



PLANNING COMMISSION AGENDA REPORT

VI.5

MEETING DATE: NOVEMBER 10, 2008

ITEM NUMBER:

SUBJECT: TENTATIVE TRACT MAP T-17284
2043 CHARLE STREET, COSTA MESA

DATE: OCTOBER 30, 2008

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

DESCRIPTION

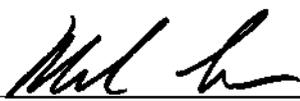
The applicant is requesting approval of the tentative map to accommodate a conversion of 24 apartment units to condominiums previously approved under Planning Application PA-06-40.

APPLICANT

The applicant is Pat Swanson, representing Villa Nova Townhomes, L.P., the owner of the property.

RECOMMENDATION

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



MEL LEE, AICP
Senior Planner



KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND/DISCUSSION

The property is located on the west side of Charle Street, between Hamilton Street and Bernard Way, and contains a 24-unit, two-story, apartment complex (Villa Nova Apartments). On November 13, 2006, Planning Commission approved Planning Application PA-06-40, a request to convert the apartments to condominiums, subject to conditions of approval, including the following:

- Expand the existing patio areas, where appropriate, to comply with the minimum 10-foot by 10-foot private open space dimensions per Code.
- Comply with all building, plumbing, electrical, and mechanical corrections listed in the September 28, 2006, Building Safety Division memo.
- Provide cabinet enclosures over the meters located at front of the buildings.

The applicant began some of the upgrades to the units within the one-year approval period of the original conversion; as a result, a time extension request was not required. However, as of this date, the majority of the upgrades have not been completed. If the map is approved, staff will ensure that all of the upgrades required per the original conditions of approval are completed prior to the recordation of the subdivision map.

Additionally, staff is encouraging the applicant to comply with the recently updated Zoning Code requirements for conversions per Section 13-42(h), Conversion Standards. However, staff cannot require the applicant to comply with these requirements because the conversion was approved and work began prior to their adoption. The map itself complies with City Codes and the State Subdivision Map Act.

State law requires that all existing and prospective tenants be notified of the proposed conversion a minimum of 60 days prior to the filing of the subdivision map. The applicant has provided proof of this notification.

The Planning Staff Report and meeting minutes for PA-06-40 can be found on the City website at the links below:

Report:

<http://www.ci.costa-mesa.ca.us/council/planning/2006-11-13/111306PA0640.pdf>

Minutes:

http://www.ci.costa-mesa.ca.us/council/planning/pm_061113.pdf

GENERAL PLAN CONSISTENCY

The proposed subdivision affects only how the units may be sold; as a result, there will be no effect on the City's General Plan. Approval of the map is consistent with the City's General Plan, particularly Goal LU-1A.4, which encourages additional home ownership opportunities in the City to improve the balance between rental and ownership housing within the City.

ALTERNATIVES

If the map is denied, the applicant would not be able to convert the units. The applicant could not file a similar request for six months.

ENVIRONMENTAL DETERMINATION

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.

CONCLUSION

Approval of the subdivision map will facilitate ownership units as approved under Planning Application PA-06-40. The upgrades to the property per the original conditions of approval and the Zoning Code will be required to be completed before the map is recorded and the units are sold.

- Attachments:
1. Draft Planning Commission Resolutions (Approval and Denial)
Exhibit "A" (Findings)
Exhibit "B" - Draft Conditions of Approval
 2. Letter from the City Engineer
 3. Location Map
 4. Plans

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

Pat Swanson
18881 Von Karman Ave., # 800
Irvine, CA 92612

Villa Nova Townhomes, L.P.,
33 Goleta Point Drive
Corona Del Mar, CA 92625

Occupant
2043 Charle Street, #A1
Costa Mesa, CA 92627

Occupant
2043 Charle Street, #A2
Costa Mesa, CA 92627

Occupant
2043 Charle Street, #A3
Costa Mesa, CA 92627

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2043 Charle Street, #A4
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Costa Mesa, CA 92627

Occupant
2043 Charle Street, #C6
Costa Mesa, CA 92627

Occupant
2043 Charle Street, #C7
Costa Mesa, CA 92627

ATTACHMENT 1

RESOLUTION NO. 08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING TENTATIVE TRACT
MAP T-17284**

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

WHEREAS, an application was filed by Pat Swanson, representing Villa Nova Townhomes, L.P., owner of real property located at 2043 Charle Street, requesting approval of a tentative tract map to facilitate a 24-unit residential common interest development previously approved under Planning Application PA-06-40 in an R3 zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 10, 2008;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions in Exhibit "B," the Planning Commission hereby **APPROVES** Tentative Tract Map T-17284 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 Tentative Tract Map T-17284 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 November, 2008.

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 November 10, 2008, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS (APPROVAL)**

- A. The subdivision complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The subdivision is consistent with the General Plan.
 - b. The planning application is for a project-specific case and does not establish a precedent for future development.
- 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 IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- D. The subdivision of the property for residential condominiums is consistent with the City's General Plan and Zoning Code.
- E. The proposed use of the subdivision is for residential ownership purposes is compatible with the City's General Plan.
- F. The subject property is physically suitable to accommodate Tentative Tract Map T-17284 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.
- G. 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.
- H. 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.
- I. 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).

EXHIBIT "B"

CONDITIONS OF APPROVAL

- PIng. 1. The applicant is reminded that all conditions of approval, code requirements, and special district requirements, of Planning Application PA-06-40 shall be complied with prior to recordation of the subdivision map.
- Eng. 2. Comply with all requirements of the City Engineer's letter dated July 11, 2008.

RESOLUTION NO. 08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING TENTATIVE TRACT MAP
T-17284**

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

WHEREAS, an application was filed by Pat Swanson, representing Villa Nova Townhomes, L.P., owner of real property located at 2043 Charle Street, requesting approval of a tentative tract map to facilitate a 24-unit residential common interest development previously approved under Planning Application PA-06-40 in an R3 zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 10, 2008;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Tentative Tract Map T-17284 with respect to the property described above.

PASSED AND ADOPTED this 10th day of November, 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- A. The proposed subdivision does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
 - 2. The proposed use is not consistent with the General Plan.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(13) in that the proposed subdivision is not consistent with the General Plan and the Zoning Code and will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood.
- C. The Costa Mesa Planning Commission has denied Tentative Tract Map T-17284. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 2



CITY OF COSTA MESA

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

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

July 11, 2008

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

SUBJECT: Tract No. 17284
LOCATION: 2043 Charle Street

Dear Commissioners:

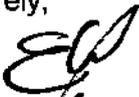
Tentative Tract Map No. 17284 as furnished by the Planning Division for review by the Public Services Department, consisting of a one-lot subdivision to convert an existing 2-story, 24-unit apartment complex into a common interest development (condominiums). Tentative Tract Map No. 17284 meets the approval 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 address soil investigation pursuant to Ordinance sec. 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. Prior to any construction, a construction access and/or encroachment permits shall be obtained from the City of Costa Mesa Engineering Division.
5. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.
6. Vehicular and pedestrian access rights to Charle Street shall be released and relinquished to the City of Costa Mesa except at approved access locations.
7. Fulfill Drainage Ordinance Fee requirements prior to: Approval of Final Map or Plans.

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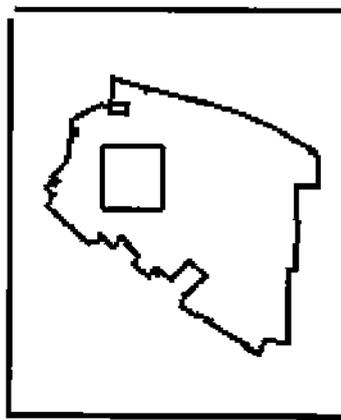
8. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to the approval of the Final Map.
9. Sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 631-1731 for information.
10. Water system improvements shall meet the approval of Mesa Consolidated Water District; call (949) 631-1200 for information.
11. The Subdivider shall submit a cash deposit of \$710 for street sweeping at time of issuance of a Construction Access permit.
12. 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).
13. 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, Sec. 7-9-337 of the Orange County Subdivision Code.
14. 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.
15. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.
16. The elevations shown on all plans shall be on Orange County benchmark datum.
17. 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.
18. 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 within sixty days after recordation of the Tract Map.

Sincerely,



Ernesto Muñoz, P. E.
City Engineer

Overview Map



Legend

- Street Names
- Parcels
- ROW
- Polygon-
- Street Centerlines
- Parcel Lines
- Level 2 Ortho Photo

Map Display

