

# City of Costa Mesa

## Inter Office Memorandum

To: Planning Commission

From: Willa Bouwens-Killeen, Senior Planner *WKB*

Date: April 21, 2004

Subject: PA-03-47/VT-16600 – 170 THROUGH 190 23<sup>RD</sup> ST./2337 ORANGE AVE.

**\*\*ADDITIONAL INFORMATION\*\***

**PLANNING COMMISSION MEETING OF APRIL 26, 2004**

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At the Planning Commission meeting of April 12, 2004, Planning staff recommended denial of the proposed project due to concerns with the crowded site design and the isolated tot lot. Since that time, the applicant has worked with staff revising the site plan to eliminate both the variances from rear yard setback requirements and the minor modification from front yard setback requirements. Consequently, the project satisfies applicable development standards. Based on comments from the Planning Commission and Planning staff, the applicant reduced the number of units from 26 to 25, increased the amount of open space and guest parking spaces, maintained the tot lot in a more central location, increased the visual separation between the units on lots 12 through 24, increased the separation between units 3 through 11 from the existing units to the west and, to allow additional landscape screening next to existing development, increased the driveway landscaping along the north property line. Additionally, as originally recommended by Planning staff, the applicant agreed to enhance the 23<sup>rd</sup> Street entry with decorative block walls and dense landscaping and set back the first 2 houses on either side of the south end of the private drive to allow a more open appearance of the project. The private street will consist entirely of stamped concrete paving or pavers (under the direction of the Planning staff) to further enhance the streetscape. The resulting project is of a higher quality than what was originally reviewed by Planning staff for the April 12, 2004, Planning Commission meeting.

The redesigned project is consistent with the following of the City's General Plan goals:

LU-1A.4 – Strongly encourage the development of low-density residential uses and owner-occupied housing where feasible to improve the balance between rental and ownership housing opportunities.

The resulting density is lower than many of the surrounding developments (8.6 dwelling units to the acre; surrounding properties average 13 dwelling units to the acre) and the project is all for-sale housing.

CD-7A.1 – Ensure that new and remodeled structures are designed in architectural styles, which reflect the City’s diversity, yet are compatible in scale and character with exiting buildings and the natural surroundings within residential neighborhoods.

The project’s architecture reflects the City’s diversity and is compatible in scale and character with the surrounding apartments and common interest developments.

CD-7A.2 – Preserve the character and scale of Costa Mesa’s established residential neighborhoods; where residential development or redevelopment is proposed, require as a condition of approval that it consistent with the prevailing character of existing development in the immediate vicinity, and that it does not have a substantial adverse impact on adjacent areas.

The neighborhood where the project is proposed contains a variety of two-story apartment and common interest developments. The project should not have an adverse impact on adjacent areas because the density is lower than all but one of the abutting developments and residential use of the property – of a higher density than proposed -- was anticipated by the General Plan.

Based on the above, staff’s revised recommendations are as follows:

1. Adopt the Negative Declaration.
2. Withdraw the variances from rear yard setback requirements and the minor modifications from front setback requirements.
3. Approve Planning Application PA-03-47 and Vesting Tentative Tract Map VT-16600 by adoption of the Planning Commission resolution, subject to conditions.

Attached is the Planning Commission resolution with revised findings and conditions of approval, as well as the latest revised plans and summary sheet.

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

Eric Everhart  
The Olson Company  
3020 Old Ranch Parkway  
Suite 400  
Seal Beach, CA 90740-2751

Tim Celek  
The Crossing Church  
2115 Newport Boulevard  
Costa Mesa, CA 92627



**RESOLUTION NO. PC-04-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA  
APPROVING PLANNING APPLICATION PA-03-47/VESTING TENTATIVE TRACT MAP  
VT-16600**

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

WHEREAS, an application was filed by The Olson Company, authorized agent for Calvary Church Newport Mesa, with respect to the real property located at 170 through 190 23<sup>rd</sup> Street and 2337 Orange Avenue, requesting approval of a design review for a 25-unit, common interest development with a variance from rear yard setback requirements, a minor modification from front setback requirements, and a vesting tentative tract map to facilitate the project, in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 12, 2004, and April 26, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **ADOPTS** the Negative Declaration and **WITHDRAWS** the variances and minor modifications and **APPROVES** Planning Application PA-03-47 and Vesting Tentative Tract Map VT-16600 with respect to the property described above.

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-03-47 and Vesting Tentative Tract Map VT-16600 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". 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 26th day of April, 2004.**

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Chair, Costa Mesa  
Planning Commission

*H*



**EXHIBIT "A"****FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that 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. Specifically, the project is of a character and scale compatible with the surrounding apartment and common interest developments, many of which are two stories. Architectural articulation will be provided through a series of pop-outs, the use of wood siding or shingles for exterior wall materials, shutters, porches, and the shapes of the buildings. Because this is a self-contained project, the impact of any building mass will be primarily limited to the residents of the project. Additionally, the second stories of the units will be set back 20 feet or more from adjoining properties, mitigating potential building mass impacts. Approval of the project will provide additional home ownership opportunities, consistent with the goals of the General Plan.
- B. The creation of the subdivision and related improvements is consistent with the General Plan and Zoning Code.
- C. The proposed use of the subdivision is compatible with the General Plan.
- D. The subject property is physically suitable to accommodate Vesting Tentative Tract Map VT-16600 in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- 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 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.
- G. 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).

- H. An initial study was prepared, pursuant to the California Environmental Quality Act. According to the Initial Study and Negative Declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment.
  
- I. 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. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
2. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
3. The final map shall show easements or other provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and the US Postal Service.
4. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite 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. The retaining wall height in the northwest corner of the site, and the resulting grade, shall be reduced to a maximum 30" height.
5. To avoid an alley-like appearance, if the driveway is paved with asphalt, it shall be developed without a center concrete swale. Design shall be approved by the Planning Division.
6. The site plan submitted with initial working drawings shall contain a notation specifying whether the project is a one-lot condominium or whether each unit is situated on a separate parcel.
7. The applicant shall contact Comcast (cable television) at 200 Paularino, Costa Mesa, (888) 255-5789 prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
8. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-03-47/Vesting Tentative Tract Map VT-16600 shall be blueprinted on the face of the site plan.
9. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the final inspections. This inspection is to

confirm that the conditions of approval and code requirements have been satisfied.

10. Provide a decorative block wall along 23<sup>rd</sup> Street under the direction of Planning staff. The wall shall be set back a minimum of 10 feet from 23<sup>rd</sup> Street and a minimum of 5 feet from the private street.
11. Stationary play equipment shall be located on turf, sand, or other treated surface to the satisfaction of the Development Services Director. Common outdoor play areas shall include a combination of both soft and hard surfaces.
12. Prior to building permit issuance, the applicant shall submit a final playground plan for review and approval, which includes detailed playground specifications of manufactured play equipment. The playground plan shall depict safety fall zones, safety surfacing materials and construction specifications, manufacturer and model numbers of equipment and equipment deck heights. On a project-specific basis, the Development Services Director shall require that the playground plan adequately serve the anticipated number of users and their activities.
13. Prior to occupancy, the applicant shall submit a letter stating that the play equipment installation has been inspected by a person authorized by the manufacturer, that the equipment has been installed per manufacturer's specifications, and that it complies with the minimum playground safety regulations adopted by the State of California (California Code of Regulations, Title 22, Division 4, Chapter 22).
14. There shall be no nighttime lighting, except for security purposes, of the tot lot. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of nearby residences.
15. A street barrier (i.e., steel reinforced bollards, reinforced block walls, etc.), minimum 42 inches in height, shall be provided between the tot lot and the private drive.
16. At least one of each type of ground level play equipment in the tot lot shall be handicapped accessible.
17. Buffering shall be provided between the tot lot and the residential property to the south.
18. A minimum of one shaded seating area shall be provided in the tot lot to encourage adult supervision of children.
19. The commonly-held parkway landscaped area on the north side of the private drive shall be densely planted with screening materials, under the direction of the Planning Division. A provision shall be included in the CC&Rs prohibiting removal of the screening materials unless the shrub and/or tree is replaced with a similar plant under the direction of the Planning Division.
- Eng. 20. Comply with the requirements contained within the letter prepared by the City Engineer dated March 12, 2004. (Copy attached.)



# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

March 12, 2004

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

SUBJECT: Vesting Tentative Tract No. 16600  
LOCATION: 190 E. 23<sup>rd</sup> Street

Dear Commissioners:

Vesting Tentative Tract Map No. 16600 as furnished by the Planning Division for review by the Public Services Department, consists of a subdivision of three (3) lots into twenty-six (26) lots for single residential use and six (6) lots for common use. Vesting Tentative Tract Map No. 16600 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. 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.
3. The Final Tract Map and all off-site improvements required to be made, or installed by the Subdivider, shall meet the approval of the City Engineer. Prior to any on-site/off-site construction, permits shall be obtained from the City of Costa Mesa Engineering Division.
4. The Subdivider shall submit an off-site plan to the Engineering Division and a precise grading plan to the Building Division at the time of submittal of the Final Tract Map. Off-site plan check fee shall be paid per C.C.M.M.C. Section 13-231.
5. In accordance with C.C.M.M.C. Section 13-230, the Subdivider shall submit street improvement plans at the time of first submittal of the Final Tract Map and pay plan check fee per C.C.M.M.C. Section 13-231.
6. The Subdivider shall conduct soil investigations and provide the results to the City of Costa Mesa Engineering and Building Divisions pursuant to Ordinance 66-26.

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7. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.
8. Dedicate an ingress/egress easement to the City over Lot "A" (common area) for emergency and public security vehicles purposes only. Maintenance of Lot "A" shall be the sole responsibility of a Homeowners Association formed to conform to Section 13-41 (e) of the C.C.M.M.C.
9. All public streets shall be fully improved per the C.C.M.M.C., City of Costa Mesa Standard Drawings, and all requirements of the City Engineer.
10. All public streets construction performed as a part of this development shall present a new and uniform appearance prior to the acceptance of the improvements by the City.
11. The elevations shown on all plans shall be on Orange County benchmark datum.
12. The Subdivider shall submit a cash deposit of \$1,000 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.
13. There shall be four feet of clear sidewalk behind all immovable objects, i.e., light standards, mail boxes, telephone poles, fire hydrants, etc.
14. Off-site driveway approaches shall be installed and shall be constructed of P.C.C. per City of Costa Mesa, ADA, and Title 24 Standards. All off-site driveway locations and driveway design shall meet the approval of the City Engineer.
15. Any existing drives or curb depressions that will not be used shall be removed and replaced with full height curb and sidewalk.
16. 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 connected 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 agreement required for such conditions prior to issuance of permits.
17. Construct 48" RCP storm drain from 23<sup>rd</sup> Street to Orange Avenue through common lot "A." Connect the new storm drain to the existing public storm drains located within 23<sup>rd</sup> Street and Orange Avenue. Construct manholes at the points of connection with the existing public storm drains. All storm drain work and materials shall conform to the City of Costa Mesa, Public Services Department, Engineering Division's Storm Drain Design Guidelines (latest revision), and the City of Costa Mesa Standard Plans and meet the approval of the City Engineer. Dedicate a public storm drain easement to the City of Costa Mesa to accommodate the new public storm drain. The width of the storm drain easement shall be per County of Orange Local Drainage Manual design criteria. Maintenance of the easement shall be the responsibility of the Homeowners Association and shall be constructed with a surface material approved by the City Engineer that will prevent surface erosion.

18. 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. Drain all residential lots to common lots; otherwise, cross lot drainage shall not occur.
19. Emergency outlets shall be provided at all sump locations along the storm system. Emergency outlets shall be designed to convey the 100-year storm flow.
20. Vehicular and pedestrian access rights to 23<sup>rd</sup> Street and Orange Avenue shall be released and relinquished to the City of Costa Mesa except at approved access locations.
21. A Subdivision Agreement and deposit shall be submitted to the City Engineer to guarantee construction of off-site improvements. The cash deposit or surety bond amount shall be determined by the City Engineer.
22. Fulfill the drainage fee ordinance requirements prior to the approval of the Tract Map.
23. Street lighting shall be provided as required by the Public Services Department, Transportation Services Division.
24. Sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 631-1731 for information.
25. Water system improvements shall meet the approval of the Irvine Ranch Water District and/or Mesa Consolidated Water District; call (949) 453-5300 and/or (949) 631-1200 for information.
26. Dedicate easements as needed for public utilities.
27. 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.
28. Submit Traffic Mitigation fee as determined by the Transportation Services Manager.
29. 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.
30. 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.
31. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.

Planning Commission  
March 12, 2004

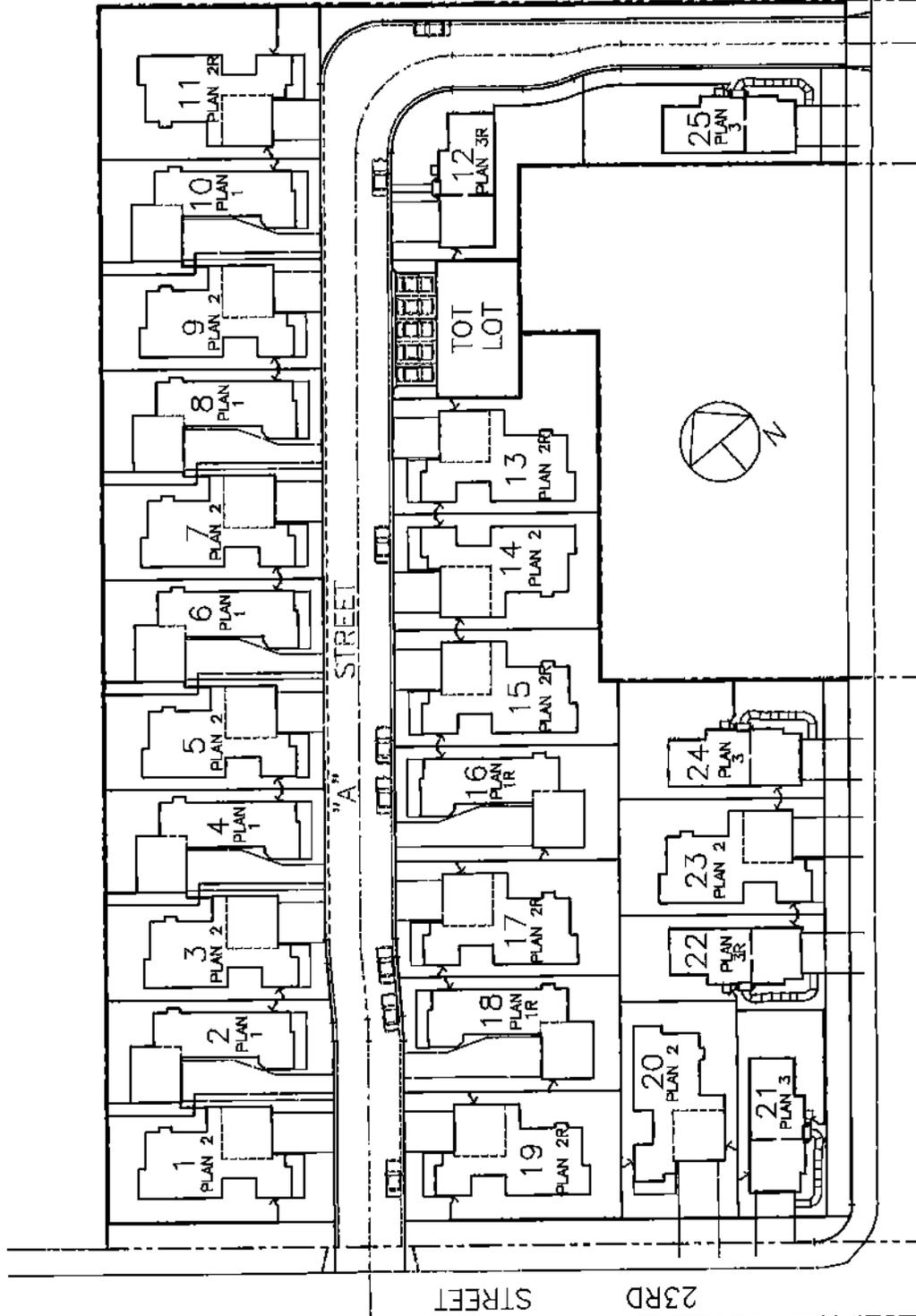
32. Prior to recordation of a Final Tract Map, submit required cash deposit or surety bond to guarantee monumentation. Deposit amount to be determined by the City Engineer.

Sincerely,



Ernesto Muñoz, P. E.  
Assistant City Engineer

/ch (Engr. 2004/Planning Commission Tract 16600)



SCHEMATIC SITE PLAN  
 FOR  
 VESTING TENTATIVE TRACT NO. 16600  
 COSTA MESA, CALIFORNIA

4/14/94

PREPARED BY:  
 THE A.C. COMPANY  
 10000 COSTA MESA BLVD. SUITE 400  
 COSTA MESA, CALIFORNIA 92626-4000  
 ATTENTION: MR. GUY C. HOSKINS

PREPARED BY:

GUY C. HOSKINS  
 P.E.  
 4/14/94

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