



# **PLANNING COMMISSION AGENDA REPORT**

**VII.4**

**MEETING DATE: APRIL 23, 2007**

**ITEM NUMBER:**

**SUBJECT: PLANNING APPLICATION PA-06-79 AND TENTATIVE MAP T-17132  
309 MONTE VISTA AVENUE**

**DATE: APRIL 12, 2007**

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP SENIOR PLANNER (714) 754-5611**

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## **DESCRIPTION**

The applicant is proposing to convert an existing, 8-unit, two-story, unoccupied apartment complex into a common interest development (condominiums), with a tentative map to facilitate the conversion.

## **APPLICANT**

The applicant is GDA Architecture & Planning, representing 309 Monte Vista LLC, who is the owner of the property.

## **RECOMMENDATION**

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

  
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MEL LEE, AICP  
Senior Planner

  
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R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

## PLANNING APPLICATION SUMMARY

Location: 309 Monte Vista Avenue Application: PA-06-79 & T-17132

Request: Convert existing 8 apartment units to a common interest development (condominiums), with a tract map to facilitate the conversion.

Zone: <u>R2-MD</u>	North: <u>Surrounding properties</u>
General Plan: <u>Medium Density Residential</u>	South: <u>are zoned residential</u>
Lot Dimensions: <u>99.5 FT x 150 FT</u>	East: <u>and contain</u>
Lot Area: <u>14,925 SF</u>	West: <u>residential units.</u>
Existing Development: <u>2-story, 8-unit apartment complex</u>	

### **DEVELOPMENT STANDARD COMPARISON**

Development Standard	Required/Allowed	Proposed/Provided
<b>Lot Size:</b>		
Lot Width	100 FT	99.5 FT (1)
Lot Area	12,000 SF	14,925 SF
<b>Density:</b>		
Zone	1 du/3,630 SF	1 du/1,865 SF (1)
General Plan	1 du/3,630 SF	1 du/1,865 SF (1)
<b>Building Coverage:</b>		
Buildings	NA	5,949 SF (40%)
Paving	NA	5,152 SF (35%)
Open Space	5,970 SF (40%)	3,824 SF (25%) (1)
<b>TOTAL</b>		<b>14,925 SF (100%)</b>
<b>Building Height:</b>		
Private Open Space	2 Stories/27 FT	2 Stories/23 FT
	10 FT minimum dimension	10 FT minimum dimension
<b>Setbacks:</b>		
Front	20 FT	20 FT (Building) 0 FT (Parking) (1)
Side (left/right)	5 FT/5 FT	5 FT/5 FT
Rear	20 FT (Dwelling Unit) 0 FT (Detached Garage)	46 FT (Dwelling Unit) 0 FT (Detached Garage)
<b>Distance Between Buildings</b>		
	10 FT Btwn Units 6 FT Btwn Units and Garages	29 FT 25 FT
Rear Yard Lot Coverage	995 SF (50%)	1,990 SF (100%) (1)
<b>Parking:</b>		
Covered	8	10
Open	16	4
<b>TOTAL</b>	<b>24 Spaces</b>	<b>14 Spaces (1)</b>
Driveway Width	16 FT	16 FT

NA = Not Applicable or No Requirement

(1) The property is existing nonconforming.

CEQA Status Exempt, Class 1 (Existing Facilities)

Final Action Planning Commission

## **BACKGROUND**

The subject property contains an 8-unit, two-story, apartment complex originally constructed in the early 1970's. The units are spread between two buildings (four per building) and the units are stacked one over the other. All of the units have 2-bedrooms and one bathroom. Four open parking spaces are provided at the front of the property (within the required 20-foot landscape setback for new development) and a 10-car detached carport is provided along the rear of the property. The units are currently undergoing structural, plumbing, and electrical renovations and are unoccupied.

Per Code Section 13-42(g), Planning Commission review is required when previously 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%.

## **ANALYSIS**

### **Common Interest Development Conversion**

Common interest developments must comply with additional development standards above those applicable to apartments. These additional development standards include minimum 10-foot by 10-foot private open space, having a break in the façade of at least 4 feet for every 2 dwelling units, and provision of on-site lighting. The existing development already complies with the façade breaks, and conditions of approval require the applicant to upgrade the site to comply with the on-site lighting requirements. With regard to the private open space requirement, the applicant is constructing new patios and/or balconies for all of the units that will have the 10-foot minimum dimension in depth and range from 25 feet to 30 feet in width. The site is nonconforming with regard to overall open space (40% required; 26% provided).

With regard to parking, as mentioned earlier, the apartments currently have 14 parking spaces (10 covered, 4 open), which is nonconforming under current code (24 spaces would be required for new residential developments). The development is legal nonconforming - whether as apartments or as condominiums - with regard to parking, density, rear yard coverage, and overall open space. The proposed conversion will not increase the project's degree of nonconformity.

The Zoning Code establishes a "critical vacancy rate" of 3% as the threshold for discouraging conversion of apartments to common interest developments, the idea being that conversions could diminish the supply of rental housing and displace residents unreasonably, particularly senior citizens and very low- and low-income families, as well as families with school age children. 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 tenants have already been relocated; as indicated earlier, the units are undergoing renovations and are unoccupied. As a result, conversion would not result in a loss of affordable units or result in the displacement of long-term residents or families with school age children.

As required by Code, a property inspection report and a termite report were submitted by the applicant, and City property inspections are being conducted by Building Safety staff during the renovations. Copies of these reports are attached for reference. Based on those reports, and to allow a general upgrading of the site, staff recommends the following improvements:

1. Improvements listed in the property report dated September 16, 2006. These requirements are required to be completed under the direction of the Planning staff.
2. Comply with all building, plumbing, and electrical, and mechanical corrections and upgrades listed in the January 16, 2007, memo prepared by the Building Safety Division.
3. Treat termite infestations and repair dryrot damage as recommended by a termite control company.
4. Other upgrades to the building, landscaping, lighting, and paving as outlined in the recommended conditions of approval in the attached Exhibit B.

### Tentative Map

The applicant proposes a tentative map to allow each unit to be sold separately. The map is consistent with City Codes and the State Subdivision Map Act.

### Other Issue

On April 3, 2007, City Council enacted an urgency ordinance adopting a 45-day moratorium on the submittal of new common interest development conversions. Because this application was deemed complete prior to the adoption of the ordinance, it is not subject to the moratorium.

### GENERAL PLAN CONFORMITY

Approval of the conversion is consistent with the City's General Plan, particularly Goal LU-1A.4, which encourages additional home ownership opportunities in the City to improve the balance between rental and ownership housing within the City.

### ALTERNATIVES

The units could continue to be rented, once the renovations are completed, 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 apartment units will result in additional home ownership opportunities within the area.

Attachments:       Draft Planning Commission Resolution  
                          Exhibit "A" - Draft Findings  
                          Exhibit "B" - Draft Conditions of Approval  
                          City Engineer Letter  
                          Site Photos Taken 4/10/07  
                          Inspection Reports  
                          Zoning/Location Map  
                          Plans

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

GDA Architecture and Planning  
2518 W. 157<sup>th</sup> Street  
Gardena, CA 90249

309 Monte Vista LLC  
1726 Candlestick Lane  
Newport Beach, CA 92660

File: 042307PA0679T17132	Date: 041207	Time: 9:30 a.m.
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**RESOLUTION NO. PC-07-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-06-79 AND TENTATIVE TRACT T-17132**

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

WHEREAS, an application was filed by GDA Architecture & Planning,  
representing 309 Monte Vista LLC, owner of the real property located at 309 Monte  
Vista Avenue, requesting approval to convert an existing unoccupied 8-unit apartment  
complex into a common interest development (condominiums), to allow the units to be  
sold independent of one another, with a tentative map to facilitate the conversion, in an  
R2-MD zone; and  
WHEREAS, a duly noticed public hearing was held by the Planning Commission  
on April 23, 2007.

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-06-79 and  
Tentative Tract T-17132 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-06-79 and  
Tentative Tract T-17132 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 23rd day of April, 2007.**

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Donn Hall, 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 diminish affordable housing stock within the City. Conversion of the apartments will result in a general upgrade of the property, as well as satisfying General Plan Goal LU-1A.4 of providing additional home ownership opportunities within the City.
- 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 proposed single lot airspace subdivision is consistent with the City's General Plan and Zoning Ordinances.
- D. Approval of the subdivision will allow additional home ownership opportunities without impacting affordable rental housing. This is consistent with the objectives, policies, general land use, and programs specified in the General Plan.
- E. The subject property is physically suitable to accommodate T-17132 in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- F. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- G. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entry and/or public utility rights-of-way and/or easements within the tract.
- H. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

- I. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 (Existing Facilities).
- J. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- Ping.
1. The following improvements shall be made:
    - a. All improvements listed in the property report dated September 16, 2006 shall be completed under the direction of the Planning staff.
    - b. Applicant shall treat termite infestations and repair dryrot damage as recommended by a termite control company prior to Planning Division final.
  2. The address of the property and the individual units shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
  3. Street addresses shall be displayed on the complex identification sign or, if there is no complex identification sign, on the wall in a manner visible to the public street. Street address numerals shall be a minimum 6" in height with not less than ½" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than ¼" stroke and shall contrast sharply with the background.
  2. 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 in occupancy permit, and to complete any additional items created through this conversion.
  3. 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.
  4. The conditions of approval, code requirements, and special district requirements of Planning Application PA-06-79 and Tentative Tract T-17132 shall be blueprinted on the face of the site plan in the working drawings.
  5. 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.
  6. The CC&R's shall require that garage spaces be used for parking purposes only. Any changes made to this provision shall require prior review and approval by the City of Costa Mesa.
  7. The CC&R's shall disclose that the available parking on-site is short of the current condominium parking standards because of its existing nonconforming status.
  8. Exterior façade improvements shall be provided that are consistent with the City's Residential Design Guidelines, i.e., belly banding, window treatments, application of siding treatments, etc. to enhance overall appearance, under the direction of Planning staff.
  9. The exterior of all building elevations shall be completely repainted, unless recently painted within 1 or 2 years of application submittal. At

- a minimum two colors should be used (three colors recommended).
10. Energy efficient exterior doors and windows shall be installed on all building elevations.
  11. Underground overhead power line connections, if feasible.
  12. Rain gutters shall be installed on all appropriate building elevations.
  13. Broken sidewalks, driveways, or other hardscape improvements shall be replaced.
  14. Repair, replace, or construct interior property walls and/or fences.
  15. Screen utility meters, pedestals, etc. from the public right-of-way in a manner subject to approval by the Planning Division.
  16. Replace all appliances, water heaters, and interior and exterior light fixtures with Energy Star (or better) rated appliances/fixtures, including a programmable heating system, unless the applicant demonstrates that the existing appliances, etc. are energy efficient.
  17. All water heaters shall be placed appropriately on a platform and strapped.
  18. Provide a washer/dryer hook-up in either the interior of every unit.
  19. Provide appropriate interior separation of any common attic space areas.
  20. Upgrade attic insulation to the maximum extent feasible.
  21. All required smoke detectors shall be hardwired.
  22. 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 in occupancy permit, and to complete any additional items created through this conversion.
  23. 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.
- Bldg. 24. Comply with all building, plumbing, electrical, and mechanical corrections listed in the January 16, 2007, Building Safety Division memo.
- Eng. 25. Comply with requirements of the letter of the City Engineer dated April 9, 2007.



# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

April 9, 2007

Costa Mesa Planning Commission  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

SUBJECT: Tract No. 17132  
LOCATION: 309 Monte Vista Avenue

Dear Commissioners:

Tentative Tract Map No. 17132 as furnished by the Planning Division for review by the Public Services Department, consisting of a one-lot subdivision for condominium purposes. Tentative Tract Map No. 17132 meets with the approval of the Public Services Department, subject to the following conditions:

1. The Tract shall be developed in full compliance with the State Map Act and the City of Costa Mesa Municipal Code (C.C.M.M.C.), except as authorized by the Costa Mesa City Council and/or Planning Commission. The attention of the Subdivider and his engineer is directed to Section 13-208 through 13-261 inclusive, of the Municipal Code.
2. The Subdivider shall conduct soil investigations and provide the results to the City of Costa Mesa Engineering and Building Divisions pursuant to Ordinance 97-11, and section 66491(a) of the Subdivision Map Act.
3. Two copies of the Final Tract Map shall be submitted to the Engineering Division for checking. Map check fee shall be paid per C.C.M.M.C. Section 13-231.
4. Off-site driveway approach shall be reconstructed of P.C.C. per City of Costa Mesa, ADA and Title 24 Standards. All driveway locations and driveway design shall meet the approval of the City Engineer.
5. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.
6. Dedicate an ingress/egress easement to the City for emergency and public security vehicles purposes. Maintenance of easement shall be the sole responsibility of a Homeowners Association formed to conform to Section 13-41 (e) of the C.C.M.M.C.
7. The Subdivider shall submit a cash deposit of \$500 for street sweeping at time of issuance of a Construction Access permit. Full amount of deposit shall be maintained on a monthly basis prior to and during construction until completion of project.
8. A Subdivision Agreement and cash deposit or surety bond shall be submitted to the City Engineer to guarantee construction of off-site improvements. The amount shall be determined by the City Engineer.

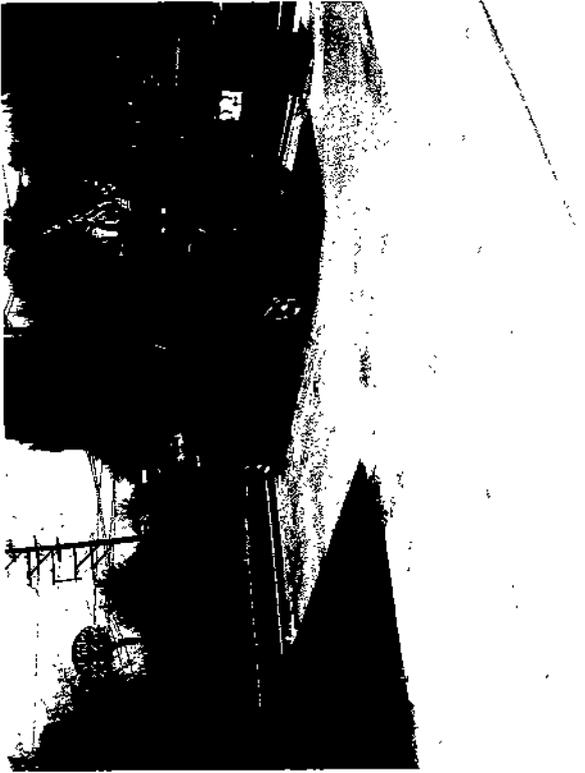
9. Fulfill the drainage fee ordinance requirements prior to the approval of the Tract Map.
10. Ownership of the on-site drainage facilities and parkway culverts and other common areas shall be transferred by the owner to the Homeowners Association to be formed pursuant to C.C.M.M.C. Section 13-41 (c).
11. Dedicate easements as needed for public utilities.
12. Submit plans and coordinate with utility company(s) to underground power poles and utility modifications
13. Street lighting shall be provided as required by the Public Services Department, Transportation Services Division.
14. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
15. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital-graphics file of said map in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
16. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.
17. The elevations shown on all plans shall be on Orange County benchmark datum.
18. Prior to recordation of a Final Tract Map, submit required cash deposit or surety bond to guarantee monumentation. Deposit amount to be determined by the City Engineer.
19. Prior to occupancy on the Tract, the surveyor/engineer shall submit to the City Engineer a Digital Graphic File, reproducible mylar of the recorded Tract Map, and approved off-site plan and nine copies of the recorded Tract Map.

Sincerely,

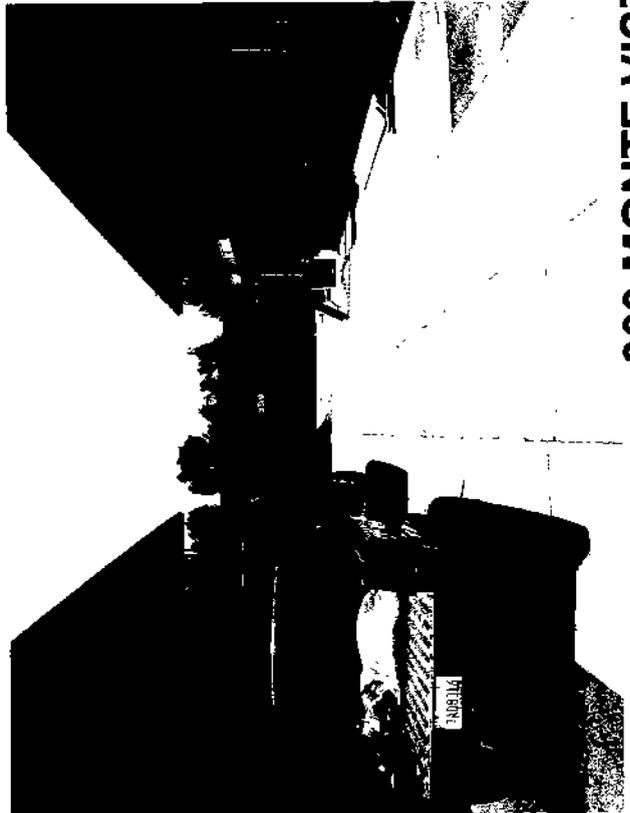
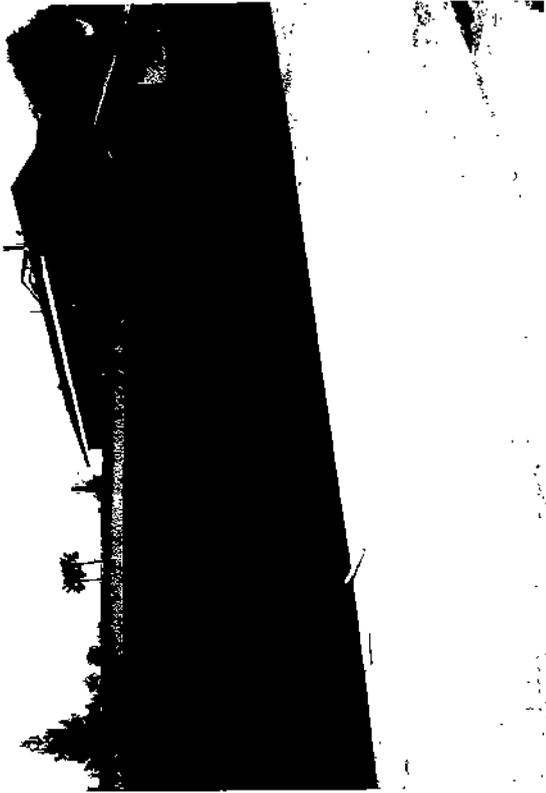


Ernesto Munoz, P. E.  
City Engineer

/ch (Engr. 2007/Planning Commission Tract 17132)



309 MONTE VISTA AVE. AS OF 4/10/07



309 MONTE VISTA AVE. AS OF 4/10/07



# **CITY OF COSTA MESA**

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DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,  
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**