



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 6, 2007

ITEM NO:

**SUBJECT: REZONE R-06-05
811 PAULARINO AVENUE**

DATE: FEBRUARY 22, 2007

FROM: DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

PRESENTATION BY: WENDY SHIH, ASSOCIATE PLANNER

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754-5136

RECOMMENDED ACTION

Give first reading to the attached ordinance, which rezones the subject property from R2-HD (Multiple-Family Residential, High Density) to R3 (Multiple-Family Residential).

BACKGROUND

The subject property is located mid-block between Bear Street and Bristol Street, on the south side of Paularino Avenue. The lot also has frontage at the end of the Randolph Avenue cul-de-sac. The property contains a 14-unit apartment complex (Paularino Plaza), and is zoned R2-HD (Multiple-Family Residential, High Density) with a General Plan designation of High Density Residential. The lot is surrounded by R3 (Multiple-Family Residential) zoned properties to the east, west, and south. The properties across Paularino Avenue to the north are zoned R1 (Single-Family Residential). The subject site is also located within the Baker Street and Paularino Avenue Specific Plan area.

The applicant proposes to rezone the property to R3 to accommodate a future condominium project. On February 12, 2007, Planning Commission recommended to City Council that the proposed rezone ordinance be adopted on a 5-0 vote.

ANALYSIS

Based on one unit per 3,000 square feet of lot area, the existing R2-HD zone allows a maximum of 13 units on the property. The existing 14-unit development is legal, nonconforming and will be demolished to accommodate a future 18-unit condominium project (conceptual plan attached for illustrative purposes only). Under R3, a maximum of 18 units would be permitted. Rezoning of the property will not result in a reduction in the number of units allowed on the site under the General Plan.

The lot width is approximately 105 feet and lot size is approximately 40,000 square feet, which exceed Code thresholds for the proposed R3 zone (minimum 100-foot lot width and 12,000 square-foot lot size required).

The proposed R3 zone is consistent with the property's existing High Density Residential General Plan Land Use Designation. The proposal is also consistent with General Plan Land Use Objective LU-1F.4 because the proposed density can be supported by existing infrastructure and is compatible with surrounding existing multiple-family residential properties.

The property is located within the Baker Street and Paularino Avenue Specific Plan area. Although the plan encourages higher density rezoning when lot consolidation is proposed, the type and age of the abutting developments make combination of this lot with another highly infeasible. The applicant is aware that future development of the site will be required to comply with standards of the specific plan as well as applicable Code standards and that any project will require a separate application and public hearing before Planning Commission.

During the February 12, 2007, Planning Commission meeting, 2 people spoke against the rezone and a petition containing 52 signatures was also submitted. However, Planning Commission still recommended approval of the rezone because they found it to be consistent with the General Plan, Zoning Code, and specific plan.

ALTERNATIVES CONSIDERED

Council may choose to do either of the following:

1. Approve the rezone as recommended by the Planning Commission; or
2. Take no action on the draft ordinance and, thereby, retain the City's current R2-HD zoning designation for the property.

FISCAL REVIEW

Fiscal review is not required.

LEGAL REVIEW

The draft ordinance has been approved as to form by the City Attorney's Office.

ENVIRONMENTAL REVIEW

Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

CONCLUSION

The Planning Commission found that the proposed rezone is consistent with the General Plan, the Zoning code, and the Baker Street and Paularino Avenue Specific Plan. The R3

zone can be supported by existing infrastructure and is compatible with existing multiple-family residential properties in the vicinity.



WENDY SHIH
Associate Planner



DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

Attachments: Draft Ordinance
Minutes of Planning Commission meeting of February 12, 2007
Planning Commission Staff Report
Planning Commission Resolution
Neighbors' Correspondence and Petition

Distribution: City Manager
Assistant City Manager
City Attorney
Deputy City Manager-Development Svs. Dir.
Public Service Director
City Clerk (2)
Staff (4)
File (2)

Peter Zehnder
P.O. Box 15126
Newport Beach, CA 92659

John M. Foley
701 La Costa Court
Costa Mesa, CA 92627

Stephen Foley
2291 Pavillion Drive
Santa Ana, CA 92705

Danny P. Foley
811 Paularino Avenue
Costa Mesa, CA 92626

ORDINANCE NO. 07-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING 811 PAULARINO AVENUE FROM R2-HD (MULTIPLE-FAMILY RESIDENTIAL, HIGH DENSITY) TO R3 (MULTIPLE-FAMILY RESIDENTIAL) BY ADOPTION OF REZONE PETITION R-06-05

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The City of Costa Mesa Official Zoning Map is hereby amended as follows:

There is hereby placed and included in the R3 (Multiple-Family Residential Zoning District), 811 Paularino Avenue, as shown on attached Exhibit "1" and described in attached Exhibit "2", situated in the City of Costa Mesa, County of Orange, State of California.

SECTION 2: Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in section 1 hereof and shown in the respective exhibits. A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 3: The proposed rezone was determined to be categorically exempt pursuant to section 15332 of the California Environmental Quality Act (CEQA), which reflect the independent judgment of the City of Costa Mesa.

SECTION 4: Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 5: Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional

or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 6: Publication. This ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and, prior to the expiration of fifteen (15) days from its passage, shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names of the members of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2007.

Mayor of the City of Costa Mesa

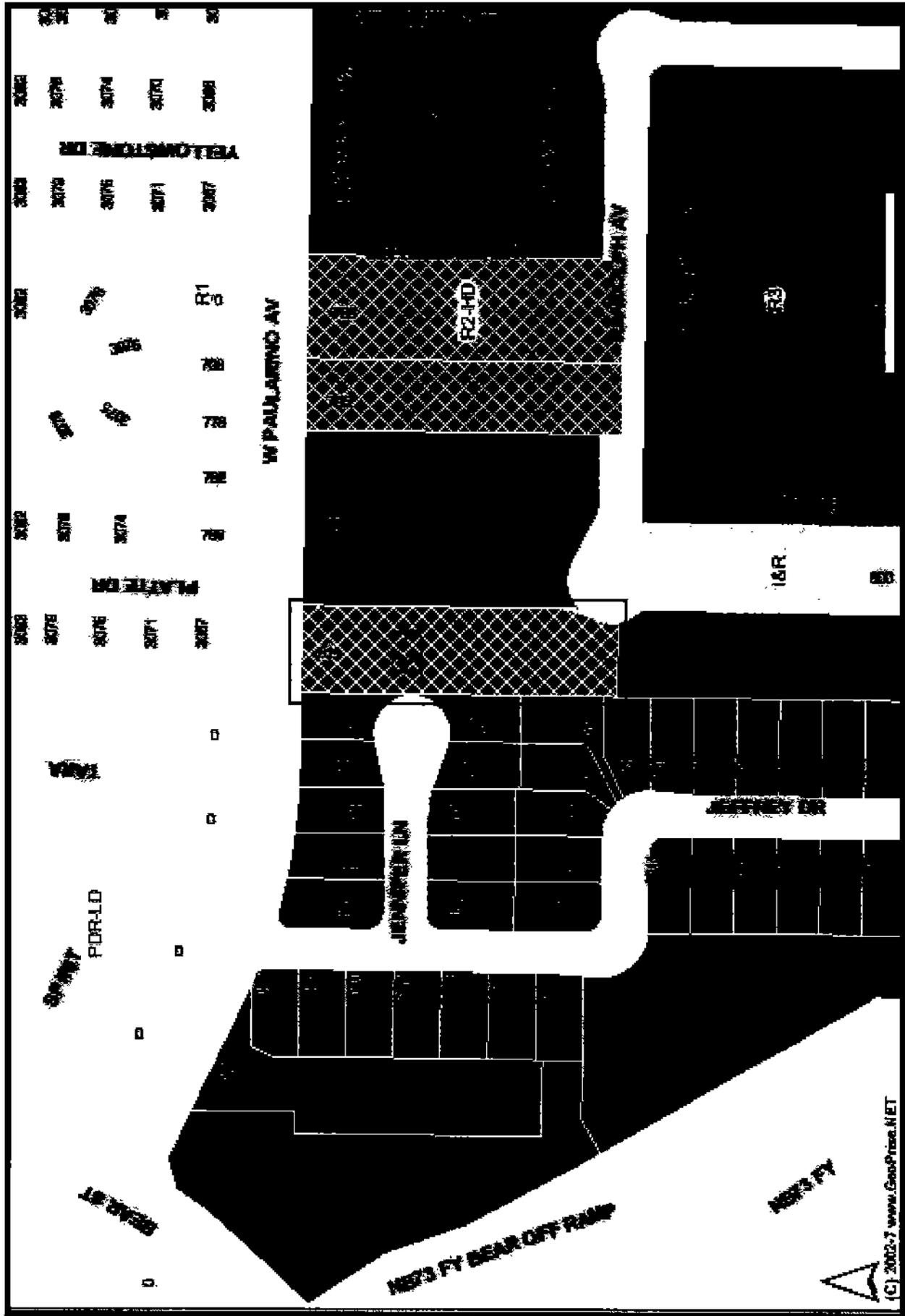
ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk of the City of Costa Mesa

City Attorney

EXHIBIT "1" - ZONING MAP



The following property is hereby rezoned as follows:

ZONING DISTRICT	ADDRESS
Multiple-Family Residential (R3)	811 Paularino Avenue, situated in the City of Costa Mesa, County of Orange, State of California, further described per attached Exhibit "2A"



**Legal Description For
811 Paularino Avenue**

THE WEST 105.6 OF LOT 6 IN BLOCK "E" OF BERRY SUBDIVISION, AS PER MAP RECORDED IN BOOK 30, PAGE 74 OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY. EXCEPT THEREFROM THE SOUTH 412.5 FEET THEREOF, SAID 412.5 FEET BEING MEASURED FROM THE CENTER LINE OF BAKER STREET.

02-12-07 PC Minute Excerpt for R-06-05 - Unofficial Until Approved

7. Rezone Application R-06-05, for Peter Zehnder, authorized agent for Danny, John, and Stephen Foley, to rezone property from R2-HD to R3 to accommodate a future 18-unit residential project, located at 811 Paularino Avenue. Environmental determination: exempt.

Associate Planner Wendy Shih gave a presentation. In a response to Commissioner Egan's question about required parking, Ms. Shih replied approximately three parking spaces per unit.

Peter Zehnder, authorized agent, Newport Beach, gave a presentation.

In response to Commissioner Egan's question about the water table, Mr. Zehnder replied he would be working on the water table with City Engineer Ernesto Munoz.

In response to Mr. Zehnder's question about Council's involvement, Chair Hall replied that it relates to land use.

William Spurgeon, Costa Mesa, came forward with a petition opposing the project citing parking and traffic concerns.

Suzanne Richmond, Costa Mesa, spoke about parking, density, and the structural integrity of the building.

In reply to Chair Hall's question relating to grading and retaining walls, City Engineer Ernesto Munoz replied that a review was needed by the Building Official.

Mr. Zehnder noted to Chair Hall and Associate Planner Wendy Shih that he was providing more than enough parking onsite and the units would be for-sale units. Chair Hall closed the public hearing.

MOTION: Recommend City Council give first reading to the ordinance for Rezone R-06-05 by adoption of Planning Commission Resolution PC-07-22. Moved by Commissioner Eleanor Egan, seconded by Commissioner Sam Clark.

During discussion on the motion, Vice Chair Fisler and Chair Hall gave their support for the motion. Commissioner Clark said that this item is a re-zone.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.



PLANNING COMMISSION AGENDA REPORT

X.7

MEETING DATE: FEBRUARY 12, 2007

ITEM NUMBER:

SUBJECT: REZONE R-06-05
811 PAULARINO AVENUE

DATE: FEBRUARY 1, 2007

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

PROJECT DESCRIPTION

The applicant is requesting approval of a rezone from R2-HD (Multiple-Family Residential, High Density) to R3 (Multiple-Family Residential).

APPLICANT

Peter Zehnder is the authorized agent for property owners Danny, John, and Stephen Foley.

RECOMMENDATION

Recommend City Council give first reading to the ordinance for Rezone R-06-05 by adoption of Planning Commission resolution.


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The subject property is located mid-block between Bear Street and Bristol Street, on the south side of Paularino Avenue. The lot also has frontage at the end of the Randolph Avenue cul-de-sac. The property contains a 14-unit apartment complex (Paularino Plaza), and is zoned R2-HD (Multiple-Family Residential, High Density) with a General Plan designation of High Density Residential. The lot is surrounded by R3 (Multiple-Family Residential) zoned properties to the east, west, and south. The properties across Paularino Avenue to the north are zoned R1 (Single-Family Residential). The subject site is also located within the Baker Street and Paularino Avenue Specific Plan area.

ANALYSIS

The applicant proposes to rezone the property to R3 to accommodate an 18-unit condominium project (conceptual plan attached). Based on one unit per 3,000 square feet of lot area, the existing R2-HD zone allows a maximum of 13 units on the property. The existing 14-unit development is legal, nonconforming and will be demolished. Under R3, a maximum of 18 units would be permitted. Rezoning of the property will not result in a reduction in the number of units allowed on the site under the General Plan.

The lot width is approximately 105 feet and lot size is approximately 40,000 square feet, which exceed Code thresholds for the proposed R3 zone (minimum 100-foot lot width and 12,000 square-foot lot size required).

The proposed R3 zone is consistent with the property's existing High Density Residential General Plan Land Use Designation. The proposal is also consistent with General Plan Land Use Objective LU-1F.4 because the proposed density can be supported by existing infrastructure and is compatible with surrounding existing multiple-family residential properties.

The property is located within the Baker Street and Paularino Avenue Specific Plan area. Although the plan encourages higher density rezoning when lot consolidation is proposed, combination of this lot with another is most likely infeasible; the adjoining property to the east contains an apartment project constructed in 1988 and the properties to the west are smaller lots containing triplexes, which are part of a larger development accessed by a different public street. This lot exceeds Code minimums for width and area required for R3 zones. Furthermore, the plan does not recommend higher density if the only vehicular access is from Paularino Avenue; this property will provide access from both Paularino and Randolph Avenue. The plan also requires a minimum 25-foot landscaped setback on Randolph Avenue. The applicant is aware that future development of the site will be required to comply with these standards as well as applicable Code standards and require a separate planning application and public hearing before Planning Commission.

As noted above, the applicant has submitted conceptual plans and a narrative description for a proposed 18-unit condominium project. Staff notes that these have been submitted for illustrative purposes only and that the proposed development will be subject to discretionary review and approval if the rezone request is approved by City Council.

ENVIRONMENTAL DETERMINATION

Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

ALTERNATIVES

1. Recommend City Council approve R-06-05, which would allow a maximum of 18 units to be built on the property; or
2. Recommend that City Council deny R-6-05. If the rezone is denied, the existing 14-unit apartment complex may remain as legal nonconforming units or a maximum of 13 new units could be built on the property.

CONCLUSION

It is staff's opinion that the proposed rezone is consistent with the existing General Plan designation and the Zoning Code, as well as the Baker Street and Paularino Avenue Specific Plan. The R3 zone would be consistent with existing residential properties in the vicinity.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Ordinance
 Exhibit "B" – Zone Change Map Exhibit
 Applicant's Project Description
 Site Photos
 Location Maps

cc: Deputy City Manager - Dev. Svs. Director
 Deputy Attorney
 Assistant City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

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File: 021207R0605	Date: 013007	Time: 10:15 a.m.
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Overview Map

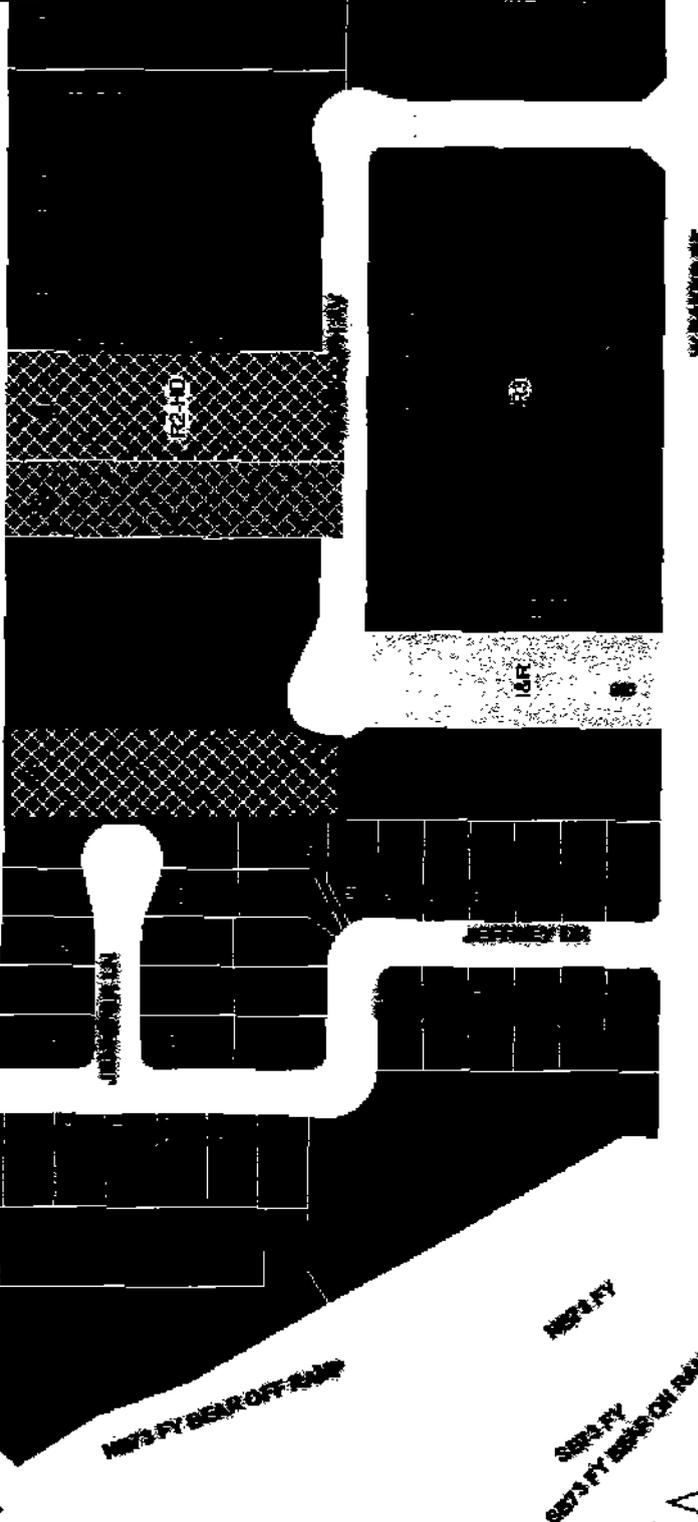


Legend

- Address Small
- Address Points
- Street Names
- Parcel Lines
- City Boundary
- Zoning

- AP
- C1
- C1-S
- C2
- CL
- CL
- IAR
- IAR-S
- MG
- MP
- P
- POC
- POI
- PDR-HD
- PDR-LD
- PDR-MD
- PDR-NCM
- R1
- R2-HD
- R2-MD
- R3
- TC
- Dwelling General
- Parcels
- ROW Polygons
- city

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Note: This map was prepared for assessment purpose only and does not represent a survey

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Project Description
811 Paularino Ave. Costa Mesa, California

The proposal is for a change of Zone from R-2 HD to R-3. The proposed project plan is a unique development of 18 condominium homes on the existing site of approximately 39,000 Square feet. There are currently 14 apartment units on the site. The adjacent properties to the subject are all zoned R-3.

The applicant has contracted with the award winning architectural firm of Callas/Shortridge Los Angeles to design a beautiful and most creative proposal for the site. We have achieved the allowable density and required parking but within a well thought out design that allows for over 80% of the homes to be detached with the required legal setbacks at side and rear yards.

This design also allows for much more private and common open space which is actually at grade level and thereby presenting the opportunity for a much more diverse, natural and low density style of landscape plan.

Each unit as represented has approximately 1,500 Square feet of living space. There will be several openings to the private gardens and or/yard areas as well as courtyard landings and entries.

Within the enclosed below grade parking there will be private entrances to each unit from assigned parking spaces.

We believe our proposed project is emblematic of and consistent with the design intent of the City of Costa Mesa and the nearby SOBECA Planning area in that it achieves the surrounding density with a scale that is reflective of much lower density project without the appearance of typical repetitive buildings and unsightly driveways or corridors.

We believe this project will bring much attention to the forward direction of residential development in the City of Costa Mesa and hopefully raise the bar for similar developments that will enhance the Cities housing element.

*“Little Boxes on the hillside,
Little boxes made of ticky tacky
Little boxes on the hillside, little boxes all the same
A green one ... pink one
A blue and yellow one...
And they all look the same...”*
-Malvina Reynolds-

In 1962 Ms. Reynolds drove past Daly City and was inspired to compose a barb at America’s cancerous conformity. It was, as well, an unintended clarion call to conquer the cliché of a form that had called regularly for the construction of ten to ten thousand such “boxes.” Sadly, a regiment bound by rudimentary laws of space, function, building codes, and the ever-present conservative bias in home investment had culminated in a dreary landscape proscribed by pro forma aesthetics.

To alter such a landscape the visionary architect must modulate repetitive forms that play in confined and specific perimeters to produce a progression of shape and form -- like a simple musical one – that is engaging and harmonic in spirit, in part, because of the formal manipulation of that repetition.

A Mews of 18, 1500 square-foot dwellings off Paularino in Costa Mesa, California stands as a dramatic and practical experiment in refashioning and restating the Townhome in a bold modern idiom. Callas Shortridge architects bring musical dynamics to their design for Mesa Mews. They have conceived of the residences as integral elements of a concise concerto whose harmony and counterpoint is a result of each one being separated by a vibrant, exterior greenery and bisected by a walk street that binds the architectural Gestalt of the Mews as it produces the option for an internal nexus of community intersection that can both heighten or remove the subtle separation of the structures.

The ineluctable tension between California freedom and restraint is concretized by the automobile and where to park it. This dialectic defies developers and designers as parking and habitation vie for space. Here the architect’s solution is ingenious. Unlike typical underground parking Mesa Mews provides that each home is accessed by its own

stair by positioning parking geometry below the middle zone of the site. This kind of astute mathematical logic is applied to the rhythm of an architecture that optimizes large courtyard space between homes. And, “zero lot line adjustment” expands all usable outdoor space, the side yards of which are generous and intended for multiple mature plantings.

Mesa Mews unfolds as a fusion of modernism and classicalism. In musical terms, part Satie, part Bach. The ultimate challenge in designing these 18 structures so as to imbue them with sentient style and create the sense of an organic site and thereby transcend the clichés of their history – a constant condition for the artists and creative developer – was to simplify a myriad of possible details into buildable and elegant forms that would elevate the Townhome through its architecture and not subordinate an architecture to the common and lesser expectations of the form.



CITY OF COSTA MESA

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DEVELOPMENT SERVICES DEPARTMENT

FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,

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(714) 754-5121