



CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 20, 2008

ITEM NUMBER:

SUBJECT: GENERAL PLAN AMENDMENT GP-08-01, REZONE R-08-01, PLANNING APPLICATION PA-08-06 AT 320 E. 18TH STREET

DATE: MAY 8, 2008

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MINOO ASHABI, AIA, SENIOR PLANNER

**FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, SENIOR PLANNER
(714) 754-5610**

RECOMMENDATION

Pursuant to the Planning Commission's recommendation:

- **Adopt attached resolution for General Plan Amendment GP-08-01** - General Plan Amendment to change land use designation from Public/Institutional to Medium Density Residential.
- **Give first reading to Rezone ordinance for Rezone R-08-01** - Rezone from I&R (Institutional and Recreational) to R2-MD (Multi-Family Residential – Medium Density).
- **Adopt attached resolution to approve Planning Application PA-08-06** – Design Review for a 2-unit, two-story, single-family, detached, small-lot residential common interest development. This includes the following requests: (a) Variance from rear yard lot coverage (25% required – 30% proposed), (b) Administrative Adjustment for 2nd story rear setback (20 ft. required, 12 ft. proposed), and (c) Minor Modification to allow an 8-foot perimeter wall (maximum 6 ft. height allowed, 8 ft. proposed).

BACKGROUND

Project Summary:

The applicant wishes to demolish the 2,300 square feet Kline School building and build two single family detached homes that will be held together as common interest development.

Previous Actions:

On December 4, 2007, the City Council approved General Plan Amendment Screening (GPS-07-06) for a proposed change in General Plan land use designation of 320 E. 18th Street from Public and Institutional to Medium Density Residential to General Business.

On April 28, 2008, the Planning Commission adopted a resolution recommending Council approval of the project (Attachment 5).

ANALYSIS

Project Location

The 0.2-acre project site is located at 320 E. 18th Street (Vicinity Map, Attachment 1). The former 2,300 square-foot Kline school building is vacant and proposed to be demolished. The adjacent properties to the north and east of the site are occupied by Lighthouse Coastal Community Church. Properties to the west of the site are developed with four residential units and a residential care facility for disabled children. Properties to the south of the site across East 18th Street are developed as multiple family residential units and located within the Multiple Family Residential District (R2-MD).

The proposed project requires several discretionary actions which are discussed below.

General Plan Amendment

The proposed General Plan amendment is required to allow for residential development on the property. The proposed request involves a change in the land use designation from Public and Institutional to Medium Density Residential (maximum 12 dwelling units per acre). This involves amendment to the General Plan land use map.

Following are justifications for approval of the General Plan amendment:

- *Project achieves General Plan Housing Element Goal HOU-3.* The proposed owner-occupied housing project would achieve this Housing Element goal by providing small lot single family housing compatible with neighboring residential uses.
- *Project is consistent with General Plan Land Use Policy LU-1F.4.* This General Plan policy requires that residential densities be supported by infrastructure and that high-density residential areas not be permitted in areas which can cause incompatibility with existing single-family areas. The proposed multiple-family residential land use designation is compatible with the similarly designated land uses in the surrounding areas.
- *The request is within General Plan traffic capacity.* Since the project proposes two single-family dwelling units, the projected traffic trips are greatly lower than the future General Plan conditions if the site were developed as an institutional use. The proposed project would result in a reduction of over 167 average daily trips (89%).

Rezone R-080-01

The proposed project also requires a rezone of the property from I&R (Institutional and Recreational) to R2-MD (Multi-Family Residential – Medium Density). The R2-MD zoning is compatible with the existing low density residential developments to the south, and west (R2-MD zoning) and the church use to the north and east of the project site.

Planning Application PA-08-06

Design Review

The project consists of a 2-unit single-family, detached, small-lot residential common interest development. (Site Plan/Floor Plan/Elevations, Attachment 8).

Staff recommends approval of the Design Review and the deviation requests for the following reasons:

- Variance from maximum rear yard coverage requirement would still result in adequate privacy and a recreational space in the backyard. The applicant requests approval of a variance from the maximum rear yard coverage requirement (25% maximum coverage allowed, 30% proposed). The 8,670 square-foot lot is undersized and the lot width is very narrow, compared to traditional multi-family zoned properties (typically 100-foot wide and 12,000 square feet in size). Therefore, there are physical limitations to complying with the City's rear yard coverage requirements. By providing for driveway access in compliance with City standards and minimum setback distances between main structures/interior property lines, the proposed residence on Lot 2 exceeded the rear yard coverage maximum by 5 percent. Staff believes that the variance would have no effect on privacy between properties, given that the rear lot abuts the Lighthouse Coastal Community Church parking lot and not the rear yard of another residence. Furthermore, staff believes that this minor variance request would still guarantee an adequately sized backyard for recreational purposes.
- Administrative adjustment from rear yard setback requirement is considered minor. The administrative adjustment is for relief from the rear yard setback requirement for the rear unit (20-foot setback required, 12-foot setback proposed).

Code requires a 20-foot rear setback for second-story structures to provide for privacy between neighboring properties and architectural interest/articulation of the building. In this case, the administrative adjustment for a 12-foot second-story setback for the rear unit is not considered significant because the architectural elements will provide visual interest along the rear elevation. In addition, while the administrative adjustment allows the structure to be closer to the rear property line, no privacy impacts are anticipated because the property abuts the parking lot of Lighthouse Coastal Community Church to the rear.

- Minor Modification to increase the perimeter wall height to 8 feet. The applicant requested to install an 8-foot high perimeter wall for more privacy from the church use and its parking area. The maximum fence height in residential properties is 6 feet; however, walls of up to 8 feet are allowed when residential properties abut commercial properties. Since the church may have operational hours similar to a commercial property, staff believes that the increase in the fence height is justified. The Planning Commission approved the height increase for the portion of the property that abuts the church use as noted in Condition 6 of Exhibit B (Attachment 4) and required a 6-foot wall between the site and the residential properties to the west.

Parcel Map

The project would require approval of a parcel map establishing a common interest development. A map was not submitted with the Planning Application. The subdivision of the lot will be considered under a separate request.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), CEQA Guidelines, and the City's environmental processing procedures. Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

ALTERNATIVES

City Council may consider the following alternatives:

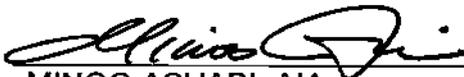
1. Approve General Plan Amendment, Rezone and Planning Application. If approved by City Council, this action will allow the applicants to proceed with development of two residential common interest units.
2. Deny discretionary applications. If denied the former Kline school site would remain as Public Institutional land use designation and I&R zoning.

LEGAL REVIEW

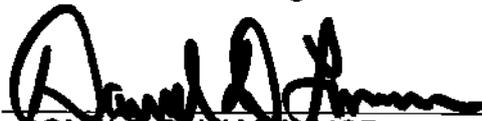
The City Attorney's office has approved the draft ordinance and resolution as to form.

CONCLUSION

This project involves the redevelopment of the former Kline school site into two small-lot residential homes. While there are requested deviations from development standards, staff believes the project exhibits a good quality design and compatibility with the neighboring developments. In addition, the proposed density at 10 dwellings per acre is below the maximum density allowed in the proposed Medium-Density Residential land use designation.



MINOO ASHABI, AIA
Senior Planner



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

- Attachments:
1. Vicinity Map
 2. City Council Resolution
Exhibit A – General Plan Map Amendment
 3. Ordinance
Exhibit A – Zoning Map Amendment
 4. City Council Resolution
Exhibit A – Findings
Exhibit B – Conditions of Approval
 5. 4/28/2008 Planning Commission Resolution
 6. 4/28/2008 Planning Commission Report
 7. 4/28/2008 Planning Commission Draft Minutes
 8. Development Plans

cc: City Manager
Assistant City Manager
City Attorney
Public Services Director
Associate Engineer
City Clerk
Staff (4)
File (2)

Phil Schwartze
31872 San Jan Creek Circle
San Juan Capistrano, CA 92675

Newport Investments Strategies
620 Newport Center Drive, #400
Newport Beach, CA 92600

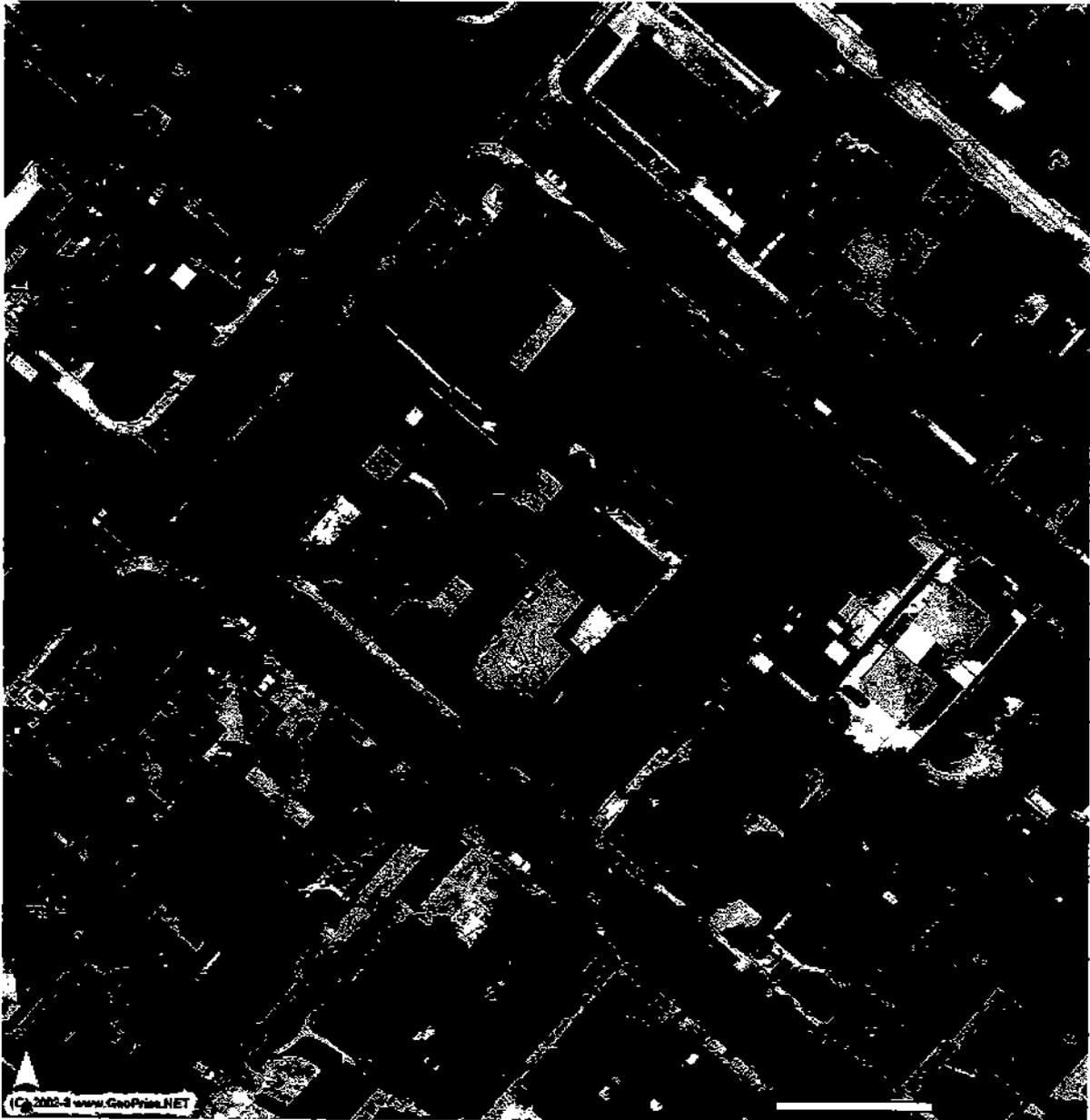
Beth Refakes
320 Magnolia Street
Costa Mesa, CA 92627

Howard Denghausen
P.O. Box 3381
Newport Beach, CA 92659

Olga Hallachian
1803 Santa Ana Ave.
Costa Mesa, CA 92627-2847

File: 052008GP0801R0801PA0806	Date: 050808	Time: 3:30 p.m.
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Vicinity Map
320 E. 18th Street
City of Costa Mesa



RESOLUTION NO. 08-**A RESOLUTION OF THE CITY OF COSTA MESA CITY COUNCIL APPROVING GENERAL PLAN AMENDMENT GP-08-01 FOR THE RESIDENTIAL DEVELOPMENT AT 320 E. 18TH STREET.**

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

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2002;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of Costa Mesa;

WHEREAS, by its very nature, the General Plan needs to be updated and refined to account for current and future community needs;

WHEREAS, the proposed project involves the construction of two single family common interest residential units by Newport Investments Strategies at 320 E. 18th Street consisting of the following: (1) General Plan Amendment GP-08-01 to change the general plan land use designation from Public/Institutional to Medium Density Residential; (2) Rezone R-08-01 for a rezone of the property from I&R (Institutional and Recreational) to R2-MD (Multiple-Family Residential – Medium Density); and, (3) Planning Application PA-08-06 for a Design Review for a 2-unit two-story, single-family, detached small-lot common-interest development;

WHEREAS, an amendment to the General Plan Land Use Element is required to allow for development of the proposed residential development at a maximum 12 dwelling units per acre;

WHEREAS, duly noticed public hearings were held by the Planning Commission on April 28, 2008 and by the City Council on May 20, 2008 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development;

WHEREAS, the Planning Commission adopted Resolution PC-08-38 which recommended the following actions to City Council: (1) approve GP-08-01; (2) approve Ordinance for Rezone R-

08-01 to change the zoning classification of the 0.2-acre subject site from I&R to R2-MD (Multiple Family Residential – Medium Density); and, (3) approve Planning Application PA-08-06, subject to conditions;

WHEREAS, City Council gave first reading to the Ordinance for Rezone R-08-01 by separate motion;

BE IT RESOLVED that the 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 General Plan Amendment GP-08-01, which amends the Land Use Element as set forth in Exhibit "A" attached to this resolution;

PASSED AND ADOPTED this 20th day of May, 2008.

ERIC BEVER, MAYOR
City of Costa Mesa

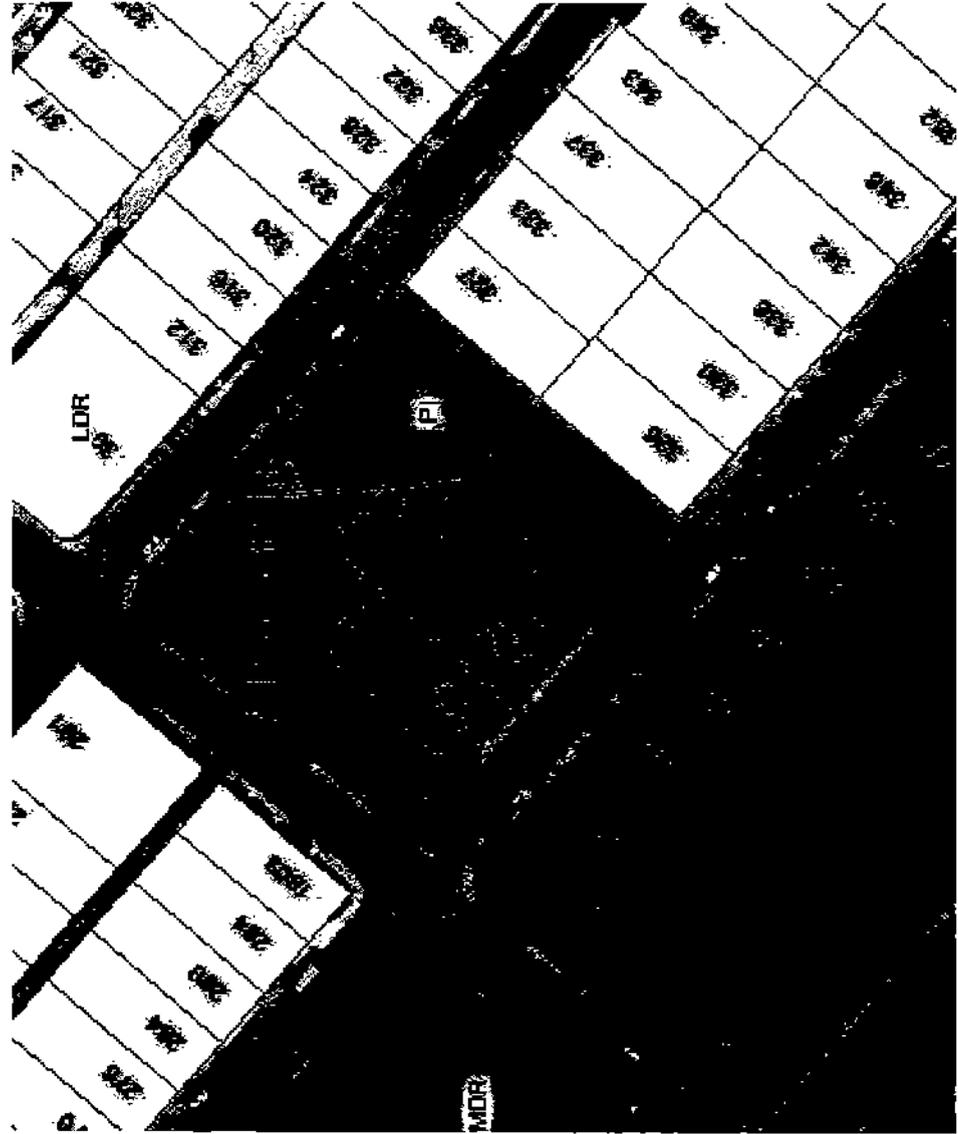
ATTEST:

APPROVED AS TO FORM:

City Clerk of the
City of Costa Mesa

City Attorney

320 E. 18th Street (APN 117-251-36)
Proposed General Plan – Medium Density Residential (MDR)



- LEGEND**
- General Plan Land Use Designations
- Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Commercial Residential
 - General Commercial
 - Commercial Center
 - Neighborhood Commercial
 - Regional Commercial
 - Urban Center Commercial
 - Cultural Arts Center
 - Light Industry
 - Industrial Park
 - Golf Course
 - Parkland
 - Public/Institutional

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A 0.2 ACRE PARCEL FROM I&R (INSTITUTIONAL AND RECREATIONAL) TO R2-MD (MULTIPLE FAMILY RESIDENTIAL – MEDIUM DENSITY) FOR PROPERTY LOCATED AT 320 E. 18TH STREET.

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

WHEREAS, Rezone R-08-01 is consistent with the 2000 General Plan adopted in January, 2002, as amended by GP-08-01;

WHEREAS, Rezone R-08-01 involves a change in the zoning district of real property located at 320 E. 18th Street from I&R (Institutional and Recreational) to R2-MD (Multi-Family Residential—Medium Density);

WHEREAS, Rezone R-08-01 will allow residential development at a maximum density of 12 du/ac, or 1 dwelling unit per 3,630 square feet, as allowed by the General Plan;

WHEREAS, on April 28, 2008, after a duly noticed public hearing, the Planning Commission recommended City Council approval of Rezone R-08-01 by adoption of Resolution No. 08-38;

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

a. There is hereby placed and included in the R2-MD (Multiple Family Residential – Medium Density) zoning district a 0.2-acre parcel, identified as Assessor Parcel Number 117-251-36 and as shown in attached Exhibit "A," situated in the City of Costa Mesa, County of Orange, State of California.

b. 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 subsection a hereof and in the respective exhibit. A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 2. ENVIRONMENTAL DETERMINATION. The proposed rezone was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa

Environmental Guidelines, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development.

SECTION 3. 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 4. 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 5. 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 _____ 2008.

ERIC BEVER
Mayor of the City of Costa Mesa

ATTEST:

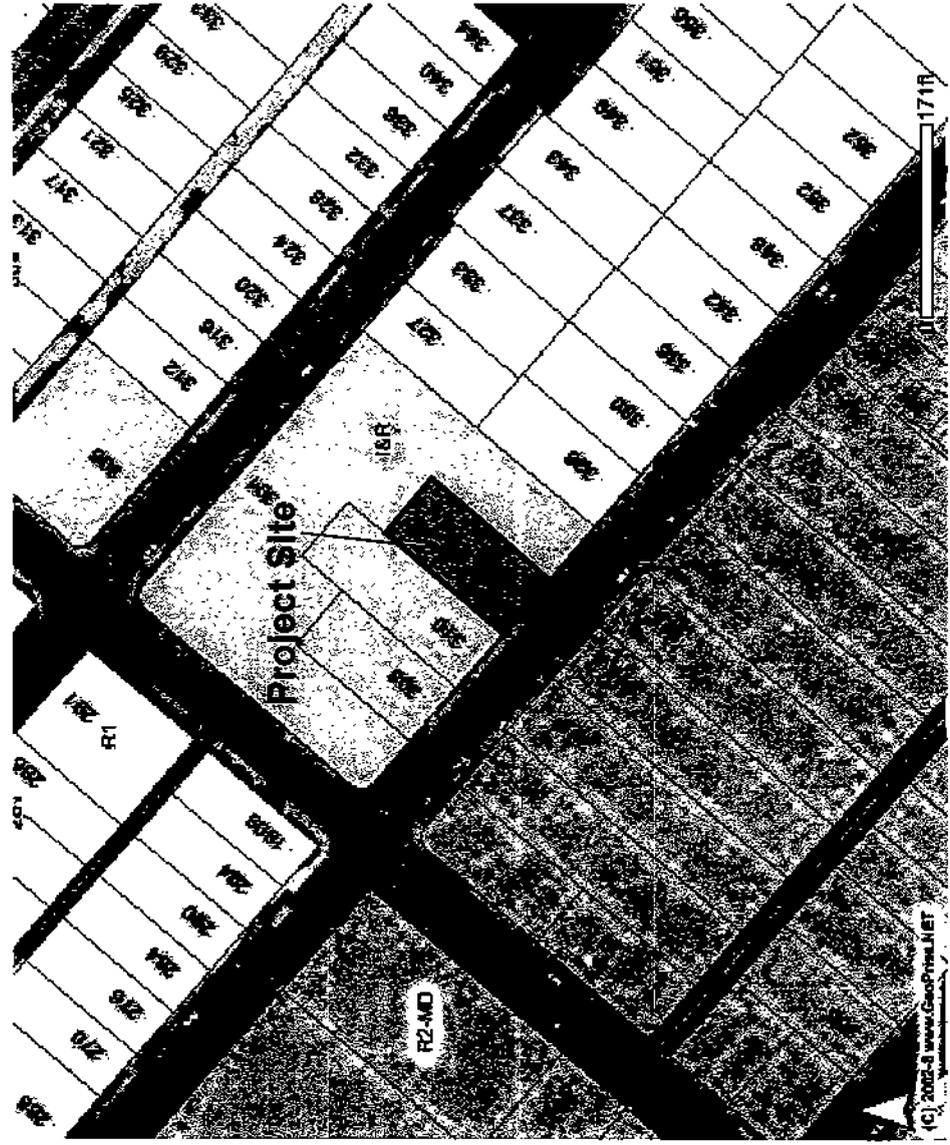
APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

320 E. 18th Street (APN 117-251-36)

Proposed Zone - R2-MD



Legend:
Zoning

BR	CZ	FDRH	C1	R-1	R2-MD	R2-HD	CL	R3	MG
[White Box]	[Cross-hatched Box]	[Dark Grey Box]	[Dark Grey Box]	[White Box]	[White Box]	[Cross-hatched Box]	[Dark Grey Box]	[Dark Grey Box]	[Dark Grey Box]

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY OF COSTA MESA CITY COUNCIL APPROVING PLANNING APPLICATION PA-08-06 FOR THE RESIDENTIAL DEVELOPMENT AT 320 E. 18TH STREET.

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

WHEREAS, an application was filed by Phil Schwartze of The PRS Group, as authorized agent for property owner, Newport Investment Strategies for the residential project at 320 E. 18th Street;

WHEREAS, the proposed project involves the construction of two single family common interest units by Newport Investments Strategies at 320 E. 18th Street consisting of the following: (1) General Plan Amendment GP-08-01 to change the general plan land use designation from Public/Institutional to Medium Density Residential; (2) Rezone R-08-01 for a rezone of the property from I&R (Institutional and Recreational) to R2-MD (Multiple-Family Residential – Medium Density); and, (3) Planning Application PA-08-06 for a Design Review for a 2-unit two-story, single-family, detached small-lot common-interest development;

WHEREAS, Planning Application PA-08-06 includes a variance from the maximum rear yard coverage (25% allowed – 30% proposed);

WHEREAS, Planning Application PA-08-06 includes an administrative adjustment from the rear yard setback (20-foot setback required – 12-foot setback proposed);

WHEREAS, Planning Application PA-08-06 includes a minor modification for a maximum 8-foot high perimeter block wall (6 feet in height maximum allowed, 8-feet proposed);

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development;

WHEREAS, duly noticed public hearings were held by the Planning Commission on April 28, 2008 and by the City Council on May 20, 2008 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the Planning Commission adopted Resolution PC-08-38 which recommended the following actions to City Council: (1) approve GP-08-01; (2) approve Ordinance for Rezone R-08-01 to change the zoning classification of the 0.2-acre subject site from I&R to R2-MD (Multiple Family Residential – Medium Density); and, (3) approve Planning Application PA-08-06, subject to conditions;

NOW, THEREFORE, BE IT RESOLVED that based on the evidence in the record, the findings contained in Exhibit "A", and subject to conditions of approvals contained in Exhibit "B", the City Council **DOES HEREBY APPROVE** Planning Application PA-08-06 with respect to the property described above.

BE IT FURTHER RESOLVED that the City Council finds and determines that its recommendation for the approval of Planning Application PA-08-06 is expressly predicated on the General Plan Amendment GP-08-01 and Rezone R-08-01 being final and effective, and upon applicants' compliance with each and all conditions of approvals in Exhibit "B".

PASSED AND ADOPTED this _____ day of _____, 2008.

ERIC BEVER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the
City of Costa Mesa

City Attorney

EXHIBIT "A"**FINDINGS**

- A. The proposed design review for a residential development project and related improvements provide for new residences and are in conformance with the goals, policies, and objectives of the Costa Mesa General Plan and provisions of the Zoning Code. Specifically, the design review is in conformance with the broader goals of the General Plan for a single-family residential condominium project and exhibits excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. While the proposed development project includes variances from the maximum rear yard coverage and minimum lot size, administrative adjustment from the rear setback requirement and minor modification to increase the height of perimeter block wall, the overall development represents a desirable product type in conformance with the General Plan.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- a. The proposed development and use is compatible and harmonious with uses both onsite as well as those on surrounding properties. Specifically, the proposed medium-density residential development is compatible with the multi-family residential use to the west and south.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. The project shall provide a standard residential drive approach from East 18th Street that shall be ungated to avoid vehicle queuing from the public street.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
 - d. The cumulative effects of Planning Application PA-08-06 have been considered.
- C. The project meets the purpose and intent of the Residential Design Guidelines which are intended to promote design excellence in new residential construction, with consideration given to compatibility with the established residential community. Architectural treatments provide visual enhancements in the place of physically articulated wall planes. Although the two homes are located 5 feet from the easterly property line, the private yards break the massing of the buildings and the second floors step back further to provide a relief in the two story structure and meet the intent of the Residential Design Guidelines. Varied building materials and architectural elements (wooden shutters, stucco window trims and, and enhanced entry porches) also contribute to a well-designed residential project.
- D. The information presented substantially complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code:
- a. Because of special circumstances (lot size/width and location) applicable to the property, the strict application of the rear setback requirement (20 ft. required, 12 ft. proposed)

and maximum rear yard coverage would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification.

- b. The variance and administrative adjustment granted shall be subject to such conditions as will assure that the deviations authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
 - c. The granting of the variance and administrative adjustment will not allow a use, density, or intensity which is not in accordance with the General Plan designation, as amended.
- E. The information presented substantially complies 13-29(g)(6) of the Costa Mesa Municipal Code.
- a. The minor modification to increase the height of perimeter block wall to 8 feet (6 feet allowed, 8 feet proposed) will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to the property and improvements within the neighborhood.
 - b. The minor modification is compatible with the adjacent properties and would provide more privacy and noise protection from the adjacent parking lot.
- F. In accordance with State Law, the project has been reviewed for compliance with the California Environmental Quality Act and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development. Thus, the evidence presented in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on the environment.
- G. 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.
- H. The future subdivision for condominium purposes and development of the property will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights- of-way and/or easements within the tract. The subdivision map application shall be processed and approved by the City prior to issuance of building permits to ensure compliance with the Subdivision Map Act requirements and provision of ownership dwelling units.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
 2. The approval of PA-08-06 is contingent upon City Council's final approval of General Plan Amendment GP-08-01 and Rezone R-08-01. This approval shall not become effective until all other discretionary approvals are final and become effective.
 3. Prior to issuance of building permits, applicant shall contact the U.S. 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. The conditions of approval or code provisions of PA-08-06 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The project shall comply with these requirements.
 5. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. No cross lot drainage to adjacent properties shall be allowed.
 6. Upon completion of demolition and grading activities and prior to construction of the new units, the applicant shall construct a decorative block/sound wall around the perimeter of the project site. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them and/or provide adequate privacy screening by trees and landscaping. The block wall shall be constructed of decorative block at 8 feet high on the east and north side adjacent to the church property and reduce to 7 feet high and 6 feet high on the northwesterly corner and the westerly property line. The block wall shall be at least 6 inches thick and of consistent color and texture or match any existing masonry walls within the immediate street segment.
 7. The applicant shall contact the current cable service provider prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 8. To the fullest extent possible, the landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. The landscape plan shall also show decorative treatment (i.e. concrete pavers, brick, aggregated) within the private driveway. The landscape plan shall be approved prior to issuance of

- building permits. The existing mature tree in the front yard and/or public right-of-way shall be retained in its current location if determined feasible. Relocation or replacement of the tree shall occur under the direction of the Planning Division and Public Services Department as deemed appropriate.
9. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, design modifications, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process, or in the requirement to modify the construction to reflect the approved plans.
 10. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
 11. There shall be minimal nighttime lighting, primarily security purposes, of the common areas. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of the nearby residences abutting the project site.
 12. Demolition permits for any existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
 13. All backflow prevention devices, transformers, and other utility or ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Staff. The applicant shall show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.) on the initial working plans.
 14. The project site shall be graded in a manner to eliminate the necessity of retaining walls within the project site to the maximum extent feasible. This condition excludes the proposed perimeter retaining walls along the development lot lines.
 15. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Construction is prohibited on Sundays and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
 16. Garages for individuals units shall be equipped with automatic garage door openers and 16' wide, roll-up garage doors.
 17. For safe vehicular back up and protection to private yard of Lot 1, a minimum of one 24-inch box tree or other appropriate barrier shall be installed between the two areas.
 18. Decorative paving treatment shall be installed on the long driveway to Lot 2 to the satisfaction of the Development Services Director.
 19. Applicant shall provide a buyer notification to all prospective buyers of the property including information on Lighthouse Coastal Community Church activities and hours of operation. This notice shall be of form and substance acceptable by the Development Services Director and also referenced as an exhibit in the CC&Rs.
 - Bldg. 20. Applicant shall submit a soils report to the Building Division for this project concurrently with the submission of grading plans. One boring shall be at least

- 15 feet deep. Soils report recommendations shall be blueprinted on the plans.
21. Applicant shall submit grading, drainage, and erosion control plans for this project.
- Trans. 22. The applicant shall submit a revised site plan that correctly identifies public parkway width and street width from centerline to property line.
23. The applicant shall construct a new residential drive approach at location submitted on site plan. The residential drive approach shall be constructed to the satisfaction of the Transportation Manager. Drive aisles, parking stall configurations, and turning radius must comply with the City's parking design standards. Applicant shall comply with minimum clearance requirements from property lines and vertical obstructions.
24. The applicant shall relocate the fire hydrant, water meter, and catch basin that conflict with the proposed driveway.
25. The median proposed between driveways shall be located within private property without any encroachment into the public right-of-way.
- Eng. 26. At the time of development submit for approval an off-site plan to the Engineering Division and grading plan to the Building Division that shows sewer, water, existing parkway improvements and the limits of work on the site, and hydrology calculations, both prepared by a civil engineer or architect. Cross drainage shall not occur. Construction access approval must be obtained prior to building or engineering permits being issued by the City of Costa Mesa. The applicant shall pay offsite plan check fee per Section 13-29(2)(b) of the City of Costa Mesa Municipal Code and an approved off-site plan shall be required prior to Engineering Permits being issued by the City.
27. A construction access permit and deposit of \$580 for street sweeping will be required by the Engineering Division prior to the start of any on- or off-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
28. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
29. Submit required cash deposit or surety bond to guarantee construction of offsite street improvements at time of permit per Costa Mesa Municipal Code Section 15-32, and as approved by City engineer. Cash deposit or surety bond amount to be determined by the City Engineer.
30. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the off-site plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance is required for all new driveway approaches. Relocate existing improvements (i.e., catch basin with manhole, fire hydrant, water meter) in conflict with the proposed driveway.
31. Fulfill Drainage Ordinance Fee requirements prior to: Approval of the final map/ Approval of plans.
32. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to: Approval of Final Map/Approved of Plans.
33. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa; they shall be maintained by the owner or developer of the property. Private lateral connections to City storm drains will require a hold harmless agreement prior to issuance of permit.
34. Submit Subdivision Application and comply with conditions of approval and code requirements.
- Fire 35. Street address numerals shall be a minimum 6 inches in height with not less

- than ½-inch stroke and shall contrast sharply with the background.
36. Provide approved smoke detectors to be installed in accordance with the 2001 Edition of the Uniform Fire Code.
 37. The applicant shall install fire sprinklers to the satisfaction of the Fire Department for the residential units if adequate distance to the existing fire hydrants is not provided.

RESOLUTION NO. PC-08-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING CITY COUNCIL APPROVE THE FOLLOWING: (1) GENERAL PLAN AMENDMENT GP-08-01; (2) REZONE R-08-01, AND (3) PLANNING APPLICATION PA-08-06.

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

WHEREAS, an application was filed by Phil Schwartze of The PRS Group, as authorized agent for property owners, Newport Investments Strategies;

WHEREAS, the project site is real property located at 320 E. 18th Street totaling 0.2 acre;

WHEREAS, the proposed project involves the following: (1) General Plan Amendment GP-08-01 to change the general plan land use designation from Public/Institutional to Medium Density Residential; (2) Rezone R-08-01 for a rezone of the property from I&R (Institutional and Recreational) to R2-MD (Multiple-Family Residential – Medium Density); and, (3) Planning Application PA-08-06 for a Design Review for a 2-unit two-story, single-family, detached small-lot common-interest development;

WHEREAS, Planning Application PA-08-06 also includes the following: (a) variance from the maximum rear yard coverage (25% allowed- 30% proposed); b) administrative adjustment from the rear yard setback (20-foot setback required, 12-foot setback proposed); and (c) minor modification to increase the height of perimeter block wall to 8 feet;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 28, 2008 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

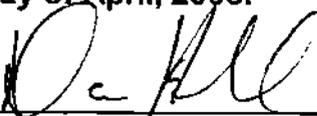
WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City

environmental procedures, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development;

BE IT RESOLVED that the Planning Commission **RECOMMENDS CITY COUNCIL APPROVAL** of the following: (1) General Plan Amendment GP-08-01, as shown in Exhibit "A"; (2) Rezone R-08-01 as shown in Exhibit "B", and (3) Planning Application PA-08-06.

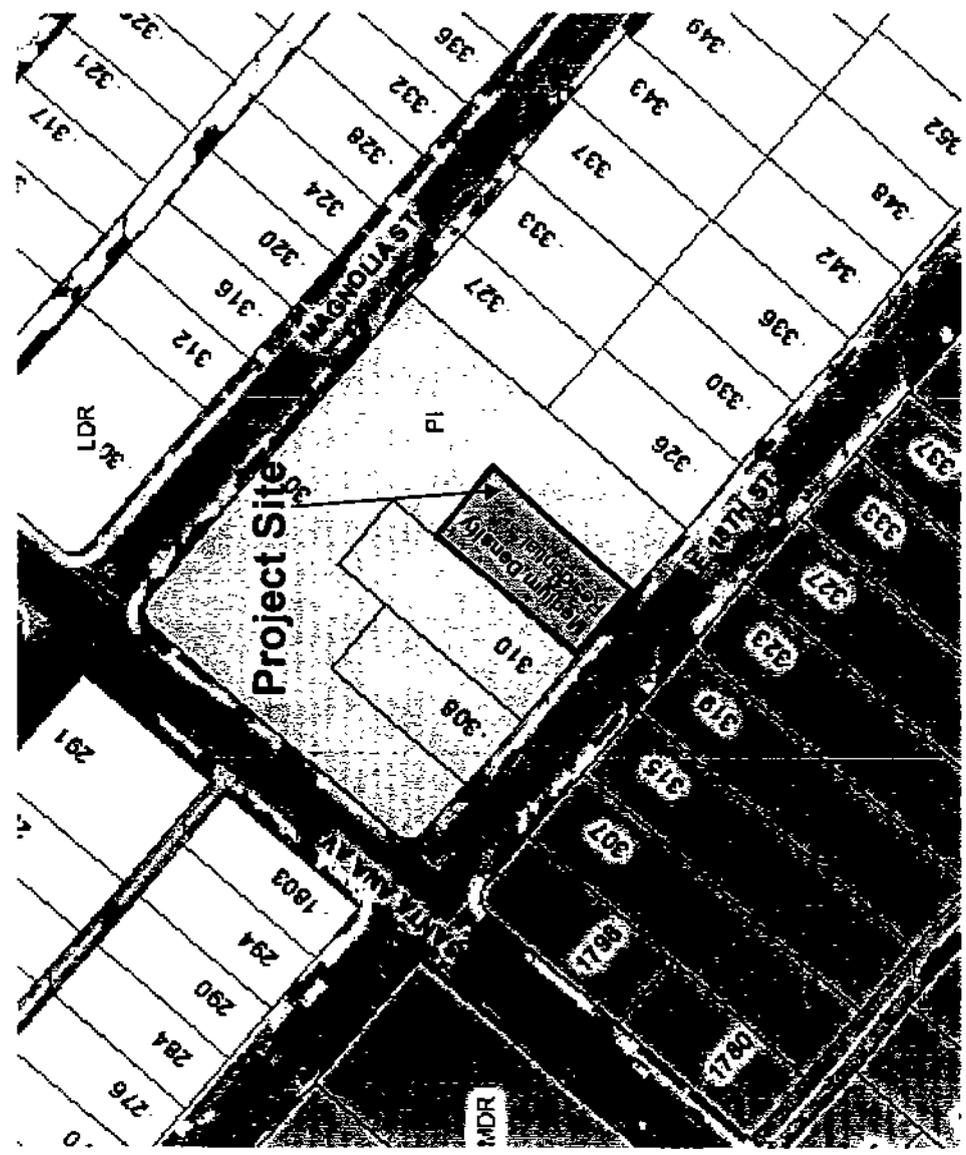
BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for General Plan Amendment GP-08-01/Rezone R-08-01/Planning Application PA-08-06, based on the evidence in the record and the findings contained in Exhibit "D, " and upon applicant's compliance with each and all of the conditions contained in Exhibit "E", as well as with compliance of all applicable federal, state, and local laws. Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 28th day of April, 2008.



Donn Hall, Chair,
Costa Mesa Planning Commission

320 E. 18th Street (APN 117-251-36)
Proposed General Plan – Medium Density Residential (MDR)



LEGEND
 General Plan Land Use Designations

[White Box]	Low Density Residential
[Light Gray Box]	Medium Density Residential
[Dark Gray Box]	High Density Residential
[White Box]	Commercial Residential
[White Box]	General Commercial
[White Box]	Commercial Center
[White Box]	Neighborhood Commercial
[White Box]	Regional Commercial
[White Box]	Urban Center Commercial
[White Box]	Cultural Arts Center
[White Box]	Light Industry
[White Box]	Industrial Park
[White Box]	Golf Course
[White Box]	Park/Open Space
[White Box]	Public/Institutional

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A 0.2 ACRE PARCEL FROM I&R (INSTITUTIONAL AND RECREATIONAL) TO R2-MD (MULTIPLE FAMILY RESIDENTIAL – MEDIUM DENSITY) FOR PROPERTY LOCATED AT 320 E. 18TH STREET.

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

WHEREAS, Rezone R-08-01 is consistent with the 2000 General Plan adopted in January, 2002, as amended by GP-08-01;

WHEREAS, Rezone R-08-01 involves a change in the zoning district of real property located at 320 E. 18th Street from I&R (Institutional and Recreational) to R2-MD (Multi-Family Residential—Medium Density);

WHEREAS, Rezone R-08-01 will allow residential development at a maximum density of 12 du/ac, or 1 dwelling unit per 3,630 square feet, as allowed by the General Plan;

WHEREAS, on April 28, 2008, after a duly noticed public hearing, the Planning Commission recommended City Council approval of Rezone R-08-01 by adoption of Resolution No. _____;

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

a. There is hereby placed and included in the R2-MD (Multiple Family Residential – Medium Density) zoning district a 0.2-acre parcel, identified as Assessor Parcel Number 117-251-36 and as shown in attached Exhibit "C," situated in the City of Costa Mesa, County of Orange, State of California.

b. 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 subsection a hereof and in the respective exhibit. A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 2. ENVIRONMENTAL DETERMINATION. The proposed rezone was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa

Environmental Guidelines, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development.

SECTION 3. 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 4. 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 5. 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 _____ 2008.

ERIC BEVER
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

320 E. 18th Street (APN 117-251-36)
Proposed Zone - R2-MD

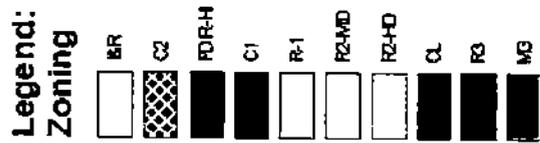
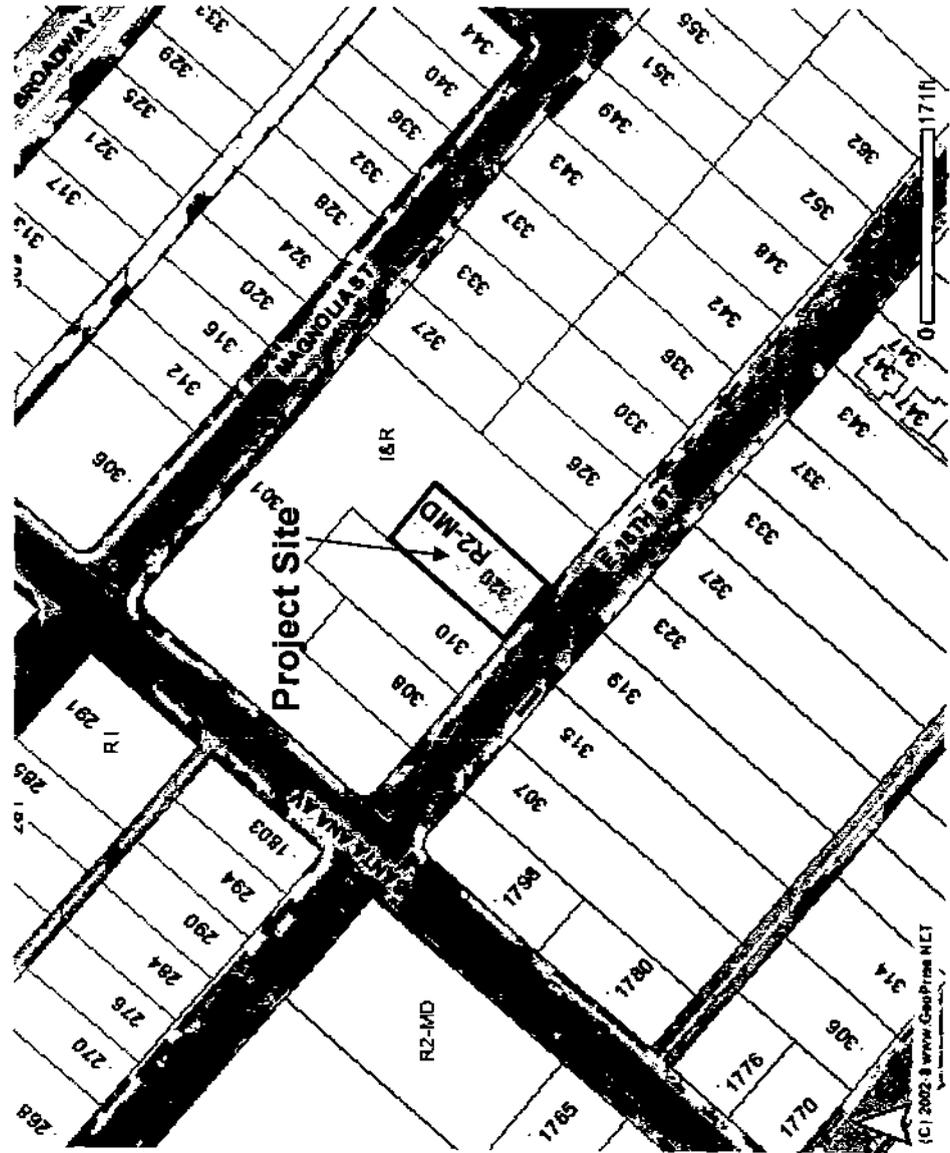


EXHIBIT "D"

FINDINGS

- A. The proposed design review for a residential development project and related improvements provide for new residences and are in conformance with the goals, policies, and objectives of the Costa Mesa General Plan and provisions of the Zoning Code. Specifically, the design review is in conformance with the broader goals of the General Plan for a single-family residential condominium project and exhibits excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. While the proposed development project includes variances from the maximum rear yard coverage and minimum lot size, administrative adjustment from the rear setback requirement and minor modification to increase the height of perimeter block wall, the overall development represents a desirable product type in conformance with the General Plan.
- B. The proposed Rezone R-08-01 is consistent with the General Plan, and Zoning Code. The rezone of the property from I&R to R2-MD will meet the objectives of the general plan to provide ownership housing with compatible density to surrounding properties. The R2-MD zoning is within the density limits of 12 units per acre allowed in the R2-MD. The rezone to PDR-HD would result in a significant reduction in traffic compared to the maximum allowable institutional in the current I&R designation.
- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- a. The proposed development and use is compatible and harmonious with uses both onsite as well as those on surrounding properties. Specifically, the proposed medium-density residential development is compatible with the multi-family residential use to the west and south.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. The project shall provide a standard residential drive approach from E. 18th Street that shall be ungated to avoid vehicle queuing from the public street.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
 - d. The cumulative effects of Planning Application PA-08-06 have been considered.
- D. The project meets the purpose and intent of the Residential Design Guidelines which are intended to promote design excellence in new residential construction, with consideration given to compatibility with the established residential community. Architectural treatments provide visual enhancements in the place of physically articulated wall planes. Although the two homes are located 5 feet from the easterly property line, the private yards break the massing of the buildings and the second floors step back further to provide a relief in the two story structure and meet the intent of the Residential Design Guidelines. Varied building materials and architectural elements (wooden shutters, stucco window trims and, and enhanced entry porches) also contribute to a well-designed residential project.
- E. The information presented substantially complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code:

- a. Because of special circumstances (lot size/width and location) applicable to the property, the strict application of the rear setback requirement (20 ft. required, 12 ft. proposed) and maximum rear yard coverage would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification.
 - b. The variance granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
 - c. The granting of the variance will not allow a use, density, or intensity which is not in accordance with the General Plan designation, as amended.
- F. The information presented substantially complies 13-29(g)(6) of the Costa Mesa Municipal Code.
- a. The minor modifications to increase the height of perimeter block wall to 8 feet (6 feet allowed, 8 feet proposed) will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to the property and improvements within the neighborhood.
 - b. The minor modification is compatible with the adjacent properties and would provide more privacy and noise protection from the adjacent parking lot.
- G. In accordance with State Law, the project has been reviewed for compliance with the California Environmental Quality Act and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development. Thus, the evidence presented in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on the environment.
- H. 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.
- I. The future subdivision for condominium purposes and development of the property will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights- of-way and/or easements within the tract. The subdivision map application shall be processed and approved by the City prior to issuance of building permits to ensure compliance with the Subdivision Map Act requirements and provision of ownership dwelling units.

EXHIBIT "E"

CONDITIONS OF APPROVAL

- Plng.
1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
 2. The approval of PA-08-06 is contingent upon City Council's final approval of General Plan Amendment GP-08-01 and Rezone R-08-01. This approval shall not become effective until all other discretionary approvals are final and become effective.
 3. Prior to issuance of building permits, applicant shall contact the U.S. 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. The conditions of approval or code provisions of PA-08-06 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The project shall comply with these requirements.
 5. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. No cross lot drainage to adjacent properties shall be allowed.
 6. Upon completion of demolition and grading activities and prior to construction of the new units, the applicant shall construct a decorative block/sound wall around the perimeter of the project site. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them and/or provide adequate privacy screening by trees and landscaping. The block wall shall be constructed of decorative block at 8 feet high on the east and north side adjacent to the church property and reduce to 7 feet high and 6 feet high on the northwesterly corner and the westerly property line. The block wall shall be at least 6 inches thick and of consistent color and texture or match any existing masonry walls within the immediate street segment.
 7. The applicant shall contact the current cable service provider prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 8. To the fullest extent possible, the landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. The landscape plan shall also show decorative treatment (i.e. concrete pavers, brick, aggregated) within the private driveway. The landscape plan shall be approved prior to issuance of building permits. The existing mature tree in the front yard and/or public right-

- of-way shall be retained in its current location if determined feasible. Relocation or replacement of the tree shall occur under the direction of the Planning Division and Public Services Department as deemed appropriate.
9. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, design modifications, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process, or in the requirement to modify the construction to reflect the approved plans.
 10. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
 11. There shall be minimal nighttime lighting, primarily security purposes, of the common areas. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of the nearby residences abutting the project site.
 12. Demolition permits for any existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
 13. All backflow prevention devices, transformers, and other utility or ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Staff. The applicant shall show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.) on the initial working plans.
 14. The project site shall be graded in a manner to eliminate the necessity of retaining walls within the project site to the maximum extent feasible. This condition excludes the proposed perimeter retaining walls along the development lot lines.
 15. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Construction is prohibited on Sundays and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
 16. Garages for individuals units shall be equipped with automatic garage door openers and 16' wide, roll-up garage doors.
 17. For safe vehicular back up and protection to private yard of Lot 1, a minimum of one 24-inch box tree or other appropriate barrier shall be installed between the two areas.
 18. Decorative paving treatment shall be installed on the long driveway to Lot 2 to the satisfaction of the Development Services Director.
 19. Applicant shall provide a buyer notification to all prospective buyers of the property including information on Lighthouse Coastal Community Church activities and hours of operation. This notice shall be of form and substance acceptable by the Development Services Director and also referenced as an exhibit in the CC&Rs.
 - Bldg. 20. Applicant shall submit a soils report to the Building Division for this project concurrently with the submission of grading plans. One boring shall be at least 15 feet deep. Soils report recommendations shall be blueprinted on the plans.

21. Applicant shall submit grading, drainage, and erosion control plans for this project.
- Trans. 22. The applicant shall submit a revised site plan that correctly identifies public parkway width and street width from centerline to property line.
23. The applicant shall construct a new residential drive approach at location submitted on site plan. The residential drive approach shall be constructed to the satisfaction of the Transportation Manager. Drive aisles, parking stall configurations, and turning radius must comply with the City's parking design standards. Applicant shall comply with minimum clearance requirements from property lines and vertical obstructions.
24. The applicant shall relocate the fire hydrant, water meter, and catch basin that conflict with the proposed driveway.
25. The median proposed between driveways shall be located within private property without any encroachment into the public right-of-way.
- Eng. 26. At the time of development submit for approval an off-site plan to the Engineering Division and grading plan to the Building Division that shows sewer, water, existing parkway improvements and the limits of work on the site, and hydrology calculations, both prepared by a civil engineer or architect. Cross drainage shall not occur. Construction access approval must be obtained prior to building or engineering permits being issued by the City of Costa Mesa. The applicant shall pay offsite plan check fee per Section 13-29(2)(b) of the City of Costa Mesa Municipal Code and an approved off-site plan shall be required prior to Engineering Permits being issued by the City.
27. A construction access permit and deposit of \$580 for street sweeping will be required by the Engineering Division prior to the start of any on- or off-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
28. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
29. Submit required cash deposit or surety bond to guarantee construction of offsite street improvements at time of permit per Costa Mesa Municipal Code Section 15-32, and as approved by City engineer. Cash deposit or surety bond amount to be determined by the City Engineer.
30. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the off-site plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance is required for all new driveway approaches. Relocate existing improvements (i.e., catch basin with manhole, fire hydrant, water meter) in conflict with the proposed driveway.
31. Fulfill Drainage Ordinance Fee requirements prior to: Approval of the final map/ Approval of plans.
32. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to: Approval of Final Map/Approved of Plans.
33. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa; they shall be maintained by the owner or developer of the property. Private lateral connections to City storm drains will require a hold harmless agreement prior to issuance of permit.
34. Submit Subdivision Application and comply with conditions of approval and code requirements.
- Fire 35. Street address numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.

36. Provide approved smoke detectors to be installed in accordance with the 2001 Edition of the Uniform Fire Code.
37. The applicant shall install fire sprinklers to the satisfaction of the Fire Department for the residential units if adequate distance to the existing fire hydrants is not provided.



PLANNING COMMISSION

AGENDA REPORT

VII. 1

MEETING DATE: APRIL 28, 2008

ITEM NUMBER

SUBJECT: GENERAL PLAN AMENDMENT GP-08-01/REZONE R-08-01/ PLANNING APPLICATION PA-08-06 FOR PROPERTY LOCATED AT 320 E. 18TH STREET

DATE: APRIL 16, 2008

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA, SENIOR PLANNER
(714) 754-5610

DESCRIPTION

The proposed project involves the following discretionary actions for the property located at 320 E. 18TH Street:

- **General Plan Amendment GP-08-01**– General Plan Amendment to change land use designation from Public/Institutional to Medium Density Residential.
- **Rezone R-08-01**– Rezone from (I&R) Institutional and Recreational to R2-MD (Multi-Family Residential – Medium Density).
- **Planning Application PA-08-06** – Design Review for a 2-unit, two-story, single-family, detached, small-lot residential common interest development. This includes the following requests: (a) Variance from rear yard lot coverage (25% required – 30% proposed), b) Administrative Adjustment for 2nd story rear setback (20 ft. required, 12 ft. proposed), and c) Minor Modification to allow an 8-foot perimeter wall (maximum 6' height allowed, 8' proposed).

APPLICANT

Phillip Schwartz of The PRS Group is the authorized agent for Newport Investment Strategies, property owners.

RECOMMENDATION

Recommend that City Council approve General Plan Amendment GP-08-01, Rezone R-08-01, and Planning Application PA-08-06, by adoption of attached resolution.

MINOO ASHABI, AIA
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Svs. Director

PLANNING APPLICATION SUMMARY

Location: 320 E. 18th Street Application Number: GP-08-01/R-08-01/PA-08-06
 Request: (1) General Plan Amendment GP-08-01; (2) Rezone R-08-01; (3) Planning Application PA-08-06
for a two-story, 2-unit detached, small-lot common-interest development

SUBJECT PROPERTY:		SURROUNDING PROPERTY:	
Zone: <u>Institutional & Recreational</u>	North: <u>Residential</u>		
General Plan: <u>Public/Institutional</u>	South: <u>Institutional (Lighthouse Coastal Community Church)</u>		
Lot Dimensions: <u>63 feet by 137 feet</u>	East: <u>Institutional (Lighthouse Coastal Community Church)</u>		
Lot Area: <u>8,670 sq. ft.</u>	West: <u>Residential group home</u>		
Existing Development: <u>Currently Vacant (Previously K-8 Kline school)</u>			

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed in Proposed R2-MD zone</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width (Development Lot)	100 ft.	63 ft.
Lot Area (Development Lot)	12,000 sq. ft.	8,670 sq. ft.
Density:		
Medium Density Residential Land Use Zone – R2-MD	Max. 12 units per acre Max. 2 dwelling units 1 du/3,630 sq. ft.	10 dwelling units per acre 2 dwelling units 1 du/4,335 sq. ft.
Min. Lot Size for Ind. Dwelling Unit Lot	3,000 sq. ft. 3,500 sq. ft. average	Lot 1 – 3,552 sq. ft. Lot 2 – 4,853 sq. ft. Average Lot size: 4,203 sq. ft.
Building Coverage (Development Lot)		
Buildings	Maximum 60%	Maximum 57%
Paving	5,202 sq. ft.	4,949 sq. ft.
Min. Open Space Development Lot	Minimum 40% of total site area 3,468 sq. ft.	43.5% 3,779 sq. ft.
TOTAL		
Rear Lot Coverage	100% Maximum 25% (315 sq. ft.) max	8,670 sq. ft. (100%) Lot 2: 30 % - 380 sq. ft. ¹
Private Open space for Individual Dwelling Unit Lots	Maximum 40% overall (15 ft. min. dimension /400 sq. ft.)	Minimum provided: 40% (420 sq. ft. & 400 sq. ft.) (15 ft. min. dimension.)
Common Lot	10 ft. min. street setback landscape	10 ft. street setback landscape
Building Height	2 stories/27 feet	2 stories / 27 feet
Chimney Height	29 feet	29 feet
2 nd Floor Percentage vs. 1 st Floor ⁴	80%	66% - 79%
Building Setbacks		
Front (E. 18th Street)	20 ft.	20 ft.
Side (left/right)	5 ft.	5 ft.
Rear (Multi-Family Residential)	10 ft. (1 st floor) 20 ft. (2 nd floor)	10 ft. (1st floor), 12 ft. (2 nd floor) ²
Separation between units	10 ft.	10 ft.
Parking:		
Garage Parking Spaces	2-car garage each unit 4 garage spaces total	2-car garage each unit 4 garage spaces total
Open Parking Spaces	4 spaces	4 spaces
Total	8 spaces	8 spaces
Two-Car Garage Interior Dimensions	20' x 20'	20' x 20'
Driveway Width:	Min. 10 ft.	10 ft.
Block Wall Height	6 feet	8 feet ³
¹ Variance from rear yard lot coverage, ² Administrative adjustment for second floor rear yard setback, ³ Minor modification to allow an 8-foot perimeter wall, and ⁴ Residential Design Guidelines		
Final Action	City Council	
CEQA Review	Exempt, Class 32, Infill Development	

BACKGROUND

On December 4, 2007, the City Council considered General Plan screening request GPS-07-06 for a General Plan amendment to change the land use designation from Public/Institutional to Medium Density Residential. Along with a required rezone of the property, the General Plan amendment is proposed to accommodate a 2-unit single-family detached, common interest development (10 dwelling units per acre). Council supported the request and authorized processing of the General Plan amendment (Meeting Minutes, Attachment 4).

ANALYSIS

Project Location

The 0.2-acre project site is located at 320 E. 18th Street (Vicinity Map, Attachment 1). The former 2,300 square-foot Kline school building is vacant and proposed to be demolished. The adjacent properties to the north and east of the site are occupied by Lighthouse Coastal Community Church. Properties to the west of the site are developed with four residential units and a residential care facility for disabled children. Properties to the south of the site across East 18th Street are developed as multiple family residential units and located within the Multiple Family Residential District (R2-MD).

Proposed Project

General Plan Amendment GP-08-01

The proposed General Plan amendment is required to allow for residential development on the property. The proposed request involves a change in the land use designation from Public and Institutional to Medium Density Residential (maximum 12 dwelling units per acre). This involves amendment to the General Plan land use map.

Following are justifications for approval of the General Plan amendment:

- *Project achieves General Plan Housing Element Goal HOU-3.* The proposed owner-occupied housing project would achieve this Housing Element goal by providing small lot single family housing compatible with neighboring residential uses.
- *Project is consistent with General Plan Land Use Policy LU-1F.4.* This General Plan policy requires that residential densities be supported by infrastructure and that high-density residential areas not be permitted in areas which can cause incompatibility with existing single-family areas. The proposed multiple-family residential land use designation is compatible with the similarly designated land uses in the surrounding areas.
- *Project is consistent with General Plan Land Use Objective LU-2A.* The proposed project is consistent with Land Use Objective LU-2A which encourages new development and redevelopment to improve and maintain the quality of environment. The proposed project will create new ownership housing opportunities.
- *The request is within General Plan traffic capacity.* Since the project proposes two single-family dwelling units, the projected traffic trips are greatly lower than the future General Plan conditions if the site were developed as an institutional use. The proposed project would result in a reduction of over 167 average daily trips (89%).

Table A – Trip Generation Analysis

General Plan Land Use Designation	Potential Build out	AM Peak Hr Trips	PM Peak Hr Trips	Total Avg Daily Trips
Existing Public/Institutional	<i>Institutional Building</i> Max. 2,168 sq. ft.	30	31	186
Proposed Medium Density Residential	<i>Medium-Density Residential Project</i> Up to 12 dwelling units/acre	2	2	19
Net Change in Trips		-28	-29	-167

Rezone R-08-01

The proposed project also requires a rezone of the property from I&R (Institutional and Recreational) to R2-MD (Multi-Family Residential – Medium Density). The R2-MD zoning is compatible with the existing low density residential developments to the south, and west (R2-MD zoning) and the church use to the north and east of the project site.

Planning Application PA-08-06**Design Review**

The project consists of a 2-unit single-family, detached, small-lot residential common interest development. (Site Plan/Floor Plan/Elevations, Attachment 5). The project involves deviations from development standards including variances from maximum rear yard coverage, an administrative adjustment for the rear yard setback for Lot 2, and a minor modification to increase the perimeter wall height to 8 feet.

Staff recommends approval of the Design Review and the deviation requests for the following reasons:

- Overall architectural design promotes excellence and compatibility. The two-story project features contemporary Spanish Colonial architecture with barrel roof tiles, wood shutters and accentuated entry areas. The structures are simple in design and accented with entry porch, low-pitch hipped roof and a roof break between first and second floor on most facades. The proposed units are within the limits of 80 percent second-floor to first-floor ratio recommended in the City's Residential Design Guidelines.
- Variance from maximum rear yard coverage requirement would still result in adequate privacy and a recreational space in the backyard. The applicant requests approval of a variance from the maximum rear yard coverage requirement (25% maximum coverage allowed, 30% proposed). A variance provides zoning relief because of unique circumstances related to the size, shape, location, and topography of the property. In this case, the 8,670 square-foot lot is undersized and the lot width is very narrow, compared to traditional multi-family zoned properties (typically 100-foot wide and 12,000 square feet in size). Therefore, there are physical limitations to complying with the City's rear yard coverage requirements. By providing for driveway access in compliance with City standards and minimum setback distances between main structures/interior property lines, the proposed residence on Lot 2 exceeded the rear yard coverage maximum by 5 percent. Staff believes that the variance would have no effect on privacy between properties, given that the rear lot abuts the Lighthouse Coastal Community

Church parking lot and not the rear yard of another residence. Furthermore, staff believes that this minor variance request would still guarantee an adequately sized backyard for recreational purposes.

- Administrative adjustment from rear yard setback requirement is considered minor. The administrative adjustment is for relief from the rear yard setback requirement for the rear unit (20-foot setback required, 12-foot setback proposed).

Code requires a 20-foot rear setback for second-story structures to provide for privacy between neighboring properties and architectural interest/articulation of the building. In this case, the administrative adjustment for a 12-foot second-story setback for the rear unit is not considered significant because:

- a) Architectural elements will provide visual interest along the rear elevation. An eyebrow roof of Spanish barrel tiles is proposed to provide a break between the first and second floor of the rear elevation. Additionally, second-floor windows will be enhanced with a stuccoed, contrasting trim.
 - b) While the administrative adjustment allows the structure to be closer to the rear property line, no privacy impacts are anticipated because the property abuts the parking lot of Lighthouse Coastal Community Church to the rear.
- Minor Modification to increase the perimeter wall height to 8 feet. The applicant is requesting to install an 8-foot high perimeter wall for more privacy from the church use and its parking area. The maximum fence height in residential properties is 6 feet; however, walls of up to 8 feet are allowed when residential properties abut commercial properties. Since the church may have operational hours similar to a commercial property, staff believes that the increase in the fence height is justified. Furthermore, increased heights have historically been approved to enhance land use compatibility between residential and non-residential land uses (for example 330 W. Bay Street, 2460 Newport Boulevard).
 - Landscape Plan features plant palette consistent with City standards. The Landscape Plan is generally consistent with the City's standards. The Landscape Plan proposes a diverse palette of trees, shrubs, and groundcover.

Parcel Map

The project would require approval of a parcel map establishing a common interest development. A map was not submitted with the Planning Application. The subdivision of the lot will be considered under a separate request.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), CEQA Guidelines, and the City's environmental processing procedures. Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

LEGAL REVIEW

The City Attorney's office has approved the attached resolution as to form.

ALTERNATIVES

The Planning Commission has the following options:

1. Recommend approval of the general plan amendment, rezone, and planning application. Proposed residential development would be in conformance with the City's General Plan (as amended) and proposed R2-MD zoning. This well-designed, medium-density residential project would create new homeownership opportunities in the city, and eliminate the historic institutional use of the property.
2. Recommend denial of the proposed project. The current Public/Institutional land use/I&R zone would expressly prohibit residential development. The proposed two-story, small-lot subdivision would not be consistent with the current I&R zoning. The applicant could not apply for a similar project until six months after the decision date.

CONCLUSION

This project involves the redevelopment of the former Kline school site into two small-lot residential homes. While there are requested deviations from development standards, staff believes the project exhibits a good quality design and compatibility with the neighboring developments. In addition, the proposed density at 10 dwellings per acre is below the maximum density allowed in the proposed Medium-Density Residential land use designation.

- Attachments:
1. Vicinity Map
 2. Site Photos
 3. Planning Commission Resolution
 4. City Council Meeting Minutes
 5. Submitted Request Letter
 6. Site Plans/Elevations/Floor Plans

- Distribution:
- Deputy City Mgr., Dev. Svs. Director
 - Sr. Deputy City Attorney
 - City Engineer
 - Fire Protection Analyst
 - Staff (4)
 - File (2)

Phil Schwartze
31872 San Jan Creek Circle
San Juan Capistrano, CA 92675

Newport Investments Strategies
620 Newport Center Drive, #400
Newport Beach, CA 92600

Beth Refakes
320 Magnolia Street
Costa Mesa, CA 92627

Howard Denghausen
P.O. Box 3381
Newport Beach, CA 92659

File:042808GP0801R0801PA0806	Date: 041708	Time: 1:30 p.m.
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Vicinity Map
320 E. 18th Street
City of Costa Mesa





View of the Site from 18th Street



View of the Adjacent Site to the west

RESOLUTION NO. PC-08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING CITY COUNCIL APPROVE THE FOLLOWING: (1) GENERAL PLAN AMENDMENT GP-08-01; (2) REZONE R-08-01, AND (3) PLANNING APPLICATION PA-08-06.

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

WHEREAS, an application was filed by Phil Schwartz of The PRS Group, as authorized agent for property owners, Newport Investments Strategies;

WHEREAS, the project site is real property located at 320 E. 18th Street totaling 0.2 acre;

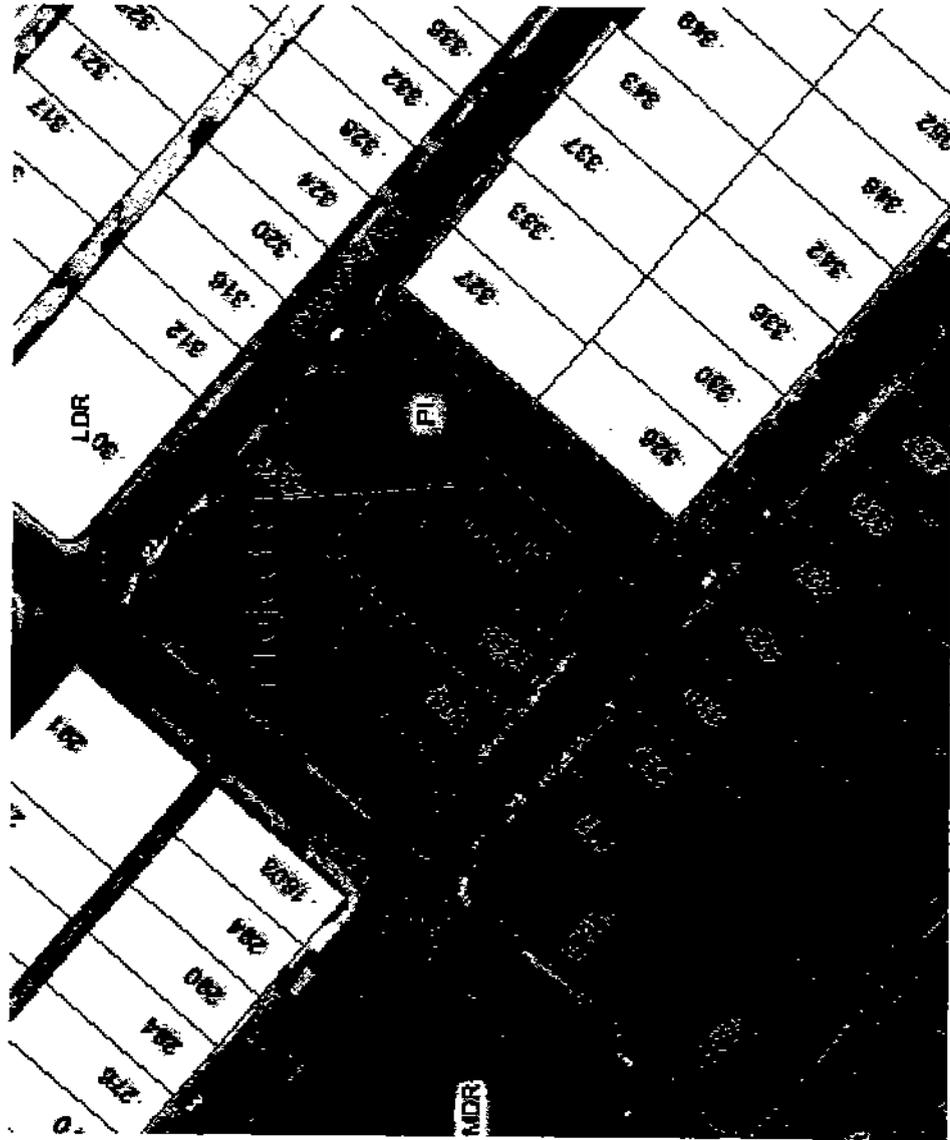
WHEREAS, the proposed project involves the following: (1) General Plan Amendment GP-08-01 to change the general plan land use designation from Public/Institutional to Medium Density Residential; (2) Rezone R-08-01 for a rezone of the property from I&R (Institutional and Recreational) to R2-MD (Multiple-Family Residential – Medium Density); and, (3) Planning Application PA-08-06 for a Design Review for a 2-unit two-story, single-family, detached small-lot common-interest development;

WHEREAS, Planning Application PA-08-06 also includes the following: (a) variance from the maximum rear yard coverage (25% allowed- 30% proposed); b) administrative adjustment from the rear yard setback (20-foot setback required, 12-foot setback proposed); and (c) minor modification to increase the height of perimeter block wall to 8 feet;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 28, 2008 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City

320 E. 18th Street (APN 117-251-36)
 Proposed General Plan – Medium Density Residential (MDR)



- LEGEND**
- General Plan Land Use Designations
- Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Commercial Residential
 - General Commercial
 - Commercial Center
 - Neighborhood Commercial
 - Regional Commercial
 - Urban Center Commercial
 - Cultural Arts Center
 - Light Industry
 - Industrial Park
 - Golf Course
 - Fairgrounds
 - Public/Institutional

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A 0.2 ACRE PARCEL FROM I&R (INSTITUTIONAL AND RECREATIONAL) TO R2-MD (MULTIPLE FAMILY RESIDENTIAL – MEDIUM DENSITY) FOR PROPERTY LOCATED AT 351 WEST BAY STREET.

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

WHEREAS, Rezone R-08-01 is consistent with the 2000 General Plan adopted in January, 2002, as amended by GP-08-01;

WHEREAS, Rezone R-08-01 involves a change in the zoning district of real property located at 320 E. 18th Street from I&R (Institutional and Recreational) to R2-MD (Multi-Family Residential—Medium Density);

WHEREAS, Rezone R-08-01 will allow residential development at a maximum density of 12 du/ac, or 1 dwelling unit per 3,630 square feet, as allowed by the General Plan;

WHEREAS, on April 28, 2008, after a duly noticed public hearing, the Planning Commission recommended City Council approval of Rezone R-08-01 by adoption of Resolution No. _____;

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

a. There is hereby placed and included in the R2-MD (Multiple Family Residential – Medium Density) zoning district a 0.2-acre parcel, identified as Assessor Parcel Number 117-251-36 and as shown in attached Exhibit "C," situated in the City of Costa Mesa, County of Orange, State of California.

b. 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 subsection a hereof and in the respective exhibit. A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 2. ENVIRONMENTAL DETERMINATION. The proposed rezone was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa

Environmental Guidelines, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development.

SECTION 3. 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 4. 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 5. 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 _____ 2008.

ERIC BEVER
Mayor of the City of Costa Mesa

ATTEST:

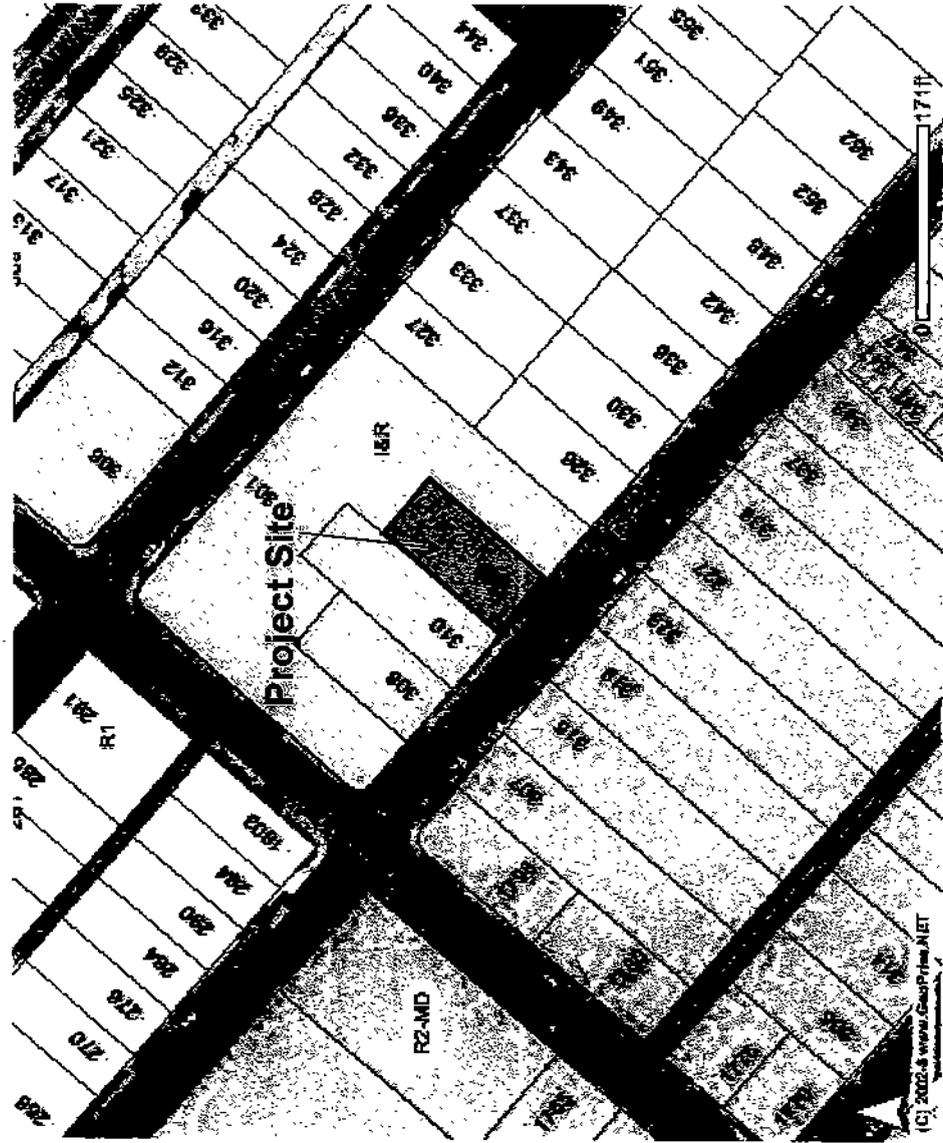
APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

320 E. 18th Street (APN 117-251-36)

Proposed Zone – R2-MD



Legend:

Zoning

- BR
- C2
- FIR-H
- G1
- R-1
- R2-MD
- R2-HD
- CL
- R2
- MG

EXHIBIT "D"

FINDINGS

- A. The proposed design review for a residential development project and related improvements provide for new residences and are in conformance with the goals, policies, and objectives of the Costa Mesa General Plan and provisions of the Zoning Code. Specifically, the design review is in conformance with the broader goals of the General Plan for a single-family residential condominium project and exhibits excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. While the proposed development project includes variances from the maximum rear yard coverage and minimum lot size, administrative adjustment from the rear setback requirement and minor modification to increase the height of perimeter block wall, the overall development represents a desirable product type in conformance with the General Plan.
- B. The proposed Rezone R-08-01 is consistent with the General Plan, and Zoning Code. The rezone of the property from I&R to R2-MD will meet the objectives of the general plan to provide ownership housing with compatible density to surrounding properties. The R2-MD zoning is within the density limits of 12 units per acre allowed in the R2-MD. The rezone to R2-MD would result in a significant reduction in traffic compared to the maximum allowable institutional in the current I&R designation.
- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- a. The proposed development and use is compatible and harmonious with uses both onsite as well as those on surrounding properties. Specifically, the proposed medium-density residential development is compatible with the multi-family residential use to the west and south.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. The project shall provide a standard residential drive approach from East 18th Street that shall be ungated to avoid vehicle queuing from the public street.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
 - d. The cumulative effects of Planning Application PA-08-06 have been considered.
- D. The project meets the purpose and intent of the Residential Design Guidelines which are intended to promote design excellence in new residential construction, with consideration given to compatibility with the established residential community. Architectural treatments provide visual enhancements in the place of physically articulated wall planes. Although the two homes are located 5 feet from the easterly property line, the private yards break the massing of the buildings and the second floors step back further to provide a relief in the two story structure and meet the intent of the Residential Design Guidelines. Varied building materials and architectural elements (wooden shutters, stucco window trims and, and enhanced entry porches) also contribute to a well-designed residential project.
- E. The information presented substantially complies with Section 13-29(g)(1) of the Costa

Mesa Municipal Code:

- a. Because of special circumstances (lot size/width and location) applicable to the property, the strict application of the rear setback requirement (20 ft. required, 12 ft. proposed) and maximum rear yard coverage would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification.
 - b. The variance and administrative adjustment granted shall be subject to such conditions as will assure that the deviations authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
 - c. The granting of the variance and administrative adjustment will not allow a use, density, or intensity which is not in accordance with the General Plan designation, as amended.
- F. The information presented substantially complies 13-29(g)(6) of the Costa Mesa Municipal Code.
- a. The minor modifications to increase the height of perimeter block wall to 8 feet (6 feet allowed, 8 feet proposed) will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to the property and improvements within the neighborhood.
 - b. The minor modification is compatible with the adjacent properties and would provide more privacy and noise protection from the adjacent parking lot.
- G. In accordance with State Law, the project has been reviewed for compliance with the California Environmental Quality Act and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development. Thus, the evidence presented in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on the environment.
- H. 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.
- I. The future subdivision for condominium purposes and development of the property will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights- of-way and/or easements within the tract. The subdivision map application shall be processed and approved by the City prior to issuance of building permits to ensure compliance with the Subdivision Map Act requirements and provision of ownership dwelling units.

EXHIBIT "E"

CONDITIONS OF APPROVAL

- Plng. 1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
2. The approval of PA-08-06 is contingent upon City Council's final approval of General Plan Amendment GP-08-01 and Rezone R-08-01. This approval shall not become effective until all other discretionary approvals are final and become effective.
3. Prior to issuance of building permits, applicant shall contact the U.S. 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. The conditions of approval or code provisions of PA-08-06 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The project shall comply with these requirements.
5. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. No cross lot drainage to adjacent properties shall be allowed.
6. Prior to issuance of certificate of occupancy, the applicant shall construct a decorative block/sound wall around the perimeter of the project site. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them and/or provide adequate privacy screening by trees and landscaping. The block wall shall be constructed of decorative block at least 6 inches thick and shall be of consistent color and texture or match any existing masonry walls within the immediate street segment.
7. The applicant shall contact the current cable service provider prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
8. To the fullest extent possible, the landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. The landscape plan shall also show decorative treatment (i.e. concrete pavers, brick, aggregated) within the private driveway. The landscape plan shall be approved prior to issuance of building permits. Specifically, a comparably sized tree shall replace the existing mature tree in the front yard that is proposed for removal.
9. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation,

design modifications, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process, or in the requirement to modify the construction to reflect the approved plans.

10. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
11. There shall be minimal nighttime lighting, primarily security purposes, of the common areas. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of the nearby residences abutting the project site.
12. Demolition permits for any existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
13. All backflow prevention devices, transformers, and other utility or ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Staff. The applicant shall show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.) on the initial working plans.
14. The project site shall be graded in a manner to eliminate the necessity of retaining walls within the project site to the maximum extent feasible. This condition excludes the proposed perimeter retaining walls along the development lot lines.
15. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Construction is prohibited on Sundays and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
16. Garages for individuals units shall be equipped with automatic garage door openers and 16' wide, roll-up garage doors.
17. For safe vehicular back up and protection to private yard of Lot 1, a minimum of one 24-inch box tree or other appropriate barrier shall be installed between the two areas.
18. Decorative paving treatment shall be installed on the long driveway to Lot 2 to the satisfaction of the Development Services Director.
19. Applicant shall provide a buyer notification to all prospective buyers of the property including information on Lighthouse Coastal Community Church activities and hours of operation. This notice shall be of form and substance acceptable by the Development Services Director and also referenced as an exhibit in the CC&Rs.
- Bldg. 20. Applicant shall submit a soils report to the Building Division for this project concurrently with the submission of grading plans. One boring shall be at least 15 feet deep. Soils report recommendations shall be blueprinted on the plans.
21. Applicant shall submit grading, drainage, and erosion control plans for this project.
- Trans. 22. The applicant shall submit a revised site plan that correctly identifies public parkway width and street width from centerline to property line.
23. The applicant shall construct a new residential drive approach at location

- submitted on site plan. The residential drive approach shall be constructed to the satisfaction of the Transportation Manager. Drive aisles, parking stall configurations, and turning radius must comply with the City's parking design standards. Applicant shall comply with minimum clearance requirements from property lines and vertical obstructions.
24. The applicant shall relocate the fire hydrant, water meter, and catch basin that conflict with the proposed driveway.
25. The median proposed between driveways shall be located within private property without any encroachment into the public right-of-way.
- Eng. 26. At the time of development submit for approval an off-site plan to the Engineering Division and grading plan to the Building Division that shows sewer, water, existing parkway improvements and the limits of work on the site, and hydrology calculations, both prepared by a civil engineer or architect. Construction access approval must be obtained prior to building or engineering permits being issued by the City of Costa Mesa. Pay offsite plan check fee to the Engineering Division. An approved offsite plan and fee shall be required prior to engineering/utility permits being issued by the City.
27. A construction access permit and deposit of \$580 for street sweeping will be required by the Engineering Division prior to the start of any on- or off-site work.
28. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
29. Submit required cash deposit or surety bond to guarantee construction of offsite street improvements at time of permit per Costa Mesa Municipal Code Section 15-32, and as approved by City engineer. Cash deposit or surety bond amount to be determined by the City Engineer.
30. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the off-site plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance is required for all new driveway approaches. Relocate existing improvements (i.e., catch basin with manhole, fire hydrant, water meter) in conflict with the proposed driveway.
31. Fulfill Drainage Ordinance Fee requirements prior to: Approval of the final map/ Approval of plans.
32. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to: Approval of Final Map/Approved of Plans.
33. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa; they shall be maintained by the owner or developer of the property. Private lateral connections to City storm drains will require a hold harmless agreement prior to issuance of permit.
34. Submit Subdivision Application and comply with conditions of approval and code requirements.
- Fire 35. Street address numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
36. Provide approved smoke detectors to be installed in accordance with the 2001 Edition of the Uniform Fire Code.
37. The applicant shall install fire sprinklers to the satisfaction of the Fire Department for the residential units if adequate distance to the existing fire hydrants is not provided.

**ATTACHMENT 4
EXCERPT OF CC MEETING MINUTES
OF DECEMBER 4, 2007**

and City staff on the process of general plan screening requests and land use designation, and the possibility of continuing the item to a date specific. The applicant expressed interest in continuing the matter in order to gain the support of the Council.

Mayor Pro Tem Bever suggested to the applicant a high-density or medium-density residential for the entire parcel indicating that he would like to see an excellent project. The applicant said they would consider the matter for a general plan amendment.

Following further discussion, it was unanimously agreed to continue the item to the meeting of January 15, 2007.

The architect commented on the FAR stating that it was not an accurate measure of the impacts of a proposed project opining zoning codes may hinder good projects.

**MOTION: continue GPS-07-05 screening request to the meeting of January 15, 2007.
Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.**

Council Member Foley pointed out the areas of her concerns relating to the property's incompatible urban-living design and hoped the project is redesigned to architecturally blend with the surrounding neighborhood.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

The Assistant Planner presented the screening request for GPS-07-06 for 320 East 18th Street and responded to questions from the Council.

Phillip Schwartz, represented the applicant for GPS-07-06, clarified for the Council the unit types adjacent to the property and advised the owners' interest in developing a compatible residential property.

Beth Refakes, Costa Mesa, expressed support for the requested general plan amendment and the rezone to residential pointing out a reduction in traffic and adequate parking spaces for the neighborhood.

**MOTION: Approve GPS-07-06 screening requests for processing.
Moved by Mayor Allan Mansoor, seconded by Council Member Katrina Foley.**

Mayoral Pro Tem Bever inquired on the inclusion of combining the two

adjoining residential properties to the west in the general plan screening requests. The Assistant City Attorney advised that the matter would need to be agendized.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

2. Request to support the Orange Coast River Park Vision Plan Proposal.

ACTION: Withdrawn.

X. REPORTS

The Assistant City Attorney wished everyone a Merry Christmas and Happy Holidays.

The City Manager wished the Council and community a safe holiday reminding everyone to practice care, patience, and moderation.

- XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 8:52 p.m., to December 11, 2007, at 4:30 p.m., for a Study Session. The next Regular City Council Meeting will be held Wednesday, January 2, 2008.**

ATTEST:

Mayor of the City of Costa Mesa

City Clerk of the City of Costa Mesa



March 18, 2008

Minoo Ashabi
Senior Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

RE: PA-08-06 – 320 East 18th Street – Request for Administrative Adjustment

Dear Ms. Ashabi:

This firm represents the owner of the above listed parcel.

It has become apparent from our recent site planning efforts that in order to develop new residential housing that is compatible with the surrounding neighborhood that we must utilize some development standards that are more reminiscent of earlier times. We are attempting to find both architectural standards and site planning techniques that allow this new project to fit into a well established neighborhood yet produce the highest and best use of the property.

Our current site plans acknowledge the fact that our rear yard and one side yard abut the parking lot of a neighboring church parking lot. Our remaining side yard abuts several existing older residential units developed under much different site plan and architectural standards. We have chosen to provide the maximum structural distance from the existing residences which in turn limits the two setbacks on areas abutting the Church parking lot.

Our requested Administrative Adjustment requests that staff consider the:

- Age of the neighborhood and local area residential units
- Site and setback requirements of units on similar property that were developed under older County of Orange and/or older City of Costa Mesa development standards
- The limited size of the existing lot that is being converted from a Pre-School, with no on-site parking, into two new residential units with adequate on-site parking.
- Our use of new building techniques that promote a "Green Environment".
- The walls that separate our uses from the church parking lot that is seldom used.
- Other residential lots, of the same size, in the same area, contain more units due to development under older standards.

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March 18, 2008

We respectfully request all of these above listed items be taken into consideration as our site plans and architecture are reviewed.

Sincerely,

The PRS GROUP

A handwritten signature in black ink, appearing to read "Phillip R. Schwartze", written in a cursive style.

Phillip R. Schwartze
President

ATTACHMENT 7

**DRAFT MINUTES FROM THE 04/28/08
PLANNING COMMISSION MEETING**

**04-28-08 PC Minute Excerpt for GP-08-01, R-08-01, and PA-08-06
Unofficial Until Approved**

1. General Plan Amendment GP-08-01, Rezone R-08-01, and Planning Application PA-08-06, for Phil Schwartze, authorized agent for Newport Investment Strategies, located at 320 E. 18th Street, in an I & R zone. Environmental determination: exempt.

(a) General Plan Amendment GP-08-01, to change land use designation from Public/Institutional to Medium Density Residential.

(b) Rezone R-08-01, for a rezone from I&R (Institutional and Recreational) to R2-MD (Multi-Family Residential - Medium Density).

(c) Planning Application PA-08-06, a design review for a two-unit, two-story, single-family residential common-interest development, including variance from rear yard lot coverage (25% required; 30% proposed), administrative adjustment for second floor setback (20' feet required; 12' proposed), and minor modification to allow an 8-foot perimeter blockwall.

Senior Planner Minoo Ashabi reviewed the information in the staff report and responded to questions from the Commission regarding the legality of the lot, new subdivisions, the 1969 Ordinance, and Condition No. 6 concerning the block wall. Planning Commission Secretary Kimberly Brandt also explained the legality of the lot.

Phillip Schwartze, authorized agent for the property owners, discussed the block wall, grading prior to construction, and proposed rewording of Condition No. 6 regarding the new block wall requirement. He also mentioned saving the tree in front. Mr. Schwartze agreed to all the conditions except for Condition No. 6, asking that it be reworded.

Howard Denghausen, Costa Mesa, spoke in support of the project.

Paul Wilbur, Costa Mesa, stated that the right use for this land is for church parking.

Beth Refakes, Costa Mesa, pointed out that this is a great project.

David (last name inaudible) asked about the 2-unit, two-story, single-family, detached lot and the Chair answered his question.

Olga Hallachian, Costa Mesa, expressed her concerns regarding the existing fence, the proposed wall, and the noise.

Ruby Wilbur, Costa Mesa, spoke in opposition to the project noting that there are no trees and too much cement. She also asked why the group home is on that street.

Ms. Brandt stated that at 308 E. 18th Street there is a group home, which is in an I&R zone.

Mr. Schwartze explained that the construction time for this project will be as brief as possible and the Chair pointed out that the construction working hours will be enforced.

Mr. Schwartze stated that the construction fencing will be placed in between both properties where shrubs/trees are located; construction is expected to be about 6 months long; and said there will be a permanent block wall along the perimeter of the project.

Commissioner Righeimer, Acting City Engineer Fariba Fazeli, and Mr. Schwartze discussed Condition No. 8, and having the City Arborist review the big tree in the front yard and the process that is involved with the Parks and Recreation Commission if the tree is removed.

Ms. Brandt suggested the rewording of the last sentence of Condition No. 8, as follows, "The existing mature tree in the front yard and/or public right-of-way shall be retained in its current location if determined feasible. Relocation or replacement of the tree shall occur under the direction of the Planning Division and Public Services Department as deemed appropriate."

The Chair and Deputy City Attorney Christian Bettenhausen discussed the language of the condition as it relates to the tree.

The Commission, Ms. Ashabi, and Mr. Schwartze discussed the reinforced 8 ft. wall as a solid barrier between the site and church property, and the construction hours noted in Condition No. 15.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Recommend that City Council approve General Plan Amendment GP-08-01 as shown in Exhibit "A", Rezone R-08-01 as shown in Exhibits "B" and "C", and Planning Application PA-08-06, by adoption of Planning Commission Resolution PC-08-38, based on the evidence in the record and findings contained in Exhibit "D", and upon applicant's compliance with each and all the conditions contained in Exhibit "E", with the revised conditions, as follows:

Conditions of Approval

6. Upon completion of demolition and grading activities and prior to construction of the new units, the applicant shall construct a decorative block/sound wall around the perimeter of the project site. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them

and/or provide adequate privacy screening by trees and landscaping. The block wall shall be constructed of decorative block at 8 feet high on the east and north side adjacent to the church property and reduce to 7 feet high and 6 feet high on the northwesterly corner and the westerly property line. The block wall shall be at least 6 inches thick and of consistent color and texture or match any existing masonry walls within the immediate street segment.

8. To the fullest extent possible, the landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. The landscape plan shall also show decorative treatment (i.e., concrete pavers, brick, aggregated) within the private driveway. The landscape plan shall be approved prior to issuance of building permits. The existing mature tree in the front yard and/or public right-of-way shall be retained in its current location if determined feasible. Relocation or replacement of the tree shall occur under the direction of the Planning Division and Public Services Department as deemed appropriate.

Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

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.

ATTACHMENT 8

DEVELOPMENT PLANS

NO. OF SHEETS	14
SHEET NO.	1
DATE	
BY	
CHECKED	
SCALE	
1/4" = 1'-0"	
DATE	
BY	
CHECKED	
SCALE	
1/4" = 1'-0"	
DATE	
BY	
CHECKED	
SCALE	
1/4" = 1'-0"	
DATE	
BY	

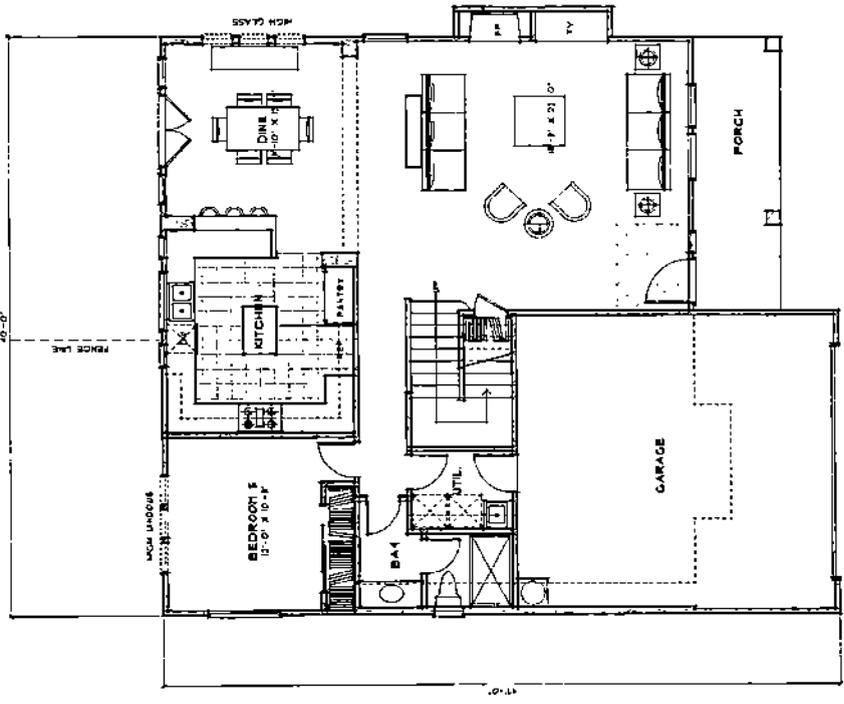
WILKINSON
ASSOCIATES
ARCHITECTS
200 E. 4th Street
Santa Ana, CA 92705
(714) 241-1100
FAX (714) 241-1101



320 18th STREET
DORAN ANDREY
420 NEWPORT CENTER DRIVE
SUITE 100
NEWPORT BEACH, CA 92660

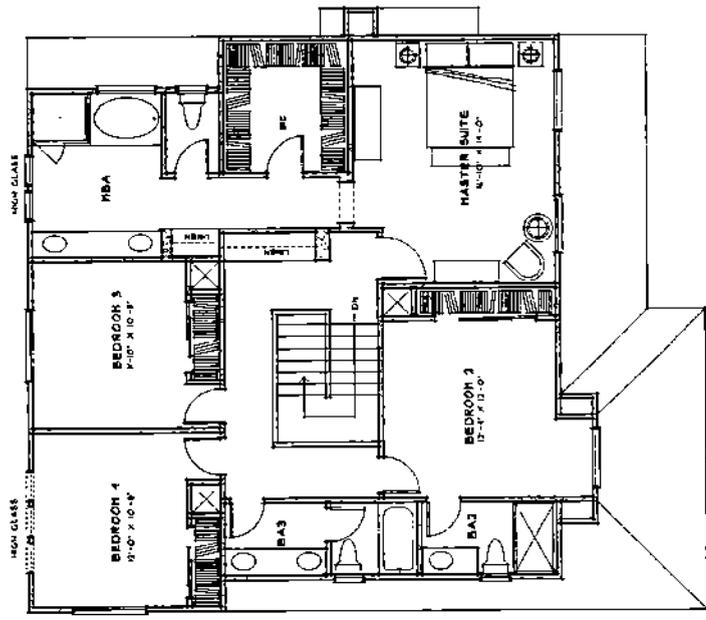
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DATE	
BY	
CHECKED	
SCALE	
1/4" = 1'-0"	
DATE	
BY	



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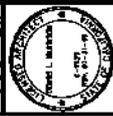
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2nd FLOOR	1330 S.F.
TOTAL	2555 S.F.
GARAGE	445 S.F.



DATE	
BY	
SCALE	1/4" = 1'-0"
PROJECT	
NO.	

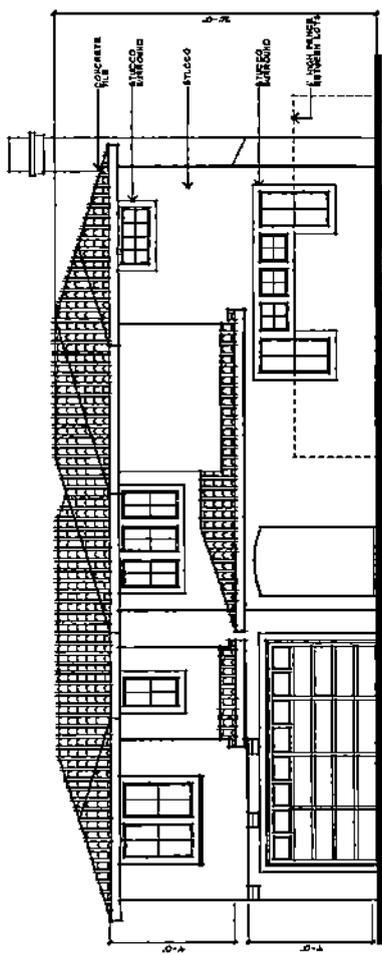
PLAN 2

320 18th STREET
 DORAN ANDRY
 SUITE 400
 NEWPORT CENTER DRIVE
 NEWPORT BEACH, CA 92660

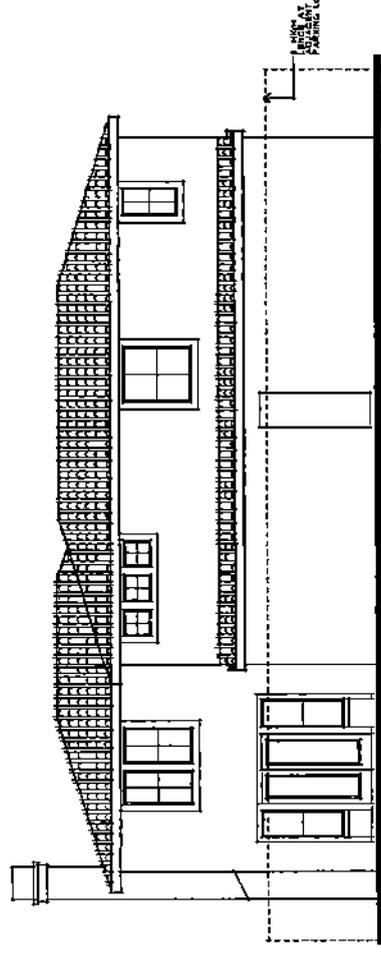


WILKINSON
 ASSOCIATES
 ARCHITECTS
 300 S. G ST
 SUITE 400
 SANTA ANA, CA 92705
 TEL: 949.440.1111
 FAX: 949.440.1112

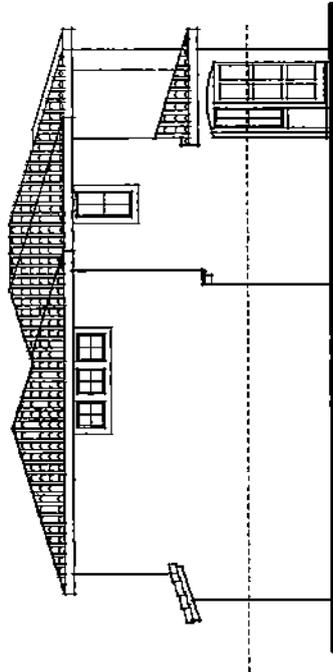
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DATE	
BY	
SCALE	
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NO.	



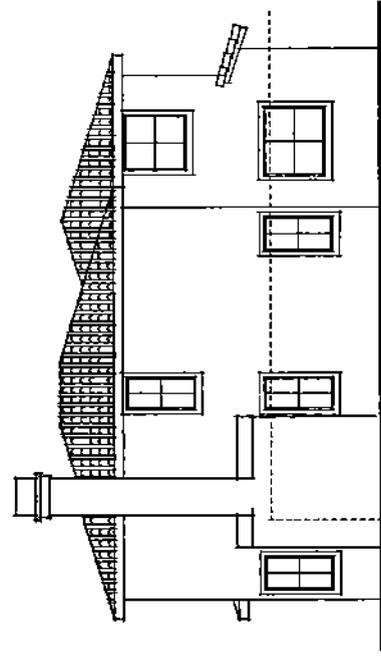
FRONT



REAR



LEFT SIDE



RIGHT SIDE

