



PLANNING COMMISSION AGENDA REPORT

VII. 7

MEETING DATE: APRIL 28, 2008

ITEM NUMBER:

**SUBJECT: PARCEL MAP PM-08-113
550 BERNARD STREET, UNITS A AND B**

DATE: APRIL 16, 2008

**FOR FURTHER INFORMATION CONTACT: JOSIAS GONZALEZ, ASSISTANT PLANNER
714.754.5245**

DESCRIPTION

The applicant proposes a parcel map to facilitate a two-unit condominium project previously approved under PA-07-56.

APPLICANT

126 Properties LLC is property owner and applicant for this project.

RECOMMENDATION

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



JOSIAS GONZALEZ
Associate Planner



KIMBERLY BRANDT, AICP
Assistant Development Services Director

PLANNING APPLICATION SUMMARY

Location: 550 Bernard Street, Units A and B Application: PM-08-113

Request: Parcel Map to facilitate a two-unit residential common interest development conversion.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R2-HD</u>	North: <u>R3, apartments</u>
General Plan: <u>High Density Residential</u>	South: <u>Surrounding properties</u>
Lot Dimensions: <u>57 ft. x 85 ft.</u>	East: <u>are all R2-HD zoned</u>
Lot Area: <u>4,895 sq. ft.</u>	West: <u>and developed with apartments.</u>
Existing Development: <u>Single-story duplex and a detached 2-car garage.</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	100 ft.	57 ft. ¹
Lot Area	12,000 sq. ft.	4,895 sq.ft. ²
Density:		
Zone/General Plan	1:3,000 sq.ft./1:2,178 sq.ft.	1: 2,447.5 sq.ft. ²
Building Coverage:		
Buildings	N/A	46% (2,229 sq.ft.)
Paving	N/A	21% (1,056 sq.ft.)
Open Space	40% (1,958 sq. ft.)	33% (1,610 sq.ft.) ²
TOTAL	100% (4,895 sq.ft.)	100% (4,895 sq.ft.)
Private Open Space:	10 ft. x 10 ft. min.	11 ft. minimum
Building Height:	2 stories/27 ft.	1 story/11 ft.
Setbacks:		
Front (interior property line) Main structure/Detached Garage	5 ft./6 ft. separation	3 ft. ² /6 ft. separation
Side – Main Bldg. (left alley/right)	5 ft./5 ft.	19 ft./5 ft.
Side – Detached Garage (left/right)	0 ft./0 ft.	27 ft./10 ft.
Rear - Main bldg./Detached Garage	6 ft. separation/0 ft.	6 ft. separation/1 ft.
Parking:		
Covered	2	2
Open	3	2
Guest	1	1
TOTAL	6 Spaces	5 spaces ³

CEQA Status	<u>Exempt, Class 1</u>
Final Action	<u>Planning Commission</u>

1 Legal, nonconforming.
 2 Subdivision with variances approved under PA-03-02 and PM-04-294.
 3 PA-03-02 approved for shared parking between the 3 lots (9 spaces required; 10 spaces provided).

BACKGROUND/ANALYSIS

The subject property contains a single-story duplex with a detached two car garage, and is the rear lot of the three lot subdivision (PM-04-294) that includes the Huscroft House on the front parcel. The project approval for the relocation of the Huscroft House (PA-03-02) included variances from minimum lot width and area requirements, as well as from required front interior property line setback and open space standards for this parcel.

The property owner proposes to convert the duplex into a residential common interest development (condominiums). This request was originally approved by Planning Commission under Planning Application PA-06-45 on August 14, 2006. However, due to financial constraints, the applicant was unable to file the parcel map and complete the conversion, thus the conversion approval expired.

On February 11, 2008, Planning Commission approved Planning Application PA-07-56 to convert the duplex into condominiums. This map will facilitate the conversion and will allow the individual units to be sold independent of one another. The map complies with City Codes and the State Subdivision Map Act as well as the approval granted under PA-07-56.

The staff report for PA-07-56 and plans for the condominium project are attached for reference.

GENERAL PLAN CONSISTENCY

The proposed subdivision affects only how the units are sold; as a result, there will be no effect on the City's General Plan.

ALTERNATIVES

If the parcel map is denied, the individual units could not be sold independent of one another and could only be used as rentals. The applicant would not be able to file a similar request for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15315 for Minor Land Divisions.

CONCLUSION

Approval of the parcel map will facilitate an ownership housing project approved by Planning Commission under Planning Application PA-07-56. The map is in compliance with the requirements of the City's Zoning code, State's Subdivision Map Act, and PA-07-56.

Attachments: Draft Planning Commission Resolution
Exhibit "A" - Draft Findings
Exhibit "B" - Draft Conditions of Approval
Zoning/Location Map
Parcel Map No. 200-113
Staff Report PA-07-56
Plans

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

John Moreheart
126 Properties, LLC
126 East 16th Street
Costa Mesa, CA 92627

File: 042808PM08113	Date: 041708	Time: 8:00 a.m.
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RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA APPROVING PARCEL MAP
PM-08-113**

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

WHEREAS, an application was filed by 126 Properties LLC, property owner with respect to the real property located at 550 Bernard Street, Units A and B, requesting approval of a parcel map to facilitate a condominium development previously approved under PA-07-56, in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 28, 2008.

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** Parcel Map PM-08-113 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 Parcel Map PM-08-113 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 28th day of April 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed airspace residential common interest subdivision is consistent with the City's General Plan and Zoning Ordinances.
- B. The subject property is physically suitable to accommodate PM-08-113 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.
- C. 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.
- D. 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.
- E. 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).
- F. 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 15315 for Minor Land Divisions.
- G. 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 applicant is reminded that all conditions of Planning Application PA-07-56 still apply.

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PARCEL MAP PM-08-113**

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

WHEREAS, an application was filed by 126 Properties LLC, property owner with respect to the real property located at 550 Bernard Street, Units A and B, requesting approval of a parcel map to facilitate a condominium development previously approved under PA-07-56, in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 28, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Parcel Map PM-08-113 with respect to the property described above.

PASSED AND ADOPTED this 28th day of April 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A" (If denied)

FINDINGS

- A. The proposed airspace residential common interest subdivision is not consistent with the City's General Plan and Zoning Ordinances.
- B. 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 15315 for Minor Land Divisions.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

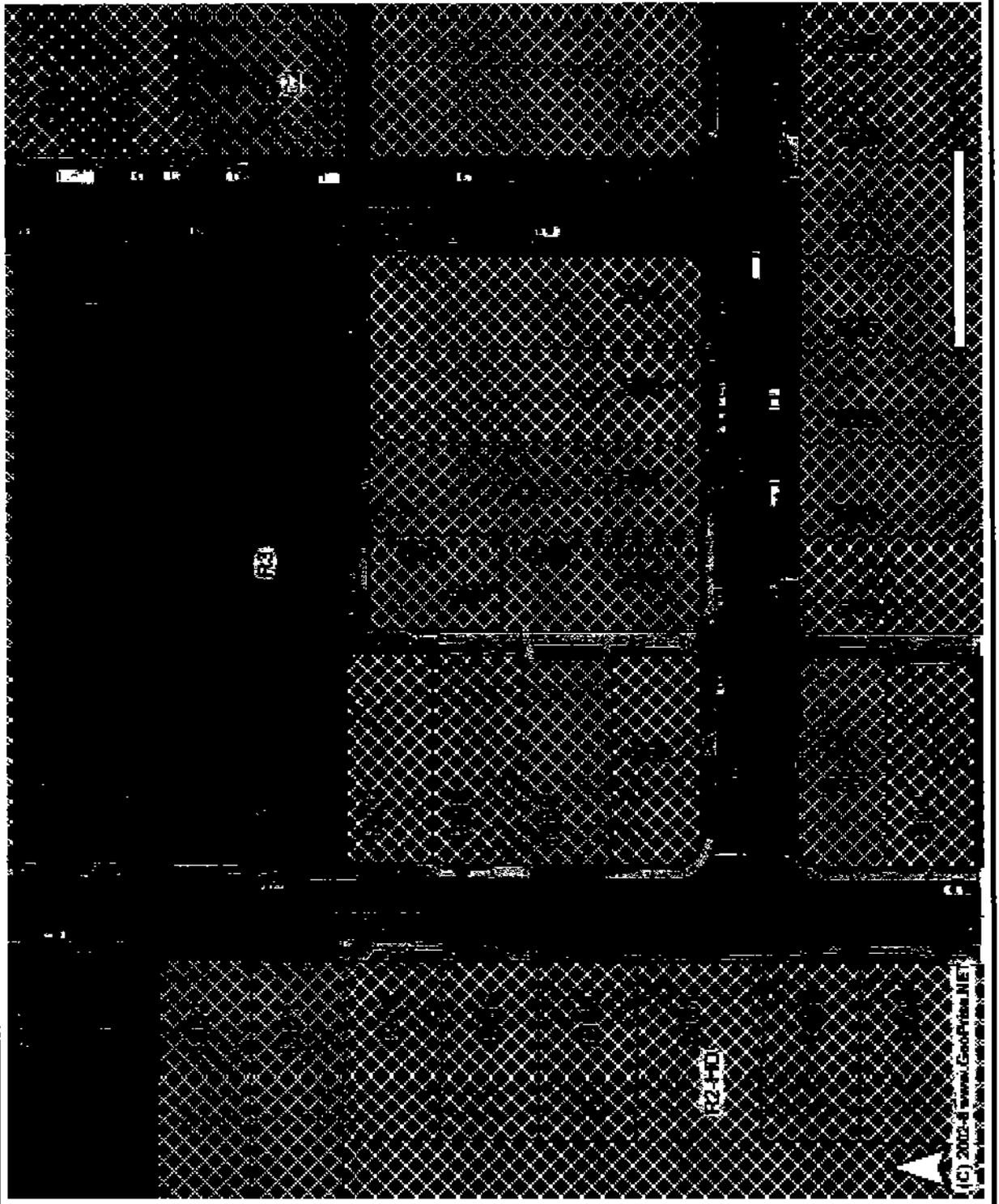
City of Costa Mesa

CITY OF COSTA MESA - [Created: 4/17/2008 9:03:42 AM] [Scale: 121.15] [Page: 8.5 x 11 / Landscape]

Overview Map



Map Display



Legend

- | | |
|------------------------------------|---|
| Address
Large | Primary
SECONDARY
Waterway
Lines |
| Address
Points | Hydrology
Channel-
s |
| Freeway | Street
Names |
| Roads | |
| Collector
Freeway | |
| Major
Newport
BLVD
(cont) | |

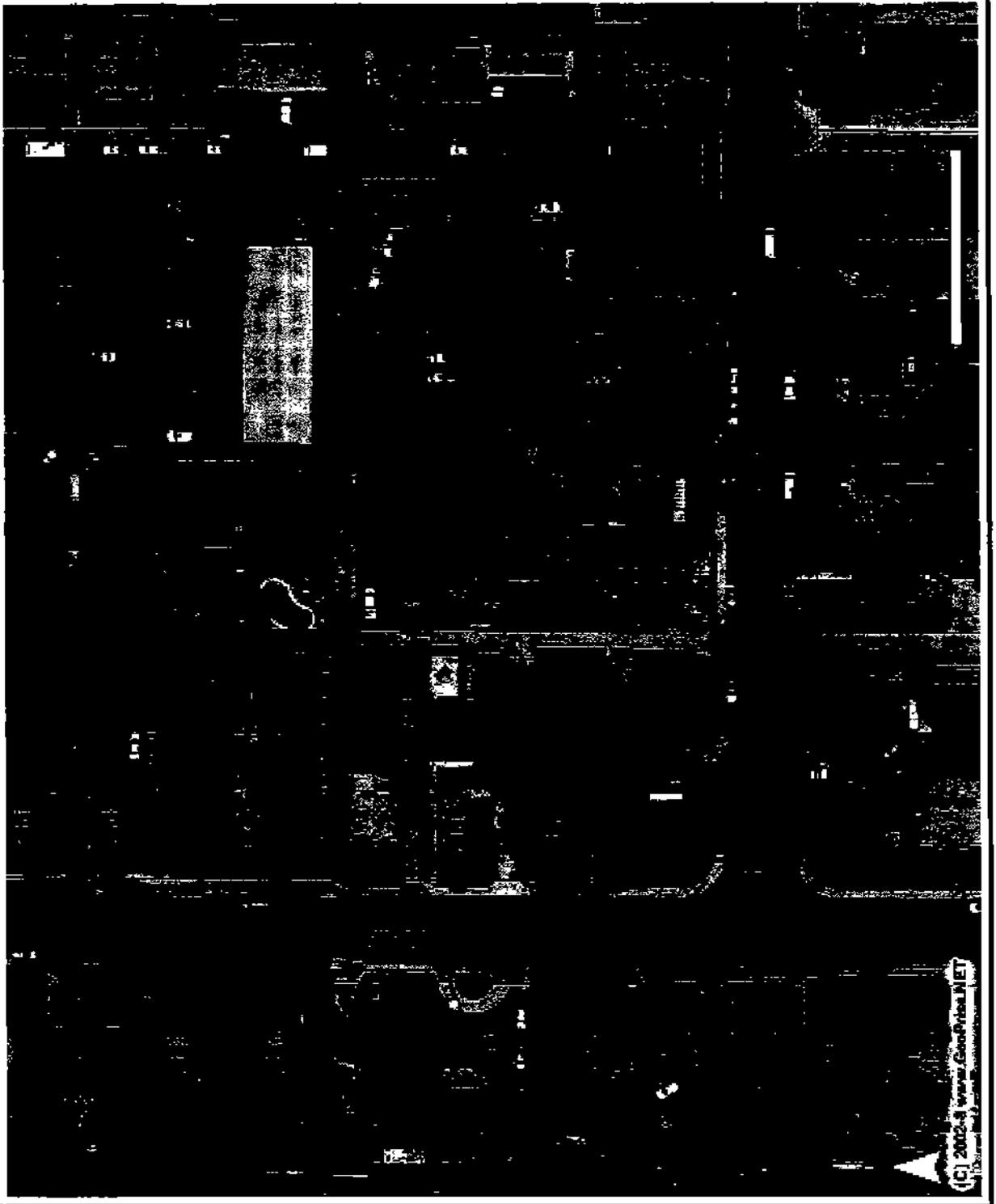
Overview Map



Legend

- | | | | |
|---------------------|----------------------------------|--------------------|--------------|
| Address Large | Primary Secondary Waterway Lines | Hydrology Channels | Street Names |
| Address Points | | | |
| Freeway | | | |
| Roads | | | |
| Collector | | | |
| Freeway | | | |
| Major | | | |
| Newport Blvd (cont) | | | |

Map Display



(C) 2002-8 GeoPrise.net

PM-08-113

SHEET 1 OF 2
ACREAGE: 0.115 ACRES
NO. OF PARCELS: 1
PATRICK J. SAVAGE L.S. 5183
DATE OF SURVEY: FEBRUARY, 2008

PARCEL MAP NO. 2008-113

IN THE CITY OF COSTA MESA, COUNTY OF ORANGE
STATE OF CALIFORNIA

BEING A SUBDIVISION OF PARCEL 3 OF PARCEL MAP NO. 2004-294, RECORDED IN
PARCEL MAP BOOK 360, PAGES 24-26, IN THE CITY OF COSTA MESA, COUNTY OF
ORANGE, CALIFORNIA.

ACCEPTED AND FILED AT THE
REQUEST OF THE

DATE _____
TIME _____ FEE \$ _____
INSTRUMENT # _____
BOOK _____ PAGE _____
TOM DALY
COUNTY CLERK-RECORDER
BY _____
DEPUTY

OWNERSHIP CERTIFICATE

WE THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE
INTEREST IN THE LAND COVERED BY THIS MAP, DO HEREBY CONSENT TO THE
PREPARATION AND RECORDATION OF SAID MAP, AS SHOWN WITHIN THE
DISTINCTIVE BORDER LINE.

OWNER

126 PROPERTIES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

JOHN MOREHART

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF _____

ON _____ BEFORE ME, _____

PERSONALLY APPEARED _____

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY
EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN
INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN
HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY THEIR SIGNATURE(S) ON THE
INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S)
ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE _____

BENEFICIARY

INDYMAC BANK, F.S.B. BENEFICIARY UNDER DEED OF TRUST RECORDED
FEBRUARY 6, 2004 AS INSTRUMENT NO. 2004000094549 OF OFFICIAL
RECORDS.

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF _____

ON _____ BEFORE ME, _____

PERSONALLY APPEARED _____

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY
EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN
INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN
HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY THEIR SIGNATURE(S) ON THE
INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S)
ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON
A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION
MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF JOHN MOREHART IN
(DATE). I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND
OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN SUCH
POSITIONS WITHIN 365 DAYS OF RECORDATION 2008, AND THAT SAID MONUMENTS
ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. I HEREBY STATE
THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR
CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.



Patrick J. Savage
PATRICK J. SAVAGE
LS 5183
MY REGISTRATION EXPIRES 6/30/09

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND IT TO BE
SUBSTANTIALLY IN CONFORMANCE WITH THE TENTATIVE MAP, IF REQUIRED, AS
FILED WITH, AMENDED AND APPROVED BY THE CITY PLANNING COMMISSION THAT
ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND CITY SUBDIVISION
REGULATIONS HAVE BEEN COMPLIED WITH.

DATED THIS _____ DAY OF _____ 2006.

ERNESTO MUNOZ
R.C.E. 47843 EXPIRES 12/31/09
CITY ENGINEER OF THE CITY OF COSTA MESA

COUNTY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND THAT ALL
MAPPING PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH
AND I AM SATISFIED SAID MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____ 2006.

RAYMOND L. MATHE COUNTY SURVEYOR, P.L.S. 6185
LICENSE EXPIRATION DATE: 3/31/08

COUNTY TREASURER-TAX COLLECTOR'S CERTIFICATE

STATE OF CALIFORNIA)

COUNTY OF ORANGE)

I HEREBY CERTIFY THAT ACCORDING TO RECORDS OF MY OFFICE THERE ARE
NO LIENS AGAINST THE LAND COVERED BY THIS MAP OR ANY PART THEREOF FOR
UNPAID STATE, COUNTY, MUNICIPAL OR DISTRICT TAXES OR SPECIAL ASSESSMENTS,
COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS COLLECTED AS
TAXES NOT YET PAYABLE, AND DO CERTIFY TO THE RECORDER OF ORANGE COUNTY
THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH
REGARDING DEPOSITS TO SECURE PAYMENT OF TAXES OR SPECIAL ASSESSMENTS
COLLECTED AS TAXES ON THE LAND COVERED BY THIS MAP.

DATED THIS _____

CHRIS S. STREET
COUNTY TREASURER-TAX COLLECTOR

BY _____
DEPUTY TREASURER-TAX COLLECTOR

13

PARCEL MAP NO. 2008-113

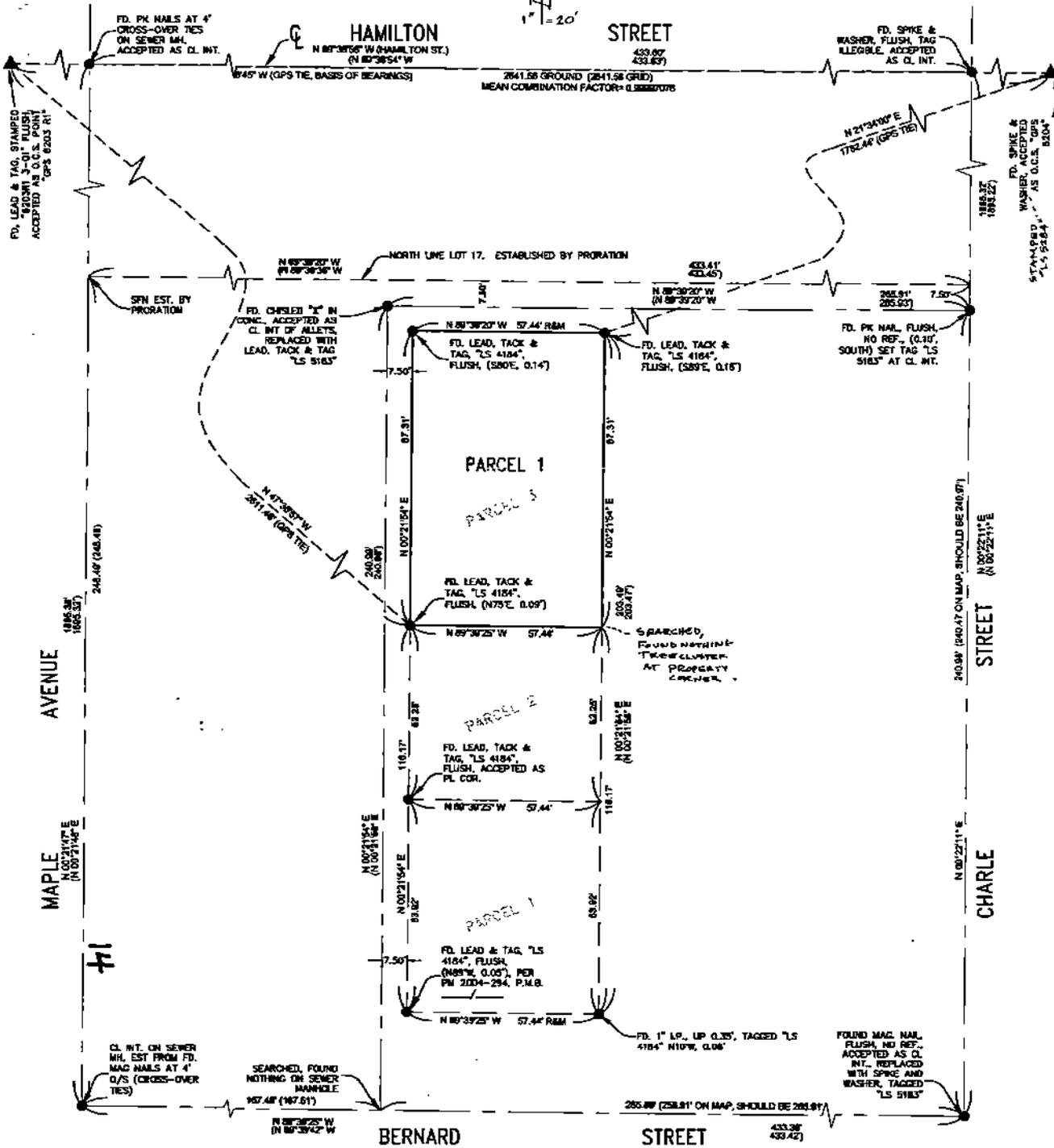
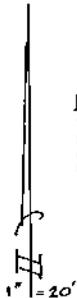
IN THE CITY OF COSTA MESA, COUNTY OF ORANGE
STATE OF CALIFORNIA

BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARINGS BETWEEN ORANGE COUNTY SURVEYOR'S HORIZONTAL CONTROL STATION GPS NO. 6204 AND GPS NO. 6203-R1, BEING N69°38'45"W PER RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

DATUM STATEMENT:

THE COORDINATES SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM (OCS 83), ZONE VI, NAD 1983 (1991.35 EPOCH, O.C.S. GPS ADJUSTMENT). ALL DISTANCES SHOWN HEREON ARE GROUND UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCE, MULTIPLY GROUND DISTANCE BY 0.99997078.





PLANNING COMMISSION AGENDA REPORT

VI.9

MEETING DATE: FEBRUARY 11, 2008

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-07-56
550 BERNARD STREET, UNITS A AND B**

DATE: JANUARY 31, 2008

**FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, AICP
PRINCIPAL PLANNER – 714.754.5153**

DESCRIPTION

The applicant proposes to convert an existing duplex into condominiums.

APPLICANT

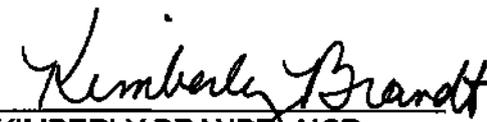
126 Properties LLC, is the property owner and applicant for this project.

RECOMMENDATION

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



WILLA BOUWENS-KILLEEN, AICP
Principal Planner



KIMBERLY BRANDT, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 550 Bernard Street, Units A and B Application: PA-07-56

Request: Conversion of an existing duplex into condominiums.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	<u>R2-HD</u>	North:	<u>R3, apartments</u>
General Plan:	<u>High Density Residential</u>	South:	<u>Surrounding properties</u>
Lot Dimensions:	<u>57 ft. x 85 ft.</u>	East:	<u>are all R2-HD zoned</u>
Lot Area:	<u>4,895 sq. ft.</u>	West:	<u>and developed with apartments.</u>
Existing Development:	<u>Single-story duplex and a detached 2-car garage behind a single-story, single-family residence and the Huscroft House. Planning Application PA-03-02 and Parcel Map PM-04-294 were approved for subdivision of the lot into three parcels. The duplex is located on the rear parcel.</u>		

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	100 ft.	57 ft. ¹
Lot Area	12,000 sq. ft.	4,895 sq.ft. ²
Density:		
Zone/General Plan	1:3,000 sq.ft./1:2,178 sq.ft.	1: 2,447.5 sq.ft. ²
Building Coverage:		
Buildings	N/A	46% (2,229 sq.ft.)
Paving	N/A	21% (1,056 sq.ft.)
Open Space	40% (1,958 sq. ft.)	33% (1,610 sq.ft.) ²
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Private Open Space:	10 ft. x 10 ft. min.	11 ft. minimum
Building Height:	2 stories/27 ft.	1 story/11 ft.
Setbacks:		
Front (interior property line) Main structure/Detached Garage	5 ft./6 ft. separation	3 ft. ⁴ /6 ft. separation
Side – Main Bldg. (left alley/right)	5 ft./5 ft.	19 ft./5 ft.
Side – Detached Garage (left/right)	0 ft./0 ft.	27 ft./10 ft.
Rear - Main bldg./Detached Garage	6 ft. separation/0 ft.	6 ft. separation/1 ft.
Parking:		
Covered	2	2
Open	3	2
Guest	1	1
TOTAL	6 Spaces	5 spaces³
CEQA Status	<u>Exempt, Class 1</u>	
Final Action	<u>Planning Commission</u>	

1 Legal, nonconforming.
 2 Subdivision with variances approved under PA-03-02 and PM-04-294.
 3 PA-03-02 approved for shared parking between the 3 lots (9 spaces required; 10 spaces provided).

BACKGROUND

The subject property contains the historic Huscroft House, a single-story residence, and single-story duplex with a detached two car garage. It was originally part of a four-unit apartment complex built in the 1950's and 1960's. On June 9, 2003, Planning Commission considered Planning Application PA-03-02 to replace the front apartment unit with the Huscroft House, which was relocated to this site, in conjunction with a master plan and a minor design review. Also included with the request were variances and an administrative adjustment from open space, parking, minimum lot area, street frontage, and setback requirements, as well as a conditional use permit for shared parking to facilitate subdivision of the property into three lots. Planning Commission approved the master plan and a minor design review but denied the variances, administrative adjustment, and conditional use permit to allow individual lots.

On July 7, 2003, on appeal by the property owner, City Council approved all of the entitlements associated with the projects. On June 27, 2005, Parcel Map PM-04-294 was approved to facilitate the subdivision of the property into three independent lots.

The property owner proposes to convert the duplex into condominiums. This request was originally approved by Planning Commission under Planning Application PA-06-45 on August 14, 2006. However, due to financial constraints, the applicant was unable to file the parcel map and complete the conversion thus the conversion approval expired.

A parcel map will be required to be processed and recorded before the units can be sold independent of one another. The applicant is aware of this requirement. However, since Parcel Map PM-04-294, which subdivides the overall property into three lots, has not yet been recorded, a condition is included requiring proof of recordation of the parcel map before the new, subsequent condominium map for the duplex is submitted for Planning Commission review. (This allows pertinent information from PM-04-294 to be included on the new map.)

ANALYSIS

Common interest projects must comply with additional development standards above those applicable to apartments. These additional development standards include provision of a minimum 10-foot by 10-foot private open space for each unit and provision of on-site lighting. The project already complies with the common interest development requirements. The project is also in compliance with all applicable residential development standards, or has received a variance and/or administrative adjustment to deviate from Code.

Since the last time this conversion was approved, new standards have been adopted for the processing of residential common interest development conversions. The new code requirements address amount of parking spaces, minimum open space, and the need for reports describing the condition of the units. However, variances from minimum parking and open space requirements were already approved for this site under PA-03-02. Additionally, the duplex has just undergone a major remodel, with building permits finalized on December 10, 2007 and the units are currently unoccupied. Consequently, it is

Planning staff's opinion that the conversion is consistent with the intent of the new conversion ordinance.

GENERAL PLAN CONFORMITY

Approval of the conversion will satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City. The units, whether utilized as apartments or condominiums, are consistent with the current High Density Residential General Plan land use designation.

ALTERNATIVES

The units could be rented if the applicant's 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

All on-site improvements were approved under Planning Application PA-03-02. The project is in compliance with all common interest development requirements. The units have been recently remodeled and were finalized approximately two months ago. Conversion of the apartments will result in additional home ownership opportunities within the City.

Attachments: Draft Planning Commission Resolution with Exhibits
 Applicant's Project Description and Justification
 Location Map
 Plans

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

John Moreheart
126 Properties, LLC
126 East 16th Street
Costa Mesa, CA 92627

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-56**

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

WHEREAS, an application was filed by 126 Properties, LLC, property owner with respect to the real property located at 550 Bernard Street, Units A and B, requesting approval of the conversion of the duplex to a common interest development (condominiums), in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 11, 2008.

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-07-56 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-06-45 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 11th day of February, 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29 (1) in that the proposed conversion project conforms to adopted General Plan policies. The establishment, maintenance, and operation of the project will not be detrimental to the health, safety, and general welfare of persons residing in the surrounding neighborhood, nor will the project be detrimental or injurious to the property and improvements in the neighborhood of the general welfare of the City. The overall design and physical condition of the proposed conversion project achieves a high standard of appearance, quality, and safety. The proposed conversion project conforms to the Costa Mesa Zoning Code requirements. The proposed conversion project, due to its proportion and scale, design elements, and relationship to the surrounding neighborhood, is of continued value to the community and it contributes to defining and improving the community as a whole.

- 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 in that the conversion will satisfy General Plan goals that encourage additional home ownership opportunities and to improve the balance between rental and ownership housing opportunities within the City.
 - d. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.

- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. Applicant shall contact the Building Safety Division, prior to recordation of the future parcel map, to provide proof that applicable building code requirements for condominiums have been satisfied, to obtain a change of occupancy permit, and to complete any additional requirements created through this conversion.
 2. All conditions of approval and Code requirements of Planning Application PA-03-02 shall still be complied with.
 3. The CC&R's shall require that garage spaces be used for parking only. Any changes made to this provision require prior review and approval by the City of Costa Mesa.
 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. 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.
 6. Proof of recordation of Parcel Map PM-04-294 shall be provided prior to the submittal of the parcel map required for this application for Planning Commission review.

126 PROPERTIES, LLC

November 16, 2006

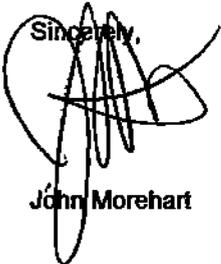
City of Costa Mesa
Development Services Department
77 Fair Drive
Costa Mesa, Ca

Re: Re-Application for Common Interest Development
Property : 550 Bernard Street

We had approval from the City of Costa Mesa to convert the existing duplex at 550 Bernard Street to a Common Interest Development under planning application PA-06-45. We understood that Parcel Map # 2004-294 was to serve as the parcel map for this application. Later we were informed that a separate Parcel Map for the Condominium Conversion was required. The original application expired. In an effort to create owner occupied homes rather than rental units, we are remaking this application for a common interest development for the duplex at 550 Bernard Street. We know the neighborhood would be better served by owner occupied homes. We have successfully transformed the duplex, with close supervision of Pete Tenaci of the Costa Mesa building department, using construction details consistent with the look and quality of the Huscroft House.

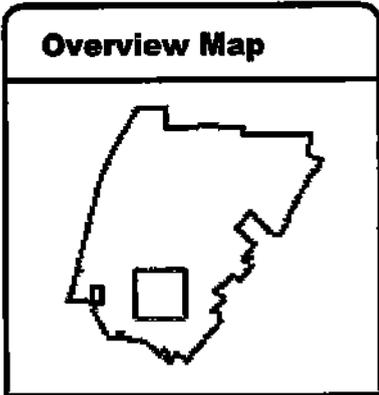
We appreciate your kind consideration of this re-application.

Sincerely,



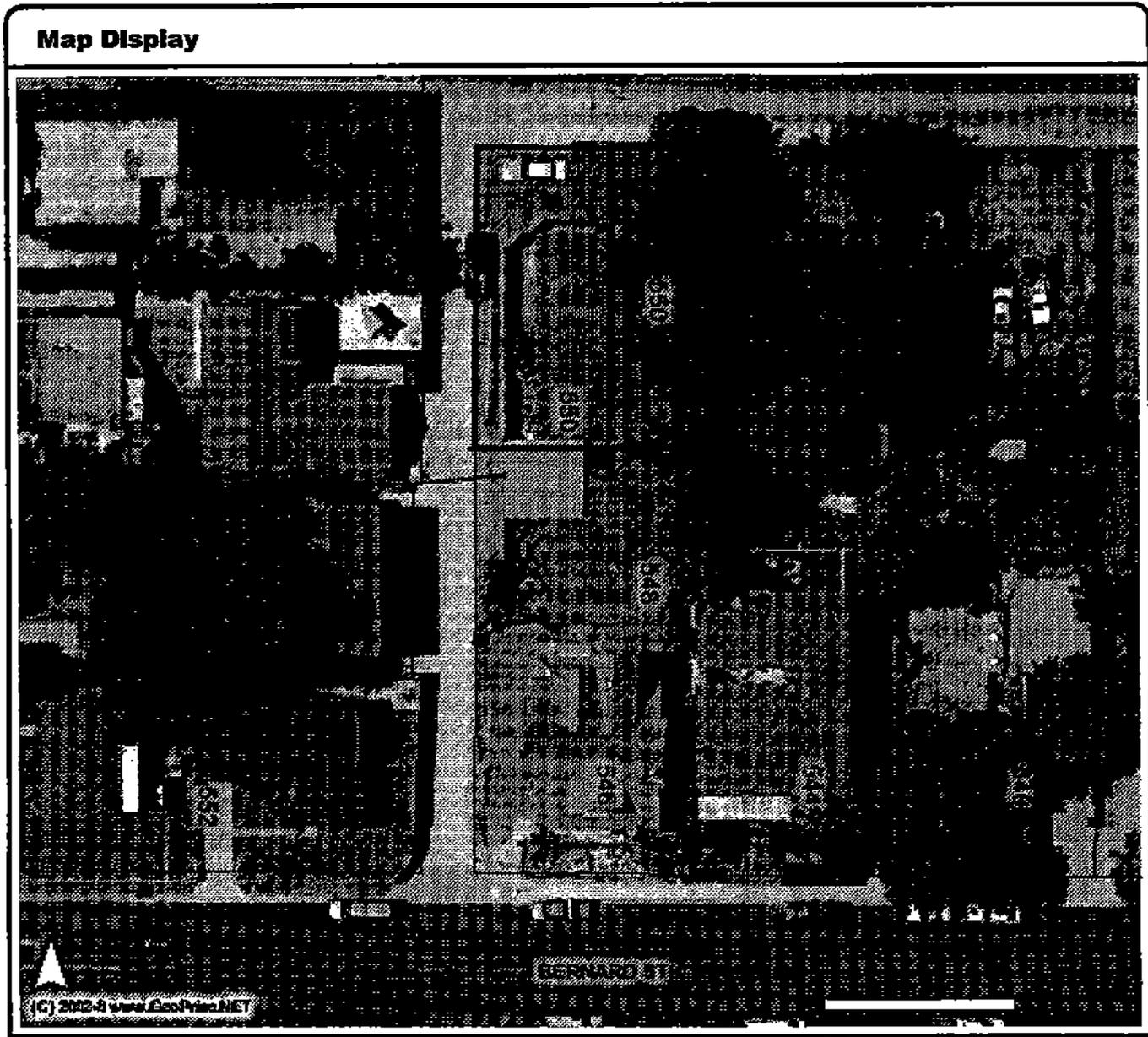
John Morehart

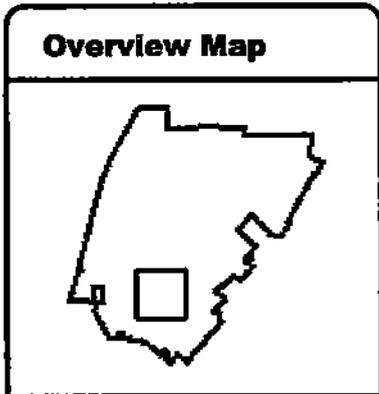
126 E 16TH STREET COSTA MESA CA 92627 949 548 2720 FAX 949 548 4720



Legend

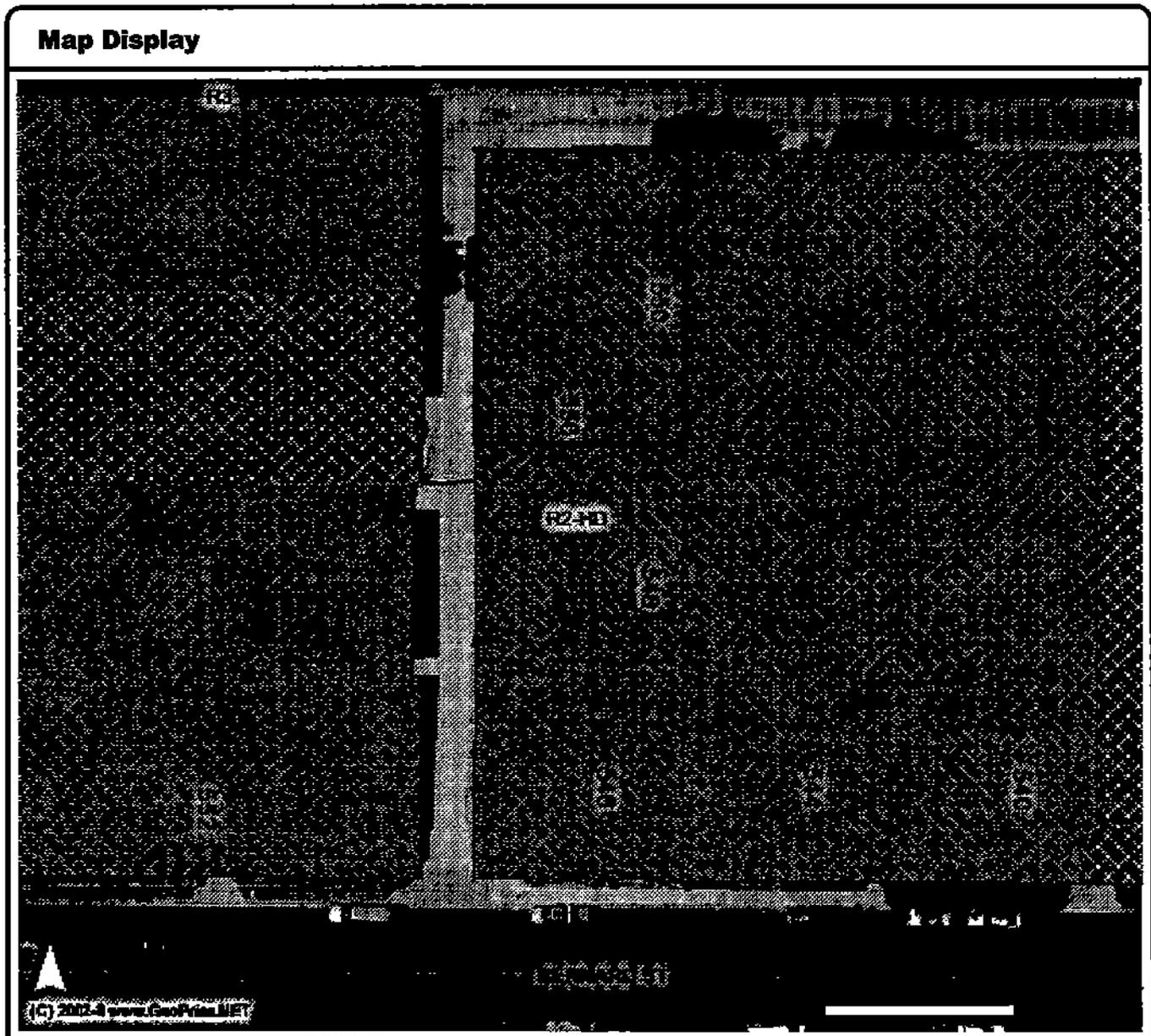
Address Large	•	Address Points	•	Roads	///	Major Newport BLVD	///	
		///	Freeway	///	Collector	///	Primary Point	///
				///	Freeway (cont)		Primary (cont)	

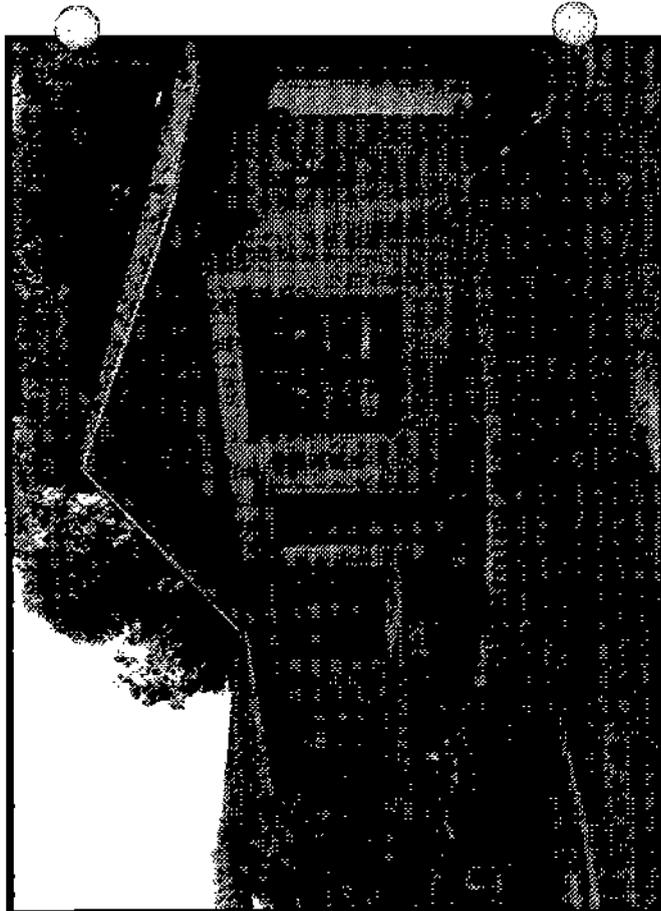




Legend

Address Large	Freeway	Newport BLVD	Hydrology Channels
Address Points	Roads	Primary	Street Names
	Collector	SECONDARY	Street Centerlines
	Freeway	Waterway	
	Major (cont)	Lines	





CONDOMINIUM PLAN FOR 548 BERNARD ST.

Units 1 & 2 in Parcel 3 of Parcel Map 2004-294
In the City of Costa Mesa, California

UNIT NUMBERING PLAN
NOT TO SCALE

SHEET 10 OF 16 SHEETS

