



PLANNING COMMISSION

AGENDA REPORT

VI. 4

MEETING DATE: OCTOBER 8, 2007

ITEM NUMBER

SUBJECT: PLANNING APPLICATION PA-07-15 FOR AN URBAN MASTER PLAN AND TRACT MAP T-17198 FOR THE PROPERTY LOCATED AT 2013-2029 ANAHEIM AVENUE

DATE: SEPTEMBER 17, 2007

**FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
(714) 754-5609**

DESCRIPTION

The proposed project consists of the following:

1. *Master Plan PA-07-15* to construct the "Beachside Townhomes", a 26-unit, 3-story multi-family attached, common interest residential development project in the Mesa West Residential Ownership Urban Plan area.

The Master Plan includes the following deviations from the residential development standards:

- Tandem Parking (required to be provided in an open carport, proposed in an enclosed garage)
- Minimum open space (40% required; 36.9% proposed)
- Lot coverage (60% maximum; 63.1% proposed)
- Rear lot coverage (maximum 25% allowed; 40% proposed)
- Driveway parkway landscaping (10 feet required; less than 6 inches proposed)
- Front setback (20 feet required; 8 feet 4 inches proposed to the front entry trellis)
- Rear setback (20 feet required; 15 feet proposed)

2. *Tentative Tract Map T-17198* to subdivide the property for common-interest development purposes.

APPLICANT

Al Mozayeni of ABCO Realty and Investment Inc., authorized agent for property owners, Beachside Properties LLC.

RECOMMENDATION

Approve Planning Application PA-07-15 and Tentative Tract Map T-17198, which includes the Master Plan and deviations from specified development standards, by adoption of attached resolution.

REBECCA ROBBINS
Assistant Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

On April 4, 2006, the City Council adopted the Mesa West Residential Ownership Urban Plan. The purpose of the Urban Plan was to encourage development of new owner-occupied residential development by creating a high-density residential overlay zone. Flexible development standards were included as additional incentives to promote ownership housing.

On July 5, 2006, City Council completed a master plan screening of the proposed project, which originally included a total of 28 units to be constructed with a deviation from tandem parking requirements. The Urban Plan allows tandem parking to be located in an open carport or shared garages. The proposal involves tandem parking in private garages for the exclusive use of the resident. Council did not express any concerns with the proposed private tandem garages. Overall, Council provided positive feedback regarding the development concept (Meeting Minutes, Attachment 7).

ANALYSIS***Project Location***

The project site consists of 1.35-acre parcel located at 2013-2029 Anaheim Avenue. This property abuts multi-family zoned property on all sides. However, the immediate neighbor to the west includes single-family residential uses. There also are single family homes on the east side of Anaheim Avenue, across the street from the project site. The property is located in the R3 zone and Mesa West Residential Ownership Urban Plan area.

Planning Application PA-06-67***Master Plan***

Master plans are required for projects in the Residential Ownership Urban Plan area. This allows review of the structures' scale, location of windows, site planning, landscaping, and appearance, with the goal of promoting design excellence while giving consideration to the project's compatibility and consistency with the surrounding area.

The proposed "Beachside Townhomes" involve a master plan for a 26-unit, 3-story multi-family attached, common interest development. The existing 18-unit apartment complex will be demolished (Applicant Letter, Attachment 4).

The following analysis summarizes the master plan's consistency with the following: 1) Mesa West Residential Ownership Urban Plan, 2) Zoning requirements for common-interest developments, and 3) Residential Design Guidelines.

- ***Project achieves Urban Plan objectives.*** The Residential Ownership Urban Plan has three primary objectives: promote Westside revitalization through homeownership, encourage owner-occupied housing, and apply flexible development standards to stimulate ownership housing. The proposed three-story, townhome development is a new type of urban housing in the area and complies with these important objectives.
- ***Proposed 20 du/ac density is consistent with the R3 zone.*** The mixed-use overlay zone and R3 base zoning district allow high-density residential development up to 20 dwelling units per acre. Therefore, the density is consistent with the zoning, and no density

bonus is requested to accommodate the proposed development at 2013-2029 Anaheim Avenue.

- Architecture promotes design excellence and compatibility. The three-story townhomes feature Mediterranean architecture and varied building materials/surface treatments. The project features two accent colors, stucco/stone/siding surfaces, and coated steel balconies. Additionally, the custom-made garage doors are unique enhancements to the building façade. Concrete tile roofing will also feature striated colors and distinct tile profiles to also provide interest (Material/Color Palette Examples, Attachment 7).
- Project gives consideration to adequate light and air to adjoining neighbors. The Residential Ownership Urban Plan allows additional height limit of up to three stories/45 feet in the overlay zone. The proposed structure is three stories/36 feet in height, or nine feet short of the maximum height that could be built. The residential design guidelines indicate that consideration be given to the effect of proposed development on the light, air, and privacy of adjacent properties. As a three-story structure, shade/shadow effects will primarily occur on the neighboring property to the north in the wintertime. Minimal to no shade/shadow effects will occur during the rest of the year (summer, fall, spring). Please refer to the shade/shadow exhibits included in Attachment 6.

The three-story complex is sited along the southernmost and northernmost portion of the property and features minimum 15-foot side setbacks to its northern, western, and southern neighbors. During the winter solstice, shadows are cast to the north, over the rear yards of the proposed residences, and onto the driveway of the neighboring property. Given that these shade/shadow effects would still occur with a two-story structure, although the length of shadows would be comparatively shorter, and the majority of the shadow is cast on the neighboring driveway, these impacts are not considered significant. Furthermore, since the Urban Plan area has been identified as a revitalization area, this new type of three-story, "urban village" concept is considered consistent with the plan vision.

- Proposed parking supply meets City standards. The Urban Plan currently allows tandem parking to satisfy tenant parking requirements. The proposed project provides 78 parking spaces (52 spaces in two-car garages, 36 of which are tandem, and 26 open parking spaces). Thirteen property owners will have exclusive rights over tenant open parking spaces, and thirteen guest parking spaces will be also available. A deviation for tandem parking within an enclosed private garage is discussed below.
- Landscape Plan features tree/plant in quantities which are consistent with City standards. The Landscape Plan is generally consistent with the City's standards. The Landscape Plan will consist of a diverse palette of trees, shrubs, and groundcover. The project includes a 20-foot landscaped street setback required in the residential zones; however does require a deviation for an entry trellis from setback requirements as discussed below.

Deviations from Development Standards

The intent of the Residential Ownership Urban Plan is to provide a framework for private market reinvestment in the Westside. When Council adopted the Urban Plan, Council considered the importance of allowing flexible development standards as additional incentives to the developer to produce ownership housing in multiple-family zones.

Furthermore, Section 13-83.52(d) of the Zoning Code, Mixed-Use Overlay Zone, allows deviations from development standards based on the merits of a proposed project. Staff believes that the proposed project complies with the Urban Plan goals and results in a housing development that contributes to revitalization of the Westside. Without these incentives, the goal to revitalize the Westside may be more difficult to realize. However, in exchange for any deviation from the current standards, the project must provide additional amenities or design features.

Following are justifications for supporting flexible development standards and deviations from the following requirements:

- Deviations from open space, lot coverage, and rear yard coverage are compensated by a combination of large backyards and balconies which exceed the minimum private open space requirements.

The following deviations are requested:

- Open space(40% required, 36.9% proposed)
- Lot coverage (maximum 60% allowed, 63.1% proposed)
- Rear lot coverage (maximum 25% coverage allowed, 40% proposed)

To compensate for the lack of overall development open space, the project includes large backyards that exceed the required dimensions on 18 of the 26 units (10 ft. X 10 ft. required; 15 ft. X 22 ft. proposed). Each unit also features a private balcony (63 sq. ft.). The 8 townhomes in the central core of the project site are also connected through a network of meandering, landscaped walkways which enhance the pedestrian experience and provide opportunities for light exercise and walking pets. In addition, there is a common recreational area proposed including a pool to compensate for lack of open space. The rear lot coverage is exceeded primarily by parking area and therefore will not create the bulk and massing impacts for the neighbor to the west.

- Deviations from building setbacks are compensated by enhanced architectural treatment and varied building materials.

Deviations from the following setbacks are requested for the proposed structures:

- (a) Front setback requirement: 20 feet required, 8 feet 4 inches proposed to the front entry trellis.

The only pedestrian entrance to the development is a gated entry with a trellis overhang. This accessory structure encroaches into the front setback by 12 feet. This is considered a minor encroachment given that the main building complies with the 20-foot front setback requirements.

- (b) Rear second floor setback: 20 feet required, 15 feet proposed.

Only 2 units of the 26-unit development encroach into the rear second story setback. This encroachment is for interior stairways with minimal windows; therefore, no privacy impacts are anticipated.

Enhanced treatment which compensates for this encroachment includes varying accent colors, stone veneers, fiber-cement window trim, and stucco elements throughout the building, including the rear elevation. These features provide for a colorful, well-designed façade and better building definition. A condition of approval requires that approved enhancements must be implemented per plan, unless changes are approved in advance by the Planning Division, prior to release of the first certificate of occupancy.

- Deviation from parkway landscape requirements is justified due to compliance with driveway design standards. Project provides parkway landscaping to fullest extent possible given vehicle back-up distance and setback requirements. Deviation from parkway landscape requirements is requested (10 feet required, less than 6 inches proposed). Code requires a minimum parkway width of 10 feet along the driveway. Due to the layout of the development and the need to provide a 25-foot wide driveway for vehicle back-up from the garage, the parkway width is minimal. To compensate for the lack of parkway landscaping, a condition of approval requires implementation of a textured/colored concrete driveway to provide visual interest, in addition to providing landscaping to the fullest extent possible in the landscaped areas that are provided.
- Deviation for tandem parking within an enclosed garage could be conditioned within the spirit of the Urban Plan. The Urban Plan currently allows tandem parking for tenant parking in a “carport or shared garage.” The proposed tandem parking in a “private garage” does not technically meet this standard. The intent for open tandem parking was to ensure that the parking stalls be unobstructed by storage items. To meet the intent of this requirement, a condition of approval would ensure that the clearance for the tandem garages will be maintained: (1) custom garage doors with large rectangular windows allowing visibility of the garage interior and (2) CC&Rs enforcing vehicle parking in the private garages and minimal storage.

Subdivision Map for Condominium Purposes

The “Beachside Townhomes” project will involve a one-lot airspace subdivision for common-interest development purposes. The applicant is proposing the tract map to facilitate the condominium development, allowing the individual units to be sold independent of one another. In contrast to a traditional small-lot residential common interest development project, the airspace within the building structures will be owned by the new residents, and the outdoor yard areas will be held in common by the homeowner’s association, with exclusive rights over certain yard areas by the individual property owner. Covenants, Conditions, and Restrictions (CC&Rs) are required to be recorded to ensure proper maintenance of the common areas. The map complies with City Code and the State Subdivision Map Act.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), CEQA Guidelines, and the City’s environmental processing procedures. Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

ALTERNATIVES CONSIDERED

The Planning Commission has the following alternatives:

1. Approve Master Plan and Tentative Tract Map, as proposed. The Beachside Townhome development is found to be in conformance with the City's General Plan and Mesa West Residential Ownership Urban Plan, which encourages ownership housing in the overlay zone. This action is consistent with the City Council's overall positive feedback on the development concept at the Urban Plan screening.
2. Approve Master Plan and Tentative Tract Map, with any modifications to the proposed project. Staff support of the proposed project is largely based on interpretation of the Council's goals to revitalize the Westside and Council's emphasis on development flexibility. If Planning Commission has concerns with the extent of flexibility applied to the requested deviations, or any aspect relating to interpretation of the Urban Plan vision, the Commission may require modifications to the Master Plan.
3. Deny Master Plan and Tentative Tract Map. A similar proposal could not be considered by the Planning Commission until six months after this action is taken.

CONCLUSION

The Urban Plan has three primary objectives: promote Westside revitalization through homeownership, encourage owner-occupied housing, and apply flexible development standards to stimulate ownership housing. The proposed three-story, 26-unit, residential condominium development is a new type of urban housing in the area which would comply with these important objectives. While there are several requested deviations from development standards, the proposed project exhibits design excellence and provides open space amenities that merit consideration of these deviations. Staff considers this project as a good opportunity to increase homeownership opportunities and thereby stimulate Westside revitalization.

- Attachments:
1. Vicinity Map
 2. Site Photos
 3. Planning Commission Resolution
 4. Applicant Letter
 5. Council Meeting Minutes from July 5, 2006
 6. Shade/Shadow Exhibits
 7. Material/Color Palette Examples
 8. Site Plans/Elevations/Floor Plans
 9. Tentative Tract Map

Documents available on City website at www.ci.costa-mesa.ca.us:

- A. Mesa West Residential Ownership Urban Plan

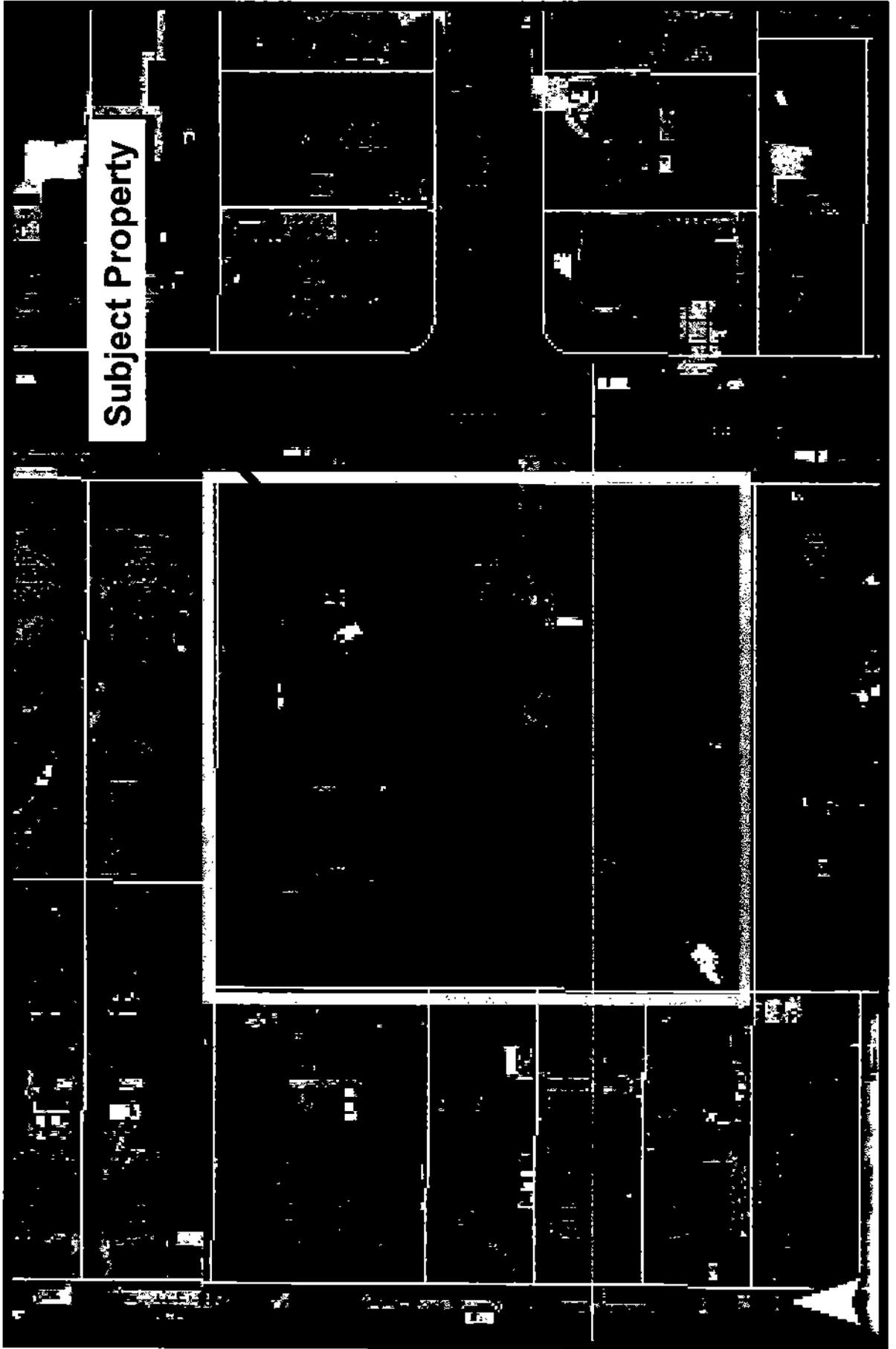
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File: 100807PA0715T17198	Date: 092707	Time: 9:00 a.m.
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Vicinity Map

2013-2029 Anaheim Avenue





Residential Units on 2013-3029 Anaheim



Front View of Multi-Family Unit on Anaheim



Side View of Multi-Family Unit on Anaheim



Inside Courtyard in Multi-Family Unit



View of Courtyard in Parking Area



2019 Anaheim Ave

RESOLUTION NO. PC-07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING THE FOLLOWING: (1) PLANNING APPLICATION PA-07-15, INCLUDING MASTER PLAN FOR A 3-STORY, 26-UNIT, RESIDENTIAL COMMON-INTEREST DEVELOPMENT AND SPECIFIED DEVIATIONS FROM DEVELOPMENT STANDARDS; AND (2) TRACT MAP T-17198, FOR A 1.35 ACRE PROPERTY LOCATED IN THE MESA WEST RESIDENTIAL OWNERSHIP URBAN PLAN AT 2013-2029 ANAHEIM AVENUE IN AN R3 ZONE AND MIXED-USE OVERLAY ZONE.

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

WHEREAS, an application was filed by Al Mozayeni of ABCO Realty for Planning Application PA-07-15 and Tentative Tract Map T-17198 with respect to the real property located at 2013-2029 Anaheim Avenue;

WHEREAS, the proposed project involves the following: (1) Planning Application PA-07-15 for a Master Plan for a three-story, 26-unit, multi-family attached residential common interest development, with requested deviations from development standards including tandem parking (required to be provided in an open carport; proposed in an enclosed garage), lot coverage (60% maximum; 63.1% proposed), open space (40% required; 36.9% proposed), rear lot coverage (maximum 25% coverage allowed; 40% proposed), driveway parkway landscaping (10 feet required; less than 6 inches proposed), and front setback, (20 feet required; 8 feet 4 inches proposed to the front entry trellis), rear setback (20 feet required; 15 feet proposed); and (2) Tentative Tract Map T-17198 to subdivide the property for common-interest development purposes;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 8, 2007 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** (1) Planning Application PA-07-15 for a Master Plan for a three-story, 26-unit, multi-family attached residential common interest development and (2) Tentative Tract Map T-16990 to subdivide the property for condominium purposes, at 2013-2029 Anaheim Avenue in the Mesa West Residential Ownership Urban Plan area.

BE IT FURTHER RESOLVED that the 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-07-15/T-17198 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, this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 8TH day of October, 2007.

DONN HALL
Chair, Costa Mesa
Planning Commission

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STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, 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 October 8, 2007 by the following votes:

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

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. Planning Application PA-07-15/VT-17198 is consistent with the goals, policies, objectives, and/or regulations of the General Plan, Zoning Code, and Mesa West Residential Ownership Urban Plan. The proposed three-story, condominium development is a new type of urban housing in the area that complies with the important objectives of the Residential Ownership Urban Plan: to promote Westside revitalization through homeownership, encourage owner-occupied housing, and apply flexible development standards to stimulate ownership housing. The project meets the purpose and intent of the mixed-use overlay district, and the stated policies of the Mesa West Residential Ownership Urban Plan. The proposed 26-unit residential condominium project will meet the central objectives of Urban Plan to revitalize the Westside and create new homeownership opportunities. The proposed density at 1 unit per 2,253 sq. ft. is within the density limits of 20 units per acre allowed in the General Plan and Urban Plan.
- B. The proposed project complies with Title 13, Section 13-83.52(c), Mixed-Use Overlay District, of the Municipal Code because the Master Plan is found to exhibit excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. The proposed project complies with the Urban Plan to provide additional amenities or innovation in exchange for flexible development standards. The project includes adequate resident-serving amenities in the common and private open space areas. Overall the proposed master plan represents a desirable product type in conformance with the City's policy documents.
- C. The proposed project complies with Title 13, Section 13-83.52(d), Mixed-Use Overlay District, of the Municipal Code because:
- a) The strict interpretation and application of the Zoning Code's development standards would result in practical difficulty inconsistent with the purpose and intent of the General Plan and Mesa West Residential Ownership Urban Plan. The proposed master plan does not strictly conform to development standard related to open space, lot coverage, rear yard coverage, front/rear setbacks, landscape parkway requirements, and tandem parking in enclosed garages. However, the Urban Plan allows deviations from these requirements because the proposed project better achieves the purposes and intent of the General Plan and Urban Plan. Deviation from development standards would still result in a well-designed housing project that is considered compatible with the neighborhood.
 - b) The granting of the deviation results in a common interest development which exhibits excellence in design, site planning, integration of uses and structures, and compatibility standards for residential development.
 - c) The granting of a deviation will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity. No adverse impacts from implementation of the proposed project are identified.
 - d) The long-term vision of the Mesa West Residential Ownership Urban Plan is to encourage marginal residential properties to be redeveloped into ownership

housing. The strict application of code requirements for residential development standards would discourage redevelopment of this new type of urban housing and thereby deprive the property owner of special privileges afforded in the Urban Plan area. The requests for specified deviations are considered reasonable and would result in implementation of a residential ownership project supportive of the Urban Plan vision.

D. The proposed project complies with Title 13, Section 13-29(e), of the Municipal Code because:

- a) The proposed development and use is compatible and harmonious with uses both onsite as well as those on surrounding properties. Specifically, the proposed high-density residential development will replace existing residential apartments. New 6-foot tall perimeter block walls will provide noise attenuation and privacy from the adjacent residential properties. The recreational pool area, back yard areas, and private balconies are important amenities which provide useable open spaces for the homeowners.

Deviations from open space, lot coverage, and rear yard coverage are compensated by a combination of large backyards and balconies which exceed the minimum private open space requirements. Additionally, the project includes a common amenity area with landscaped areas and recreational facilities. Deviations from building setbacks are compensated by enhanced architectural treatment and varied building materials. A deviation from parkway landscape requirements is justified to allow for compliance with driveway design standards. A deviation for tandem parking within an enclosed garage is allowed subject to conditions that the tandem parking areas be used for vehicle parking only and not be obstructed by storage items.

- b) Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. The project shall provide two standard residential drive approaches from Anaheim Avenue that shall include a control call box at both entries. The drive approaches shall be a minimum of 20' from the property line to avoid vehicle queuing from the public street.
- c) The planning application is for a project-specific case and does not establish a precedent for future development in the overlay zone.
- d) The cumulative effects of Planning Application PA-07-15, including approval of requested deviations, and Tract Map T-17198 have been considered.

E. The project meets the purpose and intent of the Mesa West Residential Ownership Plan related to an aesthetic analysis. An aesthetic analysis of the interface and compatibility between adjacent residential uses related to shade/shadow impacts, neighborhood character, and privacy, concluded that the project was found to be compatible with surrounding residential uses. The three-story complex features 15-foot side and rear setbacks to its abutting neighbors. Given that shade/shadow effects would still occur with a two-story structure, although the length of shadows would be comparatively shorter, and the majority of the shadow is cast on the neighboring driveway, these impacts are not

considered significant. Furthermore, since the Urban Plan area has been identified as a revitalization area, this new type of three-story, "urban village" concept is within the height limit allowed, and deemed compatible with, uses in the overlay zone.

- F. The project meets the purpose and intent of the Residential Design Guidelines which are intended to promote design excellence in new residential construction, with consideration given to compatibility with the established residential community. The proposed architecture exhibits design excellence and compatibility with the neighboring properties. Specifically, the townhomes feature Mediterranean architecture and varied building materials/surface treatments. The earthtone color scheme and quality building materials reinforce the urban village concept. The development features two accent colors, stucco/stone/siding surfaces, and painted steel balconies. The windows have fiber-cement trim. Additionally, the stone borders and custom-made garage doors are unique enhancements to the buildings.
- G. In accordance with State Law, the project has been reviewed for compliance with the California Environmental Quality Act and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development. Thus, the evidence presented in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on the environment.
- H. The proposed project complies with minimum requirements for emergency response access. Due to the 235-foot depth of the lot, the City's Fire Department has required the installation of residential sprinkler systems for all 26 dwelling units.
- I. The future subdivision for condominium purposes and development of the property will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights- of-way and/or easements within the tract. The subdivision map application shall be processed and approved by the City prior to issuance of building permits to ensure compliance with the Subdivision Map Act requirements and provision of ownership dwelling units. The design of the subdivision shall provide, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- J. The future discharge of sewage from this future 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).
- K. The proposed use of the subdivision is for residential ownership purposes which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- L. Pursuant to Section 13-29(g)(13) of the Municipal Code, the subject property is physically suitable to accommodate Vesting Tentative Tract Map T-17198 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.
- M. The subdivision will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the subdivision.
- O. The proposed residential use of the subdivision is compatible with the General Plan. The

approval of the subdivision will allow home ownership opportunities without impacting rental housing. This is consistent with the goals, objectives, and policies of the General Plan Land Use and Housing Element.

- P. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management of Title 13 of the Municipal Code in that the project's traffic impacts will be mitigated at all affected intersections.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
2. Prior to issuance of building permits, applicant shall contact the U.S. 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.
3. The conditions of approval or code provisions of Planning Application PA-07-15/T-17198 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The project shall comply with these requirements.
4. All residential units shall be "for sale" units. The site shall not be developed for apartments or other non owner-occupied units. Prior to issuance of building plans for plancheck, applicant must submit a subdivision application for processing. The subdivision map must be final and recorded prior to issuance of building permits.
5. Street addresses shall be displayed on the front of each unit and on a complex identification sign visible from the street. Street address numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
6. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. No cross lot drainage to adjacent properties shall be allowed.
7. To avoid an alley-like appearance, the private street shall not be entirely paved with asphalt and shall contain finished colored concrete as shown on approved driveway paving plan. Specifically, the lowest point (v-point) of the private driveway shall be comprised of colored concrete or other material as deemed acceptable by the Development Services Director to avoid an alley-like appearance. The entry/exit drive of the private street shall be made of stamped concrete or pervious pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Development Services Director prior to issuance of building permits.
8. The site plan submitted with initial working drawings shall contain a notation specifying that the project is a "one-lot airspace common interest development" and shall specify the ultimate interior property lines.
9. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm

- that the conditions of approval and code requirements have been satisfied.
10. Prior to issuance of certificate of occupancy, the applicant shall construct a 6-foot tall decorative block wall around the perimeter of the project site. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them and/or provide adequate privacy screening by trees and landscaping. A minimum of 6-foot high wood or block privacy walls shall be constructed between the townhouses.
 11. The developer shall contact the current cable service provider prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 12. Enhanced design elements and architectural treatment as shown in the approved color elevation drawings shall be implemented to the satisfaction of the Development Services Director. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through the master plan review process, or in the requirement to modify the construction to reflect the approved plans.
 13. The roofing material shall be comprised of asphalt shingles with a striated color palette and not a monochrome palette to increase visual interest. Acceptable roofing materials will be determined by the Development Services Director.
 14. The landscape plan shall feature 24-inch box trees and 5-gallon shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. The setback areas and the landscaped driveway parkway provided shall be landscaped with trees and vegetation to the fullest extent possible. The landscape plan shall be approved prior to issuance of building permits and shall contain a greater percentage of 24-inch box trees than the minimum Code requirements to the satisfaction of the Development Services Director.
 15. If the project is constructed in phases, the decorative block wall, landscaping within the street setback areas and irrigation shall be installed prior to the release of utilities for the first phase.
 16. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
 17. Applicant shall submit floor plans for all models, including reverse plan models, with the working drawings for plan check.
 18. There shall be minimal nighttime lighting, primarily for security purposes, of the common areas. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of the nearby residences abutting the project site.
 19. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
 20. All backflow prevention devices, transformers, and other utility or ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall

be screened from view, under the direction of Planning Staff. The applicant shall show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.) on the initial working plans.

21. The project site shall be graded in a manner to eliminate the necessity of retaining walls within the project site to the maximum extent feasible. This condition excludes the proposed perimeter retaining walls along the development lot lines.
22. Prior to submittal of working plans for plan check, applicant shall submit a written determination from the Sanitary District and/or any private trash hauler that trash collection service can be provided to each individual dwelling unit. This letter shall be remitted to the Planning Division prior to issuance of building permits.
23. Construction, grading, materials 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. Construction is prohibited on Sundays and 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.
24. Prior to issuance of building permits, the applicant shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office.

A. The CC&Rs shall contain provisions that effectively implement the following parking-related requirements: (1) require that the homeowner's association (HOA) require homeowners to maintain a 20' x 20' unobstructed area or 36' X 10' for tandem garages in their enclosed garages to allow parking of two vehicles instead of any other purpose (e.g. storage) and (2) require that the HOA contract with a towing service to enforce the parking regulations.

B. The CC&Rs shall also contain provisions related to night-time lighting and active use of the common recreational area. These provisions shall prohibit amplified noise, loud parties/gatherings, night-time lighting other than for security purposes, or any other activities that may be disruptive to the quiet enjoyment of neighboring properties after sunset.

C. The CC&Rs shall also contain provisions related to preservation and maintenance of the common lot and common open space areas in perpetuity by the homeowner's association.

Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective.

25. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
26. Garages for individuals units shall be equipped with automatic garage door openers and roll-up garage doors. Tandem garages shall contain custom windows.
27. Final tract map shall be approved and recorded prior to issuance of building permits.

- Trans. 28. Applicant shall close unused drive approach(es) with curb and gutter.
29. Prior to submission of plans for plancheck, applicant shall revise the plan to show control call boxes at both vehicle entry/security gates.
30. The residential driveway approach (Type II driveway approach) shall be constructed to suit approved entry design to the satisfaction of the Transportation Manager. Drive aisles, parking stall configurations, and turning radius must comply with the City's parking design standards.
31. New gates on Anaheim Avenue shall be a minimum of 20 feet from the property line to allow vehicles to clear the public sidewalk before stopping at the gate. Revise site plan to indicate how guests access parking spaces and to identify public parkway width and street width from the centerline to property line.
- Eng. 32. 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.
33. Applicant shall comply with all of the requirements as set forth in the City Engineer's letter dated August 20, 2007.
- Fire 34. All residential units shall be sprinklered. Applicant shall provide an automatic fire sprinkler system according to NFPA 13R.
- Bldg 35. Applicant shall submit a soils report and erosion control plan in conjunction with submission of grading plans for plan check.



CITY OF COSTA MESA

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

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

August 20, 2007

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

SUBJECT: Tract No. 17198
LOCATION: 2013 and 2029 Anaheim Avenue

Dear Commissioners:

Tentative Tract Map No. 17198 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. 17198 meets 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. In accordance with C.C.M.M.C. Section 13-230, the Subdivider shall submit street improvement plans and/or off-site plans at the time of first submittal of the Final Tract Map. Plan check fee shall be paid per C.C.M.M.C. Section 13-231.
5. The Final Tract Map and all off-site improvements required to be made, or installed by the Subdivider, shall meet the approval of the City Engineer. Prior to any on-site/off-site construction, permits shall be obtained from the City of Costa Mesa Engineering Division.
6. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.
7. Vehicular and pedestrian access rights to Anaheim Avenue shall be released and relinquished to the City of Costa Mesa except at approved access locations.

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8. 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.
9. 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.
10. The Subdivider's engineers shall furnish the Engineering Division a storm runoff study which shows existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any street or drainage facility on-site or off-site. This study to be furnished with the first submittal of the Final Tract Map. Cross lot drainage shall not occur.
11. Ownership and maintenance of the private on-site drainage facilities and parkway culverts and other common areas shall be transferred by the owner to the Homeowner Association to be formed pursuant to C.C.M.M.C. Section 13-41 (e) and said association shall indemnify and hold harmless the City for any liability arising out of or in any way associated with the connection of the private drainage system with the City's drainage system and shall execute and deliver to the City the standard (indemnity) Hold Harmless Agreement required for such conditions prior to issuance of permits.
12. Fulfill the drainage fee ordinance requirements prior to the approval of the Tract Map.
13. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to Approval of Final Map.
14. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager.
15. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk.
16. Street lighting shall be provided as required by the Public Services Department, Transportation Services Division.
17. 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 Sub article 12, Section 7-9-337 of the Orange County Subdivision Code.
18. 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 Sub article 12, Section 7-9-337 of the Orange County Subdivision Code.
19. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.
20. The elevations shown on all plans shall be on Orange County benchmark datum.

21. 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.
22. Prior to occupancy on the Tract, the surveyor/engineer shall submit to the City Engineer a Digital Graphic File of the recorded Tract Map & As-Built of the off-site plans, reproducible mylar of the recorded Tract Map and seven copies of the recorded Tract Map.

Sincerely,



Ernesto Munoz, P. E.
City Engineer

/ch (Engr. 2007/Planning Commission Tract 17198)



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.**