77 Fair Drive
Costa Mesa, CA 92626

File #: 22-723 **Meeting Date:** 6/13/2022

TITLE:

REVIEW OF PLANNING DIVISION ZONING APPROVAL BC21-00147 FOR A 1,072-SQUARE-FOOT SECOND-STORY ADDITION AND REMODEL AT 283 EAST 19TH STREET

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPATMENT/ PLANNING DIVISION

PRESENTED BY: CHRIS YEAGER, ASSOCIATE PLANNER

CONTACT INFORMATION: CHRIS YEAGER, (714) 754-4883; Christopher.Yeager@costamesaca.gov

RECOMMENDATION:

Staff recommends the Planning Commission uphold the Planning Division's administrative approval of the proposed second story addition at 283 East 19th Street with direction to the applicant to work with staff for submitting a revised window design at "Master Bedroom 2" to improve neighbor privacy.

APPLICANT OR AUTHORIZED AGENT:

The authorized agent is Alex Hurtado, representing the property owners Hakann Family, LLC. The application was called up for review by the Planning Commission by Mayor John Stephens.

BACKGROUND:

The subject lot is 6,561 square feet in area and is located on the south side of East 19th Street between Westminster Avenue and Santa Ana Avenue. The site is zoned R1 (Single Family Residential) and has a General Plan land use designation of LDR (Low Density Residential). The site is currently developed with a 3,495-square-foot, two-story, single-family residence with four bedrooms, three full bathrooms, and one-half bathroom. The site is also developed with a detached, two-car garage at the rear of the property with access to a rear alley. The site is surrounded by R1 zoned properties that are developed with a mix of one- and two-story single-family residences.

As is required by the City's Residential Design Guidelines, two-story construction in the R1 zone that complies with the Residential Design Guidelines and residential development standards can be approved by Planning staff with a notice of zoning approval which is mailed to the property owners of the immediately adjacent properties. Conversely, deviations from the Residential Design Guidelines require the approval of a Minor Design Review, which requires the Zoning Administrator's approval.

The applicant submitted plans and a Building Permit application (BC21-00147), which was reviewed and determined by Planning staff to be in compliance with the City's Zoning Code and the City's Residential Design Guidelines, and was administratively approved.

The notice of zoning approval was sent to the abutting neighbors on April 22, 2021 notifying them of the approval. On April 27, 2021, Mayor John Stephens called the application up for review by the Planning Commission due to concerns from the neighbor at 279 East 19th Street. Following the call for review, staff encouraged the applicant to work with the neighbor at 279 East 19th Street to potentially resolve the neighbor's concerns. Unfortunately, the applicant and neighbor were unable to come to an agreement.

DESCRIPTION:

Building Permit BC21-00147 is a request to construct a 1,072-square-foot second story addition above the existing residence and detached garage. The second story addition above the garage will be connected to the main residence by an enclosed bridge. The proposed project would increase the size of the existing 3,495-square-foot house to 4,567-square-feet. The proposed residence will include five bedrooms, four full bathrooms, one-half bathroom, a new library, new storage room, new laundry room, as well as an existing great room, living room, and office. The project also proposes to modify windows on the left and right facades.

A Planning Application Summary Sheet is provided as an attachment and outlines the applicable development standards.

Neighbors' Concerns

The neighbors at 279 East 19th Street have submitted a letter outlining their concerns with the project. The letter is included as as an attachment. The concerns include the modification of windows on the second floor overlooking their property, the addition of new windows and two Juliet balconies generally facing their property, shade on their property, and the long façade of the residence.

ANALYSIS:

Appeal and Call for Review Procedures

Costa Mesa Municipal Code (CMMC) Title 2 Chapter IX stipulates appeal and review procedures. The CMMC allows any affected or interested person to appeal a project within specified periods and also allows City Council members to call projects up for review. The CMMC provides for a seven-day appeal period from the decision date. Since Planning Division staff approved the project, pursuant to the CMMC, the decision on the review shall be made by the Planning Commission. If the Planning Commission decision is appealed or called up for review, City Council will be the final review authority.

The CMMC further indicates that the Planning Commission hearing is a de novo hearing in which the Planning Commission may consider the project in its entirety. Pursuant to the de novo hearing process, the Planning Commission may consider all aspects of the proposed project and is not required to limit the discussion to the issues in the call for review. The CMMC also stipulates that the review hearing shall be based on any relevant evidence, submitted at the time of the prior decision and at the hearing, findings, if any, and decision of the person or body whose decision is being appealed.

Pursuant to CMMC Chapter IX, Section 2-303(6), the applicant for the original decision shall have the burden of proof to support the granting of the approval action at the appeal. In regard to this call for review, the applicant has specifically indicated that (1) the proposed development "complies with all

code requirements," (2) the "project's impact on the neighbor's property is no different than any other room-addition projects" and (3) that they would be willing to forego the proposed windows adjacent to the neighbors outdoor patio area and instead retain the existing clerestory windows, to reduce the neighbor's perceived privacy impacts. The applicant's plans and a letter responding to the "call for review" is provided as an attachment.

Staff Action

On April 22, 2021, Planning Division staff approved the project in that it complied with the City's development standards and Residential Design Guidelines. As required by the Residential Design Guidelines for new two-story construction, a notice of zoning approval was sent to the adjoining property owners to inform them of the decision and the appeal period. The notice is provided as an attachment. Mayor John Stephens, filed a call for review with the City Clerk's office on April 27, 2021 due to privacy concerns by the neighbor at 279 East 17th Street.

Project Design

The City's Residential Design Guidelines include the following nine design criteria: (1) Second-Story Designs, (2) Building Mass and Form Considerations, (3) Second-Story Side Setback, (4) Elevation Treatments, (5) Roof Forms, (6) Window Placement, (7) Integration of Second Story Construction, (8) Site Planning Considerations, and (9) Consistency in Architectural Design. A comparison of the proposed project with the applicable City's Residential Design Guidelines criteria is provided below:

- *Second-Story Designs* - According to the City's Residential Design Guidelines, two-story structures shall be designed with elevation articulation and off-sets to avoid boxy appearances from the street and neighboring properties; materials and finishes should be consistent on all elevations; and second-story floor areas should not exceed the size of the first floor areas. As indicated on the development plans, the proposed second-story additions include articulation and avoid boxy appearances by incorporating the proposed connecting bridge and façade treatments. In addition, the proposed second-story does not exceed the size of the first floor. The proposed second-story addition is also setback from the neighboring property lines pursuant to the City's Residential Design Guidelines and articulated to avoid a "boxy" structure massing. Therefore, the proposed additions comply with the City's Residential Design Guidelines' "Second-Story Designs" criteria.

- *Building Mass and Form Considerations* - According to the City's Residential Design Guidelines in regard to "Building Mass and Form Considerations," "long, unbroken building facades should be avoided, and offsets and building projections made an integral part of residential design." The Guidelines further indicate that "variety should be accomplished through variation in building heights," and "the creation of interesting massing is encouraged." Lastly, the Guidelines specify that the development effects on light, air and privacy should be considered on adjacent properties, and second-story construction should provide visual relief at the side-yard. The proposed design includes all of the aforementioned design components specifically by incorporating the proposed narrow connection bridge, compliant second-floor side-yard setbacks and articulated roof design. Therefore, the proposed additions comply with the City's Residential Design Guidelines' "Building Mass and Form Considerations" criteria. Additionally and as further described below under "Window Placement," the applicant

indicated that they would be willing to modify the proposed windows located above the neighbor's patio area to respond to privacy concerns.

- *Second-Story Side Setback* - The second story addition has been designed with articulation and off-sets on the various elevations to avoid a boxy appearance from the street, alley, and neighboring residences. The Residential Design Guidelines indicate that "the second-story interior side building elevation should be set back an average of ten (10) feet and no closer than five (5) feet from the side property line." The proposed average right side setback is 11 feet and 11 feet 7 inches for the left side setback, and therefore complies with the Guidelines.

  The neighboring resident's letter indicates that they have concerns about the impacts of additional shade on their property. The Residential Design Guidelines stipulates that " *consideration shall be given to the effect of proposed development on the light, air, and privacy of adjacent properties."* Based on the proposed compliant side-setback and the proposed articulated roof slopes facing the neighbor's property, the light and air impacts have been effectively addressed pursuant to the City's Residential Design Guidelines. Additionally, the proposed Juliet balcony accessed from "Master Bedroom 3" faces directly toward the alley at the rear of the property, and the second Juliet balcony accessed from the new library facing the neighbor's property is setback approximately 19 feet from the shared property line. Therefore, the proposed additions comply with the City's Residential Design Guidelines' "Second-Story Side Setback" criteria.

- *Elevation Treatments* - According to the City's Residential Design Guidelines in regard to "Elevation Treatments," architectural treatments are encouraged to provide visual focus, and elevations should incorporate both vertical and horizontal stepping. Elevations should also incorporate multiple building planes and offsets, including porches, patio covers and fenestrations. Based on the proposed development plans, the applicant has incorporated a craftsman type architectural style with the use of linear wood paneling treatment for siding. As shown on the plan elevations, the existing house and proposed addition also includes both vertical and horizontal articulation with numerous and varying sizes of windows. Therefore, the proposed development complies with the City's Residential Design Guidelines in regard to "Elevation Treatments."

- *Roof Forms* - The City's Residential Design Guidelines encourage roofs to be designed with a variety of pitches and orientations. As shown on both the proposed elevations and roof plans, the existing house generally includes a 5:12 roof pitch and a large roof segment of the proposed additions include a 3:12 roof pitch. Additionally, the existing and proposed roof includes many orientations with ridges proposed at varying heights. The Guidelines also indicate that the maximum residential building height (27 feet) only be allowed for structures with sloped-roof designs. The proposed additions include an expansion of the existing roof with a 27-foot ridge height and the remaining ridges are proposed under the City's maximum residential height standard. Therefore, the proposed development complies with the City's Residential Design Guidelines in regard to "Roof Forms."

- *Window Placement* - The City's Residential Design Guidelines indicate that second-story

windows should incorporate offsets to minimize direct views in neighboring structures, and that landscaping should be used to minimize neighboring privacy impacts. The applicant is proposing new windows on the west façade facing 279 East 19th Street, including two full size windows replacing two existing clerestory windows in the "Master Bedroom 2," two new clerestory windows in the storage room for "Master Bedroom 3," and three additional windows in the breezeway and library, which are approximately 19 feet from the shared property line. The design complies with the Residential Design Guidelines in that there are no direct views into neighboring property windows because the proposed windows are located on the second story, while the neighboring house is single story. Therefore, only indirect views are possible.

The property owner at 297 East 19th Street has indicated concern specifically for the replacement of the existing "Master Bedroom 2" clerestory windows with a typical and larger type window. The neighbor believes that this window change would create privacy impacts to their existing patio area. However and as previously mentioned, the applicant indicated that they would be willing to forego the proposed new window changes located above the neighbor's patio area and instead keep the existing clerestory design. However, the California Residential Building Code requires an "egress window" in all rooms, and the existing clerestory windows are not compliant with this Code section (they are too high from floor level and do not comply with minimum size). In order to retain the clerestory windows, staff believes it would be possible to design a niche (out cove) on this elevation where the "Master Bedroom 2" connects to the proposed "Storage" and within that niche install a compliant egress window that faces the alley to serve the "Master Bedroom 2." For reference, an existing window is shown on the plans to be removed at this location. As another option, staff also believes that the applicant could consider installation of windows that include opaque glass, which could also minimize privacy impacts to the neighbor's below patio area.

- *Integration of Second-Story Construction* - The City's Residential Design Guidelines generally indicates that second-story additions should be designed to "appear as they were part of the original house construction" and that the upper level areas "do not appear out of proportion or top heavy. The proposed modifications and additions are adequately designed to integrate into the existing structure, and include articulated offsets and building projections that are consistent with the existing and proposed craftsman type design. The proposal also includes various building heights with vertical and horizontal second floor stepping that help to avoid continuous elevations, and the additions do not appear top heavy. Therefore, the proposed development complies with the City's Residential Design Guidelines in regard to "Integration of Second-Story Construction."

- *Site Planning Considerations* - The City's Residential Design Guidelines indicate that "the location and orientation of all buildings should be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment." The proposed project site does not include any natural features and nor do any of the neighboring properties. Therefore, the proposed residential modification and additions would not result in any disturbance of a natural environment.

- *Consistency in Architectural Design* - According to the City's Residential Design Guidelines, new structures and additions should maintain a consistent architectural design and be well crafted in style and detail. The Guidelines further indicate that consistency in architectural design specifically includes the consideration of materials, finishes, decorative details, color and accent features. The proposed project incorporates the aforementioned design elements and is therefore consistent with the City's Residential Design Guidelines in regard to consistency with architectural design.

GENERAL PLAN CONFORMANCE:

The Costa Mesa General Plan includes a Community Design Element that is intended to express the City's goals and policies regarding quality design and development in the City's residential neighborhoods. While this element does not dictate specific design guidelines (similar to the City's adopted Residential Design Guidelines), it does provide policies to ensure that projects meet the community's expectations in regard to quality design and development. In addition, the City's Land Use Element also includes policies that dictate high standards for residential development. The following analysis evaluates the proposed project's consistency with the most relevant goals, objectives, and policies of the General Plan:

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 Design Guidelines.

> **Consistency:** Consistent with the City's adopted Residential Design Guidelines, the applicant has incorporated a craftsman type architectural style with the use of linear wood paneling treatment for siding. Additionally, the existing house and proposed addition include vertical and horizontal articulation, multi-oriented roof ridges with varying heights, and varying sizes of windows. Lastly, the house is compatible with the neighborhood as the surrounding residential structures include a mix of single and two-story structures.

Policy LU-2.9 *Require appropriate building setbacks, structure orientation, and placement of windows to consider the privacy of adjacent residential structures within the same project and on adjacent properties.*

> **Consistency:** The proposed addition meets all applicable setbacks and was designed to orient the structure and windows in a way that will not provide direct visibility into the neighboring dwellings. The second story windows do not provide direct views into the windows of the existing neighboring residence in that the neighboring residence is a single-story home.

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.*

> **Consistency:** The proposed addition reflects the Residential Design Guidelines, which were approved in that the project proposes quality materials and the project complies with the development standards. The two-story construction is consistent with the neighborhood in that there are multiple two-story homes on the block.

JUSTIFICATIONS FOR APPROVAL:

There are no specific findings to be made for ministerial/administrative project approvals. However, the project was reviewed for compliance with the development standards and Residential Design Guidelines. All development standards are met and the project complies with all of the criteria of Residential Design Guidelines as specifically outlined in the report.

ENVIRONMENTAL DETERMINATION:

The project is exempt from the provisions of the California Environmental Quality Act under section 15301 (Class 1) Existing Facilities. The exemption applies to additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The project complies with this exemption in that the proposed 1,072- square-foot addition does not exceed 50 percent of the size of the structure before the addition or 2,500 square feet.

ALTERNATIVES:

The Planning Commission may take the following actions:

1. Uphold the staff's decision and approve the project;
2. Approve the project, subject to reasonable conditions of approval such as specific design changes that would incorporate equitable design modifications to avoid/reduce neighbor impacts; or
3. Reverse staff's decision and deny the project.

LEGAL REVIEW:

The City Attorney has reviewed the draft resolution and has approved it as to form.

PUBLIC NOTICE:

Section 2-308 of the Costa Mesa Municipal Code requires that the notice of the hearing for the appeal or review shall be given in the same manner as any required notice for the hearing at which the decision subject to the appeal or review was made. In all cases for the hearing for an appeal or review, written notice of the date, time, and place shall be given to the original applicant, if any, any prior applicant for appeal regarding the same matter, and for appeals the person requesting the current appeal.

Mailed notice has been provided at least 10 days in advance of the hearing to the immediately adjacent residences (which were also originally notified of the project approval in the Zoning Approval Notice), the applicant, and Mayor John Stephens. In addition, beyond the requirements of the code, a notice has been posted at the subject property.

As of the date of this report, no written public comments have been received. Any public comments received prior to the June 13, 2022 Planning Commission meeting will be provided separately.

CONCLUSION:

The applicant's proposal is in compliance with the City's development standards and the applicable design criteria specified in the City's Residential Design Guidelines. Further, the proposed design is articulated within the allowable building envelope, and the building mass is minimized by compliance

with setbacks and the use of vertical and horizontal offsets. The proposed development is neighborhood compatible in that the neighborhood includes a mix of single and two-story residences. Lastly, and with certain design modifications to the existing windows in "Master Bedroom 2" as described in this report, the proposed location of decks, windows and other activity areas would not result in substantial neighbor privacy impacts.

Based on compliance with the residential development standards, and Residential Design Guidelines, staff recommends that the Planning Commission uphold the Planning Division Zoning Approval BC21-00147 for issuance of a building permit with direction to the applicant to work with staff to modify the windows located at the "Master Bedroom 2" to either remain as clearstory and add an additional window from a new niche area, or use opaque glass for the those windows.