PLANNING COMMISSION AGENDA REPORT

VII. 3

MEETING DATE: NOVEMBER 8, 2010 ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-10-07
DESIGN REVIEW FOR FIVE TWO-STORY DETACHED CONDOMINIUM UNITS
449 HAMILTON STREET

DATE: OCTOBER 28, 2010

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754-5136
WSHIH@CI.COSTA-MESA.CA.US

DESCRIPTION

Design review to construct a detached, two-story, five-unit residential common interest development (condominiums) including:

1. Variance for driveway parkway landscape (10 feet combined width with 5 feet minimum on house side required; 8 feet combined width with 4 feet on house side proposed);
2. Minor modification for second floor rear setback (20 feet required; 16 feet proposed); and
3. Deviation from the Residential Design Guidelines for average second story side setback (10-foot average recommended; 9-foot average proposed).

APPLICANT

Kim-Leiloni Nguyen is the authorized agent for property owner, Peter Nguyen.

RECOMMENDATION

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

FOR

WENDY SHIH
Associate Planner

KHANH NGUYEN
Acting Asst. Development Svs. Director

PLANNING ZONING REVIEW SUMMARY

Location: 449 Hamilton Street Planning Application: PA-10-07

Request: Five detached residential common interest development (condominiums)

SUBJECT PROPERTY:

Zone: R2-MD

General Plan: Medium Density Residential

Lot Dimensions: 100 FT X 193 FT

Lot Area: 19,300 SF

Existing Development: Vacant lot

SURROUNDING PROPERTY:

North: (Acr. Hamilton St.) C1 and R2-MD, Comm. & Res.

South: C1, Auto Dealership

East: R2-MD, Residences

West: C1, Auto Dealership

DEVELOPMENT STANDARD COMPARISON

Development Standard	City Requirement	Proposed/Provided
Lot Size:	12,000 SF	19,300 SF
Lot Width:	100 FT	100 FT
Density:	1 unit/3,630 SF	1 unit/3,860 SF
Lot Coverage:		
Buildings	NA	30% (5,815 SF)
Paving (includes turf block)	NA	29% (5,545 SF)
Open Space	40% min.	41% (7,940 SF)
TOTAL	100%	100% (19,300 SF)
Private Open Space:	10 FT x 10 FT adjoining patio	10 FT – 20 FT
Building Height:	2 stories/ 27 FT	2 stories/ 23 FT
Ratio of 2nd floor to 1st floor[1]	80% max.	79% (923 SF/1,163 SF)
Setbacks:		
Front	20 FT	20 FT
Side (left/right)	5 FT/5 FT	5 FT/5 FT
2nd story interior sides[1]	10 FT average	9 FT average[4]
Rear (1st/2nd floor)	10 FT/20 FT	15 FT/16 FT[2]
Building Separation:	10 FT	14 FT
Rear Yard Coverage:	25% max. (500 SF)	9% (182 SF)
Parking (3-bedrooms/unit):		
Garage	10	10
Open	10	10
TOTAL	20 Spaces	21 Spaces
Landscape parkways	10 FT combined; 5 FT min. on house sides	8 FT combined[3]; 4 FT on house sides[3]

CEQA Status: Exempt- Class 32

Final Action: Planning Commission

1 Residential Design Guidelines.

2 Minor modification requested for a portion of the 2nd floor rear setback.

3 Driveway parkway landscaping is intercepted by access to garage and/or open parking spaces on both sides; Variance requested for remaining landscaped areas adjacent to the residences (turf block also proposed to soften appearance but not counted towards required landscape because it is provided at required vehicle access areas).

4 Does not comply with Residential Design Guideline (see staff report discussion).

BACKGROUND

Project Site

The property is located near the southeast corner of Harbor Boulevard and Hamilton Street. The property is zoned R2-MD (Multiple Family Residential – Medium Density) and has a General Plan land use designation of Medium Density Residential. The property was developed with seven legal, nonconforming apartments in 1923. The buildings were demolished in 2007 and the lot is vacant. The property is surrounded by an automotive dealership (Theodore Robins Ford) to the west and south, a one-story single-family residence to the east, and an auto sales/repair facility and apartments across Hamilton Street to the north.

Project Description

The applicant proposes to construct a detached five-unit, two-story residential common interest development (condominiums). Pursuant to Zoning Code Section 13-40(a)(1), the project requires approval of a **design review** for the new residential common interest development. The project does not comply with the Residential Design Guidelines with respect to second story side setbacks (10-foot average recommended; 9-foot average proposed).

The applicant also requests approval of a **variance** for driveway parkway landscape (10-foot combined width with 5 feet on house side required; 8-foot combined width with 4 feet on house side proposed) and a **minor modification** for second floor rear setback (20 feet required; 16 feet proposed).

Minor modification requests are typically reviewed by staff. However, since the proposal includes applications that require Planning Commission review, staff consolidated all the requests to streamline the application process and to allow a comprehensive review of the project.

A tract map to facilitate the condominium project will be required to be processed and recorded before construction of the units can begin. The applicant plans to submit a tract map application at a later date.

ANALYSIS

Justification for Approval of PA-07-30

Staff supports approval of the project for the following reasons:

- *Legal findings could be made to justify approval of the variance related to the landscape parkway requirement.*

  Because additional driveway width is required adjacent to parking spaces for sufficient turning movements, the Code-required 5-foot wide landscape parkway on either side of the driveway cannot be met. The one-foot shortfall along the house side results in a 4-foot wide landscape parkway, for an overall total width of 8 feet (10 feet required).

Staff believes that this variance could be justified due to the unique location and size of the parcel. Specifically, with regard to unique location, this R2-MD zoned property bridges two different zones: C1 (Local Business District) to the south/west and the R2-MD zone to the east. This location lacks a transitional zone with lower intensity, neighborhood serving uses such as an AP (Administrative Professional) or CL (Commercial Limited) zone. The parcel abuts the Theodore Robins Ford dealership, is bounded by commercial lots on two sides, and faces an auto repair business across the street to the north. Staff believes that it would be appropriate to consider the commercial context to justify approval of the variance request.

Additionally, condition of approval no. 21 requires that prospective buyers receive written notice of the existing commercial neighbor (i.e. Theodore Robins Ford). The buyer's notice shall indicate that the site is located abutting a commercial use and is also in close proximity to auto repair services. Therefore, residents may experience additional noise levels compared to a typical residential neighborhood due to operation of these various types of businesses.

With respect to the unique property size, this property is twice the size and width of other neighboring R2-MD zoned parcels along the north and south sides of Hamilton Street. The residential properties in this immediate area are characterized by apartment complexes and multi-family attached structures. In contrast to the surrounding properties, staff believes that the unique size of the subject parcel provides a development opportunity for single-family detached structures and ownership housing which would warrant approval of the landscape parkway variance.

- *The intent the Code related to adequate landscaping is still met with the approval of the variance request.*

The overall design and site layout of the proposed project would create a harmonious relationship between on- and off-site uses. The proposed residential project is designed with the main living spaces and parking oriented towards the interior of the lot. Staff believes that the variance request would have minimal effect on the overall landscape of the property.

The proposed project incorporates drivable turf block adjacent to the parking spaces to soften the appearance of the expanded driveway area and to offset the reduced driveway parkway landscape.

Condition of approval no. 2 also requires minimum 20 feet of decorative paving at the driveway entrance to provide visual relief of the paved surface from the street.

Condition of approval no. 3 requires the upgrade of a selection of Code-required trees to 24-inch box trees.

- *The minor modification request for a decrease in second story rear building setback is not considered to be a significant deviation from code.*

  The minor encroachment is for a 12-foot wide enclosed staircase. Staff believes that this minor projection creates definition along the rear building elevation and enhances the architecture without impacting the commercial property to the rear. Staff believes the minor modification request would have minimal impact on the bulk/scale of the structure thereby meeting the intent of the Code.

- *The project meets the purpose and intent of the Residential Design Guidelines.* 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 area consists of a mix of single and two-story residences to the east and abuts commercial properties on two sides and across the street to the north. The homes are designed with the majority of the windows and main living areas oriented towards the interior of the property so as to minimize views into the commercial properties to the north, west, and south.

  The second floor windows are also placed so as to minimize privacy impacts and direct views into windows on the adjacent residential property to the east. The proposed structures are compatible with the existing developments in the area and would not appear out of place or obtrusive since they incorporate variation in depth of floor plans, rooflines, multiple building planes and offsets to provide architectural interest and visual relief from off-site. Therefore, the proposed development would not negatively impact the surrounding properties or aesthetics of the neighborhood.

  The Residential Common Interest Development Standards require all projects to be designed with a minimum of one lot to be held in common ownership and maintained by a homeowners association, including at least 10 feet of street setback landscaped areas. The proposed project complies with this requirement because it will involve an airspace subdivision with a common lot for all driveways, parking, and open space areas; the CC&Rs will designate areas for exclusive use and/or maintenance such as private yards and required open parking spaces for each unit.

- *Project complies with Code-required parking.* For each of the proposed single-family detached residences, Code requires two garage parking spaces and two open parking spaces. The total Code-required parking is 20 spaces. The proposal exceeds the minimum requirement by one additional parking space.

  Condition of approval no. 6 indicates that the applicant may modify the parking count and configuration provided that the minimum Code requirements are met.

  For safety purposes, Condition of approval no. 19 requires that the applicant install a vehicle barrier in the form of steel-reinforced fence posts or bollards (or other similar device as deemed acceptable by the Development Services Director) in front of all of the open parking spaces.

Additionally, Condition of approval no. 20 requires that the front porch of each residence include a decorative guard rail with reinforced posts.

- *Proposal involves redevelopment of property formerly containing a marginal, nonconforming 7-unit apartment complex into ownership housing*. The proposal will contribute additional ownership housing to the City's housing stock. This is consistent with Land Use Element Policy LU-1A.4 to strongly encourage the development of ownership housing to improve the imbalance between renter- and owner-occupied housing in the City.

  Condition of approval no. 18 requires approval of a subdivision map for condominium purposes. The applicant may request that the expiration date of the design review application coincide with the map approval date at that time.

- *The five-unit development involves less density (by one unit) compared to the maximum development potential (six units) allowed by Code provisions for rebuilding nonconforming units in residential zones.*

  A nonconforming dwelling unit is an existing and legally established dwelling unit that no longer conforms to the development standards required by the City's Zoning Code or is located in a district where it is no longer applicable.

  In this case, seven legal nonconforming units were demolished. Although the current R2-MD zone allows a maximum of 5 units to be built, the 1980 General Plan had previously allowed a maximum of 6 units under the former R2 zoning classification. To address this difference in maximum allowable density, the nonconforming provisions of the Zoning Code allow a 25 percent incentive bonus. In this case, Code allows six units to be rebuilt as long as the development complies with all applicable sections of the Zoning Code.

  While the proposal involves deviations from Code requirements, staff believes that the proposed five-unit residential common-interest development meets the intent of the Code and creates a quality living environment.

GENERAL PLAN CONFORMITY

The property has a General Plan designation of Medium Density Residential. Under this designation five dwelling units are allowed on the subject property. Therefore, the proposal is consistent with the use and density allowed by the City's General Plan. Approval of the condominiums will also satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. *Approve the application.* This would allow the construction of the project as proposed, subject to conditions and Code requirements.

2. *Deny the application.* If Commission denies the application, the project may not be constructed and a similar request may not be submitted 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 under Section 15332 for In-Fill Development Projects. If the project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

CONCLUSION

With exception of the variance for driveway parkway landscape and minor modification for second floor rear setback, the proposed construction satisfies all applicable Code requirements and the intent of the Residential Design Guidelines. Approval of the project will allow redevelopment of the lot and provide additional home ownership opportunities in the City.

Attachments:
1. Draft Planning Commission Resolutions
2. Applicant's Project Description Letter
3. Location/Aerial Map
4. Plans

Distribution: Development Services Director
Deputy City Attorney
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (4)
File (2)

Peter and Kim-Leiloni Nguyen
332 12th St.
Seal Beach, CA 90740

File: 110810PA1007	Date: 112810	Time: 11:30 a.m.

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-10-07 TO CONSTRUCT FIVE, TWO-STORY DETACHED CONDOMINIUMS

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

WHEREAS, an application was filed by Kim-Leiloni Nguyen, authorized agent for property owner Peter Nguyen, with respect to the real property located at 449 Hamilton Street in the R2-MD zone, requesting approval of a design review to construct five, two-story detached condominium units with the following:

1. Variance for driveway parkway landscape (10 feet combined width with 5 feet minimum on house side required; 8 feet combined width with 4 feet on house side proposed);
2. Minor modification for second floor rear setback (20 feet required; 16 feet proposed);
3. Deviation from the Residential Design Guidelines for average second story side setback (10-foot average recommended; 9-foot average proposed); and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 8, 2010, with all persons provided an opportunity to speak for and against the proposed project.

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-10-07 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-10-07 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 8th day of November 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 November 8, 2010, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Khanh Nguyen, Secretary
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 five 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.
   e. The cumulative effect of all the planning applications has been considered.

B. The information presented substantially complies with section 13-29(g)(6) of the Costa Mesa Municipal Code in that the 4-foot encroachment into the required 20-foot second floor rear building setback for a staircase 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 proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(1) because:
   a. Special circumstances applicable to the property exist to justify approval of the variance from driveway parkway landscape requirement. Specifically, the R2-MD zone property bridges two different zones: C1 (Local Business District) to the south/west and the R2-MD zone to the east. This location lacks a transitional zone with lower intensity, neighborhood serving uses such as an AP (Administrative Professional) or CL (Commercial Limited) zone. The parcel abuts the Theodore Robins Ford dealership, is bounded by commercial lots on two sides, and faces an auto repair business across the street to the north. It is appropriate to consider the commercial context to justify approval of the variance request. To ensure harmonious relationship between on- and off-site uses, the residential project is designed with main living space and parking oriented towards the interior of the lot. Because additional driveway width is required adjacent to parking spaces for sufficient turning movements, the driveway parkway landscape will be reduced by one-foot on each side of the house.

b. The deviation granted is subject to conditions as will assure that the deviation authorized shall not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. The project will incorporate drivable turf block adjacent to the parking spaces to soften the appearance of the expanded driveway area and to offset the reduced driveway parkway landscape. A condition is also included requiring 20 feet of decorative paving at the driveway entrance to break up the paved surface visible from the street.

c. The driveway parkway landscape does not have a bearing on changing the use, density, or intensity of the project. Therefore, the granting of the deviation will not permit a project which is inconsistent with the General Plan designation for the property. Staff believes that this variance could be justified due to the unique size and location of the parcel.

d. With respect to the unique property size, this property is twice the size and width of other neighboring R2-MD zoned parcels along the north and south sides of Hamilton Street. The residential properties in this immediate area are characterized by apartment complexes and multi-family attached structures. In contrast to the surrounding properties, staff believes that the unique size of the subject parcel provides a development opportunity for single-family detached structures and ownership housing which would warrant approval of the landscape parkway variance

D. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development 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, Zoning Code, and the intent of the City's Residential Design Guidelines. The area consists of a mix of single and two-story residences to the east and abuts commercial properties on two sides and across the street to the north. The homes are designed with the majority of the windows and main living areas oriented towards the interior of the property so as to minimize views into the commercial properties to the north, west, and south. The second floor windows are also placed so as to minimize privacy impacts and direct views into windows on the adjacent residential property to the east. The proposed structures are compatible with the existing developments in the area and would not appear out of place or obtrusive since they incorporate variation in depth of floor plans, rooflines, multiple building planes and offsets to provide architectural interest and visual relief from off-site.

E. 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 15332 for In-Fill Development Projects.

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

G. The rear building of this development is at an excessive distance from the street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of buildings on 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 approved address of individual units (A through E) 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. The developer shall provide turf block or "grasscrete" treatment as shown on the conceptual site plan and a minimum 20 feet of decorative paving at the driveway entrance to provide visual relief for the project from the street. Final design and materials shall be subject to approval by the Planning Division.
3. The landscape setback area from Hamilton Avenue shall be landscaped with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain additional 24-inch box trees than the minimum Code requirements to the satisfaction of the Development Services Director. Compliance with this requirement may include upgrading smaller sized trees to 24-inch box trees or providing additional 24-inch box trees.
4. Permanent masonry wall(s) shall be maintained or constructed along the side and rear property lines of the development lot. The walls shall have a finished quality on both sides. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them.
5. 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.
6. Code requires a minimum of 20 parking spaces (10 garage spaces and 10 open spaces). Given that 21 spaces are proposed, any change to the total number and location of the parking spaces may be approved the Development Services Director provided that the proposal meets Code-required parking.
7. 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.

8. To avoid an alley-like appearance, the driveway shall be developed without a center swale. Design shall be approved by the Planning Division.
9. The site plan submitted with initial working drawings shall contain a notation specifying the project is a five-unit, common interest (condominium) development.
10. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
11. 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.
12. Homeowners Association CC&Rs shall include a provision that requires garages to be used for resident parking only. Storage may be permitted in the garage if it does not diminish the required parking space in the garage.
13. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
14. The conditions of approval, code requirements, and special district requirements of Planning Application PA-10-07 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
15. 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.
16. 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.
17. 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.
18. Approval of a subdivision map for condominium purposes shall be required for this project. The subdivision map shall be recorded prior to issuance of building permits for the proposed development. At the time of tentative map approval by the Planning Commission, applicant may request that the expiration date of the design review application coincide with the expiration date of the tentative map approval.

19. The applicant shall install a vehicle barrier in the form of steel-reinforced fence posts or bollards (or other similar device as deemed acceptable by the Development Services Director) in front of all of the open parking spaces.
20. The front porch of each residence shall include a decorative guard rail with reinforced posts.
21. Prospective buyers shall receive written notice of the existing commercial neighbor (i.e. Theodore Robins Ford). The buyer's notice shall indicate that the site is located abutting a commercial use and is also in close proximity to auto repair sues. Therefore, residents may experience additional noise levels compared to a typical residential neighborhood due to operation of these various types of businesses.

Eng. 22. 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.

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-10-07 TO CONSTRUCT FIVE, TWO-STORY DETACHED CONDOMINIUMS

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

WHEREAS, an application was filed by Kim-Leiloni Nguyen, authorized agent for property owner Peter Nguyen, with respect to the real property located at 449 Hamilton Street in the R2-MD zone, including the following:

1. Variance for driveway parkway landscape (10 feet combined width with 5 feet minimum on house side required; 8 feet combined width with 4 feet on house side proposed);
2. Minor modification for second floor rear setback (20 feet required; 16 feet proposed);
3. Deviation from the Residential Design Guidelines for average second story side setback (10-foot average recommended; 9-foot average proposed); and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 8, 2010, with all persons provided an opportunity to speak for and against the proposed project.

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-10-07 with respect to the property described above.

PASSED AND ADOPTED this 8th day of November 2010.

James Righeimer, Chair
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:
   a. The proposed development and use is not compatible and harmonious with uses both on site or 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 not consistent with the General Plan designation of Medium Density Residential.
   d. The planning application is for a project-specific case and does not establish a precedent for future development.
   e. The cumulative effect of all the planning applications has been considered.

B. The information presented does not comply with section 13-29(g)(6) of the Costa Mesa Municipal Code in that the 4-foot encroachment into the required 20-foot second floor rear building setback will 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 not compatible and does not enhance the architecture and design of the existing and anticipated development in the vicinity.

C. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development is not 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. The project is not consistent with the City's General Plan and the Residential Design Guidelines.

D. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (g)(1) because special circumstances applicable to the property do not exist to justify approval of the variance from driveway parkway landscape requirement. Approval of the deviation would constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Granting of the deviation will allow a development which is not in accordance with the General Plan.

E. The Costa Mesa Planning Commission has denied PA-10-07. 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.

ATTACHMENT 2

April 5, 2010

Kim-Leiloni T. Nguyen
Peter T. Nguyen
Ngocmai Nguyen
Loc Tran
332 12th Street
Seal Beach, CA 90740
562-307-2234
loni10@yahoo.com

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

Dear Planning Commission:

We, Kim-Leiloni T. Nguyen, Peter T. Nguyen, Ngocmai Nguyen, and Loc Tran, the owners of a vacant lot at 449 Hamilton Street, are proposing a small new residential development: **Hamilton Haven.** Here is a summary of this project:

Project title:	Hamilton Haven
Address:	449, 451, 453, 455, and 457 Hamilton Street = 5 units total
Type:	detached, 2-story condominiums
Style:	Classic California
Total floor area:	approximately 2,100 sq. ft. per unit (identical lay-out)
# of bedroom:	4 per unit
# of bathroom:	3 per unit
# of covered parking:	2 attached garage spaces per unit
# of open parking:	8 spaces for residences and 3 spaces for guests
Common areas:	driveway, parkways, and open parking spaces
Private areas:	fenced yard for each unit, see site plan

We are enclosing a letter from Costa Mesa Sanitary District supporting our request for standardized trash container service for each unit instead of one large trash bin for all units to be used in common. Upon design approval, we will submit the subdivision application. Should you have any question, please contact Kim-Leiloni Nguyen at the above phone number or address. We thank you for reviewing our application and look forward to proceeding with this project in the near future.

Sincerely,

Kim-Leiloni T. Nguyen	Peter T. Nguyen	Ngocmai Nguyen	Loc Tran
Owner	Owner	Owner	Owner

REQUEST FOR A VARIANCE
Planning Application PA-10-07
449 Hamilton Street, Costa Mesa

WHAT: Permit a 38.8% landscaped area instead of the required 40%, a difference of 1.2%

BACKGROUND: The goal is to provide affordable, attractive, and sensible housings: 5 detached condominiums, each with 4 bedrooms, 3 bathrooms, ample private yard, and a 2-car garage. This project has been carefully planned to include a bedroom and full bathroom on the first floor to accommodate elderly or physically less-mobile residents. With the population aging and a current trend of many elderly parents living with their adult children, designing residences with a bedroom on the first floor is responsible and wise to meet the needs of the general public. Shrinking the first floor area to be in compliance with the 40% requirement will result in sacrificing this down-stair bedroom.

COMPENSATING FACTORS: By widening the driveway to comply with Transportation Division's standards, some of the landscaped area adjacent to the driveway has been converted to non-landscaped area.

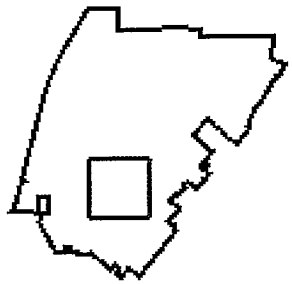
1) Instead of paving the entire driveway, turf block is proposed for the aprons in front of the garages and will continue to the adjacent 3.5 ft on each side of the driveway, 3.4% of lot. Turf block is environmentally-friendly for it will allow more drainage directly on the property and minimize water to run-off to the storm drain. Turf block will permit grass to grow in between the concrete and thus, will be more attractive than just concrete. While the City of Costa Mesa does not consider any part of turf block as landscaped area, if half of the turf block area contains grass, and grass is acceptable landscaping, then half of the turf block area should be added to the existing landscaped area. Thus, this variance will not be necessary.
2) Upon widening the driveway, the landscaped area in the front of each house is lost, an area that has minimal use as compared to other part of the house. If the first floor for each unit was redrawn, then the gain in the landscaped area will most likely be in the front yard (lower use) while the loss in the livable space will be in the bedroom (higher use). Exchanging a higher-use space for a lower-use space is not sensible planning.
3) The design team has every intention to comply with the developmental standards as much as possible. Thus, the garage door will be 18 ft, not 16 ft, to minimize the loss in landscaped area with a 23 ft driveway width instead of 25 ft.

I understand the spirit of the 40% landscape requirement is to ensure adequate open and private spaces for all residences, resulting in a more attractive development. I believe the proposed project fulfills the spirit of this requirement: all units are detached, all units have at least 400 sq. ft. of fenced, private yard, the footprints of all units occupy only 30% of the total lot, and adequate parking is available for all units. Please grant us this reasonable variance, allowing us to offer affordable and sensible housing in the City of Costa Mesa.

City of Costa Mesa

CITY OF COSTA MESA - [Created: 10/19/2010 10:45:49 AM] [Scale: 199.37] [Page: 8.5 x 11 / Landscape]

Overview Map



Legend

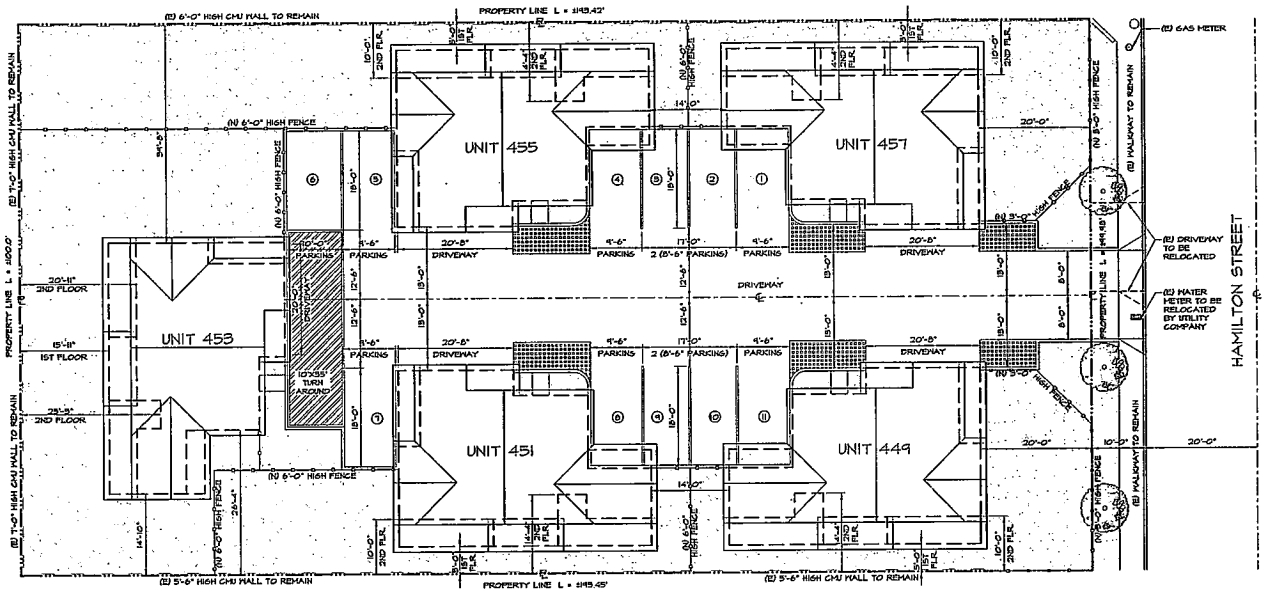
- Street Names
- Parcel Lines
- Ortho 2008 Level2
- Ortho 2006 Level2
- Parcels
- ROW Polygon-s

Map Display

ATTACHMENT 3

(C) 2002-0 GeoPrise.net (GeoVec, Inc.) - (866)422-2505

ATTACHMENT 4



PROPOSED SITE PLAN

SCALE: 1" = 10'-0"

A

SCOPE OF WORK:

1. NEW 5 UNIT CONDOMINIUM DEVELOPMENT.

LEGAL DESCRIPTION:

OWNER:	PETER T. NGUYEN KIM LEILONI T. NGUYEN
PROPERTY ADDRESS:	449 HAMILTON STREET COSTA MESA, CA 92627
ASSESSOR PARCEL NUMBER:	419-161-05
LOT NUMBER:	10
LOT SIZE:	19,343 SQ.FT.

BUILDING DATA:

1ST FLOOR LIVING AREA:	736 SQ.FT.
1ST FLOOR PORCH AREA:	25 SQ.FT.
1ST FLOOR GARAGE:	427 SQ. FT.
2ND LIVING FLOOR AREA:	923 SQ.FT.
TOTAL FLOOR AREA:	2,109 SQ.FT.
TOTAL 1ST FLOOR LIVING AREA:	1,163 SQ. FT.
TOTAL 2ND FLOOR LIVING AREA:	923 SQ. FT.
2ND TO 1ST FLOOR COVERAGE:	79.4%
TOTAL LOT LIVING AREA:	5 X 1,163 SQ.FT. = 5,815 SQ.FT.
TOTAL LOT COVERAGE:	30.1%
TOTAL COVERED PARKING:	2 SPACES / UNIT = 10 SPACES
TOTAL OPEN PARKING:	8 SPACES (#1, 2, 4, 5, 7, 8, 10, 11)
TOTAL GUEST PARKING:	3 SPACES (#3, 6, 9)
TOTAL PARKING PROVIDED:	21 SPACES
TOTAL OPEN PARKING AREA:	1,815 SQ. FT. = 9.4%
TOTAL PAVED DRIVEWAY AREA:	3,346 SQ. FT. = 17.3%
TOTAL OPEN SPACE:	7,983 SQ. FT. = 41.2%
TOTAL TURF BLOCK AREA:	384 SQ. FT. = 2.0%
OCCUPANCY GROUP:	R-2/MD
TYPE OF CONSTRUCTION:	V-B

NHÀ TÔI
11752 GARDEN GROVE BLVD., #114
GARDEN GROVE, CA 92843
T. 714-489-1216
VU@TIMO.BLACKBERRY.NET

REVISION	DATE

OWNERSHIP OF DOCUMENTS, PLANS AND SPECIFICATIONS, AS INSTRUMENTS OF SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF NHÀ TÔI WHETHER THE PROJECT FOR WHICH THEY WERE CREATED IS EXECUTED OR NOT. THE OWNER SHALL BE PERMITTED TO RETAIN COPIES FOR REFERENCE IN CONNECTION WITH THE OWNER'S USE OR OCCUPANCY. THE PLANS AND SPECIFICATIONS ARE FOR THE CONSTRUCTION AT THE SITE REFERENCED HEREIN. THE PLANS AND SPECIFICATIONS SHALL NOT BE USED BY THE OWNER OR OTHERS, ON ANY OTHER PROJECT OR FOR ADDITIONS TO THIS PROJECT OR FOR COMPLETION OF THIS PROJECT BY OTHERS, EXCEPT BY AGREEMENT IN WRITING AND APPROPRIATE COMPENSATION TO NHÀ TÔI.

CONSULTANT:

STAMP:

I HEREBY CERTIFY THAT THE ENGINEERING ON THESE PLANS HAS BEEN PREPARED UNDER MY SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE, THE SAME COMPLIES WITH THE RULES, REGULATIONS AND ORDINANCES OF THE STATE OF CALIFORNIA RELATING TO STRUCTURES AND BUILDINGS.

PROJECT TITLE:

HAMILTON HAVEN

OWNER/PROPERTY ADDRESS:

PETER T NGUYEN
KIM LEILONI T NGUYEN
449 HAMILTON STREET
COSTA MESA, CA 92627

APPROVED BY OWNER:

DATE:

PROJECT NUMBER: 449

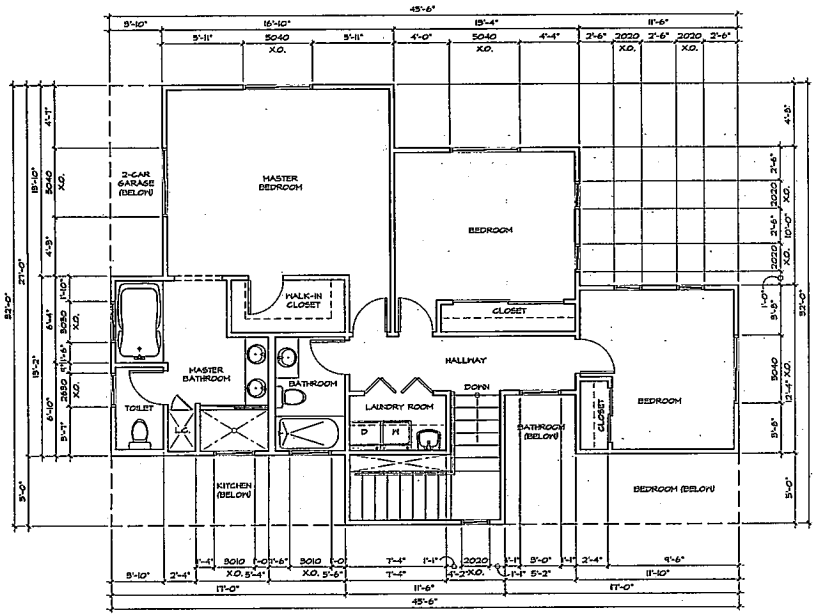
DATE: 00/01/10

TITLE:

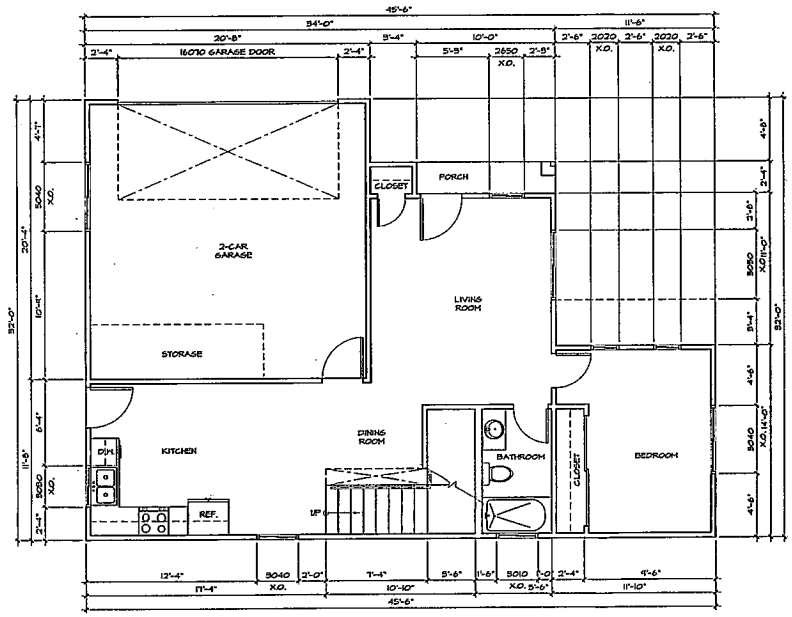
PROPOSED SITE PLAN

SHEET NUMBER:

A-1.0



SECOND FLOOR PLAN



FIRST FLOOR PLAN

23

NORTH

PROPOSED FLOOR PLANS

SCALE: 1/4" = 1'-0"

A

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KIM LEILONI T NGUYEN
449 HAMILTON STREET
COSTA MESA, CA 92627

APPROVED BY OWNER:

DATE:

PROJECT NUMBER: 449

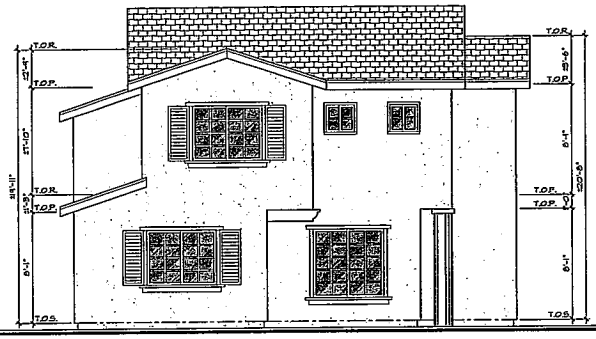
DATE: 09/01/10

TITLE:

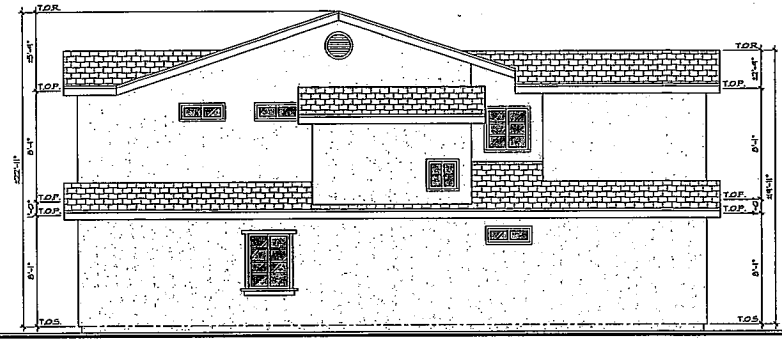
PROPOSED FLOOR PLANS

SHEET NUMBER:

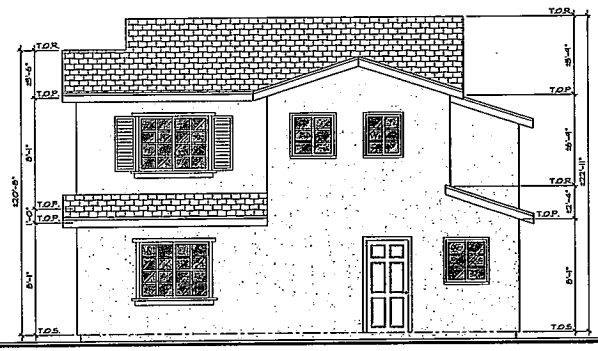
A-2.0



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

WEST ELEVATION

24

PROPOSED ELEVATIONS

SCALE: 1/4" = 1'-0"

A

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OWNER/PROPERTY ADDRESS:

PETER T NGUYEN
KIM LEILONI T NGUYEN
449 HAMILTON STREET
COSTA MESA, CA 92627

APPROVED BY OWNER:

DATE:

PROJECT NUMBER: 449

DATE: 09/01/10

TITLE:

PROPOSED ELEVATIONS

SHEET NUMBER:

A-3.0