



PLANNING COMMISSION AGENDA REPORT

III.2

MEETING DATE: MAY 8, 2006

ITEM NUMBER:

SUBJECT: REVIEW OF PLANNING STAFF'S DENIAL OF DEVELOPMENT REVIEW DR-06-01
2333 ELDEN AVENUE

DATE: APRIL 27, 2006

FOR FURTHER INFORMATION CONTACT: HANH TRAN, ASSISTANT PLANNER (714) 754-5640

PROJECT DESCRIPTION

Request for review of Planning staff's denial to legalize the installation of a mobile home on a lot with an existing home.

APPLICANT

The review was requested by Vice Chair Donn Hall. The project applicants are James and Susan Bollinger, representing the property owners, Lai King Yee and Oi Wah Joe.

RECOMMENDATION

Uphold, reverse, or modify Planning staff's denial of DR-06-01, by adoption of Planning Commission Resolution.

Handwritten signature of Hanh Tran in cursive.

HANH TRAN
Assistant Planner

Handwritten signature of R. Michael Robinson in cursive.

R. MICHAEL ROBINSON, AICP
Assistant Development Svs. Director

PLANNING APPLICATION SUMMARY

LOCATION: 2333 Elden Avenue APPLICATION: DR-06-01
 REQUEST: Legalize the installation of a 1,440 sq. ft., mobile home with a minor modification for a 11 ft. wide driveway.

SUBJECT PROPERTY:

ZONE: R2-MD
 GENERAL PLAN: Medium Density Residential
 LOT DIMENSIONS: 66 FT. x 305 FT.
 LOT AREA: 20,130 SQ. FT.
 EXISTING DEVELOPMENT: A one-story, single-family residence with a detached garage.

SURROUNDING PROPERTY

NORTH: Surrounding properties
 SOUTH: are R2-MD zoned, and
 EAST: and developed with
 WEST: residences.

DEVELOPMENT STANDARD COMPARISON

<u>DEVELOPMENT STANDARD</u>	<u>REQUIRED/ALLOWED</u>	<u>PROPOSED/PROVIDED</u>
LOT SIZE:		
LOT WIDTH	50 ft.	66 ft.
LOT AREA	12,000 sq. ft.	20,130 sq. ft.
DENSITY:		
ZONE	1 du/3,360 sq. ft.	1 du/10,065 sq. ft.
GENERAL PLAN	1 du/3,000 sq. ft.	
BUILDING COVERAGE:		
BUILDINGS – EXISTING HOME	NA	1,950 sq. ft. (10%)
BUILDINGS – EXISTING GARAGE	NA	484 sq. ft. (2%)
BUILDINGS – PROPOSED MOBILE HOME	NA	1,440 sq. ft. (7%)
PAVING	NA	4,236 sq. ft. (21%)
TOTAL		8,110 sq. ft. (40%)
OPEN SPACE	40% (8,052 sq. ft.)	12,020 sq. ft. (60%)
BUILDING HEIGHT – MOBILE HOME:	2 stories/27 ft.	1 story/ approx. 15 ft.
SETBACKS:		
FRONT – MOBILE HOME	20 ft.	25 ft.
SIDE (LEFT/RIGHT) – MOBILE HOME	5 ft./5 ft.	10 ft./33 ft.
REAR – MAIN STRUCTURE	20 ft.	66 ft.
REAR – ACCESSORY STRUCTURE	10 ft.	10 ft.
REAR YARD COVERAGE – DETACHED GARAGE:	50%	37%
DISTANCE BETWEEN MAIN BUILDINGS:	10 ft.	+50 ft.
PARKING – ENTIRE SITE:		
COVERED	2	3
OPEN	4	3
GUEST	1	1
TOTAL	7 spaces	7 spaces
DRIVEWAY WIDTH:	16 ft.	11 ft.*
DRIVEWAY LANDSCAPE:	5 ft. house side; 3 ft. other side; 10 ft. combined	14 ft. house side; 3 ft. other side; 17 ft. combined

CEQA STATUS: Exempt, Class 3, New Construction of Small Structures

FINAL ACTION: Planning Commission

NA = Not Applicable or No Requirement

*Minor Modification requested

BACKGROUND

State Planning Law

The State Planning, Zoning, and Development Laws (California Government Code Sections 65852.3 through 65852.5) requires that a City allow the installation of a manufactured home (i.e. mobile home) certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 on a foundation system on lots zoned for single-family residential dwellings. The City may only impose architectural requirements to the roof overhang, roof material, and siding material of the manufactured home itself. However, at the City's discretion, the City may prohibit installation of a manufactured home if more than 10 years have elapsed between the date of the manufacture of the mobile home and the date of the application for issuance of a permit to install the mobile home on a residential property.

2333 Elden Avenue

The subject mobile home was previously located at the El Morro Village in Newport Beach, owned by the State of California. The State gave mobile home residents 20 years to vacate the property with an additional five-year extension, which expired in 2004. The applicant submitted a development review application to relocate their mobile home to the subject property on January 17, 2006. A minor modification to deviate from driveway width (11 feet proposed; 16 feet required) is also requested. While the application was being processed, the applicant illegally relocated the mobile home on the property, removed existing landscaping and mature trees in the front yard, and began constructing a screen wall.

On March 31, 2006, Planning staff denied Development Review DR-06-01 to legalize the installation of a mobile home. Planning Commission Vice Chair Donn Hall called up staff's denial on April 7, 2006, for Planning Commission review.

ANALYSIS

The mobile home was manufactured in 1970; at that time, there were no construction regulations for mobile homes (construction regulations were not established until June 15, 1976). Any mobile home manufactured prior to June 15, 1976, is exempt from Federal, State, and City government review and inspections other than to determine compliance with electrical, mechanical, heating, and plumbing requirements. It appears that because government review and enforcement is limited, California Government Code Section 65852.3 allows the City to deny the installation of mobile homes if more than 10 years have elapsed between the date of the manufacture of the mobile home and the date of the application for the issuance of a permit to install the mobile home. In this case, 36 years have elapsed.

Staff denied the application primarily because installation of the mobile home is inconsistent with the Safety Element of the City's General Plan, specifically Goal SAF1, which protects citizens and properties from injury, damage, or destruction from natural

and man-made hazards. Installation and structural improvements to the mobile home without governmental review and inspections could create a man-made safety hazard because there is no assurance that the installation and improvements are structurally safe and sound.

Staff also denied the application because allowing installation of the mobile home is inconsistent with the Community Design Element of the General Plan, specifically Objective CD-7A.2, because the present condition of the mobile home is not consistent with the prevailing character of existing development in the immediate vicinity and the appearance of the mobile home creates a substantial adverse impact on adjacent areas. The applicant's original intent was to temporarily place the mobile home at the site to care for an elderly relative, removing it when the person passed away, which reinforces staff's assertion that extensive modifications and property improvements may not be feasible for a temporary structure, especially one this old.

City Code requires a driveway serving more than one dwelling unit to be a minimum 16 feet wide; however, through a minor modification, staff may approve a reduced driveway width of 10 feet. Since approval of the minor modification for the proposed 11-foot wide driveway is dependent upon the installation of the mobile home, denial of the mobile home voids the minor modification request.

The applicant submitted a letter shortly after staff's decision was called up for review by Vice Chair Hall. The letter states that they will make modifications and additions to the mobile home to improve the visual appearance of the mobile home to make it look more like a permanent structure. The City Zoning and Building Codes regulate improvements such as room additions because the additions can be constructed independent from the mobile home; however, as indicated earlier, the City cannot regulate improvements that involve structural modifications to the mobile home itself, including installing a new roof, changing out windows, and changing siding material.

GENERAL PLAN CONFORMITY

The property has a General Plan Designation of Medium Density Residential. Under the general plan designation, five units are allowed on the site and two units exist; one illegally (the mobile home). As a result, the use and density conform to the City's General Plan; however, as previously discussed, the type of unit is not consistent with the Safety and Community Design Elements of the General Plan due to its age, appearance, and condition.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction or Conversion of Small Structures.

ALTERNATIVES

The Commission has the following alternatives:

1. Uphold staff's denial of the development review, which would require the applicant to remove the mobile home from the subject property no later than 30 days from Planning Commission's decision date. The applicant will not be able to apply for a substantially similar project for six months;
2. Overturn staff's denial and approve the installation of the mobile home and minor modification with appropriate findings and conditions of approval.

CONCLUSION

Staff denied the development review because the mobile home is not compatible with surrounding properties in the neighborhood due to its appearance, and condition. Furthermore, the City does not have the authority to regulate the mobile home due to its age. Since there is no way to insure the safety of the occupants of the mobile home, staff recommends the denial of the development review be upheld.

Attachments: Project Description/Justification Form
 Draft Planning Commission Resolution
 Exhibit "A" Draft. Findings
 Review Form
 Applicant's Letter
 Neighbor Opposition Letters
 Development Review Letter
 State Planning, Zoning, and Development Laws Excerpt
 Exhibit "B" Draft. Conditions of Approval
 Photographs of the site
 Zoning/Location Map
 Plans

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

James and Susan Bollinger
 137 Saint Vincent
 Irvine, CA 92618

Cambridge Townhomes HOA
 2335 Elden Avenue
 Costa Mesa, CA 92627

Douglas and Theresa Hiramoto
 2335 Elden Avenue #D
 Costa Mesa, CA 92627

Brian and Anastasia Winley
 2335 Elden Avenue #F
 Costa Mesa, CA 92627

Dana Lavi
 2337 Elden Avenue #F
 Costa Mesa, CA 92627

Christina Otto
 2335 Elden Avenue #A
 Costa Mesa, CA 92627

CITY OF COSTA MESA PLANNING APPLICATION

PROJECT DESCRIPTION AND JUSTIFICATION

DR-06-01

1. ~~Project Address:~~

2333 ELDEN AVENUE, COSTA MESA, CA 92627

2. ~~Fully describe your request:~~

RELOCATE A 2 BEDROOM STATE APPROVED 24X60 MOBILE HOME TO MY MOTHER'S PROPERTY TO TAKE CARE OF HER AS SHE IS 86 YEARS OLD <TEMPORARY WILL REMOVE >

3. Justification:

- A. For a Conditional Use Permit or Minor Conditional Use Permit: On a separate sheet, 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: On a separate sheet, 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.

4. This project is: (check where appropriate)

In a flood zone.

In the Redevelopment Area.

Subject to future street widening.

In a Specific Plan Area.

Includes a drive-through facility.

(Special notice requirements, pursuant to GC Section 65091 (d))

5. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST reproduced on the rear of this page and have determined the project:

Is not included in the publication indicated above.

Is included in the publication indicated above.

Susan Bollinger
Signature

1/11/06
Date

RESOLUTION NO. PC-06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING STAFF'S DENIAL OF DEVELOPMENT REVIEW DR-06-01 FOR LEGALIZATION OF A MOBILE HOME AT 2333 ELDEN AVENUE

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

WHEREAS, an application was filed by James and Susan Bollinger, authorized agent for Lai King Yee and Oi Wah Joe, owners of the real property located at 2333 Elden Avenue, requesting development review approval to legalize the installation of a 1,440 square-foot mobile home on a lot with an existing home and a minor modification for an 11-foot wide common driveway; and

WHEREAS, Planning staff issued a letter of denial on March 31, 2006; and

WHEREAS, on April 7, 2006, staff's denial was called up by Vice Chair Donn Hall for review by the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing on May 8, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Costa Mesa Planning Commission hereby **DENIES** Development Review DR-06-01 with respect to real property described above and direct the removal of the mobile home no later than 30 days from the date of this resolution.

PASSED AND ADOPTED this 8th day of May, 2006.

Bill Perkins, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on May 8, 2006, by the following votes:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed mobile home does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
1. Compatible and harmonious relationship does not exist between the proposed building and the site development, and the building and site development that have been approved for the general neighborhood.
 2. Safety standards cannot be applied to the mobile home to protect the public health, safety, and general welfare.
 3. The proposed mobile home is not consistent with the Safety Element of the General Plan. Installation and structural improvements cannot be reviewed and inspected to the mobile home so there is no insurance that the installation and improvements are structurally safe and sound.
 4. The proposed mobile home is not consistent with the Community Design Element of the General Plan. The present condition of the mobile home is not consistent with the prevailing character of existing development in the immediate vicinity. The appearance of the mobile home and the lack of adequate landscaping on the property create a substantial adverse impact on adjacent areas.
- B. 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 Section 15303, New Construction of Small Structures, of CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

FROM : CITY OF COSTA MESA

FAX NO. : 714 754 4856

Apr. 07 2006 10:37AM P1

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

APR 07 2006

CITY OF COSTA MESA
P. O. Box 1200
Costa Mesa, CA 92628-1200

FEE: \$

APPLICATION FOR REVIEW, APPEAL OR REHEARING

Applicant Name Vice Chair Donn Hall

Address P.O. Box 1200 Costa Mesa, CA 92628-1200

Phone (714) 754-5245 Representing n/a

REQUEST FOR: REVIEW** APPEAL REHEARING

Decision of which review, appeal or rehearing is requested; (give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) DR-06-01 (2333 Elden Avenue) March 31, 2006

Decision by: Staff Reasons for requesting review, appeal or rehearing: Would like the Planning Commission to review this item.

Date: 4/7/06 Signature: *Don Hall*

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
If review, appeal or rehearing is for person or body other than City Council/Planning Commission, date of hearing of review, appeal or rehearing:

* If you are serving as the agent for another person, please identify the person you represent and provide proof of agency.
** Review may be requested only by City Council or City Council Member
Costa Mesa/Form 1 / Application for Review-Appeal-Rehearing

April 6, 2006

City of Costa Mesa, Planning Division
77 Fair Drive
Costa Mesa, CA 92628
714-754-5245

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

APR 07 2006

Attn: Ms. Hanh Tran, Assistant Planner

Ref: Application for Appeal: Development Review Dr-06-01, 2333 Elden Ave, Costa Mesa

Dear Ms. Tran,

This Letter is being written to request an appeal to your letter dated March 31, 2006.

The original rush to locate our mobile home on the above address is no longer urgent. Susan's mother passed away on Sunday April 2, 2006. Our original goal was to place the mobile home near her mother's home in order to help in her care.

This is no longer the case. We now wish to include the coach in a design build home. Susan and I request additional time to hire an architect, meet with planning, and present an amended and far more detailed set of design drawings. We plan to resurface the driveway as required, build an all new central area in between the two mobile home halves of between 480 to 720 square feet, and add an attached 3 car garage. Additional landscaping will be part of the new construction around the new home, and the vacant area between the new home and the existing home. The tires, wheel, axels, and tongues will all be removed from the coach and the halves will be mated with the new construction. It will all be built on a permanent foundation. The coach's exterior aluminum siding will be removed (inspection will then be possible) and replaced. New Exterior windows and doors will replace the existing. There will be new roof and roof lines. When finished the New home will be built to code and there will be no visible sign of a mobile home, either inside or out.

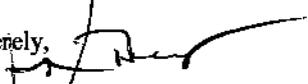
The Cities concern about age and construction compliance will no longer be an issue. On Page 2, paragraph 3 of the denial letter Ms. Tran statement that "there was no Construction Regulations for mobile homes in 1970" is incorrect. There are two different types of approval seals. Ours coach bears the earlier seal which certifies that it was built in compliance of existing laws of that date. But that will be a mute point since we will be using the carcass of the trailer as building blocks which will have open walls for framing, water, electrical, drywall, heating and plumbing inspections.

Lastly you wrote of a lack of landscaping and of mature trees being removed from the front yard with out City Approval. In February, I started landscaping the front yard. To date the Large Pepper tree which was badly in need of trimming (and becoming quite dangerous) was trimmed and numerous sucker limbs were removed. A Bottle Brush bush was removed from the front area near the old mail box. But neither that bush nor the other offshoots could be considered mature trees. The soil has been turned, leveled and landscaped. The Existing Chain Link fence has been removed and replaced by a new Redwood and Grape stake fence which is nearly complete.

At present I am retired. I was a Licensed California General Contractor (Lic. #432942) and have worked as Head Softball Coach for Orange Coast College, Villa Park High School and Mater Dei High School, as well as being past President and Founder of the American Athletics Girls Fastpitch, Inc. a non profit Corporation dedicated to the training of 10-18 year old female athletes in the sport of fastpitch softball. We are quite capable of making this project work.

In closing, we would like to assure you, the Planning Division and the City of Costa Mesa that when finished the Home will meet Costa Mesa Municipal Code Section 13-29-e standards if not exceed them. . Thank you for your time.

Sincerely,


James and Susan Bollinger
137 St Vincent
Irvine, CA 92618
714-865-7331 (Jim Cell)

Cc: file 06CMP.ltr2

TRAN, HANH

From: Aminimal Lover [Amnllvr@mindspring.com]
Sent: Wednesday, April 26, 2006 1:53 PM
To: LAMM, DONALD; ROBINSON, MIKE; BRANDT, KIMBERLY; FLYNN, CLAIRE; ROBBINS, REBECCA; VETURIS, HILDA; BOUWENS-KILLEEN, WILLA; LEE, MEL; SHIH, WENDY; TRAN, HANH
Cc: cambridgetownhomeshoa@yahoo.com; Ann Kent; Linda Menk; Pam Nichols
Subject: Development Review DR-06-01
Importance: High

Dear Costa Mesa Planning Commission,

I live at 2337 Elden Ave and I walk my dog everyday and pass 2333 Elden Ave on my walk around the block. The Trailer parked on the property is an eyesore and I feel it disturbs the quaintness of my neighborhood.

I noticed in a letter sent from the Bollinger's they stated that they "canvassed the neighborhood" for approval. This is not true. Cambridge Place HOA @ 2337 Elden had their Board meeting on April 20, 2006 and the trailer parked on 2333 Elden in plain view on the property was an agenda item. No one on our board has been asked for approval by the Bollingers and we as a Board are sending protest letters against the the approval for the Bollingers to park their trailer at 2333 Elden Ave.

As I mentioned I walk my dog every night around the block and everyone I have met feel this trailer is an eyesore and lowers our property values. The fact that they have done many things to this property with out the proper permits, leads me to believe that they will continue to make changes, build, or anything on this property without permits, and they will wait until the planning commission or code enforcement notices the construction and by that time the project could be well on its way to completion. This does not sit well with me. I needed a permit to install my air conditioner and that was for the back of my property.

The neighborhood would like to know if there is a specific form or letter we need to write to the planning commission to voice our concerns of the trailer and the Bollinger's blatant disrespect for Costa Mesa codes and policies.

Respectfully,
 Dana Lavin
 Homeowner
 2337 Elden Ave
danalavin@mindspring.com

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TRAN, HANH

From: Cambridge Townhomes HOA [cambridgetownhomeshoa@yahoo.com]
Sent: Tuesday, April 25, 2006 10:58 PM
To: TRAN, HANH
Subject: DR-06-01 2333 Elden

Hahn,

I am writing this note on behalf of the 10 members of my Homeowners Association, who live adjacent to 2333 Elden. We object to the proposal to place a mobile home on this property; accordingly, we support the Costa Mesa Planning Division's recent decision to deny the application for this project, and we urge the members of the planning commission to uphold this decision should the matter be deferred to them for approval.

Cordially,

Greg Horter
Cambridge Townhomes HOA
2335 Elden Ave

TRAN, HANH

From: tinalo100@sbcglobal.net
Sent: Wednesday, April 26, 2006 5:03 PM
To: TRAN, HANH
Subject: [BULK] DR-06-01. 2333 Elden Avenue
Importance: Low

Dear Mr. Tran,

Please note that we, as homeowners at 2335 Elden Avenue, Unit A, Costa Mesa, CA 92627 are strongly against the City of Costa Mesa allowing a mobile home to be permitted at 2333 Elden Avenue, Costa Mesa, CA 92627. It is with great hope and anticipation that you and the City of Costa Mesa will come to the same conclusion that we and our surrounding neighbors have come to which is: this attempt to place a mobile home in our community is not in our best interest.

We wish to be placed on the mailing list for all future correspondence relating to this matter referring to DR-06-01, 2333 Elden Ave. Thank you in advance for your assistance in this matter.

Respectfully,

Christina Otto

1/4

04/27/2006

TRAN, HANH

From: Anne Buteyn [ambuteyn@hotmail.com]
Sent: Wednesday, April 26, 2006 10:57 AM
To: TRAN, HANH
Subject: [BULK] Object to proposal DR-06-01, 2333 Elden Ave

Importance: Low

Dear Hahn Tran,

I am the homeowner of 2335 Elden Ave, Unit C, Costa Mesa, CA 92627.

Please note that I object to proposal DR-06-01. As a homeowner in this neighborhood for over 6 years now, I strongly believe that placement of a mobile home at 2333 Elden Avenue would not be in the best interest of the current and future property owners in this Costa Mesa area. I also understand this type of structure has not been allowed in the past in any similar Costa Mesa neighborhood, and I would encourage you to continue this type of restriction in the future.

Sincerely,
Anne Buteyn

TRAN, HANH

From: Douglas Hiramoto [DHiramoto@beldenhutchison.com]
Sent: Wednesday, April 26, 2006 9:05 AM
To: TRAN, HANH
Subject: [BULK] DR-06-01, 2333 Elden Ave

Importance: Low

Dear Hahn Tran,

We are the homeowners at 2335 Elden Avenue, Unit D Costa Mesa, CA 92627. We are strongly against the City of Costa Mesa allowing a mobile home to be permitted at 2333 Elden Avenue Costa Mesa, CA 92627.

As a surrounding neighbor, we strongly believe that a mobile home in our community does not serve to the best interest for our community in both appearance and value creation. There are neighbors in our community who have spent hard earned money either upgrading or building new homes. The mobile home is inconsistent to what is being permitted to be built, improved or sanctioned by the City of Costa Mesa. After your review, we strongly feel that you and the City will come to the same conclusion.

We wish to be placed on the mailing list for all future correspondence relating to this matter referring to DR-06-01, 2333 Elden Ave.

Thank you for your quick action to this matter.

Sincerely,

Douglas & Theresa Hiramoto

TRAN, HANH

From: Anastasia Winley [awinley@winbros.com]
Sent: Wednesday, April 26, 2006 12:29 AM
To: TRAN, HANH
Cc: Doug Hiramoto; Cambridge Townhomes HOA; Anne Buteyn; Chris Wakim; Greg And Lori Horter; Theresa Hiramoto; Christina Otto
Subject: DR-06-01, 2333 Elden Ave

Dear Hahn Tran,

Please note that we, as homeowners at 2335 Elden Avenue, Unit F Costa Mesa, CA 92627 are strongly against the City of Costa Mesa allowing a mobile home to be permitted at 2333 Elden Avenue Costa Mesa, CA 92627.

It is with great hope and anticipation that you and the City of Costa Mesa will come to the same conclusion that we and our surrounding neighbors have come to which is: this attempt to place a mobile home in our community is not in our best interest.

We wish to be placed on the mailing list for all future correspondence relating to this matter referring to DR-06-01, 2333 Elden Ave. Thank you in advance for your assistance in this matter.

Respectfully,
Brian and Anastasia Winley



CITY OF COSTA MESA

P O BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92626-1200

DEVELOPMENT SERVICES DEPARTMENT

March 31, 2006

Susan Bollinger
139 Saint Vincent
Irvine, CA 92618

**RE: DEVELOPMENT REVIEW DR-06-01
LEGALIZATION OF A MOBILE HOME ON A RESIDENTIAL LOT
2333 ELDEN AVENUE, COSTA MESA**

Dear Ms. Bollinger:

Review of the development review for the above-referenced application has been completed. The application, as described in the attached project description, has been denied. The decision will become final at 5 p.m. on April 7, 2006 (seven days from the date of this letter) unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or is called up for review by a member of the Planning Commission or City Council.

Since your application has been denied, the mobile home must be removed from the property within thirty (30) days of final action. Failure to comply with this directive will result in additional code enforcement citations and/or other abatement actions.

If you have any questions regarding this letter, please feel free to contact me at (714) 754-5640, between 8 a.m. and 12 noon.

Sincerely,

A handwritten signature in black ink, appearing to read "Hanh Tran".

HANH TRAN
Assistant Planner

Attachments: Project description
Findings

cc: Gary Wong, Engineering
Jim Golfos, Chief of Code Enforcement
Fire Protection Analyst
Building Division

Cambridge Townhomes HOA
2335 Elden Avenue
Costa Mesa, CA 92627

Ms. Lai King Yee/Oi Wah Joe
2333 Elden Avenue
Costa Mesa, CA 92627

PROJECT DESCRIPTION

- The applicant proposes to legalize the installation of a mobile home with a minor modification to deviate from driveway width (11 feet proposed; 16 feet required) because the driveway will now serve more than one dwelling unit.
- During the application process, the applicant illegally placed the mobile home on the property and removed mature trees without Planning Division approval.
- The proposed mobile home was manufactured in 1970, when there was no construction regulation for mobile homes. Construction regulations were not established until June 15, 1976; consequently, Federal, State, or Local government does not have authority to review and inspect installations of, and improvements to, mobile homes manufactured prior to that date other than electrical, mechanical, heating, and plumbing.
- California Government Code Section 65852.3 allows the City to deny installation of the mobile home if more than 10 years have elapsed between the date of the manufacture of the mobile home and the date of the application for the issuance of a permit to install the mobile home.
- Allowing installation of the proposed mobile at the subject site is inconsistent with the Safety Element of the City's General Plan. The Safety Element's goal is to protect citizens and properties from injury, damage, or destruction from natural and man-made hazards. Installation and structural improvements to the mobile home without governmental review can become a man-made hazard because there is no insurance that the installation and improvements are structurally safe and sound.
- Allowing installation of the mobile home is inconsistent with the Community Design Element of the General Plan because the present condition of the mobile home is not consistent with the prevailing character of existing development in the immediate vicinity. The unkempt placement of the mobile home and the lack of adequate landscaping on the property create a substantial adverse impact on adjacent areas.
- Since approval of the minor modification for an 11-foot wide driveway is dependent upon the installation of the mobile home, denial of the mobile home voids the minor modification request.

FINDINGS

- A. The proposed mobile home does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
1. Compatible and harmonious relationship does not exist between the proposed building and the site development, and the building and site development that have been approved for the general neighborhood.
 2. Safety standards cannot be applied to the mobile home to protect the public health, safety, and general welfare.
 3. The proposed mobile home is not consistent with the Safety Element of the General Plan. Installation and structural improvements cannot be reviewed and inspected to the mobile home so there is no insurance that the installation and improvements are structurally safe and sound.
 4. The proposed mobile home is not consistent with the Community Design Element of the General Plan. The present condition of the mobile home is not consistent with the prevailing character of existing development in

the immediate vicinity. The unkempt placement of the mobile home and the lack of adequate landscaping on the property create a substantial adverse impact on adjacent areas.

- B. 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 Section 15303, New Construction of Small Structures, of CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

~~(3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling.~~

~~No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.~~

~~(4) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subdivision.~~

~~(5) A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.~~

~~(c) No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.~~

~~(d) A local agency may establish minimum and maximum unit size requirements for both attached and detached second units. No minimum or maximum size for a second unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which does not permit at least an efficiency unit to be constructed in compliance with local development standards.~~

~~(e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.~~

~~(f) Fees charged for the construction of second units shall be determined in accordance with Chapter 5 (commencing with Section 66000).~~

~~(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.~~

~~(h) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) or (c) to the Department of Housing and Community Development within 60 days after adoption.~~

~~(i) As used in this section, the following terms mean:~~

~~(1) "Living area," means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~

~~(2) "Local agency" means a city, county, or city and county, whether general law or chartered.~~

~~(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.~~

~~(4) "Second unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:~~

~~(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.~~

~~(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.~~

~~(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.~~

~~(Added by Stats. 2002, Ch. 1062)~~

65852.3. Local manufactured homes zoning

(a) A city, including a charter city, county, or city and county, shall allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code, on lots zoned for conventional single-family residential dwellings. Except with respect to architectural requirements, a city, including a charter city, county, or city and county, shall only subject the manufactured home and the lot on which it is placed to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic

requirements, and minimum square footage requirements. Any architectural requirements imposed on the manufactured home structure itself, exclusive of any requirement for any and all additional enclosures, shall be limited to its roof overhang, roofing material, and siding material. These architectural requirements may be imposed on manufactured homes even if similar requirements are not imposed on conventional single-family residential dwellings. However, any architectural requirements for roofing and siding material shall not exceed those which would be required of conventional single-family dwellings constructed on the same lot. At the discretion of the local legislative body, the city or county may preclude installation of a manufactured home in zones specified in this section if more than 10 years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone. In no case may a city, including a charter city, county, or city and county, apply any development standards that will have the effect of precluding manufactured homes from being installed as permanent residences.

(b) At the discretion of the local legislative body, any place, building, structure, or other object having a special character or special historical interest or value, and which is regulated by a legislative body pursuant to Section 37361, may be exempted from this section, provided the place, building, structure, or other object is listed on the National Register of Historic Places.

(Added by Stats. 1980, C. 1142; Amended by Stats. 1988, C. 1571; Amended by Stats. 1994, Ch. 896.)

65852.4. Exemption from requirement

A city, including a charter city, a county, or a city and county, shall not subject an application to locate or install a manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code, on a lot zoned for a single-family residential dwelling, to any administrative permit, planning, or development process or requirement, which is not identical to the administrative permit, planning, or development process or requirement which would be imposed on a conventional single-family residential dwelling on the same lot. However, a city, including a charter city, county, or city and county, may require the application to comply with the city's, county's, or city and county's architectural requirements permitted by Section 65852.3 even if the architectural requirements are not required of conventional single-family residential dwellings.

(Added by Stats. 1988, C. 1572.)

65852.5. Mobile home roof overhangs

Notwithstanding the provisions of Section 65852.3, no city, including a charter city, county, or city and county, may impose size requirements for a roof overhang of a manufactured home subject to the provisions of Section 65852.3, unless the same size requirements also would be imposed on a conventional single-family residential dwelling constructed on the same lot. However, when there are no size requirements for roof overhangs for both manufactured homes and conventional single-family residential dwellings, a city, including a charter city, county, city and county, may impose a roof overhang on manufactured homes not to exceed 16 inches.

(Added by Stats. 1990, Ch. 426; Amended by Stats. 1990, Ch. 1223.)

~~**65852.6. Homing pigeons**~~

(a) It is the policy of the state to permit breeding and the maintaining of homing pigeons consistent with the preservation of public health and safety.

(b) For purposes of this section, a "homing pigeon" sometimes referred to as a racing pigeon, is a bird of the order Columbidae. It does not fall in the category of "fowl" which includes chickens, turkeys, ducks, geese, and other domesticated birds other than pigeons.

(Added by Stats. 1990, Ch. 329; Amended by Stats. 1991, Ch. 1091.)

65852.7. Mobile home parks

A mobilehome park, as defined in Section 18214 of the Health and Safety Code, shall be deemed a permitted land use on all land planned and zoned for residential land use as designated by the applicable general plan; provided, however, that a city, county, or a city and county may require a use permit. For purposes of this section, "mobilehome park" also means a mobilehome development constructed according to the requirements of Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code, and intended for use and sale as a mobilehome condominium or cooperative park, or as a mobilehome planned unit development. The provisions of this section shall apply to a city, including a charter city, a county, or a city and county.

(Added by Stats. 1981, Ch. 974.)

Note: Stats. 1981, Ch. 974, also reads:

SEC. 1. The Legislature finds and declares that an intensifying shortage of mobilehome park spaces in many areas of the state degrades the quality of life of many Californians now living in mobilehome parks, and narrows the housing options open to many other Californians who cannot afford conventional single-family homes. The Legislature further finds and declares that there is a need to eliminate the distinctions between mobilehome park developments and conventional forms of residential land use.

RESOLUTION NO. PC-06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING DEVELOPMENT REVIEW DR-06-01 FOR LEGALIZATION OF A MOBILE HOME AT 2333 ELDEN AVENUE

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

WHEREAS, an application was filed by James and Susan Bollinger, authorized agent for Lai King Yee and Oi Wah Joe, owners of the real property located at 2333 Elden Avenue, requesting development review approval to legalize the installation of a 1,440 square-foot mobile home on a lot with an existing home, and a minor modification for an 11-foot wide common driveway; and

WHEREAS, Planning staff issued a letter of denial on March 31, 2006; and

WHEREAS, on April 7, 2006, staff's denial was called up by Vice Chair Donn Hall for review by the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing on May 8, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** DR-06-01 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 development review approval DR-06-01 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 8th day of May, 2006.

Bill Perkins, Chair
Costa Mesa Planning Commissi

EXHIBIT "B"

CONDITIONS OF APPROVAL (If project is approved)

- Plng.
1. Plans submitted for building plan check shall show a six-foot high solid fence/wall across the front yard, located at a minimum distance of 10 feet from the front property line to screen the mobile home. Any fence/wall shall conform to the City's Walls, Fences, and Landscaping Standards.
 2. A total of seven parking spaces shall be provided to support the two dwelling units. Parking shall conform to the City's Parking Design Standards and the Transportation Division requirements.
 3. The existing driveway shall be resurfaced. To avoid an alley-like appearance, the driveway shall be developed without a center swale. The Planning Division shall approve the design of the driveway.
 4. All new and existing improvements (including the existing dwelling unit) shall be architecturally compatible with regard to building material, style, colors, roof form, roof pitch, etc. Plans submitted for plan check shall indicate how this will be accomplished.
 5. 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.
 6. Address assignment shall be requested from the Planning division prior to submittal of working drawings for plan check. The approved address of individual units shall be blueprinted on the site plan and on all floor plans in the working drawings.
 7. Location of any air conditioning unit shall require Planning Division approval. Air conditioning units are typically approved five feet from side setbacks. Rooftop installation shall be prohibited.
 8. Construction, grading, material delivery, equipment operation, or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Noise-generating activity shall not be allowed 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.
 9. The conditions of approval, Code provisions, and Special District requirements of Development Review DR-06-01 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 10. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.

- Eng.
11. Maintain the public right-of-way in a “wet-down” condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
 12. Dedicate a 3-foot public utility and sidewalk easement behind existing right-of-way line on Elden Avenue.

CODE REQUIREMENTS

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng.
1. Approval of the zoning action is valid for one (1) year and will expire at the end of that period unless building permits are obtained and construction commences or the applicant applies for and is granted an extension of time. A written request for an extension of time must be received by Planning staff prior to the expiration of the zoning application.
 2. Development shall comply with all requirements of Article 1, Chapter 5, and Article 9, Chapter 5 of Title 13 of the Costa Mesa Municipal Code relating to residential development standards.
 3. The paving under required covered parking spaces shall be Portland Cement Concrete (PCC).
 4. Any mechanical equipment such as air-conditioning equipment and ductwork shall be screened from view in a manner approved by the Planning Division. All roof-mounted equipment is prohibited.
 5. Any on-site utility services shall be installed underground.
 6. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
 7. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
 8. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
 9. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed and may be required on a 1:1 basis. This requirement shall be completed under the direction of the Planning Division.
 10. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 11. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.
 12. All property line walls or fences shall be repaired or replaced as necessary under the direction of the Planning Division.

- Bus. Lic. 13. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy, and utility releases will not be granted until all such licenses have been obtained.
- Bldg. 14. Comply with the requirements of the California Code of Regulations, Title 24, also known as the California Building Standards Code, as amended by the City of Costa Mesa.
- Fire 15. Provide approved smoke detectors to be installed in accordance with the 2001 Edition of the Uniform Fire Code.
- Eng. 16. A site access permit and deposit of \$535.00 for street sweeping will be required by the Engineering Division prior to the start of any on- or off-site work.
- Trans. 17. Provide a minimum 10 ft. by 35 ft. turnaround area perpendicular to the drive aisle to allow for forward motion for existing vehicles.
18. Show on the site plan the right-of-way on Elden Avenue as 25 ft. from the street centerline.

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

- Sani. 1. It is recommended that the applicant contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.
- AQMD 2. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.
- School 3. Developer shall submit proof that applicable school fees for the Newport Mesa Unified School District have been paid prior to the issuance of building permits.



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.**