



PLANNING COMMISSION AGENDA REPORT

III.4

MEETING DATE: OCTOBER 25, 2004

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-04-36
726 WEST WILSON STREET

DATE: OCTOBER 14, 2004

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754-5136

DESCRIPTION

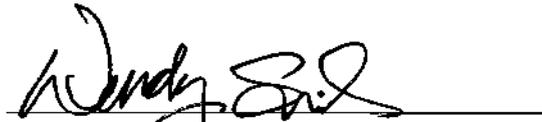
The applicant proposes to convert an existing, 16-unit apartment project into a common interest development, which would allow the units to be sold independent of one another.

APPLICANT

Lan Ho is representing the property owner Wilson Villas, LLC.

RECOMMENDATION

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


WENDY SHIH
Associate Planner


PERRY L. VALANTINE
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 726 West Wilson Street Application: PA-04-36

Request: To convert an existing 16-unit apartment project to a common interest development.

Zone: R2-MD North: R2-MD -- apartments
 General Plan: Med. Density Residential South: (Acr. Wilson St.) R1 -- single-family residences
 Lot Dimensions: 198 ft. by 246 ft. East: R2-MD -- residences
 Lot Area: 48,645 sq.ft. West: R2-MD -- church
 Existing Development: 16 unit, 3-bedroom apartment project comprised of 8 duplexes.

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
Lot size --		
Lot width	100 ft.	198 ft.
Lot area	12,000 sq.ft.	48,645 sq.ft.
Density: Zone/GP	1:3,630 sq/ft/	1:3,040 sq.ft.*
Building coverage -- overall project:		
Buildings		36% (17,704 sq.ft.)
Paving		23% (11,085 sq.ft.)
Open Space	40% (19,458 sq.ft.)	41% (19,856 sq.ft.)
TOTAL		100% (48,645 sq.ft.)
Min. private open space dimension	10 ft. by 10 ft.	10 ft. by 10 ft.
Building Height: -- building	2 stories/27 ft.	2 stories/30 ft.*
Chimney	29 ft.	24 ft.
Building separation:	10 ft.	13 ft.
Setbacks:		
Front	20 ft.	20 ft.
Side (left/right)	5 ft./5 ft.	5 ft./5 ft.
Rear	10 ft. (1 story); 20 ft. (2 story)	15 ft.*
Rear Yard Coverage	990 sq.ft.	1,152 sq.ft.*
Parking:		
Covered	16	32
Open	40	8**
Guest	8	
TOTAL	64	40*
Driveway width:	16 ft.	16 ft.
Landscape prkwys. -- private sts./drives:	3 ft. min/10 ft. total	2 ft. min.*/10 ft.+

* Legal, non conforming.

** The eighth parking space will be required to be reinstalled.

CEQA Status Exempt, Class 1
 Final Action Planning Commission

BACKGROUND

The property is developed with 16 apartment units (8, 2-story duplexes). The project was originally approved under Development Review DR-87-08 on March 24, 1987. After initiating construction of the apartments, the applicant filed a tentative tract map and conditional use permit to convert the apartments to condominiums; however, the application was withdrawn prior to recordation of the map. Consequently, the conversion approval was voided.

On April 14, 2003, Planning Commission approved PA-02-39 to allow the conversion of the apartment project into a common interest development, which would allow the units to be sold separately. On December 8, 2003, Tentative Tract Map T-16574 was approved for a one-lot, airspace subdivision to facilitate the common interest development.

The applicant is requesting a conversion of the 16 apartment units to condominiums, previously approved under PA-04-39, because that approval expired on April 14, 2004. The approval expired because building permits were not obtained within the one-year time period, and no work was done to upgrade the units as required under the conditions of approval and Code requirements. A new application is necessary because the applicant did not request an extension of time for the original condominium conversion approval prior to the expiration date.

The tentative tract map to accommodate a condominium project is valid until December 8, 2005. The final map cannot be recorded until the conditions and Code requirements for the conversion are complied with.

ANALYSIS

Common interest developments must comply with additional development standards over and above those applicable to the zone of the property. These additional development standards include provision of a 10 ft. by 10 ft. private open space for each unit, having a break in the front plane of the building of at least 4 feet every 2 dwelling units, and provision of on-site lighting. The project already complies with these requirements or can be conditioned to comply with these requirements.

Aspects of the project are legal, nonconforming. Number of parking spaces, building height, amount of landscaping on both sides of the driveway, and rear yard setback and coverage do not comply with current code for multiple-family projects – whether apartments or condominiums. However, the proposed change in the type of ownership will not increase the project's degree of nonconformity.

Approval of the conversion will satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City. However, City Council is concerned that conversions may diminish the supply of rental housing and displace

residents unreasonably, particularly senior citizens, low- and moderate-income families, and families with school-age children. Consequently, City Council previously adopted a "critical vacancy rate" of 3% as the threshold for discouraging conversion of apartments to common interest developments. When the citywide rental vacancy rate is 3% or less, Planning Commission may deny any requested conversions. The latest census data indicates the City's rental vacancy rate is 2.8%.

The applicant currently charges \$1,600 a month in rent, which exceeds affordable rental rates of \$928 for very low income to \$1,113 for low-income households. Therefore, conversion of the units would not result in a loss of affordable units. The applicant will offer right of first refusal to the tenants, with terms more favorable than those offered to the general public. If the tenants confirm they are not interested in purchasing the units, the property owner will pay the registration fee for an apartment referral service. Because these are not affordable units, and the applicant will encourage tenants to purchase the units or assist them in relocating, it is staff's opinion that this proposal meets the goal of the General Plan's Housing Element to provide additional home ownership opportunities, and does not impact availability of affordable rental housing.

As required by Code, a property inspection report as well as a termite report was submitted, and a City property inspection report was prepared. (The Fire Department has confirmed that the existing fire service, consisting of on-site hydrants and access, is acceptable for this project.) Since these units are to be sold, it is staff's opinion that the units should be upgraded. Based on those reports, Planning staff's inspection of the site, and to allow a general upgrading of the units, staff recommends the following improvements:

1. Replace all appliances including, but not limited to, dishwashers, gas ranges, and microwaves (if built in) with new Energy Star labeled products.
2. Replace water heaters with new Energy Star labeled products, installed in compliance with current Code (including bracing).
3. Replace furnaces with new Energy Star labeled products.
4. Replace all flooring and repair walls (as needed).
5. Repaint entire interiors of units.
6. Replace toilets and showerheads with new low-flow fixtures.
7. Replace smoke detectors, providing additional smoke detectors as currently required if not existing.
8. Repair/replace broken electrical fixtures and outlets (both interior and exterior).
9. Repair/replace exterior utility cabinet doors.
10. Repair/replace exterior stucco and fascia boards where needed and repaint exterior of units. (Units were reroofed in late 1998 so no requirement to reroof is included.)
11. Repair pool equipment as required by the Building Division.

12. Repair/replace pool enclosure gate and fence.
13. Replace all fences and gates throughout the property. (A minimum 6-foot high block wall to be provided on the project's exterior property line.)
14. Replace trash enclosure doors, if trash enclosure is retained.
15. Upgrade landscaping to satisfy current code requirements.
16. Repair/replace broken and/or cracked concrete curbing next to landscape areas.
17. Treat termite infestations as recommended by a termite control company.

When the project was originally constructed, the trash enclosure was accessed from the adjoining property. Since that time, however, the trash enclosure doors were relocated to provide on-site access; one of the required parking spaces has been blocked off to provide that access. Code allows the final review authority to grant an exception from trash enclosure requirements if the applicant submits a written determination from the Sanitary District and/or any contract trash collection service that on-site trash collection service can be provided to each individual dwelling unit; if the applicant signs and records a land use restriction prohibiting trash collection in the public right-of-way; if adequate, screened, on-site storage for trash containers is provided; and with a limitation of no more than two trash containers per dwelling unit. On September 14, 2004, the applicant received approval from the Sanitary District for on-site trash collection service. Therefore, the trash enclosure can be removed and the parking space be restored. Staff has included a code requirement for the replacement of the parking space and compliance with on-site trash collection requirements.

ALTERNATIVES

The units could still be rented if this request is denied. Tentative Tract Map T-16574 would become null and void and the final map could not be recorded.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

CONCLUSION

Conversion of the apartments will result in a general upgrading of the property as well as providing additional home ownership opportunities. In staff's opinion, conversion of the units will not diminish affordable housing stock. Additionally, current tenants will be offered right of first refusal, or the property owner will pay registration fees for an apartment search service to help them find a new apartment if they decide not to purchase.

Attachments: Draft Planning Commission Resolution
Exhibit "A" - Draft Findings
Exhibit "B" - Draft Conditions of Approval
Applicant's Project Description and Justification
Location Map
Plans

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

Le Phan Nguyen
Wilson Villas, LLC.
9577 Bolsa Avenue
Westminster, CA 92683

Lan Ho
726 W. Wilson, #A
Costa Mesa, CA 92627

File: 102504PA0436	Date: 101204	Time: 900a.m.
--------------------	--------------	---------------

PLANNING DIVISION - CITY OF COSTA MESA
DESCRIPTION/JUSTIFICATION

Application #: **PA-04-36**

Environmental Determination:

Address: 726 West Wilson, Costa Mesa CA 92627

1. Fully describe your request: *we are applying (re-apply) to convert apartments into condominiums*

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

-1

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

In a flood zone. In the Redevelopment Area.
 Subject to future street widening. In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

Is not included in the publication indicated above.

Is included in the publication indicated above.

Lank
Signature

09/15/04
Date

RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-04-36.**

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

WHEREAS, an application was filed by Lan Ho, authorized agent for Wilson Villas, LLC with respect to the real property located at 726 West Wilson Street, requesting approval of the conversion of 16 apartments to a common interest development in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 25, 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 **APPROVES** Planning Application PA-04-36 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-04-36 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 25th day of October, 2004.

Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Perry L. Valantine, 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 October 25, 2004, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29 (10) in that, although the critical vacancy rate is less than the rate established in Section 13-42 (c) (Residential Common Interest Development Conversions), the condominium conversion will not diminish affordable housing stock within the City. A condition is also included to require that current tenants be offered right of first refusal, or the property owner pay registration fees for an apartment search service to help them find a new apartment if they decide not to purchase. The conversion conforms to adopted General Plan policies to provide additional home ownership opportunities.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

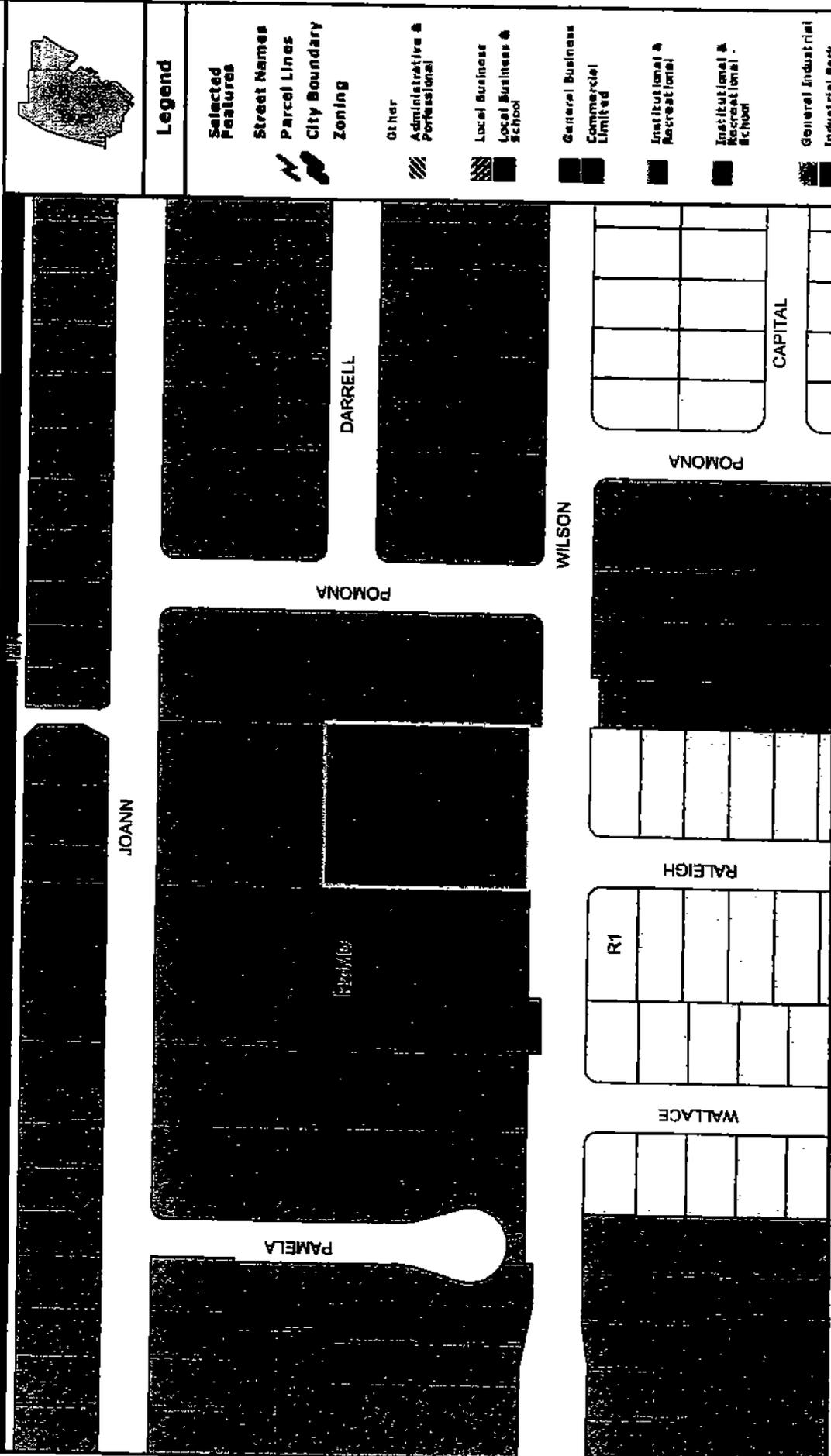
- Plng. 1. The following improvements shall be made:
- a. Replace all appliances including, but not limited to, dishwashers, gas ranges, and microwaves (if built in) with new Energy Star labeled products.
 - b. Replace water heaters with new Energy Star labeled products, installed in compliance with current Code (including bracing).
 - c. Replace furnaces with new Energy Star labeled products.
 - d. Replace all flooring and repair walls (as needed).
 - e. Repaint entire interiors of units.
 - f. Replace toilets and showerheads with new low-flow fixtures.
 - g. Replace smoke detectors, providing additional smoke detectors as currently required if not existing.
 - h. Repair/replace broken electrical fixtures and outlets (both interior and exterior).
 - i. Repair/replace exterior utility cabinet doors.
 - j. Repair/replace exterior stucco and fascia boards where needed and repaint exterior of units. (Units were reroofed in late 1998 so no requirement to reroof is included.)
 - k. Repair pool equipment as required by the Building Division.
 - l. Repair/replace pool enclosure gate and fence.
 - m. Replace all fences and gates throughout the property. (A minimum 6-foot high block wall to be provided on the project's exterior property line.)
 - n. Replace trash enclosure doors, if trash enclosure is retained.
 - o. Upgrade landscaping to satisfy current code requirements.
 - p. Repair/replace broken and/or cracked concrete curbing next to landscape areas.
 - r. Treat termite infestations as recommended by a termite control company.
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 conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-04-36 shall be blueprinted on the face of the site plan.
 5. The applicant shall contact the Planning Division to arrange for an

inspection of the site prior to the final Building Division inspections. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

6. The applicant shall offer the existing tenants right of first refusal to purchase the units with terms more favorable than those offered to the general public. If the existing tenants confirm in writing that they are not interested in purchasing the units, the property owner will pay the registration fee for an apartment referral service.
7. The applicant shall show proof of compliance with all applicable conditions of approval and code requirements prior to recordation of the final map. This condition shall be completed under the direction of the Planning Staff.
8. The CC&R's shall require that garage spaces be used for parking, and any changes made to this provision require prior review and approval by the City of Costa Mesa.
- Police 9. A list of security recommendations has been provided by the Police Department for the applicant's consideration.

ZONING/LOCATION MAP

726 West Wilson Street



Contents of this map are copyright 2002, City of Costa Mesa, and may not be reproduced without prior written permission.

WARNING: This map does not meet national map accuracy standards and cannot be used for engineering purposes.



Printed: 11/24/2003 10:10:26 AM



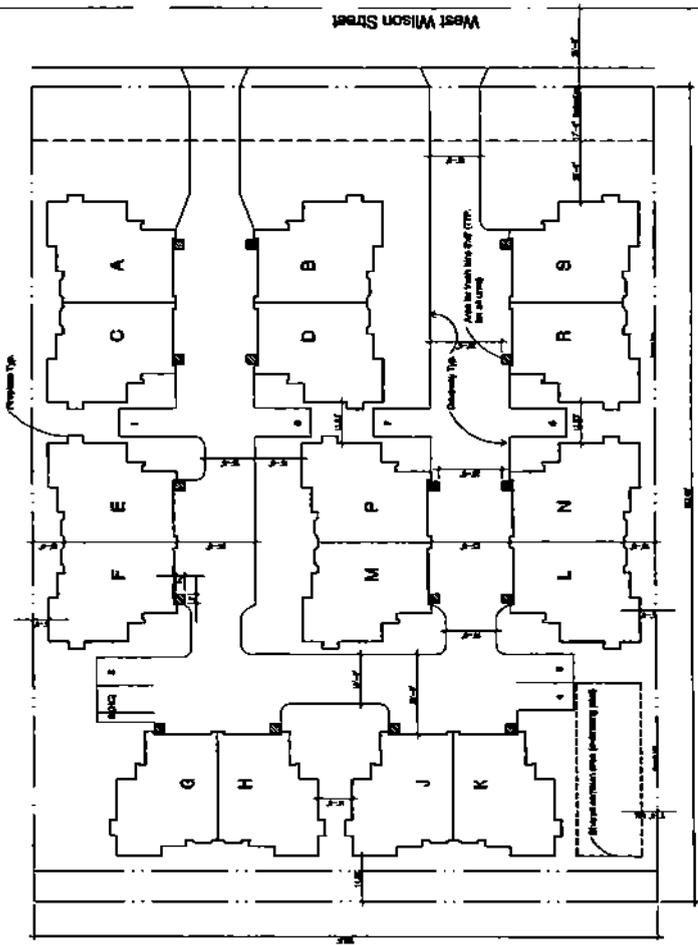
Powered By Geosmart.net

EXISTING PROJECT (one lot)
 (18) 3-bedroom Townhouse apartments
 West Wilson Street
 Costa Mesa, CA
 Legal Description:
 Fairview Farms Lot 48 1.1
 Owner:
 Mr. Deep Le
 8077 Bojia Avenue
 Westminster, CA 92683

PROPOSED PROJECT (one lot)
 (16) 3-bedroom Condominiums
 West Wilson Street
 Costa Mesa, CA
 Legal Description:
 Fairview Farms Lot 48 1.1

PROJECT SUMMARY

Site Area	52,010.84 SF
Street Dedication	3,366.00 SF
Net Bldg Area	48,644.84 SF
Building Coverage	17,458 SF
Parking and Drive	11,137 SF
Open Space	20,061 SF (19,467 SF req.)
Rear Yard Required	3,766 SF (3,766 SF req.)
Parking	32
Garages	7
Open	7
Handicapped	1



A1
 1/2" = 1'-0"

Subdivision Map

No.	DATE	REVISIONS
1	03-14-83	Comp. Plans Approved
2	08-16-83	Comp. Plans Submitted
3		
4		
5		
6		
7		

Residential Common Interest Convention

28 West Wilson Road
 Costa Mesa, CA 92627-6801
 Fairview Farms Lot 48 1.1
 (949) 440-1000

KJS KURUSHI ARCHITECT

444 University Ave., Ste. 208
 Palo Alto, CA 94301
 Phone: (650) 859-4444
 Fax: (650) 859-9178

Subdivision Map

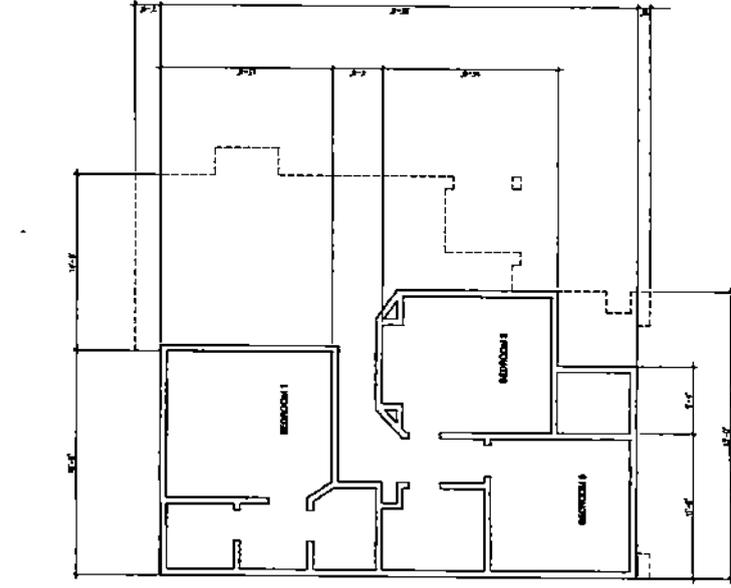
A-10

Scale

Sheet No.

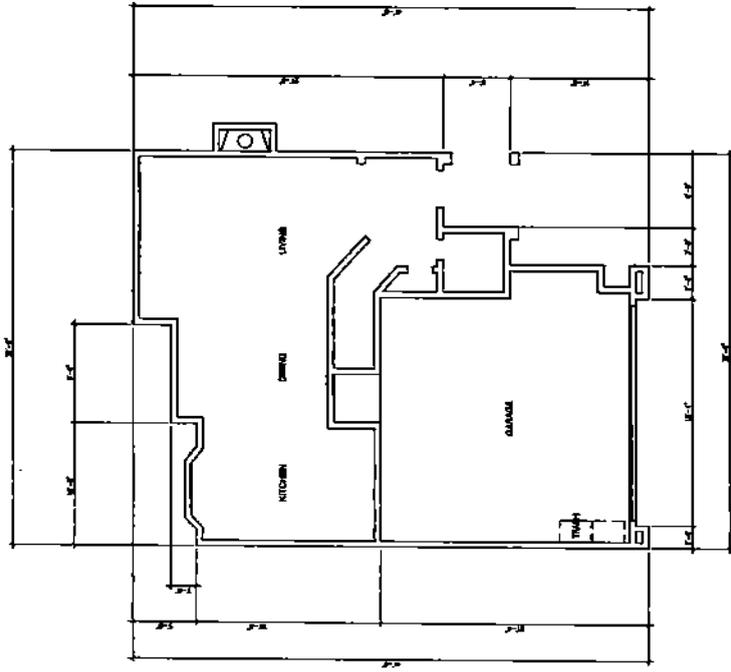
DATE	REVISIONS	Residential Common Interest Conversion 728 West Wilson Street Costa Mesa, CA 92626-5641 Fairview Farms Lot #4 (L1)	201 (014)
Plans		A-2.0 Title Plan Number	

AREA SUMMARY
 1st Floor 633 SF
 2nd Floor 755 SF
 Total 1,388 SF
 Garage 458 SF



2nd Floor Plan

A2
 1/2" = 1'-0"



1st Floor Plan

A1
 1/2" = 1'-0"

