



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JANUARY 24, 2005

Ull. 6.
ITEM NUMBER:

**SUBJECT: EXTENSION OF TIME FOR PLANNING APPLICATION PA-01-34 AND
TENTATIVE TRACT MAP T-16070
2100 AND 2130 CANYON DRIVE**

DATE: JANUARY 14, 2005

**FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, PRINCIPAL PLANNER
714.754.5153**

DESCRIPTION

The applicant requests an extension of time for a project approved by Planning Commission on January 13, 2003, and renewed on February 9, 2004. An extension of time is also requested for the accompanying tract map, which expired January 13, 2005.

APPLICANT

Doug McCorkle is representing the new property owner, Pacific Rim Builders.

RECOMMENDATION

Approve a one-year extension of time for both the project and the map, to expire January 13, 2006, by adoption of Planning Commission resolutions, subject to conditions.

W Bouwens-Killeen

WILLA BOUWENS-KILLEEN
Principal Planner

R. Michael Robinson

R. MICHAEL ROBINSON
Asst. Development Services Director

BACKGROUND

On January 13, 2003, Planning Commission approved Planning Application PA-01-34, consisting of a design review to construct an 18 unit, two-to-three story, common interest development with variances and an administrative adjustment from front and rear setback requirements, building height requirements, chimney height requirements, and setback requirements for a wall and for common front landscape area. Due to the complexity of the project, the applicant was unable to obtain building permits prior to the one-year expiration of the project, resulting in a request for an extension of time. Planning Commission approved the extension of time on February 9, 2004, to expire January 13, 2005. (An extension of time was not required for the tentative tract map because initial approval for subdivision maps is two years.)

The applicant recently acquired the property. Issues involving grading of the site have been complicated. Consequently, the applicant was unable to obtain building permits by the January 13, 2005, expiration and requests an extension of time. The tentative tract map approval also expired on January 13, 2005. Therefore, the applicant's requested extension includes the map.

ANALYSIS

Original project approval included several variances from the Zoning Code and several deviations from the residential design guidelines. All Code requirements and residential design guidelines are unchanged since the extension of time was granted for this project in February 2004.

The recent acquisition of the site, the topography of the site and the related difficulties with the grading of the site, made it impossible for the applicant to receive building permits before the project and map expired. The applicant is working diligently with City staff to obtain building permits and initiate the project.

ALTERNATIVES

If Planning Commission denies the requested extension of time, the project could not be built.

ENVIRONMENTAL DETERMINATION

The property and project characteristics discussed within the Negative Declaration prepared for this project have remain unchanged. Therefore, the Negative Declaration adopted by Planning Commission for this project is still applicable.

CONCLUSION

Approval of the requested extension of time will allow the construction of 18 new homes, consistent in design and type with the surrounding neighborhood, increasing homeownership opportunities in the City.

Attachments: Draft Planning Commission Resolution
Exhibit "A" – Findings adopted for PA-01-34
Exhibit "B" – Conditions of approval adopted for PA-01-34
Applicant's request for extension of time
Extension of time staff report for PA-01-34
Original staff report for PA-01-34/T-16070
Location/Zoning Map
Air Photo
Plans

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

Doug McCorkle
Pacific Rim Builders, L.P.
3111 N. Tustin Avenue, Suite 220
Orange, CA 92865

File: 012405PA0134T16070	Date: 011305	Time: 815a.m.
--------------------------	--------------	---------------

RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA APPROVING AN EXTENSION
OF TIME FOR PLANNING APPLICATION PA-01-34 AND
TENTATIVE TRACT MAP T-16070**

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

WHEREAS, an application was filed by Doug McCorkle of Pacific Rim Builders, L.P. with respect to the real property located at 2100 and 2130 Canyon Drive, requesting approval of an extension of time for a design review to construct 18 dwelling units, with variances and an administrative adjustment from front and rear setback requirements, building height requirements, chimney height requirements, and setback requirements for a wall and for common front landscape area in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 24, 2005.

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** the extension of time for Planning Application PA-01-34 and Tentative Tract Map T-16070 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-01-34 and Tentative Tract Map T-16070 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 24th day of January, 2005.

Chair, Costa Mesa Planning Commission

d

EXHIBIT "A"

FINDINGS

- A. The information presented substantially complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variance from front building setback requirements. Strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, special circumstances exist due to the unusual topography and shape of the lot. The one unit proposed at the 10-foot front setback will be consistent in appearance with existing residences across Canyon Drive. Granting the variance will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.
- B. The information presented substantially complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variance from rear setback requirements. Strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, special circumstances exist due to the unusual topography and shape of the lot. Residences on the abutting project should not be impacted because private yards, open space and driveway area separates the proposed and existing units, resulting in a minimum 37-foot separation between the two. Granting the variance will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.
- C. The information presented substantially complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variance from building height requirements. Strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, special circumstances exist due to the unusual topography and shape of the lot. Granting the variance will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.
- D. The information presented substantially complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variance from common lot depth and block wall front setback requirements. Strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, special circumstances exist due to the unusual topography and shape of the lot. A

minimum 10-foot landscape area will still be provided behind the sidewalk with the block wall also placed a minimum of 10 feet behind the sidewalk. The reduced common front landscape area and wall setback will be visually consistent with the units across Canyon Drive. Granting the variance will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.

- E. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The project is consistent with the General Plan. Specifically, the proposed project is consistent with several General Plan goals including LU-2A.7, encouraging creation of parcels without street frontage as well as CD-7A.1, which encourages new structures designed in an architectural style compatible in scale and character with existing buildings and the natural surroundings as well as CD-7A.2, which requires consistency with the prevailing character of development in the vicinity and to not have a substantial adverse impact on adjacent areas.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
 - e. The cumulative effects of all planning applications have been considered.
- F. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14)(a) in that the proposed development is substantially compatible and harmonious with existing and/or anticipated development on surrounding properties. This includes site planning, landscaping, appearances, scale of structures, location of windows, and any other applicable features relative to a compatible and attractive development. Specifically, the development will be similar in nature to the surrounding, small lot and airspace common interest developments. A minimum 37-foot separation is proposed between the new and existing units to the north and east. The project will be developed to follow the existing topography, limiting visual impacts on adjoining properties.
- G. An initial study was prepared, pursuant to the California Environmental Quality Act. Although the proposed project could have a significant effect on the environment, according to the Initial Study and Mitigated Negative Declaration, which reflect the independent judgment of the City of Costa Mesa, there will not be a significant effect on the environment because mitigation measures have been added to the project.

- H. 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. 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. To avoid an alley-like appearance the private streets shall be developed without a center concrete swale. The design shall be approved by the Planning Division.
5. 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.
6. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-01-34/Tentative Tract Map T-16070 shall be blueprinted on the face of the site plan.
7. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
8. The project shall comply with the attached mitigation measures. (Copy attached hereto.)
9. The project developer shall be responsible for installing landscape and irrigation in all the area behind the sidewalk, prior to release of occupancy for the units. The project's homeowner's association shall be responsible for the maintenance of this area. The CC&Rs shall include a provision regarding the ongoing maintenance of this area.
10. Elevations facing Canyon Drive shall be enhanced under the direction of Planning Division staff.
11. Consistent landscape materials shall be planted in both the public right-of-way and on private property along Canyon Drive. The homeowner's association shall maintain all area behind the public sidewalk in a consistent manner.
- Police 12. A list of security recommendations has been provided by the Police Department for the applicant's consideration.

- Eng. 13. 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.

MITIGATION MEASURES
(FROM THE MITIGATED NEGATIVE DECLARATION PREPARED FOR PA-01-34/T-16070)

Air Quality

- AQ1. SCAQMD Rule 403 shall be adhered to, ensuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission source. Particulate matter deposits on public roadways are also prohibited
- AQ2. Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day.
- AQ3. Grading operations shall be suspended during first and second stage ozone episodes or when winds exceed 25 mph.

Biological Resources

- B1. To avoid the loss of an active raptor nest on the site, 30 days prior to the onset of construction activities (including grading), a qualified biologist shall survey the project site for the presence of occupied nests. Any occupied nests found during the survey would be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code.
- B2. The ficus tree shall be replaced with a minimum of two, 108" box trees of a type and in a location approved by the Planning Division prior to installation.

Cultural Resources

- CR1. Archeological and paleontological monitoring plans shall be submitted to the Planning Division prior to issuance of grading permits. An Orange County certified archeologist and paleontologist shall monitor grading activities throughout the site. Final reports shall be submitted to the Costa Mesa Planning Division and the UCLA Clearinghouse prior to the issuance of final occupancy.

Geology and Soils

- G1. All seismic design requirements outlined by the State of California and the latest Uniform Building Code adopted by the City of Costa Mesa shall be implemented to mitigate ground shaking potential according to plans approved by the Building Division.
- G2. A licensed geotechnical firm shall inspect the site during grading to detect unknown faults. Additional mitigation measures may need to be implemented to mitigate ground shaking potential

- G3. Prior to grading, the project developer shall remove any surficial debris, organic materials, and deleterious materials, and identify all active or inactive utilities within the construction area and relocate or abandon, as necessary.
- G4. The applicant shall ensure that the geotechnical requirements of soil preparation be followed during grading.
- G5. The applicant shall ensure that permanent slopes shall not be constructed at a gradient steeper than 2:1 (horizontal:vertical) and shall be planted with grassed or other suitable vegetation to minimize surficial erosion.
- G6. The applicant shall construct the retaining walls, to be located along the eastern boundary of the project, of a material compatible with the construction materials and color of the adjacent residential development. The walls shall be heavily landscaped to soften the edge of the property and provide a visual amenity to the adjacent residences.
- G7. Prior to any grading or other onsite construction activities, the applicant shall provide a comprehensive asbestos survey report and lead-based paint survey for all structures on the project site. Any required remediation required as an outcome of the survey reports efforts shall be implemented per federal, state, and local standards for all asbestos and lead-based paint found on site prior to any construction activity, to the satisfaction of the Building Official.
- G8. The septic tank located on site shall be removed and properly disposed of, in compliance with all federal, state, and local regulations, to the satisfaction of the Building Official.

Hydrology & Water Quality

- WQ1. A final hydrology study for the project addressing pre- and post-construction runoff rates and any potential impacts to the storm drain channel system shall be submitted to the Building and Engineering Divisions and appropriate County agencies prior to issuance of grading permits. The applicant shall be responsible to implement any measures, required by the study to avoid impacts downstream.
- WQ2. Prior to or concurrent with submittal of plans for grading plan check, applicant shall submit a Water Quality Management Plan (WQMP) that identifies the application and incorporation of those routine structural and non-structural Best Management Practices (BMPs) outlined in the Countywide National Pollution Discharge Elimination System (NPDES) Drainage Area Management Plan (DAMP), Appendix G. The WQMP shall detail implementation of BMPs not dependent on specific land uses, for review and approval by the Development Services Department.
- WQ3. A local drainage connection permit shall be obtained from the County of Orange Regulation/Public Property Permit Division to allow connection with the existing County drainage facilities prior to occupancy, if necessary. Permits shall also be obtained from the City's engineering Division for connections to City drainage facilities.

Noise

- N1. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 6 p.m. Monday through Friday, and from 8 a.m. to 5 p.m. on Saturday. No work shall be conducted on Sunday or Federal holidays, exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.

CITY OF COSTA MESA
INTER OFFICE MEMORANDUM

September 18, 2001

TO: Lt. Gogerty
Planning Department

FROM: Sue Hupp

RE: PA-01-34, T-16070, 2100 Canyon

*CGT
9/24/01*

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

SEP 24 2001

Addressing

Individual home addresses should be of a contrasting color to the background, 4" to 6" in height, visible from the street and illuminated during the hours of darkness.

Landscape

The plants, shrubs and trees surrounding the property should be maintained at a level no higher than three (3) feet and trees trimmed to allow visibility from the ground up to at least seven (7) feet. Special care should be given to location of trees, so when they mature they do not give access to the second floor.

The plans do not indicate what is going to be in the northeast corner of the property (I have outlined in red). I would like more information on this area.

Lighting

It is recommended there be adequate lighting on the street surface. There should be adequate lighting for the entrance, driveway, and common areas. Trees and/or landscaping should not compete with the light standards. Additional lighting should be placed over (above) each garage, using a wall pak. Lighting devices shall be protected by weather and vandal resistant covers.

Trash Enclosure

The plans do not indicate an area blocked off for trash enclosures. Will the trash be picked up curbside? I would like more information on this.

Parking

On street parking does not appear adequate for this particular tract of homes. I have concerns on whether or not "18" parking spaces will be adequate for 18 homes. I would like further information on how deep the driveways are. Also, are the parking spaces on the street reserved for "guests?" The parking on Canyon is very limited.

Will the streets be private or public?

Fence Line

A 6' to 8' cinder block wall should be placed along the west, north and east property line. A 6' to 8' wrought iron fence should be used on the rear yards on the east side of the property. A wrought iron fence should be placed on all rear yards that back up to an "open landscaped" area (south). This can be a vulnerable area if homeowners cannot see into this landscaped area. This would be the perfect area for criminal activity (residential burglary, loitering, graffiti) to occur.

Driveway

The entrance driveway should have some type of pavement treatment (stamped brick).

Unknown Area

I have outlined the areas that I'm unsure what will be placed there. I will need more information.

DEC 20 2004

Pacific Rim Builders, L.P.
3111 N. Tustin Avenue, Suite 220
Orange, CA 92865
714-974-5111 Fax 714-974-5091

December 16, 2004

Costa Mesa Planning Commission
City of Costa Mesa
Costa Mesa, CA 92626

Subject:

1. Extension of time for current approved Revised Tentative Tract No. 16070
 - a. Prior Resolution No. PC-03-03
 - b. Located at 2100 Canyon Drive
2. Extension of time for current project approval under Planning Application PA-01-34
 - a. Prior Resolution No. PC-04-16
 - b. Located at 2100 Canyon Drive

Dear Commissioners:

The subject current approvals for: 1. Revised tentative Tract No. 1670 and for 2. the related project under Planning Application PA-01-34 require an extension of time and an update of the project information.

The former Instant Jungle site at 2100 Canyon Drive has been sold and the City approvals and file information require the update to reflect the current ownership and authorized agent. The property sale was closed in April, 2004 and title now rests with United Pacific Development Corporation, L.L.C., as the applicant. Pacific Rim Builders, L.P. is the authorized agent for the current owner.

The new owner has not completed engineering and housing architectural designs and consequently is not prepared to submit building plans for approval in time to complete site development and obtain final map approval by January 13, 2005.

Please review the attached application and related information. Staff can contact me at 949-433-0231. A time extension filing fee of \$285.00 is enclosed.

Sincerely,



Doug McCorkle
Project Manager

Enclosures

RESOLUTION NO. PC-04-16

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING AN EXTENSION OF TIME
FOR PLANNING APPLICATION PA-01-34.**

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

WHEREAS, an application was filed by Steve Krueger, authorized agent for Greg Wallace, with respect to the real property located at 2100 and 2130 Canyon Drive requesting approval of an extension of time for a design review to construct 18 dwelling units, with variances and administrative adjustment from front and rear setback requirements, building height requirements, chimney height requirements, and setback requirements for a wall and for common front landscape area in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 9, 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** the extension of time for Planning Application PA-01-34 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-01-34 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 9th day of February, 2004.



Chair, Costa Mesa
Planning Commission



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**