



PLANNING COMMISSION AGENDA REPORT

III.3

MEETING DATE: APRIL 10, 2006

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-60/PARCEL MAP PM-05-309
191 ALBERT PLACE

DATE: MARCH 30, 2006

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

DESCRIPTION

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

APPLICANT

Craig J. Richie is representing the property owner, Chris Marsh of Cooper Marsh International LLC.

RECOMMENDATION

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


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 191 Albert Place Application: PA-05-60/PM-05-309

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

Zone: R2-MD North: Surrounding properties
 General Plan: Medium Density Residential South: are all residentially
 Lot Dimensions: 61.02 ft. x 140.07 ft. East: zoned and
 Lot Area: 8,547 sq.ft. West: developed.
 Existing Development: Two-story triplex with one 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:		
Lot width	100 ft.	61 ft.*
Lot area	12,000 sq.ft.	8,547 sq.ft.*
Density: Zone/GP	1 du/ 3,630 sq.ft.	1 du/ 2,849 sq.ft.*
Building coverage – overall project:		
Buildings	NA	30% (2,591 sq.ft.)
Paving	NA	23% (1,948 sq.ft.)
Open Space	40% (3,418 sq.ft.)	47% (4,008 sq.ft.)
TOTAL	100%	100%
Min. private open space dimension	10 ft. by 10 ft. min.	18 ft. min. dimension
Building Height:	2-stories/27 ft.	2-stories/ 25 ft.
Setbacks:		
Front	20 ft.	20 ft.
Side - triplex (left/right)	5 ft./5 ft.	5 ft./5 ft.
Side – detached garage (left/right)	0 ft./0 ft.	40 ft./0 ft.
Rear	20 ft.	25 ft.
Separation between garage & triplex	6 ft.	11 ft.
Parking:		
Covered	3	3
Open	6	3
Guest	2	0
TOTAL	11	6*
Driveway:	16 ft.	16 ft.

CEQA Status Exempt, Class 1
 Final Action Planning Commission

* Existing, nonconforming.

BACKGROUND

The subject property is located near the southwest corner of Albert Place and Orange Avenue. The lot contains a triplex with a single-car garage per unit. The property owner proposes to convert the three apartment units into condominiums.

Pursuant to Code Section 13-42(g), Planning Commission review is required when occupied 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%.

The owner is also processing a parcel map to facilitate the conversion. The proposed map will subdivide the airspace to allow the individual units to be sold independent of one another.

ANALYSIS

Common interest developments must comply with additional development standards above those applicable to apartments. 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 1978 and is legal, nonconforming because the density and number of parking spaces 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.

There is concern that conversions may diminish the supply of rental housing and displace long-term 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 2000 census data indicates the City's rental vacancy rate is 2.8%.

The property contains two, 2-bedroom, and one 3-bedroom unit. The tenants are currently paying \$1,550 to \$1,650 a month in rent for the 2-bedroom units, and \$1,850 for the 3-bedroom unit. The current affordable rental rates established by United States Department of Housing and Urban Development (HUD) are as follows:

Bedrooms	2	3
Rent – Very Low Income	\$852	\$946
Rent – Low Income	\$1,022	\$1,136
Rent – Moderate Income	\$1,234	\$1,762

Based on this information, the monthly rents for the existing units exceed the affordable rental rates for low, very low, and moderate income households. Therefore, the conversion of the units would not result in a loss of affordable rental units. Conversion of the units would not result in the displacement of long-term residents or senior citizens because none of the existing tenants have occupied the units for more than approximately two years and there are no senior citizens in the triplex. However, two of the units are occupied by families with school age children. To mitigate the displacement of these residents, the owner will be required to offer right of first refusal to the tenants, with terms more favorable than those offered to the general public. As conditioned, if the tenants confirm that they are not interested in purchasing the units, the property owner will be required to pay the registration fee for an apartment referral service. It is staff's opinion that conversion of the triplex into condominiums will not substantially diminish the supply of rental housing and displace residents unreasonably since 60% of the City's housing units are renter occupied and General Plan Goal LU-1A.4 seeks to "improve the balance between rental and ownership housing opportunities".

As required by Code, a property inspection report as well as a termite report was 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. Treat termite infestations as recommended by a termite control company.
2. Consult a licensed roofing contractor for evaluation and repair/replacement of roofs as necessary.
3. Consult a licensed electrician to repair or replace ceiling fans as needed.
4. Replace all appliances with new Energy Star labeled products.
5. Upgrade landscaping to satisfy current Code requirements.

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

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. A condition is included requiring a provision in the CC&Rs for the use of garages for parking purposes only.

GENERAL PLAN CONFORMITY

Approval of the conversion will satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City. The proposed conversion meets the General Plan's Land Use and Housing Element goals and objectives for additional ownership housing and to improve the balance between rental and ownership housing opportunities within the City.

ALTERNATIVES

The units could still be rented without the site upgrades, if the request is denied.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

Conversion of the apartments will result in a general upgrading of the property, as well as providing additional home ownership opportunities and balancing the ratio of rental to ownership housing. 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. The parcel map is also 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
 Inspection Reports
 Location Map
 Plans
 Tenant Correspondence

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

Craig J. Richie
3500 S. Greenville St., Unit C-24
Santa Ana, CA 92704

Chris Marsh
518 Begonia Ave.
Corona Del Mar, CA 92625

Occupant
191 A Albert Pl.
Costa Mesa, CA 92627

Occupant
191 B Albert Pl.
Costa Mesa, CA 92627

Occupant
191 C Albert Pl.
Costa Mesa, CA 92627

File: 041006PA0560PM05309	Date: 032806	Time: 10:15 a.m.
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RESOLUTION NO. PC-06-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-05-60 AND PARCEL MAP PM-05-309**

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

WHEREAS, an application was filed by Craig J. Richie, representing property owner Chris Marsh of Cooper Marsh International LLC, with respect to the real property located at 191 Albert Place, requesting approval of the conversion of a triplex 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 April 10, 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-05-60/Parcel Map PM-05-309 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-05-60/Parcel Map PM-05-309 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 10th day of April 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(10) in that, although the critical vacancy rate is less than the rate established in Section 13-42(c) (Residential Common Interest Development Conversions), the condominium conversion will not result in the displacement of long-term residents or senior citizens because none of the existing tenants have occupied the units for more than approximately two years and there are no senior citizens in the triplex. Conversion of the apartments will result in a general upgrading of the property, as well as providing additional home ownership opportunities within the City. To ensure that existing tenants are not displaced unreasonably, a condition is included to require that current tenants be offered right of first refusal to purchase, or the property owner pay registration fees for an apartment search service to help them find a new apartment if they decide not to purchase.
- B. 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's Land Use and Housing Element goals and objectives for additional ownership housing and to improve the balance between rental and ownership housing opportunities within the City.
 - 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.
- C. The proposed single lot airspace subdivision is consistent with the City's General Plan and Zoning Ordinances.
- D. 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.
- E. The subject property is physically suitable to accommodate PM-05-309 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.
- F. 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.

- G. 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.
- H. 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).
- 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 under Sections 15301 and 15315.
- 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. The following improvements shall be made:
- a. Treat termite infestations as recommended by a termite control company.
 - b. Consult a licensed roofing contractor for evaluation and repair/replacement of roofs as necessary.
 - c. Consult a licensed electrician to repair or replace ceiling fans as needed.
 - d. Replace all appliances with new Energy Star labeled products.
 - e. Upgrade landscaping to satisfy current Code requirements.
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 code requirements of Planning Application PA-05-60/PM-05-309 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 Safety 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. The applicant shall

provide the Planning Division staff a copy of the written offer and the tenants' written response prior to final inspections. The applicant shall also provide evidence of the payment of the registration fee for an apartment referral service for tenants not accepting the purchase offer.

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 purposes only. Any changes made to this provision require prior review and approval by the City of Costa Mesa.
- Bldg. 12. The following Building Safety Division corrections shall be made:
 - a. Provide smoke alarms at locations referenced by the California Building Code.
 - b. Install draft stops in attic areas, separating dwelling units.
 - c. Install water heaters per California Plumbing Code Requirements.
 - d. Remove or legalize outdoor laundry units.
 - e. Provide GFCI protection for receptacles at kitchens, bathrooms, garages, and outdoors.

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #:

Environmental Determination:

Address:

191 ALBERT PLACE

1. Fully describe your request:

A TENTATIVE TRACT/PARCEL, SUBDIVISION MAP
IN CONJUNCTION WITH A COMMON INTEREST
CONVERSION DEVELOPMENT FOR EXISTING 2 STORY
3 UNIT, TRIPLEX.

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.

N. A.

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.

N. A.

3. This project is: (check where appropriate) N. A.

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

CRAIG J. NICHIE
APPLICANT-AGENT

Date

1/2/2006

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #:
Address:

Environmental Determination:

191 ALBERT PLACE

1. Fully describe your request:

APPROVAL OF A NEW TENTATIVE TRACT MAP & RESIDENTIAL "COMMON INTEREST" CONDOMINIUM APPLICATION FOR AN EXISTING 3 UNIT, 2 STORY APARTMENT BLDG.

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.

N.A.

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.

N.A.

3. This project is: (check where appropriate)

NONE

___ 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:

[checked] Is not included in the publication indicated above.

___ Is included in the publication indicated above.

Signature: [Handwritten Signature] CRAIG J. RICHIE

Date: 12/24/05

APPLICANT, AUTHORIZED OWNER AGENT



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.**