



# **PLANNING COMMISSION AGENDA REPORT**

*JLH*

MEETING DATE: MAY 8, 2006

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-06-15  
322 OGLE STREET

DATE: APRIL 27, 2006

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

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## **DESCRIPTION**

The applicant proposes to convert 5 apartment units into a common interest development (condominiums), which would allow the units to be sold independent of one another.

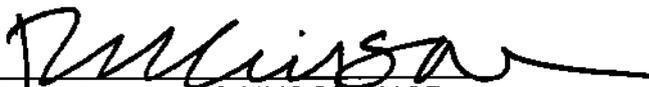
## **APPLICANT**

Peter Zehnder is representing the property owner, Robin Boyd.

## **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: 322 Ogle Street Application: PA-06-15

Request: To convert 5 apartment units into a common interest development (condominiums).

Zone: R2-MD North: C1 – Commercial  
 General Plan: Medium Density Residential South: All zoned R2-MD  
 Lot Dimensions: 50 ft. x 290.15 ft. East: and residentially  
 Lot Area: 14,507 sq.ft. West: developed.  
 Existing Development: 5-unit apartment building and a garage containing 6 spaces.

### **DEVELOPMENT STANDARD COMPARISON**

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
<b>Lot size:</b>		
Lot width	100 ft.	50 ft.*
Lot area	12,000 sq.ft.	14,507 sq.ft.
Density: Zone/GP	1 du/ 3,630 sq.ft.	1 du/ 2,901 sq.ft.*
<b>Building coverage – overall project:</b>		
Buildings	NA	28% (4,127 sq.ft.)
Paving	NA	30% (4,400 sq.ft.)
Open Space	40% (5,802 sq.ft.)	41% (5,980 sq.ft.)
TOTAL	100%	100%
Min. private open space dimension	10 ft. by 10 ft. min.	12 ft. min. dimension
Building Height:	2-stories/27 ft.	2-stories/ 22 ft.
<b>Setbacks:</b>		
Front	20 ft.	20 ft.
Side - apartments (left/right)	5 ft./5 ft.	12 ft./6 ft.
Side – detached garage (left/right)	0 ft./0 ft.	0 ft./30 ft.
Rear (1 <sup>st</sup> floor/2 <sup>nd</sup> floor)	10 ft./20 ft.	15 ft./25 ft.
Separation between garage & apt. units	6 ft.	30 ft.
<b>Parking:</b>		
Covered	5	6
Open	13	5
Guest	3	0
TOTAL	21	11*
Driveway:	16 ft.	19 ft.

CEQA Status Exempt, Class 1  
 Final Action Planning Commission

\* Existing, nonconforming.

## **BACKGROUND**

The subject property is located near the northeast corner of Santa Ana Avenue and Ogle Street. The lot contains a 5-unit apartment building and a garage for 6 parking spaces. The property owner proposes to convert the 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%.

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

## **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 (unless alternate designs approved), and provision of on-site lighting. The existing development already complies with the common interest development requirements with respect to private open space and on-site lighting. The existing apartment structure with dwelling units attached side by side has a break in the façade by having an offset in the front building line of 2 feet per dwelling unit and the applicant proposes to upgrade the exterior elevations by painting and adding additional trim features.

The existing development is situated on a lot with nonconforming lot width. The development was constructed in 1979 and is legal, nonconforming because the project was permitted and constructed under an old set of requirements but no longer satisfies current Zoning Code requirements for density and parking – whether as 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 five, 3-bedroom units. The tenants are currently paying \$1,545 to \$1,825 a month in rent for the 3-bedroom units. The current affordable rental rates for 3-bedroom units are \$979 for very-low income and \$1,992 for moderate-income persons as established by United States Department of Housing and Urban Development (HUD).

Based on this information, the monthly rents for the existing units exceed the affordable rental rates for low and very-low income households. Therefore, the conversion of the units would not result in a loss of affordable rental units for the low and very-low income households. However, the rents do not exceed the affordable rental rates for moderate-income households. Two of the units are occupied by families with school age children; one of those two families has occupied the unit for 7 years. To mitigate the potential 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. Conversion of the units would not result in the displacement of senior citizens because there are no senior citizens residing in the complex. It is staff's opinion that conversion of the units 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 (40% is generally the norm) 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. All exterior and interior improvements listed in applicant's "Proposed Improvements" letter. This condition shall be completed under the direction of the Planning staff.
2. Replace all fences throughout the property. A minimum 6-foot high decorative block wall shall be provided on the project's perimeter property line.
3. Provide decorative paving at the driveway entry areas.
4. Upgrade landscaping to satisfy current code requirements.
5. Replace or repair cracked sidewalk and driveway areas under the direction of the Planning Division.
6. Treat termite infestations as recommended by a termite control company.
7. Building and electrical corrections or upgrades as noted in the City property inspection report.

### **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 will improve the balance between rental and ownership housing opportunities within the City. The units, whether utilized as apartments or condominiums, are consistent with the Medium Density General Plan land use designation because they are existing legal nonconforming.

### **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.

Attachments:           Draft Planning Commission Resolution  
                              Exhibit "A" - Draft Findings  
                              Exhibit "B" - Draft Conditions of Approval  
                              Applicant's Project Description and Justification  
                              Inspection Reports  
                              Location Map  
                              Plans

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

Peter Zehnder  
P.O. Box 15126  
Newport Beach, CA 92659

Robin Boyd  
P.O. Box 691  
Corona Del Mar, CA 92625

Occupant  
322 Ogle St., Unit A  
Costa Mesa, CA 92627

Occupant  
322 Ogle St., Unit B  
Costa Mesa, CA 92627

Occupant  
322 Ogle St., Unit C  
Costa Mesa, CA 92627

Occupant  
322 Ogle St., Unit D  
Costa Mesa, CA 92627

Occupant  
322 Ogle St., Unit E  
Costa Mesa, CA 92627

File: 042506PA0615	Date: 042506	Time: 11:00 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-06-15**

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

WHEREAS, an application was filed by Peter Zehnder, representing property owner Robin Boyd, with respect to the real property located at 322 Ogle Street, requesting approval of the conversion of 5 apartment units into a common interest development (condominiums), in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 8, 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-06-15 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-06-15 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 8<sup>th</sup> day of May 2006.**

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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 senior citizens because there are no senior citizens in the apartment complex. 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.
- C. 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 15301 for Existing Facilities.
- D. 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. All exterior and interior improvements listed in applicant's "Proposed Improvements" letter. This condition shall be completed under the direction of the Planning staff.
  - b. Replace all fences throughout the property. A minimum 6-foot high decorative block wall shall be provided on the project's perimeter property line.
  - c. Provide decorative paving at the driveway entry areas.
  - d. Upgrade landscaping to satisfy current code requirements.
  - e. Replace or repair cracked sidewalk and driveway areas under the direction of the Planning Division.
  - f. Treat termite infestations as recommended by a termite control company.
2. The address of individual units shall be blueprinted on the site plan and on all floor plans in the working drawings.
  3. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
  4. Street addresses shall be displayed on the complex identification sign or, if there is no complex identification sign, on the wall in a manner visible to the public street. Street address numerals shall be a minimum 6" in height with not less than 1/2" 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 1/4" 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-06-15 shall be blueprinted on the face of the site plan.
  8. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the final Building Division inspections. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
  9. The applicant shall offer the existing tenants right of first refusal to purchase the units with terms more favorable than those offered to the

general public. If the existing tenants confirm in writing that they are not interested in purchasing the units, the property owner will pay the registration fee for an apartment referral service. 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.
12. The CC&R's shall disclose that the available parking on-site is 10 spaces short of the current condominium parking standards of the City of Costa Mesa because of its legal nonconforming status.
- Bldg. 13. The following Building Division corrections shall be made:
  - a. Provide smoke alarms at locations referenced by the California Building Code.
  - b. Provide safety glazing for windows, at bottom of stair landings, per the California Building Code.
  - c. Verify attic draft stopping between dwelling units per the California Building Code.
  - d. Provide GFCI protection for receptacles at kitchens, bathrooms, garages, and outdoors.
  - e. Repair/remove exposed wiring and extension cords at garages.

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #: PA-06-15  
Address:

Environmental Determination: Exempt

322 OGLE STREET

1. Fully describe your request:

CONVERSION OF EXISTING 2 STORY APARTMENT COMPLEX INTO A COMMON INTEREST DEVELOPMENT (CONDOMINIUMS).

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.

THE PROPOSED USE IS COMPATIBLE WITH THE EXISTING CONDOMINIUMS IN THE NEIGHBORHOOD.

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.

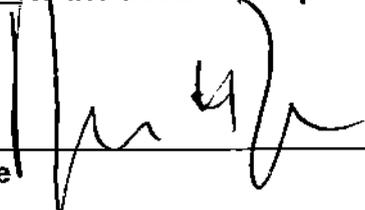
In a Specific Plan Area.

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



Date

3/3/06

## Proposed Improvements

322 Ogle Street.

### Exterior improvements:

The existing architecture reflects a clean design typical of the period with simple, clean lines and slightly sloped roof lines. We intend to keep the design aesthetic in tact and in fact enhance this architectural style wherever possible.

Each unit has a large private open yard/patio area which will provide a very pleasing design element from both the exterior and interior of the units. In addition, several of the homes have attached private yards which far exceed the typical open space found in Condominium developments

A landscape plan conforming to City standards will be submitted which will feature new plant materials which also reflect the updated design. We intend to use Native California materials with an emphasis on drought resistant plants and water conservation.

The following is a list of other exterior features which will be reflective of our architectural design:

- New exterior lighting for each unit.
- Common area lighting.
- Lighted site identification at Ogle St. entrance.
- New exterior doors on all units.
- New paving and/pr repair of all driveways (concrete).
- New address identification on all units.
- Repair and/or replace and all exterior stucco and trim.
- New exterior paint and trim features on all units.
- New automatic garage doors on all units.

## Interior Improvements:

In addition to the corrections which were identified by the City of Costa Mesa Building Department we intend to make the following interior improvements subject to approval by the appropriate department or utility authority. It is our intention to keep the architectural theme consistent in the selection of both materials, appliances, fixtures, and color:

- New energy efficient and code compliant windows and trim.
- New wall receptacles for electrical and data access where necessary.
- Repair / replace communication lines with high speed internet availability.
- Replace and/or repair all drywall and ceilings as necessary.
- Replace all floor coverings with all new materials.
- Replace and/or repair all interior doors.
- Replace and/or repair all kitchen and bath cabinetry.
- New countertops in all kitchens and baths.
- New sinks in all kitchens and baths.
- Replace all existing appliances with new energy efficient appliances in kitchens.
- Replace and/or repair all existing interior heating units with energy efficient standards.
- Replace all existing light fixtures throughout.
- Replace all existing plumbing fixtures with energy efficient fixtures.
- Replace and/or repair all existing shower/bath tubs and enclosures.
- New paint on all interior walls and trim.

## **322 Ogle Street.**

**The applicant is proposing a unique and much needed housing concept for Costa Mesa.**

**Identifying the demand for affordable yet stylish housing, the project will transform the existing rental units into a community of 5 pride of ownership homes with a fresh and modern design aesthetic.**

**Taking advantage of the original low density design of the site, each home will be upgraded with new interior and exterior finishes and design elements. The kitchens and baths will be completely remodeled with new appliances, cabinets, fixtures, etc. Doors and windows will be updated, repaired or replaced as necessary.**

**Where applicable, the unit's will be updated to include high speed internet and communication lines.**

**A new landscape plan will be developed to enhance the ample existing open space and create an environment of beautiful and useful common and private open areas.**

**Sales prices for the new homes are projected to be below the current median price for homes in Costa Mesa thereby reaching a previously underserved market of new and existing homeowners who have an appreciation for modern architectural design but have been priced out of the market for such developments.**

**The proposed use is extremely compatible with the residential zoning of the area and would certainly enhance the neighborhood.**

**The existing rental rates for the units exceed the applicable rates for very low and low income households.**

**CITY OF COSTA MESA  
DEVELOPMENT SERVICES  
BUILDING SAFETY DIVISION  
77 FAIR DRIVE, P.O. BOX 1200  
COSTA MESA, CALIFORNIA 92628-1200  
714-754-5629**

**DATE: 12-28-05**

**PROJECT : Residential Common Interest Development Conversion**

**ADDRESS: 322 Ogle st.**

**CITY: COSTA MESA**

Per sec.13-42 (f), (2) City of Costa Mesa zoning code. A property review inspection was conducted. The following items were noted. There are 5 units , comments listed apply for each unit.

**BUILDING :**

- 1) Smoke alarms required at locations referenced by the California Building Code.
- 2) Provide safety glazing for windows, at bottom of stair landings, per the California Building Code.
- 3) Verify attic draft stopping between dwelling units per the California Building Code.

**ELECTRICAL:**

- 1) Provide GFCI protection for receptacles at kitchens, bathrooms, garages, and outdoors.
- 2) Repair/ remove exposed wiring and extension cords at garages.



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## NOTES, CAUTIONS AND DISCLAIMERS

THE PEST CONTROL INDUSTRY RECOGNIZES A STRUCTURE TO HAVE CERTAIN AREAS BOTH INACCESSIBLE AND NOT INSPECTED. THESE AREAS INCLUDE BUT ARE NOT LIMITED TO: INACCESSIBLE AND/OR INSULATED ATTICS OR PORTIONS THEREOF, ATTICS WITH LESS THAN 18" CLEAR CRAWL SPACE, THE INTERIOR OF HOLLOW WALLS; SPACES BETWEEN A FLOOR OR PORCH DECK AND THE CEILING BELOW; AREAS WHERE THERE IS NO ACCESS WITHOUT DEFACING OR TEARING LUMBER, MASONRY, OR FINISHED WORK; AREAS OR BELOW APPLIANCES OR BENEATH FLOOR COVERINGS, FURNISHINGS; AREAS WHERE BEHIND ENCUMBRANCES, STORAGE, CONDITIONS, OR LOCKS MAKE INSPECTION IMPRACTICAL; AND AREAS OR TIMBERS AROUND EAVES THAT WOULD REQUIRE USE OF AN EXTENSION LADDER.

SLAB FLOOR CONSTRUCTION HAS BECOME MORE PREVALENT IN RECENT YEARS. FLOOR COVERING MAY CONCEAL CRACKS IN THE SLAB THAT WILL ALLOW INFESTATIONS TO ENTER. INFESTATIONS MAY BE CONCEALED BY PLASTER, SHEETROCK OR OTHER WALL COVERINGS SO THAT A DILIGENT INSPECTION MAY NOT UNCOVER THE TRUE CONDITION. THE ROOF WAS NOT INSPECTED DUE TO LACK OF ACCESSIBILITY, QUALIFICATION AND LICENSING. THESE AREAS ARE NOT PRACTICAL TO INSPECT BECAUSE OF HEALTH HAZARDS, DAMAGE, OBSTRUCTION OR INCONVENIENCE AND UNLESS SPECIFIED OR DESCRIBED IN THIS WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT. THIS COMPANY SHALL EXERCISE DUE CARE DURING INSPECTIONS AND TREATMENTS BUT ASSUMES NO LIABILITY FOR ANY DAMAGE TO TILES, SLATES, SHINGLES OR OTHER ROOFING MATERIALS, INCLUDING PATIO COVERS, ALUMINUM AWNINGS, SOLAR HEATING, PLANTS, SHRUBBERY OR PAINT DURING ANY TYPE OF TREATMENT.

THIS COMPANY SHALL RECOMMEND FURTHER INSPECTION IF THERE IS ANY QUESTION ABOUT NOTED AREAS. THIS COMPANY WILL NOT REINSPECT UNLESS A BUILDING PERMIT [WHERE APPLICABLE] IS POSTED AND SIGNED VIA: LOCAL BUILDING CODE INSPECTOR. IF A REINSPECTION IS EITHER REQUIRED OR REQUESTED IT MUST BE COMPLETED WITHIN FOUR MONTHS FROM THE DATE OF THE ORIGINAL INSPECTION. THE COST OF A REINSPECTION SHALL NOT EXCEED THE COST OF THE ORIGINAL INSPECTION, AND SHALL BE COMPLETED WITHIN 10 WORKING DAYS OF THE REQUEST. ANY RECONSTRUCTION TO THE STRUCTURE, AT AREAS THAT WERE INACCESSIBLE DURING THE ORIGINAL INSPECTION SHALL BE REINSPECTED BY THIS COMPANY PRIOR TO ANY CLOSING OF AREA[S]. RE: STRUCTURAL PEST CONTROL ACT ARTICLE 6 SECTION 6516[B], PARAGRAPH 1990[J]. AMENDED MARCH 1, 1974.

THE PURPOSE OF THIS REPORT IS TO DOCUMENT FINDINGS AND RECOMMENDATIONS WHICH PERTAIN TO THE ABSENCE OR PRESENCE OF WOOD DESTROYING ORGANISMS AND OR CONDUCTIVE CONDITION[S] AT THE TIME OF INSPECTION. THIS REPORT SHOULD BE READ CAREFULLY AND IS NOT TO BE CONFUSED WITH A HOME MAINTENANCE SURVEY. THE CLIENT'S COOPERATION AND COMPLIANCE TO CORRECT AND OR COMPLETE THE RECOMMENDATIONS DOCUMENTED IN THIS REPORT ARE OBLIGATORY. WITHOUT A MUTUAL EFFORT THIS COMPANY CAN NOT ASSURE EFFECTIVE OR SATISFACTORY RESULTS.

THE OWNER OF THIS STRUCTURE HAS CERTAIN OBLIGATIONS REGARDING MAINTENANCE AND PERTAINING TO THE DETERRENCE OF WOOD DESTROYING ORGANISMS. MAINTENANCE PROCEDURES INCLUDE; BUT ARE NOT LIMITED TO: REASONABLE CLEANING, UPKEEP OF ROOFS, GUTTERS AND DOWNSPOUTS; PAINTING AND SEALING OF EXPOSED SURFACES; CAULKING ABOUT DOORS AND WINDOWS OR GROUTING ABOUT COMMODOES, TUB AND SHOWER ENCLOSURES; STORING MATERIALS ONE FOOT AWAY THE STRUCTURE'S FOUNDATIONS; PROVIDING ADEQUATE VENTILATION, MAINTAINING PROPER DRAINAGE AWAY FROM STRUCTURE (INCLUDING SPRINKLER SYSTEMS); KEEPING SOIL LEVELS BELOW THE TOP OF FOUNDATIONS AND PROHIBITING EARTH CONTACT WITH WOOD COMPONENTS OF THE STRUCTURE(S).

PREPARATION IS MANDATORY AND IT IS THE OWNER RESPONSIBILITY TO PROVIDE THE UTILITIES NECESSARY FOR TERMITE WORK. ALL SOIL SHALL BE SOAKED SIX INCHES DEEP AND TWELVE INCHES OUTWARD FROM EXTERIOR FOUNDATIONS ONE DAY PRIOR TO FUMIGATION. ALL PLANTS OR SHRUBBERY MUST BE TRIMMED BACK ONE FOOT FROM STRUCTURE PRIOR TO ANY FUMIGATION OR SUBTERRANEAN

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**TERMITE TREATMENT. ANY STORED MATERIALS, FURNISHINGS, ETC., ON SLAB FLOORING MUST BE MOVED ONE FOOT AWAY FROM FOUNDATION AND PARTITION WALL INSPECTING AND TREATMENT. THE OWNER MUST ALLOW ACCESS FOR ANY NECESSARY INSPECTION OR TREATMENT.**

**GUARANTEE POLICY:**

**THIS GUARANTEE EXCLUDES STRUCTURES WITH SUB SLAB HEATING/AIR CONDITIONING SYSTEMS, PLENUM CONSTRUCTION WITH AIR CONDITIONING AND HEATING DUCT IN USE, A WELL OR CISTERN WITHIN FIFTY FEET AND AREAS THAT ARE INACCESSIBLE FOR TREATMENT. ADDITIONAL EXCLUSIONS INCLUDE STRUCTURES WITH DAMAGE TO OR FROM EXCESSIVE MOISTURE, INADEQUATE CONSTRUCTION, AREAS OF INACCESSIBILITY, DETERIORATING MATERIALS, MASONRY FAILURE, GRADE ALTERATION, PIPES AND CONDUITS BENEATH CONCRETE SLAB, FURNISHINGS OR CONTENTS, ETC. NO GUARANTEE WILL BE ISSUED FOR ANY WORK THAT IS A SECONDARY RECOMMENDATION OR WORK COMPLETED BY OTHERS. GUARANTEED FOR THIRTY DAYS ARE ANY PLUMBING, GROUTING, CAULKING AND RESETTING OF COMMODES, SINKS OR ENCLOSURES. ALL OTHER WORK PERFORMED BY THIS COMPANY SHALL BE GUARANTEED FOR THE DURATION OF ONE YEAR.**

**THIS WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT DOES NOT INCLUDE WORK WHICH REQUIRES CONTACT WITH MATERIALS CONTAINING ASBESTOS. TERMITE INSPECTORS HAVE NO EXPERTISE OR LICENSE IN ASBESTOS ANALYSIS. ASBESTOS IS A NATURAL OCCURRING MINERAL FIBER USED EXTENSIVELY IN CONSTRUCTION PRIOR TO 1978. THE OWNER, EMPLOYEE OR CONTRACTOR MUST DETERMINE THE ASBESTOS STATUS PRIOR TO THE COMMENCEMENT OF WORK ON A PROJECT. OCCUPANTS AND EMPLOYEES MUST BE PROTECTED FROM ASBESTOS FIBER RELEASE. SHOULD ASBESTOS BE OBSERVED DURING ANY CONSTRUCTION OR DEMOLITION, WORK MUST STOP. THE OWNER SHALL OBTAIN THE SERVICES OF AN ASBESTOS ABATEMENT CONTRACTOR TO EVALUATE THE SITUATION, PROVIDE THE NECESSARY SERVICES AND CERTIFY THE AREA SAFE BEFORE WORK MAY RESUME. ASBESTOS STATEMENT REF: AB2040, SB2572 AND GENERAL INDUSTRY SAFETY ORDER NUMBER 5209.**

**"NOTICE: REPORTS ON THIS STRUCTURE PREPARED BY VARIOUS REGISTERED COMPANIES SHOULD LIST THE SAME FINDINGS (I.E. TERMITE INFESTATIONS, TERMITE DAMAGE, FUNGUS DAMAGE, ETC.) HOWEVER, RECOMMENDATIONS TO CORRECT THESE FINDINGS MAY VARY FROM COMPANY TO COMPANY. YOU HAVE THE RIGHT TO SEEK A SECOND OPINION FROM ANOTHER COMPANY."**

**"NOTICE: THE CHARGE FOR SERVICE THAT THIS COMPANY SUBCONTRACTS TO ANOTHER REGISTERED COMPANY MAY INCLUDE THE COMPANY'S CHARGES FOR ARRANGING AND ADMINISTERING SUCH SERVICES THAT ARE IN ADDITION TO THE DIRECT COSTS ASSOCIATED WITH PAYING THE SUBCONTRACTOR. YOU MAY ACCEPT ABOVE ALL TERMITE CONTROL'S BID OR YOU MAY CONTRACT DIRECTLY WITH ANOTHER REGISTERED COMPANY LICENSED TO PERFORM THE WORK.**

**IF YOU CHOOSE TO CONTRACT DIRECTLY WITH ANOTHER REGISTERED COMPANY, ABOVE ALL TERMITE CONTROL WILL NOT IN ANY WAY BE RESPONSIBLE FOR ANY ACT OR OMISSION IN THE PERFORMANCE OF WORK THAT YOU DIRECTLY CONTRACT WITH ANOTHER TO PERFORM."**

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THE EXTERIOR SURFACE OF THE ROOF WAS NOT INSPECTED. IF YOU WANT THE WATER TIGHTNESS OF THE ROOF DETERMINED, YOU SHOULD CONTACT A ROOFING CONTRACTOR WHO IS LICENSED BY THE CONTRACTORS' STATE LICENSE BOARD.

"THIS IS A SEPERATED REPORT WHICH IS DEFINED AS SECTION I/SECTION II CONDITIONS EVIDENT ON THE DATE OF THE INSPECTION. SECTION I CONTAINS ITEMS WHERE THERE IS VISIBLE EVIDENCE OF ACTIVE INFESTATION, INFECTION OR CONDITIONS THAT HAVE RESULTED IN OR FROM INFESTATION OR INFECTION. SECTION II ITEMS ARE CONDITIONS DEEMED LIKELY TO LEAD TO INFESTATION OR INFECTION BUT WHERE NO VISIBLE EVIDENCE OF SUCH WAS FOUND. FURTHER INSPECTION ITEMS ARE DEFINED AS RECOMMENDATIONS TO INSPECT AREA(S) WHICH DURING THE ORIGINAL INSPECTION DID NOT ALLOW THE INSPECTOR ACCESS TO COMPLETE THE INSPECTION AND CANNOT BE DEFINED AS SECTION I OR SECTION II."

PLEASE NOTE COMPLETIONS CANCELLED WITHOUT 24HRS PRIOR TO THE SCHEDULED APPOINTMENT WILL HAVE AN ADDITIONAL CHARGE OF \$75.00.

PLEASE NOTE IF REPAIRS ARE NOT DONE BY ABOVE ALL TERMITE CONTROL THERE WILL BE A REINSPECTION-CERTIFICATION FEE OF \$125.00

## 2. DRYWOOD TERMITES

ITEM NO. 2A

(Section 1)

FINDING AND

FINDING:

RECOMMENDATION: 2A

EVIDENCE OF DRYWOOD TERMITES AS INDICATED BY2A ON THE DIAGRAM. EVIDENCE NOTED IN THE SIDING AND EAVES.

RECOMMENDATION:

WE RECOMMEND TO TREAT ALL DRYWOOD TERMITE INFESTATIONS USING TIMBOR INSECTISIDE, CARRIED IN A FOAMING AGENT

ITEM NO. 2B

(Section 1)

FINDING AND

FINDING: (SECTION 1)

RECOMMENDATION: 2B

DRYWOOD TERMITE DAMAGE INDICATED BY 2B ON DIAGRAM. THE DAMAGE WAS NOTED AT EXTERIOR TRIM.

RECOMMENDATION: 2B

RECOMMENDATION:

REMOVE & REPLACE DAMAGED WOOD OR REINFORCE & REPAIR DAMAGED WOOD AS NECESSARY AND AS DICTATED BY COMMONLY ACCEPTED CONSTRUCTION STANDARDS IN TODAY'S AVAILABLE WIDTHS AND GRADES. WE DO NOT PRIME OR PAINT DISTURBED, REPAIRED, OR REPLACED WOOD.

ITEM NO. 2C

(Section 1)

FINDING AND

FINDING:

RECOMMENDATION: 2C

EVIDENCE OF DRYWOOD TERMITES AS INDICATED BY2C ON THE DIAGRAM. EVIDENCE NOTED IN THEAT INTERIOR WALLLINE.

RECOMMENDATION:

WE RECOMMEND TO TREAT ALL DRYWOOD TERMITE INFESTATIONS

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(Section 1)  
 USING TIMBOR INSECTISIDE, CARRIED IN A FOAMING AGENT.

ITEM NO. 2D  
 FINDING AND  
 RECOMMENDATION: 2D

(Section 1)  
 FINDING:  
 EVIDENCE OF DRYWOOD TERMITES AS INDICATED BY 2D ON THE  
 DIAGRAM. EVIDENCE NOTED IN THE ATTIC.  
 RECOMMENDATION:  
 WE RECOMMEND TO TREAT ALL DRYWOOD TERMITE INFESTATIONS  
 USING TIMBOR INSECTISIDE, CARRIED IN A FOAMING AGENT.

ITEM NO. 2E  
 FINDING AND  
 RECOMMENDATION: 2E

(Section 1)  
 FINDING:  
 EVIDENCE OF DRYWOOD TERMITES AS INDICATED BY 2E ON THE  
 DIAGRAM. EVIDENCE NOTED IN THE GARAGES.  
 RECOMMENDATION:  
 WE RECOMMEND TO TREAT ALL DRYWOOD TERMITE INFESTATIONS  
 USING TIMBOR INSECTISIDE, CARRIED IN A FOAMING AGENT.

ITEM NO. 2F  
 FINDING AND  
 RECOMMENDATION: 2F

(Section 1)  
 FINDING: (SECTION 1)  
 DRYWOOD TERMITE DAMAGE INDICATED BY 2F ON DIAGRAM. THE  
 DAMAGE WAS NOTED AT GARAGE.

RECOMMENDATION: 2F

RECOMMENDATION:  
 REMOVE & REPLACE DAMAGED WOOD OR REINFORCE & REPAIR  
 DAMAGED WOOD AS NECESSARY AND AS DICTATED BY COMMONLY  
 ACCEPTED CONSTRUCTION STANDARDS IN TODAY'S AVAILABLE WIDTHS  
 AND GRADES. WE DO NOT PRIME OR PAINT DISTURBED, REPAIRED, OR  
 REPLACED WOOD.

**4. OTHER FINDINGS**

ITEM No. 4A

FINDING: (SECTION 1)  
 THE COMMODE IS LOOSE AS INDICATED BY 4A ON THE DIAGRAM.  
 RECOMMENDATION:  
 RESET TOILETS USING NEW WAX RING GASKET TO CORRECT LEAKS.

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**COMMENTS AND OTHER INFORMATION**

" STATE LAW REQUIRES THAT YOU BE GIVEN THE FOLLOWING INFORMATION: CAUTION. PESTICIDES ARE TOXIC CHEMICALS. STRUCTURAL PEST CONTROL COMPANIES ARE REGISTERED AND REGULATED BY THE STRUCTURAL PEST CONTROL BOARD, AND APPLY PESTICIDES WHICH ARE REGISTERED AND APPROVED FOR USE BY THE CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. REGISTRATION IS GRANTED WHEN THE STATE FINDS THAT BASED ON EXISTING SCIENTIFIC EVIDENCE THERE ARE NO APPRECIABLE RISKS IF PROPER USE CONDITIONS ARE FOLLOWED OR THAT THE RISKS ARE OUTWEIGHED BY THE BENEFITS. THE DEGREE OF RISK DEPENDS UPON THE DEGREE OF EXPOSURE, SO EXPOSURE SHOULD BE MINIMIZED."

IF WITHIN TWENTY-FOUR HOURS FOLLOWING APPLICATION YOU EXPERIENCE SYMPTOMS SIMILAR TO COMMON SEASONAL ILLNESS COMPARABLE TO THE FLU, CONTACT YOUR PHYSICIAN OR POISON CONTROL CENTER AT: {(213) 484-5151} LOS ANGELES {(909) 634-5988} RIVERSIDE {(714) 774-0284} ORANGE AND YOUR PEST CONTROL OPERATOR IMMEDIATELY. FOR ADDITIONAL INFORMATION CONTACT THE COUNTY HEALTH DEPARTMENT; COUNTY AGRICULTURAL DEPARTMENT AND THE STRUCTURAL PEST CONTROL BOARD, 1422 HOWE AVE., SACRAMENTO, CA. 95825-3288.

IF WE HAVE RECOMMENDED THE USE OF A FUNGICIDE WE WILL USE:

\* COPPER NAPHTHENATE - (A/I) Copper Napthenate: 20% - Inert Ingredients: 80%

IF WE HAVE RECOMMENDED THE TREATMENT OF SUBTERRANEAN TERMITES WE WILL USE:

\* DEMON MAX - Active ingredient:

Cypermethrin: (+)-α-cyano-(3-phenoxyphenyl)methyl(+)-cis,trans-3(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate\*.....26.3%  
 Other ingredients.....74.7%  
 Total.....100.0%

IF WE HAVE RECOMMENDED THE TREATMENT OF DRYWOOD TERMITES & CARPENTER ANTS WE WILL USE:

\* Timber Insecticide - Na2 B8 O3 · 4H2O - Disodium Octaborate Tetrahydrate Inorganic Borates

FOR FURTHER INFORMATION CONTACT ANY OF THE FOLLOWING:

CITY	COUNTY HEALTH DEPARTMENTS:	CO. AGRICULTURAL COMMSR.:	POISON CONTROL CENTER:
Riverside	(909) 358-5000	(909) 279-3000	(800) 876-4766
Orange	(714) 834-4722	(714) 447-7100	(800) 876-4766
Los Angeles	(213) 250-8065	(213) 575-5471	(800) 876-4766
San Bernardino	(909) 387-6280	(909)387-2105	

**djk Engineering, LLC** Ph:(949)458-9169

*Architecture \* Engineering \* Planning* - 25102 Oregon Street, Mission Viejo, CA. 92692

CITY OF COSTA MESA  
DEVELOPMENT SERVICES DEPARTMENT

MAR 28 2006

March 4, 2006

Mr. Peter Zehnder  
P.O. Box 151126  
Newport Beach, CA 92659

**Subject:** Preliminary Visual Observation Report at Residential Property located at 322 Ogle Street, Costa Mesa, CA 92627.

Dear Mr. Zehnder,

As requested, hereby please find the Preliminary Visual Observation Report with regards to the residential property located at 322 Ogle Street, Costa Mesa, CA 92627

### **PRELIMINARY VISUAL OBSERVATION REPORT:**

**General Overview** – The residential property located 322 Ogle Street, Costa Mesa, CA 92627, is a Type V- two story timber structure that was built around the year 1979. The property consists of one main building, with 5 attached units approximately 1,200 square feet each. The 14,508 square feet lot in addition to the townhouse building houses a 5-car detached garage structure.

The main unit structure has roof system that consists of roof timber lattice trusses located at 2'-0" on centers with standard plywood diaphragm sheathing and roof composite shingles over the typical asphalt paper.

The main structure's framing and the lateral resisting system consists of conventional timber stud walls and plywood shear walls. The structure's foundation system is a concrete reinforced slab-on-grade system with continuous concrete reinforced spread footings. The existing property has concrete driveway is surrounded by a wood fence and with a full concrete masonry block fence in the front.

DJK Engineering, LLC was requested to perform a preliminary observation in order to evaluate the structural integrity, safety and soundness of the existing structures as well as the general condition of the existing residential property located at the above address.

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*Architectural & Structural Solutions   Earthquake Engineering   Engineering Forensics   Management*

Fax: 949/458-9059

E-mail: [djkengineering@gmail.com](mailto:djkengineering@gmail.com)

<http://djkeng.tripod.com>

**Requested Services Performed** – As requested, on March 4, 2006 DJK Engineering, LLC had performed a Preliminary Visual Observation with regards to the existing property structures that were built around the year 1979, for structural safety, integrity and soundness as well as the general overall condition of the property located at the above address.

The visual observation was limited to the general area of the existing exterior and interior wall systems, existing foundations and slab-on-grade, existing roof framing system, existing exterior patio slabs-on-grade, existing driveway and existing property fences for structural integrity, safety and soundness as well as the general overall condition of the existing structures.

**Overview of the items observed** – During the March 4, 2006 preliminary visual site observation of the above residential property the following items were observed:

- Overall, the complex is in good aesthetic condition. Items such as fence replacement, repainting units, and replacement of some exterior light fixtures can enhance the exterior appearance of the units.
- Windows and doors in all units appear to be original; windows are single-pane. Although original to the overall design of the building, we would recommend updating all windows to double-pane glass for energy conservation. All window and door hardware are in good working condition.
- The current owner has informed the parties that the roof on the main structure was replaced in 1998. The roof has a 30 year lifespan upon installation and appears to be in good condition. The roof on the garage is original and has not been replaced, but appears in good condition as well. Based on our visual observation, the present useful life of both roofs are consistent with manufacturer standards of 30 years.
- Based upon the date of construction, 1979, all piping appears to be copper. It is our opinion that one should expect that the foundations, mechanical, electrical and plumbing systems have a useful life remaining as expected for such type of buildings. Exposed items, such as fixtures and fittings, are in good condition and do not appear to require replacement.

- The interior conditions of the units are in excellent condition for a building of this age. Repainting would greatly enhance the project, but is not a necessity.
- All kitchens appear to be from the original construction and are in good working condition. The owner has reported the replacement of three stoves, but has not done anything else to the kitchens. Kitchen cabinet replacement is not necessary.
- The units' hot water needs are serviced by one main 100 gallon water heater located in the laundry room at the back of the property. The water heater is approximately 10 years old. The water heater has proper seismic strapping. It is unclear if the water heater is an energy efficient unit. Our recommendation is to have the water heater properly inspected by a plumbing contractor and upgraded to an energy efficient unit if needed in accordance with the 10/2005 State Regulations.
- Most of the flooring in the units is carpet except for the kitchen and bathroom where vinyl flooring has been installed. The flooring is generally in fair condition with a few areas that will require flooring replacement due to normal wear and tear.
- From the visual observation only, the foundations of the main structure and garage do not appear to be failing or in need of any structural repair. The concrete driveway however was observed as having cracks that appear to be typical shrinkage cracks and could be repaired by injecting epoxy.
- From exterior observations, the back property fence is leaning considerably and in need of repairs. The wood fencing at the back of each unit appears to be in good condition. Replacement of the fencing can enhance the appearance of the property. The masonry wall enclosing the trash bin area is in good condition and does not need any repairs.

**Recommendations** - Based on the Preliminary Visual Observation dated March 4, 2006 with regards to the structural safety, integrity and soundness as well as the general condition of the structures located at 322 Ogle Street Costa Mesa, CA 92627 it is recommended that the existing driveway slab-on-grade and existing fence deficiencies be repaired as soon as practical.

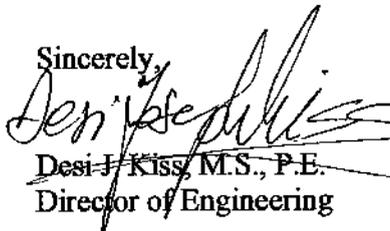
No representation is made as how long any structural system or structural component elements of the existing structure will last or continue to function as intended by the original design.

The conditions noted in this preliminary visual observation report are as of the day of the visual observation only, and are related only to the items observed. No destructive testing was performed to identify any possible structural issues or any other issues related to the plumbing, mechanical or electrical items.

**In Conclusion** - The conditions noted in this Preliminary Visual Observation Report are as of the day of the visual observation only. DJK Engineering reserves the right to supplement this Preliminary Observation Report if any new structural or any other issues are discovered and brought to our attention. During the preliminary visual observation on March 4, 2006 no architectural, mechanical, electrical or structural plans, structural calculations nor any soil report were made available for our review and evaluation.

If requested, DJK Engineering may provide a more complete report and an in-depth analysis if necessary, based on the evaluation of the complete architectural and structural plans on the record, that may be available with the City of Costa Mesa or the Home Builder and based on the structural calculations of the record, as well as upon the review of a current geotechnical report.

Should you have any additional questions and /or may need any additional information do not hesitate to contact us at 949/458-9169.

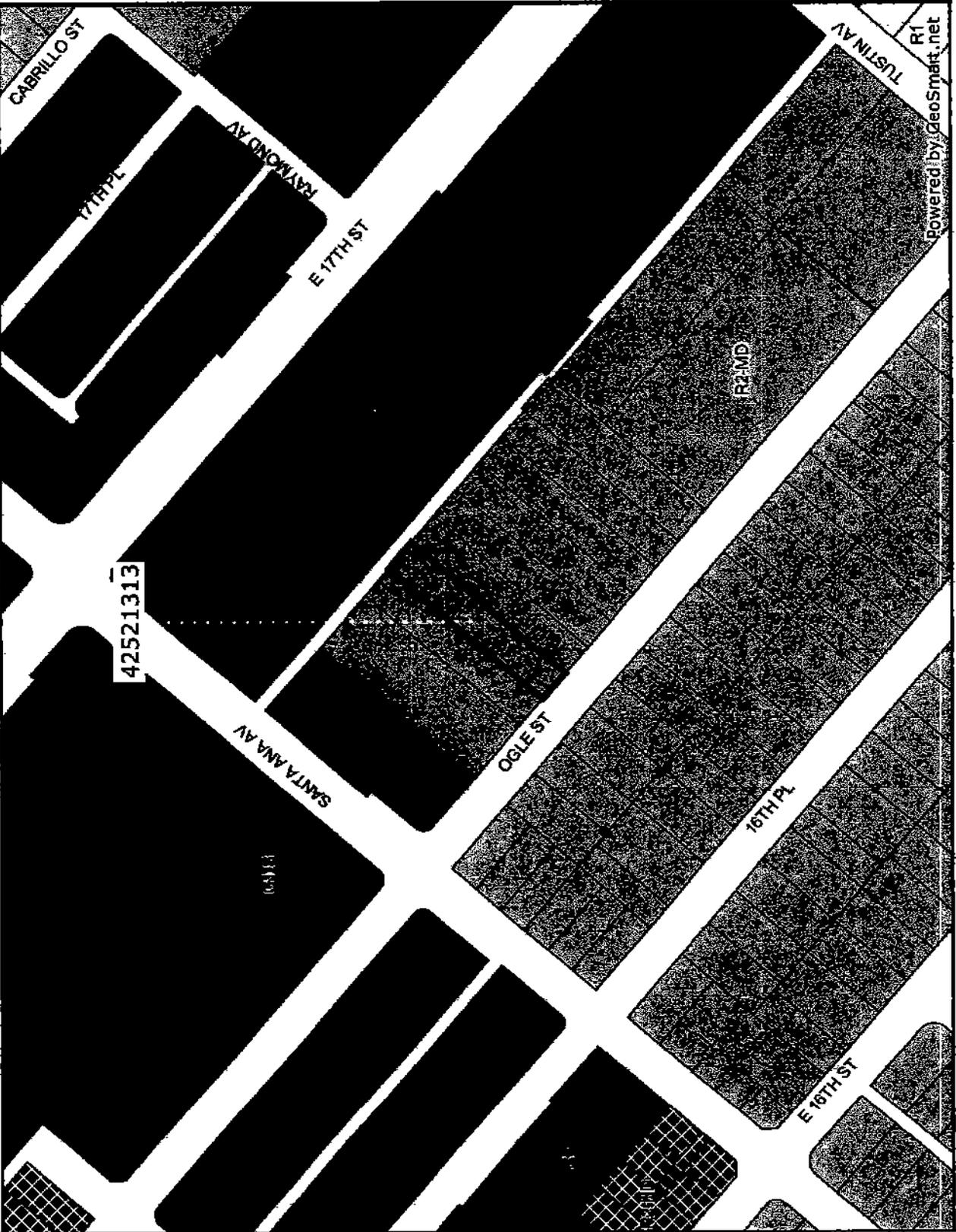
Sincerely,  
  
Desi J. Kiss, M.S., P.E.  
Director of Engineering



# ZONING/LOCATION MAP

322 Ogle Street

42521313



## Legend

- Identified Features
- Selected Features
- Street Names
- Parcel Lines
- City Boundary
- Zoning
- AP
- CL
- CL-B
- C2
- CL
- IMC
- MAP-S
- MG
- MP
- P
- PDC
- PDI
- PDR-HD
- PDR-LD
- PDR-MD
- PDR-NCM
- R1
- R2-HD
- R2-MD
- R3
- TC
- Parcels



# 322 Ogle Street

**Legend**

- Identified Features
- Selected Features
- Street Names
- Parcel Lines
- City Boundary
- Ortho Photography
- Parcels

