



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JANUARY 9, 2006

V.I.I.
ITEM NUMBER:

SUBJECT: PARCEL MAP PM-05-282
297 OGLE STREET

DATE: DECEMBER 29, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136

DESCRIPTION

Applicant is proposing a one-lot, airspace subdivision to facilitate the common interest development (condominium) conversion that was approved on September 12, 2005, under Planning Application PA-05-25.

APPLICANT

David Young of Hy297 Ogle Street LLC is the applicant and owner of the property.

RECOMMENDATION

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



WENDY SHIH
Associate Planner



R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND/ANALYSIS

On September 12, 2005, Planning Commission approved Planning Application PA-05-25 for conversion of an existing, 3-unit apartment project into a common interest development (condominiums). The result will be a 3-unit ownership housing project. The applicant is processing the map that will facilitate the conversion. The proposed map will subdivide the airspace to allow the individual units to be sold independent of one another.

A condition was included in the conversion approval requiring that a vacation of excess public right-of-way (7 feet) be approved by City Council and recorded prior to recordation of the parcel map. The street vacation would allow an existing open parking space to be located entirely on the subject property instead of on the public right-of-way.

Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property) requires that public right-of-way or other real property cannot be vacated or abandoned without a finding being made that such vacation or abandonment conforms to the General Plan. The Public Services Department has determined that the affected 7 feet of excess public right-of-way along Santa Ana Avenue is unnecessary for public street or highway purposes. Therefore, the proposed vacation of excess public right-of-way is consistent with the City's 2000 General Plan.

The staff report and plans for the common interest development (condominium) conversion are attached for reference.

ALTERNATIVES

If the parcel map is denied, the individual units could not be sold independent of one another, and could only be used as rentals.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15315 for Minor Land Divisions.

CONCLUSION

Approval of the parcel map will facilitate an ownership housing project as approved by Planning Commission under Planning Application PA-05-25. The map is in compliance with the requirements of the Subdivision Map Act, Planning Application PA-05-25, and Chapter XI (Subdivision) of the Zoning Code. The proposed street vacation is also consistent with the City's General Plan.

Attachments: Draft Planning Commission Resolution
Exhibit "A" - Draft Findings
Exhibit "B" - Draft Conditions of Approval
Applicant's Project Description and Justification
Zoning/Location Map
Parcel Map No. 2005-282
Staff Report PA-05-25

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

David Young
Hy297 Ogle Street LLC
1301 Dove St., Ste. 720
Newport Beach, CA 92660

File: 010906PM05282	Date: 121905	Time: 11:00 a.m.
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RESOLUTION NO. PC-05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PARCEL MAP PM-05-282 AND FINDING THE PROPOSED STREET VACATION CONSISTENT WITH THE GENERAL PLAN

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

WHEREAS, an application was filed by David Young of HY 297 Ogle Street LLC, property owner with respect to the real property located at 297 Ogle Street, requesting approval of a one-lot, airspace subdivision to facilitate a common interest development (condominium) conversion in the R3 zone; and

WHEREAS, the Costa Mesa City Council adopted the City of Costa Mesa 2000 General Plan on January 22, 2002; and,

WHEREAS, the Government Code of the State of California, Section 65402, provides in part that a local agency shall not acquire or lease real property nor abandon or dispose of any real property, nor construct a public building or structure in any county or city, until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan applicable thereto; and,

WHEREAS, the City of Costa Mesa proposes to abandon excess public right-of-way along portions of Santa Ana Avenue; and,

WHEREAS, the Costa Mesa Planning Commission has reviewed the proposed abandonment.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 9, 2006.

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby finds that the proposed abandonment of excess public right-of-way is in conformity with the adopted General Plan.

BE IT FURTHER 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-05-282 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-05-282 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 January 2006.

Bill Perkins, Chair
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed single lot airspace subdivision is consistent with the City's General Plan and Zoning Ordinances.
- B. Approval of the subdivision will allow additional home ownership opportunities without impacting affordable rental housing. This is consistent with the objectives, policies, general land use, and programs specified in the General Plan.
- C. The subject property is physically suitable to accommodate PM-05-282 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.
- D. 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.
- E. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entry and/or public utility rights-of-way and/or easements within the tract.
- F. 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).
- G. The proposed vacation of excess public right-of-way along a portion of Santa Ana Avenue is consistent with the City's 2000 General Plan.
- H. 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, under Sections 15301 and 15315.
- I. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- J. The project, subject to conditions and code provisions, is consistent with Government Code Section 66427.1 in that all tenants have received written notifications of intention to convert and their exclusive rights to contract for the purchase of their unit.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The applicant is reminded that all conditions, Code requirements, and special district requirements, of Planning Application PA-05-25 still apply (copy of conditions attached).

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- PIng.
1. Vacation of excess right-of-way along Santa Ana Avenue shall be recorded prior to parcel map recordation.
 2. The following improvements shall be made:
 - a. All exterior and interior improvements listed in applicant's memo dated July 18, 2005. This condition shall be completed under the direction of the Planning staff.
 - b. Upgrade landscaping to satisfy current code requirements.
 - c. Treat termite infestations as recommended by a termite control company.
 2. The address of individual units shall be blueprinted on the site plan and on all floor plans in the working drawings.
 3. 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.
 4. Street addresses shall be displayed on the complex identification sign or, if there is no complex identification sign, on the wall in a manner visible to the public street. Street address numerals shall be a minimum 6" in height with not less than ½" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than ¼" stroke and shall contrast sharply with the background.
 5. Applicant shall contact the Building Safety Division, prior to the release of utilities for any units, to provide proof that the Uniform Building Code requirements for condominiums have been satisfied, to obtain a change of occupancy permit, and to complete any additional paperwork created through this conversion.
 6. The site plan shall show 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.
 7. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-05-25 shall be blueprinted on the face of the site plan.
 8. 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.
 9. 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.

10. 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.
11. 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.
- Bldg. 12. Comply with all building, plumbing, and electrical corrections listed in the July 29, 2005, memo.

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #: **PM-2005-282**
PM-05-09
Address: **297 Ogle Street**

Environmental Determination:

1. Fully describe your request:

Approval of Tentative Parcel Map
VACATION of SANTA ANA STREET EASEMENT

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.

3. This project is: (check where appropriate)

In a flood zone.

Subject to future street widening.

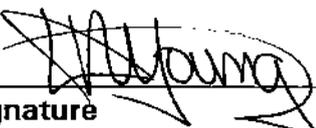
In the Redevelopment Area.

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

10/27/05
Date

//

ZONING/LOCATION MAP

297 Ogle Street

42522212

SANTANA AV

OGLE ST

16TH PL

E 16TH ST

Legend

Identified Features



Selected Features



Street Names

Parcel Lines

City Boundary

Zoning

- AP
- C1
- C1-S
- C2
- CL
- IAR
- IAR-S
- MG
- MP
- P
- PDC
- PDI
- PDR-HD
- PDR-LD
- PDR-MD
- PDR-NCM
- R1
- R2-HD
- R2-MD
- R3
- TC
- Parcels



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Aerial Photograph

297 Ogle Street

42522212

Legend

Identified Features

Selected Features

Street Names

Parcel Lines

City Boundary

Ortho Photography

Parcels



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TENTATIVE PARCEL MAP NO. 2005 - 282

IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA

FOR CONDOMINIUM PURPOSES

OWNER & SUBDIVIDER
 HY287 OGLE STREET LLC
 ADDRESS: 1301 DOVE STREET, SUITE 720
 NEWPORT BEACH, CA 92627
 (949) 661-1984 EXT: 213

ENGINEER:
 ROBIN B. HAMERS & ASSOC., INC.
 DATE OF SURVEY: OCTOBER, 2005
 ROBIN B. HAMERS
 DATE OF PREPARATION
 OCTOBER 20, 2005

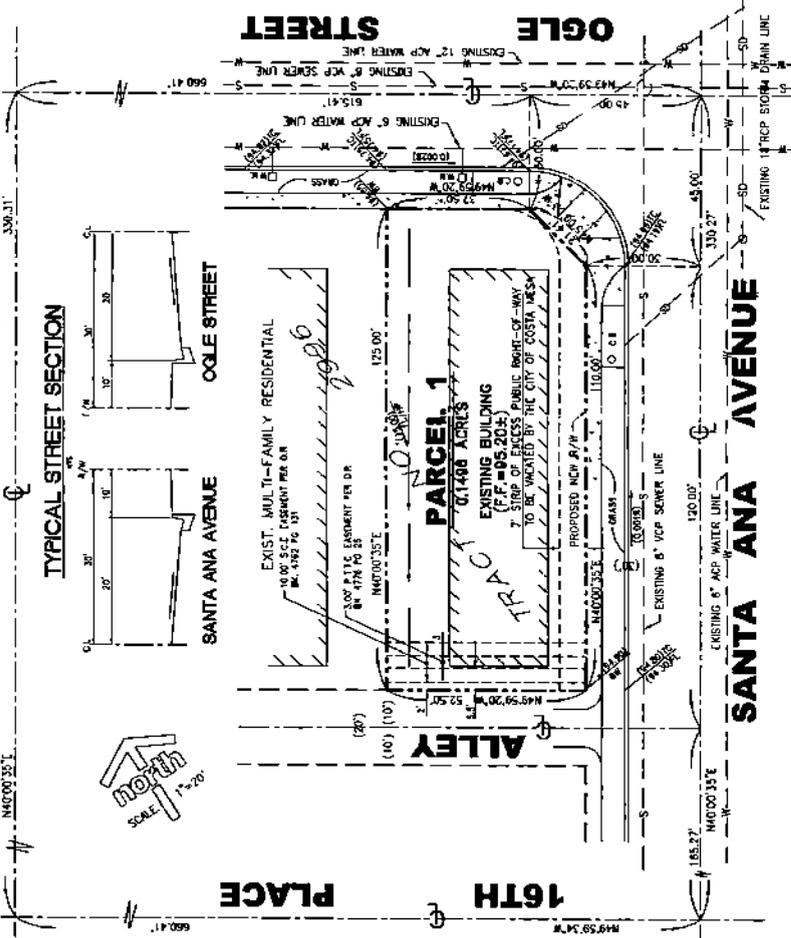
REGISTERED PROFESSIONAL ENGINEER - LAND SURVEYING
 ROBIN B. HAMERS
 NO. 31120
 R.C.E. 12/31/2006
 Exp. 12/31/2006
 CIVIL ENGINEER - LAND SURVEYING
 STATE OF CALIFORNIA

SITE ADDRESS:
 267 OGLE STREET
 COSTA MESA, CA 92627

REGISTRATION EXPIRES 12/31/06
 ROBIN B. HAMERS RCE 31720
 REGISTRATION EXPIRES 12/31/06



TYPICAL STREET SECTION



SYMBOLS/LEGEND:

- PROPERTY LINE
- RIGHT-OF-WAY LINE
- WATER LINE
- SEWER LINE
- STREET CENTERLINE
- SQUARE FEET
- S.F.
- AC.
- ADRES
- BACK OF WALK
- BW
- TC
- TOP OF CURB
- FLOWLINE
- FL
- CONCRETE
- EASEMENT LINE
- FENCE LINE
- SPOT ELEVATION
- EXIST. CONTOUR

AREA SUMMARY

PROPOSED PARCEL 1 = 0.1488 AC. (0.160 AC.)

PROPOSED NUMBER OF PARCELS

1 PARCEL

FLOOD ZONE:

ZONE X, OUTSIDE THE 500 YR. FLOOD BOUNDARIES

BASIS OF BEARING:
 THE CENTERLINE OF SANTA ANA AVENUE BEING
 N40°00'35"E AS SHOWN ON TRACT NO. 3345,
 M.S. 100-40 AND 41.

LEGAL DESCRIPTION:

LOT 10 OF TRACT NO. 2996, IN THE CITY OF COSTA MESA
 COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP
 RECORDED IN BOOK 1118, PAGES 21 AND 22 OF MISCELLANEOUS
 MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

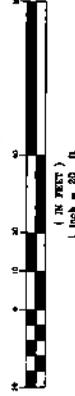
EXCEPTING THEREFROM THE NORTH-WESTERLY 60.20 FEET
 THEREOF.

ASSESSOR'S PARCEL NUMBER
 425-222-12

PURPOSE:

THE PURPOSE OF THIS PARCEL MAP IS TO CONVERT
 3 EXISTING APARTMENTS INTO 3 CONDOMINIUMS.

GRAPHIC SCALE



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PLANNING COMMISSION AGENDA REPORT

VI.5
ITEM NUMBER:

MEETING DATE: SEPTEMBER 12, 2005

SUBJECT: PLANNING APPLICATION PA-05-25
297 OGLE STREET

DATE: SEPTEMBER 1, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136

DESCRIPTION

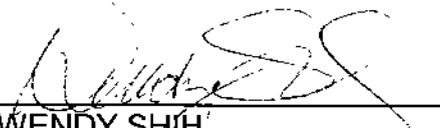
The applicant proposes to convert an existing 2-story triplex into a common interest development (condominiums), which would allow the units to be sold independent of one another.

APPLICANT

David Young of Hy297 Ogle Street LLC is the applicant and owner of the property.

RECOMMENDATION

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


WENDY SHIH
Associate Planner


KIMBERLY BRANDT, AICP
Principal Planner

PLANNING APPLICATION SUMMARY

Location: 297 Ogle Street Application: PA-05-25

Request: To convert an existing 2-story triplex to a common interest development (condominiums).

Zone: R3 North: C1-S (Commercial Shopping Center)
 General Plan: High Density Residential South: R3 – Multiple-Family Residential
 Lot Dimensions: Corner Lot East: R2-MD – Multiple-Family Residential
 Lot Area: 5,635 sq.ft. West: R3 – Multiple-Family Residential
approx. 6,552 sq.ft. after vacation of excess public right-of-way*

Existing Development: 2-story triplex with a single-car garage and one open parking space for each unit.

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>	
Lot size:		Existing	After Vacation of Public Right-of-Way*
Lot width	100 ft.	45.5 ft.**	52.5 ft.
Lot area	12,000 sq.ft.	5,635 sq.ft.**	Approx. 6,552 sq.ft.
Density: Zone/GP	1 du/ 3,630 sq.ft.	1 du/ 1,878 sq.ft.**	1 du/2,184 sq.ft.
Building coverage – overall project:			
Buildings	NA	50% (2,812 sq.ft.)	43% (2,812 sq.ft.)
Paving	NA	9% (505 sq.ft.)	13% (825 sq.ft.)
Open Space	40% (3,654 sq.ft.)	41% (2,318 sq.ft.)	44% (2,915 sq.ft.)
TOTAL	100% (9,135 sq.ft.)	100% (5,635 sq.ft.)	100% (6,552 sq.ft.)
Min. private open space dimension	10 ft. by 10 ft. min.	16 ft. by 22 ft. min.	
Building Height:	2 stories/27 ft.	2 stories/20 ft.	
Setbacks:			
Front	20 ft.	16 ft.**	
Side (left – Santa Ana Ave./right)	10 ft./5 ft.	3 ft./16 ft.	10 ft./16 ft.
Rear (alley)	5 ft.	5 ft.	
Parking:			
Covered	3	3	3
Open	5	3	3
Guest	2	0	0
TOTAL	10	6**	6

CEQA Status Exempt, Class 1
 Final Action Planning Commission

- * Condition of approval no. 1 requires vacation of 7 ft. public right-of-way (Santa Ana Ave.). See report for details.
- ** Existing, nonconforming.

BACKGROUND

The subject property is located on the southwest corner of Santa Ana Avenue and Ogle Street. The lot contains a triplex with a single-car garage per unit. The applicant proposes to convert the three apartment units into condominiums.

Pursuant to Code Section 13-42(g), Planning Commission review is required when apartments are proposed to be converted to a common interest development. The review is required to confirm compliance with applicable development standards and to consider potential impacts on the rental housing supply and displacement of tenants if the City's vacancy rate is below 3%.

A parcel map will be required to be processed and recorded before the units can be sold independent of one another. The applicant is aware of this requirement but did not want to have the map prepared until Planning Commission acted on the conversion.

ANALYSIS

Common interest developments must comply with additional development standards above those applicable to the zone of the property. These additional development standards include provision of a 10-foot by 10-foot 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 existing development already complies with the common interest development requirements.

The existing development is situated on a lot with nonconforming lot width and lot area. The triplex was constructed in 1960 and is legal, nonconforming because the density, number of parking spaces, front and left side setbacks do not comply with current Zoning Code requirements – whether apartments or condominiums. The proposed change in the type of ownership will not increase the project's degree of nonconformity.

When the project was constructed in 1960, a total of six parking spaces were provided on the property (3 garage and 3 open parking spaces), including an open parking space within 10 feet of the property line along Santa Ana Avenue. In 1974, the City acquired 7 feet of the property along Santa Ana Avenue for an anticipated street widening. The new property line was 17 feet from curb face, which left a portion of one open parking space in the new public right-of-way. Although the property line was adjusted, no existing physical improvements (curb, sidewalk, asphalt paving for parking stall) were altered.

Since 1974, the Public Services Department has determined that the 7 feet is no longer necessary for widening of Santa Ana Avenue. Therefore, the applicant can request the City to vacate the excess public right-of-way. If City Council approves

the vacation, the property would increase back in size by approximately 900 square feet, resulting in a conforming left side building setback (10 feet), and shifting the open parking space back to being located entirely on the subject property. Although the open parking space will be located in the 10-foot setback on Santa Ana Avenue (once the vacation occurs), it is considered a legal, nonconforming setback, thus no variance is required. Staff is recommending a condition requiring that the vacation of excess right-of-way be recorded prior to recordation of the parcel map to convert the units into condominiums to ensure that all 6 parking spaces are located on private property.

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 established 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 2.97%.

The tenants are currently charged \$1,400 to \$1,600 a month in rent, which exceeds affordable rental rates of \$835 for very low income to \$1,162 for moderate income households for a 2-bedroom unit. Therefore, conversion of the units would not result in a loss of affordable units. As conditioned, 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 that they are not interested in purchasing the units, the property owner will pay the registration fee for an apartment referral service. The City is only .03% (or 12 units City-wide) below the adopted vacancy rate threshold; therefore, 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 and a termite report were submitted, and a City property inspection report was prepared. Based on those reports, Planning staff's inspection of the site, and to allow a general upgrading of the site, staff recommends the following improvements:

1. All exterior and interior improvements listed in applicant's memo dated July 18, 2005. This condition shall be completed under the direction of the Planning staff.
2. Upgrade landscaping to satisfy current code requirements.
3. Treat termite infestations as recommended by a termite control company.

A list of building, plumbing, and electrical corrections or upgrades is also included in the conditions of approval.

ALTERNATIVES

The units would continue to be rented without the site upgrades, if the request is denied.

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 to purchase, 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
 Inspection Reports
 Location Map
 Plans

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

David Young
Hy297 Ogle Street LLC
1301 Dove St., Ste. 720
Newport Beach, CA 92660