



PLANNING COMMISSION

AGENDA REPORT

VII.2

MEETING DATE: JULY 11, 2011

ITEM NUMBER:

SUBJECT: TIME EXTENSION FOR PLANNING APPLICATION PA-07-37 - DESIGN REVIEW FOR A FOUR-UNIT, TWO-STORY RESIDENTIAL COMMON INTEREST DEVELOPMENT
178 AND 180 EAST 19TH STREET

DATE: JUNE 30, 2011

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

PROJECT DESCRIPTION

The applicant is requesting an extension of time for previously approved Design Review PA-07-37 for the construction of a four-unit, two-story residential common interest development, to coincide with the expiration of the Parcel Map PM-08-122 on July 28, 2013, to allow the units to be sold independent of one another.

APPLICANT

The applicant is Melia Homes, who is also the owner of the property.

RECOMMENDATION

Approve the time extension to coincide with the expiration of the Parcel Map PM-08-122 on July 28, 2013 by adoption of Planning Commission resolution, subject to conditions.

BACKGROUND

Site Location

The property is located on the north side of East 19th Street, between Fullerton Avenue and Orange Avenue, and is currently vacant. On June 22, 2011 staff inspected the site and found the property to be properly fenced and screened.

History

On November 26, 2007, Planning Commission approved Planning Application PA-07-37, a Design Review for a four-unit, two-story, residential common interest development.

On July 28, 2008, Planning Commission approved Parcel Map PM-08-122 to allow the units to be sold independent of one another. In accordance with State law, approval of the map is valid until July 28, 2013 (see discussion in next paragraph).

On March 9, 2009, Planning Commission approved a time extension of PA-07-37 to 2011 to coincide with the expiration of the map, which was originally set to expire on July 28, 2011; however, in July 2009, the State Legislature enacted an automatic two-year extension for applicable subdivision maps, which in this case, extended the approval of PM-08-122 to July 28, 2013.¹ As a result, the applicant is requesting a second time extension for PA-07-37 to coincide with the July 2013 expiration of the map.

ANALYSIS

Time Extension

Planning Commission typically considers and grants one-year time extensions for Planning Applications. However, staff believes that approval of a two-year time extension is appropriate and consistent with the previous time extension granted by the Planning Commission for this project. Additionally, the applicant has indicated that they will be ready to prepare and submit construction documents to the Building Division once the extension is granted. The original project had no deviations from the Zoning Code, and there have been no changes to the Zoning Code that would affect the original development. It should be noted that the construction will be required to comply with the most recently adopted California Building Codes (2010).

ALTERNATIVES

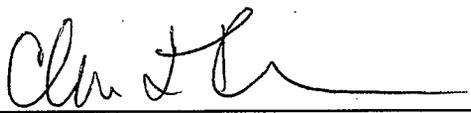
If the Time Extension for PA-07-37 is not approved, the project entitlement will expire and the applicant will be required to submit a new Planning Application for review and approval.

CONCLUSION

It is staff's opinion that approval of the extension to coincide with the July 28, 2013 expiration of the Parcel Map is appropriate and consistent with the previous time extension granted for this project. Therefore, staff supports the request.



MEL LEE, AICP
Senior Planner



CLAIRE FLYNN, AICP
Acting Asst. Development Services Director

- Attachments:
1. Draft Planning Commission Resolutions
 2. Applicant's Request for Extension
 3. March 9, 2009 Time Extension Staff Report
 4. Location Map and Plans

¹ Assembly Bill AB 333 (2009).

cc:

Interim Development Services Director
Deputy City Attorney
City Engineer
Transportation Svs. Manager
Fire Protection Analyst
Staff (4)
File (2)

Melia Homes
Attn: Chad Brown
660 Newport Center Drive Suite 1050
Newport Beach, CA 92660

File: 071111PA0737TimeExt	Date: 063011	Time: 11:00 a.m.
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RESOLUTION NO. PC-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING AN EXTENSION OF
TIME FOR PLANNING APPLICATION PA-07-37**

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

WHEREAS, an application was filed by Melia Homes, owner of real property located at 178 and 180 East 19th Street, requesting approval of an extension of time for a previously approved Design Review (PA-07-37) for the construction of a four-unit, two-story residential common interest development to coincide with the expiration of the Parcel Map PM-08-122 on July 28, 2013, which was subsequently approved to allow the units to be sold independent of one another; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 11, 2011; and

WHEREAS, the time extension does not change the previously-adopted findings and conditions of approval for Planning Application PA-07-37, as specified in Exhibits "A" and "B" respectively, of Resolution No. PC-07-85 (Exhibit 1). These findings and conditions of approval in their entirety are still applicable to the proposed project.

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **APPROVES** an extension of time for Planning Application PA-07-37 to **July 28, 2013** with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-07-37 and upon applicant's compliance with each and all of the conditions contained in Exhibit 1 as well as with compliance of all applicable federal, state, and local laws.

PASSED AND ADOPTED this 11th day of July, 2011.

Colin McCarthy, Chair
Costa Mesa Planning Commission

EXHIBIT 1

RESOLUTION NO. PC-07- ⁸⁵

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-37

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

WHEREAS, an application was filed by American Timber Structures, authorized agent for Newport Balboa Partners, owner of real property located at 178 and 180 East 19th Street, requesting approval of a design review to construct a four-unit, two-story residential common interest development, in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 26, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-07-37 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-07-37 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance with 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 26th day of November, 2007.

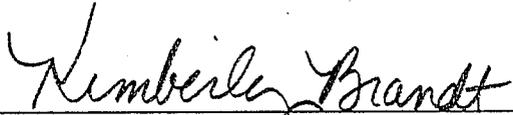


Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on November 26, 2007, by the following votes:

AYES: COMMISSIONERS: HALL, FISLER, CLARK, EGAN, RIGHEIMER
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE



Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the building and other site features, including functional aspects of the site development, have been considered.
 - c. The project is consistent with the General Plan designation of Medium Density Residential. Under this designation two dwelling units are allowed on each parcel and two dwelling units on each parcel is proposed (four total). Approval of the project will also satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, as conditioned, is substantially compatible and harmonious with existing and/or anticipated development on surrounding properties. This includes site planning, landscaping, appearances, scale of structures, location of windows, and any other applicable features relative to a compatible and attractive development. Specifically, the project is consistent with the City's General Plan and Zoning Code, and the City's Residential Design Guidelines. The project is of a character and scale compatible with the neighborhood. The buildings incorporate multiple building planes and offsets, and elevations with stepping forms both horizontally and vertically to provide architectural interest. The second story windows are also placed so as to minimize privacy impacts and direct views into windows of adjacent residences. Approval of the project as a residential common interest development will also provide additional home ownership opportunities in the City.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- D. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. The approved address of individual units shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
 2. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 3. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
 4. The site plan submitted with initial working drawings shall contain a notation specifying the project is a 4-unit, common interest (condominium) development.
 5. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 6. 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.
 7. Homeowners Association CC&Rs shall include a requirement that residents park in garages.
 8. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
 9. The conditions of approval, code requirements, and special district requirements of Planning Application PA-07-37 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 10. 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.
 11. Grading, materials delivery, ⁹ equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise

audible from off-site, such as painting and other quiet interior work.

12. 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.
13. The elevations of units visible from off-site shall have enhanced architectural details and window treatments per the direction of Planning staff.
14. Block walls shall be provided on all perimeter lot lines. Block walls visible from streets or alleys shall be decorative block, subject to approval by the Planning Division.
15. Every effort shall be made to follow sustainable building practices in the construction of the building and development of the project site. Compliance and certification with the United States Green Building Council's LEED program is highly encouraged.
16. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

Eng.

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June 16, 2011

ATTACHMENT 2

Mr. Mel Lee
City of Costa Mesa Development Services Dept
7 Fair Drive
Costa Mesa, CA 92628

RE: 178-180 E. 19th Street "Property" – PA 07-0037 Time Extension

Dear Mr. Lee:

As has been discussed, we request that the City of Costa Mesa grant an extension of time for the expiration date for the previously approved Planning Application PA 07-0037 for the subject property for one year. The property owner, Newport Balboa Partners, has partnered with Melia Homes to venture the ultimate development of the project site with exciting new development within the City of Costa Mesa.

You have separately received the Completed Planning Application signed by the property owner, a check in the amount of \$450.00 payable to the City of Costa Mesa in satisfaction of the City's time extension application fee. The following additional items will be submitted for furtherance of this request and to comply with the City requirements.

1. 500 foot Radius Map prepared by First American Title;
2. Two sets of mailing labels and one photocopy of same for every property within 500' radius;
3. A certification letter from First American Title regarding items 1 and 2 above.

The extension is requested due to the current poor economic conditions, the current poor market conditions for the sale of condominiums, and challenging financing marketplace for this type of project. Also, the time will be needed to evaluate whether revisions to the plans and design will be necessary for the development of the project and to process such revisions.

Please schedule this hearing for July 11, 2011 Planning Commission for consideration.

Sincerely,

BJ Delzer
President, Melia Homes



PLANNING COMMISSION AGENDA REPORT

ATTACHMENT 3

VI.4

MEETING DATE: MARCH 9, 2009

ITEM NUMBER:

SUBJECT: TIME EXTENSION FOR PLANNING APPLICATION PA-07-37
178 AND 180 EAST 19TH STREET

DATE: FEBRUARY 26, 2009

FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
714.754.5609

DESCRIPTION

The property owner is requesting an extension of time for a previously approved design review for a four-unit, two-story common interest development.

APPLICANT

John Snedegar, Newport & Balboa Partners LLC, is the property owner and applicant for this time extension request.

RECOMMENDATION

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

REBECCA ROBBINS
Assistant Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND/ANALYSIS

The properties are located on the southeast side of the City and are surrounded by multiple family zoned properties to the north, east, west, and across 19th Street to the south. The properties are comprised of two parcels that each contained a detached single-family residence, which have been demolished.

On November 26, 2007, Planning Commission, on a 5-0 vote, approved Design Review PA-07-37 for a four-unit, two-story common interest development (condominium project). On July 28, 2008, Commission approved Parcel Map PM-08-122 to allow the residences to be sold independent of one another.

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

PA-07-37 Report

<http://www.ci.costa-mesa.ca.us/council/planning/2007-11-26/112607PA0737.pdf>

PA-07-37 Minutes

http://www.ci.costa-mesa.ca.us/council/planning/pm_071126.pdf

The applicant submitted grading plans for plan check on September 12, 2008, however, he has indicated that he obtained new architects to finish the project and was unable to submit or obtain building permits prior to the expiration of the design review approval. Although the expiration of the application was in November 2008, since there is an approved parcel map valid for three years and all applicable Code sections and residential design guidelines have not changed since Commission's approval of the design review, staff recommends approval of the extension. However, because building permits cannot be issued without proof of recordation of the parcel map, staff recommends that the design review approval be extended to expire on the same date as the map. Therefore, due to an automatic one-year extension granted to all subdivision maps by the State Legislature, the project and map approval would remain valid until July 28, 2011¹.

ALTERNATIVES

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

CONCLUSION

Approval of the time extension would allow the applicant additional time to obtain building permits so the previously approved project can be constructed. Therefore, staff supports the time extension.

¹ In July 2008, the two-year approval period for maps was automatically extended an additional year by the State Legislature. 13

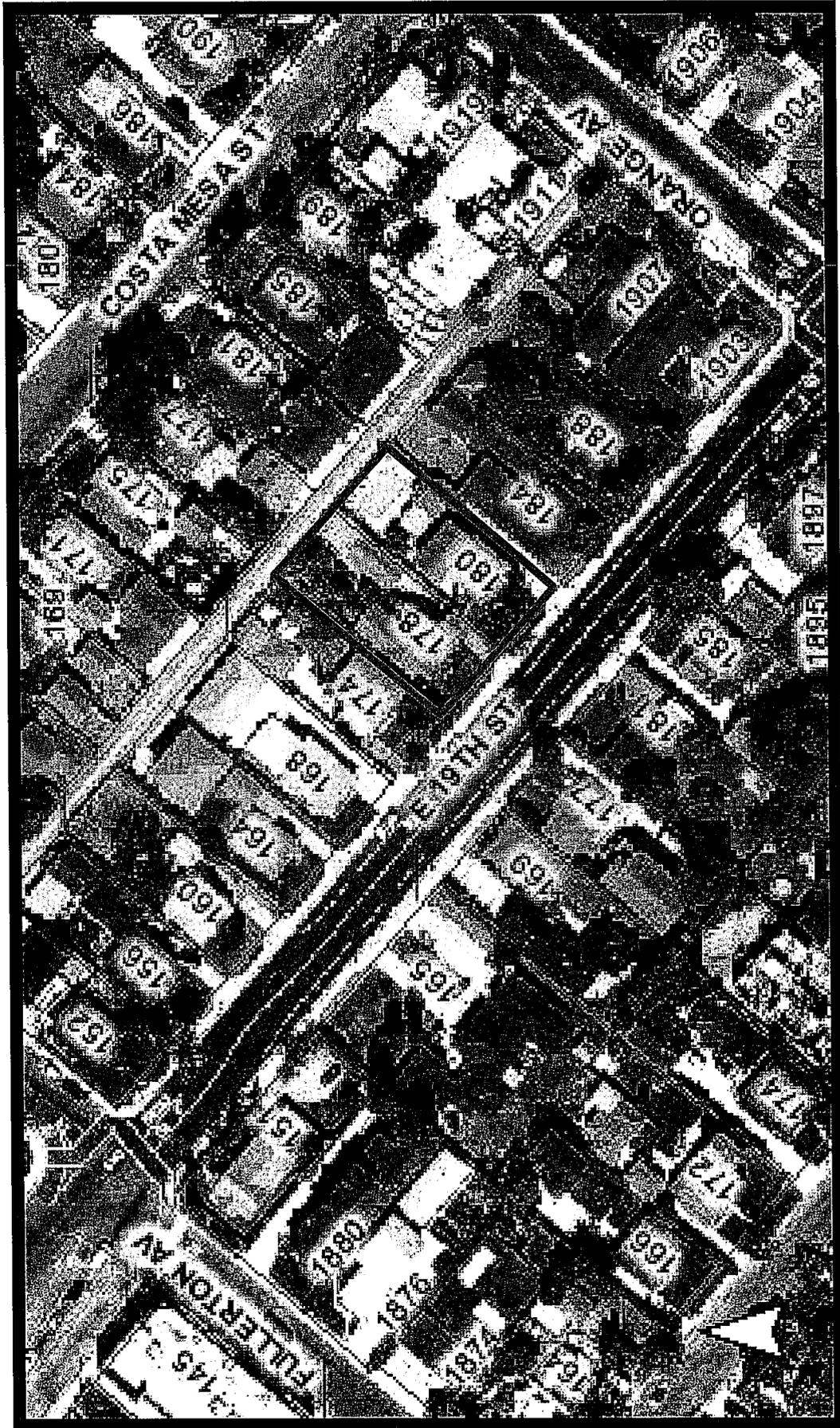
- Attachments: 1 Draft Planning Commission Resolution
2 Applicant's Time Extension Request Letter
3 Location Map
4 Plans
5 Resolution No. PC-07-85

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

John Snedegar
31151 Ceanothus Drive
Laguna Beach, CA 92651

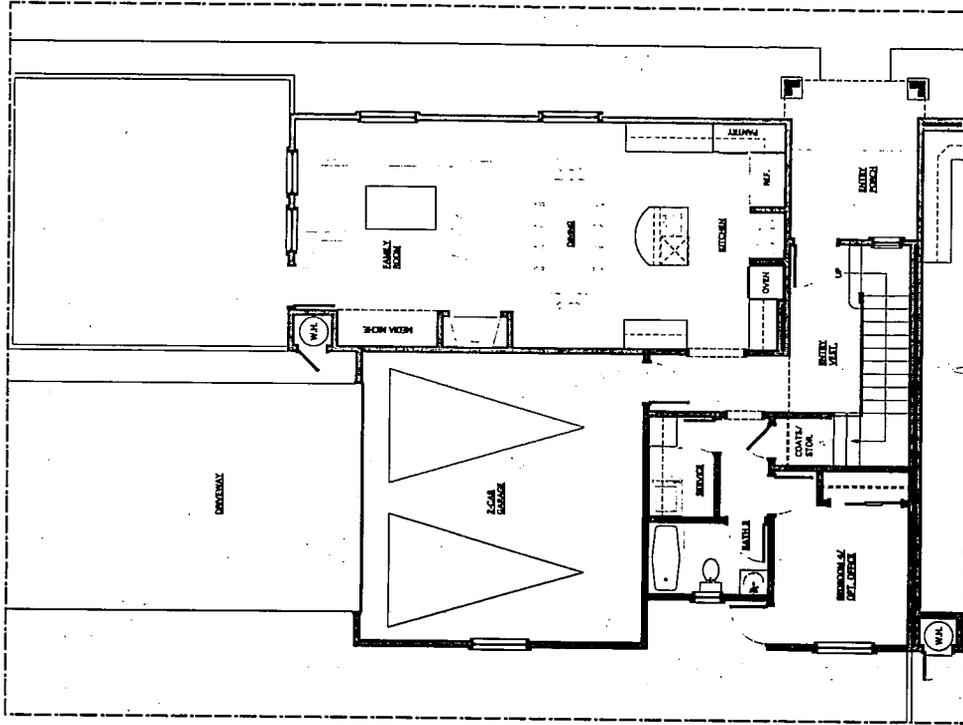
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LOCATION (AERIAL) MAP

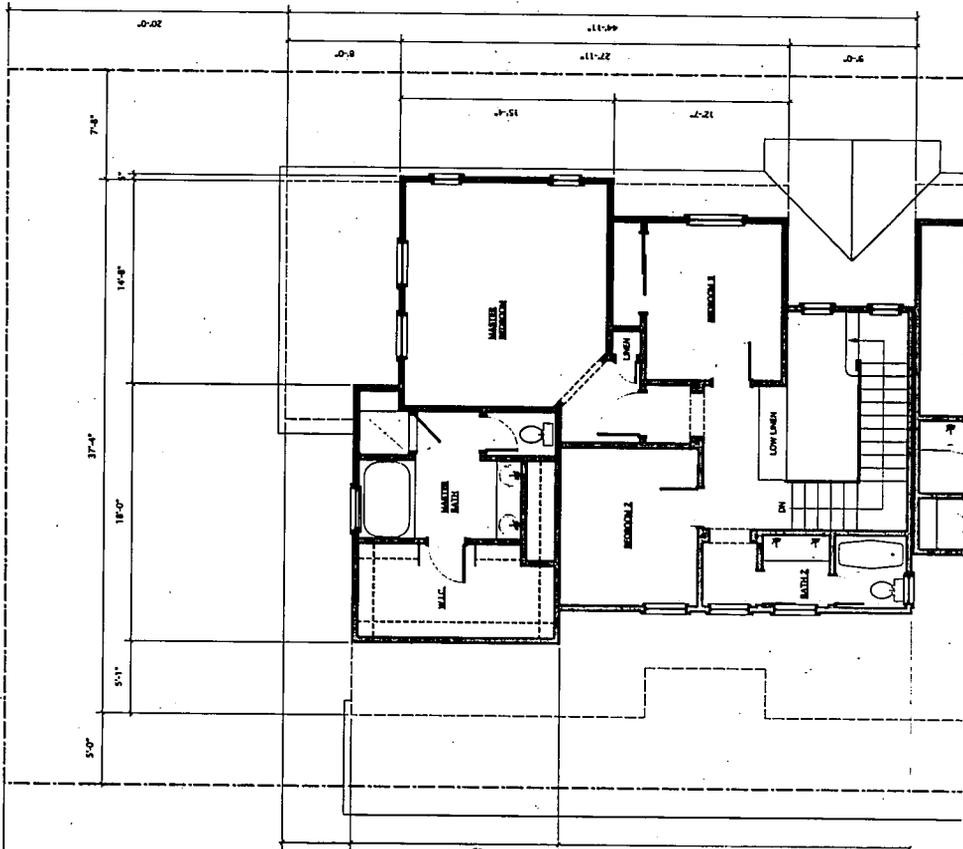




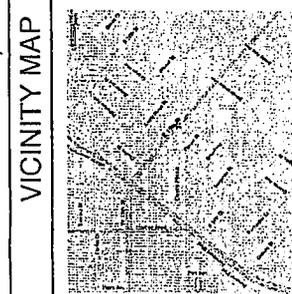
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SECOND FLOOR PLAN



FIRST FLOOR PLAN



PROJECT DATA

BUILDING DEPARTMENT: CITY OF COSTA MESA
 BUILDING CODES: THIS PROJECT TO COMPLY WITH 2001 CBC, CAC, CEC AND CPC
 OCCUPANCY CLASSIFICATION: GROUP R, DIVISION 3
 CONSTRUCTION CLASS: TYPE V - N, NON-FINISHED
 PROJECT DESCRIPTION: FOUR UNIT ATTACHED HOMES
 STORIES: TWO (2)

SCOPE OF SUBJECT: REAR EXISTING STRUCTURES, IF ANY, AND BUILD TWO ATTACHED HOMES PER LOT

REGULATORY DATA

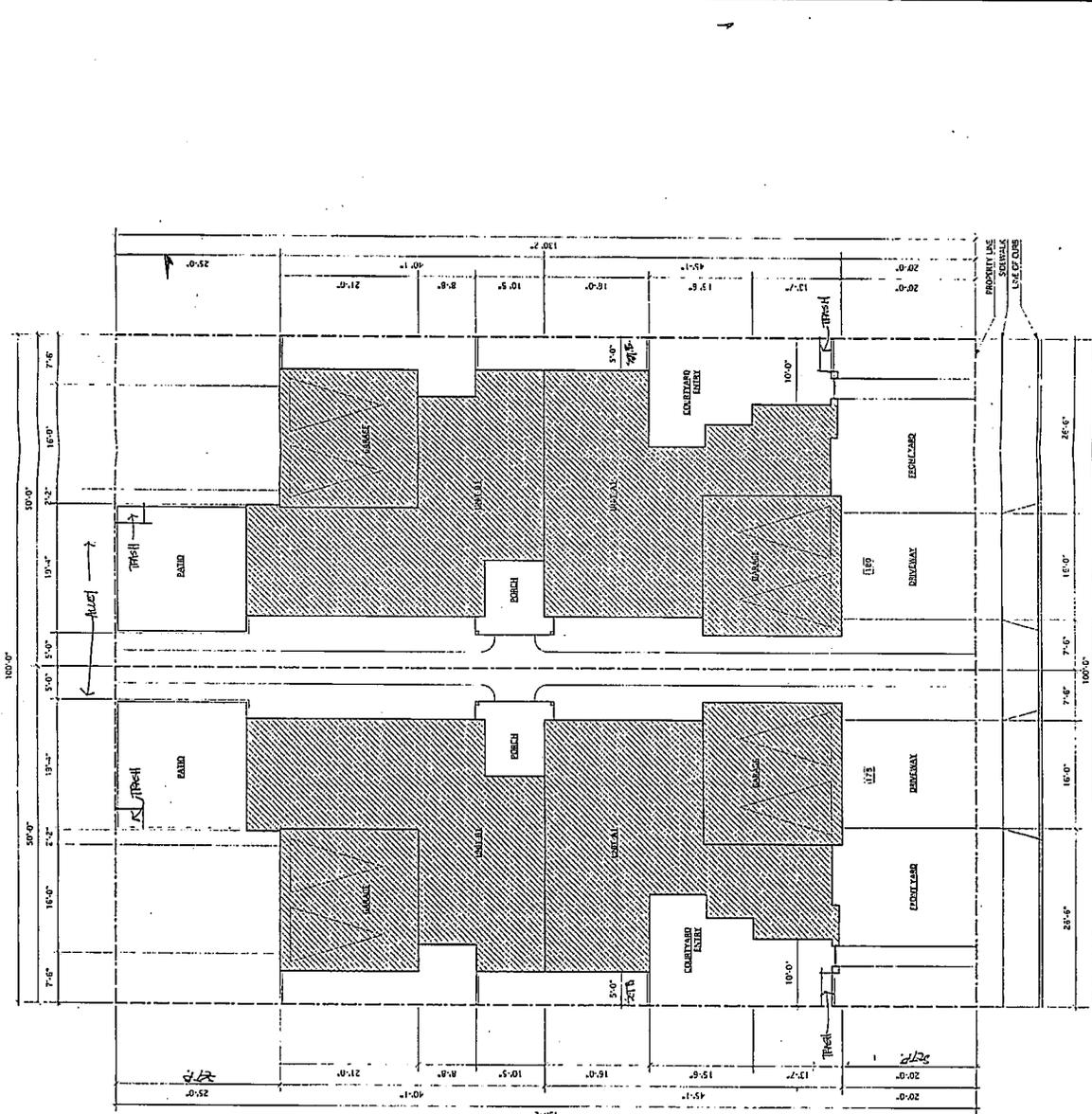
174 1/2' STREET	103 S.F.
UNIT 1A	103 S.F.
SECOND FLOOR	103 S.F.
TOTAL AREA	206 S.F.
GARAGE	41 S.F.
UNIT 1B	103 S.F.
SECOND FLOOR	103 S.F.
TOTAL AREA	206 S.F.
GARAGE	41 S.F.
LOT AREA	406 S.F.
MINIMUM REQUIRED OPEN SPACE	203 S.F.
OPEN SPACE PROVIDED	272 S.F.
180 1/2' STREET	103 S.F.
UNIT 2A	103 S.F.
SECOND FLOOR	103 S.F.
TOTAL AREA	206 S.F.
GARAGE	41 S.F.
UNIT 2B	103 S.F.
SECOND FLOOR	103 S.F.
TOTAL AREA	206 S.F.
GARAGE	41 S.F.
LOT AREA	406 S.F.
MINIMUM REQUIRED OPEN SPACE	203 S.F.
OPEN SPACE PROVIDED	272 S.F.

LEGAL DESCRIPTION

TRACT NUMBER: 1478
 LOT NUMBER: 148
 ASSESSOR'S PARCEL NUMBER: 65193

CONSULTANTS

ARCHITECT:
 TJ DESIGN SOLUTIONS
 5215 RIVER AVE. UNIT A
 NEWPORT BEACH, CA 92663
 PH: 949.515.3713



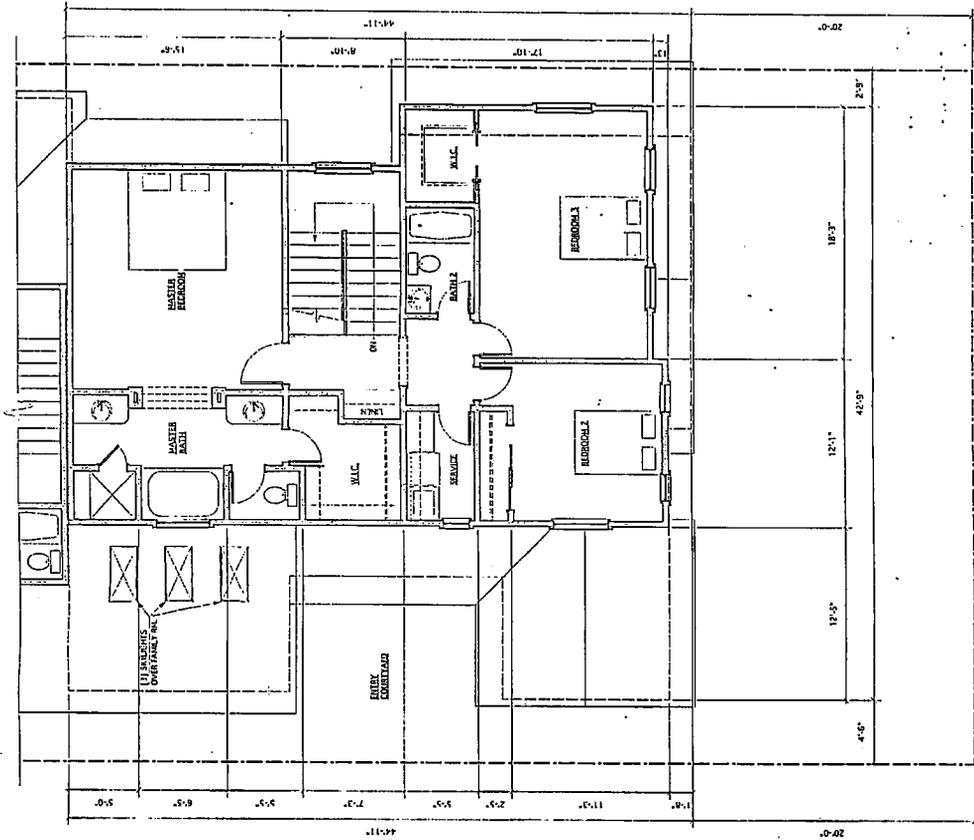
EAST 19TH STREET

SITE PLAN (E) SCALE: 1/8" = 1'-0"

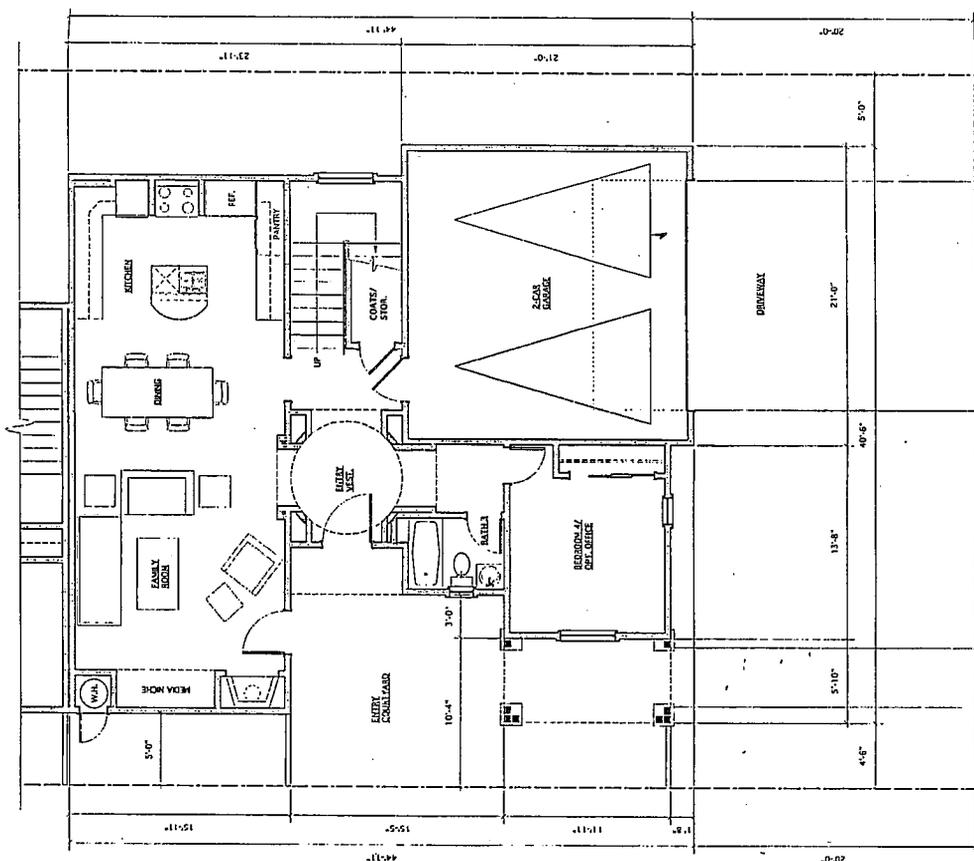


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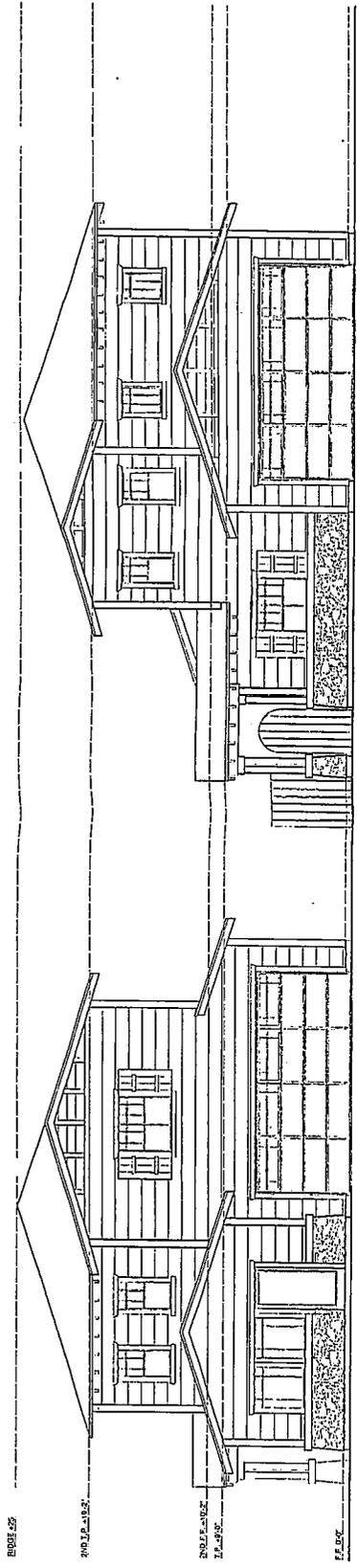
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SECOND FLOOR PLAN



FIRST FLOOR PLAN



2ND FL - 11'2"

2ND FL - 11'2"

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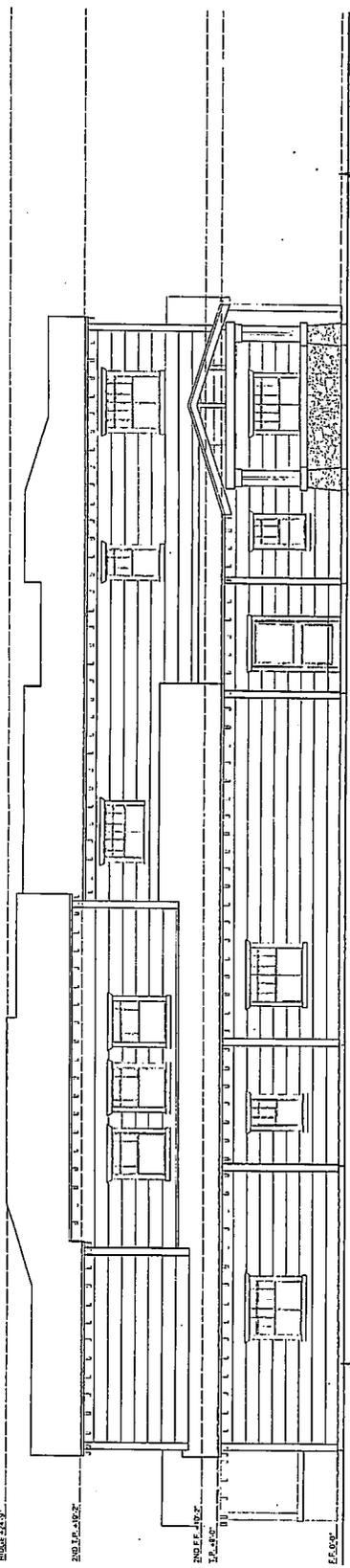
1st FL - 8'0"

FF - 0'0"

REAR ELEVATION

2ND FL - 11'2"

FRONT ELEVATION



2ND FL - 11'2"

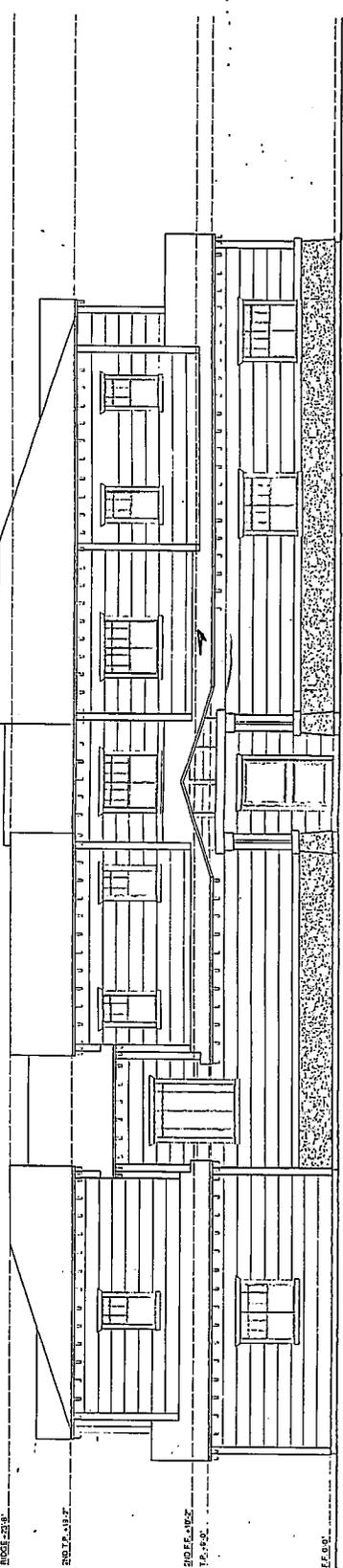
2ND FL - 11'2"

1st FL - 8'0"

FF - 0'0"

OUTSIDE COURT ELEVATION

2ND FL - 11'2"



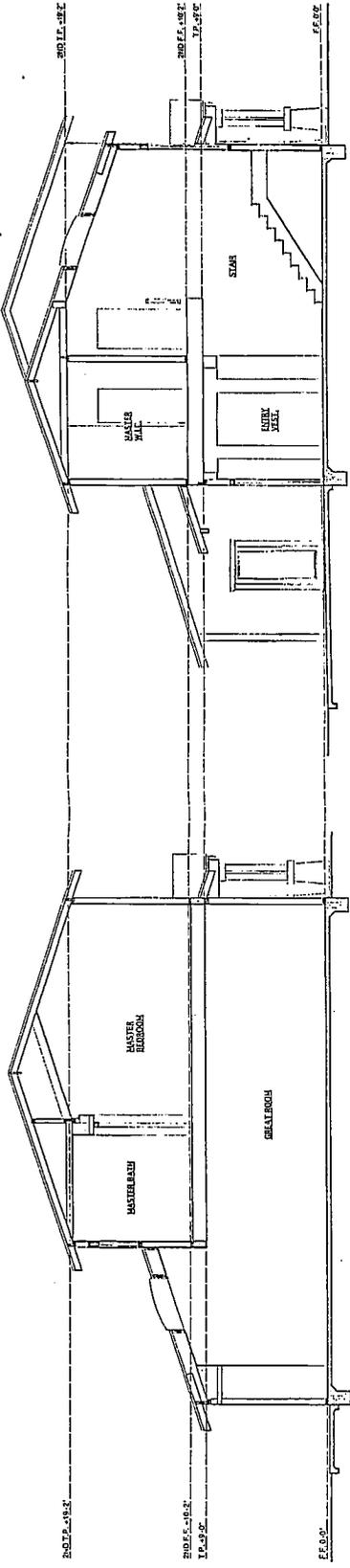
2ND FL - 11'2"

2ND FL - 11'2"

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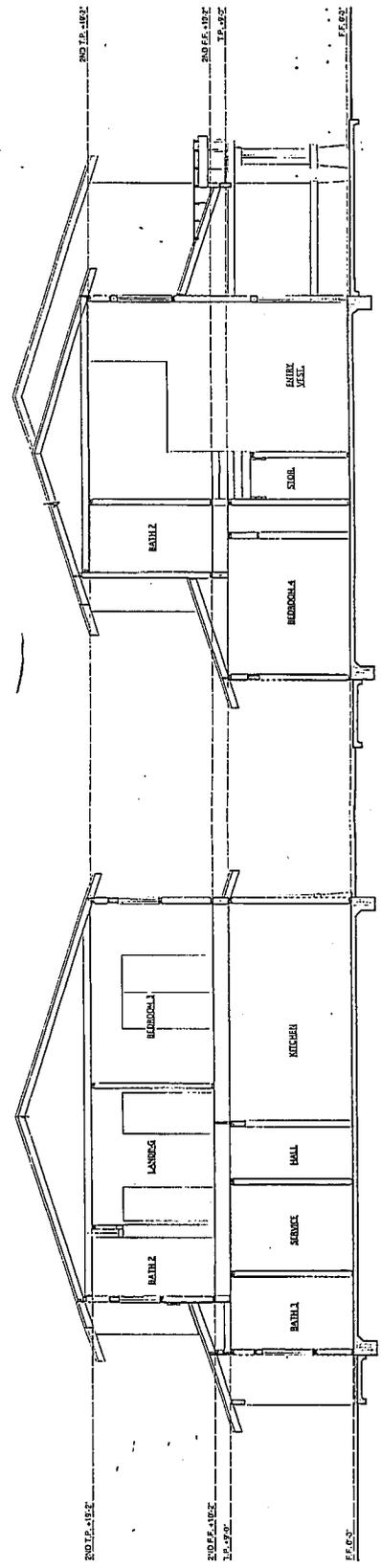
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INTERIOR COURT ELEVATION



SECTION TWO

SECTION ONE



SECTION FOUR

SECTION THREE

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