



PLANNING COMMISSION AGENDA REPORT

III. 4.
ITEM NUMBER:

MEETING DATE: FEBRUARY 27, 2006

SUBJECT: PLANNING APPLICATION PA-06-04/PARCEL MAP PM-06-110
191 THROUGH 199 MESA DRIVE (ODD NUMBERS ONLY)

DATE: FEBRUARY 16, 2006

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136

DESCRIPTION

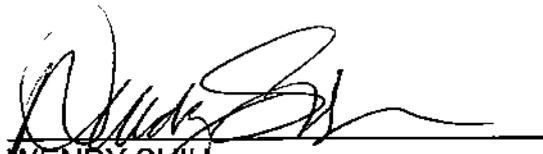
The applicant proposes to convert four units (three units under construction and one existing, owner occupied unit) into condominiums with a parcel map, which would allow the units to be sold independent of one another.

APPLICANT

Temir Sacuy is the property owner and applicant for this project.

RECOMMENDATION

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


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The subject property is located on the southwest corner of Mesa Drive and Orange Avenue. The lot contains an existing two-story residence (199 Mesa Drive). On March 8, 2004, Planning Commission approved a design review (PA-03-50) for the construction of three, two-story residences on the remainder of the property, in conjunction with a variance to consider Mesa Drive instead of Orange Avenue as the front of the development lot. The three units are currently under construction. The property owner proposes to convert all four units into condominiums.

Pursuant to Code Section 13-40(a)(3), conversion of newly constructed residential complexes, that have never been occupied, to condominiums (common interest development) is subject to New Residential Common Interest Development standards and requires Planning Commission review. Since the existing residence is owner occupied, it is not subject to the common interest development conversion requirements.

The owner is also processing a parcel 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.

ANALYSIS

Condominium projects must comply with additional development standards above those applicable to apartments. These additional development standards include provision of a minimum 10-foot by 10-foot private open space for each unit, and provision of on-site lighting. Since the applicant intended to construct an ownership project when Design Review PA-03-50 was approved in 2004, the project already complies with the common interest development requirements.

Since the existing unit is owner-occupied and the three new units are still under construction (never occupied), the critical vacancy rate for apartments will be unaffected by the conversion because it will not diminish the supply of rental housing within the City.

If the Planning Commission approves the conversion, the parcel map will facilitate the ownership housing project. The map is in compliance with the requirements of the Subdivision Map Act and Chapter XI (Subdivision) of the Zoning Code. Conditions are included requiring common maintenance of open space, parking, and driveway areas, as well as requiring a provision in the CC&Rs regarding use of garages for parking only.

ALTERNATIVES

The units could be rented if the request is denied.

ENVIRONMENTAL DETERMINATION

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

CONCLUSION

All on-site development was approved under Design Review PA-03-50. The project is in compliance with all common interest development requirements. Approval of the applicant's request will allow the four units to be sold independent of one another. The parcel map is in compliance with applicable State and City requirements.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Location Map
 Plans
 Staff Report for PA-03-50

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

Temir Sacuy
199 Mesa Drive
Costa Mesa, CA 92627

| | | |
|---------------------------|--------------|------------------|
| File: 022706PA0604PM06110 | Date: 021506 | Time: 11:45 a.m. |
|---------------------------|--------------|------------------|

PLANNING DIVISION - CITY OF COSTA MESA
DESCRIPTION/JUSTIFICATION

Application #: PA-06-04 / PM-06-110 Environmental Determination:
Address: 191-193-195-199 MESA

1. Fully describe your request:

SUBMITTAL / FILING OF NEW TENTATIVE
PARCEL MAP / CONDO FILING

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

N/A

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

Pemi Ang

Date

1/19/06

of

RESOLUTION NO. PC-06-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-06-04 AND PARCEL MAP PM-06-110**

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

WHEREAS, an application was filed by Temir Sacuy, property owner, with respect to the real property located at 191 through 199 Mesa Drive, requesting approval of the conversion of four units to a common interest development (condominiums), in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 27, 2006.

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-06-04/Parcel Map PM-06-110 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-06-04/Parcel Map PM-06-110 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 February, 2006.

Bill Perkins, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(e) in that:
 - a. The project is compatible and harmonious with existing development and uses in the general neighborhood.
 - b. Safety and compatibility of the design of buildings, parking areas, landscaping, luminaries and other site features, which includes functional aspect of the site development such as automobile and pedestrian circulation, have been considered.
 - c. The project is consistent with the General Plan.
 - d. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
 - e. The cumulative effect of all the planning applications has been considered.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(10) in that the critical vacancy rate for apartments will be unaffected since the existing unit is owner-occupied and the three new units are still under construction (never occupied). Conversion of the units will not diminish the supply of rental housing within the City.
- C. The proposed single lot airspace subdivision is consistent with the City's General Plan and Zoning Ordinances.
- D. The subject property is physically suitable to accommodate PM-06-110 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 entry 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. 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 Section 15315.
- I. 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

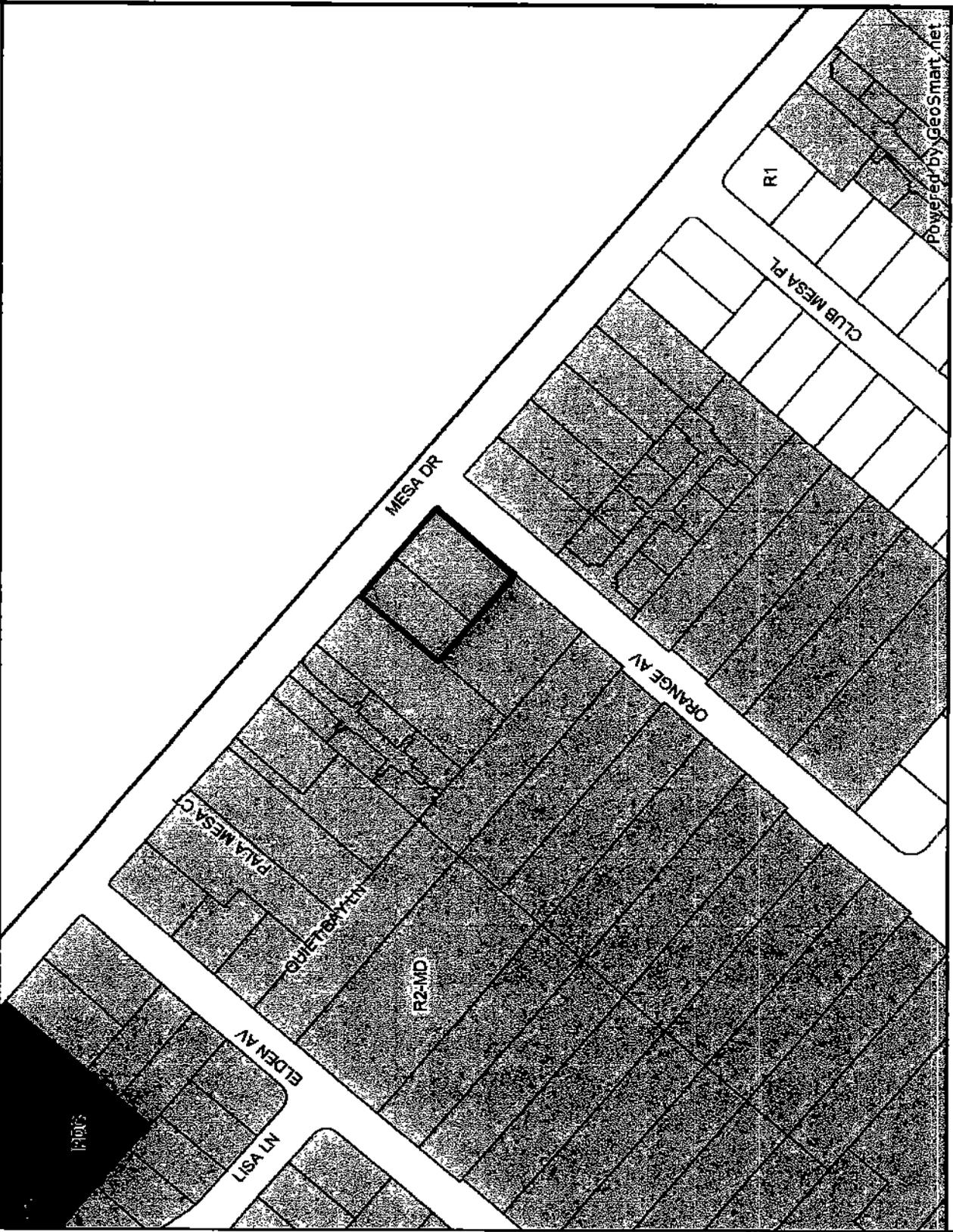
- PIng.
1. All conditions of approval and Code requirements of PA-03-50 shall still be complied with.
 2. The CC&R's shall require that garage spaces be used for parking only. Any changes made to this provision require prior review and approval by the City of Costa Mesa.

191 - 199 Mesa Drive

Zoning/Location Map

Legend

- Street Names
- Parcel Lines
- City Boundary
- Zoning
 - AP
 - CL
 - CL-B
 - 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



191 - 199 Mesa Drive

Legend

- Street Names
- Parcel Lines
- City Boundary
- Ortho Photography
- Parcels





PLANNING COMMISSION AGENDA REPORT

U111.4

MEETING DATE: MARCH 8, 2004

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-03-50
191 AND 199 MESA DRIVE

DATE: FEBRUARY 26, 2004

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

DESCRIPTION

The applicant proposes to construct three detached, two-story residences on two properties and also proposes a variance to allow Mesa Drive to be considered the front of the project. This item was continued from the Planning Commission meetings of February 9, 2004 and February 23, 2004 to provide notice for the variance and to modify the proposed elevations, respectively.

APPLICANT

Architect Ron Hoover is representing property owners Tim Sacuy and David Ochoa.

RECOMMENDATION

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

W Bouwens-Killeen

WILLA BOUWENS-KILLEEN
Senior Planner

Perry L. Valentine

PERRY L. VALANTINE
Asst. Development Services Director

A

BACKGROUND

The existing one-story residence will be demolished. The three residences proposed under this application will be built next to the existing two-story residence that was approved under Development Review DR-99-26 on November 24, 1999.

A design review is required because the construction will result in 3 or more dwelling units. Additionally, a variance is requested to allow Mesa Drive to be considered the front of the development lot. (Code considers Orange Avenue as the front of the lot because it is the narrower frontage.) Planning Commission review is required for both requests.

ANALYSIS

The applicant proposes to demolish the one-story house at 191 Mesa Drive and, in combination with the lot at 199 Mesa Drive, build three, two-story detached units. The applicant intends to file a subdivision map in the future (most likely after building permits for the residences have been obtained) and to sell the residences independently of one another. The applicant is reminded that any approval of this project does not constitute automatic approval of any future requests for a subdivision map and design review for conversion of the residences to ownership status.

Exterior elevations are to consist of stucco with concrete shake roofs, consistent with the existing residence at 199 Mesa Drive. Each unit will contain a two-car garage, with open parking provided between the units and across the private driveway from the garages. With the exception of the requested variance, all applicable development standards are proposed to be satisfied. However, the project, as proposed, does not comply with two of the City's residential design guidelines.

The City's residential design guidelines specify a maximum second floor to first floor ratio of 80%; ratios of 97% to 103% are proposed. Furthermore, the design guidelines specify an average 10-foot side setback for a second story facing an adjacent property; an average side setback of 7.4 feet is proposed. The purpose of these guidelines is to encourage the provision of architectural articulation to reduce potential building mass and visual prominence of new two-story construction.

Although the average side setback and the second to first floor ratio specified by the guidelines are not provided, the applicant has worked with staff to provide second floor pop-outs to break up the second-floor plane of the proposed residences, and has reversed the western-most unit to locate the balcony inside the project so adjoining neighbors' privacy will not be impacted. The property is surrounded by comparable, two-story development. The western-most residence will be separated a minimum of 29 feet from the closest residential unit on the adjacent lot; this separation is provided by a 24-foot wide driveway set back 5 feet from the common property line on the adjoining property. The separation should reduce potential visual impacts of

the new residence on the adjoining residents. Therefore, in staff's opinion, the new construction is compatible with the surrounding properties and will not be visually overwhelming.

The proposed variance is to consider Mesa Drive as the front of the development lot. The two lots currently front on Mesa Drive; the proposed lot consolidation will result in Orange Avenue becoming the front of the development lot. Granting the variance will allow the lots to continue to front on Mesa Drive, consistent with the residence at 199 Mesa Drive that will be retained, and will allow the new residences to be oriented in the same direction as the remainder of the residences on the block. The proposed setbacks comply with the setbacks required when considering Mesa Drive as the front of the development lot.

The development lot contains two parcels. To ensure proper interior setbacks for the buildings, as well as access to required parking, a condition is included requiring recordation of either a lot line adjustment (to combine the lots) or a subdivision map (to establish a common interest development) prior to the release of building permits.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project as recommended by Planning staff; or
2. Deny the variance but approve the design review. This would necessitate a redesign of the project; or
3. Deny the entire project.

If any portion of the project is denied, the applicant would be unable to file substantially the same request for six months.

ENVIRONMENTAL DETERMINATION

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

CONCLUSION

Approval of the project will allow construction of three two-story residences on a property surrounded by similar, two-story construction. Consequently, the new residences will not be out of scale with the neighborhood. Approval of the variance will allow the new units to be oriented towards Mesa Drive, consistent with existing configuration of the lot as well as with the other the other residences in the same block.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings

Exhibit "B" - Draft Conditions of Approval
Applicant's Project Description and Justification
Location Map
Air Photo
Plans

File Name: 010804PA-0350

Date: 2/24/04

Time: 2:30 p.m.

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

Ron Hoover
39 Wieto Avenue
Long Beach, CA 90803

Temir Sacuy and David Ochoa
39 Wieto Avenue
Long Beach, CA 90803

RESOLUTION NO. PC-04-25

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-03-50**

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

WHEREAS, an application was filed by Ron Hoover, authorized agent for Temir Sacuy and David Ochoa, with respect to the real property located at 191 and 199 Mesa Drive, requesting approval of a design review to construct three, two-story detached units with a variance to consider Mesa Drive as the front of the development lot in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 8, 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-03-50 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-03-50 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 8th day of March, 2004.



Chair, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. 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.
 - 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.
- B. 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 minor 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. The property is located in an area containing similar two-story development, with a minimum 29-foot separation provided between the closest adjacent residence and the new units. Additionally, the visual prominence associated with the construction of the two-story residences has been reduced through the provision of second floor offsets, window pop-outs and balconies to avoid unrelieved two-story walls.
- 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 to allow Mesa Drive to be considered the front of the development lot. 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, reorientation of the development lot will allow the project to be consistent with the orientation of the existing residence that will be retained on the site as well as with the majority of the neighboring residences on Mesa Drive. The proposed setbacks comply with the setbacks required when considering Mesa Drive as the front of the development lot. Approval will not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and

zone in which the property is situated. 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 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.
- E. 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 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 stormwater 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 stormwater 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.
4. Turn-around area shall be striped and marked for no parking.
5. All new and existing construction shall be architecturally compatible with regard to building materials, style, colors, etc. Plans submitted for plan check shall indicate how this will be accomplished.
6. A lot line adjustment or subdivision map shall be processed and recorded prior to the release of building permits.
7. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-03-50 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 release of utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
9. The units may not be sold independent of one another unless required City approvals are obtained to convert this project to a common interest development.
10. All garages shall be provided with automatic garage door openers.
- Eng. 11. 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.

Plng.

12.

Construction hours shall be limited to: ~~8~~⁸ a.m. to ~~6~~⁷ p.m., Monday through Friday; ~~8~~⁹ a.m. to ~~7~~⁶ p.m. on Saturday; and no construction shall take place on Sunday.

13. An 8-foot block wall shall be constructed between the applicant's property and 185 Mesa Drive as a buffer.

14. The applicant shall work with staff to establish and implement a landscaped screen between the subject property and 185 Mesa Drive.

see Minutes of 3/8/04