CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 7, 2013 **ITEM NUMBER: PH-1**

SUBJECT: **REQUEST FOR REVIEW OF PLANNING APPLICATION PA-13-04 / TENTATIVE TRACT MAP NO. 17519 FOR A 14-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2157 AND 2159 TUSTIN AVENUE**

DATE: **APRIL 25, 2013**

FROM: **PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

PRESENTATION BY: **MINOO ASHABI, PRINCIPAL PLANNER**

FOR FURTHER INFORMATION CONTACT: **MINOO ASHABI, AIA (714) 754-5610**
minoo.ashabi@costamesaca.gov

RECOMMENDATION:

Uphold or reverse the Planning Commission's decision to approve the proposed project, described below:

- ***Planning Application PA-13-04***

  Design Review to construct a 14-unit, two-story detached single-family residential development, including the following:

  a. Variance from open space requirement (40% required, 39% proposed);
  b. Variance from common lot requirement;
  c. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 11 to 13 feet proposed);
  d. Administrative Adjustment to reduce the distance between main buildings (10 feet required, 6 feet proposed);
  e. Minor Modification to reduce front setback requirement for a perimeter wall along Tustin Avenue (10 feet required, 8 feet proposed);
  f. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 99% to 108% proposed).

- ***Tentative Parcel Map No. 17519***

  Tentative Tract Map to subdivide a 1.24-acre parcel for individual homeownership purposes.

PLANNING APPLICATION SUMMARY

Location: 2157 and 2159 Tustin Avenue Application Number: PA-13-04, TT-17519

Request: 14-unit single-family detached development and a subdivision map.

SUBJECT PROPERTY:		**SURROUNDING PROPERTY:**	
Zone:	R2-MD	North:	Residential
General Plan:	MDR	South:	Boys and Girls Club (city park)
Lot Dimensions:	327 ' x 165'	East:	Residential (City of Newport Beach)
Lot Area:	1.24-acres	West:	Elementary School
Existing Development:	One parcel currently developed with two residential structures		

DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed R2-MD zone	Proposed/Provided
Lot Area	12,000 SF	54,014 SF
Maximum Site Coverage	60%	Approx. **59%**
Density:		
Medium Density Residential Land Use	Max. 12 units per acre	12 dwelling units per acre
Zone – R2-MD	Max. 14 dwelling units 1 du/3,630 sq. ft.	14 dwelling units 1 du/3,857 sq. ft.
Min. Lot Size for Ind. Dwelling Unit Lot	3,000 sq. ft. 3,500 sq. ft. average	3,508 sq. ft. 3,857 sq. ft.
Building Height	Two-stories / 27 feet	27 feet
Distance between main buildings	10 ft.	**6 ft.** [1]
Building Setbacks:		
Front (Tustin Ave.)	20 ft. 20 ft.	**13 ft.** [2]
Interior Side	5 ft.	13 ft.
Average Side Setback of 2nd Floor	10 ft.	13 ft.
% ratio of 1st floor to 2nd floor	80%	**99% - 108%** [3]
Common Lot	Required	No Common Lot [5]
Front Landscape Setback	10 ft.	**8 ft.** [4]
Parking:		
	Two garage and two open per unit 28 garages and 28 open parking	28 garages and 28 open parking spaces
Total	40 spaces	40 spaces
Open space	40% minimum	**39%** [6]

1 - Administrative Adjustment for a reduction in distance between buildings.
2 - Administrative Adjustment for reduction in front setback.
3 - Deviation from Residential Design Guidelines.
4 - Encroachment into front landscape requirement.
5- Variance from common lot.
6- Variance from minimum open space requirement.

Final Action	Planning Commission
CEQA Review	Exempt

BACKGROUND

Project Site/Environs

The 1.24-acre project site abuts residential uses (Catalina Shores Development) on the north, Heinz Kaiser Elementary school on the west and Boys and Girls Club site and Hanford Park on the south. The site contains two residential structures. The property is zoned R2-MD and can potentially be developed with 14 units at maximum density of 12 du/ per acre.

Planning Application PA-13-04 and Tentative Tract Map 17519

The Planning Commission staff report is attached for reference (Attachment 5). A link to the online Planning Commission staff report can be found at:
http://www.costamesaca.gov/modules/showdocument.aspx?documentid=10314

Planning Commission Hearing

A link to the online video of the Planning Commission hearing can be found at:
http://costamesa.granicus.com/MediaPlayer.php?view_id=10&clip_id=2124

The Planning Commission approved the project at their April 8, 2013 meeting. In response to the public notice, staff received written correspondence from eleven residents (five opposed to the project and five in support, one neutral – Attachment 7). At the hearing, sixteen persons spoke, fourteen in opposition to the project. Their concerns and the Commission/staff responses are discussed below.

ANALYSIS:

Request for City Council Review

On April 15, 2013, a request for City Council to review the Planning Commission's decision was filed by Jonathan Atha, president of Catalina Shores Homeowners Association (Attachment 3). The appeal specified the following concerns:

1. Failure to discuss and consider safety and density issues.
2. Approval of variance and significant administrative adjustments in an effort to achieve maximum allowable density.
3. Reference to developer's reputation and developer's right to build a less attractive multiple family project instead of the proposed development.
4. The Commission erred in relaxing the City's Regulations and Design Guidelines.

It should be noted that the City Council hearing is a **de novo hearing** in which the City Council may consider the project in its entirety.

De Novo Hearing

The purpose of this report is to highlight and/or clarify the evidence in the administrative record that was presented to the Planning Commission prior to its action to approve the proposed project. These issues and responses are provided below.

1. *Failure to discuss and consider safety and density issues.*

Response:

Safety

Several of the residents expressed concerns at the Planning Commission hearing related to additional traffic on Tustin Avenue, construction traffic and visibility from the site. These issues were evaluated by the Transportation Division, and the following includes a discussion of each of the traffic safety related concerns:

1. *Additional traffic on Tustin Avenue related to this development.* The proposed 14-unit development is within the development capacity of the City's General Plan and zoning. As projected in the City's General Plan for this medium density residential land use, the project will add approximately 114 daily trips to Tustin Avenue. Currently, the daily traffic along Tustin Avenue is approximately 5,000 vehicles. Even with the addition of the traffic generated by the project, the daily traffic along Tustin Avenue will be well below the capacity of this Two-Lane Collector.

2. *Cut through and construction traffic on adjacent roadways and specifically Windward Lane.* Each development is subject to review and approval of a construction traffic management plan prior to issuance of a grading permit. Several of the residents on Windward Lane were concerned about construction traffic. Engineering staff have confirmed that construction-related traffic and parking will not be allowed on Windward Lane. Furthermore, a condition of approval was included in the Planning Commission resolution to prohibit construction traffic and parking on that street. A construction management plan addressing construction hours, noise, and traffic management will be approved prior to issuance of building permits.

3. *Limited visibility for motorists exiting the site.* Concerns were raised that the street parking may block visibility for egress from the development site and from the Catalina Shores property. Transportation Division staff have indicated that red curbing along both sides of the driveway for these properties could be implemented to address driver visibility. The applicant has agreed to red-curbing at the proposed driveway at Tustin Avenue. Conditions were included in the Planning Commission resolution to address parking and red-curb along the project site on Tustin Avenue to improve visibility for motorist exiting the site. This condition will be reviewed during the plan check for drive approach, sidewalk and any other off-site improvements.

In addition to the above noted items, several speakers stated concerns about storing trash bins on Tustin Avenue on trash pick up days. The applicant agreed to a condition of approval to hire a private trash collector to provide on-site trash collection. No trash containers can be stored on Tustin Avenue. This condition will be also reflected in the CC&Rs so that all homeowners are notified and are aware of taking this obligation.

Density

The development site is 1.24-acre in size and located in the R2-MD zone. This zoning district allows 12 dwellings per acre. The density of the proposed development is consistent with the City's General Plan and meets the maximum allowable density requirements of the R2-MD zoning district. The applicant is not seeking a density bonus beyond the General Plan density limits.

- Permitted Uses

  Subject to Design Review by the Planning Commission, the Zoning Code allows residential uses in a variety of forms:

  - Single-family dwellings (i.e. detached homes)
  - Multi-family dwellings (i.e. attached or detached structures)
  - Common interest developments (i.e. condominiums)

  As shown in Table 13-30 below, residential structures may be attached or detached.

  The proposed development is a detached, single-family, small lot subdivision. Residential development in the R2-MD zone is subject to compliance with the development standards, Residential Design Guidelines, and approval of a design review by the Planning Commission.

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES																				
	R1	R2MD	R2HD	R3	AP	CL	C1	C2	C1S[1]	TC[1]	MG	MP	PDRLD[1]	PDRMD[1]	PDRHD[1]	PDRNCM[1]	PDC[1]	PDI[1]	I&R[1]	I&RS[1]	P
RESIDENTIAL USES																					
1. Single-family dwellings (single housekeeping units)	P[4]	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•
2. Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	•
2.1 Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	•
3. Mobile home parks	•	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•
4. Boardinghouse, large	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•
5. Boardinghouse, small	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•
6. Residential care facility (6 or fewer persons – State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•
7. Residential service facility (6 or fewer persons – not State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•
8. Residential care facility (7 or more persons – State licensed)	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	P	•	•
9. Residential service facility (7 or more persons – not State licensed)	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	P	•	•
10. Referral facility (Subject to the requirements of Section 13-32.2 Referral facility).	•	C[2]	C[2]	C[2]	•	•	•	C[2]	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	•

For density comparison purposes, the other comparable R2-MD property in the vicinity is Catalina Shores Condominiums. This development was approved in 1996, and it includes 12 units at a density of approximately 10 dwellings per acre. The project entitlement included a variance from rear yard setback (20 feet require, 5 feet approved) and driveway length (19 feet required, 18 feet approved). Properties located at 396 and 398 E. 21st. Street located south of the Boys and Girls Club are developed at over 16 du/acre and are considered non-conforming (Attachment 1).

2. Approval of variance and significant administrative adjustments in an effort to achieve maximum allowable density.

Response:

Original Site Plan was Withdrawn

At the Planning Commission hearing, the applicant indicated that an "**original site plan**" was withdrawn. This original plan included a greater extent of variances and also situated the new residences closer to Catalina Shores (Attachment 9, Original Proposal). After working with Planning staff and making a greater effort to improve the interface with Catalina Shores, a new plan was submitted and adopted by the Planning Commission.

For informational purposes, this original plan is provided. A side-by-side comparison of the original plan and adopted plan is provided below:

Original Plan (withdrawn)	Final Adopted Plan
Variances:	**Variances:**
1. Open space (36% proposed)	1. Open space (39% proposed)
2. Minimum lot size (2,877 SF proposed, 3,000 SF required)	2. Common Lot requirement (none provided)
3. Average lot size (3,038 SF proposed, 3,500 SF required)	
Administrative Adjustments:	**Administrative Adjustments:**
1. Rear yard setback (15 feet proposed, 20 feet required) *	1. Front setback (13 and 11 feet proposed, 20 feet required)
2. Front setback (13 and 11 feet proposed, 20 feet required)	2. Building to Building Distance (6 feet proposed, 10 feet required)
3. Building to Building Distance (6 feet proposed, 10 feet required)	
Deviation from Residential Design Guidelines:	**Deviation from Residential Design Guidelines:**
80% second floor to first floor ratio (99% to 108% proposed)	80% second floor to first floor ratio (99% to 108% proposed)
Second floor setback (4'-6" proposed, 10 feet recommended) *	
Minor Modification:	**Minor Modification:**
1. Side yard setback (5 feet required, 4'-6" proposed) *	1. Front setback requirement for a perimeter wall along Tustin Avenue (10 feet required, 8 feet proposed);
* this setback is directly related to the interface with Catalina Shores	

- Open Space

  The location of the property is unique in that it is directly adjacent to two open space areas: the playfields of Kaiser Elementary School and Hanford Park. The requested deviation from open space requirements is considered a minimal deviation that is offset by enhanced landscaping and private open space areas. Common interest development are required a minimum of 40 percent open space; this includes private as well as common area open space. The project is designed as a traditional subdivision with front porches and private rear yards. With the proposed open space, each unit is provided with an average of 510 square feet of private open space and the overall shortfall is approximately 38 square feet per unit. The small reduction in the open space was justified since the site design allows for adequate private and common open space and does not jeopardize the single family detached living style that is intended with the common interest development projects.

- Common Lot

  Per Zoning Code, Common Interest Development projects shall be designed with a minimum of one lot to be held in common ownership and maintained by a homeowners association. This lot shall be used for common driveways, parking areas, and at least 10 feet of street setback landscaped areas. The common lot is further defined as:

  > "Those portions of a project area which are designed, intended or used in common and not under the exclusive control or possession of owners or occupants of individual units in planned development projects or common interest developments."

  The project did not propose a common lot along Tustin Avenue; however, the area of the 10-foot landscaping along the street has not been added to the end parcels to comply with the minimum lot size requirement as noted in the Zoning Code. The two parcels along Tustin Avenue are 4,334 square feet in area (minimum lot size – 3,000 square feet). The deviation from the common lot requirement was considered minor since this deviation does not affect the subdivision of the individual parcels or density. This deviation also does not affect the ownership or maintenance of the common areas. The common areas will be maintained and accessible through an easement and maintenance agreement between the homeowners.

  The Planning Commission has previously approved variances from common lot requirement on two other projects so that the individual parcels contain private and common space and a maintenance association is formed in place of a homeowners association. This variance does not exempt requirements related to the CC&Rs and maintenance of the units and common areas.

Administrative Adjustments

- Front yard setback

  The approval included a reduction in the front setback from 20 feet to 13 feet for two of the 14 units. This reduction will result in an 8- foot common landscape area along Tustin Avenue and a 5- foot side yard for the two units along Tustin Avenue (Lot 1 and

Lot 14). This setback is applied to the side of the structure and not the front of the buildings; a front porch is provided facing the interior drive and with adequate setback on the front. The Planning Commission determined that the scope and scale of the project is comparable to several similarly zoned projects in the neighborhood. Granting of this deviation will not affect the allowed number of units, and the development will be in compliance with the General Plan designation. Conditions of approval included architectural and landscape enhancement on Tustin Avenue frontage with additional building articulations and minimum of seven large trees (three 36-inch box size and four 24-inch box size) and extensive landscaping.

- Building to building setback

  The required distance of 10 feet was approved to be reduced to six feet. Two of the important factors of the site plan were interface with the adjacent community and compliance with the fire prevention requirements (maximum 300 feet from the farthest house to street curb). The reduced distance between the buildings allowed the site plan to meet the maximum 300-foot requirement and offset five of the buildings so that they are not inline and directly opposite of the residential units to the north to improve any potential privacy impacts. This configuration also provides for a larger open space area at the rear and visual connection of the development and the school site playground. In comparison, the Catalina Shores development to the north maintains a five-foot setback to the school site approved by a variance.

  The 6-foot separation meets the minimum requirements of California Building Code and allows for window openings on the side yards. The reduced setbacks were justified with off-sets and adequate number of windows, where each room has alternatives for placement of clear glass windows. A condition was included that required high windows and frosted glass be used when windows are directly facing one another on interior property lines.

3. Reference to developer's reputation and developer's right to build a less attractive multi-family project instead of the proposed development.

Response:

It may be probable that an apartment complex or attached 14-unit residential development project could be designed to comply with Code.

As stated previously, development of any residential project of three or more units is subject to design review approval by the Planning Commission. All development proposals would be subject to residential development standards as well as Residential Design Guidelines and the following findings stated in the Zoning Code:

- The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.

- The visual prominence associated with the construction of a two-story house or addition in a predominately single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.

With reference to the submitted elevations, the Planning Commission noted the proposed quality of construction as a finding of the resolution of approval consistent with the Zoning Code. During the public hearing, the applicant referred to extensive time spent on the quality of building design and materials so that the residences are unique and complementary to the neighborhood with four-sided architecture and appropriate massing.

4. The Commission erred in relaxing the City's Regulations and Design Guidelines.

Response:

The project design was revised multiple times to meet the minimum fire prevention safety requirements and the medium density development standards to the greatest extent feasible. In this process, the applicant considered the interface with the adjacent residential community and the proposal was intended to create an attractive community with maximum open space and separation from the existing residential community to the north.

Code requires a 5-foot setback for main buildings along the side property line shared with the adjacent condominium complex. The developer's original proposal included minimal setbacks along this interface which complied with Code requirements. However, the plan was completely revised to increase the setback from 5 to 10 feet (original proposal) to 13 through 15 feet. This significant reconfiguration of the homes maximized the building setbacks along the common property line to specifically address the neighbors' concerns regarding light, air, privacy, and compatibility. In contrast, the setback of the proposed homes along the property line shared with Hanford Park is about 10 feet. The Planning Commission noted that the site development fully satisfy the intent of the Code related to compatibility, scale and character in consideration of an adjacent residential neighborhood.

Findings

The following is a summary of the findings that were adopted by the Planning Commission for approval of the variances and administrative adjustments:

- *The proposed project is consistent with the General Plan/Zoning Code with regard to use, density and intensity.* Because the property is located in a Medium Density Residential land use and promotes home ownership opportunities, staff believes that the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. The proposed development is a multiple-family residential development, which is consistent with the uses allowed in the R2-MD zone. Per the Zoning code, the maximum density allowed in the R2-MD zone is 14 units; 14 units are proposed. As discussed below, it is staff's opinion that the proposed development intensity will be in accordance with the medium density general plan designation for the property.

- *To promote land use compatibility, the development project exceeds the Code requirements by including enhanced setbacks from the Catalina Shores development.*

Code requires a 5-foot setback for main buildings along the side property line shared with the adjacent condominium complex. The developer's original proposal included minimal setbacks along this interface which complied with Code requirements. However, the plan was completely revised to increase the setback from 5 to 10 feet (original proposal) to 13 through 15 feet. This significant reconfiguration of the homes maximizes the building setbacks along the common property line to specifically address the neighbors' concerns regarding light, air, privacy, and compatibility. In contrast, the setback of the proposed homes along the property line shared with Hanford Park is about 10 feet.

- *Variance from open space requirements will only reduce the overall open space area by 478 square feet for the entire site (approx. 1%)*. The location of the property is unique in that it is directly adjacent to two open space areas: the playfields of Kaiser Elementary School and Hanford Park. The requested deviation from open space requirements is considered a minimal deviation that is offset by enhanced landscaping and private open space areas. The proposed development is designed as a traditional subdivision with private back yards. Each unit has an average of 510 square feet of private open space. The remainder of the open space is provided in front street setback, side yard and read yard setbacks and in front of each unit as a small front yard. The small reduction in the open space is justified since the site design allows for adequate private and common open space and does not jeopardize the single family detached living style that is intended with the common interest development projects.

- *Variances from the Common Lot requirement will not affect the site design:* The location of the property is unique in that it is directly adjacent to two open space areas: the playfields of Kaiser Elementary School and Hanford Park. The proposed development does not exceed the allowable General Plan density. The deviation from the common lot requirement is considered minor since the common areas will be maintained and accessible through an easement and maintenance agreement. The scope and scale of the project is comparable to several similarly zoned projects in the neighborhood. Granting of this deviation will not affect the allowed number of units, and the development will be in compliance with the General Plan designation.

- *The Administrative Adjustment for encroachment into front landscape setback requirement along Tustin Avenue is offset by an 8-foot landscape setback will be provided adjacent to the public right-of-way.* The proposed reduced setback from the front property line is applicable to the side of the homes and only account for approximately 70 percent of the lot frontage. Because the property is located adjacent to open space areas, including a neighborhood park and school grounds, development flexibility is applied to provide relief from the front setback requirements. However, aesthetic impacts due to the diminished width of the front setback are mitigated by additional project enhancements. As conditioned, the enhanced elevations and landscaping will improve the street view and will be in keeping with the rest of the neighboring residential community.

- *Reduced Distance Between buildings – The proposed reduction will not negatively impact the privacy of the new residents in that there are minimal windows in the side yards.* The proposed floor plans provide for four-sided architecture with window and daylight opportunities on all sides. A loft option for the second floor will also reduce the second floor footprint and allow for larger building to building setbacks. The proposed 6

feet distance between buildings is inevitable with the number of proposed structures on this site and the required rear setback. Common interest developments are required to maintain a minimum 10 feet separation between structures. In this design, this distance is reduced to 6 feet to meet the rear yard setback requirements and allow for a larger separation from the school site. This configuration was intended to provide more open space at the rear and maximize the visibility of the adjacent open space (park site) from the existing residential development to the north. The reduced setbacks are justified with off-sets and adequate number of windows, where each room has alternatives for placement of clear glass windows. In addition, the second floor loft options allows for greater setbacks and interior lighting. A condition is included that requires high windows and frosted glass be used when windows are directly facing one another.

New information provided by Applicant

As of the date of this report, no additional information has been provided by the applicant with regard to further outreach to the affected residential neighbors.

ALTERNATIVES CONSIDERED:

As a de novo hearing, City Council has the following options in this case:

A. *Uphold the Commission's action to approve the project (Attachment 2)*. Any other modifications to the conditions of approval (i.e., additions and deletions) can be made by Council as part of this action.

B. *Reverse the Commission's action and deny the project (Attachment 2)*. If the project were denied, the applicant could not submit substantially the same type of application for six months.

ENVIRONMENTAL REVIEW

As previously noted, 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 the provisions of the California Environmental Quality Act under Section 15332 for In-Fill Development.

If the project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

GENERAL PLAN CONFORMITY

The property has a General Plan designation of Medium Density Residential. Under this designation 14 units are allowed and 14 units are proposed. Therefore, if approved, the use and density would conform to the City's General Plan. Also, as noted earlier, the project is consistent with General Plan Goal LU-1A.4 which encourages additional home ownership opportunities in the City.

LEGAL REVIEW:

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

CONCLUSION:

De novo literally translates to "anew," "afresh" or "a second time." A de novo hearing is essentially a new proceeding where the proposal is presented to the City Council for final consideration. In its decision making, Council is not restricted to the evidence that was previously presented to the Planning Commission. In this case, the City Council may uphold or reverse the Planning Commission's approval of the project.

MINOO ASHABI, AIA
Principal Planner

PETER NAGHAVI
Director of Economic & Development / Deputy CEO

ATTACHMENTS:

1. Location Map
2. Draft City Council Resolutions (Approval and Denial)
3. Request for Review
4. Planning Commission Minute Excerpts
5. Planning Commission Report And Attachments
6. Correspondence
7. Submitted Plans
8. Original Site Plan
9. Submitted Letters by applicant

DISTRIBUTION:

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Assistant Chief Executive Officer
Director of Economic & Development / Deputy CEO
City Attorney
Public Services Director
Transportation Svs. Mgr.
City Engineer
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File (2)

Distribution List – Residents Who Provided Correspondence

Matt White
MW Custom Homes
3090 Pullman Street
Costa Mesa, CA 92626

Jonathan Atha
President, Catalina Shores HOA
391 Catalina Shores Drive
Costa Mesa, CA 92627

ATTACHMENT 1

City of Costa Mesa

CITY OF COSTA MESA - [Created: 4/24/2013 3:54:11 PM] [Scale: 273.21] [Page: 8.5 x 11 / Portrait]

Overview Map

Legend

Address Points

Freeway

Roads

Collector

Freeway (cont)

Major

Newport BLVD

Primary (cont)

SECONDARY

Hydrology

Channels

Map Display

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City of Costa Mesa

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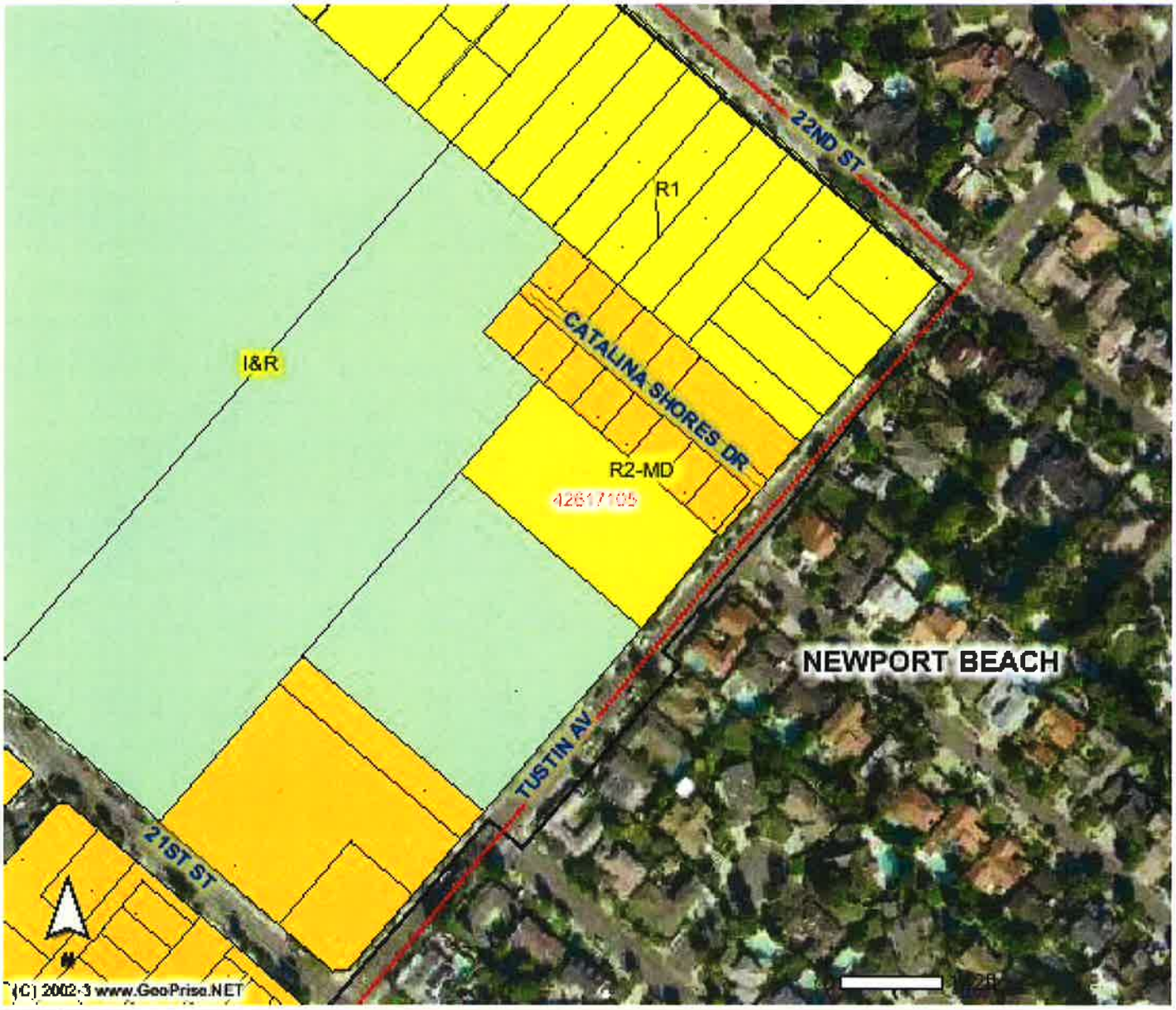
Overview Map

Legend

- Address Points
- Freeway
- Roads (cont)
- Collector
- Freeway
- Major
- Newport BLVD
- Primary (cont)
- SECONDARY
- Hydrology
- Channels
- Street Names
- Street Centerlines
- Parcel Lines
- City Boundary

Map Display



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RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO UPHOLD THE PLANNING COMMISSION'S ACTION AND TO APPROVE PLANNING APPLICATION PA-13-04 AND TENTATIVE TRACT MAP 17519 LOCATED 2157 AND 2159 TUSTIN AVENUE

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

WHEREAS, an application was filed by Matt White, authorized agent for White-Warmington Tustin Ave. LLP, owner of real property located at 2157 and 2159 Tustin Avenue, for the following:

1. **Planning Application PA-13-04:**
   a. Variance from open space requirement (40% required, 39% proposed);
   b. Variance from common lot requirement;
   c. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 11 to 13 feet proposed);
   d. Administrative Adjustment to reduce the distance between main buildings (10 feet required, 6 feet proposed);
   e. Minor Modification to reduce front setback requirement for a perimeter wall along Tustin Avenue (10 feet required, 8 feet proposed); and,
   f. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 99% to 108% proposed).
2. ***Tentative Parcel Map No. 17519*** to subdivide a 1.24-acre parcel for residential common interest development.

WHEREAS, a duly noticed public hearing held by the Planning Commission on April 8, 2013 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, on April 15, 2013, the Planning Commission's approval was appealed by Jonathan Atha, president of Catalina Shores Homeowners Association;

WHEREAS, a duly noticed public hearing held by the City Council on May 7, 2013 with all persons having the opportunity to speak for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the City Council hereby **UPHOLDS THE PLANNING COMMISSION'S ACTION AND APPROVES** Planning Application PA-13-04 and Tentative Tract Map 17519.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-13-04 and Tentative Tract Map 17519 and upon applicant's compliance with each and all of the conditions in Exhibit "B", and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 7th day of May, 2013.

JIM RIGHEIMER
Mayor, City of Costa Mesa

ATTEST:

CITY CLERK OF THE
CITY OF COSTA MESA

APPROVED AS TO FORM:

CITY ATTORNEY

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution Number 13__ as considered at a regular meeting of said City Council held on the 7th day of May, 2013, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 7th day of May, 2013, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2013

EXHIBIT "A"

FINDINGS

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

- The proposed use is compatible and harmonious with uses on surrounding properties.
- Safety and compatibility of the design of the 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, as conditioned, is consistent with the General Plan.
- 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(g)(14) in that:

a. The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features. The overall architectural design promotes excellence and compatibility. The two-story structures are cottage style homes with front porches and contemporary accents and finishes. The proposed units are not within the limits of 80 percent second-floor to first-floor ratio recommended in the City's Residential Design Guidelines; however the staggered wall design and roof elements diminishes the boxy design appearance from all four sides.

b. The proposed project is a medium density development with adequate private and common open space. The proposed plans allow for adequate landscaping and separation between buildings.

c. The proposed development plan and subdivision meets the broader goals of the General Plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.

C. Pursuant to Section 13-29(g)(13) of the Municipal Code, the subject property is physically suitable to accommodate Tentative Tract Map 17519 in terms of type, design and intensity of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan. The applicant has requested deviations from development standards and conditions of approval have been applied to the project to compensate for specified deviations.

D. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(1) because:

a. Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.

b. The deviation 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 deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Additional facts and findings are as follows:

- *The proposed project is consistent with the General Plan/Zoning Code with regard to use, density and intensity.* Because the property is located in a Medium Density Residential land use and promotes home ownership opportunities, staff believes that the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. The proposed development is a multiple-family residential development, which is consistent with the uses allowed in the R2-MD zone. Per the Zoning code, the maximum density allowed in the R2-MD zone is 14 units; 14 units are proposed. As discussed below, it is staff's opinion that the proposed development intensity will be in accordance with the medium density general plan designation for the property.
- *To promote land use compatibility, the development project exceeds the Code requirements by including enhanced setbacks from the Catalina Shores development*. Code requires a 5-foot setback for main buildings along the side property line shared with the adjacent condominium complex. The developer's original proposal included minimal setbacks along this interface which complied with Code requirements. However, the plan was completely revised to increase the setback from 5 to 10 feet (original proposal) to 13 through 15 feet. This significant reconfiguration of the homes maximizes the building setbacks along the common property line to specifically address the neighbors' concerns regarding light, air, privacy, and compatibility. In contrast, the setback of the proposed homes along the property line shared with Hanford Park is about 10 feet. Staff believes that the recent revisions fully satisfy the intent of the Code related to compatibility, scale and character in consideration of an adjacent residential neighborhood.
- *Variance from open space requirements will only reduce the overall open space area by 478 square feet for the entire site (approx. 1%)*. The location of the property is unique in that it is directly adjacent to two open space areas: the playfields of Kaiser Elementary School and Hanford Park. The

requested deviation from open space requirements is considered a minimal deviation that is offset by enhanced landscaping and private open space areas. The proposed development is designed as a traditional subdivision with private back yards. Each unit has an average of 510 square feet of private open space. The remainder of the open space is provided in front street setback, side yard and read yard setbacks and in front of each unit as a small front yard. The small reduction in the open space is justified since the site design allows for adequate private and common open space and does not jeopardize the single family detached living style that is intended with the common interest development projects.

- *Variances from the Common Lot Requirement.* The proposed development does not exceed the allowable General Plan density. The deviation from the common lot requirement is considered minor since the common areas will be maintained and accessible through an easement and maintenance agreement. Staff believes that the scope and scale of the project is comparable to several similarly zoned projects in the neighborhood. Granting of this deviation will not affect the allowed number of units, and the development will be in compliance with the General Plan designation.
- *The Administrative Adjustment for encroachment into front landscape setback requirement along Tustin Avenue is offset by an 8-foot landscape setback will be provided adjacent to the public right-of-way.* The proposed reduced setback from the front property line is applicable to the side of the homes and only account for approximately 70 percent of the lot frontage. Because the property is located adjacent to open space areas, including a neighborhood park and school grounds, development flexibility is applied to provide relief from the front setback requirements. However, aesthetic impacts due to the diminished width of the front setback are mitigated by additional project enhancements. As conditioned, the enhanced elevations and landscaping will improve the street view and will be in keeping with the rest of the neighboring residential community.
- *Reduced Distance Between buildings – The proposed reduction will not negatively impact the privacy of the new residents in that there are minimal windows in the side yards.* The proposed floor plans provide for four-sided architecture with window and daylight opportunities on all sides. A loft option for the second floor will also reduce the second floor footprint and allow for larger building to building setbacks. The proposed 6 feet distance between buildings is inevitable with the number of proposed structures on this site and the required rear setback. Common interest developments are required to maintain a minimum 10 feet separation between structures. In this design, this distance is reduced to 6 feet to meet the rear yard setback requirements and allow for a larger separation from the school site. This configuration was intended to provide more open space at the rear and maximize the visibility of the adjacent open space (park site) from the existing residential development to the north. The reduced setbacks are justified with off-sets and adequate number of windows, where each room has alternatives for placement of clear glass windows. In addition, the second floor loft options allows for greater setbacks and interior lighting. A condition is included that requires high windows and frosted glass be used when windows are directly facing one another.

E. 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.

F. The proposed use of the subdivision is for residential ownership purposes, which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.

G. The subdivision of the property for residential ownership is consistent with the City's General Plan and Zoning Code.

H. The subdivision 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.

I. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

J. The project is exempt from the provisions of the California Environmental Quality Act under Section 15332 for New Construction.

K. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

EXHIBIT "B"

CONDITIONS OF APPROVAL

Plng.

1. The expiration of Planning Application PA-13-04 shall coincide with the expiration of the approval of the Tentative Tract Map 17519 which is valid for two years. An extension request is needed to extend the expiration for each additional year after the initial 2-year period.
2. The conditions of approval for PA-13-04 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. 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.
4. The private, interior fences or walls between the homes shall be a minimum of six feet in height. The privacy fencing along Tustin Avenue shall be complementary to the home designs subject to review and approval of the Development Services Director.
5. The landscape setback on Tustin Avenue shall be enhanced with a minimum of seven large trees (three 36-inch box size and four 24-inch box size) and extensive landscaping for an enhanced entrance to the project subject to review and approval by Planning Division.
6. The side elevations on Tustin Avenue shall be enhanced by additional architectural features (i.e., dormers, shutters, etc.) and variety of materials and colors to improve the boxy appearance of the structures from Tustin Avenue.
7. Prior to issuance of certificate of occupancy, the applicant shall construct a minimum 6-foot tall decorative block wall around the perimeter of the project site, unless otherwise approved by the Developer Services Director. 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.
8. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring residential uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to residents and also businesses during construction.
   The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager. There shall be no construction traffic or construction parking on Windward Lane.
9. The subject property's ultimate finished grade level may not be filled/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. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.

10. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
11. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, 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 or a variance, or in the requirement to modify the construction to reflect the approved plans.
12. To avoid an alley-like appearance, the private street shall not be entirely paved with asphalt nor be developed with a center concrete swale. The private street shall be complemented by stamped concrete or pervious pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
13. Two (2) sets of detailed landscape and irrigation plans, consistent with the preliminary plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
14. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
15. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
16. Street trees in the landscape parkway shall be selected from Appendix D of the Streetscape and Median Development Standards and appropriately sized and spaced (e.g. 15-gallon size planted at 30' on centers), or as determined by the Development Services Director once the determination of parkway size is made. The final landscape concept plan shall indicate the design and material of these areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
17. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened upon view, under direction of Planning staff.

Any deviation from this requirement shall be subject to review and approval of the Development Services Director.

18. Provide proof of recordation of TTM 17519 and CC&Rs prior to issuance of building permits.
19. Applicant shall provide proof of establishment of a maintenance association prior to release of any utilities.
20. Prior to the issuance of building permits, the applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Development Services Department.
21. Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading as well as the appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Building official prior to issuance of grading permits.
22. Prior to issuance of building permits, the developer shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office. The CC&Rs shall contain provisions that effectively implement the following requirements: (1) require that the maintenance association effectively manage parking. If onsite parking is not appropriately managed, the Development Services Director shall require implementation of corrective measure(s) to address onsite parking problems in the future; (2) require that the maintenance association contract with a towing service to enforce the parking regulations; (3) require that the maintenance association require and enforce that garage spaces are unobstructed for vehicle parking and are used for parking vehicles; and (4) Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective. The Development Services Director may also require that the maintenance association include role and responsibilities of an unincorporated homeowners association.
23. Prior to issuance of building permits, developer 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.
24. Applicant shall provide proof of establishment of a maintenance association prior to release of any utilities.
25. If the project is constructed in phases, the perimeter wall, landscaping along the frontages, and irrigation shall be installed prior to the release of utilities for the first phase.
26. The project entrance is not designed for vehicular gates. A buyer notification shall be provided to future buyers that the community will not be able to accommodate gates without physical changes to the proposed ingress and egress configuration.

Bldg.

27. Submit grading plans including a hydrology report and soils report.
28. Provide an erosion control plan.
29. Submit a soils report for the projects, Recommendation of the Soils Report

shall be printed on the architectural and grading plans.

30. On graded sites the top of exterior foundation wall shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent. Refer to 2010 California Residential Code R403.1.7.3
31. Lots shall be graded to drain surface water away from foundation walls. The grade shall be a minimum of 6 inches within the first 10 feet. Refer to California Residential Code Sec. R 401.3.

Eng.

32. At the time of development submit for approval an Offsite 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 registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa.
33. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
34. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.
35. Haul routes must be approved by the City of Costa Mesa, Transportation & Engineering Division.
36. Submit subdivision application and comply with conditions of approval and code requirements.
37. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. residential sidewalk on Randolph Avenue per City of Costa Mesa Standards with the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.
38. Applicant/Developer is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the City for the loss of trees from the public right-of-way. Conditions of the Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months, therefore, the applicant/developer is advised to identify all tree affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays.
39. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk at applicant's expense.
40. 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 of the property.
41. The applicant shall comply with all of the engineering conditions for Tract Map 17519 as set forth in the City Engineer's letter dated March 21, 2013 attached hereto.

Fire

42. Dwellings will require the installation of a residential fire sprinkler system.

43. Provide smoke detectors.

Trans. 44. Fulfill mitigation of off-site traffic impacts at the time of issuance of occupancy by submitting to the Planning Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated including credits for all existing uses. At the current rate per trip end, the traffic impact fee is estimated at $ 11,779. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permit/certificate of occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

45. All driveways shall be a minimum 18 feet wide unless an adequate back up space is provided subject to approval of Transportation Division.

46. Construct residential driveway approach at location specified on submitted site plan. Drive approach dimensions shall be noted on the site plan as x = 4 feet, w = 28 feet.

Utilities 47. Prior to the issuance of a connection permit, the applicant shall pay the applicable water connection fees.

Plng. Comm. 48. The applicant and future homeowners shall contract with a private waste disposal company that will provide full on-site trash and recyclable collection. There shall be no storage of trash bins or cans on Tustin Avenue with the exception of temporary use of the right-of-way for rolling containers or loading to larger trash trucks.

49. A homebuyer notification shall be provided to future buyers that the property is adjacent to a City park and Newport Mesa Unified School District property to the west and south and that lighting may be intensified after dusk in the future.

50. The street curb on Tustin Avenue adjacent to this property will be red painted to limit street parking and to ensure egress visibility subject to requirements of Transportation Division.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

Plng.

1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
2. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
3. Development shall comply with all requirements of Section 13-32, Title 13, of the Costa Mesa Municipal Code relating to development standards for residential projects.
4. Proof of recordation of the tract map shall be submitted prior to issuance of building permits.
5. Pay Park fee prior to building permit issuance. Applicable fee shall be that fee in effect at the time the subdivision application is filed with the City.
6. Included in the required CC&Rs shall be a provision that will permit the installation of solar heating systems, subject to applicable zoning district requirements, the California Building Standards Code, and associated ordinances, and reasonable architectural review by the project's architectural review committee.
7. The CC&Rs shall include a provision as to use and maintenance of all guest parking spaces, driveways and common open space.
8. CC&Rs and articles of incorporation and bylaws for the homeowners' association shall be reviewed and approved by the Planning Division prior to recordation. CC&Rs shall include provisions as required in Costa Mesa Municipal Code section 13-41, as well as applicable conditions of approval and code requirements. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the release of utilities for the units.
9. A minimum 20-foot by 20-foot clear interior dimension shall be provided for all garages.
10. Minimum garage door width shall be 16 feet.
11. All garages shall be provided with automatic garage door openers.
12. All new on-site utility services shall be installed underground.
13. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.

14. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
15. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
16. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
17. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.

Bldg.

18. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2010 California Energy Code (or the applicable adopted California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
19. Submit grading plans, an erosion control plan, and a hydrology study for this project.
20. On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent. 2010 California Residential Code Section R403.1.7.3. 2010 California Building Code CBC 1808.7.4
21. Lots shall be graded to drain surface water away from foundation walls. The grade shall be a minimum of 6 inches within the first 10 feet -2010 California Residential Code Section R401.3.
22. Prior to or concurrent with the submittal of plans for plan check, the applicant shall prepare and submit documentation for compliance with the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ; National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002 for Storm Water Discharges Associated with Construction Activity (General Permit); the California Regional Water Quality Control Board (RWQCB) Santa Ana Region Order No. R8-2002-0010 and NPDES Permit No. CAS618030; and, the City of Costa Mesa Ordinance No. 97-20 for compliance with NPDES Permit for the City of Costa Mesa. Such documentation shall include a Water Quality Management Plan (WQMP) identifying and detailing the implementation of the applicable Best Management Practices (BMPs).

Eng.

23. For demolition, grading, or building permits involving projects with a valuation of $10,000 or more, the contractor shall use a City-permitted hauler(s) to haul any debris or solid waste from the job site (refer to Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to

an administrative penalty as follows: $1,000 or 3% of the total project value, whichever is greater.

Trans. 24. Construct residential driveway approach at location specified on submitted site plan.

25. Close unused drive approaches with full height curb and gutter per City Standards.

26. Provide 25' minimum drive aisles for all parking spaces to provide adequate space for turning movements.

27. Parking spaces shall comply with City Standards.

Fire 28. Provide one (1) Class A fire hydrant to be located per the Fire Department. The hydrant shall be installed and operable prior to the initiation of combustible construction.

29. Provide residential fire sprinkler systems for all structures.

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

Sani 1. It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 to obtain Sanitary District requirements.

AQMD 2. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.

School 3. Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits.

State 4. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation.

RESOLUTION NUMBER 13-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO REVERSE THE PLANNING COMMISSION'S ACTION AND TO DENY PLANNING APPLICATION PA-13-04 AND TENTATIVE TRACT MAP TT-17519 FOR DEVELOPMENT OF A 14-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2157 and 2159 TUSTIN AVENUE

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

WHEREAS, an application was filed by Matt White, authorized agent for White-Warmington Tustin Ave. LLP, owner of real property located at 2157 and 2159 Tustin Avenue, for the following:

1. **Planning Application PA-13-04:**
   a. Variance from open space requirement (40% required, 39% proposed);
   b. Variance from common lot requirement;
   c. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 11 to 13 feet proposed);
   d. Administrative Adjustment to reduce the distance between main buildings (10 feet required, 6 feet proposed);
   e. Minor Modification to reduce front setback requirement for a perimeter wall along Tustin Avenue (10 feet required, 8 feet proposed); and,
   f. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 99% to 108% proposed).
2. ***Tentative Parcel Map No. 17519*** to subdivide a 1.24-acre parcel for residential common interest development.

WHEREAS, a duly noticed public hearing held by the Planning Commission on April 8, 2013 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, on April 15, 2013, the Planning Commission's approval was appealed by Jonathan Atha, president of Catalina Shores Homeowners Association;

WHEREAS, a duly noticed public hearing held by the City Council on May 7, 2013 with all persons having the opportunity to speak for and against the proposal;

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 ACTION AND DENIES** PA-13-04 and Tentative Tract Map No. 17519.

PASSED AND ADOPTED this 7th day of May, 2013.

JIM RIGHEIMER
Mayor, City of Costa Mesa

ATTEST:

CITY CLERK OF THE
CITY OF COSTA MESA

APPROVED AS TO FORM:

CITY ATTORNEY

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution Number 13__ as considered at a regular meeting of said City Council held on the 7th day of May, 2013, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 7th day of May, 2013, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2013

EXHIBIT A

FINDINGS

A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
   1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
   2. The proposed project does not comply with the performance standards as prescribed in the Zoning Code.
   3. The proposed project is not consistent with the General Plan or Zoning Code.

B. The proposed project does not comply with Costa Mesa Municipal Code Section Code Section 13-29(g)(1) because:

   1. There are no special circumstances applicable to the property. The strict application of development standards does not deprive the property of privileges enjoyed by others in the vicinity.
   2. The deviations constitute a grant of special privileges inconsistent with other properties in the vicinity.
   3. The granting of the deviation will allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

C. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because:

   a. The proposed development or use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area.

   b. Granting the minor conditional use permit will be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

   c. Granting the minor conditional use permit will allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

D. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the project does not meet the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.

E. The subdivision of the property for residential ownership is not consistent with the City's General Plan and Zoning Code.

F. The Costa Mesa Planning Commission has denied Planning Application PA-13-04 and Tentative Tract Map TT-17519. 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.

G. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 3

RECEIVED
CITY CLERK

13 APR 15 PM 2:56

CITY OF COSTA MESA
BY_____

Costa Mesa

City of Costa Mesa

☒ Appeal of Planning Commission Decision/Rehearing: $1,220.00

☐ Appeal of Zoning Administrator/ Building Official / Fire Marshal / Staff Decision: $690.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name* Jonathan Atha - President, Catalina Shores Homeowners Association

Address 391 Catalina Shore Drive, Costa Mesa, CA 92627

Phone 949-929-3942 Representing Catalina Shores Homeowners Association

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.)

Planning Application PA-13-04 to construct a 14-unit, two-story detached single-family residential development.
Tentative Tract Map No. 17519
Address: 2157 and 2159 Tustin Avenue
Decision Rendered by the Planning Commission on April 8, 2013.

Decision by: Costa Mesa Planning Commission

Reasons for requesting appeal, rehearing, or review:

On Monday April 8, 2013 the Costa Mesa Planning Commission approved a variance and two significant administrative adjustments for a proposed development of a premier property in Eastside Costa Mesa. There were approximately 12-15 local residents who expressed significant concerns with safety and density of the plan at the hearing.

The proposed development stretches city requirements to bare minimums and further requires two significant administrative adjustments in an effort to achieve maximum allowable density on a property that cannot adequately accommodate the design.

We believe that the Commission inadvertently erred in relaxing the City's Regulations and Design Guidelines based on the explanation of determining factors in their decision.

- The explanation failed to address the two primary issues of Safety and Density focusing primarily on temporary and less significant matters.
- The explanation cited a theoretical scenario based on what might have happened with a different property owner/ developer that ultimately is conjectural and not applicable to the matter in consideration.
- The developer in his rebuttal erroneously stated that he would be within his rights to build a less-attractive apartment-style complex that would not be subject to Commission approval. This prospect was accepted and referenced as a factor in the Commission's decision but was not verified to be accurate.

It is with these thoughts in mind that we sincerely hope that you will find it worthwhile for further consideration as to how this property might better be developed in order to retain the safety and special nature of our neighborhood.

Date: April 15, 2013 Signature: Jonathan Atha

*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
**Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only – do not write below this line

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

ATTACHMENT 4

4. **Application No.:** PA-13-04 & TT-17519
Applicant: Matt White
Site Address: 2157-2159 Tustin Avenue
Zone: R2-MD
Project Planner: Minoo Ashabi
Environmental Determination: Exempt

Description:
1) Design review to construct a 14-unit, two-story detached single-family residential development, including the following:
a. Variance from open space requirement (40% required, 39% proposed);
b. Variance from common lot requirement;
c. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 11 to 13 feet proposed);
d. Administrative Adjustment to reduce the distance between main buildings (10 feet required, 6 feet proposed);
e. Minor Modification to reduce front setback requirement for a perimeter wall along Tustin Avenue (10 feet required, 8 feet proposed);
f. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 99% to 108% proposed).
2) Tentative Tract Map for the subdivision of the property for condominium purposes.

Commissioner Mathews announced that under their rules he recued himself from this item because he owns a property near the location of the application.

Vice Chair Dickson asked how the maintenance association will enforce the use of the garage for parking not storage. Ms. Ashabi responded it is a shared agreement between the home owners and if they do not enforce it then the City would.

Matt White, applicant, is an agreement with the conditions of approval.

PUBLIC COMMENTS:

Jonathan Atha, resident, stated he supports the development of the project but does have concerns with safety on the street and quality of life.

Kathryn Anderson, resident, stated she supports the development because it is meeting people needs for a home.

Mark Buchanan, resident, stated he is glad that Mr. White is the one developing it but is concerned with the maximum density being allowed.

Jim Little, neighbor, stated concerns with the views into his house, and the three-foot side yard which could cause problems with noise, privacy, and access issues.

Jeff Krolopd, neighbor, stated concerns with the density.

John Garrett, neighbor, stated concerns with construction traffic safety, parking, and traffic.

Elizabeth Bader, resident, stated concerns with guest parking, traffic, and garbage.

Charles Massingill, neighbor, stated concerns with traffic, parking, and having too many houses built.

Monica Atha, resident, stated concerns with the variations and number of houses to be built.

Jennie Massingill, neighbor, stated concerns with traffic, density, and the number of cars on Tustin Avenue from the project.

Lance Ryan, resident, stated that he is happy about the development but has concerns with the number of homes, variances, setbacks, limiting open space, traffic safety, and privacy.

Daniel Simon, resident, stated he concurs with what his neighbors have said and to keep the quality of life there.

Michael Magnani, resident, stated he believes that Mr. White is the right person to development there but has concerns with the density, setbacks, and distances in between the homes.

Sara Rollins, resident, stated concerns with the variances, trash cans, parking, and dangerous conditions in the construction zone.

Keith Palmer, architect for the project, asked if an apartment complex could go in instead based on the zoning would it be reviewed and approved at staff level without a public hearing.

Charles Rollins, resident, stated concerns with the driving safety, having no homeowners association, and the trash cans out on the street.

Matt White responded to the concerns of the public by stating that the only variance he asked for was for the front yard setbacks off of Tustin and the rest of the variances he is only off by a small percentage.

Chair Fitzpatrick asked about where the trash cans will be stored. Mr. White responded that he would make a change to do a private trash service.

Commission McCarthy asked about the privacy issues. Mr. White responded that there will be a shed metal roof over the windows facing Tustin that would help cover the view and he is willing to explore other options.

Commissioner McCarthy moved to reopen public comments and Chair Fitzpatrick seconded it.

Dotty Wilson, resident, stated concerns with parking, trash, traffic, and safety.

Vice Chair Dickson asked how is Condition No. 22 going to be enforced with regards to the garage to be used for parking not storage if there is no homeowners association. Mr. White responded the maintenance association can hire a third party and have that be apart of the service.

Chair Fitzpatrick asked if Mr. White would agree on putting in a buyers note about potential lights that may go up at the school behind the potential property. Mr. White responded yes.

Ms. Flynn clarified that only two variances were being requested now, the open space requirement and common lot. She also clarified how the homeowner's agreement would work and that the setbacks meet the requirements.

MOTION: Move that based on the evidence in the record and the findings contained in Exhibit A, subject to the conditions of approval contained with in Exhibit B, the Planning Commission approve Planning Application PA-13-04 and Tentative Tract Map TT-17519 with the following new and/or amended conditions:
No. 8: Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring residential uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to residents and also businesses during construction.
The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager. There shall be no construction traffic or construction parking on Windward Lane.
No. 22: Prior to issuance of building permits, the developer shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office. The CC&Rs shall contain provisions that effectively implement the following requirements: (1) require that the maintenance association effectively manage parking. If onsite parking is not appropriately managed, the Development Services Director shall require implementation of corrective measure(s) to address onsite parking problems in the future; (2) require that the maintenance association contract with a towing service to enforce the parking regulations; (3) require that the maintenance association require and enforce that garage spaces are unobstructed for vehicle parking and are used for parking vehicles; and (4) Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective. The Development Services Director may also require that the maintenance association include role and responsibilities of an unincorporated homeowners association.
No. 48: The applicant and future homeowners shall contract with a private waste disposal company that will provide full on-site trash and recyclable collection. There shall be no storage of trash bins or cans on Tustin Avenue with the exception of temporary use of the right-of-way for rolling containers or loading to larger trash trucks.
No. 49: A homebuyer notification shall be provided to future buyers that the property is adjacent to a City park and Newport Mesa Unified School District property to the west and south and that lighting may be intensified after dusk in the future.
No. 50: The street curb on Tustin Avenue adjacent to this property will be red painted to limit street parking and to ensure egress visibility subject to requirements of Transportation Division.
Moved by Vice Chair Dickson, seconded by Commissioner McCarthy.

The motion carried by the following roll call vote:

Ayes:	Fitzpatrick, Dickson, McCarthy, Sesler
Noes:	None
Absent:	None
Abstained:	Mathews

The Chair explained the appeal process.

PLANNING COMMISSION AGENDA REPORT

MEETING DATE: APRIL 8, 2013 **ITEM NUMBER: VI. 4**

SUBJECT: **PLANNING APPLICATION PA-13-04 / TENTATIVE TRACT MAP NO. 17519 FOR A 14-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2157 AND 2159 TUSTIN AVENUE**

DATE: **MARCH 26, 2013**

FROM: **PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

PRESENTATION BY: **MINOO ASHABI, PRINCIPAL PLANNER**

FOR FURTHER INFORMATION CONTACT: **MINOO ASHABI, AIA (714) 754-5610**
minoo.ashabi@costamesaca.gov

DESCRIPTION

The proposed project involves the development of a 14-unit two-story detached, residential common-interest development on a 1.24-acre site on Tustin Avenue north of 21st Street. The project includes the following:

1) ***Design Review PA-13-04*** to construct a 14-unit, two-story detached single-family residential development, including the following:

a. Variance from open space requirement (40% required, 39% proposed);
b. Variance from minimum lot size (3,000 SF required, 2954 SF proposed);
c. Variance from average lot size (3,500 SF required, 3,351 SF proposed);
d. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 11 to 13 feet proposed);
e. Administrative Adjustment to reduce the distance between main buildings (10 feet required, 6 feet proposed);
f. Minor Modification to reduce front setback requirement for a perimeter wall along Tustin Avenue (10 feet required, 8 feet proposed);
g. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 99% to 108% proposed).

2) ***Tentative Parcel Map No. 17519*** to subdivide a 1.24-acre parcel for a residential common interest development.

APPLICANT

The applicant is Matt White of MW Custom Homes, Inc.

RECOMMENDATION

Adopt resolution to approve Planning Application PA-13-04 and TTM 17519, subject to conditions.

PLANNING APPLICATION SUMMARY

Location: 2157 and 2159 Tustin Avenue Application Number: PA-13-04, TT-17519

Request: Common Interest Development for 14-unit common interest development and a subdivision map.

SUBJECT PROPERTY:		**SURROUNDING PROPERTY:**	
Zone:	R2-MD	North:	Residential
General Plan:	MDR	South:	Boys and Girls Club (city park)
Lot Dimensions:	327 ' x 165'	East:	Residential (City of Newport Beach)
Lot Area:	1.24-acres	West:	Elementary School
Existing Development:	One parcel currently developed with two residential structures		

DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed R2-MD zone	Proposed/Provided
Lot Area	12,000 SF	54,014 SF
Maximum Site Coverage	60%	Approx. **59%**
Density:		
Medium Density Residential Land Use	Max. 12 units per acre	12 dwelling units per acre
Zone – R2-MD	Max. 14 dwelling units 1 du/3,630 sq. ft.	14 dwelling units 1 du/3,857 sq. ft.
Min. Lot Size for Ind. Dwelling Unit Lot	3,000 sq. ft. 3,500 sq. ft. average	**2,954 sq. ft.** [1] **3,351 sq. ft.** [2]
Building Height	Two-stories / 27 feet	27 feet
Distance between main buildings	10 ft.	**6 ft.** [3]
Building Setbacks:		
Front (Tustin Ave.)	20 ft. 20 ft.	**13 ft.** [4]
Interior Side	5 ft.	13 ft.
Average Side Setback of 2nd Floor	10 ft.	13 ft.
% ratio of 1st floor to 2nd floor	80%	**99% - 108%** [5]
Common Lot	Required	Lot A
Front Landscape Setback	10 ft.	**8 ft.** [6]
Parking:		
	Two garage and two open per unit 28 garages and 28 open parking	28 garages and 28 open parking spaces
Total	40 spaces	40 spaces
Open space	40% minimum	**39%** [7]

[1] - Variance from minimum lot size requirement. See staff report
[2] - Variance from average lot size requirement. See staff report
[3] - Administrative Adjustment for a reduction in distance between buildings. See staff report
[4] - Administrative Adjustment for reduction in front setback. See staff report
[5] - Deviation from Residential Design Guidelines. See staff report
[6] - Encroachment into front landscape requirement. See staff report
[7] - Variance from minimum open space requirement. See staff report

Final Action	Planning Commission
CEQA Review	Exempt

BACKGROUND

The 1.24-acre project site abuts residential uses (Catalina Shores Development) on the north, Heinz Kaiser Elementary school on the west and Boys and Girls Club site and Hanford park on the south. The site contains two residential structures. The property is zoned R2-MD and can potentially be developed with 14 units at maximum density of 14 du/ per acre.

ANALYSIS

Project Site Plan

The proposed plan includes 14 two-story detached units on separate lots with a common drive at the center. The site is accessed from Tustin Avenue and functions as a traditional low density subdivision with symmetrical lots and housing units on both sides of the private drive at a density of 14 dwellings per acre. Rolled curbs are proposed for the interior street; however, the street configuration does not allow for on-site street parking. Most units include a driveway length of 18 feet 6 inches (19 feet minimum required).

To allow for a larger setback to the existing homes to the north, the 7 units along that edge maintain a 15-foot setback to the first floor and the second floors are at 13 feet from the rear property line. Code requires a minimum side yard setback of five feet and the Residential Design Guidelines recommend a 10-foot setback to the second floor. The proposed setback exceeds code requirements and provides a traditional interface with the adjacent community with back to back rear yards.

Variances

Open Space

The proposed design has a shortfall of 1 percent with respect to minimum open space requirements. At forty percent open space a minimum of 21,606 square feet of private and common open space is required. The proposed development is designed as a traditional subdivision with private back yards. Each unit has an average of 510 square feet of private open space. The remainder of the open space is provided in front street setback, side yard and read yard setbacks and in front of each unit as a small front yard.

Minimum Lot Size/ Average Lot Size

The proposed subdivision includes 14 numbered lots for individual units and a lettered lot for the common drive and access. As, this is a common interest development a common parcel is required. Since having the common drive through the entire site and including all landscape areas; five of the individual lots are slightly smaller than the required 3,000 square feet. For the same reason, this configuration will allow for larger lots at the corner and smaller lots in between; therefore, the average lot size is also smaller than the code requirement (3,500 SF required, 3,315 SF proposed). Even though, the application includes several variances, the site design meets the maximum density requirements and the layout provides for a private yard for each of the units at the rear, a front porch in the front and a common landscape area at the terminus of the street for a desirable focal point

from the entrance. The site design is not compromised because of the requested variances. The homes are designed with adequate common and private open space and provide sufficient setback from the residential community to the north and the public right-of-way.

Administrative Adjustment

Front Yard Setback

The site is designed with two units facing on the side of the street that are at 13 feet from the front property line; one loft option will result in an additional two-foot encroachment for the second floor. These units include side yards that are separated from the street by a privacy wall. The privacy fence will be screened by additional landscaping to provide for an enhanced street elevation; the proposed 13 feet will allow for installation of adequate number of trees and plants to meet the perimeter landscape requirement. In addition, the privacy walls are required to be finished with a design and finish that will match the residential development.

Distance between Buildings

Common interest developments are required to maintain a minimum 10 feet separation between structures. In this design, this distance is reduced to 6 feet to meet the rear yard setback requirements and allow for a larger separation from the school site. This configuration was intended to provide more open space at the rear and maximize the visibility of the adjacent open space (park site) from the existing residential development to the north. The homes are designed with off-sets and adequate number of windows, where each room has alternatives for placement of clear glass windows. In addition, the second floor loft options allows for greater setbacks and interior daylight light opportunities.

Parking

The 14-unit development is required to provide 28 enclosed garage spaces and 28 open parking spaces. The proposed site plan provides a 23-foot wide common drive and the driveways in front of the garages are 18'6". The Transportation Division has verified that the proposed 18'6" driveway lengths in combination with the required back out distance into the private street are adequate for vehicle circulation.

It should be noted that Code refers to a 19-long driveway as measured from the ultimate property line. The intent of this standard is to ensure that vehicles do not overhang into a public sidewalk or public street. In this case, these driveways are oriented to the private street and not the development lot line (i.e. ultimate property line). Therefore, this standard does not apply to the proposed driveways.

To allow for adequate maneuvering in and out of the driveways, the applicant is proposing a wider radius for the driveway flares and a wider than typical garage door. These two upgrades will address the slight decrease in the driveway length and the configuration has been approved by the Transportation Division.

Residential Design Guidelines

The guidelines recommend an 80 percent second floor to first floor ratio for better massing and improved aesthetics. The proposed units exceed this requirement and the footprint of the second floor is larger in most units than the first floor; however, all units include a larger front porch that will enhance the front and side elevations. Two of the end units include a front and a side porch. There is a variety of elevation design and materials proposed that will meet the intent of the guidelines and provide a desirable streetscape and as well as four-sided architecture. A condition is included to require installation of architectural enhancements on the side yards specifically for the two units along Tustin Avenue frontage.

Landscaping

The site includes extensive front landscaping and a landscaping focal point at the rear of the site visible from the entrance. Seven large size trees are proposed on the Tustin Avenue frontage. The privacy wall and project perimeter walls are proposed and conditioned to match the contemporary architecture of the buildings.

Mino Modification - Front Landscape Setback

The proposed project takes one direct access from Tustin Avenue. The project is designed with eight feet of landscaping adjacent to the public right-of-way; ten feet is required along street frontage. The proposed 8-feet setback is slightly narrower than the requirement; however, this configuration allows for adequate landscaping in front of the privacy walls, which are separating the side of the homes from the street right-of-way. The community is not configured or proposing to provide a vehicular gate. Staff encouraged the applicant to move the units toward the street to provide for better separation from the residential properties to the north; since the proposed configuration off-sets the mass of homes related to the development to the north and allows for more open space visibility from those units. This resulted in a reduced setback on Tustin Avenue that is sufficient to be enhanced with extensive landscaping and decorative walls to complement the adjacent properties.

Subdivision

The proposed subdivision includes 14 numbered lots and one lettered lots that include the main drive and the landscape lots in the front and rear of the site. The average lot size for the units range from 2,954 square feet 3,854 square feet. The applicant is proposing a common interest development that would require establishment of a homeowners association and recordation of CC&Rs.

JUSTIFICATIONS FOR APPROVAL

Code Section 13-29(g)(1) requires any of the following findings for variances and administrative adjustments:

1. Because of special circumstances applicable to the property, the strict application of development standards deprives the property of privileges enjoyed by others in the vicinity.
2. The deviation shall not constitute a grant of special privileges inconsistent with other properties in the vicinity.
3. The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

Despite the requests for deviation from Code requirements, staff believes that the purpose and intent of the Zoning Code is satisfied. Staff recommends approval of the requested entitlements for the following reasons:

- *The proposed project is consistent with the General Plan/Zoning Code with regard to use, density and intensity.* Because the property is located in a Medium Density Residential land use and promotes home ownership opportunities, staff believes that the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. The proposed development is a multiple-family residential development, which is consistent with the uses allowed in the R2-MD zone. Per the Zoning code, the maximum density allowed in the R2-MD zone is 14 units; 14 units are proposed. As discussed below, it is staff's opinion that the proposed development intensity will be in accordance with the medium density general plan designation for the property.

- *To promote land use compatibility, the development project exceeds the Code requirements by including enhanced setbacks from the Catalina Shores development.* Code requires a 5-foot setback for main buildings along the side property line shared with the adjacent condominium complex. The developer's original proposal included minimal setbacks along this interface which complied with Code requirements. However, the plan was completely revised to increase the setback from 5 to 10 feet (original proposal) to 13 through 15 feet. This significant reconfiguration of the homes maximizes the building setbacks along the common property line to specifically address the neighbors' concerns regarding light, air, privacy, and compatibility. In contrast, the setback of the proposed homes along the property line shared with Hanford Park is about 10 feet. Staff believes that the recent revisions fully satisfy the intent of the Code related to compatibility, scale and character in consideration of an adjacent residential neighborhood.

- *Variance from open space requirements will only reduce the overall open space area by 478 square feet for the entire site (approx. 1%).* The location of the property is unique in that it is directly adjacent to two open space areas: the playfields of Kaiser Elementary School and Hanford Park. The requested deviation from open space requirements is considered a minimal deviation that is offset by enhanced landscaping and private open space areas. The proposed development is designed as a traditional subdivision with private back yards. Each unit has an average of 510 square feet of private open space. The remainder of the open space is provided in front street setback, side yard and read yard setbacks and in front of each unit as a small front yard. The small reduction in the open space is justified since the site design allows for adequate private and common open space

and does not jeopardize the single family detached living style that is intended with the common interest development projects.

- *Variances from the minimum lot size requirement (3,000 sf required, 2,954 sf proposed) and average lot size requirements (3,500 sf required, 3,351 sf proposed).* The proposed development does not exceed the allowable General Plan density. The common interest development with incorporation of a common lot including the common drive and landscape areas. Although the proposed minimum lot sizes are slightly smaller for five of the lots than the minimum standard (2,954 SF vs. 3,000 SF), there are nine lots that exceed the minimum requirement. This design includes a larger common area and results in smaller individual lots, but provides a better site design and interface with the adjacent residential development with respect to setbacks. The deviation in the overall average lot size is also considered minimal. Staff believes that the scope and scale of the project is comparable to several similarly zoned projects in the neighborhood. Granting of this deviation will not affect the allowed number of units, and the development will be in compliance with the General Plan designation.

- *The Administrative Adjustment for encroachment into front landscape setback requirement along Tustin Avenue is offset by an 8-foot landscape setback will be provided adjacent to the public right-of-way.* The frontage on Tustin Avenue is accented with extensive landscaping. The proposal includes a small yard for each of the two units along Tustin Avenue. Code requires a minimum 10 feet of setback for fencing over 3 feet in height. The proposed privacy walls will encroach two feet into the landscape setback and will affect 70% of the street frontage; the remaining frontage will provide accent landscaping and an entry to the community. The buildings and the front porches are located at 13 feet from the property line and in keep with the neighboring setbacks and how the buildings are oriented.

  As conditioned, installation of minimum of seven 24-inch and 36-inch box trees along that street frontage and a decorative privacy wall that is compatible with the building designs and materials will alleviate the aesthetic impacts of the reduced setback.

- *Reduced front setback is limited to the side elevations of two units.* The proposed reduced setback from the front property line is applicable to the side of the homes and only account for approximately 70 percent of the lot frontage. Because the property is located adjacent to open space areas, including a neighborhood park and school grounds, development flexibility is applied to provide relief from the front setback requirements. However, aesthetic impacts due to the diminished width of the front setback are mitigated by additional project enhancements. As conditioned, the enhanced elevations and landscaping will improve the street view and will be in keeping with the rest of the neighboring residential community.

- *Reduced Distance Between buildings – The proposed reduction will not negatively impact the privacy of the new residents in that there are minimal windows in the side yards.* The proposed floor plans provide for four-sided architecture with window and daylight opportunities on all sides. A loft option for the second floor will also reduce the second floor footprint and allow for larger building to building

setbacks. The proposed 6 feet distance between buildings is inevitable with the number of proposed structures on this site and the required rear setback. Common interest developments are required to maintain a minimum 10 feet separation between structures. In this design, this distance is reduced to 6 feet to meet the rear yard setback requirements and allow for a larger separation from the school site. This configuration was intended to provide more open space at the rear and maximize the visibility of the adjacent open space (park site) from the existing residential development to the north. The reduced setbacks are justified with off-sets and adequate number of windows, where each room has alternatives for placement of clear glass windows. In addition, the second floor loft options allows for greater setbacks and interior lighting. A condition is included that requires high windows and frosted glass be used when windows are directly facing one another.

- *Apart from the requested deviations, project complies with Zoning Code and intent of Residential Design Guidelines.* The overall architectural design promotes excellence and compatibility. The two-story structures are cottage style homes with contemporary accents and finishes. The proposed units are not within the limits of 80 percent second-floor to first-floor ratio recommended in the City's Residential Design Guidelines (99% to 108% proposed); however the staggered wall design and roof elements diminishes the boxy design appearance from all four sides. As conditioned, no modifications can be made to the exterior elevations without approval from Planning.

- *Adequate On-site Parking is provided.* Each unit is provided with two garage spaces and two open parking spaces. The proposed site plan provides a 23-foot wide common drive and the driveways in front of the garages are 18'6" (19 feet minimum required). To allow for adequate maneuvering in and out of the driveways, the applicant is proposing a wider radius for the driveway flares and a wider than typical garage door. These two upgrades will address the slight decrease in a conventional driveway length of 19 feet and has been approved by the Transportation Division. A condition has been included to require installation of oversized garage doors and larger driveway flares.

- *The proposed Tentative Tract Map is consistent with subdivision requirements*. The proposed property is physically suitable to accommodate the subdivision for condominium purposes. Engineering staff has confirmed that there are no interferences with the City's or other utility right-of-way areas and/or easements within the tract.

GENERAL PLAN CONFORMITY

If approved, the use and density would conform to the City's General Plan. Also, as noted earlier, the project is consistent with General Plan Goal LU-1A.4 which encourages additional home ownership opportunities in the City. In addition, this proposal is consistent with City policies for revitalizing older housing units and promoting new development.

PUBLIC COMMENTS

Staff received two comment letters in opposition to the project (Attachment 4). The applicant worked with the homeowners to address the concerns and significantly revised the site plan. Issues raised were discussed in the analysis.

ENVIRONMENTAL DETERMINATION

If the request is approved, it would be exempt from the provisions of the California Environmental Quality Act under Section 15332 for New Construction. If the request is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project, subject to the recommended conditions of approval.
2. Deny the project. If the project were denied, the applicant could not submit substantially the same type of application for six months.

CONCLUSION

It is staff's opinion that the proposed development satisfies the intent of the General Plan and applicable Zoning Code sections. The requested variances are administrative adjustment is justified due to the dimensions of the site and best site planning practices for interface with existing residential communities and the adjacent public uses. Given that the structures include both single and two-story elements and provide adequate separation from the adjacent properties and public right-of-way, staff believes that the variety and the massing of the structure will be in character with other residential development in the area.

MINOO ASHABI
Principal Planner

CLAIRE FLYNN, AICP
Asst. Development Services Director

Attachments:
1. Draft Planning Commission Resolutions and Exhibits
2. Applicant's Project Description
3. Location Map
4. Public Comments
5. Plans

Distribution:
Director of Economic & Development/Deputy CEO
Senior Deputy City Attorney
Public Services Director
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Fire Protection Analyst
Staff (6)
File (2)

Matt White
MW Custom Homes
3090 Pullman Street
Costa Mesa, CA 92626

PLANNING COMMISSION SUPPLEMENTAL MEMORANDUM

MEETING DATE: APRIL 8, 2013

SUBJECT: **PLANNING APPLICATION PA-13-04 / TENTATIVE TRACT MAP NO. 17519 FOR A 14-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2157 AND 2159 TUSTIN AVENUE**

DATE: **APRIL 5, 2013**

FROM: **PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

PRESENTATION BY: **MINOO ASHABI, PRINCIPAL PLANNER** MA

FOR FURTHER INFORMATION CONTACT: **MINOO ASHABI, AIA (714) 754-5610**
minoo.ashabi@costamesaca.gov

The applicant would like to revise the subdivision map to reflect a small lot subdivision. This type of subdivision would allow a Maintenance Agreement to be in the place of a Homeowner's Association because the common lot would be removed.

This memo is provided for the following additional information:

- Revised Tentative Tract Map (Common Lot (Lot A) deleted)
- Revised project description related to variance requests to adjust calculations for average and individual lot size requirements.
- New variance findings for removal of common lot.
- Modifications to resolution and conditions of approval.
- Public comments submitted

Tentative Tract Map 17519

The original submittal for the subdivision of the property included 14 numbered lots for the 14-unit development and a lettered lot for a common drive, landscaping and street setback. The applicant has requested to delete conditions related to formation of a homeowners association and instead proposing to establish a maintenance association among the homeowners for use and maintenance of the common areas. The tentative tract map is proposed to be revised to 14-lot development eliminating the common parcel (Lot A). Please refer to Attachment 3.

Revised Project Description

The revised configuration will result in 14 lots that meet the minimum lot size and average lot size requirement for common interest development; therefore the variance requests for the minimum lot size and average lot size are no longer applicable. The resolution has been revised to reflect this change. However, since the common lot has been eliminated approval of a variance from the common lot requirement would be needed for the proposed configuration.

Variance from Common Lot

A small lot subdivision in R2-MD zoning is permitted by approval of a Residential Common Interest Development (RCID). The City's Zoning Code requires a common lot for RCIDs. A common parcel is defined as "an area containing at least 10 feet of street setback landscape areas." With the revised tract map a common lot is not proposed. The intent of the common lot was for common ownership and formation of a homeowners association that would own and maintain the common areas. The site configuration provides for common use and access through an easement and maintenance agreement. If approved, this development is still considered a small lot subdivision and would be subject to requirements of a maintenance agreement and not a Homeowner's Association. As conditioned, the applicant will be required to submit CC&Rs for review and approval by staff to ensure that maintenance requirements are addressed.

Please refer to the attachments (revised Tentative Tract Map) and Exhibit B (Conditions of Approval) that have been revised to reflect this request.

Public Comments

Since distribution of the staff report, staff has received several public comments that have been included as Attachment 2. No new issues were raised that have not been discussed in the staff report. The concerns are related to density, reduced front setback, rear yard setbacks and interface with the adjacent residential development and building massing (larger second floor footprint).

Attachments:
1. Revised Resolution
2. Public comments
3. Revised Tentative Tract Map 17519

Distribution:
Director of Economic & Development/Deputy CEO
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (4)
File (2)

ATTACHMENT 1

RESOLUTION NO. PC-13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-13-04 AND TENTATIVE TRACT MAP 17519 LOCATED 2157 AND 2159 TUSTIN AVENUE

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

WHEREAS, an application was filed by Matt White, authorized agent for White-Warmington Tustin Ave. LLP, owner of real property located at 2157 and 2159 Tustin Avenue, for the following:

1) Planning Application PA-13-04:
   a. Variance from open space requirement (40% required, 39% proposed);
   b. Variance from common lot requirement;
   c. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 11 to 13 feet proposed);
   d. Administrative Adjustment to reduce the distance between main buildings (10 feet required, 6 feet proposed);
   e. Minor Modification to reduce front setback requirement for a perimeter wall along Tustin Avenue (10 feet required, 8 feet proposed);
   f. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 99% to 108% proposed).

2. ***Tentative Parcel Map No. 17519*** to subdivide a 1.24-acre parcel for residential common interest development.

WHEREAS, a duly noticed public hearing held by the Planning Commission on April 8, 2013 with all persons having the opportunity to speak for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-13-04 and Tentative Tract Map 17519.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-13-04 and Tentative Tract Map 17519 and upon applicant's compliance with each and all of the

conditions in Exhibit "B", and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 8th day of April, 2013.

_____
Jim Fitzpatrick, Chair
Chair, Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 8, 2013 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"
FINDINGS

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

- The proposed use is compatible and harmonious with uses on surrounding properties.
- Safety and compatibility of the design of the 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, as conditioned, is consistent with the General Plan.
- 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(g)(14) in that:

a. The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features. The overall architectural design promotes excellence and compatibility. The two-story structures are cottage style homes with front porches and contemporary accents and finishes. The proposed units are not within the limits of 80 percent second-floor to first-floor ratio recommended in the City's Residential Design Guidelines; however the staggered wall design and roof elements diminishes the boxy design appearance from all four sides.

b. The proposed project is a medium density development with adequate private and common open space. The proposed plans allow for adequate landscaping and separation between buildings.

c. The proposed development plan and subdivision meets the broader goals of the General Plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.

C. Pursuant to Section 13-29(g)(13) of the Municipal Code, the subject property is physically suitable to accommodate Tentative Tract Map 17519 in terms of type, design and intensity of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan. The applicant has requested deviations from development standards and conditions of approval have been applied to the project to compensate for specified deviations.

D. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(1) because:

a. Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.

b. The deviation 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 deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Additional facts and findings are as follows:

- *The proposed project is consistent with the General Plan/Zoning Code with regard to use, density and intensity.* Because the property is located in a Medium Density Residential land use and promotes home ownership opportunities, staff believes that the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. The proposed development is a multiple-family residential development, which is consistent with the uses allowed in the R2-MD zone. Per the Zoning code, the maximum density allowed in the R2-MD zone is 14 units; 14 units are proposed. As discussed below, it is staff's opinion that the proposed development intensity will be in accordance with the medium density general plan designation for the property.
- *To promote land use compatibility, the development project exceeds the Code requirements by including enhanced setbacks from the Catalina Shores development*. Code requires a 5-foot setback for main buildings along the side property line shared with the adjacent condominium complex. The developer's original proposal included minimal setbacks along this interface which complied with Code requirements. However, the plan was completely revised to increase the setback from 5 to 10 feet (original proposal) to 13 through 15 feet. This significant reconfiguration of the homes maximizes the building setbacks along the common property line to specifically address the neighbors' concerns regarding light, air, privacy, and compatibility. In contrast, the setback of the proposed homes along the property line shared with Hanford Park is about 10 feet. Staff believes that the recent revisions fully satisfy the intent of the Code related to compatibility, scale and character in consideration of an adjacent residential neighborhood.
- *Variance from open space requirements will only reduce the overall open space area by 478 square feet for the entire site (approx. 1%)*. The location of the property is unique in that it is directly adjacent to two open space areas: the playfields of Kaiser Elementary School and Hanford Park. The requested deviation from open space requirements is considered a minimal deviation that is offset by enhanced landscaping and private open space

areas. The proposed development is designed as a traditional subdivision with private back yards. Each unit has an average of 510 square feet of private open space. The remainder of the open space is provided in front street setback, side yard and read yard setbacks and in front of each unit as a small front yard. The small reduction in the open space is justified since the site design allows for adequate private and common open space and does not jeopardize the single family detached living style that is intended with the common interest development projects.

- *Variances from the Common Lot requirement will not affect the site design:* The location of the property is unique in that it is directly adjacent to two open space areas: the playfields of Kaiser Elementary School and Hanford Park. The proposed development does not exceed the allowable General Plan density. The deviation from the common lot requirement is considered minor since the common areas will be maintained and accessible through an easement and maintenance agreement. Staff believes that the scope and scale of the project is comparable to several similarly zoned projects in the neighborhood. Granting of this deviation will not affect the allowed number of units, and the development will be in compliance with the General Plan designation.
- *The Administrative Adjustment for encroachment into front landscape setback requirement along Tustin Avenue is offset by an 8-foot landscape setback will be provided adjacent to the public right-of-way.* The proposed reduced setback from the front property line is applicable to the side of the homes and only account for approximately 70 percent of the lot frontage. Because the property is located adjacent to open space areas, including a neighborhood park and school grounds, development flexibility is applied to provide relief from the front setback requirements. However, aesthetic impacts due to the diminished width of the front setback are mitigated by additional project enhancements. As conditioned, the enhanced elevations and landscaping will improve the street view and will be in keeping with the rest of the neighboring residential community.
- *Reduced Distance Between buildings – The proposed reduction will not negatively impact the privacy of the new residents in that there are minimal windows in the side yards.* The proposed floor plans provide for four-sided architecture with window and daylight opportunities on all sides. A loft option for the second floor will also reduce the second floor footprint and allow for larger building to building setbacks. The proposed 6 feet distance between buildings is inevitable with the number of proposed structures on this site and the required rear setback. Common interest developments are required to maintain a minimum 10 feet separation between structures. In this design, this distance is reduced to 6 feet to meet the rear yard setback requirements and allow for a larger separation from the school site. This configuration was intended to provide more open space at the rear and maximize the visibility of the adjacent open space (park site) from the existing residential development to the north. The reduced setbacks are justified with off-sets and adequate number of windows, where each room has alternatives for placement of clear glass windows. In addition, the second floor loft options allows for greater setbacks and interior lighting. A condition is included that requires high windows and frosted glass be used when windows are directly facing one another.

E. 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.

F. The proposed use of the subdivision is for residential ownership purposes, which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.

G. The subdivision of the property for residential ownership is consistent with the City's General Plan and Zoning Code.

H. The subdivision 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.

I. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

J. The project is exempt from the provisions of the California Environmental Quality Act under Section 15332 for New Construction.

K. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

EXHIBIT "B"

CONDITIONS OF APPROVAL

Plng.

1. The expiration of Planning Application PA-13-04 shall coincide with the expiration of the approval of the Tentative Tract Map 17519 which is valid for two years. An extension request is needed to extend the expiration for each additional year after the initial 2-year period.
2. The conditions of approval for PA-13-04 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. 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.
4. The private, interior fences or walls between the homes shall be a minimum of six feet in height. The privacy fencing along Tustin Avenue shall be complementary to the home designs subject to review and approval of the Development Services Director.
5. The landscape setback on Tustin Avenue shall be enhanced with a minimum of seven large trees (three 36-inch box size and four 24-inch box size) and extensive landscaping for an enhanced entrance to the project subject to review and approval by Planning Division.
6. The side elevations on Tustin Avenue shall be enhanced by additional architectural features (i.e., dormers, shutters, etc.) and variety of materials and colors to improve the boxy appearance of the structures from Tustin Avenue.
7. Prior to issuance of certificate of occupancy, the applicant shall construct a minimum 6-foot tall decorative block wall around the perimeter of the project site, unless otherwise approved by the Developer Services Director. 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.
8. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring residential uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to residents and also businesses during construction.
   The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager.
9. The subject property's ultimate finished grade level may not be filled/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. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.

10. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
11. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, 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 or a variance, or in the requirement to modify the construction to reflect the approved plans.
12. To avoid an alley-like appearance, the private street shall not be entirely paved with asphalt nor be developed with a center concrete swale. The private street shall be complemented by stamped concrete or pervious pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
13. Two (2) sets of detailed landscape and irrigation plans, consistent with the preliminary plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
14. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
15. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
16. Street trees in the landscape parkway shall be selected from Appendix D of the Streetscape and Median Development Standards and appropriately sized and spaced (e.g. 15-gallon size planted at 30' on centers), or as determined by the Development Services Director once the determination of parkway size is made. The final landscape concept plan shall indicate the design and material of these areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
17. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened upon view, under direction of

Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.

18. Provide proof of recordation of TTM 17519 and CC&Rs prior to issuance of building permits.
19. Applicant shall provide proof of establishment of a maintenance association prior to release of any utilities.
20. Prior to the issuance of building permits, the applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Development Services Department.
21. Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading as well as the appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Building official prior to issuance of grading permits.
22. Prior to issuance of building permits, the developer shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office. The CC&Rs shall contain provisions that effectively implement the following requirements: (1) require that the maintenance ~~homeowner's~~ association (HOA) effectively manage parking. If onsite parking is not appropriately managed ~~by the HOA~~, the Development Services Director shall require implementation of corrective measure(s) to address onsite parking problems in the future; (2) require that the maintenance association contract with a towing service to enforce the parking regulations; (3) Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective.
23. Prior to issuance of building permits, developer 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.
24. Applicant shall provide proof of establishment of a maintenance ~~homeowner's~~ association prior to release of any utilities.
25. If the project is constructed in phases, the perimeter wall, landscaping along the frontages, and irrigation shall be installed prior to the release of utilities for the first phase.
26. The project entrance is not designed for vehicular gates. A buyer notification shall be provided to future buyers that the community will not be able to accommodate gates without physical changes to the proposed ingress and egress configuration.

Bldg.

27. Submit grading plans including a hydrology report and soils report.
28. Provide an erosion control plan.
29. Submit a soils report for the projects, Recommendation of the Soils Report shall be printed on the architectural and grading plans.
30. On graded sites the top of exterior foundation wall shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent. Refer

to 2010 California Residential Code R403.1.7.3

31. Lots shall be graded to drain surface water away from foundation walls. The grade shall be a minimum of 6 inches within the first 10 feet. Refer to California Residential Code Sec. R 401.3.

Eng. 32. At the time of development submit for approval an Offsite 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 registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa.

33. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.

34. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.

35. Haul routes must be approved by the City of Costa Mesa, Transportation & Engineering Division.

36. Submit subdivision application and comply with conditions of approval and code requirements.

37. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. residential sidewalk on Randolph Avenue per City of Costa Mesa Standards with the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.

38. Applicant/Developer is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the City for the loss of trees from the public right-of-way. Conditions of the Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months, therefore, the applicant/developer is advised to identify all tree affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays.

39. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk at applicant's expense.

40. 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 of the property.

41. The applicant shall comply with all of the engineering conditions for Tract Map 17519 as set forth in the City Engineer's letter dated March 21, 2013 attached hereto.

Fire 42. Dwellings will require the installation of a residential fire sprinkler system.

43. Provide smoke detectors.

Trans. 44. Fulfill mitigation of off-site traffic impacts at the time of issuance of occupancy by submitting to the Planning Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City

Council. The traffic impact fee is calculated including credits for all existing uses. At the current rate per trip end, the traffic impact fee is estimated at $ 11,779. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permit/certificate of occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

45. All driveways shall be a minimum 18 feet wide unless an adequate back up space is provided subject to approval of Transportation Division.
46. Construct residential driveway approach at location specified on submitted site plan. Drive approach dimensions shall be noted on the site plan as x = 4 feet, w = 28 feet.

Utilities

47. Prior to the issuance of a connection permit, the applicant shall pay the applicable water connection fees.

CITY OF COSTA MESA

CALIFORNIA 92628-1200 P.O. BOX 1200

PUBLIC SERVICES DEPARTMENT

March 21, 2013

Costa Mesa Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

SUBJECT: Tentative Tract No. 17519
LOCATION: 2157-2159 Tustin Avenue

Dear Commissioners:

Tentative Tract Map No. 17519 as furnished by the Planning Division for review by the Public Services Department consists of subdividing one lot for condominium purposes. Tentative Tract Map No. 17519 meets with the approval of the Public Services Department, subject to the following conditions:

1. The Tract shall be developed in full compliance with the State Map Act and the City of Costa Mesa Municipal Code (C.C.M.M.C.), except as authorized by the Costa Mesa City Council and/or Planning Commission. The attention of the Subdivider and his engineer is directed to Section 13-208 through 13-261 inclusive, of the Municipal Code.

2. The Subdivider shall conduct soil investigations and provide the results to the City of Costa Mesa Engineering and Building Divisions pursuant to Ordinance 97-11.

3. Two copies of the Final Tract Map shall be submitted to the Engineering Division for checking. Map check fee shall be paid per C.C.M.M.C. Section 13-231.

4. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.

5. Dedicate an ingress/egress easement to the City for emergency and public security vehicles purposes only. Maintenance of easement shall be the sole responsibility of a Homeowners Association formed to conform to Section 13-41 (e) of the C.C.M.M.C.

6. Vehicular and pedestrian access rights to Tustin Avenue shall be released and relinquished to the City of Costa Mesa except at approved access locations.

7. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager.

77 FAIR DRIVE
PHONE: (714) 754-5343 • FAX: (714) 754-5028 • TDD: (714) 754-5244 • www.ci.costa-mesa.ca.us

8. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. sidewalk per City of Costa Mesa Standards as shown on the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.

9. Submit for approval to the City of Costa Mesa, Engineering Division, Street Improvement Plans, that show Sewer and Water Improvements, prepared by a Civil Engineer.

10. The Subdivider shall submit a cash deposit of $730 for street sweeping at time of issuance of a Construction Access permit. Full amount of deposit shall be maintained on a monthly basis prior to and during construction until completion of project.

11. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Final Tract Map

12. The Subdivider's engineers shall furnish the Engineering Division a storm runoff study showing existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any street or drainage facility on-site or off-site. This study to be furnished with the first submittal of the Final Tract Map. Cross lot drainage shall not occur.

13. Ownership and maintenance of the private on-site drainage facilities and parkway culverts and other common areas shall be transferred by the owner to the Homeowner Association to be formed pursuant to C.C.M.M.C. Section 13-41 (e) and said association shall indemnify and hold harmless the City for any liability arising out of or in any way associated with the connection of the private drainage system with the City's drainage system and shall execute and deliver to the City the standard (indemnity) Hold Harmless Agreement required for such conditions prior to issuance of permits.

14. Sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 631-1731 for information.

15. Water system improvements shall meet the approval of Mesa Consolidated Water District; call (949) 631-1200 for information.

16. Dedicate easements as needed for public utilities.

17. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.

18. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital-graphics file of said map in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.

19. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.

20. The elevations shown on all plans shall be on Orange County benchmark datum.

21. Prior to recordation of a Final Tract Map, submit required cash deposit or surety bond to guarantee monumentation. Deposit amount to be determined by the City Engineer.

22. Prior to occupancy on the Tract, the surveyor/engineer shall submit to the City Engineer a Digital Graphic File, reproducible mylar of the recorded Tract Map, and approved off-site plan and nine copies of the recorded Tract Map.

Sincerely,

Fariba Fazeli, P. E.
Interim City Engineer

(Engr. 2013/Planning Commission Tract 17519)

COLGAN, JULIE

From: Mark @ NMSC [nmsc@prodigy.net]
Sent: Sunday, April 07, 2013 8:42 PM
To: Steve Mensinger; Gary Monahan; PLANNING COMMISSION
Subject: Youth Sports, Lights & a Planning Commission Item

Gentlemen,

There is an item on the agenda of the Planning Commission for tomorrow night that I'd like to raise your awareness of. It is Item 4, regarding a proposed14-unit development on Tustin Avenue, in Eastside, by Mr. Matt White. I'm not opposed to the development -- it would generate significant revenues to the City. I just want to point out that its location is right next to Kaiser Elementary's ball fields, the Lou Yantorn Branch of the Boy's and Girl's Club, and a neighborhood tot lot/park.

Someday, we need to allow lights at Kaiser. Can we get something into the agreement that basically states that "anyone who buys or rents one of these townhouses is FULLY AWARE that there is the POSSIBILITY that SOMEDAY the ball fields, the park and the Boy's & Girl's Club could have lighting."

Let's be proactive to stop future NIMBY's from claiming "We were never told that this was a possiblity".

Thank you for your consideration.

Mark Arblaster
President
Newport Mesa Soccer Club

ASHABI, MINOO

From: Zabeth Shuman [zabeths@mwcustom.com]
Sent: Friday, April 05, 2013 3:22 PM
To: ASHABI, MINOO
Cc: Matt White
Subject: Letter of Recommendation
Attachments: Trevor Walker.doc; Mesha Swart.pdf

Minoo,

Attached are two letters of recommendation for our 2157 Tustin Ave Project (East Haven) for our Planning Commission meeting Monday, April 8th.

Please advise if City Staff reads these letters during the meeting or if a MW Custom Homes team member needs to read?

Thank you,

::

Zabeth Shuman | Director of Communications
MW Custom Homes
3090 Pullman Street | Costa Mesa, CA 92626
Tel 714.434.4371| Fax 714.557.1838
mwcustom.com

City of Costa Mesa
Planning Commission
PO Box 1200
Costa Mesa, CA 92628-1200

April 5, 2013

RE: 2069 Tustin Ave, Costa Mesa CA 92627 – Matt White Custom Homes New Home Community

Dear Planning Commission:

I am writing to endorse the team of Matt White Custom Homes (MW), which includes an endorsement of each of the individual team members involved. My endorsement comes after my wife and I purchased one of the ten units that MW built in the Midtown development in Costa Mesa during 2012.

My extended family has an extensive background in building materials and the real estate industry as a whole. With that basis, I can confidently state that Matt and his team not only put out a quality product, but they do so with great integrity at the peak of professionalism.

I believe the city of Costa Mesa will benefit from another MW development. I say this because it is my personal opinion that citizens take more pride in their homes, neighborhood and city when they live in a community that they enjoy. The development at Midtown has led to "front-porch" living. We spend a tremendous amount of time with each other and take pride in our community. This isn't lip service – we can easily produce pictures from 4th of July, Oktoberfest, Christmas and Super Bowl functions. That may just sound like parties, but they were just good excuses to spend time together. We have reservations for 13 for dinner and go-carts tomorrow to celebrate a couple birthdays. I hope you approve MW's new development so that others can live in a community like this one. I have lived on the Eastside and Mesa Verde neighborhoods and there is something dramatically different living in a community such as MW is proposing.

The bottom line is that, while I would not like to give up my house or my neighbors, I am a bit envious of the future owners of MW's new project as I am sure they will apply the lessons learned from their first development (Midtown) and produce and even more exemplary product.

Sincerely,

Trevor Walker

City of Costa Mesa
Planning Commission
PO Box 1200
Costa Mesa, CA 92628-1200

April 5, 2013

RE: 2157 Tustin Ave, Costa Mesa CA 92627 – Matt White Custom Homes New Home Community

Dear Planning Commission:

I purchased my home at 2079 Thurin Street in Costa Mesa from Matt White Custom Homes almost a year ago. I am very happy I made the purchase and have been pleased with the quality of construction and the level of service I have received from his team.

I work in residential real estate in Newport Beach and Costa Mesa and am familiar the current housing market and low level of inventory. I have several buyers who are anxious to find homes. Home prices are rising and buyers are fearful of being priced out of the market. Matt White Custom Homes provides quality construction at an affordable price to the consumer, and I believe his new project will be well-received by the surrounding community.

In addition to providing affordable, quality housing, Matt White puts a lot of thought and planning into his developments. He has created homes with functional and flexible floor plans and used modern products with eco-friendly influences. The development I live in has front yards overlooking the center of the development; encouraging a sense of community and promoting neighbor interaction.

Should you have any questions, I can be reached at 949.400.4517 or mswart@homgroup.com.

Sincerely,

Mesha Swart

Mesha Swart

City of Costa Mesa
Planning Commission
PO Box 1200
Costa Mesa, CA 92628-1200

April 7, 2013

RE: 2157 Tustin Ave, Costa Mesa CA 92627 – Matt White Custom Homes New Home Community

Dear Planning Commission:

We have been the owners of a Matt White new home in Costa Mesa since July 1, 2013. We love living in our small community which has become a close-knit group of individuals and families.

The homes have been built with attention to detail and contemporary innovations. There is an emphasis on energy saving appliances, doors and windows as well as forward-looking designs which include readiness for solar, a maximization of light and comfort, higher end plumbing fixtures and appliances. At the same time, the architecture of the complete development is inviting and an asset to the City of Costa Mesa.

We have been very pleased with the quality of workmanship and the builder's responses to our requests for repairs and follow up. Matt White has been to visit our community regularly since the project was completed. As residents of Midtown, we feel he is still vested in these homes.

We are anxious to see what his next development will bring to the City.

If you have any questions, we would be happy to respond.

Sincerely,

David & Luita Auslam
2067 Thurin Street
Costa Mesa, CA 92627
949-612-7712

Kathryn Anderson

2159 Tustin Avenue• Costa Mesa, CA 92627• Phone: 949/722-6649
E-Mail: missanderson@roadrunner.com

April 8, 2013

Received
City of Costa Mesa
Development Services Department
APR 08 2013

Costa Mesa Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Commissioners:

My name is Kathryn Anderson. I have resided at 2157 / 2159 Tustin Ave. for 62 years. That is the property where Matt White's project is to be constructed. I am being impacted by the project more than any other individual in this room. My life was impacted when the pony farm and horse stable across the street became Windward Lane and the orange grove across Tustin Ave. became Bonnie Bay Estates. I was impacted when the Thetford home next door became multiple units and six two-story homes directly overlooked our backyard. Yet I have had the pleasure of meeting many of my neighbors and was surrounded by good people. And that is exactly what Matt White's project is all about, meeting people's needs for a home.

When my Mom, Margaret Anderson passed away, I was informed that our property was being sold and that I would have to move. Panic is the feeling that comes with homeless. There are families that are in need of homes right now and in eastside Costa Mesa there is nothing to be found. I know because I have looked. If a home does become available there are 8-12 offers above asking price and generally cash offers are the ones accepted. I wonder how many people here tonight were able to pay cash for their homes. It is my hope that our neighborhood would be willing to welcome new families and come to learn what I have, that it is our neighbors that really matter.

If I mention that our property was sold to a member of the Warmington family, the response is that they are the best people and a wonderful local family. Matt White builds homes that are of the highest quality. He has always kept his word and does what he says he will do. He is the best person for the job. There are families who are hoping and praying for a home of their own, just like those of us here tonight who at some time hoped and prayed for a home..

As for Matt's request for home expansions beyond the required limits, the expansions are minimal and the homes need to be large enough to accommodate families. Dare I say, I am the one individual giving up more space than anyone else here tonight in order to make room for the new neighbors. Those of us who reside along Tustin Avenue are very blessed and fortunate. Please let us allow others to be blessed and fortunate as well. I am asking the honorable members of the Costa Mesa Planning Commission to approve Matt White's project as proposed. I have no financial interest in the project whatsoever. I just know that Matt will do an excellent job for our community and I am here in support of his project.

Thank you,

Kathryn Anderson

Kathryn J. Anderson

April 5, 2013

Costa Mesa Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, Calif. 92626.

Subject: Planning Application PA-13-~~14~~ 04
Location: 2157-2159 Tustin Avenue

We are heirs of the estate of Margaret and Orby Anderson, which sold the above-referenced property to the applicant, Matt White. We are writing this letter in support of Mr. White's proposed development.

After the death of our Mother in 2011, we researched various developers who might be interested in purchasing the estate property and, as part of this process, visited Matt White's newly-constructed "Midtown" development on Thurin Avenue in Costa Mesa. We were impressed by the attractive design of this project and the affordable pricing of the residences. We were not surprised to later learn that all units in the development sold quickly despite an adverse market.

As negotiations progressed with potential buyers, Mr. White demonstrated a continuing interest in the property that exceeded that of the other buyers, and we quickly became convinced that the purchase and development of our property was not for Matt just another project. After we agreed to sell him the property, Mr. White was always forthright during contract negotiations and, to his credit, he did not attempt to take advantage of unexpected circumstances that arose late during contract negotiations and escrow.

We believe Matt White to be an honest and capable builder. We have reviewed his development proposal and feel his project will be an attractive one that will provide much-needed housing for fourteen families. We urge you to approve Mr. White's planning application.

Just as a point of information, we closed escrow and received full payment for the property several months ago and we have no financial interest in any determination made by the City with regard to Mr. White's application.

Respectfully Submitted,

Kathryn Anderson

Robert M Anderson

Robert M. Anderson

Rose Sherwin

Received
City of Costa Mesa
Development Services Department
APR 08 2013

February 25, 2013

Ms. Claire L. Flynn, AICP
Assistant Director Development Services
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

RE: PENDING NEW HOME DEVELOPMENT
2157 TUSTIN AVENUE

Dear Ms. Flynn:

The development of this site is unusually significant. It will be very visible at a point where Newport Beach and Costa Mesa come together, both literally and figuratively, and will be seen by the larger community as a reflection of how Costa Mesa views itself. We would like to help you and Matt White make this development both successful and something we can all be proud of for years to come.

My neighbors and I live on Catalina Shore Drive, adjacent to the site, and we have unique insights that we would like you to consider. We are pleased to see that the intent of the City's Residential Design Guidelines is "to promote design excellence." We think that the City and Kerry Smith "set the bar" in that regard when he created our Catalina Shores community over 15 years ago. We are also pleased that new construction is to be "compatible in scale and character with existing buildings and natural surroundings" and "consistent with the prevailing character of existing development in the immediate vicinity…." We share the same goals.

We understand that development is inevitable. To preserve the quality of life on our street and the surrounding area, I would like to share a few observations and concerns and ask that you consider a few requests as you process the development plan.

Observations

1. This site is special.

   There will never be development on three of its sides: to the east is Tustin Avenue, to the west is Kaiser Elementary School and to the south is Costa Mesa's Jordan Park and then the Boys' & Girls' Club. This new project will be visible from all these busy public places forever, public places that are a familiar gathering point for the community. Everyone who passes by, visits the park, enjoys a Boys' & Girls' Club basketball game, attends Kaiser or uses the sports fields will notice the project you approve.

   Tustin Avenue is the dividing line between Costa Mesa and Newport Beach. On the Newport Beach side of the street, Windward Lane and Francisco Drive are filled with large single-family homes built in the 1960s and 1970s. Along Tustin Avenue and, past 22nd Street to the north, the homes on both sides of the street

Mark T. Buchanan
379 Catalina Shore Drive
Costa Mesa, CA 92627

(949) 515-9162 (Home)
(949) 307-3262 (Cell)
markbuchanan379@gmail.com

are similar. Our Catalina Shores development is a miniature version of these, very compatible with the surrounding area (see Photo 1).

We have always received compliments about our little street. The homes are nice looking; the street is wide; there is no "jammed in" feeling. It fits the neighborhood. There has always been conveyed a sense of relief that the developer and the City "did it right" (see Photo 2).

2. Vehicle and people traffic along Tustin Avenue is busy.

   Tustin Avenue is already a very busy street between 22nd and 21st. The new development will add more vehicular ingress and egress as well as additional on-street parking to the same vicinity that now includes Windward Lane and Catalina Shore Drive. Children come and go to Kaiser Elementary, nearby Woodland Elementary, the Boys' & Girls' Club and the park every day. Weekends attract families and children to the sports fields and to the park in seemingly ever-growing numbers. It can be a sea of SUVs, bikes, skateboards, scooters, walkers, runners, strollers and ball players, with young kids often darting across the street focused more on their event than on safety.

3. It is not our job to subsidize a developer's profit.

   A developer maximizes density for one of two reasons: either, he paid too much for the land and has to build the most possible in order to make a profit, or, he wants to make the most money possible regardless of the impact on the neighborhood. It is not the job of the City or the responsibility of the neighbors to accept an incompatible or burdensome project in either case. The City, the community and the neighbors will live with the result long after the developer has finished and moved on.

Concerns

1. Most important to us is maintaining our quality of life.

   As infill developments go, our street is wide and both the fronts and backs of our homes have variations of roof lines, patios, garages and yards that break up the density and give the feeling of individuality and privacy. Our back yards are small but large enough to entertain, play with our kids and enjoy being outdoors. From our south-facing homes, we can sit outside and watch the sun set (see Photo 3).

   We understand that the proposed development will include fourteen homes. By comparison, the same-sized section of our street would have eleven homes (six on each side less one for the fire truck turnaround/parking lot). To achieve their density, they are proposing setbacks as narrow as 5' along the property line, 4' for the north side of the homes at the rear (this side would run along my entire rear property line, only 4' away and two stories tall).

The prospect of 2-story homes looming above us from just past our rear walls is not at all appealing (see Photo 4).

2. Our home values will be affected.

   A new development that is more dense than Catalina Shore Drive, that has narrower setbacks between homes and along our shared property line and that is inconsistent with the character of our neighborhood will be detrimental to home values in general. If higher density makes possible lower price points for new homes immediately next door, our home values will suffer. If, on top of that, the new homes tower over our back yards and give our street the feeling of being overwhelmed, it will be even worse.

3. It will be difficult to sell our homes during the next couple of years.

   Regardless of the final design, Catalina Shores residents will endure the normal noise and mess associated with nearby development. Prospective buyers of our homes will be hesitant to buy during the construction period and anyone shopping in this market may prefer a new home, especially if it will be priced below our recent values.

<u>Requests</u>

1. Approve an attractive project that fulfills your Design Guidelines, enhances the neighborhood and projects a Costa Mesa that cares about its residents and the community.

   We are confident that this developer will build an attractive project. We ask that the project fit with its surroundings and take advantage of its unique location adjacent to permanent open space.

2. Approve a project of comparable density to Catalina Shore Drive with comparable setbacks along the shared property line and between houses.

   We always knew that some day homes would be built on this adjacent property. It was our expectation that those new homes would be similar to our own. After all, we are in the same zone, in the same area, with the same surroundings. Both sites are of similar width. We expected that Catalina Shore Drive not only met the standards when it was built, but, because it is such a nice street, set the standard for this future development. Otherwise, what was the point of providing us usable back yards?

   For the new homes that share the property line, we ask that each has a comparable set back to the existing Catalina Shores home behind it (setbacks vary depending on floor plans but each home has elements that range from 16'

to over 26'). Site plans for the new development should include the actual location and setbacks of Catalina Shores homes along the property line so the impacts can be accurately evaluated during the review process.

The backs of our homes are broken up by differing slopes of the roofs, wall articulation and by varying setbacks to make room for yards and to create privacy (see Photo 5). The combination creates interest and openness. We ask that the back of the new homes provide us a comparable view.

The setbacks between the new homes should be the same 5' as between Catalina Shores homes.

We recognize that the days of watching sunsets are ending, but we request that we end up with the same view to the south as our new neighbors will enjoy to the north. We do not expect complete privacy, just comparable privacy.

3. Incorporate landscaping and screening to maximize privacy.

   There are currently mature trees on the new development site. We ask that the new landscaping be designed to incorporate mature replacement trees and screening elements that provide maximum privacy upon project completion.

4. Address the increased traffic and parking demands along Tustin Avenue.

   We ask that a traffic study evaluate street parking needs and ingress/egress activity along Tustin Avenue. Vehicular comings and goings along with parking needs for Boys' & Girls' Club activities and Kaiser field sporting events create a potentially dangerous environment that has not been addressed. Solutions may include red curbs along sections of Tustin Avenue or additional parking access at Kaiser Elementary.

In summary, I think we are all working toward the same end. We want an attractive, quality development that is compatible with its surroundings. We recognize that under any circumstances this development will be a burden to us as neighbors; the process will be noisy and messy and will affect our ability to sell or move. The greater concern, though, is what impact this development will have on our quality of life and property values after it is completed.

We ask that you use our Catalina Shore Drive community as a model for this new development. Such an approach is consistent with our goals and will reflect well on the values projected by Costa Mesa.

Thank you for your consideration. We would be glad to meet with you to discuss our concerns. Also, you are welcome to stop by and see for yourself why Catalina Shore Drive is special (see Photo 6).

Sincerely,

Mark T. Buchanan

Mark T. Buchanan
Resident and Homeowner

enclosures

cc: Lance Ryan
Catalina Shores Homeowners Association
Matt White, Matt White Custom Homes

Photo 1: The Surrounding Area

Photo 2: Catalina Shore Drive

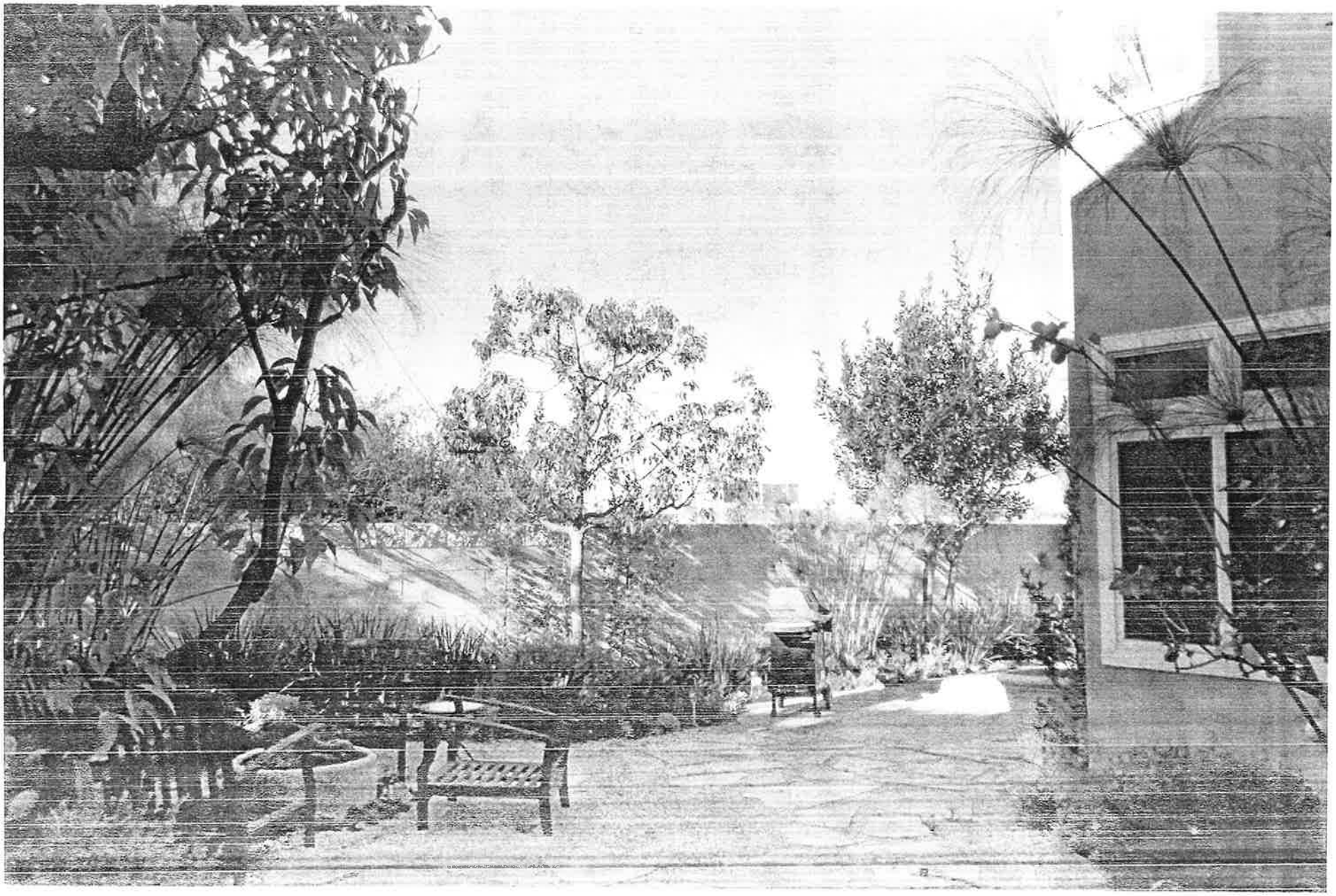


Photo 3: Catalina Shores Back Yard Facing West

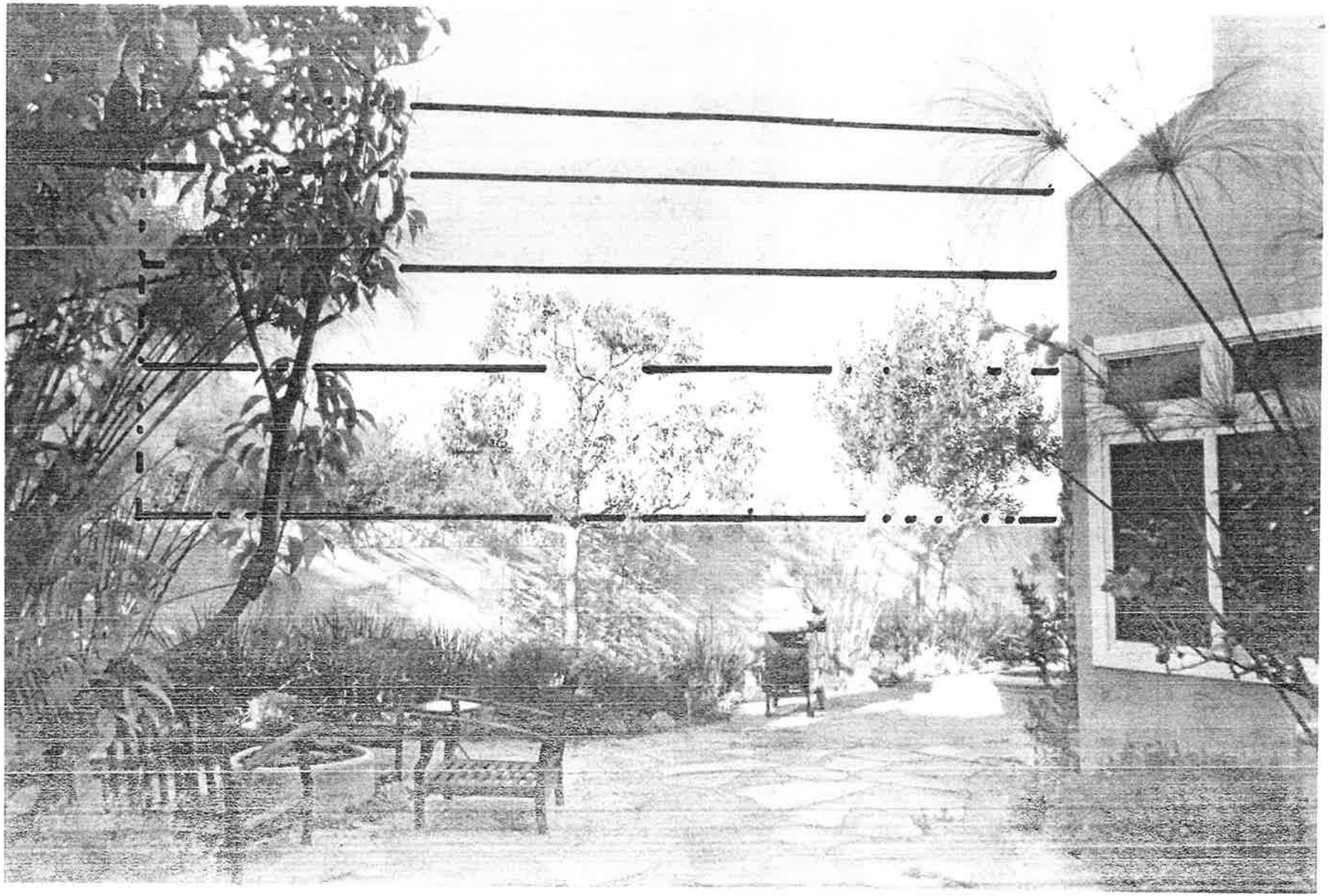


Photo 4: Catalina Shores Back Yard Facing West (with proposed development outlined)

ASHABI, MINOO

From: Mark T. Buchanan [mark.buchanan@davispartners.com]
Sent: Monday, April 08, 2013 12:42 PM
To: FLYNN, CLAIRE
Cc: ASHABI, MINOO; Lance Ryan; Jonathan Atha (jatha@xsmail.com); markbuchanan379@gmail.com
Subject: FW: 2157 Tustin Avenue Heads Up

Just to follow up, the homeowners met yesterday and compared notes on the staff report. There are a number of concerns that I don't think can be addressed this morning, so we will plan to express them tonight at the hearing.

I do have a few operational observations for you:

1. Does the city pick up trash on a private street? If not, each of the homeowners will wheel a trash can to Tustin every week (if CM recycles, that could be 28 trash cans?). We utilize a dumpster serviced by Waste Management instead. Matt liked the dumpster idea when he noticed ours last week, but his plan does not seem to have a place to put one.
2. In practice, a garage and two spots in the driveway will lead to parking problems on the private street. I understand that is the standard, and it may work fine on private streets with a few homes. As we've learned on our street with 12 homes, there are just a lot of visitors in one narrow space (guests, dropping off and picking up kids, housekeepers, gardeners, plumbers, UPS delivery vans, etc.). These visitors will all park on the private street instead of driveways and will use other people's driveways to turn around. Or, these visitors will park on Tustin, exacerbating the problem I mentioned to you before. Our little parking lot mostly eliminates this problem.
3. The staff report seems to anticipate the parking issue by requiring that the HOA police the parking. Based on our experience, that may be optimistic. The reality is that hiring a professional management company is too expensive for such a small community, so that leaves it to the neighbors. Many neighbors never want to be involved at all (and there will be renters in the mix), so only a few families will ever take on the responsibility. Among those, few will want to be the "bad guy" who tows a neighbor's vehicle (certainly not more than once). The city will inevitably become involved with a problem that by then may not be solvable. (see comment 2)

Some things just work better on paper than in practice.

Thanks again. We will see you tonight.

Mark T. Buchanan
Chief Operating Officer – Management & Leasing | #01014059
949.296.3542 dir | 949.752.8776 fax
mark.buchanan@davispartners.com
1420 BRISTOL STREET NORTH, #100, NEWPORT BEACH, CA 92660

WWW.DAVISPARTNERS.COM

DAVISPARTNERS STRATEGY ACCOU

From: Mark T. Buchanan
Sent: Friday, April 05, 2013 3:59 PM
To: 'Claire.Flynn@costamesaca.gov'
Subject: 2157 Tustin Avenue Heads Up

Where did the week go? I just left you a voice message. I picked up copies of the staff report on Wednesday and passed them along to the Catalina Shore homeowners. All have been trying to digest everything before the meeting on Monday.

Some of the homeowners have lingering concerns. We want to convey them to you in a complete, thought-through and timely way, but we have not been able to get together since Wednesday. We have

COLGAN, JULIE

VI.4

From: Ron Manning [ronmanning@earthlink.net]
Sent: Tuesday, April 02, 2013 7:49 PM
To: PLANNING COMMISSION
Cc: Ron Manning
Subject: 2157 - 2159 Tustin Ave.q

I just noticed the notification on this property.

I beg the planning commission to deny this request. Building codes were put into place as guidelines to keep a community livable and pleasant for the residents. These codes have been in place for a long time and should be adhered to with variances granted on a rare case. The city of Costa Mesa has allowed so much over building that parking has become a huge issue in many residential areas. It seems the city of Costa Mesa is more interested in taxes/revenue than the quality of life for its residents. The city needs to STOP this practice.

This developer is not asking for just one or two variances but SEVEN variances. This request should be denied, no questions asked. Obviously, this deeper is only interested in maximizing his profit on this property, not the quality of life for the residents.

PLEASE DENY THIS 14 DIVISION REQUEST!

Ron Manning
2080 Santa Ana Ave.
CM
949-278-1639

VI.4

JIM LITTLE
2449 WINDWARD LANE
NEWPORT BEACH, CALIFORNIA
92660
(949) 548-8475
(949) 722-1160 fax
jimlittle2449@gmail.com

Received
City of Costa Mesa
Development Services Department
APR 03 2013

April 3, 2013

City of Costa Mesa Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, Ca. 92628

Re: PA-13-04 & TT-17519

I'd like to start off by saying that Mrs. Anderson was a good neighbor of ours and we are sorry of her recent passing. We have owned our up scale residence at 2449 Windward Lane for 35 years. We are directly across the street from the proposed project in a one story home. When Catalina Shores was in the approval stage, I requested that some trees be put in the rear yards of the project for screening and privacy purposes. This request was denied, so Mrs. Anderson planted some along the southerly wall of the Catalina Shores project. God bless her. Now those trees will be removed.

Not one privacy concern for our residence has been addressed with this development and we place a strong objection to this fact. The 7 trees that are proposed along Tustin Avenue may take years to mature, and still not accomplish privacy for either of us. Our 7000± square foot upscale lot encompasses almost the entire frontage of the project. The backyard pool area, and center patio, where we entertain, sides on to Tustin Avenue and the project. We have always known that some type of development would occur, and our main concern is privacy. We have maintained our privacy from street level views on Tustin Avenue with a block wall and some landscaping. Putting two story houses directly across the street will allow their upstairs windows to view the private living areas of our dwelling inside and out (See photo no.1, 2 & 2a). Our pool and sunbathing area will be completely exposed (See photo no. 1 & 3). That view from our side would also be the case for the upper story of the two units that have windows facing Tustin Avenue (See photo no. 4). The northerly unit siding Tustin Avenue will have to deal with headlights shining in their unit from traffic traveling west on Windward Lane during the nighttime hours (See photo no. 5). The two units that side on to Tustin Avenue should be required to be one story with roofs obscuring the view from interior units looking toward Tustin Avenue. 2448 Windward Lane has that feature and was considered during the development process of our development (See photo no. Ia). That would be the best step toward maintaining our and the neighborhood privacy problem and elimination most of the variance requests that have been made. Responsible planning and development should not tend to devalue adjacent properties. Eight requirements that are below present City of Costa Mesa standards are necessary to accomplish this development. What is the reason these variances are being considered? If the developer has paid to high a price for the property, the density burden should not have to be born by the surrounding

properties. This project is beyond the density that the property should be allowed to develop because of these variance requests. Because 14 units is the designation, doesn't mean that many are warranted. The City of Costa Mesa surely has put in considerable time and experience into setting the minimum requirements for development variances. Granting these variances will surely be a template, a reference and a guide for future developers and developments of this kind to fall back on. How will you say no to them.

If one unit was eliminated, the variance of open space, minimum lot size, average lot size and distance between buildings should be able to be attained. The driveway length is also critical. If opposite facing units have a large SUV type or similar vehicles in their driveways, they will encroach into the drive area and the travel width will be even narrower than is proposed. By approving the driveway setbacks and no guest parking onsite, street parking will be precious along the frontage of the project, for guests and families wishing to use the recreation facilities. If no driveway parking is available for the units guests toward the rear of the driveway will have to walk the entire distance. This doesn't seem to be the best solution to guest parking. Whenever a maintenance or repair truck vehicle that might be necessary to serve any of the residences surely will block most of the drive area.

A problem that is presently prevalent on Tustin Avenue is site distance. A comprehensive traffic study should take place, because this project has no provision for onsite parking other than driveways. Adjacent to this proposed project is a park, the Boys and Girls Club, a soccer field and two little league baseball diamonds and a school. Many times during the entire year, Tustin Avenue (which is a two lane street) is completely filled with parking on both sides of the street for an event at one of these locations. I petitioned and succeeded asking the City of Newport Beach to place a red no parking curb area on the curb area just south of Windward Lane for site distance purposes. Even then, people will park in the red area and right around the curb returns of Windward Lane. The lane offset between Windward Lane and the proposed driveway may lead to some left hand traffic concerns when turning onto Tustin Avenue. There is no stop sign between 22nd street and 21st street, whose length is at least 3 blocks. Cars reach their 30 mph speeds (which is the posted speed) or more between these stop signs. When attempting to pull out onto Tustin Avenue from streets that butt in to it, and there is parking on both sides, you must pull out into the traffic lane to see if there is anything on coming.

Although I'm not a resident of Costa Mesa proper, I am a next door neighbor and own two other properties in your city. I hope that I get the same consideration that a resident would be given.

Sincerely,

Jim Little

Jim Little

enclosures

Photo no. 1
2449 Windward Lane view from Tustin Avenue

2448 Windward Lane Photo no. 1a
Showing how roof construction can create privacy
Notice no windows on Tustin Avenue side

Photo no. 2
2449 Windward Lane
Center patio area NE

Photo no. 2a
2449 Windward Lane
Center Patio Area SW

Photo no. 3
2449 Windward Lane backyard pool area

Photo no. 4
2449 Windward Lane
Looking out towards new project from NE patio corner

ASHABI, MINOO

From: COLGAN, JULIE
Sent: Monday, April 08, 2013 8:11 AM
To: ASHABI, MINOO
Cc: ROSALES, MARTHA
Subject: FW: Oppose 2157-9 Tustin adjustments

From: WWhiNB@aol.com [mailto:WWhiNB@aol.com]
Sent: Sunday, April 07, 2013 10:10 PM
To: PLANNING COMMISSION
Cc: WWhiNB@aol.com
Subject: Oppose 2157-9 Tustin adjustments

To: Costa Mesa Planning Division
Re: 2157-2159 Tustin Avenue plans , application PA-13-04, TT-17519

My name is Winston Whitney, resident at 2189 Tustin Ave. I oppose the proposed master plan for subdivision of the 2157 and 2159 Tustin Ave. While I respect the right of a developer to subdivide property he owns, subdivision should abide by the current zoning requirements for setbacks, distance between buildings, 1st/2nd floor ratios, open space requirements, minimum lot sizes, and driveway lengths.

Current requirements are in place to keep additions to the neighborhood consistent with the current appearance, charm , and aesthetic value of the neighborhood. The proposal suggests to me crowded, congested urban blight, deviating greatly from the current neighborhood zoning and aesthetics.

Tustin Avenue parking becomes greatly congested during the adjacent youth center events which occur many evenings. While the youth center events are appropriate, there are cars jammed along the entire block during those events, suggesting the limited reserve the area has for additional congestion/ parking.

Past planning commissions have produced zoning restrictions for good reason. These restrictions have allowed for significant subdivision of previous single or double parcels, but at the same time have produced somewhat acceptable density and aesthetics.

I hope the planning commission can protect the interests of the surrounding neighbors, by maintaining the current acceptable setbacks and limitations on density. Although all the proposed administrative adjustments are unacceptable, I find the proposal to reduce front yard setbacks from 20 feet to 13 feet a particularly unattractive proposal.

I would hope plans include additional parking in the subdivision for the subdivision, (as is the case for the Catalina Dr. subdivision as an example).

Eastside Costa Mesa is an attractive community which we are all proud of. However, this proposal produces an unacceptable density which better fits aesthetically challenged areas of Santa Ana, not Costa Mesa. I strongly urge the commission to insist on adherence to existing zoning guidelines, and to reject all the proposed administrative adjustments.

Thank You, Winston Whitney

Ms. Claire L. Flynn, AICP
Assistant Director Development Services
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

RE: PENDING NEW HOME DEVELOPMENT
2157 TUSTIN AVENUE

Dear Ms. Flynn,

This letter is to express my concerns regarding the pending development at the above address.

The primary concern is the density of the project.

I have heard that there are to be 14 single family homes proposed for the space. **Quite frankly that is just too much!**

And here is why:

I live next door in a similar housing development, Catalina Shore Drive. We have 12 single family homes, with an approximate population of 48 people plus pets, 24 or more automobiles, and guests.

A housing development of 14 homes with an average of 4 people per home would be an additional 56 people, a minimum of 28 cars, pets and guests.

That is a significant impact on the environs of the neighborhood; traffic, noise, sewage, garbage, pollution, etc.

Tustin Avenue is already a very difficult street to traverse. It is difficult to see when exiting our street as to the many cars that are always parked there every day of the week because of the school, Boys and Girls club, and the sports activities that go 6 or 7 days a week.

Additionally, if I understand the proposal correctly the houses would loom over our street and significantly impact our environment as well.

I know that the development is coming, I implore you to please come look at our street and reduce the number of homes to be built next door and create a quality of life for our new neighbors and protect the quality of life that we currently enjoy.

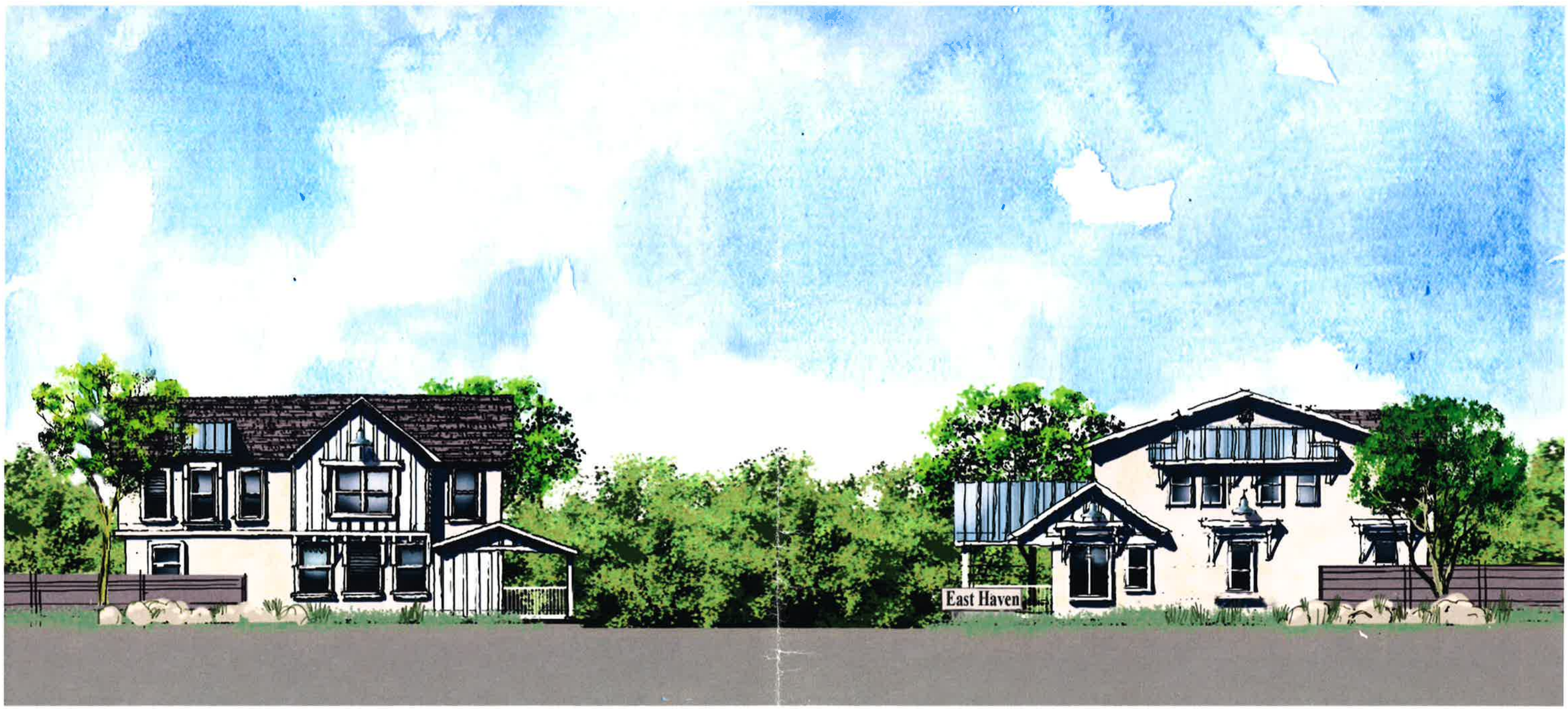
Most sincerely,

Elizabeth Bader

382 Catalina Shore Drive

714-402-0082

MATT | WHITE
CUSTOM HOMES



EAST HAVEN

Matt White Custom Homes (714) 434-4371

Bryant Palmer Soto Inc.
ARCHITECTS & ENGINEERS
Telephone: (949) 548-2330
BPS

MATT | WHITE
CUSTOM HOMES

EAST HAVEN

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BPS

LEGEND

- ELECTRICAL TRANSFORMER
- 5'-0" HIGH STANDARD PRODUCTION WOOD FENCE AT PROPERTY LINE
- EXTERIOR MASONRY WALL (REPAIR AS REQUIRED)
- NATURAL COLOR CONCRETE DRIVEWAY PAVING
- LOW PROJECT I.D. MONUMENT
- BASKET WEAVE UNIT PAVERS
- BIOSWALE ACCENTED WITH COBBLE/BOULDERS
- 6'-0" HIGH COMBINATION MASONRY AND ENHANCED WOOD FENCE
- REPLACE EXTERIOR MASONRY WALL WITH NEW 6'-0" MASONRY WALL
- WEDGE CURB
- 3'-0" HIGH PATIO ENCLOSURE FENCE
- CONCRETE PATIO (REFER TO ARCHITECTURE)
- PUMP STATION (REFER TO CIVIL)
- 6'-0" HIGH COMBINATION MASONRY RETAINING WALL AT REAR PROPERTY LINE
- (3) SQUARE PLANTERS WITH ACCENT PLANTING
- OUTLINE OF SECOND STORY

SHRUB PALETTE

AGAVE attenuata

ALOE arborescens

ALOE striata

ANIGOZANTHOS x 'Big Red'

CRASSULA argentea

ECHEVERIA x 'Afterglow'

EUPHORBIA tirucalli

LOMANDRA longifolia 'Katrinus Deluxe'

DIANELLA tasmanica 'variegata'

FESTUCA glauca

OPHIOPOGON planiscapus 'Nigrescens'

PENNISETUM spp.

STIPA spp.

PRUNUS carolinlana 'Bright N Tight'

TREE PALETTE

LIQUIDAMBAR rotundiloba

PLATANUS racemosa

LOPHOSTEMON confertus

TREE SYMBOLS

ACCENTS

Planter

-98-

March 27, 2013

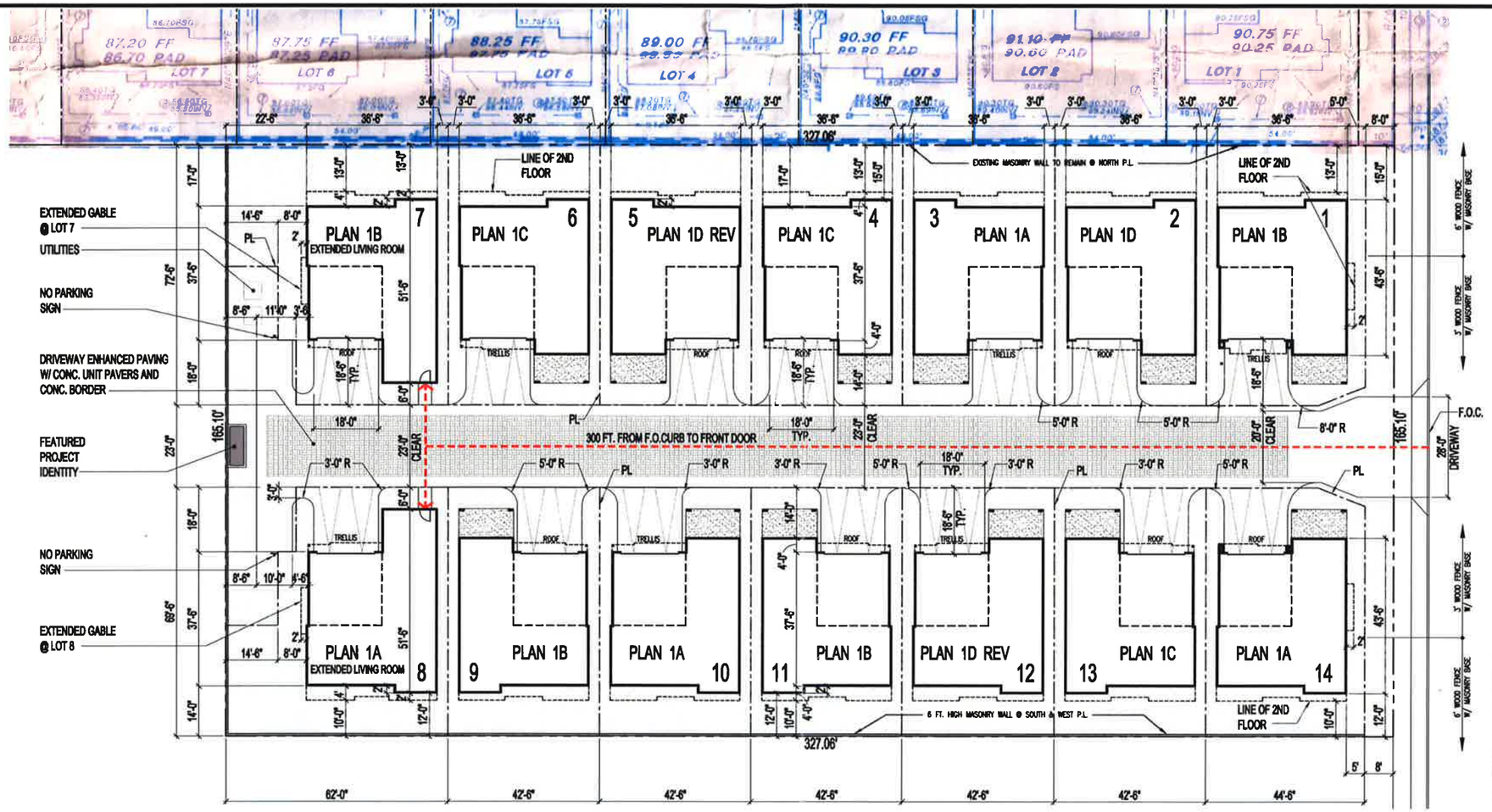
Prepared for:

MATT WHITE

LANDSCAPE CONCEPT PLAN
EAST HAVEN
2157 TUSTIN AVE - COSTA MESA, CA 92627

Prepared by:

BORTHWICK GUY BETTENHAUSEN INC.
2444 Dupont Drive • Irvine, California • 92612
949-476-8616 T 949-476-8707 F www.bgb-inc.com



NOTE:
REFER TO CIVIL FOR OFF-SITE IMPROVEMENTS

1 SITE PLAN
SCALE: 1/16" = 1'-0"

PLAN #1
12 UNITS TOTAL (3 BEDROOM - 2.5 BATH & LOFT PER UNIT)
(OPTIONAL 4 BEDROOM - 3.5 BATH & LOFT)

FIRST FLOOR	1,007 S.F. (LIVABLE AREA)
SECOND FLOOR	1,240 S.F. (LIVABLE AREA)
TOTAL	2,247 S.F. (LIVABLE AREA)
2 CAR GARAGE (20 x 20 CLEAR)	436 S.F. GARAGE AREA

PLAN #1 LOT 7 & 8 EXTENDED LIVING ROOM.
2 UNITS TOTAL (3 BEDROOM - 2.5 BATH & LOFT PER UNIT)
(OPTIONAL 4 BEDROOM - 3.5 BATH & LOFT)

FIRST FLOOR	1,132 S.F. (LIVABLE AREA)
SECOND FLOOR	1,240 S.F. (LIVABLE AREA)
TOTAL	2,372 S.F. (LIVABLE AREA)
2 CAR GARAGE (20 x 20 CLEAR)	436 S.F. GARAGE AREA

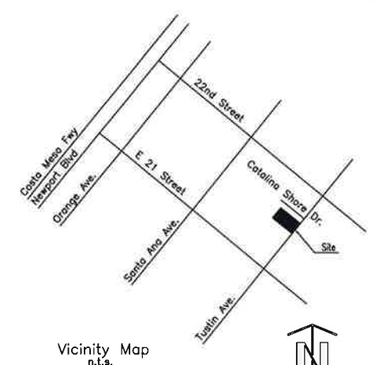
OPTIONAL INTERIOR
LOFT EXPANSION FOR ALL LOTS : 175 S.F.
SEE 2/A3

PROJECT DATA

ZONE:	R2-MD	
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL	
LOT AREA:	53,998 S.F. (327.06' x 165.10')	
DRIVEWAY / OPEN PARKING	12,419 S.F.	23 %
BUILDING FOOTPRINT	20,452 S.F.	38 %
OPEN SPACE	21,127 S.F.	39 %

14 DWELING UNITS

28 - ENCLOSED GARAGE PARKING SPACES
28 - OPEN PARKING GUEST SPACES
56 - TOTAL PARKING SPACES (4 PER UNIT)



Vicinity Map
n.t.s.

SHEET INDEX

ARCHITECTURE

A-1 SITE PLAN
A-2 PLAN 1A FLOOR & ROOF PLANS/ EXTERIOR ELEVATIONS
A-3 PLAN 1B,1C,1D FLOOR & ROOF PLANS/ EXTERIOR ELEVATIONS

CIVIL

1. TITLE SHEET, GRADING NOTES, EXT.
2. GRADING PLAN, SECTIONS, DETAILS, EXT.
3. GRADING PLAN (1:10 SCALE)

LANDSCAPE
SEPARATE SUBMITTAL

-99-

BPS
Bryant Palmer Soto Inc.
Neil Stanton Palmer ARCHITECTS / Jack K. Bryant ENGINEERS
2801 Airport Drive, Suite 310, Torrance, CA 90505
Telephone (949) 548-2330

Builder / Developer:

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Project
EAST HAVEN
2157 TUSTIN AVE.
COSTA MESA, CALIFORNIA 92627

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	01/28/13	PLANNING SUBMITTAL
	03/19/13	PLANNING 2ND SUBMITTAL

REVISIONS

MARK	DATE	DESCRIPTION
	03/05/13	300 FT. DRIVEWAY PLAN
	03/12/13	LOT 1 & 14 LOT WIDTH

DO NOT SCALE THE DRAWINGS. SCALES INDICATED ARE FOR RELATIVE SCALE ONLY. DIMENSIONS SHALL GOVERN OVER SCALE.

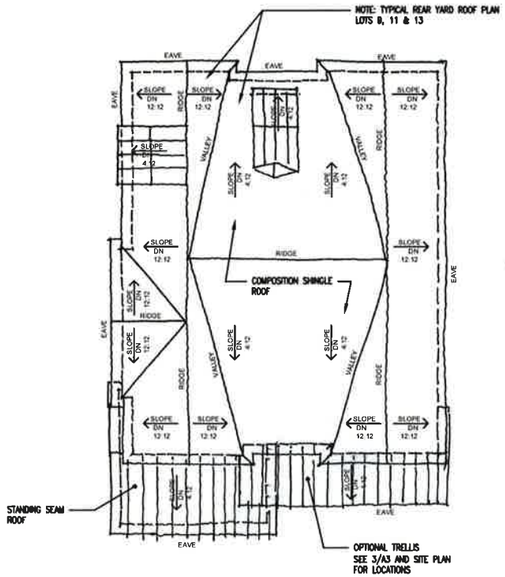
Stamp

Job No.:	02-1003-002
CADD File:	K:\02-1003-002 TUSTIN AVENUE HOMES\CADD\SHEETS-DRB\03-19-13 PLANNING SUBMITTAL\A-1 SITE PLAN.DWG
Project Start Date:	12-06-12
Drawn By:	DC
Checked By:	KP
Scale:	AS NOTED

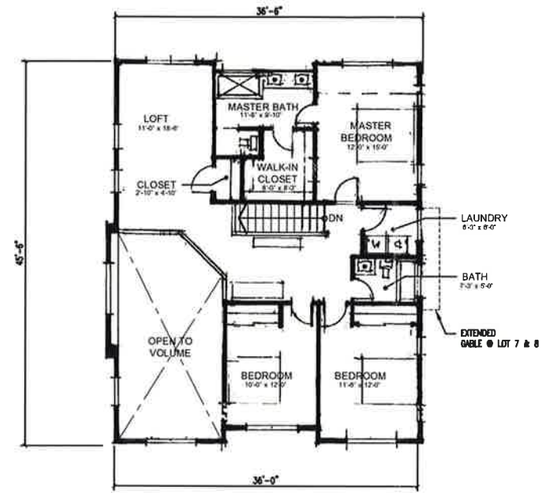
Drawing Title
SITE PLAN

Sheet
A-1

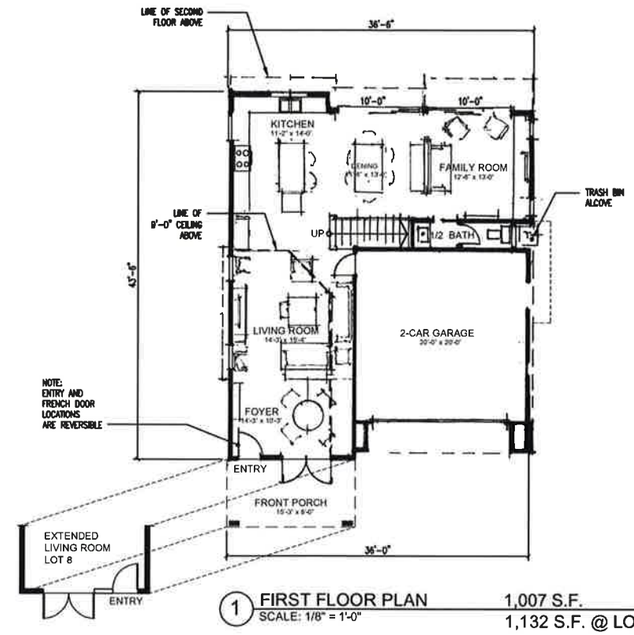
PLOT DATE: 3/14/2013 K:\02-1003-002 TUSTIN AVENUE HOMES\CADD\SHEETS-DRB\03-19-13 PLANNING SUBMITTAL\A-1 SITE PLAN.DWG



3 ROOF PLAN
SCALE: 1/8" = 1'-0"

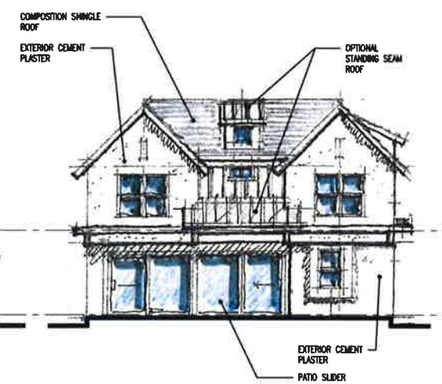


2 SECOND FLOOR PLAN 1,240 S.F.
SCALE: 1/8" = 1'-0"
NOTE: SEE 2/A3 FOR OPTIONAL LOFT EXPANSION

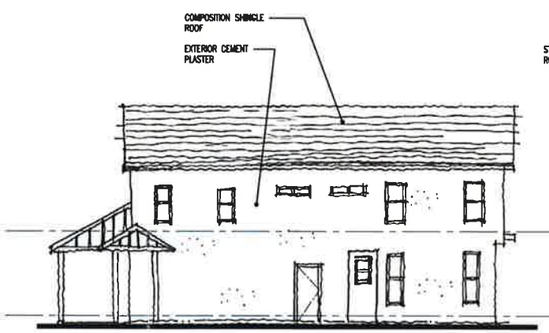


1 FIRST FLOOR PLAN 1,007 S.F.
SCALE: 1/8" = 1'-0"
1,132 S.F. @ LOT 8

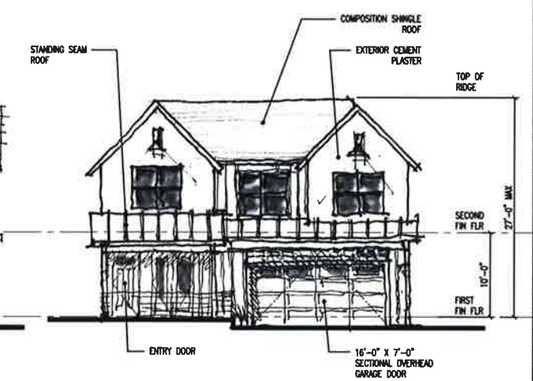
6 LEFT ELEVATION 1A
SCALE: 1/8" = 1'-0"



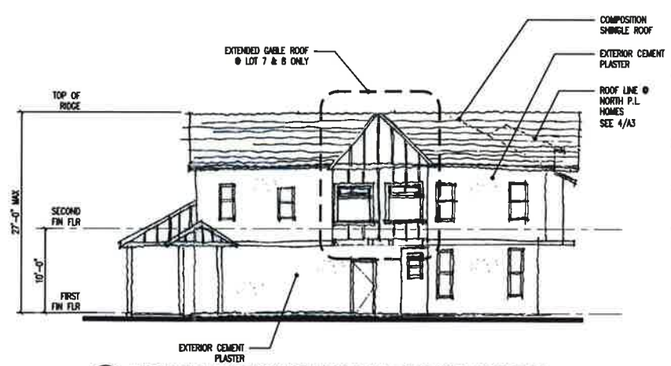
5 REAR ELEVATION 1A
SCALE: 1/8" = 1'-0"



4 RIGHT ELEVATION 1A
SCALE: 1/8" = 1'-0"



3 FRONT ELEVATION 1A
SCALE: 1/8" = 1'-0"



7 RIGHT ELEVATION @ LOT 7 & LOT 8 (REVERSED)
SCALE: 1/8" = 1'-0"

EAST HAVEN

Second Floor Ratio Calculations

2nd floor livable area	1240
1st floor livable floor	1007
1st floor garage (21 X 21)	436
1st floor covered porch (8x15) = 120	0
1st floor covered guest parking (7.52 x 21) = 157	0
Total 1st floor enclosed area footprint	1443 S.F.

2nd floor livable area to 1st floor covered area
1240/1443 86%

2nd story volume to 1st floor covered area
including open area adjacent to 2nd floor loft
Plan 1B (1240 + 176) = 1416 / 1443 98%

Plan 1A, C & D (1240 +306) = 1546 / 1443 107%
* 2nd floor area includes all volume 1st floor space taller than 15feet

Mitigating Measures:
- Adjacent to parklands on 2 sides
- Open covered front porches
- Shaded garage doors
- Larger private yard areas at ground level
- Open volume floor plan with enhanced interior connection between the 1st & 2nd floors

BPS
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Stamp

Job No.:	02-1003-002
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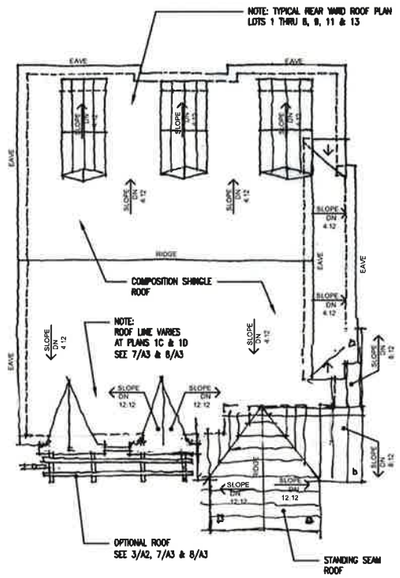
Project Start Date:	12-06-12
Drawn By:	DC
Checked By:	KP
Scale:	AS NOTED

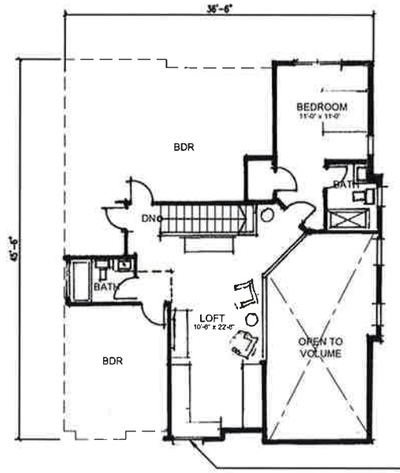
Drawing Title
FIRST & SECOND FLOOR PLANS (PLAN 1A)

Sheet
A-2

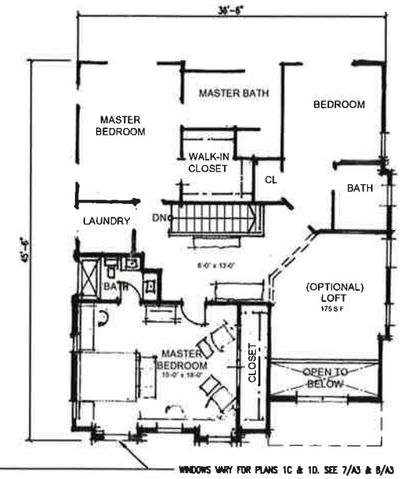
PLOT DATE: 3/14/2013 K:\02-1003-002 TUSTIN AVENUE HOMES\CAD\SHEETS-DRB\03-19-13 PLANNING SUBMITTAL\A-2 PLAN 1A DWG.DWG



3 ROOF PLAN
SCALE: 1/8" = 1'-0"



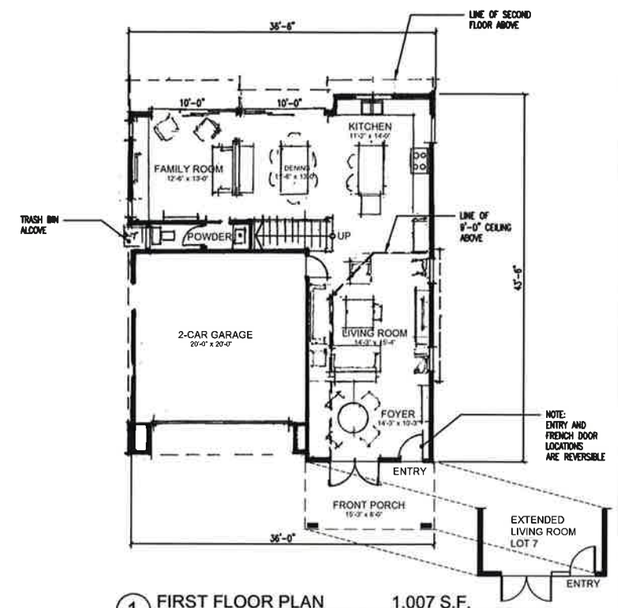
PLAN1- SIDE LOFT OPTION
SECOND FLOOR



PLAN1- SECOND FLOOR SUITE OPTION

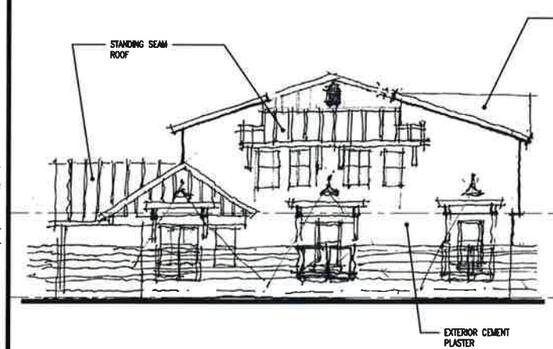
2 SECOND FLOOR PLAN 1,240S.F.
SCALE: 1/8" = 1'-0"

OPTIONAL LOFT EXPANSION 175 S.F. + 1,240 S.F. = 1,415 S.F.

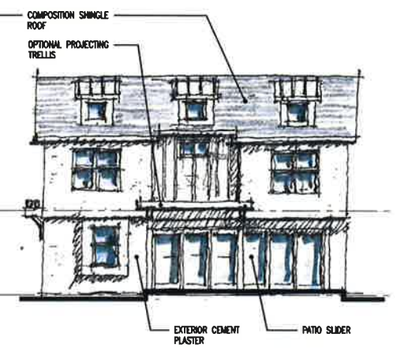


1 FIRST FLOOR PLAN 1,007 S.F.
SCALE: 1/8" = 1'-0"

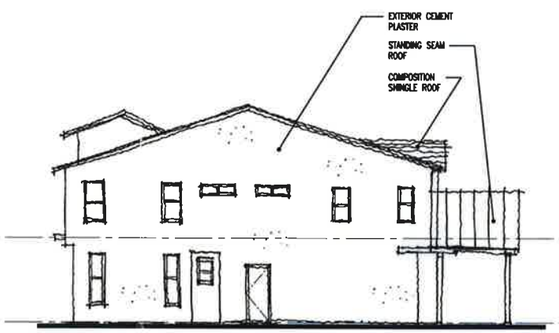
1,137 S.F. @ LOT 7



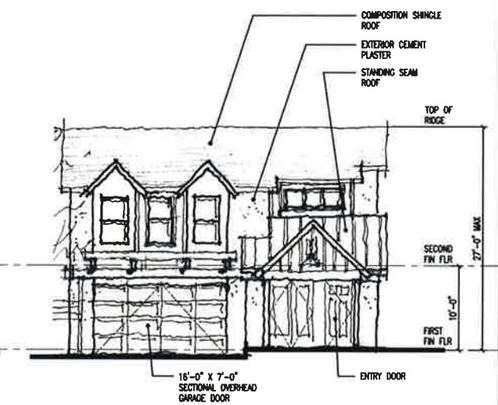
6 RIGHT ELEVATION 1B
SCALE: 1/8" = 1'-0"



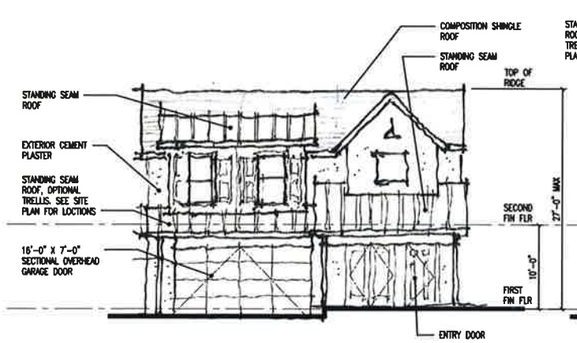
5 REAR ELEVATION 1B
SCALE: 1/8" = 1'-0"



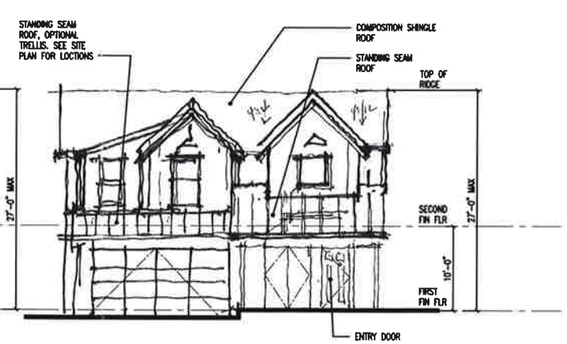
4 LEFT ELEVATION 1B
SCALE: 1/8" = 1'-0"



3 FRONT ELEVATION 1B
SCALE: 1/8" = 1'-0"



8 FRONT ELEVATION 1D
SCALE: 1/8" = 1'-0"



7 FRONTELEVATION 1C
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EAST HAVEN

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Project

EAST HAVEN

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Project Start Date:	12-06-12
Drawn By:	DC
Checked By:	KP
Scale:	AS NOTED

Drawing Title

FIRST & SECOND FLOOR PLANS (PLAN 1B,1C,1D)

Sheet

A-3

PLOT DATE: 3/14/2013 K:\02-1003-002 TUSTIN AVENUE HOMES\CAD\SHEETS-ORB\03-19-13 PLANNING SUBMITTAL\A-3 PLAN 1B,1C,1D.DWG\DWG

SHEET 1 OF 1

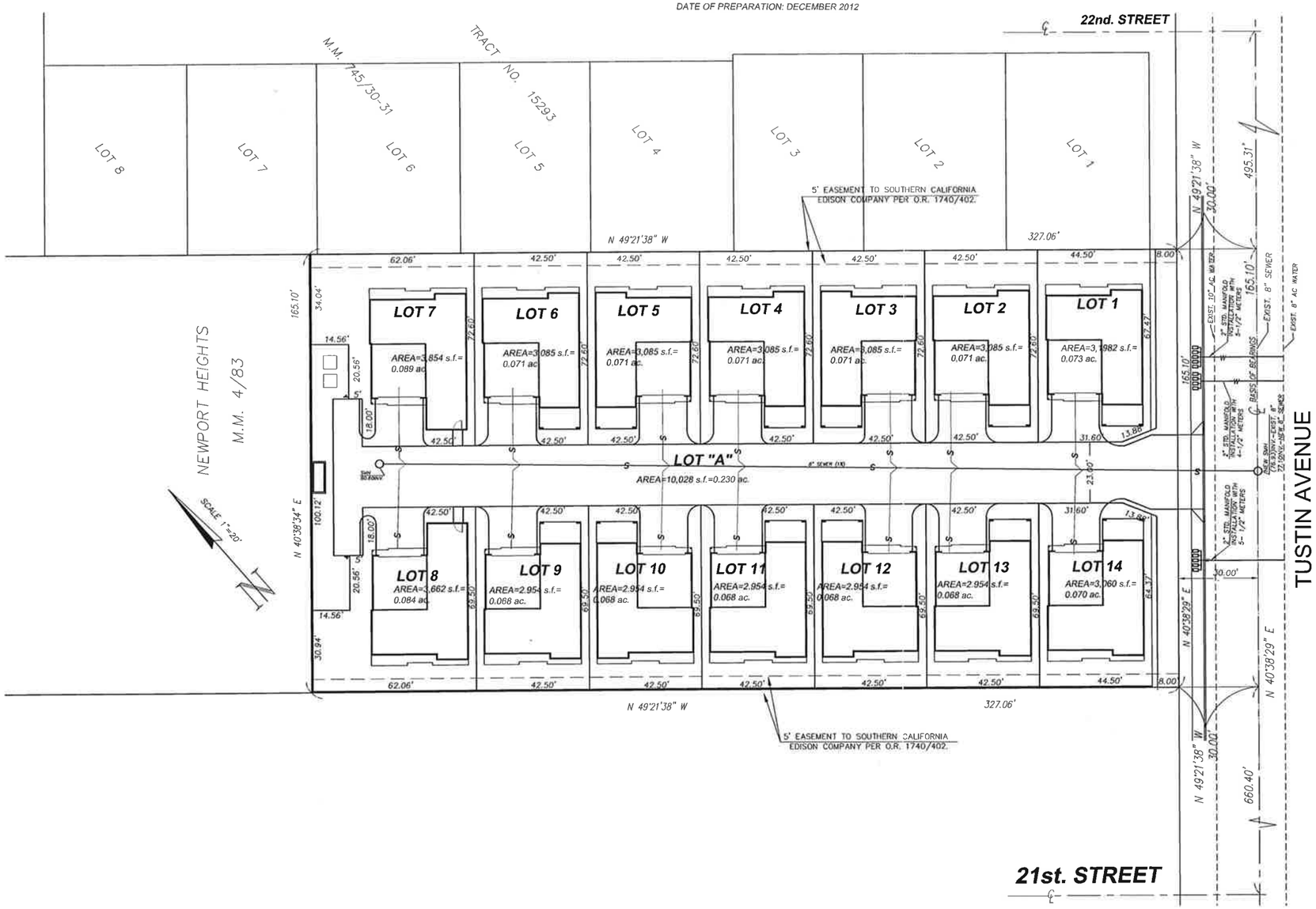
TENTATIVE TRACT NO. 17519

PORTION OF LOT 276, "NEWPORT HEIGHTS", IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4, PAGE 83, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

FOR CONDOMINIUM PURPOSES

ROBIN B. HAMERS

DATE OF PREPARATION: DECEMBER 2012



VICINITY MAP
NTS

SITE ADDRESS:
2157 TUSTIN AVENUE
COSTA MESA, CA. 92627
A.P.N. 426-171-05

AREA SUMMARY
TOTAL AREA = 53,998 S.F.(1.24 ac.)

OWNER AND SUBDIVIDER:
MATT WHITE
W CUSTOM HOMES, INC.
3090 PULLMAN ST.
COSTA MESA, CA 92626

ENGINEER:
ROBIN B. HAMERS AND ASSOC., INC.
234 E. 17TH STREET, SUITE 205
COSTA MESA, CA. 92627
(949) 548-1192

REGISTERED PROFESSIONAL ENGINEER ROBIN B. HAMERS NO. RCE 31720 EXP. 12/31/2014 STATE OF CALIFORNIA

BASIS OF BEARING

THE BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF TUSTIN AVENUE BEING NORTH 40°38'29" EAST, PER TRACT NO. 15293, BOOK 745 PAGES 30-31 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

LEGAL DESCRIPTION:

THE SOUTHWESTERLY HALF OF LOT 276 OF "NEWPORT HEIGHTS", AS SHOWN ON A MAP RECORDED IN BOOK 4, PAGE 83 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

EXCEPTING THEREFROM THE NORTHWESTERLY 303.00 FEET THEREOF AS DESCRIBED IN DEED TO COSTA MESA UNION SCHOOL DISTRICT OF ORANGE COUNTY RECORDED JANUARY 6, 1959 IN BOOK 4537 PAGE 246 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY.

EASEMENTS

AS SHOWN ON THE MAP

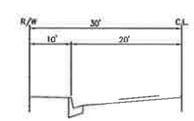
BENCHMARK

THE ELEVATIONS SHOWN HEREON ARE BASED ON ORANGE COUNTY SURVEY VERTICAL CONTROL NUMBER "NB6-22-92", ELEVATION 82.220 FEET (NGVD29) (1992 ADJ).

FLOOD ZONE

ZONE X, OUTSIDE THE 500 YEAR FLOOD BOUNDARIES

NOTES:
- SEE PRELIMINARY GRADING PLAN FOR AN ADDITIONAL INFORMATION
- NO EXISTING WATERCOURSES ON SITE
- NO PROPOSED DEDICATION



TUSTIN AVENUE
TYPICAL STREET SECTION
NTS

PRELIMINARY
OFF-SITE / GRADING PLAN
FOR
2157 TUSTIN AVENUE

GENERAL NOTES – GRADING PLANS

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE GRADING CODE OF THE COUNTY OF ORANGE AND ANY SPECIAL REQUIREMENTS OF THE PERMIT. A COPY OF THE GRADING CODE AND MANUAL SHALL BE RETAINED ON THE JOB SITE WHILE WORK IS IN PROGRESS. WHEN REFERENCED ON THE PLANS, A COPY OF PFRD STANDARD PLANS SHALL ALSO BE RETAINED ON THE SITE.
2. GRADING SHALL NOT BE STARTED WITHOUT FIRST NOTIFYING THE DISTRICT GRADING INSPECTOR. A PRE-GRADING MEETING ON THE SITE IS REQUIRED BEFORE START OF GRADING WITH THE FOLLOWING PEOPLE PRESENT: OWNER, GRADING CONTRACTOR, DESIGN CIVIL ENGINEER, SOIL ENGINEER, ENGINEERING GEOLOGIST, DISTRICT GRADING INSPECTOR, AND WHEN REQUIRED THE ARCHAEOLOGIST AND PALEONTOLOGIST. THE REQUIRED INSPECTIONS FOR GRADING WILL BE EXPLAINED AT THIS MEETING.
3. ISSUANCE OF A GRADING PERMIT DOES NOT ELIMINATE THE NEED FOR PERMITS FROM OTHER AGENCIES WITH REGULATORY RESPONSIBILITIES FOR CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE WORK AUTHORIZED ON THIS PLAN.
4. THE GRADING PERMIT AND AN APPROVED COPY OF THE GRADING PLAN SHALL BE ON THE PERMITTED SITE WHILE WORK IS IN PROGRESS.
5. PRELIMINARY SOIL AND GEOLOGY REPORTS AND ALL SUBSEQUENT REPORTS AS APPROVED BY PDSD, GRADING SECTION, ARE CONSIDERED A PART OF THE APPROVED GRADING PLAN.
6. THE SOIL ENGINEER AND ENGINEERING GEOLOGIST SHALL PERFORM SUFFICIENT INSPECTIONS AND BE AVAILABLE DURING GRADING AND CONSTRUCTION TO VERIFY COMPLIANCE WITH THE PLANS, SPECIFICATIONS AND THE CODE WITHIN THEIR PURVIEW.
7. THE CIVIL ENGINEER SHALL BE AVAILABLE DURING GRADING TO VERIFY COMPLIANCE WITH THE PLANS, SPECIFICATIONS, CODE AND ANY SPECIAL CONDITIONS OF THE PERMIT WITHIN THEIR PURVIEW.
8. THE SOIL ENGINEER AN ENGINEERING GEOLOGIST SHALL, AFTER CLEARING AND PRIOR TO THE PLACEMENT OF FILL IN CANYONS, INSPECT EACH CANYON FOR AREAS OF ADVERSE STABILITY AND TO DETERMINE THE PRESENCE OR ABSENCE OF SUBSURFACE WATER OR SPRING FLOW. IF NEEDED, SUBDRAINS WILL BE DESIGNED AND CONSTRUCTED PRIOR TO THE PLACEMENT OF FILL IN EACH RESPECTIVE CANYON.
9. SUBDRAIN OUTLETS SHALL BE COMPLETED AT THE BEGINNING OF THE SUBDRAIN CONSTRUCTION.
10. THE EXACT LOCATION OF THE SUBDRAINS SHALL BE SURVEYED IN THE FIELD FOR LINE/GRADE AND SHOWN ON AS-GRADED PLANS.
11. AREAS TO RECEIVE FILL SHALL BE PROPERLY PREPARED AND APPROVED BY THE BUILDING OFFICIAL AND SOILS ENGINEER PRIOR TO PLACING FILL.
12. FILLS SHALL BE BENCHED INTO COMPETENT MATERIAL PER EMA STD. PLAN NO. 1322.
13. ALL EXISTING FILLS SHALL BE APPROVED BY THE BUILDING OFFICIAL OR REMOVED PRIOR TO PLACING ADDITIONAL FILLS.
14. FILLS SHALL BE COMPACTED THROUGHOUT TO A MINIMUM OF 90% RELATIVE COMPACTION. AGGREGATE BASE FOR ASPHALTIC AREAS SHALL BE COMPACTED TO A MINIMUM OF 95% RELATIVE COMPACTION. MAXIMUM DENSITY SHALL BE DETERMINED BY UNIFORM BUILDING CODE STANDARD NO. 70-1 OR APPROVED EQUIVALENT AND FIELD DENSITY BY UNIFORM BUILDING CODE STANDARD NO. 70-2 OR APPROVED EQUIVALENT.
15. CUT AND FILL SLOPES SHALL BE NO STEEPER THAN 2 FOOT HORIZONTAL TO 1 FOOT VERTICAL (2:1) EXCEPT WHERE SPECIFICALLY APPROVED OTHERWISE.
16. ALL CUT SLOPES SHALL BE INVESTIGATED BOTH DURING AND AFTER GRADING BY THE ENGINEERING GEOLOGIST TO DETERMINE IF ANY SLOPE STABILITY PROBLEM EXISTS. SHOULD EXCAVATION DISCLOSE ANY GEOLOGICAL HAZARDS OR POTENTIAL GEOLOGICAL HAZARDS, THE ENGINEERING GEOLOGIST SHALL SUBMIT RECOMMENDED TREATMENT TO THE BUILDING OFFICIAL FOR APPROVAL.
17. WHERE SUPPORT OR BUTTRESSING OF CUT AND NATURAL SLOPES IS DETERMINED TO BE NECESSARY BY THE ENGINEERING GEOLOGIST AND SOIL ENGINEER, THE SOIL ENGINEER SHALL SUBMIT DESIGN, LOCATIONS AND CALCULATIONS TO THE BUILDING OFFICIAL PRIOR TO CONSTRUCTION. THE ENGINEERING GEOLOGIST ADN SOIL ENGINEER SHALL INSPECT AND CONTROL THE CONSTRUCTION OF THE BUTTRESSING AND CERTIFY TO THE STABILITY OF THE SLOPE AND ADJACENT STRUCTURES UPON COMPLETION.
18. WHEN CUT PADS ARE BROUGHT TO NEAR GRADE, THE ENGINEERING GEOLOGIST SHALL DETERMINE IF THE BEDROCK IS EXTENSIVELY FRACTURED OR FAULTED AND WILL READILY TRANSMIT WATER. IF CONSIDERED NECESSARY BY THE ENGINEERING GEOLOGIST AND SOIL ENGINEER, A COMPACTED FILL BLANKET WILL BE PLACED.
19. ALL TRENCH BACKFILLS SHALL BE TESTED AND APPROVED BY THE SOIL ENGINEER PER THE GRADING CODE.
20. ANY EXISTING IRRIGATION LINES AND CISTERNS SHALL BE REMOVED OR CRUSHED IN PLACE AND APPROVED BY THE BUILDING OFFICIAL AND SOIL ENGINEER.
21. ANY EXISTING WATER WELLS SHALL BE ABANDONED IN COMPLIANCE WITH THE SPECIFICATIONS APPROVED BY ORANGE COUNTY, HUMAN SERVICES AGENCY, DIVISION OF ENVIROMENTAL HEALTH.
22. ANY EXISTING CESSPOOLS AND SEPTIC TANKS SHALL BE ABANDONED IN COMPLIANCE WITH THE UNIFORM PLUMBING CODE TO THE APPROVAL OF EMA/REGULATION, SPECIAL SERVICES SECTION.
23. STOCKPILING OF EXCESS MATERIAL SHALL BE APPROVED BY THE BUILDING OFFICIAL PRIOR TO EXCAVATION.
24. EXPORT SOIL MUST GO TO A LEGAL DUMP OR TO A PERMITTED SITE APPROVED BY THE DISTRICT GRADING INSPECTOR.
25. THE PERMITEE SHALL COMPLY WITH THE GRADING CODE REQUIREMENTS WHEN AN EXCESS OF 5,000 CUBIC YARDS OF EARTH IS TRANSPORTED TO OR FROM A PERMITTED SITE ON PUBLIC ROADWAYS.
26. THE PERMITTEE IS RESPONSIBLE FOR DUST CONTROL MEASURES.
27. THE PERMITTEE SHALL GIVE REASONABLE NOTICE TO THE OWNER OF ADJOINING LANDS AND BUILDINGS PRIOR TO BEGINNING EXCAVATION WHICH MAY AFFECT THE LATERAL AND SUBJACENT SUPPORT OF THE ADJOINING PROPERTY. THE NOTICE SHALL STATE THE INTENDED DEPTH OF EXCAVATION AND WHEN THE EXCAVATION WILL COMMENCE. THE ADJOINING OWNER SHALL BE ALLOWED AT LEAST 30 DAYS AND REASONABLE ACCESS ON THE PERMITTED PROPERTY TO PROTECT HIS STRUCTURE, IF HE SO DESIRES, UNLESS OTHERWISE PROTECTED BY LAW.
28. ALL CONCRETE STRUCTURES THAT COME IN CONTACT WITH THE ON-SITE SOILS SHALL BE CONSTRUCTED WITH TYPE V CEMENT UNLESS DEEMED UNNECESSARY BY SOLUABLE SULPHATE-CONTENT TESTS CONDUCTED BY THE SOIL ENGINEER.
29. SLOPES EXCEEDING 5 FEET IN HEIGHT SHALL BE PLANTED WITH AN APPROVED PLAN MATERIAL. IN ADDITION, SLOPES EXCEEDING 15 FEET IN HEIGHT SHALL BE PROVIDED WITH AN APPROVED IRRIGATION SYSTEM, UNLESS OTHERWISE APPROVED BY THE BUILDING OFFICAL.
30. ALL EXISTING DRAINAGE COURSES THROUGH THIS SITE SHALL REMAIN OPEN UNTIL FACILITIES TO HANDLE STORM WATER ARE APPROVED AND INSTALLED; HOWEVER, IN ANY CASE THE CONTRACTOR AND DEVELOPER SHALL BE HELD LIABLE FOR ANY DAMAGE DUE TO OBSTRUCTING NATURAL DRAINAGE PATTERNS.
31. SANITARY FACILITIES SHALL BE MAINTAINED ON THE SITE.
32. THE LOCATION AND PROTECTION OF ALL UTILITIES IS THE RESPONSIBILITY OF THE PERMITTEE.
33. APPROVED PROTECTIVE MEASURES ADN TEMPORARY DRAINAGE PROVISIONS SHALL BE USED TO PROTECT ADJOINING PROPERTIES DURING GRADING.
34. GRADING OPERATIONS AND MAINTENANCE OF EQUIPMENT WITHIN ONE-HALF MILE OF HUMAN OCCUPANCY SHALL NOT BE CONDUCTED BETWEEN HOURS OF 8:00 P.M. AND 7:00 A.M. OR ANYTIME ON A SUNDAY OR A FEDERAL HOLIDAY.
    (A) ALL CONSTRUCTION VEHICLES OR EQUIPMENT, FIXED OR MOBILE, OPERATED WITHIN 1,000' OF A DWELLING SHALL BE EQUIPPED WITH PROPERLY OPERATING ADN MAINTAINED MUFFLERS.
    (B) ALL OPERATIONS SHALL COMPLY WITH ORANGE COUNTY CODIFIED ORDINANCE DIVISION 6 (NOISE CONTROL)
    (C) STOCKPILING AND/OR VEHICLE STAGING AREAS SHALL BE LOCATED AS FAR AS PRACTICABLE FROM DWELLINGS AND WITHIN THE LIMITS OF GRADING PERMIT.
35. GRADING AND EXCAVATION SHALL BE HALTED DURING PERIODS OF HIGH WINDS. ACCORDING TO AQMD MEASURE F-4, HIGH WINDS ARE DEFINED AS 30 MPH OR GREATER. THIS LEVEL OCCURS ONLY UNDER UNUSUALLY EXTREME CONDITIONS, SUCH AS SANTA ANA WIND CONDITIONS.
36. ASPHALT SECTIONS MUST PER CODE: PARKING STALLS = 3" A/C OVER 6" A/B, DRIVES 3" A/C OVER 10" (COMM.) 12" (INDUSTRIAL). OR: PRIOR TO ROUGH GRADE RELEASE FOR BUILDING PERMITS BY THE DISTRICT GRADING INSPECTOR, THE SOIL ENGINEER SHALL SUBMIT FOR APPROVAL, PAVEMENT SECTION RECOMMENDATIONS BASSED ON "R" VALUE ANALYSIS OF THE SUBGRADE SOILS, AND EXPECTED TRAFFIC INDICES.

GENERAL NOTES – GRADING PLANS

37. ASPHALT CONCRETE SHALL MEET THE REQUIREMENTS OF PFRD STD. PLAN 1805.
38. AGGREGATE BASE SECTION SHALL BE CONSTRUCTED PER PFRD STD. PLAN 1804.
39. ROOF GUTTERS SHALL BE INSTALLED TO PREVENT ROOF DRAINAGE FROM FALLING ON MANUFACTURED SLOPES.
40. THE CIVIL ENGINEER, AS A CONDITION OF ROUGH GRADE APPROVAL, SHALL PROVIDE A BLUE TOP WITH ACCOMPANYING WITNESS STAKE, SET AT THE CENTER OF EACH PAD REFLECTING THE PAD ELEVATION FOR PRECISE PERMITS AND A BLUE TOP WITH WITNESS STAKE SET AT THE DRAINAGE SWALE HIGH POINT REFLECTING THE HIGH POINT ELEVATION FOR PRELIMINARY PERMITS.
41. PRIOR TO FINAL APPROVAL, THE DESIGN CIVIL ENGINEER SHALL CERTIFY TO THE BUILDING OFFICIAL THE AMOUNT OF EARTH MOVED DURING THE GRADING OPERATION.
42. THE ENGINEERING GEOLOGIST SHALL PERFORM PERIODIC INSPECTIONS AND SUBMIT A COMPLETE REPORT AND MAP UPON COMPLETION OF THE ROUGH GRADING.
43. THE GRADING CONTRACTOR SHALL SUBMIT A STATEMENT OF COMPLIANCE TO THE APPROVED GRADING PLAN PRIOR TO FINAL APPROVAL.
44. THE COMPACTION REPORT AND APPROVAL FROM THE SOIL ENGINEER SHALL INDICATE THE TYPE OF FIELD TESTING PERFORMED, THE METHOD OF OBTAINING THE IN-PLACE DENSITY SHALL BE IDENTIFIED WHETHER SAND CONE, DRIVE RING OR NUCLEAR, AND SHALL BE NOTED FOR EACH TEST. SUFFICIENT MAXIMUM DENSITY DETERMINATIONS SHALL BE PERFORMED TO VERIFY THE ACCURACY OF THE MAXIMUM DENSITY CURVES USED BY THE FIELD TECHNICIAN.
45. IN THE EVENT THAT SOIL CONTAMINATION IS DISCOVERED DURING EXCAVATION AND REMOVAL OF AN EXISTING TANK, WORK SHALL BE STOPPED UNTIL A SITE ASSESSMENT AND MITIGATION PLAN HAS BEEN PREPARED, SUBMITTED AND APPROVED BY HCA/ENVIRONMENTAL HEALTH AND PDSD GRADING.

EROSION CONTROL NOTES

46. IN CASE OF EMERGENCY, CALL MATT WHITE AT (949) 548-1192
47. EQUIPMENT AND WORKERS FOR EMERGENCY WORK SHALL BE MADE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON. NECESSARY MATERIALS SHALL BE AVAILABLE ON SITE AND STOCKPILED AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES WHEN RAIN IS IMMINENT.
48. EROSION CONTROL DEVICES SHALL NOT BE MOVED OR MODIFIED WITHOUT THE APPROVAL OF THE BUILDING OFFICIAL.
49. ALL REMOVABLE EROSION PROTECTIVE DEVICES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN THE 5-DAY RAIN PROBABILITY FORECAST EXCEEDS 40%.
50. AFTER A RAINSTORM, ALL SILT AND DEBRIS SHALL BE REMOVED FROM STREETS, CHECK BERMS AND BASINS.
51. GRADED AREAS ON THE PERMITTED AREA PERIMETER MUST DRAIN AWAY FROM THE FACE OF SLOPES AT THE CONCLUSION OF EACH WORKING DAY. DRAINAGE IS TO BE DIRECTED TOWARD DESILTING FACILITIES.
52. THE PERMITTEE AND CONTRACTOR SHALL BE RESPONSIBLE AND SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT PUBLIC TRESPASS INTO AREAS WHERE IMPOUNDED WATER CREATES A HAZARDOUS CONDITION.
53. THE PERMITTEE AND CONTRACTOR SHALL INSPECT THE EROSION CONTROL WORK AND INSURE THAT WORK IS IN ACCORDANCE WITH APPROVED PLANS.

ENVIRONMENTAL NOTES:

54. THE PERMITTEE SHALL NOTIFY ALL GENERAL CONTRACTOR, SUBCONTRACTORS, MATERIAL SUPPLIERS, LESSEES, AND PROPERTY OWNER THAT DUMPING OF CHEMICALS INTO THE STORM DRAIN SYSTEM OR THE WATERSHED IS PROHIBITED.
55. PERMITTEE SHALL MAINTAIN CONSTRUCTION SITE IN SUCH A CONDITION THAT AN ANTICIPATED STORM DOES NOT CARRY WASTES OR POLLUTANTS OFF THE SITE. POTENTIAL POLLUTANTS INCLUDE BUT ARE NOT LIMITED TO: SOLID OR LIQUID CHEMICAL SPILLS; WASTES FROM PAINTS, STAINS, SEALANTS, GLUES, LIMES, PESTICIDES, HERBICIDES, WOOD, PRESERVATIVES AND SOLVENTS, ASBESTOS FIBERS, PAINT FLAKES OR STUCCO FRAGMENTS, FUELS, OILS, LUBRICANTS, AND HYDRAULIC, RADIATOT OR BATTERY FLUIDS, FERTILIZERS, VEHICLE/EQUIPMENT WASH WATER AND CONCRETE WASH WATER, CONCRETE DETERGENT OR FLOATABLE WASTES, WASTES FROM ANY ENGINE/EQUIPMENT STEAM CLEANING OR CHEMICAL DEGREASING AND SUPERCHLORINATED POTABLE WATER LINE FLUSHING, DURING CONSTRUCTION, PERMITTEE SHALL DISPOSE OF SUCH MATERIALS IN A SPECIFIED AND CONTROLLED TEMPORARY AREA ON-SITE, PHYSICALLY SEPARATED FROM POTENTIAL STORM WATER RUNOFF, WITH ULTIMATE DISPOSAL IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REQUIREMENTS.
56. PERMITTEE MAY DISCHARGE MATERIAL OTHER THAN STORMWATER ONLY WHEN NECESSARY FOR PERFORMANCE AND COMPLETION OF CONSTRUCTION PRACTICES AND WHERE THEY DO NOT CAUSE OR CONTRIBUTE TO A VIOLATION OF ANY WATER QUALITY STANDARD; CAUSE OR THREATEN TO CAUSE POLLUTION, CONTAMINATION, OR NUISANCE; OR CONTAIN A HAZARDOUS SUBSTANCE IN A QUANTITY REPORTABLE UNDER FEDERAL REGULATIONS 40 CFR PARTS 117 AND 302.
57. DEWATERING OF CONTAMINATED GROUNDWATER OR DISCHARGING CONTAMINATED SOILS VIA SURFACE EROSION IS PROHIBITED. DEWATERING OF NON-CONTAMINATED GROUNDWATER REQUIRES A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FROM THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FROM THE RESPECTIVE STATE REGIONAL WATER QUALITY CONTROL BOARD.
58. SPECIAL NOTE:
"SURVEY MONUMENTS SHALL BE PRESERVED AND REFERENCED BEFORE CONSTRUCTION AND REPLACED AFTER CONSTRUCTION PURSUANT TO SECTION 8771 OF THE BUSINESS AND PROFESSIONS CODE.
PERMIT FROM THE RESPECTIVE STATE REGIONAL WATER QUALITY CONTROL BOARD.

VICINITY MAP
NTS

GENERAL NOTES FOR OFF-SITE STREET IMPROVEMENT PLAN

1. All work and materials within the public right-of-way shall conform to the City of Costa Mesa Standards. The Conditions of Approval as approved on _____, and shall meet the approval of the City Engineer.
2. All work shall be performed and all materials shall be in accordance with City of Costa Mesa Standard Drawings and the Specifications for Public Works Construction, (Green Book) current edition.
3. Contractor shall furnish and install all signs, lights, barricades, flashing arrow board and any other traffic control or warning devices, including flagmen, as may be required by the City Engineer. All items mentioned shall be in conformance with the current requirements as specified in the latest edition of the "Construction Safety Orders", and W.A.T.C.H. Failure to do so will be cited under applicable section of the C.V.C. and corrective costs to the City will be charged.
4. LANE CLOSURES:
   ARTERIALS- No lane closures allowed during holiday period starting the week of Thanksgiving through the week of New Years unless by special permission from the Public Services Director.
   LOCALS- No lane closures allowed during week of Thanksgiving, Christmas, or New Years unless by special permission from the Public Services Director.
5. Contractor shall obtain a Public Services Department Construction Access and Encroachment permits prior to the start of any on-site construction or within public right-of-way and request inspection 24 hours in advance of performing any work. Telephone (714) 754-5025. The Contractor shall maintain a copy of permits and signed plans on the job site.
6. Permits will be required from the Mesa Consolidated Water District, Irvine Ranch Water District, Orange Water District, Orange County Sanitation District, or Costa Mesa Sanitary District for construction or modification of water and sewer improvements to their facilities. The contractor shall notify each 48 hours prior to beginning construction. Construction on Newport Boulevard and Cal Trans right-of-way, will require permits and plan approval from Cal Trans as well as the City of Costa Mesa. Locate and protect all existing utilities in place.
7. Plans approved by Southern California Edison, Pacific Bell, or Southern California Gas Company are required prior to issuance of encroachment permits related to their facilities.
8. The Contractor shall pay for all soil and materials tests deemed necessary as determined by the City Engineer.
9. Pavement and base thickness as shown are based on a preliminary "R" value. During construction a soils test may be requested by the City to determine the actual "R" value and the thickness will be adjusted accordingly. Tests shall be made by a licensed Soils Engineer and approved by the City Engineer.
10. All existing drainage courses on the project must continue to function, especially during storm conditions, and approved protective measures and temporary drainage provisions must be used to protect adjoining properties during the grading project. In all cases, the Contractor and/or developer shall be held liable for any damages due to obstruction of natural drainage patterns. If the foregoing cannot be complied with, a fully executed, notarized, and recorded agreement between the affected parties will be required. All haul routed must be approved by the Manager of Transportation Services.
11. The project site shall be maintained in a "wet-down" condition to prevent excessive dust. Spillage and dust shall be removed from the public right-of-way by sweepin' or sprinkin; however, watering, that results in mud on public streets is not permitted as a substitute for other cleaning methods.
12. All utility trench backfill, material, and compaction shall conform to City of Costa Mesa Standard No. 813. Bore under existing improvements-tunneling is not allowed. No open excavations will be allowed overnight-backfill or plate.
13. All PCC and AC to be joined shall be sawcut in a clean, straight line as approved by the City Engineer.
14. All obstructions, within the public sidewalk such as power holes, street lights, fire hydrants utility pedestals, mailbox, and street signs shall have minimum of 4' orf clear sidewalk placed behind them.
15. If requested, "AS-BUILT" drawings shall be submitted to the City Engineering Division upon completion of improvements as shown on the approved plans.
16. No removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the city for the loss of trees from the public right-of-way. Conditions of the Parks and Recreation Commission must be incorporated onto these plans prior to plan approval.
17. Planting of parkway trees and installation of irrigation lines installed, including risers, heads, valves, and meters as directed and in accordance with the requirements of the Public Services Department.
18. All construction staking shall be done by a licensed engineer and certified in writing as to line and grade per approved plans and submitted to the City Engineer.
19. No work shall be done on adjacent properties or adjacent owners improvements without obtaining written permission from the owners of the adjacent properties, and submitting a copy thereof to City Engineering Division.
20. Work, once begun, shall be proceed to completion without delay so as to provide minimum inconvinience to adjacent property owners and the traveling public.
21. ALL STREET STATIONING REFERS TO THE CENTER LINE OF THE STREET AND CURB DATA REFERS TO THE FACE OF CURB.
22. The amount of asphalt binder to be mixed with the mineral aggregate shall be 5.6 percent by dry weight.
23. All underground work shall be complete prior to any surface work in the public right-of-way.
24. Where driveway depressions are constructed, the driveway approaches shall be constructed to property line per City of Costa Mesa Standard Plans. Location, type and width are to be approved by the City Transportation Service Manager.
25. Crush miscellaneous base may be used under walks and curbs and gutters in lieu of crushed aggregate base.
26. Any lot corner or OCEMA BM., monument, or tie destroyed or displaced shall be restored to its original position by a licensed engineer or surveyor. Any change in location or elevation shall be reported to the City Engineer and OCEMA by a licensed engineer or land surveyor on 8 1/2" x 11" paper (one side only) showing location and ties or level run.
27. Geological and/or Soils Reports prepared by GEOSOILS, INC. and dated January 30, 2009, have been reviewed and approved by the Building Official including all supplements, addenda, and amendments thereto are included by reference.
    Copies of these reports are on file at the Building division.
    All recommendations contained therein must be followed.
28. All storm drain work and materials shall conform to the City of Costa Mesa, Public Service Department, Engineering Division's Storm Drain Design Guidelines (latest revision), and the City Costa Mesa Standard Plans and meet the approval of the City Engineer.
29. All catch basins shall have horizontal protection bars per LACFCD Standard Drawing 2d17, with Local Depression No. 4 per Standard Drawing 415.
30. All storm drain manholes shall be left below subgrade. The Contractor shall raise the manhole frames and covers to finished grade and make necessary repairs to the pavement.
31. A permit will be required from Orange County Environmental Management Agency for connection into the existing flood channel and for all other work within their jurisdiction.
32. All installation and work affecting Flood Control District properties or facilities shall conform with Standard Specifications and with the provisions of the construction permit granted by the District, Contractor soll maintain a copy of said permit and stamped plans on the job site. Use of District property and conformance with the above shall be subject to inspection and approval by the District's duly assigned inspector. District inspector. District inspector shall be notified 24 hours prior to commencement of any work in accordance with permit provisions.

VICINITY MAP
NTS

LEGEND:

	PROPERTY LINE
	STREET CENTERLINE
	RIGHT-OF-WAY
F.G.	FINISHED GRADE
F.S.	FINISHED SURFACE
T.C.	TOP OF CURB ELEVATION
F.L.	FLOWLINE ELEVATION
(65.00)	EXISTING GRADE
	EXIST. EDGE OF PAVEMENT
F.F.	FINISHED FLOOR
T.G.	TOP OF GRATE ELEVATION
INV	PIPE INVERT ELEVATION
PCC	PORTLAND CEMENT CONCRETE
H.P.	HIGH POINT
O	DOWNSPOUT
G.B.	GRADE BREAK
W.V.	WATER VALVE
W.M.	WATER METER
SMH	SEWER MANHOLE
1%	GRADE AND DIRECTION
4	CONSTRUCTION NOTES
A	PLAN TYPE
3	LOT NUMBER
T.R.	TOP OF RETAINING WALL
T.F.	TOP OF FOOTING
T.W.	TOP OF WALL (BLOCKWALL)
T.W.=	T.R. + 6'

EARTHWORK ESTIMATE

RAW CUT ..... 00 c.y.
RAW FILL ..... 3,980 c.y.

SHEET INDEX

NO.	DESCRIPTION
1	TITLE SHEET, GRADING NOTES, ETC.
2	GRADING PLAN, SECTIONS, DETAILS, ETC
3	GRADING PLAN (1:10 SCALE)

NO.	DATE	DESCRIPTION

REVISIONS

BENCHMARK:
THE ELEVATIONS SHOWN HEREON ARE BASED ON ORANGE COUNTY SURVEY VERTICAL CONTROL NUMBER "N86-22-92"
ELEVATION 82.220 FEET (NGVD29) (1992 ADJ).

SOILS ENGINEER:
GEO-ETKA, INC.
739N. MAIN STREET
ORANGE, CALIFORNIA 92868
TEL (714) 771-6911
FAX (714) 771-1278

OWNER:
MATT WHITE
W CUSTOM HOMES, INC.
3090 FULLMAN ST.
COSTA MESA, CA 92626

REGISTERED PROFESSIONAL ENGINEER ROBIN B. HAMERS NO. RCE 31720 EXP. 12/31/2014 CIVIL STATE OF CALIFORNIA

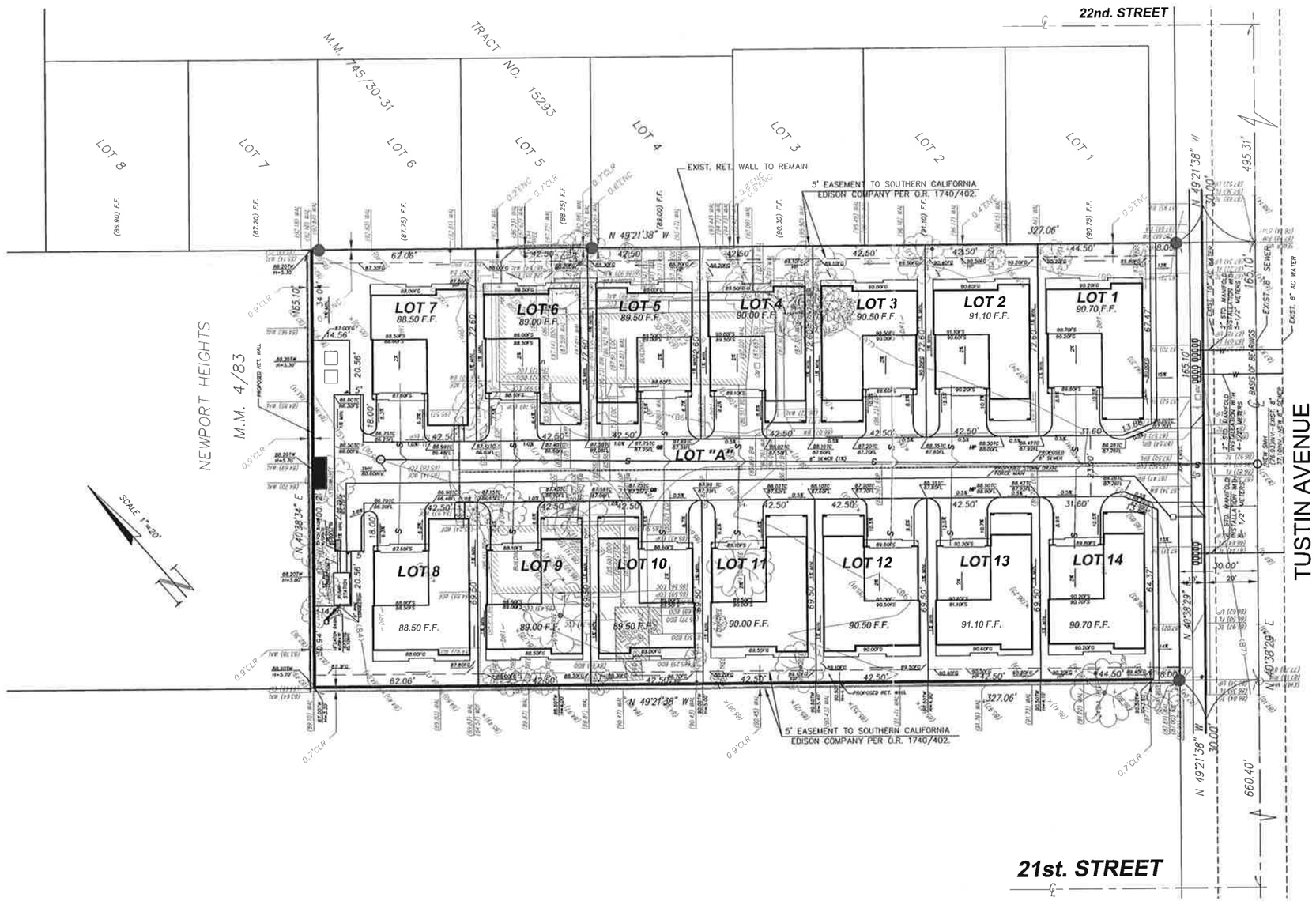
PREPARED BY:
ROBIN B. HAMERS & ASSOC., INC.
CIVIL ENGINEERS
234 E. 17TH STREET, SUITE 205
COSTA MESA, CA 92627
(949) 548-1192
ROBIN B. HAMERS R.C.E. 31720 — 03/18/2013 DATE

PRELIMINARY GRADING PLAN
2157 TUSTIN AVENUE
COSTA MESA, CALIFORNIA

CITY OF COSTA MESA

SHEET 1 OF 3

797GP1-03/18/2013



NO.	DATE	DESCRIPTION

REVISIONS

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THE ELEVATIONS SHOWN HEREON ARE BASED ON ORANGE COUNTY SURVEY VERTICAL CONTROL NUMBER "N86-22-92"

ELEVATION 82.220 FEET (NGVD29) (1992 ADJ).

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3090 PULLMAN ST.
COSTA MESA, CA 92626

REGISTERED PROFESSIONAL ENGINEER ROBIN B. HAMERS NO. RCE 31720 EXP. 12/31/2014 CIVIL STATE OF CALIFORNIA

PREPARED BY:

ROBIN B. HAMERS & ASSOC., INC.
CIVIL ENGINEERS
234 E. 17TH STREET, SUITE 205
COSTA MESA, CA 92627
(949) 548-1192

ROBIN B. HAMERS R.C.E. 31720 — 03/18/2013 DATE

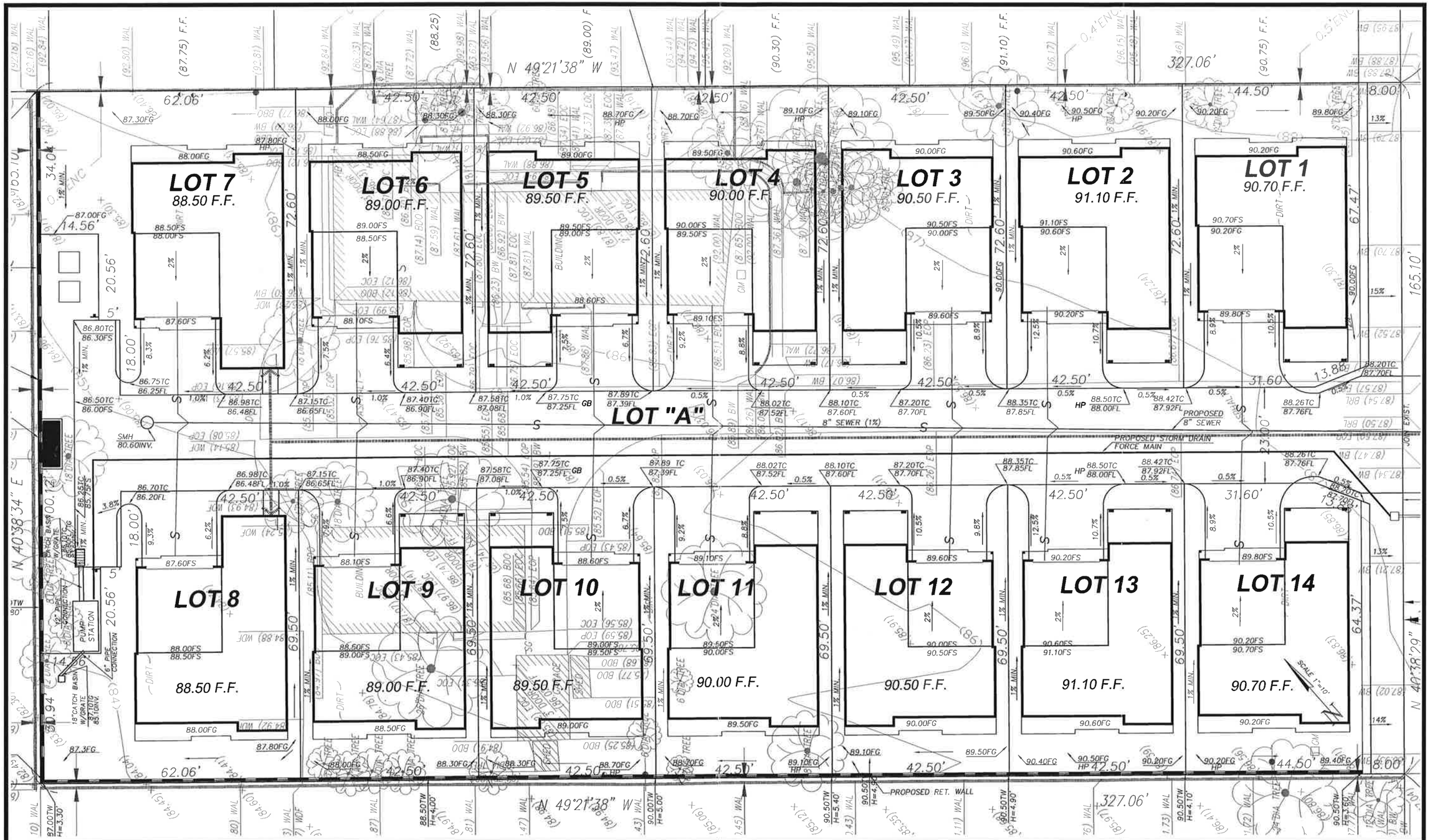
PRELIMINARY GRADING PLAN

2157 TUSTIN AVENUE
COSTA MESA, CALIFORNIA

CITY OF COSTA MESA

SHEET 2 OF 3

797GP2-03/18/2013



NO.	DATE	DESCRIPTION

REVISIONS

BENCHMARK:

THE ELEVATIONS SHOWN HEREON ARE BASED ON ORANGE COUNTY SURVEY VERTICAL CONTROL NUMBER "NB6-22-92"

ELEVATION 82.220 FEET (NGVD29) (1992 ADJ).

SOILS ENGINEER:

GEO-ETKA, INC.
739N. MAIN STREET
ORANGE, CALIFORNIA 92868

TEL (714) 771-6911
FAX (714) 771-1278

OWNER:

MATT WHITE
W CUSTOM HOMES, INC.
309C PULLMAN ST.
COSTA MESA, CA 92626

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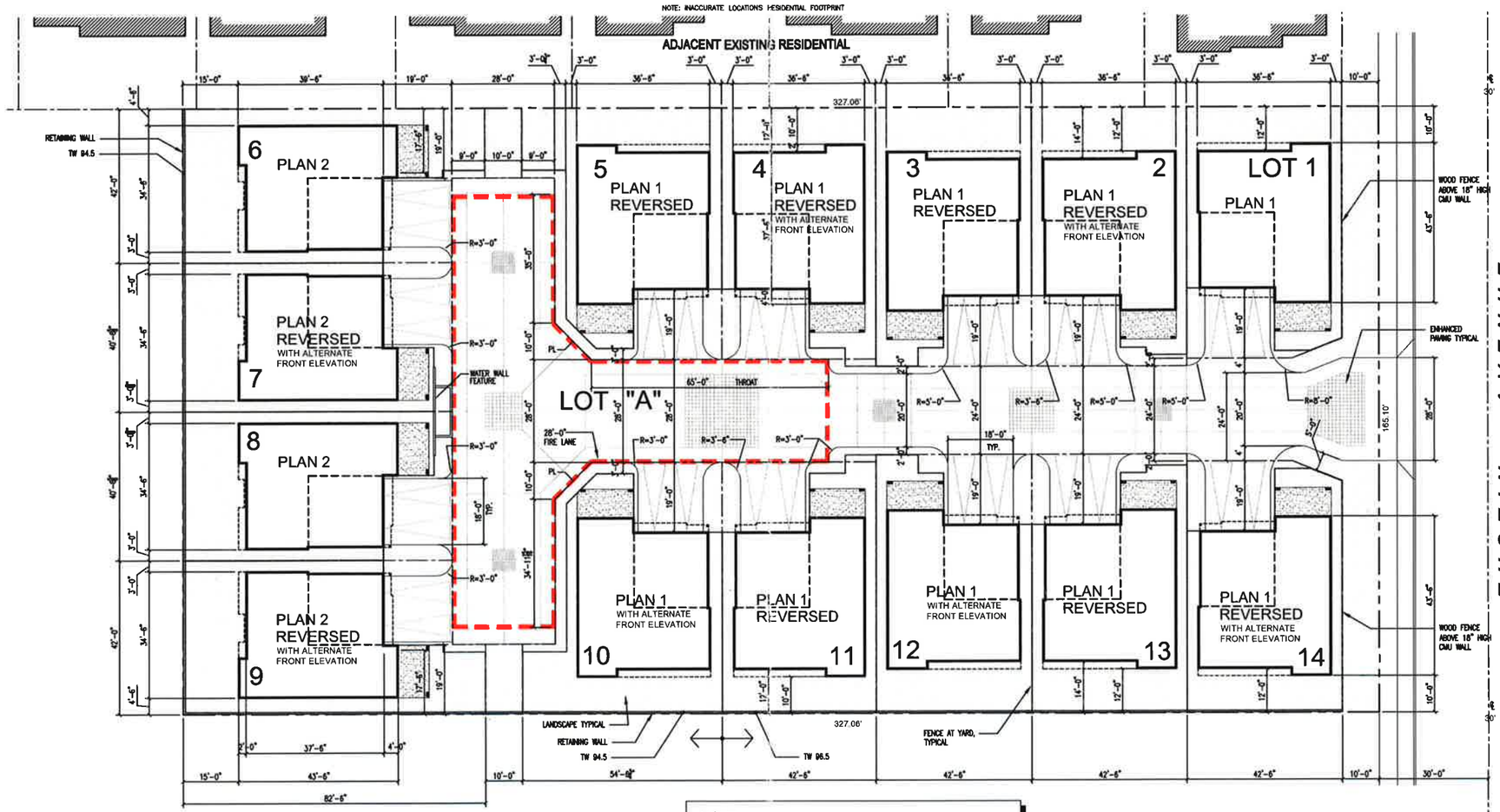
2157 TUSTIN AVENUE
COSTA MESA, CALIFORNIA

CITY OF COSTA MESA

SHEET 3 OF 3

797GP3-03/18/2013

ATTACHMENT 8



NOTE:
REFER TO CIVIL FOR OFF-SITE IMPROVEMENTS

1 SITE PLAN
SCALE: 1/16" = 1'-0"

PLAN #1

10 UNITS TOTAL (3 BEDROOM - 3 BATH & LOFT PER UNIT)
(OPTIONAL 4 BEDROOM - 4 BATH & LOFT)

FIRST FLOOR	1,340 S.F. (LIVABLE AREA)
SECOND FLOOR	1,276 S.F. (LIVABLE AREA)
TOTAL	2,616 S.F. (LIVABLE AREA)
2 CAR GARAGE (20 x 20 CLEAR)	400 S.F. GARAGE AREA

PLAN #2

4 UNITS TOTAL (3 BEDROOM - 3 1/2 BATH & LOFT PER UNIT)
(OPTIONAL 4 BEDROOM - 4 1/2 BATH & LOFT)

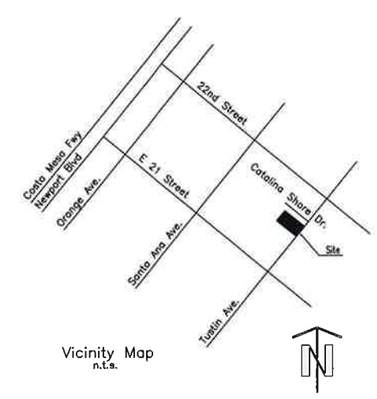
FIRST FLOOR	1,442 S.F. (LIVABLE AREA)
SECOND FLOOR	1,260 S.F. (LIVABLE AREA)
TOTAL	2,702 S.F. (LIVABLE AREA)
2 CAR GARAGE (20 x 20 CLEAR)	400 S.F. GARAGE AREA

PROJECT DATA

ZONE:	R2-MD	
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL	
LOT AREA:	53,998 S.F. (327.06' x 165.10')	
DRIVEWAY / OPEN PARKING	9,604 S.F.	17.8 %
BUILDING FOOTPRINT	24,768 S.F.	45.9 %
OPEN SPACE	19,626 S.F.	36.3 %

14 DWELING UNITS

28 - ENCLOSED GARAGE PARKING SPACES
28 - OPEN PARKING GUEST SPACES
56 - TOTAL PARKING SPACES (4 PER UNIT)



Vicinity Map
n.t.s.

SHEET INDEX

ARCHITECTURE

A-1 SITE PLAN
A-2 PLAN 1 FLOOR & ROOF PLANS/ EXTERIOR ELEVATIONS
A-3 PLAN 2 FLOOR & ROOF PLANS/ EXTERIOR ELEVATIONS

CIVIL

1. TITLE SHEET, GRADING NOTES, EXT.
2. GRADING PLAN, SECTIONS, DETAILS, EXT.
3. GRADING PLAN (1:10 SCALE)

BPS
Bryant Palmer Soto Inc.
Neil Stanton Palmer ARCHITECTS / Jack K. Bryant ENGINEERS
2601 Airport Drive, Suite 310, Torrance, CA 90505
Telephone: (310) 326-6111
Fax: (310) 326-0271

Consultants:

Project
TUSTIN 14
2157 TUSTIN AVE.
COSTA MESA, CALIFORNIA 92627

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SUBMITTALS

MARK	DATE	DESCRIPTION
	01/28/13	PLANNING SUBMITTAL

REVISIONS

MARK	DATE	DESCRIPTION

DO NOT SCALE THE DRAWINGS. SCALES INDICATED ARE FOR RELATIVE SCALE ONLY. DIMENSIONS SHALL GOVERN OVER SCALE.

Stamp

Job No.:	02-1003-002
CADD File:	K:\02-1003-002 TUSTIN AVENUE HOMES\CAD\SHEETS-DRB\A-1 SITE PLAN.DWG
Project Start Date:	12-06-12
Drawn By:	DC
Checked By:	KP
Scale:	AS NOTED

Drawing Title
SITE PLAN

Sheet
A-1

PLOT DATE: 12/6/2012 K:\02-1003-002 TUSTIN AVENUE HOMES\CAD\SHEETS-DRB\A-1 SITE PLAN.DWG

City of Costa Mesa
Planning Commission
PO Box 1200
Costa Mesa, CA 92628-1200

April 12, 2013

RE: 2157 Tustin Ave, Costa Mesa CA 92627 – Matt White Custom Homes New Home Community

Dear Planning Commission:

My wife and I had been looking for a home for quite some time which begin sometime in the later part of 2011. We had almost given up hope of owning our first house and one that we could truly call home. One night I came across Midtown and was blown away. I immediately called my real estate agent (my Mother) and got some details about the general area. After a short discussion I left a message for the sales office at 10PM that same night and had an appointment to see the properties the next day. Matt actually personally walked me through the model and then took me to a few of his favorite units. 24 hours later I had secured property of choice and had the confidence I was working with a man of great compassion and vision. Through each step of the process Matt and his team were always checking in with us, making sure that we were happy with each and every person that we had to exercise tough decisions with. I never realized how much goes into a project like this and now know personally I could never pull it off.. Matt White Custom homes not only met our expectations but blew them right out of the water. If there was a problem that did come about it was handled very quickly and without question. I can guarantee that Matt not only took care of the details that needed to be handled but also took care of things that most developers would of said "not my problem". Every community needs a man like Matt and his team to help make each of our American dreams come true. Costa Mesa should welcome this man and his team into the community with open arms

Sincerely,

Chris Chittick and Jennifer Chittick
2077 Thurin Street
Costa Mesa, Ca 92627

MATT | WHITE
CUSTOM HOMES

April 26, 2013

City of Costa Mesa City Council
c/o Ms. Minoo Ashabi
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Subject: Planning Application PA-13-04

Dear City Council:

Please accept this letter as our response to the appeal filed on April 15, 2013 by Catalina Shores Homeowners Association against our Planning Application PA-13-04 which was approved by Planning Commission with a 4-0 vote, with Commissioner Matthews abstaining.

As professionals in real estate we understand the emotional component that comes with changing someone's living environment that they are accustom to but without change the residents of Catalina Shores would not be living in their homes today.

Matt White Custom Homes maintains a diverse knowledge base of architectural design, space planning, interior design, and lifestyle trends to build homes that benefit buyers and the community as a whole. As you know, through our process of the site design we worked closely with the City's staff as well as enlisting the services of consultants (Engineer, Architect & Landscape Architect) that are well versed with the City requirements. For the record please note that staff recommended the approval of the application, subject to conditions which we have agreed to.

3090 PULLMAN ST. COSTA MESA, CA 92626 P: 714.557.1325 C: 714.329.2222 F: 714.557.1838 MWCUSTOM.COM

Prior to our Planning Commission Hearing we met initially with two residents from Catalina Shore that raised questions about our proposed new home community. Based on initial feedback by the two owners, we significantly changed our site plan to help address their concerns. Once we had the new site plan, we followed up with the Catalina Shore Association and had a "Town Hall" meeting in the street. We presented the old site plan vs. the new site plan and answered any questions that they had regarding the project. We felt that the meeting went well.

It was a true compliment to me and our MW Custom team that everyone who addressed the Planning Commission (weather in support or opposition of the proposed project) spoke with praise that MW Custom was the right developer to build the property.

In response to the appeal submitted on April 15, 2013 please consider the following:

Safety

1. We have offered to define access routes for construction traffic to the property that does not go through smaller neighborhood streets but rather direct routes on the main arterial streets.
2. During construction we will have onsite supervision during construction hours.
3. During construction we will keep the site fenced for the Safety of the Neighbors.
4. In addition to the close proximity to our neighbors we are also aware of the public park, schools and recreation facility and will use logical efforts to insure the public's safety.

Density

1. The subject property is approximately 1.24 Acres which per the R2-MD standards found in the muni-code, will allow for up to **14.88** units for this property. We are not requesting any overages in density. 14 Units are allowed in the code.

2. Where the appeal applicant states "the proposed development stretches city requirements to the bare minimum" we would advocate that we are in compliance with City code.

3. Within the R2-MD zone this project could have been proposed as attached product with a 5' setback from the Catalina Shores property. We obviously did not feel this was consistent with the neighborhood but it is allowed within the zone guidelines.

Trash Pick Up

1. We agreed to come up with a plan that would alleviate trash pick up on Tustin Ave for East Haven.

Kaiser Elementary School "Future Lights"

1. We agreed to disclose to our Homebuyers the possibility of the installation of lights on the field.

We believe we have addressed safety and density as outlined above and would never try to mislead the Planning Commission or for that matter anyone with erroneous statements. We believe the Planning Commission deferred back to staff to clarify anything that was a question. If we did state something incorrectly it was not our intent.

We feel our neighbors objections are based on emotion to the change in their living environment which as stated above we understand, but does not warrant our project being altered or denied as approved by the Planning Commission.

In conclusion, we have worked extensively with City Staff and the surrounding neighbors to plan a new home development that the City and Community will be proud of. We ask for your support in approving our proposed development based the above mentioned and the approval of Planning Commission with a 4-0 vote.

Thank you for your time, If you have any questions please don't hesitate to call me anytime 714.329.2222 cell

Sincerely,

Matt White
President

CITY COUNCIL

SUPPLEMENTAL REPORT

MEETING DATE: MAY 7, 2013 **ITEM NUMBER: PH-1**

SUBJECT: **APPEAL OF PLANNING APPLICATION PA-13-04 / TENTATIVE TRACT MAP NO. 17519 FOR A 14-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2157 AND 2159 TUSTIN AVENUE**

DATE: **MAY 2, 2013**

FROM: **PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

PRESENTATION BY: **MINOO ASHABI, PRINCIPAL PLANNER** -m.a.

FOR FURTHER INFORMATION CONTACT: **MINOO ASHABI, AIA (714) 754-5610**
minoo.ashabi@costamesaca.gov

The purpose of this memo is to provide additional clarification regarding the proposed project based on questions received since the publication of the staff report.

1. How does the current proposal compare to the original site plan submitted by the applicant?

The applicant indicated that the original site plan was revised to address concerns raised by the Catalina Shores Homeowner's Association. Specifically, the changes in the siting of proposed buildings were intended to improve the interface with Catalina Shores by providing additional building setbacks beyond the minimum Code requirements. The project was originally submitted with a different configuration in December of 2012 (Attachment 2).

The following is a comparison of the deviations from the code for the first submittal in comparison with the final plan that was approved by the Planning Commission on April 8, 2013.

Summary of Project Changes by Applicant

Original Plan (withdrawn)	Project Changes to Address Issues	Final Adopted Plan
Variances:		**Variances:**
1. Open space (36% proposed)	Increase Open Space	1. Open space (39% proposed)
2. Minimum lot size (2,877 SF proposed, 3,000 SF required)	Create Small Lot Subdivision to reduce variance requests.	2. Remove required Common Lot requirement
3. Average lot size (3,038 SF proposed, 3,500 SF required)		
Administrative Adjustments:		**Administrative Adjustments:**
1. Rear yard setback (15 feet proposed, 20 feet required) *	Create enhanced setback along Catalina Shores (min. 5 foot required)	1. Front setback (13 and 11 feet proposed, 20 feet required)
2. Front setback (13 and 11 feet proposed, 20 feet required)		2. Building to Building Distance (6 feet proposed, 10 feet required)
3. Building to Building Distance (6 feet proposed, 10 feet required)	Eliminate hammerhead turnaround to allow reconfiguration of homes.	

Deviation from Residential Design Guidelines:		**Deviation from Residential Design Guidelines:**
80% second floor to first floor ratio (99% to 108% proposed)	Add architectural enhancements to provide interest.	80% second floor to first floor ratio (99% to 108% proposed)
Second floor setback (4'-6" proposed, 10 feet recommended) *		
Minor Modification:		**Minor Modification:**
1. Side yard setback (5 feet required, 4'-6" proposed) *	Remove rear units to enhance setback.	1. Front setback requirement for a perimeter wall along Tustin Avenue (10 feet required, 8 feet proposed);
* this setback affects the interface with Catalina Shores		

2. ***Why doesn't the new development feature the same front setback as Catalina Shores?***

The applicant has situated the buildings to comply with Fire Department criteria and to qualify for an exemption from the hammerhead requirement. The plan provides for a maximum of 300 feet for fire hose access from the face of the curb to the farthest house in the development. To meet this requirement, the buildings were shifted closer to the street with a reduced front setback and building to building setback. This configuration meets the fire safety requirement and provides a larger setback at the rear. Please refer to the attached site plan (Attachment 3) that depicts the fire hose access to the rear structures.

3. ***Why is there a relatively large rear setback (22 feet) yet a reduced front setback (11 feet). In other words, could the front units be shifted back to allow more landscaping along Tustin Avenue?***

(See response #2). The siting of the buildings is to comply with the Fire Department requirements. Fire Department staff has indicated that the current plan meets their requirements to the letter (i.e. exactly 300 feet from curb face to the furthest front door). At this time, Fire Department staff has not indicated that a minor adjustment of a few feet beyond the 300-foot requirement would be allowed.

4. ***Did the Catalina Shores development also include variances and/or deviations from Code requirements?***

The 12-unit Catalina Shores Development was approved in May 1996.

The project technically included three variances although current Code would require only one variance request today:

- Variance from rear year setback (20-feet required, 5-feet proposed)
- Variance from back-out aisle requirements (25-feet required, 22-feet proposed)**
- Variance from minimum driveway length requirements (19-feet required, 18-feet proposed)**

**Items noted by asterisk: These variances are no longer required due to the adoption of new parking design standards in 1999. These variances involve minor deviations in the back-out aisle requirements and minimum driveway length requirements which can be approved subject to Transportation Division staff concurrence. The Planning Commission meeting minutes from 1996 are attached as Attachment 1.

5. What additional conditions did the Planning Commission require as a result of public comments?

In response to received public comments, the Planning Commission added the following conditions to address traffic on Tustin Avenue and Windward Lane and future night use of the park.

Condition No. 8	There shall be no construction traffic or construction parking on Windward Lane.
Condition No. 48	The applicant and future homeowners shall contract with a private waste disposal company that will provide full on-site trash and recyclable collection. There shall be no storage of trash bins or cans on Tustin Avenue with the exception of temporary use of the right-of-way for rolling containers or loading to larger trash trucks.
Condition No. 49	A homebuyer notification shall be provided to future buyers that the property is adjacent to a City park and Newport Mesa Unified School District property to the west and south and that lighting may be intensified after dusk in the future.
Condition No. 50	The street curb on Tustin Avenue adjacent to this property will be red painted to limit street parking and to ensure egress visibility subject to requirements of Transportation Division.

Please let me know if you have any questions.

Attachment:
1. Planning Commission Minutes
2. Original Site Plan
3. Final Site Plan

cc: Chief Executive Officer
Assistant Chief Executive Officer
Director of Economic & Development/Deputy CEO
Public Services Director
City Attorney
Transportation Services Manager
City Engineer
City Clerk (9)
Staff (7)
File (2
Distribution List – Residents Who Provided Correspondence

Matt White
MW Custom Homes
3090 Pullman Street
Costa Mesa, CA 92626

Jonathan Atha
President, Catalina Shores HOA
391 Catalina Shores Drive
Costa Mesa, CA 92627

May 28, 1996

Commissioner Robertson pointed out that the Habana Restaurant had also agreed to provide a security guard in the back parking lot after 10 p.m.

Chair Cowan stated the police reported no problems with the Habana restaurant. She added that the amplified live entertainment was restricted to 5 p.m. on the dining patio and to 10 p.m. inside and at all times, all entertainment shall not be audible beyond the control of the applicant.

PLANNING ACTION PA-96-28 & TENTATIVE PARCEL MAP T-15293

Harbinger/G&H Holdings

The Chair opened the public hearing for Harbinger Homes, Inc., authorized agent for G & H Holdings, located at 2165 Tustin Avenue in an R2-MD (pending) zone. Environmental Determination: Negative Declaration; for consideration of Planning Action PA-96-28, for Variances from rear yard setback requirements (20' required; 5' proposed), back-out aisle requirements (25' required; 22' proposed), and minimum driveway length requirements (19' required; 18' proposed) in conjunction with the demolition of 7 units and construction of 12 single-family detached units on a parcel proposed to be annexed to the City, and Tentative Parcel Map T-15293, for a 12-lot subdivision and 1 common lot, for condominium purposes.

Staff recommended adoption of Negative Declaration and approval of the Conditional Use Permit by adoption of Planning Commission Resolution, subject to conditions and approval of the Tentative Tract Map by adoption of Planning Commission Resolution, subject to conditions. Staff noted two letters: one opposing the project, one opposing annexation and a telephone call opposing the project.

Kerry Smith (Harbinger Homes), authorized agent for G & H Holdings, 130 Greenmoor, Irvine, agreed to the Conditions of Approval and briefly outlined the project.

Mr. Smith said that the annexation of this property should occur because the homeowners who will be residing there should have some say in their local environment. He said the property is currently in the County of Orange and that they would be allowed to build 19 homes but opted to bring it into the City. Although 16 units could be built under City development standards, they were building a 12 unit project. He said this project provides more parking space and open space than required.

In response to Chair Cowan, Mr. Smith said that the design element of the homes was that of a coastal community.

Kathy Anderson, 2157 Tustin Avenue, with a letter from her mother Margaret Anderson, who resides at 2159 Tustin Avenue stated that she and her mother wished to express their opposition to the project because it was unfair to the people renting the 7 units who would be displaced by the project. Ms. Anderson said she also had concerns with 2-story

homes because they would impact the neighborhood parking, traffic and density.

Dotty Wilson, 2175 and 2175½ Tustin Avenue, Costa Mesa, stated that she had purchased this property because of its rural setting and did not anticipate development and change. She also objected to the density, possible traffic problems, less parking area and block walls.

Lisa Binaza, 379 Thetford Way, Costa Mesa, expressed her opposition to the project because she felt the open space should be retained as it is.

Charles Rollins, 385 E. 22nd Street, Costa Mesa, submitted a letter opposing the project because it did not fit the description and character of the surrounding property. He also reiterated possible traffic and parking problems in the area and a general loss of privacy if 2-story homes were to be approved.

Heather Somers, 428 E. 17th Street, Costa Mesa, stated that as president of the Eastside Homeowners Association, she was questioning the findings for fire truck accessibility for this project.

Ms. Proctor stated that the Fire Department had no conditions on this project because it met or exceeded the requirements. Further, she said 2 fire hydrants are proposed on site and access meets their requirements.

Responding to Ms. Somers, Ms. Proctor stated that in the Planning Action Summary, it notes under "building height" that 2 stories and 30' are the code requirements for an R2 medium density zone and the applicant's proposal is 2 stories and approximately 29'. Ms. Proctor also noted the site plan included provisions for a trash enclosure.

John Garrett, 2421 Windward Lane, Newport Beach, stated that he specifically attended the hearing to point out an error on the location map of the Staff Report. He stated that the map showed Windward Lane as having a mid-block "terminus" which was not accurate. Mr. Garrett said that Windward Lane is a one-block street from Tustin Avenue easterly to Irvine Avenue which is already overused by automobiles as a shortcut getting from Tustin Avenue to Irvine Avenue and vice versa. He felt this would be exacerbated by the increased density of the proposed project. Further, he said that even though it is zoned for greater density and the applicant has chosen to utilize less density, it would significantly impact traffic, safety, pollution and noise.

Jim Little, 2449 Windward Lane, Newport Beach, said that Kerry Smith has visited his home and showed him the plans and asked for his opinion. Mr. Little said that his own home was one-story and horse shoe shaped and he felt that the two-story homes would somewhat invade his privacy. He

also agreed with Mr. Garrett on the potential traffic problems and concerns for the safety of the children in that area.

Judith Jan Long, 211 Magnolia Street, Costa Mesa, said that the property at 381 East 22nd Street was her mother's and that she is her caretaker. She said 4 of the 2-story homes would be looking into their back yard and they would totally invade their privacy. She also voiced her concerns on traffic, child safety, increased noise levels and density.

In response to a question from Chair Cowan, Mr. Robinson said that two City Council Community Objectives relate to annexations. One was to become more proactive in annexation of County items, and the second was to conduct a comprehensive study of the possibility of annexing all the County islands with a sphere of influence which is on a list of priorities and should begin this summer.

Responding to a question from Chair Cowan, Mr. Robinson stated that if the applicant chose to go strictly through the County, the County would send the City a letter asking for comments on the project but they would retain jurisdictional authority to approve or disapprove the project and the City would only be a responsible agency providing comments on the project.

Chair Cowan confirmed with Staff that the Planning Commission, by reviewing the project and acting upon it now, would have an opportunity to affect the final project and it would eventually become part of the City.

Responding to Chair Cowan, Mr. Robinson said that he was confident the level of development envisioned by the General Plan, including the county islands, has been mitigated and the only way this threshold would be crossed, is if there were significant numbers of General Plan amendments which go beyond the parameters that were established in the plan and they would be considered on a case-by-case basis.

He said this project was not significant enough to require an EIR and therefore, a Negative Declaration was prepared.

Commissioner Davenport commented that there was a misconception relating to what the Commission's authority was in this situation. He said that someone had said in earlier testimony, that the Commission had the power to retain the existing 7 units. He explained that the General Plan has designated certain densities for certain areas of the City and the zoning permits certain densities within those designations. He said that if this development is annexed into the City, 16 units are permitted and if it remains in the County, 19 units are permitted. Further, he said the Federal Government, the United States Supreme Court,

California Government Code, and the California Courts have made it very clear as to what rights property owners have, which includes developing their properties at their discretion within the limitations of the General Plan, the zoning and the development standards of the particular zone.

Commissioner Davenport also said that apart from the few Variances that are before the Commission, if they were not being requested, the request would not require a public hearing and could be approved at Staff level because it otherwise met the development standards of the zone.

Kerry Smith explained that he understood the comments and concerns of the neighborhood residents because of prior developments which were built to the maximum. He said that his development would neither have the density or the appearance of the those developments. He said they have tried to design the property in a way that would not impact the neighborhood anymore than necessary.

Chair Cowan inquired as to the possibility of trees being planted in the back yards of the new homes which would screen the master bedrooms overlooking the units to the northeast to help the privacy issue in the neighborhood.

Mr. Smith said individual landscape plans were necessary and those choices should be made by the homeowners. He said the buildings have been intentionally moved away from the side yard setbacks which was one of the reasons for requesting the Variances.

He said the residents were talking about the northern border of his property and houses along 22nd Street which are generally 300 feet deep with houses which do not sit against the back property line and most have very mature trees on their properties.

Ms. Proctor explained that the tract map identifies 300 feet deep lots on 22nd Street abutting the northern property and noted that most of the homes were 2-story.

In response to Heather Somers, Mr. Smith said that he could not reduce the number of units by 2. He said that they had tried designing the project with additional units and less units and that the limiting factor was the depth of the lot and building 2 less units would not change the rear yard of the lot because there is need for room for the driveway, front yard for curb appeal, some depth for the house and then what is left over is rear yard which is very important and the major reason why they were there asking for the Variances.

Concerning retaining trees now on the property, Mr. Smith said that there were a few mature trees along the northern rear property line that would

remain. He pointed out that one of the Conditions of Approval requires that nothing less than a 24" box tree and that half of those trees, must be 36" box trees.

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

MOTION:
PA-96-28
Approved

A motion was made by Commissioner Dixon, seconded by Commissioner Davenport and carried 4-0, to adopt the Negative Declaration and approve the Conditional Use Permit by adoption of Planning Commission Resolution PC-96-48, based on analysis and information contained in the Planning Staff Report and Findings contained in Exhibit "A", subject to conditions in Exhibit "B".

Commissioner Robertson reiterated that City Code allowed as many as 16 units on the property.

Commissioner Davenport said he supported the motion because the Variances were valid requests by the builder and were appropriate.

Chair Cowan said that she did have concerns involving the General Plan and the overall impact of projects on the eastside, as well as the loss of affordable housing, however, she said some of her questions had been answered at the hearing and the study session of last week and she supported the project. She said she believed the mitigations required of the applicant such as replacing the biological resources on the project would make the project a good model.

She urged the applicant to give serious consideration to screening the second floor master bedrooms, particularly those where there is a "line of sight" concern.

She also said she believed that with the design of the project and homes, the developer was making the effort to maintain a connection with the look of the neighborhood and felt it was very important.

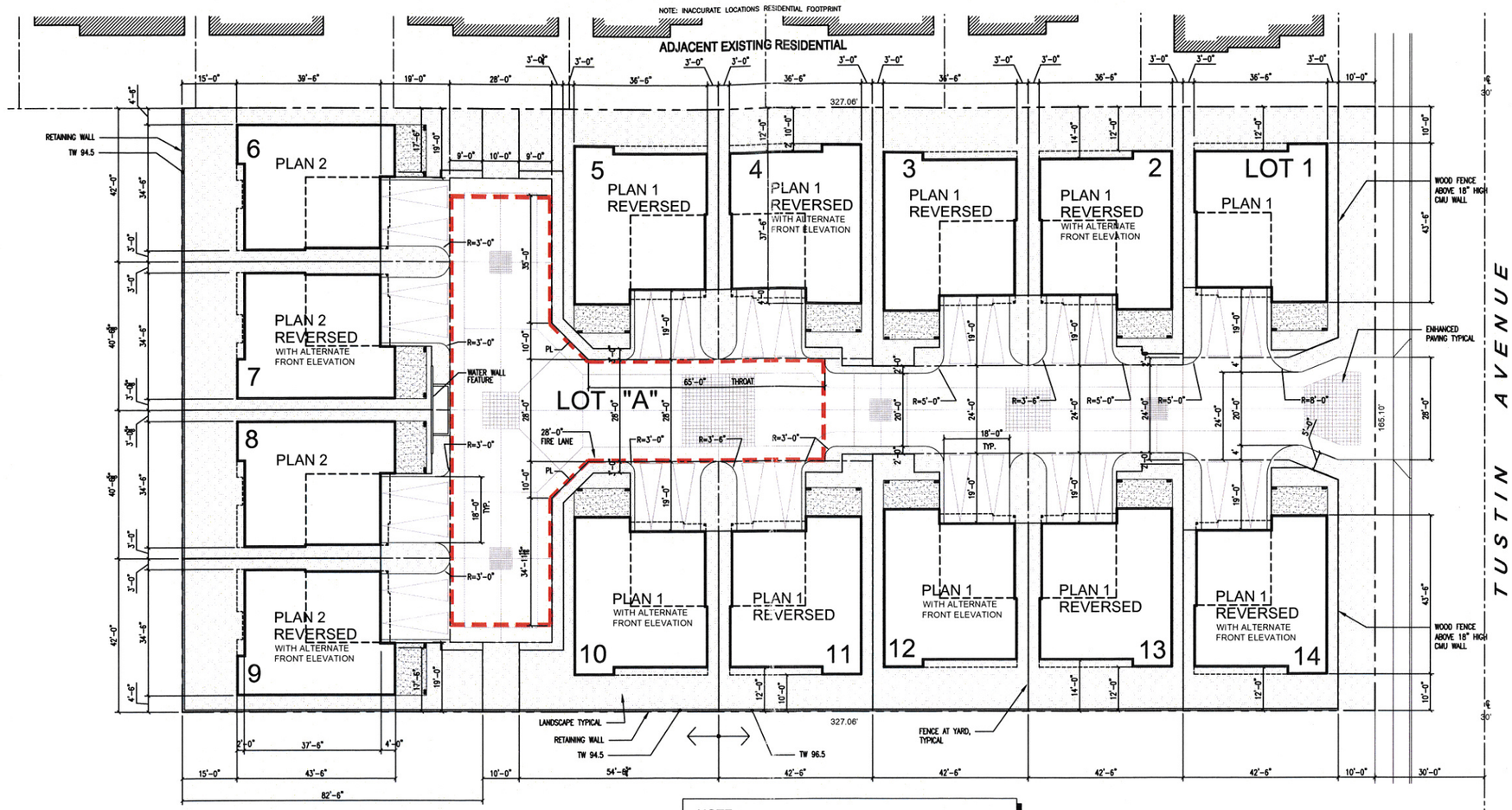
MOTION:
T-15293
Approved

A motion was made by Commissioner Dixon, seconded by Commissioner Davenport and carried 4-0, to approve the Tentative Tract Map by adoption of Planning Commission Resolution PC-96-49, based on analysis and information contained in the Planning Staff Report and Findings contained in Exhibit "A", subject to conditions contained in Exhibit "B".

PLANNING ACTION
PA-96-33

Bahmani

The Chair opened the public hearing for consideration of Planning Action PA-96-33, for Mohammad Bahmani, for a Conditional Use Permit to reopen a service station, including auto repair and sales of gasoline, located at 3003 Newport Boulevard in a C1 zone. Environmental Determination: Negative Declaration.



NOTE:
REFER TO CIVIL FOR OFF-SITE IMPROVEMENTS

1 SITE PLAN
SCALE: 1/16" = 1'-0"

PLAN #1

10 UNITS TOTAL (3 BEDROOM - 3 BATH & LOFT PER UNIT)
(OPTIONAL 4 BEDROOM - 4 BATH & LOFT)

FIRST FLOOR	1,340 S.F. (LIVABLE AREA)
SECOND FLOOR	1,276 S.F. (LIVABLE AREA)
TOTAL	2,616 S.F. (LIVABLE AREA)
2 CAR GARAGE (20 x 20 CLEAR)	400 S.F. GARAGE AREA

PLAN #2

4 UNITS TOTAL (3 BEDROOM - 3 1/2 BATH & LOFT PER UNIT)
(OPTIONAL 4 BEDROOM - 4 1/2 BATH & LOFT)

FIRST FLOOR	1,442 S.F. (LIVABLE AREA)
SECOND FLOOR	1,260 S.F. (LIVABLE AREA)
TOTAL	2,702 S.F. (LIVABLE AREA)
2 CAR GARAGE (20 x 20 CLEAR)	400 S.F. GARAGE AREA

PROJECT DATA

ZONE:	R2-MD	
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL	
LOT AREA:	53,998 S.F. (327.06' x 165.10')	
DRIVEWAY / OPEN PARKING	9,604 S.F.	17.8 %
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14 DWELING UNITS

28 - ENCLOSED GARAGE PARKING SPACES
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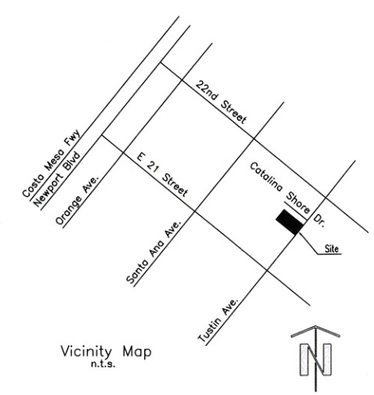

Vicinity Map
n.t.s.

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ARCHITECTURE

A-1 SITE PLAN
A-2 PLAN 1 FLOOR & ROOF PLANS/ EXTERIOR ELEVATIONS
A-3 PLAN 2 FLOOR & ROOF PLANS/ EXTERIOR ELEVATIONS

CIVIL

1. TITLE SHEET, GRADING NOTES, EXT.
2. GRADING PLAN, SECTIONS, DETAILS, EXT.
3. GRADING PLAN (1:10 SCALE)

PLOT DATE: 12/6/2012 K:\02-1003-002 TUSTIN AVENUE HOMES\CAD\SHEETS-DRB\A-1 SITE PLAN.DWG

ATTACHMENT 2

BPS
Bryant Palmer Soto Inc.
Neil Stanton Palmer ARCHITECTS / Jack K. Bryant ENGINEERS
2601 Airport Drive, Suite 310, Torrance, CA 90505
Telephone: (310) 326-6111
Fax: (310) 325-0271

Consultants:

Project
TUSTIN 14
2157 TUSTIN AVE.
COSTA MESA, CALIFORNIA 92627

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SUBMITTALS

MARK	DATE	DESCRIPTION
	01/28/13	PLANNING SUBMITTAL

REVISIONS

MARK	DATE	DESCRIPTION

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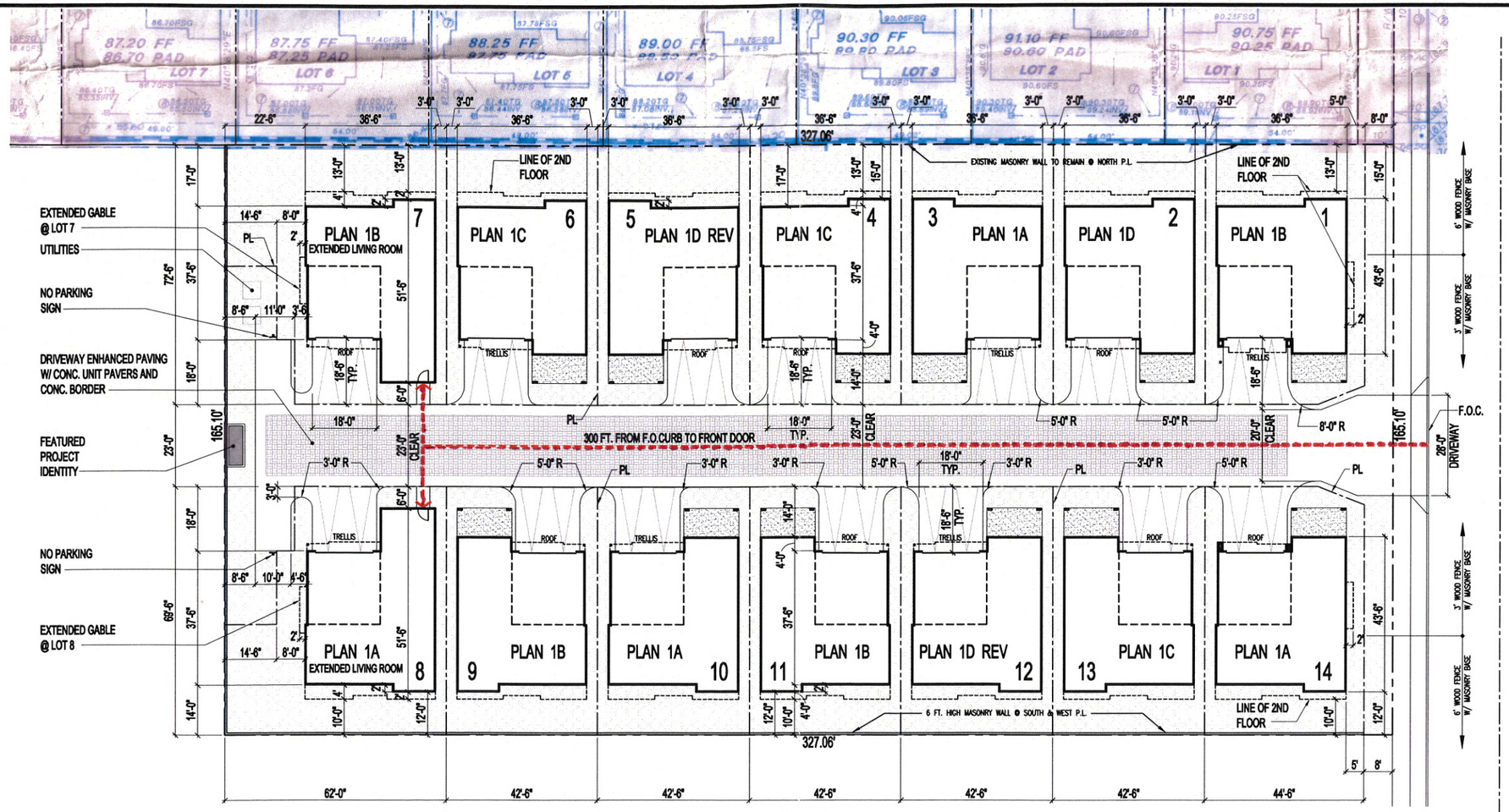
Stamp

Job No.:	02-1003-002
CADD File:	K:\02-1003-002 TUSTIN AVENUE HOMES\CAD\SHEETS-DRB\A-1 SITE PLAN.DWG
Project Start Date:	12-06-12
Drawn By:	DC
Checked By:	KP
Scale:	AS NOTED

Drawing Title
SITE PLAN

Sheet
A-1



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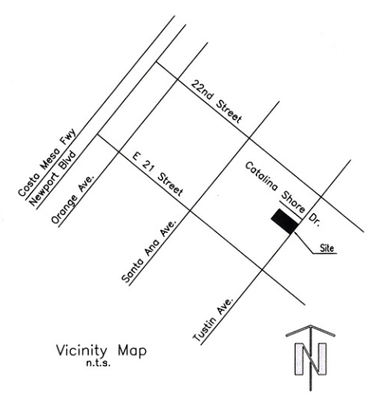

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2601 Airport Drive, Suite 310, Torrance, CA 90505
Telephone: (949) 548-2330

Builder / Developer :

MATT | WHITE
CUSTOM HOMES
(714) 434-4371

Project

EAST HAVEN

2157 TUSTIN AVE.
COSTA MESA, CALIFORNIA 92627

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	03/19/13	PLANNING 2ND SUBMITTAL

REVISIONS

MARK	DATE	DESCRIPTION
	03/05/13	300 FT. DRIVEWAY PLAN
	03/12/13	LOT 1 & 14 LOT WIDTH

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Stamp

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Project Start Date:	12-06-12
Drawn By:	DC
Checked By:	KP
Scale:	AS NOTED

Drawing Title

SITE PLAN

Sheet

A-1

PLOT DATE: 3/14/2013 K:\02-1003-002 TUSTIN AVENUE HOMES\CAD\SHEETS-DRB\03-19-13 PLANNING SUBMITTAL\A-1 SITE PLAN.DWG

COMMENTS ON PA-13-04 AND TT-17519
DEVELOPMENT AT 2157-2159 TUSTIN AVE
City Council meeting 5/7/2013
My name is Winston Whitney, resident at 2189 Tustin Ave, 5 lots north of the proposed development . I oppose features of the proposed master plan for subdivision of 2157 and 2159 Tustin Ave. The current plan imposes too much density on a lot of limited size.

1. The current proposal will lead to increased parking congestion and hazard on Tustin Avenue. Parking is already congested and dangerous on Tustin Avenue, particularly during the frequent evening Youth Center events. The youth events are already a potentially hazardous condition with children on sidewalks using rollerblades, bicycles, and skateboards. Tustin Avenue does not have sufficient reserve for additional parking and congestion.

The proposed high density development does not allow for adequate self -contained parking within the development. There will be a dangerous and unattractive overflow of parking onto Tustin Avenue. The access road will be too narrow to allow parking in front of the individual units. Mandated garage parking for the development residents is unenforcable. When I am confronted with development residents habitually parking in front of my house, am I allowed to inspect their garages?

A reasonable compromise with the neighbors in the area would be to insist on overflow parking in the development. Catalina Shores for example replaced one of the proposed housing units with a parking lot. One or two of the proposed house lots should be converted to parking (as was done in Catalina Shores)

The excess Tustin Avenue overflow parking from a minimum of 28 cars in that small development will greatly detract from the safety and aesthetics of the neighborhood . The city should insist on self contained overflow parking for a development of this density.

2. There was a proposal to "red curb" the sidewalk on Tustin in front of the development to limit parking. This is a poor idea. "Red Curbing the area in front of the development will merely displace the overflow parking up and down Tustin Avenue in front of more neighbors. Red Curbing the area in front of the development will also penalize children and families attempting to access the youth center.

3. A poorly thought proposal was made to prohibit construction traffic on Windward street . The problem with such a proposal is that it increases construction traffic and noise on other access streets, north and south on Tustin avenue. I pay taxes to Costa Mesa, why should I have to suffer through increased construction traffic so that Windward street residents , who do not pay taxes to Costa Mesa, can be spared their share of the burden? The burden of construction traffic should not be unfairly distributed to one set of neighbors so other neighbors can be spared.

4. The garages are small, the side lots are small, there is not adequate room for trash container storage. There is no room for a central neighborhood trash receptacle. Catalina Shores uses one of the lots as an overflow parking/ trash dumpster storage. One or two of the units should be sacrificed so the development can handle trash and parking.

4. I found video of the Planning commission meeting disturbing as plans were pushed through, and options dismissed because "the numbers don't pencil out" according to the developer. I would ask the council consider the wishes and protests of the community, and not be tied to whether a "speculative" real estate investor makes money. It is not the council's responsibility to make sure an investor makes money. The numbers may not "pencil out" because an investor paid an unrealistic sum for a lot, not because the community has unrealistic development constraints.

This development will impose a high density on the neighborhood. The high density and burden of congestion will detract from the neighborhood. In addition to the high density, there is insufficient planning to minmize the impact of parking and trash. Thank You , Winston Whitney

CITY COUNCIL

SUPPLEMENTAL REPORT

MEETING DATE: MAY 7, 2013 **ITEM NUMBER: PH-1**

SUBJECT: APPEAL OF PLANNING APPLICATION PA-13-04 / TENTATIVE TRACT MAP NO. 17519 FOR A 14-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2157 AND 2159 TUSTIN AVENUE

DATE: MAY 6, 2013

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT MA

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA (714) 754-5610
minoo.ashabi@costamesaca.gov

The purpose of this memo is to provide the following exhibits:

- Correct Tentative Tract Map without a common lot approved by Planning Commission on April 8, 2013
- Site plan approved by Planning Commission on April 8, 2013
- Original site plan with reduced side yard setback

Please note that the original tentative tract map was revised to delete the common lot and the staff report dated April 25th inadvertently included the wrong exhibit. The final tentative tract map approved by the Planning Commission includes 14 parcels with each parcel containing a portion of the common driveway. The map includes an easement for access and maintenance over the area that was previously defined as common lot (Lot A). The grading plans submitted with the original staff report have not been revised to reflect the 14 lot subdivision with no common lot and were attached to the original report for reference.

During the public comment period, staff received an additional comment letter submitted by Mr. Winston Whitney that was forwarded under separate cover. The first comment letter was included with the Planning Commission report as well as City Council staff report dated April 25, 2013.

Please let me know if you have any questions.

Attachment:
1. Tentative Tract Map No. 17519 (no common lot) approved by Planning Commission on April 8, 2013
2. Final Site Plan approved by Planning Commission on April 8, 2013
3. Original Site Plan (for Reference only)

cc: Chief Executive Officer
Assistant Chief Executive Officer
Director of Economic & Development/Deputy CEO
Public Services Director
City Attorney
Transportation Services Manager
City Engineer

City Clerk (9)
Staff (7)
File (2)
Distribution List – Residents Who Provided Correspondence

Matt White
MW Custom Homes
3090 Pullman Street
Costa Mesa, CA 92626

Jonathan Atha
President, Catalina Shores HOA
391 Catalina Shores Drive
Costa Mesa, CA 92627

Attachment 1
Tentative Tract Map No. 17519
Approved by Planning Commission on April 8, 2013

SHEET 1 OF 1

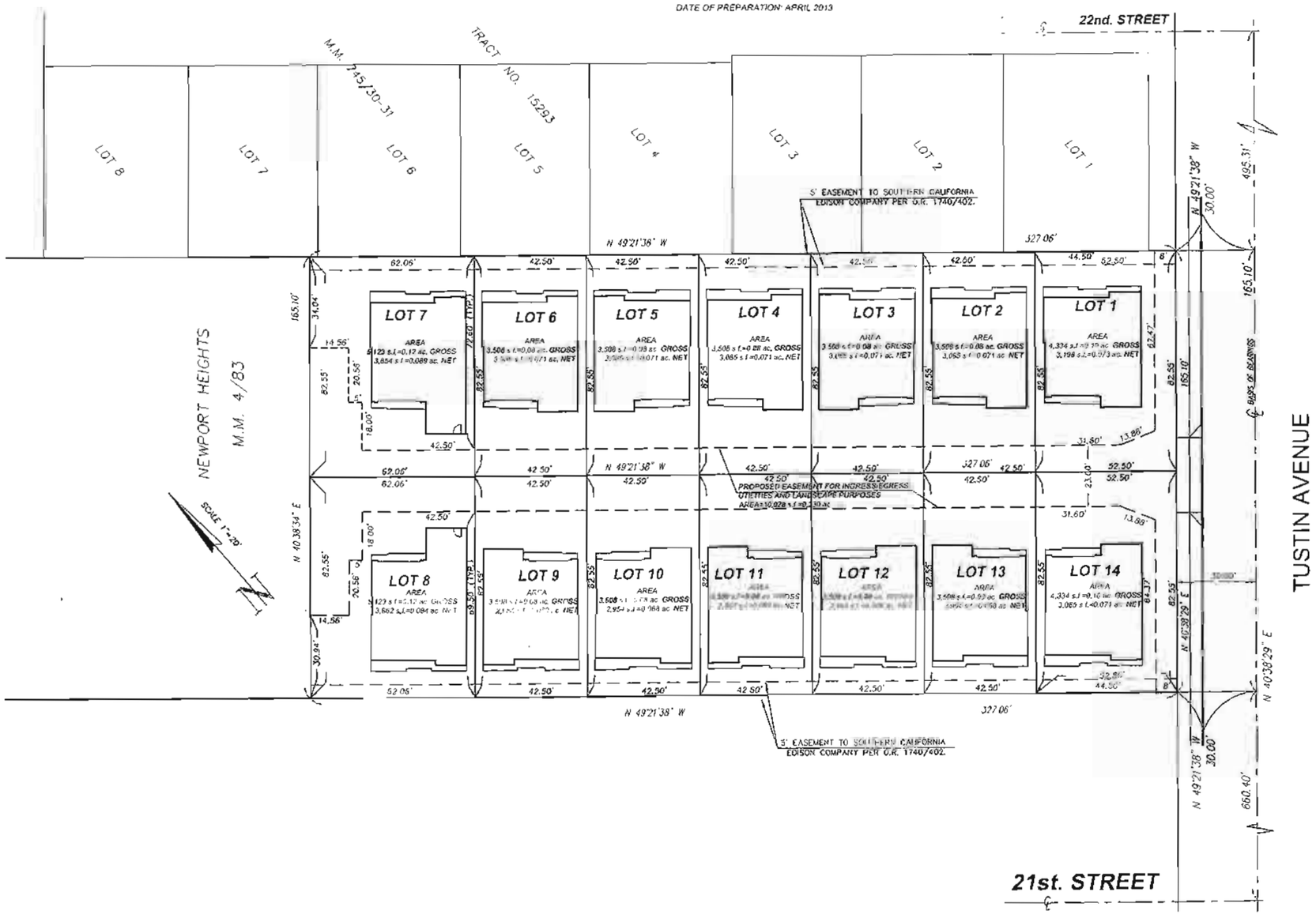
TENTATIVE TRACT NO. 17519

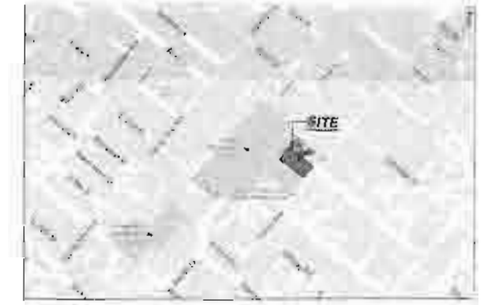
PORTION OF LOT 276, "NEWPORT HEIGHTS", IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4, PAGE 83, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

FOR CONDOMINIUM PURPOSES

ROBIN B. HAMERS

DATE OF PREPARATION: APRIL 2013





VICINITY MAP
NTS

SITE ADDRESS:
2137 TUSTIN AVENUE
COSTA MESA, CA. 92627
A.P.N 426-171-05

AREA SUMMARY
TOTAL AREA = 53,898 S.F.(1.24 ac.)

OWNER AND SUBDIVIDER:
MATT WHITE
W CUSTOM HOMES, INC.
3090 PULLMAN ST.
COSTA MESA, CA 92626

ENGINEER:
ROBIN B. HAMERS AND ASSOC., INC.
234 E 17TH STREET, SUITE 205
COSTA MESA, CA. 92627
(949) 548-1192

REGISTERED PROFESSIONAL ENGINEER ROBIN B. HAMERS NO. RCE 34720 EXP. 12/31/2014 CIVIL STATE OF CALIFORNIA

BASIS OF BEARING
THE BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF TUSTIN AVENUE BEING NORTH 40°38'34" EAST, PER TRACT NO. 15293, BOOK 745 PAGES 30-31 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

LEGAL DESCRIPTION:
THE SOUTHWESTERLY HALF OF LOT 276 OF "NEWPORT HEIGHTS", AS SHOWN ON A MAP RECORDED IN BOOK 4, PAGE 83 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA

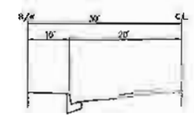
EXCEPTING THEREFROM THE NORTHWESTERLY 303.00 FEET THEREOF AS DESCRIBED IN DEED TO COSTA MESA UNION SCHOOL DISTRICT OF ORANGE COUNTY RECORDED JANUARY 6, 1959 IN BOOK 4537 PAGE 245 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY

EASEMENTS
AS SHOWN ON THE MAP

BENCHMARK
THE ELEVATIONS SHOWN HEREON ARE BASED ON ORANGE COUNTY SURVEY VERTICAL CONTROL NUMBER "NOW-22-92".
ELEVATION 82.229 FEET (NGVD29) (1992 ADJ)

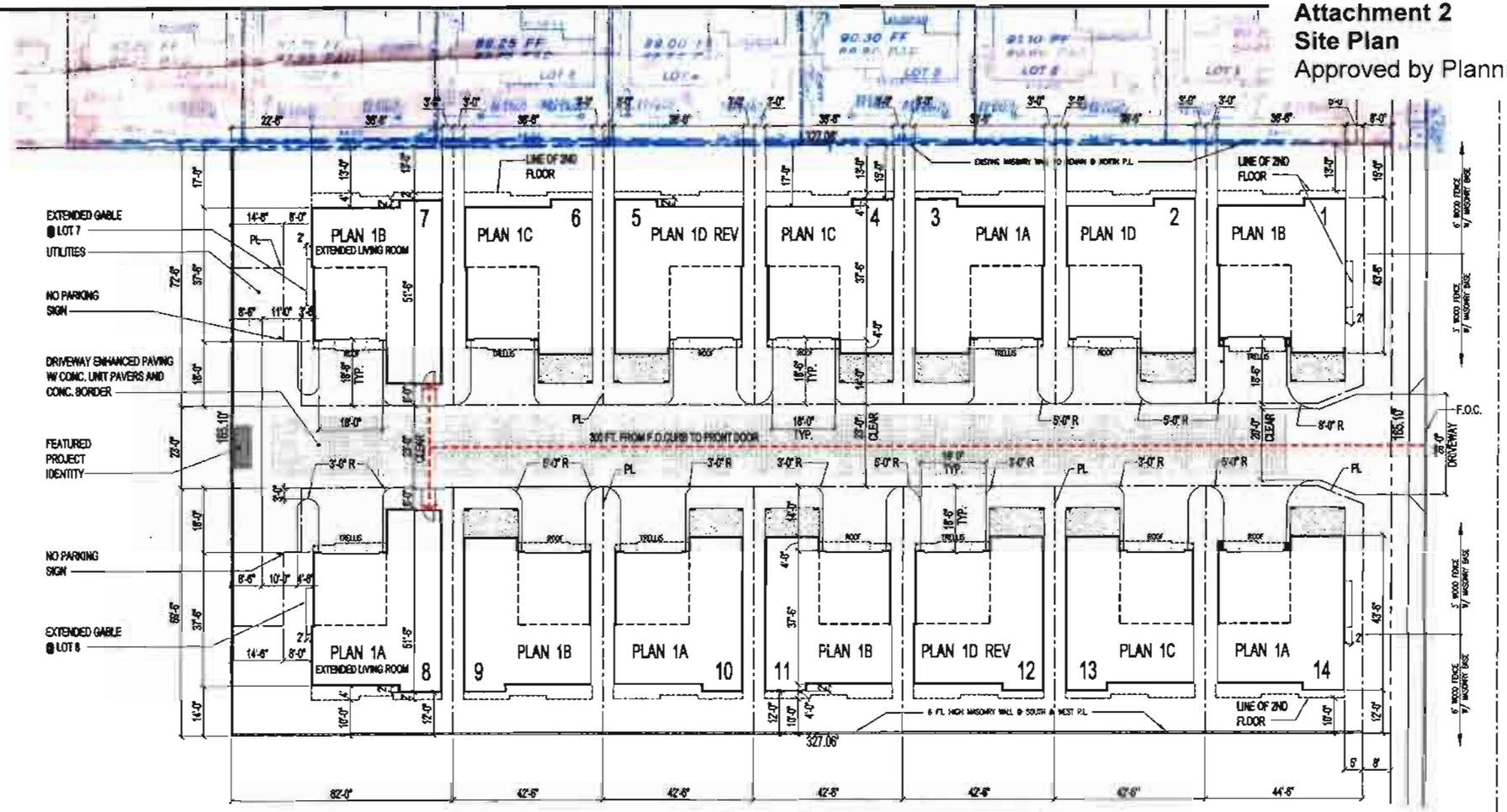
FLOOD ZONE
ZONE X, OUTSIDE THE 500 YEAR FLOOD BOUNDARIES

NOTES:
- SEE PRELIMINARY GRADING PLAN FOR AN ADDITIONAL INFORMATION
- NO EXISTING WATERCOURSES ON SITE
- NO PROPOSED DEDICATION



TUSTIN AVENUE
TYPICAL STREET SECTION
NTS

Attachment 2
Site Plan
Approved by Planning Commission on April 8, 2013



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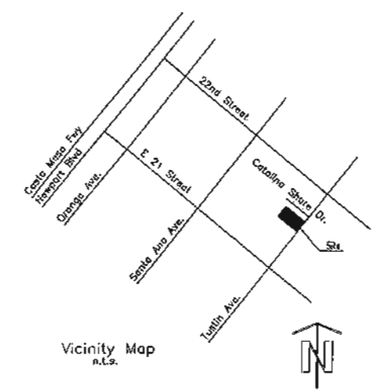

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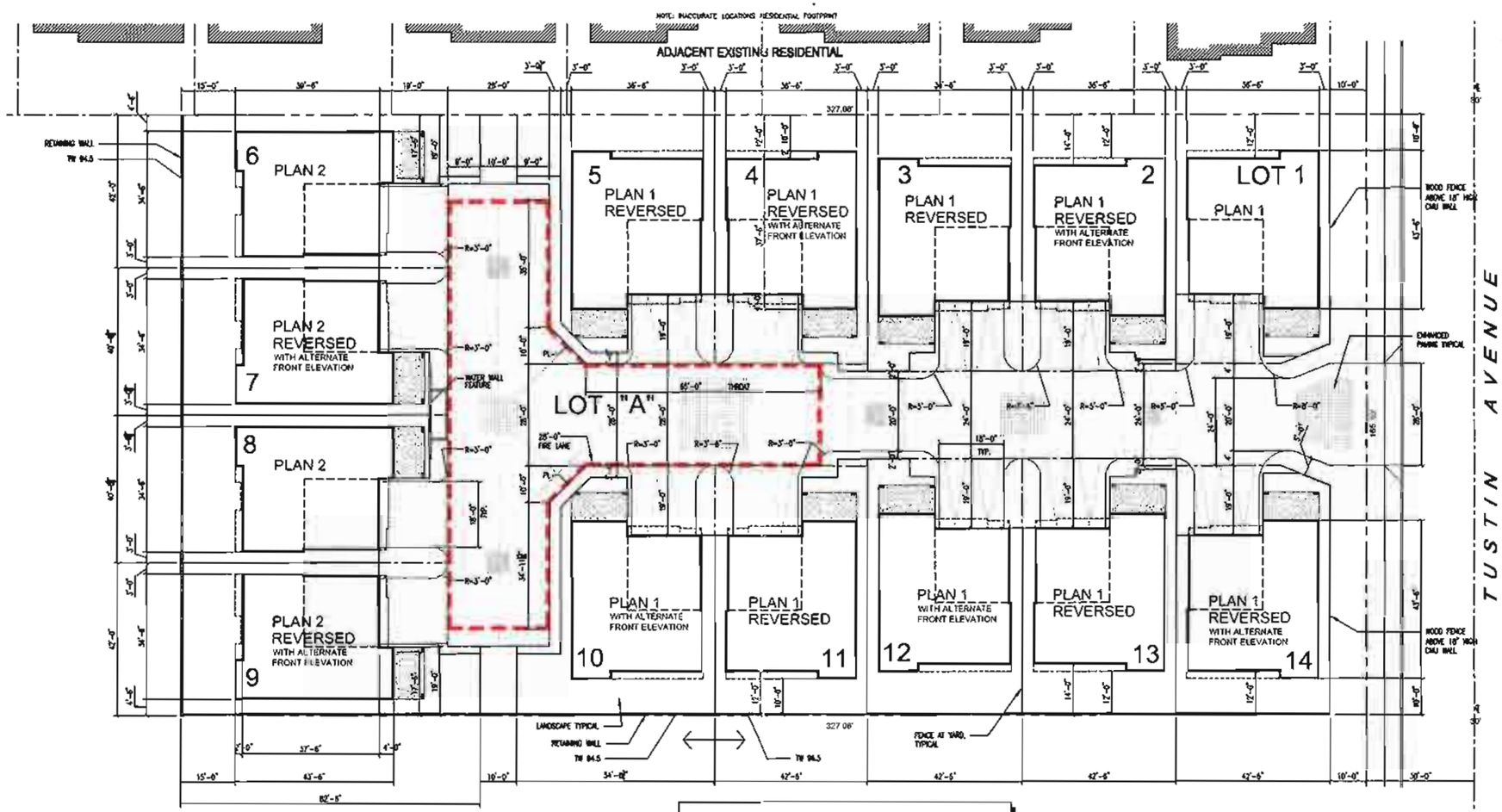
Attachment 3
Original Site Plan
Submitted December 2012



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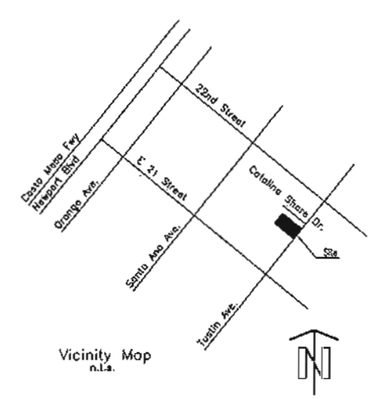

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A-1 SITE PLAN
A-2 PLAN 1 FLOOR & ROOF PLANS/ EXTERIOR ELEVATIONS
A-3 PLAN 2 FLOOR & ROOF PLANS/ EXTERIOR ELEVATIONS

CIVIL

1. TITLE SHEET, GRADING NOTES, EXT.
2. GRADING PLAN, SECTIONS, DETAILS, EXT.
3. GRADING PLAN (1:10 SCALE)

Bryant Palmer Soto Inc.
Neil Stanton Palmer ARCHITECTS / Jack K. Bryant ENGINEERS
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Consultants:

Project
TUSTIN 14
2157 TUSTIN AVE.
COSTA MESA, CALIFORNIA 92627

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SUBMITTALS

MARK	DATE	DESCRIPTION
	01/28/13	PLANNING SUBMITTAL

REVISIONS

MARK	DATE	DESCRIPTION

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Stamp

Job No.:	02-1003-002
CADD File:	
Project Start Date:	12-06-12
Drawn By:	DC
Checked By:	XP
Scale:	AS NOTED

Drawing Title
SITE PLAN

Sheet
A-1

PLOT DATE: 1/28/2012 X:\02-1003-002 TUSTIN AVENUE HOMES\CADS\SHEETS\DRBK-1 SITE PLAN.DWG

GREEN, BRENDA

From: Leah Belfiore [leah.belfiore@gmail.com]

Sent: Monday, May 06, 2013 12:13 PM

To: RIGHEIMER, JIM; MENSINGER, STEPHEN; LEECE, WENDY; GENIS, SANDRA; MONAHAN, GARY; RODELIUS, SHARON; GREEN, BRENDA

Cc: Joanne and Chris Seiber

Subject: Public Hearing Item for May 7th -- Planning Application PA-13-04

Good Afternoon,

On May 7th you have scheduled a Public Hearing to review Planning Application PA-13-04 on Tustin Avenue.

I am a neighbor living on Windward Lane within 1/2 block of the proposed development site. My children and I are avid users of the Boys and Girls Club and we are part of the Kaiser Elementary School district.

I am writing to respectfully request that you that you reverse the Planning Commissions' recommendation regarding the proposed 14 unit construction. There are several issues that I hope will persuade you that this project should be reconsidered:

1. Visibility. Pulling out onto Tustin is difficult, especially in light of the proximity of the school, it's very popular baseball and soccer fields, and the Boy's and Girl's club. I did not see guest parking included as part of the development. At a minimum, guest parking must be included and red curbs should be extended in the area to improve visibility.

2. Trash. Multiple trash cans in the street will be excessive with 14 families' trash pickup on the small street-front.

3. Traffic speeds. Excessive speed on Tustin and Windward Ln are already of concern to residents. Holiday Road residents have already complained to the council about traffic in the area and this will exacerbate the existing problem.

4. Property Values. Property values in the area are just beginnig to rise again. Costa Mesa should not continue to replace individual homes with 10+ multi-unit condominium type developments in this area. This residential area is highly desirable and if each R2 lot is bulilt out to maximum density, over time the entire area will begin to lose value. NO variances should be allowed that will decrease the desirability of the City of Costa Mesa.

Thank you very much for your time. I appreciate your consideration and I hope you will vote to reverse the Planning Commission on this development.

--
Leah Belfiore

mobile - 949-836-2638
leah.belfiore@gmail.com

My name is Kathryn Anderson and 2159/ 2157 Tustin Ave. has been my primary residence for 62 years. I have no financial interest in Matt White's project. I received the Attachment 1 for tonight's meeting and chuckled to myself as I read the minutes and the opposition voiced, which included my own on May 28, 1996 against the Harbinger Home project on Catalina Shore Drive. The opposition was almost identical to the opposition being voiced against East Haven. Having read through the agenda reports for tonight's meeting I reflected back to May 1996 and our fears and concerns turned out to be unfounded. I live adjacent to Catalina Shore and during construction I hardly ever heard any noise because all work was done during the day Monday through Friday while I was at work. I rarely saw a dump truck and the street was cleaned everyday. I know Matt will proceed in identical fashion. The trucks never used Windward Lane and always proceeded up Tustin to 22nd while everyone was at work or school. It rained and rained that year and my Mom provided Carrie Smith with an extension cord running from her house to his property so that he could operate his water pump to clear out the water as he was losing a great deal of money for every day of delay on the Catalina Shore project. My Mom adjusted to having six two story homes overlooking her property. The traffic did not seem to increase and Catalina Shore developed into a quiet neighborhood community and provided quality homes for twelve families.
I was curious about the fears over increased traffic. I randomly timed the traffic this weekend from Sat morning to Sunday night. Within 5 minute intervals there where 5-10 cars on Tustin, 2-5 pedestrians and 2-6 cars on Windward lane turning onto Tustin Ave. Our neighborhood amazingly quiet on the weekend when there are no games. There were three overflow cars from Catalina Shore and two cars adjacent to the park. It was not the density of Catalina Shore that adversely impacted our neighborhood as was feared back in 1996. So too, I do not believe that East Haven will in any way have an adverse effect on our local community.

I would like to ask the City council to say yes to East Haven, and yes to 14 families who will find a home of their dreams in which to raise their family at East Haven and Anderson Way.
Thank you.

May 7, 2013

Costa Mesa City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626.

Subject: Planning Application PA-13-04
Location: 2157-2159 Tustin Avenue

My name is Kathryn Anderson and 2159/ 2157 Tustin Ave. has been my primary residence for 62 years. I am being impacted by the project more than any other person in this room. My life was impacted when the pony farm and horse stable across the street became Windward Lane and the orange grove across Tustin Ave. became Bonnie Bay Estates. I was impacted when the Thetford home next door became 12 multiple units and six two-story homes directly overlooked our backyard. Yet I have had the pleasure of meeting many of my neighbors and was surrounded by good people. And that is exactly what Matt White's project is all about, meeting people's needs for a home.

When my Mom Margaret Anderson passed away, I was informed that our property was being sold and that I would have to move. Panic is the feeling that comes with homelessness. There are families in need of homes right now and in eastside Costa Mesa there is nothing to be found. I know because I have looked. If a home does become available

there are 8-12 offers above asking price and generally cash offers are the ones accepted.

In 1996 I lived adjacent to Catalina Shore while 12 homes were being constructed. I hardly ever heard any noise because all work was done during the day. I rarely saw a dump truck and the streets were cleaned. The trucks never used Windward Lane and always proceeded up Tustin to 22nd, while everyone was at work or school. I know Matt will proceed in identical fashion.

My Mom adjusted to having six two story homes overlooking her property. The traffic did not seem to increase and Catalina Shore developed into a quiet neighborhood community and provided quality homes for twelve families.

I was curious about the fears over traffic safety. I timed the traffic this weekend and within 5 minutes intervals the average was 7 cars on Tustin, 3 pedestrians and 4 cars on Windward Lane turning onto Tustin. Our neighborhood is amazingly quiet when there are no games. On Monday morning at 9:00 AM there were five-minute intervals when there were no cars at all. It was not the density of Catalina Shore that adversely impacted our neighborhood as was feared back in 1996. So too, I do not believe that East Haven will in any way have an adverse effect on our local community.

I have no financial interest in Matt White's project, but I would like to ask the honorable members of our City Council to say yes to East Haven, and yes to 14 families who will find a home of their dreams in which to raise their family.

Thank you.
Kathryn J. Anderson

RECEIVED
CITY CLERK

13 MAY -7 PM 12: 06

CITY OF COSTA MESA
BY_____

May 7, 2013

Costa Mesa City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626.

Subject: Planning Application PA-13-04
Location: 2157-2159 Tustin Avenue

We are heirs of the estate of Margaret and Orby Anderson, which sold the above-referenced property to the applicant, Matt White. We are writing this letter in support of Mr. White's proposed development.

After the death of our Mother in 2011, we researched various builders who might be interested in purchasing the estate property and, as part of this process, visited Matt White's newly-constructed "Midtown" development on Thurin Avenue in Costa Mesa. We were impressed by the attractive design of this project and the affordable pricing of the residences. We were not surprised to later learn that all units in the development sold quickly despite an adverse market.

As negotiations progressed with potential buyers, Mr. White demonstrated a continuing interest in the property that exceeded that of the other buyers, and we quickly became convinced that the purchase and development of our property was not for Matt just another project. After we agreed to sell him the property, Mr. White was always forthright during contract negotiations and, to his credit, he did not attempt to take advantage of unexpected circumstances that arose late during contract negotiations and escrow.

We believe Matt White to be an honest and capable builder. We have reviewed his development proposal and feel his project will be an attractive one that will provide much-needed housing for fourteen families. We urge you to approve Mr. White's planning application.

Just as a point of information, we closed escrow and received full payment for the property several months ago and we have no financial interest in any determination made by the City with regard to Mr. White's application.

Respectfully Submitted,

Kathryn Anderson

Rose Sherwin Rose Sherwin (KA)

Bob Anderson (KA)

Robert M. Anderson