



PLANNING COMMISSION AGENDA REPORT

VI.a

MEETING DATE: JUNE 9, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-06-59 AND PARCEL MAP PM-06-250
1843 POMONA AVENUE, UNITS A THROUGH D

DATE: MAY 29, 2008

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136

DESCRIPTION

The applicant proposes to convert an existing two-story fourplex into four "for-sale" condominiums that will be held together as a common interest development; the proposed parcel map will allow each unit to be sold individually.

APPLICANT

Louie Del Real is the authorized agent for Aurelio Pimentel.

RECOMMENDATION

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



WENDY SHIH
Associate Planner



KIMBERLY BRANDT, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 1843 Pomona Avenue Application: PA-06-59/PM-06-250

Request: Convert an existing two-story fourplex to a common interest development (condominiums).

Zone: R2-HD North: Surrounding properties
 General Plan: High Density Residential South: are all R2-HD
 Lot Dimensions: 75 ft. x 130 ft. East: zoned and contain
 Lot Area: 9,750 sq.ft. West: residences.
 Existing Development: Two-story fourplex with a four-car garage and four open parking spaces.

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>		<u>Proposed/Provided</u>	
Lot size:				
Lot width	100 FT		75 FT ¹	
Lot area	12,000 SF		9,750 SF ¹	
Density: Zone/GP	1 du/3,630 FT		1 du/ 2,437 SF ¹	
Building coverage:				
Buildings	NA		27% (2,662 SF)	
Paving	NA		37% (3,567 SF)	
Open Space	40% (3,900 SF) New Development 30% (2,925 SF) Conversions ²		36% (3,521 SF) ³	
TOTAL	100%		100%	
Min. private open space	10 FT min. dimension		12 FT min. dimension	
Building Height:	2-stories/27 FT		2-stories/ 22 FT	
Setbacks:				
Front	<u>Fourplex</u> 20 FT	<u>Garage</u> 25 FT to bldg.	<u>Fourplex</u> 21 FT	<u>Garage</u> 27 FT to bldg.
Side (left/right)	5 FT/5 FT	0 FT/0 FT	12 FT/22 FT	42 FT/0 FT
Rear	25 FT to garage	0 FT	27 FT to garage	0 FT
Parking:				
Covered	4 (New Development and Conversions)		4	
Open	8 (New Development) 6 (Conversions) ²		4	
TOTAL	12 spaces (New Development) 10 spaces (Conversions) ²		8 ¹	

CEQA Status Exempt, Class 1
 Final Action Planning Commission

- 1 Existing, nonconforming.
- 2 See Analysis section of staff report for discussion of new conversion requirements.
- 3 Approximately 28% (2,767 SF.) existing, nonconforming.

BACKGROUND

The property contains a two-story, four-unit apartment building and a four-car garage. It is located in the Westside within the Mesa West Residential Ownership Urban Plan area, which is an overlay zone that offers flexible development standards to encourage the redevelopment or conversion of existing rental multiple family units to ownership units. This area consists of primarily multiple-family units, many of which were constructed in the 1960s. In the plan area, the percentage of renter versus owner-occupied units is greater than the citywide ratio. According to the 2000 census data, approximately 81% of the units are renter occupied.

Several properties in the area have been approved for and are undergoing revitalization, including conversion of apartments into condominiums at 1798 Pomona Avenue (four units), 685 West 18th Street (10 units), and 679 West 18th Street (four units), located near the southeast corner of Pomona Avenue and West 18th Street.

In 2006, the applicant submitted a request to convert four apartment units into condominiums (the application did not activate the Mesa West Residential Urban Plan regulations). Included in the request was a minor modification to encroach four feet into the required 20-foot front setback for a new trellis and porch covers and a parcel map to facilitate condominium conversion.

On June 25, 2007, Planning Commission denied the request by a vote of 3 to 1 (Hall voted no, Rigeimer absent). Commission determined that the existing development was not suitable for conversion and found the project's substantial nonconformity with current development standards and requested minor modification would negatively impact surrounding properties. The applicant appealed the decision to Council.

For the August 21, 2007, Council meeting, the applicant submitted new plans with revised parking and open space configurations, building treatments, and compliance with the front setback requirement. Council did not take action on the revisions, but instead referred the application back to Commission for review and action.

The application was originally submitted prior to Council's adoption of a moratorium on residential condominium conversion applications and adoption of the revised standards in September 2007. In conjunction with the adoption on the new standards, Council exempted any application that was in "process" from the new condominium conversion standards; therefore, the new standards do not apply to this project.

ANALYSIS

Residential Common Interest Development Conversion

Comparison of Revised Plans to Original Plans

In response to Commission's concerns, the applicant revised the plans in the following areas:

- Deleted front porch and trellis to comply with the 20-foot front setback requirement; thereby eliminating the request for a minor modification.
- Added open space (28% existing; 34% originally proposed; 36% proposed on new plan).
- Modified configuration of the open parking spaces to create an outdoor recreation area at the rear of the property; however, no increase to the total number of parking spaces is proposed.

Open Space: Staff believes the revised plans address the majority of the Commission's concerns and the additional open space further enhances the project. Overall open space throughout the property has been increased by reducing the driveway pavement and reconfiguring the open parking spaces in the rear. The additional open space allows for larger private patio areas in front of each unit (a 12-foot minimum dimension is provided) and a common outdoor recreation area in the property's back corner. Staff has included conditions that require the installation of play equipment that is appropriate for the size of the common recreation area.

Parking: Staff notes that previous conversion standards did not require nonconforming parking to be brought into compliance with current parking requirements. The project has four fewer parking spaces than what would be required for new construction. However, each unit is provided with one garage space and one open parking space and staff has included a condition of approval that requires the garages be used for vehicle parking only. The nonconforming parking is similar to other conversions approved by Commission under previous conversion standards:

1798 Pomona (4 units)	685 W. 18th (10 units)	679 W. 18th (4 units)
8 spaces provided	18 spaces provided	7 spaces provided
10 spaces required	25 spaces required	10 spaces required

In respect to the new condominium conversion parking requirements, the project has 2 fewer spaces than what is required (10 spaces required; 8 spaces provided).

Other Design Considerations: The existing structures have flat roofs and blank elevations. To improve the overall appearance of the property, the applicant is proposing two large outdoor fireplaces with simulated flagstone to break up building mass, as well as roof overhangs, glass block accents, new window trim, and reveals to provide architectural interest.

Property inspection and termite reports were submitted by the applicant, and inspections were conducted by Building Safety staff. The termite report did not cite any infestations, because the building was treated approximately two years ago. Staff has included conditions of approval requiring additional upgrades to the property prior to recordation of the parcel map, such as the provision of individual water heaters and washer/dryer hook-ups for each unit. This will allow the demolition of the existing laundry room as shown on the site plan. A condition is also included requiring the property to be brought into compliance with current landscaping requirements.

Parcel Map

The parcel map will facilitate the ownership housing project, and staff believes the map complies with the requirements of the Subdivision Map Act and Chapter XI (Subdivision) of the Zoning Code. A condition is included requiring a provision in the CC&Rs for use of garages for parking purposes only.

GENERAL PLAN CONFORMITY

Approval of the conversion will satisfy General Plan Goal LU-1A.4 which encourages additional home ownership opportunities in the City. The proposed condominium conversion meets the General Plan's Land Use and Housing Element goals and objectives for additional ownership housing and will incrementally improve the balance between rental and ownership housing opportunities within the City. The units, whether utilized as apartments or condominiums, are consistent with the High Density General Plan land use designation because they are existing legal nonconforming.

ALTERNATIVES

The units could still be rented without site upgrades, if the request is denied.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Sections 15301 for Existing Facilities.

CONCLUSION

Conversion of the apartments to condominiums will provide additional home ownership opportunities, which would incrementally improve the overall ratio of rental to ownership housing in the community. Additionally, staff believes the required site and building upgrades will further improve the overall appearance of the neighborhood consistent with previously approved condominium conversion projects and that the additional on-site open space is a desirable amenity.

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

Inspection Reports
City Council Minutes and Report from August 21, 2007
Planning Commission Minutes and Report from June 25, 2007
Location Map
Plans

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

Louie Del Real
1843 Pomona Ave., #A
Costa Mesa, CA 92627

Aurelio Pimentel
2644 Riverside Dr.
Costa Mesa, CA 92627

Occupant
1843 Pomona Avenue, Unit B
Costa Mesa, CA 92627

Occupant
1843 Pomona Avenue, Unit C
Costa Mesa, CA 92627

Occupant
1843 Pomona Avenue, Unit D
Costa Mesa, CA 92627

File: 060908PA0659PM06250	Date: 052908	Time: 11:30 a.m.
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RESOLUTIONS

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-06-59 AND PARCEL MAP PM-06-250**

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

WHEREAS, an application was filed by Louie Del Real, authorized agent for property owner Aurelio Pimentel, with respect to real property located at 1843 Pomona Avenue, Units A through D, requesting approval of conversion of a fourplex to a common interest development (condominiums) with an associated subdivision map, in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 9, 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-06-59 and Parcel Map PM-06-250 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-06-59 and Parcel Map PM-06-250 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 9th day of June 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (APPROVAL)

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(10) in that the conversion of the units would not result in a loss of affordable rental units or displacement of seniors because there are none residing on the property. The conversion conforms to adopted General Plan policies. The establishment, maintenance, or operation of the project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing in the surrounding neighborhood, nor will the project be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City. As conditioned, the overall design and physical condition of the project will achieve a high standard of appearance, quality, and safety. The project, due to its proportions and scale, design elements, and relationship to the surrounding neighborhood, is of continued value to the community, and contributes to defining and improving the community as a whole. Deviations from Zoning Code requirements are acceptable because it would be impracticable or physically impossible to implement features that could result in conformance with current Code requirements without compromising the integrity of the overall project. Conversion of the apartments will result in a general upgrading of the property, as well as providing additional home ownership opportunities within the City. To ensure that existing tenants are not displaced unreasonably, a condition of approval is included requiring current tenants be offered right of first refusal to purchase, or the property owner pay registration fees for an apartment search service to help them find a new apartment if they decide not to purchase.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(e) in that:
- a. The project is compatible and harmonious with existing development and uses in the general neighborhood.
 - b. Safety and compatibility of the design of buildings, parking areas, landscaping, luminaries and other site features, which includes functional aspect of the site development such as automobile and pedestrian circulation, have been considered.
 - c. The project is consistent with the General Plan's Land Use and Housing Element goals and objectives for additional ownership housing and to improve the balance between rental and ownership housing opportunities within the City.
 - d. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
 - e. The cumulative effect of all the planning applications has been considered.
- C. The proposed single lot airspace subdivision is consistent with the City's General Plan and Zoning Ordinances.
- D. Approval of the subdivision will allow additional home ownership opportunities without impacting affordable rental housing. This is consistent with the objectives, policies, general land use, and programs specified in the General Plan.
- E. The subject property is physically suitable to accommodate PM-06-250 in terms of type, design and density of development, and will not result in substantial

environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.

- F. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- G. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entry and/or public utility rights-of-way and/or easements within the tract.
- H. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- I. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301.
- J. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. Complete all exterior and interior improvements listed in the "Scheduled List of Improvements" submitted by the applicant on March 27, 2007 and August 23, 2007. All requirements are to be completed under the direction of the Planning staff.
2. Stationary play equipment shall be located on turf, sand, or other treated surface to the satisfaction of the Development Services Director on the open space area located at the rear of the property. The common outdoor play area shall include a combination of both soft and hard surfaces.
3. Prior to building permit issuance, the applicant shall submit a final playground plan for review and approval, which includes detailed playground specifications of manufactured play equipment. The playground plan shall depict safety fall zones, safety surfacing materials and construction specifications, manufacturer and model numbers of equipment and equipment deck heights.
4. Prior to occupancy, the applicant shall submit a letter stating that the play equipment installation has been inspected by a person authorized by the manufacturer, that the equipment has been installed per manufacturer's specifications, and that it complies with the minimum playground safety regulations adopted by the State of California (California Code of Regulations, Title 22, Division 4, Chapter 22).
5. There shall be no nighttime lighting, except for security purposes, of the common outdoor play area. 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 nearby residences.
6. The address of the property and individual units (A through D) shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
7. Street addresses shall be displayed on the complex identification sign or, if there is no complex identification sign, on the wall in a manner visible to the public street. Street address numerals shall be a minimum 6" in height with not less than 1/2" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than 1/4" stroke and shall contrast sharply with the background.
8. Applicant shall contact the Building Safety Division, prior to the release of utilities for any units, to provide proof that the Uniform Building Code requirements for condominiums have been satisfied, to obtain a change of occupancy permit, and to complete any additional paperwork created through this conversion.
9. The site plan shall show provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and the US Postal Service.
10. The conditions of approval and code requirements of Planning Application PA-06-59/PM-06-250 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

11. Applicant shall contact the Planning Division to arrange for an inspection of the site prior to final map approval. This inspection is to confirm that conditions of approval and code requirements have been satisfied.
12. 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 Division.
13. Applicant shall offer existing tenants right of first refusal to purchase any of the units with terms more favorable than those offered to the general public. The right shall run for a period of not less than 90 days unless the tenant gives prior written notice of his or her intention not to exercise the right. If an existing tenant confirms in writing that he/she is not interested in purchasing any of the units, the applicant shall register the tenant with an apartment/rental referral service that is mutually acceptable to the applicant and tenant, and if a registration fee is required, the applicant shall pay said fee. Applicant shall provide the Planning staff a copy of the written offer and the tenant's written response prior to map recordation. Applicant shall also provide written evidence that all tenants not accepting the purchase offer are registered with an apartment/rental referral service and the registration fee has been paid, if applicable.
14. The CC&Rs shall disclose that the available parking on-site is two spaces fewer than the current condominium conversion parking standards because of its existing nonconforming status.
15. The CC&R's shall require garage spaces be used for vehicle parking purposes only. Any changes made to this provision require prior review and approval by the City of Costa Mesa.
16. The applicant shall contact utility companies for requirements and to obtain separate meters for each unit.
17. In conjunction with project plan check review and approval, submit two (2) sets of detailed landscaped and irrigation plans which comply with Municipal Code requirements regarding landscaping materials and irrigation including percentage of turf allowed, number of trees and shrubs, etc., and provision of benderboard or other separation between turf and shrub areas.
18. The exterior of all building elevations shall be completely repainted. A minimum two colors shall be used - three colors recommended.
19. Install energy efficient exterior doors and windows on all building elevations.
20. Provide exterior storage area for every unit under direction of Planning staff.
21. Underground overhead power line connections.
22. Install rain gutters on all appropriate building elevations.
23. Replace any broken sidewalks, driveways, or other hardscape improvements.
24. Repair, replace, or construct interior property walls and/or fences.
25. Screen utility meters, pedestals, etc. from the public right-of-way under the direction of the Planning Division.
26. Replace all appliances, water heaters, and light fixtures with Energy Star (or better) rated appliances/fixtures, including programmable heating systems, unless the applicant demonstrates that the existing appliances, etc. are energy efficient.

- Bldg.
27. Provide washer/dryer hook-ups inside every unit and demolish the laundry room as shown on the site plan.
 28. Provide appropriate interior separation of any common attic space areas and upgrade attic insulation to the maximum extent feasible.
 29. The following Building Division corrections shall be made to all units:
 - a. Provide GFCI Protected receptacles at all required areas.
 - b. Remove extension cords in garages.
 - c. Maintain clearances at electrical panels next to refrigerators.
 - d. Provide seismic straps for water heaters.
 - e. Temperature and pressure relief valve requires discharge to the exterior.
 - f. Install smoke detectors at all required areas.
 30. Each unit shall have access to the electrical branch circuits that serve the unit, and each unit shall have 100-amp service.
 31. Replace all electrical wiring, outlets, switches, interior lighting (Title 24) sub panels and exterior lighting.
 32. Replace all above ground plumbing and add tankless water heaters or other efficient water heaters, camera test the sewer line and replace if needed, add main sewer clean outs and complete a water test.
 33. Replace drywall with soundboard.
 34. Check all framing for integrity and replace if needed.
 35. Install new ducting, registers, and HVACs as needed.
 36. Replace all gas lines (interior and exterior) and conduct a pressure test.

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF COSTA MESA DENYING PLANNING APPLICATION PA-06-59
AND PARCEL MAP PM-06-250**

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

WHEREAS, an application was filed by Louie Del Real, authorized agent for property owner Aurelio Pimentel, with respect to the real property located at 1843 Pomona Avenue, Units A through D, requesting approval of the conversion of a fourplex to a common interest development (condominiums) with an associated subdivision map, in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 9, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-06-59 and Parcel Map PM-06-250 with respect to the property described above.

PASSED AND ADOPTED this 9th day of June 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(10) in that the residential common interest development conversion does not conform to adopted General Plan policies. The establishment, maintenance, or operation of the project will be detrimental to the health, safety, peace, comfort, and general welfare of persons residing in the surrounding neighborhood, and the project will be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City. The overall design and physical condition of the project does not achieve a high standard of appearance, quality, and safety. The project, due to its proportions and scale, design elements, and relationship to the surrounding neighborhood, is not of continued value to the community and does not contribute to defining and improving the community as a whole.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(e) in that:
- a. The project is not 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 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.
- D. 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

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.**