



PLANNING COMMISSION

AGENDA REPORT

VI.6

MEETING DATE: SEPTEMBER 13, 2010

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-10-18 / TENTATIVE TRACT MAP TT-17380 FOR A DESIGN REVIEW AND SUBDIVISION MAP FOR A FIVE-UNIT, TWO-STORY COMMON INTEREST DEVELOPMENT WITH SPECIFIED VARIANCES AND DEVIATIONS

DATE: SEPTEMBER 2, 2010

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611 (mlee@ci.costa-mesa.ca.us)

DESCRIPTION

The proposed project involves the following:

- **Planning Application PA-10-18:** Design Review for a detached, two-story, five-unit common interest development including:
 1. Variance from side building setback (5 feet required; 0 feet proposed);
 2. Variance from landscape parkway width (3 feet required; 0 feet proposed);
 3. Variance from minimum open space (40% required; 29% proposed);
 4. Administrative adjustment from front building setback (20 feet required; 14 feet proposed);
 5. Administrative adjustment from main building separation (10 feet required; 7 feet proposed);
 6. Minor modification for front wall setback (10 feet required; 8 feet proposed); and
 7. Deviations from the City's Residential Design Guidelines for 2nd floor to 1st floor percentage and average 2nd story side setback, and deviations from the City's Parking Design Standards for minimum backup distance (25 feet required; 23 feet proposed).
- **Tentative Tract Map TT-17380:** One-lot subdivision of the property for condominium purposes.

APPLICANT

William D. Jager is the authorized agent for CM21M2010 LLC, the property owner.

RECOMMENDATION

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

MEL LEE, AICP
Senior Planner

KHANH NGUYEN
Acting Asst. Development Svs. Director

PLANNING APPLICATION SUMMARY

Location: 341 East 21st Street Application: PA-10-18 and TT-17380

Request: Design Review and Tentative Tract Map for a detached, two-story, five-unit common interest development with specified variances and deviations (see page 1 of report)

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	<u>R2-MD</u>	North:	<u>(Across E. 21st St.) I&R – Kaiser Intermediate School</u>
General Plan:	<u>Medium Density Residential</u>	South:	<u>I&R-S – Woodland Elementary School</u>
Lot Dimensions:	<u>63 FT x 300 FT</u>	East:	<u>R2-MD – Apartments</u>
Lot Area:	<u>18,900 SF</u>	West:	<u>R2-MD – Apartments</u>
Existing Development:	<u>Single family home (to be demolished)</u>		

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width (Development Lot)	100 FT	63 FT (1)
Lot Area (Development Lot)	12,000 SF	18,900 SF
Density:		
Zone	1 du/3,630 SF	1 du/3,780 SF
General Plan	1 du/3,630 SF	1 du/3,780 SF
Building Coverage (Development Lot):		
Buildings	NA	6,465 SF (34%)
Paving	NA	6,982 SF (37%)
Open Space (Total Site)	7,560 SF (40%)	5,453 SF (29%) (2)
TOTAL		18,900 SF (100%)
Building Height:		
Building Height	2 Stories/27 FT	2 Stories/25 FT
Chimney Height	NA	NA
First Floor Area (Including Garage)	NA	1,211 SF
Second Floor Area	NA	1,276 SF
2nd Floor % of 1st Floor (3)	80%	105% (3)
Distance Between Buildings	10 FT	7 FT (2)
Private Open Space	10 FT Min. Dim.	10 FT Min. Dim.
Setbacks (Building)		
Front	20 FT	14 FT, 10 IN (2)
Side (left/right)	5 FT / 5 FT	0 FT (2) / 26 FT
Rear	5 FT (1 and 2 Story)	5 FT
Average Side Setback (3)	10 FT Avg. (2 Story)	8 FT Avg. (2)
Front Setback (6 FT Wall)	10 FT	8 FT (2)
Rear Yard Coverage	NA	NA
Parking:		
Covered	10	10
Open	10	10
TOTAL	20 Spaces	20 Spaces
Min. Driveway Width:	16 FT	16 FT
Vehicle Backup	25 FT	23 FT (4)
Parkway Landscape	3 FT Min.	0 FT (2)
NA = Not Applicable or No Requirement.		
(1) Legal nonconforming.		
(2) Variance, administrative adjustment, or minor modification requested (see staff report discussion).		
(3) Deviation from Residential Design Guidelines requested.		
(4) Deviation from Parking Design Standards requested.		
CEQA Status	Exempt, Class 3 (New Construction)	
Final Action	Planning Commission	

BACKGROUND

Project Site/Environs

The project site is located on the south side of East 21st Street, east of Santa Ana Avenue. The site contains a residence, which will be demolished to accommodate the proposed project. The existing structure has been boarded up and is not habitable, and the property owner periodically monitors the property for security and property maintenance purposes. The site is immediately bounded by a gated 10-foot wide walkway that provides access to the abutting Woodland Elementary school to the south. The remaining abutting properties contain existing multiple-family residential developments. Kaiser Intermediate School is located to the north, across East 21st Street.

ANALYSIS

Planning Application PA-10-18 Design Review, Variances, Administrative Adjustments, and Minor Modification

The proposed project involves the construction of five detached, two-story homes featuring Tuscan and Spanish style architecture. These are approximately 2,059 square foot residences with 3 bedrooms, 2.5 bathrooms, and two-car garages. Two open parking spaces are provided in the individual driveways leading to the garages of each unit, with a total of 20 Code-complaint parking spaces provided for the overall development.

Code Section 13-29(g)(1) requires the following findings for variances, administrative adjustments, and minor modifications:

1. Because of special circumstances applicable to the property, the strict application of development standards deprives the property of privileges enjoyed by others in the vicinity.
2. The deviation shall not constitute a grant of special privileges inconsistent with other properties in the vicinity.
3. The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

Justifications for Approval

Staff supports approval of the proposed project for the following reasons:

- The proposed project complies with the findings required by Code Section 13-29(g)(1) for the requested variances, administrative adjustments, and minor modifications. The project site's 63 foot lot width provides a special circumstance applicable to the property that also deprives the property of privileges enjoyed by others in the vicinity. Specifically, the existing lot width, which is legal nonconforming under code (100 foot minimum width required for newly created lots), constrains the ability to completely comply with Code-required residential development standards. Therefore, it is not likely that this site could be developed without Code deviations as a single-family detached residential development at the maximum allowable density. The strict

application of development standards on the proposed detached residential development would deprive the property of privileges the abutting residentially-zoned properties enjoy. These neighboring properties are developed at the maximum allowable density with a combination of detached and attached multiple-family residences (see Attachment 3).

- Despite the specified requests for departures from Code requirements, staff believes that the purpose and intent of the Zoning Code is satisfied as follows:

(1) Variance from side building setback (5 feet required; 0 feet proposed). This variance request is to allow the two-car garages at a zero side-yard setback. This achieves a standard driveway length of 16 feet and adequate back-out distance of 23 feet. It should be noted that, with the exception of the garage, all other portions of the building, including the second story, do comply with the minimum 5-foot side yard setback requirement. Given that there are no openings and the structure will be fire rated, the location of the garages does not result in any privacy, fire safety, and noise issues.

(2) Variance from landscape parkway width (3 feet required; 0 feet proposed); and (3) Variance from minimum open space (40% required; 29% proposed). The proposed project will incorporate extensive decorative hardscape, landscape, and "grasscrete" treatments to offset the reduction in overall open space and amount of on-site paving. The applicant is proposing extensive driveway hardscape and landscape treatment through drivable "grasscrete" pavers as a means to provide visual relief for the project from the street, as well as to offset the reduction in overall open space and amount of on-site paving (refer to colored site plan exhibit in Attachment 4). Vine pockets are also proposed along the interior wall adjacent to the driveway to reduce the visual impact of the wall from the street.

(4) Minor modification for front wall setback (10 feet required; 8 feet proposed). This request to locate a 6-foot high slumpstone wall in the front setback area. The purpose is to create a usable side yard for Unit 1 which would be comparable in size/width to the other proposed residences. Staff considers this 2-foot deviation from the Code requirement as minor. Landscaping will be tiered in front of the wall. A row of Dwarf fruitless olive trees and new shrubs will be planted in front of the wall to provide the appearance of dense landscaping from street, thereby meeting the intent of this Code requirement.

(5) Administrative adjustment from front building setback (20 feet required; 14 feet proposed). This request is related to the need to provide usable private open space areas between the units. In order to comply with the minimum 10 foot private open space dimension required by Code (13 feet is proposed) it is necessary for the front unit to encroach 6 feet into the required 20 foot front building setback required by Code. As discussed in the minor modification discussion above, the landscape street frontage will be enhanced to reduce the visual impact of the units from the street.

(6) Administrative adjustment from main building separation (10 feet required; 7 feet proposed). The reduction in building separation occurs only within the first four units of the proposed project and only affects approximately 14 feet (less than half) of the total 32 feet of overall building depth between the affected units. Staff has also incorporated, as a condition of approval (no. 4) that second floor windows shall be offset to avoid direct lines of sight into abutting second story windows within the project.

- The project, despite the requested deviations from second floor to first floor percentage and average second story side setbacks, meets the purpose and intent of the Residential Design Guidelines and exhibits excellence in architectural design. The design guidelines are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. The building elevations incorporate variation in depth of floor plans, rooflines, multiple building planes, and offsets to provide architectural interest and visual relief from off-site. Staff has conducted a field inspection and is of the opinion that the proposed development would not negatively impact the surrounding properties or aesthetics of the neighborhood. There are several 2-story structures in the area so it would not appear out of place or obtrusive. The second floor windows are also designed so as to minimize privacy impacts and direct views into windows on the adjacent properties.
- The deviation from the City's Parking Design Standards for minimum backup distance complies with the intent of Code. Code Section 13-93(j) requires parking spaces and backup aisles to conform to the City's Parking Design Standards, "unless an alternative plan is approved by the Planning Division". In this instance, the applicant is proposing a 23-foot backup for the open parking spaces in front of the garages. Staff has reviewed the plan with Transportation Services and has confirmed that widening of the garage doors/driveways is required to compensate for the shorter backup distance. These minor adjustments will ensure adequate vehicle maneuverability for the proposed 23-foot backup.
- The project features quality construction and materials. The exterior elevations of the proposed structures will consist of stucco, stone veneer, stucco trim around windows and doors, and Spanish tile roofing with alternating Tuscan and Spanish architectural themes. The existing perimeter fencing of the property will be required to be replaced with block walls (condition no. 15). Each unit provides a private open space area that exceeds the minimum 10-foot dimension required by Code. A condition of approval requires construction of a new perimeter block wall that steps from three feet to seven feet in height, subject to City Standards and Planning Division approval. The side and rear perimeter walls of the rear units (Units 4 and 5) shall be increased to a minimum height of seven feet to provide privacy and noise impacts related to Woodland Elementary School.
- Approval of the condominiums will satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City. Because the project is for ownership units through a condominium, the project will be consistent with the City's General Plan for home ownership.

Tentative Tract Map TT-17380

The applicant proposes a tentative tract map to allow the units to be sold separately. The map is consistent with City codes and the State Subdivision Map Act. Approval of the map will facilitate a one-lot, airspace subdivision for condominium purposes so each unit may be sold separately. A condition of approval is included requiring a provision in the CC&Rs for the use of garages for resident parking only. Staff has included conditions that require CC&Rs for maintenance of all common areas.

Expiration of Projects

Per City Code, planning application approvals are valid for one year unless renewed. Per the State Subdivision Map Act, tentative tract map approvals are valid for 24 months. As a result, staff has incorporated a condition of approval allowing the planning application expiration to coincide with the expiration of the respective map; in other words, the planning application and map would expire in 24 months (in 2012). After the initial 24-month period, a time extension for these applications would be required to be processed for another 12-month period.

ENVIRONMENTAL DETERMINATION

If the request is approved, it would be exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction. If the request is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

GENERAL PLAN CONFORMITY

The properties have a general plan designation of Medium Density Residential. Under this designation five units are allowed and five units are proposed. Therefore, if approved, the use and density would conform to the City's General Plan. Also, as noted earlier, the project is consistent with General Plan Goal LU-1A.4 which encourages additional home ownership opportunities in the City.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project, subject to the recommended conditions of approval.
2. Deny the project. If the project were denied, the applicant could not submit substantially the same type of application for six months.

CONCLUSION

Despite the code deviations requested by the applicant, it is staff's opinion that the development satisfies the required Code findings for the deviations and therefore is consistent with the intent of the General Plan and applicable Zoning Code sections. Therefore, staff recommends approval of the project.

- Attachments:
1. Draft Planning Commission Resolutions and Exhibits
 2. Applicant's Project Description and Justification
 3. Location Maps
 4. Plans

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

William D. Jager
The Jager Company, Ltd.
872 Wendt Terrace
Laguna Beach, CA 92651

CM21M2010, LLC
660 Newport Center Drive, Suite 1050
Newport Beach, CA 92660

File: 091310PA1018T17380

Date: 090210

Time: 10:15 a.m.

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-10-18 AND TENTATIVE TRACT MAP TT-17380

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

WHEREAS, an application was filed by William D. Jager, authorized agent for CM21M2010, owner of real property located at 341 East 21st Street, for a Design Review and Tentative Tract Map for a detached, two-story, five-unit common interest development including: (1) variance from side building setback (5 feet required; 0 feet proposed); (2) variance from landscape parkway width (3 feet required; 0 feet proposed); (3) variance from minimum open space (40% required; 29% proposed); (4) administrative adjustment from front building setback (20 feet required; 14 feet proposed); (5) administrative adjustment from main building separation (10 feet required; 7 feet proposed); (6) minor modification for front wall setback (10 feet required; 8 feet proposed); (7) deviations from the City's Residential Design Guidelines for 2nd floor to 1st floor percentage and average 2nd story side setback, and deviations from the City's Parking Design Standards for minimum backup distance (25 feet required; 23 feet proposed); with a tentative tract map to facilitate the subdivision for condominium purposes;

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 13, 2010 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-10-18 and Tentative Tract Map TT-17380.

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-10-18 and Tentative Tract Map TT-17380 and upon applicant's compliance with each and all of the conditions in Exhibit "B", and 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 13th day of September, 2010.

James Righeimer, Chair,
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (APPROVAL)

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

1. The proposed use is compatible and harmonious with uses on surrounding properties.
2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
3. The project, as conditioned, is consistent with the General Plan.
4. The planning application is for a project-specific case and does not establish a precedent for future development.

B. The proposed project complies with Costa Mesa Municipal Code Section Code Section 13-29(g)(1) because there are special circumstances applicable to the property. The strict application of development standards will deprive the property of privileges enjoyed by others in the vicinity. The deviations do not constitute a grant of special privileges inconsistent with other properties in the vicinity. The granting of the deviations will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property. Specifically, the project site's 63 foot lot width provides a special circumstance applicable to the property that also deprives the property of privileges enjoyed by others in the vicinity. The existing lot width, which is legal nonconforming under code (100 foot minimum width required for newly created lots), constrains the ability to completely comply with Code-required residential development standards. Therefore, it is not likely that this site could be developed without Code deviations as a single-family detached residential development at the maximum allowable density. The strict application of development standards on the proposed detached residential development would deprive the property of privileges the abutting residentially-zoned properties enjoy. These neighboring properties are developed at the maximum allowable density with a combination of detached and attached multiple-family residences. Additional facts and findings are as follows:

(1) Variance from side building setback (5 feet required; 0 feet proposed). This variance request is to allow the two-car garages at a zero side-yard setback. This achieves a standard driveway length of 16 feet and adequate back-out distance of 23 feet. It should be noted that, with the exception of the garage, all other portions of the building, including the second story, do comply with the minimum 5-foot side yard setback requirement. Given that there are no openings and the structure will be fire rated, the location of the garages does not result in any privacy, fire safety, and noise issues.

(2) Variance from landscape parkway width (3 feet required; 0 feet proposed); and
(3) Variance from minimum open space (40% required; 29% proposed). The

proposed project will incorporate extensive decorative hardscape, landscape, and "grasscrete" treatments to offset the reduction in overall open space and amount of on-site paving. The applicant is proposing extensive driveway hardscape and landscape treatment through drivable "grasscrete" pavers as a means to provide visual relief for the project from the street, as well as to offset the reduction in overall open space and amount of on-site paving. Vine pockets are also proposed along the interior wall adjacent to the driveway to reduce the visual impact of the wall from the street.

(4) Minor modification for front wall setback (10 feet required; 8 feet proposed). This request to locate a 6-foot high slumpstone wall in the front setback area. The purpose is to create a usable side yard for Unit 1 which would be comparable in size/width to the other proposed residences. This 2-foot deviation from the Code requirement is minor. Landscaping will be tiered in front of the wall. A row of trees and new shrubs will be planted in front of the wall to provide the appearance of dense landscaping from street, thereby meeting the intent of this Code requirement.

(5) Administrative adjustment from front building setback (20 feet required; 14 feet proposed). This request is related to the need to provide usable private open space areas between the units. In order to comply with the minimum 10 foot private open space dimension required by Code (13 feet is proposed) it is necessary for the front unit to encroach 6 feet into the required 20 foot front building setback required by Code. As discussed in the minor modification discussion above, the landscape street frontage will be enhanced to reduce the visual impact of the units from the street.

(6) Administrative adjustment from main building separation (10 feet required; 7 feet proposed). The reduction in building separation occurs only within the first four units of the proposed project and only affects approximately 14 feet (less than half) of the total 32 feet of overall building depth between the affected units. Second floor windows will be required to be offset to avoid direct lines of sight into abutting second story windows within the project.

- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the project, despite the requested deviations from second floor to first floor percentage and average second story side setbacks, meets the purpose and intent of the Residential Design Guidelines and exhibits excellence in architectural design. Specifically, the building elevations incorporate variation in depth of floor plans, rooflines, multiple building planes, and offsets to provide architectural interest and visual relief from off-site. The proposed development would not negatively impact the surrounding properties or aesthetics of the neighborhood. There are several 2-story structures in the area so it would not appear out of place or obtrusive. The second floor windows are also designed so as to minimize privacy impacts and direct views into windows on the adjacent properties.
- D. The deviation from the City's Parking Design Standards for minimum backup

distance complies with the intent of Code. Code Section 13-93(j) requires parking spaces and backup aisles to conform to the City's Parking Design Standards, "unless an alternative plan is approved by the Planning Division". In this instance, the applicant is proposing a 23-foot backup for the open parking spaces in front of the garages. Transportation Services has confirmed that widening of the garage doors/driveways is required to compensate for the shorter backup distance. These minor adjustments will ensure adequate vehicle maneuverability for the proposed 23-foot backup.

- E. The subdivision of the property for residential condominiums is consistent with the City's General Plan and Zoning Code.
- F. The proposed use of the subdivision is for residential ownership purposes which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- G. The subject property is physically suitable to accommodate Tentative Tract Map TT-17380 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.
- H. 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.
- I. 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.
- J. 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).
- K. 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 15303 for New Construction.
- L. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- M. The development does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the property can be somewhat reduced by installation of a residential sprinkler system.

EXHIBIT "B"

CONDITIONS OF APPROVAL (IF PROJECT IS APPROVED)

- Plng. 1. The conditions of approval, code requirements, and special district requirements of PA-10-18 and TT-17380 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
2. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
3. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, 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 minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
4. Second floor windows shall be offset to avoid direct lines of sight into abutting second story windows within the project.
5. The developer shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.
6. Prior to issuance of building permits, developer shall contact the U.S. 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.
7. The developer shall contact the current cable service provider prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
8. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 36 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site 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 be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
9. Turn-around area(s) shall be striped and marked for no parking.
10. To avoid an alley-like appearance, the driveway shall be developed without a center swale. Design shall be approved by the Planning Division.
11. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building

- Safety Division at (714) 754-5273 for additional information.
12. 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.
 13. The expiration of Planning Application PA-10-18 shall coincide with the expiration of Tentative Tract Map TT-17380; therefore, both applications shall be valid for 24 months from the date of the resolution. It should be noted that a request for a 12-month time extension must be made prior to the expiration date and must reference both applications.
 14. The CC&R's shall require that garage spaces be used for parking purposes only. Any changes made to this provision shall require prior review and approval by the City of Costa Mesa.
 15. The developer shall construct a new perimeter block wall that steps from three feet to seven feet in height, subject to City Standards and Planning Division approval. The side and rear perimeter walls of the rear units (Units 4 and 5) shall be increased to a minimum height of seven feet to provide minimize privacy and noise impacts related to Woodland Elementary School. The Development Services Director may approve other alternative design and opaque materials for the perimeter wall.
 16. The developer shall provide decorative hardscape, landscape, and "grasscrete" treatments as shown on the conceptual plans to provide visual relief for the project from the street. Final materials shall be subject to approval by the Planning Division.
 17. If determined necessary by the Development Services Director, the applicant shall provide an access easement for property maintenance purposes on the adjacent property due to the zero lot line for the garages.
 - Eng. 18. 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.
 19. Comply with the requirements contained in the letter prepared by the City Engineer dated August 3, 2010 (attached).



CITY OF COSTA MESA

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

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

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

August 3, 2010

SUBJECT: Tract No. 17380
LOCATION: 341 E. 21st St

Dear Commissioners:

Tentative Tract Map No. 17380 as furnished by the Planning Division for review by the Public Services Department, consists of a subdivision of one lot into five (5) unit common interest development. The five-unit single-family detached small lots are for a condominium/common interest development. Tentative Tract Map No. 17380 meets with 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 conduct soil investigations and provide the results to the City of Costa Mesa Engineering and Building Divisions pursuant to Ordinance 97-11.
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. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.
5. Dedicate an ingress/egress easement to the City for emergency and public security vehicles purposes only. Maintenance of the easement area shall be the sole responsibility of a Homeowners Association formed to conform to Section 13-41 (e) of the C.C.M.M.C.
6. Vehicular and pedestrian access rights to 21st Street shall be released and relinquished to the City of Costa Mesa except at approved access locations.
7. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development to remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk.
8. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development to construct a P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager.

16

9. The Subdivider shall submit a cash deposit of \$350 for street sweeping at time of issuance of a Construction Access permit. Full amount of deposit shall be maintained on a monthly basis prior to and during construction until completion of project.
10. Fulfill the drainage fee ordinance requirements prior to the approval of the Tract Map.
11. The Subdivider's engineers shall furnish the Engineering Division a storm runoff study which provides on-site detention to the satisfaction of the City Engineer showing existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any street or drainage facility on-site or off-site. This study to be furnished with the first submittal of the Final Tract Map. Cross lot drainage shall not occur.
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 Homeowners Association to be formed pursuant to C.C.M.M.C. Section 13-41 (e) and said association shall indemnify and hold harmless the City for any liability arising out of or in any way associated with the connection of the private drainage system with the City's drainage system and shall execute and deliver to the City the standard (indemnity) Hold Harmless Agreement required for such conditions prior to issuance of permits.
13. Sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 631-1731 for information.
14. Water system improvements shall meet the approval of Mesa Consolidated Water District; call (949) 631-1200 for information.
15. Dedicate easements as needed for public utilities.
16. 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 Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
17. 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 Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
18. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.
19. The elevations shown on all plans shall be on Orange County benchmark datum.
20. 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.
21. Prior to occupancy on the Tract, the surveyor/engineer shall submit to the City Engineer a Digital Graphic File, reproducible mylar of the recorded Tract Map, and approved off-site plan and nine copies of the recorded Tract Map.

Sincerely,


Ernesto Muñoz, P. E.
City Engineer

17

RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-10-18 AND TENTATIVE TRACT MAP TT-17380**

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

WHEREAS, an application was filed by William D. Jager, authorized agent for CM21M2010, owner of real property located at 341 East 21st Street, for a Design Review and Tentative Tract Map for a detached, two-story, five-unit common interest development including: (1) variance from side building setback (5 feet required; 0 feet proposed); (2) variance from landscape parkway width (3 feet required; 0 feet proposed); (3) variance from minimum open space (40% required; 29% proposed); (4) administrative adjustment from front building setback (20 feet required; 14 feet proposed); (5) administrative adjustment from main building separation (10 feet required; 7 feet proposed); (6) minor modification for front wall setback (10 feet required; 8 feet proposed); (7) deviations from the City's Residential Design Guidelines for 2nd floor to 1st floor percentage and average 2nd story side setback, and deviations from the City's Parking Design Standards for minimum backup distance (25 feet required; 23 feet proposed); with a tentative tract map to facilitate the subdivision for condominium purposes;

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 13, 2010 with all persons having the opportunity to speak and be heard for and against the proposal;

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-10-18 and Tentative Tract Map TT-17380.

PASSED AND ADOPTED this 13th day of September, 2010.

James Righeimer, Chair,
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Khanh Nguyen 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 September 13, 2010, by the following votes:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- A. The proposed project 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 project does not comply with the performance standards as prescribed in the Zoning Code.
 3. The proposed project is not consistent with the General Plan or Zoning Code.
- B. The proposed project does not comply with Costa Mesa Municipal Code Section Code Section 13-29(g)(1) because:
1. There are no special circumstances applicable to the property. The strict application of development standards does not deprive the property of privileges enjoyed by others in the vicinity.
 2. The deviations constitute a grant of special privileges inconsistent with other properties in the vicinity.
 3. The granting of the deviation will allow a use, density, or intensity which is not in accordance with the general plan designation for the property.
- C. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the project does not meet the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.
- D. The subdivision of the property for residential condominiums is not consistent with the City's General Plan and Zoning Code.
- E. The Costa Mesa Planning Commission has denied Planning Application PA-10-18 and Tentative Tract Map TT-17380. 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.
- F. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

341 East 21st Street

PROJECT DESCRIPTION AND JUSTIFICATION

The proposed project is for a five (5) unit detached condominium development to be processed under the Residential Common Interest Development section of the zoning code and consistent with the R2-MD zone. The five units are to be one plan with 2 separate elevations in the Spanish and Tuscan architectural styles. Elevations of the units are enhanced with wall offsets, significant vertical and horizontal articulation and a combination of hipped and gable ends at the rooflines. Roofs shall be tiled. The color scheme of each unit will be unique in order to provide for clear differentiation between each unit.

The proposed units are 3 bedroom 2.5 baths and are approximately 2,059 square feet in size. Interiors of each unit will have 9 foot plates which will give the units more volume than is typically provided. Each unit shall be upgraded with a tankless water heater and shall have an energy efficient heating system with built in air-conditioning.

Unit vehicular access shall be provided with a common driveway enhanced with concrete pavers, permeable grass-paving and colored concrete. Four parking spaces per unit will be provided with two in an attached garage and additional two parked in a full size driveway apron immediately in front of each garage. The four parking spaces provided meet the minimum per unit requirement.

The project shall be completely landscaped in the front yards and all common areas. The landscaping shall be designed to compliment and enhance the architectural styles. Private open space for each unit shall be significantly larger than that required by the code and shall be a combination of hardscape and softscape. A new slump stone wall adjacent to the common driveway will be covered in vines and in combination with the planter pockets and trees within, will effectively allow this wall to disappear behind a veil of greenery. This same wall separates the project from the pedestrian access that runs from 21st street the length of the site and to the park area of Woodland elementary school.

The project is located on a rectangular site that is 63 feet wide by 300 feet deep. The proposed density of the project is below that allowed for in the R2-MD zone, however, the property is unusually narrow in its configuration and which poses some unique constraints in meeting all of the necessary code requirements. In order that the project enjoy the same privileges of others in the same vicinity and zoning classification, it is necessary for the project to request the following variances and administrative adjustments to the zoning code:

Variance 1: The side property line setback requirement is 5 feet, the setback proposed for the garage only and at the 1st floor only is 8.5 inches.

Variance 2: A landscape parkway along a common driveway is required with a combined width of 10 feet with not less than 3 feet on one side. 7 feet of landscaped parkway is provided in front of the units along the driveway with 0 feet behind the driveway aprons where back up length is needed; otherwise, the remaining minimum required 3 feet is provided.

Variance 3: Fence height within 10 feet of Property line is limited to 3 feet in height. A 6 foot decorative wall is proposed between 8.5 feet to 10 feet from the front Property Line at the front of the 1st unit. The bulk of this wall runs parallel to the front property line.

Variance 4: Open space requirement is a minimum of 40%. 29% is provided.

Administrative Adjustment 1: The front yard setback requirement is 20 feet. 14 feet 10 inches is provided for approximately half of the side elevation (which fronts on 21st street) of the first unit. This adjustment allows for significant articulation to be provided for in the architecture and the units to be of adequate size to financially support the improvements. With the superior architecture and landscaping provided, the site design and setbacks provided meet the intent of the code.

Administrative Adjustment 2: The distance between buildings requirement is 10 feet. 7 feet is proposed for separation between the first 3 units for slightly less than one half (14') of the depth of these units. This adjustment allows for significant articulation to be provided for in the architecture and the units to be of adequate size to financially support the improvements. This also allows for superior private open space design for the side yards at 13 feet.

Variations 1 and 2 above are required because of the narrowness of the site. In order to accommodate the following strict requirements of the code: 5 foot side yard setback, 20 foot garage, 18 foot driveway apron, 23 foot backup aisle, 3 foot landscape buffer and 2 feet for walls; a total of 71 feet is required. The property is constrained by its 63 feet in width and is 8 feet short when all of the cumulative requirements are added up. Working with staff, we have designed a plan which allows for the property to function well and meet the intent of the code with these two variances.

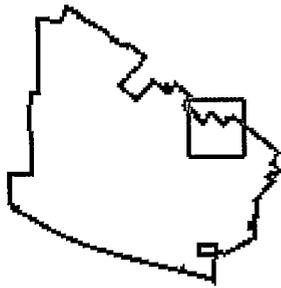
Variance 3 and Administrative Adjustment 2 are requested in order to provide for a superior private open space area at the side of each unit and good separation between each unit at the patio area. 13 feet open space width is provided in each of the four rear units and 12 feet 4 inches is provided at the 1st unit (where only 10 feet is required by code). Again, the property is constrained by its unique shape and in order to allow for an adequate rear yard setback at the rear unit, combined with providing for a superior open space area for each of the other units with enough building separation, we have designed a site/landscape/wall plan that allows for the property and private open space to function well and meet the intent of the code through creative design.

Variance 4 and Administrative Adjustments 1 and 2 are required and requested due to the cumulative effects of designing a site plan that allows for adequate vehicular access and that meets the code's intent. We have worked diligently with staff to design the project with superior architecture, driveway improvements and landscaping to provide for a superior end product and to meet the intent of the code and the City's architectural guidelines.

City of Costa Mesa

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Overview Map

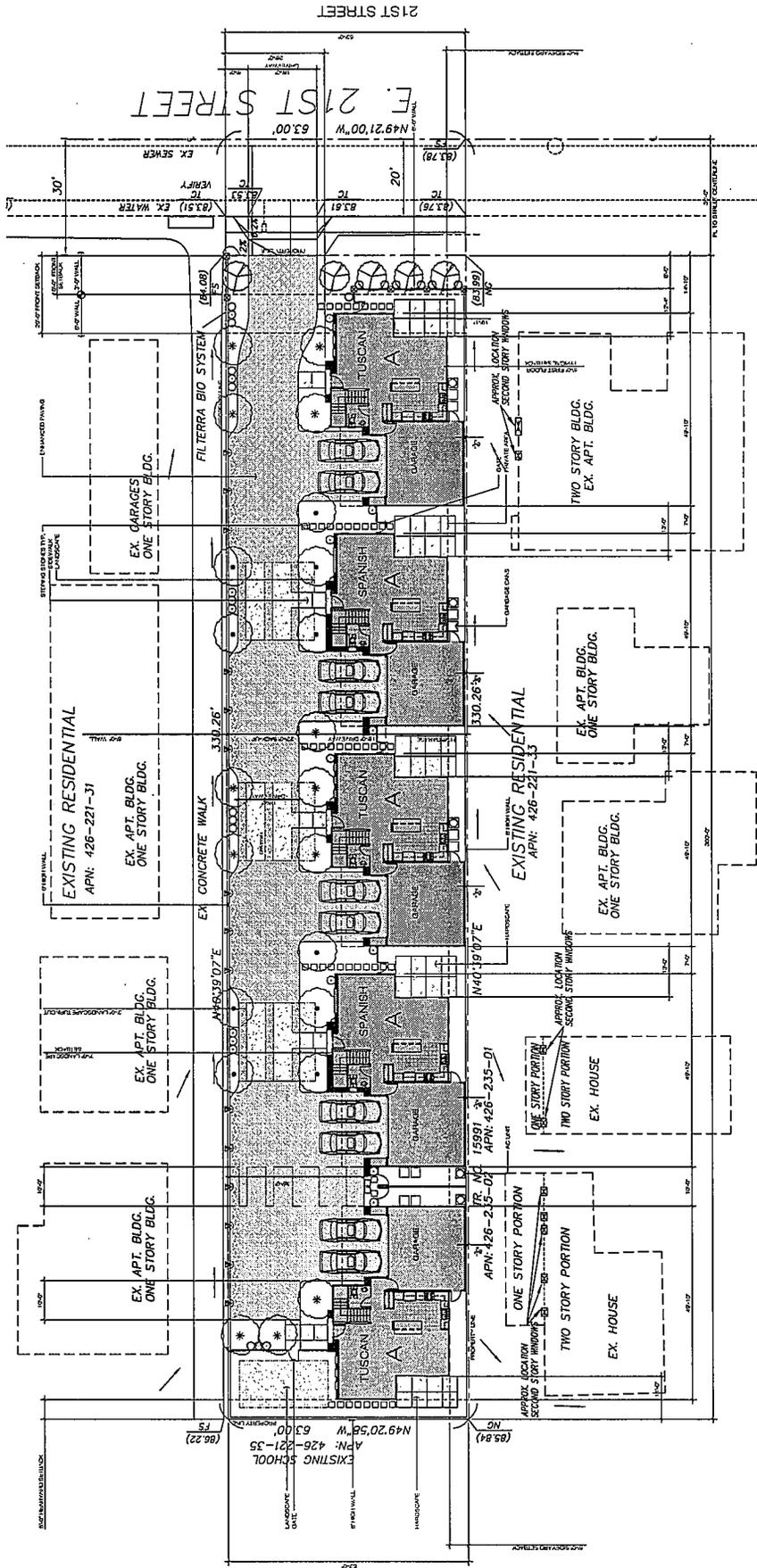


Map Display



Legend

- Address Medium
- Address Points
- Freeway
- Roads
- Collector
- Freeway
- Major
- Newport Blvd
- Primary (cont)
- SECONDARY
- Hydrology
- Channels
- Street Names
- Street Centerlines
- Parcel Lines



PROJECT INFORMATION

LOT AREA: 0.43 acres (18,900 SF.)
 LOT DEPTH: 114.8 feet
 DENSITY: 10.25 units per acre
 OFF-STREET PARKING: 20 spaces
 DRIVEWAYS AND OTHER PARKING: 20 spaces

UNIT SUMMARY	DESCRIPTION	QTY.	GROSS AREA
A	3 BR - 2.5 BATH	6	789 SF
	1ST FLR		- 1,278 SF
	2ND FLR		- 2,059 SF
	UNIT TOTAL		10,255 SF

TOTAL PROVIDED: 5
 SECOND FLOOR AREA = 100% OF FIRST FLOOR AREA

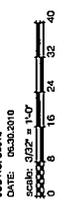
PARKING SUMMARY	DESCRIPTION	QTY.
	3.5 spaces per home	= 63 x 5 = 7.5 spaces
	0.5 guest spaces per home	= 63 x 5 = 2.5 spaces
	TOTAL REQUIRED:	20 spaces

PARKING PROVIDED: 20 spaces
 2 GARAGE SPACES + 2 OTHER PARKING PER UNIT

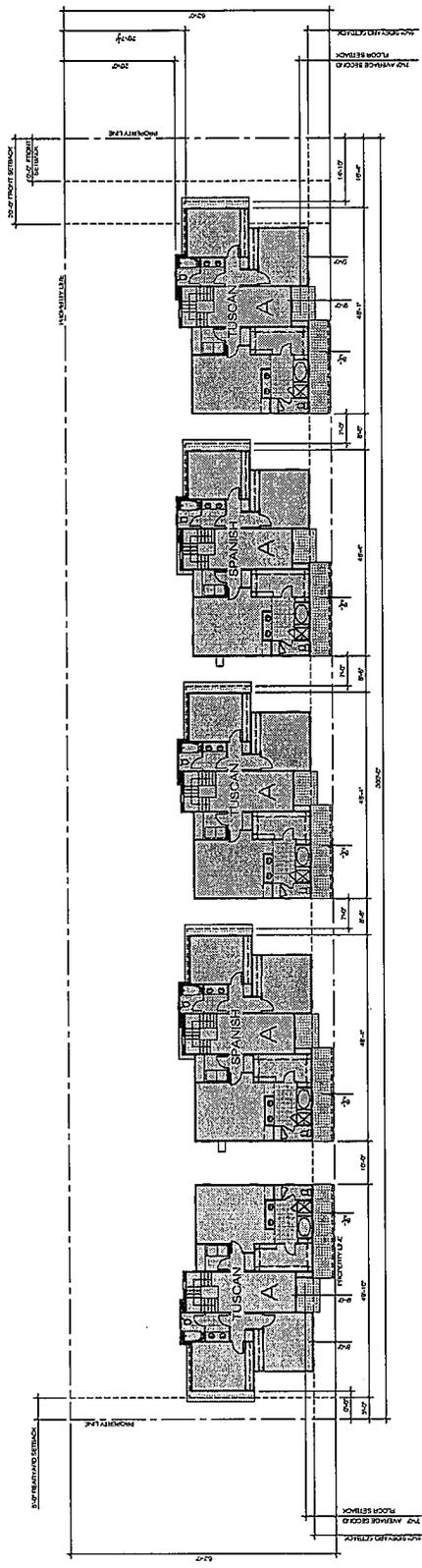
TOTAL PROVIDED:	TOTAL REQUIRED:
20 spaces	20 spaces

**SITE PLAN
 GROUND FLOOR PLAN
 341 EAST 21ST STREET**

White Malcolm Architects, LLP
 10000 Wilshire Blvd., Suite 1000
 Culver City, CA 90230
 Tel: (310) 317-0888
 Fax: (310) 317-0888
 Date: 08.03.2010
 Scale: 3/32" = 1'-0"



NORTH

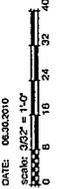


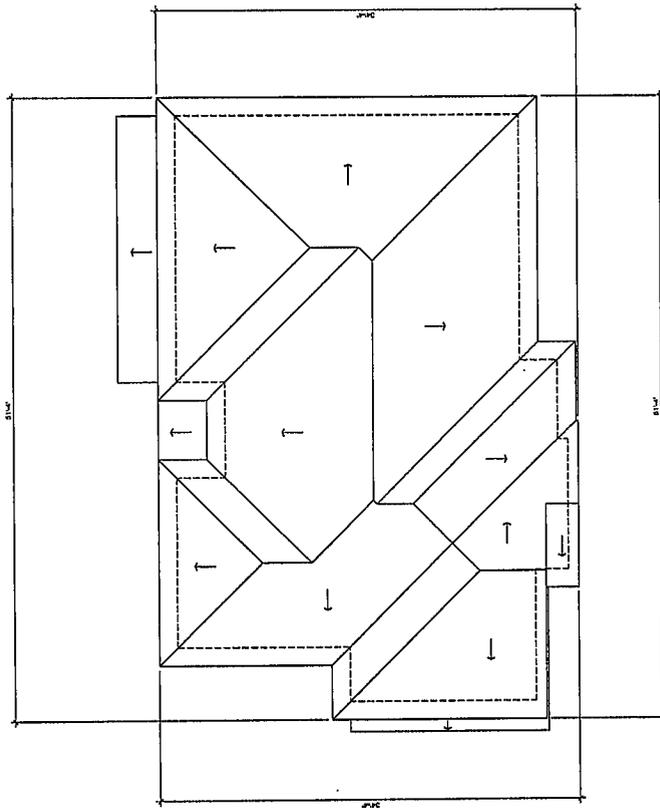
SECOND FLOOR PLAN
341 EAST 21ST STREET

Wilfredo Melcorm Architects, LLP
 Costa Mesa, California
 2261 W. 170th Street
 Torrance, CA 90504
 Tel: (310) 217-8425

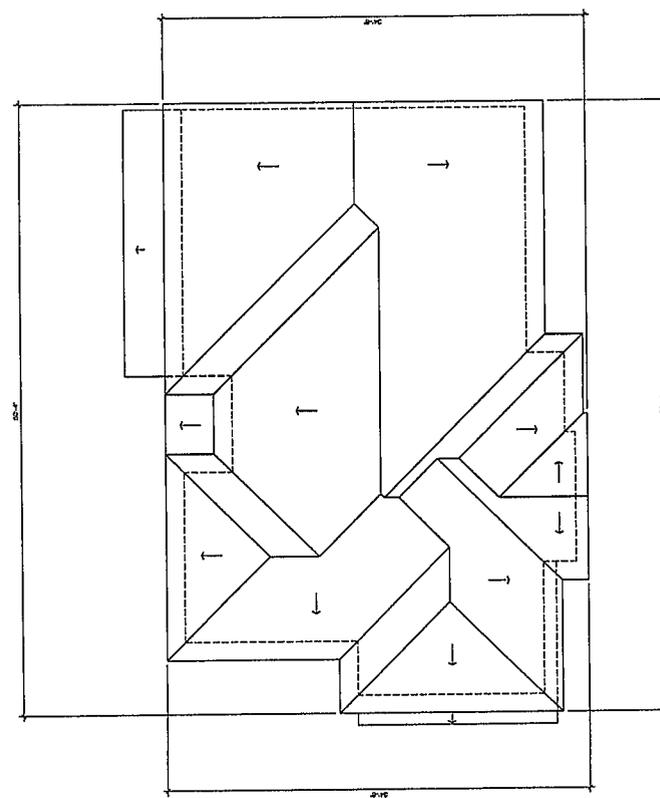


JOB NO. B0012
 DATE: 06.30.2010
 SCALE: 3/32" = 1'-0"





ROOF PLAN A - SPANISH STYLE



ROOF PLAN B - TUSCAN STYLE

ROOF PLANS
 341 EAST 21ST STREET
 Costa Mesa, California

Wilfred Malcolm Architects, LLP
 2251 W. 19th Street
 Torrance, CA 90504
 Tel: (310) 217-0625
 Fax: (310) 217-0625



SCH NO. 06012
 DATE: 06.30.2010

