



# PLANNING COMMISSION AGENDA REPORT

*III.2*

MEETING DATE: JUNE 27, 2005

ITEM NUMBER

SUBJECT: PARCEL MAP PM-04-294  
548 BERNARD STREET

DATE: JUNE 16, 2005

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

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## PROJECT DESCRIPTION

The applicant is requesting approval of a parcel map to subdivide an existing parcel into three lots to accommodate a previously approved residential project (PA-03-02).

## APPLICANT

John Morehart is the property owner and applicant.

## RECOMMENDATION

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

Handwritten signature of Wendy Shih in black ink.

WENDY SHIH  
Associate Planner

Handwritten signature of R. Michael Robinson in black ink.

R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

## PLANNING APPLICATION SUMMARY

Location: 548 Bernard Street Application: PM-04-294

Request: Parcel map to subdivide an existing parcel into three lots to accommodate a previously approved residential project (PA-03-02)

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone: <u>R2-HD</u>	North: <u>R3, apartments</u>
General Plan: <u>High Density Residential</u>	South: <u>R2-HD, apartments</u>
Lot Dimensions: <u>57.43 ft. x 203.48 ft.</u>	East: <u>R2-HD, apartments</u>
Lot Area: <u>11,686 sq.ft.</u> <u>(Before subdivision)</u>	West: <u>R2-HD, apartments</u>
Existing Development: <u>Two detached dwelling units and a duplex at the rear.</u>	

### DEVELOPMENT STANDARD COMPARISON

Dev. Standard                      Required/Allowed                                      Proposed/Provided

		Parcel 1	Parcel 2	Parcel 3
Lot Size:				
Lot Width	100 ft.	57*	57*	57*
Lot Area	12,000 sq. ft.	3,671 sq. ft.**	3,001 sq. ft.**	5,014 sq. ft.**
Density:	1/3,000 sq. ft.	1/3,671 sq. ft.	1/3,001 sq. ft.	1/2,507 sq. ft.***
Zone/GP per lot	1/2,178 sq. ft.			

CEQA Status: Exempt, Class 15

Final Action: Planning Commission

- \* Legal, nonconforming.
- \*\* Variance from minimum lot area approved under PA-03-02.
- \*\*\* Master Plan (PA-03-02) approved for rebuilding of existing units.

## **BACKGROUND/DISCUSSION**

On June 9, 2003, Planning Commission approved a relocation permit, master plan, and minor design review (PA-03-02) to allow relocation of the Huscroft House to the subject property. However, Commission denied the requested variances, administrative adjustment, and conditional use permit necessary to facilitate the subdivision of the property into three independent lots. The applicant appealed Commission's decision to City Council.

The City Council approved PA-03-02 (all entitlements for relocation and subdivision of the lot for separate ownership) on July 7, 2003. Approval of the variances, administrative adjustment, and conditional use permit facilitates the subdivision of the property into three individual lots without common ownership or a homeowners association. The subject application is a parcel map to legally subdivide the parcel into three lots to allow individual ownership. Approval of the parcel map would be consistent with Planning Application PA-03-02.

A copy of the City Council agenda report for PA-03-02 with resolution and exhibits are attached for your reference.

## **ENVIRONMENTAL**

This request is exempt from the provisions of the California Environmental Quality Act, under Class 15, Minor Land Divisions.

## **ALTERNATIVES**

1. If the Commission approves the map, the property could be subdivided into three independent lots. All other entitlements required for separate lots were approved under PA-03-02.
2. If the current application is denied, the property cannot be subdivided as proposed. The applicant would be unable to submit substantially the same request for six months. The property would continue to be held by one ownership entity.

## **CONCLUSION**

Staff does not anticipate any significant land use impacts, provided the parcel map complies with the conditions of approval and code requirements. Approval of the parcel map will allow the legal subdivision of an existing parcel into three lots to accommodate separate ownership of each lot as approved under PA-03-02.

Attachments:           Draft Planning Commission Resolution  
                               Exhibit "A" - Draft Findings  
                               Exhibit "B" – Conditions of Approval  
                               Applicant's Project Description and Justification  
                               Plans  
                               City Council Agenda Report (PA-03-02), Resolution, and exhibits

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

cc: John Morehart  
126 E. 16<sup>th</sup> Street  
Costa Mesa, CA 92627

Ron Winterburn  
Valley Consultants, Inc.  
P.O. Box 10516  
Newport Beach, CA 92658

*af*

**RESOLUTION NO. PC-05-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PARCEL MAP PM-04-294**

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

WHEREAS, an application was filed by property owner John Morehart, requesting approval of a parcel map to subdivide an existing parcel into three lots to accommodate a previously approved project (PA-03-02), in the R2-HD zone; and

WHEREAS, Planning Commission held a duly noticed public hearing on June 27, 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** Parcel Map PM-04-294 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 Parcel Map PM-04-294 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 27th day of June 2005.**

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Chair, Costa Mesa  
Planning Commission



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

- A. The parcel map is consistent with the approvals granted under PA-03-02.
- B. The creation of three lots as well as related improvements, as conditioned, is consistent with the City's General Plan and Zoning Ordinances.
- C. The proposed use of the lots is for four dwelling units, which is compatible with the objectives, policies, general land use, and programs specified in the General Plan.
- D. The subject property is physically suitable to accommodate Parcel Map PM-04-294 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, as conditioned, 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 parcel map.
- 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. The information presented complies with Section 13-29(e) of the Costa Mesa Municipal Code in that the proposed site development and use is compatible and harmonious with developments and uses that exist in the general neighborhood. Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features, which may include functional aspects of the site development such as automobile and pedestrian circulation, have been considered. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
- I. 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.
- J. 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.    All Conditions of Approval, Code Requirements, and Special District Requirements for PA-03-02 shall be complied with.
2.    The recorded parcel map shall include a shared parking and access to parking easement between all three properties.

PLANNING DIVISION - CITY OF COSA MESA

DESCRIPTION/JUSTIFICATION

Application #: *PM-04-294*  
Address: *548 Bernard*

Environmental Determination: *Exempt, 15*

1. Fully describe your request:

*Subdivision of 548 Bernard into three parcels.*

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.

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.

*as per city council resolution PA 0302*

3. This project is: (check where appropriate)

In a flood zone.

In the Redevelopment Area.

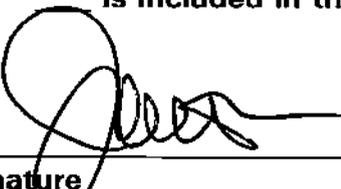
Subject to future street widening.

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.

  
\_\_\_\_\_  
Signature

*2/12/95*  
\_\_\_\_\_  
Date



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: JULY 7, 2003

ITEM NUMBER:

**SUBJECT:** PLANNING APPLICATION PA-03-02  
RELOCATION OF HUSCROFT HOUSE  
548 BERNARD STREET

**DATE:** JUNE 26, 2003

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

**PRESENTATION BY:** DONALD D. LAMM, DEPUTY CITY MGR./DEV. SVS. DIRECTOR

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

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## **RECOMMENDATION:**

Conduct public hearing and either uphold, reverse, or modify Planning Commission's decision.

## **BACKGROUND:**

On June 9, 2003, Planning Commission, on a 4 to 0 vote (Commissioner DeMaio absent) approved the requested relocation permit, master plan, and minor design review to allow relocation of the Huscroft House to the subject property. However, they denied the requested variances, administrative adjustment, and conditional use permit necessary to facilitate the subdivision of the property into three independent lots. The applicant appealed the decision stating that the subdivision was required to allow the Huscroft House to be owner occupied to ensure it is properly maintained and to allow the project to be financially viable.

In addition to his appeal, the applicant also requests an extension of time for the Letter of Intent (LOI) between the City and the applicant. The LOI requires agreement by both parties for any extension of time.

## **ANALYSIS:**

The project, as approved by the Planning Commission, will allow the relocation of the Huscroft House to the subject property and a development that will comply with applicable Code requirements. Approval of the variances, administrative adjustment, and conditional use permit will facilitate the subdivision of the property into individual lots without the benefit of common ownership or a homeowners association to help ensure the properties would be cohesively maintained. (The applicant will file the necessary subdivision map if the variances, administrative adjustment, and conditional use permit are approved.) If the property is subdivided into three independent lots, the applicant could sell the older units behind the Huscroft House with only exterior

upgrades. This property is located in the Westside, an area the City seeks to improve. The lack of interior upgrades could result in substandard units, inconsistent with the City's desire to improve the area.

The applicant states that the project is financially infeasible without the subdivision and that the Huscroft House needs to be owner occupied to ensure it is properly maintained. However, denial of the subdivision would not prohibit the applicant or a future owner from living in the Huscroft House and renting the remainder of the units. Furthermore, individual sales of the four units could be accomplished by subdividing the property through a common interest development (air space condominium or townhome). Conversion to a common interest development would also require the interior rehabilitation of the existing units, resulting in a higher quality product. Lastly, even if the property is subdivided, there is no way to guarantee that the Huscroft House will be owner occupied.

The LOI the City entered into with the applicant expires July 7, 2003. Extension of the LOI will allow the applicant to continue to work with the City to gain the necessary entitlements to relocate the house. The proposed subdivision would not be required to allow the house to be moved but since the applicant will not wish to proceed unless the subdivision is approved, an extension of the LOI to include this entitlement would be appropriate if City Council approves the variances, administrative adjustment, and conditional use permit.

**ENVIRONMENTAL DETERMINATION:**

This request is exempt from the provisions of the California Environmental Quality Act.

**ALTERNATIVES CONSIDERED:**

City Council has the option to:

1. Approve the project as proposed by the applicant; or
2. Approve the project but deny the variances (this would require retention of all four units on a single lot or processing an application for conversion to a common interest development before the units could be sold independently of one another); or
3. Approve the project and approve/deny the various variances, administrative adjustment, and/or the conditional use permit (denial of any of these requests would require a redesign of the project); or
4. Deny the entire project.

**FISCAL REVIEW:**

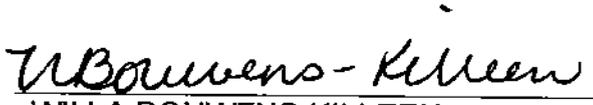
Fiscal review is not required for this project.

**LEGAL REVIEW:**

Legal review is not required for this project.

**CONCLUSION:**

Approval of the relocation permit, master plan, and minor design review will allow the relocation and preservation of a house considered to be a historic resource into a neighborhood which contains a variety of housing types and styles, as well as providing an overall upgrade of the property. Although approval of the variance from minimum lot size requirements, and the related variances, administrative adjustment, and conditional use permit could provide additional ownership housing opportunities on the Westside, staff is concerned that the method of subdivision will result in a project that is not a positive addition to ownership housing in the City and could hamper the ability to ensure that the four units on the three properties will be maintained in a cohesive manner.

  
WILLA BOUWENS-KILLEEN  
Senior Planner

  
DONALD D. LAMM  
Deputy City Mgr.-Dev. Svs. Director

DISTRIBUTION: City Manager  
City Attorney  
City Engineer  
City Clerk (2)  
Staff (4)  
File (2)

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Costa Mesa, CA 92627

Barry Walker  
P.O. Box 11658  
Newport Beach, CA 92658

- ATTACHMENTS:
- 1 Zoning/location map
  - 2 Plans
  - 3 Color photo
  - 4 City Council resolution
  - 5 Exhibit "A" – Findings
  - 6 Exhibit "B" – Conditions of approval
  - 7 Appeal application form
  - 8 Request for extension of time for LOI
  - 9 Planning Commission minutes
  - 10 Planning Commission staff report
  - 11 Planning Commission resolution
  - 12 Exhibit "A" – Findings  
Exhibit "B" – Conditions of approval



# **CITY OF COSTA MESA**

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

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DEVELOPMENT SERVICES DEPARTMENT

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