



# **PLANNING COMMISSION AGENDA REPORT**

**VII. 1**

**MEETING DATE: MAY 14, 2007**

**ITEM NUMBER:**

**SUBJECT: PLANNING APPLICATION PA-06-61 AND PARCEL MAP PM-06-218  
115 DEL MAR AVENUE**

**DATE: MAY 3, 2007**

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

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## **DESCRIPTION**

The applicant is proposing to convert three 2-story, 3-unit apartments into a residential common interest development (condominiums), with a parcel map to facilitate the conversion.

## **APPLICANT**

The applicant is Richard Gibson, who is also the owner of the property.

## **RECOMMENDATION**

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

Handwritten signature of Mel Lee in black ink.

MEL LEE, AICP  
Senior Planner

Handwritten signature of R. Michael Robinson in black ink.

R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

## PLANNING APPLICATION SUMMARY

Location: 115 Del Mar Avenue Application: PA-06-61 & PM-06-218

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

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone: <u>R2-MD</u>	North: <u>(Across Del Mar) R2-MD, Residences</u>
General Plan: <u>Medium Density Residential</u>	South: <u>R2-MD, Residences</u>
Lot Dimensions: <u>102 FT x 102 FT</u>	East: <u>R2-MD, Residence</u>
Lot Area: <u>10,404 SF</u>	West: <u>C1, Commercial uses</u>
Existing Development: <u>3 apartment units</u>	

**DEVELOPMENT STANDARD COMPARISON**

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
<b>Lot Size:</b>		
Lot Width (Development Lot)	100 FT	120 FT
Lot Area (Development Lot)	12,000 SF	10,404 SF(1)
<b>Density:</b>		
Zone	1 du/3,630 SF	1 du/3,468 SF(1)
General Plan	1 du/3,630 SF	1 du/3,468 SF(1)
<b>Building Coverage (Development Lot):</b>		
Buildings	NA	3,453 SF (34%)
Paving	NA	2,738 SF (26%)
Open Space	4,162 SF (40%)	4,213 SF (40%)
<b>TOTAL</b>		<b>10,404 SF (100%)</b>
Building Height:	2 Stories 27 FT	2 Stories 24 FT, 8 IN
Chimney Height	29 FT	NA
Minimum Private Open Space Dimension	10 FT by 10 FT min. dim.	10 FT by 10 FT min. dim.
<b>Setbacks:</b>		
Front	20 FT	21 FT, 4 IN
Side (left/right)	5 FT (1 Story) 10 FT Avg. (2 Story)(2)	5 FT/10 FT (1 Story) 5 FT/17 FT (2 Story)
Rear	10 FT (1 Story) 20 FT (2 Story)	10 FT/20 FT
Rear Yard Coverage	25% (600 SF)	22% (536 SF)
<b>Parking:</b>		
Covered	3	4
Open	4	3
<b>TOTAL</b>	<b>7 Spaces</b>	<b>7 Spaces</b>
NA = Not Applicable or No Requirement (1) Legal Nonconforming (2) Residential Design Guideline		
CEQA Status	Exempt, Class 1	
Final Action	Planning Staff	

## **BACKGROUND**

The subject property contains three, 2-story, apartment units; a detached unit (Unit A) on the west side of the property, and two attached units (Units B and C) on the east side of the property. On March 21, 2006, staff approved a second story addition to each of the units under Development Review DR-06-04, which is under construction.

Per Code Section 13-42(g), Planning Commission review is required when occupied apartments are proposed to be converted to a common interest development (condominiums). 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 these requirements.

The development is legal nonconforming - whether as apartments or as condominiums - with regard to density two dwelling units permitted; three existing. The proposed conversion will not increase the project's degree of nonconformity.

Conversion would not result in a displacement of tenants or a loss of affordable units because the units are occupied by family members of the property owner and are not rented.

As required by Code, a property inspection report and a termite report were submitted by the applicant, and a City property inspection was conducted by Building Safety staff. A copy of all three 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 February 18, 2007. These requirements are required to be completed under the direction of the Planning staff.
2. Comply with all building, plumbing, and electrical, and mechanical requirements via the permits issued for the current construction per 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, and paving as outlined in the recommended conditions of approval.

Parcel 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 by the owner 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. Conversion of the units will not diminish affordable housing stock or result in the displacement of tenants since the units are occupied by family members of the property owner and are not rented.

Attachments:           Draft Planning Commission Resolution  
                              Exhibit "A" - Draft Findings  
                              Exhibit "B" - Draft Conditions of Approval  
                              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)

Richard Gibson  
115 Del Mar Avenue  
Costa Mesa, CA 92627

File: 051407PA0661PM06218	Date: 042607	Time: 9:00 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-06-61 AND PARCEL MAP PM-06-218**

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

WHEREAS, an application was filed by Richard Gibson, owner of the real property located at 115 Del Mar Avenue, requesting approval to convert an existing 2-story, 3-unit apartment into a residential common interest development (condominiums), to allow the units to be sold independent of one another, with a parcel map to facilitate the conversion, in an R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 14, 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-06-61 and Parcel Map PM-06-218 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-06-61 and Parcel Map PM-06-218 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 14<sup>th</sup> day of May, 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 is consistent with General Plan Goal LU-1A.4 of providing additional home ownership opportunities within the City. Conversion of the units will not diminish affordable housing stock or result in the displacement of tenants since the units are occupied by family members of the property owner and are not rented.
- 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.
  - d. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
  - e. The cumulative effect of all the planning applications has been considered.
- C. The proposed single lot airspace subdivision is consistent with the City's General Plan and Zoning Ordinances.
- D. Approval of the subdivision will allow additional home ownership opportunities without impacting affordable rental housing. This is consistent with the objectives, policies, general land use, and programs specified in the General Plan.
- E. The subject property is physically suitable to accommodate PM-06-218 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

- Plng. 1. The following improvements shall be made:
- a. All improvements listed in the property report dated February 18, 2007 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. 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 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.
  4. 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.
  5. Property owner shall provide cabinet enclosures over any meters visible from the street.
  6. Exterior façade improvements shall be consistent with the City's Residential Design Guidelines, i.e., belly banding, window treatments, application of siding treatments, etc. to enhance overall appearance.
  7. Energy efficient exterior doors and windows shall be installed on all building elevations.
  8. Broken sidewalks, driveways, or other hardscape improvements shall be replaced.
  9. Repair, replace, or construct interior property walls and/or fences.
  10. Screen utility meters, pedestals, etc. from the public right-of-way in a manner subject to approval by the Planning Division.
  11. Replace all appliances, water heater, and 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.
  12. All water heaters shall be placed appropriately on a platform and strapped.
  13. Provide a washer/dryer hook-up in either the interior of every unit or within the garage area, provided it does not interfere with interior dimension requirements for garages.
  14. Provide appropriate interior separation of any common attic space areas. And upgrade attic insulation to the maximum extent feasible.
  15. All required smoke detectors shall be hardwired.
  16. Underground overhead power line connections, if feasible.
  17. Provide 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.

18. 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.
19. Submit two (2) sets of detailed landscaped and irrigation plans which comply with Municipal Code requirements regarding landscaping materials and irrigation including percentage of turf allowed, number of trees and shrubs, etc., and provision of benderboard or other separation between turf and shrub areas.
20. 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.
21. The CC&R's shall require that garages shall be used for parking purposes only. Any changes made to this provision shall require prior review and approval by the City of Costa Mesa.
22. 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.

Eng.

Oct 02,2006

To: City Of Costa Mesa  
Attn: Planning Department

From: Richard H. Gibson  
Owner of Property  
115 Del Mar Ave  
Costa Mesa, CA. 92627

To whom it may concern:

The purpose for this application/project is to subdivide existing parcel for condominium conversion purposes with existing structures. Subject parcel is located at 115 Del Mar Ave. Costa Mesa CA. 92627

Units A, B, & C of 115 Del Mar ave. Costa Mesa, CA 92627 has no tenants other than owner. Owner has remodeled all units to comply with all Costa Mesa City Planning and Building Department requirements and has been approved and permitted.

Best Regards,

A handwritten signature in black ink, appearing to read 'R. H. Gibson', with a long horizontal line extending to the right.

Richard H. Gibson



# **CITY OF COSTA MESA**

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

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DEVELOPMENT SERVICES DEPARTMENT

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