



PLANNING COMMISSION AGENDA REPORT

VIII. 2

MEETING DATE: SEPTEMBER 14, 2009

ITEM NUMBER:

SUBJECT: TIME EXTENSION FOR DESIGN REVIEW PA-07-55
TWO-UNIT COMMON INTEREST DEVELOPMENT AT 2246 ELDEN AVENUE

DATE: SEPTEMBER 3, 2009

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714-754-5136

DESCRIPTION

The property owner is requesting an extension of time for a design review to construct two, two-story condominium units including the following:

- Minor modification from rear yard setback requirement for second floor (20 feet required; 16 feet proposed).
- Deviation from Residential Design Guidelines for second floor interior side setback (10-foot average recommended; 8.6-foot average proposed for the rear unit).

APPLICANT

Frank D. DiFerdinando is the property owner and applicant for the time extension request.

RECOMMENDATION

Approve the time extension to be valid to June 9, 2013 by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


KHANH NGUYEN
Acting Asst. Development Svs. Director

BACKGROUND

The property is located on the southeast corner of Cecil Place and Elden Avenue, on the City's eastside. The property is zoned R2-MD (Multiple Family Residential – Medium Density) and has a General Plan designation of Medium Density Residential. The applicant proposes to construct two attached, two-story condominium units. A parcel map that would allow the homes to be sold independent of one another is also proposed. The site is vacant and is secured and screened with a chain link fence.

On June 9, 2008, Planning Commission, on a 5-0 vote, approved Design Review PA-07-55 for the construction of the condominium units and Parcel Map PM-08-101 to facilitate individual ownership of the units.

The Planning staff report and meeting minutes for the design review can be viewed on the City's website at the links below:

PA-07-55 and PM-08-101 Report

<http://www.ci.costa-mesa.ca.us/council/planning/2008-06-09/060908PA0755PM08101.pdf>

PA-07-55 and PM-08-101 Minutes

http://www.ci.costa-mesa.ca.us/council/planning/pm_080609.pdf

The parcel map approval was valid for two years. However, Senate Bill 1185 was passed in July 2008 which allowed the two-year approval period for maps to be automatically extended an additional year. Subsequently, Assembly Bill 333 was passed in July 2009 which allowed an additional two-year extension. Therefore, the map approval is valid until June 9, 2013.

ANALYSIS

The project consists of two, two-story condominium units that are attached on the first floor and detached on the second floor. With exception of the second floor rear setback requirement (20 feet required; 16 feet proposed), the project complies with the Residential Development Standards. The proposed structure does not satisfy the Residential Design Guidelines with respect to second- to first-floor ratio (80 percent recommended; 74 percent proposed) and second floor interior side setback (10-foot average recommended; 8.6-foot average proposed for the rear unit). However, Commission determined that the project design provides architectural interest and is compatible with the neighborhood and the intent of the Residential Design Guidelines.

A recorded parcel map is required prior to the issuance of building permits for the condominium units. The applicant submitted grading and building plans for plan check in March 2008. However, due to economic conditions, the applicant has not recorded the parcel map and, as a result, cannot obtain building permits prior to the expiration of the design review approval. Since applicable Code and Residential Design Guidelines have not changed since Commission's approval of the design review, staff recommends approval of the time extension. Additionally, because building permits cannot be issued without proof of recordation of the parcel map, staff recommends that the design review approval be extended to expire on the same date as the map. Therefore, due to an

automatic three-year extension granted to all subdivision maps by the State Legislature, the project and map approval would remain valid until June 9, 2013.

ALTERNATIVES

If the time extension is denied, the design review approval will expire and the project may not be constructed as proposed. The applicant could not file a similar request for six months.

CONCLUSION

Approval of the time extension would allow the applicant additional time to obtain building permits so the previously approved project can be constructed. Staff recommends approval of the time extension given that applicable Code sections and residential design guidelines have not changed since the original approval and that State legislature has extended the life of certain subdivision maps by a total of three years.

- Attachments:
1. Planning Commission Resolution
 2. Applicant's Time Extension Request Letter
 3. Location Map
 4. Plans

cc: Acting Development Svs. Director
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Frank D. DiFerdinando
Stallion Investments, LLC
P.O. Box 10715
Newport Beach, CA 92658

File: 091409PA0755TimeExt	Date: 082709	Time: 1:30 p.m.
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ATTACHMENT 1

RESOLUTION NO. PC-09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING AN EXTENSION OF TIME FOR PLANNING APPLICATION PA-07-55

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

WHEREAS, Planning Application PA-07-55 is a design review for a two-story, two-unit condominium project at 2246 Elden Avenue, in the R2-MD zone;

WHEREAS, on June 9, 2008, Planning Commission approved PA-07-55 and PM-08-101 by adoption of Resolution No. PC-08-49, of which is attached hereto as Exhibit "1";

WHEREAS, a time extension request for PA-07-55 was filed by property owner Frank D. DiFerdinando;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 14, 2009 to consider the time extension request;

WHEREAS, the applicable zoning regulations set forth in Title 13 of the Costa Mesa Municipal Code and the City's residential design guidelines have not significantly changed since approval of the proposed project;

WHEREAS, the time extension does not change the previously-adopted findings and conditions of approval for Planning Application PA-07-55, as specified in Exhibits "A" and "B" respectively, of Resolution No. PC-08-49. These findings and conditions of approval in their entirety are still applicable to the proposed project.

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **APPROVES** an extension of time for Planning Application PA-07-55 to **June 9, 2013** 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-07-55. This action is also based on the evidence in the record and findings and subject to the applicant's compliance with each and all of the conditions as specified in Resolution No. PC-08-49.

PASSED AND ADOPTED this 14th day of September 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT 1

RESOLUTION NO. PC-08-49

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-55 AND PARCEL MAP PM-08-101**

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

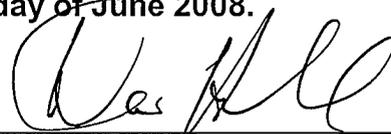
WHEREAS, an application was filed by Nanci Glass, authorized agent for property owner Frank DiFerdinando, with respect to the real property located at 2246 Elden Avenue, requesting approval of a design review to construct two, two-story condominium units with a minor modification to encroach four feet into the required 20-foot rear setback for a second-floor bedroom and a parcel map to facilitate the subdivision, in the R2-MD 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-07-55 and Parcel Map PM-08-101 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-07-55 and Parcel Map PM-08-101 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 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 Medium 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 section 13-29(g)(6) of the Costa Mesa Municipal Code in that the four-foot encroachment into the required 20-foot rear setback for a second-floor bedroom 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 appearance and scale of the structure and any other features relative to a compatible and attractive development.
- C. 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.
- D. The proposed subdivision is consistent with the City's General Plan and Zoning Ordinances.
- E. The subject property is physically suitable to accommodate PM-08-101 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's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- 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. 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 two-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-07-55 and Parcel Map PM-08-101 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.
15. The project is subject to compliance with all applicable federal, state, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
16. 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.

Eng.

ATTACHMENT 2

Stallion Investment, LLC
P.O. Box 10715
Newport Beach, CA 92658

RECEIVED
JUL 11 2009
BY:.....

July 7, 2009

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

Subject: Request for Extension for Design Review PA-07-55

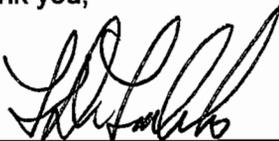
Dear Mr. Lee,

I am requesting an extension for my project at 2246 Elden Ave., Costa Mesa, CA 92627.

The reason for extension is due to the inability to secure my construction financing as a result of the current economic situation. My previously approved construction financing was cancelled due to the failure of the financial institution. I am currently exploring several promising options to finance this development per the approved plan design.

Your consideration to grant me this extension will be greatly appreciated.

Thank you,



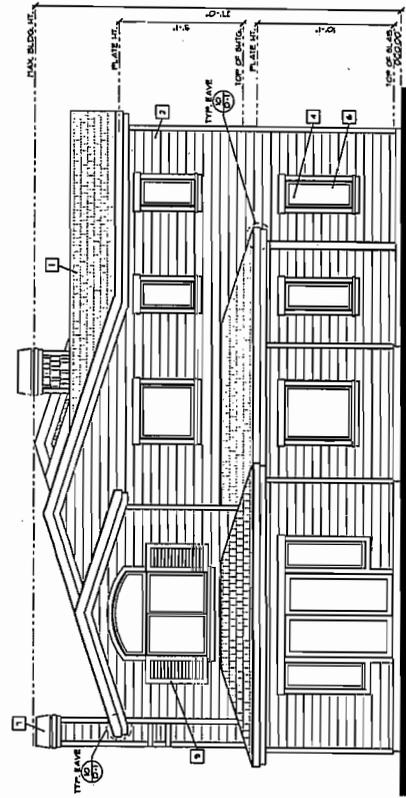
Frank D. DiFerdinando

LOCATION MAP

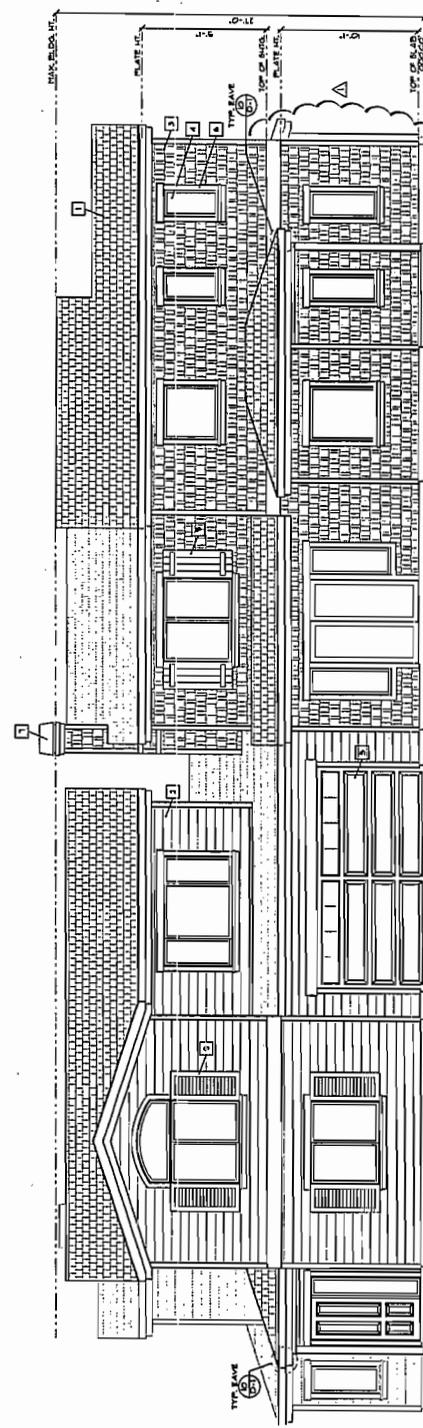


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 - 255. 142884872" = 1'-0" SCALE
 - 256. 144815720" = 1'-0" SCALE
 - 257. 146762320" = 1'-0" SCALE
 - 258. 148724608" = 1'-0" SCALE
 - 259. 150702624" = 1'-0" SCALE
 - 260. 152696400" = 1'-0" SCALE
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 - 267. 167098960" = 1'-0" SCALE
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 - 274. 182284000" = 1'-0" SCALE
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 - 280. 195917960" = 1'-0" SCALE
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 - 283. 202951680" = 1'-0" SCALE
 - 284. 205328576" = 1'-0" SCALE
 - 285. 207721672" = 1'-0" SCALE
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 - 287. 212546560" = 1'-0" SCALE
 - 288. 214978400" = 1'-0" SCALE
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 - 290. 219887880" = 1'-0" SCALE
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 - 387. 533019296" = 1'-0" SCALE
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 - 409. 624076160" = 1'-0" SCALE
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 - 449. 806809712" = 1'-0" SCALE
 - 450. 811673160" = 1'-0" SCALE
 - 451. 816551088" = 1'-0" SCALE
 - 452. 821443488" = 1'-0" SCALE
 - 453. 826350360" = 1'-0" SCALE

- EXTERIOR ELEVATION KEYNOTES:**
- 1. COMPOSITION ROOFING OF 30" BUILDING PAPER
 - 2. INSULATION TO BE IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS
 - 3. INSULATION OF ROOFING SHALL BE IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS
 - 4. HANDICAPPED BOND O/B BUILDINGS PAPER
 - 5. MANUFACTURER, JAMES HARDIE BUILDING PRODUCTS, INC.
 - 6. INSULATION OF ROOFING SHALL BE IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS
 - 7. EXTERIOR BRICK SHALL BE IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS
 - 8. METAL CLAD DOORS - BRICKWORK TYPICAL
 - 9. SECTIONAL GARAGE DOOR
 - 10. 2" PAINTED WOOD TRIM & DOORS - BRICKWORK TYPICAL
 - 11. GUTTER BY APPROVED SPARK ARRESTOR
 - 12. STREET ADDRESS PER PERMITS
 - 13. WOOD SHUTTERS
 - 14. DECORATIVE LOUVERED VENT



EAST ELEVATION
 1/4" = 1'-0"



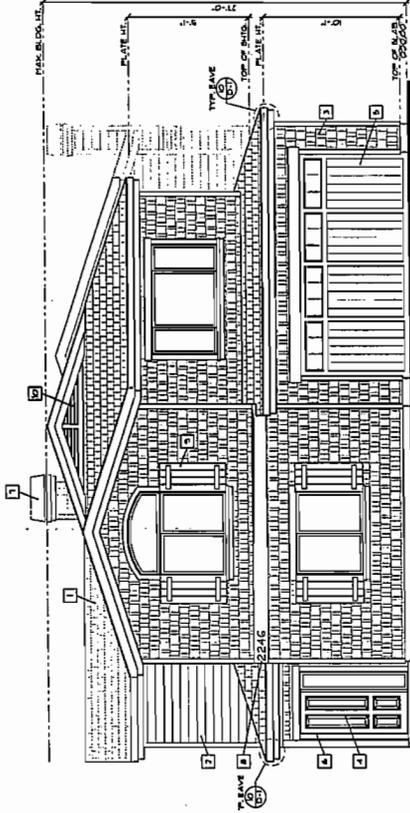
NORTH ELEVATION
 1/4" = 1'-0"

SYMBOL LEGEND:

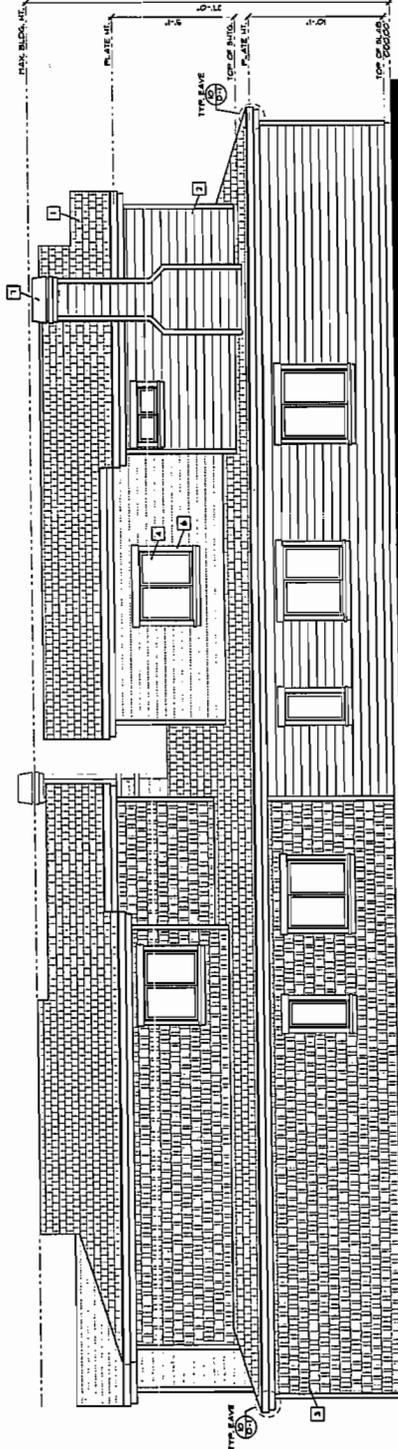
1	SEE KEYNOTES
2	SEE KEYNOTES
3	SEE KEYNOTES
4	SEE KEYNOTES
5	SEE KEYNOTES
6	SEE KEYNOTES
7	SEE KEYNOTES
8	SEE KEYNOTES
9	SEE KEYNOTES
10	SEE KEYNOTES
11	SEE KEYNOTES
12	SEE KEYNOTES
13	SEE KEYNOTES
14	SEE KEYNOTES

EXTERIOR ELEVATION (REMARKS)

- 1 COMPOSITION ROOFING OF 30" BUILDING PAPER
- 2 METAL CLAD DOORS & WINDOWS
- 3 METAL CLAD GARAGE DOOR
- 4 REGIONAL GARAGE DOOR
- 5 PAINTED WOOD TRIM & DOORS & WINDOWS TYPICAL
- 6 CHIMNEY W/ APPROVED SPARK ARRESTOR
- 7 BRICK ADDRESS PER M/C DESIGN
- 8 WOOD SHUTTERS
- 9 DECORATIVE LOUVERED VENT



WEST ELEVATION
 1/4" = 1'-0"



SOUTH ELEVATION
 1/4" = 1'-0"

SYMBOL LEGEND:

- 1 MET REMARKS
- 2 DETAILS
- 3 SHEETS