



CITY COUNCIL AGENDA REPORT

MEETING DATE: JUNE 5, 2007

ITEM NO:

**SUBJECT: APPEAL OF PLANNING APPLICATION PA-06-79 AND TENTATIVE MAP T-17132
309 MONTE VISTA AVENUE**

DATE: MAY 24, 2007

FROM: DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

PRESENTATION BY: MEL LEE, AICP, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER (714)754-5611

RECOMMENDED ACTION

Conduct public hearing and adopt a resolution to uphold, reverse, or modify Planning Commission's decision.

BACKGROUND

On April 23, 2007, Planning Commission denied Planning Application PA-06-79 and Tentative Map T-17132, a proposal to convert 8 apartment units into a common interest development (condominiums), on a 4-1 vote (Commissioner Righeimer voting no). On April 27, 2007, an appeal of Commission's decision was filed by the applicant.

ANALYSIS

The subject property contains an 8-unit, two-story, apartment complex originally constructed in the early 1970's. The units are currently undergoing structural, plumbing, and electrical renovations and are unoccupied.

In his appeal, the applicant states the conversion would provide significantly upgraded, yet affordable, condominiums that are compatible and harmonious with the surrounding community.

At the hearing, no one spoke for or against the project, other than the applicant. Planning Commission noted the apartments are very nonconforming to current density requirements (4 units allowed; 8 units existing), and severely deficient with current development standards for site landscaping, on-site parking spaces (24 spaces required; 14 spaces existing), and overall open space (40% required; 25% existing). Commission denied the project, finding that the nonconforming aspects of the existing development, coupled with the project's apartment-like characteristics, will likely discourage owner occupancy, defeating the purpose of promoting home ownership as encouraged through the conversion process.

ALTERNATIVES CONSIDERED

City Council may consider the following alternatives:

1. Uphold Planning Commission's decision to deny the conversion. If the request is denied, the units can still continue to be rented once the renovations are completed.
2. Reverse Planning Commission's decision and approve the request, subject to conditions of approval. If the request is approved, appropriate findings would need to be made.

FISCAL REVIEW

Fiscal review is not required.

LEGAL REVIEW

Legal review is not required.

ENVIRONMENTAL REVIEW

Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

CONCLUSION

The Planning Commission denied the proposed conversion because, despite the renovations to the existing units, the development is nonconforming with current density, landscaping, parking, and open space standards. The applicant feels the conversion will provide significantly upgraded, yet affordable, condominiums that are compatible and harmonious with the surrounding community.



MEL LEE, AICP
Senior Planner



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

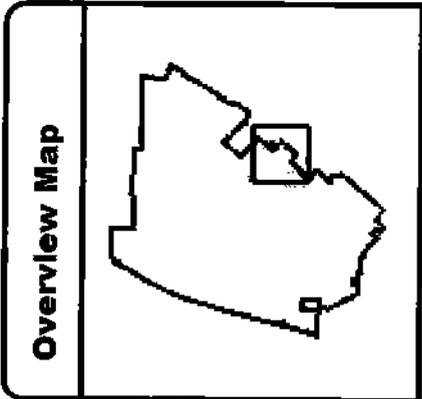
Attachments: Zoning/Location Map
 Plans
 Photo Exhibit
 Draft City Council Resolution
 Exhibit "A" – Draft Findings
 Exhibit "B" – Draft Conditions of Approval
 Appeal Application
 Minutes of Planning Commission meeting of April 23, 2007
 Planning Division Staff Report with Supplemental Information
 Planning Commission Resolution

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

GDA Architecture and Planning
2518 W. 157th Street
Gardena, CA 90249

309 Monte Vista LLC
1726 Candlestick Lane
Newport Beach, CA 92660

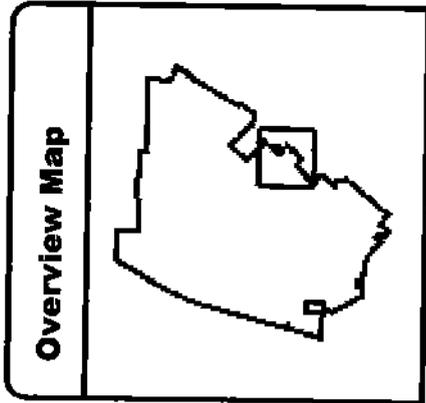
| | | |
|--------------------------------|--------------|-----------------|
| File: 060507PA0679T17132Appeal | Date: 052407 | Time: 2:45 p.m. |
|--------------------------------|--------------|-----------------|



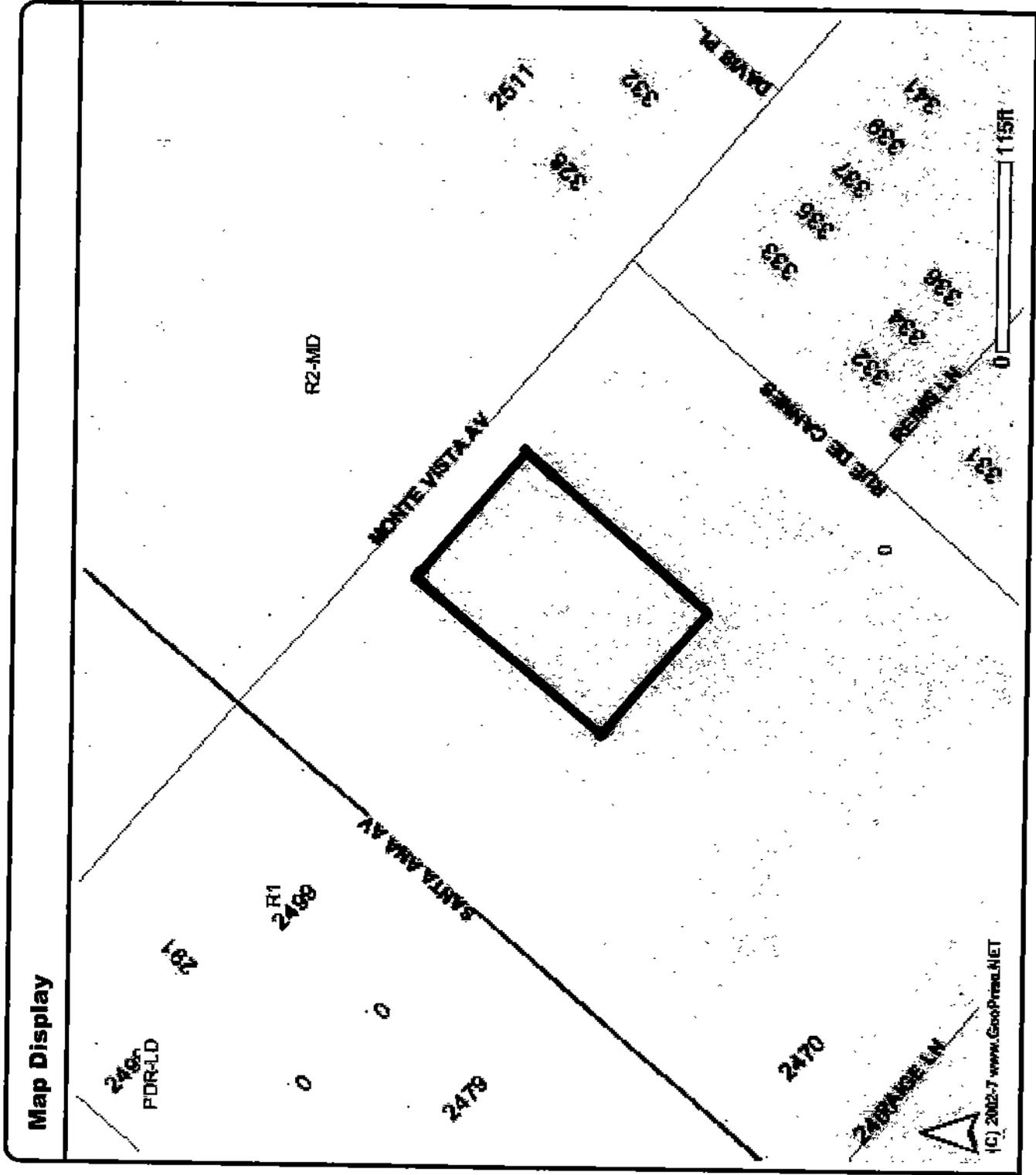
Legend

| | |
|-------------------------|--------------------|
| Address Large | Primary |
| Address Points | SECONDARY |
| Freeway | Street Names |
| Roads | Street Centerlines |
| Collector Freeway Major | Parcel Lines |
| Newport Blvd (cont) | City Boundary |

(C) 2002-7 GeoPrise.NET



Overview Map



Map Display

Legend

| | |
|-------------------------|--------------------|
| Address Large | Primary |
| Address Points | SECONDARY |
| Freeway Roads | Street Names |
| Collector Freeway Major | Street Centerlines |
| Newport Blvd (cont) | Parcel Lines |
| | City Boundary |

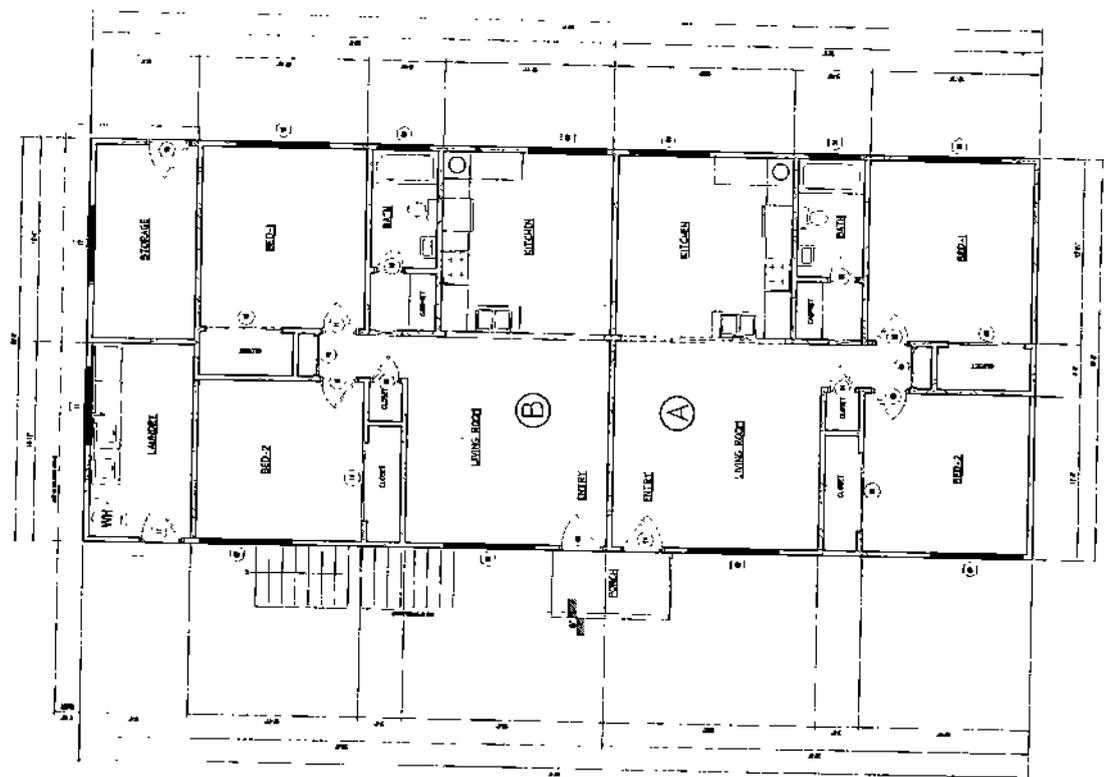
309 Monte Vista LLC
 1700 S. GARDEN AVENUE
 SUITE 100
 DENVER, CO 80202
 (303) 733-1111

| | |
|----------|---------------------|
| DATE | 10/15/13 |
| PROJECT | 309 Monte Vista LLC |
| DESIGNER | ARCHITECTURE |
| SCALE | 1/4" = 1'-0" |

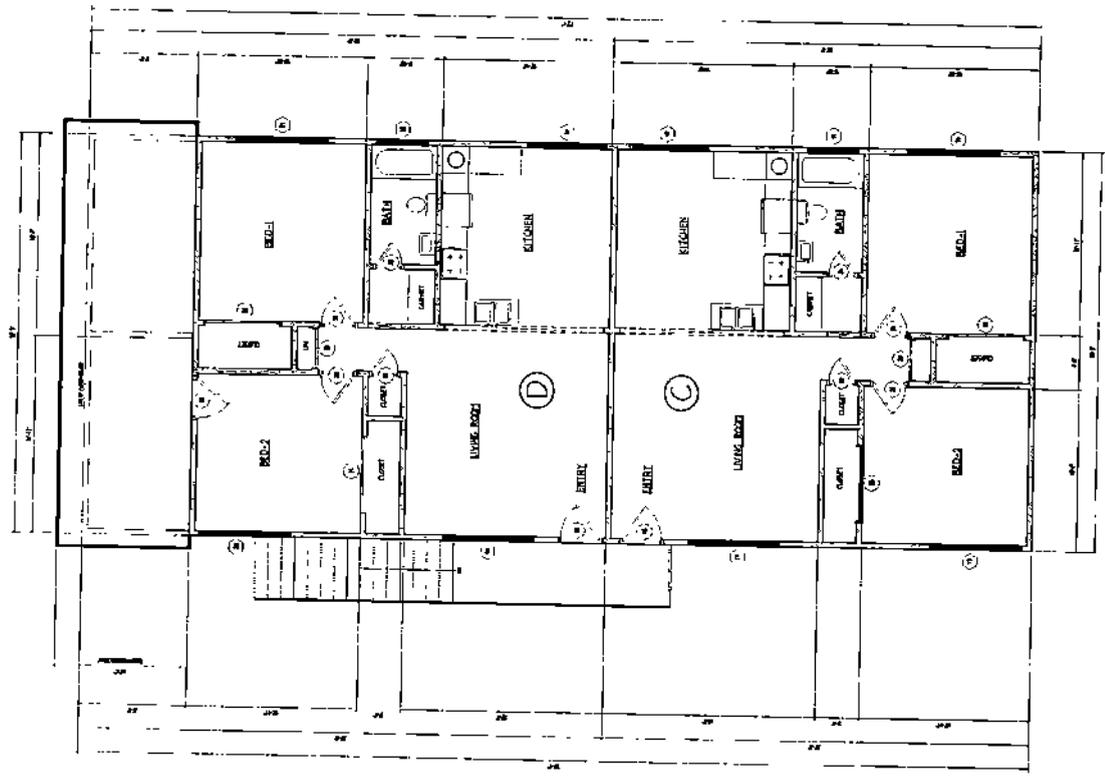


| | | |
|-----|----------------------|----------|
| NO. | DESCRIPTION | DATE |
| 1 | ISSUED FOR PERMIT | 10/15/13 |
| 2 | REVISED PER COMMENTS | 10/15/13 |
| 3 | REVISED PER COMMENTS | 10/15/13 |
| 4 | REVISED PER COMMENTS | 10/15/13 |
| 5 | REVISED PER COMMENTS | 10/15/13 |
| 6 | REVISED PER COMMENTS | 10/15/13 |
| 7 | REVISED PER COMMENTS | 10/15/13 |
| 8 | REVISED PER COMMENTS | 10/15/13 |
| 9 | REVISED PER COMMENTS | 10/15/13 |
| 10 | REVISED PER COMMENTS | 10/15/13 |

PROJECT TITLE: MONT VISTA PROPOSED PLANS
 SHEET TITLE: BLDG 1 EXISTING 1st FLOOR
 BLDG 1 EXISTING 1st & 2nd FLOOR
 DATE: 10/15/13
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1/4" = 1'-0"
 SHEET NO: A2
 OF 12



BLDG. 1 EXISTING 1st FLOOR
 1/4" = 1'-0"



BLDG. 1 EXISTING 2nd FLOOR
 1/4" = 1'-0"

309 Monte Vista LLC

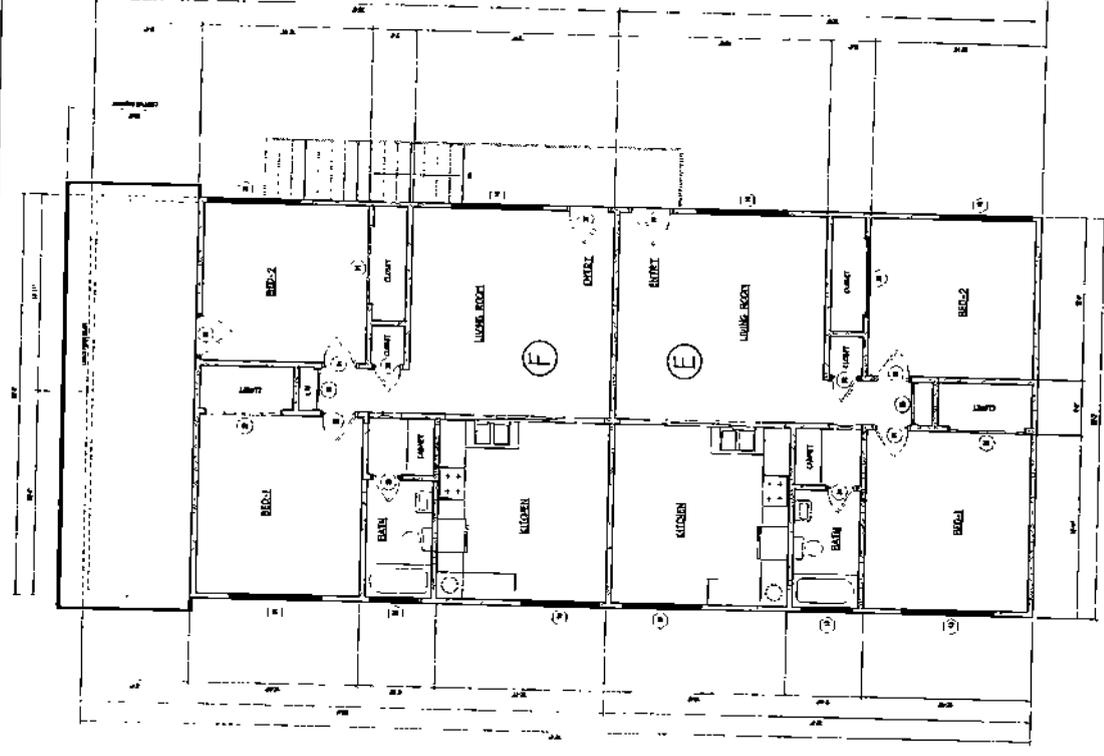
309 Monte Vista LLC
11111 Monte Vista Blvd
Monte Vista, CA 95031



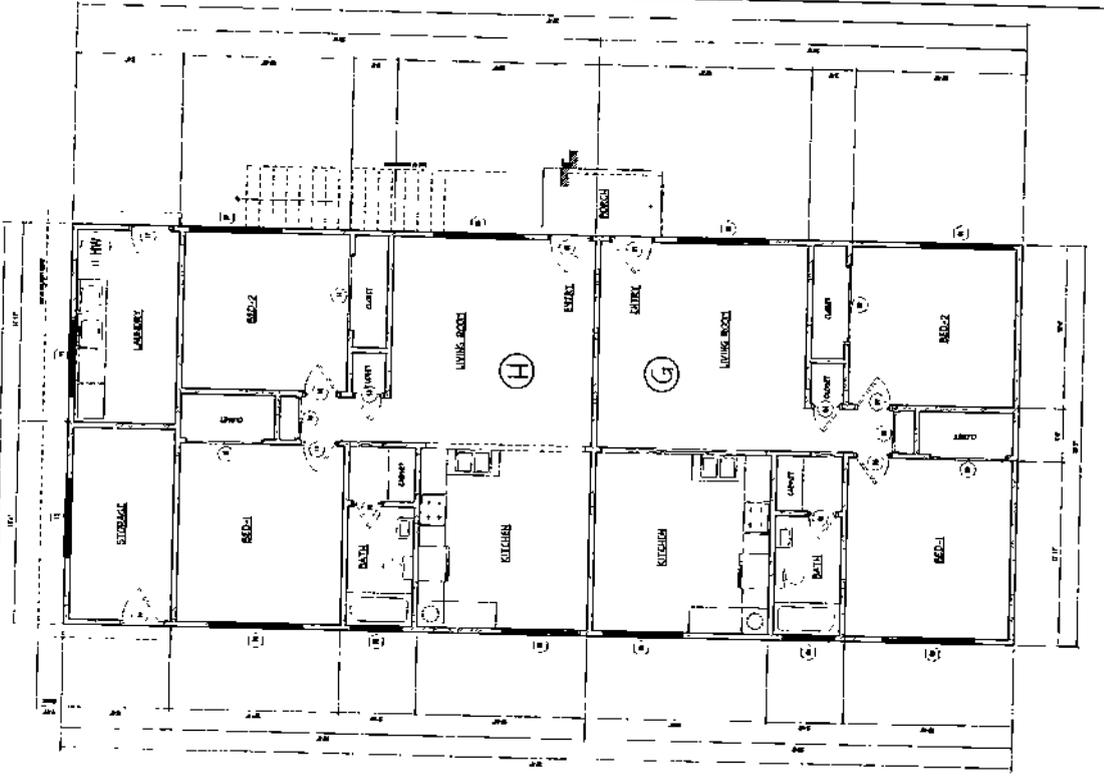
| NO. | DATE | DESCRIPTION |
|-----|----------|--------------------|
| 1 | 10/15/18 | ISSUED FOR PERMITS |
| 2 | 11/05/18 | REVISIONS |
| 3 | 11/15/18 | REVISIONS |
| 4 | 12/01/18 | REVISIONS |
| 5 | 12/15/18 | REVISIONS |
| 6 | 01/05/19 | REVISIONS |
| 7 | 01/15/19 | REVISIONS |
| 8 | 02/01/19 | REVISIONS |
| 9 | 02/15/19 | REVISIONS |
| 10 | 03/01/19 | REVISIONS |
| 11 | 03/15/19 | REVISIONS |
| 12 | 04/01/19 | REVISIONS |
| 13 | 04/15/19 | REVISIONS |
| 14 | 05/01/19 | REVISIONS |
| 15 | 05/15/19 | REVISIONS |
| 16 | 06/01/19 | REVISIONS |
| 17 | 06/15/19 | REVISIONS |
| 18 | 07/01/19 | REVISIONS |
| 19 | 07/15/19 | REVISIONS |
| 20 | 08/01/19 | REVISIONS |
| 21 | 08/15/19 | REVISIONS |
| 22 | 09/01/19 | REVISIONS |
| 23 | 09/15/19 | REVISIONS |
| 24 | 10/01/19 | REVISIONS |
| 25 | 10/15/19 | REVISIONS |
| 26 | 11/01/19 | REVISIONS |
| 27 | 11/15/19 | REVISIONS |
| 28 | 12/01/19 | REVISIONS |
| 29 | 12/15/19 | REVISIONS |
| 30 | 01/01/20 | REVISIONS |

PROJECT TITLE: MONTE VISTA PROPOSED PLANS EXISTING 1st & 2nd FLOOR
 BLDG 2
 SHEET TITLE: EXISTING 1st & 2nd FLOOR
 DATE: 10/15/18
 DRAWN BY: D. GARCIA
 CHECKED BY: D. GARCIA
 SCALE: 1/4" = 1'-0"

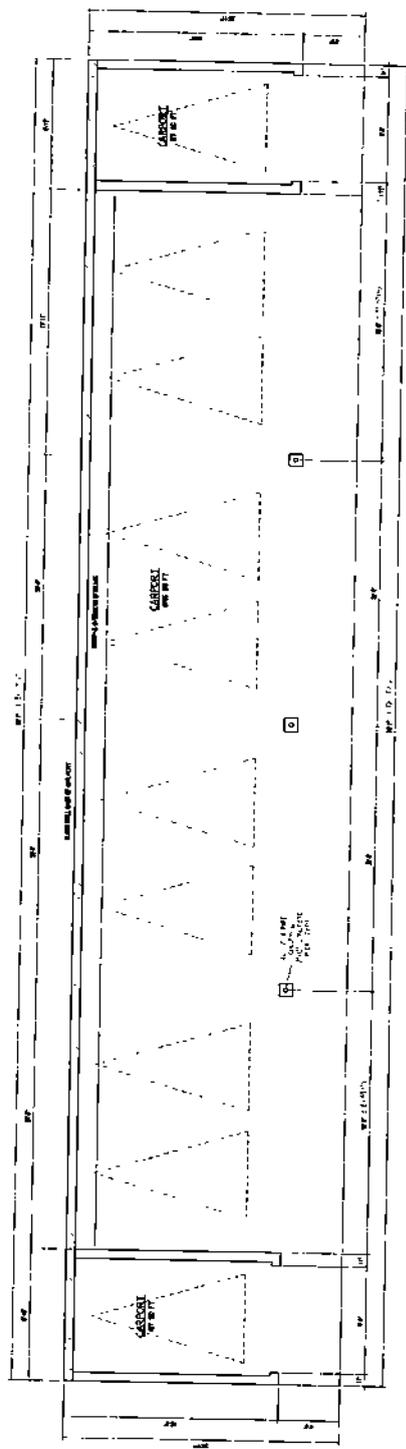
A3 of 12



BLDG. 2 EXISTING 1st FLOOR
1/4" = 1'-0"



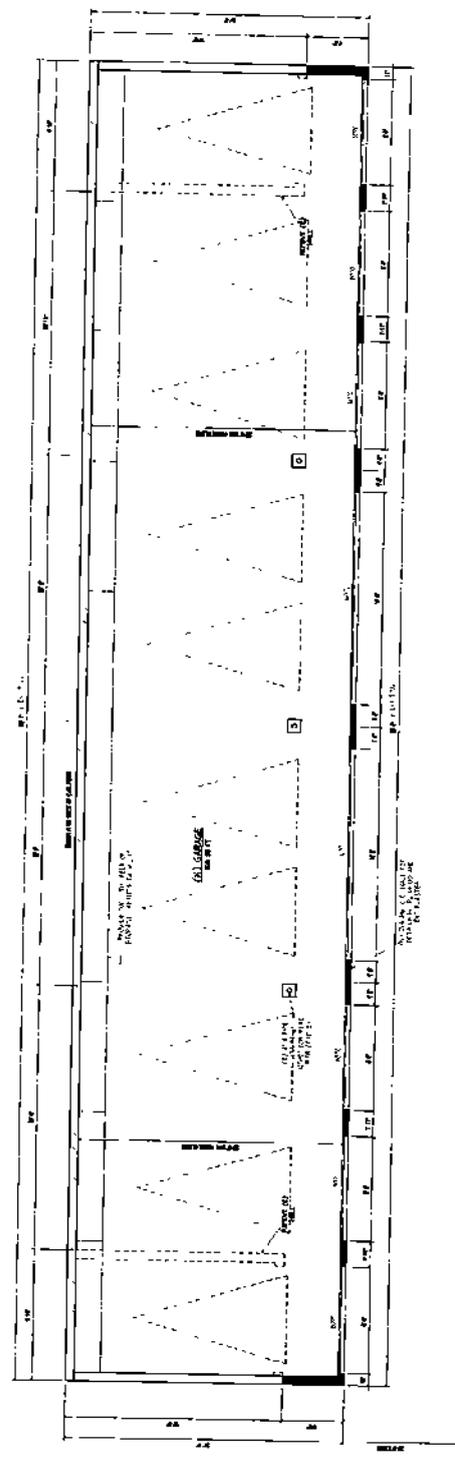
BLDG. 2 EXISTING 2nd FLOOR
1/4" = 1'-0"



CARPORT EXISTING FLOORPLAN
1/4" = 1'-0"

WALL SCHEDULE

- WALL
- - - - - PARTIAL WALL
- - - - - PARTIAL WALL TO MEMBRANE
- - - - - 100% WALL



CARPORT PROPOSED FLOORPLAN
1/4" = 1'-0"

309 Monte Vista LLC

PROJECT TITLE: MONTE VISTA PROPOSED PLANS

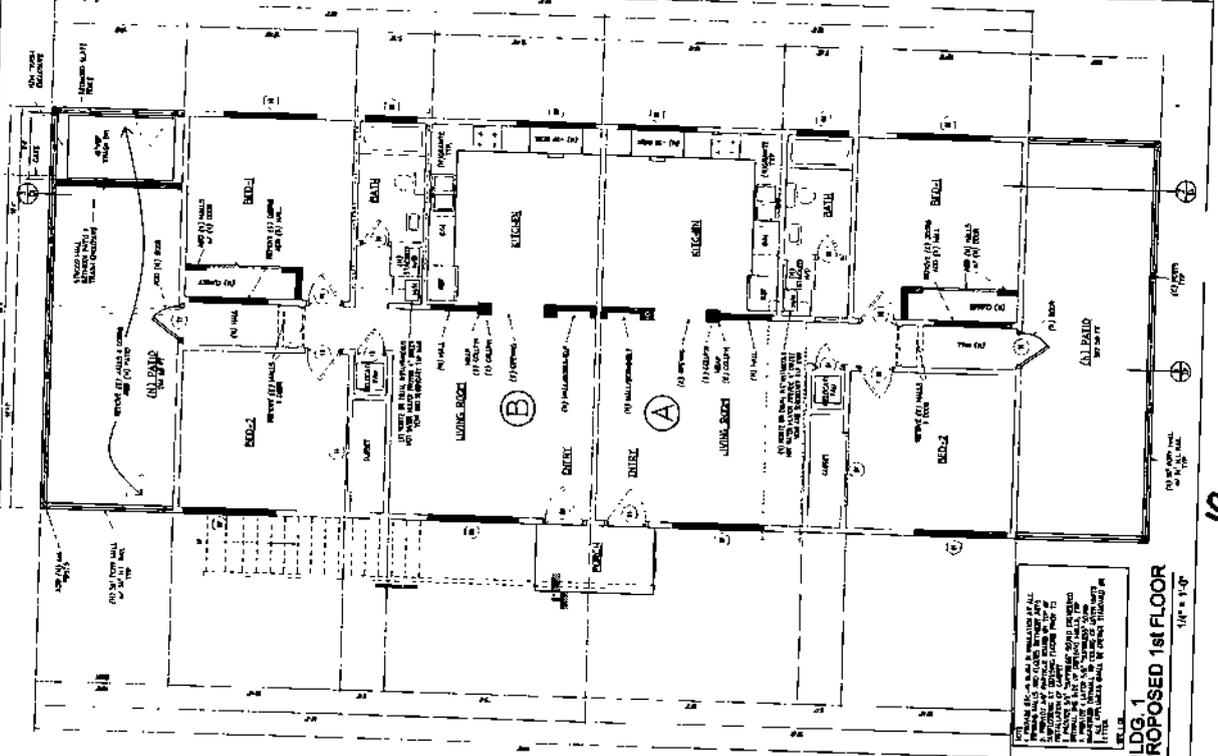
SHEET TITLE: BLDG 1 PROPOSED 1st & 2nd FLOOR

DATE: 11/11/10

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

11' x 17' 0"

10



BLDG. 1 PROPOSED 1st FLOOR
1/4" = 1'-0"

SCALE

1. REMOVE WALLS AS SHOWN IN ALL AREAS UNLESS NOTED OTHERWISE.

2. ADD WALLS AS SHOWN IN ALL AREAS UNLESS NOTED OTHERWISE.

3. REMOVE DOORS AS SHOWN IN ALL AREAS UNLESS NOTED OTHERWISE.

4. ADD DOORS AS SHOWN IN ALL AREAS UNLESS NOTED OTHERWISE.

5. ALL NEW WALLS TO BE FINISHED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.

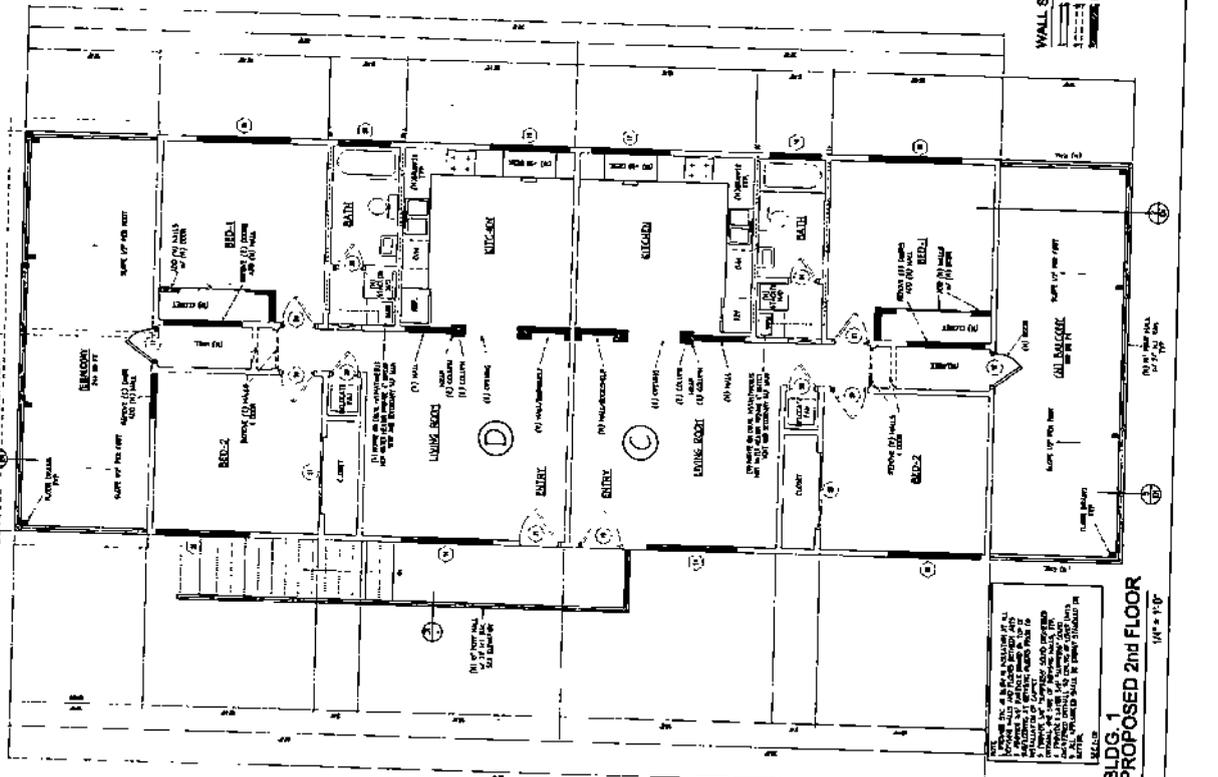
WALL SCHEDULE

1. EXTERIOR WALLS TO BE FINISHED WITH CONCRETE BLOCK AND STUCCO.

2. INTERIOR WALLS TO BE FINISHED WITH GYPSONUM BOARD AND PLASTER OR DRYWALL.

3. PARTITION WALLS TO BE FINISHED WITH GYPSONUM BOARD AND PLASTER OR DRYWALL.

4. ALL NEW WALLS TO BE FINISHED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.



BLDG. 1 PROPOSED 2nd FLOOR
1/4" = 1'-0"

SCALE

1. REMOVE WALLS AS SHOWN IN ALL AREAS UNLESS NOTED OTHERWISE.

2. ADD WALLS AS SHOWN IN ALL AREAS UNLESS NOTED OTHERWISE.

3. REMOVE DOORS AS SHOWN IN ALL AREAS UNLESS NOTED OTHERWISE.

4. ADD DOORS AS SHOWN IN ALL AREAS UNLESS NOTED OTHERWISE.

5. ALL NEW WALLS TO BE FINISHED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.

309 Monte Vista LLC

PROJECT TITLE: MONTE VISTA PROPOSED PLANS

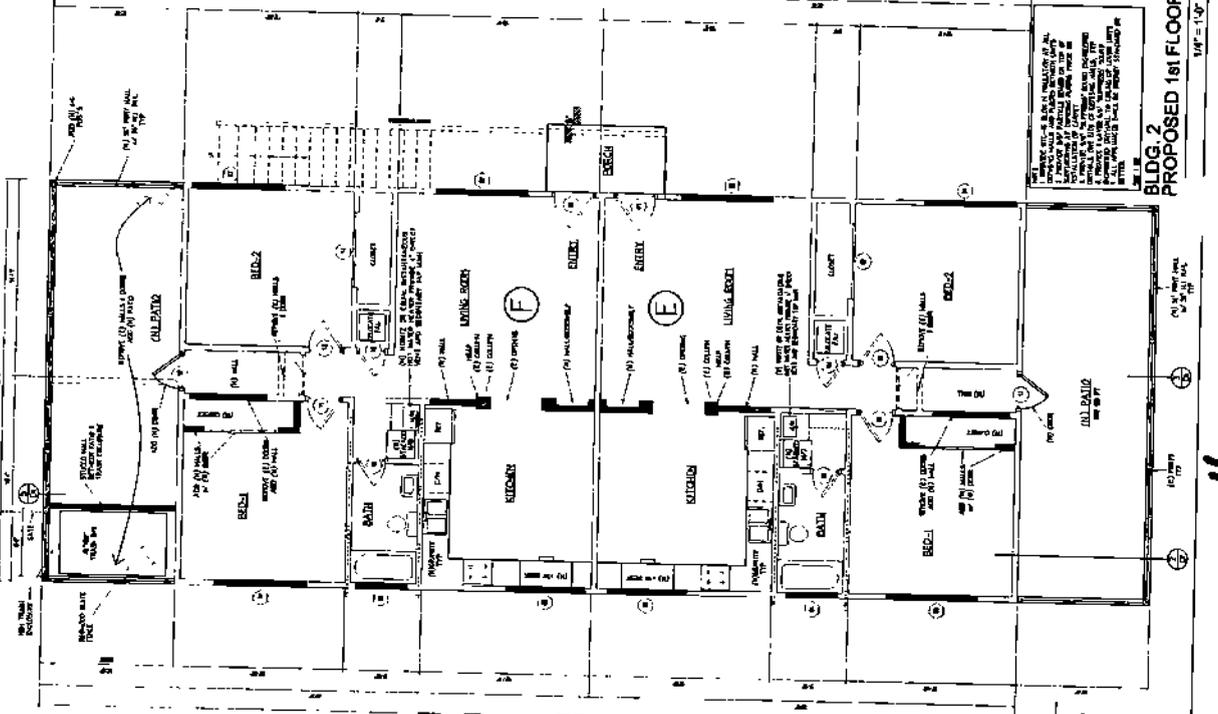
SHEET TITLE: BLDG 1 PROPOSED 1st & 2nd FLOOR

DATE: 11/11/10

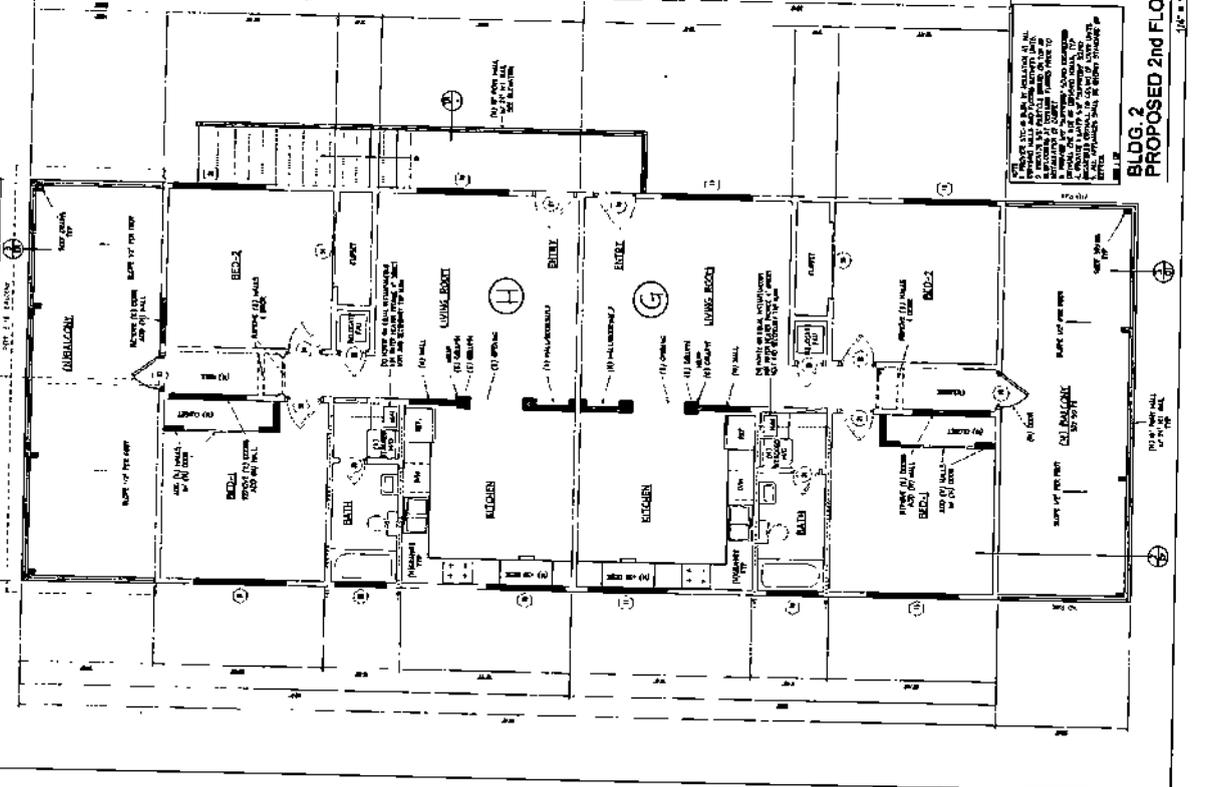
SCALE: 1/4" = 1'-0"

11' x 17' 0"

10



WALL SCHEDULE
 - - - - - EXISTING WALLS TO BE RETAINED
 - - - - - NEW WALLS
 - - - - - EXISTING WALLS TO BE REMOVED
 - - - - - NEW WALLS



WALL SCHEDULE
 - - - - - EXISTING WALLS TO BE RETAINED
 - - - - - NEW WALLS
 - - - - - EXISTING WALLS TO BE REMOVED
 - - - - - NEW WALLS

309 Monte Vista L.L.C.

309 Monte Vista L.L.C.
309 Monte Vista L.L.C.
309 Monte Vista L.L.C.

| | |
|-----------|------------------------|
| DATE | 1/10/13 |
| SCALE | 1/8" = 1'-0" |
| PROJECT | 309 Monte Vista L.L.C. |
| CLIENT | 309 Monte Vista L.L.C. |
| ARCHITECT | 309 Monte Vista L.L.C. |
| ENGINEER | 309 Monte Vista L.L.C. |
| DATE | 1/10/13 |
| SCALE | 1/8" = 1'-0" |
| PROJECT | 309 Monte Vista L.L.C. |
| CLIENT | 309 Monte Vista L.L.C. |
| ARCHITECT | 309 Monte Vista L.L.C. |
| ENGINEER | 309 Monte Vista L.L.C. |

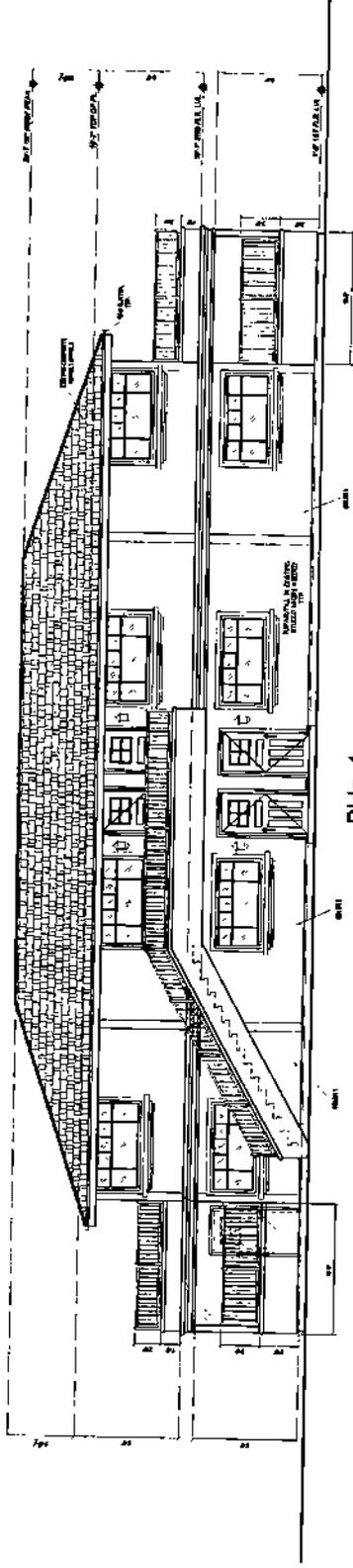


| | |
|-------------|------------------------|
| NO. | 1 |
| DATE | 1/10/13 |
| DESCRIPTION | 309 Monte Vista L.L.C. |
| BY | 309 Monte Vista L.L.C. |
| CHECKED | 309 Monte Vista L.L.C. |
| DATE | 1/10/13 |
| SCALE | 1/8" = 1'-0" |
| PROJECT | 309 Monte Vista L.L.C. |
| CLIENT | 309 Monte Vista L.L.C. |
| ARCHITECT | 309 Monte Vista L.L.C. |
| ENGINEER | 309 Monte Vista L.L.C. |

| | |
|-------------|------------------------|
| NO. | 1 |
| DATE | 1/10/13 |
| DESCRIPTION | 309 Monte Vista L.L.C. |
| BY | 309 Monte Vista L.L.C. |
| CHECKED | 309 Monte Vista L.L.C. |
| DATE | 1/10/13 |
| SCALE | 1/8" = 1'-0" |
| PROJECT | 309 Monte Vista L.L.C. |
| CLIENT | 309 Monte Vista L.L.C. |
| ARCHITECT | 309 Monte Vista L.L.C. |
| ENGINEER | 309 Monte Vista L.L.C. |

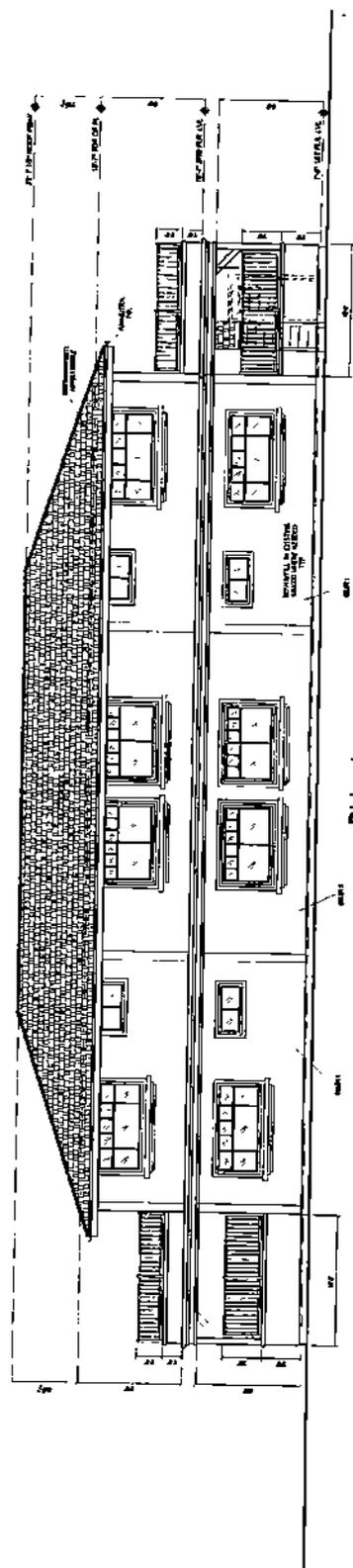
| | |
|-------------------------|------------------------|
| PROJECT TITLE | 309 Monte Vista L.L.C. |
| PROPOSED PLANS | 309 Monte Vista L.L.C. |
| SHEET TITLE | 309 Monte Vista L.L.C. |
| RIGHT & LEFT ELEVATIONS | 309 Monte Vista L.L.C. |
| DATE | 1/10/13 |
| SCALE | 1/8" = 1'-0" |
| PROJECT | 309 Monte Vista L.L.C. |
| CLIENT | 309 Monte Vista L.L.C. |
| ARCHITECT | 309 Monte Vista L.L.C. |
| ENGINEER | 309 Monte Vista L.L.C. |

A8



LEFT ELEVATIONS
1/8" = 1'-0"

Bldg. 1



RIGHT ELEVATIONS
1/8" = 1'-0"

Bldg. 1

| REVISIONS | NO | DATE |
|-----------|----|------|
| | | |

TENTATIVE TRACT NO. 017132
 IN THE CITY OF COSTA MESA, COUNTY OF ORANGE
 STATE OF CALIFORNIA
 BEING A SUBDIVISION OF A PORTION OF LOT 116 OF TRACT
 NO. 309 AS PER MAP RECORDED IN BOOK 14, PAGES 11
 AND 12 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE
 COUNTY RECORDER OF ORANGE COUNTY.

FOR CONDOMINIUM CONVERSION PURPOSES
 OWNER: NEW MONTE VISTA AVE, LLC
 1726 CANDLE STEAK LANE
 NEWPORT BEACH, CA 92660
 TEL: 949-933-7763 FAX: 949-574-4825
 PREPARED BY: EGL ASSOCIATES, INC.
 1819 GOLDRING ROAD, UNIT A
 ARCADIA, CA 91006
 TEL: (626) 263-3508 FAX: (626) 263-3599

PREPARED FOR:
 309 MONTE VISTA AVE, LLC
 1726 CANDLE STEAK LANE
 NEWPORT BEACH, CA 92660
 TEL: 949-933-7763 FAX: 949-574-4825

CONVERSION WITH
 (1) CL. CHANGES APPROVED IN 2004

| UNIT | AREA (SQ. FT.) |
|-------|----------------|
| 1 | 661 |
| 2 | 674 |
| 3 | 671 |
| 4 | 671 |
| 5 | 671 |
| 6 | 674 |
| 7 | 661 |
| 8 | 674 |
| TOTAL | 5,709 |



BASE OF PLANS IS SHOWN ON THE CERTIFICATE OF APPLICANT WITH
 MEASUREMENTS TAKEN FROM THE CORNER OF MOUNTAIN VIEW AND
 1726 CANDLE STEAK LANE, NEWPORT BEACH, CALIFORNIA.

REVISIONS:
 1. CORRECTED UNIT 1 AREA TO 661 SQ. FT.
 2. CORRECTED UNIT 2 AREA TO 674 SQ. FT.
 3. CORRECTED UNIT 3 AREA TO 671 SQ. FT.
 4. CORRECTED UNIT 4 AREA TO 671 SQ. FT.
 5. CORRECTED UNIT 5 AREA TO 671 SQ. FT.
 6. CORRECTED UNIT 6 AREA TO 674 SQ. FT.
 7. CORRECTED UNIT 7 AREA TO 661 SQ. FT.
 8. CORRECTED UNIT 8 AREA TO 674 SQ. FT.

- UNIT 1: 661 SQ. FT.
- UNIT 2: 674 SQ. FT.
- UNIT 3: 671 SQ. FT.
- UNIT 4: 671 SQ. FT.
- UNIT 5: 671 SQ. FT.
- UNIT 6: 674 SQ. FT.
- UNIT 7: 661 SQ. FT.
- UNIT 8: 674 SQ. FT.

PA-06-79 T-07132-1
 2ND FLOOR PLAN

RESOLUTION NO. 07-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA DENYING PLANNING APPLICATION PA-06-79
AND TENTATIVE TRACT T-17132**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS
FOLLOWS:

WHEREAS, an application was filed by GDA Architecture & Planning, representing 309 Monte Vista LLC, owner of the real property located at 309 Monte Vista Avenue, requesting approval to convert an existing unoccupied 8-unit apartment complex into a common interest development (condominiums), to allow the units to be sold independent of one another, with a tentative map to facilitate the conversion, in an R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 23, 2007, and Planning Application PA-06-79 and Tentative Tract T-17132 were denied; and

WHEREAS, on April 27, 2007, Planning Commission's denial of Planning Application PA-06-79 and Tentative Tract T-17132 was appealed to City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on June 5, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby **DENIES** Planning Application PA-06-79 and Tentative Tract T-17132 with respect to the property described above.

PASSED AND ADOPTED this 5th day of June, 2007.

ATTEST:

**City Clerk of the City of
Costa Mesa**

Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"**FINDINGS (DENIAL)**

- A. The information presented does not substantially comply with Costa Mesa Municipal Code Section 13-29(e) in that:
- a. The project is not compatible and harmonious with existing developments and uses in the general neighborhood. Specifically, the project is very nonconforming to the City's General Plan and R2-MD zoning designation with respect to population density, having nearly twice the maximum density allowed under the current General Plan and Zoning Code (1 dwelling unit for every 3,630 square feet of lot area allowed; 1 dwelling unit for every 1,865 square feet of lot area existing). The property is also severely deficient with current development standards for site landscaping and number of on-site parking spaces (24 parking spaces allowed; 14 parking spaces existing), as well as overall open space (40 percent minimum allowed; 25 percent existing). Paved parking spaces are located within the front landscape setback visible from the street, rear yard lot coverage paving and building areas exceeds the minimum allowed under code (50 percent allowed; 100 percent existing), and the private open spaces provided for the project consist of concrete slabs. The design of the project is not consistent with the City's Residential Design Guidelines for two-story buildings. Although the design guidelines apply to new two-story developments, it is relevant to the consideration for the proposed conversion of the project from rental apartments to owner-occupied dwellings. The project consists of stacked flats in plain stucco buildings, unrelieved by any architectural features except for plain doors and windows. Additionally, the exterior staircases give the units a motel-like appearance consistent with rental apartments rather than owner-occupied dwellings, especially considering the nonconforming code issues noted above. Finally, the project's apartment-like characteristics and lack of aesthetic appeal are likely to discourage owner occupancy, defeating the purpose of promoting home ownership as encouraged through conversions to common interest developments.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(10) in that the Zoning Code establishes a "critical vacancy rate" of 3% as the threshold for discouraging conversion of apartments to common interest developments. When the citywide rental vacancy rate is 3% or less, Planning Commission may deny any requested conversions. The 2000 census data indicates the City's rental vacancy rate is 2.8%.
- 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 under Section 15301 (Existing Facilities).
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

RESOLUTION NO. 07-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA APPROVING PLANNING APPLICATION PA-06-79
AND TENTATIVE TRACT T-17132**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by GDA Architecture & Planning, representing 309 Monte Vista LLC, owner of the real property located at 309 Monte Vista Avenue, requesting approval to convert an existing unoccupied 8-unit apartment complex into a common interest development (condominiums), to allow the units to be sold independent of one another, with a tentative map to facilitate the conversion, in an R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 23, 2007, and Planning Application PA-06-79 and Tentative Tract T-17132 were denied; and

WHEREAS, on April 27, 2007, Planning Commission's denial of Planning Application PA-06-79 and Tentative Tract T-17132 was appealed to City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on June 5, 2007.

NOW, THEREFORE, 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 City Council hereby **APPROVES** Planning Application PA-06-79 and Tentative Tract T-17132 for the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council 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-06-79 and Tentative Tract T-17132 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the Conditions of Approval, then this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 5th day of June, 2007.

ATTEST:

City Clerk of the City of Costa Mesa

Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

FINDINGS (APPROVAL)

- E. 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 upgrade of the property, as well as satisfying General Plan Goal LU-1A.4 of providing additional home ownership opportunities within the City.
- F. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(e) in that:
- b. The project is compatible and harmonious with existing development and uses in the general neighborhood.
 - c. 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.
 - d. The project is consistent with the General Plan's Land Use and Housing Element goals and objectives for additional ownership housing and to improve the balance between rental and ownership housing opportunities within the City.
 - e. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
- G. The proposed single lot airspace subdivision is consistent with the City's General Plan and Zoning Ordinances.
- H. Approval of the subdivision will allow additional home ownership opportunities without impacting affordable rental housing. This is consistent with the objectives, policies, general land use, and programs specified in the General Plan.
- I. The subject property is physically suitable to accommodate T-17132 in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- J. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- K. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entry and/or public utility rights-of-way and/or easements within the tract.
- L. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

- M. 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 under Section 15301 (Existing Facilities).
- N. 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 (IF PROJECT IS APPROVED)**

- Plng. 1. The following improvements shall be made:
- a. All improvements listed in the property report dated September 16, 2006 shall be completed under the direction of the Planning staff.
 - b. Applicant shall treat termite infestations and repair dryrot damage as recommended by a termite control company prior to Planning Division final.
2. The address of the property and the individual units shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
 3. 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.
 2. 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 in occupancy permit, and to complete any additional items created through this conversion.
 3. 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.
 4. The conditions of approval, code requirements, and special district requirements of Planning Application PA-06-79 and Tentative Tract T-17132 shall be blueprinted on the face of the site plan in the working drawings.
 5. 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.
 6. The CC&R's shall require that garage spaces be used for parking purposes only. Any changes made to this provision shall require prior review and approval by the City of Costa Mesa.
 7. The CC&R's shall disclose that the available parking on-site is short of the current condominium parking standards because of its existing nonconforming status.
 8. Exterior façade improvements shall be provided that are consistent with the City's Residential Design Guidelines, i.e., belly banding, window treatments, application of siding treatments, etc. to enhance overall appearance, under the direction of Planning staff.
 9. The exterior of all building elevations shall be completely repainted, unless recently painted within 1 or 2 years of application submittal. At a

- minimum two colors should be used (three colors recommended).
10. Energy efficient exterior doors and windows shall be installed on all building elevations.
 11. Underground overhead power line connections, if feasible.
 12. Rain gutters shall be installed on all appropriate building elevations.
 13. Broken sidewalks, driveways, or other hardscape improvements shall be replaced.
 14. Repair, replace, or construct interior property walls and/or fences.
 15. Screen utility meters, pedestals, etc. from the public right-of-way in a manner subject to approval by the Planning Division.
 16. Replace all appliances, water heaters, and interior and exterior light fixtures with Energy Star (or better) rated appliances/fixtures, including a programmable heating system, unless the applicant demonstrates that the existing appliances, etc. are energy efficient.
 17. All water heaters shall be placed appropriately on a platform and strapped.
 18. Provide a washer/dryer hook-up in either the interior of every unit.
 19. Provide appropriate interior separation of any common attic space areas.
 20. Upgrade attic insulation to the maximum extent feasible.
 21. All required smoke detectors shall be hardwired.
 22. 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 in occupancy permit, and to complete any additional items created through this conversion.
 23. 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.
- Bldg. 24. Comply with all building, plumbing, electrical, and mechanical corrections listed in the January 16, 2007, Building Safety Division memo.
- Eng. 25. Comply with requirements of the letter of the City Engineer dated April 9, 2007.

APPLICATION FOR REVIEW, APPEAL OR REHEARING 33

Applicant Name: Christina Inman / Silver Development
Address: 309 Monte Vista Ave Costa Mesa CA 92627
Phone: 949-933-7763 Representing* _____

REQUEST FOR: REVIEW** APPEAL REHEARING

Decision of which review, appeal or rehearing is requested: (give number of rezoning, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) 4-23-07 Planning Hearing

Denied Conversion located @ 309 Monte Vista Ave
Costa Mesa CA 92627

PA-06-79

Decision by: Planning Commission Reasons for requesting review, appeal or rehearing: _____

The applicant respectfully requests reconsideration of its application for approval of the conversion of 8 vacant apartment units into a common interest development (condominiums). The project substantially complies with Costa Mesa Municipal Code and is consistent with staff recommendations, whereas the development is legal nonconforming whether as apartments or condominiums. The application is not subject to the City's 45-day moratorium because the application was complete before the adoption of the ordinance. The applicant has also relied on previous entitlement approvals by the City in planning and commencing major renovations, rather than mere cosmetic improvements, to provide 8 significantly upgraded, yet affordable, condominiums that are compatible and harmonious with and provide a substantial benefit to the surrounding community.

RECEIVED
CITY CLERK
2007 APR 27 PM 2:59
CITY OF COSTA MESA
BY _____

Date: 4-27-07 Signature: [Signature]

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
If review, appeal or rehearing is for person or body other than City Council/Planning Commission, date of hearing of review, appeal or rehearing:

* If you are serving as the agent for another person, please identify the person you represent and provide proof of agency.
** Review may be requested only by City Council or City Council Member
Costa Mesa/Forms1/Application for Review-Appeal-Rehearing

4. Planning Application PA-06-79 and Tentative Tract Map T-17132, for Ed Santa Cruz, authorized agent for 309 Monte Vista Avenue LLC, for a residential common interest development conversion of a two story, 8-unit apartment complex with a tentative tract map to facilitate the conversion, located at 309 Monte Vista Avenue, in an R2-MD zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and noted that this application was submitted prior to the 45-day moratorium on condominium conversions.

Mr. Lee explained to Vice Chair Fislser about the parking spaces, setback, and rear lot coverage being legal nonconforming.

Edward Santa Cruz of GDA Architecture & Planning, applicant, Gardena, gave a presentation and answered Commissioner Righeimer's questions.

The Chair read the comments of Ellie Shobe, Costa Mesa, opposing the project.

Mr. Cruz returned to the podium and explained more about the project.

The Chair and City Engineer Ernesto Munoz discussed the conditions of approval and Mr. Cruz agreed to the conditions. No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve Planning Application PA-06-79 and Tentative Tract Map T-17132 with the additional conditions of approval:

Conditions of Approval

1. New roofs shall be added to both buildings.
2. Any garage doors to the car ports shall be removed to leave the car ports open, not enclosed.
3. All utilities (electrical, phone, cable) shall be undergrounded for both buildings.
4. The front enclosed patio shall be pushed back two feet from the front and concrete bollards shall be placed at the wood posts.

Motion made by Commissioner Righeimer, seconded by Vice Chair Fislser.

The Chair, Commissioner Righeimer, and Mr. Cruz discussed the additional conditions, specifically the front patio being pushed back and the feasibility of undergrounding existing utility lines. Commissioner Righeimer mentioned that Southern California Edison must absolutely say that undergrounding is not feasible for this condition not to be required by the applicant.

The Chair, Commissioner Righeimer, and Mr. Robinson discussed using the "feasibility" wording for undergrounding utilities as a standard condition for future items and the Chair said this will need to be a separate agenda item. Mr. Cruz agreed to the additional conditions.

Commissioner Clark and Mr. Lee discussed Condition No. 18.

Mr. Lee explained front open space with Commissioner Egan and she said she would not be supporting the motion, but would be making a substitute motion.

MOTION: Deny Planning Application PA-06-79 and Tentative Tract Map T- 17132, by adoption of Planning Commission Resolution PC-07-37, on the basis (Findings) as follows:

Findings

A. The information presented does not substantially comply with Costa Mesa Municipal Code Section 13-29(e) in that:

1. The project is not compatible and harmonious with the existing developments and uses in the general neighborhood. Specifically, the project is very nonconforming to the City's General Plan and R2-MD zoning designation with respect to population density, having nearly twice the maximum density allowed under the current General Plan and Zoning Code (1 dwelling unit for every 3,630 square feet of lot area allowed; 1 dwelling unit for every 1,865 square feet of lot area existing). The property is also severely deficient with current development standards for site landscaping and number of on-site parking spaces (24 parking spaces allowed; 14 parking spaces existing), as well as overall open space (40 percent minimum allowed; 25 percent existing). Paved parking spaces are located within the front landscape setback visible from the street, rear yard lot coverage paving and building areas exceed the minimum allowed under code (50 percent allowed; 100 percent existing), and the private open spaces provided for the project consist of concrete slabs. The design of the project is not consistent with the City's Residential Design Guidelines for two-story buildings. Although the design guidelines apply to new two-story developments, it is relevant to the consideration for the proposed conversion of the project from rental apartments to owner-occupied dwellings. The project consists of stacked flats in plain stucco buildings, unrelieved by any architectural features except for plain doors and windows. Additionally, the exterior staircases give the units a motel-like appearance consistent with rental apartments rather than owner-occupied dwellings, especially considering the nonconforming code issues noted above. Finally, the project's

apartment-like characteristics and lack of aesthetic appeal are likely to discourage owner occupancy, defeating the purpose of promoting home ownership as encouraged through conversions to common interest developments.

- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(10) in that the Zoning Code establishes a "critical vacancy rate" of 3% as the threshold for discouraging conversion of apartments to common interest developments. When the citywide rental vacancy rate is 3% or less, the Planning Commission may deny any requested conversions. The 2000 census data indicates the City's rental vacancy rate is 2.8%.**
- 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 under Section 15301 (Existing Facilities). Moved by Commissioner Eleanor Egan, seconded by Commissioner Sam Clark.**

Vice Chair Fisler voiced his concerns about this project; Commissioner Egan stated why she made her motion; and Commissioner Clark said he was not supporting the original motion.

The motion carried by the following roll call vote:

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

Noes: Commissioner James Righeimer

Absent: None.

The Chair explained the appeal process.



CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

FROM THE OFFICE OF THE CITY CLERK

**IF YOU ARE INTERESTED IN VIEWING THE REMAINDER
OF THE THIS DOCUMENT
PLEASE CONTACT THE CITY CLERK'S OFFICE
AT (714) 754-5221**