



PLANNING COMMISSION AGENDA REPORT

VI.1

MEETING DATE: AUGUST 22, 2011

ITEM NUMBER:

SUBJECT: TENTATIVE TRACT MAP 17417
TENTATIVE TRACT MAP FOR A 5-UNIT COMMON INTEREST DEVELOPMENT
449 HAMILTON STREET

DATE: AUGUST 11, 2011

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

DESCRIPTION

Tentative tract map to facilitate the subdivision for a five-unit common-interest development (condominiums) approved under Planning Application PA-10-07.

APPLICANT

Vincent Dinh is representing the property owners Peter and Kim-Leiloni Nguyen.

RECOMMENDATION

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

BACKGROUND

Site Location

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 car sales lots to the west and south, a single-family residence to the east, and an auto sales/repair facility and apartments across Hamilton Street to the north.

Approved Project (PA-10-07)

On November 8, 2010, Planning Commission approved Planning Application PA-10-07 for the construction of a detached five-unit, two-story condominium development. The approval includes the following:

- **Design review** for the new residential common interest development;
- **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);
- **Minor modification** for second floor rear setback (20 feet required; 16 feet proposed).

The staff report may be found on the City's website at the following link:

<http://www.ci.costa-mesa.ca.us/CMCalendar.htm>

The plans for the condominium project are attached for reference.

Proposed Tentative Tract Map 17417

The applicant has submitted grading and building plans and is in the plan check process. A tract map to facilitate the condominium project is required to be processed and recorded before construction of the units can begin. Therefore, the applicant is requesting approval of Tentative Tract Map 17417.

ANALYSIS

Staff supports approval of the map for the following reasons:

- *The map is consistent with Planning Application PA-10-07.*

The proposed map will facilitate a one-lot, airspace subdivision for the previously-approved condominium project so each unit may be sold separately. 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 project will comply with this requirement with the approval of this map application because it involves 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. Conditions are also included in Planning Application PA-10-07 that requires provisions in the CC&Rs for maintenance of all common areas.

- *The map is consistent with the State Subdivision Map Act.*

Approval of the map, subject to conditions and Code requirements, will comply with the Map Act. Once the final map is recorded with the County Recorder, building permits may be issued for the construction of the project and sale of the units independently.

The property is physically suitable to accommodate the subdivision for condominium purposes. Engineering staff have confirmed that there are no interferences with the City's or other utility right-of-way areas and/or easements within the tract.

GENERAL PLAN CONFORMITY

Since the map will not affect the use or density of the residential project previously approved under PA-10-07, the project will remain consistent with the Medium Density Residential General Plan designation of the property.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

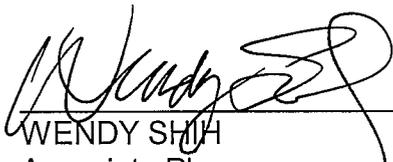
1. Approve the application. This would facilitate subdivision of the site for the common interest development project approved under Planning Application PA-10-07.
2. Deny the application. Denial of the map would conflict with Planning Application PA-10-07 and the ownership project could not be constructed.

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 15315 for Minor Land Divisions. If the parcel map is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

CONCLUSION

Approval of the application will facilitate individual ownership of the units as approved by the Commission under Planning Application PA-10-07. The map is in compliance with the requirements of the City's Zoning code, State's Subdivision Map Act, and Planning Application PA-10-07.



WENDY SHIH
Associate Planner



CLAIRE FLYNN, AICP
Acting Asst. Development Svs. Director

- Attachments: 1. Draft Planning Commission Resolution
2. Location/Aerial Map
3. Tentative Tract Map 17417
4. Plans

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

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

Vincent Dinh
244 E. 21st St.
Costa Mesa, CA 92627

File: 082211T17417

Date: 080411

Time: 10:15 a.m.

ATTACHMENT 1

RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING TENTATIVE TRACT MAP 17417

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

WHEREAS, an application was filed by Vincent Dinh, representing property owners Peter and Kim-Leiloni Nguyen, with respect to the real property located at 449 Hamilton Street, requesting approval of a tentative tract map to facilitate a 5-unit detached residential common interest development previously approved under PA-10-07, in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 22, 2011.

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** Tentative Tract Map 17417 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Tentative Tract Map 17417 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 22nd day of August 2011.

COLIN MCCARTHY
Chair, Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

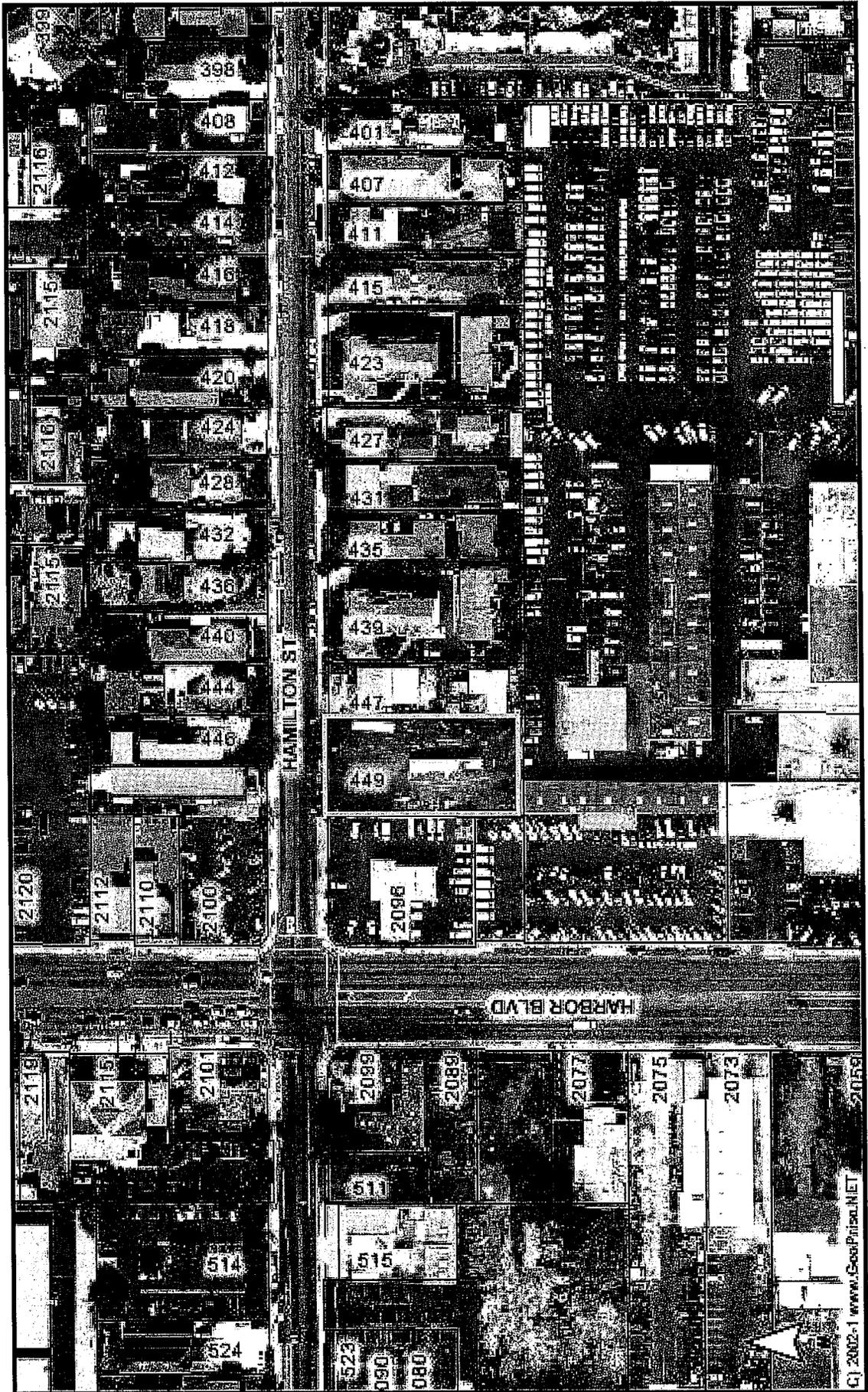
- A. The proposed airspace residential common interest subdivision is consistent with the City's General Plan and Zoning Ordinances.
- B. The subject property is physically suitable to accommodate Tentative Tract Map 17417 in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- C. 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.
- D. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entry and/or public utility rights-of-way and/or easements within the tract.
- E. 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).
- F. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA, under Section 15315 for Minor Land Divisions.
- G. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The applicant is reminded that all conditions of approval, Code requirements, and special district requirements of Planning Application PA-10-07 shall be complied with.

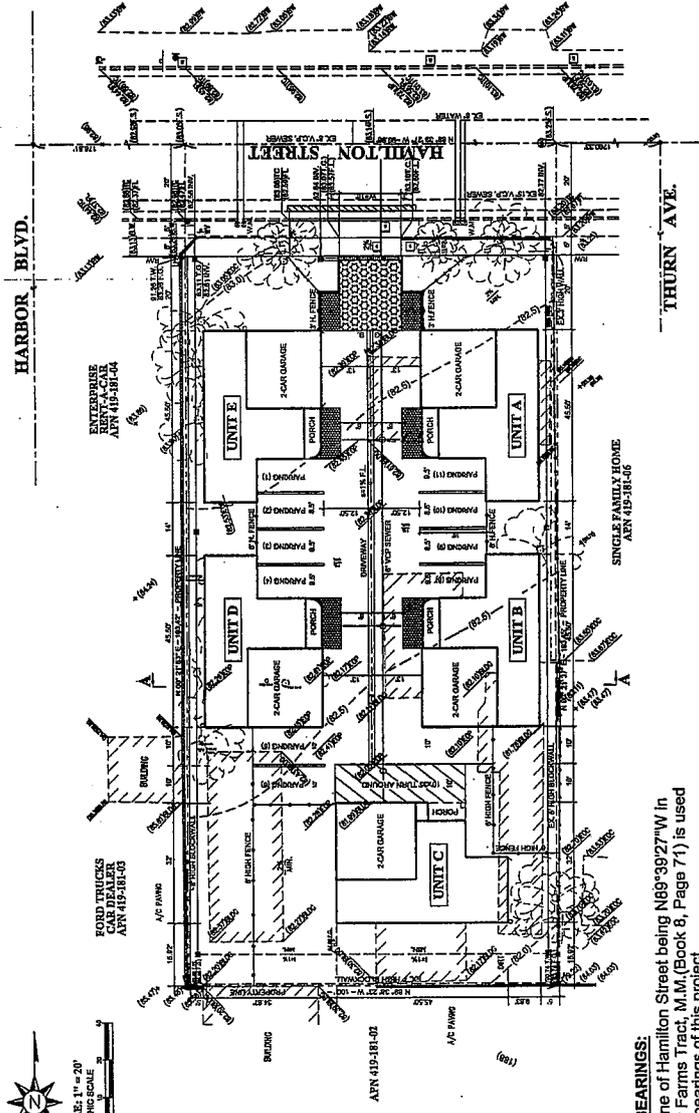
LOCATION/AERIAL MAP



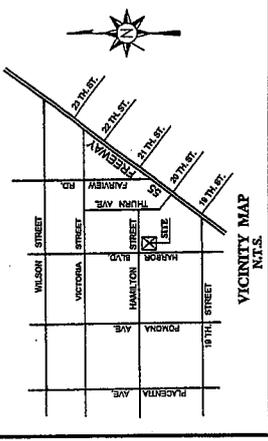
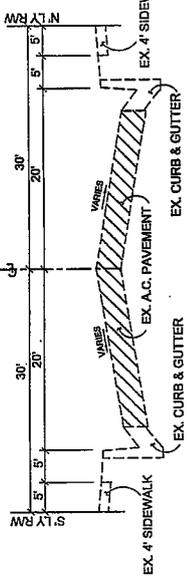
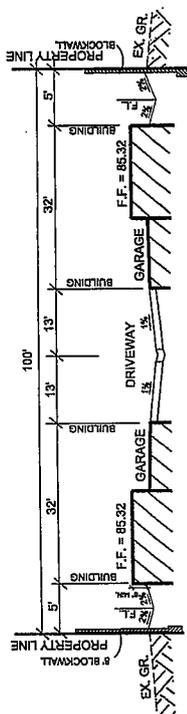
TENTATIVE TRACT MAP 17417

IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA
 FOR CONDOMINIUM PURPOSES ONLY

BEING SUBDIVISION OF THE PORTION OF LOT 10 OF FAIRVIEW FARMS TRACT, AS SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 71 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA



BASIS OF BEARINGS:
 The centerline of Hamilton Street being N69°39'27"W in the Fairview Farms Tract, M.M. (Book 8, Page 71) is used for basis of bearings of this project.



PROPERTY OWNER:
 PETER & KIM NGUYEN
 332 12TH STREET
 SEAL BEACH, CA 90704
 (562) 307-2234

PROPERTY ADDRESS:
 449 HAMILTON STREET
 COSTA MESA, CA 92627

ASSESSOR'S MAP:
 APNG. 419-181-05
 BOOK 8, PAGE 71, CITY OF COSTA MESA
 COUNTY OF ORANGE, CALIFORNIA

ENGINEER:
 C.N. & ASSOCIATES
 53 PRAIRIE FALCON
 ALISO VIEJO, CA 92656
 (949) 830-5440, (949) 302-2901

LEGAL DESCRIPTION:
 A PORTION OF LOT 10 OF FAIRVIEW FARMS,
 AS SHOWN IN BOOK 8, PAGE 71 OF MISCELLANEOUS
 MAPS, RECORDS IN ORANGE COUNTY, CALIFORNIA.

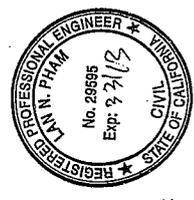
CLASSIFICATION:
 R-2D (MULTI-FAMILY RESIDENTIAL)

PROPOSED:
 5-UNIT TOWNHOUSE DEVELOPMENT

WATER & SEWER:
 WATER- MESA CONSOLIDATED WATER DISTRICT
 SEWER-CITY OF COSTA MESA

DRAINAGE:
 FLOW TO HAMILTON STREET TO PUBLIC CATCH BASIN

AREA:
 19,343 SQUARE FEET (0.44 A.C.)



PLANS WERE PREPARED UNDER THE SUPERVISION OF:

 LAN N. PHAM, P.E.
 E.C.E. 2556, EXPIRES 3.31.2013
 DATE 5-26-11

C.N. & ASSOCIATES
 53 PRAIRIE FALCON
 ALISO VIEJO, CA 92656
 (949) 830-5440, (949) 302-2901

TENTATIVE TRACT MAP 17417

Address: 449 Hamilton Street, Costa Mesa CA 92627

CITY OF COSTA MESA
 PUBLIC WORKS DEPARTMENT

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