proposed) to allow the construction of a second story bedroom and elevated deck. These improvements are not expected to 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. The property is located immediately adjacent to the Santa Ana Country Club Golf Course; therefore, there should be no perceived impacts.

The second story room addition and elevated deck are designed to flow with the angle of the rear property line, while blending the architectural style with the existing residence.

### **CONDITIONS OF APPROVAL**

- Plng.
1. The conditions of approval, code provisions, and special district requirements of Zoning Application ZA-13-11 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  2. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the 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. 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.
  5. Every effort shall be made to follow sustainable building (i.e., "green") practices in the construction of the residence.
  6. 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.

## 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.

- PIng. 1. Approval of the zoning 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 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 zoning application.
2. Development shall comply with all requirements of Article 1, Chapter 5, and Article 9, Chapter 5 of Title 13 of the Costa Mesa Municipal Code relating to development standards for single-family residential projects.
3. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
4. All new 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. 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. Any roof-mounted equipment is prohibited.
- Bus. 7. All contractors and subcontractors must have valid business licenses to do  
Lic. 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. 8. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2010 California Energy Code (or the applicable adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code (at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
9. 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 three foot setback. CRC Tables R302.1(1) and R302.1(2).
- Eng. 10. At the time of development, submit for approval an off-site 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 shall be obtained prior to building or engineering permits being issued by the City of Costa Mesa. Pay off-site plan check fee per Section 13-29(2)(b) of the C.C.M.M.C. and an approved off-site plan shall be required prior to engineering permits being issued by the City of Costa Mesa.

11. Fulfill Drainage Ordinance Fee requirements prior to approval of plans.
12. 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.
- Fire 13. 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 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 the district.                      |
| State | 3. | 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. |

## PROJECT DESCRIPTION STATEMENT

04.30.2013

185 THE MASTERS CIRCLE  
COSTA MESA, CA 92627

### Project Circumstances:

The owner is interested in additions to the existing first and second levels of their residence. A set of "as-built" drawings were generated for defining the allowable additions. Counter Review by Planning presented a non-compliant existing structure encroaching into the rear yard setback. Initially it was suggested to submit for a variance for the encroaching structure and request a minor modification for the proposed second story addition. Further communication with Planning recommended an "Administrative Adjustment Request" for the existing encroaching structure and a "Minor Modification Request" for a reduction of the rear yard setback for the second story addition. These conditions are a result of an oddly shaped lot and a previous owner that enclosed the area below the approved deck.

### Zoning Compliance –

The property address had a variance granted in 1994 to encroach into the rear yard setback with an elevated deck attached to the structure. Access was from second story bedrooms. At some point prior to the new owners purchase the area below the deck was enclosed and became conditioned space. There is no permit on file for the structure.

The owner would like to bring compliance and closure with this issue in order to move on with the original project addition. We would ask that a favorable Administrative Adjustment decision to allow the structure to remain and reduce the first story rear yard setback for compliance, and a Minor Modification Request approval to reduce the second story rear yard setback because of lot constraints.

### Size, Shape and Location Constraints –

- The size and shape of this lot result in a shallow lot depth with an angled rear property line that creates special circumstances for the property owner.
- The average lot depth is 91.4' which is much less than neighborhood properties. Standard front and rear yard setback requirements have a significant impact on livable area additions.
- The angle of the rear property line results in the standard rear yard setback to encroach further into the livable area than a typical rectangular lot.
- The location of the rear property line abuts a golf course which has no perspective development.

Thank you,

Keith Bongard  
Agent for the Owner



REVISIONS

NO.	DATE	REVISION

**PATEL RESIDENCE**  
185 THE MASTERS CIRCLE  
COSTA MESA, CA

**PROJECT INFORMATION**  
**SITE PLAN / ROOF PLAN**

DATE	04/24/2008
SCALE	NOTED
PROJECT	PATEL
DRAWN BY	KB



**PROJECT INFORMATION**

**OWNER:**

RITA PATEL  
185 THE MASTERS CIRCLE  
COSTA MESA, CA 92627

**LEGAL DESCRIPTION:**

LOT 22, TRACT 6508 APN: 419-391-28

**BUILDING DATA:**

OCCUPANCY GROUP: GROUP R - DIVISION 3  
TYPE V, NON-SPRINKLERED, 2 STORY

**CODE COMPLIANCE:**

2010 CALIFORNIA CODES (CBC, CFC, CMC, CEC) and with LOCAL AMENDMENTS, CODES 246

**TITLE 24 COMPLIANCE**

ADDITIONAL COMPLIANCE:  
IMPRES, SUSAMP and BMP REQUIREMENTS  
DIO ALERT

**SCORE OF WORK:**

COMPLIANCE OF NON-CORROSIONING STRUCTURE IN REAR YARD SETBACK.

ADDITION OF LIVABLE AREA TO AN EXISTING TWO VEHICLE GARAGE. ADDITION ARE AT FIRST AND SECOND LEVELS. ADDITION OF DECK AREA TO ATTACH TO EXISTING DECK TO REPLACE EXISTING TRELLIS.

**CONTACT / AGENCY FOR OWNER:**

949 360 8924

**ZONING CALCULATIONS:**

LOT AREA: 5315 SF  
REQUIRED OPEN SPACE:  
MIN ALLOWED: 2426 SF  
REAR YARD COVERAGE: 1117.0 SF  
EXISTING COVERAGE: 276.3 SF

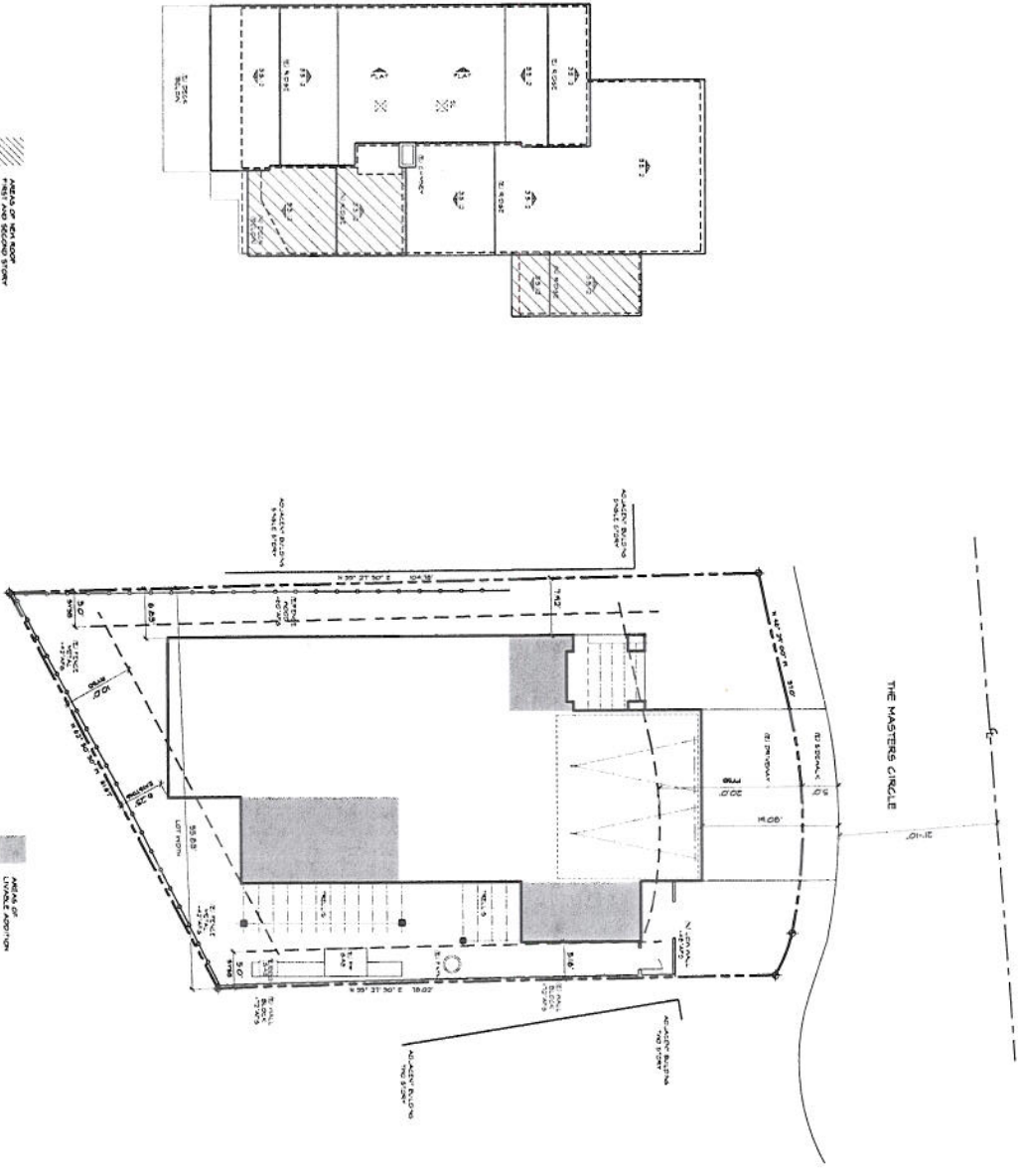
**AREA SQUARE FOOTAGE:**

(E) FIRST FLOOR: 1378.0 SF  
(E) SECOND FLOOR: 385.0 SF  
(N) FIRST FLOOR: 491.0 SF  
(N) SECOND FLOOR: 211.0 SF  
TOTAL LIVABLE: 3065.0 SF

(E) GARAGE: 490.0 SF

**SHEET INDEX**

- A-1 PROJECT INFORMATION /
- A-2 SITE PLAN / ROOF PLAN
- A-3 EXTERIOR ELEVATIONS

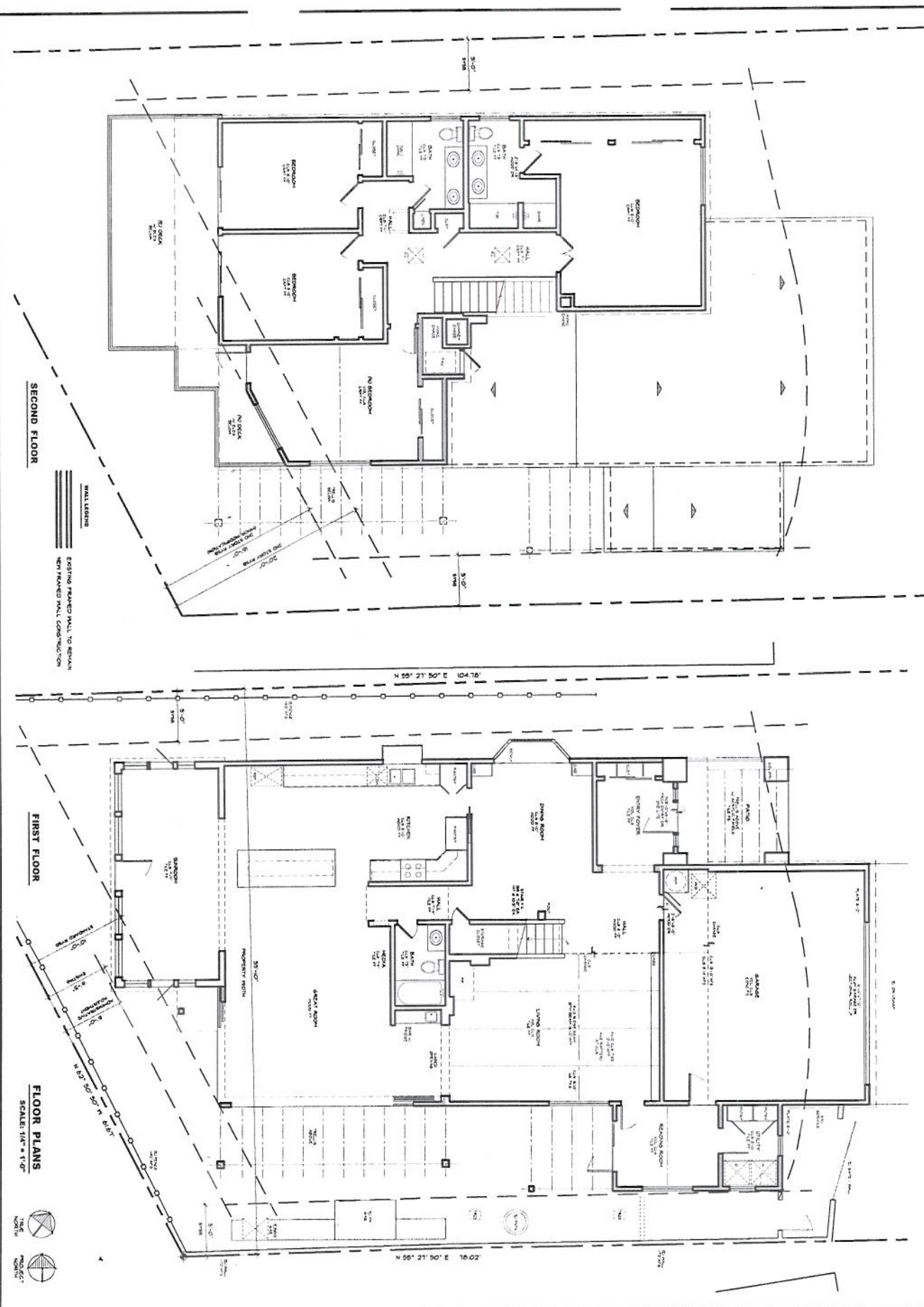


**ROOF PLAN**

**SITE PLAN**

**SITE / ROOF PLAN**

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



SECOND FLOOR

FIRST FLOOR

FLOOR PLANS  
SCALE: 1/4" = 1'-0"

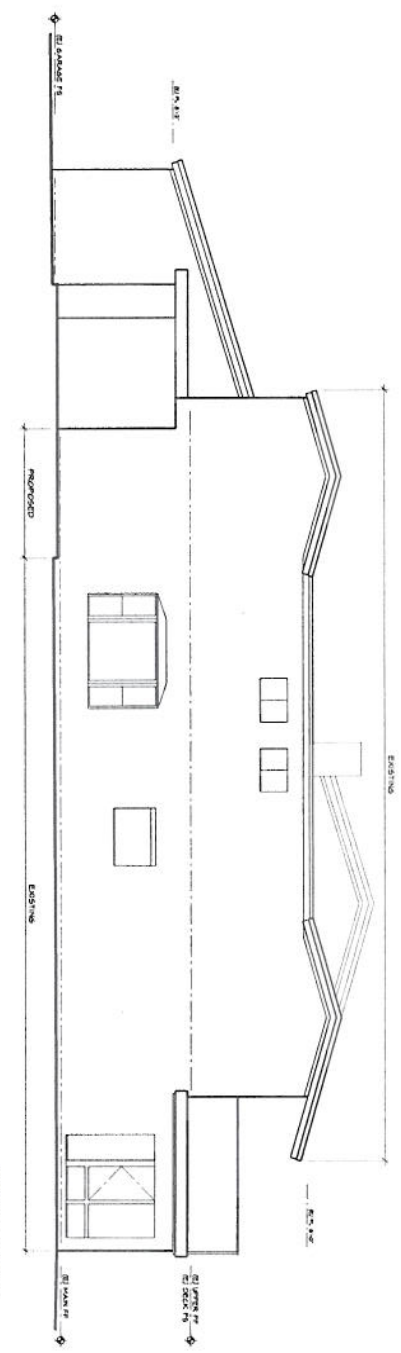


<p><b>A-2</b></p>	<p>DATE: 04-24-2013</p>	<p><b>PROPOSED FLOOR PLANS</b></p>	<p><b>PATEL RESIDENCE</b> 185 THE MASTERS CIRCLE COSTA MESA, CA</p>	<p>REVISIONS</p>	
	<p>SCALE: 1/4" = 1'-0"</p>			<p>PROJECT: PATEL</p>	<p>NO.</p>
<p>DESIGNER: KCB</p>	<p>DATE: 04-24-2013</p>	<p>PROJECT: PATEL</p>	<p>185 THE MASTERS CIRCLE COSTA MESA, CA</p>	<p>NO.</p>	<p>DATE</p>

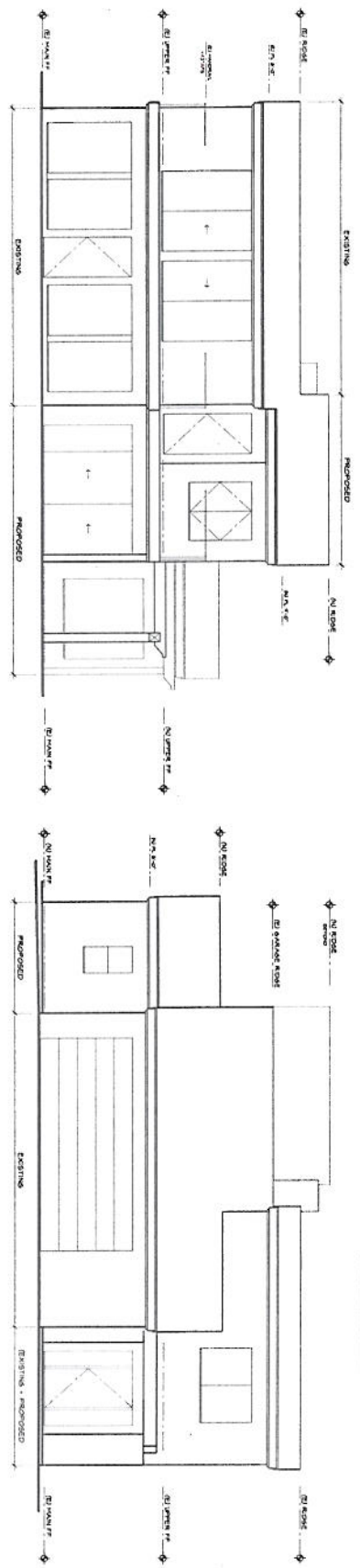


**REVISIONS**

NO.	DATE	REVISION

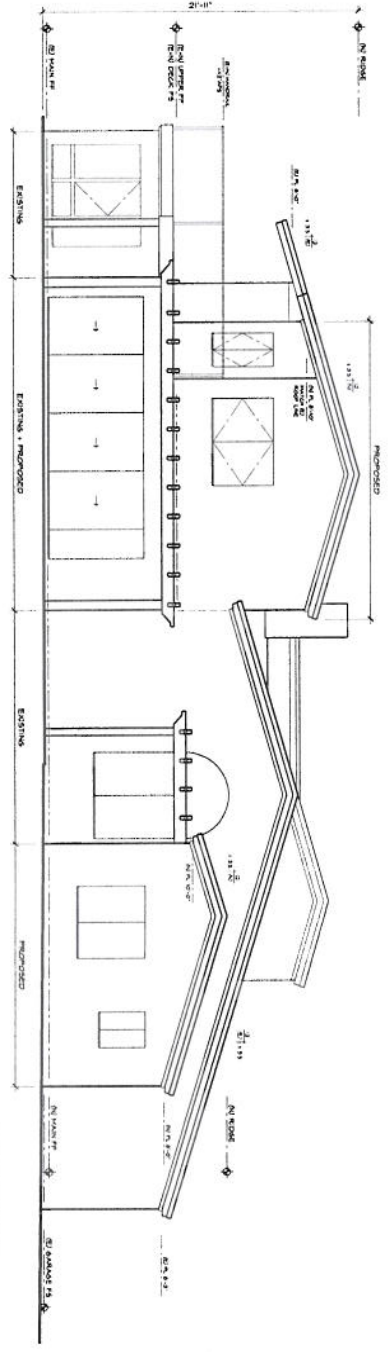


**NORTH ELEVATION**



**WEST ELEVATION**

**EAST ELEVATION**



**SOUTH ELEVATION**

**PROPOSED ELEVATIONS**

**PATEL RESIDENCE**  
185 THE MASTERS CIRCLE  
COSTA MESA, CA

DATE: 04-24-2023  
SCALE: 1/4" = 1'-0"  
PROJECT: PATEL  
DRAWN BY: CS

**A-3**