



# **CITY COUNCIL AGENDA REPORT**

MEETING DATE: MAY 3, 2011

ITEM NUMBER:

**SUBJECT: CALL FOR REVIEW OF PLANNING APPLICATION PA-10-38  
MINOR DESIGN REVIEW FOR TWO, TWO-STORY DETACHED CONDOMINIUM UNITS  
1970 MAPLE AVENUE**

**DATE: APRIL 21, 2011**

**FROM: DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: WENDY SHIH, ASSOCIATE PLANNER  
KIMBERLY BRANDT, DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: WENDY SHIH (714) 754-5136  
WSHIH@CI.COSTA-MESA.CA.US**

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## **RECOMMENDATION:**

Adopt the attached resolution to uphold or reverse Planning Commission's decision to approve Planning Application PA-10-38, a minor design review to construct a detached, two-story, two-unit residential common interest development (condominiums) including deviation from the following Residential Design Guidelines:

1. Second to first floor ratio (80 percent recommended; 98 percent proposed including second floor balcony and areas "open to below", please note that this ratio would be 68 percent if the calculation strictly included only the floor area.)
2. Second story side setbacks (10-foot average recommended; 5 feet proposed on both sides).

## **BACKGROUND:**

### ***Project Site***

The property is located near the northeast corner of Maple Avenue and Bernard Street. It is zoned R2-HD (Multiple Family Residential – High Density) and has a General Plan land use designation of High Density Residential. The property is surrounded by multiple-family residences to the north, south, across Maple Avenue to the west and across the alley to the east.

The property contains a single-family residence and a detached garage that were constructed in 1955. The property has been vacant since 2007.

### ***Planning Commission Action***

On April 11, 2011, by a vote of 3 to 1 (Commissioner Clark voted no), Planning Commission approved PA-10-38, subject to conditions.

The Commission determined that the project, as conditioned, meets the purpose and intent of the Residential Design Guidelines. The Planning Commission staff report from April 11, 2011 is attached. The video of the public hearing can be viewed on the City's Web page:

<http://www.ci.costa-mesa.ca.us/CMCalendar.htm>

### ***Call for Review by City Council***

On April 18, 2011, Mayor Monahan filed a request for City Council review of the project on behalf of the applicant, to delete condition of approval no. 3.

*Condition of approval no. 3* states the following:

"The applicant shall work with Planning staff to provide additional articulation on the south elevation for both units. The purpose of this condition is to meet the intent (although not the letter) of the residential design guideline for a 10-foot average side yard setback along the south side elevation. Modification to the plans will include a revision in the second story side setback and additional building façade enhancements to the satisfaction of the Development Services Director."

The applicant is opposed to this condition, as it requires that the proposed structures be modified to create additional articulation on the south elevations.

This call for review is a de novo hearing at which the Council will consider the entire project.

### ***Applicant's Justifications to Delete Condition No. 3***

The applicant provides the following justifications for deleting Condition No. 3, both verbally to Planning staff and in the email to Council dated April 13, 2011 (Attachment no. 2):

- 55-foot lot width is too narrow to accommodate additional modification of the floor plan on the second floor. Any change will compromise the floor plan and would make the bedrooms too small.
- Additional setback on the 2<sup>nd</sup> floor will increase the construction cost to include structural beams to support the modified second floor.
- The design of the structure will be severely compromised because the affected elevation currently includes large, arched glass windows on the first

floor. This type of window cannot be retained if the second floor plan is modified.

- The applicant has considered an option to reduce the size of the entire home so that it is situated at a 10-foot side yard setback on both floors. This would significantly compromise the design of vaulted ceiling areas and reduce the size of the living areas.
- The property owner will not build the project because additional second floor setback will make the buildings appear choppy and disturb the Fung Shui aesthetics of the house.

### **ALTERNATIVES CONSIDERED:**

City Council may consider the following alternatives:

1. Uphold Planning Commission's decision to approve PA-10-38. This would allow the construction of the project, subject to conditions and Code requirements.
2. Modify Planning Commission's approval decision. The Council may modify or delete condition of approval no. 3 or modify other conditions.
3. Reverse Planning Commission's decision and deny PA-10-38. If Council denies the application, the project may not be constructed and a similar request may not be submitted for six months.

### **FISCAL REVIEW:**

Fiscal review is not required.

### **LEGAL REVIEW:**

The City Attorney's Office has reviewed the resolutions and approved them as to form.

### **ENVIRONMENTAL REVIEW:**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15332 for In-Fill Development Projects. If the project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

### **CONCLUSION:**

The Planning Commission approved PA-10-38, subject to conditions, based on findings that determined the proposed construction satisfies all applicable Code requirements and the intent of the Residential Design Guidelines

  
WENDY SHIH  
Associate Planner

  
KIMBERLY BRANDT, AICP  
Development Services Director

DISTRIBUTION: Chief Executive Officer  
Assistant Chief Executive Officer  
City Attorney  
Public Services Director  
Transportation Svs. Manager  
City Clerk (2)  
Staff (4)  
Planning Staff (8)  
File (2)

ATTACHMENTS: 1. Draft Resolutions  
2. Application for Review  
3. Planning Commission Staff Report  
4. Location/Aerial Map  
5. Plans

File: 050311PA1038Review

Date: 042111

Time: 10:45 a.m.

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO UPHOLD THE PLANNING COMMISSION'S ACTION TO APPROVE PLANNING APPLICATION PA-10-38

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

WHEREAS, an application was filed by Alison Nguyen, authorized agent for property owner Kathy Nguyen, with respect to the real property located at 1970 Maple Avenue in the R2-HD zone, requesting approval of a minor design review to construct two, two-story detached condominium units with the following deviations from the Residential Design Guidelines:

1. Second to first floor ratio (80 percent recommended; 98 percent proposed);
2. Second story side setbacks (10-foot average recommended; 5 feet proposed on both sides).

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 11, 2011, with all persons provided an opportunity to speak for and against the proposed project, and PA-10-38 was approved by the Planning Commission;

WHEREAS, a review of PA-10-38 was filed by Mayor Monahan on behalf of the project applicant;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the City Council hereby **UPHOLDS** the Planning Commission's action to **APPROVE** Planning Application PA-10-38.

**PASSED AND ADOPTED** this \_\_\_\_ day of May 2011.

\_\_\_\_\_  
GARY MONAHAN  
Mayor, City of Costa Mesa

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
CITY CLERK OF THE  
CITY OF COSTA MESA

\_\_\_\_\_  
CITY ATTORNEY

**EXHIBIT "A"****FINDINGS (Approval)**

- A. 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 on site as well as those on surrounding properties.
  - b. Safety and compatibility of the design of the building and other site features, including functional aspects of the site development, have been considered.
  - c. The project is consistent with the General Plan designation of Medium Density Residential. Under this designation five dwelling units are allowed on the subject property and two dwelling units are proposed. Approval of the condominiums will also satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development is substantially compatible and harmonious with existing and/or anticipated development on surrounding properties. This includes site planning, landscaping, appearances, scale of structures, location of windows, and any other applicable features relative to a compatible and attractive development. Specifically, the project is consistent with the City's General Plan, Zoning Code, and the intent of the City's Residential Design Guidelines.
- The area consists of a mix of single- and two-story residences and the proposed structures would not appear out of place or obtrusive because they are similar in scale and massing with several two-story residences in the vicinity. The homes also incorporate quality materials such as terracotta roof tiles with varying rooflines and architectural features such as stone base columns, stucco trim, molding around windows, and decorative railings to provide visual relief from off-site. The second floor windows are also placed so as to minimize privacy impacts and direct views into windows on the adjacent properties.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15332 for In-Fill Development Projects.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL (IF PROJECT IS APPROVED)**

- Plng.
1. The approved address of individual units (A and B) shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
  2. Provide obscure glass for the large master bathroom windows and a minimum 5-foot high privacy wall on the side of the second floor balconies, under the direction of the Planning Division.
  3. The applicant shall work with Planning staff to provide additional articulation on the south elevation for both units. The purpose of this condition is to meet the intent (although not the letter) of the residential design guideline for a 10-foot average side yard setback along the south side elevation. Modification to the plans will include a revision in the second story side setback and additional building façade enhancements to the satisfaction of the Development Services Director.
  4. The landscape setback area from Maple Avenue shall be landscaped with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain additional 24-inch box trees than the minimum Code requirements to the satisfaction of the Development Services Director or his/her designee.
  5. Solid masonry walls shall be constructed pursuant to Costa Mesa Municipal Code Section 13-75(a). The walls shall have a finished quality on both sides. 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.
  6. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
  7. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater 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 stormwater 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.
  8. The site plan submitted with initial working drawings shall contain a notation specifying the project is a two-unit, common interest (condominium) development.

9. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
10. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). 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.
11. Homeowners Association CC&Rs shall include a provision that requires garages to be used for resident parking only. Storage may be permitted in the garage if it does not diminish the required parking space in the garage.
12. The CC&Rs shall include a provision mandating binding arbitration in the event of any dispute between the two property owners relating to the homeowner's association.
13. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
14. The conditions of approval, Code requirements, and special district requirements of Planning Application PA-10-38 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
15. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
16. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, increase in size or number of second story windows, removal of building articulation, 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 such as a design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
17. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
18. Approval of a subdivision map for condominium purposes shall be required for this project. The subdivision map shall be recorded prior to issuance of building permits for the proposed development. At the time of tentative map approval by the Planning Commission, applicant may request that the expiration date of the design review application coincide with the expiration date of the tentative map approval.

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO REVERSE THE PLANNING COMMISSION'S APPROVAL AND DENY PLANNING APPLICATION PA-10-38

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

WHEREAS, an application was filed by Alison Nguyen, authorized agent for property owner Kathy Nguyen, with respect to the real property located at 1970 Maple Avenue in the R2-HD zone, requesting approval of a minor design review to construct two, two-story detached condominium units with the following deviations from the Residential Design Guidelines:

1. Second to first floor ratio (80 percent recommended; 98 percent proposed);
2. Second story side setbacks (10-foot average recommended; 5 feet proposed on both sides).

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 11, 2011, with all persons provided an opportunity to speak for and against the proposed project, and PA-10-38 was approved by the Planning Commission;

WHEREAS, a review of PA-10-38 was filed by Mayor Monahan on behalf of the project applicant;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the City Council hereby **REVERSES** the Planning Commission's approval and **DENIES** Planning Application PA-10-38.

**PASSED AND ADOPTED** this \_\_\_\_ day of May 2011.

\_\_\_\_\_  
GARY MONAHAN  
Mayor, City of Costa Mesa

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
CITY CLERK OF THE  
CITY OF COSTA MESA

\_\_\_\_\_  
CITY ATTORNEY



**EXHIBIT "A"****FINDINGS (Denial)**

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed development and use is not compatible and harmonious with uses both on site or those on surrounding properties.
  - b. Safety and compatibility of the design of the building and other site features, including functional aspects of the site development, have been considered.
  - c. The project is not consistent with the General Plan designation of Medium Density Residential.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development is not compatible and harmonious with existing and/or anticipated development on surrounding properties. This includes site planning, landscaping, appearances, scale of structures, location of windows, and any other applicable features relative to a compatible and attractive development. The project is not consistent with the City's General Plan and the Residential Design Guidelines.
- C. The Costa Mesa Planning Commission has denied PA-10-38. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.



City of Costa Mesa

ATTACHMENT 2

RECEIVED  
CITY CLERK

Appeal of Planning Commission Decision - \$1070.00  
 Appeal of Planning Administrator/Staff Decision - \$670.00  
2011 APR 18 11 4 22 AM

**APPLICATION FOR APPEAL, REHEARING, OR REVIEW**

Applicant Name\* Mayor Gary Monahan  
Address 77 Fair Drive, Costa Mesa, CA 92626  
Phone 754-5284 Representing \_\_\_\_\_

REQUEST FOR:  REHEARING  APPEAL  REVIEW\*\*

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

Applicants Name: Alison Nguyen, Alpha Construction  
Application Number: PA-10-38  
Site address: 1970 Maple Avenue, Costa Mesa.  
The Planning Commissioner Project approval date: April 11, 2011

**Description:**

Minor design review to construct a two-unit, two-story, detached residential common interest development (condominiums) that does not comply with the recommended residential design guidelines with respect to second to first floor ratio, second floor side setbacks, and 2<sup>nd</sup> floor building massing.

Decision by: Planning Commission

Reasons for requesting appeal, rehearing, or review:

Consideration of modifying the Conditions of Approval by deleting Condition No. 3. See letter and photos attached.

Date: 4-18-11

Signature:

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**From:** Alison Nguyen [mailto:a\_l\_p\_h\_a\_construction@hotmail.com]  
**Sent:** Wednesday, April 13, 2011 3:28 PM  
**To:** CMCouncil  
**Subject:** 1970 Maple Avenue--PA-10-38

Attn to Costa Mesa City Council,

Wendy Shih, the Planner, and Colin McCarthy, the Planning Commissioners Chairman, advise me to contact the Costa Mesa City Council to call this project up for review on my behalf. The Application Number is PA-10-38 with site address being 1970 Maple Avenue. The Planning Commissioners has approved this project with a conditional approval on April 11, 2011.

The property Owner wish to modify the conditional approval and have comment No. 3 delete from the approval.

I have attached pictures of the proposed project for your review. Comments No. 3 in the conditional approval ask that the second floor level to have a setback of 10' instead of 5' to meet the second to first floor ratio of 80%. This project has a 55% of second to first floor ratio when the double ceiling living room air space is taken out of the calculation. (However, the distribution of the air space is inside the unit instead of the outside). As you can see in the attached floor plan, a 5' set back will make all the rooms on the second floor too small and make the project undesirable. In addition, the Owner won't build this project, if the second floor is being set back 10' from the property line. It will appear choppy and disturb the Fung Shui aesthetics of the house.

This is a beautiful project, and I'd like it to get build, and Comment No. 3 in the conditional approval will prevent this project from happening. Please review and support this project by deleting comment No. 3.

Thank you in advance for looking into this issue.

If you'd need me to provide further clarification, please contact me using the contact information below.

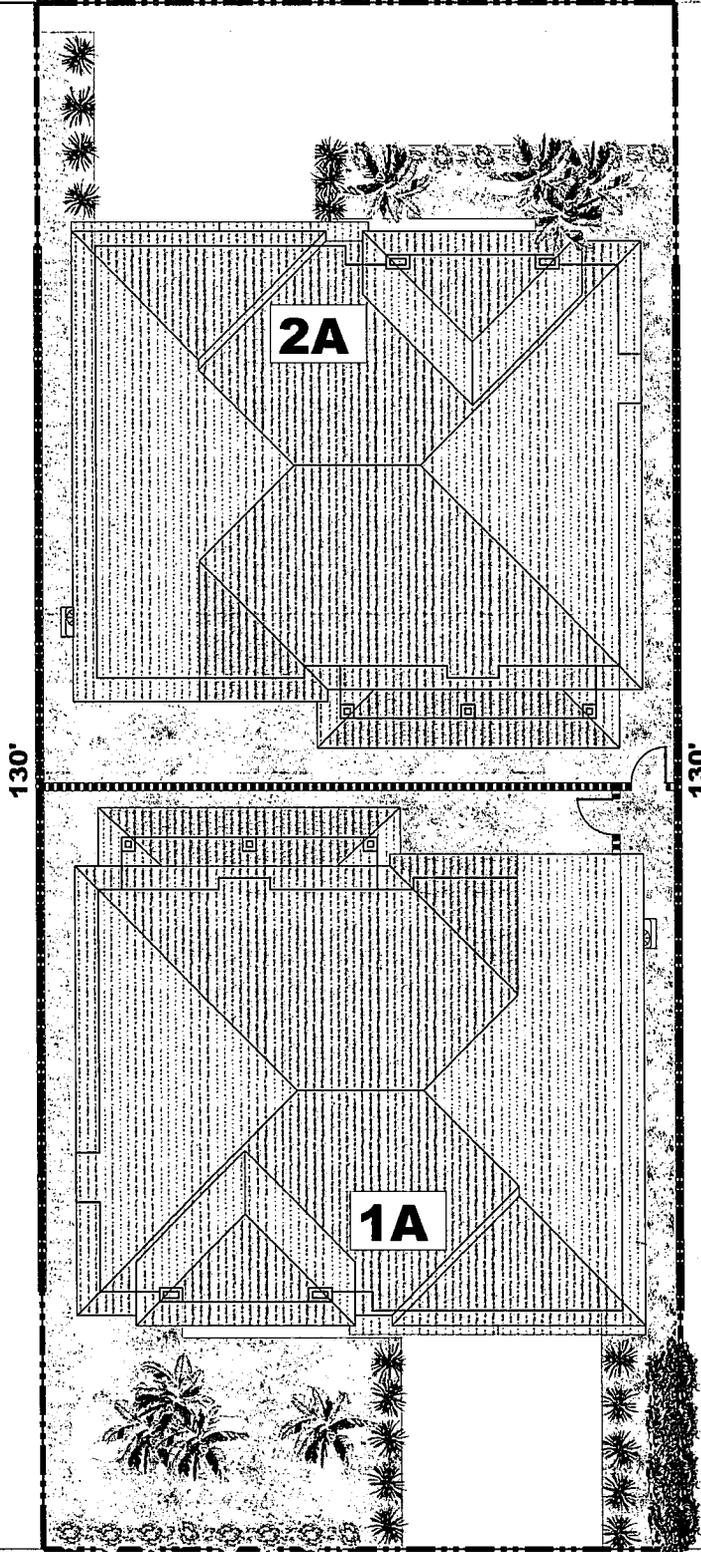
Thank you and have a great day,  
Alison Nguyen  
*Alpha Construction*  
(714) 470-0684  
14561 Golders Green Lane  
Westminster, CA 92683

**PUBLIC ALLEY**

54.61'

**LANDSCAPE LEGEND**

-  QUEEN PALM TREE - SYAGRUS ROMANZOFFIANA
-  HYDRANGEA MACROPHYLLA
-  FESTUCA ELATIOR / MARATHON II SOD
-  PHORMIUM TENAX 'RUBRUM' / RED FLAX
-  BLUE FESCUE GRASS
-  EXISTING SHRUBS



130'

130'

**1A**

**2A**

54.61'

**MAPLE AVE**



**SITE / ROOF PLAN**

SCALE: N.T.S.

COLOR SITE PLAN  
Scale: N.T.S.  
December 09, 2010

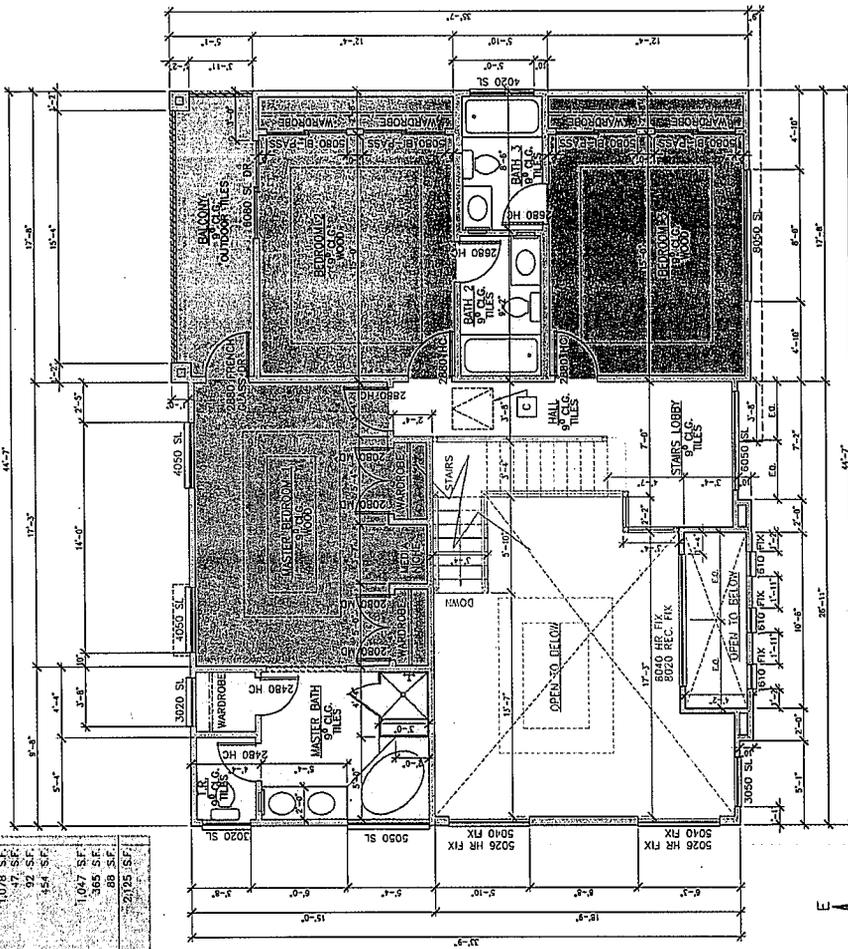
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**KATHY HOUSE--Unit 1A & 2A--LANDSCAPE PLAN**

1970 MAPLE AVE  
COSTA MESA, CA 92627

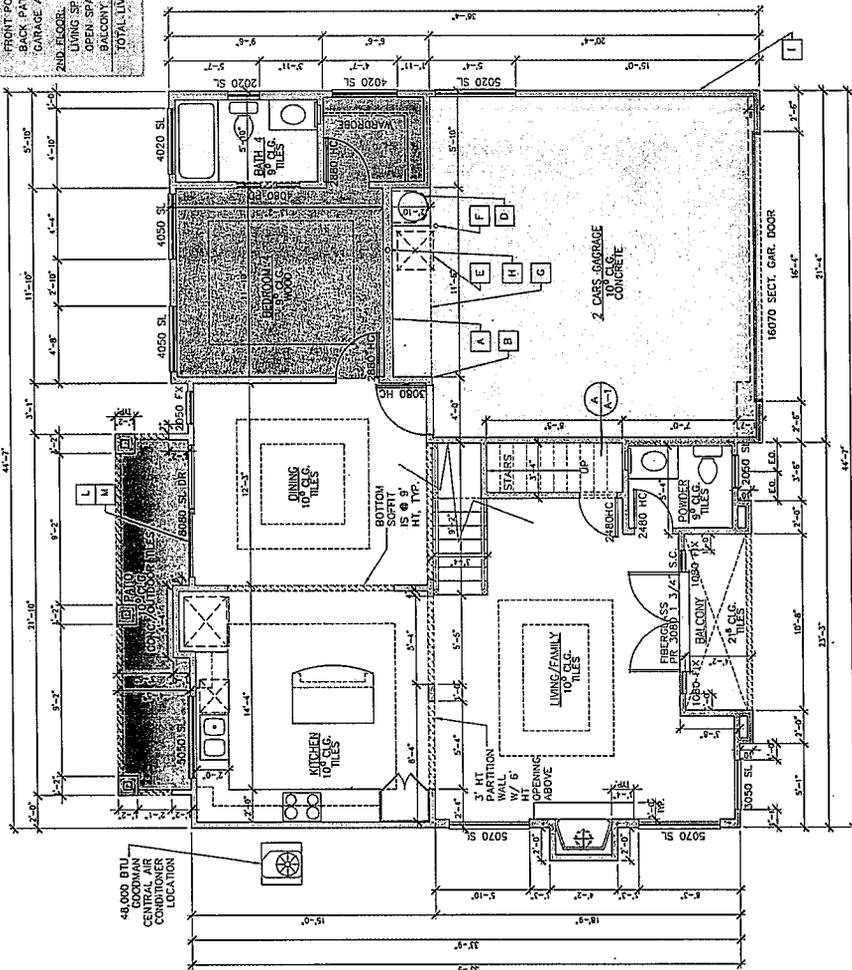
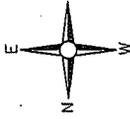
14

<b>1ST FLOOR:</b>	1,078 S.F.
LIVING SPACE	37 S.F.
BACK PATIO	154 S.F.
GARAGE AREA	154 S.F.
<b>2ND FLOOR:</b>	1,047 S.F.
LIVING SPACE	365 S.F.
OPEN SPACE	88 S.F.
BALCONY	21 S.F.
<b>TOTAL LIVING SPACE:</b>	215 S.F.



PROPOSED 2nd FLOOR PLAN--BUILDING 1A

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



PROPOSED 1st FLOOR PLAN--BUILDING 1A

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

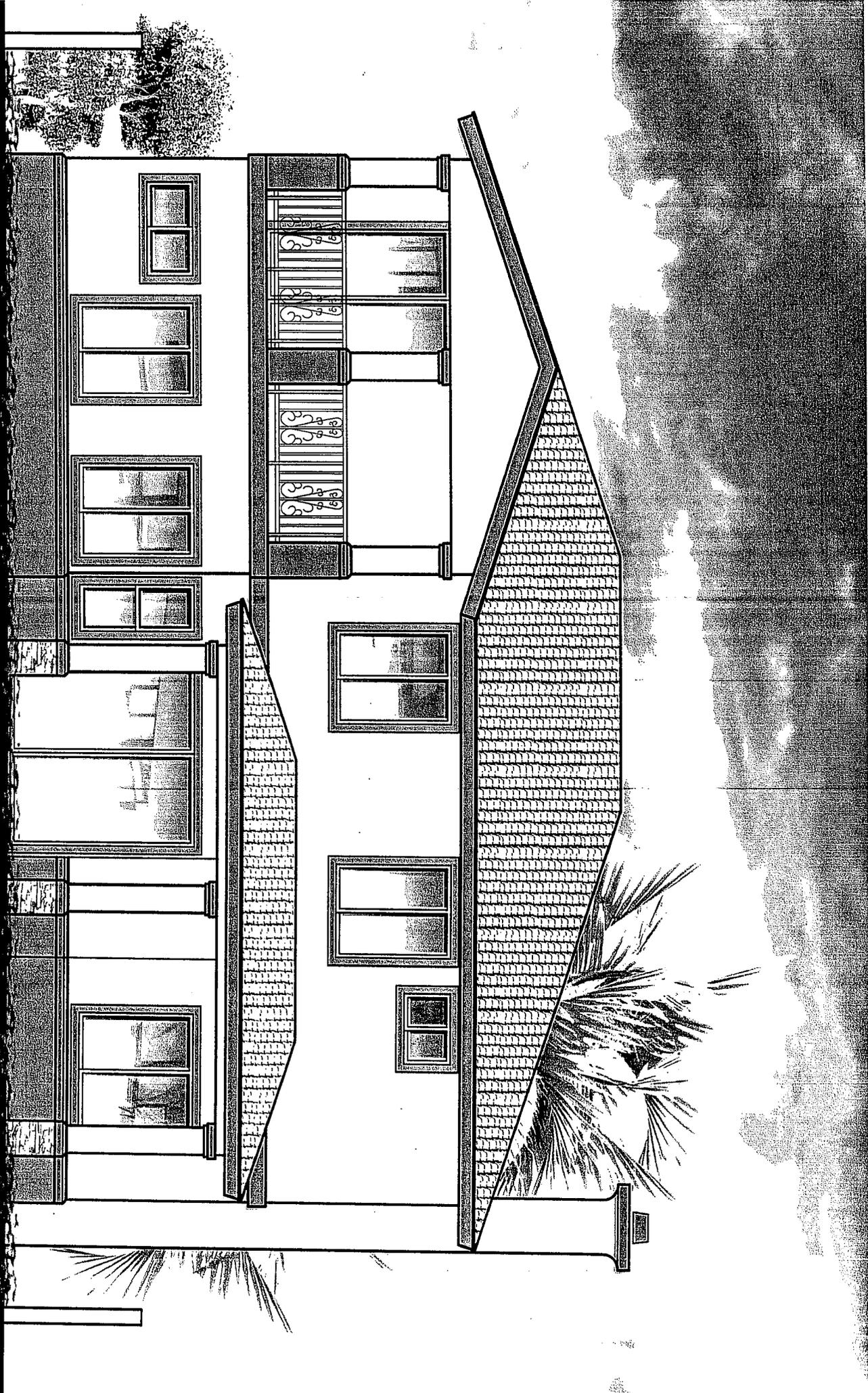


**KATHY HOUSE--Unit 1A & 2A--FRONT ELEVATION**

1970 MAPLE AVE  
COSTA MESA, CA 92627

2D ELEVATION  
Scale: N:1.5  
December 09, 2010

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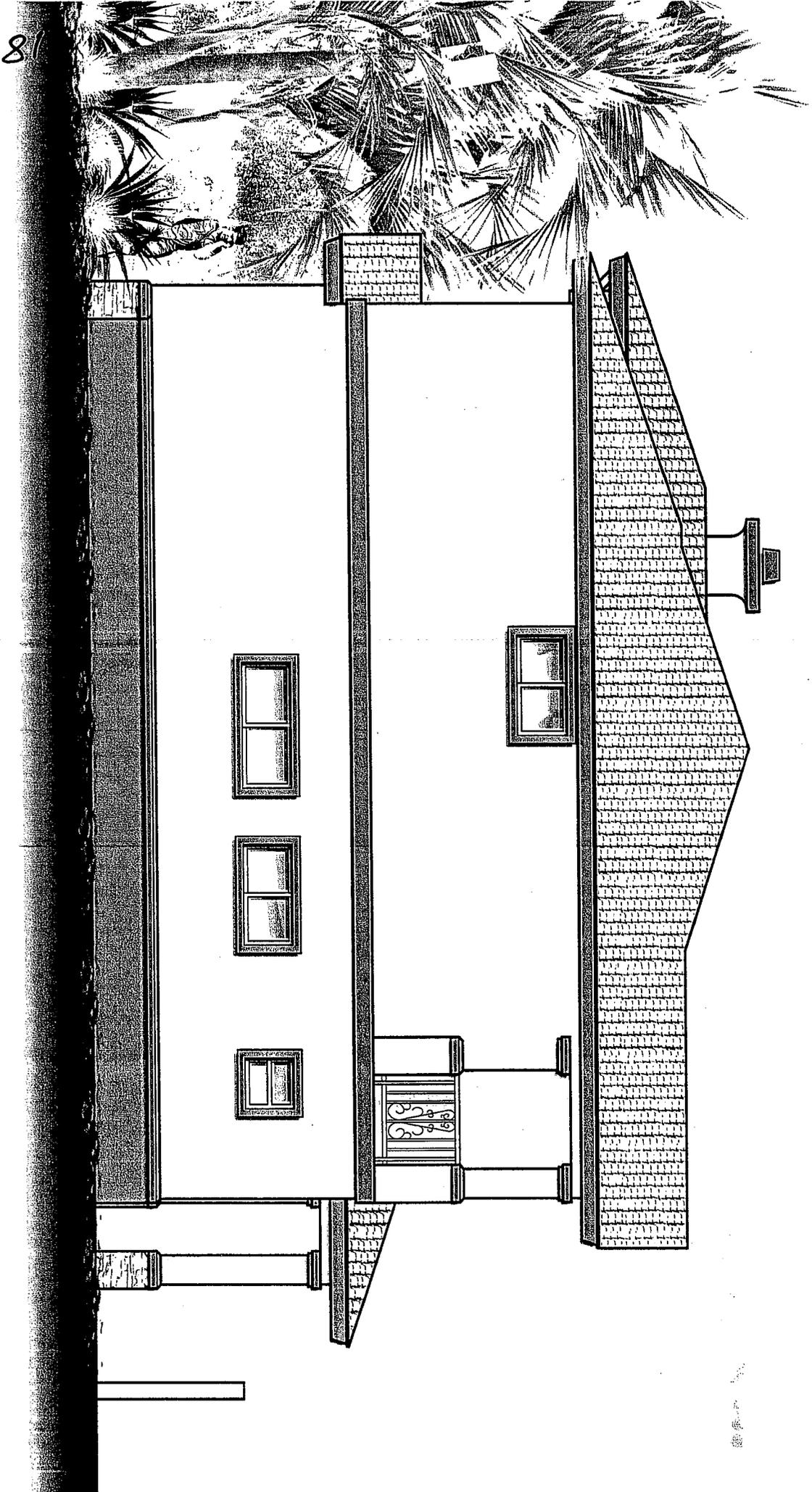


# KATHY HOUSE--Unit 1A & 2A--BACK ELEVATION

1970 MAPLE AVE  
COSTA MESA, CA 92627

2D ELEVATION  
Scale: N.T.S.  
December 09, 2010

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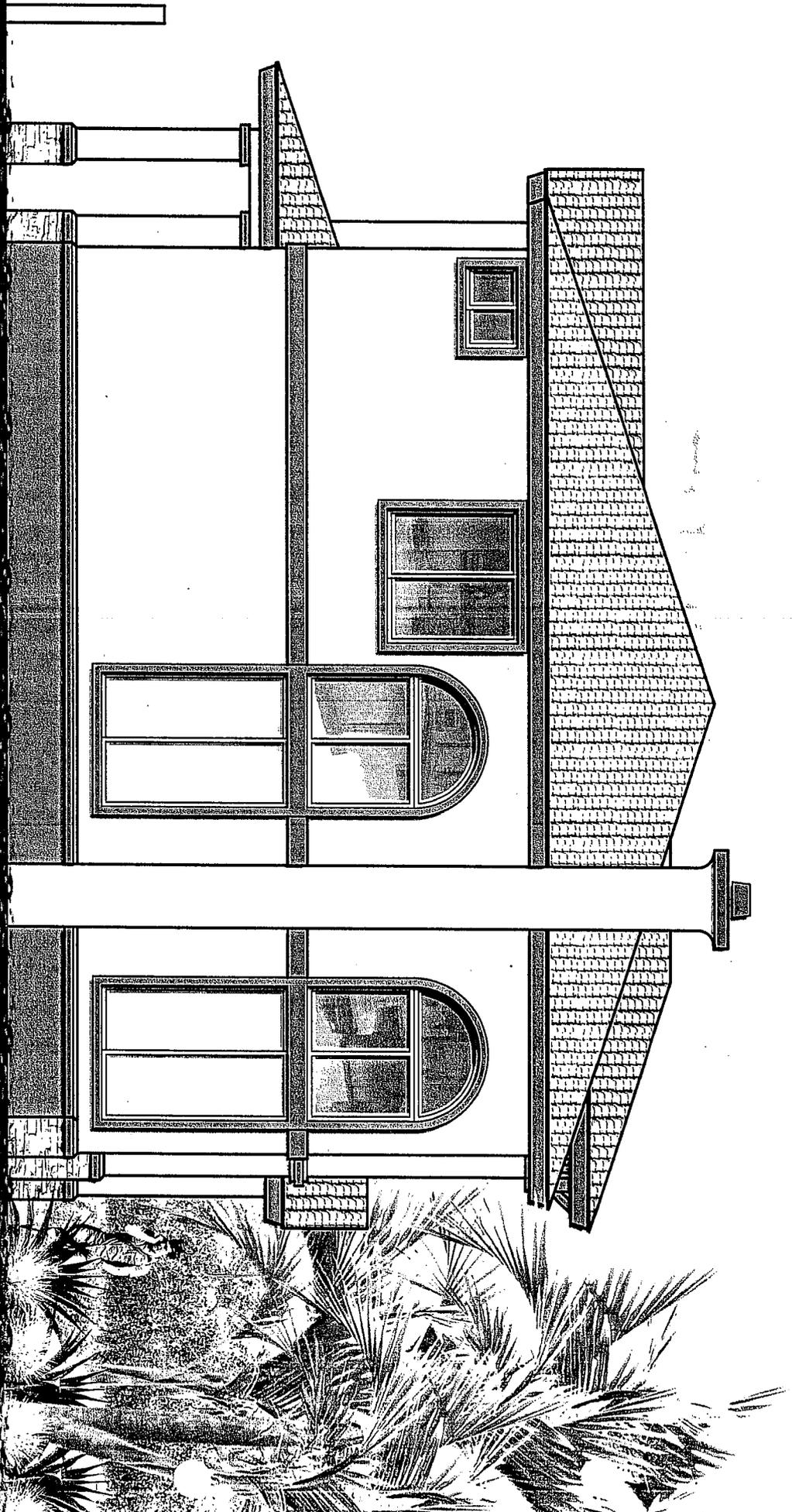
8

**KATHY HOUSE--Unit 1A & 2A--RIGHT ELEVATION**  
1970 MAPLE AVE  
COSTA MESA, CA 92627

2D ELEVATION  
Scale: N.T.S.  
December 09, 2010

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connection with the specific project and shall not be used, in whole or in part, without the written consent of Alpha Construction & Design, Inc.

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**KATHY HOUSE--Unit 1A & 2A--LEFT ELEVATION**  
 970 MAPLE AVE  
 COSTA MESA, CA 92627

2D ELEVATION  
 Scale: N.T.S.  
 December 09, 2010

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# Kathy House -- Unit 1A & 2A

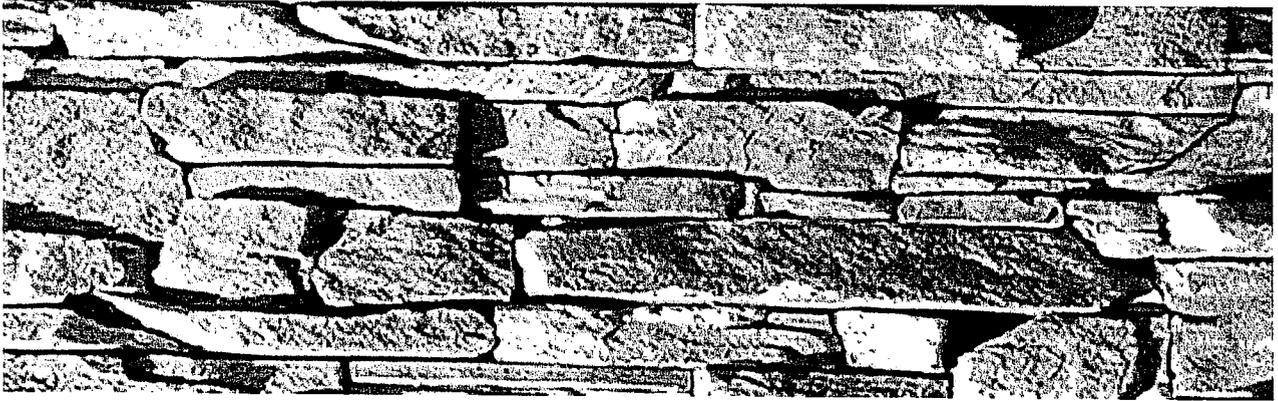
Colors and Finishes

for

1970 MAPLE AVE  
COSTA MESA, CA 92627

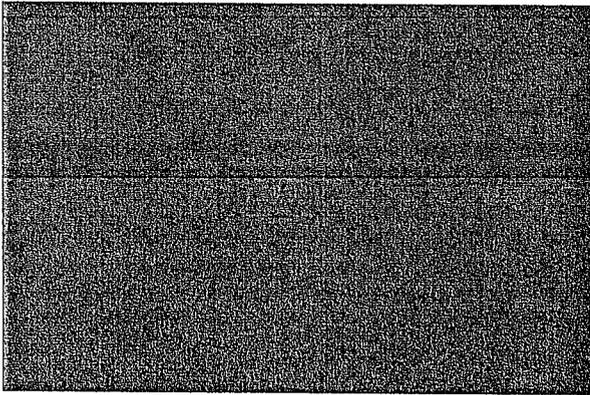
20

STONE COLUMN -- Colorado Stone --  
Eastern Ledge -- Color: Wheat

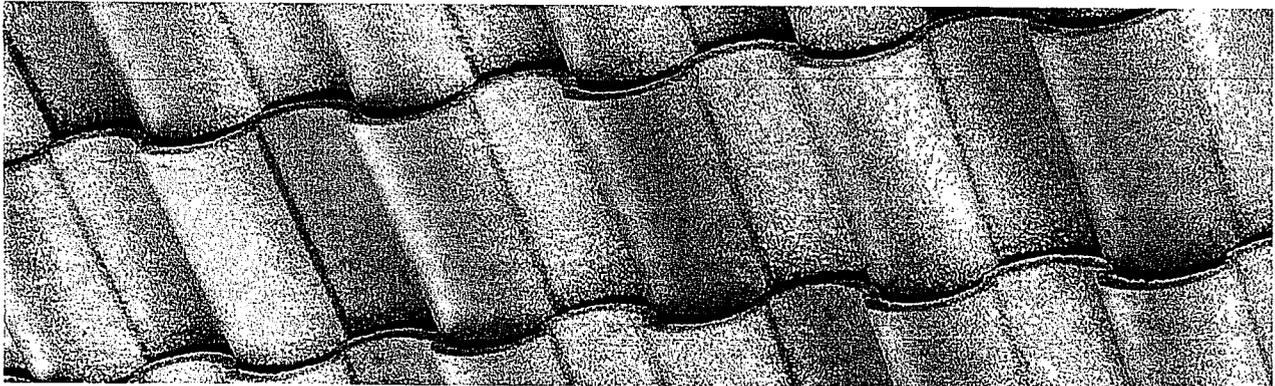


WALL -- MERLEX EXTERIOR STUCCO --  
P-2 CAMBO

TRIM/BASE -- MERLEX EXTERIOR  
STUCCO -- P-192 CARAMELO



ROOF TILE -- Eagle Roofing Products --  
Capistrano, No. 3118, Terracotta Gold





# **PLANNING COMMISSION AGENDA REPORT**

ATTACHMENT 3

MEETING DATE: APRIL 11, 2011

ITEM NUMBER:

**SUBJECT:** PLANNING APPLICATION PA-10-38  
MINOR DESIGN REVIEW FOR TWO, TWO-STORY DETACHED CONDOMINIUM UNITS  
1970 MAPLE AVENUE

**DATE:** MARCH 31, 2011

**FOR FURTHER INFORMATION CONTACT:** WENDY SHIH, ASSOCIATE PLANNER  
(714) 754-5136 (WSHIH@CI.COSTA-MESA.CA.US)

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## **DESCRIPTION**

Minor design review to construct a detached, two-story, two-unit residential common interest development (condominiums) including deviation from the following Residential Design Guidelines:

1. Second to first floor ratio (80 percent recommended; 98 percent proposed including second floor balcony and areas "open to below"); Please note that this ratio would be 68 percent if the calculation strictly included only the floor area.)
2. Second story side setbacks (10-foot average recommended; 5 feet proposed on both sides).

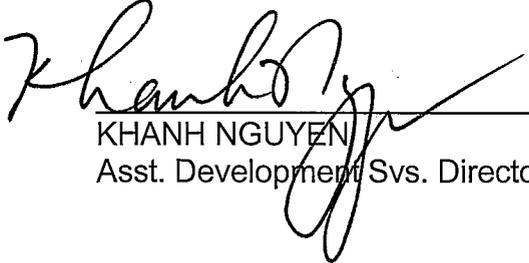
## **APPLICANT**

Alison Nguyen is the authorized agent for property owner, Kathy Nguyen.

## **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

  
WENDY SHIH  
Associate Planner

  
KHANH NGUYEN  
Asst. Development Svs. Director

**PLANNING ZONING REVIEW SUMMARY**

Location: 1970 Maple Avenue Planning Application: PA-10-38  
 Request: Minor design review for two, two-story detached residential common interest development (condominiums).

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone: R2-HD North: R3 – apartments  
 General Plan: High Density Residential South: R2-HD – apartments  
 Lot Dimensions: 54.61 FT x 127.5 FT East: R2-HD (across alley) – condominiums  
 Lot Area: 6,963 SF West: R2-HD (across Maple Ave.) - apartments  
 Existing Development: Single-family residence and detached garage.

**DEVELOPMENT STANDARD COMPARISON**

<u>Development Standard</u>	<u>City Requirement</u>	<u>Proposed/Provided</u>
Lot Size:	12,000 SF	6,963 SF <sup>1</sup>
Lot Width:	100 FT	54.61 FT <sup>1</sup>
Density:	1 unit/3,000 SF	1 unit/3,481 SF
Lot Coverage:		
Buildings	NA	44% (3,064 SF)
Paving	NA	14% (969 SF)
Open Space	40% min.	42% (2,930 SF)
TOTAL	100%	100%
Private Open Space:	10 FT x 10 FT adjoining patio	10 FT min.
Building Height:	2 stories/ 27 FT	2 stories/ 27 FT
Ratio of 2 <sup>nd</sup> floor to 1 <sup>st</sup> floor <sup>2</sup>	80% max.	98% (1,500 SF/1,532 SF)
Building Setbacks:		
Front	20 FT	20 FT
Side (left/right)	5 FT/5 FT	5 FT/5 FT
2 <sup>nd</sup> story interior sides <sup>2</sup>	10 FT average	5 FT both sides
Rear (abutting alley)	5 FT	18 FT
Building Separation:	10 FT	10 FT
Parking (4-bedrooms/unit):		
Garage	4	4
Open	4	4
TOTAL	8	8

CEQA Status Exempt- Class 32  
 Final Action Planning Commission

- 1 Existing nonconforming.
- 2 Residential Design Guidelines (second floor area calculation includes balcony and areas "open to below").

## **BACKGROUND**

### ***Project Site***

The property is located near the northeast corner of Maple Avenue and Bernard Street. It is zoned R2-HD (Multiple Family Residential – High Density) and has a General Plan land use designation of High Density Residential. The property is surrounded by multiple-family residences to the north, south, across Maple Avenue to the west and across the alley to the east.

The property contains a single-family residence and a detached garage that were constructed in 1955. The property has been vacant since 2007.

### ***Previous Entitlements***

In March 2005, the Zoning Administrator approved ZA-04-86 for two detached, two-story apartment units. The Zoning Administrator granted a one-year time extension in 2006, and then the approval expired in March 2007 because the applicant did not obtain building permits prior to the expiration of the application.

In December 2007, Planning Application PA-07-59 was submitted for two detached, two-story condominium units. The application was withdrawn by staff in 2009 due to inactivity. No action was taken on the proposal.

### ***Property Maintenance Issues***

The property has had numerous Title 20 Property Maintenance violations over the years, including overgrown weeds, trash and debris in public view, open access to transients, and deteriorated fencing. The documented code enforcement cases began in 2001. The majority of the violations were corrected within a one-month period, but would reoccur over time. The current owner is a new owner who acquired the previously bank-owned property in October 2010. Code Enforcement is currently following up on an open case for overgrown weeds and open access on this property.

### ***Project Description***

The applicant proposes to construct a detached two-unit, two-story residential common interest development (condominium units) that does not comply with the following Residential Design Guidelines:

1. Second to first floor ratio (80 percent recommended; 98 percent proposed including second floor balcony and areas "open to below");
2. Second story side setbacks (10-foot average recommended; 5 feet proposed on both sides).

Pursuant to Zoning Code Section 13-28(i)(1)(b), a minor design review is required for two or fewer two-story dwelling units that do not comply with the Residential Design Guidelines. Since the proposal is for a new residential common interest development

(condominium units), the Code requires the project to be processed according to the design review procedures, which require Planning Commission review.

A tract map to facilitate the condominium project will be required to be processed and recorded before construction of the units can begin. The applicant plans to submit a tract map application at a later date.

## **ANALYSIS**

### ***Justification for Approval of PA-10-38***

The project complies with Zoning Code requirements. The project does not conform to two design guidelines. Staff supports approval of the project for the following reasons:

- *The project, as conditioned, meets the purpose and intent of the Residential Design Guidelines.*

The design guidelines are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. The residential properties in this immediate area are characterized by single and two-story apartment complexes and multi-family attached structures.

Staff believes that the proposed structures would not appear out of place or obtrusive because they are similar in scale and massing with several two-story residences in the vicinity. Additionally, the applicant has incorporated quality materials such as terracotta roof tiles with varying rooflines and architectural features such as stone base columns, stucco trim, molding around windows, and decorative railings to provide visual relief from off-site.

The floor plan is designed with majority of the "view" windows facing the front (west), rear (east), or interior of the property rather than facing existing residences on the adjoining properties to the left (north) or right (south). The second floor windows are also placed so as to minimize privacy impacts and direct views into windows on the adjacent two-story apartment building to the north. Therefore, the proposed development would not negatively impact the surrounding properties or aesthetics of the neighborhood.

To further minimize potential privacy impacts, **condition of approval no. 2** requires obscure glass for the large master bathroom windows and a minimum 5-foot high privacy wall on the side of the second floor balconies, under the direction of the Planning Division.

**Condition of approval no. 3** also requires the applicant to work with Planning staff to provide additional articulation on the south side elevation for both units. The purpose of this condition is to meet the intent (although not the letter) of the residential design guideline for a 10-foot average side yard setback along the south side elevation. Modification to the plans will include a revision in the second story side setback and additional building façade enhancements to the satisfaction of the Development Services Director.

- The project complies with the Residential Common Interest Development Standards.

The proposal involves condominium units which will increase the amount of ownership units in the City's housing stock.

Residential Common Interest Development Standards require all projects to be designed with a minimum of one lot to be held in common ownership and maintained by a homeowners association, including at least 10 feet of street setback landscaped areas. The proposed project complies with this requirement because it will involve an airspace subdivision with a common lot for all driveways, parking, and open space areas; the CC&Rs will designate areas for exclusive use and/or maintenance such as private yards and required open parking spaces for each unit.

- Project complies with Code-required parking.

For each of the proposed single-family detached residences, Code requires two garage parking spaces and two open parking spaces. The total Code-required parking is eight spaces. The proposal meets the Code requirement for each dwelling unit.

**Condition of approval no. 11** requires a provision in the Homeowners Association CC&Rs that requires garages to be used for resident parking only. Storage may be permitted in the garage if it does not diminish the required parking space in the garage.

- Proposal involves redevelopment of property formerly containing a marginal residence into ownership housing.

The proposal will contribute additional ownership housing to the City's housing stock. This is consistent with Land Use Element Policy LU-1A.4 to strongly encourage the development of ownership housing to improve the imbalance between renter- and owner-occupied housing in the City.

**Condition of approval no. 18** requires a parcel map to be approved to allow the sale of the units as ownership units. The applicant may request that the expiration date of the minor design review application coincide with the map approval date at that time.

While the proposal involves deviations from recommended design guidelines, staff believes that the proposed two-unit residential common-interest development meets the intent of the guidelines and creates a quality living environment.

### GENERAL PLAN CONFORMITY

The property has a General Plan designation of High Density Residential. Under this designation two dwelling units are allowed on the subject property. Therefore, the proposal is consistent with the use and density allowed by the City's General Plan.

Approval of the condominiums will also satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City.

### **ALTERNATIVES**

The Planning Commission may consider the following alternatives:

1. Approve the application. This would allow the construction of the project as proposed, subject to conditions and Code requirements.
2. Deny the application. If Commission denies the application, the project may not be constructed and a similar request may not be submitted for six months.

### **ENVIRONMENTAL DETERMINATION**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15332 for In-Fill Development Projects. If the project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

### **CONCLUSION**

The proposed construction satisfies all applicable Code requirements and the intent of the Residential Design Guidelines. Approval of the project will allow redevelopment of the lot and provide additional home ownership opportunities in the City.

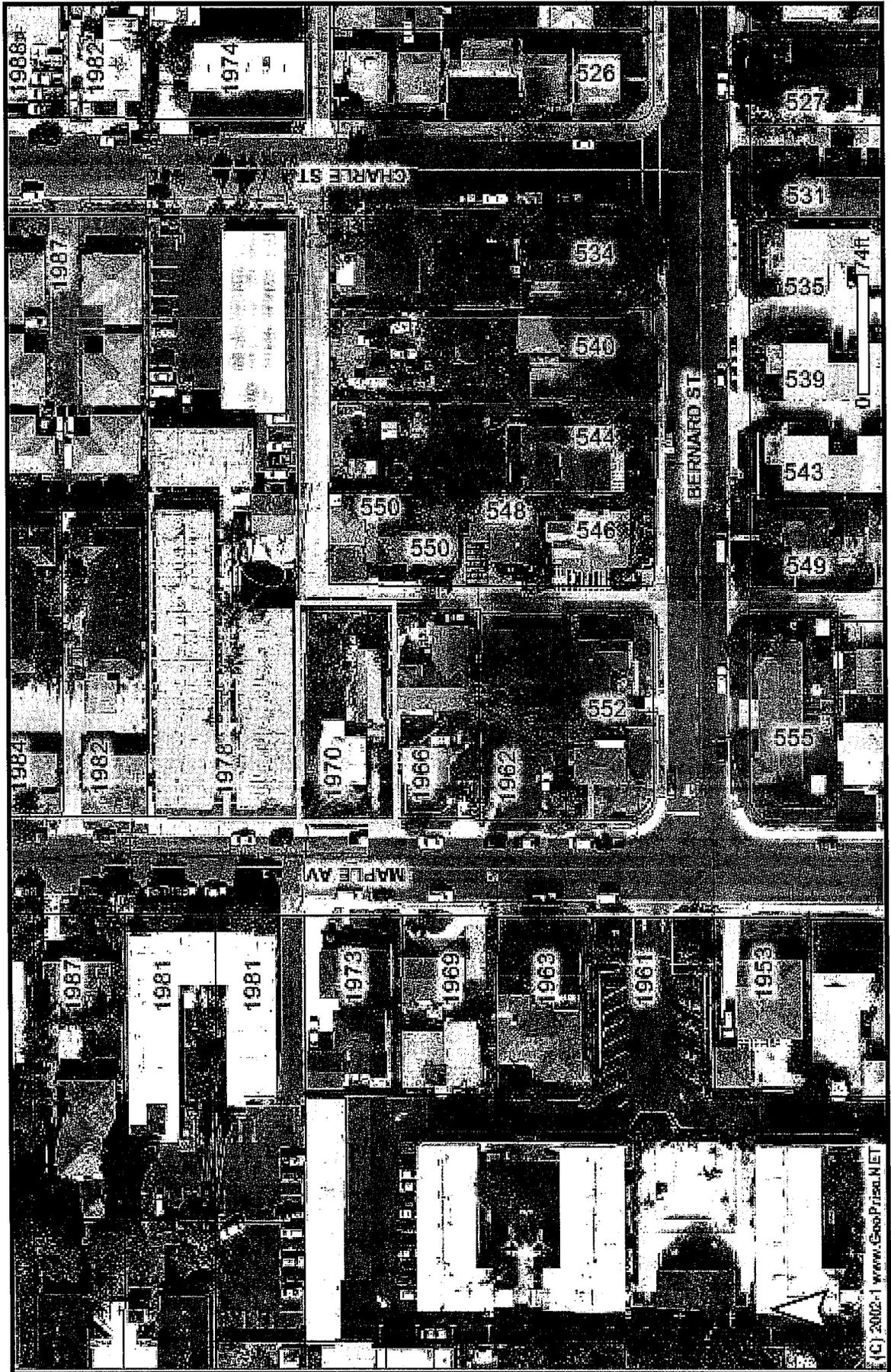
Attachments: 1. Draft Planning Commission Resolutions  
 2. Applicant's Project Description Letter  
 3. Location/Aerial Map  
 4. Plans

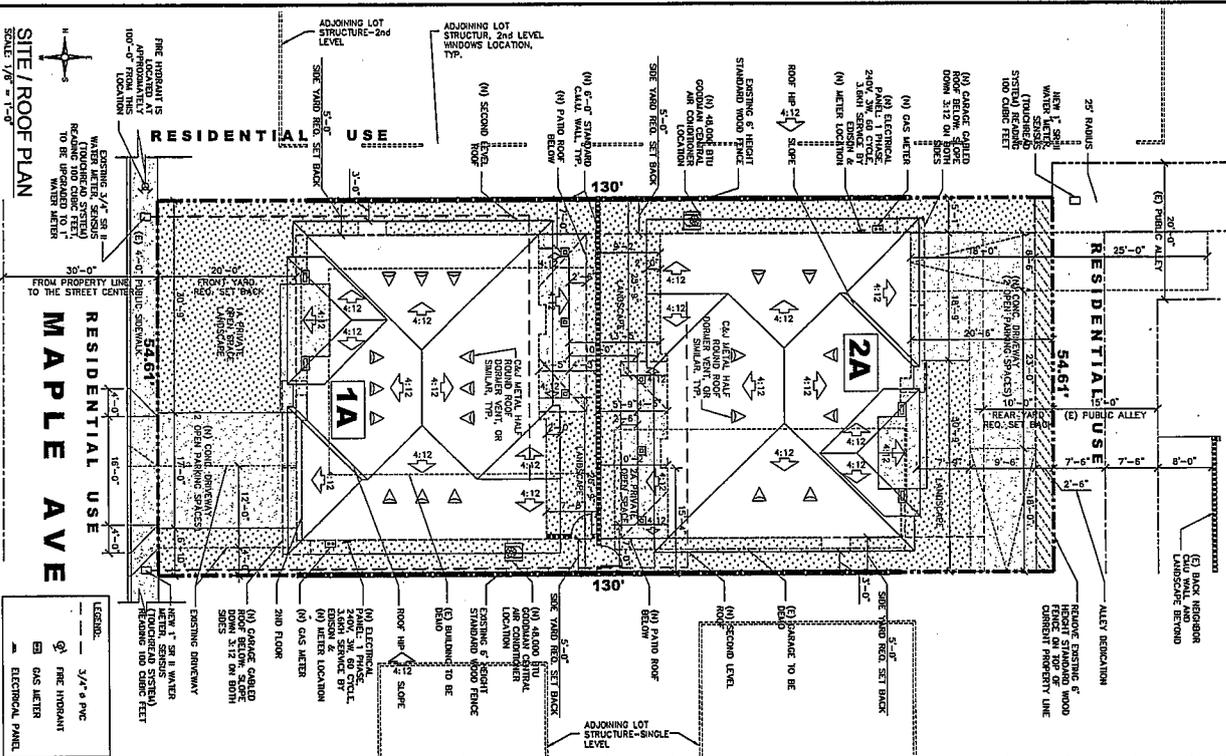
Distribution: Development Services Director  
 Deputy City Attorney  
 City Engineer  
 Transportation Services Manager  
 Fire Protection Analyst  
 Staff (4)  
 File (2)

Alison Nguyen  
 Alpha Construction  
 14561 Golders Green Lane  
 Westminster, CA 92683

Kathy Nguyen  
 9600 Calendula Avenue  
 Westminster, CA 92683

LOCATION/AERIAL MAP





**2A-WATER METER SIZE CAL.**

ITEM	QUANTITY	UNIT	DESCRIPTION
1	1	EA	WATER METER
2	1	EA	WATER METER BOX
3	1	EA	WATER METER VALVE
4	1	EA	WATER METER STOP VALVE
5	1	EA	WATER METER SHUT OFF VALVE
6	1	EA	WATER METER SHUT OFF VALVE
7	1	EA	WATER METER SHUT OFF VALVE
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13	1	EA	WATER METER SHUT OFF VALVE
14	1	EA	WATER METER SHUT OFF VALVE
15	1	EA	WATER METER SHUT OFF VALVE
16	1	EA	WATER METER SHUT OFF VALVE
17	1	EA	WATER METER SHUT OFF VALVE
18	1	EA	WATER METER SHUT OFF VALVE
19	1	EA	WATER METER SHUT OFF VALVE
20	1	EA	WATER METER SHUT OFF VALVE

**2A-GLAZED AREA**

ALL GLAZED AREAS SHALL BE FINISHED WITH ALUMINUM CLAD GLAZING SYSTEMS. EXISTING GLAZING SHALL BE REMOVED AND REPLACED WITH ALUMINUM CLAD GLAZING SYSTEMS. GLAZING SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. GLAZING SHALL BE INSTALLED WITH A MINIMUM 1/4" CLEARANCE FROM THE FRAME.

ITEM	QUANTITY	UNIT	DESCRIPTION
1	1	EA	GLAZING
2	1	EA	GLAZING
3	1	EA	GLAZING
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7	1	EA	GLAZING
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**2A-ATTIC VENTILATION**

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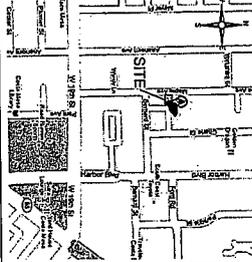
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**VICINITY MAP**



**SHEET INDEX**

NO.	DESCRIPTION
1	GENERAL NOTES
2	CONSTRUCTION NOTES
3	2A-WATER METER SIZE CAL.
4	2A-GLAZED AREA
5	2A-ATTIC VENTILATION
6	1A-WATER METER SIZE CAL.
7	1A-GLAZED AREA
8	1A-ATTIC VENTILATION
9	PROJECT SUMMARY
10	CONTACT
11	OWNER
12	SCOPE OF WORK
13	ENGINEER CONTRACT INFO
14	ARCHITECTURAL SERVICES
15	GENERAL NOTES

**SCOPE OF WORK**

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, COUNTY, STATE AND FEDERAL GOVERNMENTS AND AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, COUNTY, STATE AND FEDERAL GOVERNMENTS AND AGENCIES.

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**PROJECT SUMMARY**

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**AL.P.H.A. CONSTRUCTION**

14581 GOLDBER GREEN LANE, WESTMINSTER, CA 92683  
 PHONE: 714-470-0884 FAX: 714-531-7452  
 A.L.P.H.A.CONSTRUCTION@HOTMAIL.COM

**KATHY HOUSE**

PROJECT ADDRESS: 1970 MAPLE AVE  
 COSTA MESA CA 92627

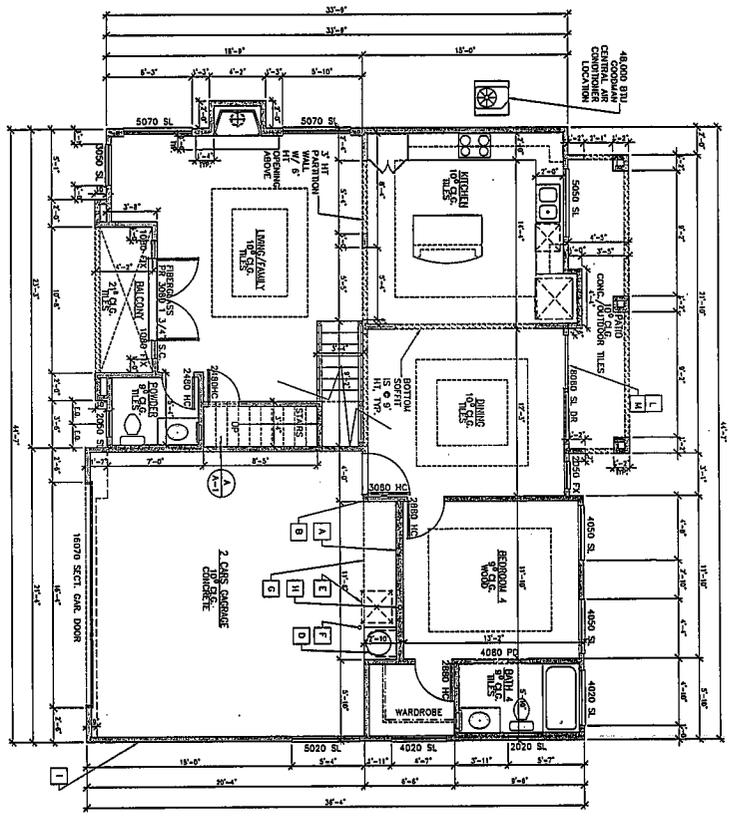
SCOPE OF WORK: 2 DETACHED CONDOMINIUM UNITS

DATE: 11/17/08  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

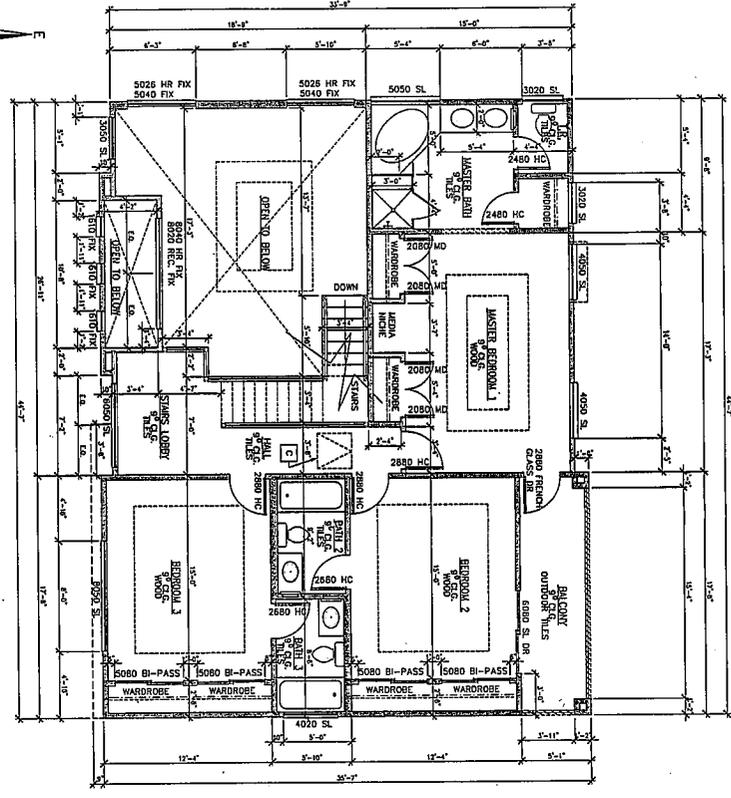
SHEET INDEX  
 SITE PLAN/  
 ROOF PLAN/  
 GENERAL NOTE

NO. 11/17/08  
 11/17/08  
 11/17/08

NO. 11/17/08  
 11/17/08  
 11/17/08



PROPOSED 1st FLOOR PLAN-BUILDING 1A  
SCALE 1/4"=1'-0"



PROPOSED 2nd FLOOR PLAN-BUILDING 1A  
SCALE 1/4"=1'-0"

**KEY NOTES:**

- A** 2007 CBC 408.1.4, 1 HOUR FIRE SEPARATION GANSE / LIVING AREA W/ STIC 50 SOUND RATING, USE 5/8" C/P, BD, TYPE X 2 @ WALLS AND CEILING, TRF. SEE NOTE 9/4-0 AND DETAIL A/SHEET A-2
- B** 2888 S. 1 1/2" THICK SAND WOOD JOIST AT FINISH. SELF SUPPORTING. SEE FINISH SCHEDULE FOR FINISHES TO DETAILING PER 2007 CBC 408.1.4. SEE NOTE 9/4-0
- C** 30" X 30" ATIC ACCESS W/ 30" DIA. HOLLOWMETAL PER CBC 1024.2. A MAX OF 20 FT. FROM W/IC ACCESS OPENING TO FLOOR'S LOCATION. SWITCH BY THE OPENING
- D** 2" X 1/8 GA. STEEL STRAP ANCHOR TO EXIST STUDS WITH 3" LAG. NUT AND BOLT WITH WASHER (TYP.) AT STEEL STRAP TO STEEL STRAP CONNECTION
- E** WASHER AND BOLT LOCATION
- F** FLOOR DRAIN
- G** PROVIDE 200 CONCRETE TIE OR SCREWBOLT STORAGE SPACE. STORAGE AT THE FRONT OF THE STORAGE AREA. AT LEAST 4 FT. BOLD FINISHED SURFACE LEVEL OF THE PARKING AREA
- H** CLOSET BARRIER AGAINST DUCT PEN. 4" DIA. TO THE EXISTING 6" DIA. TO 14 FEET WITH 2 ELONG. PER CBC 504.1
- I** REFER TO GROUND PER 2007 CBC 250.5 TO 250.6. CONTRACTOR TO SELECT APPROPRIATE METHOD
- J** 10 FT OR MORE OF A SINGLE STRUCTURAL METAL MEMBER IN DIRECT CONTACT WITH CONCRETE SHALL BE IN CONCRETE
- K** 30' OR MORE OF 4" CONCRETE OR OTHER EQUIVALENTLY CONCRETE CONDUIT SHALL BE REINFORCED WITH 1/2" OR MORE REINFORCING BARS, ROOF OR 1/2" OR MORE REINFORCING BARS, REINFORCING BARS SHALL BE IN CONTACT WITH CONCRETE OR OTHER EQUIVALENTLY CONCRETE
- L** 1/4" OR MORE CONTINUOUS METAL UNDERGROUND W/IC PER CONNECT TO THE GROUNDING ELECTRODE CONDUCTOR DO NOT USE BONDING ON THE FIRST 5' FROM THE POINT OF ENTRANCE TO THE GROUNDING ELECTRODE CONDUCTOR ON 3/4" PER ELECTRICIAN'S SPACE @ 6" O.C.
- M** NOT USED
- N** PROVIDE CONCRETE LANDING WITH MINIMUM OF 3" IN THE DIRECTION OF TRAVEL IN THE CORNER FROM LANDING STAIRS TO SURROUND AREA
- O** 1/2" MAXIMUM FOR OTHER DOORS
- P** 1/2" MAXIMUM FOR OTHER DOORS
- Q** 4" TO 6" FLOOR ELEVATION DROP FROM HOUSE TO GARAGE.

**WALL LEGEND**

- EXCESSIVE SPACED ABOVE
- SECOND FLOOR ABOVE / FIRST FLOOR BELOW
- RECREATING CEILING DROP (OPTIONAL)

**BUILDING AREAS**

- 1ST FLOOR: 1,028 S.F.
- 2ND FLOOR: 47 S.F.
- FRONT PORCH: 82 S.F.
- BACK PORCH: 454 S.F.
- GARAGE AREA: 1,047 S.F.
- LIVING SPACE: 1,047 S.F.
- REAR PORCH: 88 S.F.
- SCREENED PORCH: 88 S.F.
- TOTAL LIVING SPACE: 2,125 S.F.

**A - HOUSE TO GARAGE (1HR F.R. W/ 50 STIC)**



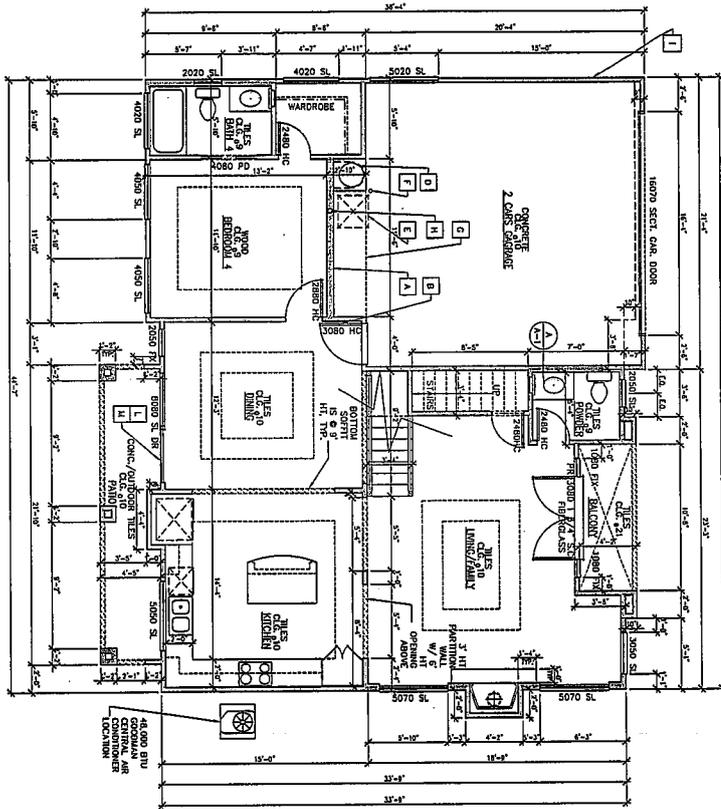
**B - NOT USED**



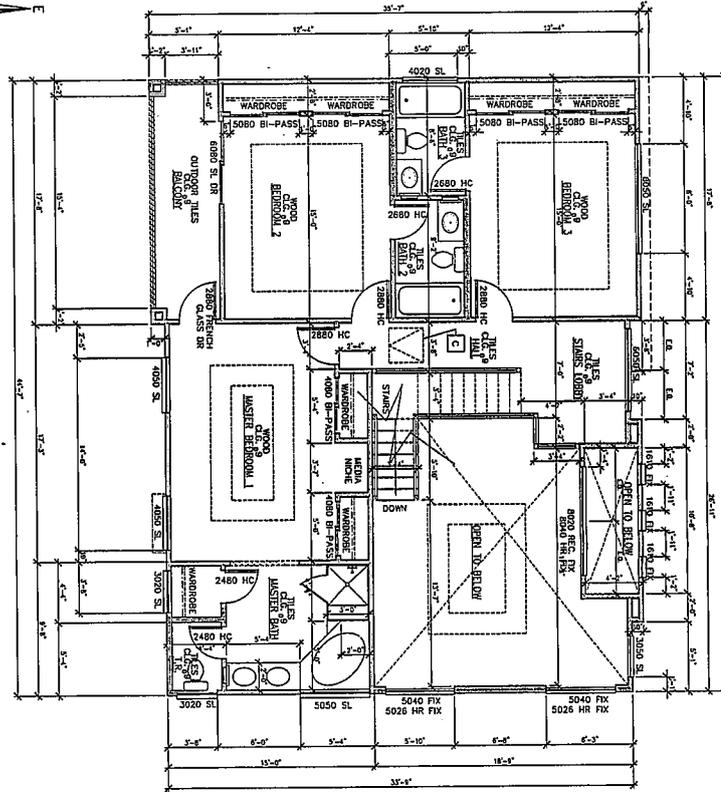
**A.L.P.H.A. CONSTRUCTION**  
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PHONE: 714-470-0884 FAX: 714-531-7452  
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**KATHY HOUSE**  
PROJECT ADDRESS: 1870 MAPLE AVE  
COSTA MESA CA 92627  
SCOPE OF WORK: 2 DETACHED CONDOMINIUM UNITS

PROPOSED FLOOR PLAN BUILDING 1A  
A-1  
29



PROPOSED 1st FLOOR PLAN-BUILDING 2A  
SCALE: 1/4"=1'-0"



PROPOSED 2nd FLOOR PLAN-BUILDING 2A  
SCALE: 1/4"=1'-0"

- KEY NOTES:**
- A 20" DEEP, 4" DIA. 1 HOUR FIRE RATED GROUND GRADE / LIVING AREA AND CEILING. THE SEE NOTE 9/1-0 AND DETAIL A/SHEET A-2
  - B 2" x 1 1/2" THICK SOLID WOOD. LIGHT FINISH. SELF CLOSING. SEE LANDING OR 20 MINUTE RATED DOOR AT OPENINGS TO EXTERIOR PER 2007 CBC 408.1.4. SEE NOTE 9/2-0
  - C 30" x 30" AIRC W/ 3/4" WIRE. HEADROOM PER CBC 1209.2. PROVIDE 2" x 2" WIRE WORK PLATFORM W/ A 30" x 30" WIRE MESH. PROVIDE ELECTRIC LIGHT CHUTE RADIANT TO BRANCA AND SWITCH BY THE OPERATOR
  - D WATER HEATERS SHALL BE MOUNTED OR STRAPPED TO THE STRUCTURE PER CBC 603.3. STRIP WATER HEATERS TO WALL WITH 1" MIN. AIR GAP. PROVIDE 2" x 2" WIRE WORK PLATFORM W/ A 30" x 30" WIRE MESH WITH WISHER (TP) AT STEEL STRIP TO STEEL STRUCTURE
  - E WISHER AND OTHER LOCATIONS
  - F FLOOR DRAIN
  - G PROVIDE 200 CIRC FEET OF SCRUBBABLE STORAGE SPACE. STORAGE SPACE PROVIDED WITHIN THE GARAGE CEILING SHALL BE LOCATED ABOVE THE GARAGE. PROVIDE 4" x 17" SLOPE RATED SURFACE LEVEL OF THE FINISHING AREA
  - H GARAGE DOOR OPERATOR SHALL BE 4" DIA. TO THE OUTSIDE AND COUP WITH A DISCONNECT SWITCH. EVALUATE DIST LENGTH IS LIMITED TO 14 FEET WITH 2 ELBOWS PER CBC 504.3
  - I PROVIDE CONCRETE LANDING WITH MINIMUM OF 36" IN THE DIRECTION OF TRAVEL AT THE DOOR FROM LIVING SPACE LEADING TO OUTDOOR AREA
  - J NOT USED

- WALL LEGEND**
- (0) 2" WOOD WALL
  - 222222 SPLIT ABOVE
  - SECOND FLOOR ABOVE / FIRST FLOOR BELOW
  - DECORATIVE CEILING DROPP (OPTIONAL)

A - NOT USED  
SCALE: N.T.S.

B - NOT USED  
SCALE: N.T.S.

**BUILDING AREAS**

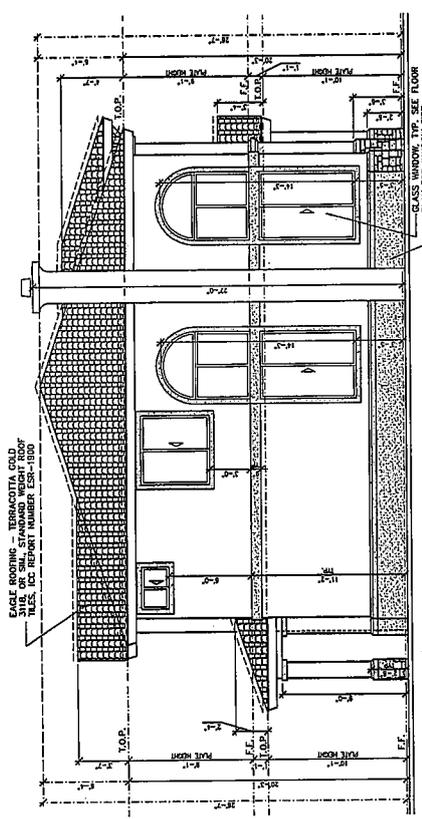
1ST FLOOR:	1,079 S.F.
2ND FLOOR:	1,079 S.F.
RIGHT PORCH:	47 S.F.
SCREENED PORCH:	171 S.F.
SCREENED PERRA:	454 S.F.
2ND BLOOR:	1,079 S.F.
LIVING SPACE:	365 S.F.
KITCHEN:	98 S.F.
BATHROOM:	212 S.F.
TOTAL LIVING SPACE:	2,123 S.F.

**AL.P.H.A. CONSTRUCTION**  
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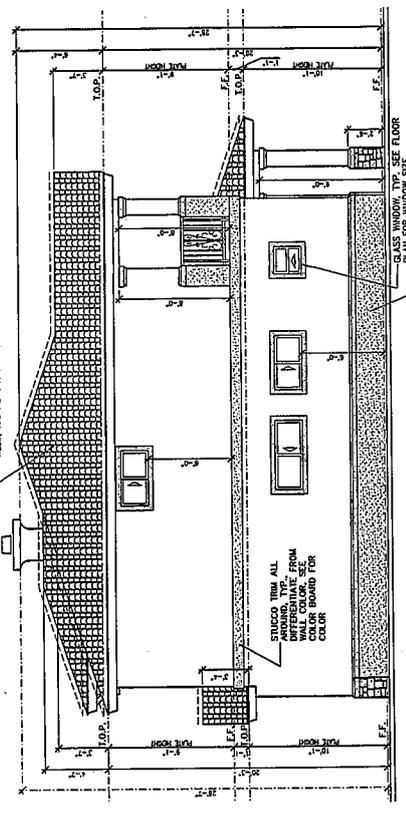
**KATHY HOUSE**  
PROJECT ADDRESS: 1870 MAPLE AVE  
COSTA MESA CA 92627  
SCOPE OF WORK: 2 DETACHED CONDOMINIUM UNITS

DATE/SCALE: 11/17/09  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]  
PROJECT: PROPOSED FLOOR PLANS BUILDING 2A  
SHEET: A-2

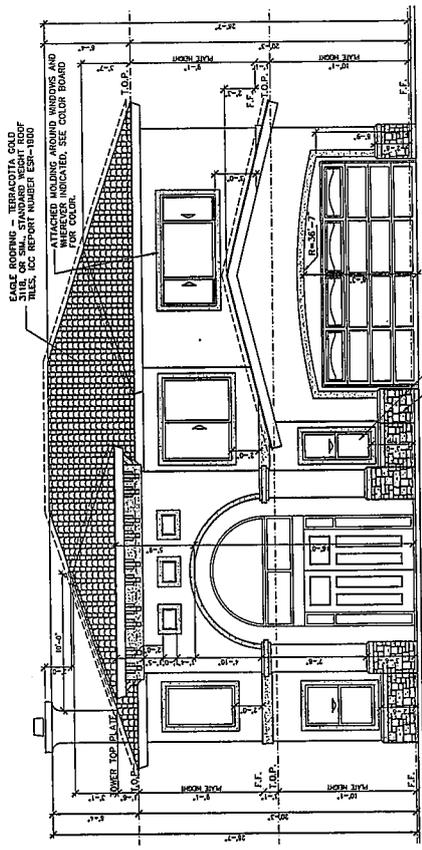




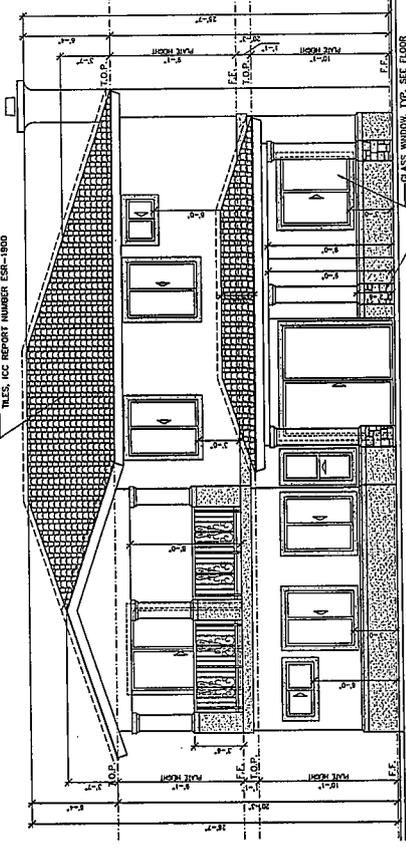
**LEFT ELEVATION (NORTH)-BUILDING 1A**  
 SCALE: 1/4"=1'-0"



**RIGHT ELEVATION (SOUTH)-BUILDING 1A**  
 SCALE: 1/4"=1'-0"



**FRONT ELEVATION (WEST)-BUILDING 1A**  
 SCALE: N.T.S.



**BACK ELEVATION (EAST)-BUILDING 1A**  
 SCALE: 1/4"=1'-0"