ATTACHMENT 2

RESOLUTION NO. PC-05-60

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-05-25

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by David Young/Hy297 Ogle Street LLC with respect to the real property located at 297 Ogle Street, requesting approval of the conversion of a triplex to a common interest development (condominiums), in the R3 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 12, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-05-25 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-05-25 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 12th day of September, 2005.

Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, acting secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on September 12, 2005, by the following votes:

AYES: COMMISSIONERS: PERKINS, HALL, EGAN, FISLER, GARLICH

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

Kimberley J. Brandt

Acting Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(10) in that, although the critical vacancy rate is less than the rate established in Section 13-42(c) (Residential Common Interest Development Conversions), the condominium conversion will not diminish affordable housing stock within the City. Conversion of the apartments will result in a general upgrading of the property, as well as providing additional home ownership opportunities within the City. A condition is also included to require that current tenants be offered right of first refusal to purchase, or the property owner pay registration fees for an apartment search service to help them find a new apartment if they decide not to purchase.

B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(e) in that:
   a. The project is compatible and harmonious with existing development and uses in the general neighborhood.
   b. Safety and compatibility of the design of buildings, parking areas, landscaping, luminaries and other site features, which includes functional aspect of the site development such as automobile and pedestrian circulation, have been considered.
   c. The project is consistent with the General Plan.
   d. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
   e. The cumulative effect of all the planning applications has been considered.

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 from CEQA.

D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

Plng. 1. Vacation of excess right-of-way along Santa Ana Avenue shall be recorded prior to parcel map recordation.

2. The following improvements shall be made:
   a. All exterior and interior improvements listed in applicant's memo dated July 18, 2005. This condition shall be completed under the direction of the Planning staff.
   b. Upgrade landscaping to satisfy current code requirements.
   c. Treat termite infestations as recommended by a termite control company.

2. The address of individual units shall be blueprinted on the site plan and on all floor plans in the working drawings.

3. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.

4. Street addresses shall be displayed on the complex identification sign or, if there is no complex identification sign, on the wall in a manner visible to the public street. Street address numerals shall be a minimum 6" in height with not less than ½" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than ¼" stroke and shall contrast sharply with the background.

5. Applicant shall contact the Building Safety Division, prior to the release of utilities for any units, to provide proof that the Uniform Building Code requirements for condominiums have been satisfied, to obtain a change of occupancy permit, and to complete any additional paperwork created through this conversion.

6. The site plan shall show provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and the US Postal Service.

7. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-05-25 shall be blueprinted on the face of the site plan.

8. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the final Building Division inspections. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

9. The applicant shall offer the existing tenants right of first refusal to purchase the units with terms more favorable than those offered to the general public. If the existing tenants confirm in writing that they are not interested in purchasing the units, the property owner will pay the registration fee for an apartment referral service.

10. The applicant shall show proof of compliance with all applicable conditions of approval and code requirements prior to recordation of the final map. This condition shall be completed under the direction of the Planning Staff.

11. The CC&R's shall require that garage spaces be used for parking, and any changes made to this provision require prior review and approval by the City of Costa Mesa.

Bldg. 12. Comply with all building, plumbing, and electrical corrections listed in the July 29, 2005, memo.

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.

Bus.Lic. 1. 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.

Plng. 2. Approval of the planning action is valid for one (1) year and will expire at the end of that period unless building permits are obtained and construction commences, or the applicant applies for and is granted an extension of time. A written request for an extension of time must be received by Planning staff prior to the expiration of the planning action.

3. A parcel map shall be processed and recorded prior to sale of the individual units.

4. A final inspection report shall be made by the Building Official, upon request of the applicant, indicating the compliance with all the imposed requirements.

5. All garages shall be provided with automatic garage door openers.

6. CC&Rs and articles of incorporation and bylaws for the homeowners' association shall be reviewed and approved by both the Planning Division and the Department of Real Estate (DRE) prior to recordation. CC&Rs shall include provisions as required in Costa Mesa Municipal Code section 13-41, as well as applicable conditions of approval and code requirements. The applicant shall provide the Planning Division proof of review and approval of the CC&Rs by the DRE prior to recordation. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the release of utilities for the units.

7. Included in the required CC&Rs shall be a provision that will permit the installation of solar heating systems, subject to applicable zoning district requirements, the Uniform Building Code, and associated ordinances, and reasonable architectural review by the project's architectural review committee.

8. The CC&Rs shall include a provision as to use and maintenance of all open parking spaces, driveways and common open space.

10. Two (2) set of detailed landscape plans shall be submitted to the Planning Division for review as part of the plan check review and process.

11. Landscape plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108.

12. Landscaping shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.

Bldg. 13. Comply with the requirements of the California Code of Regulations, Title 24, also known as the California Building Standards Code, as amended by the City of Costa Mesa.

Fire 14. Provide approved smoke detectors to be installed in accordance with the 2001 Edition of the Uniform Fire Code.

SPECIAL DISTRICT REQUIREMENTS

The requirement of the following special district is hereby forwarded to the applicant:

Sani. 1. It is recommended that the developer contact the Costa Mesa Sanitary District at 949.645.8400 for current district requirements.