



PLANNING COMMISSION AGENDA REPORT

VII.4

MEETING DATE: DECEMBER 10, 2007

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-07-42
151 EAST 19TH STREET

DATE: NOVEMBER 29, 2007

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

DESCRIPTION

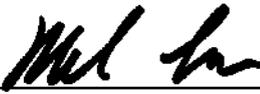
The applicant is requesting approval of a design review to construct a two-unit, two-story residential common interest development project that does not satisfy the City's Residential Design Guidelines.

APPLICANT

The applicant is Naldo Cabanillas, representing Paul Garcia, the property owner and applicant for this project.

RECOMMENDATION

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



MEL LEE, AICP
Senior Planner



KIMBERLY BRANDT, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 151 E. 19th Street Application: PA-07-42

Request: Design review to construct a two-unit, two-story residential common interest development that does not satisfy the City's Residential Design Guidelines.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

| | | | |
|-----------------------|--|--------|--|
| Zone: | <u>R2-HD</u> | North: | <u>(Acr. E. 19th) R2-MD, residences</u> |
| General Plan: | <u>High Density Residential</u> | South: | <u>R2-HD, residences</u> |
| Lot Dimensions: | <u>50 FT x 130 FT</u> | East: | <u>R2-HD, residences</u> |
| Lot Area: | <u>6,420 SF</u> | West: | <u>(Acr. Fullerton) PDC, retail uses</u> |
| Existing Development: | <u>Single-family residence (to be demolished).</u> | | |

DEVELOPMENT STANDARD COMPARISON

| <u>Development Standard</u> | <u>Required/Allowed</u> | <u>Proposed/Provided</u> | |
|---|-------------------------|---|---|
| Lot Size: | | | |
| Lot Width | 100 FT | 50 FT (1) | |
| Lot Area | 12,000 SF | 6,420 SF (1) | |
| Density: | | | |
| Zone/General Plan | 1 du/3,000 SF | 1 du/3,210 SF | |
| Building Coverage: | | | |
| Buildings | N/A | 37% (2,397 SF) | |
| Paving | N/A | 11% (675 SF) | |
| Open Space | Minimum 40% (2,568 SF) | 52% (3,348 SF) | |
| TOTAL | N/A | 100% (6,420 SF) | |
| Private Open Space: | Minimum 10 FT dimension | Minimum 11 FT, 6 IN dimension | |
| Building Height: | 2 stories/27 FT | 2 stories/25 FT | |
| Ratio of 2 nd floor to 1 st floor (2): | 80% | <u>Unit A</u> 86% (3) | <u>Unit B</u> 88% (3) |
| Setbacks: | | | |
| Front (Fullerton Ave.) | 20 FT | 20 FT | |
| 1 st Floor Side (left – E. 19 th St./right) | 10 FT/5 FT | 9 FT, 6 IN (4)/5 FT | |
| 2 nd Floor Side (left – E. 19 th St./right) (2) | 10 FT/10 FT average | <u>Unit A</u> 9 FT, 6 IN (4) /8 FT avg. (3) | <u>Unit B</u> 9 FT, 6 IN (4) /8 FT avg. (3) |
| Rear (1 st floor/2 nd floor) | 10 FT/20 FT | 20 FT/19 FT, 6 IN (4) | |
| Parking: | | | |
| Covered | 4 | 4 | |
| Open | 4 | 4 | |
| TOTAL | 8 Spaces | 8 spaces | |
| CEQA Status | Exempt, Class 3 | | |
| Final Action | Planning Commission | | |

- (1) Existing, nonconforming.
- (2) Residential design guideline.
- (3) Does not satisfy residential design guideline (see staff report discussion).
- (4) Approval of minor modification required.

PROJECT DESCRIPTION

The subject property is located on the south east corner of East 19th Street and Fullerton Avenue and contains a one-story single family residence that will be demolished to accommodate the proposed project.

A parcel map to facilitate the condominium project will be required to be processed and recorded before construction of the units can begin. If the project is approved, the applicant will submit a parcel map application at a later date.

ANALYSIS

New residential common interest development projects (condominiums) are subject to a design review, which requires Planning Commission consideration. This allows review of the structures' scale, site planning, landscaping, appearance, and any other applicable features relative to a compatible and attractive development.

To minimize second story mass, the City's residential design guidelines recommend that the second floor not exceed 80% of the first floor area and the second story be set back an average of 10 feet from the (interior) side property line. The proposed second floor to first floor ratios are 86% for Unit A and 88% for Unit B, and the second floor interior side elevations have an 8-foot average side setback. It is staff's opinion that the buildings incorporate variation in depth of floor plans, rooflines, multiple building planes, and offsets to provide architectural interest and visual relief from off-site.

It is staff's opinion that the proposed development would not negatively impact the surrounding properties or aesthetics of the neighborhood. There are several two-story residences in the area so it would not appear out of place or obtrusive. The second floor windows are also designed so as to minimize privacy impacts and direct views into second story windows on adjacent properties.

Approval of a minor modification is required for the 19-foot, 6 inch second story encroachment into the required 20-foot rear yard setback for Unit A, and a 9-foot, 6 inch encroachment into the required 10-foot street side setback for both units. Because these encroachments are created by architectural window pop-outs to provide greater relief on the elevations, staff supports these minor modifications.

GENERAL PLAN CONFORMITY

The property has a General Plan designation of High Density Residential. Under this designation two dwelling units are allowed on the subject property. Therefore, the proposal is consistent with the use and density allowed by the City's General Plan. Approval of the condominiums will also satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City.

ALTERNATIVES

If the planning application is approved, it would allow the construction of the project as proposed.

If the application is denied, the property could not be built as proposed. The applicant could not submit substantially the same type of project for six months.

ENVIRONMENTAL DETERMINATION

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

CONCLUSION

The proposed development, as conditioned, satisfies all applicable Code requirements and the intent of the residential design guidelines. Approval of the project will allow redevelopment of the lot and provide additional home ownership opportunities in the City.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Zoning/Location Map
 Plans

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

Naldo Cabanillas
2756 Tern Circle
Costa Mesa, CA 92626

Paul Garcia
151 East 19th Street
Costa Mesa, CA 92627

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|--------------------|--------------|-----------------|
| File: 121007PA0742 | Date: 112807 | Time: 3:30 p.m. |
|--------------------|--------------|-----------------|

RESOLUTION NO. PC-07-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-42**

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

WHEREAS, an application was filed by Naldo Cabanillas, representing Paul Garcia owner of real property located at 151 East 19th Street, requesting approval of a design review to construct a two-unit, two-story residential common interest development project that does not satisfy the City's Residential Design Guidelines, in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 10, 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-07-42 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-07-42 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. 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 10th day of December, 2007.

Donn Hall, Chair
Costa Mesa Planning Commission

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 December 10, 2007, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the building and other site features, including functional aspects of the site development, have been considered.
 - c. The project is consistent with the General Plan designation of High Density Residential. Under this designation two dwelling units are allowed on the subject property and two dwelling units are proposed. Approval of the condominiums will also satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, as conditioned, is substantially compatible and harmonious with existing and/or anticipated development on surrounding properties. This includes site planning, landscaping, appearances, scale of structures, location of windows, and any other applicable features relative to a compatible and attractive development. Specifically, the project is consistent with the City's General Plan and Zoning Code, and the City's Residential Design Guidelines. The project is of a character and scale compatible with the neighborhood. The buildings incorporate multiple building planes and offsets, and elevations with stepping forms both horizontally and vertically to provide architectural interest. The second story windows are also placed so as to minimize privacy impacts and direct views into windows of adjacent residences. Approval of the condominium units will also provide additional home ownership opportunities in the City.
- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(6) in that the approval of a minor modification will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood. The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space, and any other applicable features relative to a compatible and attractive development.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

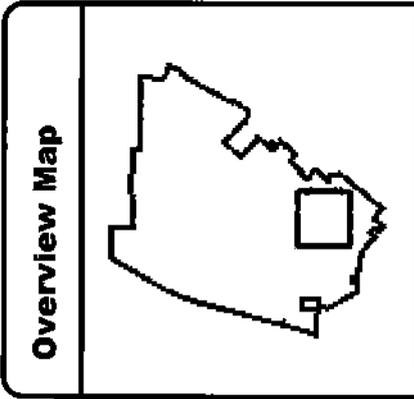
EXHIBIT "B"

CONDITIONS OF APPROVAL

- PIng.
1. The approved address of individual units (A and B) shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
 2. 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.
 3. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater 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.
 4. 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.
 5. The site plan submitted with initial working drawings shall contain a notation specifying the project is a 2-unit, common interest (condominium) development.
 6. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 7. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). 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.
 8. Homeowners Association CC&Rs shall include a requirement that residents park in garages.
 9. The CC&Rs shall include a provision mandating binding arbitration in the event of any dispute between the two property owners relating to the homeowner's association.
 10. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
 11. The conditions of approval, code requirements, and special district requirements of Planning Application PA-07-42 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 12. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the release of utilities. This inspection is to

confirm that the conditions of approval and code requirements have been satisfied.

13. Grading, materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. 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.
14. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, additional second story windows, 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 a discretionary review process such as a design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
- Eng. 15. 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.



Legend

| | |
|----------------------------|---------------------|
| Address Large | Level 1 Ortho Photo |
| Address Points | Parcels |
| Street Names | ROW |
| Parcel Lines | Polygon |
| General Plan Specific Land | |

