

City of Costa Mesa

Memorandum

TO: SCOTT DRAPKIN, ASSISTANT DEVELOPMENT SERVICES DIRECTOR

FROM: FROYLAN GARCIA, ASSISTANT PLANNER

DATE: April 11, 2024

SUBJECT: MINOR MODIFICATION PMND-24-0007 FOR AN INCREASE IN FENCE HEIGHT ON THE REAR AND SOUTH SIDE OF THE PROPERTY 2276 FEDERAL AVENUE.

BACKGROUND

The property at 2276 Federal Avenue is Zoned R1 (Single- Family Residential District) and is developed with a detached single-family residence and an attached garage. The property is located on the east side of Federal Avenue, between Joan Street and Wilson Street. The single-family residence was built in 1957 under Building Permit 3580. The residence was remodeled in 2006 under Building Permit B06-01229. The residence is currently developed with three bedrooms and two and a half bathrooms.

DESCRIPTION

The applicant has applied for a minor modification to allow a proposed increase in fence height on their property. The proposed minor modification would increase the fence height in the rear yard, and on the south side between their neighbor's property. The existing fence height throughout the property is six feet in height, with a decreasing fence height as it approaches Federal Avenue on the south side of the property.

The applicant would like to increase the fence height two feet on the rear of their property and to the southside between their neighbors to increase privacy. The property to the rear is a multifamily development and its common area is located directly behind the home. The common space for the multifamily development is used for social gatherings, which have caused disturbances to the property residents at 2276 Federal Avenue. The proposed increase in fence height is anticipated to increase privacy and mitigate disturbances caused by social gatherings. Regarding the proposed increase in fence height on the southside between the neighbors at 2272 Federal Avenue, both property owners have agreed to the proposed fence increase. The neighbors have provided a letter stating that they agree with the increased height, the letter is attached.

ANALYSIS

CMMC Section 13-28(j)(1) allows for minor deviations from certain code requirements, including increasing maximum fence/wall height. The maximum allowable deviation is 33 1/3 %. The applicant is requesting a two-foot increase (i.e 33 1/3%) which is consistent with what is authorized by the CMMC. Table 1 below summarizes the proposed minor modification.

Table 1 – Minor Modification Request

Deviation Type	Existing Condition	CMMC Allowable Fence Height	Maximum Deviation Permitted	Proposed Minor Modification
33% 1/3 Increase in fence height.	The existing fence is 6 feet in height.	6 Feet	33% 1/3 (2 Feet)	33 percent and 1/3 or 2 Feet

The request for a minor modification is allowable as the fence will be a maximum height of eight, which is consistent with the maximum allowable deviation in fence/wall height in accordance with Table 13-28(j)1.

Minor Modification Findings

Per CMMC 13-29(g)(6), two findings must be made for the Director of Economic and Development Services to approve a minor modification. These findings and facts in support of the findings are provided below:

Finding I: *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.*

Facts in Support of Finding:

- a) The proposed addition will not be materially detrimental to the health, safety, and general welfare of persons residing or working in the immediate vicinity of the project or to the property and improvements within the neighborhood, as it is located to the rear and side of the property. If approved, the applicant will be required to apply for a building permit. The neighbors effected by the fence height have been notified of the height increase and support the request.

Finding II: *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.*

Facts in Support of Finding:

- a) The proposed increase in fence height is compatible with the existing developments, as it will match the neighbors' fence height in the rear, which was approved under MM-05-11. The proposed increase in fence height on the southside will be done in a way that it will decrease in height as it approaches the front property line at Federal Avenue. As a result of this decreasing fence height, the proposed fence will be compatible to other residences in the vicinity.

RECOMMENDATION

Approve the minor modification.

ATTACHMENTS

1. SITE PLAN
2. LETTER FROM NEIGHBOR

DIRECTOR DECISION

THE MINOR MODIFICATION REQUEST IS **APPROVED** / **DENIED** BASED ON THE FOLLOWING FINDINGS:

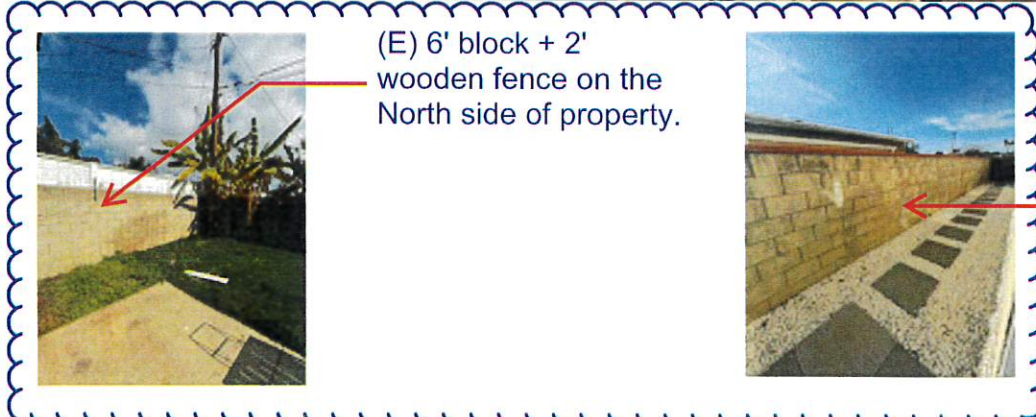
The improvement **will not be** / **will be** materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.

The improvement **is** / **is not** 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.

Zone: R1 (Single-Family Residential) Approved by: [Signature] Decision Date: 4/11/24

Appeal of this decision shall be filed within 7 days of the decision date noted above by remittance of the appeal fee and according to the procedures set forth in Title 2, Chapter IX, of the Costa Mesa Municipal Code.

Google Maps 2276 Federal Ave



(E) 6' block + 2' wooden fence on the North side of property.

(E) 6' block fence on the South side of property: propose adding 2' Wooden Fence above (matching the North side currently).

Legend for fence types:

- ■ ■ ■ fence shared with 2272
- ■ ■ ■ fence shared with multifamily

To: the City of Costa Mesa;

We are Melody's neighbors
at 2272 Federal ave, Costa Mesa

Our names are Jim + Debbie Hilley
and we are confirming her agreement to
add a 2-foot high fence wall on top of
the existing CMU wall

Thank You,

Jim + Debbie Hilley
cell phone # 949-701-3997